Homeland Security: Two Decades of Protecting the Nation

Week 3
Border Security & Immigration Enforcement
What We’ll Learn in Week 3

- Border Security and Immigration Enforcement have become highly contentious issues.
- Border Security is one of the most complex U.S. interagency challenges due to the length of U.S. borders and number of agencies involved.
- Immigration Enforcement has a long U.S. history that is heavily politicized.
Secure and Manage Our Borders
- Effectively Control U.S. Air, Land, and Sea Borders
- Safeguard Lawful Trade and Travel
- Disrupt and Dismantle Transnational Criminal Organizations
Border Security Challenge

Border Security is the Number 1 Priority of DHS based on where the most DHS resources are dedicated
The Border Threats in Priority Order

1. **Transnational Organized Crime**—Crime that ignores international boundaries – drug, arms, and human trafficking, and other contraband smuggling – can involve serious violence and physical harm. Supporting crimes include -- fraud, extortion, money laundering, bribery, economic espionage, intellectual property theft, and counterfeiting.

2. **Illegal Immigration**—An estimated 11.5 million undocumented aliens reside in the United States, and this population is estimated to increase by 500,000 annually. Each year, approximately **1 million aliens** are apprehended trying to enter the United States illegally.

3. and **Terrorism**.
Border Security Players

- **DHS**
  - Customs and Border Protection (CBP)
  - Immigration and Customs Enforcement (ICE)
  - US Coast Guard (USCG)
  - Transportation Security Administration (TSA)

- **Other Agencies**
  - Federal Bureau of Investigation (FBI)
  - Alcohol, Tobacco, Firearms & Explosives (ATF)
  - Drug Enforcement Administration (DEA)
  - State, Local & Tribal Law Enforcement
  - US Department of Defense (through US Northern Command and Joint Interagency Task Forces)
# U.S. Federal Law Enforcement Jurisdictions

<table>
<thead>
<tr>
<th>U.S. Laws</th>
<th>Authorities</th>
<th>Jurisdictions</th>
<th>Jurisdiction</th>
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<tbody>
<tr>
<td>18USC--All</td>
<td>FBI, USCG</td>
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<tr>
<td>18USC—Customs, Border, Immigration</td>
<td>CBP, ICE USCG FBI</td>
<td>US territory, at sea to 12 mile limit—CBP, ICE &amp; USCG to 24 miles (Customs laws)</td>
<td>USCG also to 200 mile Exclusive Economic Zone &amp; High Seas</td>
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<tr>
<td>18USC—Arms, Tobacco, Alcohol, Explosives</td>
<td>ATF CBP, ICE FBI USCG</td>
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<tr>
<td>18USC--Financial</td>
<td>Treas., FBI USSS</td>
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Other specialized: Air Marshalls US Marshalls

Not in DHS
Customs and Border Protection

Two Key Missions

- **Trade**
  Facilitates about $2 trillion in legitimate trade each year while enforcing U.S. trade laws that protect the economy, the health, and the safety of the American people. They accomplish this through close partnerships with the trade community, other government agencies, and foreign governments.

- **Border Security**
  Securing America's borders from those that would do harm is CBP’s top priority. It deploys the government’s largest law enforcement work force (US Border Patrol) to protect at and between ports of entry, supported by air and marine assets.
U.S. Border Entry Stations

• Land
  • Immigration Status Check
  • Border Entry Inspection
  • Postal Inspection Stations

• Seaports
  • Inspection Stations
  • Large Commercial Ports

• International Airports
  • Immigration Status Check
  • Baggage & Cargo Inspection

Note: TSA handles aviation security on the departure side, while CBP handles security on the arrival side
U.S.-Mexico 1,950 mile Border is Top Priority

Border Wall Prototypes
Border Patrol Operations
Immigration and Customs Enforcement (ICE)

- **Operational Divisions**
  - Office of Intelligence
  - Office of Investigations (HSI)
  - Office of International Affairs
  - Detention & Removal Operations

- **Special Programs**
  - Border Security Enforcement Task Task Forces (BEST)
  - Community Shield (violent anti-gang efforts)
  - Cyber Crimes Center
  - National Intellectual Property Rights Coordination Center
  - Secure Communities (2008 to 2014), now Priority Enforcement Program (PEP—since July 2015)
US Maritime Border Challenge

Territorial Sea: 12 miles; Contiguous Zone: 24 miles; Exclusive Economic Zone: 200 miles
U. S. Coast Guard (Title 14 USC 89)—both a military service and a federal law enforcement agency at all times

- Maritime Safety
- Maritime Security
- National Defense
- Protection of Natural Resources
- Maritime Mobility
TSA Layers of Commercial Airport Security
Question: When Can DOD Forces Be Used in Border Security?

- Posse Comitatus Act (1878)
- Title 10 US Code—Military Support For Civilian Law Enforcement

Answer: Whenever the President or Congress Says So!
Posse Comitatus (1878)

- TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
  Sec. 1385. Use of Army and Air Force as posse comitatus

- STATUTE- Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.
Title 10 DOD Support

- Title 10 Chapter 18 allows DOD to:
  - Share information with LE
  - Share equipment with LE
  - Train LE officials
  - Maintain equipment (DOD and LE owned)
  - Advertise DOD assistance to States (with DOJ)

Title 10 states DOD personnel should not be involved in search, seizure, or arrest, unless authorized by law (e.g., Posse Comitatus authorization by Congress or President)
US Task Force North

Title 10 USC Authorized
JIATF South – Counternarcotics Support in Atlantic, Caribbean, Eastern Pacific

- U.S. Navy: Destroyers, Cruisers, Submarines, Tankers, MPA, E-2 Hawkeye, Fighters
- U.S. Coast Guard: Cutters, C-130 MPA, Helicopters
- U.S. Army & U.S. Marine Corps Planners, C3 & Intel Specialists.
- Customs & Border Protection: P-3 AWACS, Citation Interceptors
- FBI, DEA, ICE, ATF Intel Specialists
- UK, Dutch, French ships and aircraft & Foreign Liaison Officers
JIATF South Operating Area
JIATF West, Honolulu, HI

Mainly intelligence and coordination in the counter-narcotics mission

PACOM operating forces will respond to specific intelligence reports

Title 10 USC Authorized
U.S. Northern Border Security

No Centralized Coordination

Nearly 4,000 miles of U.S.-Canadian border

Approximately 90 percent of Canada’s population lives within 100 miles of the U.S. border

Legal trade and tourism are main cross-border activities

There is some illicit cross-border criminal activity, including smuggling of drugs, currency, people, and weapons (about 4,000 arrests each year)

Terrorists possibly crossing the border is an increasing concern
Arctic Security

[Map showing the Arctic region with various claims and future gas fields marked]

SOURCE: Infield Systems
All locations approximate
Time for a
10 Minute Break!
2014 HS Quadrennial Review

Enforce and Administer Our Immigration Laws

- Strengthen and Effectively Administer the Immigration System
- Prevent Unlawful Immigration
World History is one of Human Migration

Original Human Migration
(started over 100,000 years ago)
M.E. & Africa to EU

Central America & Mexico to U.S.

African Conflicts to South Africa

Rohingyas (Muslims) to Anywhere

Current Immigration “Hot Spots”
Push-Pull Theory

**Push-Pull Theory:** offers there are a number of often complex political, economic, and social reasons why persons are pushed out of one location and are pulled to another location

- **Political reasons** include lack of political rights, persecution, violence, etc.
- **Economic reasons** include sheer subsistence, better pay, or more opportunities
- **Social reasons** include family unity, religious freedom, or other civil liberties leading to improved quality of life

The idea of the “American Dream” has been a major “pull” factor bringing immigrants to the United States.
Immigration Definition Game

- **Emigrate** (verb) - To leave one’s country or region to settle in another.
- **Immigrant** (noun) – A person who leaves one country to settle permanently in another. (Implies a specific destination—country).
- **Migrant** (noun) – One that moves from one region to another by chance, instinct, or plan. (Implies no specific destination or that person will return to original start point.) (Person has limited rights under International Law.)
- **Refugee** (noun) - A person who, by reason of real or imagined danger, has left their home country or country of their nationality and is unwilling or unable to return. (Person has numerous specific rights under International Law.)
Definitions of Political Correctness

- **Illegal**—person in the US illegally (term used as noun considered pejorative by many)

- **Undocumented Person**—one who does not have a valid passport, permanent resident papers (Green Card), or current visa allowing them to be in the US (more politically correct term)

- **Out of Status**—used in academic and pro-immigration circles to refer to an undocumented person—logic is that no one can be “illegal” (most politically correct term)
US has worried about immigration issues since the start
1798 U.S. Passed the Alien and Sedition Acts
History of US Immigration to WWII

- **Colonial era** saw most immigration from Europe
- **1700s to 1860**: 400,000 to 650,000 (estimates vary) Africans were forcibly brought to US as slaves (10.5M to Western Hemisphere total)
- **1800 to 1865**: large immigration with main streams coming from Ireland, Germany, and China/Asia
- **1880 to 1920**: 20 million immigrants entered the US—largest stream from Southern Italy and rest of Europe
- **1882**: US passed the Chinese Exclusion Act
- **1890**: US opened Ellis Island to process immigrants from mainly Europe
- **1920s**: passage of series of acts to set immigration quotas—main focus was to prevent immigration from Southern and Eastern Europe
- **1930s Depression and WWII**: little immigration
US Immigration WWII to 1965

- **Bracero Program** (1942-1964) was a legal temporary-worker program allowing Mexican citizens to fill US labor shortages during WWII and continued to 1964 to provide workers for the US agricultural industry (4.8 million workers received temporary visas).

- **1952 McCarran-Walter Act** (current *Immigration & Nationality Act*), consolidated previously fragmented immigration law, kept 1920’s immigration quotas, passed over President Truman’s veto (who said it was un-American and discriminated against Southern/Eastern Europeans and Asians).

- **1965 Hart-Celler Act** revised nationality quotas (from 1920’s), limits annual quotas to 170,000 immigrant visas with per-country caps (caps reset annually), gave preferences to family members of U.S. citizens and those with “special skills” (no quotas applied to these categories).

1965 Act Changed the Future Demographics of the United States.
US Legal Immigration History

Shows Changing US Demographics since 1965 Immigration Act

Mainly White Europeans

Mainly Hispanics & Asians
The major goal of the US immigration system, now overseen by DHS’ U.S. Citizenship and Immigration Services, is to **protect the legal immigration system**, allowing over 185 different types of visas to enter the US:

- **Immigrant Visas**: to stay permanently in U.S. for family unity, needed skills or talents, per-country quotas, refugees, etc.—these immigrants usually seek permanent alien status (**Green Cards**) and may eventually become naturalized U.S. citizens.

- **Non-Immigrant Visas**: for those who do not want to permanently emigrate but must have visas to enter the U.S. for business, tourism, education, temporary work, etc.—U.S. has reciprocal agreements with many countries that waive the non-immigrant visa requirements for business and tourism (examples: United Kingdom, Canada, France, Germany, Australia, New Zealand, etc.)
Path to U.S. Citizenship

How to become a U.S. Citizen?
- Be born in the U.S.
- Be born of U.S. Citizen parent living outside the U.S.

Be Naturalized:
- Be 18 years old (can get through parents’ citizenship if younger)
- Be legally in the U.S. at least 30 months of the 5 years since legal entry (3 years if married to U.S. Citizen)
- Be of good moral character (no crimes)
- Read, speak, write English (exception if over 55 or been here 20 years)
- Knowledge of U.S. History
- Take oath of allegiance (must be careful of dual citizenship)

Is expedited process for U.S. military and their families
Recent politics addressing undocumented aliens

- 1996 Illegal Immigration Reform and Immigrant Responsibility Act (Clinton) expedited deportation process
- 2001 HSPD–2: Combating Terrorism Through Immigration Policies (Bush) strengthened immigration border controls and visa access. Bush also enacted Parole in Place (families of non-citizen U.S. military members protected)
- 2008-2016 Obama dubbed “Deporter-In-Chief” for focusing ICE on deporting criminal aliens—deported more aliens than any past president
- 2012 EO created Deferred Action for Childhood Arrivals (DACA) (“Dream Act”) protects approx. 1M young undocumented aliens (Obama)
Recent politics addressing undocumented aliens (cont.)

- **2013** US Senate passed bi-partisan comprehensive immigration bill (supported by Obama) died in Republican-controlled U.S House of Representatives.

- **2014** EO restricts deportation of 5M family members with U.S. citizen children (Obama), in 2016 Supreme Court overrules this EO after several states sued.

- **2017-2018** U.S. restricts immigration (Trump), kept DACA (so far), increased deportations (all eligible except DACA)--criminals, gangs & others, cancelled some Temporary Protected Statuses (TPS), pursued building SW Border Wall, restricted Islamic immigration from selected countries, restricted refugee and other legal immigration numbers, proposed merit-based legal immigration system (scraps past family reunification policies).

**What next?**
Sanctuary Cities/Freedom Cities Resist ICE Priority Enforcement Program (PEP)

Many cities in the United States have passed ordinances banning city employees from asking people about their immigration status (including police) and in many cases do not cooperate with U.S. immigration officials.
The Great Debate: Immigration

Pro-Immigration Side

- Reuniting separated families is fair and humane thing to do (was U.S. policy since 1965)
- Providing refuge for those subjected to violence or political & criminal persecution is right thing to do
- Enriches U.S. society and spurs economic growth through infusion of different cultures & skills (new ideas and creativity, e.g., Silicon Valley)
- Take tough and often disgusting jobs most U.S. citizens will not (est. half of U.S. agricultural field workers are undocumented)
- Bring strong work ethics and are reliable workers who strive hard to achieve the “American Dream”
- Commit less crime than U.S.-born citizens (statistics support)

Anti-Immigration Side

- Commit more crimes and may be terrorists (statistics do not support)
- Take jobs away from U.S. workers
- Keep U.S. worker salaries low
- Do not pay taxes
- Abuse U.S. public assistance programs (education, health care, welfare, etc.)
- Do not assimilate into the “Melting Pot”
- Will lead to white non-Hispanics becoming U.S. minority by 2044 (one estimate, methodology not strong)
Please give our classroom assistants a big hand!

I hope you enjoyed the course!

THE END

ANY QUESTIONS???