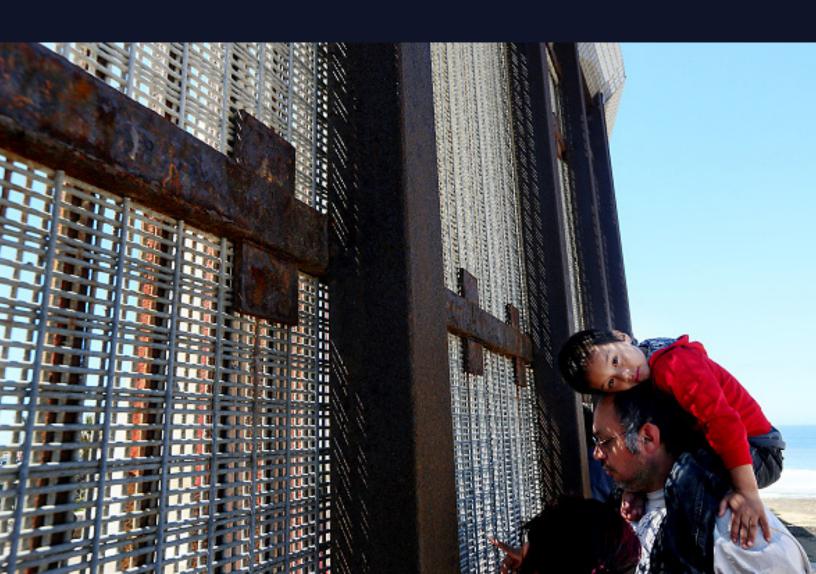
Insider Perspectives: National Security and Immigration

## Immigration Is Not a National Security Threat

By Elizabeth Neumann Senior Advisor to the National Immigration Forum on National Security



## Note:

This brief is part of a series of papers exploring the intersection between national security and immigration issues. The papers are aimed at helping to facilitate constructive conversations that will lead to bipartisan efforts to modernize our immigration system. We begin with the premise that our nation's immigration system can, and should, treat immigrants with dignity and compassion while serving our national security interests. The author is a senior advisor to the National Immigration Forum on national security matters and a former DHS Assistant Secretary for Counterterrorism and Threat Prevention during the Trump administration.



## **Immigration Is Not a National Security Threat**

National security professionals agree that border security is important for our national security. And there is bipartisan agreement that the current laws that make up our immigration system are broken. This broken system creates vulnerabilities that individuals with criminal or terrorist intent could exploit. But we cannot fix such complex problems simply by building a wall and conjuring up immoral "deterrents" — nor by incorrectly categorizing immigrants themselves as the threat.

During the four years of the Trump administration, the U.S. government treated both legal and unauthorized immigration as a national security threat that needed to be mitigated. This framing was not limited to the inflammatory rhetoric White House officials used; it influenced policy and executive action throughout the government.<sup>1</sup>

Perhaps the most direct example of this approach was the Department of Homeland Security's (DHS) inaugural <u>Homeland Threat Assessment</u> ("Assessment") issued in October 2020.<sup>2</sup> The Assessment listed "illegal immigration" as one of the seven major threats facing the United States — placing it alongside such threat actors as cyberattacks by foreign adversaries, foreign and domestic terrorists, and transnational criminal organizations.<sup>3</sup> By listing illegal immigration as a threat, DHS is asserting that it has the "potential to harm life, information operations, the environment and/or property," according to its lexicon of terms.<sup>4</sup>



But we cannot fix such complex problems simply by building a wall and conjuring up immoral "deterrents" — nor by incorrectly categorizing immigrants themselves as the threat.

<sup>&</sup>lt;sup>1</sup> For further examples, see these papers challenging the national security justifications for the travel ban and refugee ceilings: <u>Rescinding the Travel Ban Will Improve National Security</u> and <u>Robust Refugee Programs Aid National Security</u>.

<sup>&</sup>lt;sup>2</sup> The Assessment was called for by the DHS's Strategic Framework for Countering Terrorism and Targeted Violence. Specifically, the task was to "produce an annual product that evaluates the strategic threat environment within the Homeland related to terrorism and targeted violence and anticipates future of emerging threats." See: U.S. Department of Homeland Security, *Department of Homeland Security Strategic Framework for Countering Terrorism and Targeted Violence*, 2019, <a href="https://www.dhs.gov/sites/default/files/publications/19">https://www.dhs.gov/sites/default/files/publications/19</a> 0920 plcy strategic-framework-countering-terrorismtargeted-violence.pdf, 13.

<sup>&</sup>lt;sup>3</sup> U.S. Department of Homeland Security, *Homeland Threat Assessment*, 2020, <a href="https://www.dhs.gov/sites/default/files/publications/2020\_10\_06\_homeland-threat-assessment.pdf">https://www.dhs.gov/sites/default/files/publications/2020\_10\_06\_homeland-threat-assessment.pdf</a>.

<sup>&</sup>lt;sup>4</sup> Threat is defined as: a "natural or man-made occurrence, individual, entity, or action that has or indicates the potential to harm life, information, operations, the environment, and/or property." See: U.S. Department of Homeland Security Risk Steering Committee, *DHS Risk Lexicon: 2010 Edition*, 2010, <a href="https://www.cisa.gov/sites/default/files/publications/dhs-risk-lexicon-2010\_0.pdf">https://www.cisa.gov/sites/default/files/publications/dhs-risk-lexicon-2010\_0.pdf</a>, 36.

But DHS officials do not provide facts to back up that assertion. In fact, the entire narrative for that section of the Assessment evaluates factors such as the pandemic and economic downturn and what that might mean for migration flows via land and maritime pathways. In other words, it is an assessment that is useful for the U.S. Coast Guard and Border Patrol to understand how their work might shift, but it does not make a case that such changes will lead to the "potential to harm life, information operations, the environment, and or property." This is in stark contrast to the other threats listed in the Assessment, which provide examples of recent threats or attacks from that threat actor, describe the threat actor's intent, and assess the likelihood that such threats will grow, decrease or remain steady in the coming year.

Perhaps the writers of the Assessment assumed that the reader would conclude that if you have more migrants, there will be more crime. After all, the previous administration hosted multiple events to highlight crimes committed by undocumented immigrants.<sup>5</sup> Yet criminologists have not been able to demonstrate that undocumented immigrants commit more crime, and in fact the opposite may be true.<sup>6</sup> In the words of a recent study's authors, "Contrary to public perception, we observe considerably lower felony arrest rates among undocumented immigrants compared to legal immigrants and native-born U.S. citizens and find no evidence that undocumented criminality has increased in recent years. Our findings help us understand why the most aggressive immigrant removal programs have not delivered on their crime reduction promises and are unlikely to do so in the future."<sup>7</sup>

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<sup>&</sup>lt;sup>5</sup> Vivian Yee, "For Grieving Parents, Trump Is 'Speaking for the Dead' on Immigration," *The New York Times*, June 25, 2017, <a href="https://www.nytimes.com/2017/06/25/us/trump-undocumented-victims.html">https://www.nytimes.com/2017/06/25/us/trump-undocumented-victims.html</a>.

<sup>&</sup>lt;sup>6</sup> This study finds "The perception that the foreign-born, especially "illegal aliens," are responsible for higher crime rates is deeply rooted in American public opinion and is sustained by media anecdote and popular myth. ... But these perceptions are not supported empirically; instead, as demonstrated below, they are refuted by the preponderance of scientific evidence. Both contemporary and historical studies, including officialcrime statistics and victimization surveys since the early 1990s, data from the last three decennial censuses, national and regional surveys in areas of immigrant concentration, and investigations carried out by major government commissions over the past century, have shown instead that immigration is associated with lower crime rates and lower incarceration rates." See: Anita Khashu and Rubén G. Rumbaut, "Appendix D: Undocumented Immigration and Rates of Crime and Imprisonment: Popular Myths and Empirical Realities," in *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties* (Washington, DC: Police Foundation, 2009), pp. 119-139, <a href="https://www.policefoundation.org/publication/the-role-of-local-police-striking-a-balance-betweenimmigration-enforcement-and-civil-liberties/">https://www.policefoundation.org/publication/the-role-of-local-police-striking-a-balance-betweenimmigration-enforcement-and-civil-liberties/</a>, 119.

<sup>&</sup>lt;sup>7</sup> Michael T. Light, Jingying He, and Jason P. Robey, "Comparing Crime Rates between Undocumented Immigrants, Legal Immigrants, and Native-Born US Citizens in Texas," *Proceedings of the National Academy of Sciences* 117, no. 51 (December 2020): pp. 32340-32347, <a href="https://doi.org/10.1073/pnas.2014704117">https://doi.org/10.1073/pnas.2014704117</a>, 32340. For more information, see: The Law Enforcement Immigration Task Force, "A Path to Public Safety: Fact Sheet: Immigrants and Crime," The Law Enforcement Immigration Task Force, June 26, 2018, <a href="https://leitf.org/wpcontent/uploads/2018/06/Crime-and-Immigration-Fact-Sheet-PPS.pdf">https://leitf.org/wpcontent/uploads/2018/06/Crime-and-Immigration-Fact-Sheet-PPS.pdf</a>.

Notably, the introductory text in the Assessment's section on illegal immigration seems to acknowledge that migrants themselves do not pose a threat: "Although the majority of migrants do not pose a national security or public safety threat, pathways used by migrants to travel to the United States have been exploited by threat actors. As a result, surges of migrants could undermine our ability to effectively secure the border without adversely impacting other parts of the immigration system."

The concern DHS raises is that other "threat actors" (which are already discussed in other parts of the Assessment) could "exploit" the "pathways" migrants use to travel to the U.S.

To put this into the proper lexicon, what the Assessment is describing is a vulnerability — not a threat. According to the DHS Lexicon, "risk" is the "potential for an adverse outcome assessed as a function of threats, vulnerabilities, and consequences associated with an incident, event, or occurrence."

For individuals not familiar with security terms, it is a common mistake to interchangeably use words such as threat, risk, and vulnerability, but for DHS to make this mistake suggests a political agenda designed to further create fear. In effect, the labeling of illegal immigration as a "threat" elevates an undocumented immigrant to the same category as North Korea, ISIS, and the Sinaloa Cartel. It is inaccurate and irresponsible. It dehumanizes fellow human beings and frames a public policy discussion in existential terms. We are now seeing descriptions of immigrants that once resided only in the far-right fringes move into the mainstream of "conservative" talking points. In her new book, Hate in the Homeland: The New Global Far Right, Cynthia Miller-Idriss describes the mainstreaming of hate:

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...the labeling of illegal immigration as a "threat" elevates an undocumented immigrant to the same category as North Korea, ISIS, and the Sinaloa Cartel. It is inaccurate and irresponsible.

The far right has long suggested that a white genocide is under way, based both on demographic change and the paranoid belief in an orchestrated invasion of immigrants, Muslims, or Jews who will eradicate or replace whites. But in recent years, this conspiracy theory has made its way from the far-

<sup>&</sup>lt;sup>8</sup> U.S. Department of Homeland Security, *DHS Risk Lexicon: 2010 Edition*, 27.

right fringes into the mainstream spotlight, helped both by political speeches and media commentators, who regularly use the language of replacement, invasion, infestation, and a flood of illegals. Fox News's Tucker Carlson has warned that Democrats want "demographic replacement" through a "flood of illegals" in order to increase their voter base, while Laura Ingraham has warned viewers that "the Democrats want to replace many of you," suggesting there is an "invasion of the country" and referring to Texas as a state that is "completely overrun" by an illegal invasion. Political discourse and campaign advertisements, rally speeches, and election rhetoric that dehumanize immigrants and suggest an existential threat to the nation help normalize extreme ideas about immigration.<sup>9</sup>

While holding and discussing an extreme view is protected under the First Amendment, it is irresponsible for political leaders and the media to continually feed grievances associated with this extreme view. Framing immigrants as existential threats can lead a small percentage to commit violence.<sup>10</sup> If one genuinely believes a matter is existential, then it is not illogical to think that violence is justified in order to preserve yourself or your loved ones.

Usually, this violence is targeted at the groups that have been dehumanized.<sup>11</sup> The most prominent example of this phenomenon was the August 2019 attack in El Paso, Texas. The attacker's manifesto indicated he was motivated to kill Hispanics because of his belief that the country was being overtaken by a "Hispanic Invasion" — language the former President and his campaign employed.<sup>12</sup>

Sadly, this was not an isolated incident. A study by Karsten Muller and Carlo Schwarz found that when then-President Trump tweeted about "Islam-related topics," there was an increase in "xenophobic tweets by his followers, cable news attention paid to Muslims, and hate crimes on the following days." ABC News reviewed court records and police statements and identified 54 criminal cases where the alleged perpetrator invoked Trump's language as a reason for their violence, assault, or threats of violence as documented by court records. Notably,

https://www.aicgs.org/publication/the-dehumanization-of-immigrants-and-the-rise-of-the-extreme-right/.

<sup>&</sup>lt;sup>9</sup> Cynthia Miller-Idriss, *Hate in the Homeland: The New Global Far Right* (Princeton: Princeton University Press, 2020), 53.

<sup>&</sup>lt;sup>10</sup> For a description of the radicalization process, see: Brian A. Jackson et al., "Practical Terrorism Prevention: Reexamining U.S. National Approaches to Addressing the Threat of Ideologically Motivated Violence" (Homeland Security Operational Analysis Center operated by the RAND Corporation, 2019), <a href="https://www.rand.org/pubs/research\_reports/RR2647.html">https://www.rand.org/pubs/research\_reports/RR2647.html</a>, xix.

<sup>&</sup>lt;sup>11</sup> For example, this study found a strong suggestion of a causal relationship between dehumanization of migrants and violence against them. See: Beverly Crawford Ames, "The Dehumanization of Immigrants and the Rise of the Extreme Right" (American Institute for Contemporary German Studies, September 11, 2019),

<sup>&</sup>lt;sup>12</sup> Tim Arango, Nicholas Bogel-Burroughs, and Katie Benner, "Minutes Before El Paso Killing, Hate-Filled Manifesto Appears Online," *The New York Times*, August 3, 2019, <a href="https://www.nytimes.com/2019/08/03/us/patrick-crusiusel-paso-shooter-manifesto.html">https://www.nytimes.com/2019/08/03/us/patrick-crusiusel-paso-shooter-manifesto.html</a>.

<sup>&</sup>lt;sup>13</sup> Karsten Müller and Carlo Schwarz, "From Hashtag to Hate Crime: Twitter and Anti-Minority Sentiment" (SSRN, July 24, 2020), <a href="https://ssrn.com/abstract=3149103">https://ssrn.com/abstract=3149103</a>.

the perpetrators were "mostly white men" and the victims largely "minority groups — African Americans, Latinos, Muslims and gay men." And in the last year, Asian Americans have experienced an increase in hate crimes, which researchers believe are tied to COVID-19 anxieties that were amplified by leaders labeling the disease the "Chinese virus," "China virus," or "Wuhan virus." 15, 16, 17

As the 117th Congress and the Biden Administration embark on immigration reform discussions, they would be wise to learn from these mistakes. There should be no room for a leader in our society — whether an elected official or a media personality — to use rhetoric that encourages hate crimes, acts of domestic terrorism, and recruitment to violent extremist groups. But it goes deeper than obviously violent rhetoric. Elected leaders, members of the media, think tanks, and lobbyists need to stop the all too common practice of advocating for policy through scaremongering. Framing policy disagreements as existential threats and trafficking in conspiracy theories about immigrants is lazy and immoral. We must stop labeling each other, and immigrants, as threats.

DHS is already making strides in this direction by issuing guidance that their communications will no longer use the word "alien" in describing an undocumented person. Notably, that term is defined in statute, and to fully remove it would require a statutory change. But the action indicates an understanding of the dehumanizing damage caused amid a decades-long fight over immigration. Choosing words that offer dignity to a fellow human being is a small but important step in recovering civility in our discourse.

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<sup>&</sup>lt;sup>14</sup> Mike Levine, "'No Blame?' ABC News Finds 54 Cases Invoking 'Trump' in Connection with Violence, Threats, Alleged Assaults," ABC News (ABC News Network, May 30, 2020), <a href="https://abcnews.go.com/Politics/blame-abcnews-finds-17-cases-invoking-trump/story?id=58912889">https://abcnews.go.com/Politics/blame-abcnews-finds-17-cases-invoking-trump/story?id=58912889</a>.

<sup>&</sup>lt;sup>15</sup> Sabrina Tavernise and Richard A. Oppel, "Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety," *The New York Times*, March 23, 2020, <a href="https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racistattacks.html">https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racistattacks.html</a>.

<sup>&</sup>lt;sup>16</sup> Angela R. Gover, Shannon B. Harper, and Lynn Langton, "Anti-Asian Hate Crime During the COVID-19 Pandemic: Exploring the Reproduction of Inequality," *American Journal of Criminal Justice* 45 (July 7, 2020): pp. 647-667, https://doi.org/10.1007/s12103-020-09545-1.

<sup>&</sup>lt;sup>17</sup> Karl F. Vachuska, "Initial Effects of the Coronavirus Pandemic on Racial Prejudice in the United States: Evidence from Google Trends," *SocArXiv*, March 29, 2020, <a href="https://doi.org/10.31235/osf.io/bgpk3">https://doi.org/10.31235/osf.io/bgpk3</a>.

<sup>&</sup>lt;sup>18</sup> Stef W. Kight, "Biden Administration to Use 'More Inclusive' Immigration Terms," Axios (Axios Media, February 16, 2021), <a href="https://www.axios.com/biden-immigrant-terms-noncitizen-alien-4055b00e-e25a-4fc6-9bd3-991f6e5ec959.html">https://www.axios.com/biden-immigrant-terms-noncitizen-alien-4055b00e-e25a-4fc6-9bd3-991f6e5ec959.html</a>.

Engaging in a healthy debate also requires correcting the record so that debates are framed around facts. Here are two ways in which the Biden administration could begin:

- 1. DHS should consider fixing the Homeland Threat Assessment either by issuing the 2nd Annual Assessment this spring<sup>19</sup> or by amending the current Assessment and removing "illegal immigration" from a threat category. If DHS deems the vulnerability analysis helpful for the homeland security community, the department could incorporate it into a new section that describes vulnerabilities and contextual factors that may impact threats.
- 2. The Department of Justice and DHS should rescind a 2018 report<sup>20</sup> issued in response to Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States, which was intended to provide information to the public about the national origins of individuals who have been convicted of acts of terrorism but had significant data quality issues, which made its findings misleading.<sup>21</sup>



<sup>&</sup>lt;sup>19</sup> Note: The original plan was for the Homeland Threat Assessment to be issued annually each spring to inform budget and grant planning guidance, but due to the pandemic and other factors, the first Assessment was not issued until October 2020.

<sup>&</sup>lt;sup>20</sup> U.S. Department of Homeland Security and U.S. Department of Justice, Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States Initial Section 11 Report (Washington, DC, 2018), <a href="https://www.dhs.gov/publication/executive-order-13780-protecting-nation-foreign-terrorist-entry-united-statesinitial">https://www.dhs.gov/publication/executive-order-13780-protecting-nation-foreign-terrorist-entry-united-statesinitial</a>.

<sup>21</sup>"Protect Democracy's Lawsuit Challenging the Government's Publication of Disinformation about

<sup>&</sup>lt;sup>21</sup>"Protect Democracy's Lawsuit Challenging the Government's Publication of Disinformation about Foreign Terrorism," (Protect Democracy, 2018), <a href="https://protectdemocracy.org/false-terrorism-report/release/">https://protectdemocracy.org/false-terrorism-report/release/</a>.

A debate centered around facts also requires transparency. The Biden administration has an opportunity to show good faith by acknowledging what homeland security officials have known for decades: Our current patchwork of statutes and case law create security vulnerabilities and pull factors for irregular migration. Likewise, any serious reform effort must recognize a need for more than statute change; it is critical to modernize and provide more resources for our border security and immigration systems, including for ports of entry, <sup>22,23,24</sup> U.S. Citizenship and Immigration Services (USCIS) asylum and refugee officers, <sup>25</sup> U visa processing, <sup>26</sup> immigration courts, <sup>27</sup> and the vetting systems <sup>28</sup> that support the processing of immigration benefits.

And Congress must finally modernize our immigration system to ensure fair, orderly opportunities for legal immigration in a way that advances our economic, security, and societal interests. It also must address the tenuous situation of undocumented immigrants, many of whom have come to America as children, have immediate family members who are U.S. citizens, and/or have lived in and contributed to the country for many years. The vast majority of undocumented immigrants living in the U.S. are not threats to national security and would welcome the opportunity to come forward and identify themselves if allowed to do so. A reformed immigration system will allow us to better know who is living in the U.S. — which is key for security. Strengthening our security requires not inaccurately painting immigrants as criminals or terrorists, but fixing the laws and addressing root causes that lead to mass migration.

<sup>&</sup>lt;sup>22</sup> Matthew Rooney and Laura Collins, "Smart Border Policy For The 21st Century" (George W. Bush Institute, February 17, 2021), <a href="https://www.bushcenter.org/publications/resources-reports/reports/immigration-whitepapers/smart-border-policy-in-the-21st-century.html">https://www.bushcenter.org/publications/resources-reports/reports/immigration-whitepapers/smart-border-policy-in-the-21st-century.html</a>, 7.

<sup>&</sup>lt;sup>23</sup> "Border Security Along the Southwest Border: Fact Sheet" (National Immigration Forum, March 11, 2019), <a href="https://immigrationforum.org/article/border-security-along-the-southwest-border-fact-sheet/">https://immigrationforum.org/article/border-security-along-the-southwest-border-fact-sheet/</a>

<sup>&</sup>lt;sup>24</sup> U.S. Government Accountability Office, *Border Infrastructure: Actions Needed to Improve Information on Facilities and Capital Planning at Land Border Crossings*, GAO-19-534 (Washington, DC, 2019), <a href="https://www.gao.gov/products/GAO-19-534">https://www.gao.gov/products/GAO-19-534</a>.

<sup>&</sup>lt;sup>25</sup> A Roadmap to Rebuilding the U.S. Refugee Admissions advocates for modernizing USCIS and lays out a number of practical recommendations: "A Roadmap to Rebuilding the U.S. Refugee Admissions Program" (National Conference on Citizenship & the Penn Biden Center for Diplomacy and Global Engagement, October 2020), <a href="https://www.ncoc.org/wp-content/uploads/2020/10/Final-Report-A-Roadmap-to-Rebuilding-USRAP.pdf">https://www.ncoc.org/wp-content/uploads/2020/10/Final-Report-A-Roadmap-to-Rebuilding-USRAP.pdf</a>.

<sup>&</sup>lt;sup>26</sup> Leslye Orloff, "Urgent Reforms Needed in the U Visa Program," in *Redefining Immigration Reform: How Immigration Supports American Ideals* (Niskanen Center, November, 2020), pp. 34-37, <a href="https://www.niskanencenter.org/wp-content/uploads/2020/11/Immigration-Essay-Collection-FinalFormatted.pdf">https://www.niskanencenter.org/wp-content/uploads/2020/11/Immigration-Essay-Collection-FinalFormatted.pdf</a>.

<sup>&</sup>lt;sup>27</sup> Marissa Esthimer, "Crisis in the Courts: Is the Backlogged U.S. Immigration Court System at Its Breaking Point?," *Migration Information Source*, October 3, 2019, <a href="https://www.migrationpolicy.org/article/backlogged-usimmigration-courts-breaking-point">https://www.migrationpolicy.org/article/backlogged-usimmigration-courts-breaking-point</a>.

<sup>&</sup>lt;sup>28</sup> See recommendations on improving vetting in <u>Robust Refugee Programs Aid National Security</u>. Elizabeth Neumann, "Robust Refugee Programs Aid National Security" (National Immigration Forum, December 17, 2020), <a href="https://immigrationforum.org/article/robust-refugee-programs-aid-national-security/">https://immigrationforum.org/article/robust-refugee-programs-aid-national-security/</a>.

Meaningful immigration reform is long overdue. Each year that passes without reforms increases our security risk. Finding a path forward requires the Biden administration and the 117th Congress to reject polarized, all-or-nothing arguments and curb rhetoric that demonizes immigrants and minority communities, as well as their own political opponents. Leaders should engage instead in a robust and respectful debate based on facts and a transparent acknowledgement of the security vulnerabilities the current system poses. Reform can be done in a way that upholds the rule of law, is consistent with our national security and economic interests, treats everyone with dignity, and values immigrants' contributions to the success of our nation.



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