

BORDER ENFORCEMENT Immigration Study Brief #3

Brief History

Border control received growing attention in the 1970s after the United States terminated the U.S.-Mexico *bracero* program and implemented per-country limits on legal immigration. The 1986 Immigration Reform and Control Act (IRCA) greatly increased Border Patrol funding.

Ten years later, Congress passed the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), drastically increasing full-time active-duty Border Patrol agents in areas with the most illegal crossings, adding more barriers and expanding IDENT, the existing automated fingerprint system. IIRIRA also mandated a system for tracking entries and exits of students and foreign-born visitors to be fully operational by 2003.

After September 11, 2001, immigration functions became a key element of national security in the U.S.A. PATRIOT Act. This law required greater information sharing at all levels of government, took steps to bring visa issuance and documentation requirements at home and abroad under tighter control, and mandated the inclusion of biometric technology and tamper-resistant machine-readable entry-exit documents.

In 2003, the Immigration and Naturalization Service was abolished; its functions were transferred to the newly created Department of Homeland Security (DHS). In 2006, Congress passed the Secure Fence Act authorizing 700 miles of fencing along the U.S.-Mexico border at an estimated cost of \$9 billion (about \$2.5 billion more than the U.S. Customs and Border Protection's FY 2005 budget).

Employer Sanctions

Employer sanctions have been an important, but not very effective, element of border enforcement since 1986. Although most employers consistently require necessary documentation, unauthorized immigrants increasingly use falsified documents. Unless the documents are obvious forgeries, they must be accepted by employers, who must also verify Social Security numbers with the Social Security Administration – a process that can take months.

Basic Pilot, a federal online document verification system, is available. But few employers are registered, largely because questioning documents or asking for further documentation can lead to problems as illustrated by the Swift and Company “catch 22” experience. The company has participated in the Basic Pilot system since 1997. However, it was sued in 2001 by the Justice Department for discrimination against immigrant workers. Subsequently, Swift and Company has been careful not to inquire too deeply into job applicants’ “paper work.”

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Result: Immigration agents raided the company's meatpacking plants in mid-December 2006.

Enforcement Cost and Benefits

Total immigration enforcement spending increased fivefold between 1985 and 2002 – from \$1 billion to almost \$5 billion. During this period, the southwest border consistently received the biggest share. Since the DHS took over, funding increases have largely gone to border enforcement, the only component of immigration funding that consistently wins bipartisan political support.

Construction of San Diego's triple fencing in 1993-94 resulted in a drop in that sector's undocumented immigrant apprehensions (450,152 in FY 1994 vs. 100,000 in FY 2002). However, during that same period, the Tucson sector's apprehensions soared 342 percent, making the Tucson sector the most popular crossing point for migrants along the entire border.

In the two decades since passage of IRCA, the Border Patrol's budget has grown by more than 500 percent and its personnel by more than 200 percent. Despite these increases, it is estimated that 10.3 million unauthorized immigrants now live in the United States, with inflows averaging well over half a million per year.

The Undocumented Population

Although large numbers of the rising undocumented population cross the U.S. –Mexico border illegally, a significant number enter the country legally, overstay their visas and become illegal. DHS officials concede that they lack the funding and technology to meet their December 2007 deadline for exit-monitoring systems at the 50 busiest crossings.

Large numbers of undocumented Mexican citizens are persuaded by the Border Patrol to return voluntarily to Mexico, but the majority of the increasing number of non-Mexican immigrants caught crossing the border are released and ordered to appear in court at a future date – an appointment few of them keep. The detention system is simply not large enough. In addition, undocumented immigrants who face increased costs and dangers, even death, crossing the border, are no longer crossing as frequently. Fencing and increased Border Patrol activity may be keeping more unauthorized immigrants inside the U.S. than outside it.

No Simple Answer

According to most assessments, using current single-approach border control programs to deal with protection against terrorists, apprehension of criminals, and the illegal entry of people and goods just may not be effective or efficient.

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This brief, posted on our Web site prior to publication in *The National Voter*, is based on the LWVUS Immigration Study Committee background paper, "Federal Immigration Policy: Enforcement Issues," by Barbara Margerum. The paper (including full citations of sources) is available at www.lwv.org.