

Introduction

In the debate on immigration reform, perhaps no issue has received more attention than border enforcement. Politicians who advocate a more restrictive immigration policy make the claim that border enforcement is inadequate—even going so far as to claim that hardly anything is being done to secure the border. Such claims are spread by the media and are often go unchallenged. It is no wonder that few Americans appreciate the scope of border operations that are now in place, and how many agents are deployed to carry out these operations. But the scope is truly enormous. The number of personnel deployed in securing our borders and ports of entry would, if they all resided in one place, make a city roughly the size of New Brunswick, New Jersey.

The vast majority of enforcement personnel are deployed on the southwest border between San Diego, CA, and Brownsville, TX. Federal law enforcement efforts along the northern border are much smaller than the massive interagency operations in the Southwest, with just over 2,200 Border Patrol agents stationed on the 4,000 mile-long U.S.-Canada border.¹

Border enforcement efforts span five Departments using at least a dozen federal agencies, involve tens of thousands of federal law enforcement agents, and range across programs to counter smuggling, organized crime, trafficking, gun running, illegal immigration, narcotics trade, gang activity, and illicit financial dealing. This paper provides an explanation of current federal border enforcement manpower across the different agencies involved. These agencies manage specific programs and initiatives too numerous to mention in this short summary. Likewise, the infrastructure and technology of federal border enforcement is not detailed here.

Department of Homeland Security (DHS)

DHS operations to enforce the land borders involve personnel within several components of the department, primarily from Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE).

Customs and Border Protection (CBP)

There are currently over 65,000 CBP officers serving in the United States, mostly at the international borders and ports of entry. CBP daily deploys 1,419 canine enforcement teams, 21,863 automobiles, 225 marine vessels and 280 equestrian patrols.² They have a range of responsibilities that generally fit within three categories: inspections, border patrol, and air and marine.

¹ Testimony of CBP Acting Deputy Assistant Todd Owen before the Senate Judiciary Subcommittee on Immigration, Refugees, and Border Security, May 17, 2011.

² CBP Snapshot, "A Summary of CBP Facts and Figures,"

<http://www.cbp.gov/linkhandler/cgov/about/accomplish/snapshot.ctt/snapshot.pdf>

Inspections (managed by the Office of Field Operations, or OFO): There are 21,186 CBP Officers serving at 327 official ports of entry, including borders, airports and sea ports.³ They determine the admissibility of all people who seek admission to the United States at designated ports of entry, based on their visa or citizenship. Inspections officers also seek to detect fraudulent documents and smuggled goods or persons. After inspection, CBP Officers may admit the person, send them for secondary inspection or questioning, or may permit those found inadmissible to return to their countries of origin or face removal proceedings. CBP Officers may refer an individual to federal prosecutors to pursue criminal prosecution for suspected fraud, immigration-related crimes, or other offenses.

Inspections officers also conduct all commercial inspections at ports of entry, including all agricultural inspections conducted for the US Department of Agriculture (USDA). These inspections include shipments of produce and manufactured goods as well as investigations of drug, weapons and people smuggling.

Border Patrol: In addition to officers serving at ports of entry, there are 21,370 Border Patrol Agents patrolling approximately 7,000 miles of international land border with Canada and Mexico and, to a lesser extent, the 12,380 miles of the nation's coastal border.⁴ The Border Patrol's mission is to deter, detect and interdict the illicit entry of aliens, terrorists, terrorist weapons and other contraband into the United States between the ports of entry. Border Patrol officers are supported by a great deal of technical equipment including cameras, sensors, radar and numerous databases. The Secure Border Initiative (SBI) is DHS's umbrella program to manage and coordinate CBP's border security programs, infrastructure, technology and operations.

Border Patrol is most active on the southwest border between San Diego, California, and Brownsville, Texas, with over 85% of all officers stationed there. In addition, since FY2000, 98.7% of all apprehension of undocumented migrants occurred in this border region.⁵ Border Patrol officers also operate on the Northern Border with Canada, and conduct periodic sweeps and patrol throughout the interior of the United States. Federal agents have expanded authority to stop and search individuals without probable cause within 100 miles of the border.⁶

Office of Air and Marine (OAM): OAM provides air and sea technical support to CBP officers. OAM works solely within the CBP as its main provider of technical assistance, such as the Unmanned Aircraft Systems program. Surveillance of border areas through unmanned aerial vehicles is an expanding component of border operations, mainly targeted at detecting

³ Testimony of Homeland Security Secretary Janet Napolitano before the House Appropriations Committee on Proposed FY 2012 Appropriations, Mar. 2, 2011.

⁴ Testimony of Homeland Security Secretary Janet Napolitano before the House Appropriations Committee on Proposed FY 2012 Appropriations, Mar. 2, 2011.

⁵ Chad Haddal, "Border Security: The Role of US Border Patrol," *Congressional Research Service*, Aug. 2010.

⁶ CNSNEWS, "Federal Auditors: Border Patrol Can Stop Illegal Entries Along Only 129 Miles of 1,954 Mile Mexican Border," <http://www.cnsnews.com/news/article/federal-auditor-border-patrol-can-stop-i>

smuggling. OAM deploys over 1200 federal agents, operating from 80 air and marine locations, with more than 290 aircraft and more than 250 maritime vessels.⁷

Immigration and Customs Enforcement (ICE)

ICE is the investigative and enforcement arm of DHS and as such has some responsibility for border enforcement. ICE currently has approximately 20,000 agents working in 400 offices around 47 U.S. states and abroad⁸ with an estimated 5,100 agents on the southwest border.⁹ ICE has two principle wings with operations on the border: Enforcement and Removal Operations and Homeland Security Investigations.

Enforcement and Removal Operations (ERO): ERO's mission is to enforce U.S. immigration laws throughout the United States, including the border region. This includes investigations, arrests, detention and removal of deportable noncitizens. ERO also enforces orders of removal from the U.S. ERO also manages many of ICE's programs working with state and local law enforcement, such as the "287(g)" program, Secure Communities and the Criminal Alien Program.¹⁰ Several of ERO's programs started as border initiatives that were later deployed nationwide.¹¹

ERO also operates the country's detention centers. As part of its detention management, ICE often contracts out work to large private correctional and detention management corporations such as the Corrections Corporation of America and the GEO Group. These corporations run many immigration detention centers and transport operations along the border and employ thousands of employees.

Homeland Security Investigations (HSI): HSI has over 10,000 employees, including 6,700 special agents that work in over 200 cities and 46 countries worldwide.¹² Its border investigations are not purely related to immigration of people. HSI investigates human smuggling, drug and weapons trafficking, smuggling of other types of contraband and international financial or trade crimes.

HSI also coordinates the Border Enforcement Security Task Forces (BESTs), a series of multi-agency teams meant to tackle criminal organizations posing significant threats to border security on the southern and northern borders. BESTs incorporate personnel from many of the agencies listed in this paper, including ICE, CBP, DEA, ATF, FBI, U.S. Coast Guard, and the U.S.

⁷ U.S. Customs and Border Protection, "Office or Air and marine Fact Sheet,"

http://www.cbp.gov/xp/cgov/border_security/air_marine/cbp_air_marine_overview.xml

⁸ ICE Careers - <http://www.ice.gov/careers/index.htm>

⁹ DHS, "Fact Sheet: Southwest Border Overview," Oct. 18, 2010.

¹⁰ ICE Removal Operations, "Related ICE Offices and Programs," <http://www.cnsnews.com/news/article/federal-auditor-border-patrol-can-stop-1>, accessed 4/6/11

¹¹ See Secure Communities ICE Budget Director Briefing, July 31, 2009, available at

http://www.ice.gov/doclib/foia/secure_communities/securecommunitiespresentation-budgetdirectorbriefing7312009.pdf

¹² ICE Homeland Security Investigations, <http://www.ice.gov/about/offices/homeland-security-investigations/>, accessed 4/5/11

Attorney's Offices, along with other federal, state, local and tribal agencies, as well as foreign law enforcement in Mexico. There are currently 21 BEST teams positioned in the U.S. and Mexico.¹³

United States Coast Guard

The Coast Guard is present at every major seaport in the United States. It has jurisdiction over both domestic and international waters, and performs interdictions on the high seas, searching ships headed to the United States for smuggled goods or people. The Coast Guard has approximately 42,000 men and women on active duty.¹⁴ Its main border initiatives are to prevent drug smuggling into the U.S. and to prevent terrorist activity such as attacks on U.S. ports.

Department of Justice (DOJ)

Organized Crime Drug Enforcement Task Forces

The Department of Justice coordinates significant law enforcement operations on the border, particularly focusing on counter-narcotics work under the Organized Crime Drug Enforcement Task Force Program (OCDETF). OCDETF centralizes the efforts of ATF, the Coast Guard, the DEA, FBI, ICE, US Marshals, US Attorneys, the Internal Revenue Service, and other state, local and tribal agencies. The OCDETF program itself is organized into nine regions and staffed by about 3,400 agents, at least 56 of whom are specifically dedicated to work on the southwest border.¹⁵

Federal Bureau of Investigations (FBI)

The FBI is the investigative and law enforcement wing of the DOJ. FBI agents work on several aspects of border security, including: corruption by DHS agents on the border and local police officers (12 special Task Forces with 120 agents under the Public Corruption Dept.)¹⁶; human and arms smuggling; and gang and drug related violence.

United States Attorney's Office

Largely due to the implementation of Operation Streamline¹⁷ in 2005, U.S. Attorneys along the southwest border have prosecuted many thousands of immigration cases, which take up more than 80% of the docket.¹⁸ The U.S. Attorney's Office has in some situations deputized Border Patrol attorneys as "special assistant Attorney Generals to prosecute these cases."¹⁹ There are five

¹³ "Border Enforcement and Security Taskforce," <http://www.ice.gov/best/>, accessed 4/5/11

¹⁴ DHS, http://www.dhs.gov/xabout/structure/biography_0157.shtm

¹⁵ Interagency Crime and Drug Enforcement appropriations request FY2012, *available at* <http://www.justice.gov/jmd/2012summary/pdf/fy12-icde-bud-summary.pdf>

¹⁶ FBI, "Crime on the Southwest Border," <http://www.fbi.gov/news/videos/crime-on-the-southwest-border>

¹⁷ National Immigration Forum, "Operation Streamline and its Effects on the Courts and Law Enforcement on the Border," May, 2010.

¹⁸ Transactional Records Access Clearinghouse, "Bush Administration's Immigration Prosecutions Soar," Jan. 12, 2009.

¹⁹ Aarti Kohli and Deepa Varma, "Border, Jails and Jobsites: An Overview of Federal Immigration Enforcement Programs," *U.C. Berkeley Chief Justice Earl Warren Institute on Law and Social Policy*, Feb. 2011.

federal judicial districts along the southwest border with an estimated 50 prosecutors in each²⁰. U.S. Attorneys also handle drug and weapons smuggling investigations and prosecutions.

Executive Office of Immigration Review (EOIR)

EOIR administers the Immigration Courts of the U.S. Many individuals apprehended on the border will receive hearings in Immigration Court. In the border region, some immigration courts are actually located within Border Patrol processing centers.²¹ Particularly along the borders, U.S. officials may seek stipulated removal and expedited removal to bypass formal removal proceedings in immigration courts.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

At least 420 ATF agents operate several projects along the border, most notably the controversial Project Gunrunner, which seeks to reduce smuggling of firearms and explosives.²² The principle targets are the Mexican drug cartels. ATF coordinates with both ICE and CBP on many weapons smuggling and enforcement projects, including Operation Armas Cruzadas, which partnered with Mexican law enforcement on intelligence to prevent guns from reaching the hands of the cartels.

Drug Enforcement Agency (DEA)

There are 1,180 DEA agents²³ working along the border to disrupt smuggling operations between Mexican drug cartels and U.S.-based drug rings. DEA is a principle component of the Southwest Border Initiative (SWBI), a multi-agency effort to combat drug smuggling on the U.S.-Mexico border.

United States Marshal's Service

As part of the Justice Prisoner and Alien Transportation System (JPATS), approximately 3,000 U.S. Marshals coordinate inmate transfers to and from ICE detention facilities, including assisting with the physical removal of non-citizens from the U.S. and apprehension of fugitives.²⁴ Other U.S. Marshals also provide transportation and court security for non-citizens facing criminal prosecution for crossing the border without permission. The U.S. Marshals recently issued a report critical of resources being expended on JPATS, diverting these resources from a focus on apprehending “sex offenders and child predators.”²⁵

²⁰ Department of Justice FY2012 Budget Justification, <http://www.justice.gov/jmd/2012justification/pdf/fy12-usa-justification.pdf>

²¹ Declaration of David V. Aguilar to the United State District Court for the District of Arizona, Jun. 29, 2010, <http://www.aila.org/content/fileviewer.aspx?docid=32544&linkid=220824> – page 6.

²² DHS Office of Inspector General, “Review of ATF’s Project Gunrunner,” Nov. 2010, <http://www.justice.gov/oig/reports/ATF/e1101.pdf> - p. 6

²³ FBI, “Department of Justice Announces Resources for Fight Against Mexican Drug Cartels” Mar. 24, 2009.

²⁴ Department of Justice, FY2012 U.S. Marshals Budget Summary, *available at* <http://www.justice.gov/jmd/2012summary/html/fy12-usms-bud-summary.htm>.

²⁵ “Border, Jails and Jobsites”, p. 9

Department of Defense (DoD)

National Guard

In the summer of 2010, President Obama ordered 1,200 National Guard troops to the southwest border to provide support to Customs and Border Protection. The Guard's primary activities and responsibilities are to assist and support DHS's border activities. Its most clearly identified task is to watch for illegal border crossings, much like the Border Patrol, but without arrest authority. The troops are armed, but only for self-protection.²⁶

Drug Enforcement

Active military and reserve personnel support Law Enforcement Agencies in their anti-drug missions by providing transportation, equipment, intelligence support, training and services. The average number of DoD personnel providing support on the border varies from an average of 1,500 to peaks of approximately 2,500.²⁷

Department of Agriculture (USDA)

Housed within the USDA, the U.S. Forest Service (USFS) is responsible for policing U.S. National Forest lands along the border. The USFS's Law Enforcement and Investigations Unit (LEI) is a federal law enforcement agency that contains special agents and it works with park rangers to enforce federal law. This includes working with immigration agencies such as CBP and ICE. The USFS ultimately has jurisdiction over the border security of these regions and can decide to deny access to certain types of border security activities. This has been the cause for significant controversy lately about the line between border enforcement and environmental conservation of protected lands.

Department of the Interior (DOI)

The DOI has influence over many federal lands along the border including Native American lands and wilderness areas not under the auspices of the U.S. Forest Service. The DOI's Office of Law Enforcement, Security and Emergency Management contains the Border Management and Drug Enforcement Branch. Fish and Wildlife Refuge Officers also conduct immigration and drug enforcement in national parks in border regions.²⁸

²⁶ National Immigration Forum, "2010 National Guard Deployment to SW Border Fact Sheet" - http://www.immigrationforum.org/images/uploads/2010/National_Guard-Border_Fact_Sheet-2010.pdf

²⁷ DoD, "An Overview of Federal Drug Control Programs on the Southwest Border," <http://www.ncjrs.gov/ondcppubs/publications/enforce/border/dod.html>

²⁸ DOI Law Enforcement Career Opportunities, accessed 4/5/11 - <http://olesem.doi.gov/jobs/fields/fwsrefugeofficer.html>