



TEN YEARS LATER
We Will Not Forget

A Report by Jack Martin, Director of Special Projects



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September 2011

IN THIS ASSESSMENT OF WHERE THE ISSUE OF NATIONAL SECURITY STANDS TEN YEARS AFTER THE TRAGIC 9/11 ATTACKS, WE FOCUS ON POLICIES AIMED AT PREVENTING ENTRY OF INTENDING TERRORISTS INTO THE COUNTRY, METHODS FOR IDENTIFYING THOSE WHO MANAGE TO GET INTO THE COUNTRY, AND THE COMPLICATING FACTOR OF FINDING TERRORISTS AMONG MILLIONS OF ILLEGAL FOREIGN RESIDENTS.

WE ALSO IDENTIFY THE UNFINISHED AGENDA OF REFORMS NEEDED TO PROVIDE GREATER SECURITY TO THE AMERICAN PUBLIC.

WE WILL NOT FORGET THE VICTIMS OF THE SEPTEMBER 11, 2001 TERRORIST ATTACKS.

WE WILL NOT FORGET THAT AMERICA REMAINS IN THE CROSSHAIRS OF FOREIGN TERRORIST GROUPS.

WE WILL CONTINUE TO PROMOTE IMMIGRATION REFORMS THAT WILL LESSEN THE NATION'S VULNERABILITY TO FUTURE ATTACKS.

The Continuing Threat

The death of Osama bin Laden was a milestone in holding the al Qaeda terrorist movement accountable for the deaths inflicted on the U.S. public ten years ago. It does not, however, mean that the threat of continuing terrorist attack has ended.

Developments during the past year have demonstrated our continuing vulnerability to terrorist attack.

Khalid Aldawsari, a Saudi Arabian student studying chemical engineering in Texas, was arrested on February 24, 2011. He claimed in his diary that he was prepared to martyr himself in “jihad.” He had purchased concentrated chemicals needed to make explosive devices and had identified targets in California, New York, and Colorado.

Waad Ramadan Alwan and Mohanad Shareef Hammadi, two Somali refugees residing in Tennessee, were exposed for making bombs in Iraq intended for use against U.S. forces prior to coming to the United States. They were arrested in May 2011 for continuing efforts to support attacks on U.S. troops in Iraq.¹

“...[T]he Texas university student terrorist serve[s] as proof that the war on terror continues and that radical jihadists are as committed as ever to killing Americans. America must be equally committed to stopping them.”

—U.S. Representative Lamar Smith (R-Tex.)
May 2011²



“His death does not mark the end of our effort. There's no doubt that al Qaeda will continue to pursue attacks against us. We must — and we will — remain vigilant at home and abroad.”

—President Barak Obama
White House transcript, May 2011

Controlling Entry

Legal Entry

All of the 9/11 terrorists entered the United States with visas. After the tragedy of the attacks it became clear that the visa issuance procedures that provided the terrorists entry to our country were mindlessly lax. Among the first post-9/11 reforms was a re-examination and tightening of visa applicant screening procedures and later the assignment of an oversight role in the visa issuance process to Department of Homeland Security (DHS) personnel.

The visa issuance system and the screening system for international passengers coming to the United States have become less vulnerable because of post-9/11 reforms. Intelligence collection efforts have become more integrated into the traveler security analysis system. Nationals coming from countries that have terrorist organizations receive intensive

scrutiny. Travelers not required to obtain visas must provide personal identifying information electronically in advance of their travel. The location of foreign students is tracked from their entry and arrival at a U.S. school to their departure.

An Associated Press report in April 2011 noted that 350 suspected terrorists, including persons linked to al Qaeda, Hamas, Lashkar-e-Taiba and other terror groups, have been kept off airplanes to the United States since the end of 2009 as a result of the Electronic System for Travel Authorization (ESTA) screening system.³ That is the good news. The other side of that coin, however, is the indication of a continuing effort of international terrorist organizations to get operatives into the United States.

According to a Government Accountability Office (GAO) report issued in May 2011, despite the mandate, travelers coming from countries that participate in the Visa Waiver Program (VWP) are not comprehensively screened in ESTA.⁴ Also in the report, in 2010 there were about 364,000 foreign travelers who entered the country in the VWP without having had their records submitted through ESTA. In addition, despite the requirement for bilateral information and intelligence sharing in order to participate in the VWP,⁵ as many as half the countries whose nationals benefit from the VWP are not fully compliant with the obligation they undertook.

A further flaw in the VWP identified in the GAO report concerns the requirement in the law that the Department of Homeland Security (DHS) conduct a security review of the participation of each country in the VWP at least every 2 years. The GAO found, "...DHS has not completed the latest biennial reports for 18 of the 36 VWP countries in a timely

manner, and over half of these reports are more than 1 year overdue. Further, in the case of two countries, DHS was unable to demonstrate that it had completed reports in the last 4 years."

Illegal Entry

Since 2001 the staffing of the Border Patrol has nearly doubled. Fencing that previously existed primarily only near legal ports of entry has been extended to large sections previously used for illegal entry by foot and by vehicle. Nevertheless, the 'double layer' fencing requirement mandated by the Secure Fence Act has stalled with only about 36 of the mandated 700 miles completed. New technology has been deployed to assist in border surveillance, but to date it is no substitute for the human resources of the Border Patrol.

Border Patrol apprehensions of illegal aliens that numbered nearly 1.4 million in 2001 have fallen to about 463,000 in 2010. This drop, however, is only partly due to increased border control resources. The other major factor is the state of the U.S. economy and the unacceptably high level of unemployment. Those economic conditions have cost many illegal aliens their jobs and have discouraged additional illegal immigration. Because of the relationship between the drop in illegal entry and the economic situation, it is unrealistic to expect the current slump in illegal entry to be permanent. Rather, it is more realistic to expect the level of illegal entry to surge again when the economy improves — especially when new construction picks up speed.

For perspective, we must keep in mind that there are still hundreds of thousands of illegal aliens who penetrate our border defenses each year and are apprehended; and, several times that level of illegal

entry continues to occur by persons who are not apprehended. The ‘Do Not Enter’ sign on our borders outside of legal ports of entry is still not respected by persons seeking jobs or traffickers in drugs and people, and there is no reason to believe that it is being respected by foreign terrorists. Unlike people seeking jobs, criminals and terrorists are not deterred by a weak economy.

It is not just the availability of jobs in the United States and in the illegal alien sending countries that will determine the extent to which illegal immigration will resume swelling the illegal alien population in the United States. It will be influenced also by perceptions of the environment for illegal workers who succeed in entering the country. Clearly local measures in several states, e.g., Arizona, Colorado, Alabama, Georgia, and North Carolina, will serve as a deterrent. However, the message conveyed by the federal government, with the administration urging adoption of an amnesty for illegal aliens and promulgating policies to restrict enforcement against illegal aliens who come looking for a job, is a message that is likely to provide additional incentive to arrive in the country to take advantage of an amnesty if it is adopted.

The fact that the 9/11 terrorists were able to obtain visas and the evidence of continued attempts by foreigners with links to terrorism to legally enter the United States does not mean that terrorists will not try to sneak into the country if they cannot foil the new security measures on visa issuance. That may be seen in the apprehension of Ahmed Ressam, an Algerian, and Ghazi Ibrahim Abu Mezer, a Palestinian, both of whom attempted to enter illegally from Canada with terrorist objectives.



Border insecurity is most often focused on our southern border and public recognition of vulnerability from across the northern border is often overlooked. But, experience demonstrates past entry by intending terrorists from Canada, and the recurrence of illegal entry from Canada remains a serious concern.

The worrisome presence in Canada of groups such as the Tamil Tigers, the Kurdistan Workers' Party (PKK); major Sikh terrorist groups, and Shi'ite and Sunni Muslim organizations (Hezbollah and Hamas) with ties to Egypt, Lebanon, Iran, Libya, and Algeria led the Anti-Defamation League to make the following assessment:

There is a growing body of evidence indicating that terrorist groups have been operating effectively in Canada by taking advantage of Canada's liberal immigration and political asylum policies and the porous Canadian-American border.⁶

In the wake of the 9/11 attacks, the U.S. and Canada signed a Joint Statement of Cooperation on Border Security and Regional Migration Issues. U.S. government statements point to excellent U.S.-Canadian security cooperation, and measures have been adopted to lessen the ease by which intending

terrorists might enter the United States. For example, the possibility for intending terrorists to enter the United States by posing as a Canadian citizen with a Canadian driver's license has been limited by the new requirement as of 23 January 2007 that Canadians must present a Canadian passport to enter the United States.

"... Canada has emerged as an important gateway to the United States, the primary target of multiple jihad groups."

— Rohan Gunaratna, Head, International Centre for Political Violence and Terrorism Research Institute of Defence and Strategic Studies
Singapore, 2007⁷

Despite progress since the 9/11 attacks in tightening northern border security measures, what has not changed are the policies of the Canadian government that allow the continued operation of groups with ties to international terrorism and the porosity of the vast border that is easily crossed by drug and people smugglers.

Identifying Terrorists Who Get Into the United States

Today agents of foreign terrorist organizations face a more difficult time in conducting terrorist operations if they succeed in entering the United States. It is more difficult to illegally obtain a valid drivers license to facilitate airline travel, enter government buildings, secure lodging, or make purchases. That is the good news. The bad news is that persons illegally in the country may still obtain a U.S. driver's license in a few states, and a sophisticated new in-

dustry in counterfeit U.S. driver's licenses has sprouted in China to compete with domestic fake document manufacturers. This foreign source has been identified as providing driver's licenses for teens seeking to circumvent laws against sales of liquor to minors, but is equally available to illegal aliens and to potential international terrorists.⁸

Driver's Licenses

The REAL ID Act of 2005 required states to tighten the issuance of driver's licenses and identity cards by checking identity and restricting licenses to persons legally present in the country and to expire at the end of a period of legal admission. The need for secure identity documents was identified well before the 9/11 attacks, but efforts to enact new standards had failed. Following the attacks, the 9/11 Commission report reemphasized the need for secure identity documents. Commission staff member Janice Kephart commented early this year that to date 11 states, including Alabama, Colorado, Indiana and Maryland, are fully compliant with the REAL ID requirements and most other states are partially compliant.⁹

Nevertheless, some states continue to defy the federal law out of misguided concern about individual privacy, a desire to protect illegal aliens, or in defiance of standards imposed by the federal government, or a combination of those concerns. Idaho, Maine, Montana, New Hampshire, Oklahoma, South Carolina and Washington passed bills that expressly forbid state agencies from complying with REAL ID. Nevertheless, outside of the political spotlight, some of these states have continued to implement the identity safety standards established by the law. The federal government has leverage in pressing for compliance with the uniform ID secu-

riety system by denying recognition to state IDs that do not comply with the law's standards. The federal government may refuse to accept non-compliant state IDs for federal purposes such as boarding an air carrier or entering federal offices. The deadline for compliance has been repeatedly postponed, most recently earlier this year. It is now January 15, 2013.

Secure Communities

The Secure Communities program is an important advance in identifying foreigners illegally in the country. It was launched by the Bush administration and has been rapidly expanded by the Obama administration. This program involves local jurisdictions across the country electronically submitting digitized fingerprints of persons detained for criminal activity to the FBI and, at the same time to DHS. Those electronic records are then checked for matches in either of the databases for persons being sought by either the FBI or DHS. The Secure Communities program is credited with identifying the location in Tennessee of the two Somalis arrested earlier this year for their connection to al Qaeda.

In addition to its usefulness as a program for uncovering potential foreign terrorists in the United States, the program is also a means for identifying foreigners wanted for deportation for criminal activities or absconding after being ordered deported. That potential may reduce the huge illegal alien population that makes uncovering potential terrorists more difficult. Its full potential, however, is not being used because the Obama administration has sought to placate Latino activist organizations that argue that illegal aliens who have not been convicted of a serious crime should not be deported.



Foreign Students

The Student and Exchange Visitor Information System (SEVIS) was established in 2002 in response to the 9/11 attacks and the recognition that the absence of a system to track the presence and location of the hundreds of thousands of foreign students in the United States was a security vulnerability. A related effort was an investigation of the educational institutions that were issuing the admission forms needed to obtain a student visa. Widespread fraud was uncovered in store-front organizations established for enabling entry by foreigners seeking jobs in the United States rather than an education. These reforms have closed a large loophole that could be used by potential terrorists.

However, recent developments prove that this vulnerability persists. A University of North Carolina foreign student advisor was found to have falsified records of foreign students at his school to prevent their detection when they opted to stay illegally in the United States.¹⁰ In another development, the Immigration and Customs Enforcement (ICE) branch of DHS uncovered a new store-front racket posing as an educational institution to facilitate illegal entry into the United States for persons posing as students. "The California based educational in-

stitution [Tri-Valley University] was closed after an immigration raid on January 19, 2011 and charges of immigration fraud. The university and its founder are alleged to have operated a sham university meant to allow foreign nationals to acquire student visas and live in the United States.”¹¹

“These so-called schools not only defraud students and violate immigration laws, but they pose a real threat to our country. Sham universities are a huge problem in California — the latest example this year coming from Pleasanton, another from 2008 in Los Angeles, and two cases before that in San Diego.”

—Sen. Diane Feinstein, (D-Calif.), March 2011¹²

In the case of the UNC foreign student advisor, his prosecution and likely conviction should help to deter similar action by others. The same would be true for sham educational institutions, although no record was found of any prosecution for such fraud.

Refugees

As noted above, the refugee admissions program was recently exposed as having admitted Iraqis who supported armed attacks against U.S. military forces. This development led to increased scrutiny of Iraqis applying as refugees for admission into the United States, a development lamented by the refugee settlement agencies in the United States.¹³

The larger the population of refugees residing in the United States, the more difficult it is to identify persons with ties to international terrorism. Part of the needed remedial action after finding that the refugee program has been used by the nation’s enemies is

more careful screening prior to the entry of refugees. The other reform that would also contribute to national security would be to simply decrease the number of persons entering the country as refugees. FAIR supported the recommendation of the U.S. Commission on Immigration Reform that a flexible ceiling of 50,000 persons per year be adopted for refugee entry. The current ceiling on admissions is 80,000 refugees.

A reduction in the intake of refugees is also justified based on objective analysis of the U.S. admission program in terms of the intake of persons who do not meet international standards of who is entitled to refugee protection as well as because of fraud in the program.¹⁴

Illegal Aliens and Terrorism

While the relationship between the entry of foreigners into the United States and the threat of international terrorist attacks within the United States from foreigners is obvious, the connection to the illegal alien population in the country is less obvious.

The presence of millions of illegal aliens residing in the country provides a form of camouflage for terrorists seeking to avoid contact with law enforcement personnel while they engage in plotting an attack. The procedures that some of the 9/11 terrorists used to obtain state-issued drivers licenses that allowed them to board the hijacked airplanes without having to use their foreign passports were based on fraud and bribery of public officials that had been developed by illegal aliens and their supporters to skirt regulations for the issuance of those state-is-

"A critical element of national security in this global age is keeping track of visitors to our country. Our law enforcement officials must have every tool at their command to locate these individuals who longer have the legal right to be in the U.S. Anything less brings complacency and the very real danger that terrorists find new ways to attack our nation."

—Sen. Kay Bailey Hutchinson, (D-Tex.)
June 2011¹⁵

sued identity documents. While many of those loopholes have been closed in the wake of the attacks, the illegal alien community and their supporters are regularly creating new loopholes.

Cities and counties that declare themselves "sanctuaries" for illegal aliens also provide a potential base of operations for international terrorists who succeed in getting into the United States. Restrictions on the ability of local police to inquire about a person's immigration status are an invitation to persons who do not want their immigration status scrutinized including terrorists.

Despite an estimate by the Department of Homeland Security that the illegal alien population in the United States fell from 11.6 million in 2008 to 10.8 million in 2010, this enormous population stands as incontrovertible evidence that it remains far too easy to enter and reside in the United States illegally. While the vast majority of illegal aliens in the U.S. pose no security threat, the bitter lesson of 9/11 is that it only takes a small number of terrorists to strike a devastating blow.



The refusal of our nation to effectively deter mass illegal immigration continues to provide cover for terrorists. Without a continued large flows of illegal aliens attempting to gain entry to our country, the capability of existing Border Patrol resources would be enhanced in the effort to prevent terrorists from entering the United States and ICE's interior enforcement capability would be enhanced in investigating and removing potential terrorists who have already entered.

Furthermore, the means exist to effectively diminish the existing resident illegal alien population whose presence complicates the investigative capability of ICE and other law enforcement agencies. Reform legislation enacted in 1996 required establishment of a system to verify the identity documents of new employees. This led to the creation of the current E-Verify system that is available to employers to assure a legal workforce. The E-Verify system remains a voluntary system for most employers although it is increasingly required for contractors with the federal or state governments and in some states for all employers. The adoption and effective implementation of E-Verify as a mandatory requirement for all employers as currently proposed in Congress can enhance efforts to diminish the illegal alien population.¹⁶

Selective Immigration Law Enforcement

While the illegal alien population may have decreased — or at least ceased to increase in the past two years of high unemployment and economic decline — the policies of the current administration appear to be aimed at avoiding any further contribution to that decline. Two specific measures that demonstrate that policy focus involve instructions issued by the director of ICE. In the first of those instructions, in 2010 ICE promulgated a list of three priority enforcement targets, i.e. threats to national security or public safety, recent illegal residents, and aliens ordered deported who abscond. For all other illegal aliens, the possibility of enforcement efforts were diminished by the statement that, “Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.”¹⁷

“While it is imperative that ICE target criminal aliens, it is important to remember that the 9/11 hijackers would not be viewed as “criminal aliens” so it is incumbent upon ICE to enforce all of the laws within its jurisdiction.”

— Senate Appropriations Committee Report
Fiscal Year 2011¹⁸

The second ICE policy memo issued in June 2011 concerned prosecutorial discretion. The memorandum outlined 19 factors to be considered in exercising discretionary relief from removal. All but three of the factors identified conditions that might lessen the interest of the authorities in removing the illegal alien, e.g., length of presence, age of entry, years of U.S. schooling, a family member who served in the U.S. military, ties to the community, etc.¹⁹

This policy was interpreted as a further indication that the Obama administration was sending a message to the illegal alien community that it should not be concerned about deportation unless the alien had been convicted of a felony or was involved in terrorist activity. That interpretation resulted in legislation introduced in the House of Representatives and the Senate to restrict the ability of the administration to implement the exercise of broadly defined prosecutorial discretion.²⁰

287(g) Programs

The federal-local 287(g) cooperative immigration enforcement programs — named for the section of the Immigration and Nationality Act that established them — provide federal training in immigration law for state and local law enforcement officers and deputize the trainees to act as immigration law enforcement officers. There was a rapid expansion of 287(g) programs during the past administration with 71 participating local agencies in 2010, but the momentum has reversed during the Obama administration with a drop to 69 agency agreements at present.²¹

The 287(g) program has not been made redundant or less useful by the adoption of the Secure Communities program because the two programs are different in their operation. Because many of the persons who have entered the country illegally will not have been previously apprehended, their fingerprints submitted in the Secure Communities program will not result in their being identified as deportable aliens. However, 287(g) personnel are trained to identify deportable aliens on the basis of documentation and questioning and, if so identified, will notify federal authorities.

The lost momentum and the atrophying in the 287(g) program has coincided with policy decisions of the Obama administration to renegotiate existing 287(g) agreements and to circumscribe new ones to specify that DHS will accept custody of deportable aliens apprehended by local jurisdictions only if they accord with DHS priorities as described above.

The recent policy announcements by the administration described above do not directly impinge on its commitment to detecting and removing aliens who represent a threat to national security. The administration claims to be implementing “smart” immigration law enforcement, with combating terrorism a high priority. But, by publicly endorsing an amnesty for immigration law breakers and by circumscribing immigration law enforcement against most illegal aliens, the administration is encouraging illegal aliens to remain in the country and is sending abroad a welcoming message for new illegal immigration. The result is that the administration’s immigration policy is indirectly working at cross purposes to its stated national security objective.

The Agenda for Action

Entry-Exit Record Matching

►**FULL IMPLEMENTATION OF THE COMPREHENSIVE ELECTRONIC ENTRY-EXIT SYSTEM FOR FOREIGN VISITORS IS A HIGH PRIORITY FOR IDENTIFYING AND COLLECTING INFORMATION ON FOREIGNERS WHO OVERSTAY THEIR VISAS AND REMAIN AT LARGE IN THE COUNTRY.**

The United States continues to have no comprehensive system to electronically collect information on all foreign travelers as they enter and leave. As a re-



“Identifying individuals or overstays is a crucial component of securing our borders and making our immigration system credible and real to the law. And to me it’s just unacceptable that we’re still unable to systematically identify people who overstay.”

— Senator Joe Lieberman (I-Conn.), May 2011²²

sult there is no ability to comprehensively match those entry and exit records. This means that DHS and the FBI are deprived of information on who continues to stay on in the United States when no longer authorized to do so. They do not know how many such persons there may be. They do not know from what countries they come. They do not know if they come with visas or in the VWP. They do not know what kind of visa they may have obtained or their intended destination in the United States. And, of course, what we don’t know can harm us.

FAIR has consistently called for implementation of the entry-exit data collection and matching requirement recommended by the 9/11 Commission. Our advocacy of this reform in fact dates back many years before those attacks. Had it been in place at the time of the attacks, it might have revealed the illegal status of one or more of the terrorists and led to the subsequent prevention of the plot.

“It is unacceptable that nearly 10 years after 9/11 we still have no way of knowing with any certainty who is in our country.”

—Sen. John Cornyn (R-Tex.), June 2011²³

While progress has been made in electronically collecting entry data on foreign travelers arriving by air or water, and some of those entries can be compared to departure data collected by the transportation companies, the system is not yet comprehensive. As long as there is no comprehensive collection of departure information, authorities will have no way of knowing if individuals who pose a potential security threat remain in the country. The absence of comprehensive electronic data collection on entry and exit of foreigners also denies DHS the ability to look for patterns in fraudulent entry and overstay into the country that would assist law enforcement efforts contribute to the illegal alien population among whom terrorists may hide.

“It is unacceptable that progress on the exit portion of US-VISIT has stalled despite congressional funding and several pilot projects”

—Senator Charles E. Grassley (R-Iowa), May 2011²⁴

The Visa Waiver Loophole

►THE VWP SHOULD BE TERMINATED, OR, AT THE VERY LEAST, IT SHOULD BE SUSPENDED UNTIL THE COMPREHENSIVE ELECTRONIC ENTRY-EXIT MATCHING SYSTEM IS FULLY OPERATIONAL.

FAIR has long called for the end of the VWP for reasons of both national security and preventing illegal immigration. It should be obvious from the terrorist attacks carried out by home-grown terror-

ists in European countries that participate in the VWP that nationals of those countries should not automatically be presumed to represent no threat to the United States. The VWP was initiated at the urging of the U.S. tourism industry to facilitate the easy access of travelers to the United States. That objective, which may have made some sense pre-9/11, does not make sense in the current environment. National security requirements and the American people’s security must have a higher priority than the business interests of the tourism industry.

Requiring foreign travelers to present themselves for a consular interview the first time they apply for entry to the United States should be seen as a fundamental requirement for screening out potential terrorists as well as illegal aliens.

Secure Identity Documents

►SECURE IDENTITY DOCUMENTS ARE FUNDAMENTAL TO NATIONAL SECURITY. IMPLEMENTATION OF THE REAL ID REQUIREMENTS FOR RECOGNITION BY THE FEDERAL GOVERNMENT OF STATE-ISSUED IDENTITY DOCUMENTS AND BIRTH CERTIFICATE STANDARDS ARE LONG OVERDUE AND MUST NOT BE FURTHER DELAYED.

In 2005 the REAL ID Act established new standards for identity document security. Standards and benchmarks were set for state-issued driver licenses and identity cards. The timeframe for implementation of the standards already has been extended beyond the target deadline. While nearly one-third of the states have complied with the first tier of benchmarks, the deadline was again extended this year and now is January 2013. The leverage of the federal government over this state-controlled ID document process is in the recognition or non-recognition of the state-issued documents for federal purposes,

such as for boarding commercial aircraft. The delay in applying the compliance requirement perpetuates our vulnerability and makes us less safe.

“The terrorists were able to exploit holes in our driver’s license system.”

—Rep. James Sensenbrenner (R-Wisc.), June 2011²⁵

In addition, there are still no minimum standards for birth certificates, as required by the Intelligence Reform and Terrorism Prevention Act of 2004. These standards are needed to close a back door through which terrorists could obtain U.S. driver’s licenses.

Reducing the Illegal Alien Population

►ASSURING THAT ALL FOREIGNERS ENTERING THE COUNTRY DO SO LEGALLY BASED ON A SCREENING SYSTEM DESIGNED TO PROTECT THE AMERICAN PEOPLE MUST BE A PRIMARY OBJECTIVE IN REDUCING THE THREAT TO THE HOMELAND. REDUCING ILLEGAL ENTRY AND THE SIZE OF THE RESIDENT ILLEGAL ALIEN POPULATION REQUIRES EFFECTIVELY DENYING EMPLOYMENT OPPORTUNITIES FOR ILLEGAL WORKERS, AND ADOPTION OF THE E-VERIFY SYSTEM AS A NATIONAL REQUIREMENT FOR ALL EMPLOYERS. IT ALSO REQUIRES EFFECTIVE ENFORCEMENT BY THE FEDERAL GOVERNMENT SUPPLEMENTED BY COOPERATIVE STATE AND LOCAL GOVERNMENT POLICIES.

Any attempt to suggest that there is no linkage between illegal immigration and international terrorism is a fiction perpetrated by the defenders of illegal aliens. While illegal aliens in the vast majority do not directly represent a threat to national security, there may well be illegal aliens who do represent a threat. In addition, the same laxity that allows illegal aliens to exploit loopholes in our identity document

system, and restraints on enforcement of immigration law, work to the benefit of foreign terrorists.

Conclusion

There is no perfect defense against international terrorism, and the threat to Americans at home and abroad will remain for the foreseeable future. Our protection against such acts requires vigilance and an intelligent use of the means available to detect terrorist plots and to disrupt them. That necessarily means the ability to identify international terrorists attempting to enter the United States as well as those who have penetrated our defenses and are already in the country.

The recommendations of the 9/11 Commission identified major chinks in the nation’s armor. Yet, ten years after the attacks, those recommendations have not yet been fully implemented. Above we have identified both improvements that have been made in our defenses and measures that remain lacking. The agenda for further action is not long, but achievement of the reforms it identifies would represent a major contribution to making our country safer for our families and friends and international visitors.

We owe it to those who lost their lives in the attacks of September 11, 2001 and to their loved ones as well as to present and future generations to take all reasonable steps to provide for their security in an environment that respects freedom of expression, assembly, religion and the other freedoms on which our nation was founded.

Endnotes

¹ See for example, “Two Iraqi refugees in U.S. charged in terrorism-related case,” *Los Angeles Times*, May 31, 2011.

² Statement of Judiciary Committee Chairman Lamar Smith, Subcommittee on Immigration Policy and Enforcement Hearing on H.R. 1741, the Secure Visas Act — May 11, 2011.

³ “US blocks 350 Suspected Terrorists,” Associated Press, April 11, 2011.

⁴ “DHS Has Implemented the Electronic System for Travel Authorization, but Further Steps Needed to Address Potential Program Risks,” Government Accountability Office, May 2011.

⁵ 8 USC Sec. 1187(c)(2)(D) and (F).

⁶ Issue Brief “Canada and Terrorism,” ADL website consulted August 10, 2011.

⁷ Forward to Cold Terror: How Canada Nurtures and Exports Terrorism Around the World. Stewart Bell, ed. 2007.

⁸ “Latest counterfeit IDs are so good they’re dangerous,” *Washington Post*, July 30, 2011.

⁹ “Real ID alive and kicking, report says,” Computerworld, January 13, 2011.

¹⁰ “Ex-UNCC Staffer Pleads Guilty In Immigration Case,” WSOCTV.com News, July 21, 2011. “A former employee of the University of North Carolina Charlotte has pleaded guilty to helping dozens of foreign students stay in the United States illegally.”

¹¹ DHS press release “Attention Former Tri-Valley University Students,” (<http://www.ice.dhs.gov/sevis/tri-valley-110118.htm>) website consulted August 1, 2011.

¹² “Crackdown on Fraudulent Student Visas and Shut Down Fake Schools That Defraud Students and Give Any Foreign National a Back Door Into U.S.” Press release by Sen. Feinstein, March 6, 2011.

¹³ Dzubow, Jason, “Security Concerns Should Not Derail the Iraqi Refugee Program — Here’s Why,” July 26, 2011.

¹⁴ Martin, Jack, “Refugee and Asylum Policy Reform,” FAIR, 2010.

¹⁵ “Foreign visitors with expired visas pose potential terrorist threat,” *Houston Chronicle*, June 13, 2011.

¹⁶ See 112th Congress: H.R. 483, H.R. 693, H.R. 800, H.R. 2000, H.R. 2164, S. 1196.

¹⁷ Memorandum by ICE director Morton, Policy No. 10072.1 re “Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens,” (undated).

¹⁸ “DHS spending recommendations July 20, 2010,” U.S. Senate Appropriations Committee Report.

¹⁹ Memorandum by ICE director Morton, Policy No. 10075.1 re “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens,” June 17, 2001.

²⁰ H.R.2497 — Hinder the Administration’s Legalization Temptation Act (HALT Act), introduced July 12, 2011, and S.1380, introduced July 18, 2011.

²¹ Fact Sheet: Updated Facts on ICE’s 287(g) Program, ICE website (<http://www.ice.dhs.gov/news/library/factsheets/287g-reform.htm>) consulted August 10, 2011.

²² Congressional Hearings, May 4, 2011 — Senate Homeland Security and Governmental Affairs Committee Holds Hearing on Federal Progress on Border Security.

²³ *Houston Chronicle*, June 13, 2011. Sen. Cornyn cited the case of Jordanian Hosam Smadi who overstayed his visa 'and nearly succeeding in blowing up' a 60-story Dallas skyscraper in 2009 before being arrested, pleading guilty and being sentenced to 24 years in prison.

²⁴ Statement of Sen. Charles E. Grassley, May 17, 2011 — Subcommittee on Immigration, Refugees and Border Security.

²⁵ Transcript of remarks made at a symposium at the Heritage Foundation, June 24, 2011.

ABOUT FAIR

The Federation for American Immigration Reform (FAIR) is a national, nonprofit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

FAIR seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest — more traditional rates of about 300,000 a year.

With more than 250,000 members and supporters nationwide, FAIR is a non-partisan group whose membership runs the gamut from liberal to conservative. Our grassroots networks help concerned citizens use their voices to speak up for effective, sensible immigration policies that work for America's best interests.

FAIR's publications and research are used by academics and government officials in preparing new legislation. National and international media regularly turn to us to understand the latest immigration developments and to shed light on this complex subject. FAIR has been called to testify on immigration bills before Congress more than any organization in America.

Your support is crucial to our ability to improve border security, stop illegal immigration, and promote immigration levels consistent with the national interest. You may join or donate online at www.fairus.org, toll-free by phone at (877) 627-3247, or complete the adjacent form and mail to:

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