



THE AMERICAN LEGION **POLICY ON ILLEGAL IMMIGRATION**



**A STRATEGY TO ADDRESS ILLEGAL IMMIGRATION
IN THE UNITED STATES**

The American Legion is opposed to any person or persons being in this country illegally, regardless of race, sex, creed, color or national origin. We believe the current laws governing immigration should be enforced impartially and equally.

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This booklet is not intended to be a technical manual or an extensive compendium on the many aspects of illegal immigration. The items brought out in this brief review reflect, in the opinion of The American Legion, the more recurring concerns raised in debate on the issues of illegal immigration, whether the debate be within the halls of Congress or among the American people.

INTRODUCTION

The American Legion members have served in the U.S. Armed Forces throughout the world so that Americans can feel safe at home. They have seen Third World countries. They have seen poverty, political instability, disease and war. The sacrifices they have made give them a perspective on national security issues that many Americans do not have. And, today, they see the threat that open borders present to their homeland.

Legionnaires subscribe to a creed, “To uphold and defend the Constitution of the United States of America; to maintain law and order and to foster and perpetuate a 100 percent Americanism.” These words are recited in unison at Legion meetings and represent a continuing contract of service to benefit America and it is this commitment by Legionnaires that is the fuel for action on illegal immigration and other national security concerns facing this country.

The American Legion has been a leader in mentoring candidates for U.S. citizenship, dating back to the beginning of the organization. Working closely with the U.S. federal courts, it conducted naturalization schools throughout the country, teaching immigrants how to become proficient in the English language and about lessons in U.S. history and about government. The Legion helped the new citizens become contributing members of our society.

Today, the American public is splintered on how to deal with illegal immigration. Solutions come from the far left to the far right — from strict enforcement to general amnesty — from fraternal and religious organizations, immigration reform groups and government agencies. How to address illegal immigration is driven by economic, national security and humanitarian concerns. Differences are so vast that it is unlikely any congressional immigration reform package will meet with widespread approval from the increasingly frustrated populace.

Recognizing the magnitude of the issue and with the best interests of the country in mind, The American Legion offers its assessment of the situation and a general plan on how to deal with the illegal immigration problems in the United States.

SITUATION ANALYSIS

The security, economy and social fabric of the United States of America is seriously threatened by individuals who are illegally in this country. They are undocumented, live in the shadows of society and by failing to assimilate into our culture divide America into ethnic enclaves. The words “undocumented” and “illegal” are synonymous and describe those immigrants who: 1) enter illegally across our nation’s borders; and 2) those who enter legally and illegally overstay their visas.

The number of illegal immigrants currently in the United States is uncertain. Estimates range from 11 million (Pew Hispanic Research Center, 2005), to 10 to 12 million (Federation for American Immigration Reform, 2005), up to 20 million (Bear Stearns Report, January 2005). It is also not known just who these people are, exactly where they came from or what their intentions might be.

There are many proposals to reform the nation’s immigration laws, ranging from strict enforcement provisions to an across-the-board amnesty. The two sides, however, are miles apart and it is unlikely that any solution will be fully acceptable to all concerned.

The American Legion, a war-time veterans organization of 2.6 million members, supports an immigration policy that eliminates social, economic and population problems resulting from illegal immigration. But above all, the Legion views illegal immigration as a national security issue in its truest sense. It urges Congress to act responsibly in addressing the issue by accepting its responsibility as outlined in the U.S. Constitution. That is, “to provide for the common defense,” and, most importantly, to provide for the safety of the citizens of this country.

Illegal immigration is a violation of the law. Title 8, Section 1325 of the U.S. Code – Improper Entry by Alien, states:

Any alien who:

- 1) *enters or attempts to enter the United States at any time or place other than as designated by immigration officers; or*
- 2) *eludes examination or inspection by immigration officers; or*
- 3) *attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a ma-*

terial fact shall be fined or imprisoned for up to six months. Repeat offenders may be fined or imprisoned for up to two years, or both.

The U.S. Code also addresses those groups and individuals who assist aliens in illegally entering or residing in the United States. Summarizing the law against hiring or harboring illegal aliens, the Federation for American Immigration Reform [FAIR]¹, notes:

A person (including a group of persons, business, organization, or local government) commits a federal felony when he:

- *Assists an alien s/he should reasonably know is illegally in the U.S. or who lacks employment authorization, by transporting, sheltering, or assisting him or her to obtain employment, or*
- *Encourages that alien to remain in the U.S. by referring him or her to an employer or by acting as employer or agent for an employer in any way, or*
- *Knowingly assists illegal aliens due to personal convictions.*

Penalties upon conviction include criminal fines, imprisonment, and forfeiture of vehicles and real property used to commit the crime.

Anyone employing or contracting with an illegal alien without verifying his work authorization status is guilty of a misdemeanor.

The code is clear and to the point. So, what's the problem? In a word: enforcement. It is a law that is on the books, but is not widely imposed.

Illegal immigration is not a victimless crime. The poor, minorities, children and individuals with little education are particularly vulnerable. It causes an enormous drain on public services, depresses wages of American workers, and contributes to population growth that, in turn, contributes to school overcrowding and housing shortages. Directly and indirectly, U.S. taxpayers are paying for illegal immigration.

The costs of illegal immigration in terms of government expenditures for education, criminal justice, and medical care in California alone are significant, "costing the state's taxpayers more than \$10.5 billion per year," according to the Federation for American Immigration Reform². Whereas states must pay the high cost of providing such services, illegal immigration has become one of the largest "unfunded" federal mandates.

Although many of the largest costs are at the state and local level, there

are also significant costs at the federal level. According to a report by the Center for Immigration Studies³ the average illegal alien household in 2003 paid approximately \$4,200 in federal taxes while, on average, created \$7,000 in costs at the federal level. Even though federal laws require public assistance agencies to verify that a recipient of services is in this country legally, some agencies fail to verify that eligibility.

Overstays

There is within the illegal alien population, a large segment that is often overlooked and under reported. With government attention and the media spotlight on our southern border, it would seem that the illegal alien problem is centered there. It isn't. The illegal population now in the United States is near equally split between those who evaded detection on entry and those who entered legally, but remained long after their legal status expired. They are referred to as "overstays," and they are then residing in the U.S. illegally.

Legal entry by various modes of travel allows access through seaports, airports and border crossings north and south. In effect, our front door is wide open to the world with entry monitored by government. But the inability of government to oversee the outflow and account for those who remain beyond their allotted time, feeds the growth of the illegal population.

According to a May 2006 Congressional Research Report [CRS] to Congress⁴, "It is estimated that each year hundreds of thousands of foreign nationals overstay their non-immigrant visas or enter the country illegally (with fraudulent documents or bypassing immigration inspections). The most recent published estimate based upon the March Supplement of the Current Population Survey (CPS) is that 11.1 million unauthorized aliens were residing in the United States in 2005. Reliable estimates of the number of non-immigrant overstays are not available, and sample estimates range from 31 percent to 57 percent of the unauthorized population (depending on methodology)."

In their May 2006 study "Modes of Entry for the Unauthorized Migrant Population," the Pew Hispanic Center⁵ reported that as much as 45 percent of the 11.5 million to 12 million illegal aliens they estimate to be in the United States came legally. The rest, "somewhat more than half," entered illegally.

Crime and Terrorism

Lax enforcement of immigration laws has invited the criminal element to our society. Alien gangs operate in most, if not all, major U.S. cities. Human and drug smuggling operations are numerous along our southern border.

The Department of Homeland Security in its report, “Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens,”⁶ states: “Immigration and Customs Enforcement (ICE) extrapolated from various sources and estimates that about 300,000 to 450,000 criminal aliens who are potentially removable are detained each year at federal, state and local prisons and jails.”

The vulnerability of this country to acts of terrorism because of our porous borders and lack of enforcement of immigration laws has most Americans concerned, and rightfully so. Last year, thousands of illegal immigrants were apprehended entering the United States from countries with known terrorist connections. These countries included Afghanistan, Angola, Jordan, Pakistan and Yemen. It was reported by *The Christian Science Monitor* that 44,000 OTMs (Other Than Mexicans), most of which are from Central America, entered the United States illegally in 2004.

The chaotic situation in Mexico makes lax border enforcement a national security threat. At least two major rings have been uncovered, which smuggled Middle Easterners into the United States via Mexico. In 2001, Iraqi-born smuggler George Tajirian pled guilty to forging an alliance with a Mexican immigration officer, Angel Molina Paramo, to smuggling 1,000 Palestinian, Jordanian, Syrian, Iraqi, Yemeni, and other illegals into the country from Mexico.⁷ Until his arrest in 2002, Salim Boughader Mucharrafille, who ran a café in Tijuana, Mexico, also smuggled Lebanese illegal immigrants into the United States.⁸

In 2005, U.S. Representative Silvestre Reyes (TX) said in a news release issued from his office, “This year alone, more than 75,000 immigrants from countries other than Mexico have illegally crossed the U.S.-Mexico border, with approximately 36,500 crossing in the Border Patrol’s Rio Grande sector. This is a 226 percent increase from the same time period in 2004.”

In March 2007, *The Washington Times* reported that violence along the U.S.-Mexico border has increased in what it reported was “an unprecedented surge.” Mexican gangs operating along the border are reportedly arming themselves with assault rifles, grenades and grenade launchers, handguns and assault vests in order to protect their drugs and human smuggling operations.

T. J. Bonner, president of the National Border Patrol Council, told the media that rival gangs in Mexico are battling to control smuggling routes into this country and that it has spilled over into some U.S. communities. He said the gangs are “far more inclined to utilize violence as a means of achieving their goals of smuggling contraband and people.”

The American Legion strongly supports the enforcement of immigration laws by law enforcement agencies at all levels (Res. 309, National Convention Aug. 2008, Strategy to Address Illegal Immigration). Section 287(g) of the Immigration and Nationality Act (INA) was made law in 1996 as a result of the Illegal Immigrant Reform and Immigrant Responsibility Act. Section 287(g) authorizes the Secretary of the Department of Homeland Security to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions. Under 287(g), ICE provides state and local law enforcement with the training and subsequent authorization to identify, process, and, when appropriate, detain immigration offenders they encounter during their regular, daily law-enforcement activity.

Education

The Center for Immigration Studies [CIS] estimated that in 2007 there were 1.5 million school age [5 to 17] illegal aliens in the country. There were also 1.8 million U.S.-born school-age children of illegal aliens in the country. The CIS report points out that because per-student expenditures in the United States are about \$10,000 a year, the costs of educating illegal alien children is roughly \$15 billion annually. If the U.S.-born children are also counted, the costs likely exceed \$30 billion each year.⁹

The U.S. Supreme Court ruled in *Plyler v. Doe* in 1982 that illegal alien students are entitled to enroll in U.S. public schools at taxpayer expense. The ruling was made immediately prior to the 1986 amnesty and it was believed at the time that the illegal alien students would be amnestied as a result of that program. Also, the number of these students was small enough at that time that it would not create a significant hardship on the United States taxpayers.

The Court noted in the decision that the “Congress could reverse the decision if the illegal alien students prove to be a financial hardship to the taxpayers and if the students who are legally residing in the United States begin to have their own education negatively impacted by the presence of the illegal alien students. Both of these conditions apply today...”¹⁰

The impact of illegal immigration on education extends beyond the secondary school level. Several states, including California, Kansas, New Mexico, Oklahoma, Texas, Utah and New York, have passed laws granting in-state tuition rates for illegal aliens, an action in direct defiance of federal laws. Title 8, Chapter 14, Sec. 1623 states: “An alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State ... for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit.”

The Colorado Alliance for Immigration Reform [CAIR] describes in-state tuition for illegals as “an amnesty disguised as an educational initiative.” The American Legion agrees.

Employment and Wages

Proponents of open borders and guest worker amnesty programs say illegal immigrants take jobs that Americans won't do. Such statements are demeaning to the general population of this country and especially demeaning to immigrants who enter this country legally, stereotyping them as a lower class of people. What proponents of open borders fail to add is that they take the jobs that Americans can no longer afford to do because of illegal immigration.

The numbers tell the story. As employers exploit cheap labor to increase profits, illegals cost Americans jobs. That, combined with the increase of illegal immigrants living below the poverty line, shrinks the U.S. middle class and weakens our economic security.

American Legion Resolution 307, 90th National Convention, Phoenix, Arizona, “Oppose Amnesty for Illegal Aliens and Their Employers” urged the federal government to hold accountable employers who knowingly hire illegal workers, especially those aliens showing suspected fraudulent documents, thus suggesting the possibility that identity theft may have occurred. It also put The American Legion on record as adamantly opposed to any legislative bill that grants amnesty or forgiveness to the employers of illegal aliens.

THE AMERICAN LEGION'S PROPOSAL FOR U.S. IMMIGRATION REFORM

STEP ONE

SECURE THE BORDERS AND OTHER POINTS OF ENTRY

There can be no effective immigration reform without first securing the borders and the coastline boundaries to this country. When the United States shows it has control of its borders, then and only then should Congress consider guest worker or temporary worker initiatives.

Securing the borders and coastlines will require additional frontline Border Patrol agents, the newest surveillance technology, fences or barriers in some locations, support from U.S. military units and a commitment of cooperation from federal, state and local governments. A plan, including legislation for implementation, will not work if there is no funding or enforcement. That was a painful lesson learned from the Immigration Reform and Control Act of 1986 (IRCA) amnesty when legalization occurred without securing the borders. The result was a stampede of illegals across our borders to take advantage of our government's benevolence.

U.S. Border Patrol agents during a five-month period in 2005 and 2006 detained 46,058 non-Mexican migrants along the U.S.-Mexico border, up 12 percent from the 40,953 caught during the same period the previous year. And, according to a March 2006 *Denver Post* article, non-Mexican migrants detained from 2002 to 2004, the latest years that data could be obtained, included Pakistanis (113), Egyptians (41), Jordanians (55), Iranians (39), Iraqis (22), Yemenis (15) and Saudis (13).

The American Legion proposes to Congress that it take the following action to secure the borders:

- Hire and train a sufficient number of U.S. Border Patrol agents to meet assigned objectives. It is The American Legion position that employment preference be afforded former members of the U.S. Armed Forces.
- Acquire and utilize the latest technology to monitor border activity and search cargo containers, both on the borders and through our nation's seaports.
- Employ U.S. military resources along the borders, whereby units can

train in a real world scenario, in support of the U.S. Border Patrol and local law enforcement agencies. Department of Defense surveillance equipment should be authorized for use in border security operations.

- Build fences or other barriers in certain locales along the border to impede easy access to the U.S. It may not be feasible to build a fence the entire length of the southern border with Mexico, but fencing is recommended for certain high traffic areas of the border country.
- Authorize and encourage law enforcement agencies at all levels to cooperate by entering and sharing database information on individuals who are thought to be a threat to our nation's security. Additionally, such agencies should be further authorized and encouraged to arrest and detain individuals, including illegal aliens, who are suspected of violating the immigration laws of the United States.

Step No. 1 is to secure the borders and other entry points into the United States.

Sources: American Legion Res. 285, Illegal Aliens, 2008 National Convention; Res. 286, Immigration Reform, 2008 National Convention.

STEP TWO

ELIMINATE THE JOBS MAGNET AND SOCIAL SERVICES BENEFITS FOR ILLEGALS

The second step in immigration reform is the elimination or reduction of employment opportunities in this country for illegal immigrants. If the number of available jobs were reduced, there would be less incentive for illegals to remain in this country. There are native workers available to work in jobs currently being held by the illegal workforce, if they were given a decent wage.

The American Legion supports mandatory eligibility verification of all employees. It calls upon the federal government to require the Department of Homeland Security and the Social Security Administration to develop a system providing electronic verification of work eligibility and an annual re-verification of aliens.

Employer sanctions put into place following the 1986 amnesty programs were not enforced, a principal reason for the current immigration crisis. The American Legion supports enforcement of immigrant hiring laws and advocates significant civil penalties for employers who knowingly hire illegal workers. The law is clear on the subject.

In simple language, it is unlawful to hire, recruit or refer an alien knowing the alien is not authorized to work in the United States. It is also unlawful to continue to employ an alien if it is known by the employer that the alien is not authorized to work.

It is also illegal for nonprofit or religious organizations to knowingly assist an employer to violate employment sanctions, regardless of any claims that “their convictions” require them to assist aliens. Harboring or aiding illegal aliens is not protected by the First Amendment of the U.S. Constitution.

The American Legion has long held the position that all legal aliens should be required to carry U.S. government issued identification documents that are made as secure as technology allows and that are verifiable by any employer or benefit agency through an easy-to-access central database. Other positions include restricting the eligibility of illegal aliens for certain forms of publicly funded assistance and educational benefits.

Step No. 2 is to eliminate the jobs magnet and to cease awarding illegal aliens taxpayer sponsored social services benefits.

Sources: American Legion Res. 307, Oppose Amnesty for Illegal Aliens and Their Employers, 2008 National Convention; Res. 285, Illegal Aliens, 2008 National Convention; Res. 286, Immigration Reform, 2008 National Convention. Res. 305 Plan to Reduce the Illegal Population in the United States, 2008 National Convention.

STEP THREE NO AMNESTY

The American Legion is opposed to any policy that would give illegal immigrants legal permission to remain in the United States, whether such a policy is referred to as “legalization,” “regularization,” “a guest worker program,” “earned status adjustment,” or “earned access.”

The United States for over 200 years only granted amnesty in individual cases and did not give a blanket amnesty to large numbers of aliens until 1986. That was the year Congress passed the Immigration Reform and Control Act (IRCA) that legalized all illegal aliens who met certain criteria, resulting in 2.8 million illegal aliens being admitted as legal immigrants. It was supposed to be a “one time only” amnesty but six more followed:

1. Section 245(i) The Amnesty of 1994 – a temporary rolling amnesty for 578,000 illegal aliens.

2. Section 245(i) The Extension Amnesty of 1997 – an extension of the rolling amnesty created in 1994.
3. Nicaraguan Adjustment and Central American Relief Act (NA-SCARA) Amnesty of 1997 – An amnesty for close to one million illegal aliens from Central America.
4. Haitian Refugee Immigration Fairness Act Amnesty (HRIFA) of 1998 -- An amnesty for 125,000 illegal aliens from Haiti.
5. Late Amnesty of 2000 – An amnesty for illegal aliens who claim they should have been amnestied under the 1986 IRCA amnesty, an estimated 400,000 illegal aliens.
6. Life Amnesty of 2000 – A reinstatement of the rolling Section 245(i) amnesty that legalized an estimated 900,000 illegal aliens.

The total net cost of the 1986 IRCA amnesty was more than \$78 billion in the 10 years following the amnesty, according to a study released by the Center for Immigration Studies. Today, more amnesty programs are being considered, even though it has been proved that they do not work.

Vernon Briggs, a Cornell University labor and economics professor stated: “The toleration of illegal immigration undermines all of our labor; it rips at the social fabric. It’s a race to the bottom. The one who plays by the rules is penalized ... a guest worker program guarantees wages will never go up and there is no way American citizens can compete with guest workers.”

The American Legion is not opposed to the legal temporary workers programs when administered with established numerical limits so as to prevent labor market distortions. Application for such programs must originate from the worker’s home country and only after a criminal background check has been conducted.

Step No. 3 is no amnesty for illegal aliens.

Source: American Legion Res. 307, Oppose Amnesty for Illegal Aliens and Their Employers, 2008 National Convention; Res. 293, Oppose Amnesty for Illegal Immigrants, 2008 American Legion National Convention.

STEP FOUR

REDUCE THE NUMBER OF ILLEGALS IN THE UNITED STATES

Ten million to 20 million individuals are currently in this country illegally. No one knows for sure the exact number, but it is safe to say that the majority of these individuals are both welcomed and scorned by the country’s

legal population. These illegals live on the fringe of our society on one hand adding strength to some segments of our economy, while on the other hand drawing from our public assistance pool at the expense of American workers.

No one can dispute the need to reduce and control the illegal population in the United States. Some wish to deal with the problem by simply granting amnesty and providing an avenue toward citizenship. Others seek to address the problem by reducing the number of illegals in this country through the enforcement of existing and new immigration laws: included in this group is The American Legion.

The American Legion recognizes that mass deportation of all illegals is not a realistic option. Deportation of select groups is an option and one that should be used. The continuing threat of deportation and possible incarceration would serve as a deterrent to many who may be considering entering the United States illegally.

The American Legion endorses the plan to reduce the illegal population as outlined in a paper titled “Attrition Through Enforcement – A Cost-Effective Strategy to Shrink the Illegal Population” that was written by Jessica M. Vaughan, a Senior Policy Analyst at the Center for Immigration Studies (CIS). The plan calls for a strategy of attrition through enforcement of new and existing laws in combination with increased border security efforts. The American Legion reiterated its support for Vaughan’s plan as part of its strategy for reform of U.S. immigration policy when delegates to the Legion’s 2008 National Convention assembled in Phoenix passed Resolution 305, “A Plan to Reduce the Illegal Population in the U.S.”

The resolution calls upon The American Legion to work with CIS to obtain congressional approval and national acceptance of a plan that includes the following objectives:

- Mandatory workplace verification of immigration status
- Measures to curb misuse of Social Security numbers and IRS identification numbers
- Cooperation between federal, state and local law enforcement officials
- Increased screening of foreign visitors
- Increased noncriminal removals through increased interior enforcement

- Discourage illegal settlement by adopting additional state and local legislation

Included in the CIS plan were the following findings, several of which echo previous positions of The American Legion.

- A strategy of attrition through enforcement could reduce the illegal population by as many as 1.5 million illegal aliens each year. Currently, only about 183,000 illegal aliens per year depart without the intervention of immigration officials, according to Department of Homeland Security statistics.
- Voluntary compliance works faster and is cheaper than a borders-only approach to immigration law enforcement. For example, under the controversial National Security Entry Exit Registration System (NSEERS) program launched after September 11, 2001, the Department of Homeland Security removed roughly 1,500 illegally resident Pakistanis; over the same time period, in response to the registration requirements, about 15,000 illegal Pakistani immigrants left the country on their own.
- Requiring employers to verify the status of workers could deny jobs to about three million illegal workers in three years, affecting at least one-third of the illegal population. (Res. 305 Plan to Reduce the Illegal Population in the United States, 2008 National Convention.)
- The Internal Revenue Service knows the name, address, and place of employment of millions of illegal aliens, and issues hundreds of millions of dollars in tax refunds and tax credits to illegal aliens. Changing the laws to provide for information-sharing would help boost immigration law enforcement at minimal cost.
- United States Visitor and Immigrant Status Indicator Technology (US-VISIT) is a critical tool in curbing illegal immigration. Screening must be expanded to include Mexicans and Canadians, and DHS must move forward to deploy an exit-recording system. These steps should be a prerequisite to adding or expanding any visa program. (Res. 299, Reform of the Non-Immigrant Visa Program, American Legion National Convention, August 2008)
- Less than 10 percent of Immigration and Customs Enforcement (ICE) investigative resources are devoted to fraud, workplace violations, and overstayers.
- Laws enacted by the state governments of Florida and New York to prevent illegal immigrants from obtaining driver's licenses have

induced more illegal aliens to leave than have federal enforcement efforts against certain illegal populations in those states, and have come at virtually no cost to the federal government.

The elimination of the reasons for remaining in the United States could be the most obvious, effective and best long term solution to the illegal population problem in the United States. Actions supported by American Legion resolutions include: 1) Eliminate employment opportunities; 2) Restrict eligibility for publicly funded assistance; 3) Stop awarding financial aid benefits to illegal alien students; 4) Empower law enforcement at all levels to enforce immigration laws; 5) Seek diplomatic solutions through relations with foreign governments; 6) Do not issue driver's licenses to illegal aliens; and 7) Designate English as the official language of the U.S. government and print all documents, including election ballots, in the English language.

Step No. Four is to reduce the illegal population in the United States by a program of attrition through enforcement.

Source: American Legion Resolution 305, A Plan to Reduce the Illegal Population in the United States, 2008 American Legion National Convention.

STEP FIVE EFFECTIVELY SCREEN AND TRACK ALL FOREIGN VISITORS

Much of the illegal population in the United States entered the country by legal means and then overstayed their visas or other entrance documents. Such was the case of several of the September 11, 2001, terrorists who came into the country via legal means and then dropped out of the government's sight until they flew airplanes into the World Trade Center, the Pentagon and into a Pennsylvania farm field, killing almost 3,000 people.

Historically, it has, for the most part, been those who have exploited weaknesses in this country's legal immigration system that have committed acts of terrorism in the United States. They include several individuals involved in the first World Trade Center attack, conspirators in plots to bomb the New York subway system, and the plot to destroy New York City landmarks.

The American Legion supports comprehensive screening and background checks on all foreign visitors and a means to track their whereabouts and monitor their intentions while physically in the United States. Releasing them in our society, as has often been the case in the past, is not in the best interest of our national security.

In 2008, delegates to The American Legion's National Convention in Phoenix, approved Resolution 299 to urge the Congress of the United States to reform the non-immigrant visa program to establish numerical limits in all categories, especially for temporary workers. Non-immigrant visas (NIV) are issued to foreign nationals who come to the United States for a specific period of time for reasons that include study, employment and tourism.

Non-immigrant visas are issued by the State Department. Visitors from 27 countries can enter the U.S. on a "visa waiver," meaning their entry into the country does not require an application. That alone is reason to question the NIV program, especially because of the thousands who annually exceed their authorized time in the United States and remain in country as illegal immigrants.

The Diversity Visa Lottery is a program that should be eliminated, especially at this time when the country is challenged with increasing illegal population and with the threat of terrorism. The program issues 50,000 immigrant visas each year to people who supposedly come from countries with low rates of immigration to the United States. A computer randomly selects winners from the list of applicants. Winners are able to file for permanent residency and can bring a spouse and unmarried children under the age of 21.

Citizenship, permanent residency or just admittance into the United States should not be decided by the "luck of the draw."

The Department of State should complete a thorough background check and, prior to issuing a visa, interview each candidate seeking admittance into the United States. It should also be the Department of State's responsibility to track and, if necessary, arrange for the apprehension of visa recipients who perpetrate fraud and/or overstay their visa. It would be the responsibility of the Department of Homeland Security to then initiate removal/deportation processing.

CONCLUSION

The American Legion has long opposed any great influx of immigrants but, instead, has encouraged a path of moderation, embracing a concept that immigration should be regulated so that immigrants could be readily absorbed into the general population. Assimilation was important to both the government and The American Legion in the 1920's and 30's but it lost some of its luster in recent years as America directed its attention to the illegal immigrant population and homeland security issues.

Assimilation into our society by new citizens remains important to the welfare of the United States. The failure of this country to absorb new immigrants into its society divides the nation and promotes racial and cultural bias. Immigration into the United States should be based on a commitment by the United States to treat the new immigrants with respect and provide them with the rights and privileges guaranteed all citizens by rule of law. Nothing more, nothing less. The immigrants must pledge their loyalty and allegiance to the United States and that allegiance must take precedence over and above any ties they may have with their native country.

Candidates for citizenship express that allegiance in a naturalization ceremony when they are asked to take an oath – An Oath of Renunciation and Allegiance. That oath has elements that are important to The American Legion and were outlined in Resolution 300, Oath of Renunciation and Allegiance, passed by delegates to the 90th National Convention of The American Legion in 2008 in Phoenix. Those elements are:

- Renunciation of all allegiances to foreign states or sovereignties;
- Support for and defense of the U.S. Constitution and laws of the United States of America against all enemies, foreign and domestic;
- Bear 'true faith and allegiance' to the United States of America; and
- Bear arms, perform noncombatant service, or perform work of national importance on behalf of the United States of America; and
- Take the oath without mental reservation or purpose of evasion.

The American Legion believes strongly in maintaining the sanctity of the oath and supports language in the oath that is prescribed by the Congress of the United States for purposes as outlined in the Immigration and Nationality Act. The Legion also calls upon Congress to reject dual allegiance

in principle and restrict and narrow its application in practice.

The American Legion is not opposed to legal immigration. There are, however, provisos to that statement. For example, The American Legion –

- Voices longstanding opposition to any great influx of legal immigrants and has called for immigration quotas to be set on a moderate and regulated scale in numbers that enable the immigrants to be readily absorbed into the culture and life stream of the United States (Res. 48, Reduce Immigration Levels, NEC, May 2003).
- Works with the Hudson Institute to make the intellectual and moral case for a substantively strong and ceremonially rich citizenship naturalization process. The partnership jointly supports the position that candidates for U.S. citizenship possess a level of proficiency with the English language and an understanding of our country's history and its government (Res. 45, Citizenship Naturalization Process, NEC, May 2003).
- Believes that a naturalization ceremony should be made mandatory and conducted in a U.S. District Court. The American Legion also believes that all citizenship naturalization ceremonies in the United States should be conducted in the English language (Res. 284, English Language be Used in Naturalization Ceremonies, 2008 National Convention, Phoenix).
- Supports legislation that allows noncitizen veterans with less than three years of active duty service and who were legally in the United States at the time of enlistment, to seek naturalization if they are injured or their injuries were aggravated while on active duty with the U.S. Armed Forces, resulting in a discharge under honorable conditions (Res. 287, Injured or Disabled Non-Citizen Veterans Applying for Naturalization, 2008 National Convention, Phoenix).
- Asks Congress to mandate an effective reporting system to track foreign students and that it be aggressively administered. The American Legion supports sanctions against institutions of higher education that fail to cooperate with the federal government in monitoring and tracking foreign students. Similarly, The American Legion encourages the Congress to provide agencies of government with the necessary resources to track the arrival and departure of foreign visitors (Res. 295, Reform of the Student Visa System, and Res. 297, Tracking Arrival and Departure of Foreign Visitors to the United States, 2008 National Convention, Phoenix).

The American Legion is not specifically opposed to guest worker programs that are intended to fill labor shortages in the United States. Such programs, however, must not reward illegal immigrants with an amnesty or forgiveness for previous unlawful behavior.

There can be no homeland security until the United States takes control of its borders. There can be no fair labor practices with a workforce composed of illegal workers. As a nation of laws, the United States sends a wrong message by forgiving and rewarding those who break our laws by invading our sovereign nation. We cannot be secure when 10 million to 20 million individuals whom we don't know are in this country illegally.

There is no simple solution to this complex challenge. Contrary to what some of our leaders may believe, we must put our own citizens first. Today, Americans are paying a huge price for our government's benevolence and open door policies. It's reflected in our schools, in our taxes, at the workplace and in our personal and national feeling of security.

Solving the illegal population problem in this country will require strengthening the U.S. societal infrastructure. Incentives should be provided for students to pursue high-tech professions to reduce the outsourcing of American jobs. The United States should pursue diplomatic solutions with foreign countries that encourage illegal entry into the United States. We should seek English language initiatives and promote good citizenship through naturalization classes for legal immigrants.

President Theodore Roosevelt expressed his ideas on immigrants and what it means to be an American in a speech in 1907.

"In the first place, we should insist that if the immigrant who comes here in good faith becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else for it is an outrage to discriminate against any such man because of creed, or birthplace, or origin. But this is predicated upon the person becoming in every facet an American and nothing but an American ... There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all. We have room for but one flag, the American flag ... We have room for but one language here, and that is the English language ... and we have room for but one sole loyalty and that is a loyalty to the American people."

More than one hundred years ago ... and the words of Teddy Roosevelt are still appropriate today. Let us not forget them.

APPENDIX A

AMERICAN LEGION POSITIONS ON ILLEGAL IMMIGRATION

SUBJECT	POSITION
Border Security	<p data-bbox="391 435 944 464">Res. 285, Nat’l Convention 2008 “Illegal Aliens”</p> <p data-bbox="391 493 960 618">“... That the Department of Homeland Security be provided the monies necessary to ensure both the thorough performance of its responsibilities and the security of the borders of the United States.”</p> <p data-bbox="391 649 763 678">Res. 286, Nat’l Convention 2008</p> <p data-bbox="391 708 655 737">“Immigration Reform”</p> <p data-bbox="391 766 971 859">“... (1) Hire and train additional U.S. Border Patrol agents with employment preference afforded former members of the U.S. Armed Forces.”</p> <p data-bbox="391 888 969 1047">“... (6) That, as appropriate, military resources be employed to assist in stopping the flow of illegal aliens into this country, and all of the resources of the United States of America be utilized to enforce the security of our country’s borders...”</p> <p data-bbox="391 1076 948 1138">Res. 303, Nat’l Convention 2008 “Call for Action on Illegal Immigration Issue”</p> <p data-bbox="391 1167 974 1326">“... That The American Legion, on behalf of all Americans and future generations of Americans, urge from Congress an immigration reform policy that will secure the borders against those individuals attempting to enter this country illegally.”</p>

SUBJECT	POSITION
<p>Interior Enforcement</p>	<p>Res. 22, NEC October 2005 “Maintaining and Sharing Federal Immigration Databases”</p> <p>“... That state and local law enforcement agencies be authorized and encouraged to arrest and detain individuals, including illegal aliens, who are suspected of violating the immigration laws of the United States and that policies, whether written or implied, that are contrary to this position, be opposed by The American Legion.”</p> <p>Res. 418, Nat’l Convention 2004 “Illegal Immigration Compromises National Security”</p> <p>“... That this country’s law enforcement agencies at the local, state and federal levels be empowered with the authority to apprehend and incarcerate individuals who are in this country illegally.”</p> <p>Res. 305, Nat’l Convention 2008 “A Plan to Reduce the Illegal Population in the U.S.”</p> <p>“... That The American Legion work with CIS to obtain congressional approval and national acceptance of the plan which includes increased noncriminal removals through increased interior enforcement...”</p> <p>Res. 286, Nat’l Convention 2008</p> <p>“Immigration Reform”</p> <p>“... (5) Grant law enforcement agencies at the local, state and federal levels the authority to work together to apprehend and incarcerate, where appropriate, illegal immigrants, especially those determined to have ties to terrorist groups and organizations.”</p>

SUBJECT	POSITION
<p>Employer Sanctions and Worksite Enforcement</p>	<p>Res. 307, Nat’l Convention 2008 “Oppose Amnesty for Illegal aliens and Their Employers”</p> <p>“... That The American Legion urge the federal government to hold accountable those employers who knowingly hire illegal aliens, especially those aliens showing suspected fraudulent documents, thus suggesting the possibility that identity theft may have occurred;”</p> <p>“... That illegal aliens convicted of felonies relating to the use of fraudulent identity documents, especially those of children, in order to obtain employment in the United States be promptly deported to their country of origin:”</p> <p>“... That The American Legion adamantly oppose provisions of any comprehensive immigration reform legislation that grants amnesty or forgiveness to the employers of illegal aliens.”</p> <p>Res. 305, Nat’l Convention 2008 “A Plan to Reduce the Illegal Population in the United States”</p> <p>“... That The American Legion work with CIS to obtain congressional approval and national acceptance of the plan which includes mandatory workplace verification of immigration status...”</p> <p>Res. 285, Nat’l Convention 2008 “Illegal Aliens”</p> <p>“... That The American Legion supports strict enforcement of employer sanctions as called for in current employment laws that assess heavy penalties on employers who knowingly hire illegal aliens...”</p>

SUBJECT	POSITION
<p>Amnesty for Illegal Aliens</p>	<p>Res. 307, Nat’l Convention 2008 “Oppose Amnesty for Illegal Aliens and Their Employers”</p> <p>“... That The American Legion reiterates its opposition to any and all forms of amnesty for individuals in this country illegally.”</p> <p>Res. 293, Nat’l Convention 2008 “Oppose Amnesty for Illegal Immigrants”</p> <p>“...That The American Legion opposes legislation that would result in the granting of amnesty and legal residency, in any form or by any name, to illegal immigrants currently in the United States.”</p>
<p>Oppose Granting Benefits to Illegal Aliens</p>	<p>Res. 285, Nat’l Convention 2008 “Illegal Aliens”</p> <p>“... That aliens illegally in the United States should be denied Social Security benefits, unemployment compensation, and other types of public assistance...”</p> <p>Res. 294, Nat’l Convention 2008 “Oppose Financial Aid for Illegal Alien Students”</p> <p>“... That The American Legion opposes any legislation or executive order that would allow illegal aliens and others who are in this country illegally to receive in-state tuition rates, federal or other government education grants and/or financial assistance to attend a college or university in the United States.”</p>

SUBJECT	POSITION
<p>Forms of Identification as they relate to Illegal Aliens</p>	<p>Res. 301, Nat’l Convention 2008 “Prohibit Use of Foreign Issued Forms of Identification”</p> <p>“... That The American Legion encourages the Congress of the United States and the state legislatures to pass legislation that would prohibit acceptance of certain foreign-issued forms of identification, to include the Mexican government issued Matricula Consular card, when it is determined said documents lack credibility, authenticity and accuracy of information when used in the application process for federal, state and local government-sponsored public services, and</p> <p>“That The American Legion encourages businesses in the private sector, including financial institutions, to refrain from accepting as valid identification, foreign issued documents that are not determined to be acceptable forms of identification; and</p> <p>“That an agency of the federal government, determined by Congress and working in cooperation with other agencies having responsibilities for the administration and enforcement of immigration laws and policies, be tasked with determining the acceptability of forms of identification issued by foreign governments.”</p>
<p>Accountability by Public Officials</p>	<p>Res. 303, Nat’l Convention 2008 “Call for Action on Illegal Immigration Issue”</p> <p>“... That The American Legion seize every opportunity to request an accountability of our elected officials in implementing and enforcing federal and international laws and treaties to stem the flood of illegal aliens across our borders; and</p> <p>“That all candidates seeking public office and the two major party platforms express publicly to the American people their positions and solutions to this grave danger to our country’s stability...”</p>

APPENDIX B

THE AMERICAN LEGION AND ILLEGAL IMMIGRATION MESSAGE POINTS

Why is The American Legion involved with the illegal immigration issue?

Many of our members are concerned that our country is self-destructing because of the perceived ambivalence of our federal government on the issue. From an organization standpoint, the Legion has called for quotas on legal immigration dating back to the very beginning of our organization. Obviously, with this mind-set it makes no sense to limit legal immigration, but leave the back door open for individuals to enter this country illegally.

But, aren't you a veterans organization? What's that got to do with illegal immigration?

American Legion members have served in the U.S. Armed Forces around the world so that Americans can be safe at home. The sacrifices they have made give them a perspective on national security issues that many Americans do not have. They have seen Third World countries. They have seen poverty, political instability, disease and war. Now, they see these dangers on our back doorstep in our porous borders and our country's lack of enforcement of immigration laws.

What's wrong with accepting illegal immigrants? Aren't they only taking jobs that Americans won't do?

The United States is a country of laws that establish our standards of behavior. These individuals broke our immigration laws and are trespassing on our sovereign soil. They are mostly unskilled workers with little formal education. By taking low paying jobs, they effectively hold down wages of low skilled and middle class Americans. If they were not here, our economy would adjust and more Americans would be working.

Why is The American Legion opposed to making the illegals legal? Won't that solve the problem?

Rewarding criminal behavior is not in the best interest of this country. It is amnesty plain and simple, and The American Legion is adamantly opposed to blanket policies of forgiveness that would pardon millions who

have entered the United States illegally. Granting amnesty to illegals will ultimately result in granting admittance into this country to the amnestied individual's family members. Our country cannot absorb this number of low skilled immigrants without feeling the effects in the drain on our public services, education, health care and personal security.

Why not grant a one-time amnesty to the illegal population currently in the United States?

History has proved that amnesty programs do not work. The United States, for more than 200 years, only granted amnesty in individual cases and did not give a blanket amnesty to large numbers until 1986 when it passed the Immigration Reform and Control Act (IRCA) that legalized 2.8 million people. It was supposed to be a one-time only amnesty, but six more followed. The total cost of the 1986 IRCA amnesty was more than \$78 billion in the ten years following the amnesty. Amnesty programs promote more illegal immigration.

Does The American Legion have a solution to the illegal immigration issue?

Yes, but no effective immigration reform can occur without first securing our borders. Once that is done, the second step would be to eliminate the jobs magnet. Without going into specifics, the Legion's plan calls for removing the incentives for the individual to remain in this country. That could include workplace verification of immigration status, cooperation between federal, state and local law enforcement, increased screening of foreign visitors, non-criminal removals through increased interior enforcement and by discouraging illegal settlement by adopting additional state and local legislation.

Is The American Legion in favor of building a fence along our southern border?

The American Legion has no specific position on building a fence. It does, however, urge Congress to construct physical barriers, as appropriate, in order to "secure the borders and other points of entry into the United States" against those individuals attempting to enter illegally. Legion positions also state that "all of the resources of the United States of America should be utilized to enforce the security of our country's borders."

Should military resources be used to secure our borders?

The U.S. Border Patrol is tasked with that responsibility, but they are often understaffed and lack the firepower when confronted with the drug gangs and smugglers operating along our southern border. The American Legion has held

the position for several years that, where appropriate, military resources should be employed to assist in stopping the flow of illegal aliens into this country. Our troops are being called upon to guard the borders of other countries, it seems only appropriate that they be available for our own border security.

Does The American Legion support citizen watch groups like the Minutemen?

As an organization, it does not. It is the responsibility of our government to protect us from invasion. If the government fails to do that, then it must be held accountable. That can be done at the ballot box. Many of our members are sympathetic to groups like the Minutemen who have brought attention to the issue of illegal immigration. But it is not our policy – as an organization -- to endorse other organizations.

Who should enforce our immigration laws? The Feds? State or local law enforcement?

The American Legion believes it should be all three. Its position is “... that this country’s law enforcement agencies at the local, state and federal levels be empowered with the authority to apprehend and incarcerate individuals who are in this country illegally.” If this was the case several years ago, there may have been no September 11, 2001, attack as several of the terrorists had been stopped by local authorities while in this country illegally for minor traffic violations prior to the attack.

What should be done about those who give aid and sanctuary to individuals in this country illegally?

That is up to our government and not The American Legion. These groups, whether they are driven by humanitarian reasons, economic reasons or for any other reasons are treading on dangerous ground when they provide sanctuary to illegals. It should be the responsibility of our government and, more specifically, our court system to decide how to deal with them.

Has The American Legion always been opposed to immigration?

The American Legion is NOT opposed to legal immigration. It is adamantly opposed to illegal entry and it is opposed to lax enforcement of immigration laws that allow individuals, who may have entered this country legally but overstayed their visa, to remain in this country. The American Legion has long opposed any great influx of immigrants but, rather, has encouraged a path of moderation, embracing a concept that immigration should be regulated so that immigrants can be readily absorbed into the general population.

Several states have passed laws authorizing illegal aliens to attend colleges and universities in their state by paying “in-state” tuition rates. What’s The American Legion’s position on this?

The American Legion opposes any legislation or executive order that would allow illegal aliens and others who are in this country illegally to receive in-state tuition rates, government education grants and/or financial assistance to attend a college or university in the United States. Title 8, Chapter 14, Sec. 1623 states: “An alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State ... for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit.” Unfortunately, some states have chosen to ignore the federal statute.

How does The American Legion plan to change current policy concerning illegal immigration?

American Legion National Convention delegates in August 2008 voted to seize every opportunity to request an accountability of our elected officials in implementing and enforcing federal and international laws and treaties to stop the flood of illegal aliens across our borders. The convention delegates also called on all candidates seeking public office and the two major political parties to express publicly to the American people their positions and solutions to the problems of illegal immigration.

APPENDIX C

THE AMERICAN LEGION
NATIONAL CONVENTION
PHOENIX, ARIZONA
AUGUST 26-28, 2008

RESOLUTION NO. 309

STRATEGY TO ADDRESS ILLEGAL IMMIGRATION

COMMISSION: Americanism

WHEREAS, The American Legion is a federally chartered veterans organization of about 2.7 million members, who have served in the U.S. Armed Forces during a period of armed conflict; and

WHEREAS, The American Legion, since its inception in 1919, has expressed concern that legal and illegal immigrants arriving in this country in large numbers would be unable to effectively assimilate into our society unless numerical quotas were established and enforced; and

WHEREAS, The American Legion's concern is exacerbated by the estimates by immigration reform groups and reports by news sources and others that as many as 12 million to 20 million individuals are in this country illegally; and

WHEREAS, The influx of illegal aliens into this country presents a national security concern at a time when acts of terrorism perpetrated by individuals and factions opposed to the United States are occurring worldwide; and

WHEREAS, Americans are becoming increasingly frustrated by what they see as the federal government's reluctance and/or failure to stop this large influx of illegals and the actions by some states to provide taxpayer funded services and other benefits to illegal aliens thus providing additional incentives for more people to enter this country illegally; and

WHEREAS, The American Legion has passed numerous resolutions calling for the enforcement and/or reform of the government's immigration laws, policies and procedures and now seeks to combine many of the positions into a single resolution concisely stating The American Legion's positions and strategy to resolve this complex matter; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Phoenix, Arizona, August 26-28, 2008, That The American Legion, on behalf of all Americans and future generations of Americans, urge the Congress and the federal government to authorize and fund the following strategy in addressing the issue of illegal aliens in the United States:

1. Secure the borders and other points of entry in the United States:
 - (a) Construct physical barriers, as appropriate,
 - (b) Acquire and utilize latest technology to monitor border activity,
 - (c) Employ and train a sufficient number of U.S. Border Patrol Agents to effectively patrol border regions with employment preference given to former members of the U.S. Armed Forces,
 - (d) Utilize National Guard troops to assist in providing border security,
 - (e) Ensure all vessels and their cargo arriving at our seaports are thoroughly searched;
2. Eliminate the jobs magnet and social services benefits:
 - (a) Mandate verification of employment eligibility,
 - (b) Enforce employer sanctions,
 - (c) Make illegal residents ineligible for Social Security and other government-sponsored public services,
 - (d) Eliminate governmental financial aid for illegal alien students;
3. Enforce existing laws and pass new laws to reduce U.S. illegal population:
 - (a) Reject amnesty or “legalization” programs for illegal aliens,
 - (b) Enforce immigration laws and promote cooperation between federal, state and local law enforcement officials, with emphasis on interior enforcement,
 - (c) Establish parameters for noncriminal deportations,
 - (d) Prohibit eligibility to services offered by financial institutions in the United States,
 - (e) Issue no drivers licenses to illegal aliens,
 - (f) Designate English as the official language of the U.S. government and print all documents, including election ballots, in the English language only,
 - (g) Work with state and local governments to discourage illegal settlement;

4. Revise legal immigration procedures; screen and track foreign visitors legally entering the United States:

- (a) Eliminate the Visa Lottery Program,
- (b) Restrict the number of countries participating in the Visa Waiver Program,
- (c) Create new visa categories or expand the H-2A and H-2B Visa Categories for temporary agricultural and temporary and seasonal workers as necessary to replace illegal workers eliminated from employment opportunities in the United States,
- (d) Create and enforce a reporting system to track the whereabouts of foreign visitors to include students at academic institutions, members of a country's diplomatic corps, aircraft and vessel crews, foreign press representatives, exchange visitors, H-1B Workers, L-1 Intracompany Transferees and those individuals categorized as humanitarian entrants

AND, BE IT FINALLY

RESOLVED, That The American Legion seize every opportunity to request an accountability of our elected officials in implementing and enforcing federal and international laws and treaties to eliminate the large numbers of individuals from foreign countries entering the United States illegally and that all candidates for public office and the Democratic and Republican National Committees express publicly to the American people their positions and solutions to this grave danger to our country's stability.

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POLICY ON ILLEGAL IMMIGRATION



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