



# America's federal immigration system fails but one state succeeds

**Matt A. Mayer**

April 7, 2016 9:47 am | *AEIdeas*

Over the last few weeks, several news reports have made it clear that America's immigration system simply isn't working well and needs to be fixed. From our legal immigration system to the activities surrounding illegal immigrants, little seems to be headed in the right direction. These systemic failures are bad enough in normal times, but during a presidential election year, these problems feed into the heated rhetoric and soundbites of presidential candidates, which rarely ends with good policy outcomes.



([http://www.aei.org/wp-content/uploads/2016/04/RTSDSKJ\\_us\\_mexico\\_border-e1460036605755.jpg](http://www.aei.org/wp-content/uploads/2016/04/RTSDSKJ_us_mexico_border-e1460036605755.jpg))

Residents near the fence marking the border between Mexico and the US, Ciudad Juarez, Mexico April 5, 2016. REUTERS/Jose Luis Gonzalez.

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For legal immigrants, the US Citizenship and Immigration Services' (USCIS) system for providing online benefits and services doesn't really work. As the Inspector General for the US Department of Homeland Security found in a [recent study](https://www.oig.dhs.gov/assets) (<https://www.oig.dhs.gov/assets>

[/Mgmt/2016/OIG-16-48-Mar16.pdf](#)), “to date only two of approximately 90 types of immigration benefits and services are available for online customer filing.” Even worse, “USCIS now estimates that it will take three more years — over four years longer than estimated — and an additional \$1 billion to automate all benefit types as expected.” Shockingly, DHS Inspector General [John Roth told Congress](#) (<https://ca.news.yahoo.com/study-finds-u-visa-security-weaknesses-system-slow-161020107.html>) that the system was “more suited to an office environment from 1950 rather than 2016.”

Without a functioning system, America's visa programs could allow terrorists or criminal elements into the US.

On the border itself, [disciplinary and corruption issues are widespread and improperly dealt with by supervisors](#) (<http://www.latimes.com/world/mexico-americas/la-na-border-patrol-abuses-20160314-story.html>). The report concluded that:

[C]orrupt Border Patrol agents “pose a national security threat” by failing to protect the country from the threat of international terrorism. Cartels and other groups “attempt to target, recruit and corrupt law enforcement personnel who then can facilitate the smuggling of drugs and people and other criminal activity.” “Such corrupt officials can assist the cartels by providing intelligence and facilitating the movement of large amounts of contraband across our borders and into our country.”

Along with corruption issues, the border remains insecure in many places. The failure of US Customs and Border Protection to secure the border is so severe that [ranchers who live along the border are routinely subject to kidnappings](#) (<http://www.abqjournal.com/735961/news/nm-ranchers-outraged-by-lack-of-security-at-border.html>) and other threats.

In terms of apprehending criminal illegal immigrants and ensuring they can do no more harm to Americans, a report on US Immigration and Customs Enforcement (ICE) noted that “[124 illegal immigrants released from jail were later charged in 138 murder cases](#) (<http://www.washingtonexaminer.com/ice-124-illegal-immigrants-freed-from-jail-later-charged-with-murder/article/2585720>).” It is a fact of life that a small portion of citizens and illegal immigrants will kill other human beings. When those murders happen, however, after the illegal immigrants were in custody, those deaths were clearly preventable had those individuals been deported (or never able to get to the US in the first place).

Beyond murder, the report found that in 2014, “ICE released 30,558 criminal aliens who had been convicted of 92,347 crimes,” with only 3% of those criminal aliens being deported outside of the US. In Texas, an illegal alien who hit an off-duty firefighter head-on, killing him and two of his children, was [previously deported](#) (<http://www.breitbart.com/texas/2016/04/06/previously-deported-illegal-alien-may-face-charges-for-killing-texas-firefighter-and-two-children/>) in 2008.

In another [case](#) (<http://www.foxnews.com/politics/2016/04/06/illegal-immigrants-deadly-crash-not-crime-violence-ice-says.html?intcmp=hpbt3>), an illegal immigrant, who was drunk while street racing when he killed a Nebraska woman in a car crash, wasn't detained by ICE because his offense did not constitute “a crime of violence.” He subsequently posted bond and fled.

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by the Texas Department of Public Safety (DPS). Given federal failures to secure the border, the [Texas Legislature included nearly \\$1 billion in the Texas State Budget](http://www.securityinfowatch.com/news/12179836/border-security-spending-pays-dividends-in-texas) (<http://www.securityinfowatch.com/news/12179836/border-security-spending-pays-dividends-in-texas>) for border security. As detailed by DPS head Steve McCraw:

## Department of Public Safety.

By using the additional air, water and ground assets that the Legislature funded, we have moved out interdiction efforts from the area between US 83 and the river. Before, we patrolled the areas along the river. But that took a lot of manpower, and some activity got through because we couldn't be every place at once. Now, we can optimize our resources to be where we need to be...This is Gulf Cartel territory, and just west of here is Zeta turf. Our goal is to displace (smugglers) as we go, one zone at a time, and by doing that we force them into each other's territory where they can't go.

DPS works closely with federal and local partners along the border to disrupt border activities and keep Texans safe. It is a long slog, but Texas is slowly winning the fight. In this case, state action is succeeding where the federal government fails.

**Learn more:** [What Congress should first do to improve America's security](http://www.aei.org/publication/what-congress-should-first-do-to-improve-america's-security)  
(<http://www.aei.org/publication/what-congress-should-first-do-to-improve-america's-security/>)

This article was found online at:

<http://www.aei.org/publication/americas-federal-immigration-system-fails-but-one-state-succeeds/>