Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 18, 2023

SENT VIA E-MAIL TO: hart.wood@americanoversight.org

Hart W. Wood
AMERICAN OVERSIGHT
1030 15th Street NW, B255
Washington, DC 20005

Re: AMERICAN OVERSIGHT V. DHS (2023-HQLI-00030)(23-CV-01395)

Dear Hart W. Wood:

This is an interim response to your American Oversight request to the Department of Homeland Security (DHS), dated September 30, 2019.

For this production, DHS processed 346 pages of which 96 pages are released in full, 123 pages are disclosed in part, pursuant to FOIA exemptions (b)(6), and three pages were duplicates. An additional 124 pages have been sent to other agencies for consultation. The 219 pages for release are Bates stamped DHS-001-01395-000001 through DHS-001-08902-000219.

If you have any questions regarding this release, please contact Assistant United States Attorney, District of Columbia, Dedra S. Curteman, by email at dedra.curteman@usdoj.gov.

Sincerely,

Eric A. Neuschaefer
Senior Director, FOIA Litigation, Appeals, Policy and Training

Enclosure: 219 pages

AMERICAN OVERSIGHT

From: (b)(6) com
Sent: Thu, 6 Jun 2019 18:22:52 -0500
To: MCALEENAN, KEVIN K
Subject: Request for permission to close the Anapra gap
Attachments: WBTW Letter to Act Sec McAleenan.docx

Acting Sec. McAleenan,

Please find attached a letter from We Build the Wall seeking permission to construct bollard fencing that would close the Anapra gap. Thank you.

Kris Kobach

AMERICAN OVERSIGHT



Kris W. Kobach
General Counsel
P.O. Box 155
Lecompton, KS 66050

June 6, 2019

Kevin McAleenan
Acting Secretary
U.S. Department of Homeland Security
1300 Pennsylvania Ave., NW
Washington, DC 20229

Dear Acting Secretary McAleenan,

As you may be aware, We Build the Wall recently closed a half-mile gap in the metropolitan El Paso system of border barriers, blocking a heavy corridor of immigrant smuggling and drug smuggling. It was the first time that a substantial border barrier had ever been constructed on private land by a private organization. The project was at Monument One, in Sunland Park, New Mexico.

The new border barrier starts at the Rio Grande and continues 2,256 feet east, climbing 310 vertical feet up the east side of Mt. Cristo Rey. Like other border fence sections, it is an 18-foot high, steel bollard fence with 4-foot anti-climbing plates at the top. It is set in a 7-foot concrete footing. However it is superior to other fence sections in four respects: (1) it is constructed of all-weathering steel; (2) it is accompanied by a paved access road for the Border Patrol along its length; (3) it includes state-of-the art sensors that are an improvement over sensors elsewhere on the border; and (4) it includes stadium-quality LED lighting along its entire length. The fence was erected in approximately one week, and the entire project was completed in less than two-weeks.

I am writing to you now to request permission to construct a border barrier of the same quality to close a gap on the west side of Mt. Cristo Rey, at Anapra, New Mexico, approximately one mile west of the project that we just completed. The land that we

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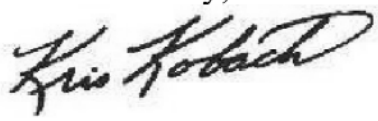
would like to build the barrier on is owned by the United States (it is not merely an easement created by the Roosevelt Reservation). For some reason, when the U.S. government constructed the steel bollard fence near the Santa Theresa Station, the fence ended abruptly on the flat ground at the bottom of the west side of Mt. Cristo Rey, right next to a neighborhood on the Mexican side. This Anapra gap has become one of the worst trafficking corridors on the southern border. On April 30, 2019, the Border Patrol apprehended 424 migrants who had crossed through the Anapra gap – the largest-ever migrant group apprehended as of that date. It is essential to the security of the United States that this gap be closed. However, it is not covered in any of the existing projects planned by the United States government.

We Build the Wall is asking your permission to build a 3,000-foot-long, 18-foot-tall, state-of-the-art steel bollard border fence to close the Anapra gap. The proposed fence would commence where the old steel bollard fence ends (at 31.78394, -106.55834) and extend east to the eastern boundary of the U.S. government property (at 31.78394, -106.54870). It would climb approximately 340 vertical feet. Identical to the fence at Monument One, it would also include a concrete road along the north side of the barrier for the Border Patrol to use. There would be nothing blocking Border Patrol access along the border; indeed, the Border Patrol agents would enjoy the ability to drive vehicles where they never could before. If there are any modifications to the design that you would like us to make, we will make them.

And we would do it very quickly—we can mobilize the resources to begin the project within four weeks of receiving your approval, and we can complete the project in less than two weeks after that. The barrier would then be given to the U.S. Department of Homeland Security as a gift, courtesy of We Build the Wall. All that we require is your permission to begin work.

Please contact me as soon as possible if you have any questions or to grant us approval to begin. Kelly Good of the Border Patrol has inspected the project we recently completed at Monument One and can attest to its quality. As you know, time is of the essence. This gap is used nightly to smuggle in hundreds of migrants and untold quantities of drugs. We stand ready to close the gap.

Yours sincerely,



Kris W. Kobach

c (b)(6)

AMERICAN OVERSIGHT

From: (b)(6)
Sent: Mon, 29 Jul 2019 18:14:35 +0000
To: (b)(6) Mitnick, John;Fishman, George;Chang, Hayley;Maher, Joseph;Palmer, David;Holley, Michael;Martin, Cynthia (b)(6) Thomas, Katherine;McCleary, Stephen;Mizelle, Chad
Cc: Hayley Chang;Krebs, Christopher;Glawe, David;Block, Andrew (b)(6) (b)(6) ;Ding, Michael;Fausett, Andrew;Brzozowski, Christa;Dougherty, Michael;Neumann, Elizabeth;Shah, Dimple;Ware, Bryan;Wolf, Chad;McDermott, Thomas M;Beattie, Brien;D'Antonio, Christopher;Kronisch, Matthew;Wonnenberg, David;Slater, Gabriel;Taran, Gabriel;Singer, Samuel;Ciccone, Christine;Dinh, Uyen (b)(6) Short, Tracy;Ogden, Jason (b)(6) gmail.com;Brown, Cameron;Sevier, Adrian;Davis, Mike P;FALK, SCOTT K (OCC);SMITH, FREDERICK B (OCC);KOLLER, JULIE (OCC);Browne, Rene;Swartz, Neal;Havranek, John;Kaminsky, Glenn;Bruce, Patrick (b)(6) Andersen, Steven J RADM;Sinclair, Michael R. EOP/NSC;DERMODY, JOHN;Saltalamachea, Michael;McDonald, Christina;Houser, David;Dornburg, Erica;Readinger, Jeff;Newman, Amy;Baroukh, Nader;CAHILL DONNA L;Petyo, Briana;Boyd, Valerie;Kaplan, Sam;'Ray, Charles W ADM';Price, Daniel;Kerner, Francine;DIPIPPA KATHY L;McCament, James;Howell, Mike (b)(6) Gountanis, John;Dena Kozanas;Erickson, Scott;Sutherland, Daniel;Kaufman, Steven;Wales, Brandon;OGC HQS All (b)(6) (b)(6) ;Sawyer, Stephanie (b)(6) Mazzochi, Sarah;Wood, Alexander (b)(6) Allen, Holly (b)(6) gmail.com;HIGHSMITH, ANNMARIE (OCC);COUREY, MARC BENNETT (OCC);Gereski Jr, John (b)(6) Lederer, Calvin M SES;Kelliher, Brian;Hartman, Peter (b)(6) (b)(6) Anderson, Rose;Kaplan, Randall (b)(6) ;Burns, David M;Caggiano, Marshall;Hyndman, Kelly; (b)(6)
Subject: FW: Hayley Chang's Farewell Happy Hour

All,

Join us at Mission on Friday as we bid farewell to Hayley!

Place: Mission, Navy Yard – 1221 Van St SE
Room: Cactus Room
Date and Time: Friday, August 2nd, 5-7p

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 5 Sep 2019 08:02:47 -0500
To: Dougherty, Michael
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

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AMERICAN OVERSIGHT

Sent: Mon, 7 Oct 2019 15:34:48 +0000
To: Howell, Mike
Subject: RE: Invitation to Present on Heritage/TPPF Panel

SOrry

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) .org>
Sent: Monday, October 7, 2019 11:16 AM
To: Dougherty, Michael (b)(6) gov>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Just tried you. (b)(6) whenever you're free.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Monday, October 7, 2019 11:00 AM
To: Howell, Mike (b)(6) org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Mike, apologies I did not see this.

Can we please discuss today?

(b)(6) (cell)

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Tuesday, October 1, 2019 3:30 PM
To: Dougherty, Michael (b)(6) gov>
Cc: (b)(6) gov>
Subject: Re: Invitation to Present on Heritage/TPPF Panel

AMERICAN OVERSIGHT

Afternoon A/S Dougherty- are we okay to send the invite out with you listed on it? Just want to ensure you're all good to go

Sent from my iPhone

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Sep 19, 2019, at 8:09 PM, Howell, Mike (b)(6) org> wrote:

Awesome. That's great news. Thank you. We were hoping to send out the invite next week. Would it be okay to list you? Or do you need clearance first? We could also list it as "pending" if that would work. Whatever you are comfortable with.

Sent from my iPhone

On Sep 19, 2019, at 8:07 PM, Dougherty, Michae (b)(6) gov> wrote:

Mike, if I've not responded already, delighted to participate. Gerard, please run this past speakers office.

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 5:02:49 PM
To: Dougherty, Michael (b)(6) gov>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

That would have been a good piece of info for me to pass along!!

It's October 15.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

AMERICAN OVERSIGHT

(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Wednesday, September 18, 2019 4:59 PM
To: Howell, Mike (b)(6) org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Hi Mike – I hope that you're enjoying it at Heritage, fascinating place with lots going on.

I'd be happy to participate, thank you.

Do you all have a date in mind?

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 4:47 PM
To: Dougherty, Michael (b)(6) gov>
Subject: Invitation to Present on Heritage/TPPF Panel

Good Afternoon A/S Dougherty-

Mike Howell from Heritage here. I think we crossed paths a couple times when I was working for Dimple at DHS OGC. I hope everything is going well with you.

I'm reaching out to invite you to be a part of a panel discussion at an event we are hosting with the Texas Public Policy Foundation. TPPF is rolling out a border security metrics report and we are rolling out a paper by Cully Stimson on what states can do to help in the immigration space. We'd love you to join a conversation about border security broadly. Details are below:

Public Panel Event: 2PM-3:30PM
Located at THF Lehrman Auditorium
"Securing the Border and Restoring Law and Order"
Opening Remarks by Jim Carafano
Panelists:
Hon. Jim Hostettler from TPPF to discuss Border Metrics and Border Security
Hans von Spakovsky or Cully Stimson from Heritage to discuss what states can do and the subnational level
TBD, Mike Dougherty, Dept. of Homeland Security

Please let me know if you are interested, we'd love to have you. There will also be a luncheon beforehand that you are more than welcome to join.

Feel free to give me a call if you have any additional questions. I can be reached at (b)(6)

AMERICAN OVERSIGHT

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Thu, 24 Oct 2019 12:09:27 +0000
To: Schaefer, Brett
Subject: Invite: Sec. Robert Wilkie on "Honoring America's Veterans through Improved Care and Services" (Oct. 25)

All,

I thought you might be interested in an event tomorrow featuring the Honorable Robert Wilkie, Secretary of Veterans Affairs. RSVP information is in the invitation below.

Best,

Brett

EVENTS

The Eighth Annual Helms Lecture
co-hosted by

THE JESSE HELMS CENTER FOUNDATION 1988

Honoring America's Veterans Through Improved Care and Services

Featuring

AMERICAN OVERSIGHT

The Honorable Robert Wilkie
United States Secretary of Veterans Affairs

Hosted by
Kim R. Holmes, Ph.D.
Executive Vice President, The Heritage Foundation

The Jesse Helms Lecture Series highlights foreign policies that Senator Helms championed throughout his years in office. Senator Helms was an ardent supporter of America's veterans and took particular pride in making sure that every former service member could rely on his assistance and intervention to make sure that they received the best possible care. Secretary Wilkie knows Senator Helm's commitment to this issue better than anyone having served as Counsel to the Senator.

Please join us as Secretary Wilkie discusses the progress he has made in reforming the Department of Veterans Affairs to make sure that the brave men and women who serve in America's armed forces who sacrifice so much for our safety and security receive the care and benefits they have earned.

Friday, October 25, 2019 – 2:00 PM to 3:00 PM

The Heritage Foundation's Allison Auditorium
214 Massachusetts Avenue NE, Washington, DC 20002

Register to attend in person
Sign up to receive invitations to all public events
Media inquiries call (202) 675-1761

For more information about the Jesse Helms Center, please visit online at www.jessehelmscenter.org.

Terms and conditions of attendance

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-

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Thu, 17 Oct 2019 21:16:36 +0000
To: Dougherty, Michael
Subject: RE: Exciting news for Heritage Honors gala on October 22

Won't be an issue because we don't have those.

You and your wife are good to go. Confirmed.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Wednesday, October 16, 2019 4:42 PM
To: Howell, Mike (b)(6) org>
Subject: RE: Exciting news for Heritage Honors gala on October 22

Mike, only injunction that we had from OGC was that we may not be seated at any corporate sponsored tables.

Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, October 16, 2019 4:17 PM
Subject: FW: Exciting news for Heritage Honors gala on October 22

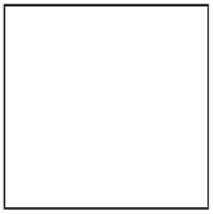
Good Afternoon-

Looking forward to seeing you at the gala next Tuesday. As a heads up, I was reminded by DHS OGC Ethics that you need *prior written approval* to attend. So just make sure to email and get sign off from (b)(6) gov and let me know if there are any issues, which there should not be from an ethics perspective.

AMERICAN OVERSIGHT

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Kay Coles James, The Heritage Foundation <specialevents@heritage.org>
Sent: Tuesday, October 15, 2019 6:31 PM
To: Howell, Mike(b)(6) org>
Subject: Exciting news for Heritage Honors gala on October 22



Mike,

One week from today, on October 22, The Heritage Foundation will host it's first-ever **black tie gala, Heritage Honors, featuring The Honorable Mike Pence, Vice President of the United States.** We are thrilled that you will be joining us.

We are also excited to announce that **actor, producer, and director Dean Cain will emcee the gala!** Best known for his role as Clark Kent/Superman in *The Adventures of Lois and Clark*, Dean is also a staunch supporter of the American principles and values that we will celebrate during this special program.

With over 1,500 RSVPs, the gala has reached capacity and we have closed registration for this function. We are honored to have such a strong response to this program, which promises to be an unforgettable experience.

We're looking forward to seeing you soon! If your plans have changed and you are no longer able to attend, please contact specialevents@heritage.org or(b)(6)

Thank you in advance for joining us at this special evening. I promise you will be glad you didn't miss out!

Sincerely,

Kay Coles James
President
The Heritage Foundation

AMERICAN OVERSIGHT

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

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AMERICAN OVERSIGHT

From: Walters, Riley
Sent: Wed, 16 Oct 2019 20:44:40 +0000
To: Dougherty, Michael
Subject: RE: Thank you Jim...

It was great talking today. I do want to follow-up on this issue just because I think it is important. You can reach me best via this email but just in case my number is (b)(6)

Best,
Riley

Riley Walters
Policy Analyst, Asia Economy and Technology
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) .gov>
Sent: Wednesday, October 16, 2019 8:45 AM
To: Walters, Riley (b)(6) .org>
Cc: Carafano, James (b)(6) .org>; Spencer, Jack (b)(6) .org>
Subject: RE: Thank you Jim...

Hi Riley, shortly after 2:30 best for me, or after 4:15.

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Walters, Riley (b)(6) .org>
Sent: Wednesday, October 16, 2019 8:43 AM
To: Dougherty, Michael (b)(6) .gov>
Cc: Carafano, James (b)(6) .org>; Spencer, Jack (b)(6) .org>
Subject: Re: Thank you Jim...

Great! Can I give you a call at 2pm?

AMERICAN OVERSIGHT

Riley Walters
Policy Analyst, Asia Economy and Technology
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Oct 16, 2019, at 07:31, Dougherty, Michael (b)(6) gov> wrote:

?
Happy to discuss, Riley. Available at (b)(6) on cell most of the day.

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Carafano, James (b)(6) org>
Sent: Wednesday, October 16, 2019 7:28:28 AM
To: Dougherty, Michael (b)(6) gov>; Walters, Riley (b)(6) org>
Cc: Spencer, Jack (b)(6) org>
Subject: RE: Thank you Jim...

That would be awesome. Riley is our CFIUS guy here, can I have him follow up with you

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) .gov>
Sent: Wednesday, October 16, 2019 7:26 AM
To: Carafano, James (b)(6) org>
Subject: Thank you Jim...

For including me in the border discussion yesterday. I enjoyed it.

If it is of interest to you, it might be a good idea to discuss upcoming CFIUS changes or e-commerce trade (we're going to issue a report on counterfeiting,.IP protection and e-commerce per an executive order which may be of interest to those at Heritage).

AMERICAN OVERSIGHT

Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Wed, 16 Oct 2019 18:52:33 +0000
To: Dougherty, Michael
Subject: RE: New Report- Enforcing Immigration Law: What State Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem

I'm confident it will work out, but we haven't sat down with the events team. You and your wife are the top names on my waiting list to get in. Should know this afternoon, tomorrow by latest.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) .gov>
Sent: Wednesday, October 16, 2019 1:25 PM
To: Howell, Mike (b)(6) org>
Subject: RE: New Report- Enforcing Immigration Law: What State Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem

Good afternoon, Mike, any news re: gala?

BTW, this was a very good engagement yesterday, thank you for including me.

Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Tuesday, October 8, 2019 5:22 PM
To: Howell, Mike (b)(6) org>
Subject: New Report- Enforcing Immigration Law: What State Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem

Good Afternoon,

I thought you might be interested in this…

AMERICAN OVERSIGHT

Today the Heritage Foundation released a report titled Enforcing Immigration Law: What States Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem, by Hans von Spakovsky and Charles Stimson. The report lays out policies that states can implement, including:

- Require licensed businesses to use E-Verify
- Target businesses who knowingly hire illegal aliens
- Require state and local law enforcement to determine immigration status
- Prevent sanctuary policies in counties and cities
- Empower legal residents to sue officials who thwart immigration law enforcement
- Require law enforcement to participate in the 287(g) Program
- Publish crimes committed by aliens

While the federal government bears the chief responsibility for immigration enforcement, states must do more, and certainly not continue policies that inhibit the removal of illegal aliens.

Please feel free to contact me if you would like more information or to discuss the recommendations.

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Walters, Riley
Sent: Wed, 16 Oct 2019 12:47:01 +0000
To: Dougherty, Michael
Cc: Carafano, James;Spencer, Jack
Subject: Re: Thank you Jim...

Sounds good. I'll give you a call around 2:30

Riley Walters
Policy Analyst, Asia Economy and Technology
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Oct 16, 2019, at 08:45, Dougherty, Michael (b)(6) gov> wrote:

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Michael Dougherty
Assistant Secretary
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Riley Walters
Policy Analyst, Asia Economy and Technology
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214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
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Michael Dougherty
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Border, Immigration and Trade Policy
Department of Homeland Security

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To: Dougherty, Michael (b)(6) gov>; Walters, Riley (b)(6) org>
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Subject: RE: Thank you Jim...

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James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
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heritage.org

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Sent: Wednesday, October 16, 2019 7:26 AM
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AMERICAN OVERSIGHT

Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

AMERICAN OVERSIGHT

From: Walters, Riley
Sent: Wed, 16 Oct 2019 12:43:06 +0000
To: Dougherty, Michael
Cc: Carafano, James;Spencer, Jack
Subject: Re: Thank you Jim...

Great! Can I give you a call at 2pm?

Riley Walters
Policy Analyst, Asia Economy and Technology
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
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Washington, DC 20002
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heritage.org

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Cc: Spencer, Jack (b)(6) org>
Subject: RE: Thank you Jim...

That would be awesome. Riley is our CFIUS guy here, can I have him follow up with you

---

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
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heritage.org

From: Dougherty, Michael (b)(6) .gov>
Sent: Wednesday, October 16, 2019 7:26 AM
To: Carafano, James (b)(6) org>
Subject: Thank you Jim...

For including me in the border discussion yesterday. I enjoyed it.

If it is of interest to you, it might be a good idea to discuss upcoming CFIUS changes or e-commerce trade (we're going to issue a report on counterfeiting,.IP protection and e-commerce per an executive order which may be of interest to those at Heritage).

Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

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From: Carafano, James
Sent: Wed, 16 Oct 2019 11:28:28 +0000
To: Dougherty, Michael;Walters, Riley
Cc: Spencer, Jack
Subject: RE: Thank you Jim...

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Best,

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

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From: Trump, Cherise
Sent: Tue, 15 Oct 2019 20:48:09 +0000
To: Undisclosed recipients:
Subject: Thank you for attending the TPPF-Heritage Border Security Coalition Meeting today
Attachments: TPPF Border Security Assessment of Metrics.pdf

Good afternoon,

Thank you for attending the inaugural Border Security Coalition Meeting today! This was a great first step towards developing sound immigration and border security policies. We are looking forward to continuing these productive conversations at the next meeting in January.

In case you missed the panel, see the link below:
https://www.heritage.org/homeland-security/event/securing-the-border-and-restoring-law-and-order

I have also attached the digital version of the TPPF metric article and linked the Heritage articles we discussed below if you would like to forward them out to anyone.
What States Can Do…
Toolkit for Immigration Judges
Giving Immigration Judges Contempt Authority

All the best,
Cherise

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Texas Public Policy Foundation

Border Security
An Assessment of the Metrics

by Igor C. Magalhaes

October 2019

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DHS-001-01395-000030 08/17/2023

DHS-19-1228-A-000030

October 2019

by Igor C. Magalhaes
Legislative Fellow

Right on Immigration
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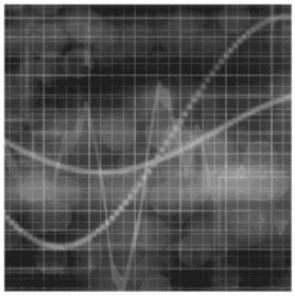


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Border Security
An Assessment of the Metrics

by Igor C. Magalhaes

Executive Summary

Through the years, policymakers have implemented numerous metrics to quantify border security. Many of them provide essential data and have been maintained relatively constant, but others have had their methodologies modified or were simply discarded over time due to the challenges associated with gathering such information. Still today, even as they have improved, these metrics are not perfect. As a whole, they largely fail to properly account for certain crucial aspects of immigration enforcement capabilities and changing migration patterns. Additionally, some incorporate faulty methodologies or utilize assumptions that do not reflect reality.

However, highlighting the deficiencies of these metrics is not to imply that they are meaningless. Far from it. Without them decisions on how to secure the border would be made arbitrarily. It is simply intended to demonstrate that they should be improved moving forward. Much can be done to make them better.

- **Report every metric monthly, or at the very least quarterly.** This would allow for policymakers to better respond to developments on the ground, for elected officials and the American people to have greater oversight, and for non-government entities to conduct better studies and provide innovative insight.
- **Incorporate asylum seekers into measurements of border security.** This would result in data that better reflects the true composition of the current border crossing community. The border crisis is for the most part due to the influx of migrants actively looking for Border Patrol officers after unlawful entry so they can claim asylum. Without accounting for asylum seekers, the information used during decision-making will continue to be incomplete.
- **Increase research on how non-human capital improves detection and enforcement capabilities.** This would help guide how to best allocate these limited resources among border sectors more effectively.
- **Expand surveys beyond Mexican nationals and implement practices that limit untruthful answers.** This would make the information they gather better represent the characteristics of the migrants who come to the American border and make their results more reliable.
- **Institute administrative practices that continually check the proficiency of the data collection infrastructure.** This would ensure that detection methods utilized at the border are actually capturing what they intend to.

Elected officials and government agencies should continue to strive to get the most complete information possible so they can take proper action to secure the southern border. Quantitatively evaluating the extent and character of migration flows and the ability of immigration enforcement agencies to enforce

Key Points

- Given the complexity of illegal immigration, metrics aimed at evaluating immigration enforcement between ports of entry are elusive, imperfect, and incomplete.
- A lack of continuity in the metrics and their respective methodologies impede an accurate and holistic historical assessment of border security.
- Comprehensive border security is more than just apprehending illegal border crossers. It also requires the ability to turn them back and deter them from attempting again in the future.
- While flawed, border security metrics are crucial. Numerous actions could be taken to improve them moving forward.

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immigration laws will aid in minimizing illegal entry, preserving American sovereignty, and maintaining national security.

Developments of Border Security Metrics

Being able to quantify what a secure border looks like is essential for maintaining the sovereignty and national security of the United States. In order to make informed decisions on the performance of immigration enforcement agencies, elected officials need metrics that clearly identify what a secure border means. Such metrics will also help the American people hold their government accountable for carrying out one of its core responsibilities—protecting the nation's borders. However, adopting long-standing metrics that properly measure the most consequential aspects of border security has proven problematic. While spending on immigration enforcement has increased dramatically, metrics to quantify and evaluate improved border security abilities have lagged.

Historically, apprehension totals have been the primary source of information on border security between ports of entry (DHS 2019a, 6). This metric indicates how many unlawful entry attempts are intercepted and perpetrators put into custody. It provides data necessary to understand the state of the border, but unfortunately, it also possesses numerous limitations. Accordingly, other metrics were devised to fill the gaps, even though apprehension data is still critical to this day.

Calls for more comprehensive indicators of immigration enforcement surfaced in the 1990s. This push was sparked by the failure of the Immigration Reform and Control Act of 1986—which combined amnesty for millions of undocumented aliens with a substantial increase in immigration enforcement—to limit the flow of illegal immigration to the United States (Argueta 2016a, 1). New metrics were instituted following recommendations by the Government Accounting Office (later renamed the Government Accountability Office) and legislation passed by Congress aimed at increasing oversight over government agencies. In 1997, for example, the recidivism rate—the number of repeat illegal border crossers apprehended in a year—was first developed, adding another set of data to be used during decision-making (Roberts, 11).

At the beginning of the 21st century, the American immigration system changed dramatically. Following the 9/11 attacks and the passage of the Homeland Security Act of 2002, the Immigration and Naturalization Service (INS) was abolished and replaced by the new Department of Homeland Security (DHS), which assumed the responsibilities of enforcing immigration laws. In its early years, the DHS inherited the use of "optimum deterrence" developed by the INS at the turn of the century as their primary tool to measure border security. Optimal deterrence was defined as "the level at which applying more Border Patrol agents and resources would not yield a significant gain in arrest/deterrence" at "high priority entry corridors" (DOJ). The metric primarily considered apprehensions but also included recidivism, increase in smuggling fees, the shift in illegal activity location, and additional circumstances to measure optimal deterrence. The goal of taking all these diverse conditions into account was to have a single comprehensive measure of border security. Unfortunately, it was difficult to quantify such a combination, and optimal deterrence only lasted as a metric from 2001 to 2004 (Argueta 2016b, 10).

It was then replaced in 2005 with "operational control," a mile by mile assessment of "the ability to detect, respond to, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives" (Roberts, 11). Operational control was defined in the Secure Fence Act of 2006 as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband." At the beginning of 2010, 57 percent of the southwest border was considered to be under operational control (Argueta 2016b, 10). However, operational control was mostly subjective and acted more as a qualitative measure when evaluating the use of human and non-human assets to secure the border. Once the Government Accountability Office and other organizations demonstrated its defects, operational control suffered the same fate as optimal deterrence and was retired in 2010 (DHS Office of Immigration Statistics, 18).

While developing a comprehensive new metric to replace operational control—the border conditions index (BCI), DHS relied on apprehension totals as its primary method of defining border security. BCI attempted to combine information on developments not only between ports of entry but also at ports of entry and in border communities. These included measurements of things such as quality of life and public safety at border towns and wait times at ports of entry. However, the difficulty in combining these distinct circumstances resulted in BCI being discarded by 2013, and its results were never made public (Argueta 2016b, 3). Once again, an ambitious effort was scrapped for impracticality.

After repeatedly failing to establish an all-encompassing metric, DHS now relies on narrower data that is easier to calculate accurately. DHS began to use the recidivism rate and the interdiction effectiveness rate (IER) as its primary tools for measuring and understanding border security. While both metrics have numerous flaws, they have been

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continuously improved since their inception and provide vital information on the state of the border (Roberts, 11).

This brief overview of the recent developments of border security metrics attempts to show how volatile the effort to measure the performance of immigration enforcement has been. Quantifying information on the state of the border is hard. Efforts to create all-encompassing metrics, such as BCI, have failed. While some simpler metrics are in place and provide necessary information on the state of border security, they also have limitations.

Limitations of Border Security Metrics

Evaluating immigration enforcement is not an easy task. The southern border is 1,993 miles long. Given its size, it is a massive undertaking to monitor it properly. The different terrains and climate that it encompasses make it even more challenging for immigration enforcement agencies to carry out their responsibilities (Provost, 2).

Additionally, due to the clandestine nature of illegal immigration, procedures put in place to determine the number of foreign nationals who evade apprehension or detection are imperfect. In other words, some individuals are able to successfully enter the country illegally between ports of entry and remain unaccounted for. The bulk of enforcement capabilities are concentrated in areas of the border that are known for substantial illegal flows—especially in urban centers. Since resources and funding are scarce, such concentration is reasonable, but it leads to some of the more isolated parts of the border to be undermanned and under-supervised. These gaps provide avenues for migrants to enter the country undetected. Nevertheless, with increasingly sophisticated methods of evasion, some individuals can do so even at its most guarded points (Rosenblum and Hipsman, 11). Therefore, numbers used to evaluate border security will not be exact regardless of technological advancements or the allocation of more resources to the border.

However, problems with developing helpful guidance for improving immigration enforcement are not only due to discrepancies in the data caused by those who evade detection and apprehension. The current crisis at the border has been predominantly driven by those who purposely seek out Border Patrol so they can request asylum. These asylum claims have not been incorporated into the network of border security metrics.

The American immigration enforcement apparatus at the southern border was designed to primarily manage single Mexican adults who crossed the border attempting to evade Border Patrol. Historically, they have comprised the majority of border crossers. Once apprehended, they were quickly processed and returned to Mexico without extended stay in federal custody or lengthy legal proceedings. This is no longer the case.

Most migrants now making their way to the United States' border are family units and unaccompanied alien children (UACs) from Central America—especially Guatemala, El Salvador, and Honduras—who actively look for Border Patrol so they can claim asylum (Arthur). While the majority will be denied asylum—since asylum is reserved for those fleeing persecution in their country of origin not for economic opportunity or family reunification—the backlog in immigration court makes the full adjudication of cases take years (TRAC 2018). The backlog is now over one million cases, with an average wait period of 696 days per case (TRAC 2019). In the meantime, many of these asylum seekers are free to reside in the United States and may even get work authorization. Therefore, immigrants are encouraged to seek asylum, even if they are not fleeing persecution, instead of using other legal avenues or attempting to evade immigration enforcement, because asylum is now seen as the easiest method to come live and work in the United States.

> Because asylum is now seen as the easiest method to come live and work in the United States, migrants are encouraged to seek asylum, even if they are not fleeing persecution.

In other words, loopholes in the American asylum system, which are advertised by smuggling networks in Mexico and Central America, are driving people to come to the United States' border. Experts understand that the asylum system is being abused but have not yet incorporated asylum measurements into the border security metrics' framework. Without accounting for this critical measurement quantitatively when addressing border security, immigration enforcement agencies and elected officials are ignoring perhaps the largest cause of the crisis.

Another limitation is that border security metrics are not based on objective and observable data alone. Immigration officers and research organizations on both sides of the

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border conduct surveys of migrants who have attempted or intend to enter the United States illegally. These surveys provide much of the information used in border security metrics. They remain valuable because they can directly assemble data that cannot be collected by other means and be compared to and used in conjunction with other metrics. For example, the recidivism rate established by Border Patrol using biometric data of people apprehended at the border can be compared to the percentage of deported Mexicans who indicated in surveys their intention to try reentry.

However, using surveys is problematic for numerous reasons. First, they lack data on those who have successfully entered the United States between ports of entry and reside here illegally. Without such information, steps taken based on these surveys will be limited in their usefulness to address deficiencies at the border (Morral et al., 8). Second, given the taboo nature of questions regarding illegal immigration, responses may not be answered truthfully. Requiring individuals to willingly confess to breaking the law, even under the guise of anonymity, is challenging since they may feel vulnerable to punishment. Third, many of the surveys are based only on responses by adult Mexican nationals from particular communities. This approach was acceptable when the vast majority of migrants were adults from specific parts of Mexico, but with the rise of migration from Central America, especially of family units and UACs, the sample taken from such surveys may not be representative of the experiences of the majority of migrants (Rosenblum and Hipsman, 9).

Furthermore, since Mexican nationals are the population of interest, many of the studies used to gather information on them are performed by Mexican universities and government agencies (National Research Council, 61-73). This prevents DHS from having oversight of the performance of these surveys and requires relying on the administrative practices of a foreign government. Lastly, conducting studies of large samples with the desired niche characteristics is time-consuming, making some surveys insufficient to advise rapid action (Rosenblum and Hipsman, 9).

Alongside surveys, techniques aimed at estimating undetected flow were designed to gather additional information. A Repeated Trials Model (RTM), also known as capture-recaptured, is the primary way that DHS estimates total illegal entry into the United States by using it to calculate a partial apprehension rate (PAR). While a sound statistical tool, when applied to estimate unlawful entry, it relies on several faulty assumptions. These assumptions, in turn, lead DHS to acquire a PAR that is based on a sample that does not represent the composition or migration patterns of the majority of illegal crossers. DHS then applies this flawed PAR to most border crossers, regardless of their initial distance to the border or number of previous attempts. Greater details on this methodology will be provided later on in the paper.

A bigger issue with border security metrics, however, is that one must be careful when assigning the causes of their changes. While changes to American policy can produce differences in the numbers, factors outside the control of the American government also guide migration patterns. For example, in 2019, there was a significant decrease in the number of apprehensions at the southern border from May to June. Many people attribute this decrease to the deal that President Trump made with the Mexican government, by which the United States would not impose tariffs on Mexican products as long as their government enhanced and fulfilled their immigration-related obligations (Miroff). But even though the deal has affected the number of migrants who make it to the southern border of the United States, historically, there has been a decrease in the number of migrants coming north at the beginning of summer (CBP 2019a).

Since the turn of the century, numerous metrics on immigration enforcement used by federal agencies to quantify border activity have been repeatedly adopted, adapted, and improved to overcome these limitations; some metrics have been discontinued. Although such changes may have increased the quality of the data gathered, they can also be problematic. Without some continuity, evaluating the progression of border security is unreliable.

It is commonly understood that expecting perfect surveillance and 100 percent enforcement at the border is unrealistic. Nevertheless, having the most accurate information possible will aid in deciding how to make the border more secure. While imperfect, border security metrics are important guides to such decision-making.

Metric Categories

To suitably evaluate immigration enforcement, one must recognize the different categories of border security metrics. There are four main categories: inputs, activities, outputs, and outcomes.

Input metrics encompass resources allocated to border security. These include things such as the number of agents on duty or the miles of physical barriers in place. *Activity metrics* quantify explicit actions aimed at securing the border. An example of an activity metric is the number of migrants apprehended attempting to enter the country between ports of entry (DHS 2019a, 5). These metrics are trackable and useful for strategic planning. However, they only provide limited information on the security of the border.

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Output measures are calculated based on the results of the activities taken to secure the border. These include apprehension and recidivism rates. *Outcome metrics* are more elusive because they attempt to capture the impact of border security practices. An example of an outcome metric is the number of illegal migrants who infiltrate the country successfully (DHS 2019a, 5). These metrics provide more insight into the state of the border than inputs and activities but are also harder to measure with reliability since Border Patrol cannot detect all illegal flow and must rely on estimates.

These categories work in tandem and are crucial to understanding border security. However, this paper primarily focuses on activities, outputs, and outcome measures.

Border Security Metrics

Apprehension Totals

The total number of apprehensions of illegal border crossers between ports of entry is an activity measure and has been the metric most often used to evaluate the security of the border (DHS 2019a, 21). It has been used to estimate total illegal flow between ports of entry and to guide decisions at the border for decades. Still today, apprehension totals are used as talking points to address the state of the border. This is for a good reason. One can use it to estimate the scope and character of the flow of migrants to determine the best course of action.

> The biggest flaw of only relying on apprehension totals is that it does not account for those who evade apprehension or detection.

Since apprehension totals are calculated and made public every month, it is a metric that can be used to justify rapid action. For example, four of the first six months in 2019 had apprehension totals of over 100,000 (CBP 2019b). As a result, the president and some members of Congress have attempted to increase funding and resources available for immigration enforcement agencies so they can properly carry out their responsibilities (Caldwell et al.,).

Apprehension totals can also be beneficial when broken down by citizenship (DHS 2019a, 59). Knowing the nationality of those apprehended trying to illegally enter the United States can guide diplomatic efforts to get cooperation from foreign governments. For example, with the massive increase of apprehensions of people from the Northern Triangle, the Trump administration has taken measures so that their countries' leaders would do more to help. The president agreed to asylum cooperation agreements with the governments of Guatemala, Honduras, and El Salvador, where asylum seekers would not be able to receive protection in the United States if they passed through those countries and did not apply for asylum there first (Alvarez and Sands).

In short, the total number of individuals apprehended is a simple metric that can be easily used during deliberations. However, just knowing the number of persons caught during illegal entry attempts does not provide a holistic assessment of border security.

The biggest flaw of only relying on apprehension totals is that it does not account for those who evade apprehension or detection. There is an unknown number of people who are successfully infiltrating the country. Consequently, apprehension totals do not indicate how efficient Border Patrol is in intercepting illegal entry.

Apprehension totals also do not take into consideration a major component of border security—deterrence (Argueta 2016b, 11). While the threat of apprehension may deter some from attempting illegal entry, only considering apprehensions does not indicate if the United States has the necessary capabilities of turning back individuals at the border. Impeding them from coming into the country in the first place prevents the government from having to dedicate resources to process, house, and relocate them. Likewise, by solely looking at apprehension totals, one ignores the fact that many illegal border crossers are repeat offenders. Without encompassing re-apprehensions, it is not possible to conclude if border capabilities and enforcement consequences are preventing people from making subsequent attempts (Argueta 2016a, 20).

An increase or decrease in total apprehension does not even provide a clear-cut look into border security because both high and low totals can be taken as improving or deteriorating border security. For example, an increase in apprehensions may come from enhanced border security capabilities or a limited capacity to prevent illegal entries in the first place. On the other hand, a decrease in apprehensions may signify improved deterrence capabilities or that few who attempt unlawful entry are detected and apprehended (Morral et al., 1).

On top of that, an increase or decrease in apprehension totals may not even be primarily due to actions taken by the

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government to improve border security. For example, the decline in apprehensions at the southwest border toward the end of the first decade of the 21st century was largely driven by worsening economic conditions in the United States (Argueta 2016a, 18).

In conclusion, while apprehension totals are useful, they are not by themselves enough to have a proper understanding of border security. However, apprehension totals are used in combination with other metrics to provide more detailed information.

Apprehension Rate

$$\text{Apprehension Rate} = \frac{\text{Number Of Apprehensions}}{\text{Number Of Unlawful Entry Attempts}}$$

In its most basic form, the apprehension rate is an output measure calculated by dividing the number of apprehensions by the number of unlawful entry attempts (DHS 2019a, 21). It is superior to apprehension totals because it includes the reality that Border Patrol is unable to apprehend all of those who attempt illegal entry.

Even though the apprehension rate is an essential metric of border security, namely the percentage of those who are detained trying to enter the country illegally, it also has considerable shortcomings. One shortcoming is that it does not measure the ability to turn back those attempting illegal entry at the border (DHS 2019a, 7). Therefore, apprehension data is only one part of the puzzle since it does not consider those who give up a crossing attempt due to physical barriers, the presence of Border Patrol agents, or any other factors.

DHS uses two distinct methodologies to calculate apprehension rates: observational and model-based.

Observational Apprehension Rate

$$\text{Observational Apprehension Rate} = \text{Apprehensions} \div \text{Apprehensions} + \text{Got Aways}$$

The observational apprehension rate is based on apprehension totals and direct and indirect observations of got aways. "Got aways" are persons who were directly or indirectly detected successfully entering the country illegally without being deterred or apprehended at or around the border within 30 days of entering the United States (DHS 2019a, 9).

As expected, the primary problem of using the observational apprehension rate is that it does not account for undetected successful illegal entries. This leads to the inflation of the apprehension rate, which can make the security of the border appear greater than it actually is. Other deficiencies of the got aways measure will be highlighted later in the paper.

Nevertheless, basing calculations on observations has its merits. These metrics do not require estimations that are sometimes based on unreliable assumptions. With the increased use of technology, DHS is now able to monitor a larger share of the border reliably. Additionally, with more uniform border-wide standards to identify got aways since 2014, the difference between the estimated total successful unlawful entries and got aways has significantly decreased (DHS 2019a, 17).

Model-based Apprehension Rate

$$\text{Model-Based Apprehension Rate} = \frac{(\text{Attempts}_{Impactable} \times \text{PAR}) + (\text{Attempts}_{Non\text{-}Impactable} \times 100\%)}{(\text{Attempts}_{Impactable} + \text{Attempts}_{Non\text{-}Impactable})}$$

The model-based apprehension rate is a way to overcome the challenge of accounting for undetected border crossers and those who are deterred from making subsequent attempts to enter the United States. To do this, the metric separates border crossers into two distinct categories—impactable and non-impactable. It then uses a Repeated Trails Model (RTM) methodology, devised by the Institute for Defense Analysis (IDA), to estimate the partial apprehension rate for impactable migrants (DHS 2019a, 64).

Non-impactable border crossers include unaccompanied alien children, family units, and asylum seekers. These migrants are usually allowed to stay in the United States while they wait for the adjudication of their cases. Therefore, DHS assumes that all non-impactable border crossers turn themselves in to the authorities after illegally entering the country (DHS 2019a, 8).

Impactable border crossers, on the other hand, are adults not claiming asylum who are generally subject to enforcement consequences, the process imposed on migrants who are apprehended, ranging from voluntary deportation to criminal prosecution. This group is expected to try to evade detection during an unlawful entry attempt. Therefore, DHS uses the PAR to calculate the likelihood of apprehending them since some will be able to enter the country illegally (DHS 2019a, 7).

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The first step in establishing the PAR is getting a subset of illegal border crossers who are likely to attempt a subsequent unlawful crossing. Under the IDA model, this subset only includes Mexican adults who are not claiming asylum since they have historically been the primary demographic for border crossing (DHS 2019a, 64).

From this subset, some of those who are apprehended and returned to their home country will be deterred from attempting to enter the United States illegally again. The deterrence rate is estimated using the results from Encuesta Sobre Migracion en las Fronteras (EMIF) Norte surveys (DHS 2019a, 65). These surveys are conducted by the El Colegio de la Frontera Norte with a partnership with the Mexican government. They capture information on individuals in northern Mexico who intend to come to the United States indefinitely, and on those who were removed from the United States and sent back to north Mexico (EMIF).

Those who are not deterred (the rest of the subset) are expected to attempt to cross the border again. It is possible to establish who has tried illegal entry multiple times because Border Patrol fingerprints and stores the information of those apprehended. PAR is then determined by dividing the number of individuals in the RTM population who were apprehended attempting subsequent entry into the country by the total number of those who were successful (Bailey et al., 13-15).

By using PAR, DHS recognizes that some will evade apprehension and others will be deterred. By doing this, the goal is to get a more accurate sense of enforcement capabilities at the border. Accordingly, the model-based apprehension rate is, understandably, lower than the observational apprehension rate. For example, in FY 2017, the model-based approach resulted in a border-wide apprehension rate of 65.4 percent, and the observational approach had one of 74.5 percent—showing a substantial gap of almost 10 percent (DHS 2019a, 10).

While the model-based apprehension rate provides a more comprehensive analysis of apprehension capabilities at the border, it relies on several problematic assumptions. First, separating migrants into two distinct groups is unrealistic. By assuming that no asylum seeker, UAC, or family unit—non-impactable border crossers—tries to get into the United States between ports of entry undetected, the model-based apprehension rate is potentially not including a large segment of individuals in its calculations (GAO 2019a, 26).

Second, the use of surveys can lead to improper conclusions. The biggest flaw with the use of surveys for establishing PAR is that they are only conducted on adult Mexican nationals in north Mexico. By only considering Mexicans when determining the apprehension rate, PAR is based on a declining population of border crossers. Therefore, it does not reflect reality (GAO 2019a, 29).

On top of that, the PAR is used on all impactable border crossers, regardless of nationality. However, given that PAR is calculated only from Mexicans, using it for border crossers from other countries can provide faulty information (GAO 2019a, 25). Distance to the border will likely make people from farther places attempt re-entry less often than people from northern Mexico.

Another questionable assumption of PAR is that the likelihood of being caught during successive attempts is the same as for the initial attempt. Again, this does not reflect reality. Migrants are likely to try to enter the United States by other means or locations in consecutive attempts, changing the probability of being apprehended again. Likewise, it also assumes that people will be deterred at the same rate regardless of the number of efforts made (GAO 2019a, 25-26). Someone failing during their sixth entry attempt, for example, is probably more likely to be deterred from trying to do so again than someone failing for the first time.

Given these assumptions, DHS uses the RTM model developed by IDA but acknowledges that it needs to continue to be improved (DHS 2019a, 64). Accordingly, DHS has partnered with the Johns Hopkins University Applied Physics Laboratory to revamp its model-based approach (GAO 2019a, 31).

Recidivism Rate

Recidivism Rate =

Individuals Apprehended Multiple Times

÷

Apprehension Total

The recidivism rate is an output measure calculated by dividing the number of individuals apprehended multiple times by the apprehension total. This metric is significant because it shows how many of those apprehended trying to enter the country illegally are repeat offenders (DHS 2019a, 28). Calculating this with a high degree of certainty is possible since Border Patrol collects biometric data of those apprehended—including fingerprints and digital photographs.

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The recidivism rate, accordingly, can be seen as measuring the deterrent effect of border security (DHS Office of Immigration Statistics, 9). In principle, if recidivism is high, meaning individuals caught attempting to enter the country illegally are in large part repeat offenders, that can be a sign of poor deterrence capabilities. On the other hand, if recidivism is low, meaning that migrants are unlikely to attempt re-entry, that can be a sign of working deterrent capabilities.

Deterrence is a crucial part of protecting the border because limiting the number of migrants entering the country illegally reduces the need for resources to apprehend, house, and care for them. As seen in the last two years, maintaining a large number of migrants in detention leads to overcrowding (DHS Office of Inspector General), which in turn can lead to the possibility of the spread of diseases, and diverts Border Patrol away from monitoring the border and into humanitarian responsibilities instead.

The recidivism rate of the southern border has consistently decreased since FY 2012. Between FY 2016 and 2017, the recidivism rate fell from 12.27 percent to 10.48 percent—significantly lower than the established goal of 17 percent (DHS 2019b, 16). When broken down by border sector, however, numbers can vary pretty widely. For example, in FY 2017, while the Yuma sector in Arizona had a recidivism rate of only 3.77 percent, the El Centro sector in California had one of 22.73 percent. Of the five sectors in Texas, only Laredo had a double-digit recidivism rate—13.29 percent—in FY 2017, surpassing the southern border national average of 10.48 percent (DHS 2019a, 29). However, it is easier to gain entry in some sectors than in others due to factors outside the government's control, such as terrain. Therefore, just because two sectors have different recidivism rates does not necessarily mean that one is more secure than the other.

The recidivism rate can be useful when measuring recidivism by consequence. Consequences can be administrative, programmatic, or criminal. Different consequences lead to different recidivism rates, with the more punitive leading to lower rates of recidivism and vice versa. For example, in FY 2017, migrants who were subject to voluntary return tried re-entering the country almost 25 percent of the time, while those who were subject to standard prosecution tried it only around 7 percent of the time. While this information is revealing in how to deter individuals from making subsequent trips to the border, stiffer consequences are usually assigned to repeat offenders. This may cause the recidivism rate to be changed not only due to the consequence imposed, but the likelihood of the recidivist population to try re-entry (DHS 2019a, 30).

Unfortunately, while the recidivism rate provides valuable information on border security, it also possesses many flaws. One flaw is that the recidivism rate does not take into account a migrant's distance to the border. Therefore, while migrants from places farther away from the border may have a lower recidivism rate than people from Mexico, for example, this will not be portrayed in the rate (Argueta 2016b, 7).

Furthermore, the recidivism rate, like apprehension totals, cannot accurately indicate improved or worsening border security by its low or high values alone. A declining recidivism rate may indicate that once-caught individuals are discouraged from making subsequent attempts to enter the country illegally or that repeat offenders are largely successful in entering the country illegally in subsequent attempts (DHS Office of Immigration Statistics, 9). On the other hand, a high recidivism rate may indicate that Border Patrol is expected to apprehend most of those who repeatedly attempt to enter the country unlawfully or that they are failing to deter individuals from repeatedly attempting illegal entry.

Likewise, attributing a lower recidivism rate to the introduction of more or improved border security methods is problematic. Variables not related to the state of the border can drive a person's decision on whether or not to attempt re-entry. For example, if the economic situation in some migrants' home country improves, they may be less inclined to make the journey to the American border again.

Finally, there are two additional problems with the current use of the recidivism rate. First, it only calculates those who have attempted to enter the country multiple times in a fiscal year, not accounting for those who have tried several entries into the country on a broader timeframe. Second, it bases the timeframe of re-apprehension on the date the individual was apprehended instead of the date they were removed. These difficulties were put forward by the Government Accountability Office in 2017. DHS has agreed to make these changes and will report this improved metric going forward in its annual Border Security metrics report (GAO 2017a, 13-17).

Effectiveness Rate

The effectiveness rate provides a more complete assessment of border security because it incorporates data on the ability of immigration enforcement agencies not only to apprehend illegal border crossers but also to turn them back (DHS 2019a, 19).

There are two distinct ways to measure the effectiveness rate: the Interdiction Effectiveness Rate and the Unlawful Border Crossing Effectiveness Rate.

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Interdiction Effectiveness Rate

$$\text{IER} = \frac{(\text{Apprehensions} + \text{Turn Backs})}{(\text{Apprehensions} + \text{Turn Backs} + \text{Got Aways})}$$

The interdiction effectiveness rate (IER) is an output measure calculated by dividing the number of apprehensions plus turn backs by the total number of apprehensions, turn backs, and got aways—the denominator being an outcome measure collectively known as detected unlawful entries. As defined earlier, got aways are persons who were detected successfully entering the country illegally without being deterred or apprehended at or around the border within 30 days of entering the United States. "Turn backs" is an activity measure that tracks foreign nationals who were detected entering the country illegally but retreated and were not apprehended. Both measures come from direct and indirect observations. This means that they are not only based on physical surveillance by Border Patrol agents but also include determinations based on foot tracks, sensor activations, or camera views (DHS Office of Immigration Statistics, 4-5).

IER is already in use to measure border security of individual sectors. It can be a way for DHS leadership and elected officials to know which areas of the border are struggling or have reached a satisfactory level of security. For example, in FY 2017, the Big Bend sector in Texas had an effectiveness rate of only 67 percent while Yuma in Arizona had one of 96 percent (DHS 2019a, 19).

The targeted IER average for FY 2017 was 81 percent. However, DHS fell short of this goal by only reaching 78.9 percent—a decrease from the 82.7 percent recorded in FY 2016 (DHS 2019b, 17). Of the five border sectors in Texas, only El Paso surpassed the targeted IER with 91 percent. The others ranged from 67 percent to 80 percent (DHS 2019a, 19). Nevertheless, the dip in IER might be the result of an increase in the detection of got aways and turn arounds—not declining border security (DHS 2019b, 17). Eighty-one percent is the targeted IER moving forward, until at least FY 2022 (DHS 2019c, 69). The lack of increase in their target might be due to DHS's perception that they will continue to improve their detection of got aways and turn arounds—likely leading to a decrease or leveling of IER even if Border Patrol improves their capacity to apprehend or turn back migrants at the border.

The primary advantage of IER is that it accounts for the ability to turn back illegal border crossers. As previously mentioned, the ability to apprehend illegal border crossers is only one part of border security. The other part is being able to prevent them from crossing in the first place. By doing this, immigration enforcement agencies do not have to perform all of the duties attached to keeping illegal immigrants in custody. In turn, this prevents them from having to spend resources carrying out these responsibilities and allows them to focus on their other duties—such as surveillance.

On the other hand, the primary disadvantage of IER is that it excludes those who successfully entered the country without being directly or indirectly detected—leading to undercounting of got aways and superficially inflating the overall effectiveness rate. Additionally, an early critique of the IER was that there were no definitive guidelines across sectors to differentiate between got aways, turn backs, or other non-related border activity—especially during indirect detections (GAO 2013, 14). However, the methodology has been refined for over a decade, and in 2014, uniform standards were implemented at all border sectors (DHS Office of Immigration Statistics, 5). While this calls into question the reliability of IER before 2014, it increases the confidence of the metric going forward.

Still, some critics claim that the way Border Patrol measures turn backs and got aways is subjective and leads to miscounting. A scenario of such miscounting is of an individual coming to the border, dropping a package containing drugs to be collected by someone else, returning to Mexico, and being identified as a turn back (GAO 2013, 14). Miscounting can also be due to the conditions of the terrain or weather. Rain, for example, may destroy physical evidence or damage sensors and cameras in locations where illegal entries occurred (GAO 2012, 30).

Another problem introduced by critics is coordination. There are thousands of Border Patrol agents responsible for keeping tabs on what is happening at the border. This reality opens up the possibility of flawed accountability of data (GAO 2019a, 47). For example, a migrant might try to enter the country illegally in one sector, be turned back but not apprehended, and try again elsewhere. This may cause the individual to be counted twice by Border Patrol (GAO 2013, 15).

Nevertheless, with the increased usage of technology—such as geospatial intelligence, radars, cameras, and sensors—and their increased accuracy, turn backs

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and got aways can be determined more precisely (DHS Office of Immigration Statistics, 5).

Unlawful Border Crossing Effectiveness Rate

Unlawful Border Crossing Effectiveness Rate =

(Apprehensions + Turn Backs)

÷

(Apprehensions + Turn Backs + Successful Unlawful Entries)

The unlawful border crossing effectiveness rate is an output measure calculated by dividing apprehensions plus turn backs by the sum of apprehensions, turn backs, and successful unlawful entries. This metric is very similar to IER, but instead of basing the number of persons who successfully enter the country illegally on direct and indirect observations, the unlawful border crossing effectiveness rate uses an estimate to measure successful illegal entries. Therefore, it considers not only the persons who were detected successfully entering the country illegally but also those who were undetected (DHS 2019a, 18-19).

The unlawful border crossing effectiveness rate is a mandated metric under the guidelines of the National Defense Authorization Act for FY 2017. However, it is not currently in use since its methodology to estimate successful entries by sector level has not yet been validated. Accordingly, the interdiction effectiveness rate has been reported in its place (DHS 2019a, 18-19).

There is currently no target figure for the unlawful border crossing effectiveness rate. But since the goal for IER for the near future is 81 percent, a value slightly lower can be expected since the unlawful border crossing effectiveness rate incorporates both detected and undetected events at the border—increasing the denominator compared to IER. However, there should not be a monumental difference between the two since detection has improved and is likely to continue to improve.

Border Crossing Cost

Border crossing cost is an output measure that encompasses the share of migrants who hire smugglers and how much smugglers charge for their service. The data shows that an increasing number of people use smugglers to cross the American border. According to DHS, in recent years, between 80 percent and 95 percent of individuals apprehended during an illegal border crossing used a smuggler. While smuggling cost varies, in recent years, DHS reported that initial payment for their service can be as high as $1,200 with an additional $8,000 after the migrant reaches their final destination. While monetary compensation is the most common source of payment for smuggling, other forms have been reported, such as bringing illicit drugs into the United States or working off debt once in the country (DHS 2019a, 62).

Like any business, smuggling follows the realities of the market. Smugglers compete amongst themselves to attract people to their business. To be competitive, they need to have competitive pricing. But as it becomes more difficult to smuggle migrants into the United States, smugglers raise their prices since they must pass the cost of the added risk to the individuals seeking their services. It is predicted, therefore, that as border security capabilities increase, the price of smuggling will follow. Eventually, potential migrants from poorer sectors of the population will likely be unable to afford such service, decreasing the number of migrants heading to the border (DHS 2019a, 61).

> The ability to apprehend illegal border crossers is only one part of border security. The other part is being able to prevent them from crossing in the first place.

There are two downsides of using border crossing cost as a metric of border security. First, interpreting an increase in smuggling costs as a product of enhanced border security capabilities by the United States is problematic. Outside factors, such as demand, for example, can be the driving force behind price increases.

Second, smuggling costs are calculated using surveys of migrants. Given the sensitive nature of the topic, the people interviewed may not answer questions honestly or may not comprise a representative sample.

Operational Control

As demonstrated in the "developments" section of this paper, operational control was found to be an unreliable measurement of border security during the first decade of the 21st century. However, the Trump administration has sought to revive it and improve it. Executive Order 13767 on "Border Security and Immigration Enforcement Improvements" issued on January 25, 2017, calls for the reinstitution of operational control (OPCON) as a metric to assess border security. Operational control still uses its previous definition of "the prevention of all unlawful entries

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into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband" (Exec. Order No. 13767).

Operational control will include three conditions in its calculations. First, it will account for "impedance and denial," which is the capacity of Border Patrol to prevent or interrupt illegal border crossing. Impedance and denial will encompass miles of new or replaced border fencing. Second, it will measure "situational awareness," the extent that Border Patrol can process information and make strategic decisions. Situational awareness will be measured by the rate at which Border Patrol reaches the site of activity in low-risk areas promptly. Lastly, it will also include "law enforcement resolution," the ability to respond to developments at the border and adequately apply consequences against those responsible for illegal activity. Law enforcement resolution will incorporate calculating the interdiction effectiveness rate (IER) and agent training readiness. Border Patrol expects this metric to be completed and adopted by all southern border sectors by the end of FY 2019 (Provost, 3-9).

It is still unclear if the new version of this metric will be a significant improvement from its predecessor. Increasing the reliability of quantifying this information will be crucial if operational control will be relied on moving forward. If such a feat is possible, OPCON is likely to be the most comprehensive metric available to evaluate border security.

Recommendations

The metrics highlighted above are needed to allow policymakers to adequately address border security and provide the American people the necessary information to hold their elected officials accountable for preserving the integrity of the nation's border. But as demonstrated, even though these metrics are critical, they are not perfect.

It does not mean that they are not valuable or necessary. Without the information these metrics provide, there would be nothing to guide strategic planning or decision-making on how to secure the border. Pointing out their flaws is not intended to dismiss their importance, but to demonstrate that they must be improved. Below are some recommendations for doing so.

Every metric should be reported monthly, or at the very least, quarterly.
Increasing the frequency at which every metric is reported, so as to reflect the expediency of the monthly publication of apprehension totals, would aid in addressing the shifting realities on the ground more effectively and expediently. It would also give elected officials and the American public more oversight on the security of the border and allow non-government actors to enhance their studies on the matter and provide innovative insight.

Incorporate data on asylum claims into the network of border security metrics.
This change would more accurately reflect the actual composition of the majority of those currently seeking entrance into the United States. Without accounting for asylum, policymakers cannot address all aspects of border security since they lack information on one of the main causes of the current crisis.

Increase research on how non-human capital increases border security.
Resources are finite, so having this information would guide how to best allocate non-human capital—such as physical barriers, sensors, and cameras—aimed at assisting in apprehending, turning back, and deterring illegal entry among border sectors. On this front, progress is already in motion. DHS has accepted the recommendations put forward by the Government Accountability Office to start statistically evaluating the deterrent capabilities of border fencing (GAO 2017b, 36) and the reliability of technology to assist in detection and apprehension (GAO 2014, 11) and will report its findings moving forward.

Expand the scope and improve the quality of border surveys.
Increasing the reliability and range of surveys will help gather data that better encompasses the characteristics of migrants that come to the American border. Primarily relying on data from adult Mexican nationals will lead to conclusions based on a dwindling border crossing community. Expanding surveys, so they better incorporate Central Americans—especially family units and asylum seekers—will lead to the gathering of better information on migration patterns from the communities that are the most responsible for the increase in illegal border crossings.

The Encuestas Sobre Migracion en las Fronteras survey mentioned above is already used for information on immigration enforcement and border security. While EMIF Norte collects information on Mexican nationals in north Mexico, EMIF also separately surveys people from Guatemala, Honduras, and El Salvador. In their EMIF Sur studies, they conduct interviews on Mexico's southern border with individuals from the Northern Triangle countries who intend to settle in Mexico or the United States indefinitely. They also survey people from those countries who were returned to their country of origin by American or Mexican immigration officials (EMIF). Incorporating both EMIF Norte and Sur when using surveys for information gathering or statistical estimates would enhance the quality of

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border security metrics. Besides EMIF, other studies may be used or devised in the future.

Besides the composition of the surveys, getting the most accurate information possible from their interviews is an important step to improve border security metrics. A proposed measure to minimize people giving false information on surveys is by using "group answers," where legal and illegal activities are grouped together to allow migrants to answer questions honestly without explicitly admitting to unlawful activity. The Government Accountability Office has indicated that individuals are more willing to answer such questions candidly (GAO 2006, 7). While this is unlikely to circumvent all untruthful answers, it can make such surveys more dependable.

Continually check the reliability of specific measurement capabilities. Introducing red-teaming—the practice of recruiting individuals to attempt crossing the border to establish the likelihood that they will be detected, undetected, or apprehended—can highlight deficiencies in border security (Morral et al., 6). Red team tests are performed by both public and private organizations and were already conducted by DHS to test the capabilities of the Transportation Security Administration (TSA) (Zenko). It is reasonable to assume that similar red team tests can be carried out on the reliability of got aways and turn backs measures or in the use of technology in assisting apprehension, among other things.

Conclusion

While the border crisis appears to be improving compared to its height in 2019, it is unfortunately not over. Thousands of foreign nationals still pour into the country every day—putting their lives at risk by undertaking the dangerous journey to the border, enriching smuggling and trafficking organizations along the way, and overwhelming the American immigration system.

Improving metrics of activity along the border is necessary for improving border security. However, consistency in the use of border security metrics is just as important as their improvement. Illegal immigration is a complex and ever-evolving phenomenon. Therefore, specific metrics and their respective collection mechanisms need to be continuously reevaluated to establish if they are still appropriate. But throughout the history of INS and DHS, new metrics have been frequently constructed and discarded. Without the continuation of specific metrics, it is difficult to make a clear historical analysis of border security since each metric measures something different—even if slightly. If specific metrics and their methodologies are not in place for more than just a few years, they will not be useful when decisions on how to make the border more secure are made. Consistent reporting and evaluation allow elected officials to have benchmarks for improvements. Without such parameters, funding and strategic planning will be made arbitrarily.

> Securing the border will help restore faith in immigration enforcement, reestablish indisputable American sovereignty, and protect national security.

Securing the border will help restore faith in immigration enforcement, reestablish indisputable American sovereignty, and protect national security. The best way to achieve this is by having quantitative information from border security metrics guide decision-making. With some improvements, data available through these metrics will become more reliable and comprehensive. ★

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References

Alvarez, Priscilla, and Geneva Sands. 2019. "US signs asylum deal with Honduras, the latest in a string of agreements with Central America." *CNN*, September 25.

Argueta, Carla N. 2016a. *Border Security: Immigration Enforcement Between Ports of Entry*. Congressional Research Service.

Argueta, Carla N. 2016b. *Border Security Metrics Between Ports of Entry*. Congressional Research Service.

Arthur, Andrew R. 2019. *Unaccompanied Alien Children and the Crisis at the Border*. Center for Immigration Studies.

Bailey, John W., Sarah K. Burns, David F. Eisler, Claire C. Fletcher, Thomas P. Frazier, Brandon R. Gould, Kristen M. Guerrera, Terry C. Heuring, Brian Q. Rieksts, Bryan Roberts, and John E. Whitley, *Assessing Southern Border Security*. Institute for Defense Analyses.

Caldwell, Leigh Ann, Alex Moe, and Kelly O'Donnell. 2019. "Emergency funding for detained migrants clears Congress." *NBC News*, June 27.

CBP (U.S. Customs and Border Patrol). 2019a. "Total Illegal Alien Apprehension by Month." Accessed October 10.

CBP (U.S. Customs and Border Patrol). 2019b. "Southwest Border Migration FY 2019." Last modified September 9, 2019.

DHS (U.S. Department of Homeland Security) Office of Immigration Statistics. 2017. *Efforts by DHS to Estimate Southwest Border Security between Ports of Entry*. DHS Office of Immigration Statistics.

DHS (U.S. Department of Homeland Security) Office of Inspector General. 2019. *DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley*. DHS Office of Inspector General.

DHS (U.S. Department of Homeland Security). 2019a. *Department of Homeland Security Border Security Metrics Report*. DHS.

DHS (U.S. Department of Homeland Security). 2019b. *Annual Performance Report Fiscal Years 2017-2019*. DHS.

DHS (U.S. Department of Homeland Security). 2019c. *The DHS Strategic Plan Fiscal Years 2020-2024*. DHS.

DOJ (U.S. Department of Justice). 2002. *Strategic Goal Five: Fairly and Effectively Administer the Immigration and Naturalization Laws of the United States*. DOJ.

Exec. Order No. 13767, Border Security and Immigration Enforcement Improvements. 82 FR 8793 (2017).

EMIF (Encuestas Sobre Migración en las Fronteras Norte y Sur de México). 2019. "Bases Metodológicas." Last updated September.

GAO (U.S. Government Accountability Office). 2006. *A "Grouped Answers" Approach to Surveying Foreign-Born Respondents*. GAO.

GAO (U.S. Government Accountability Office). 2012. *Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource needs*. GAO.

GAO (U.S. Government Accountability Office). 2013. *Goals and Measures Not Yet in Place to Inform Border Security and Resource Needs*. GAO.

GAO (U.S. Government Accountability Office). 2014. *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*. GAO.

GAO (U.S. Government Accountability Office). 2017a. *Actions Needed to Improve Oversight of Post-Apprehension Consequences*. GAO.

GAO (U.S. Government Accountability Office). 2017b. *Additional Actions Needed to Better Asses Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps*. GAO.

GAO (U.S. Government Accountability Office). 2019a. *DHS Should Improve the Quality of Unlawful Border Entry Information and Other Metric Reporting*. GAO.

Miroff, Nick. 2019. "Border arrests drop as Mexico's migration crackdown appears to cut crossings." *Washington Post,* July 9.

Morral, Andrew R., Henry H. Willis, and Peter Brownell. 2011. *Measuring Illegal Border Crossing Between Ports of Entry*. RAND Corporation.

National Research Council. 2013. *Options for Estimating Illegal Entries at the U.S.-Mexico Border*. National Academies Press.

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Provost, Carla. 2019. *Agency Priority Goal Action Plan Enhance Southern Border Security*. DHS.

Roberts, Bryan. 2015. *Measuring the Metrics: Grading the Government on Immigration Enforcement*. Bipartisan Policy Center.

Rosenblum, Marc R., and Faye Hipsman. 2016. *Border Metrics: How to Effectively Measure Border Security and Immigration Control*. Migration Policy Institute.

TRAC Immigration (Transactional Records Access Clearinghouse). 2018. *Asylum Decisions and Denials Jump in 2018*. TRAC Immigration.

TRAC Immigration (Transactional Records Access Clearinghouse). 2019. "Immigration Court Backlog Tool." Accessed October 10.

Zenko, Micah. 2016. "How Not to Red Team." *Council on Foreign Relations*, September 8.

ABOUT THE AUTHOR



Igor Malgahaes is a legislative fellow for Right on Imimigration at Texas Public Policy Foundation. He has been involved in numerous political campaigns throughout the state and was an intern at the Foundation in legislative affairs.

During his undergraduate studies, Igor worked in both chambers of the Texas Legislature, first as a legislative intern for a state representative during the 85th Legislative Session and then as a communications assistant for Lt. Gov. Dan Patrick during the 86th.

Igor was born in Rio de Janeiro, Brazil, and moved to Houston in 2008 when his father received an offer to open a martial arts school in the United States. Igor went on to learn English and thrive in his studies, eventually earning a bachelor of arts in government and a bachelor of arts in history with honors from the University of Texas at Austin in 2019.

Igor has a passion for immigration policy and Latin American affairs. He advocates for the preservation of American sovereignty and the rule of law while maintaining our country's rich tradition of welcoming immigrants who hope to achieve a better life in the United States and contribute to society.

About Texas Public Policy Foundation

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

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From: Trump, Cherise
Sent: Tue, 15 Oct 2019 13:31:01 +0000
Cc: (b)(6)
Subject: RE: Agenda for October 15th Border Security Coalition meeting
Attachments: TPPF Border Security Assessment of Metrics.pdf

As promised, please see the attached Border Metrics paper by TPPF released last night. We will have hard copies of both papers available at today's lunch.

All the best,
Cherise

Cherise Trump
Associate Director Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Trump, Cherise
Sent: Friday, October 11, 2019 1:58 PM
Cc: (b)(6)
(b)(6)
Subject: Agenda for October 15th Border Security Coalition meeting

Good afternoon,

Heritage and TPPF are looking forward to hosting you for the Inaugural Border Security Coalition Meeting on Tuesday, October 15th. Attached and below, you can find the agenda. **We hope you are able to stay afterwards for the panel event at 2PM** where Heritage and TPPF scholars will be presenting their recent works on Border Metrics (being released on Monday, Oct. 14th) and "Enforcing Immigration Law: What States Can Do…"

Please let me know if you have any questions and have a great weekend!

All the best,
Cherise

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Border Security Coalition

Inaugural Meeting Agenda

Location: Van Andel Conference Room, The Heritage Foundation

Date: October 15, 2019

Time: 12:00 p.m. – 1:45 p.m.

12PM-12:10PM- Self-Serve Lunch

12:10PM- 12:15PM- Welcome by Cherise Trump, Associate Director of Coalitions, The Heritage Foundation and Introduction of Hon. John Hostettler, Vice President for Federal Affairs, States Trust, Texas Public Policy Foundation

12:15PM-12:30PM

a. Call to Order (Hon. John Hostettler)

b. Review of Rationale and Aims of Border Security Coalition

c. Self-Introductions by Attendees

12:30PM- 12:45PM- Assessment of U.S. Border Security Metrics

a. Top Line Review of latest TPPF research on subject

b. Open Discussion, including Hon. Michael Dougherty, Assistant Secretary for Border, Immigration and Trade Policy, U.S. Department of Homeland Security and USCIS Chief of Staff Lora Ries

12:45PM-1:00PM- State-Level Support for U.S. Immigration Law Enforcement

a. Top Line Review of latest Heritage Foundation research on subject led by Hans von Spakovsky, and Cully Stimson, Senior Legal Fellows at the Meese Center for Legal and Judicial Studies

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b. Open Discussion

1:00PM-1:15PM- Assessment of Issues with the Current Judicial Process

a. Review of the current problems with immigration courts and judges led by Cully Stimson

b. Open Discussion

1:15PM- 1:45PM- Upcoming Coalition Member Research and Action

a. TPPF, Heritage, others

b. Coalition's meeting schedule: February 2020, June, 2020 and October, 2020

c. Adjournment

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Texas Public Policy Foundation

Border Security
An Assessment of the Metrics

by Igor C. Magalhaes

October 2019

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October 2019

by Igor C. Magalhaes
Legislative Fellow

Right on Immigration
Texas Public Policy Foundation

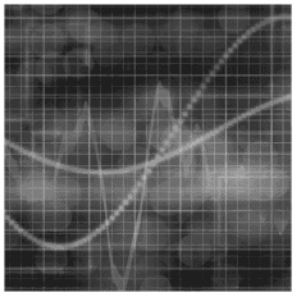


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Border Security
An Assessment of the Metrics

by Igor C. Magalhaes

Executive Summary

Through the years, policymakers have implemented numerous metrics to quantify border security. Many of them provide essential data and have been maintained relatively constant, but others have had their methodologies modified or were simply discarded over time due to the challenges associated with gathering such information. Still today, even as they have improved, these metrics are not perfect. As a whole, they largely fail to properly account for certain crucial aspects of immigration enforcement capabilities and changing migration patterns. Additionally, some incorporate faulty methodologies or utilize assumptions that do not reflect reality.

However, highlighting the deficiencies of these metrics is not to imply that they are meaningless. Far from it. Without them decisions on how to secure the border would be made arbitrarily. It is simply intended to demonstrate that they should be improved moving forward. Much can be done to make them better.

- **Report every metric monthly, or at the very least quarterly.** This would allow for policymakers to better respond to developments on the ground, for elected officials and the American people to have greater oversight, and for non-government entities to conduct better studies and provide innovative insight.
- **Incorporate asylum seekers into measurements of border security.** This would result in data that better reflects the true composition of the current border crossing community. The border crisis is for the most part due to the influx of migrants actively looking for Border Patrol officers after unlawful entry so they can claim asylum. Without accounting for asylum seekers, the information used during decision-making will continue to be incomplete.
- **Increase research on how non-human capital improves detection and enforcement capabilities.** This would help guide how to best allocate these limited resources among border sectors more effectively.
- **Expand surveys beyond Mexican nationals and implement practices that limit untruthful answers.** This would make the information they gather better represent the characteristics of the migrants who come to the American border and make their results more reliable.
- **Institute administrative practices that continually check the proficiency of the data collection infrastructure.** This would ensure that detection methods utilized at the border are actually capturing what they intend to.

Elected officials and government agencies should continue to strive to get the most complete information possible so they can take proper action to secure the southern border. Quantitatively evaluating the extent and character of migration flows and the ability of immigration enforcement agencies to enforce

Key Points

- Given the complexity of illegal immigration, metrics aimed at evaluating immigration enforcement between ports of entry are elusive, imperfect, and incomplete.
- A lack of continuity in the metrics and their respective methodologies impede an accurate and holistic historical assessment of border security.
- Comprehensive border security is more than just apprehending illegal border crossers. It also requires the ability to turn them back and deter them from attempting again in the future.
- While flawed, border security metrics are crucial. Numerous actions could be taken to improve them moving forward.

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immigration laws will aid in minimizing illegal entry, preserving American sovereignty, and maintaining national security.

Developments of Border Security Metrics

Being able to quantify what a secure border looks like is essential for maintaining the sovereignty and national security of the United States. In order to make informed decisions on the performance of immigration enforcement agencies, elected officials need metrics that clearly identify what a secure border means. Such metrics will also help the American people hold their government accountable for carrying out one of its core responsibilities—protecting the nation's borders. However, adopting long-standing metrics that properly measure the most consequential aspects of border security has proven problematic. While spending on immigration enforcement has increased dramatically, metrics to quantify and evaluate improved border security abilities have lagged.

Historically, apprehension totals have been the primary source of information on border security between ports of entry (DHS 2019a, 6). This metric indicates how many unlawful entry attempts are intercepted and perpetrators put into custody. It provides data necessary to understand the state of the border, but unfortunately, it also possesses numerous limitations. Accordingly, other metrics were devised to fill the gaps, even though apprehension data is still critical to this day.

Calls for more comprehensive indicators of immigration enforcement surfaced in the 1990s. This push was sparked by the failure of the Immigration Reform and Control Act of 1986—which combined amnesty for millions of undocumented aliens with a substantial increase in immigration enforcement—to limit the flow of illegal immigration to the United States (Argueta 2016a, 1). New metrics were instituted following recommendations by the Government Accounting Office (later renamed the Government Accountability Office) and legislation passed by Congress aimed at increasing oversight over government agencies. In 1997, for example, the recidivism rate—the number of repeat illegal border crossers apprehended in a year—was first developed, adding another set of data to be used during decision-making (Roberts, 11).

At the beginning of the 21st century, the American immigration system changed dramatically. Following the 9/11 attacks and the passage of the Homeland Security Act of 2002, the Immigration and Naturalization Service (INS) was abolished and replaced by the new Department of Homeland Security (DHS), which assumed the responsibilities of enforcing immigration laws. In its early years, the DHS inherited the use of "optimum deterrence" developed by the INS at the turn of the century as their primary tool to measure border security. Optimal deterrence was defined as "the level at which applying more Border Patrol agents and resources would not yield a significant gain in arrest/deterrence" at "high priority entry corridors" (DOJ). The metric primarily considered apprehensions but also included recidivism, increase in smuggling fees, the shift in illegal activity location, and additional circumstances to measure optimal deterrence. The goal of taking all these diverse conditions into account was to have a single comprehensive measure of border security. Unfortunately, it was difficult to quantify such a combination, and optimal deterrence only lasted as a metric from 2001 to 2004 (Argueta 2016b, 10).

It was then replaced in 2005 with "operational control," a mile by mile assessment of "the ability to detect, respond to, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives" (Roberts, 11). Operational control was defined in the Secure Fence Act of 2006 as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband." At the beginning of 2010, 57 percent of the southwest border was considered to be under operational control (Argueta 2016b, 10). However, operational control was mostly subjective and acted more as a qualitative measure when evaluating the use of human and non-human assets to secure the border. Once the Government Accountability Office and other organizations demonstrated its defects, operational control suffered the same fate as optimal deterrence and was retired in 2010 (DHS Office of Immigration Statistics, 18).

While developing a comprehensive new metric to replace operational control—the border conditions index (BCI), DHS relied on apprehension totals as its primary method of defining border security. BCI attempted to combine information on developments not only between ports of entry but also at ports of entry and in border communities. These included measurements of things such as quality of life and public safety at border towns and wait times at ports of entry. However, the difficulty in combining these distinct circumstances resulted in BCI being discarded by 2013, and its results were never made public (Argueta 2016b, 3). Once again, an ambitious effort was scrapped for impracticality.

After repeatedly failing to establish an all-encompassing metric, DHS now relies on narrower data that is easier to calculate accurately. DHS began to use the recidivism rate and the interdiction effectiveness rate (IER) as its primary tools for measuring and understanding border security. While both metrics have numerous flaws, they have been

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continuously improved since their inception and provide vital information on the state of the border (Roberts, 11).

This brief overview of the recent developments of border security metrics attempts to show how volatile the effort to measure the performance of immigration enforcement has been. Quantifying information on the state of the border is hard. Efforts to create all-encompassing metrics, such as BCI, have failed. While some simpler metrics are in place and provide necessary information on the state of border security, they also have limitations.

Limitations of Border Security Metrics

Evaluating immigration enforcement is not an easy task. The southern border is 1,993 miles long. Given its size, it is a massive undertaking to monitor it properly. The different terrains and climate that it encompasses make it even more challenging for immigration enforcement agencies to carry out their responsibilities (Provost, 2).

Additionally, due to the clandestine nature of illegal immigration, procedures put in place to determine the number of foreign nationals who evade apprehension or detection are imperfect. In other words, some individuals are able to successfully enter the country illegally between ports of entry and remain unaccounted for. The bulk of enforcement capabilities are concentrated in areas of the border that are known for substantial illegal flows—especially in urban centers. Since resources and funding are scarce, such concentration is reasonable, but it leads to some of the more isolated parts of the border to be undermanned and under-supervised. These gaps provide avenues for migrants to enter the country undetected. Nevertheless, with increasingly sophisticated methods of evasion, some individuals can do so even at its most guarded points (Rosenblum and Hipsman, 11). Therefore, numbers used to evaluate border security will not be exact regardless of technological advancements or the allocation of more resources to the border.

However, problems with developing helpful guidance for improving immigration enforcement are not only due to discrepancies in the data caused by those who evade detection and apprehension. The current crisis at the border has been predominantly driven by those who purposely seek out Border Patrol so they can request asylum. These asylum claims have not been incorporated into the network of border security metrics.

The American immigration enforcement apparatus at the southern border was designed to primarily manage single Mexican adults who crossed the border attempting to evade Border Patrol. Historically, they have comprised the majority of border crossers. Once apprehended, they were quickly processed and returned to Mexico without extended stay in federal custody or lengthy legal proceedings. This is no longer the case.

Most migrants now making their way to the United States' border are family units and unaccompanied alien children (UACs) from Central America—especially Guatemala, El Salvador, and Honduras—who actively look for Border Patrol so they can claim asylum (Arthur). While the majority will be denied asylum—since asylum is reserved for those fleeing persecution in their country of origin not for economic opportunity or family reunification—the backlog in immigration court makes the full adjudication of cases take years (TRAC 2018). The backlog is now over one million cases, with an average wait period of 696 days per case (TRAC 2019). In the meantime, many of these asylum seekers are free to reside in the United States and may even get work authorization. Therefore, immigrants are encouraged to seek asylum, even if they are not fleeing persecution, instead of using other legal avenues or attempting to evade immigration enforcement, because asylum is now seen as the easiest method to come live and work in the United States.

> Because asylum is now seen as the easiest method to come live and work in the United States, migrants are encouraged to seek asylum, even if they are not fleeing persecution.

In other words, loopholes in the American asylum system, which are advertised by smuggling networks in Mexico and Central America, are driving people to come to the United States' border. Experts understand that the asylum system is being abused but have not yet incorporated asylum measurements into the border security metrics' framework. Without accounting for this critical measurement quantitatively when addressing border security, immigration enforcement agencies and elected officials are ignoring perhaps the largest cause of the crisis.

Another limitation is that border security metrics are not based on objective and observable data alone. Immigration officers and research organizations on both sides of the

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border conduct surveys of migrants who have attempted or intend to enter the United States illegally. These surveys provide much of the information used in border security metrics. They remain valuable because they can directly assemble data that cannot be collected by other means and be compared to and used in conjunction with other metrics. For example, the recidivism rate established by Border Patrol using biometric data of people apprehended at the border can be compared to the percentage of deported Mexicans who indicated in surveys their intention to try reentry.

However, using surveys is problematic for numerous reasons. First, they lack data on those who have successfully entered the United States between ports of entry and reside here illegally. Without such information, steps taken based on these surveys will be limited in their usefulness to address deficiencies at the border (Morral et al., 8). Second, given the taboo nature of questions regarding illegal immigration, responses may not be answered truthfully. Requiring individuals to willingly confess to breaking the law, even under the guise of anonymity, is challenging since they may feel vulnerable to punishment. Third, many of these surveys are based only on responses by adult Mexican nationals from particular communities. This approach was acceptable when the vast majority of migrants were adults from specific parts of Mexico, but with the rise of migration from Central America, especially of family units and UACs, the sample taken from such surveys may not be representative of the experiences of the majority of migrants (Rosenblum and Hipsman, 9).

Furthermore, since Mexican nationals are the population of interest, many of the studies used to gather information on them are performed by Mexican universities and government agencies (National Research Council, 61-73). This prevents DHS from having oversight of the performance of these surveys and requires relying on the administrative practices of a foreign government. Lastly, conducting studies of large samples with the desired niche characteristics is time-consuming, making some surveys insufficient to advise rapid action (Rosenblum and Hipsman, 9).

Alongside surveys, techniques aimed at estimating undetected flow were designed to gather additional information. A Repeated Trials Model (RTM), also known as capture-recaptured, is the primary way that DHS estimates total illegal entry into the United States by using it to calculate a partial apprehension rate (PAR). While a sound statistical tool, when applied to estimate unlawful entry, it relies on several faulty assumptions. These assumptions, in turn, lead DHS to acquire a PAR that is based on a sample that does not represent the composition or migration patterns of the majority of illegal crossers. DHS then applies this flawed PAR to most border crossers, regardless of their initial distance to the border or number of previous attempts. Greater details on this methodology will be provided later on in the paper.

A bigger issue with border security metrics, however, is that one must be careful when assigning the causes of their changes. While changes to American policy can produce differences in the numbers, factors outside the control of the American government also guide migration patterns. For example, in 2019, there was a significant decrease in the number of apprehensions at the southern border from May to June. Many people attribute this decrease to the deal that President Trump made with the Mexican government, by which the United States would not impose tariffs on Mexican products as long as their government enhanced and fulfilled their immigration-related obligations (Miroff). But even though the deal has affected the number of migrants who make it to the southern border of the United States, historically, there has been a decrease in the number of migrants coming north at the beginning of summer (CBP 2019a).

Since the turn of the century, numerous metrics on immigration enforcement used by federal agencies to quantify border activity have been repeatedly adopted, adapted, and improved to overcome these limitations; some metrics have been discontinued. Although such changes may have increased the quality of the data gathered, they can also be problematic. Without some continuity, evaluating the progression of border security is unreliable.

It is commonly understood that expecting perfect surveillance and 100 percent enforcement at the border is unrealistic. Nevertheless, having the most accurate information possible will aid in deciding how to make the border more secure. While imperfect, border security metrics are important guides to such decision-making.

Metric Categories

To suitably evaluate immigration enforcement, one must recognize the different categories of border security metrics. There are four main categories: inputs, activities, outputs, and outcomes.

Input metrics encompass resources allocated to border security. These include things such as the number of agents on duty or the miles of physical barriers in place. *Activity metrics* quantify explicit actions aimed at securing the border. An example of an activity metric is the number of migrants apprehended attempting to enter the country between ports of entry (DHS 2019a, 5). These metrics are trackable and useful for strategic planning. However, they only provide limited information on the security of the border.

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Output measures are calculated based on the results of the activities taken to secure the border. These include apprehension and recidivism rates. *Outcome metrics* are more elusive because they attempt to capture the impact of border security practices. An example of an outcome metric is the number of illegal migrants who infiltrate the country successfully (DHS 2019a, 5). These metrics provide more insight into the state of the border than inputs and activities but are also harder to measure with reliability since Border Patrol cannot detect all illegal flow and must rely on estimates.

These categories work in tandem and are crucial to understanding border security. However, this paper primarily focuses on activities, outputs, and outcome measures.

Border Security Metrics

Apprehension Totals

The total number of apprehensions of illegal border crossers between ports of entry is an activity measure and has been the metric most often used to evaluate the security of the border (DHS 2019a, 21). It has been used to estimate total illegal flow between ports of entry and to guide decisions at the border for decades. Still today, apprehension totals are used as talking points to address the state of the border. This is for a good reason. One can use it to estimate the scope and character of the flow of migrants to determine the best course of action.

> The biggest flaw of only relying on apprehension totals is that it does not account for those who evade apprehension or detection.

Since apprehension totals are calculated and made public every month, it is a metric that can be used to justify rapid action. For example, four of the first six months in 2019 had apprehension totals of over 100,000 (CBP 2019b). As a result, the president and some members of Congress have attempted to increase funding and resources available for immigration enforcement agencies so they can properly carry out their responsibilities (Caldwell et al.,).

Apprehension totals can also be beneficial when broken down by citizenship (DHS 2019a, 59). Knowing the nationality of those apprehended trying to illegally enter the United States can guide diplomatic efforts to get cooperation from foreign governments. For example, with the massive increase of apprehensions of people from the Northern Triangle, the Trump administration has taken measures so that their countries' leaders would do more to help. The president agreed to asylum cooperation agreements with the governments of Guatemala, Honduras, and El Salvador, where asylum seekers would not be able to receive protection in the United States if they passed through those countries and did not apply for asylum there first (Alvarez and Sands).

In short, the total number of individuals apprehended is a simple metric that can be easily used during deliberations. However, just knowing the number of persons caught during illegal entry attempts does not provide a holistic assessment of border security.

The biggest flaw of only relying on apprehension totals is that it does not account for those who evade apprehension or detection. There is an unknown number of people who are successfully infiltrating the country. Consequently, apprehension totals do not indicate how efficient Border Patrol is in intercepting illegal entry.

Apprehension totals also do not take into consideration a major component of border security—deterrence (Argueta 2016b, 11). While the threat of apprehension may deter some from attempting illegal entry, only considering apprehensions does not indicate if the United States has the necessary capabilities of turning back individuals at the border. Impeding them from coming into the country in the first place prevents the government from having to dedicate resources to process, house, and relocate them. Likewise, by solely looking at apprehension totals, one ignores the fact that many illegal border crossers are repeat offenders. Without encompassing re-apprehensions, it is not possible to conclude if border capabilities and enforcement consequences are preventing people from making subsequent attempts (Argueta 2016a, 20).

An increase or decrease in total apprehension does not even provide a clear-cut look into border security because both high and low totals can be taken as improving or deteriorating border security. For example, an increase in apprehensions may come from enhanced border security capabilities or a limited capacity to prevent illegal entries in the first place. On the other hand, a decrease in apprehensions may signify improved deterrence capabilities or that few who attempt unlawful entry are detected and apprehended (Morral et al., 1).

On top of that, an increase or decrease in apprehension totals may not even be primarily due to actions taken by the

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government to improve border security. For example, the decline in apprehensions at the southwest border toward the end of the first decade of the 21st century was largely driven by worsening economic conditions in the United States (Argueta 2016a, 18).

In conclusion, while apprehension totals are useful, they are not by themselves enough to have a proper understanding of border security. However, apprehension totals are used in combination with other metrics to provide more detailed information.

Apprehension Rate

$$\text{Apprehension Rate} = \frac{\text{Number Of Apprehensions}}{\text{Number Of Unlawful Entry Attempts}}$$

In its most basic form, the apprehension rate is an output measure calculated by dividing the number of apprehensions by the number of unlawful entry attempts (DHS 2019a, 21). It is superior to apprehension totals because it includes the reality that Border Patrol is unable to apprehend all of those who attempt illegal entry.

Even though the apprehension rate is an essential metric of border security, namely the percentage of those who are detained trying to enter the country illegally, it also has considerable shortcomings. One shortcoming is that it does not measure the ability to turn back those attempting illegal entry at the border (DHS 2019a, 7). Therefore, apprehension data is only one part of the puzzle since it does not consider those who give up a crossing attempt due to physical barriers, the presence of Border Patrol agents, or any other factors.

DHS uses two distinct methodologies to calculate apprehension rates: observational and model-based.

Observational Apprehension Rate

$$\text{Observational Apprehension Rate} = \text{Apprehensions} \div \text{Apprehensions} + \text{Got Aways}$$

The observational apprehension rate is based on apprehension totals and direct and indirect observations of got aways. "Got aways" are persons who were directly or indirectly detected successfully entering the country illegally without being deterred or apprehended at or around the border within 30 days of entering the United States (DHS 2019a, 9).

As expected, the primary problem of using the observational apprehension rate is that it does not account for undetected successful illegal entries. This leads to the inflation of the apprehension rate, which can make the security of the border appear greater than it actually is. Other deficiencies of the got aways measure will be highlighted later in the paper.

Nevertheless, basing calculations on observations has its merits. These metrics do not require estimations that are sometimes based on unreliable assumptions. With the increased use of technology, DHS is now able to monitor a larger share of the border reliably. Additionally, with more uniform border-wide standards to identify got aways since 2014, the difference between the estimated total successful unlawful entries and got aways has significantly decreased (DHS 2019a, 17).

Model-based Apprehension Rate

$$\text{Model-Based Apprehension Rate} = \frac{(\text{Attempts}_{Impactable} \times \text{PAR}) + (\text{Attempts}_{Non\text{-}Impactable} \times 100\%)}{(\text{Attempts}_{Impactable} + \text{Attempts}_{Non\text{-}Impactable})}$$

The model-based apprehension rate is a way to overcome the challenge of accounting for undetected border crossers and those who are deterred from making subsequent attempts to enter the United States. To do this, the metric separates border crossers into two distinct categories—impactable and non-impactable. It then uses a Repeated Trails Model (RTM) methodology, devised by the Institute for Defense Analysis (IDA), to estimate the partial apprehension rate for impactable migrants (DHS 2019a, 64).

Non-impactable border crossers include unaccompanied alien children, family units, and asylum seekers. These migrants are usually allowed to stay in the United States while they wait for the adjudication of their cases. Therefore, DHS assumes that all non-impactable border crossers turn themselves in to the authorities after illegally entering the country (DHS 2019a, 8).

Impactable border crossers, on the other hand, are adults not claiming asylum who are generally subject to enforcement consequences, the process imposed on migrants who are apprehended, ranging from voluntary deportation to criminal prosecution. This group is expected to try to evade detection during an unlawful entry attempt. Therefore, DHS uses the PAR to calculate the likelihood of apprehending them since some will be able to enter the country illegally (DHS 2019a, 7).

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The first step in establishing the PAR is getting a subset of illegal border crossers who are likely to attempt a subsequent unlawful crossing. Under the IDA model, this subset only includes Mexican adults who are not claiming asylum since they have historically been the primary demographic for border crossing (DHS 2019a, 64).

From this subset, some of those who are apprehended and returned to their home country will be deterred from attempting to enter the United States illegally again. The deterrence rate is estimated using the results from Encuesta Sobre Migracion en las Fronteras (EMIF) Norte surveys (DHS 2019a, 65). These surveys are conducted by the El Colegio de la Frontera Norte with a partnership with the Mexican government. They capture information on individuals in northern Mexico who intend to come to the United States indefinitely, and on those who were removed from the United States and sent back to north Mexico (EMIF).

Those who are not deterred (the rest of the subset) are expected to attempt to cross the border again. It is possible to establish who has tried illegal entry multiple times because Border Patrol fingerprints and stores the information of those apprehended. PAR is then determined by dividing the number of individuals in the RTM population who were apprehended attempting subsequent entry into the country by the total number of those who were successful (Bailey et al., 13-15).

By using PAR, DHS recognizes that some will evade apprehension and others will be deterred. By doing this, the goal is to get a more accurate sense of enforcement capabilities at the border. Accordingly, the model-based apprehension rate is, understandably, lower than the observational apprehension rate. For example, in FY 2017, the model-based approach resulted in a border-wide apprehension rate of 65.4 percent, and the observational approach had one of 74.5 percent—showing a substantial gap of almost 10 percent (DHS 2019a, 10).

While the model-based apprehension rate provides a more comprehensive analysis of apprehension capabilities at the border, it relies on several problematic assumptions. First, separating migrants into two distinct groups is unrealistic. By assuming that no asylum seeker, UAC, or family unit—non-impactable border crossers—tries to get into the United States between ports of entry undetected, the model-based apprehension rate is potentially not including a large segment of individuals in its calculations (GAO 2019a, 26).

Second, the use of surveys can lead to improper conclusions. The biggest flaw with the use of surveys for establishing PAR is that they are only conducted on adult Mexican nationals in north Mexico. By only considering Mexicans when determining the apprehension rate, PAR is based on a declining population of border crossers. Therefore, it does not reflect reality (GAO 2019a, 29).

On top of that, the PAR is used on all impactable border crossers, regardless of nationality. However, given that PAR is calculated only from Mexicans, using it for border crossers from other countries can provide faulty information (GAO 2019a, 25). Distance to the border will likely make people from farther places attempt re-entry less often than people from northern Mexico.

Another questionable assumption of PAR is that the likelihood of being caught during successive attempts is the same as for the initial attempt. Again, this does not reflect reality. Migrants are likely to try to enter the United States by other means or locations in consecutive attempts, changing the probability of being apprehended again. Likewise, it also assumes that people will be deterred at the same rate regardless of the number of efforts made (GAO 2019a, 25-26). Someone failing during their sixth entry attempt, for example, is probably more likely to be deterred from trying to do so again than someone failing for the first time.

Given these assumptions, DHS uses the RTM model developed by IDA but acknowledges that it needs to continue to be improved (DHS 2019a, 64). Accordingly, DHS has partnered with the Johns Hopkins University Applied Physics Laboratory to revamp its model-based approach (GAO 2019a, 31).

Recidivism Rate

Recidivism Rate =

Individuals Apprehended Multiple Times

÷

Apprehension Total

The recidivism rate is an output measure calculated by dividing the number of individuals apprehended multiple times by the apprehension total. This metric is significant because it shows how many of those apprehended trying to enter the country illegally are repeat offenders (DHS 2019a, 28). Calculating this with a high degree of certainty is possible since Border Patrol collects biometric data of those apprehended—including fingerprints and digital photographs.

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The recidivism rate, accordingly, can be seen as measuring the deterrent effect of border security (DHS Office of Immigration Statistics, 9). In principle, if recidivism is high, meaning individuals caught attempting to enter the country illegally are in large part repeat offenders, that can be a sign of poor deterrence capabilities. On the other hand, if recidivism is low, meaning that migrants are unlikely to attempt re-entry, that can be a sign of working deterrent capabilities.

Deterrence is a crucial part of protecting the border because limiting the number of migrants entering the country illegally reduces the need for resources to apprehend, house, and care for them. As seen in the last two years, maintaining a large number of migrants in detention leads to overcrowding (DHS Office of Inspector General), which in turn can lead to the possibility of the spread of diseases, and diverts Border Patrol away from monitoring the border and into humanitarian responsibilities instead.

The recidivism rate of the southern border has consistently decreased since FY 2012. Between FY 2016 and 2017, the recidivism rate fell from 12.27 percent to 10.48 percent—significantly lower than the established goal of 17 percent (DHS 2019b, 16). When broken down by border sector, however, numbers can vary pretty widely. For example, in FY 2017, while the Yuma sector in Arizona had a recidivism rate of only 3.77 percent, the El Centro sector in California had one of 22.73 percent. Of the five sectors in Texas, only Laredo had a double-digit recidivism rate—13.29 percent—in FY 2017, surpassing the southern border national average of 10.48 percent (DHS 2019a, 29). However, it is easier to gain entry in some sectors than in others due to factors outside the government's control, such as terrain. Therefore, just because two sectors have different recidivism rates does not necessarily mean that one is more secure than the other.

The recidivism rate can be useful when measuring recidivism by consequence. Consequences can be administrative, programmatic, or criminal. Different consequences lead to different recidivism rates, with the more punitive leading to lower rates of recidivism and vice versa. For example, in FY 2017, migrants who were subject to voluntary return tried re-entering the country almost 25 percent of the time, while those who were subject to standard prosecution tried it only around 7 percent of the time. While this information is revealing in how to deter individuals from making subsequent trips to the border, stiffer consequences are usually assigned to repeat offenders. This may cause the recidivism rate to be changed not only due to the consequence imposed, but the likelihood of the recidivist population to try re-entry (DHS 2019a, 30).

Unfortunately, while the recidivism rate provides valuable information on border security, it also possesses many flaws. One flaw is that the recidivism rate does not take into account a migrant's distance to the border. Therefore, while migrants from places farther away from the border may have a lower recidivism rate than people from Mexico, for example, this will not be portrayed in the rate (Argueta 2016b, 7).

Furthermore, the recidivism rate, like apprehension totals, cannot accurately indicate improved or worsening border security by its low or high values alone. A declining recidivism rate may indicate that once-caught individuals are discouraged from making subsequent attempts to enter the country illegally or that repeat offenders are largely successful in entering the country illegally in subsequent attempts (DHS Office of Immigration Statistics, 9). On the other hand, a high recidivism rate may indicate that Border Patrol is expected to apprehend most of those who repeatedly attempt to enter the country unlawfully or that they are failing to deter individuals from repeatedly attempting illegal entry.

Likewise, attributing a lower recidivism rate to the introduction of more or improved border security methods is problematic. Variables not related to the state of the border can drive a person's decision on whether or not to attempt re-entry. For example, if the economic situation in some migrants' home country improves, they may be less inclined to make the journey to the American border again.

Finally, there are two additional problems with the current use of the recidivism rate. First, it only calculates those who have attempted to enter the country multiple times in a fiscal year, not accounting for those who have tried several entries into the country on a broader timeframe. Second, it bases the timeframe of re-apprehension on the date the individual was apprehended instead of the date they were removed. These difficulties were put forward by the Government Accountability Office in 2017. DHS has agreed to make these changes and will report this improved metric going forward in its annual Border Security metrics report (GAO 2017a, 13-17).

Effectiveness Rate

The effectiveness rate provides a more complete assessment of border security because it incorporates data on the ability of immigration enforcement agencies not only to apprehend illegal border crossers but also to turn them back (DHS 2019a, 19).

There are two distinct ways to measure the effectiveness rate: the Interdiction Effectiveness Rate and the Unlawful Border Crossing Effectiveness Rate.

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Interdiction Effectiveness Rate

$$\text{IER} = \frac{(\text{Apprehensions} + \text{Turn Backs})}{(\text{Apprehensions} + \text{Turn Backs} + \text{Got Aways})}$$

The interdiction effectiveness rate (IER) is an output measure calculated by dividing the number of apprehensions plus turn backs by the total number of apprehensions, turn backs, and got aways—the denominator being an outcome measure collectively known as detected unlawful entries. As defined earlier, got aways are persons who were detected successfully entering the country illegally without being deterred or apprehended at or around the border within 30 days of entering the United States. "Turn backs" is an activity measure that tracks foreign nationals who were detected entering the country illegally but retreated and were not apprehended. Both measures come from direct and indirect observations. This means that they are not only based on physical surveillance by Border Patrol agents but also include determinations based on foot tracks, sensor activations, or camera views (DHS Office of Immigration Statistics, 4-5).

IER is already in use to measure border security of individual sectors. It can be a way for DHS leadership and elected officials to know which areas of the border are struggling or have reached a satisfactory level of security. For example, in FY 2017, the Big Bend sector in Texas had an effectiveness rate of only 67 percent while Yuma in Arizona had one of 96 percent (DHS 2019a, 19).

The targeted IER average for FY 2017 was 81 percent. However, DHS fell short of this goal by only reaching 78.9 percent—a decrease from the 82.7 percent recorded in FY 2016 (DHS 2019b, 17). Of the five border sectors in Texas, only El Paso surpassed the targeted IER with 91 percent. The others ranged from 67 percent to 80 percent (DHS 2019a, 19). Nevertheless, the dip in IER might be the result of an increase in the detection of got aways and turn arounds—not declining border security (DHS 2019b, 17). Eighty-one percent is the targeted IER moving forward, until at least FY 2022 (DHS 2019c, 69). The lack of increase in their target might be due to DHS's perception that they will continue to improve their detection of got aways and turn arounds—likely leading to a decrease or leveling of IER even if Border Patrol improves their capacity to apprehend or turn back migrants at the border.

The primary advantage of IER is that it accounts for the ability to turn back illegal border crossers. As previously mentioned, the ability to apprehend illegal border crossers is only one part of border security. The other part is being able to prevent them from crossing in the first place. By doing this, immigration enforcement agencies do not have to perform all of the duties attached to keeping illegal immigrants in custody. In turn, this prevents them from having to spend resources carrying out these responsibilities and allows them to focus on their other duties—such as surveillance.

On the other hand, the primary disadvantage of IER is that it excludes those who successfully entered the country without being directly or indirectly detected—leading to undercounting of got aways and superficially inflating the overall effectiveness rate. Additionally, an early critique of the IER was that there were no definitive guidelines across sectors to differentiate between got aways, turn backs, or other non-related border activity—especially during indirect detections (GAO 2013, 14). However, the methodology has been refined for over a decade, and in 2014, uniform standards were implemented at all border sectors (DHS Office of Immigration Statistics, 5). While this calls into question the reliability of IER before 2014, it increases the confidence of the metric going forward.

Still, some critics claim that the way Border Patrol measures turn backs and got aways is subjective and leads to miscounting. A scenario of such miscounting is of an individual coming to the border, dropping a package containing drugs to be collected by someone else, returning to Mexico, and being identified as a turn back (GAO 2013, 14). Miscounting can also be due to the conditions of the terrain or weather. Rain, for example, may destroy physical evidence or damage sensors and cameras in locations where illegal entries occurred (GAO 2012, 30).

Another problem introduced by critics is coordination. There are thousands of Border Patrol agents responsible for keeping tabs on what is happening at the border. This reality opens up the possibility of flawed accountability of data (GAO 2019a, 47). For example, a migrant might try to enter the country illegally in one sector, be turned back but not apprehended, and try again elsewhere. This may cause the individual to be counted twice by Border Patrol (GAO 2013, 15).

Nevertheless, with the increased usage of technology—such as geospatial intelligence, radars, cameras, and sensors—and their increased accuracy, turn backs

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and got aways can be determined more precisely (DHS Office of Immigration Statistics, 5).

Unlawful Border Crossing Effectiveness Rate

Unlawful Border Crossing Effectiveness Rate =

(Apprehensions + Turn Backs)

÷

(Apprehensions + Turn Backs + Successful Unlawful Entries)

The unlawful border crossing effectiveness rate is an output measure calculated by dividing apprehensions plus turn backs by the sum of apprehensions, turn backs, and successful unlawful entries. This metric is very similar to IER, but instead of basing the number of persons who successfully enter the country illegally on direct and indirect observations, the unlawful border crossing effectiveness rate uses an estimate to measure successful illegal entries. Therefore, it considers not only the persons who were detected successfully entering the country illegally but also those who were undetected (DHS 2019a, 18-19).

The unlawful border crossing effectiveness rate is a mandated metric under the guidelines of the National Defense Authorization Act for FY 2017. However, it is not currently in use since its methodology to estimate successful entries by sector level has not yet been validated. Accordingly, the interdiction effectiveness rate has been reported in its place (DHS 2019a, 18-19).

There is currently no target figure for the unlawful border crossing effectiveness rate. But since the goal for IER for the near future is 81 percent, a value slightly lower can be expected since the unlawful border crossing effectiveness rate incorporates both detected and undetected events at the border—increasing the denominator compared to IER. However, there should not be a monumental difference between the two since detection has improved and is likely to continue to improve.

Border Crossing Cost

Border crossing cost is an output measure that encompasses the share of migrants who hire smugglers and how much smugglers charge for their service. The data shows that an increasing number of people use smugglers to cross the American border. According to DHS, in recent years, between 80 percent and 95 percent of individuals apprehended during an illegal border crossing used a smuggler. While smuggling cost varies, in recent years, DHS reported that initial payment for their service can be as high as $1,200 with an additional $8,000 after the migrant reaches their final destination. While monetary compensation is the most common source of payment for smuggling, other forms have been reported, such as bringing illicit drugs into the United States or working off debt once in the country (DHS 2019a, 62).

Like any business, smuggling follows the realities of the market. Smugglers compete amongst themselves to attract people to their business. To be competitive, they need to have competitive pricing. But as it becomes more difficult to smuggle migrants into the United States, smugglers raise their prices since they must pass the cost of the added risk to the individuals seeking their services. It is predicted, therefore, that as border security capabilities increase, the price of smuggling will follow. Eventually, potential migrants from poorer sectors of the population will likely be unable to afford such service, decreasing the number of migrants heading to the border (DHS 2019a, 61).

> The ability to apprehend illegal border crossers is only one part of border security. The other part is being able to prevent them from crossing in the first place.

There are two downsides of using border crossing cost as a metric of border security. First, interpreting an increase in smuggling costs as a product of enhanced border security capabilities by the United States is problematic. Outside factors, such as demand, for example, can be the driving force behind price increases.

Second, smuggling costs are calculated using surveys of migrants. Given the sensitive nature of the topic, the people interviewed may not answer questions honestly or may not comprise a representative sample.

Operational Control

As demonstrated in the "developments" section of this paper, operational control was found to be an unreliable measurement of border security during the first decade of the 21st century. However, the Trump administration has sought to revive it and improve it. Executive Order 13767 on "Border Security and Immigration Enforcement Improvements" issued on January 25, 2017, calls for the reinstitution of operational control (OPCON) as a metric to assess border security. Operational control still uses its previous definition of "the prevention of all unlawful entries

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into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband" (Exec. Order No. 13767).

Operational control will include three conditions in its calculations. First, it will account for "impedance and denial," which is the capacity of Border Patrol to prevent or interrupt illegal border crossing. Impedance and denial will encompass miles of new or replaced border fencing. Second, it will measure "situational awareness," the extent that Border Patrol can process information and make strategic decisions. Situational awareness will be measured by the rate at which Border Patrol reaches the site of activity in low-risk areas promptly. Lastly, it will also include "law enforcement resolution," the ability to respond to developments at the border and adequately apply consequences against those responsible for illegal activity. Law enforcement resolution will incorporate calculating the interdiction effectiveness rate (IER) and agent training readiness. Border Patrol expects this metric to be completed and adopted by all southern border sectors by the end of FY 2019 (Provost, 3-9).

It is still unclear if the new version of this metric will be a significant improvement from its predecessor. Increasing the reliability of quantifying this information will be crucial if operational control will be relied on moving forward. If such a feat is possible, OPCON is likely to be the most comprehensive metric available to evaluate border security.

Recommendations

The metrics highlighted above are needed to allow policymakers to adequately address border security and provide the American people the necessary information to hold their elected officials accountable for preserving the integrity of the nation's border. But as demonstrated, even though these metrics are critical, they are not perfect.

It does not mean that they are not valuable or necessary. Without the information these metrics provide, there would be nothing to guide strategic planning or decision-making on how to secure the border. Pointing out their flaws is not intended to dismiss their importance, but to demonstrate that they must be improved. Below are some recommendations for doing so.

Every metric should be reported monthly, or at the very least, quarterly.
Increasing the frequency at which every metric is reported, so as to reflect the expediency of the monthly publication of apprehension totals, would aid in addressing the shifting realities on the ground more effectively and expediently. It would also give elected officials and the American public more oversight on the security of the border and allow non-government actors to enhance their studies on the matter and provide innovative insight.

Incorporate data on asylum claims into the network of border security metrics.
This change would more accurately reflect the actual composition of the majority of those currently seeking entrance into the United States. Without accounting for asylum, policymakers cannot address all aspects of border security since they lack information on one of the main causes of the current crisis.

Increase research on how non-human capital increases border security.
Resources are finite, so having this information would guide how to best allocate non-human capital—such as physical barriers, sensors, and cameras—aimed at assisting in apprehending, turning back, and deterring illegal entry among border sectors. On this front, progress is already in motion. DHS has accepted the recommendations put forward by the Government Accountability Office to start statistically evaluating the deterrent capabilities of border fencing (GAO 2017b, 36) and the reliability of technology to assist in detection and apprehension (GAO 2014, 11) and will report its findings moving forward.

Expand the scope and improve the quality of border surveys.
Increasing the reliability and range of surveys will help gather data that better encompasses the characteristics of migrants that come to the American border. Primarily relying on data from adult Mexican nationals will lead to conclusions based on a dwindling border crossing community. Expanding surveys, so they better incorporate Central Americans—especially family units and asylum seekers—will lead to the gathering of better information on migration patterns from the communities that are the most responsible for the increase in illegal border crossings.

The Encuestas Sobre Migracion en las Fronteras survey mentioned above is already used for information on immigration enforcement and border security. While EMIF Norte collects information on Mexican nationals in north Mexico, EMIF also separately surveys people from Guatemala, Honduras, and El Salvador. In their EMIF Sur studies, they conduct interviews on Mexico's southern border with individuals from the Northern Triangle countries who intend to settle in Mexico or the United States indefinitely. They also survey people from those countries who were returned to their country of origin by American or Mexican immigration officials (EMIF). Incorporating both EMIF Norte and Sur when using surveys for information gathering or statistical estimates would enhance the quality of

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border security metrics. Besides EMIF, other studies may be used or devised in the future.

Besides the composition of the surveys, getting the most accurate information possible from their interviews is an important step to improve border security metrics. A proposed measure to minimize people giving false information on surveys is by using "group answers," where legal and illegal activities are grouped together to allow migrants to answer questions honestly without explicitly admitting to unlawful activity. The Government Accountability Office has indicated that individuals are more willing to answer such questions candidly (GAO 2006, 7). While this is unlikely to circumvent all untruthful answers, it can make such surveys more dependable.

Continually check the reliability of specific measurement capabilities. Introducing red-teaming—the practice of recruiting individuals to attempt crossing the border to establish the likelihood that they will be detected, undetected, or apprehended—can highlight deficiencies in border security (Morral et al., 6). Red team tests are performed by both public and private organizations and were already conducted by DHS to test the capabilities of the Transportation Security Administration (TSA) (Zenko). It is reasonable to assume that similar red team tests can be carried out on the reliability of got aways and turn backs measures or in the use of technology in assisting apprehension, among other things.

Conclusion

While the border crisis appears to be improving compared to its height in 2019, it is unfortunately not over. Thousands of foreign nationals still pour into the country every day—putting their lives at risk by undertaking the dangerous journey to the border, enriching smuggling and trafficking organizations along the way, and overwhelming the American immigration system.

Improving metrics of activity along the border is necessary for improving border security. However, consistency in the use of border security metrics is just as important as their improvement. Illegal immigration is a complex and ever-evolving phenomenon. Therefore, specific metrics and their respective collection mechanisms need to be continuously reevaluated to establish if they are still appropriate. But throughout the history of INS and DHS, new metrics have been frequently constructed and discarded. Without the continuation of specific metrics, it is difficult to make a clear historical analysis of border security since each metric measures something different—even if slightly. If specific metrics and their methodologies are not in place for more than just a few years, they will not be useful when decisions on how to make the border more secure are made. Consistent reporting and evaluation allow elected officials to have benchmarks for improvements. Without such parameters, funding and strategic planning will be made arbitrarily.

> Securing the border will help restore faith in immigration enforcement, reestablish indisputable American sovereignty, and protect national security.

Securing the border will help restore faith in immigration enforcement, reestablish indisputable American sovereignty, and protect national security. The best way to achieve this is by having quantitative information from border security metrics guide decision-making. With some improvements, data available through these metrics will become more reliable and comprehensive. ★

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References

Alvarez, Priscilla, and Geneva Sands. 2019. "US signs asylum deal with Honduras, the latest in a string of agreements with Central America." *CNN*, September 25.

Argueta, Carla N. 2016a. *Border Security: Immigration Enforcement Between Ports of Entry*. Congressional Research Service.

Argueta, Carla N. 2016b. *Border Security Metrics Between Ports of Entry*. Congressional Research Service.

Arthur, Andrew R. 2019. *Unaccompanied Alien Children and the Crisis at the Border*. Center for Immigration Studies.

Bailey, John W., Sarah K. Burns, David F. Eisler, Claire C. Fletcher, Thomas P. Frazier, Brandon R. Gould, Kristen M. Guerrera, Terry C. Heuring, Brian Q. Rieksts, Bryan Roberts, and John E. Whitley, *Assessing Southern Border Security*. Institute for Defense Analyses.

Caldwell, Leigh Ann, Alex Moe, and Kelly O'Donnell. 2019. "Emergency funding for detained migrants clears Congress." *NBC News*, June 27.

CBP (U.S. Customs and Border Patrol). 2019a. "Total Illegal Alien Apprehension by Month." Accessed October 10.

CBP (U.S. Customs and Border Patrol). 2019b. "Southwest Border Migration FY 2019." Last modified September 9, 2019.

DHS (U.S. Department of Homeland Security) Office of Immigration Statistics. 2017. *Efforts by DHS to Estimate Southwest Border Security between Ports of Entry*. DHS Office of Immigration Statistics.

DHS (U.S. Department of Homeland Security) Office of Inspector General. 2019. *DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley*. DHS Office of Inspector General.

DHS (U.S. Department of Homeland Security). 2019a. *Department of Homeland Security Border Security Metrics Report*. DHS.

DHS (U.S. Department of Homeland Security). 2019b. *Annual Performance Report Fiscal Years 2017-2019*. DHS.

DHS (U.S. Department of Homeland Security). 2019c. *The DHS Strategic Plan Fiscal Years 2020-2024*. DHS.

DOJ (U.S. Department of Justice). 2002. *Strategic Goal Five: Fairly and Effectively Administer the Immigration and Naturalization Laws of the United States*. DOJ.

Exec. Order No. 13767, Border Security and Immigration Enforcement Improvements. 82 FR 8793 (2017).

EMIF (Encuestas Sobre Migración en las Fronteras Norte y Sur de México). 2019. "Bases Metodológicas." Last updated September.

GAO (U.S. Government Accountability Office). 2006. *A "Grouped Answers" Approach to Surveying Foreign-Born Respondents*. GAO.

GAO (U.S. Government Accountability Office). 2012. *Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource needs*. GAO.

GAO (U.S. Government Accountability Office). 2013. *Goals and Measures Not Yet in Place to Inform Border Security and Resource Needs*. GAO.

GAO (U.S. Government Accountability Office). 2014. *Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness*. GAO.

GAO (U.S. Government Accountability Office). 2017a. *Actions Needed to Improve Oversight of Post-Apprehension Consequences*. GAO.

GAO (U.S. Government Accountability Office). 2017b. *Additional Actions Needed to Better Asses Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps*. GAO.

GAO (U.S. Government Accountability Office). 2019a. *DHS Should Improve the Quality of Unlawful Border Entry Information and Other Metric Reporting*. GAO.

Miroff, Nick. 2019. "Border arrests drop as Mexico's migration crackdown appears to cut crossings." *Washington Post,* July 9.

Morral, Andrew R., Henry H. Willis, and Peter Brownell. 2011. *Measuring Illegal Border Crossing Between Ports of Entry*. RAND Corporation.

National Research Council. 2013. *Options for Estimating Illegal Entries at the U.S.-Mexico Border*. National Academies Press.

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Provost, Carla. 2019. *Agency Priority Goal Action Plan Enhance Southern Border Security*. DHS.

Roberts, Bryan. 2015. *Measuring the Metrics: Grading the Government on Immigration Enforcement*. Bipartisan Policy Center.

Rosenblum, Marc R., and Faye Hipsman. 2016. *Border Metrics: How to Effectively Measure Border Security and Immigration Control*. Migration Policy Institute.

TRAC Immigration (Transactional Records Access Clearinghouse). 2018. *Asylum Decisions and Denials Jump in 2018*. TRAC Immigration.

TRAC Immigration (Transactional Records Access Clearinghouse). 2019. "Immigration Court Backlog Tool." Accessed October 10.

Zenko, Micah. 2016. "How Not to Red Team." *Council on Foreign Relations*, September 8.

ABOUT THE AUTHOR



Igor Malgahaes is a legislative fellow for Right on Imimigration at Texas Public Policy Foundation. He has been involved in numerous political campaigns throughout the state and was an intern at the Foundation in legislative affairs.

During his undergraduate studies, Igor worked in both chambers of the Texas Legislature, first as a legislative intern for a state representative during the 85th Legislative Session and then as a communications assistant for Lt. Gov. Dan Patrick during the 86th.

Igor was born in Rio de Janeiro, Brazil, and moved to Houston in 2008 when his father received an offer to open a martial arts school in the United States. Igor went on to learn English and thrive in his studies, eventually earning a bachelor of arts in government and a bachelor of arts in history with honors from the University of Texas at Austin in 2019.

Igor has a passion for immigration policy and Latin American affairs. He advocates for the preservation of American sovereignty and the rule of law while maintaining our country's rich tradition of welcoming immigrants who hope to achieve a better life in the United States and contribute to society.

About Texas Public Policy Foundation

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

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Texas Public Policy Foundation

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From: Trump, Cherise
Sent: Fri, 11 Oct 2019 17:58:13 +0000
Cc: (b)(6)
Subject: Agenda for October 15th Border Security Coalition meeting
Attachments: Border.Security.Coalition.Agenda.15.Oct.2019.v3.docx

Good afternoon,

Heritage and TPPF are looking forward to hosting you for the Inaugural Border Security Coalition Meeting on Tuesday, October 15th. Attached and below, you can find the agenda. **We hope you are able to stay afterwards for the panel event at 2PM** where Heritage and TPPF scholars will be presenting their recent works on Border Metrics (being released on Monday, Oct. 14th) and "Enforcing Immigration Law: What States Can Do…"

Please let me know if you have any questions and have a great weekend!

All the best,
Cherise

Border Security Coalition

Inaugural Meeting Agenda

Location: Van Andel Conference Room, The Heritage Foundation

Date: October 15, 2019

Time: 12:00 p.m. – 1:45 p.m.

12PM-12:10PM- Self-Serve Lunch

12:10PM- 12:15PM- Welcome by Cherise Trump, Associate Director of Coalitions, The Heritage Foundation and Introduction of Hon. John Hostettler, Vice President for Federal Affairs, States Trust, Texas Public Policy Foundation

12:15PM-12:30PM

AMERICAN OVERSIGHT

a. Call to Order (Hon. John Hostettler)

b. Review of Rationale and Aims of Border Security Coalition

c. Self-Introductions by Attendees

12:30PM- 12:45PM- Assessment of U.S. Border Security Metrics

a. Top Line Review of latest TPPF research on subject

b. Open Discussion, including Hon. Michael Dougherty, Assistant Secretary for Border, Immigration and Trade Policy, U.S. Department of Homeland Security and USCIS Chief of Staff Lora Ries

12:45PM-1:00PM- State-Level Support for U.S. Immigration Law Enforcement

a. Top Line Review of latest Heritage Foundation research on subject led by Hans von Spakovsky, and Cully Stimson, Senior Legal Fellows at the Meese Center for Legal and Judicial Studies

b. Open Discussion

1:00PM-1:15PM- Assessment of Issues with the Current Judicial Process

a. Review of the current problems with immigration courts and judges led by Cully Stimson

b. Open Discussion

1:15PM- 1:45PM- Upcoming Coalition Member Research and Action

a. TPPF, Heritage, others

b. Coalition's meeting schedule: February 2020, June, 2020 and October, 2020

c. Adjournment

Cherise Trump
Associate Director Coalition Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

Border Security Coalition
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c. Adjournment

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From: Schaefer, Brett
Sent: Thu, 10 Oct 2019 16:32:41 +0000
To: Schaefer, Brett
Subject: 8th Helms Lecture featuring the Honorable Robert Wilkie, United States Secretary of Veterans Affairs, on October 25
Attachments: 10-25 8th Helms Lecture (Sec Wilkie).pdf

Hello all,

I thought you might be interested in the 8th Helms Lecture featuring the Honorable Robert Wilkie, United States Secretary of Veterans Affairs, on October 25 from 2 to 3 PM. If you are interested in attending the lecture, please RSVP online at https://www.heritage.org/defense/event/honoring-americas-veterans-through-improved-care-and-services.

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
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The Heritage Foundation

MARGARET THATCHER CENTER FOR FREEDOM

Cordially Invite You to the Eighth Annual Helms Lecture

Honoring America's Veterans through Improved Care and Services

Featuring

The Honorable Robert Wilkie

United States Secretary of Veterans Affairs

Hosted by

Kim R. Holmes, Ph.D.

Executive Vice President, The Heritage Foundation

The Jesse Helms Lecture Series highlights foreign policies that Senator Helms championed throughout his years in office. Senator Helms was an ardent supporter of America's veterans and took particular pride in making sure that every former service member could rely on his assistance and intervention to make sure that they received the best possible care. Secretary Wilkie knows Senator Helm's commitment to this issue better than anyone having served as Counsel to the Senator.

Please join us as Secretary Wilkie discusses the progress he has made in reforming the Department of Veterans Affairs to make sure that the brave men and women who serve in America's armed forces who sacrifice so much for our safety and security receive the care and benefits they have earned.

Friday, October 25, 2019 – 2:00 PM to 3:00 PM

The Heritage Foundation's Allison Auditorium

RSVP online at heritage.org/events
Terms and conditions of attendance
All events are broadcast live at heritage.org
Media inquiries, call (202) 675-1761

For more information about the Jesse Helms Center, please visit online at www.jessehelmscenter.org

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From: Carafano, James
Sent: Tue, 8 Oct 2019 19:13:45 +0000
To: Dougherty, Michael
Subject: Fwd: Now Online: Enforcing Immigration Law: What States Can Do To Assist the Federal Government and Fight the Illegal Immigration Problem

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
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Begin forwarded message:

From: Now Online <nowonline@heritage.org>
Date: October 8, 2019 at 3:00:24 PM EDT
To: "von Spakovsky, Hans" (b)(6) .org>, "Stimson, Charles" (b)(6) org>
Subject: Now Online: Enforcing Immigration Law: What States Can Do To Assist the Federal Government and Fight the Illegal Immigration Problem

?

Enforcing Immigration Law: What States Can Do To Assist the Federal Government and Fight the Illegal Immigration Problem
http://report.heritage.org/lm254
By Hans von Spakovsky and Charles Stimson
Legal Memorandum No. 254
October 8, 2019

Illegal immigration is a growing problem that has many deleterious effects on states—from increasing costs for education, health care, and law enforcement to endangering residents who would otherwise not be victimized if criminal aliens were not in the country. While the federal government bears the chief responsibility for immigration enforcement, there are many actions state governments can take to help enforce the law, deter illegal aliens from residing in their states, and publicize the problems caused by uncontrolled, illegal immigration. Many state politicians are not aware of all that they can do at the state level to fight this problem. This research paper should act as their guide in that effort.

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Mon, 7 Oct 2019 15:16:03 +0000
To: Dougherty, Michael
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Just tried you. (b)(6) whenever you're free.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Monday, October 7, 2019 11:00 AM
To: Howell, Mike (b)(6) org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Mike, apologies I did not see this.

Can we please discuss today?

(b)(6) (cell)

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Tuesday, October 1, 2019 3:30 PM
To: Dougherty, Michael (b)(6) gov>
Cc: (b)(6) gov>
Subject: Re: Invitation to Present on Heritage/TPPF Panel

Afternoon A/S Dougherty- are we okay to send the invite out with you listed on it? Just want to ensure you're all good to go

Sent from my iPhone

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Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Sep 19, 2019, at 8:09 PM, Howell, Mike (b)(6) org> wrote:

Awesome. That's great news. Thank you. We were hoping to send out the invite next week. Would it be okay to list you? Or do you need clearance first? We could also list it as "pending" if that would work. Whatever you are comfortable with.

Sent from my iPhone

On Sep 19, 2019, at 8:07 PM, Dougherty, Michael (b)(6) gov> wrote:

Mike, if I've not responded already, delighted to participate. Gerard, please run this past speakers office.

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 5:02:49 PM
To: Dougherty, Michael (b)(6) gov>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

That would have been a good piece of info for me to pass along!!

It's October 15.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Wednesday, September 18, 2019 4:59 PM
To: Howell, Mike (b)(6) org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Hi Mike – I hope that you're enjoying it at Heritage, fascinating place with lots going on.

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I'd be happy to participate, thank you.

Do you all have a date in mind?

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 4:47 PM
To: Dougherty, Michael (b)(6) gov>
Subject: Invitation to Present on Heritage/TPPF Panel

Good Afternoon A/S Dougherty-

Mike Howell from Heritage here. I think we crossed paths a couple times when I was working for Dimple at DHS OGC. I hope everything is going well with you.

I'm reaching out to invite you to be a part of a panel discussion at an event we are hosting with the Texas Public Policy Foundation. TPPF is rolling out a border security metrics report and we are rolling out a paper by Cully Stimson on what states can do to help in the immigration space. We'd love you to join a conversation about border security broadly. Details are below:

Public Panel Event: 2PM-3:30PM
Located at THF Lehrman Auditorium
"Securing the Border and Restoring Law and Order"
Opening Remarks by Jim Carafano
Panelists:
Hon. Jim Hostettler from TPPF to discuss Border Metrics and Border Security
Hans von Spakovsky or Cully Stimson from Heritage to discuss what states can do and the subnational level
TBD, Mike Dougherty, Dept. of Homeland Security

Please let me know if you are interested, we'd love to have you. There will also be a luncheon beforehand that you are more than welcome to join.

Feel free to give me a call if you have any additional questions. I can be reached at (b)(6)

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations

AMERICAN OVERSIGHT

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Wed, 2 Oct 2019 17:54:50 +0000
To: Schaefer, Brett
Subject: Now Online: 6 Reasons Why the US Should Not Rejoin the UN World Tourism Organization

Hello all,

I thought you might be interested in this article published today.

6 Reasons Why the US Should Not Rejoin the UN World Tourism Organization
https://www.dailysignal.com/2019/10/02/6-reasons-why-the-us-should-not-rejoin-the-un-world-tourism-organization/
by Brett Schaefer and James Carafano
October 2, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Tue, 1 Oct 2019 19:29:41 +0000
To: Dougherty, Michael
Cc: (b)(6)
Subject: Re: Invitation to Present on Heritage/TPPF Panel

Afternoon A/S Dougherty- are we okay to send the invite out with you listed on it? Just want to ensure you're all good to go

Sent from my iPhone

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Sep 19, 2019, at 8:09 PM, Howell, Mike (b)(6) org> wrote:

Awesome. That's great news. Thank you. We were hoping to send out the invite next week. Would it be okay to list you? Or do you need clearance first? We could also list it as "pending" if that would work. Whatever you are comfortable with.

Sent from my iPhone

On Sep 19, 2019, at 8:07 PM, Dougherty, Michael (b)(6) gov> wrote:

Mike, if I've not responded already, delighted to participate. Gerard, please run this past speakers office.
Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security
From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 5:02:49 PM
To: Dougherty, Michael (b)(6) gov>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

That would have been a good piece of info for me to pass along!!

It's October 15.

AMERICAN OVERSIGHT

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Dougherty, Michael (b)(6) gov>
Sent: Wednesday, September 18, 2019 4:59 PM
To: Howell, Mike (b)(6) org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Hi Mike – I hope that you're enjoying it at Heritage, fascinating place with lots going on.

I'd be happy to participate, thank you.

Do you all have a date in mind?

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 4:47 PM
To: Dougherty, Michael (b)(6) gov>
Subject: Invitation to Present on Heritage/TPPF Panel

Good Afternoon A/S Dougherty-

Mike Howell from Heritage here. I think we crossed paths a couple times when I was working for Dimple at DHS OGC. I hope everything is going well with you.

I'm reaching out to invite you to be a part of a panel discussion at an event we are hosting with the Texas Public Policy Foundation. TPPF is rolling out a border security metrics report and we are rolling out a paper by Cully Stimson on what states can do to help in the immigration space. We'd love you to join a conversation about border security broadly. Details are below:

Public Panel Event: 2PM-3:30PM
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"Securing the Border and Restoring Law and Order"
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Panelists:
Hon. Jim Hostettler from TPPF to discuss Border Metrics and Border Security

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Hans von Spakovsky or Cully Stimson from Heritage to discuss what states can do and the subnational level
TBD, Mike Dougherty, Dept. of Homeland Security

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-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Mon, 30 Sep 2019 15:14:32 +0000
To: Schaefer, Brett
Subject: Now Online: A US Victory at the Universal Postal Union

Hello all,

I thought you might be interested in this article published Friday.

A US Victory at the Universal Postal Union
https://www.dailysignal.com/2019/09/27/a-us-victory-at-the-universal-postal-union/
Brett Schaefer
September 27, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Wed, 25 Sep 2019 14:24:14 +0000
To: Schaefer, Brett
Subject: Now Online: At UN, Trump Focuses on 5 Top Foreign Policy Priorities

Hello all,

I thought you might be interested in this article published yesterday.

At UN, Trump Focuses on 5 Top Foreign Policy Priorities
https://www.dailysignal.com/2019/09/24/at-un-trump-focuses-on-5-top-foreign-policy-priorities/
Brett Schaefer
September 24, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Carafano, James
Sent: Sat, 21 Sep 2019 18:59:45 +0000
To: Dougherty, Michael
Subject: Re: FYI

Please share

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Sep 21, 2019, at 2:15 PM, Dougherty, Michael (b)(6) gov> wrote:

Concur all - very well written
Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security
From: Carafano, James (b)(6) org>
Sent: Saturday, September 21, 2019 9:25:25 AM
To: Dougherty, Michael (b)(6) gov>
Subject: FYI

https://thehill.com/opinion/national-security/462411-the-difference-between-national-security-and-foreign-competition

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Carafano, James
Sent: Sat, 21 Sep 2019 13:25:25 +0000
To: Dougherty, Michael
Subject: FYI

https://thehill.com/opinion/national-security/462411-the-difference-between-national-security-and-foreign-competition

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Fri, 20 Sep 2019 00:09:35 +0000
To: Dougherty, Michael
Cc: (b)(6)
Subject: Re: Invitation to Present on Heritage/TPPF Panel

Awesome. That's great news. Thank you. We were hoping to send out the invite next week. Would it be okay to list you? Or do you need clearance first? We could also list it as "pending" if that would work. Whatever you are comfortable with.

Sent from my iPhone

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

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Mike, if I've not responded already, delighted to participate. Gerard, please run this past speakers office.
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Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security
From: Howell, Mike (b)(6) org>
Sent: Wednesday, September 18, 2019 5:02:49 PM
To: Dougherty, Michael (b)(6) .gov>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

That would have been a good piece of info for me to pass along!!

It's October 15.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)

AMERICAN OVERSIGHT

heritage.org

From: Dougherty, Michael (b)(6) .gov>
Sent: Wednesday, September 18, 2019 4:59 PM
To: Howell, Mike (b)(6) .org>
Subject: RE: Invitation to Present on Heritage/TPPF Panel

Hi Mike – I hope that you're enjoying it at Heritage, fascinating place with lots going on.

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Do you all have a date in mind?

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Howell, Mike (b)(6) .org>
Sent: Wednesday, September 18, 2019 4:47 PM
To: Dougherty, Michael (b)(6) .gov>
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Mike Howell from Heritage here. I think we crossed paths a couple times when I was working for Dimple at DHS OGC. I hope everything is going well with you.

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Hans von Spakovsky or Cully Stimson from Heritage to discuss what states can do and the subnational level
TBD, Mike Dougherty, Dept. of Homeland Security

Please let me know if you are interested, we'd love to have you. There will also be a luncheon beforehand that you are more than welcome to join.

Feel free to give me a call if you have any additional questions. I can be reached at (b)(6)

AMERICAN OVERSIGHT

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Wed, 18 Sep 2019 21:02:49 +0000
To: Dougherty, Michael
Subject: RE: Invitation to Present on Heritage/TPPF Panel

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Mike Howell
Senior Advisor, Executive Branch Relations
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Washington, DC 20002
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Border, Immigration and Trade Policy
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AMERICAN OVERSIGHT

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TBD, Mike Dougherty, Dept. of Homeland Security

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Feel free to give me a call if you have any additional questions. I can be reached at (b)(6)

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Wed, 18 Sep 2019 20:47:06 +0000
To: Dougherty, Michael
Subject: Invitation to Present on Heritage/TPPF Panel

Good Afternoon A/S Dougherty-

Mike Howell from Heritage here. I think we crossed paths a couple times when I was working for Dimple at DHS OGC. I hope everything is going well with you.

I'm reaching out to invite you to be a part of a panel discussion at an event we are hosting with the Texas Public Policy Foundation. TPPF is rolling out a border security metrics report and we are rolling out a paper by Cully Stimson on what states can do to help in the immigration space. We'd love you to join a conversation about border security broadly. Details are below:

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Hon. Jim Hostettler from TPPF to discuss Border Metrics and Border Security
Hans von Spakovsky or Cully Stimson from Heritage to discuss what states can do and the subnational level
TBD, Mike Dougherty, Dept. of Homeland Security

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-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Parks, Andrew
Sent: Mon, 16 Sep 2019 19:39:30 +0000
To: The Heritage Foundation
Subject: Important Details: Vice President Mike Pence at Heritage
Importance: High



We are delighted you will be joining us for

An Address on USMCA Trade Policy

featuring

The Honorable Mike Pence

Vice President of the United States of America

Tuesday, September 17, 2019 at 11:00 am*

The Heritage Foundation, 214 Massachusetts Ave N.E. Washington, DC 20002

Special security measures will be in place for Tuesday's program. Please take careful note of the following details and plan accordingly:

- Parking will not be available onsite at The Heritage Foundation.
- Registration and security lines will open at 9:00 a.m. for all guests.
- Due to the high number of attendees and the security screening process, please arrive no later than 9:45 a.m. so we can have all guests screened and through security no later than 10:15 a.m. when registration closes.
- Guests must be seated in the auditorium by 10:30 a.m.
- Government issued photo IDs are required for entry; please be prepared to show at security access points.
- All bags will be checked for typical restricted items. Bags/backpacks will need to be checked a coat check.
- Unregistered guests and walk-ins will be not permitted.
- Guests who arrive after registration closes will not be allowed into the event.
- Once the auditorium is at capacity, it will be closed.

AMERICAN OVERSIGHT

Sign up to receive invitations to all public events at Heritage.

The Heritage Foundation

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843





Andrew Parks
Assistant Director, Lectures and Seminars
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Carafano, James
Sent: Mon, 16 Sep 2019 14:49:54 +0000
To: Dougherty, Michael
Subject: Re: Hi Jim...

Would be great we can try after might be a bit of a mad house

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

On Sep 16, 2019, at 10:32 AM, Dougherty, Michael (b)(6) gov> wrote:

I'll be at Heritage's USCMA presentation tomorrow at 11. If you're free, it would be nice to catch up briefly afterwards.

Michael Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

AMERICAN OVERSIGHT

From: Heritage Events
Sent: Mon, 16 Sep 2019 08:28:51 -0500
To: Dougherty, Michael
Subject: Thank you for your registration

AMERICAN OVERSIGHT

Michael,

Thank you for your registration. We look forward to having you attend.

An Address on USMCA Trade Policy by Vice President Mike Pence

Tuesday, September 17, 2019 at 11:00 am

The Heritage Foundation, 214 Massachusetts Ave N.E. Washington, DC 20002

Add to Calendar

Sign up to receive invitations to all public events at Heritage.

The Heritage Foundation

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

You are subscribed to Heritage Foundation e-mails as (b)(6) gov. If you want to change you e-mail preferences, please click here to update your subscription.

-

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 12 Sep 2019 12:02:30 -0500
To: Dougherty, Michael
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on USMCA Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

The Heritage Foundation

AMERICAN OVERSIGHT

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

You are subscribed to Heritage Foundation e-mails as (b)(6) .gov. If you want to change your e-mail preferences, please click here to update your subscription.



-

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Mon, 9 Sep 2019 14:52:57 +0000
To: Schaefer, Brett
Subject: Invite: How the U.S. Should Respond to China's Rising Influence in the United Nations (Sep. 16)
Attachments: 9-16 China's Rising Influence.docx

All,

I think you might be interested in this event on China and the United Nations next Monday.

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Parks, Andrew (b)(6) org>
Sent: Monday, September 9, 2019 10:37 AM
To: Parks, Andrew (b)(6) org>
Subject: Invite: How the U.S. Should Respond to China's Rising Influence in the United Nations (Sep. 16)

See attached. Please distribute to all relevant personal and department lists. Thank you.



EVENTS

AMERICAN OVERSIGHT

How the U.S. Should Respond to China's Rising Influence in the United Nations

A Panel Discussion with

Dean Cheng
Senior Research Fellow, Asian Studies Center,
The Heritage Foundation

Victoria K. Holt
Managing Director,
The Henry L. Stimson Center

Brett Schaefer
Senior Research Fellow in International Regulatory Affairs,
Margaret Thatcher Center for Freedom,
The Heritage Foundation

Hosted and Moderated by

Walter Lohman
Director, Asian Studies Center,
The Heritage Foundation

As highlighted in a recent Heritage Foundation paper, Chinese influence in the international system has been rising for over a decade and there is growing bi-partisan concern about how that influence will affect U.S. interests. China seeks to use its expanding influence within the U.N., not because it supports the founding principles of the U.N., but in order to shift the values, programs, and policies of the U.N. in ways that benefit Chinese priorities and ideology. This shift would harm U.S. interests and undermine the system of values and practices established in the postwar era. The U.S. cannot reverse this trend entirely, but it must take strategic steps to ensure that Chinese influence is reasonably contained and its leadership is restricted and channeled in the U.N. and other international organizations in ways that do not directly undermine U.S. interests. Please join us as the panelists discuss strategies for the U.S. going forward.

Monday, September 16, 2019 – 1:30 to 2:30 PM

The Heritage Foundation's Allison Auditorium
214 Massachusetts Avenue NE, Washington, DC 20002

Register to attend in person

AMERICAN OVERSIGHT

Sign up to receive invitations to all public events
Media inquiries call (202) 675-1761
Terms and conditions of attendance



214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

-

Andrew Parks
Assistant Director, Lectures and Seminars
(b)(6)

AMERICAN OVERSIGHT

DHS-001-01395-000100 08/17/2023

The Heritage Foundation

INVITATION

How the U.S. Should Respond to China's Rising Influence in the United Nations

A Panel Discussion with

Dean Cheng
Senior Research Fellow, Asian Studies Center,
The Heritage Foundation

Victoria K. Holt
Managing Director,
The Henry L. Stimson Center

Brett Schaefer
Senior Research Fellow in International Regulatory Affairs,
Margaret Thatcher Center for Freedom,
The Heritage Foundation

Hosted and Moderated by

Walter Lohman
Director, Asian Studies Center,
The Heritage Foundation

As highlighted in a recent Heritage Foundation paper, Chinese influence in the international system has been rising for over a decade and there is growing bi-partisan concern about how that influence will affect U.S. interests. China seeks to use its expanding influence within the U.N., not because it supports the founding principles of the U.N., but in order to shift the values, programs, and policies of the U.N. in ways that benefit Chinese priorities and ideology. This shift would harm U.S. interests and undermine the system of values and practices established in the postwar era. The U.S. cannot reverse this trend entirely, but it must take strategic steps to ensure that Chinese influence is reasonably contained and its leadership is restricted and channeled in the U.N. and other international organizations in ways that do not directly undermine U.S. interests. Please join us as the panelists discuss strategies for the U.S. going forward.

Monday, September 16, 2019 – 1:30 to 2:30 PM

RSVP online at heritage.org/events
Terms and conditions of attendance
All events are broadcast live at heritage.org
Media inquiries, call (202) 675-1761

214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400

AMERICAN OVERSIGHT
DHS-001-01395-000100 08/17/2023
DHS-19-1228-A-000100

DHS-001-01395-000101 08/17/2023

The Heritage Foundation

INVITATION

The Heritage Foundation's Allison Auditorium

RSVP online at heritage.org/events
Terms and conditions of attendance
All events are broadcast live at heritage.org
Media inquiries, call (202) 675-1761

214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400

AMERICAN OVERSIGHT
DHS-001-01395-000101 08/17/2023
DHS-19-1228-A-000101

From: Howell, Mike
Sent: Fri, 6 Sep 2019 15:32:49 +0000
To: Howell, Mike
Subject: Invitation to Heritage Honors Gala (Oct. 22)
Attachments: Heritage Honors Gala Invitation.pdf

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

You can register online at www.heritagehonors.org with the invite code (b)(6) This invitation is non-transferrable.

Hope to see you there,
Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000103 08/17/2023

THE HERITAGE FOUNDATION Honors

HERITAGE PRESIDENT KAY C. JAMES
CORDIALLY INVITES YOU TO
OUR INAUGURAL GALA

Join us as we celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

TUESDAY, OCTOBER 22, 2019

6:00 – 8:30 p.m.
(doors open at 5:30 p.m.)

MARRIOTT MARQUIS
Washington, DC

black tie

Register online at
HERITAGEHONORS.ORG
with invite code (b)(6).

Registration for you and your guest is complimentary.
Invitation is non-transferable.

AMERICAN OVERSIGHT
DHS-001-01395-000103 08/17/2023
DHS-19-1228-A-000103

From: Schaefer, Brett
Sent: Tue, 27 Aug 2019 14:05:09 +0000
To: Schaefer, Brett
Subject: Now Online: U.S. needs to respond to rising Chinese influence in the United Nations

All,

I thought you might be interested in this op-ed published yesterday.

U.S. needs to respond to rising Chinese influence in the United Nations
https://www.washingtontimes.com/news/2019/aug/26/us-needs-respond-rising-chinese-influence-united-n/
Brett Schaefer
Washington Times
August 26, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Wed, 21 Aug 2019 13:53:02 +0000
To: Schaefer, Brett
Subject: Now Online: How the U.S. Should Address Rising Chinese Influence at the United Nations

All,

I thought you might be interested in this paper published yesterday.

How the U.S. Should Address Rising Chinese Influence at the United Nations
http://report.heritage.org/bg3431
By Brett D. Schaefer
Backgrounder No. 3431
August 20, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Schaefer, Brett
Sent: Tue, 25 Jun 2019 14:09:26 +0000
To: Schaefer, Brett
Subject: Why America should not join the United Nations on World Tourism

All,

I thought you might be interested in this article published yesterday.

Why America should not join the United Nations on World Tourism
https://thehill.com/opinion/international/450062-why-america-should-not-join-the-united-nations-on-world-tourism
Brett Schaefer and James Carafano
June 24, 2019

Best,

Brett

Brett Schaefer
Jay Kingham Senior Research Fellow in International Regulatory Affairs
Margaret Thatcher Center for Freedom Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Quintana, Ana
Sent: Fri, 13 Sep 2019 15:08:31 +0000
To: Mitnick, John
Subject: Pence event at Heritage

Hi John,

Saw your name on the RSVP list. Hope to see you then! Let's try and set that coffee / lunch up soon.

Regards,

Ana

Ana Quintana
Senior Policy Analyst, Latin America and Western Hemisphere
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 12 Sep 2019 12:01:56 -0500
To: Mitnick, John
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on USMCA Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

The Heritage Foundation

AMERICAN OVERSIGHT

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Fri, 6 Sep 2019 15:33:56 +0000
To: Howell, Mike
Subject: Invitation to Heritage Honors Gala (Oct. 22)
Attachments: Heritage Honors Gala Invitation.pdf

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

You can register online at www.heritagehonors.org with the invite code (b)(6) This invitation is non-transferrable.

Hope to see you there,
Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000112 08/17/2023

THE HERITAGE FOUNDATION Honors

HERITAGE PRESIDENT KAY C. JAMES
CORDIALLY INVITES YOU TO
OUR INAUGURAL GALA

Join us as we celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

TUESDAY, OCTOBER 22, 2019

6:00 – 8:30 p.m.
(doors open at 5:30 p.m.)

MARRIOTT MARQUIS
Washington, DC

black tie

Register online at
HERITAGEHONORS.ORG
with invite code (b)(6) .

Registration for you and your guest is complimentary.
Invitation is non-transferable.

AMERICAN OVERSIGHT
DHS-001-01395-000112 08/17/2023
DHS-19-1228-A-000112

From: Heritage Events
Sent: Thu, 5 Sep 2019 08:06:05 -0500
To: Mitnick, John
Subject: Thank you for your registration

AMERICAN OVERSIGHT

John,

Thank you for your registration. We look forward to having you attend.

An Address by Vice President Mike Pence

Tuesday, September 17, 2019 at 11:00 am

The Heritage Foundation, 214 Massachusetts Ave N.E. Washington, DC 20002

Add to Calendar

Sign up to receive invitations to all public events at Heritage.

The Heritage Foundation

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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-

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 5 Sep 2019 08:02:21 -0500
To: Mitnick, John
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

The Heritage Foundation

AMERICAN OVERSIGHT

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-

AMERICAN OVERSIGHT

From: Mitnick, John
Sent: Mon, 16 Sep 2019 18:02:12 +0000
To: Quintana, Ana
Subject: RE: Pence event at Heritage

Hi Ana,

Yes, see you tomorrow! We can chat about coffee/lunch then.

Best,
John

John M. Mitnick
General Counsel
Department of Homeland Security
(b)(6)

From: Quintana, Ana (b)(6) org>
Sent: Friday, September 13, 2019 11:09 AM
To: Mitnick, John <john.mitnick@hq.dhs.gov>
Subject: Pence event at Heritage

Hi John,

Saw your name on the RSVP list. Hope to see you then! Let's try and set that coffee / lunch up soon.

Regards,

Ana

Ana Quintana
Senior Policy Analyst, Latin America and Western Hemisphere
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

Sent: Sat, 19 Oct 2019 02:18:02 +0000
To: Marguerite Telford
Cc: Miller, Bennett
Subject: RE: stakeholder meetings

Marguerite – sorry to take longer than I'd anticipated to get back to you on this.

You are correct; CRCL has lots of stakeholder meetings. Some are regularly in several cities across the country, others are more episodic, at the request of different stakeholders/groups. Since I see you're in DC, I'm pretty sure you're referring to meetings we have, often though not always here at CRCL headquarters, 3-4 times a year with a group of immigration stakeholders.

As background, when I got here I heard about this meeting and in looking into it found out it is not a "FACA" meeting. CRCL does not invite stakeholders to it, but is requested to meet with stakeholders, who seem to loosely affiliate for this purpose, and have designated co-chairs, who are the instigators for setting up the meetings. I'm told many of the current groups who send representatives coordinated when the DHS authorization act was passed to lobby for creation of CRCL.

CRCL has gotten other requests over the years from DC area stakeholders who heard about the meeting & wanted to attend. Because it is not CRCL's meeting, I was told that we handle these requests by referring the requester to the then current co-chairs. While many of the organizations have been the same for a number of years, the two co-chairs seem to change sufficiently frequently that I had to get the names from staff, which took a couple days. It also appears from CRCL staff response that currently we may hear from multiple folks from the two current co-chair *organizations*.

Please reach out to the co-chair groups to request inclusion in the roundtable. American Immigration Council and Arab American Institute are the current organizations. Below are the emails we regularly engage with at the two co-chair organizations.

- (b)(6) @immcouncil.org
- (b)(6) @immcouncil.org
- (b)(6) @immcouncil.org
- (b)(6) @aaiusa.org
- (b)(6) @aaiusa.org

The last meeting was recently, and I know that they are discussing tentative dates in January for the next meeting.

I've cc'd Bennett Miller, my Sr. Policy Advisor, if you have any further questions, or there are any problems. He's more likely to be able to respond more promptly than I sometimes am able.

From: Marguerite Telford (b)(6) .org>
Sent: Tuesday, October 15, 2019 11:23 AM
To: Quinn, Cameron (b)(6) gov>
Subject: stakeholder meetings

AMERICAN OVERSIGHT

Cameron,

I see that on the CRCL website reference stakeholder meetings are referenced. Rumor has it that stakeholder meetings are taking place at CRCL in reference to immigration issues, yet my organization has not been contacted. The Center for Immigration Studies would like to be included in these meetings. I know you like to have groups representing both sides of an issue present, so I am providing you my contact information below.

I am contacting you due to your position as a political appointee. If you would prefer I reach out to a different individual, please let me know.

Marguerite Telford

--

Marguerite Telford
Director of Communications
Center for Immigration Studies
1629 K Street NW, Suite 600
Washington, DC 20006
(b)(6) fax: (b)(6)
(b)(6) org www.cis.org

AMERICAN OVERSIGHT

From: Marguerite Telford
Sent: Fri, 18 Oct 2019 19:48:43 -0700
To: Quinn, Cameron
Subject: Out of Office RE: stakeholder meetings

I am away from the office until September 21. I will have intermittent access to email, and will get back to you as quickly as possible.

If this is an urgent request, please contact Bryan Griffith at (b)(6) org or call the CIS office at (b)(6)

Marguerite

--
Marguerite Telford
Director of Communications
Center for Immigration Studies
1629 K Street NW, Suite 600
Washington, DC 20006
(b)(6) fax: (b)(6)
(b)(6) org www.cis.org

AMERICAN OVERSIGHT

From: Kay Coles James
Sent: Tue, 15 Oct 2019 23:03:48 -0500
To: Quinn, Cameron
Subject: Your weekly agenda

Cameron,

Thank you for signing up to get emails from The Heritage Foundation! You will receive The Agenda, a weekly insights email from Heritage experts.

Every week, you will get powerful insights about the week's top stories, links to articles and videos by Heritage experts, updates on lectures and events, and exclusive Heritage content.

Once you get it, please let me know what you think — I value your feedback.

Thank you for your support and your unwavering commitment to reclaiming America.

Sincerely,

Kay Coles James
President
The Heritage Foundation



The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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-

AMERICAN OVERSIGHT

From: Marguerite Telford
Sent: Tue, 15 Oct 2019 11:23:26 -0400
To: Quinn, Cameron
Subject: stakeholder meetings

Cameron,

I see that on the CRCL website reference stakeholder meetings are referenced. Rumor has it that stakeholder meetings are taking place at CRCL in reference to immigration issues, yet my organization has not been contacted. The Center for Immigration Studies would like to be included in these meetings. I know you like to have groups representing both sides of an issue present, so I am providing you my contact information below.

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Marguerite Telford

--
Marguerite Telford
Director of Communications
Center for Immigration Studies
1629 K Street NW, Suite 600
Washington, DC 20006
(b)(6) fax: (b)(6)
(b)(6) org www.cis.org

AMERICAN OVERSIGHT

From: Heritage Events
Sent: Wed, 25 Sep 2019 13:53:23 -0500
To: Quinn, Cameron
Subject: Thank you for your registration.

The Heritage Foundation

Cameron,

Thank you for your registration.

Religious Liberty in the Trump Administration
Tuesday, October 8, 2019 | 12:00 pm - 1:00 pm
Add to Calendar

Sign Up to receive invitations to all public events at Heritage.

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

You are subscribed to Heritage Foundation e-mails as (b)(6) gov. If you want to change your e-mail preferences, please click here to update your subscription.

-

AMERICAN OVERSIGHT

From: Quinn, Cameron
Sent: Sat, 19 Oct 2019 02:48:33 +0000
To: Marguerite Telford
Cc: Miller, Bennett
Subject: RE: stakeholder meetings

Marguerite – sorry to take longer than I'd anticipated to get back to you on this.

You are correct; CRCL has lots of stakeholder meetings. Some are regularly in several cities across the country, others are more episodic, at the request of different stakeholders/groups. Since I see you're in DC, I'm pretty sure you're referring to meetings we have, often though not always here at CRCL headquarters, 3-4 times a year with a group of immigration stakeholders.

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- (b)(6) @aaiusa.org
- (b)(6) @aaiusa.org

The last meeting was recently, and I know that they are discussing tentative dates in January for the next meeting.

I've cc'd Bennett Miller, my Sr. Policy Advisor, if you have any further questions, or there are any problems. He's more likely to be able to respond more promptly than I sometimes am able.

I look forward to meeting you! Cameron

AMERICAN OVERSIGHT

Cameron P. Quinn,
Officer, Civil Rights and Civil Liberties
US Department of Homeland Security
(b)(6)
(b)(6) .gov

DHS - With honor and integrity, we will safeguard the American people, our homeland, and our values.

From: Marguerite Telford (b)(6) .org>
Sent: Tuesday, October 15, 2019 11:23 AM
To: Quinn, Cameron (b)(6) .gov>
Subject: stakeholder meetings

Cameron,

I see that on the CRCL website reference stakeholder meetings are referenced. Rumor has it that stakeholder meetings are taking place at CRCL in reference to immigration issues, yet my organization has not been contacted. The Center for Immigration Studies would like to be included in these meetings. I know you like to have groups representing both sides of an issue present, so I am providing you my contact information below.

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Marguerite Telford
Director of Communications
Center for Immigration Studies
1629 K Street NW, Suite 600
Washington, DC 20006
(b)(6) fax: (b)(6)
(b)(6) .org www.cis.org

AMERICAN OVERSIGHT

From: Quinn, Cameron
Sent: Mon, 1 Jul 2019 23:22:44 +0000
To: 'von Spakovsky, Hans'
Subject: FW: Our New Report Measures the Impact of the Trump Administration's Immigration Enforcement Approach

ICYMBI

From (b)(6) American Immigration Council (b)(6) @immcouncil.org>
Sent: Monday, July 1, 2019 4:04 PM
To: Quinn, Cameron (b)(6) .gov>
Subject: Our New Report Measures the Impact of the Trump Administration's Immigration Enforcement Approach

American Immigration Council

Cameron,

There must be a fair and transparent approach to immigration enforcement. Yet, the Trump administration's indiscriminate approach to interior enforcement is having a serious impact on both noncitizens and citizens around the country.

Since taking office, this administration has broadened the notion of enforcement priorities, eliminated humanitarian protections that shielded certain groups from deportation, and expanded enforcement activities within communities.

With our new report, "**Changing Patterns of Interior Immigration Enforcement in the United States, 2016–2018**," we are exposing the extent to which this approach has created new categories of individuals who are vulnerable to enforcement actions.

AMERICAN OVERSIGHT

Our analysis of government data revealed that:

- There was a sharp increase in the number of U.S. citizens encountered by U.S. Immigration and Customs Enforcement (ICE) during the first part of the Trump administration—compared to the last part of the Obama administration.
- Proportionally, ICE encountered and arrested more women during the first part of the Trump administration than it did during the last part of the Obama administration.
- Over 85 percent of all removals in the first part of the Trump administration involved individuals either with no criminal convictions or with only non-violent convictions.

Download the Special Report

This report is based on data we obtained through Freedom of Information Act (FOIA) litigation and is part of our efforts to promote greater transparency regarding ICE's enforcement practices.

Sincerely,



Guillermo Cantor
Director of Research

Make a Contribution

AMERICAN OVERSIGHT



ImmigrationCouncil.org | unsubscribe
1331 G St. NW Suite 200. Washington, D.C., 20005

AMERICAN OVERSIGHT

DHS-001-01395-000129 08/17/2023

From: Chang, Hayley on behalf of (b)(6)
Sent: Mon, 29 Jul 2019 18:14:25 +0000
To: Mitnick, John;Mizelle, Chad;Maher, Joseph;Palmer, David;Fishman, George;Martin, Cynthia;(b)(6);Krebs, Christopher;Glawe, David;Block, Andrew;Brosnan, Kyle;Ding, Michael;Fausett, Andrew;Brzozowski, Christa;Dougherty, Michael;Neumann, Elizabeth;Shah, Dimple;Ware, Bryan;Wolf, Chad;McDermott, Thomas M;Beattie, Brien;D'Antonio, Christopher;Kronisch, Matthew;Wonnenberg, David;Slater, Gabriel;Taran, Gabriel;Singer, Samuel;Ciccone, Christine (b)(6) com;Dinh, Uyen (b)(6) ;Short, Tracy;Ogden, Jason (b)(6) com;Brown, Cameron;Sevier, Adrian;Davis, Mike P;FALK, SCOTT K (OCC);HIGHSMITH, ANNMARIE (OCC);COUREY, MARC BENNETT (OCC);SMITH, FREDERICK B (OCC);KOLLER, JULIE (OCC);Browne, Rene;Swartz, Neal;Havranek, John;Gereski Jr, John;Kaminsky, Glenn (b)(6) Bruce, Patrick;Fattal, Joshua;Andersen, Steven J RADM;Lederer, Calvin M SES;Sinclair, Michael R. EOP/NSC;DERMODY, JOHN;Saltalamachea, Michael;McDonald, Christina;Houser, David;Dornburg, Erica;Readinger, Jeff;Newman, Amy;Baroukh, Nader;Kelliher, Brian;CAHILL DONNA L;Petyo, Briana;Boyd, Valerie;Kaplan, Sam;Ray, Charles W ADM;Price, Daniel;Kerner, Francine (b)(6) (b)(6) McCament, James;Howell, Mike (b)(6) ;Gountanis, John;Dena Kozanas;Erickson, Scott;Sutherland, Daniel;Kaufman, Steven
Subject: FW: Hayley Chang's Farewell Happy Hour

All,

Join us at Mission on Friday as we bid farewell to Hayley!

Place: Mission, Navy Yard – 1221 Van St SE
Room: Cactus Room
Date and Time: Friday, August 2nd, 5-7p

AMERICAN OVERSIGHT

From: RSVP - Special Events
Sent: Fri, 1 Nov 2019 12:35:08 +0000
To: Shah, Dimple
Subject: RE: Photos from Heritage Honors gala

Good Morning,

You should enter HeritageEvents for the passcode – with that specific capitalization and no space.

Thank You,

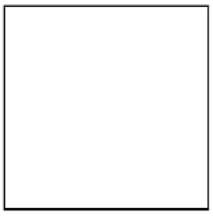
(b)(6)

From: Shah, Dimple [mailto(b)(6) .gov]
Sent: Thursday, October 31, 2019 3:01 PM
To: RSVP - Special Events (b)(6) @heritage.org>
Subject: Re: Photos from Heritage Honors gala

Apologies. What is the password to access the photos. I am not able to see them. Thank you!

Dimple Shah

From: Janine Ryan, The Heritage Foundation (b)(6) @heritage.org>
Sent: Wednesday, October 30, 2019 3:46:57 PM
To: Shah, Dimple (b)(6) .gov>
Subject: Photos from Heritage Honors gala



Dear Dimple,

Thank you again for joining us last week at the Heritage Honors gala.

AMERICAN OVERSIGHT

Photos from the gala are now available online. Enter *HeritageEvents* to access the gallery. (Your red carpet photos are available here).

You may download your favorite photos at no charge through the end of November. To do so, click on a photo and select "download" above the image. Enter PIN *6360*.

We were honored to gather 1,500 Heritage members and friends in one place to celebrate America's founding values, to honor Heritage's founder Dr. Ed Feulner, and to launch the Edwin J. Feulner Institute dedicated to building consensus around our unique American principles.

Thank you for joining us for this special evening. **I hope you'll take a few minutes to relive the highlights of the gala by watching and sharing this video** of some of the most memorable moments of the night.

Sincerely,

Janine Ryan
Director, Events and Programming
The Heritage Foundation

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

You are subscribed to Heritage Foundation event communication emails as (b)(6) gov. If you want to change your event e-mail preferences, please click here to update your subscription.

AMERICAN OVERSIGHT

From: Janine Ryan, The Heritage Foundation
Sent: Wed, 30 Oct 2019 14:46:57 -0500
To: Shah, Dimple
Subject: Photos from Heritage Honors gala

AMERICAN OVERSIGHT

THE HERITAGE FOUNDATION

Honors

Dear Dimple,

Thank you again for joining us last week at the Heritage Honors gala.

Photos from the gala are now available online. Enter *HeritageEvents* to access the gallery. (Your red carpet photos are available here).

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Janine Ryan
Director, Events and Programming

AMERICAN OVERSIGHT

The Heritage Foundation

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

You are subscribed to Heritage Foundation event communication emails as (b)(6) gov. If you want to change your event e-mail preferences, please click here to update your subscription.

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AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Mon, 28 Oct 2019 16:31:26 -0500
To: Shah, Dimple
Subject: What an incredible night!

AMERICAN OVERSIGHT

THE HERITAGE FOUNDATION

Honors

Dear Dimple,

What a night! Thank you for joining us last Tuesday evening for our inaugural Heritage Honors gala. We are so thrilled that so many Heritage members, distinguished guests, and American patriots joined us for a special evening as we celebrated our founding American principles and values.

What an honor to hear from Vice President Mike Pence. He has been a champion of liberty and opportunity throughout his career, and his remarks reinforced the importance of fighting for conservative principles.

We were truly delighted to have Dean Cain emcee this special evening. He is a principled voice in Hollywood, and a true patriot.

We also recognized a great conservative leader. Dr. Ed Feulner has left an indelible legacy in the conservative movement, and we owe him a debt of gratitude. He rightly joins the ranks of leaders like Ronald Reagan, Margaret Thatcher, and Ed Meese who have received the Clare Boothe Luce Award.

The stories we heard from Daniel Di Martino and Kyle Carpenter demonstrated the beauty of freedom that brings hope to the oppressed and to those who defend her. And young Jolly Swag

AMERICAN OVERSIGHT

reminded us how important it is teach our children the stories of our American history.

Lastly, we launched the Edwin J. Feulner Institute, dedicated to restoring confidence in America, bolstering our founding values, and preserving the American dream. I hope that you will partner with us in this important work as we seek to reach new audiences and build consensus around our American values.

If you'd like to relive this incredible evening, **please click here to view and share a short video** of some of the most memorable moments of the 2019 Heritage Honors gala.

Thank you for joining us. In the words of Dr. Feulner, "Onward!"

Sincerely,

Kay Coles James
President
The Heritage Foundation

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

You are subscribed to Heritage Foundation event communication emails as (b)(6) gov. If you want to change your event e-mail preferences, please click here to update your subscription.

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AMERICAN OVERSIGHT

From: Janine Ryan, The Heritage Foundation
Sent: Tue, 22 Oct 2019 10:09:08 -0500
To: Shah, Dimple
Subject: REMINDER: IMPORTANT Details for Heritage Honors Gala, Tues. Oct. 22

AMERICAN OVERSIGHT

The Heritage Foundation

Dear Dimple,

We are delighted you will be joining us tonight, Tuesday, October 22, for The Heritage Foundation's inaugural black-tie **Heritage Honors gala**.

We have an incredible evening planned with keynote remarks from **The Honorable Mike Pence, Vice President of the United States**, inspiring musical performances, compelling stories that showcase American principles and values, and of course, a tribute to Heritage's founder, Dr. Edwin J. Feulner. We are also thrilled to have actor and producer **Dean Cain** emceeing this memorable event.

IMPORTANT SECURITY AND ARRIVAL INFORMATION

Additional security measures will be in place for the gala with over 1,500 guests expected. Please take careful note of the following details and plan accordingly:

- **Schedule UPDATE**: Please note **the schedule has shifted slightly.**
  - **4:45 p.m. – Check-in opens on the M1 level of the hotel** (once checked in, you'll proceed to level M2 for security screening and entrance to the ballroom)
  - 5:00 – 6:30 p.m. – Reception in ballroom on the M2 level
  - **6:45 p.m. – Program begins** (Note: all guests must be seated in the ballroom by 6:45 p.m. due to security)
  - 9:00 p.m. – Program ends; Dessert Reception begins
- **Security Information:**
  - Photo ID is required for entry; please be prepared to show at check-in.
  - No large bags/backpacks are permitted. All bags will be screened.

AMERICAN OVERSIGHT

- The event is sold out and over capacity. Walk-in guests will **NOT** be permitted.

- **Parking and Transportation:**
  - Valet parking at the Marriott Marquis **will be very limited**. Please mention The Heritage Foundation to receive the discounted rate of $35 per vehicle.
  - Car services and ride sharing are highly encouraged due to limited parking availability at the venue. **If using car or ride sharing service, please use 920 L Street NW as the drop-off location.**
  - For additional nearby garage options, please click here.

VENUE

Marriott Marquis Washington DC
901 Massachusetts Avenue NW (*note alt. address above for car service drop-off)
Washington, DC 20001

ATTIRE

Attire for the gala is black-tie.

CHANGE OF PLANS OR QUESTIONS

If your plans should change and you will no longer be able to attend, please contact The Heritage Foundation Special Events department at (202) 608-1524 or (b)(6)@heritage.org. **As a reminder, we have reached capacity for this event and will not be able to accept additional guests or walk-ins.**

We look forward to spending this special evening with you!

Sincerely,

Janine Ryan
Director, Events and Programming

AMERICAN OVERSIGHT

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

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AMERICAN OVERSIGHT

From: Janine Ryan, The Heritage Foundation
Sent: Sat, 19 Oct 2019 16:31:54 -0500
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We have an incredible evening planned with keynote remarks from **The Honorable Mike Pence, Vice President of the United States**, inspiring musical performances, compelling stories that showcase American principles and values, and of course, a tribute to Heritage's founder, Dr. Edwin J. Feulner. We are also thrilled to have actor and producer **Dean Cain** emceeing this memorable event.

IMPORTANT SECURITY AND ARRIVAL INFORMATION

Additional security measures will be in place for the gala with over 1,500 guests expected. Please take careful note of the following details and plan accordingly:

- **Schedule UPDATE**: Please note **the schedule has shifted slightly.**
  - **4:45 p.m. – Check-in opens on the M1 level of the hotel** (once checked in, you'll proceed to level M2 for security screening and entrance to the ballroom)
  - 5:00 – 6:30 p.m. – Reception in ballroom on the M2 level
  - **6:45 p.m. – Program begins** (Note: all guests must be seated in the ballroom by 6:45 p.m. due to security)
  - 9:00 p.m. – Program ends; Dessert Reception begins
- **Security Information:**
  - Photo ID is required for entry; please be prepared to show at check-in.
  - No large bags/backpacks are permitted. All bags will be screened.

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- The event is sold out and over capacity. Walk-in guests will **NOT** be permitted.

- **Parking and Transportation:**
  - Valet parking at the Marriott Marquis **will be very limited**. Please mention The Heritage Foundation to receive the discounted rate of $35 per vehicle.
  - Car services and ride sharing are highly encouraged due to limited parking availability at the venue. **If using car or ride sharing service, please use 920 L Street NW as the drop-off location.**
  - For additional nearby garage options, please click here.

VENUE

Marriott Marquis Washington DC
901 Massachusetts Avenue NW (*note alt. address above for car service drop-off)
Washington, DC 20001

ATTIRE

Attire for the gala is black-tie.

CHANGE OF PLANS OR QUESTIONS

If your plans should change and you will no longer be able to attend, please contact The Heritage Foundation Special Events department at (202) 608-1524 or (b)(6)@heritage.org. **As a reminder, we have reached capacity for this event and will not be able to accept additional guests or walk-ins.**

We look forward to spending this special evening with you!

Sincerely,

Janine Ryan
Director, Events and Programming

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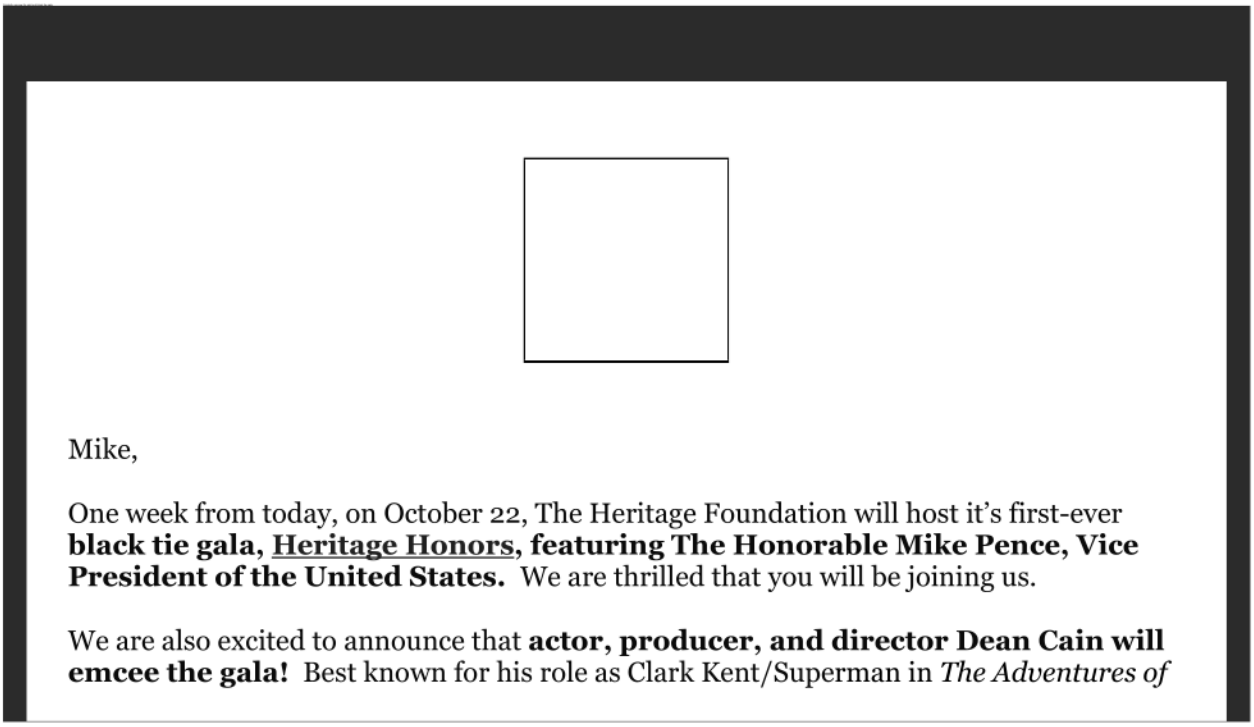
From: Howell, Mike
Sent: Wed, 16 Oct 2019 20:17:25 +0000
To: Undisclosed recipients:
Subject: FW: Exciting news for Heritage Honors gala on October 22

Good Afternoon-

Looking forward to seeing you at the gala next Tuesday. As a heads up, I was reminded by DHS OGC Ethics that you need *prior written approval* to attend. So just make sure to email and get sign off from (b)(6) gov and let me know if there are any issues, which there should not be from an ethics perspective.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Kay Coles James, The Heritage Foundation (b)(6) @heritage.org>
Sent: Tuesday, October 15, 2019 6:31 PM
To: Howell, Mike (b)(6) org>
Subject: Exciting news for Heritage Honors gala on October 22



Mike,

One week from today, on October 22, The Heritage Foundation will host it's first-ever **black tie gala, Heritage Honors, featuring The Honorable Mike Pence, Vice President of the United States.** We are thrilled that you will be joining us.

We are also excited to announce that **actor, producer, and director Dean Cain will emcee the gala!** Best known for his role as Clark Kent/Superman in *The Adventures of*

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Lois and Clark, Dean is also a staunch supporter of the American principles and values that we will celebrate during this special program.

With over 1,500 RSVPs, the gala has reached capacity and we have closed registration for this function. We are honored to have such a strong response to this program, which promises to be an unforgettable experience.

We're looking forward to seeing you soon! If your plans have changed and you are no longer able to attend, please contact (b)(6) org or 202-608-1524.

Thank you in advance for joining us at this special evening. I promise you will be glad you didn't miss out!

Sincerely,

Kay Coles James
President
The Heritage Foundation

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From: Kay Coles James, The Heritage Foundation
Sent: Tue, 15 Oct 2019 17:31:20 -0500
To: Shah, Dimple
Subject: Exciting news for Heritage Honors gala on October 22

[redacted]

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Dimple,

One week from today, on October 22, The Heritage Foundation will host it's first-ever **black tie gala, Heritage Honors, featuring The Honorable Mike Pence, Vice President of the United States.** We are thrilled that you will be joining us.

We are also excited to announce that **actor, producer, and director Dean Cain will emcee the gala!** Best known for his role as Clark Kent/Superman in *The Adventures of Lois and Clark*, Dean is also a staunch supporter of the American principles and values that we will celebrate during this special program.

With over 1,500 RSVPs, the gala has reached capacity and we have closed registration for this function. We are honored to have such a strong response to this program, which promises to be an unforgettable experience.

We're looking forward to seeing you soon! If your plans have changed and you are no longer able to attend, please contact (b)(6) @heritage.org or 202-608-1524.

Thank you in advance for joining us at this special evening. I promise you will be glad you didn't miss out!

Sincerely,

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Kay Coles James

President

The Heritage Foundation

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From: Howell, Mike
Sent: Tue, 8 Oct 2019 21:21:38 +0000
To: Howell, Mike
Subject: New Report- Enforcing Immigration Law: What State Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem
Attachments: States Role in Immigration Enforcement.pdf

Good Afternoon,

I thought you might be interested in this…

Today the Heritage Foundation released a report titled Enforcing Immigration Law: What States Can Do to Assist the Federal Government and Fight the Illegal Immigration Problem, by Hans von Spakovsky and Charles Stimson. The report lays out policies that states can implement, including:

- Require licensed businesses to use E-Verify
- Target businesses who knowingly hire illegal aliens
- Require state and local law enforcement to determine immigration status
- Prevent sanctuary policies in counties and cities
- Empower legal residents to sue officials who thwart immigration law enforcement
- Require law enforcement to participate in the 287(g) Program
- Publish crimes committed by aliens

While the federal government bears the chief responsibility for immigration enforcement, states must do more, and certainly not continue policies that inhibit the removal of illegal aliens.

Please feel free to contact me if you would like more information or to discuss the recommendations.

-Mike

Mike Howell
Senior Advisor, Executive Branch Relations
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DHS-001-01395-000153 08/17/2023

The Heritage Foundation

LEGAL MEMORANDUM

No. 254 | OCTOBER 8, 2019

EDWIN MEESE III CENTER FOR LEGAL & JUDICIAL STUDIES

Enforcing Immigration Law: What States Can Do To Assist the Federal Government and Fight the Illegal Immigration Problem

Hans von Spakovsky and Charles Stimson

KEY TAKEAWAYS

Many state politicians are not aware of all that they can do at the state level to fight illegal immigration.

States can pass licensing and similar laws directed at those who employ, recruit, transport, or refer illegal aliens.

The assistance and support of the states is essential to comprehensive and effective enforcement of our immigration laws.

States play, and should continue to play, an important role in enforcing federal immigration law—but more can be done by the states. The problem is many state politicians are not aware of all that they can do at the state level to fight illegal immigration. This research paper should act as their guide in that effort. True, the federal government has the primary role in establishing immigration rules for the country, including the employment rules governing noncitizens. But the states do have a supporting role.

It is "well settled," says the U.S. Supreme Court, that it is the federal government, not state governments, that "has broad, undoubted power over the subject of immigration and the status of aliens."[1] But the "pervasiveness of federal regulation does not diminish the importance of immigration policy to the States," which bear the many "consequences of unlawful immigration."[2]

This paper, in its entirety, can be found at **http://report.heritage.org/lm254**

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Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

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States can legislate and act in this space to a limited—but crucial—extent as long as their actions are not preempted by federal law. For example, states can pass licensing and similar laws directed at those who employ, recruit, or refer for a fee illegal aliens. There is no doubt, given the enormity of the problem and the limited resources of the federal government, that the assistance and support of the states is essential to comprehensive and effective enforcement of our immigration laws.

How Great Is the Problem?

The federal government, despite its vast financial resources and expansive workforce, simply does not have the manpower to enforce every federal immigration law. That is where the states come in, as they are force multipliers in confronting the problem—and no one can rationally deny that we have an illegal alien problem in this country. According to the U.S. government, there were 12 million illegal aliens residing in the U.S. in 2015.[3] Another study says the number in 2016 may have ranged from almost 17 million to as high as 22 million.[4]

Illegal aliens have a fiscal impact on local governments due to costs incurred for public education, health care, law enforcement,[5] and other government services.[6] States primarily fund those local essential government services, and, as a result, bear the burden of those costs. States, and the citizens who live there, feel the impact of illegal immigration much more than federal bureaucrats squirreled away in Washington, DC.

States and, in some instances, counties within states, can—and indeed should—play a crucial role in the enforcement of federal immigration law. For too long, opponents of commonsense, step-by-step immigration reform have repeated the myth that only the federal government can enforce immigration law or pass immigration laws. That is simply not true.

What States Can Do

What follows is a list of the major types of laws that states have passed to enforce immigration law at the state level, and a discussion about how they work, and why they make common sense.

Require Licensed Businesses to Use E-Verify. One of the major driving forces behind illegal immigration is our economy and the ability to earn money. That is where the term "economic migrants" stems from. Aliens from less prosperous areas of the world want to take advantage of our thriving economy and high standard of living. Aliens in the U.S. send over $54 billion

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per year back to their native countries. Mexico receives the most remittances, over $24 billion in 2015, making up 2 percent of the nation's economy and nearly 20 percent of income in the poorest parts of the country.[7]

But illegal aliens are not authorized to work for businesses in the United States. That is one of the major differences between being an illegal alien and a lawful permanent resident (LPR, or "green card" holder). The former are prohibited from working; the latter can be employed, just like American citizens. But as is obvious, many illegal aliens are working in the United States. Where else would the remittances come from?

States can pass laws that make it more difficult for illegal aliens to work, hold jobs, and earn salaries by considering requiring businesses, which are licensed by the state, to use E-Verify. A real-time, Web-based verification system run by the Department of Homeland Security and the Social Security Administration, E-Verify can determine with great accuracy the authenticity of the personal information and credentials offered by new hires. In most cases, verification occurs almost instantly.[8] E-Verify is used by the federal government and all federal contractors to verify if a potential employee has proper work authorization and can legally work in the United States.

In 2007, Arizona passed a law that requires employers to use the voluntary federal E-Verify system to "verify the employment eligibility of the employee."[9] E-Verify is not foolproof. No law and no government program is, nor does it completely prevent document or identity fraud. But it is very accurate and the "best means available to determine the employment eligibility of new hires" according to the Department of Homeland Security.[10] Requiring state-licensed businesses (selecting the size of the business it applies to is a legislative question) to use E-Verify or suffer financial consequences helps the federal government fight the problem of illegal aliens working in the United States.

Target Businesses Who Knowingly Hire Illegal Aliens. The other aspect of the Arizona law that was upheld by the Supreme Court, above and beyond the use of E-Verify, is the part that provides that the license of a business can be suspended or revoked by the state if an employer "knowingly" hires an illegal alien.[11] Willful ignorance of immigration status by businesses happens all too often.

Opponents of tough enforcement of current immigration laws, like the U.S. Chamber of Commerce, argued against the Arizona E-Verify law. So did the Obama Administration, which unsuccessfully filed a brief with the Supreme Court arguing that the Arizona law was preempted by federal law.[12]

But the Supreme Court, in a 5–3 decision, disagreed, and held that the licensing law, including requiring employers to use a citizenship verification

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system that is voluntary under federal law, fell well within the confines of the authority Congress left to the states—and was not directly or impliedly preempted by federal law.[13] Of particular note, the Court found that federal immigration law "expressly reserves to the States the authority to impose sanctions on employers hiring unauthorized workers, through licensing and similar laws."[14]

Part of the key to the acceptability (and legality) of this provision of the Arizona statute was that the state was not making its own determination on the citizenship status of aliens. Arizona was using the federal government's definition of an "unauthorized alien," and the state was relying "solely on the Federal Government's own determination of who is an unauthorized alien" using the federal government's "own system for checking employee status."[15]

Since that 2011 Supreme Court decision, states have had a green light to pass similar laws in their states.[16] Seven states in addition to Arizona have made E-Verify mandatory for all or most employers: Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah. Other states, such as Texas and Oklahoma, use E-Verify only for public employees.[17]

Pass Vehicle Laws Aimed at Thwarting Day Labor. One obvious outward sign of aliens who are in the country illegally is the proliferation of day laborers. Eager to work, illegal aliens gather on busy intersections or streets in communities with lots of traffic in the hope that someone, often a contractor, will hire them for the day and pay them cash wages—with no questions asked—for that day's work. Hence the name "day laborer." Day laborers are a common sight in Arizona, California, Texas, and other states with large illegal immigrant populations.[18]

Illegal immigrants choose the day-labor route precisely because it avoids official work verification tools, such as E-Verify. Because they know that they do not have the legal authority to work, many would prefer not to engage in fraud by holding themselves out as lawfully able to work in the United States.

Residents in those states and neighborhoods where day laborers congregate know, or at the very least, must suspect that the young, working-age males on the side of the street, usually early in the morning, are not only illegal aliens, but are available for day labor. To engage a day laborer, an employer simply drives up to the individual or group, has a quick conversation about work, and the day laborer hops into the vehicle and is taken to the job site. This happens thousands of times each day across America, including in Arizona.

The Arizona legislature decided to do something about the day laborer phenomenon by passing three criminal laws aimed at this practice. None of

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those laws were preempted by federal law, and none has been struck down by the courts, so each is available for states to pass.

In general, the Arizona vehicle law makes it unlawful to hire or pick up passengers for work under certain circumstances:

1. Under the first provision (Section A), it is a state law crime for the occupant of a motor vehicle that is stopped on a street to attempt to hire or hire and pick up passengers for work at a different location if the motor vehicle blocks or impedes the normal movement of traffic.[19]

   Notice that the statute does not mention the word immigration at all, and applies to legal and illegal immigrants alike, as well as citizens. It also applies to the "occupant," which would include both the driver and non-driver occupants in the vehicle.

2. The second provision (Section B) is focused on the day laborer. It is unlawful for a person to enter a motor vehicle that is stopped on a street, roadway, or highway in order to be hired by an occupant of the motor vehicle and transported to a different location if the motor vehicle blocks or impedes the normal movement of traffic.[20]

   Again, the statute does not mention the word immigration, much less illegal immigrant or the like.

   Presumably, it could be a defense to each of these statutes to argue that the vehicle in question was not blocking or impeding the normal movement of traffic. And creative employers could pull up to red lights or stop signs before quickly hiring the laborer, thus avoiding the block or impede operative language of the statute.

3. The third provision (Section C) applies to illegal aliens. The statute reads: "It is unlawful for a person who is unlawfully present in the United States and who is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in Arizona."[21]

Each of these provisions was part of the controversial and much larger Arizona statute called the Support Our Law Enforcement and Safe Neighborhoods Act, or as it came to be known, Arizona S.B. 1070 (S.B. because it was passed in Senate Bill 1070).

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The Obama Administration sued the State of Arizona, challenging many provisions of S.B. 1070, claiming that they were unconstitutional, and moved for an injunction to prevent Arizona from enforcing the statute.[22] Of particular note, the Obama Administration did not seek to enjoin the first two sections discussed above, sections (A) and (B). The district court refused to enjoin the entire act, and instead evaluated the constitutionality of individual provisions.[23] Since the Obama Administration did not seek to enjoin Sections (A) and (B) of Title 13–2928, they remain on the books today in Arizona.[24]

States concerned about day laborers can consider passing laws like Sections (A) and (B) above.

The district court did enjoin paragraph C, which prohibits illegal aliens from applying for work.[25] The Supreme Court upheld that injunction, concluding that the state provision was preempted by federal law because the "text, structure, and history" of federal immigration law showed that "Congress decided it would be inappropriate to impose criminal penalties on aliens who seek or engage in unauthorized employment."[26]

Require State and Local Law Enforcement to Determine Immigration Status. In 2012, the Supreme Court upheld another section of Arizona S.B. 1070, which required state and local law enforcement officials to make a "reasonable" attempt to determine the immigration status of any person they stop, detain, or arrest if "reasonable suspicion exists that the person is an alien and is unlawfully present in the United States."[27] Any person arrested "shall have the person's immigration status determined before the person is released." But officers may not consider "race, color or national origin...except to the extent permitted by the United States [and] Arizona Constitution[s]."[28]

Thus, state legislatures can *require* law enforcement officers to verify the citizenship status of anyone who is stopped, detained, or arrested on state and local matters. Moreover, "no formal agreement or special training needs to be in place for state officials to 'communicate with the [Federal Government] regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States.'"[29]

U.S. Immigration and Customs Enforcement (ICE), which must respond to any such request for information from state officials, runs a Law Enforcement Support Center that operates "24 hours a day, seven days a week, 365 days a year" to provide "immigration status, identity information and real-time assistance to local, state and federal law enforcement agencies."[30]

Prevent Sanctuary Policies in Counties and Cities. When an illegal alien commits a crime in the United States and is caught, usually by local

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law enforcement, law enforcement officers typically attempt to ascertain who the person is (naturally) and, if he or she is in the country illegally, to notify the federal authorities. That is commonsense policing and is what has happened, for the most part, for a long time. It is no different than local authorities notifying law enforcement officials in the federal government, like the FBI, or in other state governments when they discover that there is an outstanding arrest warrant on an individual they have arrested issued by the federal government or another state.

Then President Trump was elected. He promised to secure our southern border and vigorously enforce existing immigration law. As a reaction to his election and this policy, a handful of states, politicians, and cities decided to resist Trump by refusing to cooperate with federal law enforcement in the arena of immigration law, and in some instances, to actively obstruct such enforcement.[31]

Jurisdictions that refuse to cooperate with ICE detainer requests to hold criminal aliens in their custody are known as "sanctuary" states or cities. These states, counties, and cities have enacted a variety of sanctuary-like policies in addition to simply refusing outright to cooperate with ICE. Sanctuary policies, largely an outgrowth of the "resist" movement, have serious consequences, endangering the public and threatening the safety of both local and federal law enforcement officers.

Variations of sanctuary policies include not providing adequate notice of criminal aliens who are already in custody, releasing criminal aliens back into communities without notice to the federal government, refusing to notify ICE of detained criminal aliens with final removal orders, and the like.[32]

All of these unwise policies release criminals back into local communities—where they can reoffend and commit more crimes against local residents. A report released by the Department of Homeland Security in June detailed the crimes committed by criminal illegal aliens, including assault, rape, and murder—*after* they were released by local authorities in Oregon and Washington who ignored ICE detainer warrants due to their sanctuary policies.[33] Sanctuary policies just create sanctuaries for criminals.

Picking up criminal aliens from local jails—where they obviously have no access to weapons—also lowers the threat to the safety of federal immigration officers, in contrast to having to find and detain them outside prison.

State legislatures can pass a law forbidding state officials from enacting sanctuary policies in their states. Furthermore, state officials who are concerned about local jurisdictions implementing so-called "sanctuary" policies that prevent local sheriffs, police officers, and other law

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enforcement officials from communicating with federal officials over the immigration status of aliens who have been arrested for committing local crimes, should be aware of a *federal law that bans such a policy*.

Federal law specifically provides that:

> [A] Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.[34]

Under the Arizona law upheld by the U.S. Supreme Court, if an illegal alien is convicted of a state or local crime, ICE *must* be notified by local officials when that alien is discharged from imprisonment or is assessed a "monetary obligation."[35]

Furthermore, the Arizona law provides a ban on state and local governments and agencies imposing *any* limits or restrictions on providing information on immigration status that will be used to determine eligibility for public benefits, services, or licenses; to verify claims of residence or domicile; or to check whether the alien is in compliance with federal immigration registration laws.[36]

Empower Legal Residents to Sue Officials Who Thwart Immigration Law Enforcement. Another provision of Arizona's law that was upheld is a prohibition on local officials implementing *any* policy that limits the enforcement of federal immigration laws.[37] This statute allows any legal resident of Arizona to bring an action in court against any official who adopts or implements such a policy—and provides for the recovery of attorneys' fees and costs if he or she prevails. A violation is also punishable by a civil penalty of up to $5,000 a day "for each day that the policy has remained in effect" after the lawsuit is filed.[38]

The State of Texas fought back against sanctuary policies as well. The purpose was to prevent political subdivisions within the state (counties, cities, and towns) from imposing sanctuary policies that limit cooperation and the exchange of information with federal authorities and obstruct enforcement of federal immigration laws. Naturally, the opponents of commonsense immigration enforcement and cooperation sued. But the law was also upheld in Texas.[39]

The Texas state legislature passed a law that required city and county officials to assist federal immigration agents, including honoring all detainer requests on illegal aliens in custody. The Texas law imposes a civil penalty on sanctuary cities of up to $25,500 for each day they intentionally violate the

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law. Texas law enforcement officials, such as local sheriffs, can be charged with a criminal misdemeanor for failing to honor detainer warrants, and the state attorney general can file a petition with a state court to remove them from office.[40]

Require Law Enforcement to Participate in the 287(g) Program. The vast majority of law enforcement officials across the country are state and local police officers, sheriffs, and the like. They come into contact with far more people across the country on a day-to-day basis than federal immigration officers. That is because of pure numbers; there are hundreds of state and local law enforcement officers for every federal immigration officer.[41] As a result, state and local officials are much more likely to come into contact with illegal aliens. As stated above, state and local law enforcement are force multipliers for the federal government and act cooperatively (for the most part) with their federal colleagues in law enforcement.

States can enhance enforcement of federal immigration law by requiring state and local law enforcement agencies to participate in the 287(g) program, a provision added to federal law in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.[42] The 287(g) program authorizes ICE to "enter into agreements with state and local law enforcement agencies, which permit designated officers to perform limited immigration law enforcement functions." ICE provides training to local officials, and they "function under the supervision of ICE officers."[43]

As of July 2019, ICE has 287(g) agreements with 79 law enforcement agencies in 21 states.[44] One report from 2012 indicated that in a six-year period, the 287(g) program resulted in the removal of 120,000 illegal aliens. This is an effective program that should be vastly expanded to the thousands of state, county, and local law enforcement agencies that exist across the country.

Enroll Rural Jurisdictions That Cannot Afford the 287(g) Program in the WSO Program. One of the challenges to the 287(g) program for jurisdictions is that it requires the expenditure of resources to enroll in and support the program. Local offices must fund the travel and training of designated officers. Smaller jurisdictions, with more limited resources, may not be able to add such costs to their budgets.

Responding to this reality, ICE worked with law enforcement to come up with a 287(g)-lite program, called the Warrant Service Officer (WSO) program. Launched in May of 2019, the WSO program is designed for jurisdictions that either limit cooperation with ICE or do not have the budget and personnel resources to participate in the full 287(g) program.[45]

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According to ICE, the WSO program differs from the 287(g) program in several respects:

1. Whereas 287(g)-designated officers attend a four-week training program at the Federal Law Enforcement Training Center in South Carolina for certification, WSO officers are given one day of training from ICE at a local training site.

2. WSO officers do not question people about their citizenship, alienage, or removability, nor do they process aliens who are unlawfully in the United States. Instead, WSO officers serve administrative warrants and execute arrests on behalf of ICE, but only within the confines of the jails where they work. If ICE does not take the alien into custody within 48 hours after service of process, the alien must be released.[46]

As the executive director of the National Sheriffs' Association, Jonathan Thompson, says, the "program gives sheriffs the legal support to help federal law enforcement keep dangerous criminal illegal aliens out of their communities."[47]

Pass Laws Making It a Crime to Transport, Conceal, or Induce an Alien. Once again, Arizona has been a leader among states in passing laws to enforce federal immigration law.

Arizona has made it a state law crime to "transport or move or attempt to transport or move an alien in this state, in furtherance of the illegal presence of the alien in the United States, in a means of transportation if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of the law."[48]

Notice the *mens rea* requirement of the offender in the statute. A common defense to a violation of this statute would be that the offender did not have knowledge of the immigration status of the person they moved or transported. But that is a *factual* matter, where, no doubt, all the surrounding circumstances would come into play in making that determination. Having this law on the books will likely make residents of Arizona think twice before violating the statute, just as posted speed limits make drivers think twice before exceeding the speed limit.

Another provision in this law makes it a criminal offense to "conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation

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of law."[49] The Obama Administration was unsuccessful in its attempt to convince a federal court to enjoin this provision.[50]

The geographical scope of this provision is broad, as it covers "any place in the state," to include "any building" or "any means of transportation." This is exceptionally useful, as it would seem to cover churches, some of which have attempted to give safe harbor to illegal aliens.

Another Arizona provision makes it a crime to encourage or induce "an alien to come to or reside in this state."[51] Taken together, this trio of statutes sends a loud and clear message to the residents of the state: Do not help illegal aliens, because if you do, you could be charged with a crime.

Make It Illegal to Provide Illegal Aliens Licenses, Automobile Plates, or In-State Tuition. There are other steps that a state can take to limit the transportation options of illegal aliens, which will make it more difficult for them to work and live in a state. No state is required to provide aliens who are unlawfully in the country with a driver's license, although at least 13 states and the District of Columbia do so.[52] Providing illegal aliens with driver's licenses is an unwise policy because it helps aliens evade immigration law by providing them with the major form of identification used by U.S. citizens.

A driver's license gives the alien the ability to travel freely throughout the country[53] and is used for countless other purposes, including registering to vote and applying for government benefits, as well as establishing bank and credit card accounts. As one critic has said, it provides illegal aliens with the appearance of "legality, giving the alien access to goods and services he would otherwise be unable to use."[54] And it "defies common sense to contend that the best way to combat accidents by illegal aliens is to give them all drivers' licenses...to prevent crashes by unlicensed drivers, that state should discourage them from driving in the first place."[55]

Another action states can take that has been upheld in court is restricting the issuance of license plates for vehicles to citizens and noncitizens legally in the U.S.[56] This may be an effective method of restricting the transportation ability of illegal aliens. After all, it is far easier for an individual without a driver's license to drive a car without detection as long as he obeys traffic laws and is not stopped by law enforcement authorities. But an automobile without a current license plate will be detected more quickly, making it much more difficult for an illegal alien to own an automobile.

In fact, an Alabama law that makes it a state felony for an illegal alien to apply, or attempt to apply for, not just vehicle license plates, but also driver's licenses, identification cards, and business, commercial, and professional licenses was upheld by a federal appellate court in 2012.[57]

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Finally, under Arizona law, it is a felony to "intentionally engage in the smuggling of human beings for profit or commercial purpose."[58] Smuggling is defined very broadly to include "the transportation, procurement of transportation or use of property or real property" by someone who "knows or has reason to know that the person" being transported is not lawfully in the U.S.[59]

As we have previously written, there is a provision in federal immigration law regarding in-state college tuition for illegal aliens.[60] Section 1623 of the Immigration Reform and Immigrants Responsibility Act of 1996 prohibits state colleges and universities from providing in-state tuition rates to illegal aliens "on the basis of residence within the state" unless the same in-state rates were offered to all citizens of the United States.[61]

One of the major problems with this law is that it did not provide for a private right of action by people offended that their kids have to pay out-of-state tuition prices when illegal aliens got in-state tuition at a college or university. As things stand, it is up to the federal government, through the U.S. Department of Justice, to sue states that have violated that federal law. As of the date of this publication, 19 states offer in-state tuition rates to illegal aliens.[62] Unfortunately, the Justice Department has *never* enforced this provision against any state.[63]

That said, states are not helpless in this arena. States can pass their own laws prohibiting in-state tuition for illegal aliens. Doing so would make it quite difficult for future governors of that state to ignore the law and give in-state tuition to illegal aliens by executive fiat.

Publish Crimes Committed by Aliens. One of the arguments made by open-borders supporters is that Americans are not harmed by sanctuary policies or the large inflow of illegal aliens into the country. There are a number of studies showing that this claim is not true—and documenting the crimes committed by criminal aliens.

For example, a Government Accountability Office (GAO) report released in 2005 looked at the crimes committed by 55,322 aliens who "had entered the country illegally and were still illegally in the country at the time of their incarceration in federal or state prison or local jail."[64] According to the report, these aliens were arrested a total of 459,614 times and committed almost 700,000 criminal offenses.[65] The crimes committed included murder, robbery, assault, burglary, drug dealing, and sex-related crimes.

A 2011 GAO report on 251,000 criminal aliens in federal, state, and local jails showed they had been arrested 1.7 million times for committing 3 million criminal offenses.[66] Another report, this time by state, instead of federal, authorities, provides a good example of the type of information

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all state law enforcement and incarceration authorities should be reporting so that we have accurate and timely information on the extent of this problem.

The Texas Department of Public Safety released a report on the 297,000 aliens "booked into local Texas jails between June 1, 2011 and July 31, 2019" for committing local crimes.[67] Texas participates in the Department of Homeland Security's Priority Enforcement Program, which allows the state to determine the immigration status of individuals arrested and booked into local jails. More than *two-thirds* (202,000) of those aliens were confirmed as illegal immigrants by the federal government. Over the course of their criminal careers, they were charged with committing 494,000 criminal offenses. Those illegal aliens have been convicted of crimes ranging from murder to kidnapping to robbery and sexual assault.[68]

This type of information is needed from *all* states, particularly those with the largest populations of criminal aliens. According to the 2011 GAO report, those states are California, Texas, Arizona, Florida, New York, and Illinois.[69] Every state has a criminal justice system that collects large amounts of data. If states do not collect information on the immigration status of each criminal arrested and incarcerated in state and local prisons and jails, they should. And if they do collect that data, they should look at the method Texas is using to disclose that information and consider doing something similar on a constantly updated basis.

The public is entitled to that information since it affects their safety as well as the cost of government that they are paying for through taxes.

States Must Do More

Illegal immigration is a large and growing problem that has many deleterious effects on states, from increasing costs for education, health care, and law enforcement, to endangering residents who would otherwise not be victimized if those aliens who commit crimes were not in the country.

While the federal government bears the chief responsibility for immigration enforcement, there are many actions that state governments can take to help enforce the law, deter illegal aliens from residing in their states, and publicize the problems caused by uncontrolled, illegal immigration.

Hans von Spakovsky is Senior Legal Fellow and Manager of the Election Law Reform Initiative in the Edwin Meese III Center for Legal and Judicial Studies at The Heritage Foundation. **Charles Stimson** is Senior Legal Fellow and Manager in the National Security Law Program at The Heritage Foundation.

AMERICAN OVERSIGHT

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Endnotes

1. Arizona v. U.S., 567 U.S. 387, 394 (2012).
2. *Id.* at 397.
3. *Population Estimates: Illegal Alien Population Residing in the United States: January 2015*, U.S. Dept. of Homeland Security, Office of Immigration Statistics (Dec. 2018), p. 3; https://www.dhs.gov/sites/default/files/publications/18_1214_PLCY_pops-est-report.pdf.
4. Louis Casiano, *Number of Illegal Immigrants in US May Be Twice What's Reported: Yale–MIT Study*, Fox News (Sept. 23, 2018); https://www.foxnews.com/us/number-of-illegal-immigrants-in-us-may-be-twice-whats-reported-yale-mit-study.
5. Some aliens commit crimes and are a threat to public safety. In that regard, the Supreme Court noted, for example, that illegal aliens in Maricopa County, Arizona, are "responsible for a disproportionate share of serious crime." While representing 8.9 percent of the population of the county, they account for 21.8 percent of the felonies. *Arizona*, 567 U.S. at 398. Furthermore, a study released by the U.S. Justice Department's Bureau of Justice Statistics in August 2019 reveals that aliens accounted for nearly two-thirds (64 percent) of all federal arrests in 2018. In fact, more Mexicans than U.S. citizens were arrested on charges of committing federal crimes. Mark Motivans, *Immigration, Citizenship, and the Federal Justice System*, U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 253116 (August 2019); https://www.bjs.gov/content/pub/pdf/icfjs9818.pdf. Another report from the Texas Department of Public Safety found that over 300,000 aliens had been "booked into local Texas jails between June 1, 2011[,] and August 31, 2019." More than two-thirds of them (204,000) were illegal aliens. Over the course of their entire criminal careers, those illegal aliens were charged with committing almost 500,000 criminal offenses, ranging from murder, rape, and assault, to burglary, kidnapping, and robbery. *Texas Criminal Illegal Alien Data*, Texas Dept. of Public Safety; https://www.dps.texas.gov/administration/crime_records/pages/txCriminalAlienStatistics.htm.
6. For a fulsome analysis on the overall economic impact of illegal and legal immigration, see James Jay Carafano, John G. Malcolm, and Jack Spencer, *An Agenda for American Immigration Reform*, Heritage Foundation, Special Report No. 210 (Feb. 20, 2019), pages 8–9; https://www.heritage.org/immigration/report/agenda-american-immigration-reform.
7. Rafael Bernal and Mike Lillis, *Remittances Play Huge Role in Immigrant Economy*, The Hill (Oct. 31, 2016); https://thehill.com/latino/303471-remittances-play-huge-role-in-immigrant-economy.
8. *See* Robert Rector, *Reducing Illegal Immigration Through Employment Verification, Enforcement, and Protection*, Heritage Foundation, Backgrounder No. 2192 (Oct. 7, 2008), p.2; https://www.heritage.org/immigration/report/reducing-illegal-immigration-through-employment-verificationenforcement-and.
9. Chamber of Commerce v. Whiting, 131 S.Ct. 1968, 1977 (2011). The Supreme Court noted that several other states have similar provisions, including Mississippi, South Carolina, Utah, and Virginia. *Id.* at footnote 3.
10. Chamber of Commerce, 131 S.Ct. at 1986 (citation omitted).
11. *Id.* at 1976.
12. *See* Brief for the United States as Amicus Curiae Supporting Petitioners in Chamber of Commerce v. Whiting; https://www.americanbar.org/content/dam/aba/publishing/preview/publiced_preview_briefs_pdfs_09_10_09_115_PetitionerAmCuUSA.pdf.
13. Chamber of Commerce, 131 S.Ct. at 1987.
14. *Id.*
15. *Id.*
16. *See* Charles D. Stimson, *States Get a 'License' to Enforce Immigration Laws*, Heritage Foundation, WebMemo No. 3342 (August 22, 2011); http://thf_media.s3.amazonaws.com/2011/pdf/wm3342.pdf.
17. *See E-Verify States Map*, https://www.lawlogix.com/e-verify-map/; *see also E-Verify*, National Conference of State Legislatures, http://www.ncsl.org/research/immigration/everify-faq.aspx.
18. One of the authors routinely passes such a site located in northern Virginia—only 15 miles from the Washington headquarters of the Immigration and Customs Enforcement Agency—on his commute into the office.
19. See Ariz. Rev. Stat. Ann. § 13-2928(A).
20. See Ariz. Rev. Stat. Ann. § 13-2928(B).
21. Ariz. Rev. Stat. Ann. § 13-2928(C).
22. Arizona v. U.S., 567 U.S. 387.
23. *See* U.S. v. Arizona, 703 F.Supp.2d 980 (2010).
24. *Id.* at 986.
25. *Id.* at 987.
26. Arizona, 567 U.S. at 406–407.

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27. Arizona, 567 U.S. at 411 (citing Ariz. Rev. Stat. Ann. § 11-1051(B)).
28. *Id.*
29. *Id.* (citing 8 U.S.C. § 1357(g)(10)(A)).
30. *Id.* at 412 (citations omitted).
31. Hans von Spakovsky and Charles Stimson, *Judges Can't Ignore Immigration Laws They Don't Like*, Fox News (May 3, 2019); https://www.foxnews.com/opinion/von-spakovsky-and-stimson-judge-cant-ignore-immigration-laws-they-dont-like.
32. *See To Make America Safe Again, We Must End Sanctuary Cities and Remove Criminal Aliens*, U.S. Dept. of Homeland Security, Press Release (Feb. 15, 2018); https://www.dhs.gov/news/2018/02/15/make-america-safe-again-we-must-end-sanctuary-cities-and-remove-criminal-aliens.
33. *Cooperation Between ICE, Local Law Enforcement Makes for Safer Communities*, U.S. Immigration and Customs Enforcement, Press Release (June 17, 2019); https://www.ice.gov/news/releases/cooperation-between-ice-local-law-enforcement-makes-safer-communities.
34. 8 U.S.C. § 1373(a).
35. Ariz. Rev. Stat. Ann. § 11-1051(C).
36. *Id.* at § 11-1051(F).
37. U.S. v. Arizona, 703 F.Supp.2d 980 (D. Ariz. 2010). This provision was upheld by the federal district court, and the U.S. Justice Department did not appeal that particular holding, nor a number of other holdings in that decision.
38. Ariz. Rev. Stat. Ann. § 11-1051(H).
39. City of El Cenizo v. Texas, 890 F.3d 164 (5th Cir. 2018).
40. SB 4, codified at Texas Gov. Code § 752.053(a)-(b).
41. ICE has 20,000 law enforcement and support personnel. In comparison, there are over 1 million full-time state and local law enforcement officers. *See Who We Are*, U.S. Immigration and Customs Enforcement; https://www.ice.gov/about; *see also National Sources of Law Enforcement Employment Data*, U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 249681 (Oct. 4, 2016); https://www.bjs.gov/content/pub/pdf/nsleed.pdf.
42. *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, U.S. Immigration and Customs Enforcement; https://www.ice.gov/287g.
43. *Id.*
44. *Id.*
45. *ICE Launches Program to Strengthen Immigration Enforcement*, U.S. Immigration and Customs Enforcement; https://www.ice.gov/news/releases/ice-launches-program-strengthen-immigration-enforcement.
46. *Id.*
47. *Id.*
48. Ariz. Rev. Stat. Ann. § 13-2929(A)(1).
49. Ariz. Rev. Stat. Ann. § 13-2929(A)(2).
50. Arizona, 703 F.Supp.2d at 1002.
51. Ariz. Rev. Stat. Ann. §13-2929(A)(3). However, the 11th Circuit Court of Appeals, which has jurisdiction only over Alabama, Florida, and Georgia, upheld an injunction against a similar provision in Alabama state law that criminalized the concealment, harboring, or transporting of illegal aliens, as well as encouraging or inducing them to reside in Alabama. U.S. v. Alabama, 691 F.3d 1269 (11th Cir. 2012).
52. Those states include California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Mexico, New York, Utah, Vermont, and Washington. *States Offering Driver's Licenses to Immigrants*, National Conference of State Legislatures; http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx.
53. That is why the 9/11 hijackers obtained state driver's licenses: It was essential to how they "breached our immigration system and then embedded in the United States," according to Janice Kephart, former counsel to the 9/11 Commission. Janice Kephart, *Driver's License Insecurity* (Sept. 4, 2012); https://cis.org/Memorandum/Drivers-License-Insecurity.
54. Testimony of Dan Stein, President of Federation for American Immigration Reform (Oct. 15, 2007), New York Senate Committee on Veterans, Homeland Security and Military Affairs and Standing Committee on Transportation; https://www.fairus.org/legislation/impact-granting-drivers-licenses-illegal-aliens-new-york.
55. *Id.* Stein also pointed out that there was no reason to believe that illegal aliens, "having disregarded so many other laws, would obey state statutes requiring drivers to have automobile insurance." This is particularly true because of the invalid assumption that "illegal aliens, who generally are low-income, have the cash available to acquire auto insurance plus the incentive to buy it in order to protect what little assets they have." *Id.*
56. U.S. v. Alabama, 691 F.3d 1269 (11th Cir. 2012), cert. denied, 569 U.S. 968 (2013).

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57. *Id.* at 1301. This provision does not apply to marriage licenses or transactions related to housing or property ownership, including payment of property or other taxes. 691 F.3d at 1297.
58. Ariz. Rev. Stat. Ann. § 13-2319(A).
59. *Id.* at (C)(3).
60. Hans A. von Spakovsky and Charles D. Stimson, *Providing In-State College Tuition for Illegal Aliens: A Violation of Federal Law*, Heritage Foundation, Legal Memorandum No. 74 (Nov. 22, 2011); https://www.heritage.org/immigration/report/providing-state-tuition-illegal-aliens-violation-federal-law.
61. *See* 8 U.S.C. § 1623 (1996).
62. *Undocumented Student Tuition: Overview*, National Conference of State Legislatures (Sept. 19, 2019); http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx. Seventeen states provide in-state tuition through state legislation: Arkansas, California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington. Two states provide in-state tuition through decisions by their boards of regents (Oklahoma and Rhode Island), while the Universities of Hawaii and Michigan also provide in-state tuition for illegal aliens through decisions of their boards of regents. *Id.*
63. There is no requirement that states even allow illegal aliens to attend college. The 11th Circuit Court of Appeals recently upheld the State of Georgia's requirement that selective colleges and universities verify the "lawful presence" of all students seeking admission. The law was not preempted by federal immigration law, and it was not a violation of equal protection to deny admittance to illegal aliens—including aliens who received deferred action under the DACA program. Estrada v. Becker, 917 F.3d 1289 (11th Cir. 2019).
64. *Information on Certain Illegal Aliens Arrested in the United States*, U.S. Government Accountability Office, GAO-05-646R (May 9, 2005), p. 2; https://www.gao.gov/assets/100/93167.pdf.
65. *Id.* at 3.
66. *Criminal Alien Statistics: Information on Incarcerations, Arrests, and Costs*, U.S. Government Accountability Office, GAO-11-187 (March 2011); https://www.gao.gov/new.items/d11187.pdf.
67. *Texas Criminal Illegal Alien Data*, Texas Department of Public Safety; https://www.dps.texas.gov/administration/crime_records/pages/txCriminalAlienStatistics.htm.
68. *Id.*
69. *Criminal Alien Statistics: Information on Incarcerations, Arrests, and Costs*, U.S. Government Accountability Office, GAO-11-187 (March 2011), p. 11; https://www.gao.gov/new.items/d11187.pdf.

AMERICAN OVERSIGHT

DHS-001-01395-000168 08/17/2023

DHS-19-1228-A-000168

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 12 Sep 2019 12:02:33 -0500
To: Shah, Dimple
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on USMCA Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

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AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Mon, 9 Sep 2019 12:01:01 -0500
To: Shah, Dimple
Subject: Vice President Pence confirmed to speak at Heritage Honors gala!

AMERICAN OVERSIGHT

THE HERITAGE FOUNDATION

Honors

Dimple,

I am delighted to announce that **The Honorable Mike Pence, Vice President of the United States**, will deliver remarks at the Heritage Honors gala on Tuesday, October 22, 2019 in Washington, D.C!

We are thrilled that you have already registered to join us at Heritage Honors. This evening will be an unforgettable celebration of the American values that unite us. From his roots as the son of a small business owner in the Midwest, to serving our country in the highest positions of leadership, Vice President Pence has demonstrated that he understands the importance of hard work, faith, and family. He is committed to preserving the blessings of liberty for future generations of Americans and we are truly honored to have him join use this year.

We look forward to seeing you in D.C. this October to hear from this incredible leader and celebrate our great nation.

Sincerely,

Kay Coles James
President, The Heritage Foundation

AMERICAN OVERSIGHT

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

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AMERICAN OVERSIGHT

From: Janine Ryan, The Heritage Foundation
Sent: Fri, 6 Sep 2019 16:31:03 +0000
To: Shah, Dimple
Subject: Confirmation: Heritage Honors Gala

Dear Dimple,

Thank you for registering for the event. We look forward to having you join us on Tuesday, October 22, at the Marriott Marquis Washington, DC for the inaugural Heritage Honors gala.

If you have any questions or you wish to change your registration, please contact the Special Events department at (202) 608-1524 or (b)(6) @heritage.org.

Sincerely,

Janine Ryan
Director, Events and Programming
The Heritage Foundation

Heritage Honors Gala
Tuesday, October 22, 2019

Marriott Marquis | Marriott Ballroom
901 Massachusetts Ave, NW
Washington, DC

5:15 p.m. - Doors Open & Reception Begins
6:00 p.m. - Program
8:30 p.m. - Adjournment

Dress is black tie.
Valid ID will be required to check-in and attend.
Please check the website for further parking details.

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, DC 20002

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Fri, 6 Sep 2019 16:00:19 +0000
To: Shah, Dimple
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

You do, but he also got an invite. So you guys theoretically can bring two guests.

I tried to hit as many emails as I could, but if there are others at DHS who would like to go, we can get them in. Will be a very nice affair

---

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Shah, Dimple (b)(6) gov>
Sent: Friday, September 6, 2019 11:58 AM
To: Howell, Mike (b)(6) org>
Subject: Re: Invitation to Heritage Honors Gala (Oct. 22)

We are going. Will RSVP. Just checking is I have a plus one for (b)(6) Thanks!

Dimple Shah

From: Howell, Mike (b)(6) org>
Sent: Friday, September 6, 2019 11:33:29 AM
To: Howell, Mike (b)(6) org>
Subject: Invitation to Heritage Honors Gala (Oct. 22)

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

You can register online at www.heritagehonors.org with the invite code GALASG. This invitation is non-transferrable.

Hope to see you there,
Mike

AMERICAN OVERSIGHT

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Fri, 6 Sep 2019 15:33:29 +0000
To: Howell, Mike
Subject: Invitation to Heritage Honors Gala (Oct. 22)
Attachments: Heritage Honors Gala Invitation.pdf

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

You can register online at www.heritagehonors.org with the invite code (b)(6) This invitation is non-transferrable.

Hope to see you there,
Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
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heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000179 08/17/2023

THE HERITAGE FOUNDATION Honors

HERITAGE PRESIDENT KAY C. JAMES
CORDIALLY INVITES YOU TO
OUR INAUGURAL GALA

Join us as we celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

TUESDAY, OCTOBER 22, 2019

6:00 – 8:30 p.m.
(doors open at 5:30 p.m.)

MARRIOTT MARQUIS
Washington, DC

black tie

Register online at
HERITAGEHONORS.ORG
with invite code (b)(6) .

Registration for you and your guest is complimentary.
Invitation is non-transferable.

AMERICAN OVERSIGHT
DHS-001-01395-000179 08/17/2023
DHS-19-1228-A-000179

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 5 Sep 2019 08:02:50 -0500
To: Shah, Dimple
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

Please Join Us

An Address on Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

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From: Shah, Dimple
Sent: Thu, 31 Oct 2019 19:01:12 +0000
To: (b)(6) @heritage.org
Subject: Re: Photos from Heritage Honors gala

Apologies. What is the password to access the photos. I am not able to see them. Thank you!
Dimple Shah
From: Janine Ryan, The Heritage Foundation (b)(6) @heritage.org>
Sent: Wednesday, October 30, 2019 3:46:57 PM
To: Shah, Dimple (b)(6) gov>
Subject: Photos from Heritage Honors gala

AMERICAN OVERSIGHT

THE HERITAGE FOUNDATION

Honors

Dear Dimple,

Thank you again for joining us last week at the Heritage Honors gala.

Photos from the gala are now available online. Enter *HeritageEvents* to access the gallery. (Your red carpet photos are available here).

You may download your favorite photos at no charge through the end of November. To do so, click on a photo and select "download" above the image. Enter PIN *6360*.

We were honored to gather 1,500 Heritage members and friends in one place to celebrate America's founding values, to honor Heritage's founder Dr. Ed Feulner, and to launch the Edwin J. Feulner Institute dedicated to building consensus around our unique American principles.

Thank you for joining us for this special evening. **I hope you'll take a few minutes to relive the highlights of the gala by watching and sharing this video** of some of the most memorable moments of the night.

Sincerely,

Janine Ryan
Director, Events and Programming
The Heritage Foundation

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AMERICAN OVERSIGHT

From: Shah, Dimple
Sent: Fri, 6 Sep 2019 16:12:40 +0000
To: Howell, Mike
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

Awesome! We will be there.

From: Howell, Mike (b)(6) .org>
Sent: Friday, September 6, 2019 12:00 PM
To: Shah, Dimple (b)(6) gov>
Subject: RE: Invitation to Heritage Honors Gala (Oct. 22)

You do, but he also got an invite. So you guys theoretically can bring two guests.

I tried to hit as many emails as I could, but if there are others at DHS who would like to go, we can get them in. Will be a very nice affair

---

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Shah, Dimple (b)(6) gov>
Sent: Friday, September 6, 2019 11:58 AM
To: Howell, Mike <Mike.Howell@heritage.org>
Subject: Re: Invitation to Heritage Honors Gala (Oct. 22)

We are going. Will RSVP. Just checking is I have a plus one for (b)(6) Thanks!

Dimple Shah

From: Howell, Mike (b)(6) org>
Sent: Friday, September 6, 2019 11:33:29 AM
To: Howell, Mike (b)(6) org>
Subject: Invitation to Heritage Honors Gala (Oct. 22)

Good Morning,

The Heritage Foundation cordially invites you and a guest to our first annual Heritage Foundation Honors Gala on Tuesday, October 22, 2019 from 6:00-8:30 p.m. This black tie affair will be held at the Marriott Marquis and will celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.

You can register online at www.heritagehonors.org with the invite code (b)(6) This invitation is non-transferrable.

AMERICAN OVERSIGHT

Hope to see you there,
Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Shah, Dimple
Sent: Fri, 6 Sep 2019 15:57:38 +0000
To: Howell, Mike
Subject: Re: Invitation to Heritage Honors Gala (Oct. 22)

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Hope to see you there,
Mike

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Clark, Maiya
Sent: Fri, 1 Nov 2019 13:37:53 +0000
To: Wolf, Chad
Subject: RE: Catching Up

Good morning Chad,

Jim would be very happy to catch up with you next week. Are you available to meet Wednesday afternoon? Or for drinks/dinner Tuesday evening?

Best,
Maiya

Maiya Clark
Research and Administrative Assistant, Foreign Policy and National Security
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Carafano, James (b)(6) org>
Sent: Thursday, October 31, 2019 11:18 AM
To: Wolf, Chad (b)(6) .gov>; Clark, Maiya (b)(6) .org>
Subject: Re: Catching Up

Do you have some one that could
Connect with Maiya on schedules?

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
Davis Institute for National Security and Foreign Policy
(b)(6)

On Oct 31, 2019, at 10:11 AM, Wolf, Chad (b)(6) gov> wrote:

?

AMERICAN OVERSIGHT

Let's do that.
How does next week look for you?

Chad F. Wolf
Senior Official Performing the Duties of the Under Secretary
& Assistant Secretary for Strategy, Plans, Analysis and Risk
Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)
(b)(6)

From: Carafano, James (b)(6) org>
Sent: Wednesday, October 30, 2019 12:36 PM
To: Wolf, Chad (b)(6) gov>
Subject: Catching Up

Sorry, we didn't get a chance to chat at the gala. Imagine you are supper busy. Be great to catch up.

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Carafano, James
Sent: Wed, 30 Oct 2019 16:36:16 +0000
To: Wolf, Chad
Subject: Catching Up

Sorry, we didn't get a chance to chat at the gala. Imagine you are supper busy. Be great to catch up.

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow Davis Institute for National Security and Foreign Policy
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Tue, 22 Oct 2019 14:15:28 +0000
To: Wolf, Chad
Subject: RE: Gala

VIP recep starts are 6. There's a VIP security line too. Should be signage. My cell is (b)(6) if you run into any issues, I'll be in/out of reception and making sure people get in there.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Wolf, Chad (b)(6) gov>
Sent: Tuesday, October 22, 2019 10:05 AM
To: Howell, Mike (b)(6) org>
Subject: RE: Gala

Mike,
Anything more on the private reception or should I just plan on arrival at 6pm?

Chad F. Wolf
Senior Official Performing the Duties of the Under Secretary
& Assistant Secretary for Strategy, Plans, Analysis and Risk
Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)
(b)(6)

From: Howell, Mike (b)(6) org>
Sent: Saturday, October 19, 2019 10:41 AM
To: Wolf, Chad (b)(6) gov>
Subject: Re: Gala

flyer below. There is also a special private reception at the beginning that I can follow up on with more details, but either way starts at 630. Just text or call on my cell day of with any questions (b)(6) . From DHS world, and off top of my head, we also have Morgan, Cuccinelli, Nielsen, potentially McAleenan, Dimple, Dougherty coming.

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation

AMERICAN OVERSIGHT

214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000193 08/17/2023

From: Howell, Mike
Sent: Sat, 19 Oct 2019 14:41:20 +0000
To: Wolf, Chad
Subject: Re: Gala
Attachments: (b)(6) ATT00001.htm

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Washington, DC 20002
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heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000195 08/17/2023

THE HERITAGE FOUNDATION Honors

HERITAGE PRESIDENT KAY C. JAMES
CORDIALLY INVITES YOU TO
OUR INAUGURAL GALA

Join us as we celebrate the unique American values that unite us as a country and pay tribute to Heritage's extraordinary founder, Edwin J. Feulner.



TUESDAY, OCTOBER 22, 2019

6:00 – 8:30 p.m.
(doors open at 5:30 p.m.)

MARRIOTT MARQUIS
Washington, DC

black tie

Register online at
HERITAGEHONORS.ORG
with invite code (b)(6)

Registration for you and your guest is complimentary.
Invitation is non-transferable.

AMERICAN OVERSIGHT
DHS-001-01395-000195 08/17/2023
DHS-19-1228-A-000195

Sent from my iPhone

On Oct 19, 2019, at 6:53 AM, Wolf, Chad (b)(6) gov> wrote:

Apologies for the repeated emails.
Can you resend the flyer / invite?
Just looking for the details, etc.
From: Howell, Mike (b)(6) org>
Sent: Friday, October 18, 2019 10:32:50 AM
To: Wolf, Chad (b)(6) .gov>
Subject: RE: Gala

Just had a cancellation and jumped all over it. She is good to go. What is her first name, email, title so I can put her in the system?

Mike Howell
Senior Advisor, Executive Branch Relations
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(b)(6)
heritage.org

From: Howell, Mike
Sent: Thursday, October 17, 2019 5:26 PM
To: 'Wolf, Chad' (b)(6) gov>
Subject: RE: Gala

I put it in as just the one, let me see what I can do. Give me a day…

We went wayyyy over but now are getting some cancellations so I will bird dog it.

From: Wolf, Chad (b)(6) .gov>
Sent: Thursday, October 17, 2019 5:21 PM

AMERICAN OVERSIGHT

To: Howell, Mike (b)(6) .org>
Subject: RE: Gala

Nice.

Do I have a +1 (wife)?

Chad F. Wolf

Senior Official Performing the Duties of the Under Secretary

& Assistant Secretary for Strategy, Plans, Analysis and Risk

Office of Strategy, Policy and Plans

U.S. Department of Homeland Security (DHS)

(b)(6)

From: Howell, Mike (b)(6) org>
Sent: Thursday, October 17, 2019 5:19 PM
To: Wolf, Chad (b)(6) gov>
Subject: RE: Gala

Bada bing, bada boom. You're good to go. See you Tuesday.

Mike Howell
Senior Advisor, Executive Branch Relations
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214 Massachusetts Avenue, NE
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From: Wolf, Chad (b)(6) gov>
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AMERICAN OVERSIGHT

Thanks.

I was overseas and the invite must have gotten overlooked.

Eager to attend.

From: Howell, Mike (b)(6) org>
Sent: Thursday, October 17, 2019 2:46:27 PM
To: Wolf, Chad (b)(6) gov>
Subject: Re: Gala

Hang tight. We're maxed out but I'll see if I can get you on the top of the waiting list.

Sent from my iPhone

Mike Howell
Senior Advisor, Executive Branch Relations
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214 Massachusetts Avenue, NE
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Mike,

Is it too late to get into the Gala?

Chad F. Wolf

Senior Official Performing the Duties of the Under Secretary

AMERICAN OVERSIGHT

& Assistant Secretary for Strategy, Plans, Analysis and Risk

Office of Strategy, Policy and Plans

U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Sat, 19 Oct 2019 14:42:48 +0000
To: Wolf, Chad
Subject: Re: Gala

Sorry, starts at 6:00

Sent from my iPhone

On Oct 19, 2019, at 10:41 AM, (b)(6) org wrote:

?flyer below. There is also a special private reception at the beginning that I can follow up on with more details, but either way starts at 630. Just text or call on my cell day of with any questions (b)(6) . From DHS world, and off top of my head, we also have Morgan, Cuccinelli, Nielsen, potentially McAleenan, Dimple, Dougherty coming.

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Do I have a +1 (wife)?

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AMERICAN OVERSIGHT

Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

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Senior Official Performing the Duties of the Under Secretary
& Assistant Secretary for Strategy, Plans, Analysis and Risk
Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

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Sent: Thu, 17 Oct 2019 21:18:49 +0000
To: Wolf, Chad
Subject: RE: Gala

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AMERICAN OVERSIGHT

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Chad F. Wolf
Senior Official Performing the Duties of the Under Secretary
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Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

From: Howell, Mike
Sent: Thu, 17 Oct 2019 18:46:27 +0000
To: Wolf, Chad
Subject: Re: Gala

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Sent from my iPhone

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Senior Official Performing the Duties of the Under Secretary
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Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

From: Wolf, Chad

Sent: Thu, 17 Oct 2019 18:36:47 +0000

To: Howell, Mike

Subject: Gala

Mike,

Is it too late to get into the Gala?

Chad F. Wolf
Senior Official Performing the Duties of the Under Secretary
& Assistant Secretary for Strategy, Plans, Analysis and Risk
Office of Strategy, Policy and Plans
U.S. Department of Homeland Security (DHS)

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 12 Sep 2019 12:02:31 -0500
To: Wolf, Chad
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

DHS-001-01395-000212 08/17/2023

Please Join Us

An Address on USMCA Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
The Heritage Foundation | Washington, D.C.

Register to attend in-person

Presented by The Heritage Foundation

Register to attend in-person
Media inquiries call (202) 675-1761
Terms and conditions of attendance

The Heritage Foundation

AMERICAN OVERSIGHT

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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-

AMERICAN OVERSIGHT

From: Kay Coles James, The Heritage Foundation
Sent: Thu, 5 Sep 2019 08:02:49 -0500
To: Wolf, Chad
Subject: You're Invited to an Address by Vice President Mike Pence (Sept. 17)

AMERICAN OVERSIGHT

DHS-001-01395-000215 08/17/2023

Please Join Us

An Address on Trade Policy

Keynote Address by

The Honorable Mike Pence

Vice President of the United States of America

and featuring

The Honorable Kay Coles James

President of The Heritage Foundation

TUESDAY, SEPTEMBER 17
11:00 a.m. to 12:00 p.m.
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Register to attend in-person

Presented by The Heritage Foundation

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The Heritage Foundation

AMERICAN OVERSIGHT

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (800) 546-2843

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-

AMERICAN OVERSIGHT

From: Carafano, James
Sent: Thu, 31 Oct 2019 15:18:26 +0000
To: Wolf, Chad;Clark, Maiya
Subject: Re: Catching Up

Do you have some one that could

Connect with Maiya on schedules?

Sent from my iPhone

James Jay Carafano
Vice President for the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the E. W. Richardson Fellow
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Senior Official Performing the Duties of the Under Secretary
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AMERICAN OVERSIGHT

(b)(6)

heritage.org

AMERICAN OVERSIGHT

DHS-001-01395-000219 08/17/2023