



## Safety in (Lower) Numbers

### Immigration and Homeland Security

By Mark Krikorian

In the year since 9/11, there has developed a new consensus on the need for tighter immigration enforcement and border controls. Gone are the days when *The Wall Street Journal* repeatedly called for a constitutional amendment that would say “There shall be open borders.” Since September 11, even the Libertarian-Left united front for open borders, which so successfully obstructed immigration enforcement in the past, has at least had to pay lip service to the importance of border control.

This change has manifested itself in many ways. The USA Patriot Act, last year’s major piece of anti-terrorism legislation, contained immigration-related provisions that, among other things, finally gave the INS and State Department access to the FBI’s criminal databases.<sup>1</sup> The border security bill signed by the president in May includes a mandate for the creation of a visa containing a fingerprint or other identifier to be used by “nonimmigrant” foreigners (tourists, students, businessmen, etc.) — so that the INS would actually know whether a visitor leaves when his time expires, something we cannot now determine.<sup>2</sup>

The agencies responsible for immigration have also made changes. The INS, for instance, decided that it should start looking for the 300,000-plus foreigners who have absconded after being ordered deported, and these names are being entered into the FBI’s national crime database (though only about 900 have so far been located). And the State Department now requires more intensive examination of visa applications by young men from Muslim countries.

There is much left to accomplish in the area of border control — for instance, the INS still has a laughably small number of investigators, while the State Department’s manual for visa officers still says that “Advocating terrorism, through oral or written statements is usually not a sufficient ground for find-

ing an applicant ineligible.”<sup>3</sup> Though such details matter greatly, the principle of sovereign borders is no longer a matter of mainstream debate.

But what about the actual level of immigration?

The idea of any connection between immigration and terrorism has been dismissed by many policymakers and activists. INS Commissioner James Ziglar, for instance, piously observed that “We’re not talking about immigration, we’re talking about evil.”<sup>4</sup> Elsewhere he even employed the “then the terrorists will win” cliché, saying, “If, in response to the events of September 11, we engage in excess and shut out what has made America great, then we will have given the terrorists a far greater victory than they could have hoped to achieve.”<sup>5</sup>

Groups lobbying in favor of mass immigration rushed to make the same point after the attacks. Cecilia Munoz of the National Council of La Raza gamely averred that “There’s no relationship between immigration and terrorism.”<sup>6</sup> And Jeanne Butterfield, executive director of the American Immigration Lawyers Association (and former head of the Marxist Palestine Solidarity Committee), echoed this denial of reality: “I don’t think the events of last week can be attributed to the failure of our immigration laws.”<sup>7</sup>

And indeed to argue that cuts in the level of immigration are necessary for homeland security might appear a bit opportunistic, like apologists for farm subsidies talking about “food security.” After all, it’s only Muslim fanatics who are trying to murder our children, not Mexican dishwashers or Filipino nurses.

But there are two compelling reasons why a reduction in the legal admission of foreign citizens across the board — both permanent immigrants as well as temporary visa-holders, such as students, workers, and exchange visitors — is imperative for homeland security. One reason is short-term and practical, the second long-term and strategic.

## Overloaded Agency

The practical reason is that the INS simply cannot function as it should at the current level of admissions. It is sobering to review the list of responsibilities heaped on the INS over the past year:

- Develop an automated entry-exit visa tracking system for 500 million annual border crossings;
- Develop a foreign-student tracking system;
- Enforce the requirement that non-citizens report any change of address within 10 days;
- Fingerprint, photograph, and track all visitors from Iran, Iraq, Sudan, and Libya, plus men ages 16 to 45 from Saudi Arabia, Pakistan and Yemen, plus selected Egyptians and Jordanians (and the list is likely to grow);
- Completely overhaul its internal organizational structure and/or shift all or part of the agency to the newly formed Department of Homeland Security;
- Hire and train thousands of new employees;
- Implement a 30-point “smart border” plan with Canada;
- Review tens of thousands of asylum cases to identify any immigrants who have acknowledged being accused of links to terrorism abroad;
- Report to Congress every two years (instead of every five) on each Visa Waiver country’s participation in that program;
- Report to Congress each year the number of deportation absconders; and
- Fully integrate all internal databases and make them interoperable with a new system that will allow sharing of information with law enforcement and intelligence agencies. The new system “shall be searchable based on linguistically sensitive algorithms that (i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a

particular language; and (ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.”

All this in addition to its enormous pre-9/11 workload.

Now, one might argue that more money would help the INS reform itself and tackle security issues without cutting immigration. This is exactly what Congress and the administration have in mind — the agency’s FY 2002 budget was up 15 percent from the prior year, and the proposed 2003 budget would grow another 12 percent to \$6.3 billion.

This additional funding would be desperately needed even without concerns over homeland security. The General Accounting Office reported in May 2001<sup>8</sup> that the receipt of new applications (for green cards, citizenship, temporary workers, etc.) increased 50 percent over six years and the backlog of unresolved applications quadrupled to nearly four million. The number of citizenship applications filed in the 1990s was about 6.9 million, triple the level of the 1980s; temporary admissions nearly doubled in the 1990s to more than 30 million; and the number of (very labor-intensive) applications for asylum in the 1990s was nearly one million, more than double the level of the 1980s.

**Choking on paperwork.** This tidal wave of immigration has overwhelmed the INS bureaucracy. The redoubtable Marcus Stern of the Copley News Service first reported this summer that the INS has collected in underground limestone vaults some 2 million documents filed by immigrants but lost or forgotten by the agency.<sup>9</sup> In the words of one INS spokesman, “The field offices weren’t sure what to do with all of the documents they had not been able to look through, and they were a bit overwhelmed by the unprecedented growth” in immigration.

Among these two million orphaned documents are 200,000 unfiled change-of-address cards, contributing to the government’s inability to find half of the 5,000 non-citizens whom Justice Department officials wanted to interview in the wake of the terrorist attacks. This disarray is being exacerbated by Attorney General John Ashcroft’s July announcement that the INS would resume enforcement of a long-ignored law requiring legal immigrants to submit change-of-address notification within 10 days of moving. As a result, the INS has received hundreds of thousands of such forms, a tenfold increase over the previous year.<sup>10</sup> In the words of an INS spokesman, “They’ve literally swamped our

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ability to keep up with the flow.” What’s more, the INS does not process these address changes through a database, but rather places each one, by hand, in the individual’s paper file.

**“Pervasive” fraud.** And the crush of work hasn’t caused only paperwork problems; it has also contributed to an organizational culture wherein “staff are rewarded for the timely handling of petitions rather than for careful scrutiny of their merits,” in the words of a January 2002 GAO report.<sup>11</sup> The pressure to move things through the system has led to “rampant” and “pervasive” fraud, with one official estimating that 20 to 30 percent of all applications involved fraud. The report says, in its understated fashion, that “The goal of providing immigration benefits in a timely manner to those who are legally entitled to them may conflict with the goal of preserving the integrity of the legal immigration system.”

Perhaps there are large organizations which could handle such a crush of work while assuming vast new responsibilities, especially when provided with increased resources. But the INS is not now such an organization. The name of INS headquarters in Washington says it all — our great memorials honor Washington, Jefferson, and Lincoln, the airport is named after Reagan, the performing arts center after Kennedy, but the INS building is named after Chester A. Arthur.

The INS’s status as the Rodney Dangerfield of federal agencies isn’t limited to symbolism. The abysmally out-of-date and fragmented state of the agency’s computer systems stems from a decision in the 1970s not to automate the files so as to preserve low-level clerical jobs. An agency whose mission was taken seriously by Congress and the White House would not have been allowed to paint itself into such a corner; as then-Commissioner Doris Meissner said in a 1999 interview, “You don’t overcome a history like that in four to five years.”<sup>12</sup>

**Bad grades.** The agency’s dismal performance is reflected in comparative analysis by outside observers. *Government Executive* magazine graded six federal agencies earlier this year, as part of its ongoing Federal Performance Project, which is co-sponsored by The George Washington University Department of Public Administration. Of the six — the INS, Social Security Administration, Federal Aviation Administration, IRS, Environmental Protection Agency, and Centers for Medicare and Medicaid Services — the INS received the lowest grade, D, down from its previous grade, in 1999,

of C-. And that C- was the lowest grade awarded in the 1999 analysis.<sup>13</sup>

Compounding the INS’s inability to perform properly is a hemorrhaging of staff caused by the agency’s low status, as well as low pay. In the first 10 months of the 2002 fiscal year, some 2,000 of the 15,000 Border Patrol agents and immigration inspectors left the agency.<sup>14</sup> The Border Patrol hired 1,499 new agents during that time, but lost 1,459 veterans, for a meager gain of 40 positions and a significant loss of experience and expertise.

**Reorganize for success?** To address the agency’s many problems, there have been various plans to reorganize the INS by separating its service and enforcement functions, with rival Administration and congressional proposals. The administration’s plan for the new Department of Homeland Security would move the entire INS into the new agency, which the Senate version of the bill would do also. On the other hand, the version passed by the House of Representatives in July would move the border control responsibilities to the new agency but keep the immigrant-services functions in the Department of Justice. This may not be resolved until next year.

But however the INS is reorganized, and however much money is allocated to it, such measures can never be adequate. The only way to give the INS the breathing room it needs to put its house in order and to address homeland security concerns is to reduce its workload wherever possible. Some demands upon the agency can’t be reduced — even with tighter visa controls, most tourists will continue to come, and legal immigrants will continue applying for citizenship (and, in fact, citizenship applications through July 2002 were up 58 percent from the same period in the prior year).

**Cut the numbers.** But the admission of new immigrants and foreign students and workers is an area where the INS’s load can be lightened dramatically. The visa lottery, for instance, ought to be eliminated. It provides 50,000 visas each year based on little but random chance to people from countries not among the top 14 immigrant-sending nations (the visa lottery admits a disproportionate number of Middle Easterners).

Likewise, the immigration of relatives should be limited to the spouses and minor children of American citizens, bringing an end to special immigration rights for adult sons and daughters, parents, and siblings who have their own families. In addition, employment-based immigration should be limited to those

with exceptional abilities which cannot be replicated in the United States — portions of what are now called the First and Second Employment-based Preferences. This would have the added benefit of mostly eliminating the extremely time-consuming process of labor certifications.

Adding to these categories a modest number of authentic refugees, genuinely in need of immediate resettlement, would bring the annual number of green cards issued down from over one million last year to around 300,000. And placing caps on the bewildering array of student and worker visas (and eliminate some categories) would stop, or even reverse, the very rapid growth in these programs. Only in this way can the INS get the essential breathing room needed if it is ever to be able to fulfill its role in homeland defense.

## Terrorist Fish in the Sea

But once the INS takes advantage of a respite in mass immigration to craft a functioning border-control system, then what? Are there long-term security reasons for *keeping* immigration relatively low?

Whatever one thinks of the debates over immigration's other impacts, the security implications of large foreign-born populations in a world of easy and cheap transportation and communications cannot be wished away. In such a world, immigrant communities act as the sea within which, as Mao might have said, terrorists can swim like fish.

President Bush used a different image in his address to the joint session of Congress after the 9/11 attacks when he said, "Al Qaeda is to terror what the Mafia is to crime." The comparison is instructive. During the great wave of immigration around the turn of the century, and for more than a generation after it was stopped in the 1920s, law enforcement had very little luck in penetrating the Mafia. This was because immigrants lived in enclaves with limited knowledge of English, were suspicious of government institutions, and clung to Old World prejudices and attitudes like "omerta" (the code of silence).

**Assimilation vs. the Mafia.** But with the end of mass immigration, the assimilation of Italian immigrants and their children accelerated and the offspring of the immigrants developed a sense of genuine membership and ownership in America — what John Fonte of the Hudson Institute calls "patriotic assimilation." It was this process that drained the waters within which the Mafia had been able to swim, allowing law enforce-

ment to do its job more effectively, and eventually cripple the Mafia.

Anthropologist Francis Ianni described this process 30 years ago: "An era of Italo-American crime seems to be passing in large measure due to the changing character of the Italo-American community," including "the disappearance of the kinship model on which such [Mafia] families are based."

"After three generations of acculturation," Ianni continued, "this powerful pattern of organization is finally losing its hold on Italo-Americans generally — and on the crime families as well."<sup>15</sup> In the same way, accelerating assimilation in Muslim immigrant communities by reducing immigration will make it harder for terrorists to operate there — harder to find cover, harder to recruit sympathizers, harder to raise funds.

**Blending in.** That this is a problem in Muslim immigrant communities is beyond dispute. A *New York Times* reporter wrote shortly after the attacks that there are many reasons that Islamic terrorists use Germany as a base, "among them the fact that the terrorists could blend into a society with a large Muslim population and more foreigners than any other in Europe."<sup>16</sup>

This also applies in our own country. Another *Times* story observed about Paterson, N.J., that "The hijackers' stay here also shows how, in an area that speaks many languages and keeps absorbing immigrants, a few young men with no apparent means of support and no furniture can settle in for months without drawing attention."<sup>17</sup>

Nor is the role of the immigrant community entirely passive. Two of the 9/11 hijackers — Nawaf Alhazmi and Khalid Almihdhar — had been embraced by the Muslim immigrant community in San Diego. As *The Washington Post* noted, "From their arrival here in late 1999 until they departed a few months before the 9/11 attacks, Alhazmi and Almihdhar repeatedly enlisted help from San Diego's mosques and established members of its Islamic community. The terrorists leaned on them to find housing, open a bank account, obtain car insurance — even, at one point, get a job."<sup>18</sup>

**Recruiting terrorists.** And even worse than the role immigrant enclaves play in simply shielding terrorists is their role in recruiting new ones. The *San Francisco Chronicle* reported on naturalized U.S. citizen Khalid Abu al Dahab, described as "a one-man communications hub" for al Qaeda, shuttling money and fake passports to terrorists around the world from his Silicon Valley apartment. According to the *Chronicle*, "Dahab

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said bin Laden was eager to recruit American citizens of Middle Eastern descent.” When Dahab and fellow terrorist and naturalized citizen Ali Mohammed (a U.S. army veteran and author of al Qaeda’s terrorist handbook) traveled to Afghanistan in the mid-1990s to report on their efforts to recruit American citizens, “bin Laden praised their efforts and emphasized the necessity of recruiting as many Muslims with American citizenship as possible into the organization.”<sup>19</sup>

Perhaps the most disturbing example so far of such recruitment in immigrant communities comes from Lackawanna, N.Y., where six Yemeni Americans — five of them born and raised in the United States to immigrants parents — were arrested in September for operating an al Qaeda terrorist sleeper cell. The alleged ringleader of the cell, also born in the United States, is believed to be hiding in Yemen. The six arrested men are accused of traveling to Pakistan last year ostensibly for religious training and then going to an al Qaeda terrorist training camp in Afghanistan. The community that bred this cell is intimately shaped by ongoing immigration. As the *Buffalo News* put it:

*This is a piece of ethnic America where the Arabic-speaking Al-Jazeera television station is beamed in from Qatar through satellite dishes to Yemenite-American homes; where young children answer “Salaam” when the cell phone rings, while older children travel to the Middle East to meet their future husband or wife; where soccer moms don’t seem to exist, and where girls don’t get to play soccer - or, as some would say, football.<sup>20</sup>*

From 1991 through 2000, more than 16,000 Yemenis immigrated legally to the United States. In Lackawanna itself, the Arab population has ballooned by 175 percent during the 1990s. The median household income in the Yemeni neighborhood is 20 percent lower than in Lackawanna as a whole.

**More immigrants, more cells.** Nor is this likely to be the last such cell uncovered. As another story in *The Buffalo News* reported: “Federal officials say privately that there could be dozens of similar cells across the country, together posing a grave danger to national security. They believe that such cells tend to be concentrated in communities with large Arab populations, such as Detroit.”<sup>21</sup>

Yemen is not the only Middle Eastern country sending large numbers of immigrants. A recent Center for Immigration Studies report found that

Middle Easterners are one of the fastest-growing immigrant groups in the United States, growing seven-fold since 1970, from fewer than 200,000 in 1970 to nearly 1.5 million in 2000.<sup>22</sup> Assuming no change in our immigration policy, 1.1 million new immigrants (legal and illegal) from the Middle East are projected to settle here by 2010, and the total Middle Eastern immigrant population will grow to about 2.5 million. And that does not include the 570,000 U.S.-born children (under 18) who have at least one parent born in the Middle East, a number expected to grow to 950,000 by 2010.

What’s more, the religious composition of Middle Eastern immigration has changed dramatically over the past thirty years. In 1970, an estimated 15 percent of immigrants from the region were Muslim, a mere 29,000 people; the rest were mostly Christians from Lebanon or Christian ethnic minorities such as Armenians fleeing predominately Muslim countries. By 2000, an estimated 73 percent of all Middle Eastern immigrants (1.1 million people) were Muslim.

**Terrorists vs. Gangsters.** Of course, Muslim immigrant communities are not alone in exhibiting characteristics that shield or even incubate criminality. For instance, as criminologist Ko-lin Chin has written, “The isolation of the Chinese community, the inability of American law enforcement authorities to penetrate the Chinese criminal underworld, and the reluctance of Chinese victims to come forward for help all conspire to enable Chinese gangs to endure.”<sup>23</sup> And the solution is the same for these other ethnic groups, as well; William Kleinknecht, author of *The New Ethnic Mobs*, notes that “If the mass immigration of Chinese should come to a halt, the Chinese gangster may disappear in a blaze of assimilation after a couple of decades.”<sup>24</sup>

While such criminality is certainly a cost of immigration that cannot be ignored, on its own it is not an adequate rationale to curb immigration. But the threat to our society posed by Middle Eastern terrorism is qualitatively different from the threat of the Mafia or Irish gangs in the past, or Russian, Chinese and Jamaican criminal organizations today. The danger from other immigrant groups’ pimps, drug dealers, and small-scale killers pales in comparison to the effects of mass-casualty terrorism carried out by Muslim extremists.

## Keep Out the Arabs?

One solution could be simply to bar all immigrants and tourists from Muslim countries. A recent poll spon-

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sored by the Chicago Council on Foreign Relations and the German Marshall Fund of the United States found considerable support for this approach, favored by 79 percent of the public and by 40 percent of people described as leaders.<sup>25</sup>

But there are two problems with this, one practical, the other ideological. The practical problem is that barring arrivals from Muslim countries would be of limited utility. While such a policy, if applied to all categories of overseas arrivals for an indefinite period, might slow the growth of Muslim immigrant communities, it would have no effect on the INS's overall workload and thus not address one of the major security issues surrounding high immigration.

**“Muslim extremists of non-Arabic appearance.”** What's more, targeting Muslim-majority countries wouldn't successfully screen out terrorists. As it is, applicants from Middle Eastern countries formally listed as sponsors of terrorism (Iran, Iraq, Libya, Sudan, Syria) have long faced a higher bar to entry — so instead, the 9/11 terrorists came from Muslim countries *not* on the official list of terrorist-sponsoring countries. Now that we are focusing more scrutiny on most Muslim-majority countries, we are likely to see terrorists coming from non-Muslim countries with large and radicalized Muslim minorities — the Philippines, India, China, Russia.

In fact, the FBI in September warned of just such a development with regard to Russian citizens. Because of increased scrutiny of visitors from Muslim nations, al Qaeda is said to have discussed “hijacking a commercial airliner using Muslim extremists of non-Arabic appearance,” specifically “Chechen Muslims affiliated with al Qaeda, but already present in the United States.”<sup>26</sup>

In the unlikely event we were to bar everyone from Russia, the Philippines, etc., then the terrorists would almost certainly make greater use of Muslim citizens of western Europe and Canada (as with Zacarias Moussaoui and Richard Reid) — and this is especially problematic, since visas are not currently required for citizens of these countries. As it happens, since the 9/11 attacks, dozens of people holding citizenship in Germany, Spain, France, Britain, and other European countries have been arrested for involvement in al Qaeda terrorist cells.

**National-origins throwback.** The impossibility of excluding radical Muslim terrorists by barring citizens of specific countries would force someone pursuing this

approach to consider a religious test for immigration, which is clearly absurd. And that points to the second objection to an immigration policy targeting Muslims, an objection based on principle; special exclusions for Muslim immigrants, even if they were possible, would be a throwback to the national-origin quotas of the 1920s, the elimination of which was the only positive aspect of the hapless 1965 immigration-law changes.

Focusing on Muslims is certainly sensible as triage, as a way to decide where to start enforcing the law, as the Justice Department is doing by tackling the pool of 300,000-plus deportation absconders by starting with the 6,000 or so from the Middle East. But constructing a long-term, Muslim-specific immigration policy would be contrary to American principles and politically unsustainable. After all, we have effectively been at war with Iraq for more than a decade and yet gave green cards to more than 40,000 Iraqis from 1991-2000 — and not a single member of Congress has even suggested that we do otherwise.

**Cut across the board.** Our response, then, can only be to cut immigration across the board, regardless of the religion the immigrant claims to profess. Fortunately, such a policy change would serve other important national interests as well. It has been clear for some time that current immigration policy is an anachronism, on balance doing harm to the economy, the public fisc, national cohesion, and environmental quality.

Furthermore, there is enormous public support for such a reform. The aforementioned poll sponsored by the Chicago Council on Foreign Relations and the German Marshall Fund of the U.S. found that the majority of Americans supported reductions in immigration and fully 70 percent thought that reducing illegal immigration should be a very important goal of U.S. foreign policy.<sup>27</sup> The same poll found an enormous gap between the public and opinion leaders on the immigration issue, with the public three times more likely to support reductions in immigration and four times more likely to see the level of immigration as a critical threat to U.S. interests.<sup>28</sup> This would suggest that there is a significant opportunity awaiting the first politician who successfully harnesses these concerns.

The September 11 terrorist attacks have made immigration reform a matter of life and death. Cuts in both permanent and temporary immigration would contribute significantly to improved security by permitting more efficient management and by denying terrorists cover. We fail to act at our peril.

## End Notes

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<sup>3</sup> U.S. Department of State. Foreign Affairs Manual, 9 FAM 40.32 N7; <http://www.foia.state.gov/masterdocs/09fam/0940032N.pdf>.

<sup>4</sup> U.S. Department of Justice. Press Conference, October 31, 2002; [http://www.usdoj.gov/ag/speeches/2001/agcrisisremarks10\\_31.htm](http://www.usdoj.gov/ag/speeches/2001/agcrisisremarks10_31.htm).

<sup>5</sup> "Statement of James W. Ziglar Before the House Subcommittee on Immigration and Claims Regarding Using Information Technology to Secure America's Borders," October 11, 2001; [http://www.house.gov/judiciary/ziglar\\_101101.htm](http://www.house.gov/judiciary/ziglar_101101.htm).

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<sup>7</sup> "Lawmakers want tighter border," *The San Antonio Express-News*, September 19, 2001.

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<sup>13</sup> "Federal Performance Project," *Government Executive*, May 15, 2002. <http://www.governmentexecutive.com/features/fpp/fpp02/mag.htm>.

<sup>14</sup> "'Mass Exodus' of Agents Leaves INS Scrambling: Low pay and job dissatisfaction drive exit. Losses 'detrimental' to security, ex-official says," *Los Angeles Times*, August 5, 2002.

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<sup>28</sup> *Ibid.*, see <http://www.worldviews.org/detailreports/usreport/html/ch8s3.html>.



Center for Immigration Studies  
1522 K Street NW, Suite 820  
Washington, DC 20005-1202  
(202) 466-8185  
center@cis.org  
www.cis.org



# Backgrounder

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