

Illegal Aliens: Counting the Uncountable

By JAMES H. WALSH

Qui vult decipi, decipiatur.

(Let him who wishes to be deceived, be deceived.)

—Latin proverb

No exact head count exists for the ghost population of illegal aliens residing in the United States. Data compiled by the U.S. Census Bureau (USCB) and by national surveys, governmental agencies, nongovernment statistics-keeping agencies, philanthropic organizations, religious charities, and immigrant advocates are used in estimates ranging from 7 million to 20 million. I believe that number is closer to 2 times 20, and here is why.

Guessing the number of illegal aliens in the United States is like playing the lottery—more than a million to one that you will be right on. Government agencies each have their own methodology and thus their own estimate. Leading the list are the Census Bureau and the post-9/11 Department of Homeland Security (DHS)—an amalgamation of 22 federal agencies, including the former Immigration and Naturalization Service (INS) transferred from the U.S. Department of Justice (DOJ) and the former Customs Service (USC) transferred from the U.S. Treasury Department. The INS and USC had the distinction of being among the most dysfunctional agencies in the

U.S. Government. Added to these are other public and private prestidigitators (listed here in alphabetical order): academics, demographers, economists, environmentalists, geographers, historians, immigration advocates, journalists, labor specialists, political scientists, religious charities, sociologists, statisticians, and welfare administrators.

Not one of these “experts” has a clue as to the exact number of illegal aliens, but this does not keep them from crafting estimates to fit their own agenda. Few have ever been to the U.S.–Mexican border, where the majority of illegal aliens cross into the United States. My high-ball estimate, at least, is based on first-hand data compiled on site. During

eleven years as a renegade INS Associate General Counsel, I regularly traveled the Southern Border, as it meanders 2,000 miles from the Pacific Ocean to the Gulf of Mexico. My duties took me as well to the then even less secure Northern Border with Canada, which extends through often heavily wooded wilderness.

The INS, in its stormy heyday, had a chronic problem with numbers, be it the number of illegal aliens crossing U.S. borders each year, the number of visa overstays, the number of actual, in-the-flesh deportations, or the

number of criminal illegal aliens (those convicted of crimes committed in the United States, after their illegal entry).

In 1994, the INS Statistics Division published a seminal statistical work on illegal aliens. Emphasizing that the figures were estimates, the report



acknowledged the assistance of the Urban Institute, the Center for Social Demographic Analysis, the State University of New York, Albany, and the New York City Planning Department. The Urban Institute contributor also worked as an INS consultant, and now is with the Pew Foundation. The major players in immigration statistics do tend to quote each other. Although the report cited the INS Non-immigrant Information System (NIIS), it failed to mention that the 1990 NIIS records were lost during a processing error. Nevertheless, the report concluded that the actual illegal alien population residing in the United States in October 1992 was “not likely to have been higher than the estimated total of 3.4 million, because the assumption used to construct the estimates was selected deliberately to avoid underestimating the population.”

At the same time, an investigation by the U.S. Department of Justice Inspector General found INS statistics suspect and cited deliberate deception by senior INS officials tampering with immigration statistics. *Falsus in uno, falsus in omnibus* (false in one, false in all).

The DOJ investigation agreed with audits by the Government Accounting Office (now Government Accountability Office, GAO) that an “aura of incompetence and incestuous mismanagement” permeated the INS. Over the years, GAO auditors voiced their concerns to the INS Office of the General Counsel, which was plagued by a swinging

door of political appointee General Counsels. Those who pushed for accurate counts were stilled by bureaucratic estoppel, dead-end rewrites, and persistently convoluted and distorted statistics.

U.S. Border Patrol agents confided that they were told to cap apprehensions and deportations

to conform to the desires of various Administrations to create at least a public perception of border control. One method was to move deportation cases from the Border States to inland districts with fewer alien cases; thus deportations would better match depressed apprehension figures. Another method was to send illegal aliens back across the border without recording the apprehensions. That strategy failed on occasions when Mexican officials refused to accept

non-Mexican deportees. Not all illegal aliens crossing the Southern Border are Mexican. These “others” have their own acronym, OTM (other than Mexican), and it is among the OTMs, that the risk of terrorism is greatest. For instance, Arabs are said to be training in South America to pass as Hispanics at the Southern Border.

Unfortunately, under DHS, things have not greatly changed, other than to rename former INS and USC units and positions. The same bureaucrats, at the behest of political appointees, still supply Congress and the White House with illegal alien numbers. Just as with the old INS, the new DHS bureaucrats are adept at rationalizing their



Although the illegal alien population in the U.S. is much higher today than in previous periods, the smuggling of illegal immigrants has been an ongoing problem for decades. An immigrant from Mexico is apprehended as a border patrol agent searches under the hood of a car.

methodology and head counts.

In addition, the U.S. Census Bureau routinely undercounts and then adjusts upward total census numbers of Hispanics and other foreign nationals residing in the United States—counting only, of course, those willing to be counted. For the year 2000, the Census Bureau reported a total U.S. population count of “about 275 million” men, women, and children. When the states and local governments challenged that number as an undercount, the total was corrected upward to 281.4 million, with no clear count of illegal aliens. The Hispanic 2000 census count was 32.8 million, but on re-count the Census Bureau adjusted this number upward to 35.3 million, a 13 percent increase.

In 2001, Northeastern University, in an independent study, estimated a total of about 13 million illegal aliens in the United States, at the same time that the INS was estimating 4 million to 6 million illegal aliens. Unquestionably, the INS had a policy of underestimating the illegal alien count in keeping with its agenda traceable back to the Immigration Act of 1965, which opened the doors to Third World immigrants.

The average number of recorded apprehensions of illegal aliens in the United States now hovers at 1.2 million a year. A DHS report, *Border Apprehensions: 2005*, documented 1.3 million apprehensions in 2005. For the 10-year period (1996–2005), the highest number of apprehensions, 1.8

million, occurred in 2000, and the lowest, 1 million, in 2003. These DHS statistics contradict persistent statements by other government agencies that only 400,000 to 500,000 illegal aliens enter the country each year.

Journeymen Border Patrol agents (on the job



According to revised estimates, 20 million or more illegal aliens are believed to be currently residing in the U.S. A minimum of five illegal aliens enter the U.S. for each apprehension.

five years or more) estimate that a minimum of five illegal aliens enter the United States for each apprehension, and more likely seven. That informed estimate would raise the total number of illegal aliens entering the United States in 2003 to 8 million men, women, and children.

Immigrant apologists argue that the number of illegal aliens in the United States fluctuates: many die; many return to their homeland part of each year or after many years of work; others are granted amnesty or refugee status; and others become

(LPRs) and then citizens. Logic questions some of these arguments. Why would those who pay \$1,500 to \$15,000 to be smuggled into the United States, risking their life, return in a matter of months or years? Why would they suffer long trips confined to over-crowded boats, trucks, or other containers to stay for a few months or years? Why would people suffer possible assaults, rape, or murder to stay a few months or years? Why would Chinese illegal aliens suffer decades of indentured servitude for a few years in the United States? Most of those illegal aliens who risk their lives sneaking into the United

States are here to stay.

My estimate of 38 million illegal aliens residing in the United States is calculated, however, using a conservative annual rate of entry (allowing for deaths and returns to their homelands) of three illegal aliens entering the United States for each one apprehended. My estimate includes apprehensions at the Southern Border (by far, the majority), at the Northern Border, along the Pacific, Atlantic, and Gulf of Mexico coasts, and at seaports and airports. Taking the DHS average of 1.2 million apprehensions per year and multiplying it by 3 comes to 3.6 million illegal entries per year; then multiplying that number by 10 for the 1996–2005 period, my calculations come to 36 million illegal entries into the United States. Add to this the approximately 2 million visa overstays during the same period, and the total is 38 million illegal aliens currently in the United States.

In contrast to my estimate, the head of the U.S. Border Patrol Union Local in Tucson was quoted in a May 16, 2006, *Christian Science Monitor* article, as estimating the total number of “illegal immigrants” (illegal aliens) in the United States, as of that date, at between 12 million and 15 million. At the same time, the U.S. Citizenship and Immigration Services (USCIS) in DHS put the number at 7 million; the Census Bureau estimated 8.7 million; and The Pew Hispanic Center estimate was 11.5 million to 12 million “unauthorized migrants” (illegal aliens) living in the United States. Depending on the source, the *Christian Science Monitor* concluded, illegal aliens in the United States in May 2006 numbered from “about 7 million up to 20 million or more.” At least the reporter was on the right track.

The current confusion of laws, regulations,

DHS operating procedures, judicial decisions, and political agenda wreaks havoc on border enforcement. It is hardly reassuring that DHS Secretary Michael Chertoff, on February 16, 2007, stated that immigration reform would let U.S. law enforcement focus on catching criminals instead of “future housekeepers and landscapers.” The Secretary opined that security alone is not enough to permanently stop “illegal border jumpers” (illegal aliens). With internecine fighting reported on the rise between and among alien and drug smuggling Hispanic gangs, the Secretary noted that alien smugglers are in disarray, but he expects “flows to go up again as smugglers regroup.”

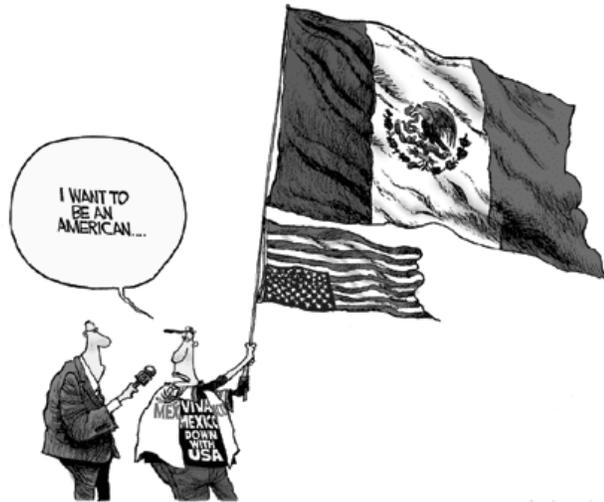
A Closer Look at the Numbers

Thus far in 2007, the U.S. population has passed 301 million. DHS statistics indicate that illegal aliens are the fastest growing segment, followed by their anchor babies. In addition, the number of Mexican illegal aliens apprehended is nine times the combined numbers of all other illegal aliens.

Still the number of illegal aliens is downplayed by the immigration lobby, which is a coalition of liberal-radical academics, liberal politicians, federal and state bureaucrats, labor unions, La Raza (“The Race,” the leading immigrant activist group), other immigrant activists, and religious organizations.

Aiding and abetting the immigrant coalition is the news media, which is committed to not identifying persons as illegal aliens, especially those who commit crimes. Only when forced to do so does the news media refer to illegal aliens, and then only as “undocumented persons” or “unauthorized immigrants.” The latest newspeak introduced the term “migrants” with the blessing of the *New York Times*, when the coalition realized

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that U.S. citizens were beginning to catch on that “undocumented immigrant” actually meant illegal alien. Finally U.S. taxpayers are becoming alarmed by the numbers of illegal aliens in their states, cities, and communities. Finally they are sensing that the actual numbers exceed the official estimates.

Illegal alien apologists must downplay the numbers because the actual costs to federal and state taxpayers are rising drastically each year. By undercounting illegal aliens, the costs to taxpayers for increased school enrollment and hospital treatment are never fully explained. Texas school officials are recruiting in Mexico for bilingual persons to teach in Texas public schools. The 2005–06 Texas school data showed at least 711,237 students had “limited” English-speaking skills. U.S. school districts are recruiting foreign nationals to come and teach in U.S. schools to accommodate illegal aliens.

Arizona will spend \$1.2 billion to educate non-English-speaking children in 2007. The pro-immigrant rights Pew Hispanic Center estimates that one in nine Arizona students is an “illegal immigrant or the child of an illegal immigrant.” Others in Arizona suggest the number is more like one in four.

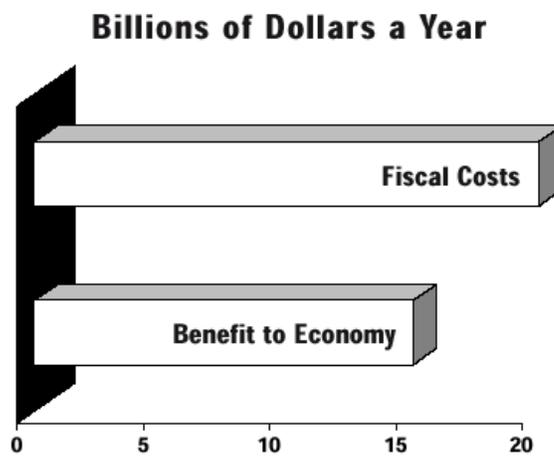
On Capitol Hill, Congressional staffers are quick to rely on governmental studies as accurate; the acceptance of flawed data is routine in immigration circles. The Pew Hispanic Center published a report on June 14, 2005, entitled, *Unauthorized Migrants: Numbers and Characteristics* by Jeffrey S. Passel, formerly with the Urban Institute and a former INS consultant. His report, illustrated with charts and diagrams, included a footnote in which he stated his preference for the term “unauthorized migrants”:

Various labels have been applied to this group of unauthorized migrants, including “undocumented immigrants,” “illegals,” “illegal aliens,” and “illegal immigrants.” The term “unauthorized migrant” best encompasses the population in our data, because many migrants now enter the country or work using counterfeit documents, and thus are not really “undocumented,” in the sense that they have documents, but not completely legal documents.

Perhaps in place of “illegal aliens,” Passel would prefer “not completely legal aliens.” His report, largely advocate babble (immigrant advocate babble) under the guise of research and statistical analysis, rehashes disingenuous data in an attempt to cloud illegal alien numbers and their impact. In a chapter on “Methods: Residual Estimates of Unauthorized Migrants,” he states that the “residual method has been used for several decades to measure un-

authorized migration to the U.S.” and that “some of the first sound empirical estimates came from residual methodology applied to the 1980 Census. Variants of the method were used or discussed by the Census Bureau, the Panel on Immigration Statistics, the Bi-National (U.S.-Mexico) Study, and the Commission on Immigration Reform, INS, and a number of other organizations and researchers.” If incest is a crime, then these researchers are guilty—at least of quoting themselves and cross-referencing their colleagues.

AGAO report (May 9, 2005) on criminal illegal aliens compared a 2000 INS estimate of the total “unauthorized immigrant” (illegal alien) population residing in the United States at 7 million to a 2005



Source: *The New Americans*, National Academy of Sciences, 1997.

Studies continue to show that fiscal costs exceed the economic benefits of illegal immigration.

estimate of “about 10 million illegal aliens living in the United States.” Of the 55,322 criminal illegal aliens studied by the GAO, each averaged eight arrests—without deportation.

The new DHS has yet to correct the multitude of problems inherited from the INS and Customs. A GAO report (May 27, 2005) described the memorandum of understanding on respective duties and intelligence sharing signed by the newly formed Immigration and Customs Enforcement component (ICE) and the Customs and Border Protection component (CBP). As of May 2005, however, no mechanism was in place to track numbers and results of referrals between the two. Little has changed.

Recently experts at liberal think-tanks, such as the Brookings Institution, are commenting on the extraordinary explosion across the United States of diversity and immigration. These experts are just learning that “immigrants” (illegal aliens) are showing up in many more communities than the experts ever believed, such as Loudoun County, Virginia (an affluent suburb of Washington, D.C.), Palm Beach County, Florida; and Plainfield, Illinois. They had accepted as fact the under-reporting of illegal aliens by immigrant special interest groups, including Democrats in Congress and federal agencies. Finally the ghost population of illegal aliens is becoming visible, through its sheer numbers at the state and local level. Not only are U.S. citizens beginning to see the reality of unfettered illegal immigration in their own communities; they are beginning to feel the pinch.



Elvira Arellano, an illegal immigrant from Mexico, has taken up sanctuary with her son in a storefront church in Chicago. Arellano continues to defy apprehension by U.S. authorities.

Countable Snapshots

Although no exact numbers exist on illegal aliens residing in the United States, the following snapshots support my contention that the actual numbers far exceed the “official” estimates of the federal government.

- On an inspection tour of the El Paso Border Patrol Sector, while interviewing an agent, I observed in the distance twelve illegal aliens dash through a split in a fence, and three Border Patrol agents give chase. The aliens spread out like a fireworks starburst; the agents apprehended three of them; and thus nine illegal aliens were on their way to mingle in El Paso or parts unknown. This snapshot, remember, was a 20-foot stretch of a 2,000-mile border.

- In an immigration/civil rights case, a federal judge asked attorneys, “Do we really know how many undocumented immigrants we are talking about, in the United States?” School Board attorneys hemmed and hawed; finally one replied, “One expert told me 1,300 “undocumented students” were in the school district, and another said 7,000.” When the judge later asked the question again, attorneys answered that privacy laws and federal laws prohibited questions about citizenship.

- The Hispanic population is skyrocketing in such diverse areas as Fort Myers, Florida; Charlotte, North Carolina; Indianapolis, Indiana; Las Vegas, Nevada; and Seattle, Washington. Illegal aliens make up an estimated 80 percent



Latino protestors rally for amnesty in Los Angeles.

of the new population. In Nebraska, the number of illegal aliens is estimated at more than 50,000. Nationally, Hispanics, now the largest minority, have a higher fertility rate than other ethnic groups.

- In early 2007, more than 1.6 million Hispanics were reported living in the greater Chicago area, the majority of them Mexicans and 80 percent of them illegal aliens. One of them, Elvira Arellano, is being granted “sanctuary” in a Chicago store-front church. DHS officers have not breached this “sanctuary” to deport Arellano once again. Having lived in Chicago for nine years, she can still not speak English. As one of the few people actually deported

by the U.S. Government, she re-entered the United States without inspection and thus is subject to felony charges. The radical immigration advocates who support her “sanctuary” mean to make a mockery of U.S. laws.

- In January 2007, an Immigration and Customs Enforcement (ICE) spokeswoman estimated that 600,000 “illegal immigrants” (illegal aliens) are currently ignoring deportation orders. Illegal aliens call the written notice of a deportation order a “run letter,” and that is what they do.

- Southern states have the fastest growing populations in the country. Brookings Institution demographer William Frey opined in 2006, “Immigrants are finally catching up to the fact that the South is a magnet for jobs and quality of life. They are rag-tag

migrants, taking jobs created by people who come from other parts of the U.S.” Texas, Florida, Georgia, and North Carolina are among the ten most popular states with illegal aliens.

- In 2005, a total of 11,400 migrants on their way to the United States took refuge in the Jesuit shelter, Casa del Migrante, in Nuevo Laredo, Mexico, across the Rio Grande from Laredo, Texas; this figure was up from 4,647 in 1999.

- In Palm Beach County, Florida, in 2006, according to an immigration advocate, the Hispanic population was undercounted by 3–4 to 1, with 90 percent of them illegal aliens. Thus when the 2005 Census recorded 50,000 Hispanic residents among the population of 1.2 million, the actual count was closer to 200,000, most of them illegal.

- Among illegal aliens in the United States, most are of child-bearing age. The fertility rate of immigrants, legal and illegal, compared to that of U.S. citizens is 3–4:1.

- In January 2007, U.S. Treasurer Anna Escobedo Cabral stated that remittances to Mexico from the United States are a driving force of Mexico’s economic growth. In 2006, these remittances were US\$23 billion, an increase of 15 percent from remittances in 2005. Some of these remittances are coming from the estimated 5,000 to 30,000 Mexicans working in New Orleans to rebuild the city.



Mass demonstrations in support of amnesty, such as this march on the streets of Los Angeles, the epicenter of Latino ethnic activism, are highly organized.

Illegal Aliens and “Comprehensive” Immigration Reform

A history of legislative chicanery and out-right misrepresentation has fed the illegal alien crisis now being felt at federal, state, and local levels in the United States. To Congress must go the majority of blame for the some 38 million illegal aliens now residing in the United States—threatening public safety and public health, stressing school and hospital budgets, damaging the environment, and draining taxpayer pocketbooks.

The new Democrat-controlled Congress is poised to repeat past legislative mistakes. The Immigration Act of 1965 (Hart-Celler Act), as part



of Lyndon Johnson’s War on Poverty, served as an open invitation to those wishing to flee Third World countries; and the 1986 Immigration and Reform Control Act (IRCA), which promised amnesty and employer sanctions, delivered little of either. Only an estimated 2.7 million illegal aliens took advantage of the IRCA (Reagan) amnesty. This low participation rate can be traced to the reluctance of illegal aliens to believe any country would be so naive as to wave in persons who had committed a crime in crossing the border. At that time, the total illegal alien population in the United States was estimated at 4 million to 6 million. The tsunami of

“border jumpers” began once word spread around the world that the United States, with the passage of IRCA, was opening its borders.

In a 2005 Pew Hispanic Center report, Jeffrey Passel did make a coherent summation: “The unauthorized population [illegal aliens] has been steadily increasing in size (and possibly by large increments since the last half of the 1990s).”

Amnesty and employer sanction provisions failed to curb the flow of illegal aliens; IRCA proved to be a legislative mistake, and the present Democrat-controlled Congress is falling into the same trap, with the support of the President. As illegal alien counts rise daily, employer sanction provisions in any 2007 immigration legislation promise to be as unenforceable as those in IRCA. Just as the Reagan amnesty was followed by a new wave of emboldened illegal aliens, the same aftermath awaits “comprehensive” immigration legislation in 2007.

U.S. citizens (for the most part, we presume) elected the current Congress to pass legislation to “form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and Secure the Blessings of Liberty to ourselves and our Posterity” (Preamble to the U.S. Constitution, 1789).

Immigration is not the problem; the burgeoning ghost population of illegal aliens now becoming visible across the United States is. Conflicting counts of illegal aliens reflect muddled immigration policies—purposeful or not. Such policies render the nation less capable of apprehending and deporting illegal aliens (among them violent criminals and terrorists) than ever before. ■

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