

# Immigration Fraud: Lies That Kill

*9/11 Commission identified immigration fraud as a key embedding tactic of terrorists*

**MICHAEL W. CUTLER, SENIOR SPECIAL AGENT, INS (RET.)**

Fraud: Wrongful or criminal deception intended to result in financial or personal gain  
 en.oxforddictionaries.com/definition/fraud

**1 a** : deceit, trickery; *specifically* : intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right : *was accused of credit card fraud*

**b** : an act of deceiving or misrepresenting : *trick : automobile insurance frauds*

**2 a** : a person who is not what he or she pretends to be : impostor : *He claimed to be a licensed psychologist, but he turned out to be a fraud; also* : one who defrauds : cheat

**b** : one that is not what it seems or is represented to be : *The UFO picture was proved to be a fraud.*

Merriam-Webster

**F**raud is a common crime that occurs in a wide variety of areas. So-called “con artists” seek to gain the confidence of their intended victims. In point of fact, the term “con” is a contraction of the word “confidence,” wherein the criminal tricks their victims into trusting him so they can be taken advantage of.

Most “white collar crime” involves fraud.

Think of how many victims, for example, were defrauded out of their life savings by the infamous Bernie Madoff, who conned his victims into trusting him.

---

*Michael W. Cutler is a retired Senior Special Agent with the INS (Immigration and Naturalization Service). He appears regularly on numerous radio and television programs, including Fox News, CNN, and MSNBC. He hosts his own Internet radio program, “The Michael Cutler Hour.” Mr. Cutler has testified as an expert witness at more than a dozen Congressional hearings, provided testimony to the 9/11 Commission, and provides expert witness testimony at trials where immigration is at issue. Visit his website at: [www.michaelcutler.net](http://www.michaelcutler.net).*

Bernie Madoff’s pyramid scheme is similar to a “Ponzi Scheme” — named for Charles Ponzi, who in the 1920s, used the monies paid to the initial investor-victims by those who came on board subsequently. Ultimately such schemes fail but enable the perpetrator to pocket huge sums of money before the collapse.

Insurance fraud generally involves individuals filing false claims to bilk the insurance company out of money.

Welfare fraud involves individuals concealing assets and sources of income to be eligible to receive assistance that they would not be entitled to if all of the material facts were known by the authorities who administer the welfare program.

Not unlike other forms of fraud, *immigration fraud* is a serious crime committed by aliens, and those who may conspire with them, to enable aliens to game the immigration system to circumvent the immigration laws in order gain entry into the United States and/or gain lawful status or other immigration benefits to which they are not lawfully entitled.

Examples of these benefits include being granted political asylum, lawful immigrant status, or even U.S. citizenship via the naturalization process.

The nexus between immigration fraud, terrorism, and national security is of considerable concern, and, in point of fact, when aliens engage in immigration fraud to facilitate terrorism, they generally face a maximum of 25 years in federal prison.

There are generally two forms of fraud that concern law enforcement: document fraud and immigration fraud schemes.

Fraudulent documents involve the production of counterfeit or altered documents such as birth certificates, passports, Social Security cards, driver’s licenses, or other such identity documents, or supporting documentation such as diplomas or marriage licenses. Immigration fraud schemes involve such deceptions as marriage fraud and false statements in immigration applications.

There are several federal statutes that establish the elements of crimes involving immigration fraud. Title 18 U.S. Code § 1546 — Fraud and misuse of visas, permits,

and other documents are key sections of federal law that address such fraud.

Another federal statute that pertains to identity theft and the false use of identification documents is Title 18 U.S. Code § 1028 — Fraud and related activity in connection with identification documents, authentication features, and information.

Identity theft has become one of the most significant “white collar” crimes. There are many criminal schemes that are furthered by identity theft, but one of the key motivators for those who engage in identity theft is to provide illegal aliens with false identities that enable them to work and/or otherwise take on the appearance of normality as they go about their day-to-day lives in the U.S., even though their very presence represents a violation of our immigration laws.

Identity theft is hardly a “victimless crime.” It can create a major problem for those whose identities are stolen. When illegal aliens steal another person’s identity and then work illegally, they also deprive American workers and lawful migrant laborers of jobs they need to support their families. Yet American workers who lose their jobs to illegal aliens are never discussed by those who talk about how illegal aliens are simply trying to get their slice of the “American Dream.”

Immigration fraud is of major importance because it undermines national security and public safety.

Indeed, the 9/11 Commission identified immigration fraud and visa fraud as the key methods by which the majority of terrorists enter the U.S. and embed themselves as they prepare to carry out deadly attacks.

Immigration, in fact, has a profound impact on virtually every challenge and threat that Americans face today. Our immigration laws were enacted to protect American lives and the jobs of American workers. Our nation’s borders are our first and last line of defense against foreign spies, international terrorists, and transnational criminals.

However, globalists, whether politicians or those who seek to influence our politicians, see in our borders an impediment to wealth — *their* wealth. Therefore they seek to overcome that impediment no matter the cost — whether it’s the jobs of hard-working Americans or even the lives of the victims of terrorism or transnational criminals.

Having raised the issue of the cost of immigration law violations — let us begin by considering the victims of these crimes.

Our immigration laws were enacted to prevent the entry of aliens into the U.S. whose presence would pose a threat to the safety and well-being of Americans.

Title 8, U.S. Code, Section 1182 is a section of law within the Immigration and Nationality Act and enumerates the categories of aliens who are to be excluded

from entering the U.S. Among these classes of aliens to be prevented from entering the U.S. are those who suffer from dangerous communicable diseases or extreme mental illness.

Additionally, convicted felons, human rights violators, war criminals, terrorists, and spies are to be excluded, as well as aliens who are likely to become public charges, or would seek unlawful employment, thus displacing American workers or driving down the wages of American workers who are similarly employed.

Aliens who violate our immigration laws therefore must be seen as a potential threat to national security, public health, and public safety and/or to the livelihoods of American workers.

President Obama’s executive orders, misuse of what he referred to as “Prosecutorial Discretion,” which I have come to refer to as “Prosecutorial Deception,” through the Deferred Action Childhood Arrivals (DACA) program for so-called “DREAMERS,” and other actions made a mockery of our nation’s borders and immigration laws.

On the state and local levels, so-called, “Sanctuary Cities” have become safe havens for illegal aliens, including transnational criminals, fugitives, terrorists and their supporters, as well as aliens who work illegally, and thereby displace American workers.

Consequently, government officials have actually become the *facilitators* of immigration-related crimes. Indeed, President Obama, through his various executive orders and policy decrees, became the *Facilitator-in-Chief* for aliens who seek to enter the U.S. illegally and remain in the U.S. thereafter to work or commit crimes.

Under his orders, even aliens who were convicted of committing felonies and caused the deaths of innocent people were released from custody and not removed (deported/expelled) from the U.S.

Therefore, given the importance of how our government acts, or fails to act, to address immigration fraud and other crimes, we must begin by considering the third form of immigration fraud: the fraud that is perpetrated on the citizens of the U.S. by their elected officials and “representatives” from both political parties and their allies in the “Third Estate” — journalists and pundits — who have created and propagated falsehoods about immigration, which have created a toxic environment where honest discussions about immigration are all but impossible.

The way that polls are conducted about immigration and other issues also skews public perceptions about how many Americans, for example, consider the immigration crisis to be important. This provides cover for duplicitous politicians and the globalists who are “pulling their strings.”

The number one job politicians have is to get

elected and then get re-elected. Today this often involves heavy-duty “fund-raising,” which virtually amounts to pandering for bribes.

Most Americans are adamant about their desire to end illegal immigration. This is why, in my judgment, Donald Trump’s campaign for the presidency was so successful. His call to “Build a wall” on the Mexican border reverberated among huge numbers of Americans, irrespective of their political orientation.

However, it must be noted that while much attention has been paid to the lack of security along the southern border which separates the U.S. from Mexico, our nation is, in reality, a nation of 50 “border states.” Any state that lies along our northern or southern borders is a border state, as are states that lie along our nation’s 95,000 miles of meandering coastline or have international airports. All are border states.

The focus on the Mexican border to the exclusion of so many other dysfunctional components of the immigration system is a part of the bigger issue of the creation of distractions by open-borders/immigration anarchists.

Make no mistake, the U.S.-Mexican border *must* be secured. However, simply making that border totally secure won’t end the immigration crisis. As I pointed out last year:

If the U.S.-Mexican border had been protected by the mythical “deflector shield” from the Starship Enterprise, the terror attacks of

9/11, the attack of the Boston Marathon by the Tsarnaev brothers, the terror attack at San Bernardino, and all of the other terror attacks America has suffered would not have been prevented.

Clearly the first myth that we have debunked is that a wall on the Mexican border by itself will solve our immigration crisis.

I compare securing the southwest border to closing one of many holes in a colander. Simply plugging a hole in the bottom of a colander will not turn it into a water-tight bucket.

Aliens may enter the country illegally by evading the inspections process conducted along the northern as well as the southern borders. They may enter without inspection along America’s 95,000 miles of meandering coastline.

It is absolutely important to understand that aliens who gain access to the U.S. by entering without inspection (EWI) are also not vetted and no record of their entry is created. Open borders/immigration anarchists refer to aliens who enter the U.S. without inspection as being “undocumented.” This is one hell of a lie.

#### POPULAR FALSEHOODS

It is worthwhile to consider some of the falsehoods that are endlessly repeated by politicians, pundits, and pollsters, which are designed to mislead the public about our immigration crisis.



Former INS Special Agent Michael Cutler has testified before several Congressional hearings on immigration and national security matters as well as the National Commission on Terrorist Attacks Upon the United States (9/11 Commission).

***False Argument Number One:*** *The presence of millions of illegal aliens supposedly proves that the immigration system is “broken” and hence the solution is “Comprehensive Immigration Reform.”*

In reality this is about more than simply reforming immigration. The principal failure of the immigration system is its lack of integrity and a lack of enforcement resources. The lack of integrity to the immigration system mirrors the lack of integrity of our elected representatives.

Providing lawful status to unknown millions of illegal aliens would irrevocably undermine national security. There is no way to conduct in-person interviews, let alone actual field investigations. While it is claimed that this would get these aliens “out of the shadows,” there would be no resources for agents to track down and arrest illegal aliens who would not voluntarily emerge from the shadows. This would, disturbingly, include aliens who know that their fingerprints would identify them as criminals, terrorists, or fugitives.

***False Argument Number Two:*** *Inasmuch as we cannot deport all of the aliens who are here illegally, we must provide them with lawful status.* The Democrats claim that these aliens, who would pay taxes and learn English, would have “earned” the right to U.S. citizenship, while Republicans claim that “once the border is secured,” we should “only” provide them with lawful status and permission to work and bring their families to the U.S.

Generally, law enforcement efforts only involve finding and punishing a very tiny percentage of law violators. Yet no one would ever say that if you cannot identify and arrest all drunk drivers, we should therefore not seek to arrest any drunk drivers. The same can be said about a laundry list of other such violations of law. Statements by our politicians that call for providing legal status for millions of law violators have essentially fired the starter’s pistol for aspiring illegal aliens from around the world for whom the finish line is the [U.S.] border.

Immigration law enforcement should not be treated differently from other violations of law — efforts need to be made to identify and arrest as many aliens as possible who violate our laws and seek their removal (deportation) from the U.S. Not unlike the strategies of law enforcement and politicians where drunk driving, texting while driving, and other vio-

lations of law are concerned, public service announcements need to emphasize the efforts being made to enforce our immigration laws to deter those who might be contemplating violating these laws.

This would also honor those millions of lawful immigrants who waited their turn and followed the law and abided by the provisions of those laws.

***False Argument Number Three:*** *We need to be “compassionate” and reunite families of illegal aliens in the U.S.*

In this instance, the fraudsters are counting on the extraordinary compassion Americans are known to possess. This is about finding in the kindness and compassion of Americans a weakness that can be easily taken advantage of.

Exploitation is not a demonstration of compassion. Unscrupulous employers hire illegal aliens because they know that those employees can be exploited — paid substandard wages under substandard conditions. Reuniting families by permitting illegal aliens to bring their family members to the U.S. puts the horse before the cart. Effective immigration law enforcement would deter illegal aliens from entering the U.S. in the first place. This way families in other countries would not be split up when a family member travels to the U.S. to work illegally.

Permitting huge numbers of foreign nationals to enter the U.S. takes pressure off of the corrupt regimes of their home countries, whose oligarchies are behind the rampant poverty in countries such as Mexico. Propping up oligarchies flies in the face of traditional American values. However, today America is transitioning from being a republic to being an oligarchy. This is antithetical to the American Dream and what America has, until recently, stood for.

***False Argument Number Four:*** *Mandatory E-Verify is the solution to the employment of illegal aliens.*

In reality, effective enforcement of our immigration laws from within the interior of the U.S. would deter unscrupulous employers. E-Verify must be made mandatory, but without adequate numbers of immigration agents available to conduct field investigations, employers who want to hire illegal aliens will simply employ them “off the books.” Thus E-Verify, by itself, will not be able to stop the

criminal and corrupt practice of employers hiring illegal aliens.

Focusing on mandatory E-Verify while ignoring the abject shortage of enforcement personnel at Immigration and Customs Enforcement (ICE) is apparently designed to distract the majority of Americans from noticing the lack of enforcement resources. Proponents for Comprehensive Immigration Reform may call for hiring more Border Patrol Agents — this is consistent with the notion that all that needs to be “fixed” is to secure the U.S.-Mexican border. However, they never call for hiring more ICE agents to enforce the immigration laws from within the interior of the U.S.

This means that employers who knowingly hire illegal aliens will most likely not be detected; illegal aliens will likely not be arrested or deported (removed). And this also means that immigration fraud will likely go undetected.

***False Argument Number Five:** Our schools are failing to educate the huge numbers of STEM (Science, Technology, Engineering, and Mathematics) professionals that we need for America to be successful.*

This lie has been perpetrated by a large number of organizations, ranging from the U.S. Chamber of Commerce to CEOs of Silicon Valley and other industries that have poured hundreds of millions of dollars into massive lobbying efforts to push this agenda. The goal of this effort is to drive down the wages of professionals.

Consider that nearly every month newspaper accounts abound that disclose a long list of American companies that have fired their computer programmers and other highly skilled loyal employees. Most recently McDonald’s fired 70 American accountants [and] replaced them [with] foreign workers.... The “shortage” of such employees was manufactured by unscrupulous employers who simply want to lower their labor costs.

**DON’T FORGET PRESIDENT JIMMY CARTER**

President Jimmy Carter ordered INS personnel to identify aliens who evade the inspections process as “undocumented immigrants.” Carter recognized and exploited the political opportunities offered by massive illegal immigration. His use of deceptive language created a fraudulent impression to mislead Americans, not unlike the way that a con artist swindles his/her victims. Carter blithely ignored the way that his actions and man-

dates undermined national security threats. For Carter and others, creating a narrative that was conducive to their political agenda was far more important than protecting Americans.

Repeated deadly terror attacks have been conducted in the U.S. by radical Islamist terrorists who easily gamed the immigration system that was deliberately weakened by Mr. Carter.

It is estimated that nearly half of all illegal aliens in the U.S. did not enter the country without inspection, but actually were admitted at ports of entry and then, subsequent to admission, went on to violate the terms of their admission.



**President Jimmy Carter**

Nonimmigrant aliens, that is to say, aliens who were admitted for a temporary period of time for a variety of purposes, become deportable (subject to removal) if they violate the terms of their admission as required by the category of visa under which they entered the U.S. For example, this applies to aliens who remain beyond their authorized period of admission, accept unauthorized employment, or, in the case of foreign students, fail to maintain their status as students by failing their courses or failing to attend their schools.

**NOT ANTI-IMMIGRANT,  
BUT PRO-ENFORCEMENT**

Often journalists and politicians refer to those of us who want our immigration laws enforced as lacking compassion and being “Anti-Immigrant.” This is one of those false accusations that has somehow taken hold in America today. We need to dispel it.

Anyone who is labeled as being “anti” anything faces a tough uphill battle. Consider that where the highly contentious issue of abortion is concerned, the two sides are described as being either “Pro-Life” or “Pro-Choice.” Neither side is described as being, for example, “Anti-Life” or “Anti-Choice.”

In reality, anyone who favors secure borders and effective immigration law enforcement should actually be described as being “Pro-Enforcement.” Anyone who is pro-enforcement is actually “Pro-Immigrant.”

Our immigration laws were enacted to protect national security and the lives and livelihoods of Americans. They are completely blind on issues such as race, religion, and ethnicity.

While, under our immigration laws, American citizens have an absolute right to enter the U.S., aliens do not. This is not unique to America but is how all countries operate.

This is not unlike the homeowner who has the right — in fact, the imperative — to look through the peephole before opening the front door to his/her house before admitting a stranger, being careful not to let someone in who may pose a threat. We want to live in communities that are as crime-free as possible.

We want our schools to provide American students with first-rate educations that will qualify them for careers that will enable them to use their training and degrees to have the opportunity to be successful. This is the American Dream that all Americans, irrespective of race, religion, or ethnicity, want for themselves and their children.

In other words, Americans want opportunities to use their talents to be as successful as they can and want their children to have even greater opportunities than they have. Period!

## VISA FRAUD

Failure to enforce our immigration laws undermines national security and public safety. Failures of the immigration system, including visa fraud, enable more foreign workers to enter the U.S. each month than the number of new jobs that are created.

Those who lie and commit fraud for gain are criminals. Usually that “gain” is money or something of material value. However, where immigration fraud is concerned, the gain is access to the U.S.

The ability of aliens to enter our country and embed themselves once here is a matter of national security and public safety. We live in a perilous era when members of ISIS and other terrorist organizations seek to enter the U.S. to commit crimes to fund and carry out their deadly terror attacks. Therefore, preventing these terrorists from carrying out that fraud is as important as is the necessity to prevent terrorists and criminals from running the physical borders of the U.S.

Effectively combating visa and immigration fraud is at least as essential to protecting Americans from international terrorists and transnational criminals as is securing our northern and southern land borders from aliens who seek to enter the U.S. without inspection.

Investigations into suspected fraud can untangle those webs of deception, but only if there are adequate numbers of investigators who can work those cases. This work is labor intensive and requires an appropriate number of personnel to get this job done. The immigration crisis we are currently experiencing is directly attributable to an abject lack of resources — by design.

Failures to investigate fraud allow those who perpetrate that fraud to escape detection and punishment. This encourages still more fraud, which creates a vicious cycle where more individuals are encouraged to file still more fraud-laden applications, creating an increasing burden on those who adjudicate applications and on those whose mission is to uncover fraud and those that perpetrate fraud. As the number of applications increases, the amount of time and resources that can be brought to bear against fraud dwindles. This encourages still more fraud.

What is generally not known is that approving an application is far less time-consuming than denying an application. An application for immigration benefits can be approved in minutes, while denying an application is an involved process that can take days — evidence has to be gathered, reports have to be written, and then any denials generally have to be reviewed by attorneys to make certain that the denials can stand up to anticipated challenges when appeals of the denials are filed.

All government agencies on the local, state, or federal level are also at risk of fraud when individuals provide false or misleading information to the agency they are interacting with.

Fraud involves an individual filing an application in which material facts are omitted or misrepresented to enable the person committing that crime to acquire something he/she would not be entitled to if all of the material facts were known.

We have all read stories about welfare cheats and those who commit tax fraud.

Most agencies take aggressive action to combat fraud to recover their lost funds and also to deter anyone who would even contemplate defrauding that agency.

When people cheat on their tax returns, they can expect the IRS to hunt them down and not only demand payment of the taxes they failed to pay initially, but also likely hit them with a hefty fine and penalty that may well be a multiple of the money they owe, because they concealed earnings or other sources of income. They may, in fact, face criminal prosecutions.

The expectation most people have of the IRS, namely that it will relentlessly discover their crimes and doggedly track them down, has been fostered through its reputation to aggressively enforce the laws under its jurisdiction. To reinforce this expectation, the IRS often stages highly publicized arrests of people who have

committed fraud against the IRS. This includes extensive media coverage when IRS agents round up citizens from every walk of life, charging them with tax fraud as Tax Day (April 15) approaches. This effectively reinforces the public perception of the IRS as the federal agency that is not to be trifled with.

The IRS uses intimidation against those who might be contemplating committing tax fraud to convince them to file honest tax returns.

I refer to this tactic as “Deterrence Through Enforcement.”

The message is clear — commit tax fraud and your crimes will be discovered and you will face severe punishment.

However, as I noted previously, where immigration fraud is concerned, there is an abject lack of resources dedicated to investigating fraud and bringing criminal charges against those who commit such fraud and/or enter into criminal conspiracies. Rather than deter fraud, this *encourages* fraud and endangers national security and the lives of our citizens.

While politicians claim they want to write new laws to “fix” our broken immigration system, they never appropriate adequate funds to hire a sufficient number of ICE agents and other personnel to enforce the immigration laws from within the interior of the U.S. effectively.

Today the Transportation Security Administration (TSA) employs more than 45,000 people. Customs and Border Protection (CBP) employs more than 60,000 people including more than 20,000 CBP inspectors at ports of entry to screen people to keep out aliens who under our immigration laws are excludable because they would pose a threat to the safety and wellbeing of America and Americans.

CBP also employs approximately 20,000 Border Patrol agents to interdict smugglers who would enable individuals and contraband to circumvent the inspections process conducted at America’s 325 ports of entry.

Since 2013, Immigration and Customs Enforcement (ICE) has not been divulging the number of its employees. The ridiculous claim of the Obama administration was that they don’t want the “bad guys” to know how many there are. In reality I am convinced that they didn’t want Americans to know how few there are.

ICE reportedly has “an estimated 5,800 deportation agents” (out of a bureaucracy of 20,000 employees, according to Politifact). Furthermore, it is estimated that over half of those agents are engaged in conducting investigations of violations of custom laws, which have nothing to do with immigration. Customs laws are all about collecting duties and tariffs and preventing contraband from entering the U.S.

This means that the primary task of some 3,000 ICE agents actually focus on the deportation of illegal aliens.

To further put this in perspective, there are more than 35,000 police officers in the New York City Police Department.

This is why we have an immigration crisis — illegal aliens and aspiring aliens have absolutely no fear of detection or arrest once they get past the Border Patrol or the inspector at a port of entry. They are further encouraged by politicians from both parties who insist that since we cannot arrest and deport all of the illegal aliens who are here, sooner or later, they will get lawful status if they can only enter the U.S. — one way or another.

This includes criminals and terrorists.

Consider the lunacy known as “Catch and Release,” whereby Border Patrol agents are ordered to release illegal aliens whom they apprehend and simply provide them with the equivalent of a summons, a document known as a “Notice to Appear.” The Border Patrol agents, out of anger and frustration, have come to refer to these documents as “Notices to Disappear,” because they know that more than 90 percent of these aliens will simply discard those documents and never show up for a hearing.

What you may not know is that “Catch and Release” is hardly a new concept. It is how the Border Patrol has attempted to do its job for many decades. During the Obama administration these valiant and beleaguered agents had to resort to this insane tactic more than ever before.

Once those aliens head for the interior of the U.S., there are no ICE agents to follow up and track down any of these disappearing aliens. In fact, on those extremely rare occasions when ICE agents arrest illegal aliens, they may also have to play the game of “Catch and Release.”

However, the INS perpetrated its own “Immigration Fraud” by reporting to Congress on how many aliens were apprehended, rarely if ever noting that ever so many illegal aliens were simply processed for deportation and released.

Considering the breadth and depth of immigration fraud and the profound impact it can have on America — undermining national security, public safety and the well-being of Americans and their ability to earn a decent living — you would think that immigration fraud would be a key area of concern for our politicians and journalists.

However, nothing could be further from the truth, even though the 9/11 Commission Report and the testimony of a long list of national security/counterterrorism experts before Congressional committees and subcommittees have identified immigration and visa fraud as keys for the entry and embedding tactics of terrorists.

For example, page 54 of the 9/11 Commission Staff Report on Terrorist Travel contained this excerpt:

Although there is evidence that some land and sea border entries (of terrorists) without inspection occurred, these conspirators mainly subverted the legal entry system by entering at airports.

In doing so, they relied on a wide variety of fraudulent documents, on aliases, and on government corruption. Because terrorist operations were not suicide missions in the early to mid-1990s, once in the U.S. terrorists and their supporters tried to get legal immigration status that would permit them to remain here, primarily by committing serial, or repeated, immigration fraud, by claiming political asylum, and by marrying Americans. Many of these tactics would remain largely unchanged and undetected throughout the 1990s and up to the 9/11 attacks.

Thus, abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity. It would remain largely unknown, since no agency of the U.S. government analyzed terrorist travel patterns until after 9/11. This lack of attention meant that critical opportunities to disrupt terrorist travel and, therefore, deadly terrorist operations were missed.

Please pay attention to the first sentence of the last paragraph; here it is again:

*Thus, abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity.*

This issue has been repeatedly noted in the 9/11 Commission Report, yet nothing has been done to enhance the enforcement of our immigration laws from within the interior of the U.S. Indeed, under the Obama administration interior enforcement of our immigration laws all but stopped.

In spite of the clear warnings issued by the 9/11 Commission about the nexus between immigration and visa fraud and the threat of terrorism, the Obama administration insisted on admitting thousands of refugees from Syria who cannot be vetted. This means that our officials, no matter how much time they may be given, will not be able to verify the true identities of those who claim to be citizens of Syria seeking refugee status.

The lack of an adequate number of investigators who can work those cases has plagued the immigration system for decades. Consequently, these failures to identify and investigate fraud can and, in fact, have enabled huge numbers of aliens who have perpetrated

fraud to escape detection, prosecution, and deportation. Some of these cases involved terrorists whose frauds went undetected until after they participated in deadly terrorist attacks.

Failures to identify, investigate, and prosecute those who perpetrate fraud encourage and embolden additional aliens worldwide to file fraud-laden applications. This creates the dreaded “backlog,” resulting in pressure applied to the adjudications officers to work more quickly, to dispose of these cases at a faster pace. This makes it even more difficult to scrutinize the applications. The vicious cycle continues to accelerate.

After the attacks of September 11, 2001, the virtual mantra of our leaders in Washington was that in order to succeed the terrorists had to get it “right” only once. For our government to defeat the efforts of the terrorists to protect American lives, we had to get it “right” 100 percent of the time. Every alien who succeeds in gaming the immigration system creates the potential for the terrorists to get it “right,” yet this clear threat to national security has been blatantly ignored by the Department of Homeland Security (DHS) and our leaders.

When the issue of stopping illegal immigration is discussed, the immediate knee-jerk response is to focus on the need to simply increase the number of Border Patrol agents and erect a fence on the southern border.

Last year the DHS issued a report, *Entry and Exit Overstay Report*, Fiscal Year 2015 that focused only on the arrival and departure of non-immigrant aliens (temporary visitors) though international airports and seaports but did not include aliens who were admitted at land border ports of entry.

The report noted that more than 400,000 aliens who had been admitted into the U.S. during 2015 failed to depart when they were supposed to. If land border entries were taken into account, that number of illegal aliens would have likely been considerably greater.

These aliens would have been able to enter the U.S. if CBP employed one million Border Patrol agents and if the mythical “Deflector Shields” from the Starship Enterprise were installed along that problematic border.

The only way to deal with aliens, who violate the terms of their admission through ports of entry, is for ICE agents to arrest them. Yet this important issue is another of those immigration failures that seldom sees the light of day on news programs that refuse to discuss the utter lack of resources to enforce our immigration laws from within the interior of the U.S.

On those all too rare instances when the issue of the enforcement of our immigration laws from within the interior of the U.S. is discussed, the need for mandatory E-Verify generally becomes the focus of that discussion, and the need to identify criminal aliens and seek their removal.



It is more than a coincidence that the very same political “leaders” who demand that the government hires more Border Patrol agents never demand that more ICE (Immigration and Customs Enforcement) agents be hired to enforce the immigration laws.

The abject lack of resources for the enforcement of our immigration laws from within the interior of the U.S. is a problem that has plagued the immigration system for many decades. As far back as May 4, 1999, the House Subcommittee on Immigration and Claims conducted a hearing on the topic, “Designations of Temporary Protected Status and Fraud in Prior Amnesty Programs.”

One of the witnesses at that hearing was a John Shaw, a true gentleman and former Assistant Commissioner for Investigations, Immigration and Naturalization Service. He was the official at the very top of the immigration enforcement program for the interior of the country.

On the day of that hearing in 1999 he testified about how the Commissioner of the Immigration and Naturalization Service, under whose “leadership” he worked, demonstrated utter disdain for the enforcement of our immigration laws. Consider this extract from his testimony:

In its determined efforts to establish control of the border by tightening security on the perimeter, Congress has seemingly ignored the critical, complementary roles and responsibilities of Interior Enforcement ... and these fall mainly on the shoulders of Investigations. I believe that the concept of Interior Enforcement, supported by a well-articulated strategy document, ought to be as familiar in the nomenclature of immigration enforcement as the concept, or term, Border Control. Although, I must admit that even in-house at INS, the Commissioner has said that Interior Enforcement is a term of usage invented by Investigations and devoid of meaning.

That Commissioner was Doris Meissner, whose disregard for the enforcement of our immigration laws — especially from within the interior of the U.S. — was reflected by the agency she directed. She was the Commissioner of the INS during the Clinton administration.

Meissner did everything in her power to make certain that the term “interior enforcement” was, indeed, “devoid of meaning.” She continues to work against any efforts to enforce our immigration laws from within the interior of the U.S.

During her tenure as INS Commissioner, she created Citizenship USA (CUSA), which had the stated goal of naturalizing a record number of new citizens — at least one million, in roughly one year. A Justice

Department, Office of Inspector General (OIG) report about this ill-conceived program, stated that when she assumed her position, Meissner was focused on vastly increasing the number of new citizens the INS could crank out. Not surprisingly, the number of applications for naturalization exploded.

GRUBER PROGRAM  
for Global Justice and Women's Rights  
at Yale Law School

presents the  
Gruber Distinguished Lecture in Global Justice

**T. Alexander  
Aleinikoff '77**

United Nations Deputy High Commissioner  
for Refugees (2010-2015)

**Rethinking the International  
Refugee Regime**

**Monday, February 8, 2016**  
4:30 pm  
Room 127  
Yale Law School, 127 Wall Street

T. Alexander Aleinikoff, a leading scholar in immigration and refugee law, is currently Visiting Professor of Law at Columbia Law School and Huo Global Policy Initiative Research Fellow at Columbia's Global Policy Initiative. From July to December 2015, he was on assignment with the U.N. Secretariat in New York. He served as the United Nations Deputy High Commissioner for Refugees in Geneva from 2010 to 2015. Prior to his service with the U.N., Aleinikoff was a professor at Georgetown University Law Center (1997-2010), where he also served as dean and as Executive Vice President of Georgetown University (2004-2010). Aleinikoff was a professor of law at the University of Michigan Law School from 1981 to 1997.

This event is open to the public

Photo: Rhode Barr/Georgetown University

Yale Law School

She became consumed with the need to clear the backlog of applications. As a result she hired many more employees to adjudicate the applications. According to a subsequent report by the Justice Department's Office of Inspector General, these new hires did not have adequate training. She also re-engineered the entire naturalization process to streamline it. Among the ways that the process was “re-engineered” included not actually interviewing all of the applicants for citizenship and taking other shortcuts that enabled ultimately thousands of aliens who should not have been naturalized, including criminals, to become U.S. citizens.

In its first year, 1996, CUSA awarded citizenship to 1.2 million foreign nationals. The program, which ran through 2000, was vigorously promoted by President Clinton. Critics called it an election-year ploy to speed naturalizations for Democrat voters. Districts in heavily

Democratic Chicago, Los Angeles, Miami, New York City, and San Francisco were targeted.

One of the key persons involved in this program was T. Alexander Aleinikoff, who became one of Barack Obama's top immigration advisors. It was under Aleinikoff's leadership that U.S. citizenship was awarded to thousands of convicted criminals. Hundreds of thousands of naturalization applications did not undergo proper FBI fingerprint analysis, including 80,000 who had fingerprint checks that generated criminal records, but who were naturalized anyway.

Aleinikoff went on to become Dean of the Georgetown University School of Law, and then, in 2009, Deputy High Commissioner on Refugees at the United Nations. This is the agency that, in part, determines America's admission of refugees into the U.S. And both Meissner and Aleinikoff are senior fellows at the Washington-based Migration Policy Institute.

When, under the administration of President George W. Bush, the DHS was created in response to the terror attacks of September 11, 2001, the various missions of the former INS were split off into separate and unwieldy agencies under the DHS umbrella. The adjudication of applications for various immigration benefits went to a new agency, U.S. Citizenship and Immigration Services (USCIS).

The first Director of that agency was Eduardo Aguirre, who, according to his official bio on the USCIS website, apparently made clearing up the backlog of applications for immigration benefits his priority — as it had been for Doris Meissner.

Consider this portion of his DHS bio:

Director Aguirre fundamentally transformed the delivery of services by the U.S. immigration system. He leads a team of 15,000 who annually serve over 6 million applicants. The USCIS basic mission is to make certain that the right applicant receives the right benefit in the right amount of time, while preventing the wrong individuals from obtaining benefits. Under Director Aguirre's leadership USCIS established three basic priorities: eliminating the immigration benefit application backlog, improving customer service, and enhancing national security.

In that last sentence he made "enhancing national security" his third priority behind "eliminating the benefit application backlog" and "improving customer service"!

Aguirre has been an executive in international banking positions. Consider this further excerpt from his bio:

For over three decades Mr. Aguirre has traveled extensively in Latin America, Europe, and Asia, promoting economic growth, inter-

national trade, and business opportunities as a banker, civic leader, and representative of the U.S. government. He joined the Department of Homeland Security from the Export-Import Bank of the U.S. where he was appointed by President George W. Bush, and confirmed by the U.S. Senate, as Vice Chairman and Chief Operating Officer. From December 2001 to December 2002, he served as Acting Chairman of the Export-Import Bank and guided the agency through its Congressional reauthorization. During Mr. Aguirre's leadership the Bank reorganized its structure to become more market-focused and customer-driven while enhancing risk management.

Prior to joining Export-Import Bank, Mr. Aguirre served as President of International Private Banking for Bank of America. In this capacity, he ran a highly profitable unit of this industry leader. Over the course of his 24-year career with Bank of America, his team was consistently acknowledged for excellence in customer service and employee satisfaction.

I cannot make this statement strongly enough — I am not making any claim, whatsoever, that Mr. Aguirre had any involvement in the malfeasance allegedly committed by the Bank of America or any other organization. I have never seen anything that would even suggest any such connection.

However, I am concerned that the goals and culture of the banking industry are often in direct opposition and antithetical to the best interests of America and Americans. Banks are globalists. To a globalist borders are not lines of defense but impediments to wealth.

The Bank of America was one of the very first banks to accept Mexican identity documents known as *Matricula Consular* cards, which are issued to illegal aliens by the government of Mexico. These cards were the focus of a Congressional hearing in 2003 by the House Subcommittee on Immigration, Border Security and Claims. Among those testifying was Steven C. McCraw, then Assistant Director, Office of Intelligence, of the FBI.

McCraw made it clear that such cards are not only unreliable for use as identity documents for business purposes, but also created opportunities for criminals and terrorists to use those cards to obfuscate their true identities. He told the Committee:

These criminal threats are significant, but it is the terrorist threat presented by the *Matricula Consular* that is most worrisome. Federal officials have discovered individuals from many different countries in possession of the

Matricula Consular card. Most of these individuals are citizens of other Central or South American countries. However, at least one individual of Middle Eastern descent has also been arrested in possession of the Matricula Consular card. The ability of foreign nationals to use the Matricula Consular to create a well-documented, but fictitious, identity in the U.S. provides an opportunity for terrorists to move freely within the U.S. without triggering name-based watch lists that are disseminated to local police officers. It also allows them to board planes without revealing their true identity. All of these threats are in addition to the transfer of terrorist funds, mentioned earlier.

In the 2004 article, “Terror route seen in bank program,” the *Washington Times* reported that Bank of America honored the SafeSend program that enables people to send money directly from the U.S. to Mexico.

What is unfathomable is how, all too often, the leadership at the immigration enforcement agencies has not come from within the agency, but all too often are individuals who have no law enforcement background. To my knowledge, this has never happened at any other law enforcement agency.

### **SHORTCOMINGS WITH FINGERPRINTING**

The need to identify and remove (deport) criminal aliens from the U.S. is widely recognized. But what needs to be considered is how DHS can identify criminal aliens in the first place, and whether there is an adequate number of agents to do this critical job where innocent lives hang in the balance.

The public perception is that when an individual is fingerprinted, a magic computer spits out page after page of accurate information about that person. While this is sometimes true, where foreign criminals are concerned, if that person has never before been arrested or fingerprinted in the U.S. and lies about his/her actual identity, it is entirely possible that the computer will not identify any relating information about that individual. Law enforcement officers will have to rely on the information that he provides to those who arrest him.

If such an individual claims to have been born in the U.S., then it is entirely possible that ICE will not be notified about him, even if that police department cooperates with ICE. Of course where Sanctuary Cities are concerned, no matter what the defendant says about immigration status, ICE will not be notified.

We often hear about how someone “fell through the cracks in the system” and went on to commit more crimes. This lack of personnel to accurately identify criminal aliens in custody is far greater than a mere “crack.” It is bigger than the Grand Canyon!

Because of this haphazard situation, the actual number of criminal aliens in the U.S., as reported by the various government agencies, may well be much higher than published statistics claim.

Therefore it is essential that an adequate number of INS personnel be assigned to interviewing prisoners in the many local and state prisons to determine if prisoners in custody are U.S. citizens or aliens who should be subject to deportation. If an alien runs our borders and is subsequently arrested by local police or other law enforcement agencies, simply running that person’s fingerprints will likely not disclose the true identity of such illegal aliens or even the fact that they are aliens.

It is not uncommon for aliens from Latin America to claim to be from Puerto Rico. Likewise, illegal aliens from Jamaica, Trinidad, and other Caribbean countries often claim to have been born in the U.S. Virgin Islands, thereby violating 18 U.S. Code § 911 — False Claim to U.S. Citizenship, a felony that is described below:

*Whoever falsely and willfully represents himself to be a citizen of the U.S. shall be fined under this title or imprisoned not more than three years, or both.*

False claims to U.S. citizenship by illegal aliens are common, but it takes a highly skilled immigration agent to break such false claims. Aliens who succeed in conning local jail officials into believing they are U.S. citizens, when in fact they are aliens, will never be deported.

While the laws of nature are immutable, legislated laws are meaningless unless violations of those laws are uncovered and appropriate action is taken by law enforcement officers.

### **E-VERIFY AND EMPLOYMENT AUTHORIZATION**

Certainly the use of E-Verify *must* be made mandatory for all employers. However, that alone won’t stop aliens from entering the country and taking jobs that should go to Americans.

ICE agents need to be available to conduct investigations of employers to make certain that they are not defrauding the E-Verify system. These agents are needed to audit the applications and physically conduct investigations at various job sites, and, where appropriate, arrest illegal aliens to deter them from entering the U.S. and to deter those aliens who were legally admitted with visas that did not provide them with the lawful authority to work in the U.S.

However, we need to keep in mind that the immigration system is not unlike a balloon. If you squeeze a balloon at one place it will bulge at another place. Even if it became impossible for illegal aliens to be employed in the U.S., aliens who are determined to work in the U.S. would simply commit immigration fraud in order to get lawful status to enable them to work in the United States.

When political leaders from both the Democratic and Republican parties insist that the only “solution” to the current illegal immigration crisis is to provide illegal aliens with employment authorization, they simply encourage a human tsunami of aliens from around the world to cross our borders, convinced that ultimately they will be granted employment authorization and, depending on which political party is in power, whether they will also receive U.S. citizenship as a further reward for their violations of our borders and immigration laws.

This is a manifestation of the desire of our duplicitous political leaders from both parties to make certain that nothing is done to discourage or impede the huge numbers of foreign workers and foreign students from entering our country — even if it undermines national security and public safety.

### TRADITIONAL IMMIGRATION FRAUD

Immigration fraud, as discussed previously, generally falls into two broad categories — document fraud and fraud schemes. Furthermore, immigration fraud is generally perpetrated by aliens to enter and then to operate freely within the U.S. In the parlance of the 9/11 Commission, this ability to operate freely in the U.S. is known as *embedding*. I have come to refer to this as “hiding in plain sight.”

Companies also may commit immigration fraud to facilitate their ability to bring in foreign workers to displace American workers. They fraudulently claim that these foreign workers are “exceptional,” yet the only thing exceptional about them is their willingness to work for exceptionally low wages under exceptionally adverse conditions.

USCIS operates under the aegis of the Department of Homeland Security and adjudicates applications for immigration benefits for aliens. Among the benefits are the granting of political asylum, authorizing aliens to change their nonimmigrant status so that they may, for example, attend school in the U.S., conferring lawful immigrant status upon aliens, providing such aliens with Alien Registration Receipt Cards (Green Cards) to signify this status, and finally naturalizing aliens, thus conferring U.S. citizenship upon them.

USCIS is also the agency that processes the applications for the administration’s controversial DACA Program, which has enabled hundreds of thousands of illegal alien DREAMERS to file for temporary lawful status. While this program has been “sold” to the American public as involving “children,” in reality these “kids” may be as old as 31 years of age.

All that these illegal aliens must do is file an application in which they *claim* that they entered the U.S. prior to their sixteenth birthday. There are no interviews and no field investigations. The approval rate for this program is well over 90 percent.

Let’s not lose sight of the fact that we are talking about illegal aliens who entered the U.S. *without inspection*. They have trespassed on America. Only they know who they are, when they got here, and what their actual backgrounds are. Yet Mr. Obama provided hundreds of thousands of these illegal aliens with lawful status, ordering the hapless employees at USCIS to take at face value the word of aliens whose identities and backgrounds cannot be verified.

USCIS is already overwhelmed with its workload, yet this inept agency and its beleaguered employees would be pressed into service to process potentially tens of millions of applications for any legalization program that our politicians promise (threaten?) they want to foist on America and Americans.

USCIS processes approximately 6 million applications for various immigration benefits annually, including conferring U.S. citizenship upon hundreds of thousands of lawful immigrants through the naturalization process.

Fraud is a serious issue for this adjudications process, undermining its integrity. Again, this issue and the threats it poses to national security were amply discussed by the 9/11 Commission, insofar as the tactics for terrorists to embed themselves in the U.S. are concerned.

The Immigration and Nationality Act of 1965 includes a section of law that enumerates the categories of aliens that are excludable from the U.S. The list of excludable classes of aliens includes aliens who suffer from dangerous communicable diseases, or from severe mental illness, fugitives from justice, convicted felons, spies, terrorists, war criminals, human rights violators, and aliens whose presence would undermine national security and/or public safety.

Finally, aliens who are likely to become public charges or would seek employment that would displace Americans who are similarly employed, or, by providing unfair competition, would drive down wages and/or working conditions of Americans, are not supposed to be admitted

Aliens who know that they cannot be lawfully admitted into the U.S. because they belong to one or more categories of excludable aliens but are determined to enter the U.S. nevertheless have two basic options to gain entry. First, they can enter without inspection by evading the inspections process conducted at ports of entry by the Inspectors of CBP (Customs and Border Protection), an arm of the Department of Homeland Security). This can be done by running America’s northern or southern borders or by stowing away on a ship or otherwise entering illegally along America’s 95,000 miles of coastline.

Second, they can engage in immigration fraud by seeking to enter the U.S. by assuming a false identity

through the use of counterfeit or altered passports and travel documents, or by bribing a passport official of another country to provide them with an authentic passport that misrepresents their true identity because they know that their true identities or backgrounds would bar them from entering the U.S. This includes aliens with criminal histories who may also be fugitives from justice in other countries and/or aliens who are engaged in terrorism or are affiliated with terrorist organizations.

These individuals use immigration fraud to mask their true identities the same way that a chameleon uses changes in coloration in order to hide in plain sight.

Some aliens may not have criminal histories and are not known to law enforcement authorities or intelligence authorities, but intend to work illegally in the U.S. and misrepresent material facts when they apply for visas to enter the U.S., or when they are interviewed by a CBP inspector at a port of entry into the U.S.

Sometimes aliens will apply for a job that will enable them to get a visa to enter the U.S. As an INS agent in the late 1970s, I became aware of a large number of aliens from Jamaica and Panama who had been admitted into the U.S. on agricultural work visas to work in the orange groves of Florida and the apple orchards of upstate New York. Most of these aliens never reported for work on those farms, but simply used the visas they received as a means of entering the U.S.

I encountered and arrested many such illegal aliens when I worked with members of the NYPD to investigate a number of extremely violent drug posses that were operating in New York City trafficking in marijuana and cocaine. Most of the members of the posses were deportable aliens who had entered the U.S. through ports of entry with those agricultural work visas.

We found that some of these aliens had hooked up with a small number of Navy recruiters who were being pressured by their superiors to meet enlistment quotas. These recruiters entered into a criminal conspiracy to provide these illegal aliens with false identity documents so that they could enlist in the Navy and the Marine Corps.

Members of what was then the Office of Naval Intelligence, today known as Naval Investigative Service (NIS, now known as NCIS), joined in the investigation as did members of the Bureau of Alcohol, Tobacco and Firearms (ATF). Many of these aliens went AWOL after they completed tactical combat training, stole high-powered weapons, and subsequently used their military training to carry out a series of extremely violent, commando-style bank robberies throughout the New York City area.

We ultimately arrested a large number of these violent illegal aliens. Working closely with the NYPD, I helped bring federal criminal charges where appropri-

ate, while many of these thugs were simply charged in state court with murder, armed robbery, and other such crimes.

Meanwhile, the Naval Intelligence officers dealt with the recruiters for their crimes.

To tie up the last of the loose ends, I lodged detainees with the local prison officials to make certain that once these criminals were released from prison, they would be immediately taken into immigration custody to arrange for their deportation from the U.S.

Back then there was no question that such detainees would be honored — unlike today, where out of a bizarre concept of “compassion” such detainees would be blatantly ignored and criminal aliens would likely be released back into their communities, where they could continue their criminal “careers.”

This is why I am vehemently opposed to the enlistment of illegal aliens in our military. The notion of providing individuals whose true identities may not be verified with access to our military bases and tactical firearms training is the stuff of nightmares.

However, I suspect that, for all too many of our elected officials, our national security and public safety are not important.

The entry tactic of aliens obtaining work-related visas and then not reporting to their jobs is not limited to agricultural visas. Some aspiring illegal aliens enroll in schools, enter the U.S. with student visas, such and then fail to attend those schools.

Additionally, there are various criminal enterprises that can conspire with aliens who seek to enter the U.S. by creating the illusion that they have a job offer. These criminal enterprises may then submit visa applications for aliens to enable them to enter the U.S. with a visa to which they would not have been entitled if all of the facts were known.

ICE disclosed that a New York City attorney was sentenced to five years for operating such a fraud scheme. What is significant is that this attorney, Earl Seth David, operated his fraud scheme for many years, and reportedly at least 25,000 aliens availed themselves of his “services” to acquire legal status by committing fraud. When his law license was suspended in 2004, he continued to practice law, and apparently applications filed by his law firm continued to be processed by immigration authorities.

If this doesn't provide sufficient evidence of massive incompetence by ICE, consider that, according to its own press release, in 2006 David fled to Canada when he found out his law firm was under criminal investigation, and was able to continue to receive funds from his fraud scheme in Canada.

Furthermore, while being convicted of a serious felony, he committed multiple felonies involving many

sections of law that involve massive criminal conspiracies, corruption of government officials, and the use of a highly sophisticated set of schemes. His punishment was minor considering the major crimes he committed and the impact that those crimes continue to have. Consider that there were apparently no efforts to identify the tens of thousands of aliens who may now be “legally” residing in the U.S. thanks to his work. By not seeking to arrest these many thousands of alien clients, the government once again failed to deter aliens from engaging in fraud.

### FOREIGN STUDENTS POSE DANGER

Aliens who enter the U.S. with student visas may also pose a serious threat to national security. For years I have been warning about the danger of educating our adversaries. What is the point of educating “Engineers of Jihad” at U.S. universities? The legal immigration system allowed al-Qaeda-linked terrorists to attend American colleges and roam free among us.

Sometimes bogus schools provide the appropriate documentation to enable aliens to enter the U.S. as students, where the schools are actually “mills” that crank out the appropriate paperwork, for a fee. These “schools” may not even exist in a physical building.

The problem is that currently more than 9,000 schools are authorized to file the appropriate applications for foreign students. Some of these schools teach hair dressing, woodworking, and pet grooming.

Certainly there is nothing wrong with running a training facility to teach any skill, but the likelihood that someone, especially from a Third World country, would travel half-way around the world and pay hefty tuition fees to learn to groom pets is highly suspect, at best. Yet the lack of personnel at ICE to conduct these essential investigations makes it easy for some of these bogus schools to operate for many years before they are detected — if, in fact, they ever are determined to be bogus.

In fact, the lack of integrity to the foreign student program depends on foreign student advisors, employed by the schools, to keep track of foreign students and notify immigration authorities if students fail to attend their schools or to maintain a passing grade level. In the case of legitimate schools, this generally does not pose a problem. The foreign student advisors of these schools generally dutifully report foreign students who fail to maintain their status as students.

However, when the school exists simply to produce applications to be used by foreign students, the “wolf is truly guarding the hen house!”

In any event, when foreign students go missing, the lack of ICE agents means that when these aliens play the game of “hide-and-seek,” they hide, and ICE has no one available to seek them.

In 2014, ABC News aired “Lost in America: Visa Program Struggles to ‘Track Missing Foreign Students.’” The segment noted,

The Department of Homeland Security has lost track of more than 6,000 foreign nationals who entered the U.S. on student visas, overstayed their welcome, and essentially vanished — exploiting a security gap that was supposed to be fixed after the Sept. 11, 2001 terror attacks.

“My greatest concern is that they could be doing anything,” said Peter Edge, the U.S. Immigration and Customs Enforcement official who oversees investigations into visa violators. “Some of them could be here to do us harm.”

ABC News found that immigration officials have struggled to keep track of the rapidly increasing numbers of foreign students coming to the U.S. — now in excess of one million each year. The immigration agency’s own figures show that 58,000 students overstayed their visas in the past year. Of those, 6,000 were referred to agents for follow-up because they were determined to be of heightened concern.

“They just disappear,” said Sen. Tom Coburn, (R-OK), “They get the visas and they disappear.”

Coburn said since the Sept. 11, 2001 terror attacks, 26 student visa holders have been arrested in the U.S. on terror-related charges.

Tightening up the student visa program was one of the major recommendations made by the 9/11 Commission, after it was determined that the hijacker who flew Flight 77 into the Pentagon, Hani Hanjour, had entered the U.S. on a student visa but never showed up for school.

Despite repeated concerns raised by Congress, federal immigration officials have also continued to grant schools certification to accept overseas applicants even if the schools lack accreditation, state certification, or any obvious measure of academic rigor.

There are now more than 9,000 schools on the government approved list. The list includes such top-flight American colleges as Harvard and Yale, but it also includes 86 beauty schools, 36 massage schools, and nine schools that teach horseshoeing. Foreign students can

enter the U.S. on a visa to study acupuncture, hair braiding, or join academies that focus on tennis and golf.

Once the student arrives in the U.S., it is up to the schools to keep track of the visa-holder's whereabouts — and report to the government if they repeatedly miss class.

That is a serious concern, Coburn said, because a number of for-profit schools appear to have been operating with a primary goal of selling visas, not educating students.

Once in the U.S., aliens who had been admitted as nonimmigrants, that is to say, for a temporary period of time, may decide, for whatever reason, to remain permanently in the U.S. In point of fact, they may have entered the U.S. initially planning to not leave when required, and entered with the intentions of not only remaining in violation of their authorized period of admission, but working in violation of our immigration laws.

These arriving foreign visitors lied when they were interviewed to the CBP inspector at the airport or other port of entry when they entered the U.S., when they answered questions about their purposes for entering the U.S. and the length of time they planned to stay. They may well have completed the charade by providing the inspector with a return airlines reservation for a flight they had no intentions of taking. That ticket was provided simply to convince the inspector at the port of entry that the alien would be leaving when he said he would.

Furthermore, if the inspector decided to hold the alien for an exclusion hearing by an Immigration Judge, that ticket would likely convince the judge of the sincerity of the alien.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 contained many provisions to bolster the enforcement of our immigration laws. One of the provisions was the requirement that a biometric system be created that would track the arrival and departure of aliens, to know when nonimmigrant aliens who were admitted for a temporary period failed to depart from the U.S. when they were supposed to.

It is important to note that there are other ways that aliens may also violate the terms of their admission into the U.S. For example, aliens who are admitted as tourists must not be gainfully employed. When aliens accept such illegal employment, they become deportable (removable). Aliens who are admitted to attend schools and then fail to attend those schools are similarly removable for violating their immigration status, as are aliens who are admitted to work in the U.S. and fail to go to their authorized jobs. The point is that aliens may violate their terms of admission even before they overstay their authorized period of admission.

## CURSORY INSPECTION PROCESS

CBP inspectors have a minute or two to do the most cursory of interviews of people seeking U.S. entry. The first issue is to make certain that the applicants for admission are who they claim they are. The next task is to separate aliens from citizens. Citizens may never, under any circumstances, be denied entry into the U.S. Aliens, on the other hand, must provide evidence that they are not on any watch lists that screen for terrorists, criminals, and others whose presence, under our immigration laws, would be harmful to the U.S. or its citizens. Aliens must prove they have the financial wherewithal to not be likely to work in the U.S. in violation of the law. Aliens who seek to deceive the CBP officials may have “show money,” which is the term we used to describe a wad of bills that do not belong to the alien presenting them, but will be given back to the person or organization that lent it to them to provide (false) evidence of financial self-sufficiency to pay for expenses in the U.S.

Aliens are supposed to provide an address in the U.S., but when aliens seek to tour across the country, often those addresses are less than worthless.

The Office of Biometric Identity Management (OBIM) supports the DHS's responsibility to protect the nation by providing biometric identification services that help federal, state, and local government decision makers to accurately identify the people they encounter and determine whether those people pose a risk to the U.S. OBIM supplies the technology for collecting and storing biometric data, provides analysis, updates its watchlist, and ensures the integrity of the data. OBIM was created in March 2013, replacing the U.S. Visitor and Immigration Status Indicator Technology (US-VISIT) program. OBIM is part of the National Protection and Programs Directorate. The DHS website makes it clear that this program is vital for our nation and our citizens, yet it is still not fully implemented.

Once again, the abject lack of ICE agents guarantees that nothing can or will be done to track down and arrest these illegal aliens who, although they did not evade the Border Patrol, defrauded the visa process and the inspections process conducted at ports of entry by CBP. Stop and think about the lack of agents to arrest illegal aliens. Simply *tracking* illegal aliens is absurd because those aliens are not arrested and deported (removed).

Simply tracking aliens who violate our laws makes as much sense as the BATF agents who, under the auspices of “Operation Fast and Furious,” provided guns to Mexican drug traffickers and then *tracked* the guns as they disappeared across the border into Mexico.

Could you imagine a police officer telling his/her superiors that he/she had encountered a criminal com-

mitting a crime and simply tracked that thug to determine where he went after he mugged someone, and then wrote a report about how many crimes the crook may have committed?

Yet when illegal aliens violate our borders and our immigration laws, our wonderful members of Congress and the Obama administration, as administrations before had done, make a big deal about *tracking* aliens who violate our laws. They have done nothing to arrest them and seek their prosecution for crimes and ultimately their removal (deportation) from the U.S. Agents of Immigration and Customs *Enforcement* work for a division of the Department of Homeland *Security*. How secure is our nation when an agency that is charged with securing our nation is content to spend billions of dollars to sort of *track* law violators?

### MARRIAGE FRAUD

Some aliens may enter into sham marriages where they marry an American citizen or lawful immigrant who then files an application on their behalf. They don't live with their spouse and their spouse may be paid money for this business arrangement.

This constitutes a serious crime, notwithstanding that this sort of arrangement has been portrayed in a number of romantic comedy films as a sort of light-hearted adventure. Such marriage fraud is seldom detected and even less frequently prosecuted.

The 9/11 Commission Staff Report on Terrorist Travel (2004) took a radically different view of immigration and marriage fraud. They most certainly did not see it as a laughing matter.

This paragraph is found on page 98 of that official government report under the title "*Immigration Benefits*":

Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the U.S. if their operational plans were to come to fruition. As already discussed, this could be accomplished legally by marrying an American citizen, achieving temporary worker status, or applying for asylum after entering. In many cases, the act of filing for an immigration benefit sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the U.S., acquire necessary materials, and execute an attack.

In fact, marriage fraud had a nexus with the deadly terror attack in San Bernardino, California. On December 2, 2015, Tashfeen Malik and Syed Farook carried

out a terror attack in San Bernardino that left 14 dead and 22 wounded. The guns the terrorists used are alleged to have been provided by Enrique Marquez.

On December 3, less than 24 hours after that horrific attack, Enrique Marquez was scheduled to be interviewed at the San Bernardino offices of USCIS (U.S. Citizenship and Immigration Services) in conjunction with the application for lawful immigrant status he had filed on behalf of his Russian wife, Mariya Chernykh. Consequently, five special agents of Homeland Security Investigations (HSI), a division of ICE (Immigration and Customs Enforcement), operating in conjunction with the Joint Terrorism Task Force, went to the office of U.S. Citizenship and Immigration Services (USCIS) hoping to locate Marquez, not only because of his allegedly providing assistance to the two terrorists who had carried out the deadly attack one day earlier, but because of concerns that he might have information or, in fact, be connected to upcoming attacks. Time was vital because of the concern that more terrorists might carry out still more murders.

Incredibly, the ICE agents were prevented from entering the USCIS office by the manager of that office, Irene Martin. It must be pointed out that both ICE and USCIS are agencies that operate under the aegis of the DHS (Department of Homeland Security).

### 'VIOLENCE AGAINST WOMEN ACT' OPEN TO FRAUD

The notion of providing the spouses of U.S. citizens and lawful immigrants with lawful immigrant status was to provide an important service to Americans and lawful immigrants to enable them to marry foreign nationals and bring them to the U.S. so that they could live together in matrimony. At some point politicians decided that it was important to facilitate the entry of aliens into the U.S. These politicians raised concerns that some unscrupulous Americans might abuse their spouses and hold lawful immigrant status over their heads so that these aliens would be intimidated into not complaining that they were being abused by their American husbands.

Under an innocuous-sounding law they created, the Violence Against Women Act (VAWA) of 1994, any alien spouse could self-petition for lawful immigrant status if, after marrying an American, they filed a criminal complaint against their spouse. It is important to know that it is not uncommon for a foreign national to dupe an American into marrying them so that they could acquire lawful immigrant status and the Alien Registration Receipt Card (also known as the "Green Card") that signifies that they have been granted lawful immigrant status.

In these instances, hapless Americans marry a citizen of a foreign country, and for several months they



believe that they have been fortunate in marrying the “girl of their dreams.” (It could also involve the American woman who marries the “man of her dreams.”) However, once the petition for resident alien status is filed and the alien spouse is issued a Green Card, their loving spouse suddenly undergoes a radical change in behavior. Their once loving spouse refuses to sleep with them and otherwise makes it clear that they really don’t want to remain with their American husband/wife. For such aliens, their marriage was a scam, done to enable them to remain legally in the U.S.

If the American who was duped can provide evidence that their alien spouse had duped them, although it might be difficult, an investigation could provide the evidence that the alien had conned the American and could be stripped of lawful immigrant status. However, under VAWA, a truly unscrupulous alien can now claim to have been assaulted by his/her citizen spouse and be granted lawful immigrant status even if the American seeks to withdraw his/her petition. This incentivizes aliens who engage in such duplicitous conduct to falsify claims to have been assaulted by their spouse. The spouse may face a jail sentence while the alien gets to remain in the country permanently. This situation is the result of making the needs of aliens more important than the needs of American citizens. When politicians dare suggest that the law needs to be modified, they are accused of not being compassionate to abused women. Actually, nothing could be further from the truth.

### ASYLUM FRAUD

Sometimes aliens may make a claim of “credible fear” that they cannot return to their home country because they would face persecution, or worse, if they returned, thereby filing an application for political asylum.

The Tsarnaev brothers who participated in the deadly terror attack at the Boston Marathon on April 15, 2013, had, along with their other family members, successfully applied for political asylum, claiming that they could not return to their native Russia. Shortly after being granted political asylum, they voluntarily flew back to Russia. Obviously they had lied, but nevertheless they not only did not lose their immigration status or face punishment for their fraudulent claim, they were subsequently provided with lawful immigrant status. One of the brothers became a naturalized citizen prior to carrying out that attack.

Ramzi Yousef, one of the leaders of the deadly 1993 bombing of the World Trade Center that killed six innocent victims, injured more than one thousand people, and inflicted roughly one-half billion dollars in damages to that major New York City landmark, which occupied a prominent place in the lower Manhattan skyline, attempted to enter the U.S. in 1992 with a false passport under a false alias. He was detained by immi-

gration inspectors at John F. Kennedy International Airport and then, after he claimed “political asylum,” was ultimately released from INS custody, purportedly because of overcrowding in the detention facility. His release enabled him to lead the bombing of the World Trade Center a year later.

On December 11, 1994, nearly two years after the bombing of the World Trade Center, Yousef also planted a bomb on Philippine Airlines Flight 434 that killed one passenger and nearly brought that packed Boeing 747 airliner down. He was a key player in what came to be known as the Bojinka plot, which had it been carried out, would have blown multiple U.S. airliners out of the sky on the same day.

Although he fled the U.S., he was subsequently arrested by Pakistani and U.S. officials and extradited back to the U.S. to stand trial. He is currently serving two life sentences.

Two deadly terror attacks were carried out in the U.S. in 1993 by radical Islamist terrorists who entered the U.S. through ports of entry, either by committing visa fraud or by using counterfeit or altered passports. In a number of instances, they had successfully applied for immigration benefits, such as acquiring political asylum or amnesty through the Special Agricultural Worker (SAW) provisions of the 1986 Amnesty program, which were an intrinsic element of the Immigration Reform and Control Act (IRCA) of 1986.

On January 25, 1993, a citizen of Pakistan, Mir Amal Kansi, stopped a borrowed station wagon at a traffic light at the entrance to the CIA complex in Virginia, emerged from his vehicle, and fired his AK-47 into the vehicles of CIA employees reporting for work that winter morning. When the smoke cleared, two CIA officers were dead and three others were wounded. After his deadly attack, Kansi fled the U.S. but was subsequently captured in Pakistan by American law enforcement agents.

It is worth noting that Kansi’s strategy of fleeing the U.S. after the attack is a tactic often employed by alien terrorists and criminals to evade U.S. law enforcement authorities. These foreign nationals have a sort of “trap door” they can escape through, and all too often, this tactic is successful. In the case of Kansi, however, because of the nature of his crimes, our government took the extraordinary measures of tracking him down and returning him to the U.S. Many other such individuals have been successful in fleeing from the U.S. and never facing justice, and hence never having to pay for their crimes.

Just one month later, on February 26, 1993, a bomb-laden truck was parked in the garage under the World Trade Center complex and detonated. Ramzi Yousef, whose background and involvement in this and

other attacks were noted previously, was one of the perpetrators.

That attack too was carried out by alien terrorists who managed to not only game the visa process in order to enter the U.S. and get past the inspections process at ports of entry, but game the immigration benefits program as well. This enabled them to remain in the U.S. and embed themselves as they went about their preparations to attack the U.S. and cause massive casualties. Aliens had to have found a way to enter the U.S. and then manage to hide in plain sight as they went about their deadly preparations. Yet the former INS faced no pressures to change the way that this important agency carried out its multiple missions.

On September 11, 2001, the very same failures of the immigration system enabled the most horrific and massive terror attack to be conducted on U.S. soil.

Still, today, the mission of enforcing our immigration laws from within the interior of the U.S. has not only been ignored, but was savaged by the Obama administration. Hillary Clinton promised that she would increase the number of Syrian refugees being admitted into the U.S. by 500 percent and would provide a massive amnesty program.

Indeed, she repeatedly charged that the Obama administration had actually been far too aggressive in enforcing our immigration laws.

### **VISAS GIVEN TO CITIZENS OF TERRORIST-SUPPORTING COUNTRIES**

The Trump administration has been under fire for trying to limit the entry into the U.S. of citizens from countries that have a record of supporting terrorism. How many of Trump's vocal critics know that as far back as February 24, 1998, the Senate Subcommittee on Technology, Terrorism, and Government Information of the Committee on the Judiciary, held a hearing on "Foreign Terrorists in America: Five Years After the World Trade Center." Their report discloses how foreign students who were citizens of countries associated with terrorism, including Iran, Pakistan, and Iraq, were studying various science disciplines that could have trained them to carry out biological or nuclear attacks on the U.S.

Even Sen. Diane Feinstein (D-CA) was alarmed. In her prepared statement she suggested that aliens from countries that sponsor terrorism should not, perhaps, be granted visas to enter the U.S.:

There are also a number of glaring loopholes in our immigration laws.

I have some reservation regarding the practice of issuing visas to terrorist-supporting countries and INS' inability to track those who come into the country either using a

student visa or using fraudulent documents through the Visa Waiver Pilot Program.

The *Richmond Times* recently reported that the mastermind of Saddam Hussein's germ warfare arsenal, Rihab Taha, studied in England on a student visa. And England is one of the participating countries in the Visa Waiver Pilot Program, which means, if she could have gotten a fraudulent passport, she could have come and gone without a visa in the U.S.

The article also says, regarding Rihab Taha, also known as "Dr. Germ," that her professors at the University of East Anglia in Norwich, England, speculate that she may have been sent to the West specifically to gain knowledge on biological weaponry.

What is even more disturbing is that this is happening in our own backyard.

The *Washington Post* reported on October 31, 1991, that UN weapons inspectors in Iraq discovered documents detailing an Iraqi Government strategy to send students to the U.S. and other countries to specifically study nuclear-related subjects to develop their own program. Samir al-Araji was one of the students who received his doctorate in nuclear engineering from Michigan State University. He eventually returned to Iraq to head its nuclear weapons program.

The Washington Institute for Near Eastern Policy found in September 1997 that many terrorist-supporting states are sending their students to the U.S. to get training in chemistry, physics, and engineering, which could potentially contribute to their home country's missile and nuclear, biological, and chemical weapons programs.

Yet the State Department often does not do in-depth background checks on the students, and once they are in the U.S., the INS has no ability to track the students to make certain they actually study the subjects they claim to study and to attend the schools they said they would attend.

Between 1991 and 1996, the State Department has issued about 9,700 student visas to students from terrorist-supporting states such as Iran, Iraq, Libya, Sudan, and Syria to attend undergraduate and graduate studies in the U.S.

Additionally, a survey done by the Institute of International Education indicates that most students from terrorist-supporting countries major in the sciences, and the percentages: 71 percent from Iran; 65 percent, Iraq; 47 percent, Libya; 53 percent, Sudan; 68 percent, Syria.

Currently, the State Department does not do any special background checks for students coming from Syria or Sudan. An intermediate background check is required for Iranian students and a more extensive check for Iraqi students.

The defendants in the World Trade Center bombing are also an example of those coming in through nonimmigrant or employment-based visas or abusing our political asylum process and then committing crimes.

For instance, Nidal Ayyad, one of the defendants in this case, used his position as a chemical engineer for Allied Signal to obtain the chemicals used in the 1993 World Trade Center bombing.

There is Gazi Abu Mezer, who was arrested in a suspected terrorist plot to detonate bombs in Brooklyn last year. He came in illegally across the Canadian border to Washington State and attempted to seek asylum, but withdrew his application and agreed to leave the country. Once he was released on voluntary departure, he fled Washington to Brooklyn, New York, where he was arrested for plotting suicide-bomb attacks in Brooklyn.

After the 1993 World Trade Center bombing, FBI Director Louis Freeh sent a memo to the Deputy Attorney General on September 26, 1994, and made the recommendation that the State Department needed to establish a uniform system of communication on visa denials and that the Visa Waiver Pilot Program could be used by terrorists holding fraudulent documents and that asylum procedures and student visas can be abused by people trying to get into the country.

The INS then formed a Task Force on Foreign Student Controls in 1995, in response to Freeh's memo, and found that INS had no ability to track the students in the U.S., that INS had no idea if the students leave, drop out, transfer, interrupt their education, violate their status, or commit crimes.

Mr. Chairman, under the 1996 Immigration Act, Congress requires the INS to create a pilot project to track information on foreign students — where they are, what they are studying, if they commit any crimes, and if they are studying the subjects they planned to study. The act requires INS to submit a report by 2001. The act also tightens up the asylum process by making it harder for aliens to claim asylum fraudulently, and section 110 of the Immigration Act requires an entry/exit system at all ports of entry by September 1998.

However, I cannot stress enough the importance of having the ability to track international students, particularly those from terrorist-supporting countries and having an entry/exit system ability so we know who is coming in and out of the country.

I also believe we need to re-evaluate the Visa Waiver Pilot Program as is. In fact, without additional controls to screen out those traveling from terrorist-supporting states, the Visa Waiver Pilot Program would make us vulnerable to allowing aliens from terrorist countries to enter without any detection.

Nearly twenty years later, although the Visa Waiver Program was identified as posing a threat to national security, it was not only permitted to remain in place but has continually been expanded.

A system to track foreign students was implemented. But simply tracking foreign students does little good if they are not arrested and removed from the U.S. when they fail to maintain their status as students. This is not a hard concept to understand.

Yet, as I noted earlier in this article, as of 2014, immigration officials have struggled to keep track of the rapidly increasing numbers of foreign students coming to the U.S. — now in excess of one million each year. The immigration agency's own figures show that 58,000 students overstayed their visas in the past year. Of those, 6,000 were referred to agents for follow-up because they were determined to be of heightened concern.

When someone calls 911 for police, an ambulance, or for firefighters to put out a blaze, simply tracking those emergencies would achieve nothing. It is expected that when such emergencies occur there will be an adequate number of emergency personnel who are appropriately equipped and trained who will swiftly respond to effectively address the emergency.

Likewise, simply knowing that there are illegal aliens present in the U.S. does nothing to actually bring those persons into custody and seek their removal from the U.S. When there is no law enforcement response to

violations of laws, these present a threat to our safety. The message to aliens contemplating illegally entering the U.S., and the terrorists and criminals among them, is clear — violations of the immigration laws are of no consequence. This creates an incentive for aliens to violate our immigration laws, secure in the knowledge that there will be no adverse consequences for committing those violations of law.

When our elected officials make it clear that no matter how aliens may have entered the U.S., we simply will not deport them but instead will provide them all with lawful status, then we really need to ask why the federal government bothers with a legal entry system for foreign visitors.

Most terrorists have been able to game the background check by providing false identity documents. Other aliens simply decide to not leave the U.S., confident that with the all but nonexistent enforcement of our immigration laws within the interior of the country, no one will look for them. They may purchase a stolen identity or assume a fabricated identity to hide in plain sight.

Yet nothing has ever been done to instill integrity in these processes. The lack of integrity in the various categories of our immigration system simple mirrors the lack of integrity where our elected “representatives” are concerned.

**DANGERS IN CURRENT LEGALIZATION PROPOSALS**

The legalization programs that leaders of both the

Democratic and Republican parties tout as a supposedly “commonsense solution” to dealing with millions of illegal aliens who are too numerous to all be deported, would provide terror organizations and transnational gangs with unparalleled opportunities to enable their operatives to enter the U.S. and embed themselves in American communities. This could lead to the greatest invasion any country has ever witnessed, and it would have been orchestrated and facilitated by the political leaders of our own nation.

The Reagan Administration claimed that the amnesty program that was part and parcel of the Immigration Reform and Control Act (IRCA) of 1986 would enable roughly one million illegal aliens to emerge from the “shadows.” In reality, when the bureaucratic dust settled, nearly four million illegal aliens had availed themselves of the opportunity to gain legal status.

Today our official, optimistic claim is that there are about 12 million illegal aliens living in the U.S. If the same ratio of undercounting and/or underestimating the actual numbers continues as it did in 1986, the actual number of such aliens who would have to be processed would exceed 40 million.

To reassure Americans that it is in America’s best interests to get millions of illegal aliens out of the shadows, politicians tout the fact that every alien would have to undergo a “background check.”

“Background checks” cannot and must not be equated with “background investigations.”

A background check simply involves running a



President Ronald Reagan shakes hands with Rep. Romano Mazzoli (D-KY) after signing the Immigration Reform and Control Act (IRCA) on November 6, 1986. The law’s co-sponsor, U.S. Sen. Alan K. Simpson (R-WY), is standing behind Rep. Mazzoli.

name and a set of fingerprints through a series of databases. Contrary to what many people may believe, fingerprints do not always identify the person who is fingerprinted and may not disclose his/her true background or criminal or terrorist history. This is especially true for aliens from Third World countries, where there may not be any fingerprints available for comparison. A person whose fingerprints are not on file and who uses a false name will almost invariably beat this system.

A “background investigation” is an entirely different process. It requires that investigators interview people in the field. This would include neighbors of the subject of the inquiry, along with family members and friends as well as colleagues at work. Such an investigation may also include surveilling the subject, reviewing his/her bank records, phone records, and other such documentation. This is a time-consuming and costly process.

There would be no way to interview these millions of aliens and hence no way to conduct any field investigations to verify any information contained in their applications. No way to know who they are, no way to know anything about their possible connections to criminal or terrorist organizations. There would be no way to know when they actually entered the country.

Establishing a cutoff date of arrival to determine eligibility of these aliens would simply be a charade. When illegal aliens evade the inspections process, no record of their entry is created. These aliens would simply have to make certain to have *claimed* to have entered the U.S. prior to whatever that cutoff date is.

Only aliens who wanted to emerge from the “shadows” would do so. Aliens who know that their fingerprints would disclose that they are the subjects of criminal arrest warrants or know that they would be identifiable as belonging to criminal or terrorist organizations would, without fear, be able to continue to reside in those shadows. Meanwhile that massive legalization program would tie up immigration personnel at DHS for years to come.

Additionally, this would also mean that aliens who have done everything they were supposed to in order to comply with our laws would likely find that they would have to endure many years of waiting for their applications to be adjudicated.

Finally, each and every one of these newly legalized aliens would have the right to immediately apply to have their spouses and minor children lawfully admit-

ted into the U.S. to join them here. This could result in millions of children suddenly being enrolled in public schools in towns and cities across the U.S.

Aliens have been easily able to game the visa process, the inspections process conducted at ports of entry, and the immigration benefits program to acquire lawful status. Most of the time aliens have done this to be able to work in the U.S. While not a violent crime, these aliens are, nevertheless, displacing American workers and driving down wages.

However, as the 9/11 Commission discovered and as has been disclosed at a series of Congressional oversight hearings, terrorists have also committed fraud to gain entry to the U.S. and then embed themselves. Yet most of our politicians, including the mayors and governors of “Sanctuary” cities and states, blithely ignore the damage being done to Americans who are losing their livelihoods and, all too often, their lives, to aliens who are violating our laws and our borders.

For these politicians, the harm being done to Americans is “collateral damage,” or, as the father of a young man who was killed in lower Manhattan on September 11, 2001, during the terror attacks, “the cost of doing business.” Our politicians are arguably conducting the biggest con game in the history of our nation.

The multiple failures of the immigration system have never been addressed and are not likely to be addressed any time soon with the current crop of political “leaders” from both political parties. Wanting campaign contributions, politicians have made placating the U.S. Chamber of Commerce their chief aim. The Chamber represents the interests of corporations from a broad swath of businesses that want an unlimited supply of cheap and compliant labor for bottom-rung economic jobs all the way up to high-tech jobs that employ STEM (Science, Technology, Engineering, and Mathematics) professionals.

Corporations that depend on tourism want an unlimited supply of foreign tourists to spend their money in the U.S., and schools want an unlimited supply of foreign students.

Today the U.S. Chamber of Commerce and its ultra-deep-pocketed allies and associates from Silicon Valley to Wall Street are truly getting “the best government money can buy.”

Meanwhile, Americans are losing their livelihoods and their lives. *That* is the truth. ■