Measuring the Effectiveness of Border Enforcement

Prepared statement by
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I want to thank Chairman Carper, Ranking Member Coburn, and the distinguished members of the committee for inviting me to testify today on this very important topic.

The testimony that follows is drawn from research I have been conducting over the past year with two distinguished economists, Bryan Roberts and John Whitley, on measuring the effectiveness of border enforcement. Dr. Whitley is a senior fellow at the Institute for Defense Analyses, and the former director of Program Analysis and Evaluation (PA&E) at the Department of Homeland Security (DHS), where he led the resource allocation process and the measurement, reporting, and improvement of performance. Dr. Roberts is senior economist at Econometrica, the current president of the National Economists Club, and formerly assistant director of Borders and Immigration in the Office of Program Analysis and Evaluation at DHS. I am the author of the 2008 book *The Closing of the American Border*, which examined U.S. efforts to strengthen border security in the aftermath of the 9/11 terrorist attacks, and I was the project director for the 2009 Council on Foreign Relations *Independent Task Force on U.S. Immigration Policy*, which was co-chaired by former White House chief of staff Mack McLarty and former Florida governor Jeb Bush.

In an article in the July/August 2011 issue of *Foreign Affairs*, entitled "Are U.S. Borders Secure? Why We Don't Know and How to Find Out," Dr. Roberts and I noted that by every conceivable input measure—the number of Border Patrol agents, miles of fencing, drone and surveillance coverage—the border is far more secure than it has ever been. Yet according to a recent poll by *The Hill* newspaper, nearly two-thirds of Americans believe the border is still not secure.[1]

We wrote:

> This contradiction stems in part from the fact that the Department of Homeland Security has never clearly defined what border control means in practice. A secure border cannot mean one with no illegal crossings—that would be unrealistic for almost any country, especially one as big and as open as the United States. On the other hand, the borders cannot be considered secure if many of those attempting to enter illegally succeed. Defining a sensible middle ground, where border enforcement and other programs discourage many illegal crossings and most of those who try to cross illegally are apprehended, is the challenge.

Border security is always going to be a subjective question. There is no such thing as perfect security, and the question for policymakers is always going to be a difficult one of trading off costs and benefits. And in the border environment, there are many different security issues—illegal crossings by economic migrants, drug smuggling, gang violence, the sanctity of property, and the danger of infiltration by terrorists or serious criminals.

Our research has focused on the issue of illegal entry by migrants, and this remains the primary focus of the debate over border security. Many in Congress and among the public are concerned that another comprehensive immigration reform bill will be followed, as it was after the 1986 Immigration Reform and Control Act (IRCA), by another surge in illegal migration to the United States.[2] As a consequence, Congress is currently debating measures that would link certain elements of the bill to demonstrated progress on border security.

The testimony that follows addresses two questions: first, how should the government measure progress on border security?; and second, how should Congress and the Obama administration use these data to improve the effectiveness of border enforcement policies and tactics?

What DHS Reports to Congress

One of the reasons for public skepticism about the current state of border security is that the U.S. government actually releases very little information about unauthorized border crossings. Currently, the Department of Homeland Security makes public only a single relevant number, which is the total arrests, or apprehensions, made by Border Patrol agents of unauthorized crossers in the vicinity of the border.

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[1] Mike Lillis, "Hill Poll: Voters oppose deportations, but see border as vulnerable," *The Hill*, February 4, 2013. http://thehill.com/polls/280775-hill-poll-voters-oppose-deportations-but-see-border-as-vulnerable.
[2] Alden, Edward, "Winning the Next Immigration Battle: Amnesty, Patrols and the Future of U.S. Borders," ForeignAffairs.com, February 11, 2013.

Multiple arrests of the same individual are counted multiple times. The number of apprehensions at the southwest border with Mexico has dropped dramatically over the past decade, from more than 1.65 million in the FY2000 to a low of 340,252 in FY2011. The number rose slightly last year, in FY2012, to 356,873, levels that are lower than any years since the early 1970s.[3]

While the total number of apprehensions in the border region is certainly a useful number, it does not tell an obvious story. As in any law enforcement effort, the growing number of arrests could be the result either of stepped up policing that catches a higher percentage of offenders, or it could be the result of fewer individuals breaking the law, perhaps because they were deterred by increased enforcement. And indeed, Customs and Border Protection (CBP) has at times interpreted the numbers both ways. As the authors of a RAND Corporation study noted in 2011: "CBP [attributed] *increases* in apprehensions made at checkpoints in some border sectors to improved operations and decreases in apprehensions in other sectors to the deterrent effects of improved CBP technologies and increased staffing. Clearly a measure that reflects successful performance whether it rises or falls has limited value as a management tool."[4]

Yet the apprehension number is virtually the sole outcome measure that members of Congress and the public can use to evaluate the success or failure of enforcement efforts to date in curbing illegal immigration. Other important enforcement metrics related to illegal entry at the ports or between the ports, or visa overstays, are not reported. The following table, compiled by Dr. Whitley, shows how little the Department of Homeland Security reported regarding outcomes related to illegal immigration enforcement as part of its most recent Annual Performance Report.

Table 1. DHS Annual Performance Report, FY2011

Outcome	Performance Measures	FY11 APR[a]
Illegal Entry Between Ports	Number of Attempted Illegal Entries	No
	Number of Apprehensions	Partial
	Apprehension Rate	No
	Number of Successful Illegal Entry	No
Illegal Entry At Ports	Number of Attempted Illegal Entries	No
	Number of Apprehensions[b]	No
	Apprehension Rate	No
	Number of Successful Illegal Entry	No
Visa Overstay	Number of New Visa Overstayers	No

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[3] The latest apprehensions data published by CBP are available at:
http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/nationwide_appr_2000_2012.ctt/nationwide_appr_2000_2012.pdf.
[4] Morral, Andrew R., Henry H. Willis, and Peter Brownell, 2011. "Measuring Illegal Border Crossing Between Ports of Entry: An Assessment of Four Promising Methods," RAND occasional paper, Santa Monica, California, RAND Corporation.

Unauthorized Immigrants Resident in the U.S.	Number of Unauthorized Immigrants Resident in the United States[b]	No
Voluntary Departure	Number of Unauthorized Immigrants Leaving of Their Own Accord	No
Law Enforcement Removal	Number of Unauthorized Immigrants Removed[b]	No
Deaths and Adjustments	Number of Unauthorized Immigrants who Died or Acquired Legal Status	No

[a] This column indicates if the performance measure was reported by DHS in its Fiscal Year (FY) 2011-2013 Annual Performance Report (APR).

[b] Although not reported in the DHS APR, some data on these measures are available from other sources.

While there seems little question that the number of illegal crossing attempts has fallen sharply over the past decade, the apprehension number does little to help measure the effectiveness of enforcement in curbing illegal entry. The main driver of falling apprehension numbers is certainly the weaker U.S. economy and higher unemployment, coupled with a somewhat stronger Mexican economy and violence on the Mexican side of the border that has made transit more dangerous. U.S. border enforcement has likely discouraged illegal entry as well. One study carried out for DHS, for example, showed a sustained rise in smuggling costs for illegal crossers since the beginning of the enforcement build-up in the mid-1990s, and a steady rise in the percentage of crossers using smugglers, both of which indicate growing enforcement effectiveness.[5] But such basic questions as the apprehension rate for unauthorized crossers, or the estimated number of successful illegal entries, cannot be answered simply by counting arrest totals. The oversight is puzzling given core DHS missions. Marc Rosenblum of the Congressional Research Service notes that the first U.S. national border control strategy, drawn up in 1994 when the United States launched its now two-decade long effort to bolster border enforcement, called for "prevention through deterrence."[6] The 1994 strategy stated: "Although a 100 percent apprehension rate is an unrealistic goal, we believe we can achieve a rate of apprehensions sufficiently high to raise the risk of apprehension to the point that many will consider it futile to continue to attempt illegal entry." Yet, with some slight and intermittent exceptions, DHS has never reported an apprehension rate for the border as a whole or for specific sectors.

The Border Patrol's current strategy calls for "consequence delivery" to replace the historic practice of "voluntary return," in which most Mexicans illegal crossers apprehended in the border region were allowed to return home voluntarily. The key reason for the new strategy is to discourage multiple crossing attempts. Instead, most of those arrested today face more severe consequences, including prosecution under Operation Streamline, repatriation to the interior of Mexico or to distant border sectors, or expedited removal that bars any legal entry for five years. An important question would be whether these consequence delivery programs have increased deterrence and discouraged multiple re-entry attempts. But the department has yet to release any data to evaluate their effectiveness.

[5] Roberts, Bryan, Gordon Hanson, Derekh Cornwall, and Scott Borger, "An Analysis of Migrant Smuggling Costs Along the Southwest Border," Working Paper, Office of Immigration Statistics, Department of Homeland Security, November 2010.
[6] Rosenblum, Marc R., Specialist in Immigration Policy, Congressional Research Service, "What Would a Secure Border Look Like?" Testimony to the House Committee on Homeland Security, Subcommittee on Border and Maritime Security, February 26, 2013.

The Department has certainly recognized the inadequacy of the apprehensions number as the sole measure of border security, and has said it considers it "an interim performance measure." Yet despite promising to produce and report alternative measures, it has failed to do so, leaving Congress to assess the current state of border security and design policies for the future in the absence of data that would greatly assist that effort.

What DHS Should Report to Congress

The outcome that is of most concern to the U.S. public is the gross inflow of unauthorized immigrants. In other words, how many unauthorized migrants escape detection, enter, and remain in the United States successfully? The two primary enforcement variables that affect this number are the chances of being caught (apprehension rate) and the consequences of being caught. The probability of arrest, plus the consequences of being arrested, are the two main border enforcement factors that determine the level of deterrence.[7] Deterrence can take two forms: "behind-the-border" deterrence, in which enforcement at the border, in the interior or at the workplace discourages would-be immigrants from ever trying to enter illegally; and "at-the-border" deterrence, in which those who have been caught crossing the border at least once are deterred from trying again. DHS should report measures for the three primary modes by which unauthorized migrants come to the United States: illegal crossing between the ports of entry; illegal crossing at the ports of entry; and legal entry on an authorized visa followed by overstay or other violation of visa terms.

Illegal Entry Between the Ports

There are three relatively low-cost methods of measuring gross inflow and apprehension rates between ports of entry: migrant surveys, recidivism analysis, and known-flow data. Migrant surveys, which have been carried out for several decades by academic groups, ask those who have attempted illegal entry how many times they were apprehended on a particular trip, and whether they ultimately successfully entered or gave up their attempt.[8] While helpful in measuring both the apprehension rate and deterrence, the currently available surveys are not timely enough and do not gather sufficient information to allow them to be used on their own to make estimates of inflow.[9] Recidivism analysis is a method made possible by the fact that the Border Patrol has captured fingerprints of those apprehended in illegal crossings for more than a decade

[7] Deterrence can of course be created by other enforcement-related and non-enforcement factors. The high levels of violence on the Mexican side of the border in recent years have likely increased deterrence, for example. Interior and workplace enforcement may increase deterrence, though migrant surveys have suggested to date that this effect is insignificant. Potential unauthorized migrants may also be deterred by a relatively weaker U.S. economy in which jobs are harder to find and expected wages are lower.
[8] The two major surveys are Princeton University's Mexican Migration Project (MMP), which has been carried out every year since 1987, and the Mexican Migration Field Research and Training Program (MMFRP) of the University of California, San Diego, which focuses each year on a specific sending community.
[9] This was the conclusion of a team of researchers put together by the National Academies of Science to examine the utility of survey data in estimating unauthorized flows. The study concluded that such surveys "are not sufficient by themselves in meeting the needs of DHS for obtaining estimates of unauthorized migration flows across the U.S.–Mexico border on an annual or quarterly basis." But the committee said that the combination of survey data with DHS administrative data could potentially produce valuable results. See: Carriquiry, Alicia and Malay Majmundar, Editors, "Options for Estimating Illegal Entries at the U.S.-Mexico Border," 2012, Committee on National Statistics; Division of Behavioral and Social Sciences and Education; National Research Council.

now. As a result, it is possible to identify accurately those individuals who are caught multiple times attempting illegal entry. Under certain assumptions, this analysis allows for accurate estimates of the apprehension rate. As long as it is possible to identify individuals using biometric data (e.g., fingerprints), the number of recidivist apprehensions can be calculated. Under the assumption that everyone who is apprehended and returned by the Border Patrol tries to enter again, the apprehension rate is simply the ratio of those arrested on subsequent trips to total apprehensions, and the gross inflow is the remainder. The difficulty with this method is that it cannot precisely account for those who are apprehended and returned across the border and then are deterred and do not make subsequent attempts. Finally, "known-flow" data is based on sector-by-sector observations by the Border Patrol. Each sector has long kept such records, which include estimates of the number of people who successfully evade the Border Patrol ("got-aways") or are observed to retreat back into Mexico after contact with Border Patrol ("turn-backs"). The difficulty here is that some percentage of illegal migrants will successfully enter the country without any observation by the Border Patrol.

As our research shows in greater detail, each of these methods suggests that considerable progress has been made in improving the effectiveness of border enforcement over the past decade. While none is perfect, and each raises significant methodological issues, these approaches allow for better measures than have been reported by DHS to date for some of the key outcomes in border enforcement.

Migrant Surveys

The Mexican Migration Project (MMP) survey has been conducted every year since 1987, in January when migrants are most likely to be back in their home communities. Each year, several communities in Mexico that are the source of significant migration flows are selected, and several hundred households in each community are surveyed. The heads of each household are asked for a complete history of their migration to the United States, including the number of times each was arrested and returned by the Border Patrol. As a result, it is possible to reconstruct migration histories dating back to the 1930s. Dr. Roberts's calculations based on these survey data suggest that the probability of apprehension fluctuated between 30 and 40 percent for the period 1955-1976, and then trended downward as the number of attempted crossings began to rise, reaching a low of about 20 percent in 1990. Since then the apprehension rate has trended upwards steadily, to somewhere between 40 and 50 percent by the late 2000s. MMP data suggest, however, that enforcement has had little deterrent effect. Unauthorized migrants from Mexico will try repeatedly until successful. There is some evidence for the 2008-2010 period that deterrence has risen, with some 15 percent of attempted illegal entrants giving up following an unsuccessful attempt. But the size of the sample remains too small for any clear conclusions.

The Mexican Migration Field Research and Training Program (MMFRP) survey, which has been conducted since 2005, focuses each year on one major Mexican sending community, and attempts to survey every household in that town. Efforts are also made to locate and interview migrants from that town living in the United States. Scott Borger has developed estimates of the probability of apprehension using MMFRP survey data.[10] Again the data suggest a steady rise in the likelihood that an unauthorized migrant will be

[10] Borger, Scott, 2009, "Estimates of the Cyclical Inflow of Undocumented Migrants to the United States," Center for Comparative Immigration Studies Working Paper 181.

apprehended, from a 20 to 40 percent range in the 1980s to a 40 to 60 percent range in the 2000s. As with the MMP data, most migrants appear to make multiple entry attempts and are ultimately successful.

Recidivism Data

The Border Patrol has historically attempted to identify repeat border crossers. Prior to 2000, these identifications were made largely through oral admission or recognition by Border Patrol agents; since 2000 Border Patrol has collected fingerprints from all apprehended migrants, compared them to their historical fingerprint database, and assigned an identification number to each apprehension of the same individual. Using a "repeated trials" model first pioneered by Thomas Espenshade, it is possible to use evidence of multiple apprehensions, known as recidivism, to estimate apprehension rates across the border and within specific sectors. Under the simple assumption that every individual who is apprehended and returned tries to enter again within a year, the probability of apprehension equals the ratio of recidivist apprehensions (all apprehensions after the first one) to total apprehensions. The difficulty with this method is that some unknown percentage of those apprehended and returned to Mexico will give up and go home rather than try to enter again.

The Department of Homeland Security commissioned a study of this data in 2006, and has updated it regularly, but the findings have not been released to the public. Some estimates were presented publicly at an economics conference in the summer of 2011. On the assumption that there is no at-the-border deterrence, the data show that apprehension rates have averaged 30 to 35 percent, and have varied little over the last decade. On the assumption that increased enforcement and other factors have deterred more migrants from repeated attempts over the past decade, as the survey evidence suggests, the apprehension rate would be considerably higher. If 30 percent of crossers were deterred from repeated attempts, for example, the apprehension rate in FY2010 would have been 45 percent. The recidivist method also permits a measure of the gross illegal inflow. Based on a 30 percent deterrence assumption, the gross inflow in FY2010 would have been 337,000 individuals.

Known Flow Data

The Government Accountability Office (GAO) recently presented the first comprehensive picture of U.S. border enforcement using "known flow" data.[11] Border Patrol agents in each of the sectors along the southwest border have long collected and recorded illegal activity within their sectors. These include apprehensions, estimated illegal entries, and so-called "turn-backs," which are individuals who attempted to enter illegally but returned to Mexico after encountering resistance. In recording these observations, the Border Patrol relies on a mixture of visual observations by agents, camera, and other sensor data; "sign cutting" (footprints and other evidence of illegal crossings); and credible source reporting. While these data are extremely thorough, they are inherently incomplete because they fail to account for illegal crossers who were not observed through any of these means. Thus the known flow data are likely to exaggerate the effectiveness of border enforcement efforts.

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[11] Government Accountability Office, December 2012, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, GAO-13-25.

The GAO report, which aggregates this data across the southwest border for the first time, is an extremely important contribution. In the Tucson sector, for example, the GAO reports that while the apprehension rate remained roughly constant from 2006 to 2011 at about 60 percent, the number of turn-backs increased significantly, from 5 percent to 23 percent. The percentage of successful illegal entries declined from 33 percent in 2006 to about 13 percent in 2011.[12] Thus the overall "effectiveness rate" of the Border Patrol in the Tucson sector in 2011 (apprehensions plus turn-backs) was 87 percent. The estimated number of successful illegal entries in the Tucson sector in FY2011 was just 25,376, compared with 207,519 in FY2006.

The data is similar across the entire southwest border. The GAO report estimates that the total number of successful illegal entries across the entire border in FY2011 was 85,000 individuals, compared with more than 600,000 in FY2006. While this likely underestimates the total number of successful entries, the trend is a very strong one and indicates both increased deterrence and increased effectiveness of enforcement at the border. The Border Patrol appears to be focusing increasingly on these measures as well. At a February 26 hearing of the House Homeland Security subcommittee on border and maritime security, Chief Michael Fisher testified that:

> No longer will apprehensions alone be the anchor metric. Instead, we will concentrate on the likelihood of apprehension once entry is detected in areas of significant illegal activity. And where this makes sense, 90 percent effectiveness is our goal.

Known flow data has been collected since at least 2000, and probably longer. As in the case of other administrative data, it would be useful if Border Patrol released all of its known flow data in a timely fashion and worked with the external researcher community to improve understanding of enforcement outcomes.

To conclude this section, the methodology for estimating apprehension rates and gross inflow between the ports of entry remains a work in progress. The recidivist and known flow methods, for example, produce quite divergent results, with the former likely underestimating the effectiveness of enforcement and the latter likely overestimating effectiveness. All three methodologies, however, show significant enforcement gains over time. Fuller public release of such data to allow for assessment by external researchers, as well as additional investments in data gathering, could be extremely valuable in improving the accuracy and utility of these measures.

Illegal Entry at the Ports

Evidence on illegal entry at the ports is scarce, which is ironic given that this is the environment in which CBP exercises by far the greatest control. The Office of Field Operations (OFO) in CBP began in 2004 collecting data on apprehensions of illegal crossers at the ports. The annual number of apprehensions at

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[12] There are methodological issues related to the calculation of apprehension rates using the known flow method. Border Patrol calculates an overall "effectiveness ratio" for a sector by adding together apprehensions and turn-backs, and dividing this by the sum of apprehensions, turn-backs, and got-aways. This approach thus treats a turn-back as equivalent to an apprehension as an enforcement outcome. In reality, a turn-back either creates at-the-border deterrence (if the person gives up) or only delays resolution of the unauthorized crossing through apprehension or successful entry. The problem with both of these measures is that they include turn-backs, which makes them inconsistent with measures of the probability of apprehension based on migrant surveys and recidivism analysis. Under those approaches, the ratio is equivalent to apprehensions divided by apprehensions plus got-aways.

ports on the southwest border, which has not been published by DHS, was likely in the tens of thousands in the late 2000s, a fraction of the numbers between the ports. One of the migrants surveys, the MMFRP, does ask in interviews whether migrants crossed illegally at the ports or between ports of entry. These data suggest that a significant minority of entries are attempted through the ports, and that not accounting for these entries leads to an underestimation of gross inflow. The survey data has found that anywhere between 9 percent and 37 percent of illegal crossers report having travelled through the ports of entry.

In theory, it should be possible to measure apprehension rates and gross inflows through the ports. DHS implements a program of randomized secondary inspections of passenger vehicles called COMPEX that could be used to generate data on the probability that vehicle passengers attempting unauthorized entry succeed in getting through primary inspection. It is not known if such estimates have been made by DHS.

Visa Overstays

Another relevant measure, though it does not directly relate to southwest border land crossings, is the issue of visa overstays. The commonly accepted estimate is that more than 40 percent of the unauthorized migrants currently resident in the United States did not cross the borders illegally.[13] Instead, they arrived in the United States on a lawful tourist, student, business, or other visa and then violated the terms of that visa by remaining in the United States. DHS currently has the capability to provide a reasonably accurate estimate of the number of visa overstays from each country, but has not released this information to Congress or the public. Since 2004, all visa travelers have been fingerprinted on arrival in the United States through the US-VISIT system. While no biometric exit system has been established, the departure of of passengers through airports is tracked closely through the Arrival and Departure Information System (ADIS), which relies on passport data and travel records.

The United States and Canada are also planning to share all land border arrival and departure data on third country nationals as part of the ongoing "Beyond the Border" initiative, launched by President Obama and Canadian Prime Minister Harper in February 2011.[14] Congress has asked for country-by-country visa overstay records, which are a necessary part of proposed legislation that would base future entry by countries into the Visa Waiver Program on actual overstay records, rather than the current legal standard which is based on the percentage of visa applications refused by the State Department.[15]

The one public release of data by DHS related to visa overstays suggests that the scale of the problem may be exaggerated. In May, 2011, DHS Secretary Napolitano ordered an investigation into nearly 1.7 million

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[13] Bean, Frank D., Barry Edmonston, and Jeffrey S. Passel, Editors, 1990, Undocumented Migration to the United States: IRCA and the Experience of the 1980s, The Urban Institute Press, Washington DC; and Pew Hispanic Center, 2006, "Modes of Entry for Unauthorized Migrant Population," Fact Sheet at: http://www.pewhispanic.org/2006/05/22/modes-of-entry-for-the-unauthorized-migrant-population/.

[14] The U.S. and Canadian governments are engaged in ongoing negotiations on the implementation of the BTB Action Plan. A pilot project on the sharing of fingerprint identities for third country nationals has been launched at some ports of entry. See the joint December 2012 "Beyond the Border Implementation Report" at: http://www.whitehouse.gov/sites/default/files/docs/btb_implementation_report.pdf.

[15] The *Visa Waiver Program Enhanced Security and Reform Act,* introduced in February, 2013 by Senators Mark Kirk (R-IL) and Barbara Mikulski (D-MD) would require applicant countries to maintain an average non-immigrant visa overstay rate not greater than 3 percent.

records of individuals that the department believed had overstayed since the introduction of US-VISIT in 2004. But the review determined that more than half of those had actually left the country or had adjusted status and were living in the United States legally.[16] DHS has promised since the summer of 2011 to release country-by-country visa overstay data, but has failed to do so.

Recommendations

For the past two decades, Congress has vastly increased the resources devoted to border enforcement. Total miles of pedestrian and vehicle fencing increased from seventy-six miles in FY2001 to 652 miles in FY2012. Border Patrol personnel have doubled since 2004 to 21,394, with all but 2,200 of these deployed along the southwest border. Some 337 Remote Video Surveillance Systems, 198 short- and medium-range Mobile Vehicle Surveillance Systems and forty-one long range surveillance systems are deployed, along with fifteen fixed towers and more than 13,000 ground sensors. CBP also operated ten unmanned aerial vehicle systems (UAVs) along the southwest border.[17]

What Congress has failed to do, however, is to insist on any accountability for the effectiveness of these huge enforcement expenditures. With the U.S. government facing tight budget restrictions for the foreseeable future, it is imperative that Congress demand cost effectiveness evaluations from DHS, and establish a robust oversight system to evaluate the effectiveness of enforcement measures on an ongoing basis. In addition to protecting taxpayer dollars and increasing the impact of enforcement spending, such oversight and accountability would help to reassure a skeptical public that the U.S. government is indeed serious about controlling illegal migration.

In a recent report for the IBM Center for the Business of Government, Dr. Whitley points out that local law enforcement has undergone something of a management revolution in the past two decades, based on improved measurement and reporting of outcomes.[18] Federal law enforcement, however, has been slower to adopt such reforms. The best known case in local law enforcement was the creation of the CompStat reporting system by the New York City Police Department in 1994, which requires precinct commanders to report statistics for all crimes in their jurisdiction on a weekly basis, and makes those statistics available to the public. That transparency has significantly influenced the public debate over crime and policing expenditures in New York City, focusing the debate as much as possible on actual crime rates and how they change as police practices and expenditures are altered. The U.S. government needs a similar transparency revolution with respect to the reporting of outcomes on immigration enforcement.

It is widely recognized that in order to be accepted and effective, performance measures must be:

– *Meaningful and understandable*. In order to enjoy credibility with stakeholders, measures should be clear and readily understandable.

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[16] Testimony of John Cohen, principal deputy coordinator for counterterrorism at DHS before the House Homelad Security Subcommittee on Border and Maritime Security, September 12, 2011.

[17] This is drawn from Rosenblum testimony, February 26, 2013.

[18] Whitley, John, 2012, "Five Methods for Measuring Unobserved Events: A Case Study of Federal Law Enforcement," IBM Center for the Business of Government.

- *Valid.* The data that performance measures are based on must not be systematically biased or distorted. In particular, data must not be subject to observer bias, or systematic over- or underreporting.
- *Reliable.* Collecton of data must be consistent and uniform over time and across reporting units.
- *Timely and actionable.* Results should be useful to informing policy decisions and resource allocation.
- *Balanced and comprehensive.* An agency's set of performance measures should provide a complete performance picture.

The primary outcome of law enforcement activity, and therefore outcome performance measures for any law enforcement organization, is the rate at which the laws under their jurisdiction are broken. For U.S. immigration law, the primary outcome measures concern the numbers and rate at which individuals enter illegally and/or reside in the country unlawfully. For the management of illegal migration, the performance measures should include at least those presented in Table 1 above—illegal entry between the ports, illegal entry at ports, visa overstays, the total stock of unauthorized migrants, voluntary departures, and law enforcement removals.

Such data are prerequisite to more successful policies in the future. The U.S. government is currently incapable of giving data-informed answers to some of the most basic questions in immigration management, such as:

- Would new legal programs for lower-skilled migrants reduce the incentive to migrate illegally to the United States?
- Would increased workplace enforcement do more to deter future illegal immigration than increased border enforcement? Where would expenditures be more effective?
- Where are the vulnerabilities for increased illegal migration the largest: at the ports of entry, between ports, or through visa overstays?

In an effort to produce more policy-relevant data and improve ongoing oversight and management of expenditures, Congress should require the following as part of any forthcoming immigration legislation:

1) The full set of outcome performance measures identified in Table 1 above, and a performance management system, should be developed for enforcement of immigration laws. Congress should make the development and reporting by the Obama administration of such performance measures mandatory, and tie this to future appropriations. In addition, a comprehensive research agenda should be sponsored that analyzes the effects of output and inputs on law enforcement outcomes. DHS should be estimating empirically the effects of different enforcement activities on illegal immigration flows.

2) Performance data should be used in the ongoing management of illegal immigration. The Department of Homeland Security should establish an early warning system that monitors the outcome performance measures identified above along with economic, demographic, law enforcement, and other trends that may affect these outcomes. This should include both the monitoring of relevant measures and the analytic ability to forecast them into the future.

3) Congressional oversight should be strengthened to maintain focus on successful management of illegal migration. Relevant committees in Congress should hold regular, perhaps quarterly, hearings to review the early warning system data and forecasts, examine trends in outcome performance measures, and assess DHS proposals for adjustments to its strategies as conditions on the ground change.

4) A better understanding of the full range of options for reducing illegal immigration is required. DHS should systematically engage in program evaluation analysis that measures the effectiveness of individual programs with respect to the outcome performance measures identified in the report. This should include both law enforcement programs and additional tools such as expanded legal entry programs as a means of discouraging illegal migration. All new programs should include a program evaluation plan at their initiation. These program evaluation plans should identify measures, data collection methods, and evaluation milestones for the program. To strengthen Congressional oversight, program evaluation results should be provided to the Congress, and discussions of program evaluation results and implications should be included in the regular oversight hearings recommended above.

Thank you, and I would be happy to respond to your questions.

Edward Alden is the Bernard L. Schwartz senior fellow at the Council on Foreign Relations (CFR), specializing in immigration, visa policy and U.S. economic competitiveness. Mr. Alden is the author of *The Closing of the American Border: Terrorism, Immigration and Security Since 9/11*. He was the project director for the CFR *Independent Task Force on U.S. Immigration Policy*, which was co-chaired by former Florida governor Jeb Bush and former White House chief of staff Thomas F. McLarty.