

Immigration and National Security

by Jan C. Ting

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The greatest threat to U.S. homeland security comes from illegals who enter the country through its porous borders in order to attack. The tide of illegal immigration must be stemmed in order to secure the United States against terrorism. It is all too easy for illegal immigrants to slip in beneath the radar, eschewing the legalization process and never being detected and deported. And as long as the benefits of illegally immigrating outweigh the costs, the influx will continue. Legal immigration itself needs reform, too; particularly the visa-waiver program and the rules governing dual citizenship, which pose further security challenges. Federal government officials must overcome their fear of alienating ethnic voters and American business, enhance border security, and reform the nation's immigration policies.

The July 7, 2005, terror bombings in London and additional terrorist attempts there since then have brought new attention to the Islamist threat. They also highlighted the striking difference between U.S. and European concerns over the Islamist threat. In Europe, the greatest concern is the threat from its own resident immigrant population—particularly the young second and third generations, born in Europe. In the United States, the greatest concern is not its own population, but the threat of those sent from abroad to attack America.

Europe is now paying the price for open borders, past and present non-enforcement of immigration laws, and overly generous asylum policies. Despite government efforts to integrate Muslims, Europe's high-tax, high-unemployment, and high welfare-benefits economic model has led to alienation among Europe's growing Muslim minority and a lack of economic and cultural integration.¹ With acts of violence from Muslim citizens in Europe increasing in number and scale, many Europeans feel that the Islamist threat needs to be addressed at home, not in Iraq.

¹ See Robert S. Leiken, "Europe's Angry Muslims," *Foreign Affairs*, July/Aug. 2005; Zachary Shore, "Can the West Win Muslim Hearts and Minds?" *Orbis*, Summer 2005.

But four years after 9/11, America's national borders remain open and uncontrolled. Our government seems unconcerned about this, even as it spends billions of dollars and thousands of lives in Iraq and Afghanistan fighting terrorism, and even as it worries about protecting the nation's ports, power supply, mass transit, and every other possible target against terrorist threats. The border with Mexico poses particular problems, but so too do our visa-waiver program and our rules governing dual citizenship.

Illegal Immigration

The Pew Hispanic Center reported in September 2005 that illegal immigrants now outnumber legal immigrants to the United States.² Every night, thousands of foreigners covertly enter the United States, and we have little idea who they are. Those we do intercept provide us with an idea of how many are illegally crossing the borders to enter the United States. The official estimate is that the U.S. Border Patrol apprehends 1 out of every 4 illegal border crossers.³ But current and former Border Patrol officers say that the ratio of those intercepted is much lower—probably more like 1:8 or 1:10. The number getting in is always many times higher than the number of those who are apprehended. And because of the immigrants' remittances of U.S. dollars back to their home country, Mexico in particular has been supportive of its citizens who choose to enter the U.S. illegally.⁴

Table 1 shows Border Patrol apprehensions for fiscal years (ending September 30) 2000–05. The total number of apprehensions was highest in 2000 and then declined over the next three years, following 9/11. It then rose again in 2004 and 2005, after President Bush announced his proposal for guest-worker amnesty in January 2004. Apprehensions along the southern border make up about 97–98 percent of total apprehensions. Most of those apprehended near the United States' southern border are Mexicans, but there are also numerous “Other than Mexicans,” or OTMs.

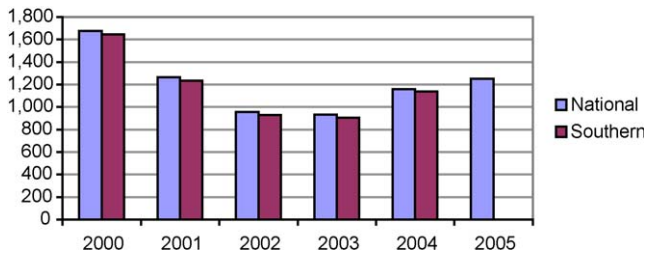
As Mexicans have known for years, the border is wide open, and anyone who wants to can easily enter the United States covertly. According to research by Wayne Cornelius of the Center for Comparative Immigration Studies at the University of California–San Diego, 92 percent of Mexicans

² Stephen Ohlemacher, “Report: Illegal Immigration has Increased,” AP, Sept. 27, 2005.

³ Sen. John McCain (R-Ariz.) stated that the Border Patrol apprehends only one out of four or five illegal entrants on CNN's *Lou Dobbs Tonight*, June 17, 2004. Video clip available at www.americanpatrol.com.

⁴ “Mexicans Send Record \$20B South of the Border,” *NewsMax.comWires*, Apr. 19, 2005.

Table 1. U. S. Border Patrol Apprehensions, Fiscal Years 2000–05⁵ (in thousands)



seeking to enter the United States illegally eventually succeed.⁶ Even children can easily enter. The *New York Times Magazine* reported in 2003 that the Border Patrol has also apprehended unaccompanied Mexican children as they were brought into the United States by smugglers to join parents who were already in the country illegally.⁷ The children were processed and returned to Mexico, but by the time the article was published, all the children it had followed had successfully entered the United States and been reunited with their illegal alien parents.

Importantly, the number of OTMs apprehended near the southern border has been clearly and dramatically increasing since 2000, from 28,598 that year to 65,814 in 2004 and 100,142 in the first eight months of fiscal year 2005 alone. What happens upon apprehension is very different for OTMs than for Mexicans, who can be immediately returned to Mexico in what is described as “voluntary departure.” In the case of adult Mexicans, U.S. authorities simply take them back to the border (fully expecting to see them again). But the Mexican government does not allow the United States to send OTMs back into Mexico. This is perhaps understandable. No country would want other countries sending it their unwanted third-country nationals. But since these OTMs clearly entered the United States through Mexico, Washington might usefully and legitimately put some diplomatic pressure on Mexico City either to take the OTMs back or to prevent their entry into Mexico in the first place.

⁵ 2005 annualized from data for first eight months of the year. Source for OTM and 2005 statistics: Associated Press, “‘Other Than Mexican’ Migrants Routinely Released,” *Tucson Citizen*, July 5, 2005. Source for 2004: Gentry Braswell, “Agency’s Illegal Immigrant Apprehensions Continue to Rise,” *Sierra Vista Herald*, July 1, 2005. Source for 2000–2003: U.S. Border Patrol fax, July 28, 2004, available at www.theamericanresistance.com. It is remarkably difficult to gather official data on border apprehensions. Many searches on Department of Homeland Security websites lead to a Freedom of Information Act request form, which suggests that the government has the data but is unwilling to provide it without an FOIA request. To observe the absence of recent enforcement statistics on government websites, see <http://uscis.gov/graphics/shared/statistics/index.htm>.

⁶ Quoted by John M. Broder, “With Congress’s Blessing, a Border Fence May Finally Push Through to the Sea,” *New York Times*, July 4, 2005.

⁷ Ginger Thompson, “Crossing with Strangers,” *New York Times*, Nov. 3, 2003.

An OTM has to be scheduled for a hearing with an immigration judge, who can issue a removal order. A scheduled immigration hearing may be days, or more likely weeks, later, and even if a removal order is issued, the alien has statutory rights to appeal administratively to the Board of Immigration Appeals, and if that fails, to the federal courts. The U.S. government therefore has a dilemma. It can either detain the alien until the hearing (and, if a removal order is issued, until all appeal rights are exhausted, to ensure the alien's removal), or it can release the alien on his "own recognizance," and hope that the alien will voluntarily appear for the scheduled hearing and, if ordered removed and after exhausting all appeals, voluntarily appear for deportation.



A U.S. Border Patrol vehicle travels along the International border of Mexico, May 27, 2004, in Douglas, Ariz. (AP/Wide World Photos)

Because the government has only authorized and funded a small number of detention spaces (a total of 19,444 in 2004, with another 1,950 added in May 2005),⁸ increasing numbers of OTMs are released on their own recognizance. While fewer than 6,000 OTMs were released on their own recognizance in each of 2001 and 2002, that number increased to 7,972 in 2003, jumped to 34,161 in 2004, and already numbered 70,624 for the first eight months of fiscal 2005. The failure-to-appear rate at one immigration court near

⁸ AP, " 'Other Than Mexican' Migrants."

the southern border, in Harlingen, Texas, is 98 percent.⁹ A removal order is typically issued in absentia for those who fail to appear. When the statutory appeal rights all expire, the names are added to the list of alien “absconders” who have actually been caught by the government, ordered removed by an immigration judge, and exhausted all their appeal rights, but are still in the country anyway. The list of such absconders is now 465,000 and growing, out of a total illegal alien population of 8 to 12 million, per a December 2003 estimate by Tom Ridge, then Secretary of Homeland Security. Lou Dobbs of CNN, among others, uses 20 million as a more realistic number.¹⁰

The release rate for apprehended OTMs is now so high, Border Patrol agents report that instead of hiding from the authorities, illegally entering OTMs actually seek them out in order to obtain the document charging them with illegal entry. They call this “Notice to Appear,” which informs them of the date and place of their scheduled hearing before an immigration judge, a *permiso*; some agents call it a “Notice to Disappear,” since that is what it permits them to do. If illegal immigrants are challenged while moving deeper into the United States from the border, they can produce the document to show that they have already been apprehended and charged and have scheduled appointments before immigration judges.¹¹

The overwhelming majority of the millions of illegals, and even of the absconders, are not terrorists. But the sea of incoming illegal aliens provides a cover and a culture in which terrorists can hide, and a reliable means of entry. We need only recall that the Madrid train bombers resided easily in Spain (some came from Morocco, where Spanish is widely spoken) to appreciate that many Islamist terrorists are fluent in Spanish. Border Patrol apprehension figures show that among the OTMs apprehended in 2004 and 2005 were hundreds of persons from 35 “special interest” countries, almost all of which are Muslim. They include Afghanistan, Egypt, Iran, Iraq, Lebanon, Saudi Arabia, Somalia, Sudan, Syria, and Yemen; the number-one country in the group, with the largest number of aliens apprehended, is Pakistan. Again, these are just the apprehensions: for every alien apprehended entering the United States illegally, an estimated 3 to 9 others succeed.

Another threat to national security is presented by the significant number of violent criminals who are able to enter the U.S. illegally. In Los Angeles, two-thirds of all outstanding fugitive felony warrants, and 95 percent

⁹ Cited in Jerry Kammer, “Loophole to America,” *San Diego Union-Tribune*, June 4, 2005.

¹⁰ AP, “‘Other Than Mexican’ Migrants”; U.S. Border Control website, www.usbc.org; “Ridge’s Immigration Remarks Draw Fire,” *NewsMax.com Wires*, Dec. 11, 2003, at www.newsmax.com; transcript of “Lou Dobbs Tonight,” Mar. 2, 2005, at <http://transcripts.cnn.com>. Roben Farzan, “Urban Migrant,” *New York Times*, July 20, 2005, notes that the Pew Hispanic Center estimates 10.3 million immigrant workers in the United States. See also U.S. Border Patrol Local 2544 website, www.local2544.org.

¹¹ Kammer, “Loophole to America.”

of outstanding fugitive homicide warrants, are for illegal aliens.¹² The Mexican government refuses to extradite its criminals to the United States, where they would face the death penalty, because the Mexican constitution does not permit capital punishment. In October 2001, the Mexican Supreme Court ruled that life imprisonment also violates the Mexican constitution.¹³ So illegal aliens committing serious crimes in the United States, including the murder of police officers (for example, Los Angeles County deputy sheriff David March, who was shot to death in 2002 during a routine traffic stop) can and do seek refuge in Mexico, from which extradition is impossible unless U.S. prosecutors agree to seek only a determinate sentence. California prosecutors estimate that as many as 360 individuals who have committed murder or other serious crimes in the state have not been extradited. An estimated 60 fugitives charged with or wanted for murder in Los Angeles County are believed to be at large in Mexico.¹⁴

Political Gap

The main barrier to tightening the border is the absence of political will to take any effective action to stem the tide of illegal immigration. On no other issue is the gap wider between the views of ordinary Americans, who overwhelmingly want to see the uncontrolled influx of illegal aliens halted, and those of the national political elite of both parties, who overwhelmingly feel that nothing can or should be done about our porous borders.¹⁵

Politicians are pressured on two fronts when it comes to addressing the illegal alien population. First, American business, which is an important source of campaign funds, counts on plentiful, cheap labor. Illegal immigration serves its need, and also helps keep the wages of competing American and legal resident workers in check. And illegal immigrants offer revenue opportunities to many other businesses. Some U.S. banks are even granting mortgages to illegal immigrants.¹⁶ The other major influence on politicians is electoral: the

¹²“In Los Angeles, 95 percent of all outstanding warrants for homicide (which total 1,200 to 1,500) target illegal aliens. Up to two-thirds of all fugitive felony warrants (17,000) are for illegal aliens.” Heather MacDonald, “The Illegal Alien Crime Wave,” *City Journal*, Winter 2004, www.city-journal.org.

¹³Kate O’Beirne, “Like a Good Neighbor? Mexico and Its Refusal to Extradite,” *National Review*, Feb. 9, 2004.

¹⁴Ibid.

¹⁵See Roy Beck and Steven A. Camorata, “Elite vs. Public Opinion: An Examination of Divergent Views on Immigration,” *Center for Immigration Studies* Backgrounder, December 2002, at www.cis.org. “The results of [a Chicago Council on Foreign Relations] survey indicate that the gap between the opinions of the American people on immigration and those of their leaders is enormous. The poll found that 60 percent of the public regards the present level of immigration to be a ‘critical threat to the vital interests of the United States,’ compared to only 14 percent of the nation’s leadership—a 46 percentage point gap.”

¹⁶See “Chicago: Banks Allow Mortgages to Illegal Immigrants,” *Realtor Magazine*, Dec. 10, 2003, www.realtor.org.

fear that any action to restrict illegal immigration will create a backlash among the growing number of ethnic voters. However, this fear may be misplaced. It is precisely those who have recently immigrated legally to the United States who feel most keenly the competition from illegal alien labor and the impact of that competition on their own wages. But the two considerations, business and political, act together to maintain a political majority in favor of doing nothing to effectively curb illegal immigration.

This pro-illegal alien coalition works in interesting ways. In 2004, following some worksite raids in Los Angeles by the Immigration and Customs Enforcement bureau of the Department of Homeland Security, rumors spread that more raids were coming. Businesses complained that their workers were afraid to come to work, and political activists attacked any immigration enforcement actions as inherently racist. In response, Asa Hutchison, then DHS's undersecretary for border security, announced that there would be no more worksite raids and stated that ending racial profiling was a DHS priority.¹⁷

President Bush's plan for immigration reform is a guest-worker program that would allow illegal aliens in the U.S. to obtain legal status if they can find a job. Business interests thought this was a fine idea when it was announced in 2004, and for pro-illegal alien activists it was better than nothing. But it amounts to amnesty for illegal aliens, as would any proposal that rewards illegal aliens who have violated our statutes, disadvantaging foreign nationals who have respected our immigration laws by waiting their turn to immigrate legally to the United States. Millions of fully qualified would-be legal immigrants have remained in their home countries pending approval to legally live and work in the United States. Some have been on a waiting list for legal immigrants for twenty years or more. Rewarding illegality makes those who respected and complied with our immigration laws appear foolish.

Congress did the same thing with the last large-scale amnesty of illegal aliens, in 1986, when it thought the adoption of employer sanctions—punishment for those who employ illegal aliens—would put an end to illegal immigration. In order to qualify for the amnesty, aliens had to prove they were in the United States in violation of our immigration laws. Those who had kept their student and work visas current were out of luck. Because they had respected U.S. laws, they were ineligible for the amnesty. Only those who had flaunted the laws were given legal status and the right to become American citizens. Nor did employer sanctions work, because the law was written so as to protect employers, requiring only the most superficial efforts at compliance, and also because there was no enforcement.

A month after President Bush's announcement of his guest-worker amnesty proposal, more than half of the aliens being apprehended in the San Ysidro sector of the border near San Diego, and 90 percent in South Texas,

¹⁷ Heather MacDonald, "Homeland Security? Not Yet," *City Journal*, Autumn 2004, www.manhattan-institute.org.

were reporting to the Border Patrol that they were coming in order to get amnesty. Washington thereafter ordered Border Patrol to stop collecting this information.¹⁸ Indeed, Washington seems determined to prove that nothing can be done to tighten our borders. According to Border Patrol sources, the Border Patrol was ordered in May to stop arrests of illegal aliens along the Arizona border. The Minuteman Project, an anti-illegal immigration group of volunteers, had conducted a one-month patrolling campaign in April, and Washington did not want the number of arrests to show an increase after it ceased.¹⁹

While it will be difficult to secure our entire 2,000-mile long southern border, there is plenty that we could do if only we had the political will to do so. We can put more people on the border, either using volunteers like the Minutemen, or using the U.S. Army Reserve and the border states' National Guards. We can resume worksite raids to arrest illegal aliens. And we can make employer sanctions work. A few years ago a pilot project was carried out to see whether employers would comply with a requirement to verify that a prospective employee's social security or other work authorization number presented by the alien was in fact a legally issued number. The project had good results but was never made mandatory. Today it might be done through the Internet, to be even faster and less burdensome for employers.²⁰

But the most effective thing that could be done is to change the cost/benefit calculation of aliens considering illegal entry to the United States. The poor are as capable as anyone of determining what is in their best interests. If we allow the situation to continue where the benefits of illegal entry into the U.S. are large, with plentiful job opportunities available to illegal aliens, while the risks of apprehension and deportation are low, potential border-crossers will make the same decision that anyone would make in their position. We cannot blame them for coming to the United States illegally in all the circumstances: they are making rational decisions which we might also make if we were in their shoes.²¹ The blame for illegal immigration properly belongs

¹⁸ Matt Hayes, "Bush Amnesty Sparks Surge in Border Crossings," *Fox News*, Feb. 19, 2004. See also William Branigan, "Bush Proposal Prompted Surge in Illegal Immigrants," *Washington Post*, June 28, 2005, and the Judicial Watch Special Report, "U.S. Border Patrol Survey Analysis," June 28, 2005, at www.judicialwatch.org.

¹⁹ Jerry Seper, "Border Patrol told to stand down in Arizona," *Washington Times*, May 13, 2005.

²⁰ For a discussion of these pilot programs, which Congress mandated in 1996 and which were evaluated by a Congressional committee as "far superior to the current program," see Thomas Alexander Aleinikoff, David Martin, and Hiroshi Motomura, *Immigration and Citizenship: Process and Policy*, 5th ed. (Thomson-West, 2003), pp. 1150–51.

²¹ See Miriam Jordan, "Convoy to Tennessee brings Immigrants to Shelter After Storm," *Wall Street Journal*, Sept. 19, 2005, for an account of how illegal immigrants displaced from New Orleans by Hurricane Katrina quickly found work in other states, so that they could continue the remittances home on which their families rely.

on U.S. political leaders, who enable and protect the flow of illegal aliens into the United States.

Defenders of the status quo try to blur the distinction between legal and illegal immigration, calling opponents of illegal immigration “anti-immigrant.” This misleads some people, who are mindful that we are in fact a nation founded upon immigration. Every American is either an immigrant or the descendent of ancestors who came here, or were brought here, from somewhere else. That includes Native Americans. Our legal immigration system is appropriately the most generous in the world, admitting each year 1 million legal permanent resident immigrants with a clear path to full citizenship, more than all the rest of the nations of the world combined.²² It is more than possible to champion legal immigration while advocating restrictions on illegal immigration, and even those seeking changes to our legal immigration system can see that addressing the problem of illegal immigration must come first in order to give legal immigration meaning.

The Visa-Waiver Program

Prior to 1986, the United States required visas of nearly all foreigners traveling to the United States, the exceptions being Canadians and Mexicans with border-crossing cards. To obtain a U.S. visa, a foreigner was required to apply for one at a U.S. consulate abroad, submitting his or her foreign passport, which allowed inspection of the passport to determine whether it was counterfeit or stolen, and an opportunity to ask questions before issuing a visa, or withholding a visa in appropriate cases. To board an airplane headed to the United States, a foreign national had to show a U.S. visa in his or her passport.

But in 1986, the U.S. Congress enacted a reciprocal visa-waiver program to allow the citizens of certain favored countries, mostly in Europe and now numbering 27, to enter the U.S. for up to 90 days without a visa, and vice versa.²³ (In order for a country to be eligible for the program, the refusal rate for nonimmigrant visas for its citizens cannot exceed 3 percent.) Visa-waiver entrants may board an airplane to the United States merely by showing their passport. Visa waiver had long been sought by the U.S. tourism industry and by the airlines, and was also supported by the U.S. State Department, the

²²In recent years, about one-third of immigrants have come from Asia, one-third from Central and North America, and one-third from other regions of the world, including Europe, Africa, South America, and Oceania. See Nancy F. Rytina, “U.S. Legal Permanent Residents: 2004,” June 2005, Homeland Security Office of Immigration Statistics, at <http://uscis.gov/>.

²³The 27 countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

staff of which was freed from having to process visa applications. (Visa-waiver entrants have lately numbered around 13 million per year.)

Who else was able to enter the United States without a U.S. visa using visa waiver? Zacarias Moussaoui, sometimes referred to as the 20th hijacker, entered the U.S. before 9/11 by showing his French passport. Moussaoui, who was arrested while taking lessons in Minnesota on flying a commercial airplane, admits to being an Al Qaeda agent. Richard Reid, the “shoe bomber,” was able to board an airplane headed for the United States without a U.S. visa by showing his British passport. And one of the 1993 World Trade Center bombers, Ramsi Yusuf, was able to enter the U.S. through visa waiver after presenting a counterfeit European passport.

One might think that after 9/11, the visa-waiver program would have been eliminated. But its supporters swung into action to defend the program. At House Judiciary Committee hearings held in February 2002, witnesses testified that 9/11 changed nothing and that the case for visa waiver was as sound as ever. The number of entrants intent on mass murder who had entered the United States under visa waiver was declared to be statistically insignificant, and persons deemed unacceptable upon inspection on arrival could always be turned away. But how would this latter mechanism help against someone such as Reid, who boarded with the intent of blowing up the airplane?²⁴

Congress tried to demonstrate concern by requiring better passports of visa-waiver applicants. The USA Patriot Act required that by October 2003, visa-waiver applicants present machine-readable passports, but implementation was delayed until June 26, 2005. Deadlines for additional requirements under the Enhanced Border Security and Visa Reform Act of 2002 have been extended to October 26, 2005, for inclusion of a digital photo, and to October 26, 2006, for new passports issued by visa-waiver countries to be e-passports equipped with integrated computer chips capable of storing other biometric information.²⁵ It is not clear, however, how these passport requirements mitigate the national security threat presented by visa waiver.

Especially since the London bombings and with our growing awareness of the large Islamic populations in Europe qualifying for visa waiver, commentators have begun to note the danger visa-waiver presents, since it permits entrants from nations known to have populations of Islamist terrorists, such as Spain, Germany, France, and the UK. But observers often conclude that nothing can be done because ending visa waiver and reverting to pre-1986 visa requirements would adversely impact the airline and tourist industries and

²⁴ See Jan C. Ting, “Close the Visa Loophole,” *National Law Journal*, Jan. 28, 2002; Jan Ting, “Immigration Law Reform After 9/11: What Has Been and What Still Needs to Be Done,” *Temple International & Comparative Law Journal*, Fall 2003, p. 503.

²⁵ “DHS Releases Guide to Passport Rules for Visa Waiver Program,” PR Newswire, July 19, 2005.

burden our State Department with visa applications.²⁶ Washington's consensus on visa waiver is the same as it is on our porous border: nothing can be done.

Indefinite Permanent Residence and Dual Citizenship

When a legal immigrant is admitted to the United States, he or she becomes a legal permanent resident (LPR) and receives what is commonly referred to as a green card. Typically, after five years of residence, LPRs become eligible for U.S. citizenship, and it has always been U.S. policy to encourage them to apply for citizenship and to naturalize. Doing so is not required, however, and perhaps it should be. The current policy allows millions of non-citizens who owe no loyalty to the United States to reside and work here permanently. A limitation on the duration of LPR status, perhaps to five years or as long as a citizenship application is pending, would encourage and facilitate the assimilation of immigrants.

Current U.S. policy actually encourages dual citizenship and the divided loyalty that comes with it. Unless U.S. citizens explicitly give up their citizenship, they may vote in foreign elections, serve in a foreign army hostile to the United States, or take an oath of allegiance to a foreign power—even if that oath includes a renunciation of all other loyalty—without relinquishing their U.S. citizenship. Under current law, many benefits flow from dual nationality. These include the ability to carry and travel on two different passports, to work freely in each country without specific authorization, and to transmit dual citizenship to one's children. Although the Supreme Court has ruled that U.S. citizenship may not be involuntarily removed if a citizen intends to retain it,²⁷ Congress could legislate and State Department give appropriate notifications that certain specified actions inherently express a citizen's intent to relinquish U.S. citizenship.

Conclusion

The illegal immigrant himself or herself is not primarily to blame for the tide of illegal immigration which conceals and facilitates the presence of

²⁶ Visa Program Could Open U.S. Door to Terrorists," Gannett News Service, *Tucson Citizen*, July 22, 2005; James Jay Carafano and Richard Weitz, "Building the Alliance for Freedom: An Agenda for Improving and Expanding the Visa Waiver Program," Heritage Foundation Backgrounder #1850, May 6, 2005, www.heritage.org; and Robert S. Leiken, "Europe's Mujahideen: Where Mass Immigration Meets Global Terrorism," Center for Immigration Studies, Apr. 2005, www.cis.org.

²⁷ *Afroyim v. Rusk*, 387 U.S. 253 (1967). For the excessively lenient State Department interpretation of this ruling, see the Department's 1990 statement of evidentiary standards quoted in Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, pp. 142–3.

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those hostile to our national security and interests. The problem continues to be the lack of political will among our leaders in Washington to recognize and respond to the flaws in our immigration system. Concerned citizens who have already written multiple letters to their elected representatives should consider running for elected office themselves on an anti-illegal immigration platform. They don't have to win, but only use the occasion to get politicians to see that their inaction on immigration reform could affect the results on election day.

