

Through the Prism of National Security: Major Immigration Policy and Program Changes in the Decade since 9/11

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Executive Summary

The terrorist attacks of September 11, 2001 prompted the profound realignment of the US immigration system — from increased information sharing across international, federal, state, and local law enforcement and intelligence agencies to changes in the detention arena and the creation of a new Cabinet agency responsible for, among other things, securing the borders.

The post-9/11 era has witnessed the emergence of an immigration system in the United States dominated by national security and enforcement considerations. Policymakers authorized exponential growth in funding for immigration programs with a connection to homeland security and gave new life to sidetracked or slow-moving initiatives. The decade since the attacks also has been characterized by the birth of a new generation of interoperable databases and systems that sit at the crossroads of intelligence and law enforcement, reshaping immigration enforcement at the federal, state, and local levels through increased information collection and sharing. Other hallmarks of the period: Significant use and expansion of immigrant detention policies; broad use of nationality-based interview, screening, and enforcement initiatives; and the impetus for growing state and local involvement in immigration enforcement and policymaking.

Immigration policy proposals outside the national security ambit became sidelined amid the intense focus on border security. This paradigm almost certainly will remain a legacy of 9/11 for the foreseeable future.

I. Introduction

The September 11, 2001 terrorist attacks cut a huge swath across the US policy landscape, ranging from major military and foreign policy actions to the biggest reorganization of the federal government since shortly after the end of World War II and a greatly invigorated focus on homeland security and aviation safety. The 9/11 hijackers entered the country with legally issued visas — a fact that immediately linked immigration with terrorism and national security. As a result of 9/11, the structure of the federal immigration bureaucracy and immigration policies at the borders and within the US interior have been dramatically reshaped, and the immigration debate in Washington and beyond is now viewed almost entirely through the prism of national security and immigration enforcement.

The decade that has unfolded since that Tuesday morning in 2001 has witnessed systemic growth in border and interior enforcement, the advent of new visa controls and screening systems, and the rise of state and local actors as players in a policymaking and enforcement

province that previously had been almost entirely the purview of the federal government.

Perhaps the earliest effect resulting from the vastly altered landscape was the sidelining of the bipartisan framework for a comprehensive immigration agreement. That framework, announced by President George W. Bush and Mexican President Vicente Fox just five days before the attacks, included stepped-up border enforcement, a temporary worker program, and legalization for most unauthorized Mexicans in the United States. Comprehensive immigration reform resurfaced in Congress in 2006 and 2007, but could not surmount deep ideological and philosophical divides that continue today.

With national security the dominant lens, policymakers authorized exponential growth in funding for immigration programs with a connection to homeland security and gave new life to sidetracked or slow-moving initiatives (e.g. development of an entry-exit system and the launch of the 287[g] federal-state immigration enforcement partnership). The post-9/11 era marked the birth of a new generation of interoperable databases that sit at the crossroads of intelligence and law enforcement, reshaping immigration enforcement at the federal, state, and local levels through increased information collection and sharing. The last decade also has seen significant expansion of immigrant detention and broad use of nationality-based interview, screening, and enforcement initiatives.

This Fact Sheet summarizes the major changes that have occurred in the US immigration arena as an outgrowth of the 9/11 attacks. (It does not cover *every* major immigration development since 2001 — for example, the increase in worksite enforcement, expanded use of electronic employment eligibility verification, or rise in expedited removals — all significant actions, but not directly flowing from 9/11.) The Fact Sheet begins by highlighting budget, manpower, and organizational changes that have happened in the immigration arena since 2001 then turns to the major policies and programs at the border and the US interior that have resulted from the post-9/11 focus on borders and national security.

II. Creation of the Department of Homeland Security

Little more than a year after the attacks, President Bush signed into law the *Homeland Security Act of 2002*, which created the Department of Homeland Security (DHS) and brought under one roof 22 federal agencies, ranging from the US Coast Guard and Secret Service to the Federal Emergency Management Agency and the US Customs Service.¹ Most of the functions of the US Immigration and Naturalization Service (INS), which had been a bureau in the US Department of Justice (DOJ), were subsumed within DHS and eventually parceled out among three components: US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS).²

The establishment of DHS represented the largest government reorganization since the Defense Department was created after World War II. Its primary goals: Preventing terrorist attacks and reducing vulnerability to terrorism in the United States.³ The new department's overarching immigration objectives include achieving effective control of US borders and the expansion of a "zone of security" beyond US borders, enforcement of immigration laws, strengthened screening of travelers/workers and streamlined lawful visitor admission, and improved security by denying immigration benefits to "dangerous individuals."⁴

In addition to creating a coordinated homeland security capacity in the new department, Congress and the Bush (and later Obama) administration presided over a dramatic increase in homeland security spending — which rose 183.6 percent between fiscal year (FY) 2002 and FY 2010, from \$19.5 billion to \$55.3 billion.⁵

DHS, which began operations on March 1, 2003, has seen its civilian workforce grow from 181,875 personnel who were transferred to the new department in FY 2004 to an estimated 230,000 in FY 2010⁶ — with 39 percent of the workforce dedicated to immigration functions. Those figures do not include the department's use of contractors, which Homeland Security Secretary Janet Napolitano in 2010 estimated at about 200,000.⁷

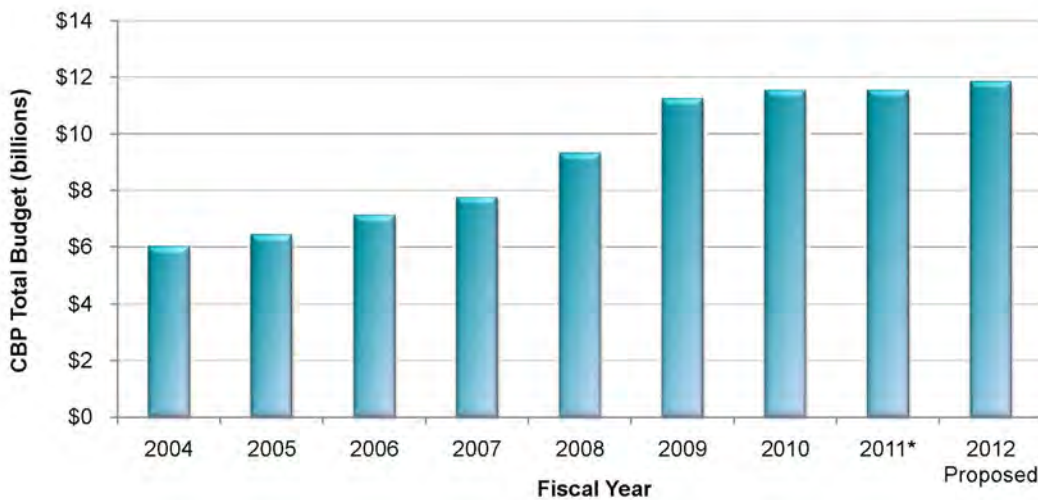
A. US Customs and Border Protection

CBP, which enforces immigration and customs law at ports of entry and between ports of entry at the border, is the result of the combination of various border law enforcement agencies previously operating within the Justice, Treasury, and Agriculture departments. CBP absorbed employees from INS, the Customs Service, and the Animal and Plant Health Inspection Service.

Budget: CBP’s budget stood at \$11.5 billion in FY 2010, more than double the \$5 billion allocated for those functions in FY 2002.⁸

Manpower: CPB’s staffing rose from 41,001 in FY 2004, the first year of DHS’ existence, to 58,575 in FY 2010⁹ — a 43 percent increase. Within CBP, the Border Patrol accounted for more than 20,558 personnel in FY 2010, a 104.6 percent increase over the 10,045 in FY 2002.¹⁰ In FY 2010, 2,263 agents were assigned to the northern border, represented a 565.6 percent increase over the 340 deployed there in 2001.¹¹

Figure 1. CBP Enacted Budgets, FY 2004-12



* FY 2011 is a continuing resolution that does not reflect final enacted budget. The FY 2012 budget is the figure proposed by the Obama administration. FY 2004 was the first year of operation for the Department of Homeland Security (DHS).

Source: DHS, *Budget in Brief*, various years, www.dhs.gov/xabout/budget/dhs-budget.shtm.

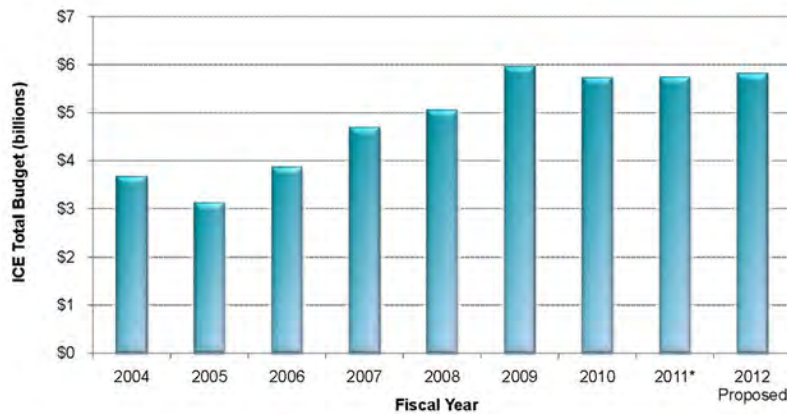
B. US Immigration and Customs Enforcement

ICE is the largest investigative agency within DHS, having assumed the investigative functions of the former INS and the US Customs Service, the INS detention and removal functions, most INS intelligence operations, and the Federal Protective Service (FPS).

Budget: ICE’s budget more than doubled between FY 2002-10, increasing to \$5.74 billion in FY 2010 from the \$2.4 billion spent on comparable functions in FY 2002.¹²

Manpower: In FY 2010, ICE had 20,134 employees, a 39.7 percent increase over the 14,410 allocated in FY 2004, the first year of DHS’ existence.¹³

Figure 2. ICE Enacted Budgets, FY 2004-12



* FY 2011 is a continuing resolution that does not reflect final enacted budget. The FY 2012 budget is the figure proposed by the Obama administration.

Source: DHS, *Budget in Brief*, various years.

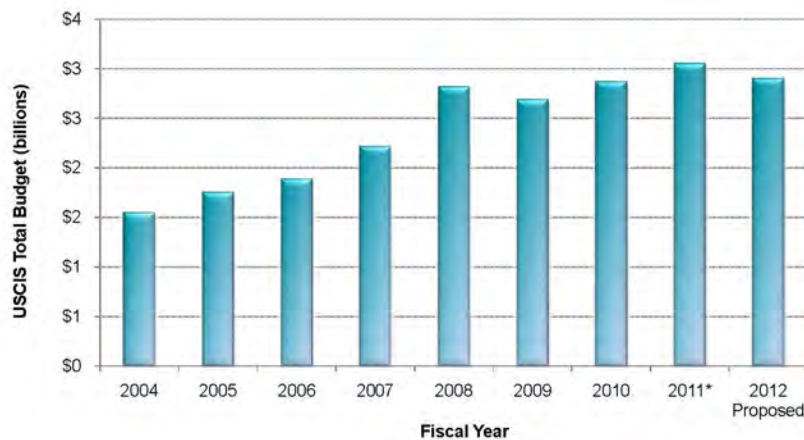
C. US Citizenship and Immigration Services

USCIS is responsible for processing applications for lawful permanent residence, citizenship, and other legal immigration benefits and noncitizen services, as well as assuring employment eligibility verification through the E-Verify program.

Budget: In FY 2002, the budget for USCIS functions was \$1.56 billion — a figure that rose 84 percent, to \$2.87 billion in FY 2010.¹⁴ Unlike most other federal agencies, USCIS’ budget is funded almost entirely by user fees, per congressional mandate.

Manpower: Staff levels have been fairly consistent throughout the years, rising 17 percent from 9,937 in FY 2004 to 11,633 in FY 2011.¹⁵

Figure 3. USCIS Enacted Budgets, FY 2004-12



* FY 2011 is a continuing resolution that does not reflect final enacted budget. The FY 2012 budget is the figure proposed by the Obama administration.

Source: DHS, *Budget in Brief*, various years.

III. New Intelligence/Counterterrorism Dimensions in the Immigration Mission

In the aftermath of 9/11, immigration and counterterrorism policy became far more closely intertwined, with:

- Expanded data collection and screening of international passengers
- Security enhancements to US travel documents (such as machine-readable, biometrically enhanced passports)
- Signing of agreements to share certain law enforcement and intelligence information with nations and groups of nations
- Broadened grounds of inadmissibility based on “terrorist activity,” a term Congress expansively defined and that DHS and DOJ have broadly interpreted
- A series of post-9/11 programs and operations that required noncitizens from certain nationalities to present themselves for interviews with federal officials and face additional scrutiny and screening
- New policies permitting the detention of foreign nationals for alleged immigration violations in cases where there was not enough evidence to hold them on criminal charges,¹⁶ and increased use of pre-charge detention, detention after the completion of sentences, and prolonged detention
- The emergence of shared, interoperable databases as a primary tool in all dimensions of immigration enforcement.

A. The Rise in the Creation and Use of Interoperable Databases

The creation of new data systems or increased use and integration of established databases collecting information from international travelers and students, noncitizens booked into jails, and others have led to a range of new programs and initiatives. With the new focus on information sharing, data once used only for immigration purposes were shared with other federal agencies (e.g., INS’ December 2001 decision to provide for inclusion in the FBI’s National Crime Information Center [NCIC] database, the names of more than 300,000 “alien absconders,” the term for nonimmigrants who remain in the United States despite prior deportation or removal orders).¹⁷

I. US-VISIT

The US Visitor and Immigrant Status Indicator Technology (US-VISIT) ranks among the most visible of the post-9/11 travel-control initiatives the government has implemented to reduce security vulnerabilities. Since 2003, through US-VISIT, the United States has collected fingerprints and photographs for all noncitizens entering the United States by air and sea, as well as certain land-border travelers, deterring the entry of people ineligible to enter the United States or deemed to pose a security threat. US-VISIT collects biometric data (ten-fingerprint scans and photograph) and stores these biometric records in IDENT (Automated Biometric Identification System),¹⁸ a database with over 108 million individual fingerprint records.¹⁹ IDENT is interoperable with the FBI’s Integrated Automated Fingerprint Identification System (IAFIS).²⁰ The exit portion of the entry-exit system first mandated by Congress in 1996 remains largely unaccomplished.

2. Student and Exchange Visitor Information System

With scrutiny focused on the foreign student visa system (one of the 9/11 hijackers entered the United States on a student visa but never showed up on campus and two of the hijackers had pending applications to change their status from tourist visas to student visas),²¹ Congress post-9/11 stepped up its earlier demands for tightened oversight of the admission and stay of international students. The Student and Exchange Visitor Information

System (SEVIS), which was authorized by Congress in 1996 but implemented only post-9/11, permits the tracking of international students, and all schools and programs hosting international students and scholars are required to use the digitized system.

SEVIS requires reporting of student enrollment, start date of next term, failure to enroll, drop below full course load, disciplinary action by the school, and early graduation.²² By the end of 2010, 10,293 schools and 1,456 exchange visitor programs were participating in SEVIS, and the ICE-maintained system contained more than 8.1 million records.²³ SEVIS interfaces with a number of law enforcement and intelligence databases, including US-VISIT and the Foreign Terrorist Tracking Task Force.²⁴

3. Other Databases with Immigration Screening Purposes

CBP maintains the TECS database, which is an updated version of the Treasury Enforcement Communications System. TECS, which is used to screen visa applicants and persons seeking entry, contains travel and entry records and documents, biographic data, and fingerprint identification numbers.²⁵ It also serves as a platform for users to gain access to other databases.

Besides DHS and the FBI, the State Department maintains its own databases for use in consular processing. The State Department's Consular Consolidated Database (CCD) contains information submitted by applicants for US visas, passports, and US citizen services at US consular offices. It includes biographic information, fingerprints, photographs, and identification numbers.²⁶ The State Department also maintains the Consular Lookout and Support System (CLASS), which keeps information on persons who may be ineligible to receive a visa or passport.²⁷ CLASS also receives information from other government agencies like DHS and the FBI, and from databases such as TECS.²⁸

In 2004, the US government and the European Union signed the first EU-US Passenger Name Record (PNR) Agreement, governing the use of data given to commercial airlines by passengers on transatlantic flights and shared with governments to screen travelers and determine which ones might pose a security risk.²⁹ PNR data can be cross-referenced with data from other sources such as law enforcement agencies.

B. Nationality-Specific Screening and Enforcement Programs

A series of nationality-specific interview, screening, and detention programs were launched after the terrorist attacks, focused chiefly on noncitizens from countries where al-Qaeda had been known to operate.

1. The National Security Entry-Exit Registration System

The National Security Entry-Exit Registration System (NSEERS) was initiated in September 2002 as a registration system for noncitizens, from predominantly Muslim countries, deemed to be a risk to national security.³⁰ Registrants, who were typically men, were required to be fingerprinted, photographed, and interviewed (and allowed to travel to and from the United States via specified ports of entry). In April 2011, DHS ended the NSEERS program, which had become largely redundant with the advent of the far larger US-VISIT automated entry system, which collects fingerprints and other data from foreign travelers arriving at US ports of entry and at visa-issuing posts.³¹

2. Enforcement Initiative Geared at 'Priority Absconders'

In January 2002, DOJ designated as "priority absconders" several thousand men "from countries in which there has been al-Qaeda terrorist presence or activity."³² The following month, federal antiterrorism officials were instructed by DOJ to apprehend and interrogate thousands of unauthorized immigrants who may have ignored deportation orders, seeking ways to prosecute any who have ties to terrorism, and compiling the results of interviews in a new computer database. The memo from the deputy attorney general reportedly instructed federal agents to find a way to detain some of the unauthorized immigrants for possible criminal charges.³³

3. Operation Liberty Shield

In March 2003, DHS launched Operation Liberty Shield, a temporary policy that required, among other things, the detention of asylum seekers from 33 countries where al-Qaeda has been known to operate.³⁴

4. Interviews of Muslims and Iraqi Immigrants

The FBI conducted rounds of voluntary interviews of Muslims and Arab Americans in the months and years after 9/11.³⁵ Separately, FBI agents interviewed more than 5,000 Iraqis living in the United States as part of an FBI war-time effort to prevent possible acts of reprisal by Iraqi agents or al-Qaeda operatives; some 30 were detained on immigration charges.³⁶

C. Secret Hearings/Detentions

As a matter of policy, secret detentions began in the first days after 9/11. According to the Justice Department's Office of the Inspector General, detainees initially charged with immigration offenses and listed by the FBI as "high interest" were barred initially from contacting an attorney.³⁷ For those charged with immigration violations and classified as case of "special interest," the courts closed deportation hearings, barred public access to records, and did not list on the immigration dockets 611 cases that followed immediately after 9/11.³⁸

Six days after the attacks, INS increased the amount of time that an alien may be detained without charge, doubling the time to 48 hours and, in the event of "emergency or other extraordinary circumstance" for an additional "reasonable period of time."³⁹ The immediate aftermath of 9/11 was marked by increased use of the material witness statute to detain noncitizens without charge for weeks or months at a time.⁴⁰

D. Document Security and Identity Validation

With all but one of the 9/11 hijackers having acquired a US identification document such as a driver's license, in some cases by fraud,⁴¹ policymakers focused on tightening document security, with effects for immigrants as state motor vehicle departments and the federal government have updated their policies with respect to the issuance of driver's licenses, in particular.

I. The REAL ID Act

The *REAL ID Act of 2005* sets out minimum standards for state-issued driver's licenses and identification cards requiring states to verify certain documentation (e.g., a birth certificate or passport) before issuing a license.⁴² Implementation of the law, which received significant resistance from state officials and others on cost and privacy grounds, has been delayed to January 2013.⁴³

2. Enhanced Border Security and Visa Entry Reform Act

The *Enhanced Border Security and Visa Entry Reform Act* (EBSVERA) of 2002 required, among other provisions, the use of machine-readable, biometric passports for international travelers from countries permitted visa-free travel to the United States; the development of a database for arrival and departure data from machine-readable travel documents, and the establishment of standards for biometrics for visas and other travel documents issued to noncitizens.⁴⁴ The State Department's Bio Visa Program, established as a partner program to US-VISIT in 2003, requires the fingerprinting of visa applicants, which are checked against the IDENT database.⁴⁵

IV. Border Enforcement

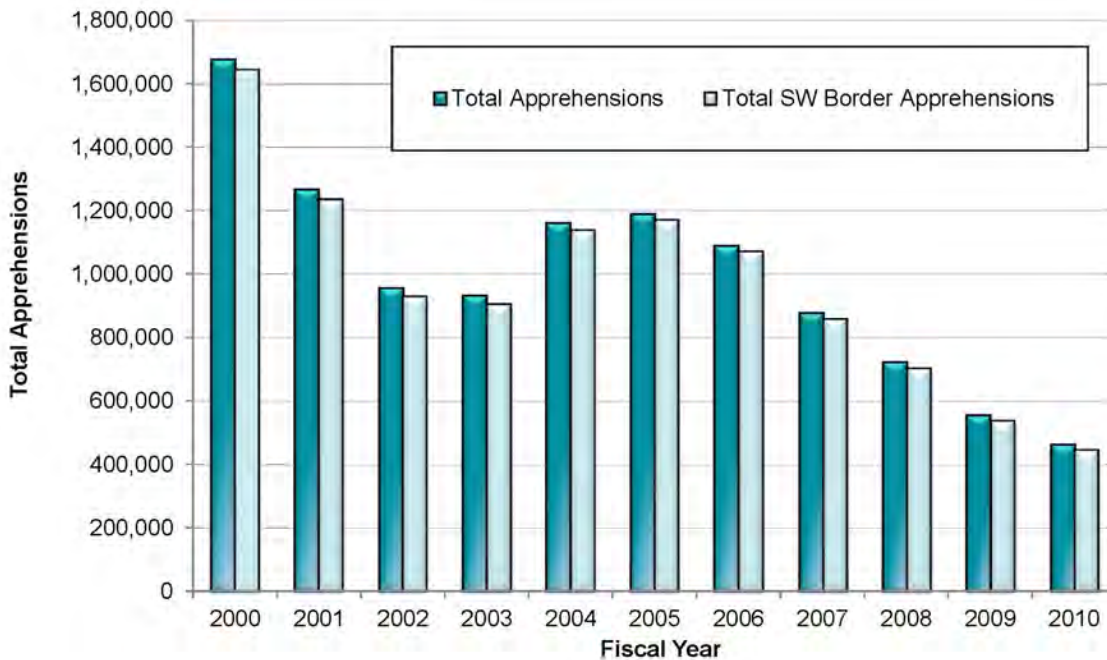
While new enforcement resources were directed to the US-Mexico border in the mid-1990s in an effort to deter illegal immigration,⁴⁶ the terrorist attacks put the nation’s 6,000 miles of border with Mexico and Canada into significantly sharper focus. The result: enforcement and other border controls, particularly at the Southwest border, have been dramatically reshaped through a mix of billions of dollars in new manpower, infrastructure, equipment, and new or amended policies. Both Presidents Bush and Obama authorized the temporary deployment of National Guard units to the US-Mexico border to assist in border protection activities with surveillance support, intelligence analysis, and perform other support roles.⁴⁷

With the enforcement presence at an all-time high, apprehensions of people entering the United States without authorization have declined since FY 2005 (see Figure 4). While some credit the development chiefly to the stepped-up enforcement presence at the borders, others suggest that the economic downturn that began in 2007 and resulting rising US unemployment rates may be the most significant factor.

Enforcement Metrics

Apprehensions: Between FY 2000 and FY 2010, total Border Patrol apprehensions fell from nearly 1.7 million to 463,382, and apprehensions along the Southwest border dropped from 1.64 million to 447,731⁴⁸ — levels not seen since the early 1970s.

Figure 4. CBP Total Apprehensions, FY 2000-10



Source: DHS, *Yearbook of Immigration Statistics*, FY 2009 and FY 2010; Remarks by CBP Commissioner Alan Bersin at the Migration Policy Institute, October 13, 2010.

A. Border Security Initiatives

From unmanned drones patrolling border regions to ground sensors designed to detect the movements of illicit crossers in remote terrain, the federal government has invested billions of dollars in equipment and personnel, and developed a strategic plan for gaining “operational control” of the US-Mexico border, spurred in part by concerns that a porous border represents a national security vulnerability.⁴⁹

The Secure Border Initiative

Established in 2005, the Secure Border Initiative (SBI) policy framework combines physical fencing with technological improvements and increases in law enforcement to gain operational control of the Southwest border.⁵⁰ The \$30 billion technological piece, formally known as *SBInet*⁵¹ and informally as the “virtual fence,” was a high-tech surveillance project of motion-detection sensors, remotely operated camera surveillance, ground-based radar, and unmanned aerial vehicles designed to provide a “common operating picture” to Border Patrol agents.⁵² *SBInet* was deemed unsuccessful and Homeland Security Secretary Janet Napolitano canceled its contract with Boeing in January 2011, citing technical problems, cost overruns, and delays. In its place, Napolitano promised a new border security technology plan that would tailor existing technology to distinct border regions.⁵³

The department’s construction of physical fencing at the US-Mexico border, authorized by Congress with the *Secure Fence Act of 2006*, continues. The legislation mandates construction of at least 700 miles of physical fencing along the Southwest border.⁵⁴ As of June 2011, CBP reported it had completed 649 miles of pedestrian and vehicle fencing.⁵⁵ With passage of the *REAL ID Act* in May 2005, Congress authorized the Homeland Security Secretary to waive any laws he or she deems necessary to ensure the expeditious construction of “barriers and roads” along the border. In April 2008, then Homeland Security Secretary Michael Chertoff waived more than 30 laws dealing with environmental protection, Native American autonomy, and historic preservation, in order to facilitate construction of border fencing at the US-Mexico border.⁵⁶

B. Pushing the Borders Out

A consistent theme of policymakers since 9/11 has been the need to “push the borders out,” in effect, to keep those who pose a safety or national security threat or who do not have permission to enter from reaching a US port of entry or a land/coastal border.

I. Visa Security Program

The United States has required most applicants for nonimmigrant (temporary) visas to submit to in-person consular interviews since 9/11. DHS plays a role in vetting applications and ICE’s Office of Investigations Visa Security Program (VSP) now operates in 17 “high-risk” locations in 14 nations.⁵⁷ The review of visa applications by VSP agents is incorporated into the visa process at overseas posts, with consular officers first making a preliminary determination about whether to issue a visa, to refuse, or refer for additional security clearance and VSP agents then screening the applicant. In FY 2010, VSP screened 950,000 applicants, vetted 260,000 applications, recommended more than 1,000 applications be refused based on derogatory information, and submitted 50 new persons to terrorist watch lists.⁵⁸

2. Electronic System for Travel Authorization

In 2009, DHS launched the Electronic System for Travel Authorization (ESTA), requiring foreign travelers who are permitted to enter the United States without a visa under terms of the Visa Waiver Program (VWP)⁵⁹ to submit their biographic information into an electronic database in advance of boarding an airplane to the United States.⁶⁰ More than 17 million foreign travelers from the 36 participating VWP countries entered the United States for 90 days or less for tourism or business purposes in 2010 — with airlines complying with the requirement to verify ESTA approval in almost 98 percent of cases prior to boarding.⁶¹

C. Increased Screening at the Border

New requirements to present travel documents, affecting US citizen travelers as well as international visitors, have been enacted since 9/11.

Western Hemisphere Travel Initiative

Implemented in phases in 2007 and 2009, the Western Hemisphere Travel Initiative (WHTI) requires all citizens of the United States, Canada, Mexico, and Bermuda to show proof of citizenship with a secure document when seeking to enter or leave the United States from within the Western Hemisphere.⁶² With the arrival of WHTI, the prior practice of accepting US driver’s licenses or birth certificates for adults was abandoned.

V. Interior Enforcement

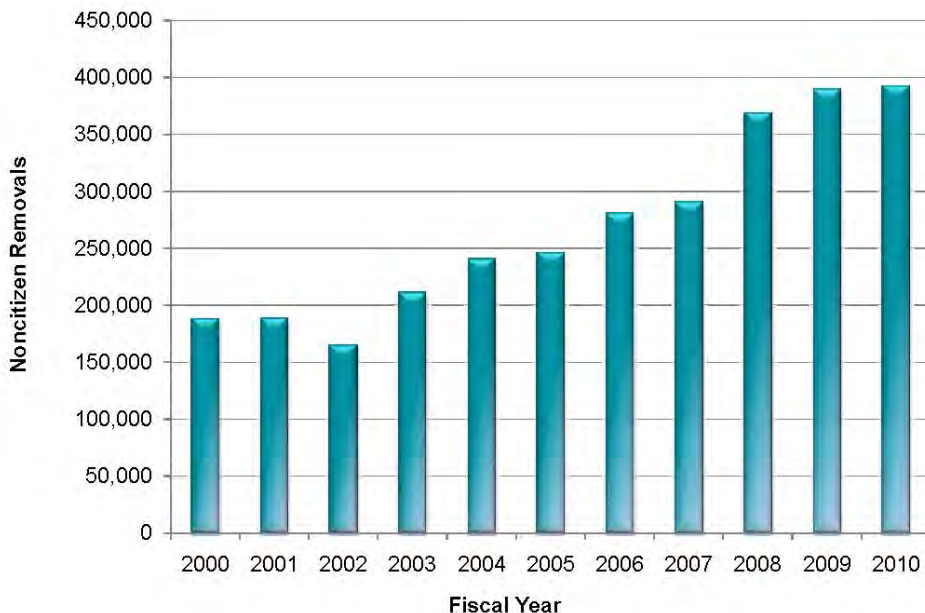
Major changes have occurred with respect to enforcement of immigration laws within the interior of the United States in a post-9/11 era that has been significantly more focused on reducing illegal immigration, in particular the identification and removal of criminal aliens. The once-episodic focus on interior enforcement, characterized by showy but infrequent worksite raids and small budgets for federal investigators, has been replaced by an invigorated federal, state, and local enforcement apparatus and a far greater focus on employment eligibility verification.

Enforcement Metrics

Removals: In FY 2010, 387,242 noncitizens were removed from the United States — a 134 percent increase over the 165,168 removed in FY 2002.⁶³

Detainees: In FY 2002, 202,000 people were detained by immigration authorities pending removal from the United States; in FY 2010, that number had increased to 363,064.⁶⁴ The average daily detainee population rose from 19,922 in FY 2002 to 31,020 in FY 2010.⁶⁵

Figure 5. Total Number of Noncitizens Removed, FY 2000-10



Source: DHS, *Yearbook of Immigration Statistics, FY 2009*; ICE, “ICE Total Removals,” updated May 23, 2011, www.ice.gov/doclib/about/offices/ero/pdf/ero-removals.pdf.

A. The Rise of State and Local Actors

Perhaps the most significant development in interior enforcement over the past decade has been the increase in state and local government willingness to set immigration policy and enforce immigration law — both through partnerships with the federal government as well as unilateral actions taken by legislatures and local governments to enact laws and ordinances with respect to work authorization verification, immigration enforcement, tenancy, and other functions.⁶⁶

Statutes that had been on the books prior to 9/11 but little used — such as the 287(g) provision allowing the federal government to enter into agreements with state and local governments to enforce immigration law — gained new momentum after the terrorist attacks. And the federal government indicated a new willingness to partner with state and local law enforcement agencies, viewing them as a force multiplier in efforts to assure national security.⁶⁷

B. Increased Activity to Identify and Remove Unauthorized Immigrants

From federal-state immigration enforcement programs such as Secure Communities and 287(g), which gained significant funding and momentum after being promoted as national security programs designed to target and remove dangerous aliens, to the increased removal of unauthorized immigrants and heightened examination of the workplace, the post-9/11 landscape is intensely focused on identifying and removing unauthorized immigrants.⁶⁸

I. Federal-State Enforcement Initiatives

a) 287(g): Derived from a statute in the 1996 *Illegal Immigration Reform and Immigrant Responsibility Act*, this federal-state partnership program gained momentum only after 9/11.⁶⁹ The 1996 statute permits the federal government to delegate immigration enforcement powers to state and local officers. Most 287(g) activity occurs during screenings of people being booked into the jails on criminal charges or traffic violations in participating jurisdictions, though under some 287(g) agreements, state and local law enforcement engage in screenings in the field during policing operations. In FY 2009, 60,000 “detainers” holding people on immigration violations were placed through 287(g) operations; the number fell to 48,000 for the first ten months of FY 2010.⁷⁰ Despite public statements that the program is primarily targeted at identifying and removing “dangerous criminals,” about half of 287(g) activity involves noncitizens arrested for misdemeanors or traffic violations.⁷¹

b) Secure Communities: Secure Communities, which is a DHS program designed to identify immigrants booked into US jails who are deportable under immigration law, follows in the footsteps of the 287(g) program. Secure Communities was launched in 2008 in select jurisdictions, and ICE plans to have it implemented in all 3,181 state and local jails by 2013.⁷² Under Secure Communities, as people are booked into jail, their fingerprints are checked against a number of databases, including the US-VISIT and IDENT databases, to learn their criminal and immigration histories. In cases where there is a “hit” indicating a possible immigration violation, ICE evaluates and then decides whether to place a “detainer” requesting notification before the individual is released so a decision can then be made whether to then transfer him or her to federal custody. To date, 187,311 convicted criminal aliens have been administratively arrested or booked into ICE custody, with 86,616 removed from the United States.⁷³

c) National Fugitive Operations Program (NFOP): With the National Fugitive Operations Program’s inception in 2003 as an initiative targeted at the apprehension of dangerous fugitives, Congress allocated \$9 million for the establishment of ICE fugitive operations teams that would identify and apprehend noncitizens ordered removed on criminal grounds who had not left the country.⁷⁴ By FY 2010, the program’s budget had grown to \$230 million.⁷⁵ Over the same period, the number of noncitizens apprehended through the program rose from 1,900 to 35,774.⁷⁶

VI. Conclusion

The post-9/11 era has witnessed the profound realignment and expansion of the US immigration system in a number of significant ways — from increased information sharing across international, federal, state, and local law enforcement and intelligence agencies to the creation of a new Cabinet agency — DHS — that has seen its immigration mission and its reach expand dramatically.

The terrorist attacks of September 11, 2001 have molded an immigration system that is dominated by national security and border-control considerations. This paradigm almost certainly will remain a legacy of 9/11 for the foreseeable future.

For more on US immigration policy research, please visit:
www.migrationpolicy.org/research/usimmigration.php

Endnotes

- 1 *Homeland Security Act of 2002*, 107th Cong. 2nd sess. (November 25, 2002), www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm.
- 2 The *Homeland Security Act* created a Directorate of Border and Transportation Security responsible for border and interior enforcement, and it was not until a later reorganization within the Department of Homeland Security (DHS) that US Customs and Border Protection (CBP) and US Immigration and Customs Enforcement (ICE) became separate components.
- 3 *Homeland Security Act*, Title 1.
- 4 DHS, *One Team, One Mission, Securing Our Homeland: U.S. Department of Homeland Security Strategic Plan Fiscal Years 2008-2013* (Washington, DC: DHS, 2008), www.dhs.gov/xlibrary/assets/DHS_StratPlan_FINAL_spread.pdf.
- 5 White House, *Securing the Homeland, Strengthening the Nation* (Washington, DC: Executive Office of the President, 2002): 8, www.dhs.gov/xlibrary/assets/homeland_security_book.pdf; DHS, *FY 2012 Budget in Brief* (Washington, DC: DHS, 2011), www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf.
- 6 General Accounting Office (GAO), *Transfer of Budgetary Resources to the Department of Homeland Security* (Washington, DC: GAO, 2004), www.gao.gov/new.items/d04329r.pdf; DHS, *FY 2011 Budget in Brief* (Washington, DC: DHS, 2010), www.dhs.gov/xlibrary/assets/budget_bib_fy2011.pdf. DHS civilian workforce estimates do not include Coast Guard uniformed employees.
- 7 Alice Lipowicz, "Huge size of DHS contractor workforce leaves senators 'astonished,'" *Federal Computer Week*, March 1, 2010, <http://fcw.com/articles/2010/03/01/dhs-has-too-many-contract-employees-senators-charge.aspx>.
- 8 DHS, *Budget in Brief FY 2012*, 70; DHS, *Budget in Brief FY 2004* (Washington, DC: DHS, 2003): 9, www.dhs.gov/xlibrary/assets/FY_2004_BUDGET_IN_BRIEF.pdf.
- 9 DHS, *Budget in Brief Fiscal Year 2005* (Washington, DC: DHS, 2004): 19, www.dhs.gov/xlibrary/assets/FY_2005_BIB_4.pdf; DHS, *FY 2011 Budget in Brief*, 51.
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- 11 Ibid.
- 12 DHS, *FY 2012 Budget in Brief*, 21; DHS, *Budget in Brief FY 2004*, 9.
- 13 DHS, *Budget-in-Brief Fiscal Year 2010* (Washington, DC: DHS, 2009): 63, www.dhs.gov/xlibrary/assets/budget_bib_fy2010.pdf; Blas Nuñez-Neto, *Border Security: Key Agencies and Their Missions* (Washington, DC: Congressional Research Service, updated August 4, 2004), <http://fpc.state.gov/documents/organization/45486.pdf>.
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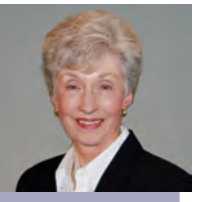
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Suggested citation: Mittelstadt, Michelle, Burke Speaker, Doris Meissner, and Muzaffar Chishti. 2011. *Through the Prism of National Security: Major Immigration Policy and Program Changes in the Decade since 9/11*. Washington, DC: Migration Policy Institute.