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IMMIGRATION HANDBOOK FOR THE NEW REPUBLICAN MAJORITY

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A Memo For Republican Members From Sen. Jeff Sessions

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INTRODUCTION

"Immigration reform" may be the single most abused phrase in the English language. It has become a legislative honorific almost exclusively reserved for proposals which benefit everyone but actual American citizens.

Consider the recent Obama-backed "immigration reform" bill rejected by Congress. That bill—the culmination of a $1.5 billion lobbying effort[1]—doubled the influx of foreign workers to benefit corporate lobbyists, offered sweeping amnesty to benefit illegal immigrants, and collapsed enforcement to benefit groups in the Democrat political machine that advocate open borders.[2]

But for American citizens, the legislation offered nothing except lower wages, higher unemployment, and a heavier tax burden.[3]

Those who suggest the only problem with the "Gang of Eight" bill was that it was "comprehensive" instead of "piecemeal" are missing the point. Whether in one part, five parts, or ten, the underlying policy would have been no less disastrous.

The last four decades have witnessed the following: a period of record, uncontrolled immigration to the United States; a dramatic rise in the number of persons receiving welfare; and a steep erosion in middle class wages.[4] But the only "immigration reforms" discussed in Washington are those pushed by interest groups who want to remove what few immigration controls are left in order to expand the record labor supply even further.

The principal economic dilemma of our time is the very large number of people who either are not working at all, or not earning a wage great enough to be financially independent. The surplus of available labor is compounded by the loss of manufacturing jobs due to global competition and reduced demand for workers due to automation.

What sense does it make to continue legally importing millions of low-wage workers[5] to fill jobs while sustaining millions of current residents on welfare? Indeed, the same

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[1] Sunlight Foundation report, "Untangling the web of immigration lobbying," March 25, 2013, available at http://bit.ly/1KtcjvU.

[2] The array of special interests backing the bill was dizzying: from billionaires like Bill Gates and Mark Zuckerberg, to powerful groups like the Chamber of Commerce and Partnership for A New American Economy, to open-borders groups like La Raza and Casa De Maryland.

[3] CBO projected that the legislation would reduce wages, reduce per-capita GNP, and increase unemployment. Further, the Budget Committee's Republican staff analysis found the long-term unfunded liability for Obamacare alone would rise by $2 trillion.

[4] According to the U.S. Census Bureau, the foreign-born population has quadrupled since 1970 to a record 41.3 million; 1 in 3 US residents now receives some form of means-tested assistance (e.g. food stamps, Medicaid, TANF); and median family income today is more than $4,000 beneath its level in December 2007.

[5] Each year, the U.S. admits 1 million mostly low-skilled legal immigrants along with 700,000 temporary foreign workers, 500,000 foreign students, and 70,000 refugees and asylum-seekers.

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companies demanding a large boost in foreign labor are laying off American workers en masse.[6]

The question is not whether one supports or opposes "immigration reform." It is an incoherent question. Nobody says opponents of tax hikes oppose "tax reform," or that opponents of cap-and-trade oppose "energy reform."

If asked for one's position on "immigration reform" one could reply: *I am opposed to any immigration policy which makes it harder for the unemployed to find jobs and easier for employers to keep pay low. If by "immigration reform," you mean helping the unemployed return to the workforce, limiting work visas so wages can rise, and establishing firm control over entry and exit in the United States, then I am for it. Which do you mean?*

Democrats have already answered this question. In the House and Senate, they were virtually unanimous in their support of the 2013 "Gang of Eight" immigration bill. But their strategy—appealing to the interest groups, donors, advocacy coalitions, and media personalities who oppose any sensible immigration controls—rests on the assumption that Republicans will compete for the same audience.

But we were not elected to clamor for the affections of Washington pundits and trendy CEOs.

The largest untapped constituency in American politics are the 300 million American citizens who have been completely left out of the immigration debate. Speak to that constituency—with clarity and compassion—and change the issue forever.

Republicans lost the 2012 election, according to exit polls, because voters believed that the Republican Party is "out of touch with the concerns of most people in the United States today." This is evidenced by the fact that Romney trailed Obama among voters earning $30,000 to $50,000 by 15 points and among voters earning under $30,000 by 28 points. Republicans cannot win in 2016 without these voters, and Republicans cannot win these voters unless they prove that they are willing to break from the donor class and defend the working class. Donors don't win elections; voters win elections.

And the voters need our help.

For instance: while the media celebrates the recent jobs numbers, little-noticed data from the Bureau of Labor Statistics (BLS) was nowhere to be seen in the big papers or the nightly news. So too has it been absent from the official broadcasts of the Republican Party. Yet the finding was remarkable: according to the BLS, all net employment gains since the recession have gone to foreign workers while 1.5 million *fewer* U.S.-born Americans hold

[6] Byron York in the *Washington Examiner*, "Companies lay off thousands, then demand immigration reform for new labor," Sept. 11, 2013, available at http://washex.am/1KtdcEN.

jobs today than did then—despite the total population of U.S.-born adults increasing by 11 million over that same time.[7]

Why should facts so important be so well concealed?

On no issue is there a greater separation between the everyday citizen and the political elite than on the issue of immigration. For decades, the American people have begged and pleaded for a just and lawful system of immigration that serves their interests—but their demands are refused. For years, Americans have been scorned and mocked by the elite denizens of Washington and Wall Street for having legitimate concerns about how uncontrolled immigration impacts their jobs, wages, schools, hospitals, police departments, and communities. But those who do the mocking are often ensconced behind gated compounds, guarded private schools, chauffeured SUVs, and fenced-off estates.

Our message to the American people: you are right. And you've been right from the beginning. We hear you and we will deliver.

We need make no apology in rejecting an extreme policy of sustained mass immigration, which the public repudiates[8] and which the best economic evidence tells us undermines wage growth and economic mobility.[9] Here again, the dialect operates in reverse: the "hardliners" are those who refuse even the most modest immigration controls on the heels of four decades of large-scale immigration flows (both legal and illegal), and increased pressures on working families.

Conservativism is by its nature at odds with the extreme, the untested, the ahistorical. The last large-scale flow of legal immigration (from approximately 1880–1920) was followed by a sustained slowdown that allowed wages to rise, assimilation to occur, and the middle class to emerge.

With immigrant visas being issued at a record clip, and record numbers of Americans not working, the conservative approach would be to slow down a bit and focus on helping those struggling here today—both immigrant and native-born—rise out of poverty and into self-sufficiency.

The pages that follow attempt to provide you with the facts, figures, messages, and polling data to prepare you to fight the most well-funded and powerful network of special interests you will ever confront. I encourage you to read on; the American people are counting on us.

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[7] One in five jobs in the U.S. is now held by a foreign worker, based on the BLS data.

[8] Polling consistently shows widespread public backing for cuts to legal immigration. An August 2014 Reuters poll, to take one representative example, showed the public desires immigration reductions over increases by an enormous 3-1 margin. See http://reut.rs/1Ktiiko.

[9] Research from Harvard Professor Dr. George Borjas documents that current high immigration rates result in a net wages loss of $402 billion annually for American workers competing with foreign labor.

EXECUTIVE AMNESTY

The 114th Congress opens under the shadow of President Obama's recent immigration orders. President Obama has declared null and void the sovereign immigration laws of the United States in order to implement immigration measures the Congress has repeatedly and explicitly rejected. His order grants five million illegal immigrants work permits, Social Security, Medicare, and free tax credits—taking jobs and benefits directly from struggling American workers.

U.S. citizens have been stripped of their protections they are entitled to under law.[10]

President Obama himself once admitted that only an Emperor could issue such edicts.[11] Yet here we stand today in 2015, living under imperial decrees that defy the will of the people, the laws their government has passed, and the Constitution we took an oath to uphold.

How Congress responds to this emergency will define its legacy.

As one commentator observed, the real danger is in "underrreacting."[12] We are already well down this road. The most emphasized public priorities for the new GOP Congress cover everything from the Keystone Pipeline to enacting Trade Promotion Authority, while funding DHS is treated more as a hurdle to clear than a line in the sand.

We are told we need to focus on "governing" in order to set the stage for 2016. But as Jeffrey Anderson with the *Weekly Standard* reminds us, "there is no more central act of governing than defending our founding charter." Elections are not the end, but the means to the end. Why were we elected if not to protect our constituents and their Constitution? Why are we here if not to serve the citizens who sent us here?

Republicans won this last election precisely because they promised to fight Obama's amnesty and stand up for the American people. Days before the election, the Chairman of our party pledged: *"*We will do everything we can to make sure it doesn't happen… We can't allow it to happen and we won't let it happen. I don't know how to be any stronger than that. I'm telling you, everything we can do to stop it we will." This is the commitment the American people heard and affirmed with their votes.

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[10] For instance, the Immigration and Nationality Act prohibits companies from hiring illegal immigrants; this protection has been summarily removed.

[11] "The problem is that I'm the president of the United States, I'm not the emperor of the United States. My job is to execute laws that are passed," President Obama, statement on a Google+ Hangout, Feb. 21, 2013, available at http://youtu.be/-e9lmy_8FZM. Even British Monarchs were bound by acts of Parliament.

[12] *National Review* senior editor Ramesh Ponnuru, comments available at http://dailysign.al/1KtdMT8.

Exit polls were unequivocal. More than 3 in 4 voters cited immigration as an important factor in their vote, believed that U.S. workers should get priority for jobs, and opposed the President's plans for executive amnesty.[13]

We may have won an election, but the American people will only win when we honor the trust placed in us and use the powers they have lent to us to champion their interests.

Congress has the power to stop this action by denying funds for its implementation. Surely, Congress must not allow the President a single dime to carry out an illegal order that Congress has rejected and which supplants the laws Congress has passed. A constitutional breach of this magnitude demands nothing less than a vigorous, public, disciplined campaign to rally the nation behind a Republican effort to deny the President the funds he would need to carry it out. Yet presently no such public campaign exists: we receive more talking points about the trade bills and a pipeline than about saving the American worker from the dissolution of our borders. Is our goal to win this fight, or just to "move past" it?

Unified completely behind the task of using the DHS bill to block funds for this illegal scheme, all of our strength could then be squarely focused on rallying the public to action. The referendum in Oregon on driver's licenses for illegal immigrants demonstrates the universal strength of this issue.[14] How many more Democrats are willing to lose their seats to protect the President's immigration actions?

This effort could be complimented by common sense enforcement-only measures like universal E-Verify, ending catch-and-release, mandatory repatriation for unaccompanied alien minors, ending asylum loopholes, and closing off welfare for illegal immigrants. No enforcement plan can be successful that does not block the President from continuing to release illegal immigrants into the United States and provide them with immigration benefits; a "border security" plan that does not include these elements may end up as nothing more than a slush fund used by the Administration to resettle illegal immigrants in the U.S. interior.

[13] The Polling Company national post-election survey of actual voters, available at http://bit.ly/1KtiwYL.

[14] In a ballot referendum last November, Oregon voters overturned the legislature's bill granting driver's licenses to illegal immigrants by a resounding 2-1 margin—despite being outspent over 10:1.

ENFORCEMENT COLLAPSE

President Obama's former ICE Director, John Sandweg, famously conceded: "if you're a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero."[15]

Since entering office, President Obama has engaged in a sustained campaign to collapse immigration enforcement. My office has compiled a detailed timeline of his actions, including many dangerous directives not widely known to the public—a copy of which can be provided upon request.

Talk has surfaced in Congress of responding to this enforcement collapse by passing a "border security" bill. However, a conventional border security plan will do little or nothing to restore enforcement. As long as the President continues to ignore the law, order his officers to free illegal immigrants, and refuse to remove individuals who are here illegally, the problem will only get worse.

Consider the illegal immigration surge from Central America. Approximately 99 percent of those who arrived in that surge—whether minors or adults in family units—are still in the United States, according to DHS data.[16] Instead of removing illegal immigrants, the President has expended enormous time, energy, and resources into resettling newly arrived illegal immigrants throughout the United States. Any border security plan that leaves this resettlement operation intact is doomed to failure. Jessica Vaughan at the Center for Immigration Studies estimates that more than 100,000 illegal immigrants who showed up at the border this year have been freed into the United States.

Increasing the budget for DHS in the form of additional Border Patrol agents, vehicles, etc., will not stem the tide of illegal immigration as long as catch-and-release continues and as long as interior enforcement remains gutted. No amount of additional resources will work if our law enforcement officers cannot carry out their duties. Absent such reform, we are just using those resources to facilitate the transfer of illegal immigrants from south of the border to north of the border.

Interior deportations have fallen 23 percent since last year alone, and have been halved since 2011—when then-ICE Director Morton issued the so-called Morton Memos exempting almost all illegal immigrants from enforcement and removal operations.

The effective result of the Administration's non-enforcement policy is that anyone in the world who manages to get into the interior of the United States—by any means, including overstaying a visa—is free to live, work, and claim benefits in the United States at Americans' expense. In particular, immigration benefits for illegal immigrant minors (and their relatives) has created an enormous enforcement loophole and magnet—what U.S.

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[15] *Los Angeles Times*, "High deportation figures are misleading," April 1, 2014, available at http://lat.ms/1kOBOvn.

[16] Analysis of DHS data by the *Los Angeles Times*, Dec. 4, 2014, available at http://lat.ms/1Ktez6k.

Citizenship and Immigration Services union president Kenneth Palinkas likened to birthright amnesty for *any* foreign-born youth in the world (and, in turn, their families) who can manage to enter the United States.[17]

He also issued this further warning:

> "The 9/11 hijackers got into the U.S. on visas and now, 13 years later, we have around 5 million immigrants in the United States who overstayed their visas – many from high-risk regions in the Middle East. Making matters more dangerous, the Obama Administration's executive amnesty, like S. 744 that he unsuccessfully lobbied for, would legalize visa overstays and cause millions additionally to overstay – raising the threat level to America even higher. There is no doubt that there are already many individuals in the United States, on visas – expired or active – who are being targeted for radicalization or who already subscribe to radicalized views.
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> Many millions come legally to the U.S. through our wide open immigration policy every year – whether as temporary visitors, lifetime immigrants, refugees, asylum-seekers, foreign students, or recipients of our 'visa waiver program' which allows people to come and go freely. Yet our government cannot effectively track these foreign visitors and immigrants. And those who defraud authorities will face no consequence at all in most cases. Our caseworkers cannot even do in-person interviews for people seeking citizenship, they cannot enforce restrictions on welfare use, and they even lack even the basic office space to properly function. Applications for entry are rubber-stamped, the result of grading agents by speed rather than discretion. We've become the visa clearinghouse for the world."

And because there is largely no consequence for overstaying visas, in 2012 alone 250,000 individuals are estimated to have overstayed their visas and remained in the country unlawfully. Overall, in 2014 only a miniscule 0.05% of the nation's roughly 12 million illegal immigrants were removed who were not explicit agency "priorities." If you don't meet a "priority," you are basically immune from enforcement. Even including "priority" cases, 99% of illegal immigrants were still placed beyond the reach of immigration law.

Even the removal of criminal aliens has continued to freefall, and has been cut in half since 2011. DHS documents show that the Administration freed 30,000 convicted criminal aliens into U.S. communities in 2014. Overall, there are about 167,000 convicted criminal aliens who were ordered removed that are now at large in the United States, and almost as many at large who were released before being ordered removed.

[17] The Daily Caller, "USCIS union president cautions lawmakers on House-fashioned DREAM Act," July 31, 2013, available at http://bit.ly/1KtiHmR.

In recent months President Obama has also unilaterally: removed restrictions on the admission of foreign nationals with limited terror ties; increased the admission of foreign workers by 100,000; expedited chain migration from Haiti; extended amnesty provisions for Honduran and Nicaraguan nationals; and attempted to recruit illegal immigrants for military positions even as American servicemembers are being laid off.

Chris Crane, president of the Immigration and Customs Enforcement Council, wrote one year ago of the "President's continued demonstration of contempt for immigration officers and his blatant disregard for Congressionally-enacted law." He continued:

> "ICE officers are forced every day to release violent offenders back into the streets; we are prohibited from enforcing immigration violations and document fraud and from cracking down on illegal employment; we are prohibited from enforcing public charge law to protect taxpayers; and we are forced to catch-and-release illegal aliens who are not 'priorities' even when officers' believe there is a threat to public safety."

What then is the path forward? The GOP should focus on discrete, targeted enforcement measures designed to have an outsize effect on reducing illegality, empowering immigration officers, restoring enforcement, and putting a stop to catch-and-release. These could be isolated measures, or offered as amendments to any relevant business that comes before Congress:

- Mandatory E-Verify to protect American jobs and wages
- Ending tax credit and welfare payments to illegal immigrants
- Closing asylum and refugee loopholes
- Cancelling federal funds to sanctuary cities
- Empowering local officials to coordinate with ICE officers
- Establishing criminal penalties for visa overstays
- Ending catch-and-release on the border with mandatory detention and expedited deportations
- Suspension of visas to countries with high overstay rates or those that won't repatriate criminal aliens
- Mandating completion of the exit-entry system

Please feel free to reach out to my office if you are interested in seeing legislative language for these reforms. All of these measures would be politically difficult for Democrats to oppose and would avoid the many pitfalls that come with moving large, complex bills that can be easily corrupted by special interests who are determined to see no bill passed that actually works. That's always been the bargain: the amnesty crowd will go along with "border security" as long as no real immigration enforcement ever occurs. This strategy will disrupt that dynamic, and create concrete items the public can rally behind.

IMMIGRATION AND THE ECONOMY

Contrary to popular misconception, the largest source of unskilled immigration to the United States is *legal* immigration. Each year, the U.S. admits 1 million largely lesser-skilled permanent immigrants to the United States with green cards. Individuals who receive green cards receive lifetime work authorization, virtually all federal benefits, access to most federal welfare, and the ability to apply for citizenship and vote.

From 2000 through 2014—when 14 million new permanent legal immigrants were admitted to the U.S. in addition to the illegal immigration flow—all net employment gains went to immigrant workers. This trend occurred even as the population of U.S.-born workers climbed by 16.4 million.[18] The total number of working-age U.S.-born Americans without jobs now stands at 58 million.

In addition to this large annual flow of permanent low-wage immigration, the U.S. also admits each year 700,000 guest workers, 500,000 foreign students, and 70,000 asylees and refugees. Since 2000, the U.S. has issued nearly 30 million visas to either permanent immigrants or temporary foreign workers.

Perhaps unsurprisingly given the slack labor market, median weekly earnings today are lower than in 2000.[19] But this is part of a much larger trend. The U.S. Department of Commerce informs us that "today's typical 18- to 34-year-old earns about $2,000 less per year (adjusted for inflation) than their counterpart in 1980." What has happened in the labor market since 1980?

The Census Bureau explains: "From 1930 to 1950, the foreign-born population of the United States declined from 14.2 million to 10.3 million… [But] since 1970, the foreign-born population of the United States… increased rapidly due to large-scale immigration," and has now quadrupled to more than 41 million.

From 1980 through 2013, the immigrant population tripled from 14 million to more than 41 million, according to government data. Harvard Professor Dr. George Borjas finds that high immigration flows from 1980–2000 reduced the wages of lower-skilled American workers by 7.4 percent. He further estimates that current immigration rates produce an annual net loss of $402 billion for American workers who compete with foreign labor.

Legal immigration during the 1980s averaged around 600,000 a year. But since 1990 through today the annual rate almost doubled. The sustained large-scale flow of legal immigration—again, overwhelmingly lower-wage and lower-skilled—has placed substantial downward pressure on wages.

Simply put, we have more jobseekers than jobs.

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[18] Center for Immigration Studies, "All Employment Growth Since 2000 Went to Immigrants," June 2014, Available at http://bit.ly/1Ktfu6U. (Figures in the report at taken directly from Census Bureau data.)

[19] For additional information about pervasive weaknesses in the economy, see "The Obama Economy: A Chart Book," by Senate Budget Committee Republicans. Available at http://1.usa.gov/10mRdwA.

The White House itself has said that there are three unemployed persons for each one job opening. The Economic Policy Institute estimates that in one industry, construction, there are as many as seven unemployed persons for each available job opening.

It is astonishing, therefore, that prominent members Congress wish to see record immigration levels increased yet further.

This report just published in the *New York Times* illustrates just how many Americans have been left behind:

> "Working, in America, is in decline. The share of prime-age men — those 25 to 54 years old — who are not working has more than tripled since the late 1960s, to 16 percent. More recently, since the turn of the century, the share of women without paying jobs has been rising, too. The United States, which had one of the highest employment rates among developed nations as recently as 2000, has fallen toward the bottom of the list…
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> At the same time, it has become harder for men to find higher-paying jobs. Foreign competition and technological advances have eliminated many of the jobs in which high school graduates…once could earn $40 an hour, or more."[20]

Since end of the 1960s—the time frame identified by the article—the share of the U.S. population that is foreign-born has increased from less than 5 percent to more than 13 percent. As a total number, the size of the foreign-born population has quadrupled over the last four decades.

The Congressional Research Service estimates that the foreign-born population could reach as high as 58 million within a decade based on recent trends. Only an adjustment in policy will change this trajectory—just as policy was changed early in the 20th century to allow labor markets to tighten.

There had been a great wave of immigration in the four decades leading up to the Coolidge Administration. This substantial increase in the labor pool had created a loose labor market that tilted the balance of power to large employers over everyday workers. Coolidge believed it was rational and sensible to swing the pendulum back towards the average wage-earning American. He explained in a speech to naturalized citizens: "We want to keep wages and living conditions good for everyone who is now here or who may come here. As a Nation, our first duty must be to those who are already our inhabitants, whether native or immigrants. To them we owe an especial and a weighty obligation."

The labor market tightened substantially as a result of policy changes, boosting wages for both the native-born and the millions of immigrants who had arrived previously—helping the great American middle class to emerge.

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[20] *New York Times*, "The Vanishing Male Worker: How America Fell Behind," Dec. 11, 2014, available at http://nyti.ms/1x0JsEV.

In fact, among those most affected by the size of these large immigrant flows are the immigrants themselves. By continuing to admit these large numbers over such a sustained period of time, many immigrants themselves are unable to find jobs. For instance, less than half the immigrants who entered California since 2010 are participating in the labor force. In Los Angeles—where 4 in 10 residents is an immigrant—one-third of immigrants recently arrived lives in poverty.

We have an obligation to those we lawfully admit not to admit such a large number that their own wages and job prospects are diminished. A sound immigration policy must serve the needs of those already living here.

Immigrants and native-born workers are also competing with the large flow of lower-wage guest workers who are brought in for the explicit purpose of taking a job. Of those roughly 700,000 guest workers admitted annually, only about 10 percent are for agricultural work—the other 90 percent take jobs in almost every industry in America, from good-paying construction jobs to coveted positions at technology firms in Silicon Valley.

Yet, despite median family income dropping more than $3,000 since he entered office, the Obama-backed Senate immigration bill would have tripled the issuance of permanent residency cards and doubled foreign guest worker admissions over the next 10 years. Nearly 1 in 4 Americans in their prime working years are not working, but the President and his congressional allies want to expand immigration to a degree never before witnessed.

The Center for Immigration Studies explains that this legislation, in a mere six years from today, would have increased the percentage of the U.S. population born abroad to a level never before reached in American history. And by 2033, nearly 1 in 6 U.S. residents under this plan would have been foreign-born.

Unsurprisingly, the nonpartisan Congressional Budget Office projected that the result of this legislation would be lower wages, higher unemployment, and reduced per capita GNP.

So whether comprehensive, piecemeal, step-by-step, incremental, or whatever other process one conceives, the question that must be asked is this: will the legislation make life easier or harder for American workers? Will it help or hurt cash-strapped schools? Will it reduce or increase poverty?

There are plenty of Democrats willing to fight to help global corporations get more guest workers. There are plenty of progressives eager to fight for amnesty. There are plenty of far-left advocates eager to fight for unchecked immigration. The cause that doesn't have an organized champion—but desperately needs it—is the cause of the American worker whose wages have stalled and whose dreams have been put on hold. Why can't Americans get representation in their own Congress?

Republicans have a historic obligation—and opportunity—to right that wrong, to return this government to its people, and to tell the special interests: Get lost.

IMMIGRATION AND THE WELFARE STATE

A bedrock principle common to all advanced nations is that those who seek entrance to a country must be able to support themselves financially. This is an explicit and unambiguous tenet in federal immigration law. It is also arguably the least enforced element of federal immigration law. We continue to lawfully admit millions who arrive in the U.S. only to become reliant on federal taxpayer support. In fact, the Obama Administration actually advertises welfare benefits to foreign nationals both living in, and seeking entry to, the United States.

In 2012, Republicans on the Budget, Finance, Judiciary, and Agriculture Committees dispatched a joint oversight letter to Secretaries Napolitano and Clinton that said in part:

> "The [Immigration and Nationality Act] specifically states: 'An alien who… is likely at any time to become a public charge is inadmissible.' … We were thus shocked to discover that both the State Department and DHS exclude reliance on almost all governmental welfare programs when evaluating whether an alien is likely to become a public charge… Under your interpretation, an able-bodied immigrant of working age could receive the bulk of his or her income in the form of federal welfare and still not be deemed a 'public charge.'"

DHS even has a website, WelcomeToUSA.gov, that features a page promoting welfare benefits to newly arrived immigrants. (Some of these benefits, under law, should automatically disqualify the applicants from entry into the U.S. The page even promotes free coverage under the President's health law.) That DHS does not object to immigrant welfare use is confirmed by the Department's data: from FY 2005 through August of FY 2012, just 9,796 applicants out of more than 116 million were turned away on public charge grounds (amounting to a denial rate of 0.0084 percent). DHS even admitted, in a subsequent response to the oversight inquiry, that *it was unable to find a single immigrant* who had become a public charge in 2012. In sum: Despite laws to the contrary, virtually no one is being turned away from the United States based on an inability to support themselves financially.

The USDA has even produced and broadcast soap opera-like "radio novelas" featuring individuals who were pressured into accepting benefits *despite insisting that government assistance was not needed*. USDA has also entered into a partnership with Mexico to boost welfare enrollment among non-citizens. Thanks in part to such controversial tactics, food stamp usage among immigrants has quadrupled since 2001.

Against this backdrop, it should come as no surprise that an analysis by the Center for Immigration Services found that 36 percent of immigrant-headed households received at least one welfare benefit in 2010 (including public housing). The Heritage Foundation's Robert Rector offered this mathematical analysis in 2007: "On average, low-skill immigrant families receive $30,160 per year in government benefits and services while paying $10,573

in taxes, creating a net fiscal deficit of $19,587 that has to be paid by higher-income taxpayers… It takes the entire net tax payments (taxes paid minus benefits received) of one college-educated family to pay for the net benefits received by one low-skill immigrant family."

Honest immigration reform would establish rules and enforcement that promote self-sufficiency, reduce poverty, strengthen the family, and promote our economic values. Such an approach benefits the host country, the immigrant seeking entry, and the communities that need our help the most. Unfortunately, the only "reform" bills considered in Congress would expand and cement the welfare state even more deeply.

IMMIGRATION POLLING AND MESSAGING

Worded most bluntly, the problem with the Republican Party's current immigrant rhetoric can be summarized like this: Democrats fight with more passion in defense of illegal immigrants than Republicans fight in defense of American workers. What follows is a guide for putting Americans at the center of the debate.

Few issues motivate voters more strongly and more passionately than immigration. Unlike so many other issues, immigration is not vague, abstract, or generic. Its impact is specific, real, and personally felt by millions.

While generic consultant-speak about "focusing on job creation" and "problem solving" may poll well, these soundbites possess zero motivational power: people expect politicians to say they are focused on jobs and solving problems. There is no political opponent claiming the opposite. Such expressions therefore draw no contrast, exert no pressure, and mean ultimately nothing to the everyday American since Democrats will claim the exact same thing.

At this moment in time, there is likely no issue that—done properly and with authenticity—can do more to motivate the public for or against a party than immigration.

Immigration policy directly affects voters in ways that Washington "experts" do not see or understand. It impacts their jobs, wages, hospitals, schools, communities, and security. The failure of politicians to understand these real and deep concerns has produced an increasingly large gap between what politicians say about immigration and what voters actually think. (Imagine for a moment immigration policy from the perspective of an American worker who has lost his job to lower-paid labor from abroad). Many inside the DC bubble have no awareness that immigration rates have quadrupled to record levels, that all net employment growth over the last 14 years has gone to foreign workers, or that studies indicate the surplus of labor being brought into the U.S. has been driving a precipitous decline in workers' wages. And while these realities are never covered by the Beltway media, they are experienced by working people across the nation.

Consider: poll after poll shows that voters think American workers should come first, yet a bevy of brilliant high-paid consultants have managed to produce a series of immigration talking points that don't say a word about them.

Is there a single more reasonable proposition than to say that a nation's immigration policy should consider first what is good for its own citizens? This basic fact has been overlooked by politicians for decades. Listen to any immigration debate: most rhetoric stresses the interests of illegal immigrants, foreign workers, or employers. A 30-minute debate on immigration may not mention the words "American worker" a single time.

Republicans—who stood alone in Congress to save America from the President's immigration bill and who alone have fought against his executive amnesty—must define themselves as the party of the American worker, the party of higher wages, and the one party

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that defends the American people from Democrats' extreme agenda of open borders and economic stagnation.

But recycled rhetoric is insufficient to expose their views, or rally the public. It is too easy for open borders Democrats to mimic such rhetoric. It is too easy for them to pretend that they share Americans' concerns. Every Democrat will say they want to secure the border. Every Democrat will say they oppose amnesty. The Left will happily rewrite the English language in the hopes of fogging the landscape as much as possible.

The core of the Democrat message is some version of the following: "I care about you and the poor and the middle class, while those Republicans just care about big business." This is the smear Democrats shamelessly deploy year after year—even as they work every day to enrich the political class and impoverish the working class.

No issue more exposes the Democrats' colossal hypocrisy than their support for an immigration agenda pushed by the world's most powerful interest groups and businesses that clearly results in fewer jobs and lower wages for Americans.

Here are the findings from a poll of likely U.S. voters commissioned by GOP pollster Kellyanne Conway:

- 77% of respondents said jobs should go to current U.S.-born workers or legal immigrants already in the country—instead of bringing in new workers to fill those jobs

- 88% of conservatives, 78% of moderates, 78% of independents, 71% of Democrats and 62% of liberals says current U.S. workers should get jobs preference

- 80% of respondents said businesses should recruit the currently unemployed instead of expanding the labor supply with new workers from other countries

- 86% of black voters and 71% of Hispanic voters said companies should raise wages and improve working conditions instead of increasing immigration

- 76% of respondents said people who overstayed their visas should be encouraged to return home

- By a 2-1 margin, respondents said illegal immigrants should be encouraged to return home by closing off access to jobs and welfare benefits

- Three in four respondents wished to see substantial immigration cuts

Additionally, polling data commissioned by the National Republican Senatorial Committee and made public by Paragon Insights shows that an economically focused

message resonates with voters of all economic backgrounds, all ethnic backgrounds,[21] male and female, old and young, Democrat and Republican and Independent. It resonates especially with working class and women voters who are being hammered in this economy. It generates very strong, highly motivated support, and very weak opposition.

Paragon polled three sentences lawmakers should use that have been too absent in the immigration conversation. Also, keep in mind the respondents were informed before expressing their views that these statements were coming from Republicans—making the broad cross-party appeal of these statements all the more striking. The statements follow, along with a few highlighted findings, all of which enormously exceeded recognized benchmarks in the industry and produced extremely positive high-motivation results:

- The American people are right to be concerned about their jobs and wages, and elected officials should put the needs of American workers first.

- The first goal of immigration policy needs to be getting unemployed Americans back to work—not importing more low-wage workers to replace them.

- Immigration policy needs to serve the interests of the nation as a whole, not a few billionaire CEOs and immigration activists lobbying for open borders.

Hard-hit working people need to see Republicans go into the ring and throw some real punches on their behalf. They want to see the Republican look them in the eye and say: "I am going to fight for you. I am going to fight for your jobs. I am not going to let President Obama give your job away to the highest bidder. I am not going to let open-borders extremists push their agenda at the expense of your family and your income. I stand with you. I know you've been let down in the past by politicians who have not delivered on their promises, and I'm here to say: not anymore. Things are going to change. When Mark Zuckerberg comes knocking, I'm going to say: sir, you've knocked on the wrong door, President Obama lives at 1600 Pennsylvania Avenue. I work for the American people."

So how might this be used in a debate? Let's say a Democrat lawmaker finished his or her typical clichéd speech about so-called "immigration reform." Imagine this as the GOP response:

> "My colleague just made a lengthy statement. He talked about illegal immigrants, employers, and politicians. But there is one group he left out of his answer: American workers. The biggest difference between me and my colleague is that I think the first goal of immigration policy should be helping unemployed Americans get back to work. My Democrat colleagues think the first goal of immigration policy should be bringing in more low-wage workers to replace them. They say they care about the little guy, but they have handed over their votes to a few billionaires who want cheaper labor and lower wages, and to activist groups seeking political

[21] Amnesty and uncontrolled immigration disproportionately harms African-American workers, and has been described by U.S. Civil Rights Commission member Peter Kirsanow as a "disaster."

> power. They say they're independent, but they are pushing for legislation that will lower your wages, eliminate your jobs, and open our borders. They say they care about the middle class, but their immigration plan will further hollow it out."

How are any members of the Democrat caucus going to explain why they are determined to provide instant work permits to every illegal immigrant and visa overstay in the country? How are they going to explain why they want to double the number of guest workers when we don't have enough jobs for the workers here right now? How are they going to explain why they voted for legislation that will surge the labor supply at a time when wages are down and a record number of Americans can't find work?

We need to get our workers off of unemployment and into good-paying jobs that can support a family—but Democrats voted to double the number of workers brought in for employers to hire in their place. Every Democrat Senator backed a plan for lower wages and higher unemployment.

This is our chance to stand up and fight for millions of loyal struggling citizens who have been neglected. This is our chance to stand up and fight for the good and decent people of this country who pay their taxes, fight our wars, follow the rules, love their country, and only expect in return that their country will defend their legitimate interests.

THE SILICON VALLEY STEM HOAX

The false claim that has gained the most acceptance is the notion that there is a shortage of qualified Americans with degrees in science, technology, engineering, and mathematics (STEM). Therefore, the fallacious reasoning goes, the United States must expand the already-substantial annual influx of foreign guest workers to fill these jobs. But the evidence proves the opposite: not only is there no shortage of qualified Americans ready, able, and eager to fill these jobs, there is a huge surplus of Americans trained in these fields who are unable to find employment.

It is understandable why large technology firms push the discredited STEM myth—a loose labor market for IT and STEM jobs keeps pay low, allows for substantial turnover without having to retain older employees with increased compensation, and provides a PR basis for the industry's immigration lobbying campaign. What is not understandable is why they have gotten away with it for so long.

The facts are stark, and overwhelming.

Recent data from the Census Bureau confirmed that a stunning 3 in 4 Americans with a STEM degree do not hold a job in a STEM field—that's a pool of more than 11 million Americans with STEM qualifications who lack STEM employment. This is a constantly growing number: Rutgers Professor Hal Salzman, a top national expert on STEM labor markets, estimates that "U.S. colleges produce twice the number of STEM graduates annually as find jobs in those fields."[22] Many of the students, no doubt choosing to pursue STEM degrees in part due to bogus claims of STEM labor shortages, now find themselves with massive amounts of debt and no prospects of a good-paying job. Salzman goes on to report this shocking fact: "guest workers currently make up two-thirds of all new IT hires"—so even as half of Americans with STEM degrees can't find STEM work, 2 in 3 new jobs in the information technology field are going to labor imported from abroad.

Salzman continues: "but employers are demanding further increases. If such lobbying efforts succeed, firms will have enough guest workers for at least 100 percent of their new hiring and can continue to legally substitute these younger workers for current employees, holding down wages for both them and new hires."

In fact, even as IT firms clamor for more guest workers, they are laying off their existing workers in massive quantities. Bill Gates coauthored an op-ed demanding more foreign labor for companies like Microsoft *the same week* that Microsoft announced plans to lay off 18,000 of its employees. Perhaps before lobbying Congress for more H-1B workers, Mr. Zuckerberg could phone Mr. Gates and ask for the resumes of some of the 18,000 who have been sent packing.

[22] "Stem Grads Are at a Loss," Professor Hal Salzman op-ed in *U.S. News and World Report*, Sept. 15, 2014, available at http://bit.ly/1Ktg1Wt.

Sadly, this phenomenon is far from uncommon. Many companies that employ IT workers and lobby for expanded guest worker admissions have been slashing jobs. As Byron York reported, large companies ranging from Hewlett-Packard to Cisco to American Express to Procter and Gamble to T-Mobile laid off more than 50,000 employees collectively over the last few years—yet each joined a letter in 2013 asking congressional leaders for more guest workers.

One of the largest, most powerful, and most well-funded lobbying groups in the country is the coalition of corporations lobbying Congress for expanded foreign worker admissions for technology and STEM jobs. They secured massive increases in the Senate immigration bill—championed by the President—whose primary effect would be to deny millions of Americans a shot at a good-paying middle class job.

Nor have they relented: senior Republicans have indicated a desire to push through the Obama-backed increases in the H-1B foreign worker visa for large IT corporations. Again: it is understandable why these corporations push for legislation that will flood the labor market and keep pay low; what is not understandable is why we would ever consider advancing legislation that provides jobs for the citizens of other countries at the expense of our own. Who do we work for?

Every Member of Congress should read the incredibly important *USA Today* op-ed penned by five of the nation's most esteemed academics who specialize in labor markets and guest workers.[23] Excerpts from the op-ed follow:

> "Legislation that expanded visas for IT personnel during the 1990s has kept average wages flat over the past 16 years. Indeed, guest workers have become the predominant source of new hires in these fields.
>
> Those supporting even greater expansion seem to have forgotten about the hundreds of thousands of American high-tech workers who are being shortchanged — by wages stuck at 1998 levels, by diminished career prospects and by repeated rounds of layoffs.
>
> The facts are that, excluding advocacy studies by those with industry funding, there is a remarkable concurrence among a wide range of researchers that there is an ample supply of American workers (native and immigrant, citizen and permanent resident) who are willing and qualified to fill the high-skill jobs in this country. The only real disagreement is whether supply is two or three times larger than the demand…

[23] "Bill Gates' Tech Worker Fantasy," July 27, 2014, available at http://usat.ly/1KtgjfU. Authorship credits: "Ron Hira is a professor of public policy at Howard University. Paula Stephan is a professor of economics at Georgia State University. Hal Salzman is a Rutgers University professor of planning & public policy at the J.J. Heldrich Center for Workforce Development. Michael Teitelbaum is senior research associate at the Harvard Law School's Labor and Worklife Program. Norm Matloff is a professor of computer science at the University of California-Davis."

> Unfortunately, companies are exploiting the large existing flow of guest workers to deny American workers access to STEM careers and the middle-class security that should come with them. Imagine, then, how many more Americans would be frozen out of the middle class if politicians and tech moguls succeeded in doubling or tripling the flow of guest workers into STEM occupations…
>
> Another major, yet often overlooked, provision in the [Senate immigration bill] would grant automatic green cards to any foreign student who earns a graduate degree in a STEM field, based on assertions that foreign graduates of U.S. universities are routinely being forced to leave. Such claims are incompatible with the evidence that such graduates have many paths to stay and work, and indeed the 'stay rates' for visiting international students are very high and have shown no sign of decline. The most recent study finds that 92% of Chinese Ph.D. students stay in the U.S. to work after graduation…
>
> The tech industry's promotion of expanded temporary visas (such as the H-1B) and green cards is driven by its desire for cheap, young and immobile labor. It is well documented that loopholes enable firms to legally pay H-1Bs below their market value and to continue the widespread age discrimination acknowledged by many in the tech industry…
>
> IT industry leaders have spent lavishly on lobbying to promote their STEM shortage claims among legislators. The only problem is that the evidence contradicts their self-interested claims."

The true number of guest workers admitted to the U.S. each year solely for the purpose of filling coveted jobs in the IT and STEM fields is actually much larger than news reports would suggest.

In addition to the supposedly "capped" 85,000 annual H-1B visas, there are many employers exempt from the cap, including those renewing past H-1B's. Employers also receive an exemption when they hire a new worker who was previously employed by a capped employer. So, in FY2012, there were about 263,000 H-1B visas approved. But, due to overlapping admissions and other factors, the total number of H-1B workers physically present in the U.S. is actually much higher—it has been estimated to fall somewhere in the range of 650,000 to 750,000.

But even that figure does not capture the entire foreign labor pool of temporary workers available to employers in these industries. The L-1 visa allows employers to transfer employees from abroad to fill jobs domestically. The stock of L-1 workers is estimated to be around 350,000. There are other programs as well, such as the controversial Optional Practical Training program for F-1 visa holders.

Frustrated in their attempts to pass legislation, the IT industry succeeded in getting the President to decree foreign worker expansions by fiat. From *Science Careers* magazine:

> "Three of the president's proposals target tech, [UC Davis Professor Norm] Matloff notes: providing work permits for H-1B workers' spouses; expanding the Optional Practical Training (OPT) program, which allows foreign students to work in the United States; and allowing green card applicants more freedom to change jobs. Matloff expects the resulting increase in the number of foreign workers competing for domestic jobs to hurt American applicants and reduce pay. 'This is especially true in that the foreign workers are overwhelmingly young, thus exacerbating the rampant age discrimination that we already have in the tech world,' he writes. The OPT program has been singled out by critics because some tech companies advertise jobs specifically to those with OPT status, seemingly excluding domestic workers."

In one of the most thorough papers on the subject, the Economic Policy Institute notes the large disparity between how many qualified students that the U.S. graduates for specialized fields and the number that receive jobs in those fields:

> "U.S. employers have access to the world's largest body of STEM students… U.S. students make up one-third of the entire global population of high-performers on tests of science knowledge… for STEM graduates, the supply exceeds the number hired each year by nearly two to one, depending on the field of study. Even in engineering, U.S. colleges have historically produced about 50 percent more graduates than are hired into engineering jobs each year [while] that share [is] even higher in recent years… Of those graduates with the most IT-relevant education, a large share report they were unable to find an IT job while others found IT jobs to be paying lower wages or offering less attractive working conditions and career prospects than other, non-STEM jobs."

In summary, Washington policy has created a system that locks many of America's best and brightest out of a career in their chosen field of study, and is actively pursuing measures that will make those hardships worse. The word "DREAM" features prominently in the immigration debate; what about the dreams of American children and college graduates?

CONCLUSION

The immigration debate can be reduced to three essential questions:

- Is America a sovereign nation that has the right to control its borders and decide who comes to live and work here?
- Should American immigration laws serve the just interests of the country and its citizens?
- And do those citizens have the right to expect and demand that the laws passed by their elected representatives be enforced?

If we believe the answers to these questions are "yes," then we have no choice but to fight—and to win.

Why were we elected, if not to serve the people who sent us here?