

# ***What Makes a Border Secure?***

## ***Building a Healthier Border Dialogue***



# Introduction

In Spring 2022, Department of Homeland Security (DHS) Secretary Alejandro Mayorkas arrived on Capitol Hill for a series of contentious hearings concerning the Biden administration’s handling of the Southwest border. The hearings came as U.S. Customs and Border Protection (CBP) [reported](#) record levels of migrant encounters, including over 230,000 encounters in April 2022. Republican lawmakers repeatedly accused Mayorkas and DHS of failing to adequately secure the border. Mayorkas disagreed, arguing that despite the increased volume of arrivals, the border was largely secure, and that border security remained a top priority for the administration.

As the hearings went on, it became increasingly clear that the policymakers from Congress and the administration were talking past each other. Neither Mayorkas nor members of Congress were able to articulate a clear vision of how they defined “border security” or how it should be measured. The absence of clear metrics and agreed-upon criteria was glaring.

In fact, while the border has dominated immigration policy conversations over much of the past two decades, the failure to agree to the use of clear and usable definitions and metrics has been an ongoing theme. Despite recurring and often contentious debates over border policy, there have been relatively few attempts by either lawmakers or administrations to create a functional definition of “border security” or to orient border policy and funding around achievable, data-driven targets.

In 2011, researchers Edward Alden and Bryan Roberts [wrote](#) that “the Department of Homeland Security has never clearly defined what border security means in practice.” More than a decade later, the statement holds true.

The vagueness which characterizes our nation’s border discourse has not slowed a massive appropriation of resources to attempt to secure the border. Between fiscal year (FY) 2000 and FY 2020, Congress [increased](#) Border Patrol’s budget by approximately 345%, from \$1.1 billion to \$4.9 billion. The George W. Bush, Barack Obama,

and Donald Trump administrations spent tens of additional billions of dollars on over 700 miles of border barriers and a vast array of new technologies designed to surveil the border and assist in apprehensions between ports of entry. The U.S. currently spends [more money](#) on border security and immigration enforcement than on all other federal law enforcement agencies combined — and the gap is widening.

Given the absence of clear criteria and metrics to measure outcomes, it is hard to tell whether devoting this level of funding and resources has been effective. While it is clear that progress has been made along the border over the last two decades, it has been difficult to determine what specific actions have made the biggest difference. Because multiple administrations have struggled to determine reportable outcomes with useful metrics, it has been an ongoing challenge to demonstrate how security challenges are being addressed on the ground.

Better border security metrics and definitions are essential in tackling the persisting security concerns at the border. Transnational Criminal Organizations (TCOs) have continued smuggling large quantities of illicit drugs across the border, largely through ports of entry. Between ports of entry, Border Patrol officers have at times been [overwhelmed](#) with processing arriving migrants, pulling them away from other responsibilities related to patrolling the border, potentially making it easier for others to evade detection and enter the country without inspection (so-called “got-aways”). In addition, a limited number of border encounters with migrants on the Terrorist Screening Database have given rise to [perceived concerns](#) about security threats.

This paper seeks to create an actionable border security framework based on the best and most appropriate available metrics and data. While it surveys previous and ongoing attempts to describe and quantify border security, it also proposes policy recommendations to create a healthier dialogue around securing our border, including an expanded role for the DHS Office of Immigration Statistics and the creation and publication of new and improved border metrics.



# ***PART I: Past and Present Efforts to Describe Border Security***

The national dialogue surrounding border policy is frequently both illogical and imprecise, and even those debating border policy in good faith often find themselves speaking past one another.

An exchange during a May 4, 2022 Senate Homeland Security and Government Affairs Committee (HSGAC) hearing illustrates this well. There, Senator James Lankford (R-Oklahoma) directed a [series of questions](#) to Secretary Mayorkas concerning whether DHS had achieved “operational control” of the border. Mayorkas responded by noting that the term “operational control” had a [statutory definition](#), but one that was so overly broad as to be meaningless: “The prevention of all unlawful persons, narcotics, and other illicit materials from entering the U.S.”

“Under that strict definition, this country has never had operational control,” he said. Instead, Mayorkas offered an alternative definition: “In my opinion, operational control means maximizing the resources we have to deliver the most effective results.”

“We’re going to disagree on that pretty strongly,” Senator Lankford responded: “I would just say, over a quarter million people apprehended in one month is not operational control.”

Both Lankford and Mayorkas raised valid concerns, but their conversation is demonstrative of the limitations and challenges of our current dialogue on border policy. The definitions of basic terms are disputed. The formal definitions that do exist are impractical or imprecise, and there is a dearth of agreed upon metrics that might help describe the predicament at the border.

The following section describes in more detail the existing formal definitions and descriptions of border security, common challenges policymakers have faced in describing border security, and some noteworthy prior attempts to create a better, evidenced-backed border security framework.

## **Statutory Definitions and Descriptions of Border Security**

Over many decades, Congress and multiple presidential administrations have struggled to clearly define what border security means in practice.

One of the most commonly-referenced statutory definitions in the border security space comes from the [Secure Fence Act of 2006](#), which states that the DHS secretary “shall take all actions necessary” to “achieve and maintain operational control over the entire international land and maritime borders.” The Act goes on to define operational control as:

“The prevention of *all* unlawful U.S. entries, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.” (emphasis added).

The definition is emblematic of many of the problems we continue to face when talking about border security. It focuses on total entry numbers and conflates the entry of terrorists, narcotics, and criminals with the entry of all other irregular migrants who do not pose a significant threat to public safety. The target it sets for achieving control of the border — zero unlawful entries — is so unfeasible as to set back the cause of border security.

Other official definitions raise similar concerns. In a landmark shift in strategy in 1994, CBP embraced [Prevention Through Deterrence](#) (PTD) as the optimum approach to “secure and protect” the border. The strategy — which continues to be [highly influential](#) today — relies in part on the assumption that preventing irregular migration is synonymous with securing the border. The 1996 [Illegal Immigration Reform and Immigrant Responsibility Act](#) (IIRIRA) drew on these same themes to address the border security challenge, calling for new strategies to “deter illegal entry” as a means to “improve and increase border security.” Under the PTD framework, different types of irregular and unlawful entrants are once again conflated, and total encounter numbers are assumed to be an effective metric for measuring overall border security.

Another major piece of legislation, the [Homeland Security Act of 2002](#), lacks precision in its description of what it means to secure the border. The act includes a lengthy mandate for CBP, but has no specified metrics or discussion of how to prioritize various border security concerns.

While there have been notable efforts to add needed clarity (discussed in more detail below) the official and statutory language we rely on to describe border security continues to be unworkable and/or imprecise. As written, our border laws and policies treat all arriving migrants as security threats and fail to pinpoint metrics that might more accurately represent the specific and varied challenges we face at the border.

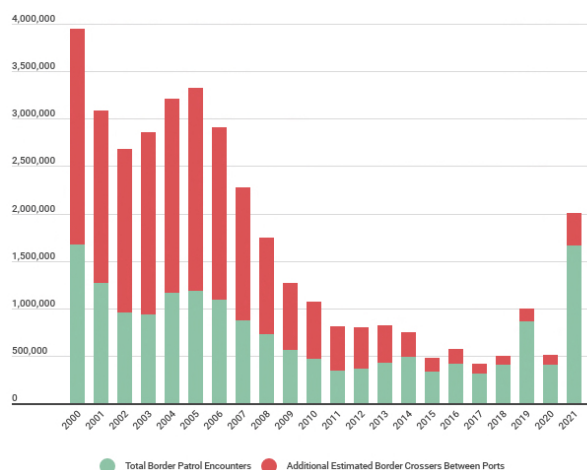
These limitations are a barrier to effective border policy, leading to an unhealthy and frustrating national conversation about the border.

## Common Challenges When Describing Border Security

Total border encounters and apprehensions are frequently referenced as a valid measure of border security. Cable news programs regularly point to large border encounter numbers as evidence of an insecure and porous border. Others have made [similar arguments](#) that the border is less secure because CBP has seized more narcotics or reported more apprehensions of individuals on terrorism watch lists.

But overall encounter and interdiction totals do not correlate well with border security and effectiveness. These numbers represent the number of people, narcotics, or criminals who are caught entering the U.S. Notably, as border security improves and becomes more effective, the total number of encounters are likely to rise as well. Total encounter data can otherwise misrepresent the situation at the border by failing to incorporate other dynamics such as the number of entrants avoiding detection, fluctuating rates of repeat border crossers, the changing demographics of border crossers, or the influence of push factors in sending countries. The chart below demonstrates one way that data on total encounters fails to account for the whole picture. Improved detection of migrants has led to increased encounters at the Southwest border, which, in turn, has erroneously been interpreted to show record levels of unlawful entries.

### Comparing Total Border Encounters to Total Estimated Crossers



Source: [DHS Border Security Metrics Report](#); [CBP Stats and Summaries](#)

However, those who reject relying on total encounters to measure border security have often been unable to articulate a compelling and specific alternative vision. Secretary Mayorkas [stated](#) that operational control of the border means “maximizing the resources we have to deliver the most effective results.” But what constitutes an “effective result” at the border? The Secretary did not specify — although the Biden administration has recently shared [some](#) concrete ideas relating to improving border processing and combatting transnational criminal organizations.

Part of the general lack of specificity in many border security conversations is the failure to account for other needs at the border, including the importance of ensuring the safe transit of lawful travelers, trade and commerce, as well as the orderly processing of those seeking protection from persecution or torture. A sealed border that does not provide for the transit of persons and goods in a lawful manner would carry enormous financial and moral costs, even if it were deemed to be “secure.” In addition, effective humanitarian and commercial pathways at the border [positively impact national security](#) in their own right and should not be left out of the border security conversation.

Another variable often left out of the border security debate is the role of exogenous factors that influence what happens every day at the border. Border

security is not merely a function of U.S. immigration and border policy. A spike in opioid demand in the U.S., a hurricane hitting Haiti, or a visa policy change in Mexico can each have significant impacts on the border even if they are not directly related to CBP’s security efforts.

### Noteworthy Prior Attempts to Create Border Security Frameworks and Establish Border Metrics

Despite the challenges described above, there have been several attempts over the years to expand and deepen the border security conversation. At various points, Congress, various presidential administrations, and outside organizations have attempted to create new border security frameworks and metrics.

### Congress

In Congress, several comprehensive immigration reform (CIR) bills that have been proposed over the years have incorporated border security “triggers” in order for other provisions legalizing segments of the undocumented population to move forward. In drafting trigger language, members of Congress have attempted to set benchmarks that represent what the bills’ authors view as effective border security. The following chart compares three such proposals.

**Chart: Comparing Border Benchmarks in CIR Proposals**

Year	Bill	Border Benchmarks
2007	Bipartisan Immigration Reform Act	Constructing 300 miles of border fencing and vehicle barriers, implementing 105 cameras and radar towers along the border, increasing border patrol personnel and ensuring resources are available to detain non-Mexican entrants.
2013	Border Security, Economic Opportunity, and Immigration Modernization Act	1) Certification that DHS is implementing a border security plan and that the plan is “substantially operational.” 2) Under the legislation, the plan would consist of building 700 miles of additional border barriers, apprehending 90% of individuals who attempt to enter the country unlawfully, deploying 38,405 Border Patrol agents, and deploying an effective electronic entry/exit tracking system.
2021	Dignity Act	Certification that all nine border sectors are maintaining a 90% apprehension rate. The certification must be approved by a task force consisting of a variety of stakeholders, including representatives appointed by the governor of each border state.

In addition to these proposals, Congress has also passed laws that encourage federal agencies to develop and/or report better metrics, creating a more robust accounting of border security. In the 2017 [National Defense Authorization Act](#), an annual appropriations bill, Congress required the Border Patrol and other relevant federal agencies to develop and publish a series of metrics which became the Border Security Metric Report (discussed below). In 2020, Congress passed the [Southwest Border Security Technology Improvement Act](#), which required reporting from Congress on the security gaps at the border that can be addressed with additional technology.

While these efforts rarely attempt to define border security themselves, they have resulted in improved metric development and reporting from the administration.

## **The executive branch**

The executive branch – most notably DHS – plays an outsized role in the creation, collection, analysis, and implementation of border metrics and planning. Accordingly, presidential administrations have at times moved beyond limited statutory descriptions of border security to create more specific priorities and benchmarks as part of these efforts. For instance, CBP has [stated](#) that its “top priority is to keep terrorists and their weapons from entering the U.S. while welcoming all legitimate travelers and commerce.”

The DHS Office of Immigration Statistics relies on [limited data collection mandates](#) in the INA and the Homeland Security Act to publish extensive data on border security outcomes. DHS posts [monthly apprehension statistics](#) that include a breakdown by demographic, nationality, and border sector. The information further describes the legal authority

used to process various categories of encountered migrants and whether the migrants were encountered at or between official crossing points. DHS also [publishes data](#) on criminal arrests at the border, drug seizure statistics, recidivism rates, and terrorism screening database encounters.

Beyond these monthly statistics, the Office of Immigration Statistics also publishes longer-form reports that dive even deeper into border security dynamics. Since 2017, OIS has published an annual [Border Security Metrics report](#), which perhaps gets closer to accurately describing and defining the security landscape at the Southwest border than any of the materials referenced above. The report provides a list of metrics, explains how they contribute to DHS’s understanding of border security, discusses the methodology and limitations of each metric, and provides at least 10 years of historical data on that metric. The most recent Border Security Metrics report was released on May 22, 2022, although it only provides data up to FY 2019.

To its credit, the Biden administration has begun incorporating a number of these specific metrics and benchmarks into border security strategies. In February 2022, the newly-created Southwest Border Coordination Center (SBCC) [incorporated](#) data-driven goals with respect to CBP processing capacity. In April 2022, DHS released a [document](#) describing its current approach at the border and providing six “border security pillars” designed to respond to increases in migration at the border. While not overly specific, the pillars — which included surging resources and personnel to the border, improving processing capacity and efficiency, and cracking down on smuggling organizations — occasionally provided metrics-based analysis to describe actions taken or planned by the Biden administration.



## Non-governmental organizations

Think tanks and non-governmental organizations (NGOs) have also attempted to create new border security frameworks.

Among these efforts are a 2010 RAND Corporation [technical report](#) titled “Measuring the Effectiveness of Border Security Between Ports of Entry.” The report clarifies three key border security concerns: drug control, illegal migration, and counterterrorism. It defines border security as the control of illegal flows in each of these domains, and notes that the interdiction rate (of drugs, unauthorized migrants, and terrorism threats) is the most effective metric for border security.

Another notable effort to better define border security is a 2016 Migration Policy Institute (MPI) [publication](#) titled “Border Metrics: How to Effectively Measure Border Security and Immigration Control.” This report analyzes the best

available metrics used to estimate the number of border crossers and visa overstays and the overall population of unauthorized immigrants that reside in the U.S.

The report describes the limitations and advantages of existing metrics used to make these estimates and concludes that effectively measuring these populations is key to understanding border security.

A third helpful NGO addition to the conversation is a 2021 Bipartisan Policy Center (BPC) [report](#) titled “Redefining Border Security.” The report argues that recent changes in migratory flows require a new security framework that responds to the increasing arrival of children and families seeking protection by creating a new process for this population separate “from the needs of securing the border from threats such as smuggling, contraband, or migrants seeking to avoid capture.”



## ***PART II: A Better Border Security Framework***

The security landscape at the border is fluid, and it is unreasonable to imagine a singular definition or metric that can be used to judge whether or not the border is secure.

But what is reasonable — and what is sorely needed in the border policy debate — is a coherent border security framework that incorporates measurable and attainable benchmarks. In this section, we draw on several of the more credible security approaches described above to outline one such framework. This approach focuses on core border security missions that are central to DHS's strategy but are often improperly or vaguely described: 1) Limiting the number of migrants entering without inspection; 2) Limiting the flow of illegal drugs; 3) Effectively processing arriving migrants and managing cross-border trade; and 4) Addressing the potential of a terrorism threat.

Within each of these core missions, we discuss the best metrics currently available, key metrics that remain unavailable, and, if applicable, attainable benchmarks that would indicate an improvement in border security.

### **Overview of this Approach**

A number of the variables discussed above stand out as having a significant impact on this framework.

First, the approach described below does not treat arriving migrants — including those crossing irregularly and between ports of entry — as being inherent security threats. However, the framework recognizes that effective and orderly processing of irregular migrants does positively impact border security. Metrics related to asylum processing and port of entry wait times are incorporated into this discussion under the third category because they are critical to CBP's broader strategy at the border.

Further, this approach recognizes the limitations of data sources and some methodologies used to collect data. Data on overall border encounters is a flawed proxy for security outcomes, but it is also often the most precise and readily available information. When possible, the framework acknowledges the limitations of various metrics and data sources.

Finally, the efforts to define and describe border security here are generally limited to actions taken and metrics measured at the border itself. This excludes some outside variables, such as push factors in sending countries or Mexican immigration policies, that can have outsized impacts on border security concerns and are outside the scope of this analysis.



## *1. Limiting the number of migrants entering without inspection*

Most migrants entering the country without inspection (known as “got aways”) provide just as much of a border management challenge as a border security challenge. However, limiting those who evade detection at the border remains a key part of our border security efforts, and DHS “got away” estimates are often poorly understood and conflated with overall apprehension statistics.

### **Best available metrics to understand this challenge:**

- **Attempted unlawful border crosser apprehension rate.** This data, released annually in the DHS Border Security Metrics Report and in annual administration budget proposals for CBP, measures the number of migrant encounters, apprehensions, and [turnbacks](#) compared to the total estimate of irregular border crossers. This metric is an interdiction rate, which is the most effective proxy for determining the efficacy of security efforts. However, the data may be less precise than other metrics given the difficulty in estimating overall migrant flows and “got aways.” [Latest data.](#)
- **Estimated total “got aways.”** This data, released annually in the DHS Border Security Metrics Report, provides an estimate of the total number of irregular border crossers who evaded detection. DHS has improved its estimation of this metric over the years, using both a model-based

and observational approach. However, this metric remains imprecise, as DHS has acknowledged that both approaches make assumptions that cannot be fully validated. [Latest data.](#)

- **Border Patrol apprehensions of individuals with criminal convictions.** This data, released monthly by CBP, measures the number of arrests of individuals with criminal convictions between ports of entry or of those wanted by law enforcement. This data is most effective when compared to overall apprehension metrics to understand the criminality rate among all Border Patrol encounters. This data on the larger apprehended population provides a rough estimate of the proportion of the “got away” population with criminal convictions. [Latest data.](#)
- **Detection Site Timeliness Rate.** This data, released annually in annual budget proposals for CBP, measures how frequently Border Patrol reaches a detection site in a timely manner. Detection sites are locations where sensors and other surveillance tools have flagged potential attempts by migrants to cross the border while evading detection. A higher detection site timeliness rate leads to fewer “got aways.” [Latest data.](#)

## Key data we still need to better understand the security challenge:

- **Up-to-date and improved data for apprehension rates and total “got aways.”** At best, it takes months to receive official CBP estimates of apprehensions rates and years to receive official estimates of “got aways.” This limits their effectiveness as tools to understand the current border security landscape. DHS should also continue to work to further improve and refine these estimates. Improved and more regular reporting on apprehension rates would provide a better picture of how specific changes in border dynamics and security investments are impacting “got-away” rates and overall border security.
- **Estimated breakdown of “got aways” by demographic and sector.** More details on the “got away” population would provide a better understanding of how to prevent “got aways.” For example, it is [widely assumed](#) many “got aways” are repeat crossers. This data could help clarify this point, and if true, could lead to an increased focus on reducing recidivism and a reduction in total “got aways.” Demographic and sector-based data could also help clarify when border security

interventions are reducing “got-aways” and when fluctuations in “got-aways” are the result of outside variables, such as the makeup of the migrants arriving.

### Attainable benchmarks:

- **Maintain an 81% apprehension rate across all Southwest border sectors and work towards an overall apprehension rate of 85%.** Over the past five years of available data (FY 2017 to FY 2021), CBP [estimates](#) it has interdicted 81.4% of attempted border crossers. As a reference point, between FY 2002 and FY 2006, CBP [estimates](#) it interdicted 35.5% of attempted border crossers. It is not clear which factors have been most impactful in improving apprehension rates, although an increasing proportion of asylum seekers and significant investment in surveillance capacity are likely drivers.
- **Maintain 95% detection site timeliness rates and work towards 97% by FY 2025.** CBP has [set a target](#) for 95% timely arrivals at detection sites for FY 2022 and FY 2023. Over the past five fiscal years, CBP has averaged 95.8% timely arrivals.

**Chart: Estimated Southwest Border Apprehension Rates**



Source: [2023 DHS CBP Budget Overview](#) and [2022 Border Security Metrics Report](#)

## 2. *Limiting the flow of illegal drugs*

According to the Drug Enforcement Agency (DEA), the [majority of illicit drugs](#) entering the United States are transported by Mexican criminal organizations across the Southwest border. The smuggling of drugs — particularly opioids like fentanyl — severely and tragically impacts the lives of Americans.

### **Best available metrics to understand the security challenge:**

- **Border drug seizure statistics.** This data, released monthly by CBP, describes the amount of various drugs that have been seized either at ports of entry by Office of Field Operations (OFO) officers or between ports of entry by Border Patrol. The data includes nine types of drugs and can be broken down [by weight](#) (in pounds) or [seizure events](#). This metric only provides overall seizure statistics, so while it remains useful, it can be impacted by outside variables and is not a good direct proxy for enforcement effectiveness. The best use of the data may be for comparing seizures at and between ports of entry, which demonstrate that most hard drugs are intercepted at ports by OFO rather than between them by Border Patrol. This indicates that those smuggling narcotics are most often legal immigrants and U.S. citizens rather than irregular migrants and asylum seekers. [Latest data](#).

- **Cocaine seizure effectiveness rate.** This data, released annually but on a two-year delay in the DHS Border Security Metrics report, provides the amount of cocaine seized at land ports of entry compared to the total estimated flow of cocaine through land ports of entry. Estimated flows of cocaine are provided by the Defense Intelligence Agency. This metric provides an interdiction rate, which is the most effective proxy for determining the efficacy of security efforts. However, the data is only available for cocaine, is not released on a timely basis, and may be less precise than other metrics given the difficulty in estimating overall flows of cocaine at land ports. While incomplete, this rate does provide some insight into CBP's overall illicit drug apprehension rate. [Latest data](#).

### **Key data we still need to better understand the security challenge:**

- **Expanded, timelier estimates of seizure effectiveness rates.** To best measure security outcomes, we need seizure effectiveness rate metrics for additional types of drugs beyond cocaine — particularly opioids. And these estimates should be released in a timely manner. This data would help clarify the volume of drugs crossing the border without detection and the effectiveness of security and screening efforts.





- **Regular reporting of vehicle screening rates at ports of entry.** While [most drugs](#) are smuggled through land ports of entry, regular data is not published about the use or effectiveness of various vehicle screening mechanisms to detect drugs. This data would clarify improvements in deployment of detection technology at the locations where we know large amounts of drugs are being smuggled.

### Attainable benchmarks:

- **Increase percentage of private and commercial vehicles screened for narcotics.** Data on the volume of vehicle screenings at ports of entry has only been reported sporadically. [FY 2020 data](#) indicated that just 2% of private and 15% of passenger vehicles were screened with non-intrusive inspection (NII) systems at ports of entry. CBP's Office of Field Operations (OFO) has [reported](#) that the agency intends to expand this screening to at least **40%** of private vehicles and **72%** of commercial vehicles by FY 2023. This is a worthwhile and attainable goal that would represent real improvement.

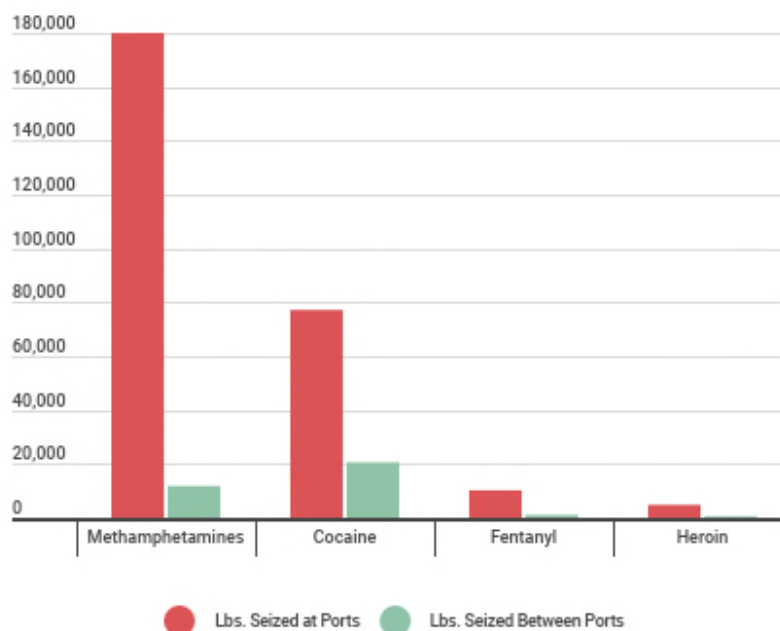
### 3. Effectively processing arriving migrants and managing cross-border trade

Metrics related to border management, asylum processing, and port of entry wait times are critical to CBP's broader strategy and relevant to border security dynamics. DHS has reported that during times of influx, Border Patrol agents can spend as much as [60%](#) of their time processing migrants that were already encountered rather than patrolling the border. Inefficiencies in border processing contribute to a more disorderly and less secure border.

### Best available metrics to understand the security challenge

- **Enforcement and processing outcomes for arriving migrants.** This data, released for the first time in 2020, tracks irregular migrants from their initial DHS encounter to their final enforcement outcome. This provides clarity on the number and proportion of arrivals who make protection claims, the number of successful protection claims, and the number of arrivals who are ultimately returned or deported. [Latest data](#).

**Chart: Drug Seizures in Fiscal Year 2021**



Source: [Drug Seizure Statistics](#)

- **Number of irregular migrants processed by Office of Field Operations at land ports of entry.**

This data, released monthly by CBP, measures how many migrants are processed at official ports each month. While this data can fluctuate month to month due to variations in the demographics of migrant arrivals and in border policy, it can provide a useful snapshot of the capacity of ports to handle and process asylum claims. Increasing processing capacity at ports would allow for more orderly asylum processing and disincentivize crossing the border unlawfully between ports. [Latest data.](#)

- **Vehicle wait times at land ports of entry.** This data, released annually in the DHS Border Security Metrics Report, provides average wait times for Commercially Owned Vehicles (COVs) and Privately Owned Vehicles (POVs) at all land ports of entry. This metric demonstrates how effective ports are at facilitating cross-border trade and travel, and it allows for the precise understanding of how increased security screening or asylum processing might impact overall efficiency at ports. [Latest data.](#)

- **Asylum and immigration court backlog.** This data, released by U.S. Citizenship and Immigration Services (USCIS) and by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University (which obtains records from the Executive Office of Immigration Review through Freedom of Information Act requests), provides more information about the wait time for

protection claims and removal proceedings. This data quantifies the impact of efforts to streamline asylum processing and clarifies the need for additional personnel and resources in immigration courts. Latest data [here](#) and [here](#).

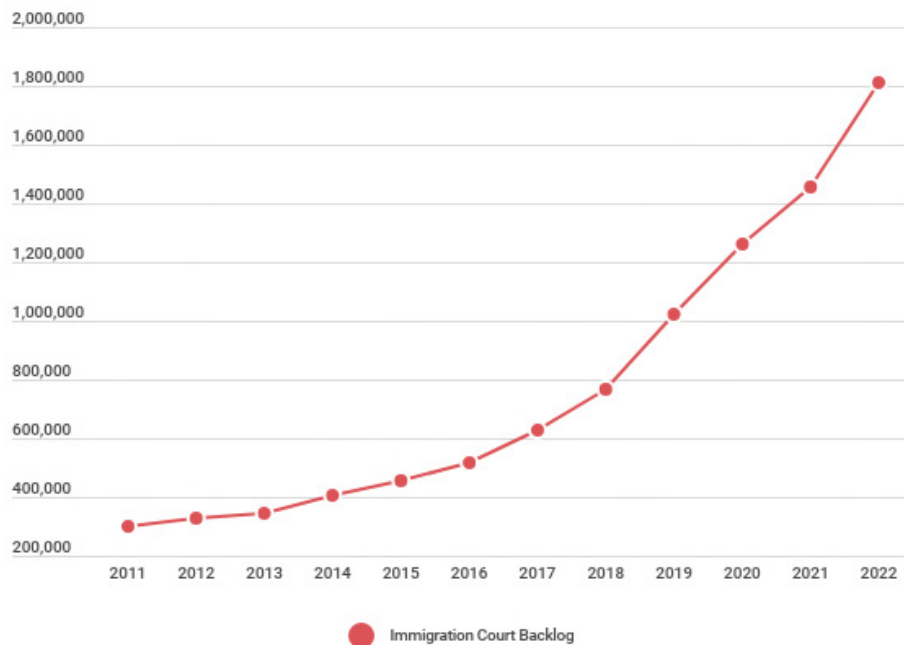
## Key data we still need to better understand the security challenge

- **Capacity of CBP and HHS facilities used to house and process migrants.** DHS and HHS infrequently have [released](#) data on current capacity levels when releasing [information](#) about efforts to improve capacity at border facilities . Releasing such current capacity data on a regular basis would be critical to understanding the challenge CBP faces when responding to migration influx events, specifically determining needed levels of resources and personnel to handle processing.
- **More regular reporting on processing outcomes and timelines.** Although the Enforcement Lifecycle Report released 18 months ago provided better data on processing outcomes than previously made available, operational challenges at the Office of Immigration Statistics have apparently prevented an updated version from being released. And the Enforcement Lifecycle Report that was released lacked data on the length of time migrants spend in various CBP or HHS facilities and on the length of time processing and removing individuals through [expedited removal](#) and other rapid procedures. More regular (and improved) releases of data on outcomes and timelines would allow for better accounting of processing inefficiencies.

## Attainable benchmarks

- **Maintain and improve upon asylum processing capacity and timeliness benchmarks.** More effective and orderly border management and asylum processing would allow CBP personnel to focus on other security efforts. It would help ensure children and other vulnerable migrants in custody receive proper care. It also would help facilitate a clear and orderly process for those with protection claims, ensuring grants or denials of protection happen expeditiously. This would address concerns that the lengthy and backlogged immigration adjudication system serves as a pull factor encouraging migrants to travel to the border.
- **Maintain or improve vehicle wait times at land ports of entry.** As CBP increases security efforts at ports of entry, it should take steps to ensure that additional screening does not lead to lengthier wait times. CBP should calibrate personnel levels and prioritize needed infrastructure improvements to support this. Commercially Owned Vehicle (COVs) and Privately Owned Vehicle (POVs) wait times should not exceed their five-year averages at each respective port of entry.

**Chart: Immigration Court Backlog Over Time**



Source: [Transactional Record Access Clearinghouse](#)



#### 4. Preventing the entrance of terrorism threats

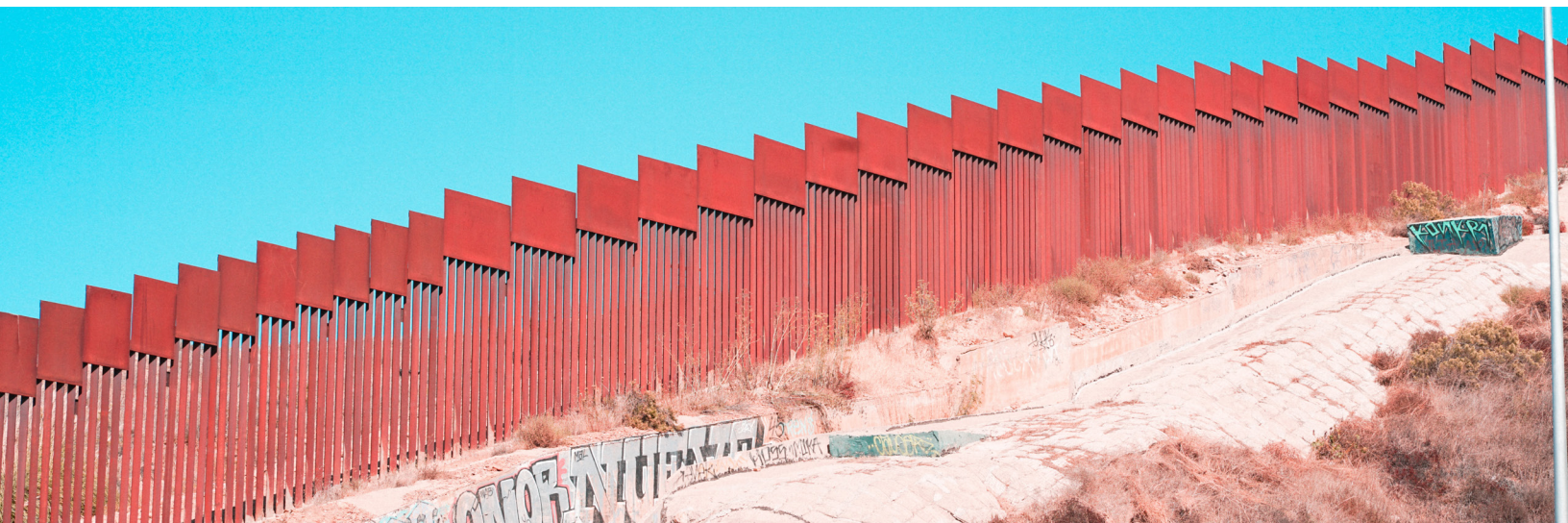
While the border has not been a site of significant terrorism-related security threats (as the metrics below demonstrate), CBP should [continue to prioritize](#) preventing terrorists and their weapons from entering through land ports of entry.

Discussion of terrorism threats at the border has [at times obscured](#) other important security concerns (including domestic terrorism and the entrance of terrorism suspects at international airports —both of which pose more significant threats).

Communicating effectively to the public about this issue is paramount. Better metrics and data will help CBP do that more effectively.

#### Best available metrics to understand the security challenge:

- **Terrorist screening database encounters.** This data, released by CBP, provides monthly CBP encounters of individuals on various terrorism watchlists collected by DHS and the intelligence community. As critics [have noted](#), the watchlist is flawed, representing a very broad master list that includes not only anyone suspected of terrorism-related activities or their affiliates, but also smaller sub-lists for individuals deemed to pose a higher risk (such as the [No Fly List](#) and the “[selectee](#)” list). Despite the limitations of this broader list — with only a [small number](#) of the names on it likely to pose any threat — its use does shed some light into how effectively intelligence and screening processes are functioning at the border.
- **Percentage of watch-listed individuals among total Border Patrol encounters.** This data, released monthly by CBP, provides the percentage of all Border Patrol encounters that raise flags on terrorism screening databases. This data can be used to provide a rough estimate of the proportion of the “got aways” population that might be on the watchlist. [Latest data](#).



**Key data we need to better understand the security challenge:**

- **Overall encounters of people suspected of terrorism-related activities and other watch-listed individuals.** FY 2017 is the latest year we have [complete data](#) for encounters of watch-listed individuals. During that year, Border Patrol encountered a total of two (2) watch-listed individuals between ports of entry. During the same year, CBP and other agencies encountered 3,752 watch listed individuals at airports and in the interior. This data would indicate where those on the watch-list are likely to enter the country and allow DHS and intelligence agencies to better understand the security threat and prioritize resources.

**Attainable benchmarks:**

- **Increase data collection and maintain status quo.** According to the most recent available data, [92%](#) of federal encounters of people suspected of terrorism-related activities and watch-listed individuals occurred at international airports and in the interior, not at the border.

**Table: Encounters of Individuals on Terrorism Watchlist (FY 2017)**

Border Patrol Encounters (Between Ports)	2
OFO Encounters (Ports of Entry)	333
Nonborder Encounters (Airport/Interior)	3,752

## ***PART III: Policy Recommendations***



- 1. Provide more resources to the DHS Office of Immigration Statistics (OIS) and expand its authority.** The best way to understand the challenges we face at the border is through the timely and public release of representative metrics. Through releases like the Border Security Metrics Report and the Enforcement Lifecycle Report, OIS is one of the few places where policy makers and the public can obtain a comprehensive, quantitative understanding of what is happening at the border. But the office is under-resourced, does not own any of its own data, and lacks capacity to release many important metrics in a timely manner. The administration should bolster OIS so that it can release existing reports in a timely manner and develop additional important border metrics, working with Congress to obtain needed resources and congressional authorization of the agency via legislation.



- 2. Use existing and newly-created border metrics to inform policy decisions and border policy discussions.** Our current border policy conversation lacks nuance and specificity, and too often relies on illogical and imprecise terminology that makes constructive reforms difficult. As we get more and better information about border security and management challenges, it is imperative for policymakers, the administration, and other commentators to use and reference those metrics to build a healthier border dialogue.



- 3. Clarify border security goals and tie border funding and pilot programs to clear, evidence-backed outcomes.** The federal government has devoted billions and billions of dollars to border security efforts in recent decades, but the impact of that funding remains unclear. Part of the problem is that statutory border security mandates are imprecise and unfeasible, leading to seemingly endless sums spent on the Sisyphean task of preventing “all” unlawful entrants. Policymakers should work to better define border security and to incorporate metrics-based outcomes in future funding efforts.



## Conclusion

After more than a decade, the 2011 Alden and Roberts [statement](#) remains true: The administration, Congress, and others have largely failed to “clearly define what border security means in practice,” and their inability to talk about the border effectively has blocked productive reform for the entire immigration system.

Absent of clarity – agreed-upon, objective, official or statutory definitions – many policymakers misclassify all migrants as security threats, preventing real border challenges and security concerns from being addressed effectively.

But there has been significant progress in the last decade in the realm of [data collection](#) and [metric development](#). While reporting has, at times,

been delayed and inconsistent, federal authorities have been providing more and better access to information that adds nuance and specificity to the border policy conversation. The data now exists to clearly define the security threats and management challenges that we do (and do not) face at the border.

Building on this progress by relying on these metrics and reporting, policymakers should work to further improve and expand on them, helping build a healthier border dialogue. By setting agreed-upon definitions and improving data-collection, metrics, and reporting, policymakers can create a more effective border policy centered around attainable benchmarks.

