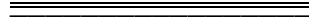
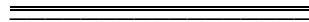


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Illegal Immigrants and America's Infrastructure



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

Immigration is a multi-pronged issue of debate today. The question of social, economic, financial, and moral consequences for enforcing or not enforcing immigration laws are at heart of debates today. In this paper, the researcher does not try to address all of the issues around immigration but will address a few. This paper will look at the issue of illegal immigration as it pertains to national security, illegal immigration and the overcrowding of jails in the US and crime, and how law enforcement officials should enforce immigration laws that are already in place.

The types of information used to support the researcher's position included a review of articles, Internet sites, periodicals, and journals. The recommendations drawn from this position paper are that law enforcement officials be able to enforce the immigration laws already in place and possibly reform laws that need severe consequences, so there will be harsher punishments for those who choose to break the laws. It also suggests that if the US chooses to let productive immigrants stay, with proper and legal documentation, then they should be educated so that they can be successful members of society and can build stronger families. With the ability to enforce current laws and reformed punishment for lawbreakers, the country will be safer and more financially stable where immigration is concerned.

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INTRODUCTION

The United States is a nation comprised largely of a citizenry of immigrant origins. Everyone, except Native American Indians, can trace their ancestry to someplace else. The United States's historical immigration stance is one of the great and encouraging stories of human civilization. American openness to immigrants has resulted in one of the most ethnically diverse populations on the planet. While this diversity has not been achieved without conflict and suspicion of new immigrants, the nation's laws have made it possible for most new ethnic groups to gain a foothold and eventually thrive here. It is estimated more than 12 million people live in the United States illegally. Some estimate that up to 40% came on temporary visas and overstayed their visas once they expired (Schurman-Kauflin, 2006).

The issue of illegal immigration is a multi-pronged problem that plagues this nation today. The social, moral, and financial toll it is taking on the country is devastating. Consider schools, hospitals, parks, roads, police forces, judicial systems and other things. Anything that more people impact, illegal immigrants impact to a far greater degree because, generally, illegal immigrants are not paying for their fair share of taxes at the same rate American citizens are. The researcher will not attempt to cover all of the issues dealing with illegal immigration but will cover a few, such as the impact on national security, the overcrowding and costs for Americans to house them in jails, and the issue of law enforcement officials being unable to enforce laws that are in place to deal with illegal immigrants.

Most illegal crossings into the US involve drug smuggling or the movement of illicit goods or human trafficking, but there is a real threat of terrorists, weapons of mass

destruction, and terrorist weapons just the same. Governor Rick Perry announced on August 9, 2010 that the rapid escalation of drug cartel-related killings in Mexico would eventually sweep across the border of Texas (Antal, 2010). Law enforcement and other government agencies should combat illegal immigration and strengthen immigration enforcement because it is a threat to national security, because illegal immigrants are overcrowding jails and continue to commit crime, and because immigration laws that have been created are not being fully enforced.

The United States, over the past decade, has seen an increase in immigrants. Both legal and illegal immigrants from countries such as Mexico, Honduras, El Salvador, and Guatemala have found a home here illegally. These countries do not value the same things as the United States, nor do they guarantee the rights of their citizens. Specifically, some of these countries, and therefore their citizens, have misogynistic backgrounds, meaning that women are afforded little to no rights, and violence committed against women and children is not uncommon (Schurman-Kauflin, 2006).

POSITION

Rape in the United States is considered a serious crime. But in some areas of Mexico, rape is not considered a crime at all. If a man intends to marry the female, he can kidnap and rape her, no matter her age. In one documented case, a 12 year old girl was taken by a 24 year old man and sexually assaulted because he wanted to.

Ricardo Capates is a serial rapist from Honduras who was convicted in New Jersey. He is an illegal immigrant who has been convicted on more than 20 counts of kidnapping, rape, and robbery. Fedil Rodriguez, also from Honduras, is thought to have

brought his hatred for women to the United States as Capates did because Rodriguez, who should have been deported, savagely stabbed a female to death (Schurman-Kauffman, 2006). Misogyny does not just stay in its home country; it often migrates with its immigrants.

If these cases are not enough, then consider taking a look at something that is a little closer to home: criminal street gangs. Many illegal immigrants join violent criminal gangs. According to a New American article, "These gangs are highly organized with tentacles spread through several countries" ("Colorado's Jails Full," 2011, para. 5). The mantra of the deadly MS-13 gang is: blood in, blood out, and the chilling effects of the illegal immigrants' participation in these gangs are very far reaching. This nationally known and feared gang is responsible for all types of crime, including robbery, theft, drug offenses, illegal weapons, and murder.

Another concern across the country is that ICE or Immigrant Criminal Enforcement routinely frees dangerous criminals they cannot deport. The U.S. Supreme Court will not allow ICE to imprison an illegal for more than six months simply because they cannot deport them. In many cases, ICE cannot deport these criminal aliens because their home country refuses to take them back. ICE reported that between 2001 and 2004, it released 27,947 criminal aliens, and 75% of these criminal aliens originated from countries where the Mara Salvatrucha or MS-13 gang members are known to be very active ("Colorado's jails full," 2011).

Oftentimes, a no deportation attitude for criminal aliens for lesser offenses is used because of the sanctuary policy. In 2010, a report from the U.S. Department of Homeland Security showed that the United States had located approximately 495,209

deportable aliens. Over half of these immigrants were from Mexico, followed by Guatemala, Honduras, and El Salvador. Another report showed that also in 2010, 127,000 immigrants from Mexico were removed from the United States because of criminal activity (U.S. Department of Homeland Security, 2010).

Controlling the border requires manpower, barriers, and technology. While fences and patrols are the traditional means of controlling the border, new technologies are also being used. Technologies old and new are being used to fight the influx of illegals by land, sea, and air. Self-erecting towers are becoming popular due to their dependability, ease of use, and rapid deployment. These towers are totally automatic, multi-functional, mobile, and stationary to meet the user's requirements for portability, height, rigidity, and ease of use. Fences are also being used. One type is a Landing Mat Fence, which has metal mat panels 12 feet long, 20 inches wide, and ¼ inch thick and are formed into a wall by welding them to steel pipes that are buried 8 feet deep into the ground. Also, unmanned aerial vehicles have been utilized in border security. These are described as high-altitude, long-endurance surveillance drones. They provide critical aerial intelligence to personnel on the ground. U.S. Customs also utilizes speedboats and special sensor-equipped helicopters to patrol America's coastline (Antal, 2010).

Illegal immigrants impose a significant cost on the citizens of the United States. These costs pile up at the federal, state, and local level. They range from education to welfare to medical care to criminal justice and beyond (Edwards, 2010). The Federation for American Immigration Reform (FAIR) showed that illegal immigrants cost the taxpayers of the United States about \$113 billion yearly. The federal government's

share of that is about \$29 billion, while states and local governments shoulder more than \$84 billion a year (“Deport California’s illegal-alien convicts,” 2011). Camarota, the Director of Research for the Center for Immigration Studies, stated that in the United States, in 2009, families with all immigrant members made up 56% of welfare usage.

Welfare is defined by such programs as or Supplemental Security Income (SSI), which are funds for low income families, the elderly, and disabled; Temporary Assistance to Needy Families (TANF); Women, Infant and Children (WIC) food program; free or reduced lunch; food stamps, which are also known as the Supplemental Nutrition Assistance Program; Medicaid or health insurance for low incomes persons; public housing; and rent subsidies (Camarota, 2011). One may think that an unwillingness to work is the reason that there are a high number of illegal immigrants who use these programs. On the contrary, the two main reasons for the high number who use these programs are that education is very low for the illegal immigrant-headed households and because there is often just one worker in the household (Camarota, 2011).

In May of 2011, the Supreme Court ruled in the case of *Brown vs. Plata* that the prisoner's eighth amendment rights were being violated because the overcrowding of the jails was seen as cruel and unusual punishment. The high court forced California to create room by releasing inmates. The Golden State released 46,000 of its 140,000 inmates back into society. While it would seem a simple solution to just send them back over the border, the federal government argued that immigration enforcement is not a state issue but a federal one; yet they expect California, the state, to pay the bill (“Deport California’s illegal-alien convicts,” 2011).

Illegal immigrants are, by definition, engaged in criminal activity, namely being in the United States in violation of immigration laws. Those illegal's already convicted of unrelated crimes at the state level not only have no right to be in this country but have abused the privilege of being here. The United States has a criminal deportation system already in place. U.S. Immigration and Customs Enforcement (ICE) reported that under the ICE Criminal Alien Program (CAP), record numbers of illegal alien convicts are being deported, including 195,000 in 2010 alone. However, the system is not a foolproof one; a February 2010 report by the inspector general for the U.S. Department of Homeland Security revealed that in 2009, CAP failed to identify 890 criminal aliens eligible for removal in Texas and California ("Deport California's illegal-alien convicts," 2011, par.2). These people were released into the general population.

COUNTER POSITION

According to the Federation of American Immigration Reform, illegal alien criminal costs the federal government some \$7.8 billion annually, and between police, court, and state prison expenditures, they cost the states \$ 8.7 billion ("Colorado's jails full," 2011). Edwards (2010) stated, "Some proponents for illegal immigrants assert that illegal's do pay taxes. Not only the FAIR study, but any honest analysis shows that illegal aliens do not come close to paying their fair share of taxes" (para. 8). Federal taxes paid by illegal aliens' amount to about \$9.6 billion annually (as cited in Edwards, 2010). The FAIR report further stated "illegals contribute just \$3.96 billion a year to state and local coffers. That's eclipsed several times over by the \$84 billion illegal's collect through state and local public services" (as cited in Edwards, 2010, para. 8).

Camarota (2011) explained that having tax liability does not mean that the household would actually have to pay federal taxes. Federal and state taxes, through employment, are where funds come from in order to pay for welfare programs and federal and state run organizations, such as jails. Figures from the Center for Immigration Studies analysis of the March 2010 Current Population Survey showed that 50% of immigrant households have no federal tax liability as compared to 33% of native households with children. It further explained that the Census Bureau bases tax liability on income, number of dependents, and other factors, but not legal status.

In order to get jobs, benefits, or even a driver's license, one must possess some sort of identification. Those forms of identification might be a birth certificate, social security card, driver's license, or a passport. If a person is illegal and has no form of identification, it is difficult to acquire such documentation. There are people and organizations that sell and make these kinds of documents. The U.S. Department of Homeland Security released a fact sheet ("Fact sheet," 2010) that stated from 2006 to 2010, the DHS Fraud Department generated 1,871 indictments, 2,251 criminal arrests, and 1,643 felony convictions for the manufacturing, sale, or use of counterfeit documents.

In 2006, a fact sheet from the federal Immigration and Customs Enforcement Bureau cited massive savings in just one of Arizona's state agencies. According to ICE, in November 2005, the Arizona Department of Corrections (ADC) began processing alien inmates at their intake center (U.S. Department of Homeland Security, 2011). By processing aliens who met the criteria for early release and turning them over to ICE for removal, the ADC had a cost savings of \$2,985,655 and a savings of 53,135 bed days

(Edwards, 2010). The annual savings that was amassed by implementing this plan was astounding.

The Obama Administration is expanding an effort to check the 300,000 to 450,000 incarcerated illegal aliens in jails around the country. The Secure Communities program allows law enforcement officials to match fingerprints against federal immigration databases so those in the United States without authorization will face deportation when they complete their jail terms (Kingsbury, 2009). However, this is only a pilot program. Last year, only 3,000 had their immigration statuses checked. As with any controversial issue, there will be critics who complicate the matter and criticize the way a process works. In this circumstance, critics have contended that the program will lead to racial profiling. A coalition of immigration rights groups wrote to House Speaker Nancy Pelosi and told her that the program creates an incentive for police to arrest people on pre-textual or minor crimes so that their immigration status can be checked (Kingsbury, 2009).

“The concern is making sure that people have access to counsel or are advised of their rights,” said Kerri Sherlock Talbot, Associate Director of Advocacy for the American Immigration Lawyers Association (Strohm, 2008, para. 10). Talbot went on to say that “Sometimes people are pressured into signing away their rights by basically stipulating that they are removable from the United States” (Strohm, 2008, para. 10). There are also illegal immigrants who may qualify for visas, such as those who can legitimately claim asylum. Many people worry that non-threatening persons might get swept up in the process.

Yet another dilemma that must be addressed is breaking families apart. Americans society argues and fights for families to stay together. One role of the family is parenting, which includes raising children. The Associated Press published an article that stated about two million immigrant families face the risk of being split up because the children are U.S. born citizens, but their parents are illegal immigrants (“U.S.-born kids,” 2006). According to the Pew Hispanic Center, almost three million children are born to either one parent or both parents who are illegal residents of the United States. The term “anchor babies” applies to children born in the United States to illegal parents who give the parents an edge when it comes to them not being deported. One such case is the Medrano family in Las Vegas, who won citizenship because the immigration judge ruled that their disabled son could not get the proper services or care in Mexico (“Arizona defiant over immigrants,” 2010).

Cost needs to be in the equation of what will become of these children when their parents are deported. The cost emotionally on the children and parents and the cost for Americans to take care of those left behind needs to be considered. They could end up in foster care and could be completely dependent upon the social service account for good. Or they could be forced to stay with family or friends in the United States who can barely take care of their own family, thus still ending up on the US social service debt register, with the US working population paying for it.

CONCLUSION

As one can see, illegal immigration is a very controversial issue. There are advantages and disadvantages to both sides of the debate. The researcher believes that there is a definite harm that comes from illegal immigrants, namely the crimes that

are committed against persons and properties by these immigrants. The crime rate is high enough in the United States without allowing the borders to be unsecured to illegal immigrants who cross them to commit heinous crimes. All crime cannot be blamed on illegal immigrants, but these people are a part of the problem. American jails are already overcrowded, and they are being asked to house more prisoners because of the influx of illegal immigrants. The United States spends billions of dollars every year dealing with this issue and the economy is already very unsteady.

There is also a humanitarian side to this issue. Some illegal immigrants have worked very hard for little pay for many years and have committed only to the crime of only trying to save their family. Nevertheless, they have still committed a crime by not getting the necessary paperwork in order, or by being in possession of or using fraudulent documents to obtain work or services while here illegally. With the weakening of American families through high divorce rates and one parent families, further deterioration of the family unit is not needed. These families deserve the best life together just like any other families, as long as they do it legally. Losing a breadwinner or a caregiver from a family is devastating, more so when living below the poverty level and have very little outside support to begin with. Maybe one part of the solution would be that if the US is going to allow illegal immigrants to stay here with their family, educating them, and give them the skills to survive on their own without government assistance. This may take years, but this society would be much better for it. After all, they did come to this country to prosper, so if the government is going to allow them to stay, the US must take the responsibility in making them free. Maybe instead of spending billions of dollars every year on fighting to keep the ones that will be

productive out and spend the money on getting the violent criminal immigrants out and keeping them out.

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