

# COMMON SENSE BORDER SECURITY SOLUTIONS

---

**THOUGHTS FROM DENNIS E. NIXON • JANUARY 2017**





# Common Sense Border Security Solutions

Thoughts from Dennis E. Nixon • January 2017

## STATE OF THE BORDER

The current reality on the Texas/Mexico border as well as much of the border outside of Texas is the flow of immigrants who illegally enter the US has declined dramatically over the last couple of decades after the massive influx that occurred in the 1980's. Today, the border is still faced with an illegal entry problem with individuals still coming to the USA in hope of participating in the American dream—a chance to succeed. These economic migrants, a term used by the US Border Patrol, are basically law-abiding people who are seeking work because their country of origin has not given them a chance to succeed even at the basic levels of feeding their families. The primary drivers for Central American migration to the US are family reunification (family members already established in the U.S.), perceptions of amnesty (largely driven by misinformation), fear of violence, and of course better economic opportunities. Much of this is fueled by a lack of consequences, which generally involves detention and removal, if appropriate, and criminal prosecution.

*The current reality on the Texas/Mexico border is the flow of immigrants who illegally enter the US has declined dramatically over the last couple of decades.*

Given that many of these Central American migrants are women and children not from a contiguous territory, and the fact that courts have ruled against detention of family units, there is no real detention, removal, or prosecution of these individuals. Family units are released with a “notice to appear” with a court date that is to be determined, but many never report, and for those who do, their court cases are on average 1,000 days out. Many of these migrants never appear for a court date and end up being deported in absentia.

A secure border is defined as our ability to “enforce the rule of law.” Because of the lack of immigration judges or post-apprehension consequences, there is no rule of law under the current construct. We need to have facilities along the southern border along with sufficient asylum officers, immigration judges, and consular officers to hear cases and then make a final determination on-site. If a decision to release pending a hearing is made at that point, then sufficient protocols and bond amounts need to be established to ensure the individual will report for future hearings; this is not being done at the present time.

The size and makeup of the economic migrant group has changed



The Carrizo Cane in South Texas along the Rio Grande River.

dramatically over the last several years. Previously, 90+ percent of economic migrants were of Mexican origin. This migration was driven by raw economic reality. The lack of making a satisfactory living in Mexico and the reality of heavy law enforcement killed circularity. Circularity was when workers came into the US and returned to Mexico after several months of work, in order to be with their families. This circular pattern continued for many decades but was heavily impacted by the large increase in border law enforcement—primarily the massive increase in Border Patrol agents along with the rapid escalation of apprehensions. The number peaked at about 1.6 million nationwide and has steadily drifted downward to about 400,000—95% of which are economic migrants. The other 5% represents criminal activity that has continued but also at a reduced rate. Today, the 400,000 apprehensions are no longer primarily Mexican, instead the Mexican number has fallen dramatically and now only represents about 25% of that total or about 100,000 annually. Today, many believe the net migration of Mexicans, those coming and those leaving to return home permanently is now negative. In other words, more Mexican migrants are leaving the US than entering the US. The 300,000 other apprehensions are made up almost exclusively from Central American countries, such as Honduras, Guatemala and El Salvador. These migrants continue to be 95% economic, but are heavily affected by the heavy movement of unaccompanied minors from these Central American countries driven by the idea they can surrender to the US Border Patrol and then be reunited with their loved ones. That

*As Texas' largest trading partner, and our neighbor, we must support a border security plan with Mexico that continues to foster economic development and our good neighbor policies that have been in place for generations.*

reality has played out accurately because of our failure to expeditiously handle these migrants in our court system as discussed in this white paper.

Another area in great need of focus is Mexico's southern border. Until they can secure their own southern border, it will continue to be a land bridge for Central Americans seeking to reach and enter the United States. While Mexico has deployed immigration officers to their southern border to deter illegal entry into Mexico, they do not have the sufficient personnel, infrastructure or technology to have a real impact.

The skeptics that do not want to face the facts about immigration and the need for economic migrants, continue to dismiss the raw data in favor of the extreme notion that if the 11 million undocumented immigrants in America are given residency or some path to citizenship, there will be a massive new flood of people seeking residency because the opportunities in America far exceed those in their home countries. That reality is incorrect based on demographics. Most of the economic migrants now are from Central America, but the positive dynamic there is that Central America has a far smaller total population than Mexico and the distance to travel makes the migration a much more challenging task. So distance and numbers have worked to keep the migrant inflows at more manageable levels.

The other enormous fact is the rapidly declining birth rates in all of these countries. The demographic reality facing the world including Mexico and Central America is at a crisis point. It takes 2.1 births per female to sustain a population. Virtually all of the developed countries and the developing world, with few exceptions, are not at 2.1. Even Mexico has fallen to 2.0 and most of the population is now concentrated in the major metropolitan areas. In 1960, Mexico's fertility rate was 7.0 and today it is 2.0. Demographers say no country in the history of the world has declined in fertility as rapidly as Mexico. The demographic winter has hit these countries just as it has the rest of the world. Europe and Asia are in horrible trouble with fertility rates that are below both replacement level and sustainability levels. It is highly unlikely that these countries can recover from such

low fertility rates and the numbers suggest that countries will experience a heavy loss of population over the next couple of decades. That process is fully at work today with many countries such as Japan and Russia experiencing actual population loss. The USA is now at around 1.9 births per female, well below replacement level. And with 10,000 baby boomers retiring every day, the outlook is bleak. Without population growth and the prospect of new workers, economic growth is just not likely. Future GDP

growth above 2% on a sustained basis will be an enormous challenge facing the demographic winter that will have a huge impact on the world over the course of the next several decades—no people equals no economic growth!

The entire point of this section is to clearly point out, we need an immigration policy that addresses America's need for workers. We need about 600,000 to 650,000 low-skilled workers every year to keep our economy growing. We do not produce that type of worker in America. In fact, the largest part of the workforce is now the millennial generation. This group of workers is not committed to low-skilled work, so where are we going to get people to do the so-called basic jobs which some have called the "dirty jobs"? We better wake up and understand the need to reform our immigration policy in America or we will continue to starve this country's economy because of the lack of human capital to do the basic work required in a growing economy. This should be a fact-based discussion with the political and emotional elements being pushed aside for the sake of reason.

### CLEAN UP THE RIO GRANDE AND GIVE BORDER PATROL ACCESS AND VISIBILITY

There are two things the U.S. Border Patrol seeks along the Texas-Mexico Border. One is visibility of the river and two is access to the river. Both can be easily achieved simply by cleaning up the riverbank along the Rio Grande. The Salt Cedar and Carrizo Cane are invasive plants that are not native to Texas, i.e., they need to be eradicated. Their density becomes a hiding place for immigrants and criminals who illegally enter the US, and in that process, makes Border Patrol and other law enforcement more vulnerable. These plants need to be eradicated and the riverbanks should be re-populated with native prairie grasses that have limited growth potential and can be easily and economically maintained. The cane and cedar plants consume precious water resources (which is killing the river) that serve as the primary drinking and irrigation source for Texas border communities. Eradication will protect all of the border water supply.

Once these invasive plants have been eradicated, an all-weather river road should be built to provide U.S. Border Patrol agents access to patrol the riverbank. Furthermore, Mexico should be convinced to eradicate the plants on their side that will create a large buffer zone that will discourage immigrants and criminals from crossing. The new open zone with a clean field of view can be further enhanced with modern technology: motion detectors, cameras, infrared sensors, etc. This natural buffer zone is a far more effective barrier to entry than any man-made barriers.

This approach is a faster, cheaper, and more effective way to patrol and control the river and allows Border Patrol

to do what they do best, protect the border. Under the Secure Fence Act of 2006, some border fencing was installed on the Rio Grande that gave Americans a false sense of security. Only until we can provide the Border Patrol with a clean river, can we expect to see real results.

### CLEAR BACKLOG IN OUR IMMIGRATION COURT SYSTEM BY HIRING MORE IMMIGRATION JUDGES

Most law enforcement executives believe the border has become secure, but it is self-evident that more can be done. However, the reward for enhancing apprehension is only as good as the legal process supporting apprehension or the process only becomes a catch and release program which has been severely criticized for years, but little has been done to improve the process. Today, with the rapid decline in illegal immigration, the problem squarely rests on an inadequate judicial system. Simply said, we need more immigration courts.

Through October 2016, more than half-a-million cases are awaiting adjudication in U.S. Immigration Courts. This backlog has been rising steadily for nearly a decade and has reached yet another new all-time high. As a result, the average wait time for an individual in the Immigration Court's pending cases list has also reached an all-time high of 675 calendar days. This average wait time only measures how long these individuals have already been waiting, not how much longer they will have to wait before their cases are resolved. Border Patrol executives put that wait time at 1,000 days.

Budget reductions resulting from the 2011 budget sequestration are the main culprit and the lack of "will" to solve the problem. As immigration enforcement budgets have more than quadrupled over the past five years, funding and staffing for the immigration courts have lagged far behind. There are currently 242 immigration judges; 253 judges were on the bench in 2010.

The July 2014 prioritization of cases of children and families from Central America seeking asylum has led to the further escalation of wait times for the many immigration court cases that have not been prioritized. Some judges have been removed from their typical caseload to hear only cases of recently arrived children and families – leading to even further delays.

In order to clear the backlog of more than half-a-million cases by 2023, Congress would need to double the number of immigration judges to 524. In the alternative, failure to increase the number of judges would result in a backlog of 1 million cases in only five years. Adding more Border Patrol officers to catch offenders will not solve this problem, but has consistently been offered as a solution by the misinformed.

So the real problem with border security is not

apprehension, but with processing the cases through the legal system. An unnamed Border Patrol executive said he could stop the migration of unaccompanied minors in a few months if our legal system worked today. Many children who arrive from Central America know they can surrender to Border Patrol, be sent to a detention center, and within literally a few weeks be released to family members in the USA never to be heard from again. If the children were to be processed quickly, then so too should the parents or family members be processed upon their arrival to pick up the children. If the parents or other relatives are determined to be out-of-status or undocumented, then both the parents and their children should be legally processed expeditiously and returned to their country of origin. That result would stop the migration of children because the prompt enforcement actions would be quickly passed on to families in those Central American countries hoping to migrate their children. But not only will the children get apprehended, but the parents as well and the entire family returned. Today, Unaccompanied Minor Children (UAC) are not detained by Border Patrol for more than 72 hours. From there, they are transferred to Health and Human Services for detention and reunification with family members or sponsors at various facilities across the U.S. The legality of these family members and sponsors is never questioned, so one could surmise that the large majority of family members and sponsors who pick up these kids from HHS are not here legally. Therefore, they and the UAC will never report for immigration hearings because it will impact the entire family, and not just the UAC. If the alienage of these family members and sponsors were determined and then enrolled in immigration proceedings, it would have an immediate impact on these children risking the trek from Central America. These facilities are costing the taxpayers millions per month, and this money could be better invested in more post-apprehension resources, to include immigration judges.

## ENHANCED SECURITY OPPORTUNITY

A one-size-fits-all barrier approach does not work, especially on our southern border. It's vital that we work with the local terrain and topography to create the most effective barriers to entry. Texas has a natural barrier in the Rio Grande that can be easily enhanced to help prevent future illegal entries. Weir Dam projects in the Brownsville and Laredo, Texas sections of the Rio Grande are being proposed. A Weir Dam broadens the reach, width, and surface area of the river thereby making it much more difficult to cross. Security experts state that the best security comes in layers. Weir Dams can be coupled with sensors, cameras, and the eradication of non-native plant species along the riverbank that are hiding grounds for immigrants

and pose a risk to Border Patrol agents. Additionally, Border Patrol agents need an all-weather access road to patrol the riverbank. All of these assets, when combined, provide a tiered, multi-layered approach to border security.

There is another project that would add significantly to enhanced law enforcement: paving the Mines Road (FM 1472) from Laredo to Eagle Pass, which would create a modern river road. Currently, there is a significant section between Laredo and Eagle Pass that is not paved and not maintained as an all-weather road. This deficiency creates obstacles to access the river as well as quick response times.

Border Patrol executives have long been in favor of paving this highway to improve access and to significantly improve response times as well as protect the condition of the Border Patrol's equipment. The current roadway is so bad that traveling at high speeds is nearly impossible and the use of the road is very hard on vehicles. The additional benefit of this highway is to create enhanced commerce between the border cities of Laredo and Eagle Pass, which would provide a favorable asset for economic development.

It also adds traffic to the area which makes clandestine travel much more difficult for illegal immigrants as well as drug and weapons criminals. Another win, win for border security and economic enrichment versus building a physical barrier that adds little value for anyone.

## FINAL THOUGHTS

To solve the border security problem, we must look to reasonable and productive solutions that benefit the USA and Mexico. As Texas' largest trading partner, and our neighbor, we must support a border security plan with Mexico that continues to foster economic development and our good neighbor policies that have been in place for generations. By cleaning up the river in cooperation with Mexico, we provide a natural barrier that is effective, an economically positive solution because it protects and preserves the border's most important asset, the Rio Grande River, as the primary water source for urban and agricultural use, and preserves private property rights that have existed for 300 years. It also preserves the wonderful history of the Rio Grande and its huge importance to the region from a tourist prospective, a beautiful natural amenity, and its historical importance to Texas and Mexico. By following this path and by sponsoring a doubling of immigration judges to solve the real crisis with immigration, we can provide the citizens with comfort that our border is secure and our economy has been protected. All of these suggestions come at a cost well below that of building walls which only act to destroy our relationship with Mexico which is our ally and partner. So if you really want border security, clean up the river and fix the immigration court system.



Common Sense Border Security Solutions  
Thoughts from Dennis E. Nixon • January 2017

Dennis E. Nixon  
CEO International Bank of Commerce  
1200 San Bernardo Ave. Laredo, Texas 78040  
(956) 726-6614

