

AN EXAMINATION OF IMMIGRATION AND THE THREAT TO AMERICAN
NATIONAL SECURITY

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Abstract:

Since 9/11, the connection between immigration and terrorism has significantly increased due to heightened levels of political polarization and the implementation of numerous antiterrorism policies in response to the attacks. There is a chorus of national security experts who contend that continued inaction in resolving immigration concerns will lead to increased security vulnerabilities at our borders and thus will present the United States with greater national security challenges. The aim of the following thesis is to analyze the essential components of this linkage to accurately determine the legitimacy of the threat posed by immigrants, including migrant workers and naturalized citizens. The author examines the effectiveness of post-9/11 antiterrorism policies and their impact on immigration. By identifying the nature of the relationship between immigration and terrorism, this thesis proposes a series of policy recommendations for the United States to better counter the most urgent threats facing our nation.

Within the context of the immigration reform legislation introduced in the Senate in April 2013, the first chapter of this thesis provides an assessment of migrant workers as a national security threat by examining the impact of guest-worker programs on the security of the U.S.-Mexico border. The second chapter focuses on the effectiveness of antiterrorism policies since 9/11, including their impact on immigrants and immigrant communities. The final chapter determines the role of assimilation in the increase of homegrown terrorism among Muslim American immigrants – including permanent residents and citizens. In identifying assimilation as the correct focus for policymakers and law enforcement agencies, the author issues recommendations that emphasize counter-radicalization strategies rather than the use of traditional antiterrorism policies.

The author concludes that it is misguided to continue to broadly link immigration with terrorism. Perhaps most alarming, post-9/11 American antiterrorism policies have damaged relations with immigrants further jeopardizing national security. These policies coupled with inadequate assimilation programs have created resentment among immigrants and in some cases, fueled their radicalization. Policymakers should be concerned about this growing threat and should invest resources in community-based counter-radicalization programs rather than continue to implement deficient antiterrorism policies. The author concludes the extreme necessity for comprehensive immigration reform, which should focus on all of the elements discussed in this thesis.

Table of Contents

Introduction:..... 1

Chapter I: Do guest-worker programs constitute a security threat to the U.S.-Mexico border? 14

 Introduction:..... 14

 Literature Review: 16

 Definition of terms and background of guest-worker programs..... 16

 Bracero program 17

 Exploitation of migrant-workers..... 19

 The economics of guest-worker programs..... 21

 Fees and Wages..... 23

 Border security aspects of guest-worker programs..... 24

 Political viability and public support for guest-worker programs 29

 Case Studies:..... 32

 Case Study 1: Brookings Institute proposal..... 34

 Case Study 2: Border Security, Economic Opportunity and Immigration Modernization Act proposal 36

 Conclusion: 41

Chapter II: What is the effectiveness of immigration-focused antiterrorism policies on American national security since September 11, 2001? 43

 Introduction:..... 43

 Policy Goals:..... 44

 Literature Review: 45

 1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States 45

 2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security..... 49

 3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States 55

 Case Studies:..... 57

 Case #1: Amine El Khalifi..... 58

 Case #2: Mohamed Osman Mohamud..... 60

 Case #3: Faisal Shahzad..... 63

 Analysis: 65

 Goal 1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States..... 65

 Goal 2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security..... 67

 Goal 3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States. 69

 Conclusion: 70

Chapter III: What is the role of assimilation on the homegrown terror threat comprised by Muslim American immigrants and what are the appropriate policy responses to combat this threat?..... 72

 Introduction:..... 72

| | |
|--|-----|
| Policy Goals: | 73 |
| Literature Review: | 74 |
| A growing trend – homegrown terror threats from Muslim immigrants | 74 |
| Muslim immigrants and post-9/11 United States..... | 76 |
| Assimilation policies and the threat of radicalization..... | 77 |
| Politicization of assimilation and ties to immigration reform | 81 |
| Globalization, technology and the impact on radicalization of immigrants | 83 |
| Case Studies:..... | 84 |
| Counter-radicalization programs and combating the threat of homegrown terrorism | 85 |
| Case Study 1: Netherlands | 87 |
| Case Study 2: United Kingdom | 90 |
| Case Study 3: United States..... | 93 |
| Analysis: | 96 |
| The inclusion of policies focused on assimilation and relationship-building within immigrant and at-risk communities | 96 |
| Implement a strategy containing methods to counter online recruiting and radicalization efforts | 97 |
| Ensure that the strategy is distinguishable from traditional antiterrorism policies... | 98 |
| Conclusion: | 99 |
| Conclusion: | 102 |
| Bibliography: | 105 |
| Curriculum Vitae: | 113 |

List of Tables:

Figure 1 - U.S. Deportation Proceedings in Immigration Courts by Charge, Decade
Before vs. Decade After 9/11.....54

Introduction:

Perhaps one of the central paradoxes of the United States, a nation founded and comprised by immigrants from every corner of the globe, is a historic contentious relationship with its immigrant population. From the anti-immigrant platform of the Native American (Know-Nothing) Party of the 1840s to the internment of Japanese-Americans during World War II, the United States has often viewed immigrants as a threat to the stability of the nation's political, social, economic, and security foundation. The historic trend of anti-immigrant attitudes among the American populace has often been dismissed and underreported due to favorable and open immigration policies that inspired Philip Schaff to write in 1856 that the uniqueness of the United States is that it allows people from diverse background and localities to "meet here on the common ground of freedom and equality...to commingle at last into one grand brotherhood, pervaded by one spirit, obeying the same laws, laboring for one aim, and filling in these ends of the earth the last and richest chapter in the history of the world."¹

Following the 9/11 attacks, the linkage between immigration and national security increased to unprecedented levels due to heightened political polarization and wide-ranging counter-terrorism efforts implemented in response to the attacks. 9/11 represents a formative and transitional moment in American history, including for its impact on immigrants and immigration policy. As the debate concerning immigration reform persists, a growing number of scholars, law enforcement officials, and policymakers contend that continued inaction in overhauling immigration policies exacerbates existing vulnerabilities in the American national security mission.

¹ Salins, Peter D. *Assimilation, American Style*. New York: Basic, 1997. 4.

The following thesis contributes to this debate by analyzing the role of immigrants and immigration policy within the post-9/11 securitization of the United States. Due to current budgetary restraints stemming from the 2008 financial collapse and the hyper-partisan sentiments consuming the American political system, the goal of this thesis is to accurately determine whether immigrants, including migrant workers and naturalized citizens, should continue to remain a major tenet of post-9/11 national security strategies.

Throughout three separate chapters, I analyze frequently cited national security issues concerning immigrants and immigration policies, including: immigrants and migrant workers as a security threat to the U.S.-Mexico border; the effectiveness of immigration-focused antiterrorism policies; and key factors leading to the increase in homegrown terrorism among Muslim immigrants, as well as the implementation of a comprehensive counter-radicalization strategy to combat this threat. In analyzing these essential components through literature reviews and case studies, I aim to properly characterize the relationship between immigration and national security. As a result, this thesis answers which, if any, components of immigration comprise a legitimate threat to national security and provides policy recommendations for the United States to best counter any aspect of that threat.

Before analyzing the relationship between immigration and national security following 9/11, it is vital to understand the dynamic of this linkage in the immediate years preceding the terrorist attacks. Five years before 9/11, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), a comprehensive overhaul of the nation's immigration laws primarily in response to the influx of millions of illegal immigrants in the early-1990s. The IIRIRA included numerous provisions

targeting illegal immigrants deemed to pose a national security threat, leading one member of Congress to declare that the legislation was “directed at these serious threats from criminal aliens engaged in both the illicit drug trade as well as international terrorism.”² The legislation furthered the narrative that immigration constituted a threat to national security despite the fact that it was passed in the months following the 1995 Oklahoma City bombings – the deadliest terrorist attack in the nation’s history perpetrated by native-born domestic terrorists.

In the weeks leading up to 9/11, President George W. Bush advocated for comprehensive immigration reform, including proposing amnesty for the more than 12 million undocumented immigrants and arguing for an expansion of an anachronistic guest-worker program to meet the demands of the 21st century American economy. The 19 foreign-born terrorists responsible for the September 11 attacks exploited numerous vulnerabilities in existing U.S. immigration and national security policies – most notably by easily overstaying temporary visas or simply entering the country through illegal means to carry out their plot. In an effort to correct numerous gaps in security, domestic counter-terrorism efforts immediately following 9/11 concentrated on securing the nation’s borders to prevent the inflow of illegal aliens, drugs, terrorists and weapons of mass destruction.

Since the early-1900s, migrant or guest workers, primarily individuals from Latin and South America, have come to the United States to perform temporary low-skilled labor, often in the agriculture and construction sectors or in other seasonal employment. The temporary and often seasonal labor of migrant workers (or as George W. Bush once

² Rep. Benjamin Gilman, “Conference Report on H.R. 2202, Illegal Immigration Reform and Immigrant Reasonability Act of 1996,” remarks in the House, Congressional Record, daily edition, vol. 142 (September 25, 1996), p. H11085.

controversially put it, the “jobs that American’s won’t do”³) has historically proven to be beneficial to both laborers and the vitality of the U.S. economy. The post-9/11 securitization efforts along the U.S.-Mexico border have greatly impacted guest workers and severely restricted travel into the United States.

Additionally, targeted and systematically controlling international entries to the nation is one of the chief aims of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (Patriot Act), passed scarcely six-weeks following the terrorist attacks. Combined together, border security efforts and comprehensive antiterrorism policies like the Patriot Act specifically target immigrants and migrant workers. This thesis seeks to determine if border security strategies and antiterrorism policies are an appropriate use of significant resources for immigration enforcement.

In the spring of 2013, Congress began debate on a comprehensive immigration bill that included numerous provisions concerning improved border security metrics and a revitalized guest-worker program. Chapter one of this thesis was written during the introduction and subsequent debate on the Border Security, Economic Opportunity and Immigration Modernization Act of 2013, crafted by a group of bipartisan members in the Senate.

The focus of that chapter one is two-fold: first, to analyze the necessary components of a successful guest-worker program and then to determine the impact of guest-worker programs on the security of the U.S.-Mexico border. Through these efforts, the goal of chapter one seeks to answer whether guest-worker programs should continue

³ Daniel Gross, “Dirty Work: What are the jobs Americans won’t do?,” *Slate*, July 2007.

to impact the current inaction surrounding immigration reform legislation due to national security concerns.

In researching the debate surrounding guest-worker programs in the United States beginning with the 1940s Bracero program, it is evident that post-9/11 objections to migrant labor on grounds of comprising a threat to national security is quite misguided. Even after 9/11, opposition to guest-worker programs is primarily based on economic motivations—that is the fear that migrant laborers drive down domestic wages and take jobs from American citizens—as well as general anti-immigrant tendencies. Following the terrorist attacks and the implementation of numerous immigration-centric antiterrorism policies, it simply became easier to justify the resistance of migrant laborers on national security grounds.

Chapter one determines that post-9/11 border security policies are largely inefficient despite statistics that indicate an annual decrease in attempts to illegally cross the southern border. One key aspect of these deficiencies is evidenced by the lack of consensus among policymakers, law enforcement agencies, including the Department of Homeland Security and the United States Border Patrol, concerning the definition and methodology to determine success for securing the borders. For example, the United States Border Patrol calculates border-security metrics differently than the Immigration and Customs Enforcement (ICE) leading to varying estimations of apprehensions and skewed data demonstrating the success of various programs. This discrepancy is a major focal point of the current Senate-passed immigration legislation, which attempts to

redefine border security goals by seeking to establish complete surveillance of the U.S.-Mexico border resulting within one-year a 90-percent effectiveness rate.⁴

Perhaps the most glaring weakness of post-9/11 border security policies examined in chapter one is the lack of a comprehensive system to monitor and track visa overstays. While there is negligible evidence to indicate that migrant workers pose a national security threat, there is currently no effective system in place to ensure that guest workers obey the terms of their visas. The lack of a monitoring system has allowed hundreds of thousands of migrant workers to overstay their visas and remain in the United States as illegal immigrants. The most recent estimates, provided by the government in 2011, contend that 31 to 57 percent of the illegal immigrant population is comprised of visa overstays.⁵ Even the inability to provide a more specific estimate of this figure depicts a substantial failure in border security strategy.

Despite the creation of the United States Visit and Immigrant Status Indicator Technology (US-VISIT) in 2002, an automated biometric-based system designed to “collect, maintain, and share information, including biometric identifiers, through a dynamic system, on foreign nationals to determine whether the individual” should be permitted to enter the United States and to “enhance traffic flow for individuals entering or exiting the U.S. for legitimate purposes,” the United States remains without a system to track overstays.⁶

Chapter two of this thesis expands on the numerous issues surrounding the absence of an effective travel monitoring system and focuses more broadly on the overall

⁴ Under this proposal, effectiveness rate is defined as the number of apprehensions and turn backs in a specific sector of the border divided by the number of illegal entries.

⁵ Ruth Ellen Wasem, “Comparative Discussion Of CIR's Key Features,” *Congressional Research Service: Report* (2013): 5

⁶ “Fact Sheet: US-VISIT Program,” *U.S. Immigration and Customs Enforcement*.

effectiveness of immigration-focused antiterrorism policies. In analyzing the effectiveness of post-9/11 antiterrorism policies, I examine the impact of these policies on immigrants, legal and illegal, as well as immigrant communities. The overarching goal of chapter two is to answer whether it is in the best interest of American national security to focus significant state and federal resources, financial and otherwise, on immigration-focused antiterrorism policies.

Similar to the lack of consensus concerning the success of border security strategies, I determine that many lawmakers and scholars disagree on the manner by which to evaluate the success of antiterrorism policies with immigration components. Due to this discrepancy, I combine a myriad of legislation, literature, reports and Congressional statements to devise a coherent system by which these policies can be effectively measured. The three main goals of immigration-focused antiterrorism policies since 9/11 are:

- 1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States.
- 2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security.
- 3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States.

Using these three goals as metrics, I analyze the immigration-components of the PATRIOT Act and the legislative and policy recommendations of the 9/11 Commission Report to examine how they are applied to both legal and illegal immigrants. With regard to goal 1, I conclude that the inability of antiterrorism policies to track visa overstays prevents the adoption of successful entry/exit system. Goal 2 finds that the

United States has heavily relied upon the policy of deportation despite the lack of the aforementioned entry and exit system. Most glaringly, numerous scholars and statistical reports largely characterize deportation as a failed antiterrorism policy; in fact more individuals were deported on national security or terrorism grounds in the decade before 9/11 than from 2001 to 2011.⁷

Goal 2 also focuses on the increased immigration enforcement role of state and local law officials following 9/11. 287(g) authority, the controversial policy issued by the Department of Justice in 2002, allows state and local law enforcement the ability to question and arrest people based on their immigration status in virtually any situation. The majority of individuals arrested under 287(g) authority have overstayed student and guest worker visas and in almost all cases not linked to any criminal or terrorist activities.

In fact, local law enforcement agencies across the country are increasingly reluctant to enforce civil immigration violations out of fear of irreparably damaging relations with immigrants and their communities, who have provided invaluable assistance in criminal and terrorist investigations. Goal 3 finds that due to immigration-focused antiterrorism policies, legal immigration, including refugee resettlement programs, has become a casualty of the post-9/11 securitization of the United States. On the whole, the general decline in immigration seems to indicate that post-9/11 security measures have had a greater impact on legal immigration than on illegal entries.

The case studies in chapter two concern three foreign-born individuals who entered the United States through legal means and either overstayed temporary visas or became naturalized citizens before attempting to carry out terrorist plots. Lapses in

⁷ “Immigration Enforcement Since 9/11: A Reality Check,” TRAC Immigration (Syracuse University), September 9, 2011.

security and deficient antiterrorism policies allowed Faisal Shahzad, Mohamed Mohamud, and Amine El-Khalifi to nearly carry out three deadly terrorist attacks.

One major finding of chapter two is that immigration-focused antiterrorism policies as currently constructed and implemented have served a minimal and perhaps even negative purpose in providing for the improved security of the United States. The case studies in this chapter highlight the instrumental role of individuals from within immigrant communities, who have diligently alerted law enforcement to suspicious activities and in some cases, served as undercover informants. This role cannot be understated and accurately depicts the paramount importance of a trusting relationship between law enforcement and immigrants.

Finally, the second chapter of this thesis demonstrates a noticeable and recent shift in legitimate terror plots and threats facing the United States – moving from individuals abroad to legal residents and citizens within our own communities. With antiterrorism policies unable or unwilling to adapt to this shift, aspiring terrorists have found that it is far more preferable to exploit inefficient visa and citizenship processes to legally enter and remain in the United States than to jump a fence or cross a river. Ultimately, the antiterrorism policies discussed in chapter two are severely flawed in that they are unable to effectively monitor and track homegrown terrorists, including naturalized citizens like Faisal Shahzad and Mohamed Mohamud.

Chapter three explores the threat of increased radicalization among immigrants, focusing on permanent residents and first and second-generation citizens from the Muslim community. Muslim immigrants are the focal point of chapter three as they comprise the largest immigrant group implicated in terrorism-related crimes in the United

States since 9/11.⁸ Despite numerous acts of terrorism in Europe perpetrated by its own citizens in the decade following 9/11, it was not until the April 2013 Boston Marathon – carried out by Tamerlan Tsarnaev, a legal permanent resident, and his younger brother Dzhokhar, a naturalized American citizen – that dispelled the notion that the United States was immune to terrorism committed by its resident and citizens.

In response to the Boston attacks, the first successful terror attack on American soil since 9/11, chapter three specifically identifies assimilation policies as the correct focus for the surge in homegrown terrorism among immigrants. I emphasize the role of assimilation policies because it is the singular and constant trend throughout the majority existing of scholarly literature.⁹ Improving assimilation practices is also the predominant concentration of European and Middle-Eastern-based counter-radicalization programs as they combat their own security threats posed by homegrown terrorism. Additionally, the Boston Marathon bombings has brought the issue of assimilation to forefront of the national debate surrounding immigration reform. Some Conservative authors and commentators have even suggested rejecting any immigration reform proposals until fixing broken and unworkable assimilation programs.

Chapter three finds that an inability to assimilate combined with the impact of globalization has led to the drastic increase in cases of radicalization and attempted terrorist plots in recent years. The widespread access of the Internet has been a dominant factor in recruiting aspiring terrorists, primarily among young Muslim men who often feel disenfranchised in a society that does not fully accept them and turn to radical Islam

⁸ More than 150 Muslim immigrants (including visa overstays, visa holders, permanent residents, naturalized citizens, and second-generation citizens) have been arrested and charged with terrorism-related offenses since 9/11.

⁹ See for example, Kurtz (2013), Gould and Klor (2012), Fonte and Nagai (2013), Bagby (2009), McCarthy (2013), Bizina and Gray (2014).

as a badge of cultural identity. The global interconnectedness of the Internet, a major tool used to influence the Tsnarnaev brothers, has allowed immigrants to reject assimilation and virtually link with terrorist members and supporters around the world.

In examining the growth of homegrown terrorism among Muslim immigrants in the United States and abroad, I conclude that American antiterrorism policies have failed to successfully adapt to combat this trend. With the increased threat of radicalized immigrants in the United States and thousands of estimated legal residents and citizens joining overseas terrorist networks, including Al-Shabaab and the Islamic State in Iraq and the Levant (ISIS), it is somewhat surprising that the Boston Marathon bombings have been the only successful terrorist attack since 9/11. These concerns led a former Justice Department official to remark “the threat from al Qaeda is much more diffuse after Sept. 11, and the threats posed by a single horribly misguided citizen or permanent legal resident in the U.S. is in a sense as great as what core al-Qaeda posed before Sept. 11.”¹⁰

Through extensive research, I determine that traditional antiterrorism policies on their own are not a feasible long-term solution to combat the threat posed by homegrown terrorists. As chapters one and two of this thesis demonstrate, post-9/11 American antiterrorism policies have proven largely unsuccessful while damaging crucial relationships with immigrants and their communities. These policies coupled with inadequate assimilation programs have created resentment among immigrants and furthered their radicalization. While traditional methods of law enforcement and intelligence practices are vital to prevent terrorism in the United States and abroad, chapter three focuses on counter-radicalization programs as a comprehensive means to limit homegrown terrorism, which is defined as “a package of social, political, legal, and

¹⁰ Carrie Johnson, “Justice Department Renews Focus on Homegrown Terrorists,” *NPR*, June 2014.

educational and economic programs specifically designed to deter (and possibly already radicalized) individuals from crossing the line and becoming terrorists.”¹¹

Globally, these programs are still in their infancy stages and while their long-term effectiveness remains unproven, counter-radicalization strategies are implemented by dozens of countries. The case studies in chapter three analyze three current counter-radicalization strategies implemented in the Netherlands, the United Kingdom, and the United States. The counter-radicalization programs employed by all three countries contain significant assimilation components, including improving community outreach and increasing trust within immigrant and at-risk communities. These strategies all contain laudable efforts to focus on reducing extremism at the local level and present very different policy options than counter-terrorism efforts. In fact, one of the primary aims of counter-radicalization programs is to separate community outreach efforts from traditional methods of policing and intelligence-gathering.

However, the counter-radicalization strategies of the Netherlands, the United Kingdom, and the United States contain numerous deficiencies that impede their effectiveness. Most notably, none of the strategies have clear identifiable metrics or goals to measure success. I recommend that policymakers develop a formula to ascertain the effectiveness of counter-radicalization strategies. There is also evidence that the United States counter-radicalization program has so far been unable to differentiate itself from counter-terrorism strategies, fueling further distrust among immigrant communities. I contend that counter-radicalization programs represent a necessary option to combat the terror threat comprised by immigrants, but must be drastically reformed to succeed.

¹¹ United Nations, “First Report of the Working Group on Radicalization and Extremism that Lead to Terrorism: Inventory of State Programs,” 2010.

Each chapter analyzes a different essential component of the immigration debate to answer two fundamentally important questions: is immigration a good place to look for a security threat and does immigration deserve the continued focus of American counterterrorism policies? I conclude that it is misguided to broadly link immigration with terrorism, especially legally admitted migrant workers. Yet, the lack of an effective visa and travel monitoring system is essentially a self-fulfilling security threat by allowing migrant workers to overstay their visas and remain in the United States as illegal immigrants.

The most serious national security threat comprised by immigrants is certainly the threat of increased radicalization among Muslim immigrants. It is imperative for policymakers and security experts to recognize the validity of homegrown terrorism and ensure that counterterrorism strategies are properly aligned to combat this threat. Reforming current counterterrorism policies are only a short-term solution to an endemic problem among immigrant and at-risk communities. This is why I conclude that significant resources, both financial and human capital, should be invested in establishing an improved national counter-radicalization program.

Chapter I: Do guest-worker programs constitute a security threat to the U.S.-Mexico border?

Introduction:

In the summer of 2001, President George W. Bush called for the need to comprehensively reform and relax current immigration policies. In his remarks, President Bush argued that, “immigration is not a problem to be solved, it is a sign of a confident and successful nation. [Immigrants] should be greeted not with suspicion and resentment, but with openness and courtesy.”¹²

In September 2001, President Bush and Mexican President Vicente Fox met in Washington, D.C. to discuss the prospect of granting amnesty to the more than 12 million undocumented immigrants living in the U.S and expanding a guest-worker program. Following the talks, the two leaders issued a joint statement expressing their commitment to ensuring safe, legal and dignified migration and vowed to continue their discussion in order to adequately solve the myriad of issues surrounding undocumented Mexican workers in the United States.

Less than a week following the meeting between President Bush and President Fox, the September 11th attacks horrified the nation and greatly altered the priorities of American policymakers. Immigration reform and the revitalization of a guest-worker program became a low-priority compared to ensuring the security of the United States, both at home and abroad. American immigration policies shifted rapidly from relaxing border controls and debating pathways to citizenship for undocumented immigrants to

¹² Bush, George W., “U.S. Perspectives on Immigration Policy,” October 21, 2001.

taking unprecedented efforts to prevent the inflow of illegal aliens, drugs, terrorists and weapons of mass destruction across our borders.

There can be no denying that this drastic change in our nation's immigration policies was directly related to the fact that the 19 hijackers who carried out the 9/11 attacks had entered the U.S. through temporary legal visas. At the time of the attacks, five of the terrorists had overstayed or otherwise violated the terms of their visas.¹³ The fact that some of the hijackers were considered visa overstays at the time of the attacks has greatly impacted American immigration reform, and a comprehensive reform of guest-worker programs.

In the context of the current national debate surrounding immigration reform, this paper examines the validity of the argument that guest-worker programs and migrant workers constitute a security threat to the U.S.-Mexico border. I analyze the debate surrounding guest-worker programs in the United States beginning with the 1942 *Bracero* program. I first examine the effectiveness of guest-worker programs by determining their impact on U.S.-Mexico border security, as well as the economic, social and political consequences of these programs. Using these criteria to examine the effectiveness of U.S. migrant-worker policies, this paper will consider two case studies that seek to determine the components of a successful guest-worker program. Ultimately the motivation of this paper is to separate the current political polarization in the United States to determine the validity of the argument that guest-worker programs constitute a threat to American national security.

¹³ Eldridge, Thomas, et al. (2004) *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks upon the United States*. Washington: National Commission on Terrorist Attacks.

Literature Review:

Definition of terms and background of guest-worker programs

The term *migrant worker* has typically been applied to foreign temporary, primarily low-skilled, laborers, often in agriculture or other seasonal employment.¹⁴ Currently, the U.S. has two main programs for temporarily importing guest workers: Agricultural guest workers enter through the H-2A visa program, while other guest workers, primarily in the construction sector, enter through the H-2B visa program, which was established under the *Immigration and Nationality Act (INA) of 1952*. The *INA*, as originally enacted, authorized a temporary foreign worker program known as the H-2 visa program. In 1986, the *Immigration Reform and Control Act (IRCA)* amended the *INA* to subdivide the H-2 visa into the current H-2A and H-2B programs.¹⁵

Additionally, the *IRCA* sought to prevent unauthorized immigration by creating employer sanctions for hiring unauthorized workers. The Act authorized fines on businesses that knowingly or intentionally hired illegal immigrants and created an employment eligibility verification system, known as E-Verify.¹⁶ It is important to include mention of E-Verify, which ensures that legally admitted migrant workers are hired and work for certified and registered employers.¹⁷

This paper will analyze only the H-2 program, primarily because in most cases, the government does not consider those in the H-1B program to be a security threat as evidenced throughout the majority of current immigration enforcement policies. Guest-worker programs, and specifically migrant workers from Mexico, are viewed as a border

¹⁴ "Definition of Guest Worker Programs," *Library of Congress*.

¹⁵ *Ibid.*

¹⁶ Alex Nowrasteh, "How to Make Guest Worker Visas Work." *Cato Institute*. January 2013: 31

¹⁷ *Ibid.*

security threat primarily for frequently overstaying their visas and thus becoming a part of the illegal immigrant population. Many policymakers and security experts argue that guest workers that overstay their temporary visas could potentially carry out terrorist acts against the United States. In 2006, Congressman Tom Tancredo (R-CO) stated on the House floor that, “the political leadership of this country seems to think that attacking terrorism overseas will allow us to ignore the invitation our open borders presents to those who wish to strike us at home.”¹⁸

Since the passage of the *IRCA* in 1986, temporary visas for lower-skilled workers have proved to be a divisive issue during various attempts at guest-worker reform, primarily because of the conflicting priorities of the business and labor communities. The inability for the U.S. government to garner the support of both the labor and the business communities has made comprehensive reform virtually impossible. The core argument is essentially that the business community favors allowing guest workers into the country to help employers fulfill their labor needs, often on a seasonal basis. On the other hand, the labor community, most importantly powerful unions including the AFL-CIO, has consistently expressed concerns that temporary workers lead to depressed wages and the loss of jobs for American workers.¹⁹ This debate between business and labor indicates that perhaps economic reasons are the true motivation in opposing guest-worker programs.

Bracero program

Guest-worker programs in the U.S. formally began in 1942 with the introduction of the Bracero Program, which provided an annual stream of temporary workers to the

¹⁸ Rep. Tom Tancredo, “Four-Point Plan for Immigration Control.” General Floor Speeches - U.S. House of Representatives. November 2006.

¹⁹ Cindy Hahamovitch, “The Politics of Labor Scarcity Expediency and the Birth of the Agricultural Guestworkers Program,” *Center for Immigration Studies* (1999): 6.

U.S. until 1964. Kiera Lobreglio argues that the Bracero Program signified a shift toward more liberal attitudes regarding immigration from Mexico.²⁰ The reasoning of why the Bracero program was instituted in 1942 was to solve the shortage of manpower in agriculture sector during World War II.²¹ Many scholars have considered it a flexible program because it was used creatively, adjusting to the needs of the nation at a given moment. For example, the program was expanded from 1943 to 1945 to employ temporary workers to help the short-term Railway Program, which expanded the nation's critical infrastructure. Durand argues that the Bracero program was the largest and most far-reaching temporary employment effort in US history as the program reached its height in 1959, when an unprecedented 450,000 Mexican migrant workers entered the U.S.²²

Since the end of the Bracero program, the United States has maintained guest-worker programs, which were expanded in the decades leading up to 9/11.²³ With the creation of the modern H-2 visa system under the *IRCA*, the number of H-2A visas issued has increased from 6,445 in 1992 to 30,201 in 2000.²⁴ Bringing workers into the United States under either the H-2A program or H-2B program is a multi-agency process involving the Department of Labor, the Department of Homeland Security, and the Department of State. As an initial step in the process, employers must apply for Department of Labor certification to ensure that U.S. workers are not available for the jobs in question and that the hiring of foreign workers will not adversely affect U.S.

²⁰ Kiera Lobreglio, "The Border Security and Immigration Improvement Act: A Modern Solution to a Historic Problem?" *St. John's Law Review* 3rd ser. 78.3 (2004): 18.

²¹ Jorge Durand, "The Bracero Program (1942-1964) - A Critical Appraisal," p. 33.

²² Durand, 34.

²³ *Ibid.*

²⁴ Kenneth N. Hansen, "Postmodern Border Insecurity." *Administrative Theory & Praxis*, (2009): 348.

workers. The labor certification process has long been criticized as ineffective, with employers complaining that it is burdensome and unresponsive to their labor needs and labor advocates arguing that it provides too few protections for workers.²⁵

Exploitation of migrant-workers

When discussing and evaluating the effectiveness of a migrant-worker policy, it is notable to mention that the vast majority of scholars ignore the human impact of these programs in analyzing the effectiveness of guest-worker programs.²⁶ Most scholars instead focus upon the economic, political, and security ramifications of guest-worker programs. In addition to omitting the often-disregarded human rights of migrant workers, very little literature mentions how guest-worker programs constitute a threat to national security.

With that said, an effective guest-worker program must consider the protection of the legal rights and health of legal temporary-workers. The rights and privileges that we, as Americans, enjoy as inalienable rights are often the motivating factors that drive immigrant to come to the United States. Thus, it is essential for our government to ensure that these freedoms, especially fair wages and treatment, are extended to all immigrants, including temporary workers.

In studying various guest-worker programs since the 1940s, the mistreatment of guest workers remains a constant theme, despite it rarely being considered as a measurement for the effectiveness of an immigration policy. For example, an article appearing in the *Charlotte Observer* in 1999 depicted the shortcomings of guest-worker programs by telling the story of Carmelo Fuentes, a Mexican migrant-worker in North

²⁵ Wasem, 28.

²⁶ This includes Larry Morgan, Bruce Gardner, Joseph Nevins, Gordon Hanson, among numerous others.

Carolina, who feared losing his job and temporary visa to a faster worker. According to the *Observer*, Mr. Fuentes felt extreme pressure to continue working more than 80-hour weeks until a heat stroke shut down his internal organs and caused severe and irreparable brain damage.²⁷

In addition, the Southern Poverty Law Center (2007) issued a report describing the harsh and brutal conditions endured by a group of Mexican guest workers in Louisiana, who arrived in the U.S. expecting to work in the Arkansas forestry industry. According to the report, the group was immediately sent to pick sweet potatoes in Louisiana after their passports were confiscated by their crew leader. The Mexican guest workers received \$70 each for an 84-hour workweek and their crew leader demanded a \$1,600 bribe for the return of their passports. These are just two examples of how unfair and cruel treatment undermines guest-worker programs.²⁸ Hansen argues that in the majority of cases, law enforcement officials are unwilling to respond to such instances of abuse, which leads to increased problems regarding the effectiveness of guest-worker programs.²⁹

Cindy Hahamovitch contends that these practices undermine American democratic values and in many cases, put the security of the U.S. border at risk.³⁰ While Hahamovitch offers an underdeveloped argument, the essence is that prospective migrant-workers will see no advantage participating in the program if they know that their basic rights will be ignored. As a result, they are more likely to attempt illegal

²⁷ Kimi Jackson, "Farmworkers, Nonimmigration Policy, Involuntary Servitude, and a Look at the Shepherding Industry," *The National Agricultural Law Center*, 2000.

²⁸ Southern Poverty Law Center, "Close to Slavery: Guestworker Programs in the U.S." 2007. 2 Mar. 2013.

²⁹ Hansen, 348.

³⁰ Hahamovitch, Cindy. "The Politics of Labor Scarcity Expediency and the Birth of the Agricultural 'Guestworkers' Program." *Center for Immigration Studies* (1999): 4.

crossings of the border rather than go through the legal visa process – undermining any form of effectiveness of guest-worker programs.

For a guest-worker program to be effective from a human rights perspective, law enforcement agencies will need to prosecute employers who mistreat migrant workers and violate their civil rights. If the overall goal of immigration strategy is to only allow legal-vetted immigrants, regardless if they are temporary or permanent residents, ensuring that employer sponsors of guest workers abide by the law is essential. In reality, there could certainly be a decrease in the desirability for any migrant worker to want to participate in a guest-worker program if they are continually subjected to abuse and mistreatment by their sponsored-employers.

The economics of guest-worker programs

The most vocal opposition to guest-worker programs, from policymakers to Main Street, is almost solely due to economic concerns. Even decades before 9/11, native-born Americans have expressed anti-immigrant sentiments due to the fear of losing jobs and lowering wages. I present this argument because I ultimately believe economics are the true reason for a widespread reluctance to reform and expand guest-worker programs to pre-9/11 levels. It appears most likely that due to the increased security focus on immigrants, including migrant workers, following the September 11th attacks, economic-based opposition has simply been justified and accepted due to the implementation of numerous national security policies. With that hypothesis in mind, this section reviews literature to determine the economic construction of guest-worker programs, and whether they truly have a negative impact on the American workforce.

As evidenced by the Bracero program, migrant workers are primarily employed to fill gaps in various low-skilled sectors of the economy. Hanson argues that admitting

immigrants in scarce occupations actually yields a sizeable increase in American incomes, as well as having a positive impact on the United States' economy.³¹ Primarily, growers of perishable, labor intensive crops, including fruits and vegetables, whose demand for directly hired and contract workers typically peaks during harvest season argue that they need access to temporary labor because of an insufficient supply of American workers.³²

Furthermore, a constant theme throughout the majority of literature on guest-worker programs surrounds the issue of whether foreign, temporary workers reduce the wages and employment opportunities of domestic workers. Levine contends that the admittance of guest workers lowers the number of domestic employment in agriculture, as the presence of foreign farm workers reduces the amount of wages that accrues to domestic farm workers.³³ Additionally, Hanson asserts that the influx of temporary workers expands output, which results in a decrease in agricultural prices and thereby benefiting U.S. consumers, including domestic farm workers.³⁴

A study of the Bracero program's impact on wage and employment levels of hired farm labor revealed that the Bracero program increased total farm employment, reduced employment of domestic farm workers and lowered the farm wage rate from 1942 to 1964.³⁵ The study found that the wage loss to all non-Bracero farm workers was 6 to 7

³¹ Hanson, Gordon H. *The Economic Logic of Illegal Immigration*. The Council on Foreign Relations, Apr. 2007.

³² Levine, Linda "The Effects on U.S. Farm Workers of an Agricultural Guest Worker Program," Congressional Research Service. RL95712 (2009): 22.

³³ Hanson, 2.

³⁴ Ibid.

³⁵ Morgan, Larry and Bruce L. Gardner, "Potential for a U.S. Guest-Worker Program in Agriculture: Lessons from the Braceros," in Barry Chiswick, ed., *The Gateway: U.S. Immigration Issues and Policies*, (Washington: American Enterprise Institute, 1982): 14.

percent of total wages paid to farm workers, resulting in around \$139 million per year.³⁶

American farmers were found to have benefited the most from the program by being able to hire around 120,000 more workers at 15-20 cents less per hour than they would have in the program's absence.³⁷

Donald Wise examines the experience in California for two heavily Bracero-dependent crops to determine whether U.S. workers would accept farm jobs if wages were raised.³⁸ He estimates that a small increase in wages would bring about a larger increase in the supply of domestic farm workers: in winter melon production, a 1 percent increase in wages was associated with a 2.7 percent increase in the domestic supply of labor; in strawberry production, a 1 percent increase in wages was related to a 3.4 percent increase in the domestic labor supply.³⁹ While there is limited empirical research and data on the impact of the Bracero program on U.S. workers, these studies suggest that while the program successfully expanded the supply of temporary farm labor, it did so at the expense of domestic farm workers as measured by their reduced wages and employment. Wise's statistical research demonstrates that there may be legitimacy behind the argument of guest-worker programs reducing wages for native-born American citizens.

Fees and Wages

Fees and wages are a complex aspect of guest-worker programs, primarily because their methodology has been consistently revised for the last 30 years. The majority of fees stem from the application process, transportation of workers and their

³⁶ Ibid.

³⁷ Ibid.

³⁸ Wise, Donald E. "The Effect Of The Bracero On Agricultural Production In California." *Economic Inquiry* 12.4 (1974): 547.

³⁹ Ibid.

wages, which are paid by employers and levied to cover administrative costs.⁴⁰ Fees for the H-2A and H-2B are not standardized, which makes a comprehensive analysis quite difficult. With regard to the H-2A program, wages are calculated by the adverse effect wage rate, which determines the average hourly wage for agricultural workers on an annual basis. In 2010, the Department of Labor changed the method for calculating wages for temporary workers, which were instituted during the Bush administration.⁴¹ The constant shift in calculating wages and fees for both employers and workers is a significant issue that has also hindered adequate reforms to guest-worker programs. It is essential for the methodology to calculate fees and wages to become standardized for a guest-worker program to be effective.

Based on the opposition to migrant workers before and after 9/11 on economic grounds, there is inconclusive evidence that guest-worker programs negatively impact the American economy and its blue-collar workforce. In the research conducted for this paper, I found that more economists contend that guest-worker programs provide value for the American domestic economy than hinder it. With that said, the lack of consensus for determining fees and wages renders it even more difficult to accurately report on the economic benefits of migrant workers.

Border security aspects of guest-worker programs

For the purpose of this paper, the definition of *border security* concerns the ability of the U.S. government and related agencies to track, deter and prevent the entrance of illegal immigrants, while ensuring that guest workers do not overstay the length of their

⁴⁰ Nowrasteh, 18.

⁴¹ Nowrasteh, 31.

visas.⁴² Thus, the primary goal of border security with regard to temporary immigration is to ensure that legal visa programs are the only way to enter the United States. Guest workers who overstay their visas, like many of the terrorists who carried out the 9/11 attacks, present an even greater challenge to the security of our borders because they have already been legally admitted and often get lost within the system.

For a guest-worker program to be effective from a border-security standpoint there needs to be a standardized methodology to determine the safety of the U.S.-Mexico border. Currently, the United States Border Patrol calculates border-security metrics by collecting and estimating various data including, apprehensions and turn-backs of illegal immigrants, the amount of unique apprehensions and recidivism, and the number of illegal immigrants who successfully enter the United States.⁴³ Rosenblum argues that due to the nature of illegal immigration, along with the size and diversity of U.S. borders, there is not a single quantitative, off-the-shelf indicator that accurately and reliably provides a metric for border enforcement.⁴⁴ Rather, the Immigration and Customs Enforcement (ICE) estimates illegal immigration and apprehension rates, with differing opinions surrounding their accuracy.

The limiting nature of using apprehensions as the primary measure of border security is visible in recent statistics. From 1991 to 2000, apprehensions of illegal immigrants increased from 1.13 million to 1.68 million.⁴⁵ With the exception of 2004 to 2006, apprehensions have generally fallen, reaching 327,577 in 2011—the lowest total

⁴² “Southwest Border Strategy Results Inconclusive,” Government Accountability Office (1997): 4.

⁴³ Alden, Edward. "Immigration and Border Control." *The Cato Journal* Winter 2012 32.1 (2012): 107

⁴⁴ Rosenblum, Marc R. "Border Security: Immigration Enforcement Between Ports Of Entry." *Congressional Research Service* (2013): 2-3.

⁴⁵ Rosenblum, 4.

since 1970.⁴⁶ Conversely, the measurement of successful illegal entries is also imprecise. Wasem points out that the total unauthorized population grew by about 385,000 people per year in the 1990s, by about 1 million per year from 200-2007 and by 300,000 per year on average during the decade.⁴⁷ However she warns that these estimates should be interpreted with caution as they are based on a residual analysis of U.S. census data, which is somewhat imprecise.⁴⁸

The United States has taken unprecedented steps toward securing our borders and limiting the influx of immigrants, by constructing hundreds of miles of fencing, patrolling the U.S.-Mexico border with drone surveillance and reducing the number of visas offered to students and guest workers. Since 2007, when 850,000 people were caught trying to illegally cross the nearly 2,000-mile long border with Mexico, the number of apprehensions has declined to around 357,000 in 2012.⁴⁹ One significant reason for this decline is due to the exponential increase of financial resources that have been allocated to border security.

During President Obama's first-term in office, \$73 billion was spent on immigration enforcement—more than the combined budgets of the Federal Bureau of Investigation, Secret Service, Drug Enforcement Administration and U.S. Marshall Service.⁵⁰ Judith Gans of the Immigration Policy Program at the University of Arizona, contends that this increase in funding for border security was the reason for fewer

⁴⁶ Rosenblum, 6.

⁴⁷ Wasem, 14.

⁴⁸ Ibid.

⁴⁹ Wasem, 16.

⁵⁰ Dwoskin, Elizabeth. "Hey Look, Somehow The Border Got Secured." Bloomberg Businessweek 4318 (2013): 21.

apprehensions, which resulted in bringing net migration to zero in 2012.⁵¹ Additionally, the number of border patrol agents along the U.S-Mexican border increased from 1,975 in 1980 to 18,506 as of late-2011. The United States also currently employs 10 border drones, 300 towers, and over 650 miles of border fencing.⁵²

Additionally, hundreds of thousands of guest workers have overstayed their temporary visas since 9/11 and, as a consequence, become unauthorized aliens. The most recent estimates range from 31 to 57 percent of the unauthorized population, or approximately 3.3 million out of the 6.2 million non-immigrant overstays.⁵³ An estimate of 31 to 57 percent is hardly a confident projection, which calls further in question the U.S. government's ability to accurately track temporary workers.

Edward Alden maintains that regardless of U.S. border security strategies, guest workers who overstay their visas will continue to remain a significant problem because of inadequate tracking systems.⁵⁴ In order to highlight this issue, in 2011, more than 8 million people applied for immigrant or non-immigrant visas to come to the U.S., and just under 2 million of those were rejected.⁵⁵ While there were 463,000 apprehensions made of individuals attempting to cross illegally into the U.S., current statistics fail to account for an unknown number of individuals who failed to leave when their visas expired.

According to Alden, the U.S currently requires all visa applicants to give fingerprints and digital photographs, present themselves for interviews, and in many

⁵¹ Gans, Judith. *Immigrants in Arizona: Fiscal and economic impacts*. Udall Center for Studies in Public Policy, University of Arizona, 2007: 14.

⁵² Wasem, 17.

⁵³ Foley, Elise. "Senate Immigration Bill To Heighten Border Security, Grant Legal Status." *The Huffington Post*. April 17, 2013.

⁵⁴ Alden, 109.

⁵⁵ Alden, 111.

cases wait for lengthy security background screenings. Currently, the government has the fingerprint records of nearly 130 million individuals, as well as 142 million facial recognition images. While the Department of Homeland Security can point to statistics that indicate fewer arrests were made along the border in 2011 than in any year since 1972, there remains the lack of a comprehensive system for tracking whether temporary workers overstay their visas. For a border security strategy to be successful there needs to be an adequate system in place to monitor that guest workers do not overstay the terms of their visas.

Siskin writes that in an attempt to remedy this, the Department of Homeland Security announced in 2011 an agreement with Canada to share entry records so that an entry into Canada along the land border would be counted as an exit in U.S. records.⁵⁶ It is not clear whether the shared entry records will be a biographic system or contain biometric identifiers because it is a classified program. However, others, including Chairman Elton Gallegly⁵⁷, express concerns about the general security of the program and argue that until more security measures are in place, such a biometric exit capacity, the program should not be extended.

Additionally, Ortmeyer and Quinn argue that guest workers will continue to be negatively impacted as the U.S. tightens controls on illegal migration.⁵⁸ Nevins agrees with this assertion that the expansion of policies enacted since the mid-1990s has made

⁵⁶ Siskin, Alison, "Visa Waiver Program." *Congressional Research Services: Reports* (2013): 12.

⁵⁷ Elton Gallegly was a Republican Member of Congress from California from 1987 to 2013. His input on the visa pilot program with Canada is noteworthy as he served as Chairman of the Subcommittee on Immigration Policy and Enforcement.

⁵⁸ Ortmeyer, David L., and Michael A. Quinn. "Coyotes, Migration Duration, And Remittances." *Journal Of Developing Areas* 46.2 (2012): 185

immigration and border security worse rather than better, primarily assisted by the inept reorganization of border security agencies within the Department of Homeland Security.⁵⁹

The lack of effective methodology to calculate the security of the U.S.-Mexico border security is a significant issue that cannot be understated. There is no doubt that any comprehensive reform of guest worker programs will need to be tied to border-security measures to ensure that legal migration is the only method to enter the country. This is essentially unattainable until the United States develops an accurate system to track visa exits and overstays.

Political viability and public support for guest-worker programs

According to the Pew Hispanic Center, 23.7 million Latinos were eligible to vote in the 2012 elections, comprising 11 percent of the nation's eligible voters.⁶⁰ In the presidential election, Latinos turned out in record numbers and voted for Barack Obama over Mitt Romney by a 71 to 27 percent margin, greatly contributing to his re-election. In every state polled by impreMedia and Latino Decisions, immigration was a major factor in the decision-making process for Latino voters—60 percent of which had a connection to an illegal immigrant or temporary-visa holder.⁶¹ As a result, the vast majority of Latino voters support the president's policies on the issue, even if he has not succeeded in enacting many of them.

Latinos, one of the fastest growing demographics in the political landscape, have gravitated toward Democratic candidates due, in large part, to their favorable views on immigration. In March 2013, President Obama held a closed-door meeting with House

⁵⁹ Ortmeyer and Quinn, 187.

⁶⁰ Lopez, Mark, and Paul Taylor. "Latino Voters in the 2012 Election." *Pew Hispanic Center RSS*. November 2012.

⁶¹ *Ibid.*

Republicans to discuss immigration reform. According to one source in the meetings, the President told the Republicans that he was “doing them a favor” by pushing for immigration reform, which would offer the GOP an opportunity to reverse the trend.⁶²

Congressman Peter King (R-NY) told the media that, "right now [President Obama] gets 75 percent of the Hispanic vote because Republicans are against immigration reform, so if we vote for it he's not going to pick up any new votes in the Hispanic community and we can."⁶³ Thus, for a guest-worker program to be considered effective it is imperative that any proposal has bipartisan support and cooperation. This will also require a significant shift in opinion by Republican members in House and Senate.

For many politicians, primarily conservative-Republicans, the prevailing argument against immigration reform, and increasing the number of guest-worker visas, would result in the weakening of border security. Hansen argues that since 9/11 anti-immigration rhetoric, disseminated through conservative talk radio and print media, has made the political viability of expanding guest-worker programs virtually impossible.⁶⁴ Hansen contends that the overarching mindset of political conservatives is that the white macroculture in the U.S. is in danger of being outnumbered by immigrant cultures, especially the Latino culture.⁶⁵ For example, this type of argument has led to the passage of legislation in 2007, passed by both the House and Senate and signed into law by

⁶² "Obama: Immigration Bill Helps House GOP." *Fox News Latino*. March 2013.

⁶³ *Ibid.*

⁶⁴ Hansen, 22.

⁶⁵ *Ibid.*

President Bush, a provision in the Defense Department's budget that authorized the construction of 700 miles of fencing at key points along the U.S.-Mexico border.⁶⁶

The media, promoting certain political ideologies, and self-interested politicians combine to help influence public opinion and often advocate the continuation of ineffective immigration policies. Hoover explains that the *Wall Street Journal* annually runs pro-immigration editorials because it favors cheap wages and large supplies of unskilled labor on behalf of corporate interests.⁶⁷ For example, the congressional delegation of Texas, a strongly-trade oriented group of members, consistently has voted against anti-immigration legislation and in favor of free trade because they favor cheap labor for their state's agricultural and construction interests.⁶⁸ A report released in 2006 by the Texas comptroller's office extolled the positive economic impact the estimated 1.4 million illegal immigrants had on the state's economy, contending that the estimated \$19 billion generated in GDP and \$1.5 billion in taxes paid, more than compensated for the approximately \$1 billion received in services from the state government.⁶⁹

Ilias et. al. argue that members of Congress largely are skeptical about whether an already overburdened immigration system could process millions of guest worker applications efficiently and properly.⁷⁰ Liberal-leaning Congressional members criticize guest-worker programs for not providing enough incentives for currently unauthorized immigrants to participate, and for ignoring the need for a path to legalization.⁷¹

⁶⁶ Levine, 14.

⁶⁷ Hoover, Robin. "Humane Borders." Lecture. Fresno Immigration Forum. March 2013: 2.

⁶⁸ Ryan Peterson, "Be Our Guest, But Please Don't Stay: A Comparison Of U.S. And German Immigration Policies And Guest Worker Programs." *Tulsa Journal Of Comparative & International Law* 14.1 (2006): 87

⁶⁹ Lobreglio, 22.

⁷⁰ Ilias, et. al., 743.

⁷¹ Ibid.

For future programs, Lobreglio proposes that Congress should add a provision to guest-worker programs that would allocate funds to either the states or nongovernmental organizations designed to teach immigrants about their rights and obligations under U.S. law. These programs would address the basic concerns of most immigrant families, such as medical care and schooling for children.⁷²

For any comprehensive reform of guest-worker program to become politically viable there must be a significant amount of public support. Ilias et. al. analyze a 2004 *New York Times/CBS News* national survey to determine public opinion concerning guest-worker programs.⁷³ In their findings, they determined that 52 percent of Americans polled supported the creation of a guest-worker program for current illegal immigrants. The largest amount of public support for these programs is when guest-worker programs are coupled with increased border protections.⁷⁴ A 2005 poll conducted by the *Washington Post/ABC News* found that 61 percent of Americans favored temporary worker and legalization policies over deportation as a means of reducing illegal immigration.⁷⁵ Thus, it is reasonable to conclude that the American public would be in favor of expanding guest-worker programs as long as they believe the government is taking adequate measures to protect our borders.

Case Studies:

Before introducing two case studies, it is important to review what an effective guest-worker program should look like. First, a reform of the current guest-worker program will need to be tied to a border security strategy, which is necessary in order to

⁷² Lobreglio, 26.

⁷³ Ilias et al, 753.

⁷⁴ Ibid.

⁷⁵ "National Post - ABC News Poll, April 11-14." *Washington Post*. April 18, 2013.

garner bipartisan political support. As the literature review depicts, the current methodology for calculating the security of the U.S. borders is inefficient and relies far too heavily on estimates. An ideal border security goal should aim to have 100 percent of the US-Mexico border under surveillance, while increasing the percentage of apprehensions along the Southern border.

As mentioned throughout the literature review, the lack of a system to track border exits and visa overstays is a huge concern. While progress has been made in recent years to implement parts of the US-VISIT biometric entry-exit system by deploying biometric technology to all port of entry, most Canadian and Mexican nationals, as well as U.S. residents are not required to participate. In addition, Customs and Border Protection does not collect any data from travelers departing at land ports of entry. While some biographic data arguably allows the Department of Homeland Security to track visa overstays traveling by air and sea, no such system exists for land travelers.

Additionally, there needs to be a better system in place to ensure that employers are only able to hire legal workers. One significant issue that has undermined previous guest-worker programs is that many jobs in the agriculture, service and construction industries have been filled by illegal workers. In 2010, there was an estimated 8 million illegal immigrants in the U.S. workforce. A mandatory verification system, which could simply be a comprehensive expansion of the E-Verify System, and a standardized system of penalties for employers that violate these terms will need to be instituted. In order to placate fears that guest-worker programs are taking jobs away from the domestic

workforce, employers will need to have an effective system to prove that jobs offered to guest workers cannot or will not be performed by U.S. citizens.

Case Study 1: Brookings Institute proposal

The first case study I analyze is a February 2013 proposal from the Hamilton Project at Brookings Institute, titled “Overhauling the Temporary Work Visa System.”⁷⁶ The case study contends that the proposal will provide \$7 - \$12 billion in deficit reduction over a decade and seeks to maximize the economic benefits of work-oriented visas to firms and immigrants based on market needs. Due to current budgetary constraints, any proposal that seeks to reduce the deficit deserves to be considered as a legitimate offering. The stated goal of the proposal is an overhaul of the current guest-worker programs by implementing a market-based auction system.

The auction system is a novel approach and one that has not been covered by any scholar mentioned in the literature review. According to the proposal, the system uses market-based auctions to allocate temporary permits that allow employers to hire foreign workers. By purchasing a permit, an employer will then have the right to hire a guest-worker for a given period of time. One attractive feature of this proposed auction system is that it will allow temporary workers to have full-mobility across all participating employers. The inability for mobility of previous guest-worker programs is something that has been heavily criticized and could also have benefits for labor shortages in given sectors at given moments. The portability of this proposal would also possibly ensure that guest workers receive fair wages and treatment, which is also something that has been lacking from previous programs.

⁷⁶ Orrenius, Pia, Giovanni Peri, and Madeline Zavodny. "Overhauling the Temporary Work Visa System." *The Brookings Institution*. February 2013.

The proposed auction system seeks to replace the current H-1B, H-2A and H-2B visa programs, which are designed to generate from \$700 million to \$1.2 billion in annual revenue for the federal government. According to the proposal, the auction system would initially cap H-2 visas at 125,000 per year. Each H-2 permit would cost an estimated \$1,000 to \$2,000, raising approximately \$125 million each year. The idea here is that revenue from the auctions would replace the fees currently charged for temporary foreign workers.

The proposal contends that the auction system would have numerous economic benefits that would have an indirect positive budget impact, including the assurance that guest workers receive an increase in wages from previous programs. The auction system, if implemented correctly, would certainly introduce a more efficient and flexible guest-worker program. The proposal would also help employers to expand and contribute to more job creation by enabling companies to hire temporary labor when they are unable to find domestic workers. The flexibility of the proposal aims to respond to the economic of the needs of the moment, which would allow for the increase or decrease in the allotment of temporary visas. This aspect of the proposal is an attempt to reform the rigid and misguided policy of having a fixed number of guest workers, a staple of modern-day programs.

The aim of the proposal is to ensure the protection of the rights for guest workers is another attractive and viable feature. While the permit auction revenue would be put toward federal budgetary relief, the proposal would direct the government to put income toward communities with large shares of immigrants. Most of this aspect of the proposal is aimed at temporary high-skilled workers by instituting technology-training programs

for the domestic workforce. However, with regard to lower-skilled guest workers, it is easy to envision that funds could be set aside to educate guest workers on their rights and to provide healthcare and education programs for the workers and their families, as Lobreglio suggests.

While the proposal contains a variety of aspects for the implementation of an effective guest-worker program for lower-skilled workers, it fails to consider any aspect of border security. As the literature review has demonstrated, for better or worse, guest-worker programs are inherently tied to ensuring the security of our nation's borders. No proposal, no matter how financially attractive, would ever become politically viable without creating border security goals. As evidenced by the following case-study, a successful proposal for reforming the guest-worker program in the U.S. will also essentially be a reform of border security metrics and strategies.

Case Study 2: Border Security, Economic Opportunity and Immigration Modernization Act proposal

On April 16, 2013, the Senate's "Gang of Eight," a bipartisan group comprised of Republicans John McCain and Jeff Flake of Arizona, Marco Rubio of Florida, Lindsey Graham of South Carolina and Democrats Charles Schumer of New York, Dick Durbin of Illinois, Robert Menendez of New Jersey and Michael Bennet of Colorado, formally introduced the *Border Security, Economic Opportunity and Immigration Modernization Act of 2013*. The 800-plus page, comprehensive proposal aims to overhaul virtually every aspect of current U.S. immigration policy, including guest-worker programs. The bill is very much tied to border security strategies and goals—by seeking to achieve and maintain effective control in "high-risk border sectors along the Southern border." It should be noted the primary aim of the proposal is to create a measured and responsible

pathway to citizenship for nearly 11 million illegal immigrants current living in the United States, which is not the focal point of this case study, nor this paper.

The border security goals of the proposal are to establish complete surveillance of the U.S.-Mexico border and establishing, within one-year, a 90 percent effectiveness rate. Effectiveness rate is defined as the number of apprehension and turn backs in a specific sector divided by the number of illegal entries. The bill also contains a provision that requires the establishment of a “Comprehensive Southern Border Security Strategy” that aims to achieve and maintain effective control in all high-risk border sectors along the U.S-Mexico border. The definition of high-risk border sectors are areas along the Southern border where apprehensions are greater than 30,000 individuals per year, a clear and specific definition.

The goal of a creating a Comprehensive Southern Border Security Strategy would cost \$3 billion in implementation fees to provide for the surveillance and detection capabilities developed or used by the Department of Defense, adding an unspecified number of Border Patrol agents and Customs and Border Protection officers at ports of entry along the Southern border, and enhancing the number of unmanned aerial vehicles (UAVs). One aspect of the Comprehensive Southern Border Security Strategy is to identify where fencing, including double-layer fencing, infrastructure and technology should be deployed along the U.S.-Mexico border. It is important to highlight that this is not a proposal to completely fence the nearly 2,000 miles of border, it is aimed to be adaptive and focus only on the most vulnerable areas along the border.

As discussed throughout the literature review, the lack of an effective system that monitors exit visas has plagued an effective proposal to reform immigration policies, and

specifically guest-worker programs. The U.S. government has consistently displayed an inability to implement a system to track and ensure guest workers do not violate the terms of their visas. The Senate proposal aims to implement such an electronic exit system at all air and sea ports of entry by collecting machine-readable visa or passport information from air and sea carriers. This provision will require an additional estimated 3,500 customs agents and stipulates that the system must be implemented within 10 years of the Act's passage. While this is a laudable goal, the details of the system and how it will be implemented are extremely vague. It must also be mentioned the strategy does not institute such a system to monitor land exits, which continues to be a significant issue for tracking overstays.

Employer verification is also highlighted in the Senate's proposal, which requires all employers to use the E-Verify system over a five-year phase-in-period. As part of the E-Verify system, every guest-worker will be required to show their "biometric work authorization card," which will then be stored in the E-Verify database. In order for a guest-worker to be cleared for a job, the picture on the authorization card will need to be presented to each employer in order to match the picture in the E-Verify database. This will help to ensure that only legal workers are able to gain employment in an attempt to phase out illegal immigrants in the American workforce.

Employers seeking to hire guest workers must also submit an application to the Secretary of Labor with appropriate documentation to demonstrate they are a bona fide employer, along with the estimated number of temporary-workers they will seek to hire on an annual basis. Employers will also be required to pay registration fees of an unspecified amount according the proposal. However the proposal does stipulate that the

fee will be based upon a formula that considers the size of the business and the proportion of non-U.S. workers in the registered employee positions with revenue going to fund the newly-created Bureau of Immigration and Labor Market Research, which will be discussed in the proceeding section.

With regard to the aim of this paper, the Senate proposal seeks to drastically overhaul the H-2 visa program by implementing a W-visa program for all lower-skilled, temporary workers. Under the W-visa program, the spouse and children of the W-visa holder will be allowed to enter the United States and will also be given work authorization for the same period of admission as the W-visa holder.

The proposal mandates the establishment of an independent statistical bureau called the Bureau of Immigration and Labor Market Research to devise a methodology to determine the annual change to the cap for W-visa holders, which would aim to adapt with the given needs of the U.S. economy on an annual basis. The Bureau will also be charged with ensuring the responsible and fair recruiting methods of employers and to identify a methodology to determine shortage of occupations and within in specific labor sectors.

The Senate's proposal indicates a good-faith effort to make future guest-worker programs adaptable and flexible. For example, under the proposal, a W-visa holder would be granted a permit for an initial period with an option to renew their status for additional three-year periods. Importantly, they will not be allowed to be unemployed for greater than 60 consecutive days or they must depart the United States. W-visa holders can also travel outside of the U.S. and be readmitted to the country, an often-criticized feature lacking from previous programs.

The determination of guest-worker wages is also an attractive feature of the Senate's proposal, further increasing its political viability. The proposal stipulates that wages paid to W-visa holders will be paid either the actual wage paid by the employer to other employees with similar experiences and qualifications or the prevailing wage level for the occupation classification in a given geographic area. The calculation of wages is also crucially tied to ensuring that the hiring of guest workers does not impact the domestic workforce. Each registered employer must demonstrate that there is no qualified U.S. worker for a given position and attest that an employer will not lay off a U.S. worker within a 90 day period of hiring a W-visa holder. This aspect of the proposal is an effort to appeal to both the labor and business communities by aiming to protect the rights of the domestic workforce, as well as guest workers.

The Senate's proposal is a laudable effort that has a real chance of instituting an effective guest-worker program for lower-skilled workers. The fact that the majority of reforms are tied to border security strategies is a common-sense approach that appeals to both Republicans and Democrats. In an interview on April 19, 2013, Senator Chuck Schumer asserted that the Senate proposal would "make the country a lot safer" by instituting a system that tracks exits at ports of entry and ensuring that only legal workers are able to be a part of the American workforce.⁷⁷ Additionally, the proposal seems to have a fair amount of public support, a necessity for the success of any aspect of immigration reform. An April 17, 2013 a poll conducted by the Washington Post and ABC News asked registered voters, "[w]ould you support or oppose a guest worker program for low-skilled workers from other countries?." Of over 1,000 individuals

⁷⁷ Mike Lillis, "Schumer: Senate immigration bill would make country safer." *The Hill*. (April 2013).

polled, 55 percent supported the program, while 40 percent opposed it.⁷⁸ The proposal has even garnered the support of the Chamber of Commerce and the AFL-CIO, who reached an agreement on the structure of the guest-worker program during the crafting of the Senate's proposal. It cannot be underscored how important the joint support of the labor and business communities are for the prospect of the comprehensive reform to the guest-worker program.

Conclusion:

The "Gang of Eight" proposal does appear to institute many of the factors necessary for an effective guest-worker program. There are, however, some concerns that many prevent this proposal from being implemented. Primarily, there is the issue of revenue and deficit reduction that seems to be absent from this proposal. It remains unclear how exactly the program aims to generate the requisite funding to create and institute the \$3 billion Comprehensive Southern Border Security Strategy and the Bureau of Immigration and Labor Market Research agency besides charging for application, processing and hiring fees for both participating employers and employees. While there is the theory that an overhaul of the guest-worker program could boost the gross-domestic product of the U.S. and thereby produce tax revenue aimed at reducing the federal deficit, this appears to be underdeveloped, at least in this initial proposal.

With that said, the Senate's bill is the most ambitious and attractive effort to comprehensively reform immigration, and the guest-worker program, since the initial Bracero program during World War II. The initial support of business, labor, politicians and the American public demonstrate that this proposal is quite viable. While the current political climate is at best contentious and uncompromising, the Senate proposal, in

⁷⁸ "National Post - ABC News Poll, April 11-14." *Washington Post*.

reaching out to liberals, moderates and conservatives could very well establish a guest-worker program that will aid the American economy at a critical period in our nation's history. Despite the fact that there is miniscule evidence that guest workers are a threat to U.S. national security, the border security triggers contained in the Senate proposal, will reduce vulnerabilities along the U.S.-Mexico border.

As this paper proves, the optics of effective guest-worker programs succeed only when they are mutually beneficial – to both the migrant worker and the overall American economic system. There is no evidence that a revised guest-worker program that legally admits migrant workers to fill labor shortages in the American workforce presents a national security threat. The national security threat is essentially a self-created issue due to the lack of the development of an effective visa and travel monitoring system. Until the establishment of such a system to ensure that migrant workers obey the terms of their visas, opponents of guest-worker programs will continue to successfully justify their opposition on national security grounds.

Chapter II: What is the effectiveness of immigration-focused antiterrorism policies on American national security since September 11, 2001?

Introduction:

On September 25, 1996, the Chairman of the House Foreign Affairs Committee, Congressman Benjamin Gillman of New York, rose from his seat on the House floor to support H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). “Mr. Speaker,” he said, “I am particularly proud to support this immigration bill which includes some of my own initiatives directed at these serious threats from criminal aliens engaged in both the illicit drug trade as well as international terrorism.”⁷⁹

In April 1995, less than four months following the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the IIRIRA, a comprehensive overhaul of the nation’s immigration laws, was introduced.⁸⁰ The fact that Timothy McVeigh and Terry Nichols were American-born, domestic terrorists who had murdered 168 innocent civilians, including young children, did not change the narrative that immigration and acts of terrorism were inherently connected. The decision by the government to construct and implement significant immigration reforms before conducting a lengthy inquiry and review following the Oklahoma City bombings would also be repeated after the September 11, 2001 terrorist attacks.

Nearly twenty years following the passage of the IIRIRA—and more than a dozen years after 9/11—the perceived linkage between immigration and terrorism has only increased. While the majority of data and available literature indicates that immigrants,

⁷⁹ Rep. Benjamin Gilman, “Conference Report on H.R. 2202, Illegal Immigration Reform and Immigrant Reasonability Act of 1996,” remarks in the House, Congressional Record, daily edition, vol. 142 (September 25, 1996), p. H11085.

⁸⁰ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, U.S. Statutes at Large 110 (1996): 3009-546.

regardless of legal status, are as likely as American citizens to commit acts of terror, our nation's antiterrorism policies continue to have significant immigration components. For example, the U.S. Citizenship and Immigration Service's website still prominently displays the nation's threat-advisory system next to information about policies and programs for immigrants.⁸¹

Regardless of personal ideology or a perceived infringement upon civil rights, immigration enforcement is absolutely a major tenet of American efforts to combat terrorism. This paper seeks to analyze the effectiveness of post-9/11 antiterrorism policies while examining the impact on immigrants, legal and illegal, and their communities. I also aim to analyze the current role of immigration-focused antiterrorism policies in our overall domestic security mission. Ultimately, my goal is to answer whether it is in the best interest of American national security to focus such significant resources, financial and otherwise, on these specific antiterrorism policies.

Policy Goals:

One key challenge in identifying a standardized set of core goals for post-9/11 American antiterrorism policies concerning immigration is finding consensus. Of course, the overarching goal here is to provide improved national security in order to thwart and prevent any further acts of terrorism against American interests domestic and abroad. It is also true that with the exception of the Boston Marathon bombing in April 2013, the United States has prevented further terrorist attacks on American soil since 9/11.

With that said, the difficulty is that many lawmakers and scholars disagree on the manner by which to evaluate the success of antiterrorism policies with immigration

⁸¹ Elizabeth H. Boyle and Erika Busse, "Institutional Vulnerability and Opportunity: Immigration and America's 'War on Terror,'" *Law & Social Inquiry* 31.4 (Fall 2006): 947.

components. For that reason, this paper combines a myriad of legislation, literature, reports, and Congressional statements to devise a coherent system by which these policies can be effectively measured. I identify and examine these key goals below, as well as to point out the primary criticisms surrounding each component. Following the literature review, I introduce case studies to provide greater context for how antiterrorism policies are applied to legal and illegal immigrants suspected of terrorist activities. I then use the key goals identified in the literature review section to analyze whether antiterrorism policies are successful for each case study.

Since September 11, 2001, three main goals exist for immigration-focused antiterrorism policies. They are:

- 1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States.
- 2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security.
- 3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States.

It is important to point out that there are numerous sub-components to each goal that are arguably as important as the overall goal itself. However, for an attempt at maximum clarity, I have included several sub-components that will further be discussed and used to determine the effectiveness of each policy goal.

Literature Review:

1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States

Prior to 9/11, antiterrorism policies concerning immigration were primarily led by the Immigration and Naturalization Service (INS), which focused on the challenges

presented by illegal entries along the U.S.-Mexico border, criminal acts committed by illegal immigrants and a growing backlog in the application for naturalizing immigrants.⁸² Over a period of fifteen to twenty years, the White House, Congress, and the Justice Department continuously reinforced these priorities through various legislation and executive orders. However, it is hard to classify these actions as antiterrorism policies because preventing potential terrorists from entering the United States was not a significant focal point prior to 9/11. In fact, throughout the 1990s, inspectors at ports of entry were not even directed to focus on potential terrorists. Some of these inspectors later told members of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) “they were not even aware that when they checked the names of incoming passengers against the automated watch list they were checking in part for terrorists.”⁸³

The 9/11 Commission Report, released in 2004, concludes that the September 11 attacks depicted four institutional failures on the part of American national security: in imagination, policy, capabilities, and management.⁸⁴ While these failures are incredibly vague, they, especially the last three, were largely responsible for creating a relaxed and naïve security environment where nineteen foreign-born men could enter the United States using fraudulent documents, obtain and then overstay visas, and then be permitted to board several airplanes with box cutters to commit the worst terrorist attack in the nation’s history.

⁸² U.S. National Commission on Terrorist Attacks upon the United States. *9/11 Commission Report: The Official Report of the 9/11 Commission and Related Publications*, by Thomas H. Kean and Lee Hamilton, Washington, D.C.: GPO, 2004: 146.

⁸³ *Ibid*, 146.

⁸⁴ *Ibid*, 147.

Without a doubt, the 9/11 hijackers exploited significant lapses in American intelligence and information sharing policies when they began entering the country beginning in early-2000. Hani Hanjour, who piloted the plane that was flown into the Pentagon, was the only hijacker that came to the United States on a student visa from Saudi Arabia. Hanjour had claimed on his student visa application that he was enrolled in an English language program in Oakland, but never attended following his arrival to the country. Law enforcement agencies never investigated nor had Hanjour on their radar despite the fact that he had violated the terms of his visa within days of entering the United States and was later pulled over for speeding less than a month before the attacks.⁸⁵

Primarily, the lack of an adequate system to track visas combined with an absence of intelligence-sharing across all enforcement agencies, both federal and local, fostered this atmosphere that made 9/11 possible. Unfortunately though, these were specific problems that had arisen less than a decade before; in 1996, during debate on the IIRIRA, Congressman Gilman told his colleagues in the House “nine of the original indictable counts in the World Trade Center terrorist bombing [of 1993] involved visa or passport fraud. It was clear that those responsible for that bombing misused our travel and entry documents to facilitate their deadly terrorist blast.”⁸⁶

Thus, in a similar manner to the aftermath of Oklahoma City, preventing future terrorists from illegally entering all ports of entry to the United States became a significant focal point of antiterrorism policies following 9/11. In 2004, the 9/11

⁸⁵ Samuel T, Hayden T, Robinson L, et al, “Plenty of blame to go around,” *U.S. News & World Report*, October 2001.

⁸⁶ Rep. Benjamin Gilman, “Conference Report on H.R. 2202, Illegal Immigration Reform and Immigrant Reasonability Act of 1996,” remarks in the House, *Congressional Record*, daily edition, vol. 142 (September 25, 1996), p. H11086.

Commission Report suggested “targeting travel is at least as powerful a weapon against terrorists as targeting their money.”⁸⁷ Targeted and systematically controlling international entries to the nation was one of the chief aims of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (Patriot Act), passed scarcely six-weeks following the terrorist attacks. In the brief ceremony in the White House Rose Garden, President Bush remarked that the new law would be “essential not only to pursuing and punishing terrorists, but also preventing more atrocities in the hands of the evil ones. This government will enforce this law with all the urgency of a nation at war.”⁸⁸

For the purpose of this paper, I focus on Subtitle B of the Patriot Act, which contains enhanced immigration provisions that broaden the grounds for excluding individuals suspected of ties to terrorist organizations from entering the United States. The two main provisions of Subtitle B concern the reexamination of visa processes and the implementation of a system to track entries and exits. The Patriot Act urged the expedited creation of a system to track entry and exit data and to “fully implement this system at airports, seaports, and land border ports with all deliberate speed and as expeditiously as practicable.”⁸⁹ Members of Congress spoke of the need to have “state-of-the-art technology at our borders... and well-qualified and highly skilled airport screeners and security personnel.”⁹⁰

⁸⁷ 9/11 Commission Report, p. 293.

⁸⁸ "President Bush Signs Antiterrorism Bill," PBS, October 26, 2001.

⁸⁹ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001, Public Law 107-56, U.S. Statutes at Large 115 (2001): 279.

⁹⁰ Sen. Benjamin Cardin, “Antiterrorism Tools and Information Sharing,” remarks in the Senate, Congressional Record, daily edition, vol. 156 (February 11, 2010), p. S560-561.

Pursuant to the Homeland Security Act of 2002, the Department of Homeland Security established an improved automated entry and exit system, known as the United States Visit and Immigrant Status Indicator Technology (US-VISIT).⁹¹ According to the Department of Homeland Security's website the two main goals of the US-VISIT program are to "collect, maintain, and share information, including biometric identifiers, through a dynamic system, on foreign nationals to determine whether the individual" should be permitted to enter the United States and to "enhance traffic flow for individuals entering or exiting the U.S. for legitimate purposes."⁹²

The first stated goal of US-VISIT is crucial to understanding the continued issues with effectively permitting and prohibiting the entry of foreign-born individuals to the country. Since 2003, the Government Accountability Office (GAO) has issued numerous reports concerning the effectiveness, or lack thereof, of the US-VISIT system. In 2006, GAO released a report entitled, "US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry"⁹³ and a year later, a subsequent report warned that "US-VISIT has not fully met expectations and longstanding program management challenges need to be addressed."⁹⁴ With this said, the inability of antiterrorism policies to track visa overstays prevents the adoption of a successful entry/exit system.

2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security

⁹¹ "Fact Sheet: US-VISIT Program," U.S. Immigration and Customs Enforcement.

⁹² Ibid.

⁹³ U.S. Government Accountability Office. 2006. Border Security: US-VISIT Program Faces Strategic, Operational, and Technological Challenges at Land Ports of Entry. GAO-07-248.

⁹⁴ U.S. Government Accountability Office. 2007. Homeland Security: US-VISIT Has Not Fully Met Expectations and Longstanding Program Management Challenges Need to Be Addressed. GAO-07-499T.

While the primary focus concerns individuals who pose a threat to national security, I should clarify that this particular goal also includes foreign-born individuals who have either entered the United States illegally or overstayed their visas without being connected to terrorism or criminal activities. With more than 350 million visits to the United States each year by foreign nationals at thousands of points of entry, it is a logistically impossible task to prevent foreign-born individuals, regardless of intent once in the United States, from entering the country. This is why a system to track and identify individuals already within the United States is so crucial.

Lebowitz and Podheiser (2003) articulate this problem through a simple example:

a foreign national holding a valid six-month tourist visa enters the United States at Pittsburgh International Airport on January 1, 2002. Under the terms of the visa, the foreign tourist must depart the United States by June 30, 2002. However, should that foreign tourist overstay his visa, there is no “red light” that immediately goes off at the INS to notify that agency that the foreigner has violated the terms of his visa.⁹⁵

Numerous lawmakers and scholars, including Lebowitz and Podheiser, have often expressed difficulty comprehending the inability to develop a successful national monitoring system in light of rapid advances in technology since 9/11. This is especially true when we consider that corporations, including Wal-Mart, Amazon, UPS, FedEx, Apple, and countless others, track the purchase of every product and know when it arrives on the shelves and when it leaves a store. As Lebowitz and Podheiser later ponder “if Wal-Mart can know on Tuesday how many boxes of Tide were sold at each of

⁹⁵ Lawrence M. Lebowitz and Ira L. Podheiser, “Summary of the Changes in Immigration Policies and Practices after the Terrorist Attacks of September 11, 2001: The USA Patriot Act and Other Measures,” *The University of Pittsburgh Law Review* 63 (2002): 875.

the company's 2,677 Wal-Mart stores and 486 Sam's Clubs on Monday, why couldn't an INS computer know when a Saudi or Pakistani tourist has overstayed his visa?"⁹⁶

In 2011, with a backlog of more than 1.6 million unmatched arrival records⁹⁷, the Government Accountability Office (GAO) criticized the Department of Homeland Security (DHS) for its inability to review these records. For example, in February 2013, the Secretary of Homeland Security testified that DHS planned to report overstay rates by December 2013. However, as of this writing, DHS has not assessed or documented improvements in the reliability of data used to develop overstay estimates, in accordance with federal internal control standards. As GAO reported "without such a documented assessment to ensure the reliability of these data, decision makers would not have the information needed to use these data for policy-making purposes."⁹⁸

The lack of a comprehensive and proper assessment of policies and their corresponding data makes improving monitoring systems even more difficult. It also presents further challenges to determine the actual goals of various antiterrorism policies. As a result of inadequate tracking systems, immigration-focused antiterrorism policies have primarily relied on the detainment and deportation of foreign-born individuals. In November 2001, the Department of Justice released a report stating that 1,182 individuals had been detained in the immediate weeks after the terrorist attacks. Of those individuals, 751 were held on immigration violations, accounting for 63 percent of the total number of detainees.⁹⁹ Karen Tumlin's (2004) conclusion to these figures is more

⁹⁶ Ibid, 876.

⁹⁷ Unmatched arrival records are entries into the United States by foreign nationals on a temporary basis without a corresponding departure record.

⁹⁸ U.S. Government Accountability Office. 2014. "Homeland Security: Additional Actions Needed to Assess DHS's Data and Improve Planning for a Biometric Air Exit Program." GAO-13-683.

⁹⁹ Karen C. Tumlin, "Suspect First: How Terrorism Policy Is Reshaping Immigration Policy." California Law Review 92.4 (2004): p.1195, accessed March 23, 2014.

focused on the perceived erosion of civil rights on immigrants; however, she does astutely mention, albeit briefly, that these trends indicate “the exploitation of nonterrorism-related federal laws to imprison a group of individuals deemed high-risk for terrorism on the basis of violations unrelated to terrorist activities.”¹⁰⁰

Numerous scholars and politicians have debated the effectiveness of deportation as an antiterrorism policy. Critics of deportation largely cite the exponential increase in the number of removals since 9/11 and a violation of civil rights. Demleitner (2002) compares deportations in the 1980s (around 33,000 each year) to 2001 (with more than 70,000 removals), which is a short-sighted argument.¹⁰¹ Her argument does deserve mention due to her assertion that the impact of deportation on immigrants, both legal and illegal, is essentially a criminal sanction. This means that even an immigrant who has lived legally in the United States for a lengthy period of time can be threatened by law enforcement with deportation. As a caveat, Demleitner mentions that the current immigration system serves a dual purpose – whereby it can promise not only the absence of a sanction in deportations but also grant the right to live in the United States.¹⁰²

David Burnham, the co-director of Syracuse University's Transactional Records Access Clearinghouse (TRAC), an organization that gathers government data, is an outspoken critic of antiterrorism policies that impact immigration, including the use of deportation. In one interview, Burnham contends that “after 9/11, the Bush administration tried to see immigration enforcement as a way to fight terrorism, and it’s

¹⁰⁰ Ibid, 1198.

¹⁰¹ Nora V. Demleitner, “Immigration Threats and Rewards: Effective Law Enforcement Tools in the War on Terrorism,” *Emory Law Journal* 51, no. 3 (2002): p.1059, accessed March 25, 2014.

¹⁰² Ibid, 1061.

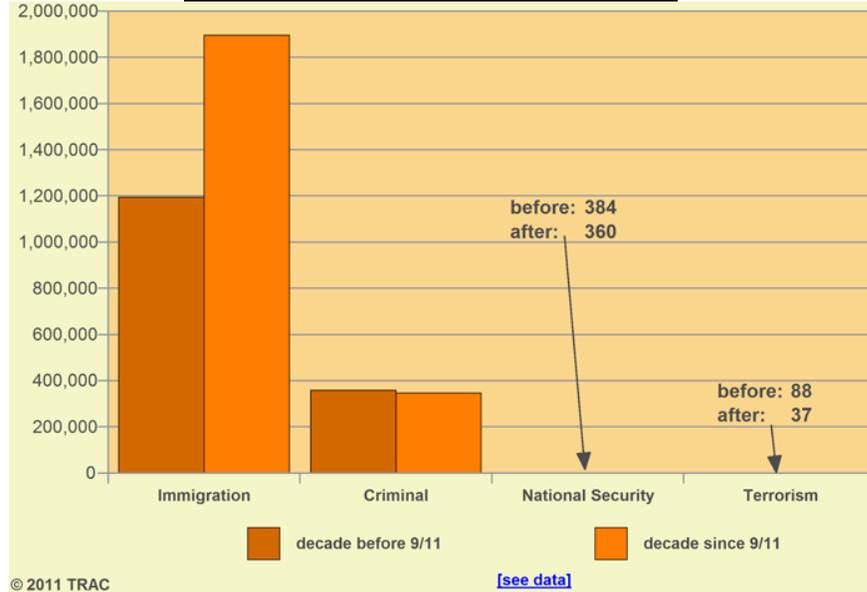
just not.”¹⁰³ Keeping Burnham’s biases in mind, his organization does present overwhelming data concerning deportation statistics since 2001. Focusing purely on this data, TRAC does convincingly make the case that deportation, as an antiterrorism policy is largely abusive and ineffective. In numerous articles, the Department of Homeland Security and the Immigration and Customs Enforcement (ICE) have asserted their primary enforcement mission has been to deport terrorists and serious criminals from the United States; TRAC’s analysis indicates otherwise.

According to TRAC (2011), the United States has deported 2.3 million individuals from 2001 to 2011 up from 1.6 million from 1991 to 2001.¹⁰⁴ The most relevant data to this paper is the comparison between the reason for deportation from 1991 to 2001 and 2001 to 2011 (Figure 1). In a brief summary, the figures depict that less than 400 out of 2.3 million individuals were deported for either national security or terrorism grounds. In fact, more individuals were deported on these grounds in the decade before 9/11 than from 2001 to 2011.

¹⁰³ Ted Hesson, “Five Ways Immigration System Changed After 9/11,” Fusion, September 13, 2012.

¹⁰⁴ “Immigration Enforcement Since 9/11: A Reality Check,” TRAC Immigration (Syracuse University), September 9, 2011.

FIGURE 1 - U.S. Deportation Proceedings in Immigration Courts by Charge, Decade Before vs. Decade After 9/11¹⁰⁵



Another feature of post-9/11 antiterrorism policies is the increased role in the duties of state and local police. As a result of the terrorist attacks, police were given enhanced authority to enforce immigration violations. Demleitner points out that since the passage of the Immigration and Nationality Act in 1996, state and local police were given the authority to make arrests for the most serious immigration offenses, including felonies like remaining in the country after a deportation order and illegally returning to the United States after deportation. The specific provision of the Immigration and Nationality Act that was in existence during its original passage, but furthered in 2001 is known as 287(g) authority.¹⁰⁶

In 2002, the Department of Justice issued a new policy that state and local police had the “inherent authority” to enforce all immigration laws, including for civil offenses. Essentially, this allowed state and local law enforcement the ability to question people

¹⁰⁵ Ibid.

¹⁰⁶ Demleitner, 1068.

about their immigration status in virtually any situation.¹⁰⁷ Through an effort by the Department of Justice to list information on immigration violations in the National Crime Information Center (NCIC) database, police officers were able to access an individual's immigration status and make arrests during routine traffic stops. The majority of individuals arrested under 287(g) authority had overstayed student and temporary employment visas, and were not linked to criminal or terrorist activities. Additionally, a 2005 study released by the Migration Policy Institute found that data from 2002 through 2004 indicates that 42 percent of immigration information in the NCIC database was incorrect, meaning that potentially thousands of legal foreign-born individuals had been wrongly detained and subsequently deported from the country.¹⁰⁸

Despite having legal justification to increase their authority, Harris (2006) argues that in the majority of cases local law enforcement have been reluctant to enforce civil immigration violations. He cites internal policies implemented by police departments from San Diego to Los Angeles to New York City, whereby police are prohibited from stopping or questioning an individual based solely on their immigration status.¹⁰⁹ Daryl Gates, a former Chief of the Los Angeles Police Department, justified the implementation of this policy, known as Special Order 40, as "an effort to improve relations between officers and illegal immigrants, who officials say were afraid to report crimes or cooperate as witnesses."¹¹⁰

3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States

¹⁰⁷ Leti Volpp, "The Citizen and the Terrorist," *UCLA Law Review* 49.5 (2002): p.1585.

¹⁰⁸ *Ibid*, 1588.

¹⁰⁹ David A. Harris, "The War on Terror, Local Police, And Immigration Enforcement: A Curious Tale Of Police Power In Post-9/11 America," *Rutgers Law Journal* 38.1 (2006): p.42.

¹¹⁰ *Ibid*, 43.

In October 2001, the same week the PATRIOT Act passed Congress, Daniel Griswold, the Assistant Director of Trade Policy Studies at the Cato Institute, published an article entitled, “Don’t Blame Immigrants for Terrorism.”¹¹¹ Griswold’s article urged “closing our borders to those who come here legally would cause a huge economic disruption by denying entry to millions of people who come to the United States each year for lawful, peaceful (and temporary) purposes.”¹¹² The article was later cited by multiple members of Congress during the 2002 floor debate on the Enhanced Border Security and Visa Entry Reform Act.¹¹³

As discussed throughout the literature review, it is essential for antiterrorism policies to prevent prospective terrorists from entering the country and to track suspect individuals already within the United States. However, as Griswold puts it, it is wrong to conflate legal immigration with antiterrorism enforcement and “allow America’s tradition of welcoming immigrants to become yet another casualty of September 11.”¹¹⁴

Yet, immigration did indeed become a casualty of the post-9/11 securitization of the United States, perhaps most evident in a significant reduction in the admittance of refugees. For nearly three months after the September 11 attacks, the refugee resettlement program was shut down while officials conducted a security review of the program. According to Boyle and Busse (2006), officials informed the 22,000 immigrants, who had already been approved for immigration to the United States, that their admission into the country had been delayed indefinitely.¹¹⁵ Prior to 9/11, the

¹¹¹ Daniel T. Griswold, “Don’t Blame Immigrants for Terrorism,” Cato Institute (2001): p. 2.

¹¹² Ibid.

¹¹³ Rep. Sheila Jackson-Lee, “Floor Debate on H.R. 3526, Enhanced Border Security and Visa Entry Reform Act of 2001,” remarks in the House, Congressional Record, (May 7, 2002), p. H2141.

¹¹⁴ Griswold, “Don’t Blame Immigrants for Terrorism,” p. 3.

¹¹⁵ Ibid, 958.

United States admitted around 70,000 refugees annually.¹¹⁶ In 2003, only 26,317 refugees were resettled in the United States, leading one Somali woman, who was waiting to be reunited with her family members, to remark that “I think the interview process has stopped and all the people who were about to come cannot come, and I do not know how long it will take.”¹¹⁷

Additionally, a general decline in immigration seems to “indicate that post-9/11 security measures have had a greater impact on legal immigration than on illegal entry.”¹¹⁸ A 2005 *New York Times* article reported that the level of immigration to the United States has subsided by about 25-percent from 1.5 million per year in 1999 and 2000.¹¹⁹ That figure has remained relatively consistent with around 460,000 visas issued annually since 2009, according to the State Department.¹²⁰ In essence the reduction in legal immigration, primarily due to the reduction in visas issued, has increased illegal immigration, which in turn creates greater security problems for the country. The facilitation of legal inflows to the United States is most impacted by serious flaws in the first two policy goals mentioned earlier in the literature review. The reduction in legal admittances to the country since 9/11 is primarily the result of inadequate systems to track and monitor entrances and exits, as well as to keep track of individuals currently within the United States.

Case Studies:

¹¹⁶ Ibid, 959.

¹¹⁷ Ibid, 960.

¹¹⁸ Nina Bernstein, “Decline Is Seen in Immigration,” *The New York Times*, September 28, 2005.

¹¹⁹ Ibid.

¹²⁰ U.S. Department of State, “Immigrant and Non-Immigrant Visas Issued at Foreign Service Posts Fiscal Years 2009-2013,” Report of the Visa Office 2013.

The following case studies represent distinct and very real examples of terrorist threats to the United States homeland by foreign-born individuals since September 11, 2001. The case studies of Amine El Khalifi, Mohamed Mohamud, and Faisal Shahzad, highlight the successes and failures of immigration-focused antiterrorism policies with regard to the three policy goals discussed in the literature review. These three men were chosen because they initially entered the United States through legal means and either overstayed temporary visas or became naturalized citizens before attempting to carry out terrorist plots. It is also important to note that El Khalifi, Mohamud and Shahzad were chosen because all three men plead guilty and have been convicted for their plots.

Case #1: Amine El Khalifi

At his sentencing hearing before the U.S. District Court in Alexandria, Virginia in September 2012, Amine El Khalifi spoke just two sentences when he said “I just want to say that I love Allah. That’s it.”¹²¹ El Khalifi pleaded guilty of attempting to use a weapon of mass destruction against government property. Specifically, Amine El Khalifi attempted to detonate a bomb during a suicide attack on the United States Capitol on February 17, 2012, leading Assistant U.S. Attorney Gordon Kromberg to contend that Khalifi “is the first suicide bomber in America.”¹²²

Sidi Mohamed Amine El Khalifi was born in Morocco in 1983 and entered the United States in June 1999 on a B-2 tourism visa. He had come to the country on a brief vacation with his parents to Orlando, Florida and decided to remain in the United States. For more than a decade following the expiration of his visa, El Khalifi worked odd jobs in Kissimmee, Florida before moving to Alexandria, Virginia. His attorney would later

¹²¹ Carol Cratty, “Man Gets 30 Years in U.S. Capitol Bomb Plot,” CNN, September 14, 2012.

¹²² Ibid.

describe him as a “young man who came to the United States at 16 as a visitor and liked it so much he stayed.”¹²³ Court records indicate that El Khalifi spent significant time in nightclubs, often using drugs.¹²⁴ During his time in the country as an illegal immigrant, El Khalifi was arrested for marijuana possession and had numerous traffic infractions. As a result of his arrest and frequent drug use, his mother urged him to become more religious. El Khalifi began regularly attending a local mosque and reading the Quran.¹²⁵

In January 2011, an unidentified individual reported to the FBI that during a meeting at a residence in Arlington, Virginia, El Khalifi unabashedly argued that the war on terrorism was a “war on Muslims.”¹²⁶ He is alleged to have told the group to be “ready for war.”¹²⁷ The anonymous individual, known as “Hussien,” began working as an informant, along with an undercover agent introduced to El Khalifi as “Yusuf.”¹²⁸ Over a period of a year, El Khalifi met with Hussien and Yusuf to discuss plans to detonate bombs and kill civilians at various locations, including a synagogue, military buildings, and a Washington, D.C. restaurant frequented by high-ranking military officers. Yusuf, the undercover FBI agent, indicated that El Khalifi’s attack would be conducted simultaneously as an al-Qaeda attack on a nearby military installation.¹²⁹

After months of deliberation and planning, El Khalifi told Hussien and Yusuf that he wanted to conduct a suicide operation in which he would blow himself up inside the United States Capitol Building, saying that he would be happy if he killed “only” 30 people. Following two months of surveillance and the purchase of numerous bomb

¹²³ United States of America v. Amine El Khalifi, Affidavit, 6 U.S. District Court (2008), at 18.

¹²⁴ Ibid.

¹²⁵ John Miller, “Inside the Plans of Capitol Bomb Suspect,” CBS News, February 18, 2012.

¹²⁶ Ibid.

¹²⁷ United States of America v. Amine El Khalifi, 19.

¹²⁸ Ibid.

¹²⁹ Ibid, 20.

components, El Khalifi was picked up in Northern Virginia by Hussien and Yusuf and supplied with what he believed to be a functioning vest packed with explosives and a MAC-10 automatic weapon. El Khalifi requested the weapon in order to shoot security officers guarding the entrance to the Capitol to ensure he would be able to detonate the bomb, and himself, inside of the building. After arriving in a nearby parking garage, El Khalifi exited the vehicle and walked alone toward the Capitol when he was arrested and taken into custody. He is currently serving 30 years in prison, as part of a plea deal with the prosecution.

Case #2: Mohamed Osman Mohamud

Mohamed Osman Mohamud is a naturalized United States citizen who was born in Mogadishu, Somalia in 1991. At a young age, he moved with his family to Beaverton, Oregon. Following graduation, Mohamud enrolled in courses at Oregon State University in Corvallis, Oregon.¹³⁰

His radicalization and interest in committing acts of terrorism appears to have begun during his teenage years. He later told undercover FBI agents that, “since I was 15 I thought about all this things before.”¹³¹ In early 2009, Mohamud wrote several articles for “Jihad Recollections,” an online publication supportive of violent extremism. In August of that year, the FBI intercepted emails between Mohamud and a man he met in Oregon who had recently returned to the Middle East. According to FBI officials, the man was described as a recruiter for terrorism and had relocated to northwest Pakistan, an epicenter for terrorist activity.¹³²

¹³⁰ United States of America v. Mohamed Osman Mohamud, Arrest Warrant, U.S. District Court (2009), at 4.

¹³¹ Ibid, 20.

¹³² Ibid, 26.

The timeline of the FBI investigation and sting operation of Mohamud is somewhat unclear due to a lack of publicly available information. What we do know is that Mohamud and the unidentified man continued to communicate via email using coded language and discussed the possibility of Mohamud traveling to Pakistan to prepare for violent jihad. In June 2010, Mohamud was stopped and interrogated by law enforcement agents at the Portland International Airport as he attempted to board a flight to Kodiak, Alaska. He told FBI agents that he had secured a fishing job in Alaska for the summer and stated that he had previously wanted to travel to Yemen but was unable to purchase a ticket. He was subsequently denied permission to travel to Alaska and returned to Corvallis where he continued his studies at Oregon State.

Around this time, someone from the local Muslim community, perhaps a concerned family member¹³³ alerted the FBI about Mohamud's perceived radicalization, including pro-jihad statements. Due to the lack of unclassified information on this particular aspect of the case, it is unclear if the FBI sting operation was precipitated by the informant's tip or due to the interception of Mohamud's emails. Keeping this in mind, an undercover FBI agent professing to be an associate of the individual in Pakistan emailed Mohamud in late-June 2010. Thus began a lengthy sting operation whereby Mohamud and the undercover agent met numerous times to discuss plans for a terrorist attack.

In August 2010, during a meeting at a downtown Portland Hotel, Mohamud told the undercover agent that he had decided on a target for a bomb: the Christmas tree lighting ceremony in Portland's Pioneer Courthouse Square on November 26. The

¹³³ Some media reports have suggested that perhaps Mohamud's father relayed concerns about his son to the FBI. However, there is little unclassified evidence that either proves or disproves this theory.

undercover agent pointed out that there would be a lot of children at such an event, to which Mohamud replied that “I want whoever is attending that event to leave, to leave either dead or injured.”¹³⁴

According to the FBI affidavit, the undercover agent evaluated Mohamud’s resolve to carry out such an attack on multiple occasions. Mohamud is alleged to have continuously expressed interest in becoming “operational” and asked for assistance in staging an attack. The undercover agent directed Mohamud to purchase a number of bomb components and told him they would park an explosive-laden van near the square on the eve of the tree lighting ceremony. Planning to leave the country after the attack, Mohamud sent passport photos to the undercover agent. He then made a video to be released after the attack. In the video, Mohamud is reported to have said in mixed English and Arabic that he was pleased to “explode on these infidels.”¹³⁵

On Friday, November 26, 2010, Mohamud and two undercover agents drove to the square to set off the device that had previously been rendered inoperable. The FBI arrested him after unsuccessfully attempting to detonate the bomb via a cell phone. He was charged with an attempted use of a weapon of mass destruction and pleaded not guilty. Mohamud’s attorneys have alleged government entrapment and the illegal obtainment of information during the course of the sting operation. As of this writing, he has not been sentenced due to continued complications surrounding the FBI investigation.¹³⁶

¹³⁴ “The Foiled Portland Bombing Plot,” Stratfor Analysis, December 1, 2010.

¹³⁵ “Oregon Resident Arrested in Plot to Bomb Christmas Tree Lighting Ceremony in Portland,” The Federal Bureau of Investigation, November 26, 2010.

¹³⁶ During Mohamud’s trial, federal prosecutors filed a notice that indicated certain evidence was derived from warrantless surveillance of a foreign target outside of the United States, authorized by the Foreign Intelligence Surveillance Act of 1987. For more information on this, please see the following article: http://www.oregonlive.com/portland/index.ssf/2013/11/feds_acknowledge_warrantless_w.html

Case #3: Faisal Shahzad

Faisal Shahzad was born in 1979 near Peshawar, Pakistan to an affluent and well-educated family. His father was a former senior officer in the Pakistani Air Force. During his childhood, Shahzad was raised relatively non-religious. In 1988, he arrived in the United States on a student visa to attend the University of Bridgeport in Connecticut where he later graduated with a computer-science degree. He remained legally in the United States and received an M.B.A. from American University in Washington, D.C. Shahzad worked for a financial company in Stamford Connecticut and lived in quaint Shelton with his wife Huma, a Pakistani-American citizen from Colorado, and their two children. From an outside perspective, Shahzad represented an ideal candidate for American citizenship, which he obtained in April 2009.¹³⁷

However, Shahzad appears to have begun radicalizing around 2004, five years before he became a citizen. While at the University of Bridgeport in the early 2000s, Shahzad befriended Shahid Hussain, a fellow Pakistani.¹³⁸ During trips home to Pakistan over the years, Shahzad reestablished ties with Hussain, who had returned to live in Islamabad. Together, the two grew more militant and often prayed at Lal Masjid, or the Red Mosque, known historically as a hotbed for militancy. Along with another Pakistani, Muhammad Mughal, the owner of a computer store in Islamabad, the three men often discussed jihad at each other's homes. They also became connected with the Pakistani Taliban through associates they had met at the Red Mosque. During this time, their plans

¹³⁷ Ishita Mattoo, "The Faisal Shahzad Story: Insights & Implications," IPCS Special Reports, no. 92: p. 1.

¹³⁸ United States of America v. Faisal Shahzad, Indictment, U.S. District Court (2010), at 3.

for terrorist activity remain unclear, but Shahzad is alleged to have unsuccessfully asked his father for permission to join the mujahedeen in Afghanistan.¹³⁹

In 2009, Shahzad moved back to Pakistan after obtaining his American citizenship while his wife and children went to live with her family in Saudi Arabia. Back in Pakistan, Shahzad allegedly became outraged by American-led drone strikes along the border with Afghanistan. In December 2009, Shahzad, along with Hussain, traveled to a Taliban training camp in Waziristan, where they underwent boot camp and bomb-making training. When Pakistani Taliban leaders at the camp realized that Shahzad possessed an American passport, they aided his wish to return to the United States in order to carry out an attack by providing him with \$12,000 in funding.¹⁴⁰

On the evening of May 1, 2010, Shahzad illegally parked his Nissan Pathfinder SUV with the engine running on West 45th Street in New York's Time Square. The crude and ultimately inoperable bomb in the SUV consisted of three 20-gallon propane tanks, fireworks, and a metal gun locker filled with 250 pounds of fertilizer. After parking the SUV, Shahzad then left the area and waited for the bomb to detonate. Nearby street vendors soon noticed smoke coming from the SUV and quickly alerted authorities.

The bomb was diffused and later determined to be inert or inoperable. Had the bomb gone off the damage would have been catastrophic; the propane tanks that the bomb comprised would have overheated and ignited into "huge blowtorches" that could have been ejected from the vehicle. The explosion, lasting only a few seconds, would

¹³⁹ Mattoo, "The Faisal Shahzad Story: Insights & Implications," p. 3.

¹⁴⁰ "Pakistan: Faisal Shahzad and the Pakistani Taliban." Stratfor Analysis (May 10, 2010): 3. Business Source Complete, EBSCOhost.

have created a thermal ball wide enough to swallow up most of Times Square killing and maiming thousands almost instantaneously.¹⁴¹

Despite the failed bombing, the Pakistani Taliban claimed responsibility in the following days. Faisal Shahzad was able to easily elude authorities and was only identified two days later after law enforcement traced the cash purchase of the Pathfinder SUV to him through the vehicle identification number and a cell phone used to purchase some of the bomb components.¹⁴² Once his identity had been established, Shahzad's name was placed on the no-fly list. However, he was still able to board a plane at JFK Airport in New York bound for Dubai on May 3, but was apprehended by authorities minutes before the plane could leave the gate just after midnight on May 4.¹⁴³

In October 2010, Faisal Shahzad pleaded guilty to ten counts, including the attempted use of a weapon of mass destruction and attempted act of terrorism, and is currently serving life in prison.

Analysis:

Goal 1) Prevent terrorists, criminals, and illegal immigrants from entering and remaining in the United States

How Amine El Khalifi was able to remain in the United States for more than thirteen years after the expiration of his B-2 tourism visa is perhaps the most perplexing aspect of his case study. It has already been well established that the lack of a comprehensive system to monitor and alert visa overstays like El Khalifi is one of the most significant failings of immigration-centric antiterrorism policies. To make matters

¹⁴¹ Howard Chua-Eoan, Christina Crapanzano, et al., "Broadway Bomber," *Time*, 175, no. 19 (May 17, 2010): p. 20.

¹⁴² Shahzad successfully scratched off one of the SUV's vehicle identification number (VIN) and used phony license plates, but authorities were able to find a second VIN elsewhere on the vehicle.

¹⁴³ Chua-Eoan, Crapanzano, et al., "Broadway Bomber," p. 4.

worse, El Khalifi was presumably listed in law enforcement databases as a result of his marijuana arrest and numerous driving citations.

In March 2012, the House of Representatives Subcommittee on Border and Maritime Security held a hearing, “From the 9/11 Hijackers to Amine El-Khalifi: Terrorists and the Visa Overstay Problem,” which estimated that approximately 40 percent of illegal immigrants are visa overstays.¹⁴⁴ During the hearing, numerous members of the committee questioned witnesses on the lack of an effective system to track millions of individuals like Amine El-Khalifi that remain in the United States after the expiration of a short-term visa. A frustrated Chairwoman Candice Miller of Michigan remarked to a witness from the Immigration and Customs Enforcement that, “maybe 3 to 5 percent of the [ICE] budget is even focused on visa overstays.”¹⁴⁵

Perhaps policymakers, including Congresswoman Miller, should strongly recommend exponential bolstering to this aspect of the ICE budget as numerous aspiring terrorists have consistently exploited flaws in our visa system. As a result of the failure to implement an effective tracking system, ICE only identified El Khalifi as a visa overstay after the FBI sting operation was well underway. In the case of Amine El Khalifi, immigration-focused antiterrorism policies failed to prevent him from remaining in the United States for more than a decade, despite run-ins with law enforcement.

Mohamed Mohamud’s case presents a very difficult and all too familiar situation for national security experts. If visa overstays with criminal records like Amine El Khalifi are able to avoid detection of law enforcement officials, imagine the good fortune

¹⁴⁴ From the 9/11 Hijackers to Amine El-Khalifi: Terrorists and the Visa Overstay Problem : hearing before the Subcommittee on Border and Maritime Security of the Committee of Homeland Security, United States House of Representatives, 112th Congress, 2nd Session, March 6, 2012, 112th Cong. p.4 (2009) (statement of Chairwoman Candice Miller).

¹⁴⁵ Ibid, 6.

and luck required in stopping Mohamud from carrying out an attack. Mohamud, in an almost identical manner as Boston Marathon bomber Dzhokhar Tsarnaev, came to the country as child, became a citizen of the United States, and seemingly adapted to a typical American lifestyle for a young adult. As a result, immigration-focused antiterrorism policies are fundamentally not applicable in this particular goal.

Similarly, Faisal Shahzad was also an American citizen, having entered the United States through a legal student visa to attend college before becoming a citizen in 2009. Like Mohamed, Shahzad appeared to easily adapt to life in the United States, along with his wife and two children. He was never arrested or in any form of legal trouble before his failed bomb plot. On the surface, antiterrorism policies would have no reason to investigate Shahzad for any wrongdoing.

It is safe to assume that immigration officials merely viewed Shahzad's foreign travel, namely dozens of visits to Pakistan, as trips to visit his family in Peshawar. In hindsight, there should have been much greater scrutiny into his associations with militant individuals and numerous trips to tribal areas within Pakistan, where he later received training at a Taliban terrorist camp. However, with regard to Goal 1, antiterrorism policies were neither successful or a failure; in actuality, they should be characterized as not applicable as Faisal Shahzad and Mohamed Mohamud were American citizens at the time of their arrests.

Goal 2) Identify, locate, detain, and/or deport all foreign-born individuals within the United States who are perceived to pose a threat to national security

The FBI operation that resulted in El Khalifi's arrest was initiated by an unidentified informant who alerted authorities in early-2011. After months of conducting a thorough undercover investigation, the FBI was successful in detaining El Khalifi and

preventing any acts of violence. In this sense, antiterrorism policies were effective in Goal 2.

As mentioned in the case study, Mohamud's sentencing is still pending. This is due to a legal review, both in the court and within the Department of Justice, of certain aspects of the FBI's intelligence gathering during the sting operation. However, regardless of the legality of the FBI's interception of communications between Mohamud and unknown individuals in the Middle East, the FBI conducted an operation that potentially saved hundreds, if not thousands of innocent lives. There is no denying that the ongoing debate concerning government surveillance in the United State will persist as national security continues to comprise a significant portion of the federal budget. Yet, for the purpose of this paper, Goal 2 is achieved; law enforcement led by the FBI was able to maintain domestic security by identifying and safely detaining Mohamud without incident.

Faisal Shahzad represents the most alarming case study considered in this paper. Even after receiving terrorist training in Waziristan and subsequently failing to detonate a bomb in Times Square, one of the most crowded few blocks in the country, Shahzad was never on the radar for any law enforcement agencies. In fact, he was literally minutes from escaping the United States on a one-way flight to Dubai. This case, more so than the examples of El Khalifi and Mohamud, comprehensively highlights the limitations of immigration-focused antiterrorism policies. It also represents a significant failure in the current nature of the overall antiterrorism mission of the United States since 9/11.

Without a tip from an informant or the interception of emails, identifying naturalized American citizens like Shahzad through antiterrorism policies is a virtually

impossible task. As a caveat, it is also worth mentioning that similar to the logistical challenges of tracking the more than 350 million foreign entries to the United States each year, detaining all individuals who potential pose a national security risk is a problem of resources that is not easily overcome. For these reasons, antiterrorism policies with immigration components, as well as general national security policies, failed to achieve Goal 2.

Goal 3) Facilitate the continued inflow of vetted, legal immigrants and refugees to the United States

It should be noted that El Khalifi, Mohamud and Shahzad all arrived in the United States prior to 9/11 before many of these antiterrorism policies were implemented. This was a fact even pointed out by Peter Edge of the Department of Homeland Security's Immigration and Custom Enforcement during the March 2012 Subcommittee on Border and Maritime Security.¹⁴⁶

With that said, even current immigration-focused antiterrorism policies would have still allowed El Khalifi, Shahzad, Mohamud, and their families to obtain a tourism visa. For example, Amine El Khalifi was sixteen years old when he came to the United States in 1999 with his parents on a B-2 tourist visa. His parents have never been accused of any wrongdoing and El Khalifi was still a minor when they visited Orlando, Florida.

Additionally, in the cases of El Khalifi and Mohamud, it has been alleged that the unidentified informants who assisted the FBI were from the local Muslim community. Regardless of personal motive or the legal status of these individuals, immigration-centric antiterrorism policies have proved to be more effective through relationships based on trust between law enforcement and immigrant communities. The importance of the role

¹⁴⁶ From the 9/11 Hijackers to Amine El-Khalifi: Terrorists and the Visa Overstay Problem, (statement of Mr. Peter Edge, Deputy Associate Director, U.S. Department of Homeland Security), p. 11.

of individuals from immigrant communities assisting law enforcement cannot be understated.

In the cases of Mohamud, El Khalifi, and dozens of others, tips from individuals among local communities were instrumental in preventing aspiring terrorists from carrying out deadly attacks. On a variety of levels, these cases highlight serious flaws with continuing to use state and local law enforcement's immigration authority as an antiterrorism policy. Instead, substantial resources should be redirected and invested in improving relations with local immigrant communities.

The inability of law enforcement agencies to more closely monitor the nature of Shahzad's trips to Pakistan is certainly concerning in hindsight. Should there have been an investigation into his known associates and travel to tribal areas known for terrorist activity? It is easy to say this after the fact, but as a United States citizen, Shahzad was afforded the right to travel whenever and wherever he wished. Primarily for this reason, Goal 3 was accomplished despite the potential catastrophic results.

Conclusion:

During the 2012 hearing in the Border and Maritime Security Subcommittee, Chairwoman Candace Miller concluded the questioning of witnesses by expressing that "I think this visa overstay issue, again, is something that we have just not paid enough attention to."¹⁴⁷ The statement appeared to be directed at everyone in the committee room and yet no one in particular. Yet it encapsulates one of the most significant issues with American national security following 9/11.

¹⁴⁷ Ibid, 31.

It is my hope that this paper has demonstrated that Congress and law enforcement agencies, for numerous decades, have implemented antiterrorism policies that focus primarily on the targeting of illegal immigrants, most notably along the Mexican border, as a means to thwart terrorism. In actuality these policies have proved largely ineffective while relying on an extreme amount of luck and information from local immigrant communities. It is evident that these policies have served a minimal and perhaps even negative purpose in providing for the improved security of the United States.

Furthermore, I believe that continuing to conflate immigration with terrorism is a hindrance to the progress of the nation, especially in preventing an overhaul in our severely outdated immigration laws. Unfortunately there is still a serious lack of realization concerning the limits of post-9/11 antiterrorism policies in Washington and around the country, especially in continuously failing to track visa overstays and detect lone wolf terrorists. One aspect of this problem is directly due to political incompetence and inaction as well as a misguided fear of immigrants. As a result, no one seems in a hurry to correct these seriously flawed policies and lapses in security. As the 9/11 hijackers and the individual case studies in this paper demonstrated, aspiring terrorists have found that it is far more preferable to exploit inefficient visa processes to legally enter the United States rather than jumping a fence or crossing a river. Above all, it is most frightening that unless meaningful action occurs immediately, it is simply a matter of time before the next successful act of terrorism on American soil.

Chapter III: What is the role of assimilation on the homegrown terror threat comprised by Muslim American immigrants and what are the appropriate policy responses to combat this threat?

Introduction:

Since the September 11, 2001 attacks, American national security efforts to prevent further acts of terrorism on U.S. soil have attempted to evolve and adapt with an asymmetrical and mobile threat of terrorism. President George W. Bush was indeed correct in telling a joint-session of Congress just nine days after the horrific attacks that our nation's "war on terror begins with al-Qaeda, but it does not end there."¹⁴⁸ The subsequent and unprecedented securitization of the United States following 9/11 featured the implementation of a myriad of policies and actions aimed at correcting gaps and shortcomings in the national defense; many of these gaps were blamed for fostering a relaxed security environment that made the September 11 attacks possible.

For more than the past twelve years, foreign-born individuals deemed by law enforcement and intelligence agencies as constituting a national security threat and the countries that harbor terrorists have been the primary focus of the "war on terror." The United States has also invested significant resources to combat terror abroad, including the State Department's recent \$200 million grassroots initiative to support foreign "Community Engagement and Resilience" efforts to counter violent extremism at the local level in numerous countries.¹⁴⁹

Despite these efforts, recent trends and statistics indicate that domestic radicalization and homegrown terrorism – that is residents and citizens of the United States planning to carry out acts of terrorism at home and abroad – constitute a growing

¹⁴⁸ Bush, George W., "Address to Joint Session of Congress, September 20, 2001," *CNN*.

¹⁴⁹ Johnson, Carrie, "Justice Department Renews Focus on Homegrown Terrorists," *NPR*. June 2014.

and significant threat to American national security. According to a former Justice Department official, “the threat from al-Qaeda is much more diffuse after Sept. 11, and the threats posed by a single horribly misguided citizen or permanent legal resident in the U.S. is in a sense as great as what core al-Qaeda posed before Sept. 11.”¹⁵⁰

Within the context of the radicalization of Muslim immigrants in the United States, including lawful permanent residents and first and second-generation citizens, this paper examines how assimilation policies have influenced this alarming trend. I also look at how American antiterrorism policies have tried to adapt to the recent shift in terrorist threats from individuals abroad to those living within our own communities. Through the analysis of existing scholarly literature, I determine the legitimacy and seriousness of this threat. The ultimate goal of this paper is to review case studies focusing on various counter-radicalization strategies in order to propose a series of useful policy recommendations for the United States to better counter the threat posed by homegrown terrorism.

Policy Goals:

The focus of this paper concerns two core goals: first, to identify assimilation as a leading factor for the rise of radicalization and homegrown terror threats posed by Muslim immigrants in the United States. While the Department of Justice and the Federal Bureau of Investigation do not officially list domestic terrorist organizations, they have publicly defined domestic terrorist threats, including by individuals who commit crimes or terrorist activities in the name of ideologies in support of environmental rights, anarchism, white supremacy, anti-government ideals, black separatism and anti-abortion

¹⁵⁰ Ibid.

beliefs.¹⁵¹ Despite constituting a threat to American national security, these forms of domestic terrorism are not the focus of this paper because they are not typically associated with immigrants and the broader immigration population in the United States. In the ongoing national debate concerning immigration and national security, this paper only focuses on the homegrown radicalization of Muslim immigrants within the United States.

The second goal of this paper, largely through the examination of numerous case studies, is to analyze the components of various counter-radicalization programs in countries around the world to determine their effectiveness. It is through this analysis that I make a series of policy recommendations for the United States to better combat the increase in the terror threat posed by its residents and citizens.

Literature Review:

A growing trend – homegrown terror threats from Muslim immigrants

On April 15, 2013, three spectators were killed and dozens more injured by two crude improvised explosive devices near the finish line of the Boston Marathon. The Boston Marathon bombings, carried out by Tamerlan Tsarnaev, a legal permanent resident, and his younger brother Dzhokhar, a naturalized United States citizen, represented the first successful terrorist attack in the United States since 9/11. Perhaps most alarming, the Boston attacks dispelled the notion that the United States was relatively immune to terrorism committed by its residents and citizens.

Before the bombings, a number of policymakers and law enforcement officials had grown increasingly fearful of such an act following numerous examples of European

¹⁵¹ Bjelopera, Jerome P. "The Domestic Terrorist Threat: Background And Issues For Congress." *International Journal Of Terrorism & Political Hot Spots* (2013): 147.

homegrown terrorism in the mid-2000s¹⁵² and an exponential increase in terrorism-related arrests in 2009 in the United States, the majority of whom were Muslim American immigrants.¹⁵³ A 2010 joint-study conducted by researchers at Duke University and the University of North Carolina, identified the vast majority of attempted terror plots against the United States since 9/11 came from young men who were either legal permanent residents or naturalized American citizens acting on behalf of radical Islam ideologies and beliefs.¹⁵⁴ Furthermore, the study found that Muslim American immigrants comprised the largest ethnic group accused of planning or carrying out violent attacks motivated by extremism.¹⁵⁵

In the years following 9/11, the stereotype of a terrorist as a foreigner from some disadvantaged country striking at Western culture and values from abroad has quickly faded. Instead the majority of news reports in recent years feature stories of American residents and citizens plotting attacks against the United States or joining terrorist organizations abroad.

Examples of this growing trend can be found in young American residents and citizens participating in the January 2013 Algerian oil and gas plant attack and the influx of this same demographic fighting along al-Qaeda affiliated groups in Syria and Iraq. Through the use of existing literature, including various studies and statistics, there can be little doubt that the homegrown terrorist threat, especially the radicalization of youths, is one of the most important threats of international terrorism in the world today.

¹⁵² The 2004 Madrid bombings and the coordinated terrorist attacks in London in 2005 are particular notable examples.

¹⁵³ Forty-three individuals were arrested on various terrorism-related offenses in 2009.

¹⁵⁴ Schanzer, David, Charles Kurzman, and Ebrahim Moosa, "Anti-Terror Lessons of Muslim-Americans," *Report for the National Institute of Justice*, (January 6, 2010): 14.

¹⁵⁵ *Ibid.*

Muslim immigrants and post-9/11 United States

Before analyzing the role of assimilation on the domestic terrorism threat of Muslim immigrants in the United States, it is essential to note that policy responses should not be aimed solely on Muslim communities. As pointed out by numerous scholars including Abbas Barzegar, the politicization of Islamic identity in the United States has a long and complex history and has taken an especially strident tone after the attacks of September 11, 2001.¹⁵⁶ Despite Muslim immigrants comprising the largest ethnic group implicated in domestic terror plots against the United States, miscasting the homegrown terror threat as indicative of the broader Muslim-American population is simply counterproductive and will hinder national security efforts. As Risa Brooks concisely articulates, “overstating [the threat of Muslim immigrants] could also undermine society’s resilience to terrorism, while feeding a climate of fear and misunderstanding between Muslims and Americans.”¹⁵⁷

Additionally, Brooks and other scholars contend that overestimating this threat could also lead to the adoption of counterproductive counterterrorism policies, especially those that threaten to alienate Muslim communities from law enforcement. It should be noted that Muslim communities across the United States have been instrumental in alerting authorities to suspicious and radicalized individuals. These efforts, and the general cooperation between Muslim communities and law enforcement, have been one of the most significant safeguards against homegrown terrorism plots since

¹⁵⁶ Barzegar, Abbas. "Discourse, Identity, And Community: Problems And Prospects In The Study Of Islam In America." *Muslim World* 101.3 (2011): 511

¹⁵⁷ Brooks, Risa A. "Muslim Homegrown Terrorism In The United States." *International Security* 36.2 (2011): 7

9/11. Adopting policies or instituting vindictive counterterrorism methods that undermine this asset would certainly be disastrous to American homeland security.

Assimilation policies and the threat of radicalization

This section of the literature review looks at the impact of assimilation policies on the growing radicalization of Muslim immigrants within the United States. With more than 150 Muslim Americans arrested and charged with terrorism-related crimes since 9/11, it is essential to analyze the causes surrounding this threat to best understand the alarming development of homegrown radicalization. For the purposes of this particular paper, a homegrown terrorist refers to terrorist activity or plot perpetrated within the United States or such an act committed abroad by Muslim American citizens, including first and second generation citizens, and permanent residents.

When employing the term radicalization, I am referring to these same individuals who have acquired and practice extremist or jihadist beliefs. Some definitions of radicalization focus on individuals who acquire, hold and practice extreme views of Islam—primarily using Islam as an ideological/religious justification for their belief in the establishment of a global caliphate via violent means;¹⁵⁸ however, in the context of this paper, I am mainly referring to Muslim American citizens and/or permanent residents whose radicalization has led them to plot or carry out terrorist attacks in the United States or abroad.

While scholars and policymakers point to numerous causes for radicalization within the Muslim American community, this literature review primarily concerns the issue of assimilation. I focus significantly on assimilation initiatives because it is the singular and almost constant trend throughout the majority of existing scholarly

¹⁵⁸ Bjelopera, 6.

literature.¹⁵⁹ Various studies have also identified the necessity for policymakers to include a complete overhaul of the current assimilation system to any immigration reform effort. Additionally, current counter-radicalization programs, most notably those in European nations, identify the assimilation process for immigrants as one of the main components to reduce homegrown terrorism.

For more than a century, various scholars have proposed a myriad of definitions for assimilation. For a country founded and comprised by immigrants, assimilation in the United States is perhaps best defined by Robert Park in 1930, who purported that “assimilation is the name given to the process or processes by which people of diverse racial origins and different heritages, occupying a common territory, achieve a cultural solidarity sufficient at least to sustain a national existence.”¹⁶⁰ The Park definition most aptly describes the assimilation process in the United States before the 9/11 attacks as one’s ability to “sustain a national existence” was not widely linked to terrorism or any criminal activities.

It would be remiss to omit mention of Peter Salins’ 1996 book, *Assimilation, American Style*, which provides a lengthy and worthwhile description of the discrepancy between assimilation and acculturation – whereby an immigrant merely adapts to the cultural offerings of the United States. Salins does an effective job at pointing out that acculturation and assimilation are not mutually exclusive; perhaps his most prescient example of this difference is by using one of the terrorists behind the 1993 World Trade Center bombing. He quotes this particular terrorist’s sister who told a reporter that her family considered the brother “a son of America. He was always saying ‘I want to live in

¹⁵⁹ See for example, Kurtz (2013), Gould and Klor (2012), Fonte and Nagai (2013), Bagby (2009), McCarthy (2013), Bizina and Gray (2014).

¹⁶⁰ Salins, 49.

America forever.”¹⁶¹ Highlighting the difference between acculturation and assimilation, Salins explains that this man was able to identify with the United States as a culture, but not as a nation, which led him to willfully engage in a terrorist act against the country.

To provide for maximum clarity, I should point out that some scholars use other phrases to refer to assimilation when identifying the rise of homegrown terrorism. Numerous examples of literature by European-based scholars refer to this phenomenon as a failure of multiculturalism. For example, on the sixth anniversary of the 2005 London terrorist attacks, carried out by radicalized British citizens, author Kenan Malik suggests that “the real question is not how people like Mohammad Sidique Khan, the leader of the 7/7 bombers, came to be radicalized, but why so many young men, who by all accounts are intelligent, articulate and integrated, come to find this violent, reactionary ideology so attractive.”¹⁶² Malik argues that one of the leading factors in post-9/11 terrorist attacks and growing radicalism is a failure of multiculturalism. In essence, the governments of western countries, notably the United States, the United Kingdom, and numerous European Union nations, have failed to effectively integrate immigrants and their diverse cultures and customs into society.

Among Muslim immigrant communities within the United States, scholars including Margarita Bizina and David Gray explain that an inability to assimilate to the United States leads socially isolated, disenchanted young man to turn to “extremism in their search for identity, acceptance and purpose which they are unable to find in the community more often concerned with wealth accumulation rather than healthy

¹⁶¹ Salins 58.

¹⁶² Malik, Kenan. "Assimilation's failure, terrorism's rise." *The New York Times* (2011).

relationship-building.”¹⁶³ Bizina and Gray contend that the society in which these young men live and their inability to adapt to it is the root cause for the radicalization process. Arguing that in the United States and Western Europe, second and sometimes third-generation Muslims who are still classified as immigrants, often feel disenfranchised in a society that does not fully accept them and turn to radical Islam as a badge of cultural identity.¹⁶⁴

Kristin Baker, James Mitchell, and Brian Tindall further this hypothesis in writing on the radicalization of Muslim immigrants in Europe by pointing out that due to a failure in assimilation policies in countries including France, Germany, and Belgium, Muslim immigrants have created “parallel societies.”¹⁶⁵ Essentially parallel societies are where immigrants live in common, often in impoverished neighborhoods where they continue to practice the religion and cultural norms of their homeland and fail to share common values with their host country.¹⁶⁶ Baker, Mitchell, and Tindall argue that parallel societies foster environments for young Muslims to be easily recruited by terrorists because they “are at a stage of life where they are seeking an identity, while looking for approval and validation.”¹⁶⁷

While the goal of this paper is to ultimately issue a series of policy recommendations for the United States to better combat the threat posed by homegrown terrorists, I include numerous examples from Europe, both in the literature review and in the subsequent case studies. Since 9/11, the majority of countries in Western Europe,

¹⁶³ Bizina, Margarita, and David H. Gray. “Radicalization of Youth as a Growing Concern for Counter-Terrorism Policy,” *International Security & Counter Terrorism Reference Center*, (2014): 5.

¹⁶⁴ Bizina and Gray, 6.

¹⁶⁵ Baker, Kristin, James Mitchell, and Brian Tindall. “Combating Islamic Terrorism in Europe.” *American Diplomacy*. (November 2007).

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

including the United Kingdom, Spain, France, the Netherlands and Germany, have experienced frequent incidents of radicalization and terror plots and attacks by their citizens and legal residents primarily from the Muslim community. Unlike the United States, these countries have more quickly attempted to combat the unique challenges posed by the homegrown terror threat by establishing comprehensive counter-radicalization programs.

Politicization of assimilation and ties to immigration reform

As mentioned earlier in the literature review, the Boston Marathon bombings brought the issue of assimilation to the forefront of the national debate surrounding immigration reform. In a sense, authors and scholars from a variety of political spectrums employ assimilation (or rather the Tsarnaev brother's inability to assimilate to the United States) as an explanation and in some cases, justification for the bombings. The terrorist attack carried out by the brothers – one a legal permanent resident and the other a naturalized citizen – coincided with the recently introduced omnibus immigration legislation in the United States Senate which led politically-conservative pundits and policymakers to argue against any such reforms.

In May 2013, Conservative author Andrew McCarthy wrote in the *National Review* that the Tsarnaev brothers “drank deeply the ideology that creates terrorism by insulating its adherents and dehumanizing non-believers. Far from regarding Islamic supremacism with dread and suspicion, our government appeases supremacist agitators.”¹⁶⁸ Political commentator Stanley Kurtz echoes McCarthy's sentiments by writing that despite Tamerlan and Dzhokhar Tsarnaev wanting to be “Americans, they nursed a murderous hatred for the United States. Clearly the quest for citizenship is no

¹⁶⁸ McCarthy, Andrew. "American Dawa." *National Review* 65.9 (2013): 16.

guarantee of assimilation.”¹⁶⁹ Citing the Tsnarnaev brothers as “extreme examples” of the overall failure of American assimilation, Kurtz argues “we ought not to be mulling amnesty for millions of illegal immigrants before putting that system back in order.”¹⁷⁰ Yet, Kurtz appears to be searching for an explanation for the homegrown terror threat, rather than offering his own hypothesis. He posits that radicalized Muslim immigrants are products of poorly assimilated parents while moments later suggesting that an emphasis on diversity-education in schools are partially to blame.

It is no wonder that Conservative pundits, including McCarthy and Kurtz, consistently refer to the 2013 Hudson Institute study by John Fonte and Althea Nagai entitled “America’s Patriotic Assimilation System is Broken.”¹⁷¹ By focusing more broadly than the terrorist threat posed by Muslim immigrants, Fonte and Nagai analyze significant gaps between native-born and naturalized citizens on a wide-range of questions measuring patriotic attachment to the United States. One such example, finds that native-born citizens are much more likely than immigrant citizens to believe that schools should focus on American citizenship rather than ethnic pride.¹⁷²

While Fonte and Nagai provide some useful data on the discrepancy of inherent patriotism between native-born and naturalized citizens, their conclusion seems to be solely aimed at weakening legislative attempts at immigration reform as they assert that “opening our doors to new citizens without first pairing back the excesses of multiculturalism and reasserting traditional Americans principles of assimilation is asking

¹⁶⁹ Kurtz, Stanley. "Acculturation Without Assimilation." *National Review* 65.9 (2013): 19-20.

¹⁷⁰ Ibid.

¹⁷¹ Fonte, John and Althea Nagai, “America’s Patriotic Assimilation System is Broken,” *Hudson Institute* (2013).

¹⁷² Fonte and Nagai, 14.

for trouble.”¹⁷³ Political biases aside, Fonte and Nagai’s study does underscore significant deficiencies within the assimilation process for all immigrants. Based on a comprehensive review of scholarly literature, Muslim immigrants have turned to radical Islam in large part due to their failure to accept the United States as *their own country*. As a result, any effort aimed at combating the growth of radicalism among Muslim immigrants will need to contain significant assimilation components.

Globalization, technology and the impact on radicalization of immigrants

The exponential growth of technology, and specifically the ability to access the Internet in even the most remote pockets of the world, is a significant factor that impacts assimilation and has given influence and motivation to aspiring terrorists. The Internet, which enables new forms of communication and networking, has successfully broken the physical barriers separating people, including immigrants from their home countries or like-minded communities in the case of homegrown terrorism. Geneive Abdo, the director of the Iran program at the Century Foundation, argues that “globalization has changed the nature of assimilation...the Muslims here identify with the Muslims overseas.”¹⁷⁴ This interconnectivity led George Michael to articulate, “communities of affinity forged through the Internet build a sense of collective identity resulting in virtual communities.”¹⁷⁵

For homegrown terrorism, the Internet serves two essential purposes: for the aspiring terrorist, it allows them to instantaneously connect to other like-minded individuals; and second, and perhaps most importantly, it is the most successful recruiting

¹⁷³ Fonte and Nagai, 16.

¹⁷⁴ Washington, Jesse, “The assimilated terrorist: an outsider no longer,” *Salon*, (May 2010).

¹⁷⁵ George Michael, “The New Media and the Rise of Exhortatory Terrorism,” *Strategic Studies Quarterly*, (2013): 41.

tool employed by terrorist organizations, including al-Qaeda and the Islamic State in Iraq and Levant (ISIS). As Ayman al-Zawahiri once declared: “We are in a battle, and more than half of this battle is taking place in the battlefield of the media.”¹⁷⁶ There can be no doubt that the growth of the Internet as a recruiting tool for terror groups has corresponded with the increase in homegrown terrorist plots by Muslim Americans.

Pauline Neville-Jones, the UK Minister of State responsible for security and counterterrorism, contends that terrorist organizations effectively use the Internet to target individuals with “specific vulnerabilities which make that ideology seem both attractive and compelling. Where those vulnerable individuals are part of a community, where extremist views are widely accepted, the legitimization of violence becomes easy, and the path to terrorism is thereby smoothed.”¹⁷⁷ With more than 4,300 websites that serve terrorists and their supporters, including more than 100 in English, the Internet has not only given rise to more homegrown terrorists, but has also created a significant obstacle for the American assimilation process. A successful strategy to combat homegrown terrorism among immigrants must focus on countering the proliferation of terrorist recruiting materials on the Internet. It is also crucial that any effective strategy concerning the Internet prevent the infringement upon the unalienable rights provided to all Americans – including our immigrants.

Case Studies:

¹⁷⁶ Michael, 50.

¹⁷⁷ Neville-Jones, Pauline. "A new approach to counter-radicalization. Speech delivered to the symposium." *UK and US approaches in countering radicalization: intelligence, communities, and the internet*. Council on Foreign Relations (2011).

Counter-radicalization programs and combating the threat of homegrown terrorism

Since 9/11, the United States has established and implemented numerous antiterrorism policies to combat the threat of terrorism. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (PATRIOT Act), passed six-weeks after the terrorist attacks, and the legislative and policy recommendations provided by the 9/11 Commission brought about significant reforms in our nation's efforts to prevent further terrorist attacks on American soil. These reforms include enhanced intelligence gathering practices, preventative policing, and the creation of law enforcement fusion centers.

While the implementation of these policies and strategies have their own strengths and weaknesses in ensuring American national security, they largely do not deal with countering the violent extremist ideology that fuels homegrown radicalization. This is the point that Pauline Neville-Jones' articulates when describing the United Kingdom's counter-radicalization efforts in saying that the capabilities of intelligence agencies and law enforcement officers are only part of the solution.¹⁷⁸ Her argument is essentially that "we must tackle the ideology that fuels and drives radicalization and the circumstances which give that ideology appeal. We need to act against the existence of a pervasive, perverse and pernicious political ideology which is Islamist extremism."¹⁷⁹

From the United Kingdom to Saudi Arabia, counter-radicalization programs have only began to be designed and employed in the past ten years, which renders it somewhat difficult to determine their efficacy. Yet, the exponential increase in these programs over that period of time legitimizes the growing belief that counter-radicalization programs are

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

essential to combating this threat. With that said, counter-radicalization strategies are consistently inimitable due to the disparity of threats facing each country and the wide-ranging goals for an individual program. As a result, there is hardly consensus concerning the definition for counter-radicalization; however, for the purpose of this paper, I use the definition adopted by the United Nations Working Group on Radicalization and Extremis that lead to Terrorism, which characterizes counter-radicalization as “a package of social, political, legal, and educational and economic programs specifically designed to deter (and possibly already radicalized) individuals from crossing the line and becoming terrorists.”¹⁸⁰

The case studies described below reflect individualized, albeit similar, counter-radicalization programs. It is imperative to point out the lack of available statistical data indicating the success of any counter-radicalization strategy. In 2010, researchers John Horgan and Kurt Braddock lamented the “lack of necessary data to test whether various programs are actually effective.”¹⁸¹ Thus in analyzing the counter-radicalization strategies implemented by the Netherlands, the United Kingdom, and the United States¹⁸², I measure the effectiveness of each program through the following components:

- The inclusion of policies focused on assimilation and relationship-building within immigrant and at-risk communities.
- Implement a strategy containing methods to counter online recruiting and radicalization efforts.

¹⁸⁰ “First Report of the Working Group on Radicalization and Extremism that Lead to Terrorism: Inventory of State Programs,” *United Nations* (2008).

¹⁸¹ Horgan, John and Kurt Braddock, “Rehabilitating the Terrorists? Challenges in Assessing the Effectiveness of De-radicalization Programs,” *Terrorism and Political Violence*, Vol. 22 (2010): 281.

¹⁸² It is for this reason that I omitted the Saudi Arabian counter-radicalization program, which has largely been praised as an effective strategy but primarily focuses on the rehabilitation of individuals already charged and convicted with terrorism-related crimes.

- Ensure that the strategy is distinguishable from traditional antiterrorism policies.

Case Study 1: Netherlands

Unlike the United States and the United Kingdom, the Netherlands has not experienced a significant terrorist attack. With that said, the Netherlands has dealt with several crises relating to extremism and radicalism, primarily from its sizeable Muslim immigrant population and a growing right-wing extremist faction. Most notably, the 2004 murder of film director Theo van Gogh by Mohammed Bouyeri, a radicalized second-generation Dutch citizen, horrified the traditionally liberal and tolerant Dutch society. To further compound the growing hostile relationship between the government and its Muslim immigrant population, hundreds of Dutch citizens have joined the ongoing civil war in Syria, including fighting alongside radical Islamic terrorists.¹⁸³

In 2007, the Dutch government launched the Polarization and Radicalization Action Plan, largely out of the fear of irreparably damaging relations with its immigrant population and thus closing off its young minority populations from mainstream society and fueling further radicalization. Designed primarily to combat Islamic fundamentalism, but also applied in part to the recent growth in right-wing militancy, the Dutch plan's primary goal is to "improve the material integration and the sense of belonging of young Dutch Muslims...in order to reduce the breeding ground for radicalization."¹⁸⁴ Largely emphasizing the importance of the role of local authorities, the Dutch counter-radicalization program contends that officials at the local level are in better position to detect problems and implement solutions.

¹⁸³ "Dutch citizens are fighting in Syria: spy chief," *Al Arabiya News* (February 2013).

¹⁸⁴ "Polarization and Radicalization Action Plan," 2007: 4.

The comprehensive counter-radicalization strategy employed by the Netherlands relies on numerous protective, preventative and repressive measures as a way to avert an individual or a group's willingness to use violence.¹⁸⁵ Some of these elements include: identifying those vulnerable to radical messages and reaching out to individuals at risk of “slipping away from Dutch society and legal democratic order” through violent radicalization; targeted de-radicalization and disengagement programs for individuals who have been arrested for radicalization-influenced offenses; working closely with law enforcement to disrupt known extremist networks; and countering the allure of terrorist recruiting efforts by prosecuting those that seek to promote extremist ideologies.¹⁸⁶

Highlighting the flexibility of the plan, the above-mentioned elements are employed on a case-by-case basis depending on the specific target. For example, the repressive measures are implemented for individuals who are deemed to be on the brink of using violence – most often in the form of arrest and the charge of a crime. However, if officials identify an individual who may be on the verge of radicalization but still considered “savable,” authorities apply targeted de-radicalization measures, including education programs that primarily work with disaffected young Muslims who feel a disconnect from mainstream society. The goal of assimilation-based education programs focus on the concept of “empowering the individual and making him or her feel part of society.”¹⁸⁷

The Dutch strategy is directed by the central government but implemented by a collective partnership of ministries, governmental agencies, local authorities, social

¹⁸⁵ Ibid.

¹⁸⁶ Rabasa, A., Pettyjohn, S.L., Gzhez, J.J., and Boucek, C., “Deradicalizing Islamist Extremists,” *RAND*, 2010: 29.

¹⁸⁷ Vidino, Lorenzo, “A Preliminary Assessment of Counter-Radicalization in the Netherlands,” *Combating Terrorism Center at West Point* (2008).

services, educational facilities, think tanks, religious institutions, and private consultants.¹⁸⁸ This stems from the state-goal of adopting a strategy that emphasizes openness, information sharing, and a willingness to receive input from as many individuals and organizations as possible.

By largely granting autonomy to local officials within cities and towns to implement aspects of the strategy as they see fit, authorities have organized regular-community meetings, conferences and neighborhood festivals that emphasize assimilation and an over-arching acceptance of immigrants. One example is in Amsterdam, where the city has organized an annual Ramadan festival designed to attract all Amsterdammers – with the subtitle of the event, “Will you have dinner in my home.”¹⁸⁹ The promotion of social cohesion and inclusion, especially in some of the most economically deprived communities in the Netherlands, has also led to the establishment of training programs for immigrants to recognize and prevent radicalism.

With regard to community partnerships, the Dutch plan contains very few mentions of a religious-based program. However, there are instances of the government, both central and local, creating partnerships with well-known figures in the Muslim community, including businessmen and soccer players to use as role models and mentors. In many cases, trained professional social workers go to mosques to develop stronger ties with Imams and other religious leaders.

Mohammed Cheppih, a Moroccan-Dutch citizen, represents one example of the partnership between local authorities and prominent religious leaders. Cheppih, a well-known figure to authorities for his previously controversial rhetoric and positions in the

¹⁸⁸ Ibid.

¹⁸⁹ Polarization and Radicalization Action Plan, 34.

Muslim World League and the Arab European League, which were described by law enforcement as polarizing and resisting integration of Muslim immigrants into mainstream society. Through his partnership with the Dutch counter-radicalization program though, Cheppih has publicly condemned his past rhetoric and currently heads the Poldermoskee, a mosque based in Amsterdam created specifically to address the needs of second-generation Dutch Muslims, where Dutch is the only language spoken.¹⁹⁰

Case Study 2: United Kingdom

The socially and economically diverse Muslim immigrant population in the United Kingdom has been the main focus of British counter-terrorism and counter-radicalization programs. The July 2005 coordinated terrorist attacks in London and the 2013 savage murder of British Army soldier, Lee Rigby, both perpetrated by radicalized British citizens, highlight the disconcerting prevalence of homegrown radicalism within the United Kingdom over the past decade. Both of these tragedies were also met with significant anti-Muslim backlash across the United Kingdom – including defacing mosques, physical attacks, and a barrage of social-media assaults on British Muslims.

Following the 2005 bombings, the British government established CONTEST, the government's counter-terrorism strategy in July 2006, which aims to “reduce the risk to the UK and its interests overseas from terrorism.”¹⁹¹ One of the main components of CONTEST is Prevent, a broader counter-radicalization strategy designed to counter all aspects of terrorism.

The three primary goals of Prevent, as defined by the UK government, are: “respond to the ideological challenge we face from terrorism and aspects of extremism,

¹⁹⁰ Vidino.

¹⁹¹ “Counter-terrorism strategy,” *Government of the United Kingdom*. July 2012.

and the threat we face from those who promote these views; provide practical help to prevent people from being drawn into terrorism and ensure they are given appropriate advice and support; and works with a wide range of sectors (including education, criminal justice, faith-based, charities, online and health) where there are risks of radicalization that we need to deal with.”¹⁹²

Prevent aims to counter radicalization by addressing structural problems in the United Kingdom by focusing upon improving educational performance, employment opportunities and housing conditions in Muslim immigrant communities. One of the core goals of Prevent is to emphasize integration as part of the curriculum in all schools through the teaching of British history and the National Citizen Service, a non-military volunteer program for teens in the UK.¹⁹³

Prevent also stresses the need to increase community cohesion and strengthen community integration – primarily working with local communities to tackle extremist ideologies. Another aspect of this strategy is to partner with groups that support radical Islamist ideologies, but reject the use of violence. These partnerships are primarily led by law enforcement agencies, with the focus of gaining access to vulnerable individuals.

There is also significant overlap between CONTEST and Prevent as antiterrorism policies work in tandem with counter-radicalization programs. For example, Prevent aims to prevent apologists for terrorism and extremism from entering the United Kingdom.¹⁹⁴ Additionally, the strategy also funds a specialist police unit that works to remove online content that disseminates terrorist propaganda and recruiting materials. Along with local government and volunteers in communities, local police identify

¹⁹² “Protecting the UK against terrorism,” *Government of the United Kingdom*.

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

vulnerable individuals, without arresting them, and attempt to help them refrain from radicalizing.

From its inception in 2006 through 2011, Prevent was almost solely focused on countering extremism within the Muslim community. In late-2011, Prevent was revised in an effort to “more narrowly focus on violent extremism and the pathways that lead to the espousal of violence.”¹⁹⁵ At the core of the reformed Prevent strategy is a focus on ideology, institutions, and individuals. Pauline Neville-Jones details the revised program by explaining that it aims to combat, “the ideology that supports terrorism and those who promote it; the institutions where radicalization may occur, and which will also be crucial in disrupting its impact; and the individuals who are vulnerable to radicalization.”¹⁹⁶

In October 2012, as part of the revised Prevent strategy, the UK government established Channel, a multi-agency approach to “protect people at risk of radicalization.”¹⁹⁷ Components of Channel include a psychological assessment of the various reasons individuals, as well as the indicators of vulnerable individuals at risk of becoming radicalized. Channel focuses on empowering local and community officials, without the influence of law enforcement, to identify and engage with vulnerable individuals. Specifically, the mission statement of Channel includes the mention that “it is vital that communities are not seen only from a counter-terrorism threat.”¹⁹⁸

Once identifying and engaging with at-risk individuals, these officials consult with a multi-agency panel comprised of representatives from schools, social workers, police, prisons, and health services. The panel determines what form of “support

¹⁹⁵ Neville-Jones.

¹⁹⁶ Ibid.

¹⁹⁷ “Channel guidance,” *Government of the United Kingdom*. October 2012.

¹⁹⁸ Ibid.

package” to implement to counter the threat of radicalization that range from life skills training to anger management treatment to education programs to drug and alcohol awareness interventions. Each individual implemented a “support package” is assigned an official to monitor his or her progress over a period of time – similar to the role of a social worker or probation officer.

Case Study 3: United States

In 2009, the year that President Barack Obama assumed office, the United States faced an unprecedented number of homegrown terror plots and arrests – largely from within its immigrant population. The lack of comprehensive counter-terrorism and counter-radicalization strategies deeply concerned the new President, who commissioned the Presidential Task Force on Confronting the Ideology of Radical Islam, comprised of experts on national security, counterterrorism, and intelligence, days after taking office. During the development and drafting of both strategies, President Obama traveled to Cairo, Egypt, to deliver an address designed to ease tensions between the United States and the Muslim world, which had been significantly hampered since 9/11. In his speech, the President stressed, “America is not – and never will be – at war with Islam.”¹⁹⁹

In 2011, the White House released the National Strategy for Counterterrorism in June followed by a counter-radicalization program, the National Strategy on Empowering Local Partners to Prevent Violent Extremism (CVE) in July. The three main focal points of the counter-radicalism strategy is to combat extremist ideologies, enhance social cohesion and build resiliency within American communities. The strategy focuses on a community-based approach with the federal government largely serving as a “facilitator,

¹⁹⁹Obama, Barack, “Remarks by the President on a New Beginning,” *The White House*. (June 2009).

convener, and source of information,”²⁰⁰ as well as working with state and local government, nongovernmental and community organizations and a wide-range of private American citizens. The stated goal for the federal government’s role in its counter-radicalization strategy is to foster trust and partnerships with communities across the nation.

By focusing on increasing engagement within at-risk, economically disadvantaged, and immigrant communities, the counter-radicalization strategy aims “to share sound, meaningful and timely information about the threat of violent extremism with a wide-range of community groups and organizations, particularly those involved in public safety issues.”²⁰¹ The second focus in improving engagement is responding to community concerns about government policies and actions. The strategy also mentions a need to better understand how the Federal Government can better understand how to effectively support community-based solutions to local issues.

The strategy emphasizes the concept of building trust through engagement and partnerships to counter violent radicalism and radical ideologies. This effort is primarily led by local law enforcement agencies through the establishment of community partnerships. The partnerships are largely directed at “engaging and empowering individuals and groups to build resilience against violent extremism.”²⁰² One such effort, the Safe Schools/Health Students Initiative (SS/HS) is a partnership with local mental health experts, juvenile justice officials and law enforcement. Established as a comprehensive education program, the SS/HS aims to decrease violence in at-risk

²⁰⁰ “Empowering Local Partners to Prevent Violent Extremism in the United States,” *The White House*. (August 2011): 2.

²⁰¹ Empowering Local Partners to Prevent Violent Extremism in the United States, 7.

²⁰² Empowering Local Partners to Prevent Violent Extremism in the United States, 24.

communities and improving school safety. Another community initiative is known as the Building Communities of Trust program, which seeks to improve trust among police, fusion centers, and the communities to which they serve.²⁰³

The Strategic Implementation Plan (SIP) for Empowering Local Partners to Prevent Violent Extremism in the United States provides a “blueprint for how we will build community resilience against violent extremism.”²⁰⁴ The SIP serves as a field manual of sorts for the practical use of the counter-radicalization strategy. One repeated goal throughout the SIP is to ensure that all policies implemented comply with the rule of law and specifically, the First Amendment. As stipulated in this implementation plan is the “fusion of local partners – school, community boards and leaders, both local and federal law enforcement agencies.”²⁰⁵ This fusion also features collaboration with government agencies including the Departments of Education and Health and Human Services, which are not commonly associated with national security strategies.

Another facet of the SIP is a renewed-focus on combating violent extremism promoted through the Internet. While vague in details, the online strategy focuses on developing the “necessary tools for staying safe from online violent extremism.”²⁰⁶ Through collaboration with companies that have existing online strategies including identity protection and fraud warning, the SIP suggests “exploring how we might counter online violent extremism without interfering with lawful Internet use or the privacy and civil liberties of individual users.”²⁰⁷ The first component of this strategy is to compile

²⁰³ Ibid.

²⁰⁴ Empowering Local Partners to Prevent Violent Extremism in the United States, 45.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ “Working to Counter Online Radicalization to Violence in the United States,” *The White House Blog*. (February 2013).

information about online extremism into existing Federal Government Internet safety initiatives. After compiling information, the Federal Government aims to work with local organizations throughout the country to disseminate information about the threat – primarily to schools and community organizations. This approach is modeled on existing Internet safety principles that focus on promoting awareness of various online threats, such as cyber bullies, scammers, and sexual predators.

Analysis:

The inclusion of policies focused on assimilation and relationship-building within immigrant and at-risk communities

All three policies contain numerous directives that involve improving assimilation with the Dutch and British strategies containing the most detailed provisions and financial backing. Perhaps due to the recent implementation of the United States' CVE there is hardly any specificity for how the strategy expects to establish improved relationships with immigrant communities. There is also currently no CVE-specific budget in the United States, which hinders the success and legitimacy of the current program. The Dutch plan however reflects a clear and concise strategy including the Ramadan festival in Amsterdam and the partnership with Mohammed Cheppih and his integration-focused mosque. The American CVE continuously mentions empowering local authorities and officials to implement strategies without providing the required guidance.

In reviewing existing literature for this paper, I found that numerous local initiatives unrelated to the CVE have garnered publicity and praise for reducing homegrown radicalism in American immigrant communities. In strengthening the overall CVE mission of the nation, policymakers should look to the Minneapolis-St. Paul,

Minnesota strategy led by former U.S. Attorney Todd Jones, who has helped to reduce terrorist recruitment of young men within the Somali community and the Montgomery County, Maryland program, the Faith Community Working Group, solely dedicated to preventing violent extremism.²⁰⁸ These programs and the Dutch model that emphasizes establishing partnerships and combating the homegrown terror threat at the local level appear to be successful. While there is a lack of statistical evidence to prove that local partnerships are more effective than those conducted at the national or even state level, it seems logical that immigrants and individuals from at-risk communities would be more trusting of local officials and authorities than those from the federal government.

Implement a strategy containing methods to counter online recruiting and radicalization efforts

One key challenge evidenced throughout the three case studies is the difficulty in achieving a balance between the inherent civil liberties and individual freedoms afforded by democratic systems, including through online expression, with the espousing of extremist propaganda. While the British strategy focuses on removing online content promoting violent extremist ideologies, this is not a long-term solution. Within a matter of days or even hours, it is highly likely that a new website or chat site will feature the identical material.

Despite the lack of detailed policy goals, the online strategy promoted by the United States CVE has an opportunity for long-term success. The willingness to partner with private companies who have developed and implemented online campaigns combatting cyber bullies and online sexual predators represents a serious attempt to

²⁰⁸ B. Todd Jones, "Countering Violent Extremism through Community-Based Approaches." *U.S. Department of Justice*. (2013).

counter the effective narrative employed by al-Qaeda and other terrorist groups in their recruiting efforts.

To clarify, there is a notable absence in all three case studies of a policy initiative that formulates how to dispel the notion that the Arab and Muslim world is under attack by the West and can only be rectified by violent jihad. On an informal level, this was the primary motivation of President Obama's speech in Cairo – to diplomatically assert that the United States is not at war with Islam. Yet for any online or digital strategy to be effective, it is vital to develop a factual narrative to combat the widespread belief that Islam is under attack by the West rather than solely removing extremist websites.

Ensure that the strategy is distinguishable from traditional antiterrorism policies

As evidenced by the three case studies, improving relationships and building trust are the overarching goals of counter-radicalization strategies. As such, they should be distinguishable from traditional law enforcement and counter-terrorism policies. One national security expert notes that “counter-radicalization is not about intelligence-gathering nor is it primarily about policing.”²⁰⁹ With the exception of some aspects of the Dutch strategy, none of the case studies analyzed implement counter-radicalization programs are easily distinguishable from traditional counter-terrorism efforts.

Most damaging, there is evidence that continuing to link counter-radicalism strategies with counter-terrorism has furthered distrust and hostilities within immigrant communities. For example, in one predominantly Muslim community in the United Kingdom, authorities began focusing on increased community engagement to combat extremism. While conducting outreach at local mosques and community centers, law enforcement officials installed dozens of CCTV cameras with no explanation. This

²⁰⁹ Bjelopera, 33.

example was cited in an interview with Pauline Neville-Jones when describing the policy failures that led to the reform of the Prevent program in 2011.²¹⁰

In the United States, there is already evidence that the inability to remove traditional policing and intelligence-gathering practices has hindered community outreach efforts of the CVE. A review of the counter-radicalization strategy by the Homeland Security Advisory Council (HSAC) found that “community policing can be impeded if other enforcement tactics are perceived as conflicting with community partnerships.”²¹¹

As mentioned in the literature review, the importance of information provided to law enforcement by individuals within immigrant communities in identifying prospective terrorists cannot be understated. While some of these individuals have acted on their own accord, there is evidence that the FBI has actively recruited informants in Muslim communities under the guise of community outreach programs. These efforts have fueled further distrust and fear among Muslim community leaders who, as a result, have argued against the participation in engagement programs.

While law enforcement officials should indeed play a role in counter-radicalization strategies, they should be clearly distinguishable from traditional policing efforts. The United States should rely more heavily upon community leaders, including elected officials, and qualified-professionals with backgrounds in social services and education to lead counter-radicalization efforts. This alone will help to ease the mistrust of law enforcement from within immigrant and at-risk communities.

Conclusion:

²¹⁰ Neville-Jones.

²¹¹ Ibid.

This paper has determined that the radicalization of immigrants constitutes a significant threat to American national security and should be the focus of a combined effort between counter-radicalization and counter-terrorism strategies. While there are numerous causes for this alarming phenomenon, deficiencies of assimilation programs and 21st Century globalization allowing for instantaneous communication through the Internet are constant factors that have exacerbated this problem, especially among young immigrant men. Traditional counter-terrorism policies and policing methods have proved successful in preventing the plots of homegrown terrorists, but only serve as a short-term solution to a much larger problem. Without a comprehensive strategy aimed at reducing the ability and desire for individuals to become radicalized, terror plots may be thwarted but the number of homegrown terrorists is only likely to increase.

Counter-radicalization programs featuring community outreach and partnerships appear to be the most promising initiatives to reduce the spread of homegrown terrorism, but we currently lack the necessary data to determine their effectiveness. This is primarily due to the recent implementation of these programs; however, the absence of articulable metrics to determine success is also to blame. None of the case studies analyzed in this paper contain easily identifiable goals for their counter-radicalization programs aside from a desire to expand partnerships and increase federal funding. As the target of counter-radicalization programs are largely specific to each nation, policymakers in the United States should strive to develop a formula to accurately determine the effectiveness of these initiatives. Compiling data on recidivism among individuals arrested on terror-related charges through counter-radicalization programs or even releasing statistics for participants in community outreach programs would represent

a good start. Until the implementation of clear metrics, radicalized immigrants will continue to constitute a very real and grave threat to our nation.

Conclusion:

On July 22, 2014, Thomas Kean and Lee Hamilton, the primary authors of *The 9/11 Commission Report*, released “Today’s Rising Terrorist Threat and the Danger to the United States: Reflections on the Tenth Anniversary of the 9/11 Commission Report.”²¹² In the new report, Kean and Hamilton analyze the effectiveness of American counterterrorism policies since the *9/11 Commission Report* and depict the most urgent national security threats facing the nation today. Despite dismantling the core of al-Qaeda’s terror network following the September 11th attacks, including the 2011 killing of Osama bin Laden, Kean and Hamilton warn us that the threat from jihadist terrorism persists.

They contend that one of the greatest threats to American national security is the thousands of foreign fighters in Syria, including many from Western Europe and the United States, who “may redirect their venom and battlefield experience toward the United States or their European countries of origin.”²¹³ Kean and Hamilton also sternly warn policymakers and law enforcement that:

homegrown terrorism remains a serious concern as well. Purveyors of hatred spread their radical ideology over the Internet, attempting to recruit new terrorists both abroad and in the United States. The risk is not only that new terrorist cells are being created; online propaganda can also influence “lone wolf” terrorists, who can be extremely difficult for authorities to spot. The support of the American Muslim community in opposing extremism, increased awareness by the public at large, and a massive law enforcement effort have made the United States a much harder target than it was on 9/11. But the tragedy of the Boston Marathon bombing is a reminder of how dangerous homegrown extremists can be, despite these advances.²¹⁴

²¹² Kean, Thomas H. and Lee H. Hamilton, “Today’s Rising Terrorist Threat and the Danger to the United States: Reflections on the Tenth Anniversary of the 9/11 Commission Report.” *Bipartisan Policy Center*. (July 2014).

²¹³ Kean and Hamilton, 4.

²¹⁴ Kean and Hamilton, 15.

Throughout the three chapters, the primary objective of this thesis has been to accurately determine where core components of immigration and immigration policy fit into the post-9/11 American national security mission. While I believe I effectively argue that immigration alone does not constitute a threat to national security, combating the very real threat of homegrown radicalization among our nation's immigrants should comprise a significant tenant of this mission.

Successfully combating the threat of radicalization requires a coordinated effort between counter-radicalization and counterterrorism policies – rather than solely relying on a counterterrorism approach. As this thesis demonstrates, too often counterterrorism policies concerning immigrants rely on deportation and a drastic reduction in legal-immigration levels, which has deeply strained key relations with immigrant communities and in some cases provided motivation for radicalization. A trusting relationship between immigrant communities and law enforcement is an absolute necessity as immigrants have provided life-saving tips concerning terrorist activities and plots.

To successfully improve the American national security mission, there should be an urgent focus in reforming current counterterrorism policies beginning with the implementation of a successful visa and travel monitoring system. This should be a top priority for legislators and national security experts to quickly and adequately address one of the core recommendations of the original *9/11 Commission Report*. A comprehensive and capable system designed to prevent visa-holders and tourists from illegally remaining in the United States will immeasurably improve national security. For proponents of a reformed guest-worker program, the establishment of such a system is likely to remove

any legitimacy to the argument that legally admitted migrant-workers pose a security threat.

Until the toxic political environment currently consuming Washington dissipates to allow for the passage of comprehensive immigration reform, policymakers should focus on the seemingly non-partisan issues of directing resources toward the establishment of a robust counter-radicalization program. The current interest in counter-radicalization strategies throughout the world is a testament to the importance of these programs in combating the threat of homegrown radicalism. In revising our current strategy, it would be wise to adopt many of the community-based policies implemented in numerous European countries that focus on the inclusion of immigrants and identifying vulnerable, at-risk youths. As a nation founded and comprised by immigrants, it is fundamentally crucial to improve the assimilation processes and establish more trusting relationships with immigrant communities across the United States. Until meaningful action is taken, the United States will continue to remain vulnerable to domestic terrorist attacks from its residents and citizens.

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