

# Deporting the Undocumented

*A COST ASSESSMENT*

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By Rajeev Goyle and David A. Jaeger, Ph.D<sup>1</sup>

## **I. Introduction**

The political debate over immigration reform remains stymied over the question of illegal immigration. With an undocumented population currently estimated at more than 10 million people and growing by approximately 500,000 annually,<sup>2</sup> resolving the status of the undocumented has become the principal obstacle to achieving consensus on reform.

Most legislative proposals address the situation by providing some form of legal recognition for the undocumented.<sup>3</sup> Yet a number of people, including members of Congress, favor a more draconian solution to the problem—a severe crackdown on illegal immigration not only against those attempting to cross the border, but also the deportation of the entire undocumented population currently living in the United States. Proponents believe the federal government possesses the ability and authority to execute such a policy, but lacks only the political will.<sup>4</sup>

Many policymakers on both sides of the aisle dismiss a widespread deportation policy as impractical and unrealistic. Sen. John Cornyn (R-TX), chairman of the Judiciary Committee's Immigration Subcommittee, recently summarized this view saying, “[T]he dirty secret is that we couldn't deport 10 million illegal immigrants if we wanted to.”<sup>5</sup> Surprisingly, however, no public analysis to date has actually provided quantitative data testing Sen. Cornyn's assertion.

Using publicly available data, this report provides the first cost assessment of a policy designed to deport all undocumented persons. We estimate the costs of a mass deportation effort would likely be at least **\$206 billion over five years**, and could be as high as \$230 billion or more. In order not to overstate our estimates, we consistently make conservative assumptions for key variables; as a result, these estimates in all likelihood are less than the actual costs if such a policy were to be implemented.

While the net benefits of adopting such a policy are largely speculative, we do know that spending \$41 billion annually over five years (\$206 billion in total) would:

- Exceed the *entire* budget of the Department of Homeland Security for FY 2006 (\$34.2 billion);<sup>6</sup>
- Approach the *total* amount of money requested by the 33 federal agencies responsible for homeland security activities for FY 2006 (\$49.9 billion);<sup>7</sup>
- *More than double* annual spending on border and transportation security (\$19.3 billion);<sup>8</sup>
- Comprise *half* the annual cost of the Iraq War (\$74 billion);<sup>9</sup> and
- *More than double* the annual cost of military operations in Afghanistan (\$16.8 billion).<sup>10</sup>

**TABLE I:**  
**Total Costs of Five-Year Mass Deportation Effort Under Different Assumptions**  
**(in millions \$)**

<i>Number of involuntary removals</i>	<i>8.0 million</i> <i>(assumes 20% leave voluntarily)</i>	<i>9.0 million</i> <i>(assumes 10% leave voluntarily)</i>
<b>Total Cost</b>	<b>\$206,241</b>	<b>\$230,187</b>

*All figures in nominal dollars.*

We release this report for two reasons. First, estimating the total cost for deporting the undocumented is a useful tool in evaluating our national priorities. In a world of finite resources, understanding the sheer amount of money needed to embark on a deportation strategy helps illustrate the choices that must be made in deciding where public dollars can effectively be spent.

Second, mere assertions by policymakers that deportation will be too expensive have been insufficient to quiet calls for such a policy. Real, practical solutions are needed to combat the problem of illegal immigration and to repair what is widely believed to be a broken immigration system—not uninformed appeals to policies that would drain the Treasury with little security benefit.

Last year, then-Undersecretary of the Department of Homeland Security (DHS) Asa Hutchinson, who was directly responsible for overseeing immigration for the Department, warned that the public “might be afraid” to learn the true costs of a deportation policy.<sup>11</sup> He could well be right.

## **II. How We Got Here**

The undocumented population in the United States has grown substantially over the last 10 years. After the Immigration Reform and Control Act of 1986 legalized the status of 2.7 million undocumented workers, the undocumented population remained fairly stable until the early to mid-1990s, when it began to grow to current levels. The number of undocumented entering the country annually is now so large that it exceeds the number of legal migrants; two-thirds of the undocumented arrived in the country less than 10 years ago.<sup>12</sup>

While there are many reasons for this increase (e.g., working and living conditions in the immigrants’ home countries, the availability of low-wage and service sector jobs in the United States, the limited avenues for legal immigration to the United States, ineffective border control measures, etc.<sup>13</sup>), there is little debate that without a significant change in our nation’s immigration policy, the undocumented population will grow for the foreseeable future.

The undocumented fall into two main categories—those who overstay their visas (persons admitted temporarily to the United States who then remain in the country) and those who cross our borders without an inspection of any kind. Although it is difficult to estimate with precision, visa overstays are thought to comprise 25-40% of the undocumented population (approximately 2.5 to 4 million people), while those who illegally crossed the border number anywhere from 5 to 7 million.<sup>14</sup>

This population is not static. In addition to those who have chosen to reside permanently in the United States (what this report will refer to as the “pool” of the undocumented), there is also a constant “flow” of undocumented individuals coming in and out of the country. Although more than 700,000 undocumented persons successfully enter the country each year,<sup>15</sup> approximately 215,000 leave due to forced deportation by the government or voluntarily choosing to return home. (See Illustration 1.)

Contrary to conventional wisdom, many more people leave the country voluntarily than are deported. From 1995 to 1999, more than three times as many individuals voluntarily left the country as were forced by the government (165,000 voluntarily; 50,000 forced).<sup>16</sup> This is largely because overstays face a miniscule risk of arrest (less than 2 percent).<sup>17</sup> For those not in targeted groups—criminal aliens, smugglers, illegal workers at airports and critical infrastructure locations, and those involved in control programs such as Special Registration—the risk of apprehension drops essentially to zero. In 2003, a mere 445 undocumented workers, out of a total population of 6.3 million, were arrested at a worksite.<sup>18</sup>

The reason for the low number of deportations is clear: lack of resources. Facing an undocumented population of more than 10 million with approximately 10,700 border agents and 2,200 interior enforcement agents,<sup>19</sup> the government has been forced to make hard choices in its enforcement priorities, especially since September 11. Officials have acknowledged they have been simply unable to implement extensive enforcement policies, and instead focus almost exclusively on criminal aliens and individuals with connections to terrorist activity.<sup>20</sup> As a result, the vast majority of the undocumented have not been deported.

Recognizing the severely strained resources currently available to the federal government serves as a useful caution for those who advocate an enforcement strategy dependent on widespread deportation.

### **III. Cost Estimates**

The cost estimates presented in this report are based on a single goal: driving the undocumented population to zero through a policy of widespread deportation. As explained above, the undocumented population has two distinct components: the “pool” of those already residing in the country and the “flow” of those who come across the border each year. Different policy considerations are involved in each.

## A. The Pool

Current estimates put the pool of undocumented at approximately 10 million persons.<sup>21</sup> A key factor in evaluating a deportation policy designed at removing this population is how many individuals and families will leave the country voluntarily in response to a government crackdown. Proponents of a deportation policy have predicted the deterrent effect would be significant, but little hard data exists to support this claim, particularly because a widespread deportation policy of this size has never been successfully completed.<sup>22</sup>

Although precise numbers are difficult to obtain, the immigration crackdown after September 11 (including the immediate detention of hundreds of foreign nationals in the weeks after the attacks and the implementation of the National Security Entry-Exit Registration System in 2002-03) suggests that particularized raids in certain communities may cause some individuals to depart.<sup>23</sup> But it is clear that the number of departures by foreign nationals after September 11 was negligible when compared to the overall population of the undocumented. In fact, despite an environment after September 11 that arguably marked the highest level of anti-immigrant sentiment in recent memory,<sup>24</sup> the undocumented population has grown consistently over the last four years.<sup>25</sup>

Another key factor in evaluating deportation policy is the role of long-term undocumented immigrants. Although many of the undocumented are recent arrivals, millions have established functioning lives and community ties that they would be unwilling to disrupt casually. More than 6 million of the undocumented currently hold jobs. Perhaps more importantly, there are 3.2 million children who are U.S. citizens by birth but live in households headed by an undocumented immigrant—such “mixed status” families pose a particular challenge in encouraging departure.<sup>26</sup>

Although these facts and anecdotal evidence suggest the deterrent effect will be smaller than many proponents of a deportation policy have predicted, this report presumes a voluntary departure rate of 20%.<sup>27</sup> In other words, once a deportation policy is put in place, we assume 2 million of the 10 million undocumented individuals will voluntarily leave the country, resulting in a balance of 8,000,000 undocumented immigrants the government must locate and deport. This report also presents estimates for a smaller voluntary departure rate of 10% that would result in a balance of 9,000,000 to deport. (See Table 1.)

### I. Apprehension

The first, and most important, cost driver for a government deportation policy is locating and arresting the undocumented. This cost of apprehension varies widely depending on the location, circumstances and the length of time an undocumented immigrant has lived in the country. For example, locating day laborers in border cities is significantly easier than identifying people who are firmly “in the shadows,” working for decades in small towns with U.S.-born children. In short, some of the undocumented will

be more readily apprehended than others, making an overall average number difficult to obtain.

Recent reports of worksite enforcement, however, offer a useful indicator of average apprehension costs. We extrapolate from the available evidence to provide an estimate of the per-apprehension cost. In 1999, 240 agents apprehended 2,849 unauthorized workers, and, as noted above, 90 agents apprehended 445 unauthorized workers in 2003.<sup>28</sup> Assuming a typical annual cost of \$175,714 per agent,<sup>29</sup> and after summing the number of apprehensions (3,289) and agents (330), the average apprehension cost comes to \$17,603. Assuming a 20% voluntary departure rate, the total costs for apprehending 8,000,000 undocumented immigrants would be \$141 billion over five years. (Using the same average apprehension figure, apprehending 9,000,000 immigrants would cost \$158 billion over five years.)

Any estimate of an average apprehension cost is of course subject to debate, as some could argue that agents would be more efficient in apprehending immigrants if a massive crackdown were to occur.<sup>30</sup> Many signs, however, point in the opposite direction. \$17,603 could very well *underestimate* the true costs of locating and arresting 8,000,000 people. A vast majority of the 2,000,000 who we estimate will voluntarily depart under a massive deportation program would likely be individuals who are easier to locate than others, leaving millions of undocumented persons who are both difficult to locate and not inclined to leave the country.

A close look at a recent enforcement action demonstrates the sheer enormity of the problem enforcement agents face in apprehending immigrants. On July 1, Immigration and Customs Enforcement (ICE), the federal government agency responsible for enforcing our nation's immigration laws, announced a sweeping crackdown on two smuggling and prostitution rings that arranged for hundreds of female prostitutes to be brought from South Korea to California every year.<sup>31</sup> The cost and scope of the undertaking are noteworthy. According to ICE, even though the investigation involved more than 1,000 law enforcement officials over nine months, they resulted in only 45 arrests and the detention of 150 immigrants. Although detailed costs are not available, even with *very* conservative economic assumptions, the average apprehension cost is more than \$70,000.<sup>32</sup>

These raids are a useful reminder that although the true costs of detecting and apprehending 8,000,000 immigrants are unknown, they will undoubtedly be considerable and possibly exceed the average cost of \$17,603 used in this report.

## 2. Detention

Once undocumented immigrants are apprehended, they must be detained, which incurs significant fixed costs. The U.S. Government currently has the resources to hold only 19,400 immigrants, less than 1% of the total undocumented population.<sup>33</sup> Given the

meager supply of current space, the government would need to immediately build, or acquire,<sup>34</sup> additional beds *before* the five-year deportation policy could even begin.

Each immigrant spends an average of 42.5 days in detention before he or she is deported,<sup>35</sup> meaning that each bed turns over more than 8 immigrants per year. Therefore, 166,647 additional beds would need to be constructed before mass deportations could begin. New prison beds cost a minimum of \$14,000 per bed (and are likely substantially more expensive),<sup>36</sup> resulting in a total one-time cost of \$2.33 billion to create sufficient bed space. (Detaining 9,000,000 immigrants would require building 189,902 additional beds at a one-time cost of \$2.66 billion.) These costs do not include the expenses of maintaining the beds after the completion of the five-year deportation program.

Once the detention facilities are constructed, the average cost of detaining an immigrant must be calculated. Each bed costs the government \$90 per day to maintain.<sup>37</sup> Given the average of 42.5 days in detention,<sup>38</sup> the average per immigrant cost of detention comes to \$3,825. With 8,000,000 undocumented persons to deport, the total cost of detention is \$30.6 billion over five years. (Using the same average detention figure, detaining 9,000,000 immigrants would cost \$34.4 billion over five years.)

### 3. Legal Costs

Although the last decade has seen a steady erosion of due process rights for immigrants through federal legislation and executive branch policies,<sup>39</sup> the Constitution extends due process rights to all “persons,” not solely U.S. citizens, meaning that anyone detained by the government must be permitted to present a case, however limited, in a neutral forum.

This forum is typically administered at an immigration court by an immigration judge, which must issue a final “removal” order before an immigrant can be deported. More than 200 immigration judges currently hear cases in immigration courts (sometimes held in prisons and jails) throughout the country.<sup>40</sup> These courts are administered by the Executive Office of Immigration Review (EOIR), an agency within the Department of Justice. (The Board of Immigration Appeals, which hears the appeals of the decisions by immigration judges, is also part of the EOIR.)

The FY2004 budget for the EOIR was \$195 million,<sup>41</sup> and during that year, the EOIR processed 163,857 removals.<sup>42</sup> Although the EOIR handles a much larger docket than just deportation, a rough estimate of the average cost of legal processing per immigrant can be calculated by dividing the office’s total budget by the number of removals. Applied to a population of 8,000,000, the estimated legal costs come to \$9.5 billion over five years. (Using the same average cost figure, processing 9,000,000 immigrants would cost \$10.7 billion over five years.)

Estimating legal costs with precision is difficult because of the wide variance in legal process afforded each immigrant. Some immigrants are able to pursue their cases

for years, while others, such as criminal aliens, have very limited avenues of appeal. Perhaps more importantly, many immigrants, including those currently counted in the undocumented population, may have a legal claim that they are entitled to lawful residence.<sup>43</sup> Such claims will require evaluation by the immigration court system and could possibly delay the deportation process.

Some proposals for a massive deportation policy address this problem by sharply curtailing the legal rights currently afforded immigrants, such as limiting the time for judicial review to only 72 hours after arrest.<sup>44</sup> Such proposals may not only run afoul of the Constitution and current law, but would do little to change the cost estimates, as even a truncated appeals process could still involve significant costs. For example, the average court costs for a conviction for driving under the influence (DUI) in Illinois, *not* including appeals, are \$500; average legal fees are typically \$2,000.<sup>45</sup>

#### 4. Transport

Undocumented immigrants who have been arrested, detained, and processed still need to be transported from the United States to a host country willing to receive them. These costs depend on where they will be sent and where the undocumented currently reside.

The most common destination for transporting the undocumented would be Mexico, as approximately 5 million unauthorized Mexican nationals currently reside in the U.S.<sup>46</sup> While most immigrants caught crossing the border are now driven back to locations near the border, the recently renewed Interior Repatriation Program has begun flying Mexican nationals to Mexico City in order to reduce the potential for them to attempt another illegal crossing. In 2004, more than 14,000 immigrants were flown back to Mexico City at an approximate cost of \$1,000 per person.<sup>47</sup> While immigration officials vow to reduce these costs this year,<sup>48</sup> the initial expense indicates the cost of repatriating Mexicans well beyond the border is considerably higher than merely transporting them across the border, where many attempt re-entry soon thereafter.

Costs for plane flights to the other home countries of the undocumented would also be costly. One-way plane fare to El Salvador, the second-largest home country for the undocumented, costs approximately \$534 per person. Plane flights to Guatemala, the third-largest home country, cost approximately \$550 per person, and flights to China, the fifth-largest home country, cost approximately \$1,126. In total, the average cost of airfare to the 15 largest home countries (including Mexico at a rate of only \$400 per person) is \$694.31 per person.<sup>49</sup>

Transportation within the United States must also be taken into account, as the undocumented have become increasingly geographically diversified and less concentrated. Traditionally, six states (California, Texas, New York, Florida, Illinois, and New Jersey) have accounted for nearly all the undocumented population, but now other states, such as Arizona, North Carolina, Georgia, and Tennessee, attract an

increasing share of the population, making the task of transporting the undocumented that much harder, and more expensive.<sup>50</sup>

Given the costs of both airfare to foreign nations and ground transportation within the United States and across the border, we have estimated an average cost of \$1,000 per person for transportation, resulting in a total of \$8 billion over five years. (Using the same average cost figure, processing 9,000,000 immigrants would cost \$9 billion over five years.)

## 5. Summary

Reducing the pool of the undocumented population to zero has five main elements: apprehension, detention, building additional beds, legal processing, and transportation.

**TABLE 2:**  
**Costs of Reducing Pool of 10 Million Undocumented Population to Zero**  
**Over Five Years Under Different Assumptions**  
**(in millions \$)**

<i>Number of Involuntary Removals</i>	<i>8.0 million (assumes 20% leave voluntarily)</i>	<i>9.0 million (assumes 10% leave voluntarily)</i>
<b>Apprehension</b>	\$140,824	\$158,427
<b>Detention</b>	\$30,600	\$34,425
<b>Additional Beds</b>	\$2,333	\$2,659
<b>Legal Processing</b>	\$9,539	\$10,732
<b>Transportation</b>	\$8,000	\$9,000
<b>Total Cost</b>	<b>\$191,296</b>	<b>\$215,243</b>

*All figures in nominal dollars.*

## B. The Flow

In addition to reducing the pool of the undocumented, a policy that aims to reduce the undocumented population to zero must also address the incoming flow across our borders, especially our southern border with Mexico. Although some of the future flow would likely subside if a massive deportation policy were adopted within the United States, this report assumes the demand at our border will remain unchanged over the five-year period.<sup>51</sup>

As noted above, approximately 485,000 people are added to the undocumented population each year due to illegal border crossings. This number, however, is a small fraction of the number of attempts that are made at the border annually. Last year, the border patrol apprehended 1,139,282 migrants at the Southwest Border alone,<sup>52</sup> and approximately 700,000 successfully entered the country illegally.<sup>53</sup> (215,000 leave each year through voluntary departure or deportation by the government.) These numbers

suggest that the efficiency of the border agents is approximately 63%, meaning that just under four of 10 attempts to cross the border illegally are successful.

Assuming that each of the 700,000 migrants who currently enter without inspection would be arrested on their first crossing attempt if the Border Patrol was provided with additional resources, and with the average cost of a border arrest currently at \$1,700,<sup>54</sup> the cost of hiring a sufficient number of additional border agents would be \$5.95 billion over five years. Combined with the amount the government currently spends on border patrol (\$9 billion over five years), the *total* amount needed to apprehend all attempted border crossings would be \$14.95 billion over five years.

It is important to note that unlike the costs of reducing the pool of the undocumented, the costs at the border will likely continue well beyond the lifespan of the five-year deportation plan. As long as a demand exists for crossing our borders, the need for border agents will exist. We estimate these costs to be \$2.99 billion per year in perpetuity, but have excluded those from the total cost estimate presented in this report because they fall outside the five-year time period.

**TABLE 3:**  
**Costs of Reducing the Flow to Zero Over Five Years**  
**(in millions \$)**

Current Border Patrol Costs	\$8,995
Additional Border Patrol Costs	\$5,950
<b>Total Border Patrol Costs</b>	<b>\$14,945</b>

*All figures in nominal dollars.*

#### **IV. Conclusion**

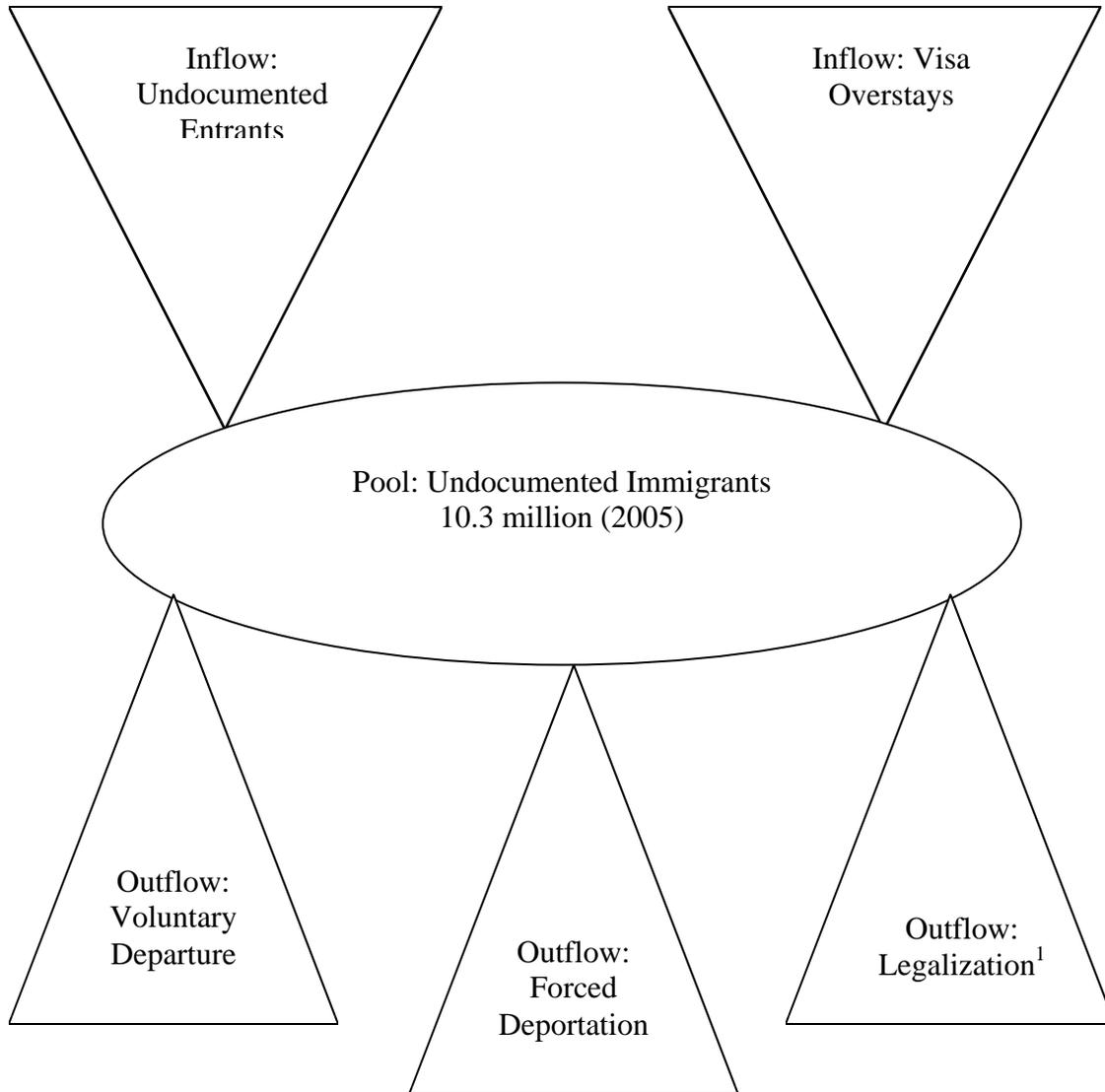
The cost assessment presented in this report hopefully illustrates the false allure of adopting a mass deportation policy as a response to the challenges threatening our immigration system. The costs of a massive deportation policy would not only be substantial, but in many ways, financially reckless. Implementing such a policy would seriously jeopardize our commitment to secure the homeland and pay for our commitments overseas, as well as threaten other vital national priorities.

Moreover, our estimates do not include the potential costs associated with the negative shock to our economy of losing 6.3 million workers over the relatively short timeframe of five years. A recent study concluded that immigration is an essential element of our nation’s economic growth and that immigrants provide a net fiscal benefit to the country.<sup>55</sup> With a population of nearly 22 million foreign-born workers,<sup>56</sup> deporting the undocumented would amount to removing approximately one-third of a vital pillar of our nation’s economy.

In sum, dealing with the problem of the undocumented is an issue of increasing national urgency. Policymakers must address the problem seriously; not with the costly and unrealistic idea of mass deportation.

## ILLUSTRATION I

### Overview of Undocumented Immigrant Population: Inflow, Pool and Outflow



<sup>1</sup> Some portion of the outflow of the undocumented is also attributable to death.

## Endnotes

<sup>1</sup> Rajeev Goyle is the senior domestic policy analyst at the Center for American Progress. David Jaeger is an associate professor of economics at The College of William & Mary.

<sup>2</sup> The most recent study estimated the current undocumented population to be 10.3 million. See Jeffrey S. Passel, Unauthorized Migrants: Numbers and Characteristics, Background Briefing Prepared for Task Force on Immigration and America's Future, Pew Hispanic Center, June 14, 2005, at 3, available at <http://pewhispanic.org/files/reports/46.pdf> (last viewed July 17, 2005).

<sup>3</sup> A comprehensive reform bill, sponsored by Sens. McCain (R-AZ) and Kennedy (D-MA), calls for undocumented persons, after meeting certain requirements, to receive legal status that could eventually lead to legal permanent residence. See S. 1033, Secure America and Orderly Immigration Act. Another comprehensive reform bill, sponsored by Sens. Cornyn (R-TX) and Kyl (R-AZ), would permit undocumented immigrants to obtain temporary legal status but require them to return home before applying for legal permanent residence. See S. 1438, Comprehensive Enforcement and Immigration Reform Act.

<sup>4</sup> See e.g., Ralph Z. Hallow, "Gingrich urges action against illegals," Washington Times, Feb. 21, 2005 (describing proposal by former Rep. Newt Gingrich to seal the northern and southern borders, deport all illegal immigrants within 72 hours of their arrest and deprive them of federal court review), available at <http://washtimes.com/national/20050221-123840-4099r.htm> (last viewed July 17, 2005). More than 70 members of Congress have joined the Immigration Reform Caucus headed by Rep. Tom Tancredo (R-CO), see <http://tancredo.house.gov/irc/welcome.htm> (last viewed July 17, 2005). One-quarter of the public believes that a massive deportation policy could be accomplished. See A National Survey of Voter Attitudes On Immigration, National Immigration Forum, Lake Snell, Perry, Mermin & Associates/Tarrance Group, Apr. 7, 2005, at 25, available at <http://immigrationforum.org/documents/PressRoom/VoterAttitudesOnImmigration.pdf> (last viewed July 17, 2005).

<sup>5</sup> Several other policymakers have echoed Sen. Cornyn's concerns. Sen. McCain, for example, has noted, "[I]t would be impossible to identify and round up all...of the undocumented...[and] aliens will not come forward to simply 'report and deport.'" Senate Floor Statement of Sen. John McCain, May 12, 2005. Former Homeland Security Secretary Tom Ridge said it would be impossible to deport all the undocumented. See Tanya Weinberg, "Homeland security chief endorses legalizing undocumented immigrants," South Florida Sun-Sentinel, Dec. 10, 2003.

<sup>6</sup> Office of Management and Budget, Budget of the United States Government, Fiscal Year 2006, at 151, available at <http://a255.g.akamaitech.net/7/255/2422/07feb20051415/www.gpoaccess.gov/usbudget/fy06/pdf/budget/dhs.pdf> (last viewed July 17, 2005).

<sup>7</sup> Office of Management and Budget, Analytical Perspectives, Budget of the United States Government, Fiscal Year 2006, at 38, available at <http://a255.g.akamaitech.net/7/255/2422/07feb20051415/www.gpoaccess.gov/usbudget/fy06/pdf/spec.pdf>.

<sup>8</sup> *Ibid.* at 39.

<sup>9</sup> Costs of the war calculated from data provided by the Congressional Research Service. See Amy Belasco, The Cost of Operations in Iraq, Afghanistan, and Enhanced Security, Congressional Research Service, March 14, 2005, at 1, available at <http://www.fas.org/sgp/crs/natsec/RS21644.pdf> (last viewed July 17, 2005); Amy Belasco and Larry Nowels, FY2005 Supplemental Appropriations for Iraq and Afghanistan, Tsunami Relief, and Other Activities, Congressional Research Service, May 12, 2005, at 1, available at <http://www.fas.org/sgp/crs/misc/RL32783.pdf> (last viewed July 17, 2005).

<sup>10</sup> *Ibid.*

<sup>11</sup> Jerry Seper, "Rounding up all illegals 'not realistic,'" The Washington Times, Sept. 10, 2004.

<sup>12</sup> Passel at 5-6.

<sup>13</sup> Current law allows for only 5,000 visas for new, unskilled year-round workers annually, despite the fact that hundreds of thousands of undocumented immigrants are able to find work each year. Immigrant Workers: A Key Component of Economic Security, National Immigration Forum, March 2003, available at <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=175> (last viewed July 17, 2005).

<sup>14</sup> Passel at 9.

<sup>15</sup> Passel at 5.

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<sup>16</sup> Numbers calculated from data provided by the former Immigration and Naturalization Service. See Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000, Office of Policy and Planning, U.S. Immigration and Naturalization Service, at 10 (Table C), available at [http://uscis.gov/graphics/shared/statistics/publications/III\\_Report\\_1211.pdf](http://uscis.gov/graphics/shared/statistics/publications/III_Report_1211.pdf) (last viewed July 17, 2005).

<sup>17</sup> Overstay Tracking: A Key Component of Homeland Security and a Layered Defense, United States Government Accountability Office, May 21, 2004, at 19, available at <http://www.gao.gov/new.items/d0482.pdf> (last viewed July 17, 2005).

<sup>18</sup> Richard M. Stana, Immigration Enforcement: Preliminary Observations on Employment Verification and Worksite Enforcement Efforts, United States Government Accountability Office, June 21, 2005, at 15-16, available at <http://judiciary.house.gov/media/pdfs/stana062105.pdf> (last viewed July 17, 2005); Passel at 26.

<sup>19</sup> Department of Homeland Security, Budget-in-Brief, Fiscal Year 2006, at 8, available at [http://www.dhs.gov/interweb/assetlibrary/Budget\\_BIB-FY2006.pdf](http://www.dhs.gov/interweb/assetlibrary/Budget_BIB-FY2006.pdf) (last viewed July 17, 2005); Stana at 3. The United States deploys fewer agents per mile of land border than other nations. Germany, for example, deploys an average of 17.7 agents per mile while the U.S. deploys an average of only 5.5. See Rey Koslowski, Real Challenges For Virtual Borders: The Implementation of US-VISIT, Migration Policy Institute, at 56, available at [http://www.migrationpolicy.org/pubs/Koslowski\\_Report.pdf](http://www.migrationpolicy.org/pubs/Koslowski_Report.pdf) (last viewed July 17, 2005).

<sup>20</sup> Seper, Washington Times, Sept. 10, 2004.

<sup>21</sup> Passel at 1.

<sup>22</sup> In the 1930s the U.S. government implemented the “Mexican Repatriation Program” which forcibly removed approximately two million individuals of Mexican ancestry, 1.2 million of whom were U.S. citizens. See California SB 670 (Sen. Dunn), introduced Feb. 22, 2005. In the 1950s, the government conducted a similar program named “Operation Wetback” which resulted in the departure of 1.3 million individuals of Mexican ancestry before the program was terminated due to lack of funds. See Juan Ramon Garcia, Operation Wetback: The Massive Deportation of Mexican Workers in 1954, Greenwood Press: Westport, CT (1980), at 224-228.

<sup>23</sup> Michael Powell, “An Exodus Grows in Brooklyn,” Washington Post, May 29, 2003; Mark Bellis, “U.S. crackdown drives Muslims toward Canada,” Toronto Star, Feb. 27, 2003.

<sup>24</sup> One year after September 11, only one in three Americans said the government was not doing enough to protect those being investigated for terrorist involvement. See Richard Morin and Claudia Deane, “Altered Lives, Changing Attitudes: In Poll, Most Americans Say 9/11 Affected Them Permanently,” Washington Post, Sept. 8, 2002, at A1. In November 2001, only 30 percent of Americans believed the government was not doing enough to protect the civil rights of suspected terrorists; nearly three of four said the government should be able to wiretap conversations between suspected terrorists and their attorneys. Richard Morin and Claudia Deane, “Most Americans Back U.S. Tactics,” Washington Post, Nov. 29, 2001, at A1. In October 2001, eight of 10 Americans supported police authority to stop and search individuals who fit the profile of a terrorist. Gary Langer, “Power to the Police,” ABC News, Oct. 10, 2001, available at [http://abcnews.go.com/sections/nightline/DailyNews/STRIKES\\_civilrightspoll011010.html](http://abcnews.go.com/sections/nightline/DailyNews/STRIKES_civilrightspoll011010.html) (last viewed Jul. 17, 2005).

<sup>25</sup> Passel at 10.

<sup>26</sup> Passel at 19.

<sup>27</sup> Approximately 1.5% of the undocumented population (150,000 of 10 million) currently leaves voluntarily. We estimate this rate would increase by more than a factor of ten under a mass deportation policy.

<sup>28</sup> Stana at 15.

<sup>29</sup> The White House’s FY2006 Budget increases border patrol funding by \$36.9 million to hire an additional 210 agents, resulting in a per agent cost of \$175,714. Department of Homeland Security, Budget-in-Brief, Fiscal Year 2006, at 8.

<sup>30</sup> Some argue that adoption of the CLEAR Act (Clear Law Enforcement for Criminal Alien Removal Act) would be a more cost-effective manner in which to apprehend and deport undocumented immigrants, as the Act would authorize state and local law enforcement to enforce federal immigration law. No evidence exists, however, that state and local law enforcement officials will be able to successfully locate and apprehend undocumented persons more cheaply than federal agents. Moreover, states and localities will be forced to spend additional money to make up for the loss of resources that immigration enforcement would

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demand. A recent study by the Congressional Budget Office estimated the CLEAR Act would cost the federal government \$9 billion (the report did not assess potential costs to states and localities). Congressional Budget Office, Cost Estimate: H.R. 2671: Clear Law Enforcement for Criminal Alien Removal Act of 2003, Feb. 25, 2004, at 1.

<sup>31</sup> “U.S. Agents Crack West Coast Human Smuggling, Trafficking Ring,” Federal Information and News Information and News Dispatch, Inc., July 1, 2005.

<sup>32</sup> Assuming that of the 1,000 agents involved, only one-tenth (100) worked full time on the effort, and each agent cost \$175,714 per year, apprehending 250 undocumented immigrants would cost \$70,286 per immigrant.

<sup>33</sup> Testimony of Victor Cerda, Acting Director of Detention and Removal, United States Department of Homeland Security, before a Joint Hearing of the Immigration, Border Security and Citizenship Subcommittee and the Terrorism, Technology and Homeland Security Subcommittee, Apr. 14, 2005.

<sup>34</sup> The federal government could lease detention space from states and localities rather than constructing new beds as 67.7% of detainees are currently held at state and local jails under contract with the federal government. Leasing space, however, would not alter the cost assessment of detention as there would be a corresponding cost associated with displacing the inmates currently held in beds owned by states and localities. See Alison Siskin and Margaret Mikyung Lee, Detention of Noncitizens in the United States, Congressional Research Service, Nov. 2, 2002, at 14-15.

<sup>35</sup> Alison Siskin, Immigration-Related Detention: Current Legislative Issues, Congressional Research Service, Jan. 21, 2005, at Summary.

<sup>36</sup> Lawrence Reed, Michigan’s Prison Costs And What To Do About Them, Jan. 9, 2003, available at <http://www.mackinac.org/article.asp?ID=4959> (last viewed July 17, 2005).

<sup>37</sup> Cerda, Apr. 14, 2005.

<sup>38</sup> Siskin at i.

<sup>39</sup> The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the USA PATRIOT Act of 2001 substantially reduced immigrants’ access to federal court. P.L. 104-208; P.L. 107-56. Executive branch decisions have also curtailed legal rights extended to immigrants. See e.g., Memorandum from Chief Immigration Judge Michael Creppy, Re: Cases Requiring Special Procedures, Sept. 21, 2001; U.S. Department of Justice Office of the Inspector General, The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks, June 2003, at 167-180.

<sup>40</sup> Office of the Chief Immigration Judge, Executive Office for Immigration Review, United States Department of Justice, available at <http://www.usdoj.gov/eoir/ocijinfo.htm> (last viewed July 17, 2005).

<sup>41</sup> Summary of Budget Authority By Appropriation, United States Department of Justice, available at: <http://www.usdoj.gov/jmd/2004summary/pdf/pg4-5.pdf>.

<sup>42</sup> FY 2004 Statistical Yearbook, United States Department of Justice, available at <http://www.usdoj.gov/eoir/statspub/fy04syb.pdf>.

<sup>43</sup> See David A. Martin, Twilight Statuses: A Closer Examination of the Unauthorized Population, Migration Policy Institute, June 2005, available at [http://www.migrationpolicy.org/pubs/MPI\\_PB\\_6.05.pdf](http://www.migrationpolicy.org/pubs/MPI_PB_6.05.pdf) (last viewed July 17, 2005).

<sup>44</sup> Hallow, Washington Times, Feb. 21, 2005.

<sup>45</sup> Average Cost of a DUI Conviction in Illinois, available at <http://www.cyberdriveillinois.com/publications/dui/section14.html> (last viewed July 17, 2005).

<sup>46</sup> Passel at 36-37.

<sup>47</sup> Julia Gelatt and Jennifer, Free Flights and New Enforcement Proposals Address Unauthorized Migrants, Migration Policy Institute, July 1, 2005, available at <http://www.migrationinformation.org/feature/display.cfm?ID=322> (last viewed July 17, 2005).

<sup>48</sup> Ibid.

<sup>49</sup> Passel at 4; Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000, Office of Policy and Planning, U.S. Immigration and Naturalization Service, at 9, available at [http://uscis.gov/graphics/shared/statistics/publications/III\\_Report\\_1211.pdf](http://uscis.gov/graphics/shared/statistics/publications/III_Report_1211.pdf). Costs of air transport calculated from lowest available online fares.

<sup>50</sup> Passel at 12.

<sup>51</sup> Although some percentage of border crossers will be less likely to attempt to cross after a mass deportation program goes into effect, it is also likely that a percentage of the undocumented persons who

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will be deported under this program will attempt to cross the border to re-enter the United States and reclaim the lives they left behind.

<sup>52</sup> Southwest Border Apprehensions, available at

<http://uscis.gov/graphics/shared/aboutus/statistics/msrdec04/swbord.htm> (last viewed July 17, 2005).

<sup>53</sup> Passel at 5.

<sup>54</sup> Douglas S. Massey, Backfire at the Border: Why Enforcement without Legalization Cannot Stop Illegal Immigration, Center for Trade Policy Studies, June 13, 2005, at 1.

<sup>55</sup> Walter A. Ewing, The Economics of Necessity: Economic Report of the President Underscores the Importance of Immigration, Immigration Policy in Focus, May 2005, at 1, available at <http://www.aif.org/ipc/economicsofnecessity.asp> (last viewed July 17, 2005).

<sup>56</sup> Ibid.

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