

Statement of

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Regarding:
The Need for Comprehensive Immigration Reform and
Strengthening Our National Security

Before:
The Senate Judiciary Committee

Subcommittee on Immigration, Border Security, and Citizenship
and the
Subcommittee on Terrorism, Technology and Homeland Security

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Senator Cornyn and Senator Kyl and distinguished Members of the Subcommittees, my name is Mark Reed.

Thank you for inviting me to share some of my experiences as a former senior executive immigration officer and now, as the CEO and President of an immigration and border security consulting firm in Tucson Arizona.

For purposes of grounding my remarks, you should be aware that my firm is participating through BAE Systems on the Raytheon Team pursuing the American Shield Initiative and that we have been engaged by Tyson Foods for approximately two years to help them turn suspect hiring practices into a model for the nation. I am also a member of Board of Directors for the Border Trade Alliance where I serve as the Vice-Chairman of their Immigration Committee.

This statement is built around anecdotal information for the purpose of illustrating that a comprehensive immigration law enforcement strategy must be part of our national security strategy. I will also suggest that our borders can be secured with the resources and organizational structure that is in place today. I am not talking about using the military. I am talking about implementing capability and initiatives readily available today into a comprehensive and cohesive plan. Continued efforts to concentrate on a piece of the solution while ignoring other essential components of the problem will not work; is inherently dishonest; and in today's world, dangerous.

Today our border policies, exacerbated by inadequate funding and conflicted policy have created great cover for anyone to unlawfully enter this country, remain here, and do us harm. The border is porous. Alien smuggling organizations and networks are well established and prospering. Millions of people are in this country illegally with false identities. Identity fraud has exploded with the proliferation of document vendors in virtually every community. It is easy to enter this country unlawfully, gain a false identity and move openly among us without threat of detection. It took us a long time to dig this hole.

Almost twenty years ago President Bush declared the War on Drugs. I was present at a high level strategy meeting between representatives of Federal Law Enforcement, DOD, and the State Department regarding the urgency of sealing the Mexican border to stop drug smuggling. When DOD stated that they were capable of detecting and interdicting any intrusion, but could not distinguish between groups of migrants from drug smugglers until interdiction, the dialogue became difficult. When DOD refused to entertain the idea that they should only detain drug smugglers upon interdiction, the meeting was abruptly terminated. The safety valve that illegal immigration provided toward the stability of Mexico seemed to be a more compelling national security priority than drug smuggling.

I bring this meeting to your attention not only because it points larger bi-national issues with our neighbors in Mexico and Canada, but it also contains two other important messages. First, DOD stated that they could provide the technology and resources to detect any intrusion along the Mexican border. Almost two decades later, the Border Patrol still cannot “see” most of the border. Detection is a fundamental enabler of any border security strategy. Acquisition of that ability cannot languish any longer. Second, and even more disconcerting, I ask you to remember that this “Call to Arms” to secure our borders occurred shortly after the completion of sweeping legislation to legalize millions of undocumented workers in our country coupled with a “strong” enforcement package to stop further illegal immigration. Semantics aside, I suggest that this part of history could be valuable to discussions about temporary workers today.

Almost ten years ago, the Border Patrol launched a highly visible terrain denial operation called “Gatekeeper” to stop an invasion of thousands of illegal border crossers from Mexico every night between the ports of entry just south of San Diego. As the Border Patrol became more effective, the ports of entry became holes in the fence. The ports of entry came under siege as the point of least resistance. You may remember news coverage a few years ago of people running across the border through the port of entry into oncoming traffic on the I-5 Freeway near San Diego. As the government aggressively engaged to stop those incursions, more pressure was placed back on the Border Patrol. Eventually, a coordinated balanced operational plan was developed and their efforts prevailed.

Gatekeeper was part of a larger border strategy that was designed to gain control of one part of the border at a time, adjust resources to maintain control, and then expand to another segment of the border. It was the government's original intent to "march" from one end of the Mexican border to the other. The strategy was to be backed up by collateral efforts to attack smuggling corridors used by alien smugglers and an aggressive worksite enforcement effort to attack the "magnet". It seemed to be a very measured balanced approach to border enforcement - and still does. Wherever the tactics were deployed, entries were deterred. But, it turned out to be a piecemeal effort. Resources to attack the corridors never materialized and worksite enforcement resources actually dwindled. The "marching strategy" was abandoned. The Border Strategy became focused on quality of life issues for border communities and border safety without resources to address the gaps and flanks within and around existing operations. As a result, most border crossers were forced into the clutches of alien smugglers because easy and safe passage through border communities had become difficult.

Criminal Aliens. Around that same time, the government also launched a pilot program to better address locating and identifying deportable aliens incarcerated in jails throughout the country. Resources were minimal and the task to monitor foreign nationals booked into jails was overwhelming. To maximize capabilities of existing personnel, efforts were made to establish pilot operation centers with electronic and teleconferencing connectivity 24/7 with all jails within geographic areas for the purpose of identifying removable aliens and initiating proceedings at the earliest point in time. The project was very successful, but became embroiled in County, State, and Federal agency discussions regarding the financial responsibility for incarceration. The program faded away.

Detention. About 6 years ago, shortages of detention space became a crisis. A quick analysis of process strongly indicated there was no need for additional space. Instead, there needed to be a simple reconfiguration of process and logistics to eliminate egregious continuations of administrative hearings. Detaining people at locations that enabled immediate access to attorneys, judges, consulates, and transportation would have allowed the process function at a much higher level with less detention space. What became known as the "Hub Site Program" never saw the light of day. When it became apparent that the government could actually start removing large numbers of criminal aliens to countries not prepared to absorb them, further consideration of that proposal were stopped.

Worksite Enforcement. A few years ago, the government launched a worksite enforcement initiative called Vanguard. Vanguard came about through intense congressional concern over a growing influx of undocumented people into the states of Nebraska and Iowa and the effect that that was having on their schools, hospitals and rising crime rates. It was agreed that the one of the primary factors for the influx of the undocumented were jobs available at meatpacking plants.

To attack that aspect of the problem, a new approach to worksite enforcement was designed that was intended to target that industry in Nebraska first, then Iowa, and then expand nation-wide within a year. If successful, another industry would be targeted and then another and another. It was tremendously successful. Within the first 30 days over 3500 hundred undocumented workers fled the meatpacking industry in Nebraska. Vanguard demonstrated an efficient and effective capability to bar unauthorized workers from employment in any given sector. When that capability was realized, it was stopped as well. In reality, the implementation of Vanguard was not good government. It is clear that meatpacking plants have become a critical component of the economy for many communities. Depriving these plants the ability to remain competitive was a major threat to the livelihood of everyone in the community. The enforcement tactics developed for Vanguard are still used today, but carefully contained to very specific employers identified as being part of our nation's critical infrastructure. Our food chain apparently did not make the cut as critical infrastructure.

Today, as I mentioned earlier, my firm has been engaged by employers on the other end of the spear. I have learned a lot. I still believe that a job is the primary magnet that draws the great majority of illegal immigration to this country. But my suspicion and disposition about the intent of many employers has changed. Without speaking to motives, it is clear to me that industry leadership view conflicted immigration policy as a real vulnerability and threat to the bottom line. Most large corporations are looking for ways to work with the government to build more effective compliance and are not scheming about ways to beat the system.

The SAVE program, to include Basic Pilot for employers, should be part of that solution. But, today it is not ready to play such a critical role. Part of the problem is the lack of funding that has been allocated to maintain the system. Another part of the problem is data integrity issues. But probably the biggest issue is that it does not work. I was suspicious of the program when I was still in the government because employers that hired unauthorized workers were using Basic Pilot. There is a very clear trend that the government has all but ignored with Basic Pilot. As Basic Pilot expands into segments of industry that have traditionally been populated by large numbers of immigrant labor, the profile of the immigrant worker changes from immigrant to United States Citizen, which seems to effectively beat the system. There are too many "citizens" out there gaining employment with a recently issued ID and Social Security card who have little or no residence, education, or employment history in this country. You should see the look on employers' faces when we suggest that some of their workers may be unauthorized even though they have a documented response from the government through Basic Pilot stating that "employment is authorized".

In summary, all the pieces that you need to meet the challenges of national security as they relate to border security are out there. But you have to grab them all and build them into an integrated approach to protect this nation. Please do it now.

Thank you for your interest in this compelling national security issue.