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Subcommittee on National Security, the Border and Foreign Affairs
“The Consequences of Catch and Release at the Border”
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Statement of Jessica M. Vaughan
Center for Immigration Studies

Thank you, Mr. Grothman and Mr. Garcia, for the opportunity to testify today. The mass migration crisis instigated by the Biden administration’s misguided immigration policies has caused incalculable harm to American communities. The mass catch and release policies have led to the release of more than three million illegal migrants, damaged the integrity of our immigration system, and exposed Americans to new national security and public safety threats. So far, Biden’s policies have cost taxpayers billions of dollars in the short term for shelter and support the illegal migrants. It is likely to cost hundreds of billions more over the long term, whether to support a population that is unlikely to ever be fully self-sufficient, or to deal with processing and repatriating the large numbers who are unlikely to ever qualify for a legal status. The expansion of illicit border-crossing opportunities has led to the abuse and exploitation of migrants on a mass scale, and also enriched the transnational criminal organizations, especially the Mexican cartels, to the point where these organizations represent a threat to civil society and the rule of law throughout the Western Hemisphere.

Biden Policies Set Off Flood of Illegal Migrants, Overwhelming Federal Agencies, Border Communities, and NGOs. When President Biden took office, he inherited the most secure land borders in U.S. history, with expanded and improved barriers, updated technology, and more personnel, all of which was backed up by policies that deterred migrants from crossing illegally and discouraged illegal aliens from remaining. As smuggling organizations and migrants became aware of the new policies, and as the processing and transportation networks were established within the country, the southern border was transformed into a chaotic, dangerous, and seemingly lawless frontier. It remains so today, except in the parts of Texas that have been secured by state authorities.

From the first day of his presidency, Joe Biden and his appointees began dismantling a laundry list of policies that had succeeded in controlling the years-long wave of illegal migrants hoping to take advantage of our dysfunctional asylum system and court rulings that require minors and those arriving with minors to be released into the country. He ended construction of the border wall system; terminated the Migrant Protection Protocols that sent tens of thousands of alleged asylum seekers to wait in Mexico; cancelled agreements with transit nations to offer safe haven to migrants and enforce their borders; relaxed application of Title 42 pandemic controls so that minors and families could enter; began awarding immigration parole to tens of thousands of illegal crossers, in defiance of the intent of Congress; extended Temporary Protected Status (TPS) to citizens of more nations and more recent arrivals; established strict limitations on interior enforcement to suppress deportations of all but the most egregious criminals; and launched plans for a new asylum system designed to expedite the legalization of illegal border crossers.

Not surprisingly, the number of illegal border crossers has exploded, in response to what the migrants call Biden's "invitacion." It was well understood around the globe that a large share of migrants who crossed the border illegally, especially those from certain countries, minors, and those bringing minors, would be apprehended by the Border Patrol, and would soon be released and transported to their destination in the United States, despite low expectations that they will comply with immigration proceedings or ever qualify to remain legally.

According to the latest CBP data, the Border Patrol apprehended 176,294 illegal migrants in January 2024, which was more than the prior January, but significantly less than the number caught in December 2023 (302,034), which had been the highest number ever apprehended in one month. So far this fiscal year (since October 1, 2023), 961,716 illegal migrants have been apprehended. By far the largest number were caught in Tucson Sector, with 50,583 apprehended so far, which is more than double the number apprehended in the next two busiest sectors (San Diego and Laredo). (See <https://www.kxan.com/border-report/illegal-border-crossings-hit-new-january-record-sources-say/>.)

While apprehensions are a good metric for assessing the number of migrants who have attempted to enter illegally, the more important statistic is the number of migrants who were released into the country. According to DHS Secretary Mayorkas, more than 85 percent of these illegal migrants have been allowed to enter country – in defiance of federal laws stating that, with few exceptions, they should be held in custody for expedited due process and removal (<https://www.foxnews.com/politics/mayorkas-tells-border-patrol-agents-illegal-immigrants-released-into-us-sources>).

The House Judiciary Committee has estimated that at least 3.3 million illegal aliens have been released into the country since President Biden took office. Only about 10,000 of those released have completed their immigration proceedings and been removed. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>.)

Catch and Release Policies Impose Enormous Fiscal Costs. The cost to taxpayers of providing services to the illegal migrants President Biden has waved into the country has already run into the tens of billions of dollars, and promises to balloon even higher the longer the migrants remain in the country.

The short-term costs include expenditures for the migrants to be processed and transported to their destinations, and then for shelter, health care, schooling, criminal justice costs, and more. The federal government has spent several billion dollars in contracts and grants awarded by CBP, ICE, FEMA, and HHS. Many of these were outlined in a comprehensive report prepared by the House Committee on Homeland Security (<https://homeland.house.gov/wp-content/uploads/2023/11/Phase4Report.pdf>).

One indicator of the enormous cost at the federal level in the short term is the amount of money provided in the supplemental spending bill recently considered in the Senate. In addition to funding for the federal agencies dealing with the migrants, the bill included provisions for

about \$7 billion to be awarded to NGOs and state and local governments in grants and contracts to provide an array of services for the illegal migrants (<https://cis.org/Vaughan/Border-Bill-Dead-Its-Spending-Provisions-May-Resurface>).

More taxpayer money is being spent at the state and local level:

- New York City has spent \$12 billion to house more than 173,000 newly-arrived migrants since 2022. This is about six percent of the city's entire budget (<https://www.bloomberg.com/news/articles/2023-08-09/nyc-faces-12-billion-price-tag-to-handle-migrant-crisis>). One shelter, on Randall's Island, costs New York City taxpayer \$20 million a month, or \$10,000 per migrant (<https://nypost.com › 2023/08/13 › randalls-island-mi...>). State taxpayers will help with these costs; Governor Kathy Hochul's 2024 budget will include \$2.4 billion to help the city, which is an increase of \$500 million the state provided last year. ([Migrant Costs Help Push New York State's Budget to \\$233 ...](#)).
- California has awarded hundreds of millions of dollars in grants to non-profits to house, feed and transport the new illegal migrants (<https://calmatters.org/california-divide/2023/12/immigration-california-street-releases/>). In addition, the state legislature has voted to expand the state Medicaid program eligibility to cover all residents, regardless of immigration status.
- Massachusetts officials say the cost of their emergency shelter system for the homeless has run up to about \$1 billion annually, and about half of the families are newly-arrived migrants. The legislature has approved only \$250 million extra for this purpose this year, forcing the governor to tap a variety of one-time funding mechanisms, such as escrow funds and leftovers in certain accounts. In addition, school districts spent nearly \$3 million in the 2022-23 school year to accommodate new migrant schoolchildren. (<https://www.nbcboston.com/news/local/massachusetts-2-year-emergency-shelter-tab-may-approach-2b/3223799/>).
- Texas has spent about \$10 billion on Operation Lone Star in an effort to stem the tide of illegal migration, drug trafficking, and other criminal activity along its share of the border since the Biden policies have been in place. In addition, the state has spent more than \$86 million to transport released migrants to other states to relieve pressure on its social services programs. (<https://www.wsj.com/articles/texas-billion-dollar-border-security-migration-isn-t-paying-off-16ed598d>).
- A grand jury in Florida completed an exhaustive report on the problems that the Biden policies have caused, focusing on the burden of caring for thousands of unaccompanied minors who are resettled in the state and placed with unvetted sponsors. According to the report, each year Florida child welfare authorities take into custody about 400 of these unaccompanied minors who have run away from their sponsors. ([Florida Grand Jury: Biden Putting Alien Children in Harm's Way \(cis.org\)](#)).
- In Illinois, the city of Chicago has spent more than \$156 million on shelter and other services to migrants since mid-2022. Nearly 14,000 migrants are staying in homeless shelters, and more than 500 others are living in police stations and O'Hare International Airport. (<https://blockclubchicago.org/2023/12/15/migrants-describe-inhumane-conditions-at-chicagos-largest-shelter/> and <https://www.cbsnews.com/chicago/news/city-of-chicago-spending-vendors-migrant-crisis/>).

- In Colorado, the city of Denver has absorbed more migrants per capita than any other U.S. city, with nearly 40,000 arriving in the last year. According to one account, the city has spent more than \$42 million in the last year on housing and food, and the public schools have absorbed more than 3,000 new students, creating a budget shortfall of \$17.5 million. In addition, a city hospital has provided at least \$10 million of unreimbursed medical care to migrants. ([Denver Is Furious That the Senate Can't Fix the Border - WSJ](#)).
- Arizona governor Katie Hobbs sent the Biden administration a bill for over \$500 million seeking reimbursement from the federal government for costs associated with the unsecure border. In addition, the state has allocated \$2 million for a state and local border security law enforcement hub. (<https://azgovernor.gov/office-arizona-governor/news/2023/12/governor-katie-hobbs-launches-operation-secure-offers-national>). One hospital near the border in Yuma has calculated that it had provided \$26 million in uncompensated medical care in 2022. (<https://cronkitenews.azpbs.org/2023/09/20/yuma-official-says-cost-of-caring-for-migrants-not-sustainable-for-county/>).

Cost of Supporting Migrants Over the Long-term. The immediate cost of providing shelter and services to the migrants released by the Biden administration is indeed staggering but, based on past experience, the long-term costs of supporting this population are likely to be even much greater if they remain in the United States.

While proponents of more immigration frequently assert that illegal immigrants are a net fiscal benefit to the United States, in fact there is ample evidence that illegal immigration is a net fiscal drain, because illegal immigrants on balance use more in government services than they pay in taxes. Illegal immigrants generally have high rates of workforce participation, but because they are on average significantly less educated than most U.S. workers, their incomes are much lower, they pay less in taxes, and they use more welfare programs on average than most U.S. workers ([The Cost of Illegal Immigration to Taxpayers \(cis.org\)](#)).

Our research has found that 59 percent of illegal immigrant households use welfare programs, compared with 52 percent of legal immigrant households, and 39 percent of native-born American citizen households. We estimate that the cost of these welfare payouts to illegal immigrant households is roughly \$42 billion a year. At the local level, the largest single cost of illegal immigration is for public education. We estimate the cost of educating the children of illegal immigrants, most of whom are U.S.-born, to be about \$69 billion per year.

My colleagues have looked at the net fiscal impact of individual illegal immigrants, not counting their U.S.-born children, and found that each illegal immigrant creates a lifetime net fiscal drain of \$68,000 on average (taxes paid minus benefits received). If each of the 3.3 million illegal migrants released by the Biden administration were to remain in the United States, then the total long-term fiscal cost of the Biden catch and release policies would be \$224.4 billion.

Besides traditional welfare programs, illegal aliens are able to access other types of benefits in certain states, including driver's licenses, in-state tuition and other subsidies for

education and training, transportation vouchers, tax credits, disaster assistance, and more. Those who have been issued work permits under Biden catch and release programs will receive a Social Security Number (SSN) and usually can obtain a driver's license, which enables them to conceal their lack of legal immigration status. We estimate that about two million illegal aliens had been issued SSNs as of May 2021, and certainly hundreds of thousands more have obtained them since that time.

Some illegal aliens can take advantage of provisions in the U.S. tax code, such as child tax credits, or file tax returns claiming refunds under the Earned Income Tax Credit. These tax returns may be filed by illegal aliens with a SSN or an Individual Taxpayer Identification Number (ITIN). My colleagues have estimated that illegal aliens have collected between \$3.8 and \$4.5 billion using these programs over the years (<https://cis.org/Report/Estimating-Illegal-Immigrant-Receipt-Cash-Payments-EITC-and-ACTC>).

In addition, millions of illegal aliens obtain stolen or purchased identities of American citizens, and use those identities to fraudulently obtain driver's licenses, employment, welfare benefits, credit cards, mortgages, bank loans, and more. (See https://www.realclearinvestigations.com/articles/2022/06/29/willful_blindness_feds_ignore_massive_illegal_alien_id_theft_plaguing_americans_as_us_coffers_fill_839815.html). In one case in Massachusetts, 22 illegal aliens were charged with using stolen U.S. citizen identities to obtain about \$250,000 in government benefits (<https://www.justice.gov/usao-ma/pr/25-charged-federal-document-and-benefit-fraud-sweep>). Besides stealing the identities of Americans, document fraud rings also sell SSNs that have not yet been issued. Then, years later, when the number is eventually issued to a child, the identity is already compromised (<https://cis.org/Mortensen/Rewarding-Illegal-Alien-Identity-Thieves-Sacrificing-Innocent-American-Children>). Stolen identities also are frequently used by illegal alien criminals, particularly drug traffickers, to conceal their true identity and lack of immigration status, and to obtain a driver's license that enables them to fly under the radar of law enforcement agencies (<https://cis.org/Parsing-Immigration-Policy/Has-Imposter-Stolen-Your-Identity>).

Catch and Release Policies Undermine Public Safety. Besides the tangible fiscal costs, the Biden catch and release policies at the border also have created new public safety problems, with a human cost that is incalculable. Proponents of mass immigration often claim (without evidence) that illegal immigrants are less likely to commit crimes than Americans, and therefore concerns about crimes committed by illegal immigrants are exaggerated, misplaced, or motivated by racial animus. These assertions are unproven, usually based on faulty interpretations of crime or Census data, and defy common sense and experience. They are profoundly demeaning to the victims of crimes committed by released illegal migrants who by law should have been detained and removed to their home country after apprehension. These are victimizations that are directly attributable to the Biden border catch and release policies.

For example, in January ICE officers in Boston arrested Pierre Lucard Emile, an illegal alien from Haiti, who had been arrested months before by local police on charges of rape and indecent assault and battery on a developmentally disabled person. (Under the state sanctuary decree, the local authorities released the man even though ICE had issued a detainer.) Emile had crossed the border illegally near Brownsville, Texas in December, 2022, and under Biden

policies was released with a notice to appear for immigration proceedings. Less than a year later, he was arrested for the rape. (<https://www.ice.gov/news/releases/ero-boston-arrests-haitian-citizen-charged-rape-indecent-assault>).

Millions have seen the video of a shocking attack on police officers in Times Square by a group of migrants in New York City, most of whom have thus far escaped authorities (<https://www.foxnews.com/us/migrants-stomped-kicked-nypd-officers-vicious-times-square-attack-yet-arrested>). In another disturbing case, New York City authorities recently arrested eight members of a ring of Venezuelan illegal migrants who were living in the city's shelters, and who are accused of stealing scooters to cruise through city streets and snatch phones and handbags, sometimes violently. The phones were then hacked to gain access to financial information, and the victim's bank accounts were drained. (<https://www.foxnews.com/us/illegal-masterminds-nyc-robbery-ring-hacked-bank-apps-resold-stolen-phones-overseas>).

Reportedly, the suspects are associated with the violent Venezuelan gang Tren de Aragua. Gang members and hundreds of other criminals are believed to have escaped through tunnels from a Venezuela prison last year, and dozens have been arrested after illegally crossing our southern border. There is no way to know how many may have been caught and released, because immigration agents have no way to access records in Venezuela, and no diplomatic or law enforcement relationships to assist in the vetting of these migrants (<https://www.ktsm.com/news/fbi-agent-others-warn-of-venezuelan-gang-entering-into-us/>).

Migrants arriving at the border now receive only the most cursory screening before they are released into the country, which includes a fingerprint check of U.S. security, criminal justice, and immigration databases, a brief interview, and little other screening. Border officials generally cannot access criminal records in other countries, or do extensive background checks. Even worse, since the number of illegal crossings has reached crisis levels, border officials have sometimes been too overwhelmed to read and act on the results of security checks that indicate that an alien they have apprehended might be a threat. In at least three cases that we know of, a Lebanese-born Venezuelan citizen, a Colombian, and a Pakistani, border patrol agents released men who were watchlisted as known or suspected terrorists (<https://cis.org/Bensman/Report-ICE-Releases-BorderCrossing-Terrorist-Suspect-Venezuela-Despite-FBI-Recommendation>, <https://www.oig.dhs.gov/sites/default/files/assets/2023-07/OIG-23-31-Jun23-Redacted.pdf>, [EXCLUSIVE: Pakistani Illegal Immigrant On Terror Watchlist Given Free Day Of Release In US | The Daily Caller](https://www.dailycaller.com/news/exclusive-pakistani-illegal-immigrant-on-terror-watchlist-given-free-day-of-release-in-us/)).

Cartels Are Thriving and Expanding Into the United States. Thanks to unprecedented opportunities to move people and drugs across our border, the Mexican cartels and other transnational criminal organizations are reaping unprecedented profits, to the tune of \$30 million a day, or nearly \$1 Billion a month, according to a House Budget Committee report. They use the funds to acquire more sophisticated weapons and technology to solidify control over their territories in Mexico and beyond. More worrisome for the long term, however, is the way the cartels are using this cash cow to underwrite an expansion of their operations *within* the United States. This expansion presents profound implications for public safety that will persist for years into the future.

According to Border Patrol testimony to Congress, the smuggling fee is currently about \$8,000 for passage to America. Many migrants make only a down payment up front of about \$500, and agree to work off the rest when they get to their destination. The remainder is typically paid through debt bondage accomplished by wage garnishment, fees for housing and food, and other forms of exploitation and outright threats and extortion. Long-haul migrants from other continents pay more, sometimes up to \$50,000. It is Biden's catch and release policy that entices these migrants to put themselves into the hands of a criminal organization, risking their own safety to journey here, and then being subject to exploitation, abuse and trafficking for labor and other purposes.

The cartels are not humanitarian actors seeking to help asylum seekers; nor are they young, impetuous gang-bangers. They behave like terrorists, and they have a plan, for which they hire well-trained and well-armed violent thugs to carry out. The porous border and catch and release policies have made it easy to move their operatives into this country as well.

While many American observers believe downplay the threat from the cartels, believing that narco-bosses are too afraid of U.S. law enforcement agencies to try to use extremely violent tactics here, that theory is naïve, and has been discredited by events. Among the acts of violence attributed to the cartels was an incident in January 2023 described by authorities as an "early morning massacre," where six people, including a recently bailed-out Surenos member, but also a baby and his teenage mother, were executed in a quiet residential street in Goshen, Calif. Reportedly, the surviving family members afterwards refused all offers of help from local authorities [[California sheriff rips border crisis as details emerge on massacre of 6 \(nypost.com\)](#)].

In 2022 federal authorities alone made more than 300 arrests for Mexican cartel-related crimes, according to one analysis [[Map: Tracking drug cartel arrests across the United States \(newsnationnow.com\)](#)]. The cartels are sophisticated businesses, and take advantage of emerging opportunities. Noticing the trend in some jurisdictions away from imposing stiff consequences for shoplifting and burglary, some cartels have branched out into the \$70 billion organized retail theft industry, creating squads of operatives to steal goods on a major scale, even roping in recent illegal migrants as a way to pay off their smuggling debt, according to Immigration and Customs Enforcement investigators [[HSI, ACAMS take aim at organized retail crime | ICE](#)].

The Sinaloa and Cartel Jalisco Nueva Generacion (CJNG) cartels have capitalized on the legalization of marijuana in some states, opening tens of thousands of illegal weed, or "blood cannabis" grows in northern California, Oregon and other states, where they undercut lawful growers and use trafficked labor, managed violently. [['Narco slaves': Migrant workers face abuse on Oregon's cartel-run, illegal pot farms - ABC News](#) and [Cartel-backed pot grows linked to California, Oregon human trafficking \(usatoday.com\)](#)]. Local sheriffs lament that they are woefully out-manned and out-gunned, and can't keep up with the body count. "We're a very short amount of time away from having heads in the square like they do down in Mexico," said Mendocino County Sheriff Matt Kendall in December 2021.

According to a federal law enforcement memo leaked to the Daily Caller [[EXCLUSIVE: Illegal Chinese Marijuana Grow Operations Are Taking Over Blue State, Leaked Memo Says](#)]

[The Daily Caller](#)], Chinese transnational crime groups have established about 750 illegal marijuana grow operations in rural areas in the states of Maine and Washington, often in collaboration with Mexican cartels. Chinese foreign nationals purchased and operated the grow houses with financing obtained from a handful of mortgage companies. Reporters from *The Maine Wire* [[Triad Weed: How Chinese Marijuana Grows Took Over Rural Maine - The Maine Wire](#)] tracked down more than 100 of the unlicensed operations, located in unassuming houses with boarded-up windows and outfitted with commercial grade electrical systems, and a few low-profile workers lurking around, all very conspicuous to the neighbors. One such operation was located across the street from a daycare, where the children and workers, along with the other neighbors, were regularly subjected to the unmistakable fumes polluting the air. Federal authorities believe that the operations generate profits of more than \$4.37 billion per year, much of which likely goes back to China.

This business model requires creating a “safe” environment in which to operate. The cartels often create their safe space through violence, extortion, and even corruption of public officials. In Texas, large swaths of two counties have been literally taken over with what may be the largest settlement of illegal migrants in the country ([Texas Massacre Happened in America’s Largest Illegal Immigrant “Colonia” — and Major U.S. Media Won’t Say So \(cis.org\)](#)), in Liberty County, a two-hour drive east of Austin, the state capital. The Gulf and Sinaloa cartels originally established enclaves in this area for stash houses for smuggled drugs and aliens. Now, with the help of unscrupulous real estate developers, political patrons, and the open border policies, this area is a massive and nearly unpoliced-able haven for the cartels, their employees, and their trafficked clients that has driven out most long-time American residents and spawned crime and violence on a third world scale.

Implementing Catch and Release Has Undermined Our Legal Immigration System. The Biden catch and release policies are best understood as an end run around the current immigration law. Biden and his top officials believe that many more immigrants should be admitted and, for the most part, those who make it here, even illegally, should be allowed to stay. It’s clear that these changes would not be approved by Congress, so he has used executive action to accomplish them – either by ignoring provisions in the law that he disagrees with, such as the requirement to detain those caught crossing the border illegally and to detain and remove certain criminal aliens, by exploiting loopholes in the law, such as the parole authority, or by crafting new interpretations of the law, such as the criteria for asylum. These policies have been continued for three long years, clearly demonstrating an intentional abuse of authority, not incompetence, that has done great damage to our immigration system.

Most importantly, the widespread understanding that nearly all who make it into the United States will be promptly released if encountered by border agents and allowed to settle in the destination of their choice, receive shelter and support from government contractors, state and local governments, and NGOs, have the opportunity to apply for a work permit or work illegally, and face little threat of being sent home even if they skip out on immigration hearings is an irresistible incentive to enlist a criminal smuggling organization to try to come illegally, despite all that is known about the risks of the journey. These loose policies actually guarantee that illegal immigration will continue on a huge scale, and continue to stress our communities.

Catch and release of illegal migrants on the massive scale that we have seen under Biden policies has overwhelmed every part of our immigration system. Both the Border Patrol and legal ports of entry are inundated every day in nearly every sector, including the northern border, which has seen triple-digit increases in illegal entries. Releasing illegal migrants instead of promptly removing them has swamped ICE's dockets and the already-dysfunctional immigration courts. As of the end of FY2023, there were 6.2 million cases on ICE's non-detained docket, of whom more than 617,000 have criminal convictions or pending criminal charges. (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-01-18-new-data-reveal-worsening-magnitude-of-the-biden-border-crisis-and-lack-of-interior-immigration-enforcement.pdf>).

USCIS, which adjudicates legal immigration applications, including family, employment and asylum applications, continues to struggle with backlogs, especially family-based applications such as Americans trying to sponsor a spouse for a green card. Meanwhile, fees are rising due in large part to the burden on the agency of processing hundreds of thousands of asylum and deferred action applications at no charge, and similar numbers of work permits.

This situation is not sustainable. Americans and legal immigrants are losing faith in our immigration system, and increasingly viewing immigration as a burden more than a benefit to our nation. Congress will have to act to restore its authority over immigration and restore the integrity of the system. The first step has to be clarifying that illegal immigration must not be ignored or facilitated, and that illegal migrants – whether single adults, families or unaccompanied minors -- will not be rewarded with the ability to reside indefinitely in the United States. This requires more barriers on the land border, turning back or detaining and removing most illegal crossers and visa overstayers, using accelerated forms of due process, raising the bar for asylum claims, cracking down on illegal hiring, denying welfare benefits and transmission of remittances for illegal aliens, enlisting the support of state and local authorities in immigration enforcement, and penalizing sanctuary policies. In the short term, Congress should use its spending authorities to cut off funding of programs that support the Biden catch and release policies, especially funds for transportation, shelter and services for new arrivals, and stipulate more funding for enforcement of immigration law.