

Compiling Honest Solutions to the Immigration Crisis

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Discussions about immigration can be highly contentious, but there is one fact that cannot be denied — the immigration system is not working. The presence of unknown millions of illegal aliens provides the clearest evidence of just how dysfunctional the immigration system is.

The fact that prisons are overflowing with criminal aliens from countries around the world and that terrorist attacks have been attempted and carried out by aliens who successfully gamed the immigration system not only provides additional evidence of how dysfunctional the immigration system is, but also serves to illustrate the potential serious consequences of the failures of the immigration system.

While immigration is indeed a system containing many essential components, advocates for Comprehensive Immigration Reform legislation, whom I have come to refer to as “Immigration Anarchists,” are determined to focus everyone’s attention on just one element of one component: the security of the border that is *supposed* to separate the United States from Mexico.

Make no mistake, that border must be made secure against the entry of aliens who would evade the inspections process. That border is supposed to prevent the entry of aliens whose presence would be detrimental to America and to prevent contraband from being smuggled into the U.S.

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The ease with which cocaine and heroin can be purchased on street corners in every town and city provides irrefutable evidence that our borders are not secure.

The Immigration Anarchists have scored some major successes in their campaigns to subvert the conversation. They routinely vilify anyone who wants to secure our borders and enforce U.S. immigration laws and they engage in a false debate about whether or not the southwest border can be successfully secured before aliens could participate in Comprehensive Immigration Reform (CIR).

We will explore why this is wrong on a number of levels.

The tactic of focusing everyone’s attention on the U.S./Mexican border is not unlike pickpockets who work in teams. One pickpocket distracts the intended victim so that he (she) can be robbed by the other member of the team. It is all about creating diversions.

Magicians use similar tactics to divert the audience’s attention from what is really going on — using blue smoke, mirrors, and pretty assistants.

During the Second World War the tactic of distraction enabled “Operation Overlord” to succeed. Most people remember that operation as “D-Day.”

General Eisenhower and other allied military leaders understood that the only way that a successful invasion against the Nazi army could be conducted was to confuse the Nazis so that they could not repel the invasion once it began. Some refer to this diversion as the “Calais Deception,” while its official name was “Operation Fortitude.” To carry this out, they positioned fake inflatable tanks and trucks that created the illusion that this supposed invasion force was preparing to strike at Pas de Calais. The Nazi reconnaissance pilots reported on their sightings of the bogus “invasion force.” The Nazi generals prepared to repel the allied forces at Calais when, on June 6, 1944, the actual invasion was carried out by the Allies on the beaches of Normandy. No less a leader than General George S. Patton helped implement this strategy.

Focusing everyone’s attention on the U.S./Mex-

ican border to the exclusion of all other factors is the deception that has captured the attention of the media and most Americans. If you don't believe it, the next time you get together with a number of your friends and neighbors, ask them a simple question: How many "Border States" are there? Most likely they will dig deeply into their memories and try to recall the names of the "Four Border States."

The truth is that the U.S. has 50 so-called "Border States." Any state that has an international airport or access to the tens of thousands of miles that comprise America's meandering coastline are as much border states as are those states to be found along America's northern and southern borders.

To put it another way, imagine if each border state was represented by a hole in the bottom of a boat, how many holes would you have to plug if your goal was to stop water from rushing into your boat to keep it from winding up at the bottom of the lake?

Would just plugging four of those holes do the job? How then have our "leaders" managed to ignore the other 46 "border states?" Are they foolish or hoping that U.S. citizens are?

It has been estimated that nearly half of all illegal aliens did not run our nation's borders, but actually were admitted via the lawful inspections process and then went on to violate their terms of admission.

There are two fundamental categories of lawfully present aliens: immigrants and nonimmigrants. Each year the U.S. admits more than one million lawful immigrants. This exceeds the number of all immigrants admitted by all of the other countries on the planet.

Each year tens of millions of non-immigrants are legally admitted into the U.S.

An immigrant is an alien who has been granted an Alien Registration Card, also known as a "Green Card." The name Green Card has become the term of choice for our "leaders" and the immigration anarchists because it does not contain the term "Alien." In fact, incredible efforts have been taken to strip the term "Alien" from any conversation about immigration, even though our immigration laws define an alien simply as being "Any person, not a citizen or national of the U.S." I defy anyone to explain where the insult is in that term or in the definition of that term. This is all about deception.

Those who seek to deceive know that language is critical. They avoid any terms that provide clarity.

The term alien, however, has been used by the immigration anarchists in one specific instance: the DREAM Act. (The term is an acronym for **D**evelopment, **R**elief, and **E**ducation for **A**lien **M**inors.) Imagine how much "midnight oil" was burned so that they could come up with that term. You have to wonder how much they cringed as they agreed to add the term "Alien" to

make their acronym work!

The irony is that even as more Americans are finding the "American Dream" is beyond their grasp, that immigration anarchists make it clear that they want those who violate our borders and our laws that are supposed to protect America and Americans to have their share of that dream.

Immigrants may legally remain in the U.S. forever. Immigrants are immediately placed on the pathway to U.S. citizenship. They may work on any job for which they are qualified and have as much right to work in the U.S. as an American. They may petition the U.S. government to permit their aliens spouses and minor children to become resident aliens (immigrants) in their own right. The only way that an immigrant may be deported (removed) from the U.S. is if he (she) is convicted of certain crimes.

Non-immigrants are aliens who are admitted into the U.S. for a temporary period for a specific purpose and a finite period of time to enable them to conduct and complete the purpose of their visit. Examples of non-immigrants are tourists, foreign students, foreign workers who are authorized to do a specific job in the U.S. such as agricultural workers, exchange visitors, high tech workers with such visas as the H-1B visa, and members of foreign governments. There are other categories of nonimmigrants, but these are among the most common.

Aliens who seek to enter the U.S. for no more than 90 days to engage in tourism or visit with a friend or family members are not required to obtain a visa before first seeking entry into the U.S., if they are citizens of so-called Visa Waiver Countries. Recently, Chile became the 38th country to join this "club."

On September 11, 2001, there were 26 countries on the list of Visa Waiver countries.

All other aliens are required to obtain appropriate visas before coming to the U.S. The 9/11 Commission identified flaws in the adjudications process whereby visas are issued to aliens, which not only enabled entry of the 19 terrorists who attacked the U.S. on September 11, but also allows other terrorists to enter the country. The Commission made specific recommendations that were needed to secure this important system. The Visa Waiver Program operates in violation of these important findings and recommendations.

Non-immigrant aliens become subject to deportation (removal) if they overstay their authorized period of admission or otherwise fail to abide by the conditions governing their admission into the U.S. For example, a tourist who is granted 6 months to remain in the U.S. must either file for an extension on the amount of time he was granted to remain in the U.S. or becomes subject to deportation. An alien with a tourist visa must also

never work without first obtaining work authorization. Foreign students must attend the schools which they were admitted to attend and become subject to deportation if they fail to attend school or work on a job without first getting authorization.

Of course all non-immigrants become subject to deportation when they are convicted of certain crimes. Furthermore, some violations of the immigration laws may carry criminal as well as administrative remedies. For example, an alien who has been previously deported is certainly subject to deportation (removal). This is the administrative remedy to this violation of law. Criminally, an alien who has been deported and then illegally re-enters the U.S. can be prosecuted for violating criminal statutes, which deem such re-entry to be a felony with a maximum penalty of two years of incarceration *if the alien had no prior criminal history*. Aliens who had been deported because they were deemed “aggravated felons” because of serious felony convictions are subject to a maximum of *20 years of incarceration*. When such aliens are criminally prosecuted, they then face deportation from the U.S. after they serve whatever period of incarceration may have been imposed as a result of their criminal conviction.

U.S. citizens who violate the immigration laws for such crimes as smuggling, harboring, shielding, or inducing illegal aliens to enter the country illegally or remain thereafter illegally are committing a felony, as are those who would engage in a fraud conspiracy with an alien. An example of this is someone who engages in a fraud or sham marriage. In such a situation, the citizen is rewarded with money or other pecuniary benefit while the alien obtains lawful immigrant status.

It is worth noting that so-called “Sanctuary Cities” and “Sanctuary States” harbor, shield, or induce illegal aliens to remain in the U.S. and are committing felonies as provided for in one of the sections of the Immigration and Nationality Act, Title 8, U.S.C. § 1324(a). Yet the administration never imposes sanctions against those cities or states or seeks to prosecute government officials who are guilty of these crimes. This needs to stop. Sanctuary cities not only create public safety issues for their own jurisdictions, but by providing incentives for more illegal aliens to enter the U.S. with the expectation of making their way to such cities and states put additional stresses on the already overwhelmed Border Patrol and ports of entry, and could potentially provide a safe haven for terrorists who are seeking to embed themselves in the United States as they go about their preparations to launch a terrorist attack.

This poses a threat to our national security. The situation concerning aliens who violate the terms of their admission and the threats that this poses to national security has gotten worse, not better over the years. The

succession of executive orders issued by the president has made a mockery of most of our immigration laws and has provided still more encouragement for aspiring illegal aliens to head for our unsecured border.

More encouragement is provided every time leaders in Congress debate whether or not illegal aliens should be granted “only” lawful status or a pathway to citizenship.

It is clear that all too many congressional leaders from both parties want the flood of illegal aliens to continue. They may issue tough statements about their concerns about the immigration policies of the administration, but with the exception of just a few true, dedicated legislators, the unscrupulous employers are getting their exploitable workers and the special interest groups are thrilled with the ever-increasing numbers of foreign workers entering the United States.

While those who favor the enforcement of the immigration laws are often accused of being “Anti-Immigrant,” in point of fact the immigration laws not only provide for the enforcement of the immigration laws to prevent the entry of aliens whose presence in the United States would be problematic, and for the removal (deportation) of aliens found to be in violation of the immigration laws, but also provide for providing aliens with immigration benefits. The immigration laws take a balanced approach to the entire immigration system.

Benefits provided to aliens by the immigration system include allowing non-immigrant aliens additional time in the U.S., authorization to attend school in the U.S., and a chance to acquire refugee status by filing for political asylum, as well as conferring lawful immigrant status upon aliens or naturalizing lawful immigrants, and hence a chance for citizenship.

Those who favor the enforcement of the immigration laws also want that balanced approach to the laws and want them to be administered fairly and effectively. Yet the Immigration Anarchists often accuse those who want balance restored to this important system of being anti-immigrant, xenophobic, racists, or nativists.

In reality, there is absolutely nothing in the immigration laws that distinguish aliens by race, religion, or ethnicity.

Simply stated, these immigration laws are absolutely not “anti-immigrant.” This therefore begs the question: “How can people who want these immigration laws enforced be labeled “anti-immigrant”?”

In fact, just as American citizens pay a heavy price for the failures of the immigration system, so do lawful immigrants who face the additional frustration that comes with knowing that they played by the rules and abided by the laws.

These outrageous assertions about pro-enforcement advocates are nothing less than a smear campaign

against reasonable American citizens by supposedly objective “journalists” and political “representatives” who are certainly not representing their constituents.

When considering the way that the lines have been drawn in the debate, again, falsehoods abound.

These false battle lines create the illusion that those who want our borders secured and our immigration laws enforced are winning because Comprehensive Immigration Reform has not been enacted.

Comprehensive Immigration Reform would, beyond a shadow of a doubt, be devastating to national security and to America’s middle class. The fact that CIR has not passed *is* significant. But there is scant victory to be found when you consider that each day the number of illegal aliens present in the United States continues to grow as more illegal aliens manage to enter the United States by running our borders (both north and south). Still more aliens enter by jumping ship on vessels on which they arrived and served as crew members or stowed away. Additionally, more aliens enter the United States via the inspections process and more of them decide to overstay their authorized period of admission, obtain illegal employment, or fail to attend a school for which they were admitted into the United States to attend.

It is estimated that 40 percent of all illegal aliens (deportable aliens) did not run our borders, but simply violated the terms of their admission into the U.S.

Pushing back against Comprehensive Immigration Reform is the same as a holding position. The only way for the pro-enforcement position to truly “win” is for the immigration laws that are currently on the books to be enforced. The current immigration crisis that is having such a profound impact on America and Americans is attributable to the failures of the federal government to effectively enforce these laws.

It is worth noting that Doris Meissner, the former commissioner of the Immigration and Naturalization Service, used to repeatedly state that the INS should be “customer oriented.” The problem was that for her and for far too many who have followed in her footsteps, the “customers” were then, and are today, illegal aliens rather than American citizens.

Therein lies a major issue. The immigration laws were originally enacted to protect innocent lives and the jobs of American workers. In fact, prior to the Second World War, the enforcement and administration of the immigration laws were primarily the responsibility of the Labor Department. The goal was to prevent foreign workers from competing unfairly with American workers. This was how America built the largest and most vibrant middle class.

Back then, when particular professions or trades were determined to be lacking an adequate number of

workers, the Labor Department would encourage American students and workers to obtain the training to fill those jobs.

The immigration laws have always permitted the importation of foreign workers, but only after reasonable efforts were made to find qualified American workers and none could be found. This does not just apply to workers doing low-skilled jobs, but to professionals as well.

Today when such shortages of qualified workers are discovered, the immediate response is to seek to import such workers. Even worse, all too often companies make false claims of shortages of labor in order to petition for foreign workers who will work for lower wages. Additionally, by flooding the labor pool with more workers, the classic economic principle of supply of demand results in lower wages for all workers in particular industries.

Comprehensive Immigration Reform has many provisions that would do serious damage to America’s middle class, yet it is almost never mentioned. One of the provisions of this ill-conceived legislation was to increase the number of H-1B visas by roughly 300 percent and, for the first time, permit the wives and adult children of H-1B visas holders to work in the U.S. with as much right to any job as an American worker.

Senator Ted Cruz of Texas did not believe that this provision of CIR (S.744) went far enough and, incredibly, proposed a 500 percent increase in the number of these H-1B visas. He is leading the charge against American STEM (Science, Technology, Engineering, and Mathematics) professionals. His amendment to S. 744, “Cruz 5,” which provided for a 500 percent increase in the cap for H-1B visas, would have increased the current annual cap of 65,000 such visas to an outrageous 325,000. This would not only create more competition for foreign high-tech workers, but would also impact other workers when considering the issue about the dependents of H-1B visa holders being granted employment authorization.

The immigration system is not working — at least not for American workers and their families. Most new provisions being discussed by our “representatives” would make the current situation even worse.

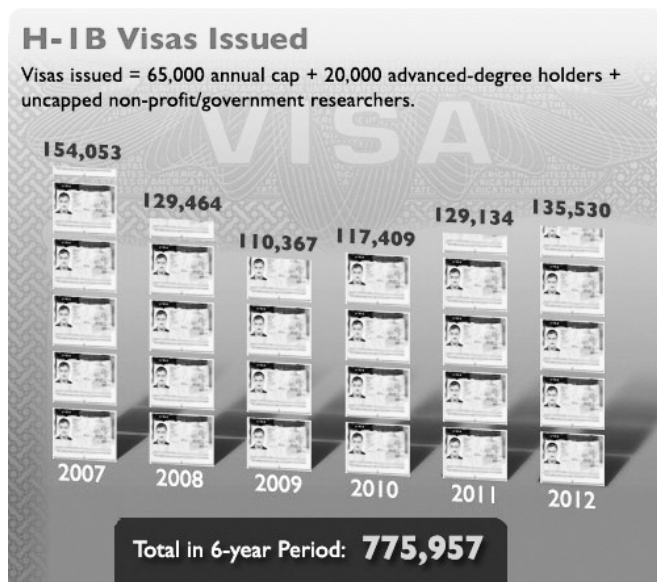
During the last presidential campaign Mitt Romney promised to help American college graduates to get good jobs, and then, in nearly the next breath, said that we should staple Green Cards onto the diplomas of foreign students. Why not make certain American students, including returning members of the Armed Forces, fill those seats in the lecture halls and laboratories on college campuses so that they can get good jobs when they graduate?

The immigration system is not only failing Ameri-

cans but is also placing the very future of our nation in jeopardy. Journalists and the majority of politicians routinely evade discussing this issue.

The first step in problem solving is to identify the problem you want to solve. Clearly there are many individuals and organizations that do not want the immigration problem to truly be solved, and so they are determined to block any discussion that includes all of the components of the immigration system.

The only thing “comprehensive” about Comprehensive Immigration Reform is that it would comprehensively provide vast numbers of illegal aliens with lawful status and still more incentives to violate our borders and our laws.



Exploitation of foreign workers leads to lower wages for all workers. Money wired from the U.S. to the home countries of foreign workers runs into the tens of billions of dollars and is often one of the top sources of revenue for these countries.

Banks and other financial institutions that are in the business of remitting money are the silent partner in every transaction. Whether the money is being sent by a struggling kitchen worker, farm worker, drug dealer, or prostitute, the remitters get their piece of the action. The greater the number of aliens working in the United States, the more money they will be moving — for a fee.

Special interest groups, whether they are unions, advocacy groups, or schools, want more members and more money.

Money wired from the U.S. drains our economy and increases the debt.

The presence of millions of illegal aliens, among whom are criminals, supporters of terrorism, and those who may suffer dangerous communicable diseases, threaten national security, public safety, and public

health.

The obvious solution to dealing with massive violations of laws that have such a profound impact on virtually every challenge and threat is enforcement: something I have come to refer to as COMPILER (COMPrehensive Immigration Law Enforcement).

Immigration and Customs Enforcement (ICE) has about 7,000 special agents, and they are not only charged with enforcing the immigration laws but Customs laws, which have no relevance, whatsoever, to immigration law enforcement. The City of New York has about 35,000 police officers to protect New York City. There are fewer than 10 percent the number of ICE agents assigned to immigration law enforcement for the entire United States of America as there are police officers for the City of New York.

ICE needs many more agents and more resources. There needs to be a proportionate increase in the number of immigration detention centers and immigration judges and other related personnel. Of equal importance, the enforcement personnel at ICE need to have the true backing of the administration.

Each day thousands of applications for various immigration benefits are filed and adjudicated, and all too often these applications involve fraud that goes undetected.

Many politicians have come out in favor of a mandatory E-Verify program. Certainly the use of E-Verify should be made mandatory. However, when aliens are granted employment authorization by successfully gaming the immigration system, they are provided with the appropriate documentation that enables them to pass the E-Verify screening process. Clearly far more resources and emphasis needs to be placed on the detection of fraud. Yet this issue is almost never addressed in the media or by our political leaders.

This undermines the integrity of the immigration system. As more aliens succeed in gaming the system their friends become emboldened to engage in similar fraud schemes. As the hapless adjudications officers at USCIS (United States Citizenship and Immigration Services) have to deal with ever increasing numbers of applications, they are forced to work more quickly. This leads to a vicious cycle of more applications to be processed ever more quickly.

There is an inverse relationship between speed and accuracy.

Additionally, it only takes minutes to approve an application for an immigration benefit but can take hours, days, or even weeks to deny applications, and has evidence has to be gathered and reports documenting the evidence written with such reports being reviewed to make certain that the reports possess legal sufficiency to justify that denial, which is likely to be challenged.

This emphasis on speed over accuracy threatens national security.

There also needs to be more adjudications officers to adjudicate the applications, so that more fraud will be detected and those who perpetrate that fraud will be prosecuted. This is essential to creating greater integrity to this system that has serious national security implications.

Immigration fraud also enables foreign workers to secure jobs for which American workers are available but go un-hired. Every politician talks about creating jobs. Creating jobs can be costly and time-consuming. A concept for a business may need to be developed, money would need to be secured, and facilities constructed. This is not something that can be accomplished overnight.

However, combating labor-related fraud could quickly *liberate* thousands of high-tech middle class jobs and boost the U.S. economy, just as preventing the entry of illegal aliens and seeking to arrest and deport those found to be working illegally could liberate jobs for other American workers.

This would also discourage aliens from running our borders and violating our immigration laws.

At the beginning of my career as an INS special agent, I often participated in field investigations that focused on factories and other places of employment that hired illegal aliens. It was not uncommon for us to arrest dozens of illegal aliens in the morning and by afternoon find that the illegal aliens had been replaced by lawful immigrant and U.S. citizen workers.

The 9/11 Commission Staff Report on Terrorist Travel detailed numerous examples of instances where terrorists not only made use of visa fraud and immigration benefit fraud to enter the U.S., but also to embed themselves in the U.S.

The House Judiciary Committee has convened two hearings to consider the lack of integrity to the process by which applications for political asylum are adjudicated.

Both hearings made it clear that there is a serious lack of integrity to the political asylum program. This important humanitarian program processes thousands of applications each year, yet the fraud rate in this program bears witness to the lack of integrity. Because USCIS cannot effectively identify fraud and take measures to counter this fraud, national security is compromised.

Consider this excerpt from the prepared testimony of the Chairman of the House Judiciary Committee, Bob Goodlatte:

Accounts indicate that aliens are being coached in the asylum process and are being taught to use certain terms to ensure that they are found to have a credi-

ble fear. According to critics many of these claims are often an orchestrated sham. In addition to this alarming trend, the House Judiciary Committee recently obtained an internal CBP memo that states many people claiming a “credible fear” of persecution at our ports of entry have a direct or indirect association with drug trafficking and other illegal activity, such as human smuggling. Since there are intelligence gaps and loopholes in the system, the asylum process is often being abused by individuals who would otherwise be subjects of interest or subjects of criminal investigations. Once these unscrupulous individuals falsely claim a “credible fear” of persecution, there is virtually no investigation by U.S. authorities. Because the Obama Administration refuses to detain most of them, criminals and those who pose national security threats are then able to live and work in the U.S. for many years before their cases are ever heard by immigration judges.

The relative ease with which aliens can game this program have wide-ranging implications, but first and foremost, such fraud has serious national security implications. Consider that the Tsarnaev brothers who carried out the terror attack at the Boston Marathon on April 15, 2013, had likely gamed the system by claiming credible fear, only to return of their own volition, with other family members, to Russia, the country they claimed they could not safely return to.

They are not the only terrorists who have availed themselves of opportunities to remain in the U.S. prior to carrying out a terrorist attack.

The lack of integrity in all of these components of the immigration system encourages and emboldens illegal aliens and those would enter the U.S. in violation of our laws.

Furthermore, it has been conceded by the administration that if Comprehensive Immigration Reform was enacted, there would be no in-person interviews. There would be no resources to conduct routine field investigations in an effort to uncover fraud. There would be no way to verify the identities of the aliens who would participate in this program, and no way to determine when these aliens actually entered the U.S.

While politicians have promised that such aliens would undergo a rigorous background check, the reality would fall far short of that optimistic promise. With the lack of adequate resources and the need to keep the bureaucratic conveyor belt moving as quickly as possible, all that could be done is to run the name provided by the alien applicant through various databases and run the applicant’s fingerprints through various databases. False

names could not be determined to be false and if an alien had never been fingerprinted in the U.S., the odds would be in the alien's favor that no relating records would be found. This would be disastrous for national security and would violate commonsense and the findings and recommendations of the 9/11 Commission.

Under no circumstances should our immigration system become an unwitting accomplice to international terrorist organizations or to transnational criminal organizations. Period.

When drunk driving was finally accepted as being a serious problem, no one suggested that drunk drivers be treated with leniency. Cities and states across the United States decided that they needed to ramp up enforcement efforts and impose more serious sanctions and penalties against those drivers caught driving drunk. The idea was to convince those who might drive drunk that the increased law enforcement efforts would make their law violations more likely to be detected and that they would face more serious penalties and sanctions.

We have seen this sort of approach taken with a host of other violations of law that were deemed to be a problem. It is contradictory to commonsense to not ramp up immigration law enforcement to deter illegal immigration.

When our borders remain porous and aliens enter the United States without being inspected, the protection that immigration laws are *supposed* to provide for America and Americans vanishes. The fact that these aliens were not *inspected* is never discussed by the advocates for Comprehensive Immigration Reform. They attempt to gloss over the true dangers that are inherent in having foreign nationals sneak into the United States to evade the critical inspections process and create no record of their entry. The term that they use to describe such un-inspected aliens is "undocumented." This goes back to the administration of President Jimmy Carter and was apparently devised to obfuscate the true dangers inherent in having aliens evade the vital inspections process, while also failing to distinguish illegal aliens who evaded the inspections process as compared with aliens who were lawfully admitted and then, in one way or another,

went on to violate the terms of their admission status.

Ironically, while some may not see any danger in an alien who simply lacks "documents," the reality is that the documents which we are referencing here are identity documents. Without such documents there is no reliable way not only to know the individual's true name and date of birth, but even his (her) country of citizenship or when they actually entered the United States. This means that there is no way of readily determining if these individuals have a criminal history or if their true names are on terror watch lists.

To provide a bit of clarity, when I was an INS special agent, the term my colleagues and I used to describe an alien who had evaded the inspections process in entering the U.S. was "EWI," an acronym for **Entry Without Inspection**.

For a number of years, a variety of high-ranking officials had the unmitigated chutzpah to twist the truth and say that it was only an administrative violation of law for an alien to run the border and evade the inspections process. This is a very wrong-headed and misleading statement. While it is true that the first time an alien runs the border and evades the inspection process at a port of entry is not a felony, subsequent such entries for aliens who have previously done so are, indeed, committing a crime, as established by Title 8 U.S. Code § 1325 — Improper entry by alien.

Furthermore, an alien who was formally ordered deported (removed) from the U.S. and subsequently re-entered the U.S. without authority is committing a felony. If such an alien was removed because of having been convicted of aggravated felonies, the penalty for such an unlawful re-entry could carry a penalty of up to 20 years of incarceration. This is addressed in Title 8 U.S.C. § 1326 — Reentry After Deportation (Removal).

America's borders and immigration laws are its first line of defense and last line of defense against those who pose a threat to the security and well being of our country and our citizens.

What reasonable person would not want to provide that protection for America and Americans especially in this dangerous and economically difficult era? ■