



Immigration Task Force

Measuring the Metrics:

Grading the Government on Immigration Enforcement

EXECUTIVE SUMMARY



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DISCLAIMER

This report was prepared by a consultant for the Bipartisan Policy Center and is a product of the Immigration Task Force staff. The findings and conclusions reached in this document do not necessarily reflect the views of BPC's Immigration Task Force Members or BPC, its founders, or its board of directors.

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Immigration Task Force



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Letter from the Co-Chairs

In 1986, Congress and President Reagan asserted that the enforcement and legalization provisions contained in the Immigration Reform and Control Act (IRCA) would control future unauthorized immigration. Within a few years, however, it became clear that the unauthorized immigrant population was rising more quickly than ever before. This failure to stem the flow of unauthorized immigration has impacted the immigration debate in this country ever since.

We continue to believe that comprehensive immigration reform is in the best interest of our country. We also believe that truly comprehensive reform must include effective immigration enforcement as a key component. Our Task Force believes strongly that a robust set of outcome-based border security metrics is necessary to provide a holistic picture of the flow of unauthorized immigration and hold accountable those responsible for securing the nation's borders. As this BPC report shows, despite decades of research and a wealth of data, federal immigration agencies have failed to report a consistent set of performance measures over time.

This report lays out a set of performance measures that covers each of the major ways unauthorized immigrants enter and exit the country, as well as overall changes to the unauthorized immigrant population. If Congress and the executive branch worked to create and report on a similar set of measures, and to release data to external researchers that would support supplemental analysis, our understanding of the state of immigration enforcement would improve tremendously.

Stakeholders on all sides of the debate agree that our current immigration system does not serve the national interest. To support good policy now and in the future, Congress and the executive branch should work together to publish a stable, consistent, and complete set of performance measures for immigration enforcement.

Condoleezza Rice



Haley Barbour



Ed Rendell



Henry Cisneros





Immigration Task Force



Lights and fencing along the U.S.-Mexico border near Yuma, Arizona.

Executive Summary

Introduction

Border security is one of the most contentious issues in the immigration reform debate. Since the 1986 passage of the Immigration Reform and Control Act (IRCA), real spending on immigration enforcement has grown sevenfold, and now constitutes nearly half of all federal law enforcement spending. Despite significant investments, the federal government has failed to develop a comprehensive system of performance indicators that measure the effectiveness of its efforts to combat unauthorized immigration. The lack of consistent, widely accepted accountability measures for border security and interior enforcement contributes to the disagreements over the state of immigration enforcement and impacts the ongoing immigration reform debate.

Over the years, both the Department of Homeland Security (DHS) and independent researchers have developed methodologies and identified data sources that could be used to measure the government's success—or failure—at preventing unauthorized immigration. Government metrics have not always been publicly reported, and agencies have been reluctant to adopt measures developed by outside researchers. After reviewing the data and methodologies available to the government and in academia, the Bipartisan Policy Center (BPC) suggests a slate of metrics that, if used and reported, would constitute an objective set of comprehensive, outcome-based performance measures. This document summarizes BPC's full report, *Measuring the Metrics: Grading the Government on Immigration Enforcement*.

Key takeaways include:

- **Need for consistent, credible measures.** Federal immigration agencies have frequently adopted new performance measures, only to drop them a few years

later. The lack of stable measures undermines the ability to assess the effectiveness of efforts to combat unauthorized immigration.

- **Need for broad outcome measurements.** Assessments of U.S. immigration enforcement too often rely on input measures, such as the amount of funding, the number of agents deployed, or miles of fencing. Instead, outcome measures are necessary to judge whether federal agencies are meeting overall immigration enforcement goals.
- **Data and methodologies are already available.** The lack of adequate performance reporting generally does not reflect a lack of data. Over the past few decades, DHS and external researchers have invested significant resources in collecting a wealth of data and developing methodologies to measure immigration enforcement outcomes, but federal agencies have not taken full advantage of the potential benefit provided by further analysis and reporting.
- **The migrant's incentives matter.** The incentive structure behind a migrant's decision to come to the United States provides important context for interpreting enforcement metrics and establishing goals. The ultimate tool—to determine the appropriate resource allocations for immigration enforcement—would be an integrated model that links migration decisions, U.S. policy levers that affect migration incentives, and outcome measures.
- **Congress should provide clear reporting requirements.** In order to hold relevant federal agencies accountable, Congress should require consistent and stable reporting on the state of immigration enforcement based on a set of comprehensive, outcome-based performance measures such as those outlined in this paper.

Background: A Brief History of Measuring Enforcement

The primary purpose of the immigration enforcement system is to prevent unauthorized immigration. The system is a complex network of law enforcement and administrative programs that spans the Departments of Homeland Security, Justice, and State. Federal immigration agencies have always collected data and reported various statistics relevant to their mission and specifically to border and interior enforcement. But these agencies have failed to utilize this data to develop and report consistent, reliable performance measures for immigration enforcement over time.

In the 1980s and early 1990s, federal agencies and researchers developed several methodologies to measure immigration enforcement outcomes. Since then, agencies have adopted and dropped various measures but have not settled on a consistent framework that tracks performance over time. For example, in the context of border control, the agencies have developed, utilized, and reported four different core measures for the southwest border in the past 15 years. DHS announced in 2012 that it was working to develop a “Border Conditions Index” (BCI), which would aggregate together a range of enforcement indicators. But by 2013, the effort was abandoned and nothing was made public.

Defining Measurement: Key Concepts and Criteria

Too often, assessments of U.S. immigration enforcement are based on input measures, such as the amount of funding, the number of agents deployed, or the number of miles of fencing. However, to determine accurately whether enforcement is successful or cost-effective, it is necessary to use outcome measures that assess progress toward an overall goal of reducing unauthorized migration.

Outcome measures help assess the achievement of and progress toward overall immigration enforcement goals, which helps educate the public and policymakers about the true state of enforcement. For example, one input measure might be the number of Border Patrol agents, and an output measure would be the number of apprehensions by those same agents. Apprehensions are easy to quantify, but do not clearly indicate whether Border Patrol is achieving its goal of deterring and preventing illegal entry. The appropriate outcome measure would be to assess the total number of illegal entries.

Ideal outcome-based performance measures should be:

- Meaningful, clear, and readily understandable;
- Based on objective methodologies that enjoy scientific consensus;
- Derived from valid data that are not biased or distorted, and are collected in a consistent manner over time;
- Timely and actionable; and
- Stable over time.

Measuring Enforcement Outcomes

The table and discussion below present a suggested set of metrics that, taken together, would constitute a comprehensive, outcome-based set of performance measures that could inform the public and policymakers about the state of border security and the success of immigration enforcement. The measures suggested cover overall changes to the unauthorized immigrant population, as well as the specific ways individuals enter and exit the unauthorized immigrant population. In general, these measures could be reported using existing data collected by the government and external researchers.

Table 1. Potential Outcome Measures for Unauthorized Immigration

Outcome	Performance Measures
<i>Overall Effectiveness</i>	
Unauthorized population	Number of Unauthorized Immigrants Residing in the U.S.
<i>Specific Inflow (Entry) Channels</i>	
Total inflow	Total Entries by Unauthorized Immigrants
Illegal Entry Between Ports	Number of Apprehensions
	Probability of Apprehension
	At-the-Border Deterrence Rate
	Number of Successful Illegal Entries
Illegal Entry At Ports	Number of Refused Entries and Apprehensions
	Probability of Apprehension
	Number of Successful Illegal Entries
Overstays	Number of New Overstays
<i>Specific Outflow (Exit) Channels</i>	
Measures of Each Possible Outflow Channel	Number of Unauthorized Immigrants Removed
	Number of Unauthorized Immigrants Adjusted to Legal Status
	Number of Unauthorized Immigrants Leaving of Their Own Accord
	Number of Unauthorized Immigrants Who Died

Measuring Overall Effectiveness: Stock-and-Flow Estimates of the Unauthorized Population

Two important measures of the overall state of unauthorized immigration in the United States are the “stock” and “flow” of unauthorized immigrants. “Stock” refers to the number of unauthorized immigrants present in the United States at a given point in time. “Flow” refers to the total number of individuals entering or leaving the unauthorized immigrant population, or the year-to-year change in the stock of unauthorized immigrants.

Most estimates of the resident unauthorized population are based on the “residual methodology,” which compares the number of foreign-born people in the country with legal entries and assumes all foreign-born people who cannot be accounted for are unauthorized immigrants. Although there are some challenges associated with this methodology, it is the most widely accepted methodology for estimating the number of unauthorized immigrants and has been consistently used over time by both government and academic researchers. The overall estimate of unauthorized immigrants in the country has been used as a performance measure by the federal government in the past, but has not been used by DHS since its founding in 2003.

Measuring Entries through Specific Channels

Because the total stock of unauthorized immigrants can only speak to the overall success of immigration enforcement, measures specific to individual means of inflow (entry) and outflow (exit) for unauthorized immigrants are necessary both to assess the success of specific enforcement strategies aimed at these individual channels of entry and exit, and to determine what combination of strategies would most effectively reduce the unauthorized immigrant population. Enforcement strategies have different goals: to prevent or deter inflows (e.g., border security), to increase outflows (e.g., interior removals), or some combination of both (e.g., employment verification).

Inflow between Ports of Entry (unauthorized border-crossers)

The primary outcome measure between the ports of entry should be the number of successful unauthorized border-crossings. Because illegal entries cannot be directly measured (by definition, they are undetected), the number of successful entries must be estimated indirectly from other available data. Specifically, if the probability of apprehension at the border can be estimated, then it can be combined with the number of apprehensions (which Border Patrol already reports) to estimate the total number of successful entrants. For example, if the probability of apprehension is 50 percent and there are 500,000 apprehensions in a year, one can estimate that another 500,000 people successfully entered illegally. This final number, the number of illegal entrants between the ports of entry, is the critical immigration enforcement outcome that Border Patrol should seek to minimize.

Several existing methodologies can be used to estimate the probability of apprehension: (1) analysis of known-flow data, (2) recidivism analysis, and (3) analysis of migrant survey data. The discussion below briefly summarizes the strengths, weaknesses, and measurement challenges associated with each of these measures, and the full report contains a more detailed discussion.

- *Recidivism rate.* The recidivism rate is the percentage of unauthorized border-crossers caught more than once during the same fiscal year. The major limitation is that the recidivism rate is determined not only by the rate at which immigrants are deterred from trying to cross, but also by the probability of apprehension. For example, a falling recidivism rate could mean that border enforcement is successfully deterring would-be border-crossers, but it could also mean that Border Patrol is catching a lower percentage of the people who try. With additional statistical analysis, it is possible to separate the



New metal border fence near San Diego. Photo courtesy of U.S. Customs and Border Protection.

influence of these two factors. DHS recently adopted the recidivism rate as a performance measure, but it does not provide this context or use it to publish an estimate of successful legal entries.

- *Known-flow data and the effectiveness rate.* Border Patrol collects known-flow data, which comprises three key categories: (1) apprehensions; (2) “turnbacks,” or instances where Border Patrol observes people giving up and returning to Mexico; and (3) “got-aways,” which are estimates of those who successfully enter illegally. The effectiveness rate, which DHS recently adopted as a performance measure, is the percentage of people who did not “get away.” The major limitation of known-flow data is that the estimates of got-aways are bound to miss some migrants who avoid Border Patrol detection altogether. Despite this undercount, got-aways are the closest known official estimate of the number of successful illegal border-crossings; however, DHS only publishes the effectiveness rate, not the underlying data.
- *Migrant survey analysis.* Migrant surveys ask individuals who attempted illegal entry in the past how many times they were apprehended on a particular trip and whether they ultimately successfully entered or gave up.

These surveys can be used to estimate the probability of apprehension and the extent of deterrence. Various organizations have conducted migrant surveys over the years. This method has a handful of challenges, including whether the sample is representative of the overall migrant population, the composition of the migrant population, and the impact of enforcement on peoples’ willingness to participate in the survey. However, migrant surveys contain the only direct data on those who successfully enter the United States.

Inflow at Ports of Entry

After hitting a peak of roughly 500 million in the early 1990s, the number of entry inspections at all official ports of entry currently is slightly above 350 million per year. While some portion of those inspected are determined inadmissible and denied entry, unauthorized entries can occur at the ports of entry via clandestine entry (e.g., concealment within a vehicle) or via fraudulent entry (e.g., using false or stolen documents or false statements).

Much more is publicly known or can be estimated about the probability of apprehension and number of illegal entries between ports than at ports. U.S. Customs and Border



San Ysidro, CA border port of entry. Photo courtesy of U.S. Customs and Border Protection.

Protection (CBP) may have estimates of unauthorized entry at ports that it has developed for internal use, but it has not shared them publicly. For example, CBP conducts randomized secondary inspections (intensive screening) of vehicles at land ports of entry and at international passenger arrivals at airports through its Compliance Measurement Examination (COMPEX) program. Under this program, a random sample of vehicles or air passengers is selected for intensive secondary inspection, and as long as that sample is truly random, the percentage of those detected attempting illegal entry in this sample can be applied to the overall traveler flow to get an estimate of successful unauthorized entrants.

Although DHS reported COMPEX compliance and apprehension rates for air- and land-vehicle passengers from 2005 to 2009, no estimates of the number of illegal entries through ports have ever been made public. Developing quality estimates of these flows should be possible based on these inspections. The inclusion of more port-of-entry data would enhance the public's understanding of this oft-overlooked way in which

unauthorized immigrants evade law enforcement and enter the country.

Overstays

Overstays are individuals who entered the United States legally but subsequently violated the terms of their admission and fell out of legal status. Because overstays constitute a significant share of the unauthorized immigrant population, measurement and public reporting of overstay estimates are important to a comprehensive border enforcement evaluation framework. Even if additional enforcement at the border and ports of entry were successful in deterring or preventing unlawful entry, failure to address the overstay population results in increases in the overall number of unauthorized immigrants living in the United States.

Stocks and flows of overstays were first measured in 1985 through 1988 by matching arrival and departure stubs from the paper I-94 form that all visa travelers were required to complete. In 1996, the last year for which overstay

estimates were developed, 41 percent of the estimated five million unauthorized population at the time were overstays. Other estimates have subsequently been produced, but all of the most commonly cited estimates still rely on overstay rates that were calculated for the 1996 estimate.

While the federal government has not publicly reported an estimate of the overstay population since 1996, the introduction of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) system and the expanded collection of exit records for most ports of entry has significantly improved DHS's capability to identify overstays. Additionally, though the methodologies and results have not been made public, DHS and the State Department are required to consider overstay rates to determine country eligibility for the Visa Waiver Program. Although significant hurdles exist—particularly the lack of exit data collection at the southern land border—developing and publishing updated estimates would represent a major improvement compared with the currently available overstay measures, providing a clearer and more up-to-date picture of the overstay problem.

Measuring Inflows and Outflows: Stock-Flow Accounting

The three groups of inflows described above—between ports of entry, at ports of entry, and overstays—are the primary mechanisms for entry into the United States. There are four main channels through which individuals may “flow out of” the unauthorized immigrant population—forcible removal, adjustment to legal status, departure on their own recognizance, or death. Taken together, estimates of the inflow and outflow channels could provide a “complete stock-and-flow accounting” of the unauthorized immigrant population. Recently, researchers took a significant step toward publishing such an estimate, breaking outflows into the same four categories listed above.¹ While this is still in development, additional research and cooperation with the federal government could improve the data and create a regularly reported outcome measure.

Measures and Migration Decisions

To develop enforcement policies and measure their success, it is important to understand how those policies and measurements relate to individuals' decisions to illegally migrate to the United States. Generally, four key factors influence a potential migrant's decision: (1) the probability of entering successfully (including the number of crossing attempts the migrant expects to make), (2) the expected monetary and non-monetary costs, (3) the expected consequences of failure, and (4) the expected benefits if the trip is successful. Policies that aim to reduce future flows of unauthorized immigrants ultimately attempt to influence these four factors.

Migrants' incentives for coming to the United States provide important context for interpreting enforcement metrics, setting goals for those metrics, and immigration enforcement as a whole. For example, in assessing whether or not border enforcement is adequate, policymakers could set a goal for the percentage of would-be border-crossers who are caught (i.e., the probability of apprehension). To determine what probability of apprehension is sufficient to deter future migrants, it is useful to consider the “repeat trials model,” which illustrates how changes to the probability of apprehension affect how difficult it is to cross the border illegally. Of course, when the probability of apprehension is zero, the average migrant must only make one attempt to cross the border. However, data show that as the probability of apprehension increases, the expected number of trips needed increases more and more quickly.

The repeat trials framework suggests that a 100 percent apprehension rate may not be needed to deter a substantial number of crossing attempts; indeed, the history of borders around the world suggests that attaining such a threshold may not be possible. Instead, if the goal is to reduce unauthorized immigration, the apprehension rate may only need to reach a threshold that makes it less likely that most migrants will try.

The ultimate tool—to determine the appropriate resource allocations for immigration enforcement—would be an integrated model that links migration decisions, U.S. policy levers that affect migration incentives, and the outcome measures described above. This would allow policymakers and the public to assess the cost-effectiveness of different enforcement policies. While challenging, researchers have made progress on building such a model, and it is clear that it can be done if analysts with appropriate skills are engaged to do it and provided with the data that they need.

While an overall understanding of the impact of enforcement on the goals of preventing unauthorized immigration is needed, it should be noted that some enforcement and deterrence strategies can have unintended consequences. For example, the strategies used in the 1990s to deter unlawful crossings at the then-busiest sectors of the U.S.-Mexico border (Operation Gatekeeper in San Diego Sector and Operation Hold the Line in El Paso) deterred crossing in those sectors, but redirected the crossings to more dangerous areas, which increased migrant deaths. Other potential secondary effects of enforcement activities can include: increases in criminality or violence at the border, disruption to local ways of life, environmental impacts, and impacts on civil rights. Thus, policymakers may also wish to consider performance measures that track the consequences of various enforcement choices on factors other than unauthorized crossings. The sort of holistic model described above could help policymakers identify ways to achieve an equivalent deterrent effect while avoiding undesirable outcomes.

Conclusion

Sufficient data are available for DHS to regularly report on a comprehensive set of performance measures that assess all aspects of the flow of the unauthorized immigrant population. The availability of objective outcome measures would help policymakers and the public better understand the success or failure of immigration enforcement policies and implementation. Analysis based on these performance measures would help identify the most appropriate strategies and goals for immigration enforcement. Utilizing existing data to develop and provide consistent reports on immigration enforcement outcomes is essential to helping policymakers and the public address this important and complex national issue.

Founded in 2007 by former Senate Majority Leaders Howard Baker, Tom Daschle, Bob Dole and George Mitchell, the Bipartisan Policy Center (BPC) is a non-profit organization that drives principled solutions through rigorous analysis, reasoned negotiation and respectful dialogue. With projects in multiple issue areas, BPC combines politically balanced policymaking with strong, proactive advocacy and outreach.



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