



Immigration Enforcement Benchmarks

DHS Is Hitting its Targets; Congress Must Take Aim at Comprehensive Immigration Reform

August 4, 2010

Opponents of comprehensive immigration reform argue that more enforcement is needed before Congress can take up the issue. But the facts highlight the hypocrisy in this argument. The Obama administration has deported 279,035 persons during the first nine months of the 2010 fiscal year. Removals are up 10 percent from President George W. Bush's last fiscal year in office, and have nearly doubled since fiscal year 2005. And the administration continues to engage state and local law enforcement officers by aggressively deploying a number of controversial programs such as the 287(g) and Secure Communities initiatives, which aim to give specific immigration enforcement functions to nonfederal agents.

Many of these same immigration opponents argued three years ago that we needed to meet border enforcement benchmarks before immigration law reforms could take hold. These benchmarks have been met and exceeded in an unprecedented surge of enforcement activity. But our system remains broken and will continue to work against America's most basic interests until Congress owns up to its responsibility and enacts fundamental reforms.

Benchmark: Operational control of the Mexican border

The secretary of homeland security was asked to establish and demonstrate operational control of the U.S.-Mexico land border, including the ability to monitor the border with available methods and technology. Activities to date include:

- The Customs and Border Protection workforce grew 35 percent from 40,616 in FY 2005 to 54,868 in FY 2009. And the CBP budget grew from \$6 billion in FY 2004 to \$11.4 billion in FY 2010.
- President Barack Obama authorized the deployment of up to an additional 1,200 National Guard troops to the southwest border on May 25.
- Border Patrol apprehended 556,041 unlawful immigrants between ports of entry in FY 2009, and CBP encountered 224,000 inadmissible persons at ports of entry that year. Apprehension numbers are down significantly from past years. Apprehensions in FY 2004 were 1.2 million persons between ports of entry and 643,000 at points of entry.
- The administration has begun screening 100 percent of southbound rail shipments in search of illegal cash, drugs, and weapons as part of the Secure Border Initiative.
- CBP and Immigration and Customs Enforcement have together seized \$85 million in illicit cash along the southwest border this past year—a 22 percent increase over the same period last year. They have also confiscated 1,404 firearms and 1.62 million kilograms of drugs—22 and 14 percent increases, respectively, over the same period last year.
- CBP had control of 449 miles of the southwest border by the end of 2006. The agency nearly doubled the number of miles under effective control by FY 2009, with 939 miles of southwest border under effective control at the end of that year. Control of all 1,950 miles of U.S.-Mexico border is impossible, but CBP has made great strides in gaining operation control.

Benchmark: Staff enhancements for Border Patrol

CBP's Border Patrol was told it needed to put in place 20,000 full-time agents reporting for duty. Activities to date include:

- There were 12,349 Border Patrol agents in FY 2006. The number of agents increased to 20,119 in FY 2009, and the current FY 2010 budget will bring the amount of agents to over 22,000 in 2011.

- The House recently passed a \$701 million emergency federal funding bill that includes funding for 1,200 additional Border Patrol agents and 500 additional CBP officers.

Benchmark: Strong border barriers

Homeland Security was asked to install at least 300 miles of vehicle barriers, 370 miles of fencing, and 105 ground-based radar and camera towers along the U.S.-Mexico land border, as well as deploy four unmanned aerial vehicles and their supporting systems. Activities to date include:

- Homeland Security constructed 299 miles of vehicle barriers and completed 347 miles of pedestrian barriers as of March 2010, totaling approximately 646 miles of fencing along the southwest border. Congress has allocated \$2.6 billion for physical barriers since FY 2005.
- Six unmanned aerial vehicles are also in use, three on each land border. The emergency federal funding bill that passed the House on July 28 will allow for the procurement of two additional unmanned aerial aircraft systems.
- CBP has deployed 13 additional cross-trained canine teams and five additional Z-Backscatter Units to identify anomalies in passenger vehicles as part of the Secure Border Initiative.
- The federal government has spent more than \$3.7 billion on the Secure Border Initiative between 2005 and 2009. SBI launched in 2005 with the objective of securing and patrolling portions of the border through modern border technology and infrastructure.

Benchmark: An end to catch and release

DHS was told to detain all removable aliens apprehended illegally crossing the U.S.-Mexico border, except as specifically mandated by federal or state law, or humanitarian circumstances. It was also told to give ICE the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day annually. Activities to date include:

- When the “catch and release” practice was still in place prior to 2006, approximately 66 percent of unlawful border crossers apprehended from countries other than Mexico were released into the United States pending removal hearings. Approximately 99 percent have been detained since the end of this practice.
- ICE detention and removal operations received significant budget and staff increases to manage this policy change, and immigrant detention has grown exponentially. The average daily population of detainees was 6,785 in FY 1994. This figure rose to 30,295 per night by FY 2007. ICE’s FY 2009 budget funds 33,400 detention beds per night.

Benchmark: Workplace enforcement tools

DHS was asked to establish and use secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Activities to date include:

- DHS has strengthened identification tools for workplace enforcement, but the government’s ability to mandate electronic employment verification will require immigration legislation.
- A voluntary electronic verification program—E-Verify—already exists. Employers who register on E-Verify enter biographic data from a new hire’s Form I-9 into the system. Many states have enacted legislation that requires some or all employers in the state to use E-Verify. Four states require all employers to use E-Verify, 10 states require program use for state agencies and/or contractors, and six states have pending legislation for required E-Verify use.
- U.S. Citizenship and Immigration Services has overseen increased employer participation in E-Verify from 88,116 companies at the end of FY 2008 to more than 192,000 participating employers at more than 705,000 worksites nationwide today, with an average of 1,000 employers signing up each week.
- DHS uses employer sanctions as an additional employment enforcement tool. ICE at the start of the Obama administration began targeting employers who knowingly hire illegal workers through investigations, prosecution, and imposition of civil and criminal penalties.

- ICE employer audits in 2009 led to 1,897 cases and 2,069 Form I-9 inspections targeting employers. It also issued 142 notices of intent to fine, totaling \$15,865,181.

Conclusion

The sustained infusion of enforcement resources highlighted above should create confidence in legitimately skeptical legislators and a frustrated public that the commitment to enforce the nation's immigration laws is real. But those enforcement efforts must be coupled with broad and systematic legal reforms to be effective in restoring order and control to our system. The enforcement will and infrastructure now exist, but we cannot enforce our way to a rational legal system. Large-scale systemic dysfunction will persist until Congress can muster the political courage to enact comprehensive immigration reforms.