

WebMemo



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Mission Possible: Homeland Security Should Focus on Current Mandates, Not New Missions

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Many of the shortfalls in homeland security since 9/11 can be directly traced to Congress piling more missions and responsibilities on the Department of Homeland Security than it could practically accomplish. The Senate's proposal to give amnesty to millions of immigrants unlawfully present in the United States would further overwhelm DHS's capacity to manage immigration services, enforce the law, and ramp up security at the border. Giving more missions to DHS now is a strategy for failure. Instead, Congress should let DHS focus on its current missions and mandates, using its existing authority to secure the border, enforce the law, and provide a powerful deterrent to future illegal migration.

Work in Progress. The federal government has yet to complete many of its post-9/11 security initiatives. These include:

- **Implementation of the Western Hemisphere Travel Initiative (WHTI).** In 2004, the Western Hemisphere Travel Initiative was established. It requires U.S. and Canadian citizens crossing the border to carry a passport or equivalent document. The WHTI caused an explosion in passport applications and, in effect, a backlog of 500,000 passports. The Department of Homeland Security and the State Department announced last week that full implementation of WHTI requirements on land and at seaports will be delayed until January 2008.
- **Improved Immigration Services.** The 2007 report of the ombudsman of the U.S. Citizenship and Immigration Services (USCIS) stated that there is

a backlog of an estimated 1,275,795 applications from would-be immigrants. Some reports state this number is actually as high as 4 million. USCIS personnel have been encouraged to process applications faster, such as by pushing aside applications thought to be more difficult and processing the easier ones.

- **Secure Flight Initiative.** The Secure Flight Initiative was introduced by the Bush Administration as a replacement for the CAPPS and CAPPS II systems. The program is meant to screen manifests for domestic flights against the Terrorist Watch List. It is one of the capabilities that, if available then, could have stopped some of the terrorist attacks on 9/11. Implementing the system was a priority recommendation of the 9/11 Commission. The program was intended to be operative in 2005, and has been granted several time extensions, but has yet to be fully implemented.
- **An Exit System in U.S. VISIT.** U.S. VISIT is a system meant to screen foreigners when they enter and exit the United States. The federal government has completely failed to implement a mandatory exit system. Currently, foreign travelers are tracked with the I-94 form, which simply

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asks them when they expect to leave. An electronic system capable of verifying a traveler's identity and confirming that the traveler has boarded a flight out of the country does not yet exist. Although Congress acted to put this system in place years before the 9/11 attacks, it is still not ready.

- **Fugitive Alien Deportation.** Illegal aliens who are apprehended are released and then expected to appear at their deportation hearings. Many do not return for their court dates, however, which makes them fugitive aliens. Immigration and Customs Enforcement (ICE), which is tasked with apprehending fugitive aliens and deporting them, currently has a backlog of 630,000 fugitive aliens.
- **Watch List Consolidation.** In 2003, following the recommendations of the 9/11 Commission's report, President Bush proposed to consolidate all of the government's watch lists. Four years later, this has yet to be accomplished.
- **Operational Control of the Border with Mexico.** The Secure Fence Act of 2005 contained a number of initiatives to enhance security on America's southern border. Even in its most optimistic estimates, DHS acknowledges that it will need 18 months to three years to carry out these initiatives in places.

More Missions? DHS has not yet fulfilled many congressional and administrative mandates to improve its services and security for immigration, travel, and border control. Nevertheless, the Senate's immigration legislation would present a number of new and daunting challenges. These include:

- Providing immigration services for the 12 million to 15 million unlawfully present persons who will be granted amnesty by the legislation. USCIS would be responsible for this complicated, multi-year task.
- Establishing an Electronic Employment Eligibility Verification System (EEVS) to verify whether workers may legally work in the United States. The federal government would be required to create a new nationwide system that employers can easily access and that is capable of querying several different databases containing informa-

tion of all legal employees in the country. This system would have to include over 7 million employers and over 130 million employees.

It is unrealistic to believe that DHS will be able to accomplish these tasks efficiently. Nonetheless, the legislation requires that these initiatives and additional border security measures be completed before the government can implement a temporary worker program. Delaying the temporary worker program, however, would only increase illegal immigration and provide additional opportunities for those who oppose the program to undermine its effectiveness.

Recommendations for the Administration and Congress. Rather than heap more requirements on DHS, Congress and the Administration should recognize that much can be done under DHS's existing authority to secure the border, enforce the law, and provide a powerful deterrent to future illegal migration.

The Administration should continue to do the following:

- **Increase the Number of Border Patrol Agents.** The Administration should fulfill its goal of hiring 3,000 agents per year—a more than five-fold increase over the numbers hired in previous years. Contractors from the private sector can assist with many functions, including border patrol and detention and removal.
- **Cooperate with State and Local Law Enforcement.** Cooperative efforts should focus on enhancing border security and addressing the criminal alien population. Such efforts include expanding Border Enhancement Security Task Forces; supporting state operations similar to “Operation Linebacker” conducted in Texas; providing homeland security grants to assist community policing in border communities; and increasing participation in the 287 (g) program, which coordinates cooperation between federal, state, and local law enforcement on immigration matters.
- **Deploy Technology and Obstacles Along the Border.** The Department of Homeland Security should implement its border security plans, which include increased intelligence sharing, expanding its capabilities along the border

through its SBI Net program, and placing obstacles where they prove efficient and effective.

- **Target Enforcement on Specific Sectors of the Economy.** These include sectors in which undocumented workers are the most prevalent and in which businesses intentionally hire illegal workers to undercut competitors and reap illegal profits. This can be done using existing legal authority.

Congress should:

- **Not Grant Amnesty.** Rejecting amnesty would serve as part of a powerful deterrent against future illegal migration.
- **Establish a Temporary Worker Program.** This would provide legitimate opportunities for

industries to get the employees they need and for foreign individuals to work in the U.S.

These measures will not remove every unlawfully present person from the United States, nor will they seal the border. They will, however, enable the government to gain control of the southern border, facilitate serious workplace enforcement, and serve as a deterrent against future illegal migration. This is a much better plan than handing DHS an impossible mission.

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