

## **Border Insecurity: US Border-Enforcement Policies And National Security**

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### **Executive Summary**

Since 9/11, concern has mounted among policymakers and law-enforcement authorities that foreign terrorists affiliated with al Qaeda might use Mexico as a transit point to enter the United States, relying on the same peoplesmuggling networks as undocumented immigrants and becoming lost in the large undocumented flow. Some lawmakers have voiced fears that terrorists might be among the growing number of undocumented non-Mexicans crossing the southern border, although these Other Than Mexicans (OTMs) come principally from Central and South America. There is no evidence this has happened, despite suggestions by several lawmakers that the extremely small number of Arab and Muslim OTMs apprehended at the border constitutes a threat to national security.

Ironically, the U.S. government's efforts to stem undocumented immigration by fortifying the U.S.-Mexico border have increased the profitability of the people-smuggling business and fostered greater sophistication in the smuggling networks through which a foreign terrorist might enter the country. U.S. national security would be better served if undocumented labor migration were taken out of the border-security equation by reforming the U.S. immigration system to accommodate U.S. labor demand. In the process, fewer immigrants would try to enter the country without authorization, the market for people smugglers would be undercut, and foreign terrorists would be deprived of the large undocumented flows and smuggling infrastructure that might aid their entry into the United States. Moreover, the U.S. Border Patrol could focus more on finding terrorists and less on apprehending jobseekers.

Among the findings of this report:

- Immigrant smuggling across the U.S.-Mexico border is a growth industry. The share of undocumented immigrants apprehended along the southern border who reportedly were smuggled into the United States rose from 5.5 percent in Fiscal Year (FY) 1992 to 22.2 percent in FY 2004.
- The OTM share of apprehensions along the U.S.-Mexico border rose from 1.1 percent in FY 1997 to 5.8 percent in FY 2004 and then, according to preliminary estimates, spiked to 13.2 percent in FY 2005. More than three-quarters of OTMs are from Honduras, El Salvador, and Guatemala.
- The largest increases in OTM apprehensions at the southern border since 1998 have occurred among citizens of Honduras, El Salvador, and Brazil, none of which is a likely source of terrorists bent on attacking the United States.

- From FY 1999 through FY 2004, apprehensions along the U.S.-Mexico border of OTMs from Middle Eastern, North African, and South Asian countries of "special interest" to national security amounted to only 0.02 percent of all apprehensions and 0.7 percent of all OTM apprehensions. The number of such apprehensions declined after 2001.
- Until lawmakers create new avenues for both permanent and temporary immigration that are realistic and flexible, U.S. national security will continue to be undermined by border-enforcement efforts that divert labor migration through undocumented channels and into the hands of people smugglers.

## **Introduction**

Most observers agree that undocumented immigrants who cross into the United States from Mexico are interested in finding jobs and reuniting with their families, not in launching a terrorist strike. Since 9/11, however, concern has mounted among policymakers and law-enforcement authorities that foreign terrorists affiliated with al Qaeda might use Mexico as a transit point to enter the United States, relying on the same people-smuggling networks as undocumented immigrants and becoming lost in the large undocumented flow. Some lawmakers have voiced fears that terrorists might be among the growing number of undocumented non-Mexicans crossing the southern border, although these Other Than Mexicans (OTMs) come principally from Central and South America. There is no evidence this has happened, despite suggestions by some lawmakers that the extremely small number of Arab and Muslim OTMs apprehended at the border constitutes a threat to national security. Yet safeguarding the homeland from another terrorist attack has become a principal justification for a wide range of proposals from members of Congress to fortify the U.S.-Mexico border: deployment of the military, construction of a 2,000 mile-long fence extending from the Pacific Ocean to the Gulf of Mexico, and even providing government endorsement and funding to armed civilian "militias" like the "Minuteman" vigilante groups that began proliferating around the country in mid-2005.

To the extent that measures such as these are intended to drain the sea of undocumented immigrants within which terrorists might hide, and eliminate the smuggling networks they might use, the recent history of U.S. border enforcement does not bode well. For over a decade, the federal government has devoted increasing amounts of money and manpower to reducing undocumented immigration from and through Mexico by fortifying longer stretches of the border. To date, these efforts have failed to slow the pace of undocumented immigration, although more of it now occurs through isolated terrain where border enforcement is relatively weak. More undocumented immigrants enlist the services of people smugglers in making the increasingly difficult journey to the United States. In order to circumvent new border enforcement measures, many smuggling networks have become more extensive in their reach and technologically savvy in their operations. The growing profitability of people smuggling, particularly from countries other than Mexico, has attracted the interest of some criminal networks that also traffic in drugs, weapons, and human beings. As a result, the current border-enforcement strategy has fostered greater sophistication in the illicit pathways by which a foreign terrorist

might cross the southern border into the United States.

This is not to say that sealing the U.S.-Mexico border against unauthorized entry is impossible. As the demilitarized zone separating North and South Korea illustrates, this could be done. Given enough fencing, razor wire, troops, cameras, motion detectors, surveillance aircraft, and perhaps land mines, the federal government could, in theory, prevent anyone from crossing, digging under, or flying over the U.S.-Mexico border in an unauthorized location. But such measures are not going to be effective security tools unless they also are implemented along the 4,000 mile border with Canada and the 5,000 miles of Pacific, Atlantic, and Gulf coastline where unauthorized entry might occur by boat, submarine, or airplane. Otherwise, terrorists, migrants, and smugglers alike could go around a newly fortified southern border. Even if the federal government spent the tens of billions of dollars needed to implement these kinds of security measures along the perimeter of the United States, the country would not be safeguarded against a terrorist attack launched by native-born perpetrators, as occurred in the London train bombings of 2005 and the Oklahoma City bombing of 1995.

The key policy question with regard to border enforcement and national security isn't whether or not U.S. borders can be sealed, but whether or not this is the most effective way to catch terrorists and reduce undocumented immigration. From a security standpoint, border enforcement is a needle-in-a-haystack approach to intercepting foreign terrorists. Apprehending any terrorist, foreign or native-born, depends on the gathering of intelligence indicating that someone poses a threat to national security and is either planning to enter the country or is already here. Foreign terrorists can come to the United States on valid visas if intelligence and law enforcement agencies have not previously identified them as threats, or have not shared such information with each other or the overseas consulates that issue visas (as was the case with the 9/11 hijackers). Without specific and accurate intelligence, attempting to locate terrorists by sifting through every foreign-born person who enters the country is not a promising means of unraveling a terrorist plot.

Regardless of their personal motivations, most undocumented immigrants come to the United States because there are jobs available for them and current limits on legal immigration do not match the demand for foreign-born workers in the U.S. economy. If heightened border enforcement in defense of these limits succeeded in keeping undocumented immigrants out of the country, the result would likely be labor shortages in many U.S. industries. The U.S. economy would be better served by reforming the U.S. immigration system to accommodate U.S. labor demand within a system that ensures livable wages and good working conditions for all workers, both native and foreign-born. In the process, fewer immigrants would try to enter the United States without authorization, the market for people smugglers would be undercut, and foreign terrorists would be deprived of the large undocumented flows and smuggling infrastructure that might aid their entry into the United States. Moreover, the U.S. Border Patrol could focus more on finding terrorists and less on apprehending jobseekers.

### **The Reality and Rhetoric of the Terrorist Threat**

Official statements as to whether or not foreign terrorists planning to attack the United States have entered the country from Mexico are vague. Before 9/11, a report compiled by the U.S. National Security Council observed that "terrorists and members of extremist organizations seeking to enter the United States and wanting to avoid detection at ports-of-entry sometimes use the services of alien smuggling networks, including document forging services." <sup>[1]</sup> But the report does not specify what groups these terrorists represented, across which border they crossed, or what subsequently became of them. An August 2004 staff report from the National Commission on Terrorist Attacks Upon the United States cites Central Intelligence Agency (CIA) sources in noting that "there are uncorroborated law enforcement reports suggesting that associates of al Qaeda used smugglers in Latin America to travel through the region in 2002 before traveling onward to the United States." <sup>[2]</sup> However, Admiral James Loy, Deputy Secretary of Homeland Security, told the Senate Select Committee on Intelligence in February 2005 that "there is currently no conclusive evidence" this has occurred, although "recent information...strongly suggests that al-Qaeda has considered using the Southwest Border to infiltrate the United States." <sup>[3]</sup>

Despite the ambiguity of the available evidence, or perhaps because of it, some lawmakers have issued dire warnings about the terrorist threat emanating from south of the border. In April 2005, for instance, one senator declared that "today we have evidence that the same terrorists who killed 3,000 Americans on September 11, 2001, are now infiltrating the United States through our southern border." <sup>[4]</sup> Similarly, in October 2005, a congressional representative cited unspecified reports in asserting that members of al Qaeda are already infiltrating Mexico, assuming Hispanic identities, learning Spanish, and then surreptitiously crossing into the United States, where they "assimilate as some down-trodden illegal immigrant." <sup>[5]</sup> Another representative proclaimed in November 2005 that "known terrorists, ruthless members of drug cartels and free loaders from around the world now use the southwest border as a revolving door." <sup>[6]</sup>

Fearful images such as these have fueled some extreme legislative proposals. In November 2005, legislation was introduced in the House of Representatives that would authorize construction of a "security fence" along the entire length of the U.S.-Mexico border. <sup>[7]</sup> The same month, a representative called for the deployment of 50,000 U.S. troops along the southern border. <sup>[8]</sup> In July 2005, another representative, arguing that "9/11 deputized every American," <sup>[9]</sup> introduced legislation that would allow the governor of each state along an international border to create a civilian Border Protection Corps <sup>[10]</sup> which would function as a sort of armed neighborhood watch.

This sort of rhetoric, in which undocumented immigration is linked ominously to the memory of 9/11, is based more on fear than fact. But the idea that terrorists plotting an attack in the United States could make their way across the U.S.-Mexico border undetected is not without merit just because this has not yet happened. As the U.S. Border Patrol argues in the new National Border Patrol Strategy released in March 2005, "an ever-present threat exists from the potential for terrorists to employ the same smuggling and transportation networks, infrastructure, drop houses, and other support [as

illegal aliens] and then use these masses of illegal aliens as 'cover' for a successful cross-border penetration." <sup>[11]</sup>

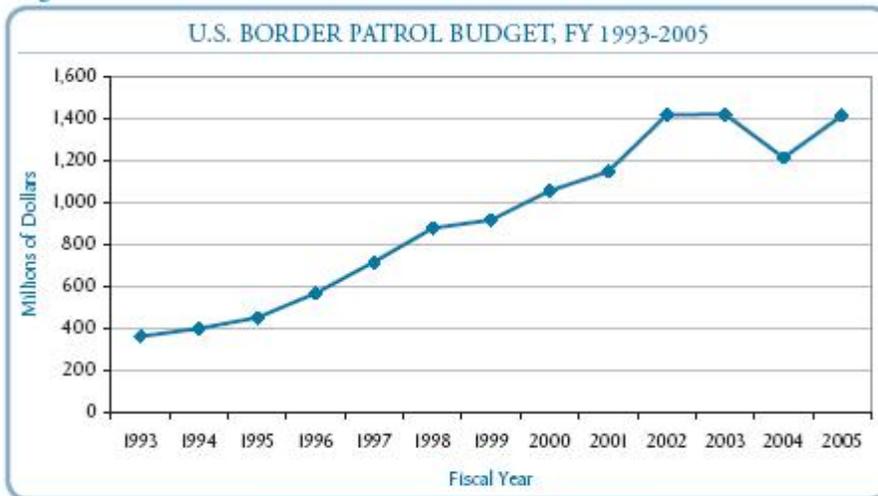
### **A New Strategy Much Like the Old**

There is no doubt that September 11 raised the stakes for U.S. border enforcement. Robert C. Bonner, Commissioner of U.S. Customs and Border Protection (CBP), explained the post-9/11 approach to border control by noting that the "priority mission of CBP, specifically including all Border Patrol agents, is homeland security-nothing less than preventing terrorists and terrorist weapons-including potential weapons of mass destruction - from entering the United States." This priority mission is seen as complementary to the Border Patrol's "traditional missions of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders." Indeed, Bonner argues, "We cannot reduce or eliminate illegal entry by potential terrorists without also dramatically reducing illegal migration..." <sup>[12]</sup>

According to Bonner, the new National Border Patrol Strategy of 2005 is a "bold" response to the security challenges of the post-9/11 era. Yet the new approach looks a lot like the old one, particularly along the southern border. The new strategy does contain provisions to improve the intelligencegathering capabilities of the Border Patrol and the readiness of Border Patrol teams to respond rapidly to a terrorist threat. But the crux of the revised strategy for the U.S.-Mexico border is to "leverage the success" of the "prevention through deterrence" tactics employed since 1994. That is, the Border Patrol will continue to concentrate agents and new technologies in "high traffic" areas so as to increase the "certainty of apprehension," <sup>[13]</sup> and therefore deter would-be migrants, smugglers, and, presumably, terrorists from crossing.

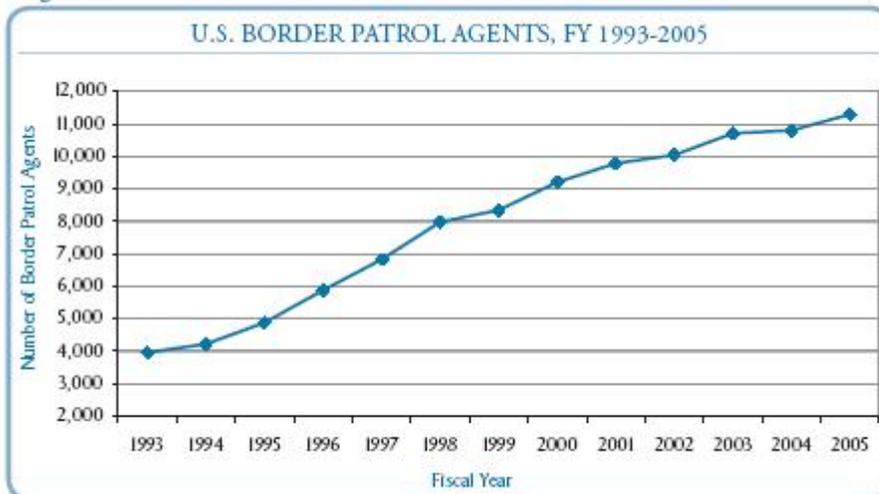
However, the prevention-through-deterrence strategy cannot quite be termed a success. From Fiscal Year (FY) 1993 to FY 2005, the Border Patrol budget quadrupled from \$362 million to \$1.4 billion {Figure 1} and the number of Border Patrol agents nearly tripled from 3,965 to 11,300 {Figure 2}. <sup>[14]</sup> Most of these resources and personnel have been devoted to fortifying traditional border-crossing locales in the southwest (about 90 percent of all Border Patrol agents are deployed along the U.S.-Mexico border <sup>[15]</sup>). Despite these efforts, the pace of undocumented immigration to the United States has increased. The Pew Hispanic Center estimates that the number of immigrants entering the country in an undocumented status, or falling into undocumented status by overstaying a valid visa, rose from about 400,000 per year between 1990 and 1994, to 575,000 per year between 1995 and 1999, to 850,000 per year between 2000 and 2005 (anywhere from 25 percent to 40 percent of undocumented immigrants are visa overstays rather than undocumented arrivals). <sup>[16]</sup> As the U.S. Government Accountability Office <sup>[17]</sup> concluded several years ago, heightened border-enforcement efforts have succeeded primarily in shifting undocumented immigration from place to place <sup>[18]</sup> and are motivating more prospective migrants to hire people smugglers to guide them into the country. <sup>[19]</sup>

Figure 1:



Source: Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, February 2006.

Figure 2:



Source: Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, February 2006.

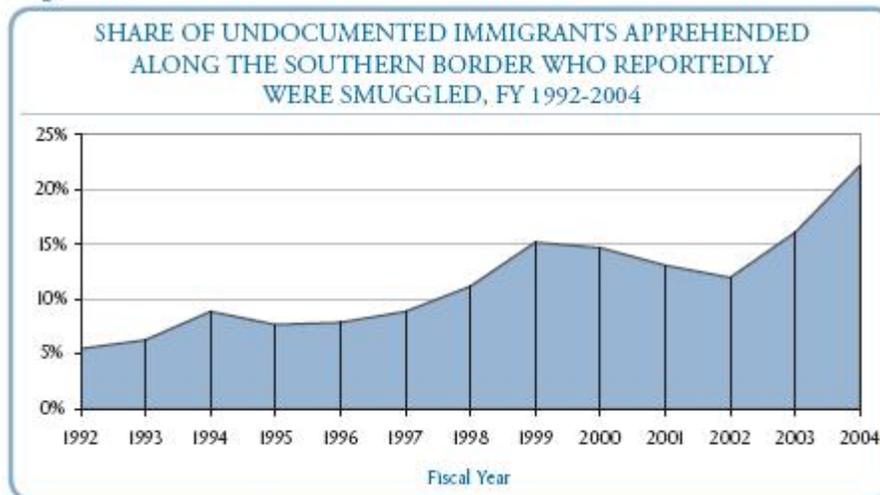
## A Booming Business in Immigrant Smuggling

Since people smuggling is an underground activity, much of it takes place undetected. And many of the smugglers and their clients apprehended by law-enforcement authorities are undoubtedly reluctant to admit their involvement in an illegal enterprise. As a result, it is difficult to judge the accuracy of estimates as to how many immigrants are smuggled into the United States. In 2000, for instance, the U.S. government concluded that about one million undocumented immigrants enter the country each year and that half of these rely upon smugglers. But the methodology used to arrive at these estimates is unspecified.<sup>[20]</sup>

The available evidence indicates that immigrant smuggling is a growth industry, particularly across the U.S.- Mexico border. According to Border Patrol statistics, the share of undocumented immigrants apprehended along the southern border who reportedly were smuggled into the United States rose from 5.5 percent in FY 1992 to 22.2 percent in FY 2004 {Figure 3}. In absolute terms, this amounts to an increase from 62,909 to 252,651 apprehensions.<sup>[21]</sup> However, the Border Patrol numbers include multiple apprehensions of the same individual and provide no indication of how many immigrants, smuggled or otherwise, make it across the border without being caught. Other estimates as to the scope and expansion of the smuggling industry are different than the Border Patrol data suggest. According to the Mexican government, for instance, the proportion of undocumented Mexican immigrants making use of smugglers rose from 15 percent in 1993 to 41 percent in 2003 - although the evidence on which these estimates are based is unclear.<sup>[22]</sup>

The surge in demand for smuggling services, and the greater difficulty of circumventing new border-enforcement measures, has driven up the price that smugglers charge their clients. For example, the fee paid by undocumented Mexican migrants to be smuggled across the border into California rose from about \$490 in 1995 to between \$2,000 and \$2,500 in 2004.<sup>[23]</sup> This has translated into enormous profits for people smugglers. The Federal Bureau of Investigations (FBI) has estimated that the smuggling of people across the U.S.-Mexico border generates between \$6 billion and \$9 billion annually for the various smuggling networks involved, making it the second most profitable illicit cross-border enterprise after drug smuggling.<sup>[24]</sup> There are indications that some drug-smuggling networks have added people smuggling to their portfolios, or gotten out of the drug business entirely since people smuggling carries less severe criminal penalties and now generates such high profits.<sup>[25]</sup>

Figure 3:



Source: Office of Immigration Statistics, U.S. Department of Homeland Security, September 2005.

### Smuggling Networks and "Other Than Mexicans"

People smuggling is often portrayed as the domain of violent criminal syndicates that have replaced the small-time smuggling operations of old. For instance, a 2003 story in

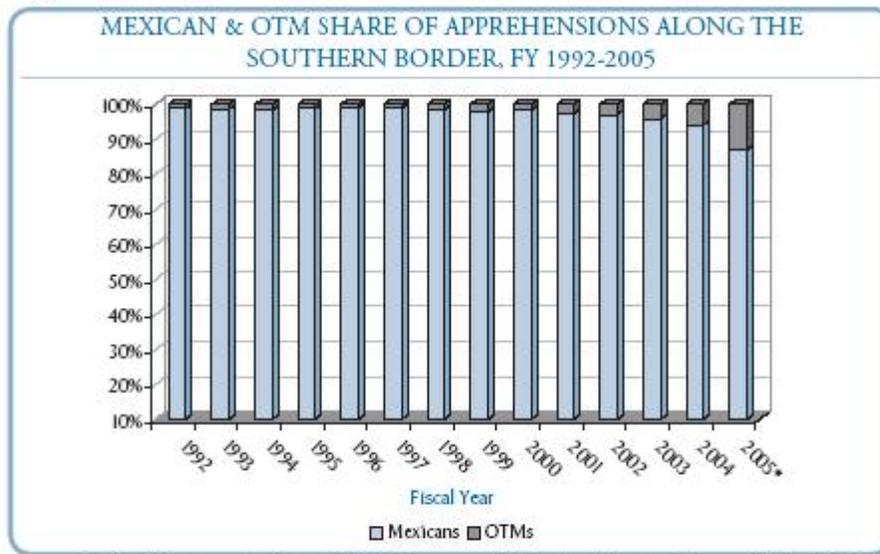
*Time Magazine*, entitled "People Smugglers, Inc.," is replete with references to "coyote mafias" and "coyote kingpins."<sup>[26]</sup> Media accounts abound of migrants who have been brutalized at the hands of smugglers, left in the desert to die, or held prisoner in drop houses and extorted for more money. However, the reality of people smuggling across the U.S.- Mexico border is more complex than these stories suggest. While many smugglers are abusive and unscrupulous, most depend on some degree of customer satisfaction to maintain a steady stream of clients.<sup>[27]</sup> Moreover, smuggling operations come in all shapes and sizes, ranging from professional, hightech commercial enterprises to the lone smuggler who guides people across the Rio Grande.<sup>[28]</sup> Field research in southern Texas suggests that many of the smuggling operations devoted to moving Mexicans across the border remain small-scale.<sup>[29]</sup> Even larger-scale smuggling operations tend to be loose networks of groups and individuals involved in different stages of the smuggling process, rather than hierarchical mafias.<sup>[30]</sup>

Most experts and law-enforcement authorities agree that a growing but unknown share of the people-smuggling market along the U.S.-Mexico border is occupied by increasingly sophisticated smuggling networks that are putting many small-scale operators out of business. Larger smuggling networks have the personnel and resources to more effectively evade new border-control measures by monitoring the movements and communications of Border Patrol agents; purchasing tractor trailers and refitting them with hidden compartments to transport migrants through lawful ports of entry; operating under cover of legitimate bus companies, travel agencies, and employment agencies; or manufacturing fraudulent identity documents of high quality.<sup>[31]</sup> Moreover, the higher the profits to be gained from people smuggling, the more likely it is that professional criminal groups will become involved. This is especially true in the case of migrants smuggled from countries other than Mexico, who pay fees much greater than those charged to Mexicans, often reaching into the tens-of-thousands of dollars per person.

### *"Other Than Mexicans"*

Undocumented migrants from outside of Mexico are more likely than their Mexican counterparts to need the services of smugglers to reach, as well as cross, the U.S.-Mexico border. And smuggling networks that transport migrants across large distances and through multiple countries are more extensive and require a higher degree of sophistication than those that provide Mexican migrants with a simple jump across the border.<sup>[32]</sup> The growth of larger-scale smuggling networks with a greater geographical reach therefore is reflected, indirectly, in the small but growing number of non-Mexicans who cross the U.S.-Mexico border. In the bureaucratic parlance of the Border Patrol, these migrants are known as "Other Than Mexicans" (OTMs).

Figure 4:

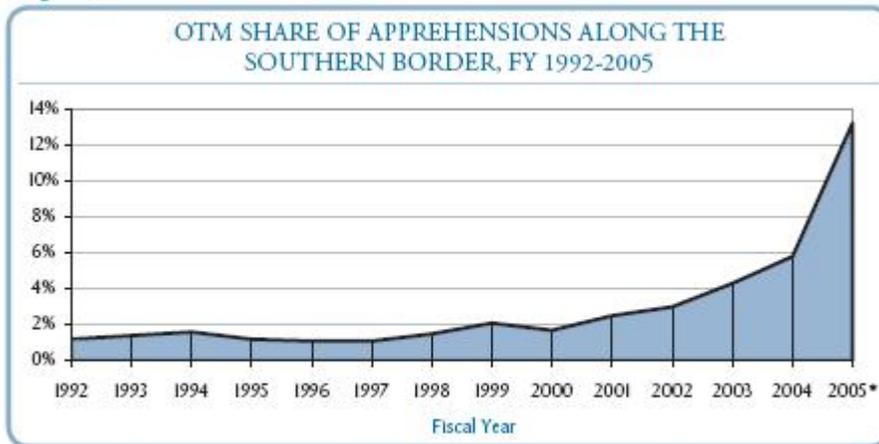


Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February & March 2006.

\*Data for FY 2005 are preliminary.

According to Border Patrol data, Mexicans still account for the overwhelming majority of undocumented immigrants apprehended along the southern border {Figure 4}. But the OTM share of apprehensions has grown significantly since the mid-1990s, rising from 1.1 percent in FY 1997 to 5.8 percent in FY 2004, which amounts to an increase from 15,455 to 65,814 apprehensions. Preliminary data released by the Border Patrol in March 2006 indicate that OTM apprehensions spiked to 154,989 in FY 2005, or 13.2 percent of all southwest border apprehensions {Figure 5}.<sup>[33]</sup> Some of this increase may reflect more effective efforts by the Border Patrol to interdict smuggled immigrants, which would lead to the identification of more OTMs given their greater reliance on smuggling networks. However, it is likely that the Border Patrol apprehension data also indicate a genuine rise in the number of OTMs crossing the U.S.-Mexico border. There are many possible reasons for the surge in OTM entries, including the increased difficulty in obtaining visas to the United States since 9/11 and worsening economic conditions, natural disasters, or political instability in the home countries of some OTM migrants.<sup>[34]</sup>

Figure 5:



Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February & March 2006.  
 \*Data for FY 2005 are preliminary.

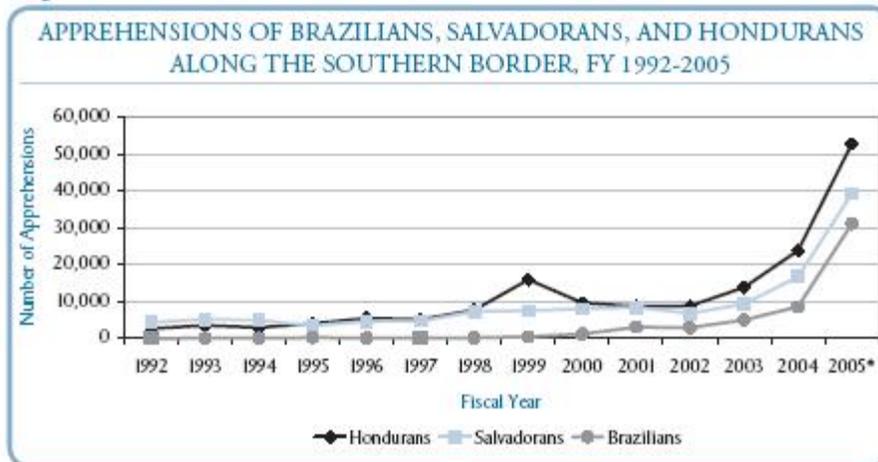
Figure 6:

	Fiscal Year							Total
	1999	2000	2001	2002	2003	2004	2005*	
All OTM Countries	32,445	28,598	30,329	28,048	39,215	65,814	154,989	379,438
<b>Top 5 Countries</b>								
Honduras	15,982	9,687	8,680	8,872	13,841	23,843	52,760	133,665
El Salvador	7,568	8,026	8,464	6,835	9,347	16,726	39,307	96,273
Guatemala	4,703	4,600	4,586	5,386	6,958	10,819	22,590	59,642
Brazil	488	1,241	3,105	2,946	5,008	8,616	31,072	52,476
Nicaragua	759	607	597	525	688	1,380	3,922	8,478

Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February & March 2006.  
 \*Data for FY 2005 are preliminary.

Most OTMs apprehended by the Border Patrol are from Central America. During the 7-year period from FY 1999 through FY 2005, Hondurans, Salvadorans, and Guatemalans accounted for 76.3 percent of all OTM apprehensions along the U.S.-Mexico border. Most of the remaining OTMs were from elsewhere in Latin America, with Brazil alone accounting for another 13.8 percent of OTM apprehensions {Figure 6; see Appendix for a complete breakdown of OTM apprehensions by country of citizenship}. Over the past decade, the largest increases in OTM apprehensions have occurred among Hondurans, Salvadorans, and Brazilians, particularly after 1998 {Figure 7}.<sup>[35]</sup>

Figure 7:



Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February & March 2006.  
\*Data for FY 2005 are preliminary

Pressures to migrate from these countries increased considerably during this time. The Honduran economy was devastated by Hurricane Mitch in 1998; El Salvador suffered not only the effects of Hurricane Mitch, but two powerful earthquakes in 2001; and Brazil experienced a period of economic stagnation from 2001 through 2003. While none of these countries is a likely source of terrorists bent on attacking the United States, the larger and more extensive smuggling networks which OTM migrants use offer foreign terrorists the best chance of illicitly entering the United States. In the case of South America, U.S. law-enforcement officials have expressed concern that al Qaeda-affiliated terrorists might try to recruit from or blend in with the Arab Muslim communities in the tri-border area of the continent where Argentina, Brazil, and Paraguay meet-and then use Latin American smuggling networks to make their way to the United States. <sup>[36]</sup>

The smuggling of migrants across the U.S.-Mexico border from countries outside of the western hemisphere, while accounting for little of the OTM flow, is obviously of greater national security concern than people smuggling from Latin America. This concern is heightened by the fact that some organized crime groups which engage in a variety of nefarious activities have become involved in smuggling OTM migrants. Judging from statements by U.S. and Mexican law-enforcement authorities and accounts in the press, some Mexican people-smuggling rings have occasionally worked in tandem with organized crime groups from Russia, Ukraine, and China that also smuggle drugs and weapons and traffic in women. <sup>[37]</sup>

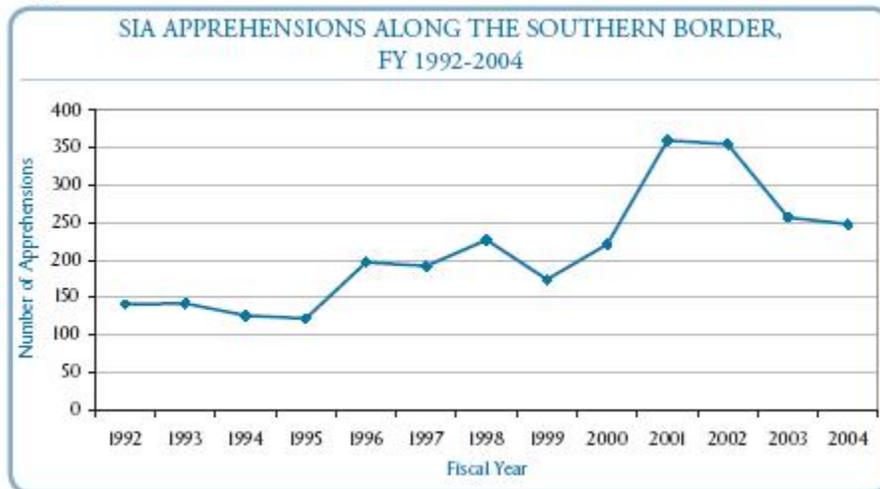
### *"Special Interest Aliens"*

One subset of OTMs that has generated considerable concern among policymakers and law-enforcement authorities are the so-called "Special Interest Aliens" (SIAs) from 35 countries-primarily in the Middle East, North Africa, and South Asia-in which terrorist groups that might be a threat to the United States are active. <sup>[38]</sup> Five of the six countries classified as "state sponsors of terrorism" by the Department of State appear on this list (Iran, Libya, North Korea, Sudan, and Syria). Ironically, the nationals of the sixth state

sponsor of terrorism, Cuba, are not regarded as SIAs, but are immediately granted a legal status upon reaching the United States and are eligible to apply for permanent residence one year later.

The numbers of SIAs apprehended along the southern border are very low. According to Border Patrol statistics, apprehensions at the U.S.-Mexico border of nationals from countries designated as being of "special interest" increased from 141 in FY 1992 to 360 in FY 2001 before declining to 248 in FY 2004 {Figure 8}. During the 6-year period from FY 1999 through FY 2004, the number of SIAs apprehended along the southern border totaled 1,615-or 0.02 percent of all apprehensions and 0.7 percent of all OTM apprehensions. The largest share of SIAs during this period came from the Philippines (15.4 percent), followed by Pakistan (11.9 percent), and Egypt (10.2 percent) {Figure 9}. [39]

Figure 8:



Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February 2006.

Figure 9:

SIA APPREHENSIONS ALONG THE SOUTHERN BORDER, BY COUNTRY OF CITIZENSHIP, FY 1999-2004							
Country	Fiscal Year						Total
	1999	2000	2001	2002	2003	2004	
Philippines	20	15	33	75	58	48	249
Pakistan	12	21	46	50	40	23	192
Egypt	27	18	79	22	7	12	165
Lebanon	19	24	35	16	11	10	115
Jordan	6	25	23	30	14	11	109
Iran	23	18	19	15	13	11	99
Indonesia	6	13	3	23	24	16	85
Turkey	7	6	15	17	16	13	74
Bangladesh	5	4	7	13	13	25	67
Syria	11	14	19	8	3	5	60
Iraq	10	8	3	8	8	6	43
Thailand	2	11	3	10	3	8	37
Morocco	2	3	8	14	8	2	37
Afghanistan		1	15	8	3	8	35
Yemen	2	10	5	8	7		32
Saudi Arabia	2	9	2	5	2	6	26
Tunisia	3	3	7	5		5	23
Eritrea				1	3	17	21
Uzbekistan	2	1	9	3	4	2	21
Malaysia	2	4	3	3	7	1	20
Somalia	4	4	4		1	7	20
Algeria	5	2	2	4	3	3	19
Sudan	1	3	2	3	4	5	18
Qatar			6	2	2		10
North Korea		2	2	4	1		9
Kazakhstan			5	2	1		8
Kuwait	1		2	2		3	8
Bahrain			1	3	1		5
United Arab Emirates	1	1	1				3
Mauritania			1			1	2
Libya				1			1
Tajikistan		1					1
Oman	1						1
Total	174	221	360	355	257	248	1,615

Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February 2006.

Some lawmakers have relied more on negative stereotypes of Arabs and Muslims than on hard evidence in assessing the security threat that SIAs represent. For instance, in April 2005, one senator offered as evidence that al Qaeda has infiltrated the United States the fact that undocumented immigrants speaking Arabic or Farsi have been apprehended along the southern border, as well as "stories of suspicious items picked up by local residents, including Muslim prayer rugs and notebooks written in both Arabic and Spanish."<sup>[40]</sup> In July 2005, a congressional representative proclaimed his commitment "to prevent special-interest aliens from entering our country, intent on a path of destruction."

<sup>[41]</sup> Comments such as these overlook that most immigrants from countries of special interest are likely fleeing political repression, religious persecution, civil strife, or economic hardship. But the presence of SIAs at the southern border, however small, points to the existence of smuggling networks that might be useful for foreign terrorists trying to enter the country through undocumented channels.

### Enhanced Security Through Immigration Reform

In the final analysis, the threat to national security posed by undocumented immigration and migrant smuggling across the U.S.-Mexico border cannot be quantified through statistics on how many Arabs or Muslims are apprehended by the Border Patrol. The number of such apprehensions remains small and-the comments of some lawmakers notwithstanding- the average Arab or Muslim is not a terrorist. Yet the smuggling networks that facilitate the entry into the United States of undocumented immigrants from around the world could be used by foreign terrorists. Until a terrorist is apprehended who is planning an attack in the United States and who surreptitiously crossed the southern border, the threat remains, thankfully, a question of what might happen.

While the security implications of undocumented immigration and people smuggling are nebulous, the causes are not. For the most part, undocumented immigration is the result of restrictions on legal immigration that stand between the supply of workers in one country and the demand for workers in another-particularly between nations such as the United States and Mexico that have long been linked through trade and labor migration. Under these conditions, more stringent border controls force the flow of workers underground, creating a lucrative market for people smugglers. If the movement of workers across international borders were liberalized to the same extent that trade and finance is already, the demand for people smugglers would decline enormously.<sup>[42]</sup>

In the case of the United States, the demand for foreignborn workers clearly exceeds current legal limits on their entry into the country, especially for those workers who fill lessskilled jobs and who make up the bulk of the undocumented population. According to the Pew Hispanic Center, the 7.2 million workers among the 11.5 undocumented immigrants in the United States as of March 2005, while accounting for 4.9 percent of the labor force as a whole, comprised 24 percent of all workers in farming, fishing, and forestry; 17 percent in building and grounds cleaning and maintenance; 14 percent in construction; 12 percent in food preparation and serving; and 9 percent in production occupations.<sup>[43]</sup> Yet the U.S. immigration system allots only 5,000 employmentbased green cards each year for workers in less-skilled jobs<sup>[44]</sup> and caps the number of temporary workers in less-skilled occupations other than agriculture at 66,000 per year. In theory, an unlimited number of temporary agricultural workers can enter the country each year, but the program by which they do so responds slowly to the often rapid fluctuations in labor demand that are characteristic of agriculture and so is little used.

The most practical response to the problem of undocumented immigration across the U.S.-Mexico border is to create more flexible avenues for both temporary and permanent immigration that respond to labor demand. Not only would this better serve the labor needs of the U.S. economy than the current reliance on undocumented workers, but would take undocumented labor migration out of the bordersecurity equation. A continuation of the enforcement-only strategy implemented by the U.S. government since the early 1990s, which lumps together terrorists and jobseekers from abroad as groups to be kept out, decreases the chances that a foreign terrorist will be caught. This point has been persuasively argued by Margaret Stock, an Associate Professor of Law at the U.S. Military Academy at West Point:

National security is most effectively enhanced by improving the mechanisms for identifying actual terrorists, not by implementing harsher immigration laws or blindly treating all foreigners as potential terrorists. Policies and practices that fail to properly distinguish between terrorists and legitimate foreign travelers are ineffective security tools that waste limited resources, damage the U.S. economy, alienate those groups whose cooperation the U.S. government needs to prevent terrorism, and foster a false sense of security by promoting the illusion that we are reducing the threat of terrorism.  
[45]

No amount of border enforcement can compensate for the fact that U.S. immigration policies are outdated. Over the past two decades, the economic integration of North America, the western hemisphere, and the world as a whole have increased dramatically. The U.S. economy continues to create large numbers of less-skilled jobs even as native-born workers grow older and better educated and are increasingly unavailable to fill such jobs. Yet, the federal government persists in trying to impose numerical caps and other restrictions on immigration that were formulated in the 1960s. As a result, border-enforcement resources are devoted in large part to stemming labor migration which the U.S. economy attracts and which is an outcome of globalization. Until lawmakers create new avenues for both permanent and temporary immigration that are realistic and flexible, U.S. national security will continue to be undermined by border-enforcement efforts that divert labor migration through undocumented channels and into the hands of people smugglers.

## Appendix:

OTM APPREHENSIONS ALONG THE SOUTHERN BORDER,  
BY COUNTRY OF CITIZENSHIP, FY 1992-2004\*

\*Ranked by cumulative total apprehensions per country during FY 1992-2004 period

Country	Fiscal Year												
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Honduras	2,679	3,536	2,963	4,031	5,523	5,161	7,758	15,982	9,687	8,680	8,872	13,841	23,843
El Salvador	4,393	5,174	4,935	3,528	4,671	4,711	7,317	7,568	8,026	8,464	6,835	9,347	16,726
Guatemala	3,690	4,458	4,376	3,839	3,334	3,592	5,275	4,703	4,600	4,586	5,386	6,958	10,819
Brazil	59	107	133	260	175	110	191	488	1,241	3,105	2,946	5,008	8,616
Nicaragua	406	1,049	1,113	902	678	335	399	759	607	597	525	688	1,380
Ecuador	178	340	685	517	225	199	313	498	1,106	1,418	598	440	530
People's Republic of China	150	710	96	133	134	49	196	205	308	249	319	286	865
Dominican Republic	451	113	60	121	179	173	122	206	239	426	247	331	350
Cuba	78	211	355	208	77	46	97	401	457	213	146	90	139
Colombia	183	141	121	141	111	96	104	147	231	292	143	164	168
India	88	167	279	369	321	86	63	62	102	177	151	86	54
Peru	125	97	98	124	78	82	58	86	137	189	212	230	242
Poland	24	19	50	29	15	15	21	193	457	300	164	150	165
Costa Rica	87	72	41	35	19	42	33	56	131	145	91	168	291
Albania	2		2	2	4	3	54	66	102	198	150	73	83
Belize	80	109	75	36	37	29	38	36	33	33	32	38	35
Chile	29	42	33	24	12	22	16	38	51	101	31	65	50
Bulgaria	8	5	16	33	54	61	51	39	67	93	9	11	21
Philippines	24	36	20	28	33	14	16	20	15	33	75	58	48
Venezuela	24	25	8	15	18	24	28	23	58	37	30	52	75
Argentina	17	22	16	7	9	8	7	14	6	30	81	105	88
United Kingdom	64	53	24	40	33	20	20	24	23	21	30	19	25
South Korea	11	9	13	21	19	3	20	30	8	33	49	66	101
Canada	33	24	33	86	19	26	32	22	18	20	13	26	19
Yugoslavia	2	1	9	4	5	10	63	40	56	41	19	34	80
Bolivia	10	21	17	15	2	14	6	18	10	31	38	41	126
Jamaica	39	14	5	12	10	23	26	23	29	18	56	42	45
Russia		2	9	6	43	51	8	66	68	31	17	22	10
Egypt	9	17	17	7	15	45	48	27	18	79	22	7	12
Pakistan	16	22	18	15	25	11	9	12	21	46	50	40	23
Israel	33	16	19	28	15	11	13	12	16	13	41	47	35
Ukraine					3	2	1	42	114	74	16	17	9
Romania	9	5	7	28	26	8	14	30	18	23	16	14	46
Germany	39	33	20	20	17	14	11	10	12	9	15	12	12
Nigeria	18	14	10	15	24	17	13	14	13	15	13	26	31
Iran	10	10	13	8	26	10	41	23	18	19	15	13	11
Jordan	24	9	9	19	21	13	10	6	25	23	30	14	11
Macedonia							7	44	52	25	31	24	21
Haiti	6	6	9	2	3	2	37	20	19	4	2	20	58
Vietnam	8	4	21	12	15	25	16	29	11	7	13	18	8
Panama	27	20	10	18	8	7	3	11	8	10	9	9	26
Lebanon	5	5	3	3	5	4	18	19	24	35	16	11	10
France	28	16	18	13	8	6	8	10	4	5	15	13	10
Czech Republic						1	2	37	16	13	26	35	19
Iraq	10	2	3	4	29	16	19	10	8	3	8	8	6
Kenya	1	6	7	2	4	3	9	7	4	3	19	33	23
Bangladesh	7	17	11	4	7	2	3	5	4	7	13	13	25
Italy	10	7	12	9	11	5	7	9	7	8	12	9	11
Portugal	3	7	8	27	32	14	8	3	2	2	3	1	3
Lithuania	2				3	1	6	21	44	15	5	8	5
Indonesia	6	2	3	6	4	2	1	6	13	3	23	24	16
Japan	21	12	9	2	3	8	1	4	6	7	13	14	6
Turkey	4	11	6	2	4	1	3	7	6	15	17	16	13
Armenia		4	8	1	1	4	3	5	12	13	22	19	8
Syria	1	2		3	3	4	21	11	14	19	8	3	5



Country	Fiscal Year												
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Qatar					1					6	2	2	
Singapore	2						1		1	1	2		4
Zaire	2	1	1		2	3	1	1					
Zimbabwe	1	1							1	2	1	2	3
Croatia				1	1	1	1	1	1			2	2
Fiji	1		2	1					2		2		2
Larria						2		1			4	2	1
Bahamas		2		1		1			1	1	2	1	
Dominica		1				1		4	3				
Guinea	1			1				1		1	2	3	
Mali		1							1	1	3	1	2
North Korea									2	2	4	1	
Zambia	1						1	1			2	2	2
Estonia		1					1	1	2			2	
Grenada	1			1		1		2		1			1
Niger						1	2	1			2		1
Serbia and Montenegro													7
USSR	7												
Western Sahara	1						1					3	2
Antigua-Barbuda		2			1				1		1	1	
Bahrain			1							1	3	1	
St. Lucia	1		2							1		2	
Finland	1		1	1					1	1			
Togo									1	1	1	1	1
United Arab Emirates		1				1		1	1	1			
Kyrgyzstan										2		1	1
Liechtenstein									4				
Malawi									1		1		2
Slovenia					1						1	2	
Unknown									2				2
Azerbaijan		1								1	1		
Burkina Faso								3					
Burundi			1						1		1		
Libya							2				1		
Martinique									3				
Netherlands Antilles					1	1							1
Palestine		1					1		1				
Barbados		1				1							
Botswana								1				1	
British Virgin Islands	1			1									
Guinea-Bissau												1	1
Iceland			1	1									
Mauritania										1			1
Mozambique					2								
Oman	1							1					
Suriname									1				1
Western Samoa							2						
Anguilla													1
Benin	1												
Cape Verde							1						
Cyprus		1											
French Polynesia							1						
Gabon										1			
Micronesia											1		
Papua New Guinea													1
Rwanda						1							
St. Kitts-Nevis												1	
St. Vincent-Grenadines	1												
Swaziland													1
Tajikistan									1				
Total	13,426	16,935	15,969	14,935	16,308	15,455	22,820	32,445	28,598	30,329	28,048	39,215	65,814

Source: Office of Immigration Statistics, U.S. Department of Homeland Security, February 2006.

## Endnotes

<sup>1</sup> U.S. National Security Council, International Crime Threat Assessment, December 1, 2000, p. 23-24.

<sup>2</sup> Thomas R. Eldridge, et al., 9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States, August 2004, p. 61.

<sup>3</sup> Statement of Admiral James Loy, Deputy Secretary, U.S. Department of Homeland Security, before the U.S. Senate, Select Committee on Intelligence, regarding "The Worldwide Threat to the United States," February 16, 2005.

<sup>4</sup> Office of Sen. Kay Bailey Hutchison, "The Border Patrol Helps Guard Against Terrorist Infiltration from the South," Capitol Comments, Washington, DC, April 1, 2005.

<sup>5</sup> Rep. Ted Poe, Congressional Record - House, p. H9421, October 28, 2005.

<sup>6</sup> Statement of Rep. Henry Bonilla, before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, regarding "How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress (Part I)," November 10, 2005.

<sup>7</sup> TRUE Enforcement and Border Security Act of 2005 (H.R.4313).

<sup>8</sup> Office of Rep. Charlie Norwood, "The Clear Act Takes Root," This Week in Washington, Washington, DC, November 2, 2005.

<sup>9</sup> Rep. John Culberson, Congressional Record - House, p. H7593, July 29, 2005.

<sup>10</sup> Border Protection Corps Act of 2005 (H.R.3622).

<sup>11</sup> Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, National Border Patrol Strategy, March 28, 2005, p. 5.

<sup>12</sup> *ibid*, p. ii.

<sup>13</sup> *ibid*, p. 8-9, 15.

<sup>14</sup> Statistics provided to the author by the Office of Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, February 2006.

<sup>15</sup> Blas Nuñez-Neto, Border Security: The Role of the U.S. Border Patrol. Washington, DC: Congressional Research Service, U.S. Library of Congress, May 10, 2005, p. 10.

<sup>16</sup> Jeffrey S. Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*. Washington, DC: Pew Hispanic Center, March 7, 2006, p. 2-3, 17.

<sup>17</sup> Prior to July 7, 2004, the Government Accountability Office was known as the General Accounting Office.

<sup>18</sup> U.S. General Accounting Office, *INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*, GAO-01-842, August 2001, p. 2.

<sup>19</sup> U.S. General Accounting Office, *Alien Smuggling: Management and Operational Improvements Needed to Address Growing Problem*, GAO/GGD-00-103, May 2000, p. 6.

<sup>20</sup> U.S. National Security Council, p. 22.

<sup>21</sup> Statistics provided to the author by the Office of Immigration Statistics, U.S. Department of Homeland Security, September 2005.

<sup>22</sup> Gobierno de México, Secretaría General del Consejo Nacional de Población, *Informe de ejecución 2003-2004 del Programa Nacional de Población 2001-2006*, Julio de 2004, p. 79.

<sup>23</sup> Wayne A. Cornelius, "Controlling 'Unwanted' Immigration: Lessons from the United States, 1993-2004," *Journal of Ethnic and Migration Studies* 31(4), July 2005, p. 783.

<sup>24</sup> Oscar Becerra, "Mexican people-smuggling trade worth billions," *Jane's Intelligence Review*, December 1, 2004.

<sup>25</sup> Blas Nuñez-Neto, Alison Siskin & Stephen Viña, *Border Security: Apprehensions of "Other Than Mexican" Aliens*. Washington, DC: Congressional Research Service, U.S. Library of Congress, September 22, 2005, p. 14; U.S. Government Accountability Office, *Combating Alien Smuggling: Opportunities Exist to Improve the Federal Response*, GAO-05-305, May 2005, p. 5; U.S. National Security Council, p. 23-25; U.S. General Accounting Office, *Alien Smuggling*, p. 9.

<sup>26</sup> Tim Padgett, "People Smugglers, Inc.," *Time Magazine*, August 18, 2003, p. 42.

<sup>27</sup> David Spener, "Mexican Migrant-Smuggling: A Cross-Border Cottage Industry," *Journal of International Migration and Integration* 5(3), Summer 2004, p. 308-311; Peter Andreas, "The Transformation of Migrant Smuggling across the U.S.-Mexican Border," in David Kyle & Rey Koslowski, eds., *Global Human Smuggling: Comparative Perspectives*. Baltimore, MD: Johns Hopkins University Press, 2001, p. 118.

<sup>28</sup> David Spener, "Smuggling Migrants through South Texas: Challenges Posed by Operation Rio Grande," in David Kyle & Rey Koslowski, eds., *Global Human*

Smuggling: Comparative Perspectives. Baltimore, MD: Johns Hopkins University Press, 2001, p. 134-139; U.S. General Accounting Office, Alien Smuggling, p. 10.

<sup>29</sup> Spener, "Mexican Migrant-Smuggling," p. 302-308.

<sup>30</sup> Andrea DiNicola, "Trafficking in Human Beings and Smuggling of Migrants," in Philip Reichel, ed., Handbook of Transnational Crime and Justice. Thousand Oaks, CA: Sage Publications, 2005, p. 187-188; U.S. National Security Council, p. 25.

<sup>31</sup> Andreas, "The Transformation of Migrant Smuggling," p. 118-119; U.S. General Accounting Office, Alien Smuggling, p. 10-11.

<sup>32</sup> DiNicola, "Trafficking in Human Beings," p. 187.

<sup>33</sup> Statistics provided to the author by the Office of Immigration Statistics, U.S. Department of Homeland Security, February & March 2006.

<sup>34</sup> Nuñez-Neto et al, Border Security: Apprehensions, p. 18-19.

<sup>35</sup> Statistics provided to the author by the Office of Immigration Statistics, U.S. Department of Homeland Security, February 2006.

<sup>36</sup> Office of the Coordinator for Counterterrorism, U.S. Department of State, Country Reports on Terrorism 2004, April 2005, p. 84; Rex Hudson, Terrorist and Organized Crime Groups in the Tri-Border Area (TBA) of South America. Washington, DC: Federal Research Division, U.S. Library of Congress, July 2003, p. 1.

<sup>37</sup> Ramón J. Miró, Organized Crime and Terrorist Activity in Mexico, 1999-2002. Washington, DC: Federal Research Division, U.S. Library of Congress, February 2003, p. 21-34; U.S. National Security Council, p. 23-25; U.S. General Accounting Office, Alien Smuggling, p. 10.

<sup>38</sup> These countries are: Afghanistan, Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, North Korea, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, and Yemen.

<sup>39</sup> Statistics provided to the author by the Office of Immigration Statistics, U.S. Department of Homeland Security, February 2006.

<sup>40</sup> Hutchison, "The Border Patrol," April 1, 2005.

<sup>41</sup> Office of Rep. Rick Renzi, The Renzi Report 3(5), Washington, DC, July 2005, p. 1.

<sup>42</sup> Patrick A. Taran & Gloria Moreno-Fontes Chammartin, "Getting at the Roots:

Stopping Exploitation of Migrant Workers by Organized Crime," Perspectives on Labour Migration 1E, Geneva: International Labour Office, 2003, p. 5-6, 8-9.

<sup>43</sup> Passel, p. 9, 11.

<sup>44</sup> The cap is set at 10,000, but 5,000 visas are reserved each year for beneficiaries of the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

<sup>45</sup> Statement of Margaret Stock, Associate Professor of Law, U.S. Military Academy at West Point, before the U.S. Senate, Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Citizenship and Subcommittee on Terrorism, Technology and Homeland Security, regarding "The Need for Comprehensive Immigration Reform: Strengthening Our National Security," May 17, 2005.