

WebMemo



Published by The Heritage Foundation

No. 1508
June 15, 2007

Throwing Money at the Problem No Solution to Immigration and Border Security

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There already exist on the books numerous laws that, if enforced in a targeted manner, would discourage illegal immigration and the employment of undocumented labor, as well as send the signal that such activities will no longer be overlooked. Recent actions by the Administration prove that reasonable enforcement measures (well short of massive deportations) can reduce the number of illegal border crossings. In addition, Congress can take a number of modest actions that would strengthen enforcement, both at the border and in the workplace.

None of these measures require the kind of comprehensive legislation that was recently proposed in the Senate. The recently revived Senate immigration reform bill, which would grant immediate legal status to the 12 million or more people that are unlawfully present in the United States, would work at cross purposes with enforcement efforts: encouraging more illegal immigration; overburdening federal agencies; and complicating the task of upholding the rule of law.

Current Enforcement Efforts. Supporters of the Senate bill have propagated the myth that the bill is necessary to enhance border security and enforce immigration laws in the workplace. That claim is patently false. Virtually all of the useful security provisions in the draft legislation, including building barriers at the border and hiring more border patrols, were authorized in previous legislation (like the Secure Fence Act of 2006) and funded by Congress.

Indeed, the government is already using these tools. Formal removals (in which a judge orders an

alien to leave) jumped from 178,000 in 2001 to 232,000 in 2006—a 30 percent increase. Last year, enforcement agents intercepted and turned back about 900,000 aliens attempting to cross the U.S.–Mexico border. The Department of Homeland Security has already ended the controversial policy of “catch and release,” whereby individuals arrested for immigration violations were released on their own cognizance pending a removal order from a judge. Individuals who frequently absconded after being released are now being detained until deported.

The department has also stepped up enforcement against employers that intentionally hire undocumented workers to gain an advantage over their competitors or reap illegal profits by scuffing tax laws. Additionally, more is being done to go after criminal aliens, including gang members. Operation Community Shield, for example, is a nationwide law enforcement initiative targeting violent criminal street gangs. The program has resulted in the arrest of almost 5,000 criminals and the deportation of more than half of them. Meanwhile, the department has been hiring and deploying border agents as fast they can, as well as expanding bed space and streamlining the detention and removal

This paper, in its entirety, can be found at:
www.heritage.org/Research/Immigration/wm1508.cfm

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

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process to deport unlawfully present individuals as fast as the law will allow. Thus, it is not clear why the Senate bill is required at all.

No Need for Emergency Spending. The press is reporting that some Senators are proposing an emergency supplemental spending bill for more enforcement and border security. The move is little more than a political ploy to win support for the moribund comprehensive immigration reform bill. Congress and the Administration should reject supplemental spending outright for several reasons.

First, it undermines fiscal responsibility. With the president threatening to veto regular appropriations bills that go over budget, it would make no sense for the Administration to accept additional spending that was not offset by other cuts in federal spending.

Second, it throws money at the problem with little assurance that it will be spent efficiently or effectively. The Administration has already stated that it has a plan and appropriations to significantly increase border security and enforcement over the next 18 months. It is difficult to imagine how current government efforts could absorb significant additional funds and allocate them effectively.

Third, the prospect of supplemental spending could encourage Congress to accept the legislation proposed in the Senate. In its current form, the Senate bill offers immediate legal status to any individual unlawfully present in the United States. Amnesty would have a two-way, crippling effect on border security and immigration reform. First, dealing with the millions that would enroll in the amnesty program will overwhelm federal agencies and detract from enforcing the law and providing services to legitimate immigration cases. Second, the offer of amnesty will spur more illegal border crossings, further compromising border security and law enforcement.

Follow the Law. Rather than throwing more money at the problem, much can be done under existing authority to secure the border, enforce the law, and provide a powerful deterrent to future illegal migration. The Administration should continue to do the following:

1. **Increase the number of border patrol agents.** Implement the Administration's goal of hiring

3,000 agents per year—a more than five-fold increase in the numbers hired in previous years. Contractors from the private sector can assist with many functions including border patrol and detention and removal.

2. **Cooperate with state and local law enforcement.** Cooperative efforts should focus on enhancing border security and dealing with the criminal alien population. Such efforts include expanding Border Enhancement Security Task Forces; supporting state operations similar to “Operation Linebacker” conducted in Texas; providing homeland security grants to assist community policing in border communities; and participating in the 287(G) program which coordinates cooperation between federal, state, and local law enforcement on immigration matters.
3. **Deploy technology and obstacles along the border where they make sense.** The Department of Homeland Security should implement its border security plans, which include increased intelligence sharing, expanding its capabilities along the border through its SBI Net program, and placing obstacles where they prove efficient and effective.
4. **Target enforcement on specific sectors of the economy.** These include sectors where undocumented workers are the most prevalent and where businesses intentionally hire illegal workers as part of a plan to undercut competitors and reap illegal profits. This can be done using existing legal authority.

These measures will not remove every unlawful present person from the United States, nor will they seal the border. They will, however, enable the government to gain control of its southern border, facilitate serious workplace enforcement, and serve as a deterrent against future illegal migration.

Next Steps. Enforcing current law and establishing a balanced and well-designed temporary worker program—one that allows for a market-driven source of labor provided by a rotating temporary workforce—would diminish the incentives for illegal immigration by providing an additional option for legal entry and, in combination with other reforms, gradually reduce the population of illegal

aliens. This strategy would better foster national security and serve a growing economy.

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