

Op-Ed Essay:

Illegal Immigration and Exploitation of the System and Immigrants

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The ongoing controversy of illegal immigration and the passionate opinions of all sides has contributed to inaccurate data and invalid information about the reality of the circumstances on the southern U.S. border. Economists argue for the increase in production and various economic factors with immigration, while conservative advocates denote mass immigration because of national security concerns and adversaries using such open-migration markets as an exploitative tool to get into the country. Most arguments come from people who have not engaged in participant observation at the actual border, be it that of law enforcement, support services, or journalism at a busy intersection at the boundary for a prolonged period of time. As bearing witness is one of the timeless forms of gathering information, this is the way to accurately see if statistics and mainstream reporting match up with what is happening, or has happened, in the southern U.S. border. How much of a threat do refugees and asylum-seeking immigrants pose to national security? How effective is the current refugee process for those seeking asylum or refugee status in the U.S.? How likely are immigrants to become victims of human trafficking? These questions are all connected and overlay one another in a very deliberate manner. This deliberation is not one-sided and there are layers of misinformation in-between one another. As time progresses and immigration continues to increase into America, the greater the distance of empirical evidence matching reality will be. Unless there is a drastic change to thwart the true horrific nature of human trafficking in the U.S., this silent evil will only continue to thrive and grow, permeating the underground of American culture.

According to U.S. Citizenship and Immigration Services (USCIS), the three ways of obtaining asylum in the U.S. are the affirmative process, an asylum merits interview after a positive credible fear determination, or the defensive process (USCIS, 2023). “Refugees are generally people outside of their country who are unable or unwilling to return home because

they fear serious harm” (USCIS, 2023). The humanitarian aspect of these processes are altruistic in nature, but the exploitation of the system in place remains a threat to all citizens within the U.S. A careful criminal will not have an arrest record, especially a well-trained operative for a drug cartel, which permeate a large population on the southern border. Yet economists argue that “refugees to the U.S. are vetted for one to three years and do not pose the risk that some have charged in Europe” (Brux, 2022, p. 420). While there is a process in place, there are always methods to circumnavigate the system, and terrorist and drug cartels are experts in those exploitative tactics, techniques, and procedures (TTPs). One of those methods is by flooding sections of the border, while smuggling their key personnel and/or material in the peripheral areas less protected. Those sections are flooded with asylum seekers, families, and unaccompanied minors. Such was the case in 2020 and 2021, which left the U.S. more vulnerable because of the pandemic.

In Mission Texas, during a mass immigrant surge of asylum seekers in 2021, there were temporary facilities set up for asylum seekers testing positive for COVID-19. In a local news report, local health authorities stated that the spread of the virus was not related to the influx of immigrants in the area and that it was due to the unvaccinated (Garcia, 2022). However, in 2021 I was in Mission Texas for one month, working as a Paramedic Contractor for U.S. Customs and Border Protection (CBP), and I was on the frontline when immigrants arrived from the southern border. In the make-shift processing facility under the Anzalduas bridge, I would check every immigrant’s temperature, but the medical department did not have COVID-19 test kits. Supervisory Border Patrol Agents had some on hand and would use them if an immigrant appeared to have COVID-19, but that was the only circumstance in which they were tested. Thousands would cross daily and be released into the public awaiting their asylum hearing in the

mail. What if they were asymptomatic? Well, we would never know because they would not be tested. This is a clear example of reality not aligning with what is really happening. This directly contradicts some economists' perception, "the risk for coronavirus spread can be minimized by testing, immunizations, and quarantine" (Brux, 2022, p. 420).

When asylum seekers are given a Notice to Appear (NTA), they are allowed to await within the U.S. until their credible fear determination is reached. This has been standard practice for some time now, long before I was briefly a U.S. Border Patrol Agent in 2011, and I conducted the initial interview regarding these cases, as in field interviews upon apprehension of illegal entry. Another standard practice was the immigrants not showing up for their hearing and remaining in the U.S., illegally at that point, and sometimes for many years. News outlets have reported migrants not receiving court dates and being released recently (Owens and Siegel, 2021), but there is no reporting on the large amount that never report for their hearing and remain in the U.S. illegally. I was also a CBP Officer in Miami International Airport approximately twelve years ago and I recall processing a valid immigrant visa for the spouse of a U.S. citizen, who had previously lived in the U.S. illegally for nine years. That person had an asylum hearing they never attended, were later arrested for another misdemeanor charge, and then discovered to have not had legal status to live and work in the U.S. From numerous testimonies of other officers and agents, this was common practice.

While assigned to the border as a contractor, for approximately nine months, I encountered approximately eighty to one hundred agents and officers that I personally spoke to. Every single one of them had tested positive for COVID-19, most of them twice, and some had it three times. Many of them were single and some had families, but they were all the first in their household to contract the virus. Every single agent and officer I spoke to were also convinced

that they had contracted the virus at work, while encountering immigrants. While there is no empirical data to truly support this, one could inconclusively deduce the likelihood of where they came in contact with the virus. There is also no accurate empirical data that exists to approximate how many illegally crossed the border while agents and officers were spread thin in support of the large amounts of asylum seekers and refugees, as they flooded to certain areas along the border. This number is referred to as “get aways,” and when I was an agent I was told the same thing, there is no way to possibly know how many immigrants illegally cross every day. If the numbers cannot be accurately reflected in data, then the likelihood of those unreported immigrants being trafficked is much higher, and the likelihood of human trafficking statistics reflecting the whole scope of the issue accurately is unlikely. While social scientists, economists, government offices, and non-government organizations heavily rely on accurate data, the truth is that data is lacking the true breadth of the devastation linked between immigration and human trafficking. With the alarming increase of immigrants coming into the U.S., the number of illegal migrants will rise and the accuracy of empirical data will greatly reduce.

While economists ignore the realistic issues of authentic threat analysis, they continue to argue that “over a longer period of time, the economic effects of immigration are far more beneficial. A larger labor force resulting from immigration encourages expanded productivity, consumption, GDP, and job creation” (Brux, 2022, p. 419). U.S. Department of State reports fourteen thousand and five hundred to seventeen thousand and five-hundred people are trafficked into the U.S. each year, and these statistics do not include those trafficked within the U.S. (ACLU, 2007). Analyzing immigrants with low education levels, lack of English-speaking, and lack of awareness of protective labor laws, human trafficking victims are more than likely predominately immigrants (ACLU, 2007). As America’s adversaries adjust their TTPs, control

the border on the southern side, rely on disruptive immigration laws, and exploit events (such as the pandemic) to further their cause, immigration shall continue to be an exploitative factor for immigrants. Asylum and refugee laws need to be more strictly enforced and, if not, an entire agency should be created and dedicated to nothing but human trafficking within the United States. While the Department of Homeland Security has the Homeland Security Investigations (HSI) division largely dedicated to human trafficking, this is not enough. HSI also investigates child exploitation, cultural property smuggling, cybercrime, financial crimes, human rights violations, war crimes, human smuggling, identity fraud, labor exploitation, narcotics smuggling, and much more (HIS, 2024) and at a global scale. This is why an entire agency needs the strict focus of human trafficking alone, with all resources dedicated to nothing but trafficking within the U.S. An entirely new agency should contain a branch of deportation officers assigned to the immigration judge's office, strictly dedicated to keeping track of the Notice to Appear asylum and refugee immigrants. Anything short of that will never be as effective as it should be.

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