

The Nature and Impact of Illegal Immigration on Security in Texas



Prepared for the Texas Public Policy Foundation by Sylvia Longmire

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The Nature and Impact of Illegal Immigration on Security in Texas

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Executive Summary

The state of Texas has become the epicenter of illegal immigration from Central America, and continues to be a prime destination for migrants from Mexico, South America, and other countries around the globe. These cross-border flows of people shift in number and location based on multiple factors, including economic and security conditions in both the U.S. and source countries, real and perceived U.S. immigration policy decisions and changes, and U.S. law enforcement efforts across all parts of the southwest border.

These shifting flows have varying impacts on different parts and sectors of Texas, and have prompted concerns from individuals who feel the state's economy and security are being negatively impacted by illegal immigration. This analysis indicates that some areas and sectors in Texas are being negatively impacted more than others, and some not at all.

Key Points

- The combination of topography, environmental regulations, private property ownership, and federal funding challenges have prevented the full effectiveness of border fencing in South Texas, although the fence and technological platforms have met with more success along other parts of the Texas–Mexico border.
- Current U.S. immigration policies allow few opportunities for average Mexican and Central American citizens to emigrate legally to the U.S., with typical visa wait times as long as 20 years.
- A lack of economic opportunities and security in countries like Mexico, El Salvador, Guatemala, and Honduras—combined with the relative unavailability of visas—have prompted hundreds of thousands of individuals from these countries to seek assistance from human smuggling networks.
- Human smuggling networks are extremely active in Texas, and make hundreds of millions of dollars in profits every year from smuggling migrants from Mexico into Texas.
- It is very easy and relatively inexpensive for illegal immigrants to obtain fraudulent documentation that allows them to obtain employment in low-skilled jobs in Texas.
- Kidnappings are not tracked through the UCR database, nor are “criminal on criminal” or unreported crimes that could represent violent Mexican drug cartel activity in Texas. Anecdotal evidence and open source reporting indicate these activities may be increasing.
- Overall, violent crime in Texas border cities and communities has not significantly changed between 2003-2012, according to data gleaned from the FBI's Uniform Crime Reports (UCR) database.
- While many illegal immigrants do stay in larger Texas cities and smaller border communities, a significant number continue travel beyond the state to reunite with family members elsewhere.
- Federal, state, and local law enforcement authorities in Texas use a variety of methods to prevent the illegal entry of migrants from Mexico, with mixed results.
- Recent executive action taken by President Obama will impact immigrants who have been living in Texas for several years, but it is not expected to stimulate a significant shift in current immigration patterns.

The author intentionally refrained from making specific policy recommendations as part of this analysis. This report is intended to provide policymakers and legislators with facts and analysis—as well as an inventory of what is unknown, which is just as important—in order to make informed decisions regarding the security of the state of Texas. Most available statistics are recent through the end of fiscal year 2013, and much has occurred in fiscal year 2014 that can only be accounted for through other means, like government and open-source media reports. The main takeaway from this analysis should be that individuals assessing threats to and the current security situation in the state of Texas must not rely on statistics or anecdotes alone, but rather a broader and more contextual approach that paints the most accurate picture possible.

Introduction

When analyzing the threats posed to a nation or region or state, it is helpful to start by looking at statistics. Numbers and charts are a concrete way to quantify crime levels and the flow of people and drugs across our borders. Statistics are also easy for elected officials, governments, and law enforcement agencies to cite when making certain claims about the safety of their communities, or the southwest border in general.

Unfortunately, statistics never tell the whole story. While they are an objective measure of something, their interpretation can be subjective. This analysis of the current security situation in the state of Texas in relation to illegal immigration and drug trafficking trends uses statistics to get a general sense of trends. All of the statistics used are open source and available to the public. However, those statistics have to be combined with anecdotal evidence and the context of broader security challenges beyond Texas to paint a more accurate picture of the border issues the state will be facing in the years to come.

Texas owns roughly half of the U.S.–Mexico border, and as such has experienced the gamut of problems, experiments, and relatively rare successes in the realm of border security. It has recently been in the media spotlight for hosting the nation's largest short-term immigration surge in almost a decade, as well as for the controversial national response. But Texas is used to receiving its fair share of media attention for border-related matters, to include an increase in migrant deaths in Brooks County, a deployment of 1,000 National Guard soldiers to south Texas, still-unfinished sections of border fence, controversy over the activities of militia groups, and private ranch land being shredded by traffickers and illegal immigrants.

This paper examines historical patterns based on crime and apprehension statistics, but uses them just as a foundation in combination with geopolitical trends to determine what poses a true security threat to the state of Texas. It also analyzes what has worked for the federal and state government in regard to securing the southwest border against criminal threats and illegal immigration, what has not worked, and what has the potential to work better if managed more effectively.

Although the political makeup of Congress changed after the mid-term elections in November 2014, the state of Texas shouldn't anticipate any quick movements in legislation affecting either illegal immigration or border security in the short term. Texas also will continue to be a magnet for those seeking to reunite with family and flee poverty and violent conditions in Central America.

Trends in Border Crime

In an oft-cited speech at the University of Texas at El Paso in January 2011, former DHS Secretary Napolitano announced that FBI crime statistics showed violent crime rates in southwest border counties were down 30 percent during the previous two decades, and were “among the lowest in the nation.”¹ In May 2012, CBP Laredo field office director Gene Garza testified before Congress that areas on the U.S. side of the southwest U.S.–Mexican border are “some of the safest communities in America,” and added:

Violent crime in border communities has remained flat or fallen in the past decade, according to the Federal Bureau of Investigation's (FBI) Uniform Crime Report, and some of the safest communities in America are at the border. In fact, violent crimes in Southwest border counties overall have dropped by more than 40 percent and are currently among the lowest in the Nation per capita, even as drug-related violence has significantly increased in Mexico.²

Napolitano and Garza aren't the only two government officials who have publicly cited the FBI's Uniform Crime Report (UCR) statistics to support their assessments, which is unsurprising. The FBI was charged with managing this crime statistic aggregation database back in 1930 by the International Association of Chiefs of Police, and the UCR contains data provided by almost 17,000 law enforcement agencies across the country.

There are thousands of ways to pull data from the UCR database because it classifies the information by city and county and region, by population, by type of crime, etc. For the purpose of this assessment, three particular data pulls are very helpful: violent crime (murder, rape, robbery, and aggravated assault) in U.S. border cities with a population above 100,000 people, violent crime in border counties, and property crime (burglary, larceny, motor vehicle theft, and arson) in border counties. When statistics are analyzed for all three data sets between 2007 and 2012, they show an average decline in all three cases. In those six years, violent crime in larger border cities declined by 14 percent, in border counties it declined by 15 percent, and property crimes declined by 11 percent (see Appendix A).³

The information in the UCR database, however, is voluntarily provided by those 17,000 agencies. There is no federal mandate to provide crime data to the FBI or any other federal agency for inclusion in the UCR or any other database, and there are agencies that choose not to do so. The database can also only include crimes that have been reported and documented. It's difficult for anyone to speculate how many crimes might qualify as border-related but have just never been reported. Because the victims of these crimes are often illegal immigrants and other criminals—two groups that have a strong disincentive to call the police—it's hard to say what the real crime picture along the border looks like. The fact that kidnapping and trespassing aren't included in the database is also problematic, since those are crimes very commonly associated with drug trafficking and human smuggling activity in the southwest border states.

The federal government has acknowledged the absence of data with regard to crimes directly related to illegal border activity. In May 2011, Grayling Williams, director of the Office of Counternarcotics Enforcement, testified before Congress, "I don't have exact stats or information on, you know, the violence that we're seeing between actual, identified cartel members versus other cartel members."⁴ In a 2011 Congressional Research Service report on spillover violence, the DHS acknowledged, "[We] don't have exact stats on violence between cartel members [in the U.S.]."⁵

The most worrisome crime trend along the southwest border is cross-border kidnappings, although in many cases the victims are held hostage on the U.S. side of the border. Obtaining statistics for how many people are kidnapped along the border in connection with cartel or drug-trafficking activity in general can be very diffi-

Accessing current data on border kidnappings in Texas is often relegated to sifting through media reports. The Texas Department of Public Safety's official website has a page dedicated to providing information on "Mexican Cartel Related Activity."

cult because those numbers are not tracked in the UCR database. The FBI also generally does not make border kidnapping statistics publicly available, although the agency occasionally discloses some numbers to the media. Between early 2004 and late 2006, there were 78 kidnappings in Hidalgo County, Texas, alone. Neighboring Starr County registered 19 kidnap or missing person cases in 2005 and 2006.⁶ In 2010, John Johnson of the FBI's McAllen, Texas, office told local media outlet KHOU kidnappings in that Texas border community nearly quadrupled in fiscal year 2009 compared to 2008—specifically, from 11 people to 42 people.⁷ However, earlier in 2010, the FBI told El Paso new station KVUE that they see about three to five drug-related kidnappings per year and haven't seen any surges in activity.⁸

Accessing current data on border kidnappings in Texas is often relegated to sifting through media reports. The Texas Department of Public Safety's official website has a page dedicated to providing information on "Mexican Cartel Related Activity." However, under the tab for cartel-related kidnappings, the information is sparse: "Human smugglers regularly kidnap groups of illegal aliens in Texas and hold them against their will in safe houses while demanding ransom payments from their families. In other cases, cartel members and associates have abducted individuals in Texas to force them to align themselves with the cartel."⁹

While analyzing trends in physical kidnappings along the Texas border can be difficult, it appears that enough data exists to say that "virtual kidnappings" are on the rise in the state, particularly schemes targeting physicians and other individuals in south Texas. According to the FBI:

"These schemes typically involve an individual or criminal organization who contacts a victim via telephone and demands payment for the return of a 'kidnapped' family member or friend. While no actual kidnapping has taken place, the callers often use co-conspirators to convince their vic-

tims of the legitimacy of the threat. For example, a caller might attempt to convince a victim that his daughter was kidnapped by having a young female scream for help in the background during the call. Callers, sometimes representing themselves as members of a drug cartel or corrupt law enforcement, will typically provide the victim with specific instructions to ensure safe ‘return’ of the allegedly kidnapped individual. These instructions usually involve demands of a ransom payment.”¹⁰

The FBI office in San Antonio stated that perpetrators may be targeting physicians—to include dentists, general practitioners, and various specialists—in south Texas. Between June and July 2014, the FBI received multiple reports indicating physicians in McAllen, Laredo, Brownsville, and Del Rio, Texas, were contacted in attempts to collect extortion payments in “virtual kidnapping” schemes.¹¹

The biggest challenge in examining crime trends in the border region is that many crimes go unreported due to the nature of the victims. There is currently no indication that crime rates in border states, counties, or cities have increased as a result of changing illegal immigration patterns (see Appendix A). However, because illegal immigrants usually don’t report crimes committed against them due to fear of being deported, it will continue to be difficult for Texas law enforcement agencies to determine with any degree of accuracy any significant changes in kidnapping or violent crime rates in communities with high immigrant populations.

Overview of Legal Immigration Policies and Procedures

The United States has long been the recipient of millions of immigrants from all over the world. There are several ways that foreign nationals can legally visit, study, or work in the United States temporarily, but fewer ways in which they can stay permanently as legal residents. The U.S. immigration system is antiquated, complicated, and often difficult to navigate without the help of an immigration attorney. It is also the source of considerable controversy, and the subject of the oft-asked question, “Why can’t illegal immigrants ‘wait in line’ like everyone else?”

Before most foreigners can legally travel to the United States, they must obtain a visa, which can fall into two categories: immigrant and non-immigrant. Both visas

are obtained in the traveler’s home country at a U.S. Embassy or Consulate, and the traveler must meet certain requirements. There are more than 35 non-immigrant visa categories, and many are difficult to obtain.¹² For example, the B-1 visa is only for professional athletes, the O visa is for “foreign nationals with extraordinary ability in Sciences, Arts, Education, Business or Athletics,” and the I visa is for journalists. Currently the most coveted categories for Mexican and Central American nationals are visas for temporary agricultural workers and laborers (H-1A and H-1B) and B-2 tourist visas.

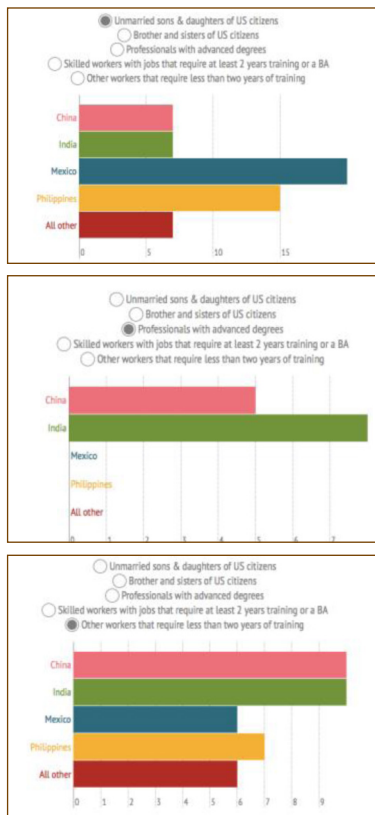
Even shorter in supply are immigrant visas, which come in more than 30 categories. These include spouses and fiancés of U.S. citizens, professionals holding advanced degrees, religious workers, and now Iraqis and Afghans who worked on behalf of the U.S. government. The application process varies depending on the category and the applicant’s country of origin. For example, a French citizen holding a Ph.D. in chemical engineering and wishing to legally immigrate to the United States probably would not have to wait long to obtain an E2 visa, as long as he gets certified through the U.S. Department of Labor and has a job offer.¹³

But far more common—and cumbersome—is the process that must be followed by regular people who just want to live in the United States. Section 201 of the Immigration and Nationality Act lays out the number of visas the U.S. government is allowed to issue every year. The annual limit for family-sponsored visas, for example, is 226,000. A limited number of EB-3 green cards (for professional, skilled, and unskilled workers) are available each year—only 40,000 in total, of which 10,000 are allotted to unskilled workers. The result is that workers who are classified as unskilled often have to wait much longer for green cards than workers in the two other subcategories.¹⁴ According to the U.S. State Department, “whenever the number of qualified applicants for a category exceeds the available immigrant visas, there will be an immigration wait. In this situation, the available immigrant visas will be issued in the chronological order in which the petitions were filed using their priority date.” That priority date marks an applicant’s place “in line.”

Unfortunately, that wait can exceed two decades for applicants from certain countries that are oversubscribed for visas; specifically, mainland China, India, Mexico, and the Philippines. As of November 2012, there were 4.3 million people on the wait list for family-based visas and 113,058 waiting for employment-based visas.

However, according to a story on this issue by the *Washington Post*, many visas are never even issued because of bureaucratic red tape. California-based immigration lawyer Angelo Paparelli told the *Post* that according to the law, any pending visa that isn't closed out in a given fiscal year is "lost" and must be counted toward the next year's allocation.¹⁵ The graphics below (courtesy of the *Washington Post*) show how wait times vary by country and visa category for the four oversubscribed countries.

Visa Wait Time (In Years)



Because of the difficulty in obtaining an immigrant visa, many citizens from these countries who are able to obtain a non-immigrant visa simply overstay the time limit (often six months) and remain in the United States with no legal status. Although little is known about the overstay population, the U.S. government estimates it could comprise as much as 40 percent of the almost 12 million estimated illegal immigrants currently living in the United States. While the DHS collects some biometric data on individuals who enter the country legally, they have no similar way to track if and when they depart.¹⁶

It's easy to see why desperate Mexican and Central American citizens would prefer to take their chances in the Sonoran desert and pay a smuggler, known as a "coyote," several thousands of dollars to smuggle them to the border when the only alternative is to wait 20 years

for a chance to emigrate legally. However, some foreign nationals are taking advantage of the violent conditions in their home countries to explore other legal means for obtaining U.S. residency.

Asylum

Hundreds of cases are brought before U.S. immigration courts every year where Mexican nationals facing deportation to their home country are also likely facing a death sentence soon upon arrival. While the circumstances vary, there are two main categories these immigrants fall into are informants who provided information about cartel activity to U.S. authorities in exchange for a reduced prison sentence or U.S. residency, or honest people who witnessed illegal cartel activities, refused to work for cartels, or refused to give in to their demands. If these individuals are able to obtain legal assistance, they often apply for asylum. As the violence in Mexico has increased, so has the number of asylum applications filed each year. In 2005, there were 2,670 filed, and that number rose to 2,818 in 2006. By 2010, applications had increased to 3,231, and nearly doubled to 6,133 in fiscal year 2012. However, only two percent of requests for Mexico between 2007 and 2011 were granted, compared to 38 percent of requests from Chinese nationals and 89 percent from Armenian applicants.¹⁷

Unfortunately, while the nature of cross-border migration has changed significantly in the last decade, immigration laws and the guidelines for granting asylum have not. Asylum has historically been associated with the Cold War and communism, and refugees fleeing the political and social oppression imposed on them by tyrants. It is no longer sufficient under U.S. asylum laws to just be an individual suffering at the hands of a government. Applicants have to clearly show they are being persecuted on at least one of five protected grounds: race, religion, nationality, social group, or political opinion.

Requesting asylum has not been a common option for Mexican or Central American immigrants until drug-related violence started spreading in earnest and the ties between government officials, law enforcement officers, and the cartels became stronger and more blatant. In some cases, it's very clear that the Mexican government is unable to provide adequate protection to an asylum applicant, the police are directly involved in the harm being caused, and the local government is looking the other way while it happens. But in other cases, requesting asylum becomes a last-ditch effort by illegal immigrants to avoid deportation when they never would have considered applying if they hadn't been apprehended.

Because immigration law hasn't been modernized to take into account the changed political and security climate in many countries, Mexican asylum case resolution rests completely with immigration judges. Every immigration judge's views on Mexican immigrants requesting relief from removal are completely unique. Some know a fair amount about the security situation in Mexico and some have no idea. The asylum denial rates for judges within the same court can vary considerably, so judicial outcomes can depend completely on the luck of the draw. For example, asylum denials between fiscal years 2007 and 2012 in the Cleveland immigration court ranged from 24.5 percent for Judge John Bryant to 81.9 percent for Judge Thomas Janas.¹⁸

Given the recent flood of Central American migrants into south Texas from drug war-torn countries, both immigration attorneys and the United Nations are asserting that most qualify for refugee status. Many are concerned that a revision of asylum law and changes to legal immigration procedures for victims of violence could open the floodgates to thousands more illegal border crossers. The main worry is that this would overwhelm a system that has already been underwater for decades. In 2009 alone, 237 immigration judges decided more than 390,000 removal cases.¹⁹

Temporary Protected Status

Another route that certain immigrants can use to obtain legal status is the Temporary Protected Status (TPS) program, although only immigrants who arrived in the United States from specific countries prior to a certain date are eligible. In order to provide the appropriate protections for refugees who hail from these countries, U.S. Citizen and Immigration Services (USCIS), by authority of the Secretary of Homeland Security, can assign TPS to applicants who have previously arrived in the United States. According to USCIS, the DHS Secretary "may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately." That status may be granted for temporary country conditions that include ongoing armed conflict (to include civil war), a natural disaster or epidemic, or "other extraordinary or temporary conditions." Being granted TPS doesn't create a pathway to citizenship, but someone with that status cannot be deported and does have the right to work.²⁰

As expected, the violence-wracked and war-torn countries of Somalia, Sudan, South Sudan, and Syria are

on the list of TPS-eligible countries. Three Central American countries are on the list as well: El Salvador, Honduras, and Nicaragua. However, only immigrants who arrived in the United States before a certain date—aligning with a period of civil strife and natural disasters in these countries—are eligible, and those dates go back over a decade for each. In other words, anyone who has arrived after 2001 from these three countries is ineligible for TPS status. What is interesting is that the nature of the TPS program is to protect refugees from temporary country conditions. The political violence from that time and hurricanes that initiated eligibility for El Salvador and Honduras have long since passed; however, the gang and general criminal violence still exists, and has gotten worse. Yet, the dates before which immigrants from those countries must have arrived to be eligible for TPS have not been updated.

But when all methods for emigrating legally to the United States have been explored and eventually discarded, individuals fleeing violence and poverty across the globe start looking for costly, dangerous, and illegal options for getting to the United States.

Overview of Human Smuggling in Central America

The human smuggling "pipelines" that bring illegal immigrants to the Texas border with Mexico don't always originate in Central America. Networks exist in several parts of South America that attract foreigners from Europe, the Middle East, Africa, and South Asia. However, for individuals whose final destinations are in the U.S., all roads lead through Central America and/or Mexico. The United Nations estimates that the human smuggling business in Latin America alone generates \$6.6 billion



annually for coyotes. They charge, on average, between \$4,000 and \$10,000 per person to guide individuals to the southwest border, and in some cases help them across. Those fees have increased in recent years to account for the “tax” that coyotes must pay to the cartels that now control virtually all human smuggling routes in Mexico. Some coyotes charge even higher fees for individuals hailing from countries associated with terrorism (more on that topic below).²¹

One smuggler told the United Kingdom’s *Daily Mail* that the fees pay for various costs like wages for drivers, boatmen and stash house caretakers to expensive bribes for drug cartels and Mexican police and immigration officials. The cartels’ typical cut of the coyotes’ income is \$250 to \$300 for a Mexican migrant, \$500 to \$700 for Central Americans, about \$1,500 for someone from Europe or Asia, plus a 10 percent flat fee per smuggler to cross northern Mexico to the U.S. border.²²

Human migration in Latin America truly starts to bottleneck at Mexico’s southern border with Guatemala, where illegal immigrants must cross the Suchiate River to begin the most dangerous part of their journey. Here, they pay people the equivalent of a few American dollars to bring them across the river on a raft or pole boat while immigration authorities look elsewhere or are completely absent. In February 2014, two investigators from the Washington Office of Latin America (WOLA) spent 12 days traveling along the Mexico-Guatemala border. One investigator said, “The border line between Mexico and Guatemala often gets described as ‘porous.’ We can attest to that. During our visit to the southern border zone, we crossed the line in four different places without showing our passports. At only two of those crossings did we interact with authorities from either government... Crossing the border is trivially easy, and Mexico has chosen to focus its border security controls further from the line, in the border states’ interior.”²³

Once they arrive in Mexico, migrants from Central America start looking for the first boarding point for La Bestia, the network of deadly freight trains that carries thousands of people atop its boxcars every day (routes pictured at right). That point has historically been in the



This map from the *Jesuit Migrant Service* illustrates the main cargo train lines and stops. The pink line is the far shortest route to the U.S. border, which explains why south Texas has seen the vast majority of Central American migrant arrivals.

southern city of Tapachula, but moved roughly 250 kilometers northwest to Arriaga nine years ago because of damage inflicted to the rail system by Hurricane Stan in 2005 and Hurricane Barbara in 2013. According to the WOLA report, migrants crossing at Mexico’s southern border tend to pass through one of three corridors: the Pacific coast route, which includes the Soconusco region cities of Tapachula, Huixtla, Mapastepec, Pijijapán, Tonalá, and Arriaga; the central route, which includes the cities of Ciudad Cuauhtémoc, La Trinitaria, Comitán, and San Cristóbal de las Casas; and the jungle route, which includes the border highway from Benemérito de las Américas to Tenosique and Palenque.²⁴

Once Texas-bound migrants reach the border in northern Tamaulipas state, several things can happen to them, and many of them are not good. According to an October 2014 Reuters report, migrants in this area are being picked off buses by gangs who federal authorities say are working with local officials. They are then held captive in small houses packed with dozens of fellow migrants, where they are ransomed for up to \$5,000 a head. Women who cannot pay face rape, while men risk beatings and conscription into gang ranks.²⁵

Even if migrants make it one piece to the border and are able to cross successfully, several perils still await them. More information on illegal immigration patterns within Texas and beyond is available in later sections.

Special Interest Aliens and OTMs

Every year, the U.S. Border Patrol captures hundreds of

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individuals from countries associated with terrorism. After the attacks of 9/11, the U.S. government was understandably highly sensitive to visitors or immigrants arriving from countries host to terrorist groups intent on harming Americans. In 2003, DHS created a list of “specially designated countries” (SDCs); a May 2011 report from the DHS Office of the Inspector General explained that these are countries that “have shown a tendency to promote, produce, or protect terrorist organizations or their members.” Policy stated that any visitors to the United States from these countries—referred to as “special interest aliens,” or SIAs, would be detained by ICE and subject to a special security screening called a Third Agency Check. “The purpose of the additional screening,” said the report, “is to determine whether other agencies have an interest in the alien.”²⁶

At the time of its creation, the SDC list included Afghanistan, Iran, Iraq, Lebanon, Libya, Pakistan, and Yemen. The DHS never went out of its way to advertise this list of countries or use the terms SDCs or SIAs, but the program’s existence was not a secret. During a January 2012 panel discussion at the Woodrow Wilson Center in Washington, D.C., former DHS Secretary Janet Napolitano told reporters, “With respect to Mexico, we’ve been working very closely with them—there’s a whole category called SIAs—Special Interest Aliens is what it stands for,” and added that the DHS watches that category of foreign visitors “very carefully.”²⁷

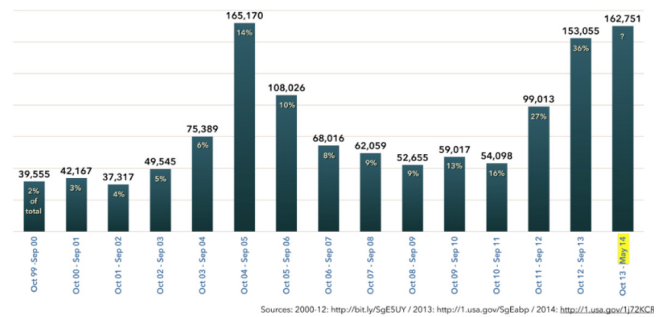
However, the DHS had already distanced itself from the list by then. The DHS Inspector General’s Office’s 2011 report “Supervision of Aliens Commensurate with Risk” was revised in December 2011, and the following text was inserted in place of the country list:

The specially designated country list as described in Appendix D was created in 2003, is outdated and is being eliminated . . . The list was not based on any judgment that the states listed supported, sponsored or encouraged terrorism. Indeed, many of the states listed are important and committed partners of the United States in countering terrorism. As threats around the world evolve, the United States will continue to work closely with our international partners to ensure the safety and security of people around the globe.²⁸

In addition to SIAs, U.S. immigration authorities also take note of individuals apprehended along the U.S.–Mexico border who are not Mexican (see Appendix B). These immigrants are designated in statistical reports

as “Other Than Mexican,” or OTMs, and changing patterns in OTM and SIA migration into the United States can be very telling. Normally, changes in migration patterns from any country can be connected to some sort of political or economic strife there. For example, from 1999 through 2007, the number of annual Border Patrol apprehensions of Nepalese immigrants at our land borders was mostly in the single digits. But between 2008 and 2010, the number of annual apprehensions rose to 45, 57, and 62, respectively. This dramatic increase paralleled the rise in crime in Nepal (a non-SDC) and the nation’s political instability from a decade-long civil war between communist Maoists (a U.S.-designated terrorist group), separatists, and the Nepalese government.²⁹ However, it’s the anomalies that crop up when analyzing these patterns that often warrant more attention.

U.S. Apprehensions of “Other Than Mexican” Migrants, 2000-May 2014



In 2010, more than 1,600 Indians—most of them Sikhs from the Punjab region of India (also a non-SDC)—entered Texas illegally. Six hundred and fifty were caught at the border during the last three months of 2010. In 2009, Border Patrol arrested only 99 Indians along the southwest border, according to homeland security officials. The *Los Angeles Times* reported that authorities believed there may be thousands more Sikhs who have entered the United States undetected. Those who were caught or declared themselves at a port of entry requested asylum, claiming religious persecution in India. Yet, there have been no documented instances of widespread persecution of Sikhs in India since the 1980s.

Consequently, immigration authorities and analysts are stumped by the dramatic shift in the numbers of Sikhs asking for asylum. Most believe the Sikhs who requested asylum were simply looking for economic opportunities in America, much like the majority of citizens of Latin American nations who have migrated to the United States

illegally. It's possible that Sikhs are using Latin American human smuggling pipelines because the pipelines into the northeastern United States that they had been using until recently are being scrutinized more closely. What makes the large influx of Sikhs arriving along the southwest border a source of concern is India's proximity to neighboring Pakistan and Bangladesh, two countries that are on the SDC list. Homeland security officials are concerned that terrorists from these nations could try to sneak in with a large group of Sikhs, just as Iraqis and Somalis with terrorism ties could sneak into the United States with their countrymen seeking asylum.³⁰

Use of False/Fraudulent Documentation

Many media outlets have chosen to use the term "undocumented" to describe individuals who cross into the United States illegally. However, very often that term is inaccurate, as there is a burgeoning business on both sides of the border that provides social security numbers and green cards to foreign nationals who want to get a job. Those who can afford them are even able to obtain false passports, visas, and border crossing cards for use at ports of entry, although these are less common.

In 2009, a joint enforcement initiative to stem passport and visa fraud at California border ports of entry resulted in the arrest and prosecution of 46 individuals for felonies related to the use of false passports and visas. Some of the more notable arrests: Javier Vicente Robledo, a Mexican citizen, was charged with presenting a fraudulently obtained U.S. passport in order to enter the United States at the San Ysidro Port of Entry; Juan Roberto Quintana-Zavala, a Mexican citizen, was charged with using an altered Mexican passport with a counterfeit U.S. visa in an attempt to enter the United States at the San Ysidro Port of Entry; Donald Gary Keene and Cale Marie Bovee, both U.S. citizens, were alleged to have used fraudulent U.S. passports in an attempt to smuggle eight undocumented aliens in a truck through the San Ysidro Port of Entry. According to court records, both suspects had prior criminal histories.³¹ But while many illegal immigrants enter the United States without the use of any U.S. documents—false or otherwise—they have a huge need for them after their arrival.

McArthur Park in Los Angeles is well known as a destination for immigrants seeking false identification. According to Officer Fernando Flores of the Los Angeles Police Department's Rampart Fraudulent Document and Gang Extortion Task Force, people can purchase fake insurance, resident alien, social security, and Mexican government cards in the park. Social Security cards may go for

as little as \$20, while fake insurance cards can cost \$60. A fake California ID will set someone back around \$200. The IDs are produced by what Officer Flores refers to as "mica mills" (mica is the Spanish slang word for fake ID):

Usually, the production process involves a network of people spread throughout the Westlake District. The counterfeiters can purchase CDs for \$5000 that has templates for all the fake documents. It's just a matter of putting them in software, printing them, and then using special materials—such as laminate—to make the documents resemble the original, according to Officer Flores. The documents have small differences, such as materials and slight cosmetic changes, but the untrained eye would not catch the difference. For example, an employer looking to verify an employee's legal status will not notice if the Social Security card is fake. Most of the mills are connected to, and benefit, gangs. Local gangs directly run some mills and others are charged a weekly tax to operate in "their designated area."³²

The same system exists in the Jackson Heights area of Queens, N.Y., where a reporter from the *New York Post* "was able to buy a phony green card, Social Security card and New York state driver's license from a stranger on a corner" for \$260. On Roosevelt Avenue, known to investigators as the "East Coast epicenter" for fake IDs, officials believe 10 mica mills operate between 103rd and 76th Streets.³³

In Houston in 2008, immigration authorities got more aggressive in targeting businesses in the city that were employing illegal immigrants. As a result, workers went on a shopping spree for false, altered, and counterfeit documents that could easily be obtained at Houston-area flea markets, businesses, and clandestine printing shops set up in homes and apartments. The bogus documents included counterfeit Texas driver's licenses, fake Social Security and green cards, and even worthless international driver's licenses. Some individuals were even resorting to bribing corrupt Texas officials to provide them with legitimate green cards, with prices as steep as \$15,000 apiece.³⁴

How illegal immigrants seek out employment varies, often depending on their level of education, possession of any trade skills, their age, and how long they've lived in the United States. Sometimes they have family members already living and working in a city or town who can recommend them for a job that pays under the table,

such as in construction, janitorial work, or in a family restaurant. Depending on the tolerance of local law enforcement, some laborers with no papers will wait every morning on a designated street corner where farmers, ranchers, or construction supervisors can drive by and pick up some help for the day.

Those who apply for jobs that provide regular work have to use a Social Security number—either one that has been purchased, stolen, or made up. U.S. employers have an obligation to verify the data matches the applicant, but many do not. What illegal immigrants can obtain legally is an individual taxpayer identification number (ITIN). These nine-digit numbers are issued by the IRS solely for the purpose of reporting income and filing taxes, and cannot be used to determine the immigration status—or pursue deportation—of the ITIN holder. The ITIN does not authorize anyone to work in the U.S., nor does it entitle the holder to Social Security benefits.

However, many illegal immigrants see an intangible benefit in reporting their income to the IRS through the program the agency started in 1996. While some have said they file for the tax return or the child tax credit, others say it's their way of “getting right with the government” in hopes of achieving some sort of clemency if they are forced to go through deportation proceedings at a later date.³⁵ Another way some illegal immigrants might be hoping to achieve this same outcome—and exploit a legal loophole—is by working legally as business owners and independent contractors. According to a September 2013 *Los Angeles Times* story, “While federal law prohibits employers from hiring someone residing in the country illegally, there is no law prohibiting such a person from starting a business or becoming an independent contractor.”³⁶

As a result of legislation as it is currently written, more illegal immigrants are taking advantage of entrepreneurial opportunities to avoid scrutiny by immigration authorities and as a way to survive in light of the failure of the DREAM Act and comprehensive immigration reform to gain real traction. Companies or people who hire independent contractors are not required by law to check their immigration status. Also, proof of citizenship is not required to form a limited liability company in some states. A study by the Public Policy Institute of California analyzing the effects of Arizona's 2007 mandatory E-verify law showed that 25,000 workers living illegally in the state became self-employed in 2009—an 8 percent jump from the previous year.³⁷

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In other cases, some illegal immigrants are using the educational path to create job opportunities for themselves, even though success is far from guaranteed. Under current laws and policies, illegal immigrants can obtain advanced degrees in U.S. universities and even take bar exams upon completing law school. These individuals are coming across legal obstacles to obtaining state credentials like nursing and law licenses, but are using their education and experience to branch out on their own as consultants, advisors, writers, and educators.³⁸

Immigration Patterns in Texas and Beyond

Just getting to the southwest border is difficult enough for migrants from Mexico and Central America. However, their difficulties don't end once they cross the border. In some cases, they're picked up right away by people working for the coyotes and are able to start travel to their ultimate U.S. destination. In other cases, they have dozens of miles still to traverse under very inhospitable conditions just to reach a major road. But their biggest nightmare—aside from succumbing to the desert heat and dehydration—is having their coyote take them prisoner.

On the U.S. side of the border, human smugglers regularly take illegal immigrants hostage and threaten them with death of they—or their relatives living in the U.S.—can't pay for their release. Greg Palmore, a spokesman for ICE in Houston, said “drop houses” in Houston alone generate “into the millions of dollars” a year for criminals. Drop houses are used by people smugglers to hold illegal migrants while they are awaiting a ransom payment. U.S. immigration officials say most domestic drop houses are in Houston and south Texas, noting that many of the kidnappers are former kidnapping victims, while others are U.S. citizens.³⁹

The human smuggling business is huge in Texas. Rodolfo Casillas, a researcher at the Latin American Faculty of Social Sciences in Mexico, told the *Mail* that one of the most important coyotes moving people from El Salvador to the border lives in Texas. Casillas explained:

The guides often don't know whom they are working for.... The big guys rarely get caught. While federal officials along the U.S. border seem to roll out cases against human smugglers almost on a weekly basis, the targets are largely drivers and stash house operators. Coyotes get their business through social networks, from friends and family, or referrals from prior customers. Those headed for Texas generally charge half of the money up front, collect another installment by bank deposit or wire transfer along the way, and the final payment upon delivery. California-bound immigrants may pay the full fee when they arrive. Many smugglers take their charges from Mexico's southern states of Chiapas and Oaxaca to Mexico City on La Bestia, the decrepit freight train. From there, they choose one of three main routes: to Reynosa in Tamaulipas, Ciudad Juarez in Chihuahua, or cross the Sonoran desert to the outskirts of Mexicali. Most now opt to go to Tamaulipas, the shortest, but most dangerous route because of its warring drug cartels.⁴⁰

Human smuggling rings operating just south of and within Texas rely on many outside individuals to augment their operations. Sometimes these people are specialists who focus only on one specific part of the migrants' journey to the United States, like getting across the actual border or transporting them within the country. Some of these "specialists" are kids, and many are U.S. citizens. Child guides who ferry migrants across the Rio Grande can make as much as \$100 per immigrant. A young U.S. citizen living in South Texas told authorities after her arrest that she was to be paid \$150 per immigrant she picked up near the Rio Grande and drove to a stash house. She got \$200 a person for driving them to Houston, according to court records. Sometimes the person feeding and watching immigrants at the stash

house is in the country illegally, too, and is working off his smuggling fee. In other cases, a local has been paid \$20 per person per day for the job.⁴¹

In mid-2014, DHS agencies launched several initiatives targeting human smuggling rings in Texas. In May, Homeland Security Investigations conducted Operation Southern Crossing, a "month-long initiative along the southwest border in which 163 alien smugglers and other violators were arrested. HSI special agents also obtained 60 indictments and 45 convictions, seized 29 vehicles, nine firearms and more than \$35,000 in illicit proceeds." In late June, the DHS rushed personnel to the Rio Grand Valley in south Texas. Less than a month into the operation, 192 smugglers and their associates were arrested on criminal charges, more than 501 undocumented immigrants were taken into custody, and more than \$625,000 in illicit profits were seized from 288 bank accounts held by human smuggling and drug trafficking organizations.⁴²

The problem with these pronouncements is that they sound like the DHS is making a dent in human smuggling, when in fact the system is set up to recover from these operations very quickly. Less than a month after the DHS press release, *National Geographic* featured the small town of Falfurrias, Texas, in a story about the human smuggling "pipeline"—both figurative and literal—that runs north from the border to Highway 285 and beyond. This route follows a series of underground natural gas pipelines that migrants—and the coyotes who guide them—can track because the land above the buried pipes is regularly cleared and maintained for safety purposes. This provides a clean path through the desert brush for illegal immigrants to follow.⁴³

If the migrants can safely navigate the 85 miles of inhospitable terrain between the border and Highway 285, there's a good chance they'll make it to their final destination. Human smugglers often drive in teams of two or three cars along the highway—one ahead and one behind scanning for police, with the transport car in the middle. Other smugglers will take the risk and drive alone without backup. A honking horn means a car is

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empty and ready to take passengers. Migrants and coyotes in the area know how to utilize this system. They hang shirts or plastic bags on sagging fence lines to indicate that migrants are nearby, hiding in weeds, and waiting for a ride. Falfurrias Chief of Police Ramiro Gonzalez told *National Geographic* that the five-hour car ride from Falfurrias to Houston can run into several thousand dollars. Smugglers rarely drive migrants all the way, he said. Instead, they race around the back roads along Highway 285 for a few hours before taking their confused passengers' money and depositing them in the desert.⁴⁴

Part of the reason the human smuggling business is so profitable in Texas is because cross-border migration has been shifting during the past several years from Arizona—where roughly half of all border crossers passed into at one point—to Texas (see Appendix B). Between fiscal years 2009-2013, Arizona experienced a 50 percent drop in illegal immigrant apprehensions, while Texas saw an 80 percent increase. Another trend that paralleled this geographic shift was the change in migrant demographics. Historically, Mexican nationals have comprised the majority of illegal immigrants apprehended at the southwest border. However, for the first time in fiscal year 2012, more OTMs—almost all from Central America—were apprehended at the border than Mexican nationals.⁴⁵

The DHS refused to comment on either of these shifts, but many factors were responsible. Stronger border enforcement measures and the subsequent increasing danger of crossing into Arizona pushed many border crossers to the east. Changing economic opportunities in both the United States and Mexico impacted the decision of many Mexican citizens to cross or stay home and tough it out. Increasing gang violence and poverty in Central America started motivating more Guatemalans, Hondurans, and Salvadorans to make the trek north, and Texas is geographically the closest border crossing area.

But another trend the DHS claims it wasn't prepared for, despite the ample warning signs, was the sharp increase in northbound migration by families and unaccompanied minors, known by CBP as UACs for unaccompanied alien children, from Central America. Between fiscal years 2013-2014, CBP saw a 412 percent increase in the number of family units coming illegally across the border, and an 88 percent increase in the number of UACs crossing during the same time period. Agents apprehended more than 66,000 UACs along the southwest border between October 2013 and August 2014; over 48,000 of them were caught in the Rio Grande Valley sector alone (see Appendix B).⁴⁶

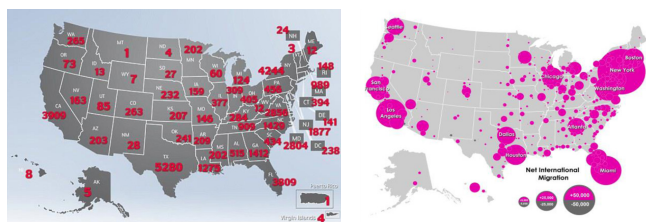
But another trend that the DHS claims it wasn't prepared for, despite the ample warning signs, was the sharp increase in northbound migration by families and unaccompanied minors, known by CBP as UACs for unaccompanied alien children, from Central America. Between fiscal years 2013-2014, CBP saw a 412 percent increase in the number of family units coming illegally across the border, and an 88 percent increase in the number of UACs crossing during the same time period.

While many families and children were technically chased and apprehended, the majority of the people comprising this "surge" were turning themselves into agents under the assumption they would be given a *permiso*, or pass, to stay in the United States. This misperception arose out of a combination of word of mouth from family members who were released on bond with an order to appear at a court hearing and encouragement from coyotes looking to make higher profits. Tens of thousands of Central American migrants—most of them minors—flooded Border Patrol processing facilities, detention centers, and local shelters, mostly in Texas but also in Arizona and California. The situation was soon labeled a "humanitarian border crisis," and a political war was waged over how to best deal with the surge of people into facilities and communities not prepared to deal with the onslaught.

The tidal wave of UACs and illegal immigrants in general ebbed rather quickly in late August 2014 as DHS struggled to get the message out that there were no *permisos*, and all illegal immigrants recently apprehended at the border would be placed into deportation proceedings. As these UACs and other migrants were processed and released on bond, most of them did not stay in the areas where they were caught. The majority of them had family members already living all across the United States, and the main goal of many was to reunite with them. While this travel and reunification happened with many people in a short period of time, it serves as a good example of what happens over longer periods of time in normal circumstances when illegal immigrants are caught in Texas, processed, and released on bond.

Between January and July 2014, the U.S. Department of Health and Human Services (HHS) released more than 56 percent of UACs to family members in all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. The map on the left, created by *The Daily Mail* using HHS data, shows how many UACs were released to each state or U.S. territory. Unsurprisingly, the numbers correlate with parts of the United States receiving new immigrants overall, as shown in the map on the right by *The Atlantic*.

Illegal immigrants are drawn to specific parts of the country where they have a support system in place. Usually this consists of family members, but could also be comprised of friends from the Mexican or Central Amer-



ican towns where they lived before coming to the United States. Larger cities are common destinations because there are more employment opportunities for illegal immigrants, and it's easier for them to blend into generally larger Latino communities. Some of these cities, like San Francisco and Los Angeles, are known as “sanctuary cities” because local police officers are prohibited from asking about a person’s immigration status, or because they have more liberal laws about renting out apartments or providing identification to illegal immigrants.

Of course, southwest border communities have large Latino populations due to their proximity to Mexico. These residents sometimes own homes and land that go back many generations within their families. However, this doesn’t automatically mean that a majority of recently arrived illegal immigrants will stay in one of these border cities or towns, or even in a border state. Much of the southwest border region is relatively poor compared to the rest of the country, and economic opportunities for new immigrants tend to lie well north of the border or in other states. This makes interdiction of illegal immigrants a significant challenge if they are not apprehended near the border shortly after entry.

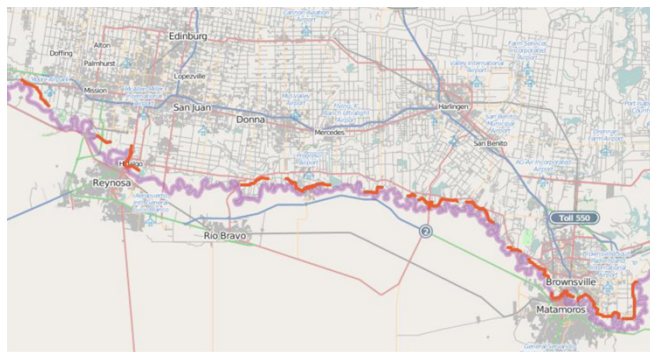
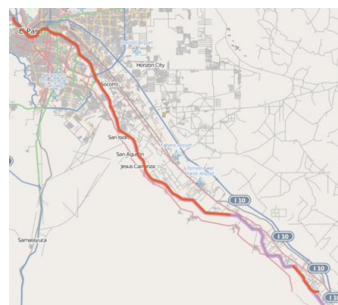
The Texas Border Security Apparatus

The state of Texas comprises virtually half of the U.S. border with Mexico. As such, it has the lion’s share of

CBP and U.S. Border Patrol ports, stations, and assigned personnel. There are 12 ports of entry located along the border, some of which have multiple crossing points, like El Paso and Laredo. There are also five U.S. Border Patrol sectors, which contain 50 stations and sub-stations across the state. At the end of fiscal year 2013, there were 18,611 Border Patrol agents assigned to the southwest border, and more than half (9,742, or 52 percent) of those agents were assigned to sectors in Texas.⁴⁷

Agents are augmented in their border security mission by border fencing in some areas, tethered surveillance blimps (known as aerostats), and unmanned aerial vehicles (UAVs). Unlike its neighboring border states, Texas has relatively few miles of its border fenced off from Mexico in some way—partly due to the U.S.e of natural barriers, the difficulty of erecting a fence in certain environments, and legal issues between DHS and property owners. Of the 1,254 miles of Texas border, only about 100 of those miles are fenced in some way. Multi-layer fencing starts in El Paso along the state line with New Mexico (top image), then ends about 40 miles to the southeast in the unincorporated border community of Las Pompas. There are two other short sections of fence in this part of the state—roughly five miles each near Fort Hancock and about 80 miles southeast of El Paso. Three more very short barriers exist in Del Rio, Eagle Pass, and Laredo before reaching the 54 miles of sectioned fences in south Texas (bottom image).

In the busy Rio Grande Sector in south Texas, the 54 miles of border fencing are not contiguous, but rather



built in 18 different sections. CBP spokesmen told NPR that the idea was to erect the wall mainly where cities and towns touch the border, to force illegal crossers into more rural areas where border agents have a tactical advantage. However, Hidalgo County judge Ramon Garcia thinks these fence sections are a waste of money. He told NPR, “In order to get their product across, they basically measured the gap between the fence and started building their marijuana bundles within that gap so they could just slide through the fence.” There were plans to add another 16 miles of fence to the initial 54, but NPR reported that the DHS exhausted all appropriated funding for additional fence construction.⁴⁸

Fence construction in south Texas has been very problematic for both local residents and the DHS. They can't be built directly on the border because the Rio Grande doesn't flow in a straight line, and local ordinances require that it be built on top of the levee system. This means that in some parts of south Texas, there is as much as a mile of private property between the Texas–Mexico border and the border fence. Numerous gates were supposed to be installed that would allow residents living south of the fence to open the gates using a remote control. As of May 2012, only five of the 44 planned gates had been installed, with a promise from the DHS that the rest would be in place by the end of the year, and an optimistic plan to perhaps build 34 more. However, the DHS has not installed all the gates yet, and many sections now stand with gaps where the gates should be—gaps that are being exploited by both drug smugglers and illegal immigrants.⁴⁹ Jose A. “Fito” Salinas, mayor of La Joya, Texas, told the *San Antonio Express-News* in 2013 that after the neighboring town of Penitas received its section of fence, city officials in La Joya noticed a dramatic increase in illegal traffic through their town.⁵⁰

There are other gaps in Texas border fencing that come as a result of regulatory and legal challenges. In October, the DHS said it planned to close a strangely placed half-mile gap in the fence just west of downtown El Paso, but a local Border Patrol spokesman said the exact date when construction would start was uncertain. The delay seemed to stem from right-of-entry issues and disputes with property owners over the construction that needed to occur on their land to close that gap.⁵¹

Aerostats are essentially large white blimps that are tethered to the ground and have 360-degree, infrared surveillance capability. Eight are currently in use in Texas, and five of those are located in the Rio Grande Valley. They hover at roughly 3,500 feet above the ground and

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provide a static surveillance platform from which Border Patrol agents, monitoring the aerostat feeds 24 hours a day, can observe drug and human smuggling traffic.⁵² The greatest benefit derived from the aerostats is the persistent surveillance capability that comes from high-tech sensors with considerable range. However, the blimps have to be brought down during adverse weather conditions, and since their presence is so obvious, smugglers and migrants can easily spot them and move to areas out of the sensors' reach.

CBP began operating Predator-B UAVs (aka drones) along the Texas–Mexico border in 2011, operating out of a base in Corpus Christi, Texas. A total of 10 drones fly now—five days a week, 16 hours a day out of Sierra Vista, Ariz., and five days a week, 10 hours a day out of the locations in Texas, Fla. and N.D. This schedule, of course, is highly dependent on weather conditions. Supporters of the drone flights say the extended range and flight time is incredibly useful for agents, as is the on-board surveillance technology. A UAV-mounted system called VADER, which stands for Vehicle and Dismount Exploitation Radar, lets Border Patrol agents track ground activity in real time and distinguishes humans from animals from an altitude of 25,000 feet.⁵³

However, critics of the UAV program say the drones are too expensive and aren't being utilized efficiently. Ed Herlik, a researcher with aviation and defense analysis firm Market Info Group, told the Arizona State University Cronkite Borderlands Initiative in 2013 that the reason for the UAV program's existence in the first place may have had more to do with the politics of border security than actual need. He said, “They already don't fly their Predators much at all. We ran the numbers. Part of

the time there are no Predators in the air anywhere in the nation and most of the time there might be one.” Herlik continued, “Now, they can launch two or three or five if they want to, but they almost never do, just by running the averages from what they report from flight times.”⁵⁴

Not content with federal efforts to date, the state of Texas has had no shortage of initiatives for securing its own border with Mexico. In March 2011, the Texas Department of Agriculture—under the purview of former Commissioner Todd Staples—created a website called ProtectYourTexasBorder.com (screenshot below). A few months later, department staff conducted video interviews with various Texas landowners, law enforcement officers, and public officials, who spoke about their personal experiences with the dangers of living and working so close to the border. From these videos, a 16-part series was created, and the videos were posted on the site, one at a time, over the course of a few months. Despite criticism, the Protect Your Texas Border website has stayed up and draws a regular amount of Internet traffic.

www.ProtectYourTexasBorder.com



In January 2012, the Texas Rangers came up with a plan called Operation Drawbridge, through which they partnered up with the Texas and Southwestern Cattle Raisers Association to place cameras on the properties of participating ranchers. The cameras are inexpensive (about \$300 apiece), but have the capability to operate in low light and activate via motion sensors. When movement is detected—specifically, the movement of drug smugglers or illegal immigrants—alerts are sent to the Border Patrol, the sheriff’s office, the state Fusion Center (a joint interagency unit), and other border law enforcement agencies. The system that sends the alerts was created in-house by DPS information technology staff.⁵⁵

The initial results of Operation Drawbridge were promising. The early testing phase consisted of the placement of only 20 cameras on Texas ranchland, but they led to more than 300 arrests of both immigrants and smug-

glers. The program expanded to 300 cameras, and by June 2012 they resulted in over 2,000 arrests and the seizure of more than five tons of illegal drugs, according to the DPS.⁵⁶ Seeing the operation’s success, in October 2012 the Texas Department of Agriculture awarded a \$225,000 grant to DPS to extend it even further. By the time of the grant award, the number of arrests and seizure tonnage had doubled from just four months earlier.⁵⁷

Operation Drawbridge cameras aren’t the only camera systems on private property along the border. Another system is run by a private company, BlueServo, that created a network of cameras along the Texas–Mexico border which stream a live feed to its website. When the system was active, people could sign up to monitor the feeds as “Virtual Texas Deputies” and report any sightings of illegal immigrants or drug smugglers to authorities via email only. BlueServo called it the “Virtual Community Watch” and described it as “an innovative real-time surveillance program designed to empower the public to proactively participate in fighting border crime.” The BlueServo system began as a private endeavor in cooperation with the Texas Border Sheriff’s Coalition, but management of the program shifted to Texas DPS in September 2011.⁵⁸ Soon after, funding for the program was cut and the camera feeds were shut down in 2012. However, the BlueServo cameras are still in place and can be reactivated within a week or two, and reportedly operated for \$2 million per year. An additional \$3 million would allow the number of the system’s cameras to be expanded in parts of the Texas border not currently under their surveillance.⁵⁹

Citizen watch groups continue to operate along different parts of the border with varying levels of membership, commitment, resources, and infighting. In 2005, private investigator and bounty hunter Shannon McGauley partnered with Minuteman Project founder Jim Gilchrist to expand citizen watch operations from Arizona into Texas, where he founded the Texas Minutemen. In 2006, Dr. Mike Vickers and his wife Linda formed the Texas Border Volunteers, that sprang from the Minutemen organization. The Volunteers seem to be a more mellow and well-reputed organization as border watch groups go. Border Patrol agents were initially concerned that armed members would get into violent confrontations with immigrants or smugglers, but for the most part, they welcome the reports of illegal border crossings the Volunteers detect during their patrols.⁶⁰

As the number of illegal border crossers in south Texas began to escalate in May 2014, so did the number of drug

traffickers, Border Patrol agents, and local law enforcement officers. This mix of law enforcement, criminals, migrants, and militia members was sure to result in disaster at some point. On August 29, Border Patrol agents who were chasing illegal immigrants fired several shots at an armed man who later identified himself as a militia member. The agent fired several rounds before the militia member dropped his weapon, according to CBP spokesman Omar Zamora. Earlier that month, agents incorrectly identified seven militia members as being part of a law enforcement tactical team. The individuals appeared out of the dark dressed in camouflage and carrying rifles, saying they were helping capture illegal immigrants in Texas.⁶¹

The military was also recently added to that mix. In July, Texas Governor Rick Perry ordered 1,000 Texas National Guard soldiers to south Texas in an effort bolster security in the region. He cited the federal government's inability to stem the flow of tens of thousands of illegal immigrants into his state as the impetus for his decision, and the first 400 of those soldiers began arriving in the Rio Grande Valley in mid-August 2014. The decision was made in haste with no prior coordination or collaboration with the White House or the DHS, and Governor Perry had trouble in media interviews outlining exactly what the Guard's mission would be, other than "deterrence." Due to federal laws prohibiting the military from enforcing civilian laws, Guard soldiers who came across smugglers or migrants would be unable to do anything but hand them over to Border Patrol agents for arrest or processing. As such, most Guard troops are just on surveillance duty and have more time on their hands as the border surge has slowed dramatically since September 2014.⁶²

Identifying and Differentiating Threats

The biggest challenge to law enforcement agents in Texas, whether they are federal or local, is to differentiate and prioritize the threats posed by unidentified individuals crossing illegally from Mexico. The recent migrant surge in south Texas has highlighted one of the biggest flaws in the way the DHS approaches border interdictions—the fact that it chooses to send agents after the first people who are detected in a surge rather than those who pose the biggest national security threat.

Border Patrol union representative Chris Cabrera said in June 2014 that the arrival of so many illegal immigrants on the U.S. side of the Rio Grande is pulling agents away from their patrol stations elsewhere along the border, creating gaps in coverage that the traffickers can exploit. He told the *Washington Post* that drug smugglers wait on the southern banks of the river as migrant groups as large as 250 wade across at dusk and turn themselves in to the Border Patrol. Then groups of single men proceed to cross under cover of darkness, hoping to slip through. "After that they send over the dope," Cabrera said, with U.S. officers too busy with migrant apprehensions to stop it. However, CBP spokesman Michael Friel countered Cabrera by saying his organization has "no indication that drug interdiction operations have been negatively impacted by our efforts to process the influx" of migrants.⁶³

As far as the interdiction of border crossers goes, there is no official CBP policy that differentiates or prioritizes between types of people. For example, if agents on patrol are made aware of more than one group of individuals in their immediate area, they will examine the resources they have available nearby and try to apprehend as many as they can without placing a priority on the biggest threat. For example, if a group of unarmed illegal immigrants is closer to a pair of Border Patrol agents and easier to round up than perhaps a pair of drug smugglers carrying heavy bundles of marijuana a mile away, the agents will likely go after the migrants because of the higher chance of success. They will still do everything they can to apprehend the smugglers by tracking them based on their last known position, sending up air assets, etc. However, it is not a set policy to ignore unarmed illegal immigrants in favor of pursuing possibly armed drug smugglers when that choice has to be made.

The lack of such a policy is only part of the problem. Differentiating between these two groups can be very challenging, especially in the middle of the desert at 3 a.m. However, it is not impossible. The previously-mentioned UAV-mounted VADER system is an extremely high-resolution surveillance technology that can both take pictures of targets on the ground and track them in real-time. In Afghanistan, the VADER system is designed to detect teams planting improvised explosive devices (IEDs) to

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destroy or damage U.S. military vehicles and personnel. VADER transmits processed signals from the aircraft to ground stations, where operators can view still, high-contrast, black-and-white synthetic aperture radar images, or moving targets displayed as dots on a map.⁶⁴

When VADER was implemented along the southwest border, it revealed things that many DHS officials were probably not happy to see. Some Congressional estimates placed the Border Patrol's success rate of apprehending illegal border crossers at around 64 percent. However, during a three-month period during which VADER was regularly deployed in Arizona, the system detected more people were getting away than were being apprehended.⁶⁵ The radar is sophisticated enough to detect and track individuals on foot from a Predator five miles overhead. This means it could ostensibly differentiate between smugglers or drug mules carrying large bundles of marijuana in south Texas and a group of illegal immigrants being herded by a coyote, based partly on imagery and partly on the type of movements being used by the groups.

But VADER, as useful as it is for identifying and tracking people on the ground in minute detail, has its limitations. It does not fare well in urban or otherwise highly populated environments because people can very easily blend into their surroundings. Each system costs \$5 million to operate and maintain, which, relatively speaking, is inexpensive in relation to the benefits it provides. CBP is currently trying to obtain congressional approval to purchase two systems.⁶⁶

There are also numerous technology platforms both currently in use along the border and commercially available that can help in distinguishing threats (armed drug smugglers) from non-threats (unarmed illegal immigrants). These include cameras mounted on integrated fixed towers along the border, mobile and remote video surveillance systems, and agents on the ground using thermal imaging infrared scopes and cameras. While underground sensors that are commercially available now are sensitive enough to detect a gunshot, they cannot yet differentiate between an illegal immigrant carrying only water or a light backpack and a drug smuggler carrying a 60-pound load of marijuana. Given that this kind of technology—in conjunction with a revised border interdiction and immigration policy—could be revolutionary in determining how Border Patrol agents utilize their limited resources, its development is likely to be a high priority for border technology firms.

Conclusions

The security situation along our southwest border with Mexico is very fluid, and the flow of drug and human traffic is dependent on a multitude of factors. While many would like to believe this traffic can be managed purely through U.S. policy and interdiction efforts, more often it varies on less controllable things like the state of the U.S. and Mexican economies, shifts in U.S. demand for illegal drugs, the perception of imminent changes in U.S. immigration policy.

Despite the escalation of drug-related violence in Mexico, violent crime rates in U.S. border cities and towns have fallen or at the very least remained flat in the past several years, which contradicts some rhetoric in the media by elected officials. That being said, crime statistics can be misleading because the lack of certain measures and benchmarks paints an incomplete picture of cartel and gang activity in certain parts of Texas that has a direct connection to Mexican drug cartels. Cross-border kidnapping, drug trafficking, and money laundering have all been a consistent problem in south Texas, for example, but those activities are not tracked by the FBI's UCR database so commonly cited by politicians. There is also a big disconnect between border dangers as perceived by policymakers in Washington, D.C. and elected officials and residents who live and work along the Texas border. As such, both Texas state and local governments, as well as concerned residents, have on occasion taken security measures into their own hands in view of what they see as the federal government's failure to secure their border with Mexico.

In recent years, Texas has been home to considerable changes in cross-border migration, which has definitely been the result of a confluence of complex factors. The increase in border security measures in Arizona, combined with the increasing dangers of crossing the border through the Sonoran desert, has encouraged many migrants to shift their planned northbound routes to Texas. Decreasing economic opportunities in the U.S., a slightly improved Mexican economy, and poverty and declining security in Central America have all combined to switch the proportions of Mexican and Central American nationals being apprehended at the border.

The White House and DHS have attempted to stem both surges of illegal immigrants and drug trafficking through a combination of policy and law enforcement measures. However, much to the chagrin of U.S. agencies and elected officials, the greed of drug traffickers and desper-

Texas has been home in recent years to considerable changes in cross-border migration, which has definitely been the result of a confluence of complex factors. The increase in border security measures in Arizona, combined with the increasing dangers of crossing the border through the Sonoran desert, has encouraged many migrants to shift their planned northbound routes to Texas.

tion of non-criminal economic migrants usually trumps most attempts to stop their illegal entry into Texas. The worry about the traffickers and other criminals lies with agencies like U.S. Border Patrol, the Texas Department of Public Safety, and Texas border sheriffs, to name a few. An equal—or even greater—amount of worry about increasing numbers of illegal immigrants lies with Texas social services agencies, medical facilities, and schools.

Based on the analysis of a combination of statistical and anecdotal evidence, however, the primary security threat to the state of Texas continues to emanate from drug smugglers, human smugglers, and illegal immigrants with criminal backgrounds—individuals who comprise a minority of the sum of all illegal border crossers. Surges in illegal immigration like the one seen in the late spring and summer of 2014 are a cause for concern for some who envision the possibilities of who can blend into those enormous flows of people. There is also a parallel concern that while U.S. law enforcement agents are focused on the migrants, their eyes are averted from drug smugglers taking advantage of a leniently monitored border.

Unfortunately, the data required to make any correlation between the migrant surge and variations in drug smuggling and seizures in south Texas is currently unavailable. Public statements made by DHS and CBP spokespeople have indicated agents have not seen a surge in drug traffic or a dramatic drop in drug seizures in the past several months. Only apprehension and seizure statistics yet to be published will bear out the truth to these claims.

President Obama once again raised concerns about a potential surge in illegal immigration when he announced an executive action on November 20, 2014, to delay the deportation of roughly four million foreign nationals—most of them Mexican—living illegally in the United States. The knee-jerk reaction by some was to believe this might spur a new surge of northbound migration in the hunt for amnesty. However, the executive action applies only to the undocumented parents of U.S. citizens and permanent residents who have resided in the country for at least five years. It also expands the Deferred Action for Childhood Arrivals (DACA) program to people older

than 30. It does provide work permits for many illegal immigrants already living here, but does not extend benefits to them like welfare payments or authorization to enroll in Obamacare.⁶⁷ While this action will definitely delay the deportation of many illegal immigrants living in Texas, it doesn't benefit any new arrivals from Mexico or Central America, and that message seems to be accurately traveling to those regions.

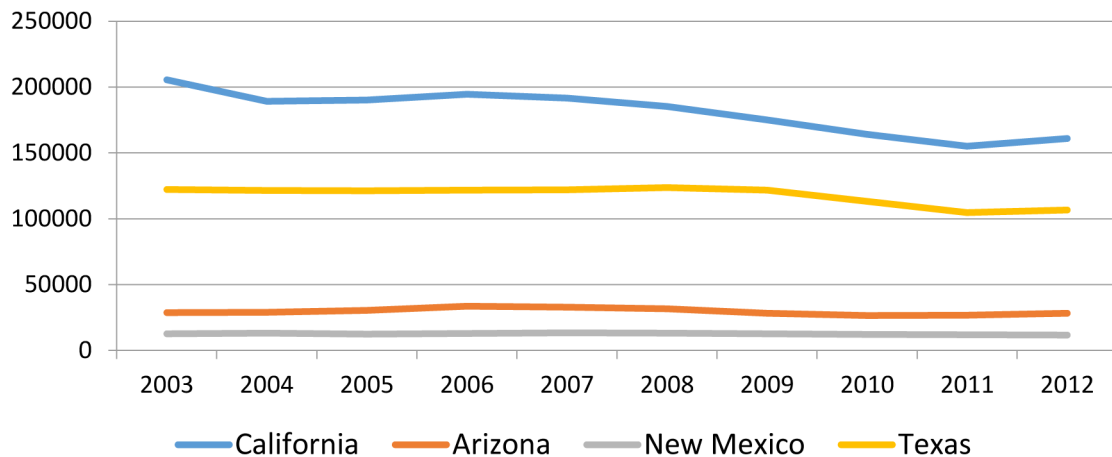
Because of its geography, demographics, and economic opportunities, the state of Texas will continue to draw both immigrants, legal and illegal, and drug traffickers well-versed in utilizing open border areas, Texas highways, and hub cities like Dallas and Houston. State and some local government agencies have adequate funding to increase personnel and equipment as security conditions dictate, but many do not. Current federal immigration policies motivate hundreds of thousands of people to cross the border illegally every year because the legal wait can be 20 years or more, as does the increase in drug and gang-related violence in Mexico and Central America. Continuing to examine all trends with regards to trafficking and immigration activity, regardless of how politically unsavory they may be, is the key to Texas agencies being prepared to handle any massive changes in either activity in the future. ★

Appendix A: Violent Crime Statistical Trends

The following charts were created using data collected from the FBI’s Uniform Crime Reporting (UCR) data tool. It is important to note that crime statistics from all city police and county sheriffs’ departments are not always available because providing data for the UCR database is voluntary:

“The FBI’s Uniform Crime Reporting (UCR) Program is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention... The program’s primary objective is to generate reliable information for use in law enforcement administration, operation, and management; however, its data have over the years become one of the country’s leading social indicators... The seven Part I offense classifications included the violent crimes of murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, and motor vehicle theft. By congressional mandate, arson was added as the eighth Part I offense category in 1979.”⁶⁸

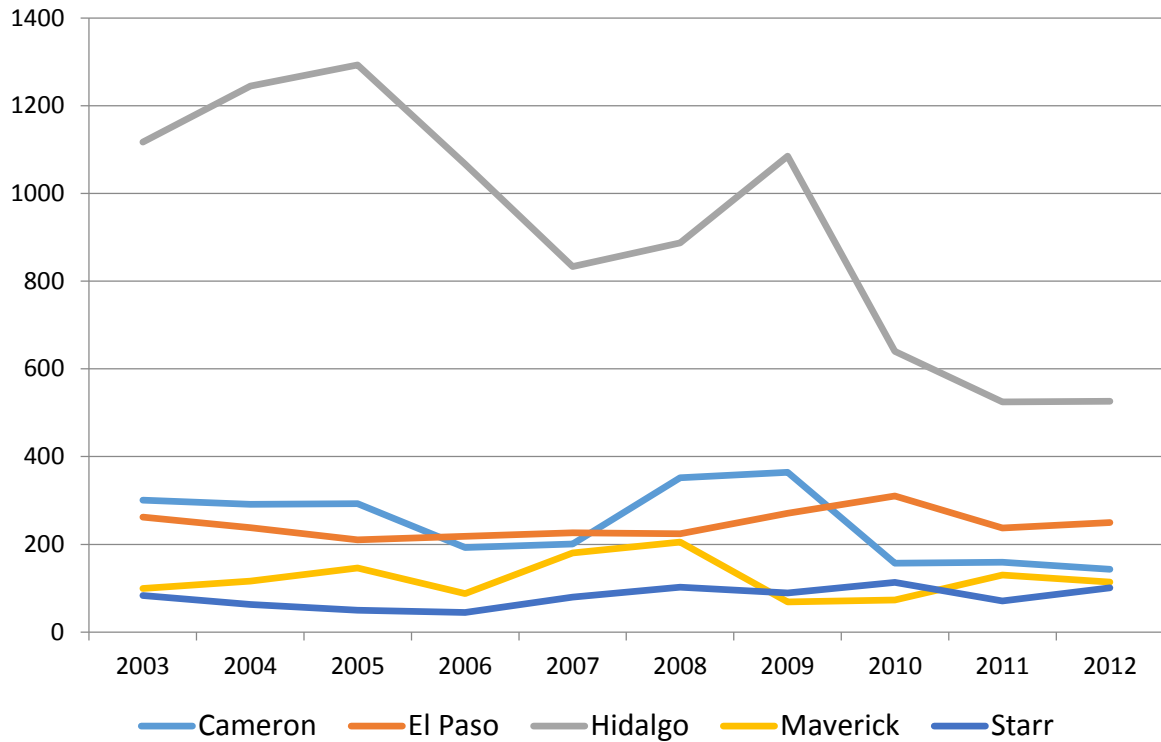
Violent Crime Rates in SW Border States, 2003-2012



Estimated Violent Crime Total

Year	Arizona	California	New Mexico	Texas
2003	28,638	205,551	12,535	122,246
2004	28,952	189,175	13,081	121,554
2005	30,478	190,178	12,448	121,091
2006	33,456	194,483	12,797	121,602
2007	32,835	191,561	13,311	122,014
2008	31,567	185,329	12,967	123,585
2009	28,128	174,934	12,709	121,684
2010	26,528	164,133	12,147	113,231
2011	26,789	154,943	11,904	104,734
2012	28,108	160,944	11,660	106,476

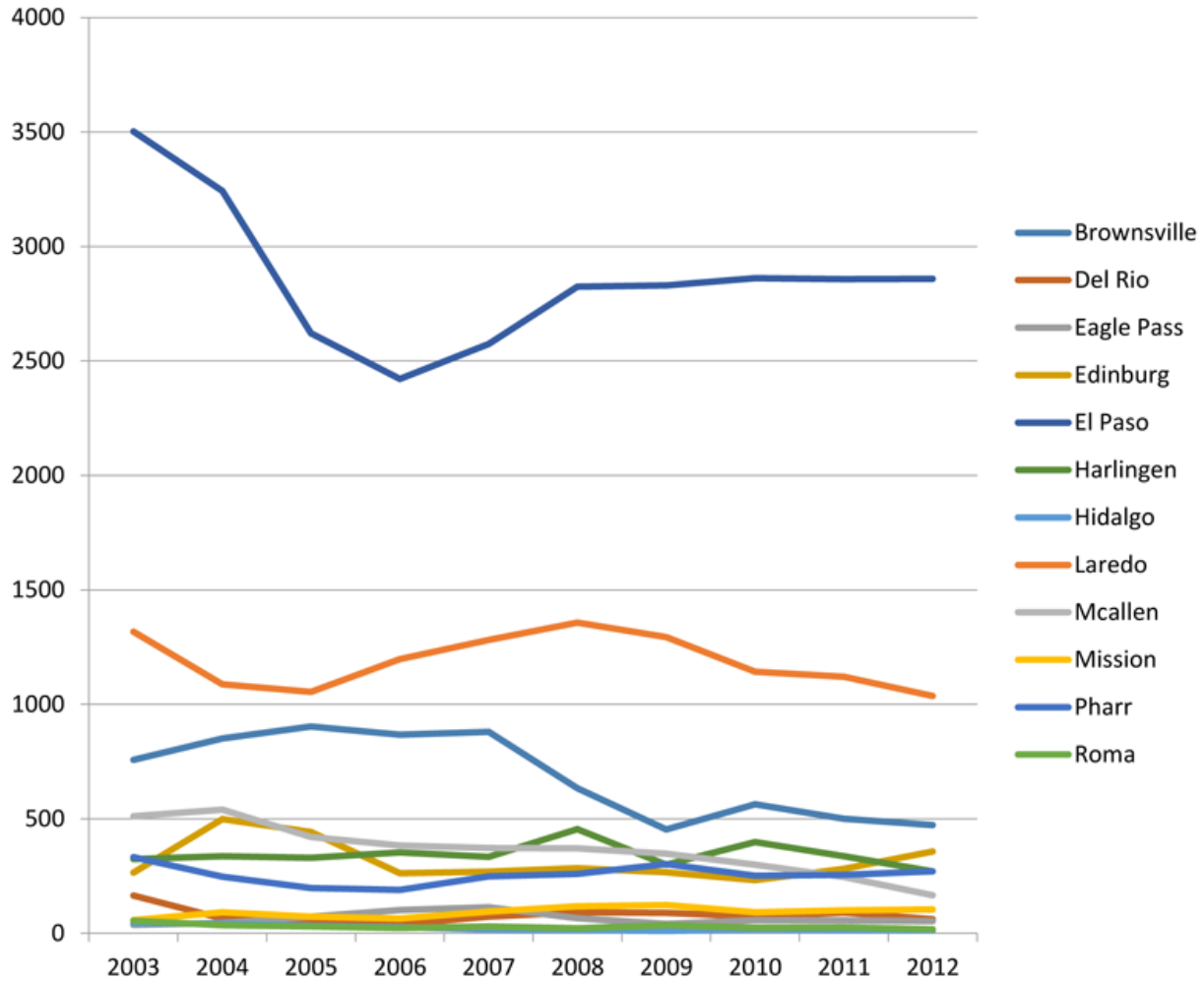
Violent Crime Rates in Select Texas Border Counties, 2003-2012



Violent Crime Total

Agency	State	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Cameron County Sheriff Department	TX	301	291	293	193	201	352	364	157	159	143
El Paso County Sheriff Department	TX	262	238	210	218	226	224	271	310	237	250
Hidalgo County Sheriff Department	TX	1,117	1,245	1,293	1,067	833	887	1,085	640	525	526
Maverick County Sheriff Department	TX	99	116	146	88	180	205	69	73	130	114
Starr County Sheriff Department	TX	83	63	50	45	80	102	89	113	71	101

Violent Crime Rates in Select Texas Border Cities, 2003-2012

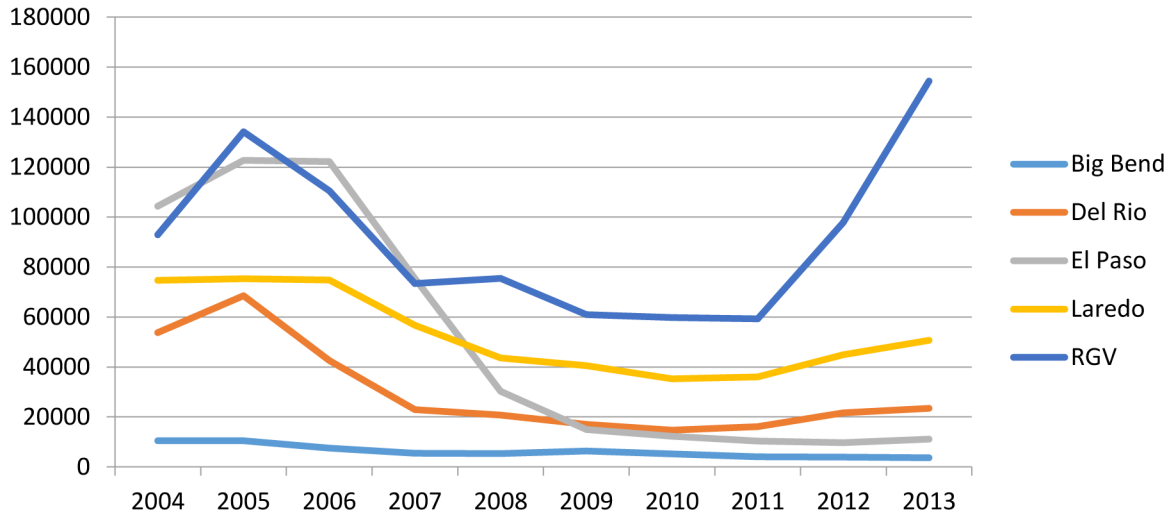


Violent Crime Total

Agency	State	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Brownsville Police Dept	TX	757	851	903	867	880	634	454	563	500	473
Del Rio Police Dept	TX	165	65	58	40	73	92	89	73	91	61
Eagle Pass Police Dept	TX	37	45	72	102	114	66	41	58	56	53
Edinburg Police Dept	TX	265	499	442	263	269	285	267	232	282	357
El Paso Police Dept	TX	3,502	3,242	2,621	2,422	2,574	2,825	2,830	2,861	2,858	2,859
Harlingen Police Dept	TX	324	337	330	353	334	455	300	399	337	271
Hidalgo Police Dept	TX	44	43	33	27	16	14	11	16	13	12
Laredo	TX	1,317	1,088	1,054	1,198	1,281	1,357	1,294	1,142	1,120	1,036
Mcallen Police Dept	TX	512	540	421	383	372	371	348	299	246	166
Mission Police Dept	TX	58	92	72	64	94	118	124	92	100	104
Pharr Police Dept	TX	332	247	198	190	249	260	302	251	256	270
Roma Police Dept	TX	55	36	30	23	30	22	35	25	26	17

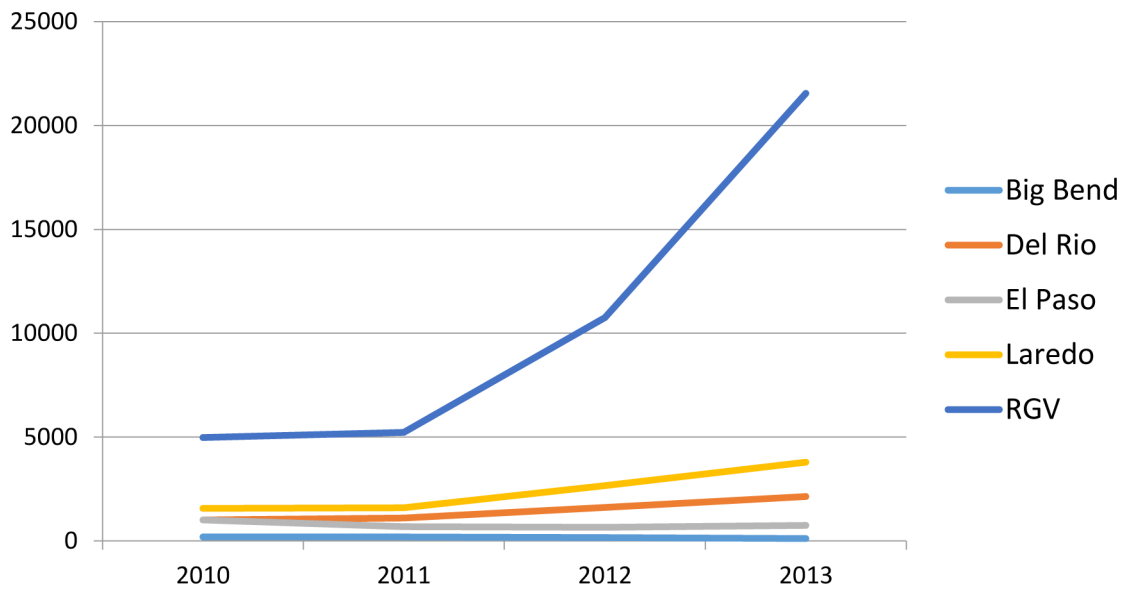
Appendix B: Illegal Immigrant Apprehensions

Total Illegal Immigrant Apprehensions in Texas, FY2004–FY2013



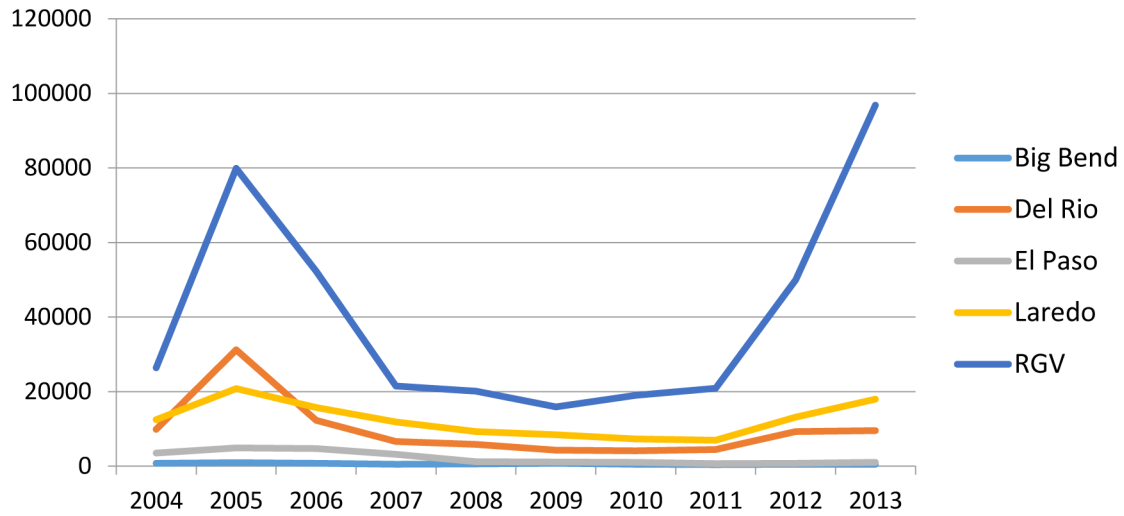
Source: U.S. Border Patrol

UAC Apprehensions in Texas, FY2010–FY2013



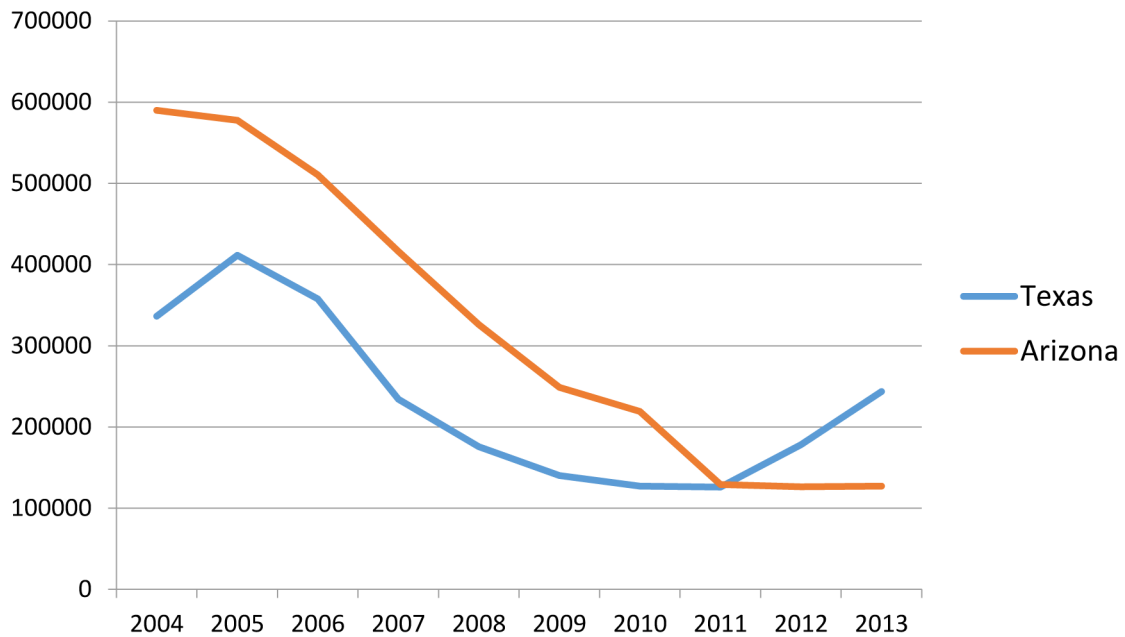
Source: U.S. Border Patrol

OTM Apprehensions in Texas, FY2004–FY2013



Source: U.S. Border Patrol

Illegal Immigrant Apprehensions Texas vs. Arizona, FY2004-FY2013



Source: U.S. Border Patrol

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About the Author



Sylvia Longmire is an independent consultant and freelance writer, as well as an ASBPE award-winning contributing editor for *Homeland Security Today* magazine and Breitbart Texas. Her first book, *Cartel: The Coming Invasion of Mexico's Drug Wars* (Palgrave Macmillan), was published in September 2011, and was nominated for a *Los Angeles Times* Book Prize.

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