

# COMMON SENSE BORDER MANAGEMENT SOLUTIONS

*Dennis E. Nixon* | JANUARY 2023



*Rio Grande River, Texas*

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# Common Sense Border Solutions

## *Thoughts from Dennis E. Nixon*

*Updated January 2023*

*This new update of my  
Common Sense Border Solutions paper  
continues to focus on key recommendations for  
managing the U.S.-Mexico Border in Texas.*

*My white paper details what will have an immediate  
and lasting impact on mitigating or solving many of  
the challenges we face in managing the border.*

*These following summary points will give you a  
quick point of reference to keep in mind as you read  
through the details of this white paper and to refer to  
when revisiting this document in the future.*

*My recommendations should drive the actions that  
must be taken to improve management of the border.*

*I want to thank you in advance for  
reading this updated paper.*

*Dennis E. Nixon*

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# Common Sense Border Management Executive Summary

1. **Update our immigration and asylum laws.** The root cause of much of the border security problem lies in our outdated and ineffective laws. Immigration and asylum laws must be reformed to meet the workforce needs of the U.S. economy and provide the full range of workers needed to sustain U.S. economic growth.

Approximately 90 percent of the migrants crossing the border without permission are economic migrants which is why we must reform the laws to stop the massive inflow of people. If we amend the laws to provide an acceptable, legal path for immigration and asylum reform, we can stop the majority of migrants crossing without permission. We will then have a chance to regain control of the border and allow U.S. Border Patrol to stop illicit traffic. Right now, traffic is under the control of criminal elements that dominate the drug and human trafficking arena. We must remove the incentive for economic immigrants to cross without permission so we can focus on stopping the illicit trafficking of drugs and people. U.S. Border Patrol and affiliated government agencies are spending all their time processing and managing migrants on the border who simply want a better life and are crossing the border to achieve it. These migrants make a massive, positive contribution to our economy and mean no harm to anyone. Rather than processing economic migrants, U.S. Border Patrol should be spending their time apprehending the bad guys that make up less than 10% of all encounters.

Congress, with cooperation from the White House, must act if we ever hope to have an impact on the migrant situation and secure the border. We cannot effectively secure the border without these necessary reforms. Additionally, cartels and criminals are making a fortune from immigrants attempting to enter the United States. Unless these laws are reformed, they will never stop. It's all about the money.

2. **Increase funding for immigration judges and establish an independent court system.** Apprehensions are only successful if there is an adequate immigration judicial system to handle the 1.8 million plus cases awaiting adjudication in the system. Funding for more immigration judges will help resolve a number of issues, including an ineffective catch-and-release program and inadequate migrant detention facilities. Immigration judges do not require Senate confirmation. They are appointed by the Department of Justice, so this is easily solved by increasing the budget to appoint new judges. The recent approval of 100 new judges will greatly advance this solution, but still falls short of the need. Furthermore, I believe an independent court system to adjudicate these cases faster should be established, thereby removing the courts from the Department of Justice.
3. **Clean up the Rio Grande River by eradicating and/or suppressing invasive plants such as Carrizo Cane and Salt Cedar in Texas - a plan supported by environmentalists - and create a linear park between Mexico and the U.S.** This recommendation makes the river a more effective security tool by greatly improving the U.S. Border Patrol's visibility along the river, providing direct access to the riverbank, and reducing the risk of danger to U.S. Border Patrol agents by eliminating a hiding ground. At the same time, it would serve to conserve precious water (a mature Salt Cedar can consume 100 gallons of water per day); also, because Carrizo Cane is not a nesting ground for wildlife, no harm will occur to native species.
4. **Encourage Mexico to implement a similar plan along the southern-side of the river, thus creating a wider buffer zone and improved sight line.** Mexican officials and border leaders have previously supported this effort, and recently developed a linear park in Piedras Negras which can be used as a model for a linear park in Laredo. The goal is to reintroduce this clean river plan to the current Mexican administration.
5. **Build the Bi-National Laredo River Park Project in the downtown sector of Laredo/Nuevo Laredo.** This plan, drafted by the City of Laredo, Texas and Nuevo Laredo, Tamaulipas, Mexico, in coordination with local DHS officials would create a huge river amenity between both countries in the central business district of each city, providing for improved quality of life and greatly enhancing border security. This park would act as a demonstration project for other locations along this river in addition to the clean river idea.
6. **Complete the Cameron County Weir Dam project in Brownsville, Texas and the Webb County Dam in Laredo, Texas to help widen the Rio Grande and build water reservoirs along the river.** It would increase border security, help aerate the water, enhance water quality, and expand the water supply - creating positive economic results while providing improved border security.
7. **Improve and build road infrastructure along the Rio Grande River. U.S. Highway 83 hugs the U.S. side of the river from Laredo to McAllen, but no such fully completed road exists along the river between Laredo and Eagle Pass.** Completing Highway 1472/1021, AKA Mines / Las Minas Road would provide U.S. Border Patrol agents with much needed high speed access to the river, greatly improving response times. In order to provide access to the river, the 44 miles of Mines Road that is incomplete between Laredo and Eagle Pass should be paved.

# The State of the Border

Immigration and border management go hand-in-hand – that’s why it’s difficult to successfully manage one without the other. Sadly, treating them as separate issues explains why Congress and the past five presidential administrations have been unable to solve these two issues. Too often, Congress wants to deal with the symptoms and not the root cause of illegal entries, migrants overstaying their visas, asylum seekers, and how to manage our borders. This document will lay out the challenges and present common-sense solutions to these problems.

Entries across our southern border occur when individuals come to the U.S. in hopes of participating in the American Dream – a chance to succeed. There are two basic types of migrants who enter the U.S. – economic migrants and asylum seekers. Economic migrants come to the U.S. seeking employment to sustain their families because of the lack of jobs and opportunities in their home countries; however, this is not a legal claim to remain in the country.

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***Asylum seekers are individuals who have left their home country and are seeking protection from persecution in another country but are not yet legally recognized as refugees until a decision is made on their asylum claim.***

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Over the last several years, the bulk of migrants entering the U.S. have come from the Central American northern triangle countries of El Salvador, Guatemala, and Honduras. The primary reasons for their migration to the U.S. are family reunification (i.e. connecting with family members already established in the U.S.), perceptions of amnesty largely driven by misinformation, fear of violence in their home country, and better economic opportunities in the U.S. Much of this migration is fueled by a lack of consequences, which generally involve detention and removal, if appropriate, and lack of criminal prosecution because our laws are outdated.

In recent months, the failing economies of Cuba, Nicaragua, and Venezuela has also driven additional migrants to the southern border.

It is important to note that most of those seeking asylum are not the drug dealers or rapists the media portrays them to be. They are individuals and family units willing to surrender themselves to the U.S. government in hopes of staying in a country that will offer better work, more opportunities, and public safety. They are following the law using the threat to their lives to seek asylum. The media has portrayed these migrants as illegal aliens, but our asylum laws provide this mechanism to enter the country. Moreover, in most cases these migrants are not entering the U.S. illegally, even when they enter between ports of entry.

Many of these Central American migrants admitted into the U.S. are women and children. The fact that U.S. courts have ruled against the detaining of family units means there is no real detention, removal, or prosecution of these individuals. Family units are released with a “notice to appear” document and to-be determined court dates. This is the process under current law, in which hearings take years to occur, creating massive backlogs due to the lack of immigration judges to process the cases. On average, these court cases take 1,000 days or more to be adjudicated. Due to this delayed process, many migrants never appear for a court date and end up being deported in absentia.

A secure border is defined by our ability to enforce the rule-of-law. However, the lack of immigration judges or post-apprehension consequences undermines the very rule-of-law we claim to enforce and protect. Border towns along the southern border need to have sufficient facilities with asylum officers and immigration judges to hear cases and then make a final determination on-site.

If a decision to release, pending a hearing, is made at that point, then sufficient protocols need to be established to ensure that individuals will report for future hearings.



# U.S. Immigration Law

Title 8 of the Code of Laws of the United States is the body of federal law dealing with immigration and nationality. Title 8 comprises relevant statutes adopted by Congress, including the Immigration and Nationality Act (INA). The INA authorizes the Secretary of Homeland Security to exercise discretion to temporarily allow certain noncitizens to physically enter or remain in the United States if they are applying for admission, but do not have a legal basis for being admitted.

The Secretary of Homeland Security has delegated parole authority to the three immigration agencies within DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE). USCIS adjudicates many of the parole requests made by individuals seeking to enter the United States for humanitarian reasons, while ICE typically handles parole requests related to court hearings or intelligence matters, as well as parole from immigration detention. ICE has separate jurisdiction over decisions about whether to parole detained individuals out of ICE custody, including “arriving aliens” who establish a credible fear of persecution or torture. CBP has authority to make parole decisions at ports of entry. For example, CBP can parole noncitizens fleeing persecution and who wish to apply for asylum. They may also parole individuals for “deferred inspection,” which means they permit an individual to enter the United States, but they schedule a subsequent interview to address unresolved issues about their admissibility.

Paroles are granted for a limited period, often to accomplish a discrete purpose, and individuals are typically expected to depart the United States when the authorized period expires unless another form of status or relief is conferred. While individuals who receive a grant of parole are allowed to enter the United States, they are not provided with an immigration status nor are they formally “admitted” into the country for purposes of immigration law. An admission occurs when an immigration officer allows a noncitizen to enter the United States pursuant to a visa or another entry document, without the limitation of parole. The distinction between an admission and parole is a significant one under immigration law.

While humanitarian parole is explicitly authorized by the INA for “urgent humanitarian reasons,” there is no statutory

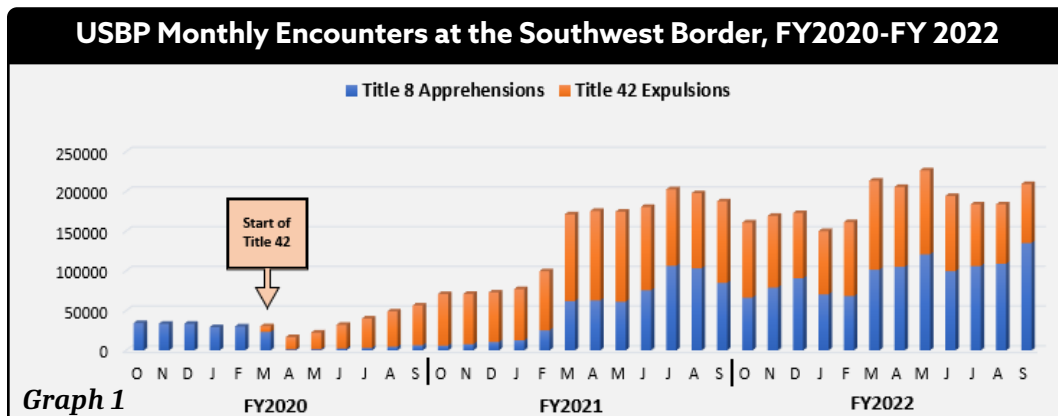
or regulatory definition of an “urgent humanitarian reason.” USCIS has stated, however, that it will consider factors such as the time sensitivity of the circumstances and the degree of suffering that may result if parole is not authorized. According to USCIS, examples of urgent humanitarian circumstances could include, but are not limited to: receiving critical medical treatment in the United States; visiting or caring for a sick relative in the United States; attending a funeral or settling the affairs of a deceased relative in the United States; or coming to the United States for protection from targeted or individualized harm.

Migrants can request asylum irrespective of their immigration status (see Chart 1 on pages 4 and 5). Asylum seekers turn themselves in so that they may begin the asylum application process. If denied asylum, the removal process can be time-consuming. Under U.S. law, migrants are not illegal once they touch U.S. soil and claim asylum. This status is also confusing and ambiguous, reflecting how badly the system is broken. Unfortunately, U.S. Border Patrol does not separate these asylum seekers from illegal migrants so the data is not transparent.

Migrants who are authorized to be in the U.S. seek “affirmative” asylum. Migrants who are not authorized to be in the U.S., but enter anyway in order to seek asylum may only apply for “defensive” asylum. All asylum seekers must meet the criteria for asylum set forth by the Department of Homeland Security (DHS). If the asylum seeker can establish “credible fear,” where the asylee claims that they have fear of persecution or torture from their government if they are returned to their country of origin, then the detention officer or immigration judge may begin formal proceedings in an immigration court where a migrant has the right to hire counsel at their own expense, testify and present evidence.

Since the COVID-19 outbreak began, most migrant encounters have resulted in expulsion from the U.S. rather than apprehension within the country (see Graph 1). In November 2022, Title 42 was blocked by Federal Judge Sullivan in a District of Columbia ruling that the government cannot use the coronavirus pandemic as a justification to expel migrants anymore.

A delay in implementation of the court’s order has been granted indefinitely to allow the government time to prepare for an orderly transition to new policies at the border, according to the Department of Homeland Security. Without an alternative, the lack of Title 42 will vastly increase the number of migrants remaining in the country.



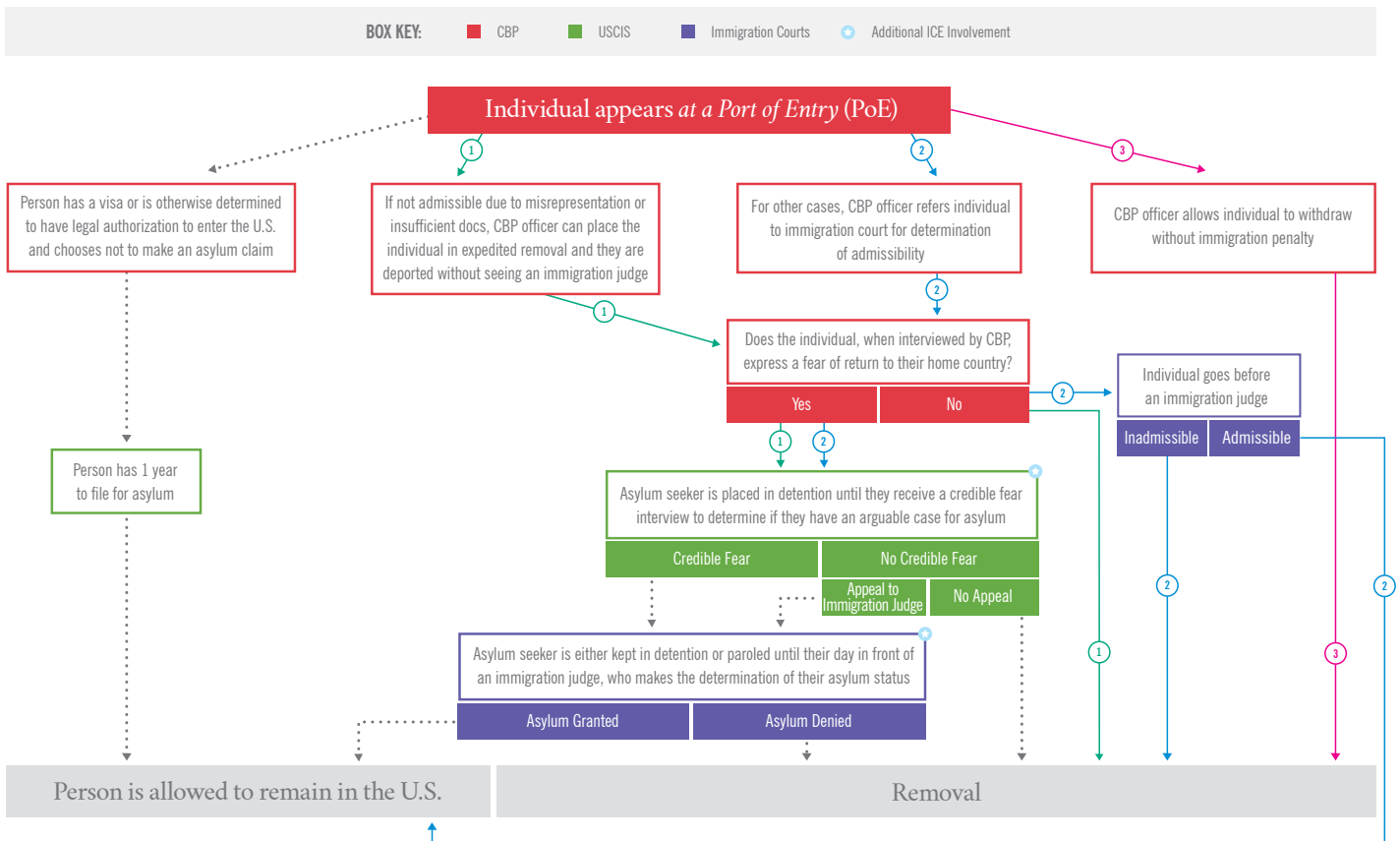
# Chart 1



## Claiming Asylum in the United States: Entering at a Port of Entry

Immigration law allows individuals to apply for asylum in the United States who are fleeing their country and seeking protection based on “persecution or a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion.” Individuals can present themselves for asylum at ports of entry before U.S. Customs and Border Protection (CBP) officers. As these charts show, U.S. officials also have significant discretionary powers over what to do with individuals who are inadmissible to the United States, which can impact when and how individuals make their credible fear claim as they enter different processes for removal from the United States based on these official decisions.

This chart provides a general overview of the process. Individual cases may vary.



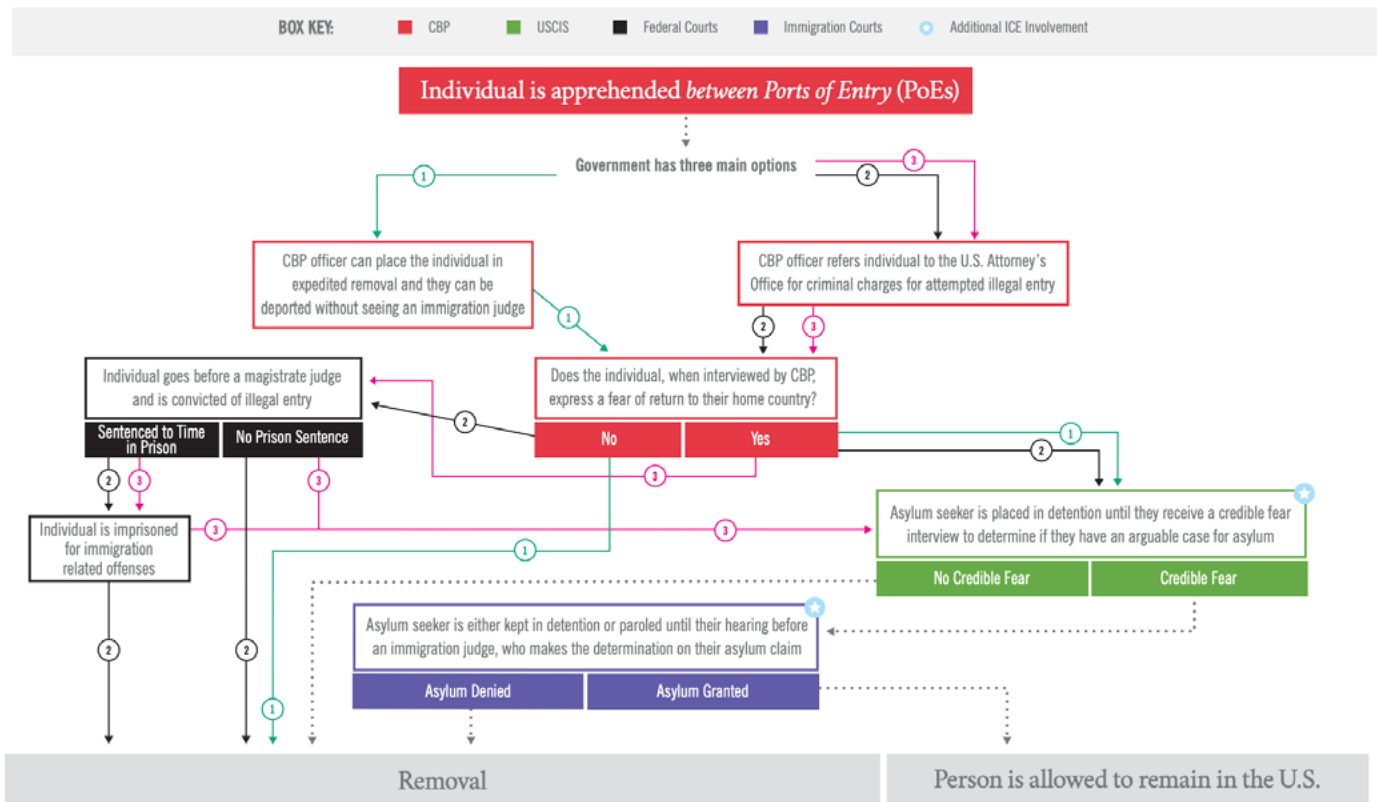
Sources: Congressional Research Service 1, 2



## Claiming Asylum in the United States: **Entering Between Ports of Entry**

Immigration law allows individuals to apply for asylum in the United States who are fleeing their country and seeking protection based on “persecution or a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion.” Individuals who are apprehended by CBP between ports of entry can also express fear of returning to their country and seek asylum as a defense against removal. U.S. officials have significant discretionary powers over how to process and whether to prosecute individuals who are apprehended, which can impact when and how individuals make their credible fear claim as they are processed for removal from the United States based on these official decisions.

This chart provides a general overview of the process. Individual cases may vary.



Sources: Congressional Research Service 1, 2

# The Asylum Process

The recent surge of migrants between the ports of entry seeking asylum has created an ambiguous status for asylum seekers. Any intersection between a migrant who has entered the country and a U.S. Border Patrol agent is now classified by Customs and Border Protection (CBP) as an “encounter,” whether the migrant was actually apprehended or whether they turned themselves in to seek asylum.

Prior to 2020, encounters peaked in 2020 with 1.6 million apprehensions on our southern border.

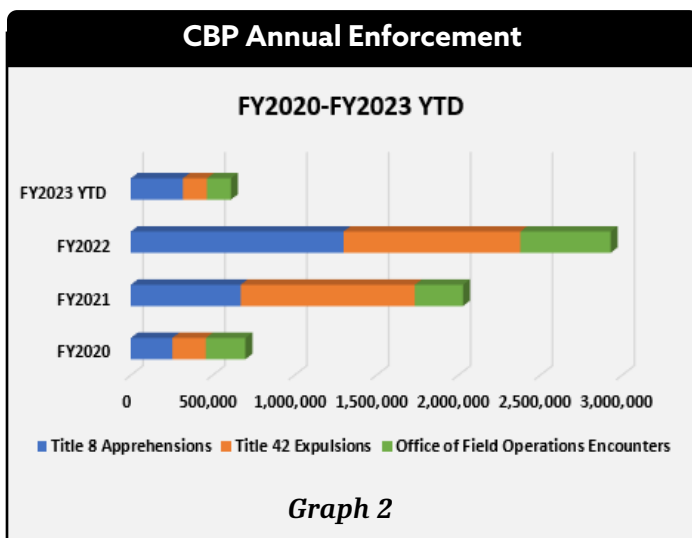
Then, in 2020 and the beginning of 2021, there was a massive, unprecedented increase in encounters on our southern border (see Graph 2). As of October 2022, migrant encounters at the U.S.-Mexico border reached their highest level in recorded history at over 2.7 million encounters for FY2022 (see Graph 3).

It is important to note that anyone entering the U.S. must enter through a Port of Entry to legally enter. Failure to do so is not a legal entry and can result in a fine and removal from the United States (see Chart 1). However, migrants that claim asylum between Ports of Entry have a defense against removal and are not considered illegal.

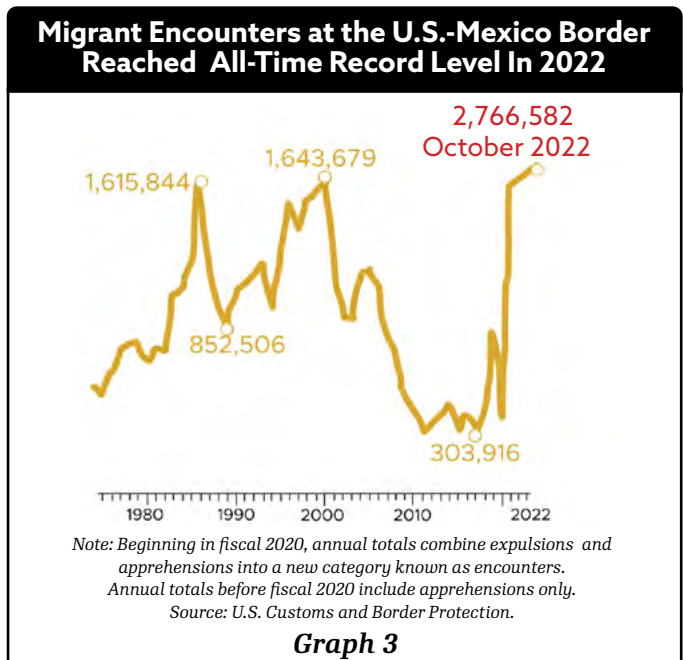
CBP officers can determine if that fear is credible enough to allow them to remain regardless of where they entered. The Department of Homeland Security empowers CBP officers to inspect and apprehend migrants. CBP officers have a great deal of discretion when determining each migrants’ disposition, with only some boundaries.

The wide range of discretionary authority can be very problematic and result in painful and unfair outcomes for migrants based on officer’s decisions with little opportunity to appeal or overturn an improper or bad decision.

In my view, something must be done to assure fair and reasonable recourse, which basically doesn’t exist today measured in reasonable time. Abuses occur often under the current system.



Graph 2



Graph 3

## Asylum Seekers Sit and Wait

Asylum seekers must stay in the United States for 150 days before the next step in the process can commence. Asylees are not allowed to obtain jobs during this 150 day clock; therefore, the government is responsible for their cost of living during this time. Food, shelter, and other necessities are being funded by taxpayer dollars and managed by NGOs with a vested interest in keeping the status quo. No revenue is generated by potential income tax during the 150 day period. U.S. companies are not able to hire asylum seekers until they have an I-94 Asylum Claim with social security number and ITIN.

Therefore, asylum seekers are incentivized to work illegally during the 150 day waiting period. Additionally, tracking applicants is nearly impossible.

**The entire process can take up to 1,275 days before their court date.**

That is an incredibly long process made even worse by the backlog. Meanwhile, the U.S. has over 10.5 million job openings that could be filled if only the asylum and immigration processes were not so long and tedious.

At that formal proceeding, the immigration judge will make a final decision on whether the evidence of credible fear is strong enough to grant asylum. If “credible fear” is not established, DHS begins the swift removal process of that migrant. While each presidential administration may determine a cap on the total number of refugees allowed into the U.S., there is no cap for asylum seekers.

This is our law. If we want to stop this migration, we must reform the law and vastly increase the number of immigration courts to process the asylum claims in a timely manner.



## Migrant Demographics

The size and makeup of the economic migrant group has changed dramatically over the last several years. At one point, more than 90 percent of economic migrants were of Mexican origin.

***This migration was driven by raw economic reality.***

The lack of opportunity to make a satisfactory living in Mexico and a heavy U.S. border enforcement approach killed circularity - the concept where workers come into the U.S. and return to Mexico after several months of work so they could be with their families. This circular pattern of migration continued for many decades, until it was disrupted by the large increase

in border law enforcement - primarily the massive increase in U.S. Border Patrol agents followed by the rapid escalation of apprehensions. In 2000, the number of apprehensions peaked at 1.6 million nationwide and has since steadily declined to about 400,000.

Prior to 2020, 95 percent of those apprehended were economic migrants. The other 5 percent are engaged in criminal activity. Asylum seekers had not been the main form of migrants in the past; however, the opportunity to enter rapidly by seeking asylum became the choice migrants made during the Trump administration.

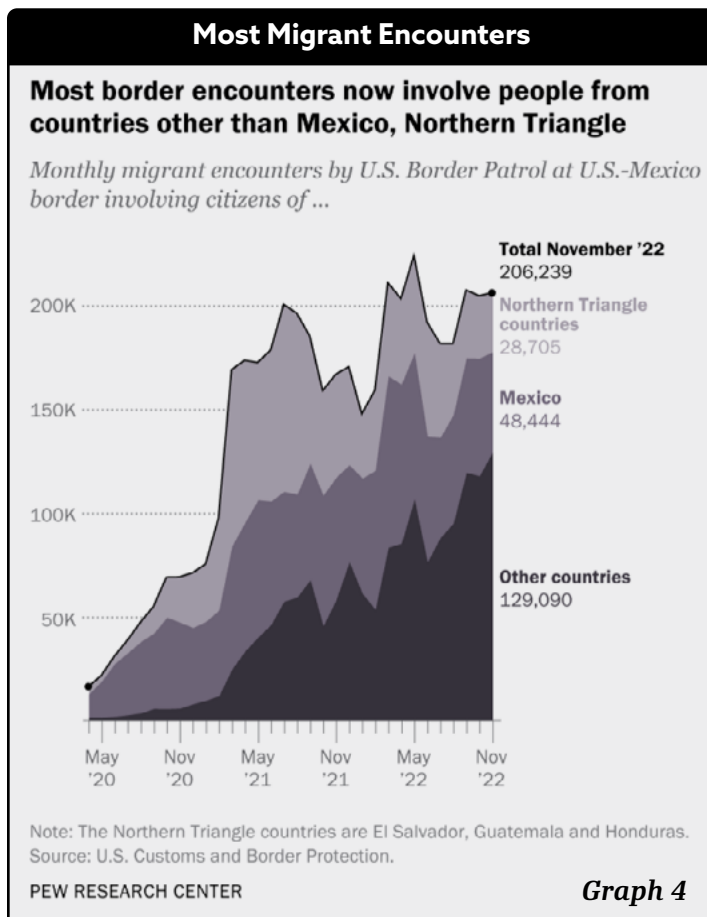
Mexicans who are classified as non-essential, who once crossed the border regularly to visit family or spend money at stores and restaurants, were barred from entry in March 2020 in an effort to combat the spread of the coronavirus. As a result, small businesses in border towns are reeling from the economic fallout of restrictions on nonessential travelers.

Meanwhile, despite the border being partially closed, asylum seekers from Central American countries like El Salvador, Guatemala, Honduras, Mexico, and several other countries were still showing up by the thousands, seeking relief from crime, poverty and the devastation caused by hurricanes in their home countries (see Graph 4).

In 2021, migrant encounters increased dramatically with Mexican migrants once again accounting for a greater share of apprehensions than in the recent past, while Central Americans represented a smaller proportion. Around four-in-ten (42%) of the apprehensions at the southwestern border at the beginning of 2021 were people of Mexican origin, up from 13 percent in May 2019, the most recent peak year for yearly apprehensions. People from El Salvador, Guatemala and Honduras accounted for 46 percent of apprehensions in 2021, down from 78 percent in 2019. 95 percent of these migrants continue to fall into the economic category with the vast majority now seeking asylum.

However, the number of apprehensions is slightly inflated due to the heavy movement of unaccompanied minors driven by the idea they can surrender to U.S. Border Patrol and then be reunited with their loved ones in the U.S.

That reality has played out accurately because of our failure to quickly adjudicate these migrants in our court system.



## The Border Problem Lies In Washington - Not in South Texas

We better wake up and understand the need to reform our immigration and asylum laws in America. Otherwise, we will continue to starve this country's economy of the human capital capable of doing the basic work required in a growing economy - on top of failing to secure our borders.

This should be a fact-based discussion with the political and emotional elements removed from the debate. The U.S. needs to either create its own human capital or import its human capital. At this time, the country is doing neither. Congress and the White House must come together to reform our immigration and asylum laws, or we will never solve the migrant crisis at the southern border.

# My Solutions-Based Approach

In order to gain functional control of the southern border, I believe we must modify the asylum laws and increase the number of immigration judges; otherwise, asylum-based migration is likely to continue and we will continue to have insufficient infrastructure to deal with it.

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***My recommendation is that asylum applications should take place at the consulate or embassy office in country of origin.***

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Individuals should go through the first interview in their home country to determine their eligibility for an asylum claim. If this interview determines the asylum claim is unworthy, the claimant is rejected. If the claim is deemed worthy, then the claimant can move forward. If applicants do not adhere to this process and are encountered at the border, they should be immediately returned and then be barred from seeking asylum or immigration eligibility for a set number of years.

To help solve the migration crisis, it would also seem prudent to set up a database of job applications for people who want to come to the US to work and provide a work-earn pathway to legal status and then citizenship at the consulate or embassy in their home country as well.

The work program could be managed by the Commerce Department or State Department using this database. Businesses in need of workers could use the online workforce database to reach out to job seekers. There are groups who assist and manage these work visas now that could be consulted to understand the best approach.

Also, it should be noted, temporary workers currently allowed under various Visa work programs are not low paid workers when you consider all the costs associated with employing them.

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***In most cases, the cost of employing a visa worker is in excess of \$30 per hour to do basic service work.***

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Regardless, none of these ideas or any others will occur unless there is a real effort to reform the immigration and asylum laws and adequately staff and fund these programs.

***We will always have illegal crossings, but these reforms will greatly reduce the crossings of people coming to work if the process put in place is responsive and effective.***

## What can our Representatives do to make a positive difference?

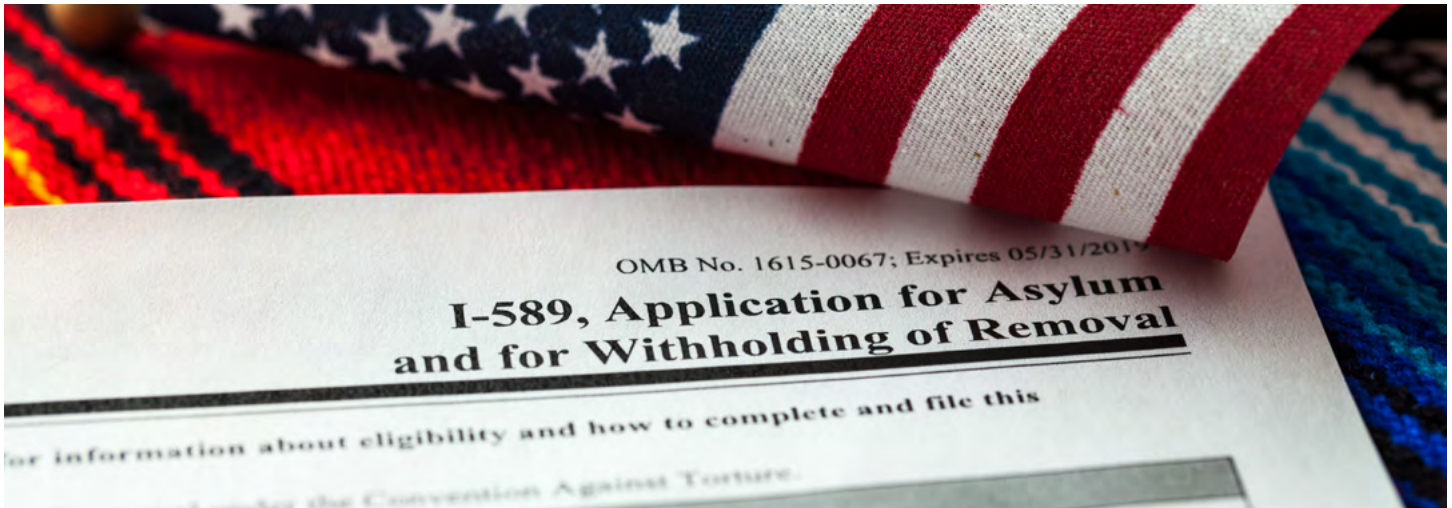
Have the asylum process start in the country of origin

Develop a workforce data base into new DHS Migrant Website Portal that matches US jobs with asylum seekers

Issue temporary work permit to asylum seeker through a placement program that secures jobs

Pass new legislation in Washington that reforms both immigration and asylum laws

**We support Representatives who will champion these initiatives that could benefit everyone on the southern border and beyond.**



## Immigration Court Reforms Are Needed Now!

**W**e must clear the backlog in our immigration court system by hiring more immigration judges. The massive flow of migrants will only slow if we reform our laws, but even then to control the border and stop the flow of migrants, we will only be successful if there is a legal process to support it.

The existing system of catch-and-release has been severely criticized for years, but little has been done to improve it. When it comes to Congress, they appropriate more money for new U.S. Border Patrol agents, but ignore the grossly underfunded judicial system that desperately needs more judges. Simply said, we need many more immigration courts.

We will always have illegal crossings, but reforms will greatly reduce the crossings of people coming to work if the process put in place is responsive, effective, and efficient.

In a recent article, former immigration judge, the Honorable Dana Leigh Marks, points out two changes that would dramatically improve the current immigration system and deportation process. After 35 years on the bench she remains an advocate for immigration reform. According to Judge Marks, the first change is to update the current immigration law to better utilize the registry provision, which provides some long-term residents without legal status a way to become lawful permanent residents.

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***The second change is to move the immigration court system out of the U.S. Department of Justice and establish it as an independent Article 1 court, thus removing the court from politics.***

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As of July 2022, more than a 1.8 million cases are awaiting adjudication in U.S. immigration courts, according to the Migration Policy Institute. This backlog has been rising steadily for nearly a decade and has reached an all-time high. As a result, the average time that an individual waits to appear before an immigration judge is 906 days. Moreover, this does not include the time before their cases are resolved. U.S. Border Patrol officials estimate the total wait time at 1,000 days or more.

The 2011 budget sequestration and a lack of political will are the main culprits. As immigration enforcement budgets

have more than quadrupled over the past five years, funding for the staffing of immigration courts has lagged far behind. According to the Office of the Chief Immigration Judge, there are currently 600 immigration judges located in 68 immigration courts throughout the nation; 253 judges were on the bench in 2010. This nominal increase does not begin to address the backlog of cases. In 2021, Congress finally responded by expanding appropriations, which enabled 100 new immigration judges and their support staff to be appointed. That was a great addition, but has fallen short as the large number of new cases increased the backlog.

The July 2014 prioritizing of cases of children and families from Central America seeking asylum has led to the further escalation of wait times for the many immigration court cases that have not been prioritized. Some judges have been removed from their typical caseload to hear only cases of recently arrived children and families - leading to even further delays. In January 2017, the immigration court backlog was 542,411 cases. Less than five years later, it rose to 1,299,239. It is now well over 1.8 million. At present, we only have around 600 judges working on asylum cases. Do the math - even if we add more judges, we will not have enough to handle the caseload and backlog. This system is flawed and the judge capacity is inadequate to handle the extreme number of cases.

A U.S. Border Patrol official said he could stop the migration of unaccompanied minors in a few months if our legal system actually functioned. Many children who arrive from Central America know they can surrender to U.S. Border Patrol, be sent to a detention center, and within a few weeks be released to family members in the U.S. and the children are never to be heard from again. Additionally, cartels and criminals are making a fortune from immigrants attempting to enter the United States. Unless these laws are reformed, they will never stop. It's all about the money.

Hiring additional U.S. Border Patrol agents to catch offenders will not solve this problem, yet this continues to be offered up as a solution by the misinformed. The real problem with border security is not apprehension; it is processing the cases through the legal system, and the legal system itself.

# Clean Up The Rio Grande & Give U.S. Border Patrol Access and Visibility

There are two things U.S. Border Patrol needs along the Texas-Mexico Border: One is a clear line of sight along the Rio Grande River and the other is access to the river.

These are not just what U.S. Border Patrol needs, they are high priorities they have requested but continue to be denied. Both can be easily achieved by simply cleaning up the riverbank along the Rio Grande. Salt Cedar and Carrizo Cane are non-native, invasive plants that need to be eradicated. Their density becomes a hiding place for migrants and criminals who illegally enter the U.S., and in the process, make U.S. Border Patrol and other law enforcement officers more vulnerable.



*Dense Carrizo Cane on the river bank.*

These plants need to be eradicated and the riverbanks should be re-populated with native prairie grasses that have limited growth potential and can be easily and economically maintained. The Cane and Salt Cedar plants consume massive amounts of water from the Rio Grande - the primary source of drinking water and irrigation for Texas border communities. Eradication of these invasive plants will protect the water supply along the border for residential, farming, ranching, wildlife, and recreational purposes. This is border security with a positive outcome.

Once these invasive plants have been eradicated; where possible, all-weather river roads should be built to provide U.S. Border Patrol access to the riverbank to allow them to safely and more effectively patrol the river.

Furthermore, Mexico has embraced cleaning up their side of the river, but has never been pressed to do so. If the U.S. and Mexico worked together, it would create a larger buffer zone that, by eliminating hiding grounds, will discourage migrants and criminals from crossing for fear of being exposed in the open buffer zone where U.S. Border Patrol has that clear line of sight. Creating a new open zone with a clear line of sight can be further enhanced with modern technology such as motion detectors, cameras, infrared sensors, etc.

In the more populated areas, municipalities like Eagle Pass have turned this natural buffer zone into a linear park to enhance the river and improve border security (see *“Proposed Bi-National Park” image below*).

That combination is a far more effective barrier to entry than any man-made wall and extremely cost effective. Without the brush cover, individuals are more likely to be spotted and that risk will discourage illegal crossings and entries.

This approach is a faster, cheaper, and a more effective way to patrol and control the river that allows U.S. Border Patrol officers to do what they do best: protect our border. With the way it is today, U.S. Border Patrol officers are spending all their time processing asylum seekers and not protecting the border.

Under the Secure Fence Act of 2006, some border fencing was installed along the Rio Grande which gave Americans a false sense of security. Unless we can provide U.S. Border Patrol with a clean riverbank and a clear line of sight, we will not see real results.

And we must not forget, the current migrants claiming asylum are not illegal. These migrants surrender at the border and seek asylum under the law. Until the asylum laws are modified and immigration judges added, asylum migration is likely to continue.

## ***Proposed Bi-National Park between Laredo, Texas and Nuevo Laredo, Mexico on the Rio Grande River***



# Enhanced Border Security Opportunity

The Mexican Government has made great strides in reducing the flow of migrants in recent years. It accomplished this by deploying its National Guard to its southern border and intensifying migration enforcement efforts after the Trump administration threatened to impose tariffs on Mexican goods in June 2019.

Despite the improvement in Mexican border enforcement, the reality is Mexico does not have sufficient personnel, infrastructure, or technology to stop illegal entries across their own southern border with Guatemala, although they did significantly slow down the inbound flow of immigrants.

Likewise, the border wall constructed by the U.S. does little to deter migrants from entering. Despite our vast investments in constructing the wall, we have seen few results. Because the international boundary in Texas is the Rio Grande River, migrants who claim asylum in the river are legally allowed into the U.S. and are escorted around the border wall by CBP. The border wall itself is several hundred feet inward on American soil, meaning that migrants have already legally entered the U.S. by the time they reach the wall.

A one-size-fits-all barrier approach does not work. It's vital that we work with the local terrain and topography to create the most effective barriers to entry. This is the perfect opportunity to implement a true border management program.

Texas has a natural barrier in the Rio Grande River that can be easily enhanced to help prevent future illegal entries. Weir Dam projects in Brownsville and Laredo, Texas on the Rio Grande River have been discussed, debated, and proposed but never funded. Weir Dams come in various shapes, sizes, and forms, but their goal remains the same - to capture more river water, back it up, and in the process, broaden the reach, width, and surface area of the river. It also serves to aerate the river for natural habitat.

This process, while good for the environment, has an added benefit of making the waterway more challenging and treacherous to cross. Security experts state that the best security comes in layers. Weir Dams can be coupled with sensors, cameras, and the clear line of sight sought by U.S. Border Patrol through the eradication of non-native plant species along the riverbanks.

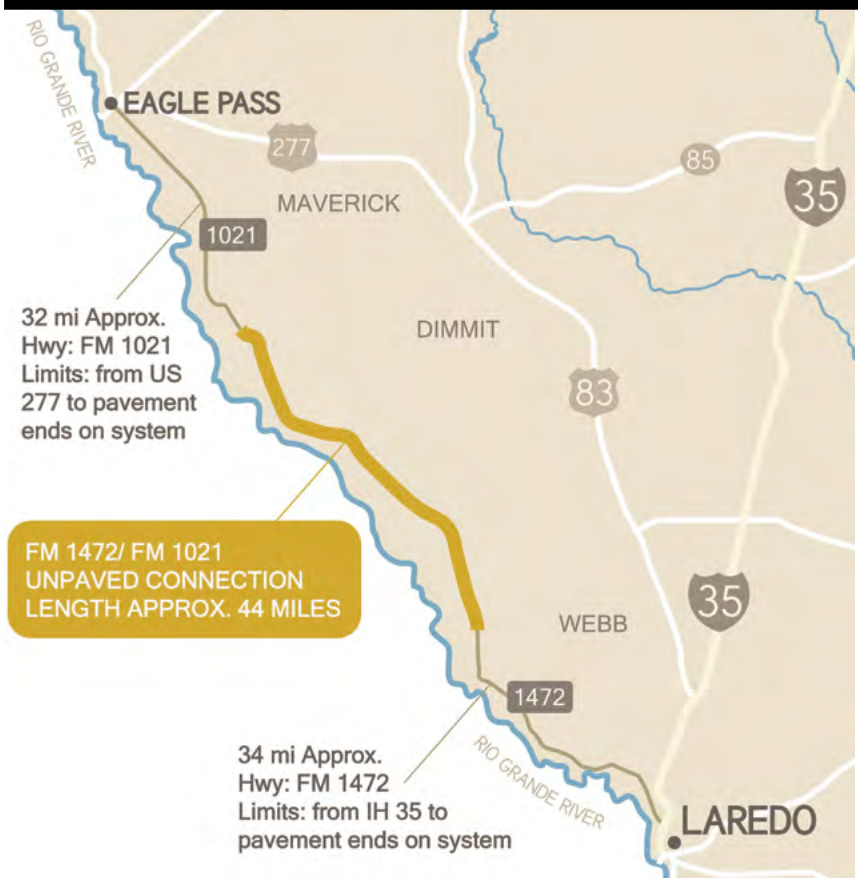
Again, these invasive plants make it difficult to spot migrants allowing them to evade detection and apprehension. They also pose a risk to the safety of U.S. Border Patrol agents. Additionally, U.S. Border Patrol agents need all-weather access roads to patrol the riverbank. All of these assets, when combined, provide a tiered, multi-layered approach to border management and security.

There is another project that would add significantly to enhanced law enforcement: paving the Mines/Las Minas Road (FM 1472/1021) from Laredo to Eagle Pass, Texas which would create a modern river road. Currently, there is a significant section (44 miles) connecting Laredo and Eagle Pass that is not paved and not maintained as an all-weather road creating obstacles for U.S. Border Patrol agents to access the river in a timely fashion (see "FM 1472 / FM 1021" image below).

U.S. Border Patrol executives have long been in favor of paving this highway to significantly improve access and response times as well as protect the condition of U.S. Border Patrol's equipment. The current roadway is so bad that traveling at high speeds is nearly impossible and the use of the road is very hard on vehicles. The additional benefit of this highway is to create enhanced commerce connecting the border cities of Laredo and Eagle Pass, which would enhance economic development.

It also adds traffic to the area which makes clandestine travel much more difficult for migrants as well as human and drug traffickers. This is another win-win for border security and economic enrichment versus building a physical barrier that adds little value for anyone. This small section of approximately 44 miles would cost about what two miles of border wall would cost, but enhance security many times over.

**FM 1472/ FM1021 (aka Mines Road) has approximately 44 miles of unpaved road**



# Why the United States Needs Immigrants

Our economy is built on a basic foundation - a typical population pyramid that has more young people at the bottom who will enter the economy to support the smaller retired portion of the pyramid at the top.

But through aging baby boomers, and a new generation putting off marriage and having fewer children as a result, the U.S. population pyramid is slowly moving toward an inverted model. Fewer people entering the workforce creates workforce shortages, hindering retail and commercial operations, production cycles and GDP. Economies are built on foundations of growth, not stagnation or decline.

Immigrants fill many vital roles. They often fill jobs Americans are unwilling to do. When an immigrant fills a low-skilled job such as a restaurant dishwasher, that in turn, helps create a higher paying, higher-skilled, customer-facing job like a waiter, host, or manager that is most often filled by a native - quite often because of English-spoken skills. In the high skilled area, it is far preferable to hire an immigrant when native-born workers are scarce than it is to outsource that work to a foreign country. Hiring an immigrant keeps the job here in the U.S. and provides the basis for further job creation.

Across the globe, we are witnessing the negative impacts of fewer children and fewer immigrants. The lack of economic growth and vitality sends young adults out of their country seeking opportunities, and then the corresponding lack of available workers increases the downward economic spiral in their home country. Fewer available jobs mean product and service shortages, inflation, stagnation, and eventual decline. Schools are closing because of a shortage of students, small towns and villages are being razed and turned into parks because of a lack of people, and wildlife are moving into areas where people leave - all of which create additional problems for towns.

The bottom line is we need people and for the U.S. economy to continue leading the world, we need workers of all types - native-born workers and immigrant workers. In fact, virtually every economist who studies the economic growth of the U.S. cites the huge impact immigrants have had on our economic prosperity. 50% of our workforce over the last two decades has come from immigrants. The American economy would be far smaller if not for immigrants. Providing an effective process to enable work-based immigration is absolutely critical to growing our economy.

## Consider these facts:

- *Immigrants are twice as likely to start a business than native-born Americans*
- *Immigrants have a lower crime rate than native-born Americans*
- *Most legal immigrants do not have access to means-tested welfare programs*
- *Immigrants are more likely to immediately pay taxes without receiving benefits*
- *Illegal immigrant incarceration rates were about half those of native-born Americans*



**Elon Musk says population collapse  
'potentially the greatest risk to the  
future of civilization'**

*thehill.com July 28, 2021*



# The U.S. Population Grew at Second Slowest Pace in History

The skeptics who do not want to face the facts about immigration and the need for economic migrants continue to dismiss raw data in favor of the extreme notion that if 11 million undocumented immigrants are given residency or some path to citizenship, there will be a massive new flood of people seeking residency because the opportunities in America far exceed those in their home countries.

The demographics tell a different story. It takes 2.1 births per female to sustain the population. Virtually all developed countries, with a few exceptions, are below 2.1. In 1960, Mexico's fertility rate was 7.0, meaning that the average female was having seven children.

Today, Mexico's fertility rate has fallen to 2.0 with most of the population concentrated in major metropolitan areas. Demographers say no country in history has experienced a decline in fertility as fast as Mexico.

The Demographic Winter has hit Mexico just as it has the rest of the world. Likewise, European and Asian countries are in trouble with fertility rates, and the numbers suggest these countries will experience a huge loss in population over the next several decades as deaths begin to outpace births.

Most notably, Japan and Russia are experiencing population loss. A normal population pyramid has a wide foundation made up of younger people in the workforce with a narrow tip made up of retirees and the elderly. Japan's population pyramid is inverted, and it explains why they are experiencing population losses.

In 2014, adult diapers began to outsell baby diapers in Japan clearly demonstrating the challenges of a rapidly aging society and fewer people entering the workforce. Countries, like corporations, are built on a foundation of growth. No country, nor corporation, can grow if they stagnate or decline in population.

The U.S. is currently at about 1.73 births per female, which is below the replacement level of 2.1 births per adult female (see Graph 5). Since 10,000 baby boomers are retiring every day, the outlook is bleak for the job market.

Without population growth and the prospect of new workers, economic growth is unlikely. Future Gross Domestic Product (GDP) growth above two percent on a sustained basis will be an enormous challenge that will have a huge impact on the world over the course of the next several decades - no people equals no economic growth!

This crisis continues into 2023 and will become ever more troubling over the next decades.

The entire point of this section is to make clear that we need an immigration and asylum policy that addresses America's need for workers.

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***We need approximately 600,000 to 650,000 low-skilled workers every year to keep our economy growing.***

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We do not produce that type of worker in America any longer. In fact, the largest part of the workforce is now the millennial generation. This group of workers is not inclined to do this work, so where are we going to get the people to do the so-called basic jobs that some deem as "dirty jobs?"

In any society, the more education and wealthier a worker is, the more they move up the socio-economic ladder, leaving fewer people available for low-skilled jobs.

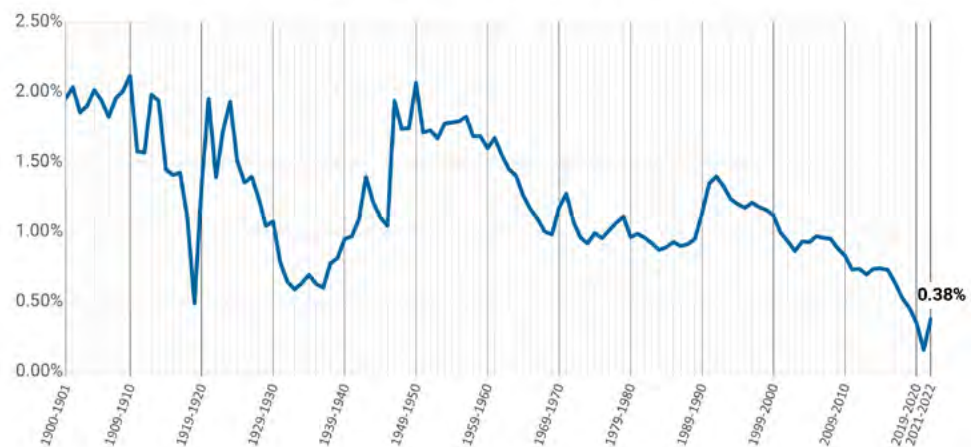
The warning signs have been there all along. American policymakers have failed to recognize, comprehend, and fully understand the dire economic consequences to a nation when the population goes stagnant or declines.

The most recent U.S. Census numbers clearly show that the U.S. experienced the second-slowest rate of population growth during the 2010's in our country's history. The writing is on the wall, as seen in the new U.S. Census data, so Congress might finally have to start paying attention. We must have immigrants to meet our workforce needs, as half of our workforce over the last several decades have come from immigrants.

We need the 11 million undocumented immigrants as well as the DACA immigrants and a common sense immigration reform to meet our workforce needs.

**Graph 5**

**US annual population growth, 1900-01 to 2021-22\***



\*July 1 to July 1 of each year

Source: William H. Frey analysis of U.S. Census Bureau historical population estimates, including 2020-22 annual estimates released December 22, 2022

**B** Brookings Metro

# As Labor Shortage Gets Worse, Why Not Tap More Immigrants?

According to the U.S. Bureau of Labor Statistics, as of November 2022 there were over 10.4 million job openings in the United States. Many employers are complaining of the difficulty of finding candidates. Even more concerning, there are 79 million Baby Boomers currently eligible for retirement that could leave the workforce at any point in time.

Foreign-born workers have been crucial to Texas' rapid growth for decades. That economic opportunity and steady growth are key ingredients in the state's ability to keep landing the top spot in the best place in which to do business. In May, foreign-born workers accounted for nearly 23% of Texas' nonfarm workers, almost 6% higher than the share nationwide, heavily concentrated in both manufacturing, and the hospitality sector that would include hotels and restaurants. Those fields have also seen the largest increase in job openings since the pandemic.

Dr. Pia Orrenius, a senior economist at the Federal Reserve Bank of Dallas, has focused much of her research on the two extremes in the immigrant workforce. "The greatest need," she said, "is for immigrants at the bottom of the education ladder and at the top."

"Demand has continued to grow on the bottom, but at the same time, that native labor force has been shrinking in absolute size - not just in share, but in actual numbers," she said.

More Americans are graduating from high school and college, which is a great achievement, but most are not willing to do the manual jobs. According to Orrenius, "To get the workers we need in the places we need them - and in the most rapid way possible - there's no comparison to immigration."



San Ysidro, California border checkpoint into Mexico



# Final Thoughts ...

***“Ladders and walls go together like peas and carrots.”***

***Border Patrol Agent***

***McAllen, Texas***

***Texas Monthly/ April 25, 2021***

There is more to the border than just security. That’s why we need multi-layered border management solutions to solve a variety of issues. To solve the border security problem, we must look at reasonable and productive solutions that benefit the U.S. and Mexico.

Because Mexico is Texas’ largest trading partner, and our neighbor, we must support a border security plan that continues to foster economic development and our good neighbor policies that have been in place for generations.

Our shared border requires shared responsibilities between the U.S. and Mexico. Together, we must clean up the Rio Grande River so that we may enhance the natural barrier already in place and make it an effective, economically viable solution for the future. The Rio Grande River is one of Texas’ most important amenities. It is the primary water source for urban and agricultural use. It preserves private property rights that have existed for 300 years and it serves as a natural border between the two great countries.

We must preserve the wonderful history of the Rio Grande and its enormous importance to the region as a beautiful natural amenity, tourist attraction, and historical site for both Texas and Mexico. By cleaning up the river, reforming our immigration and asylum laws, and sponsoring a doubling of immigration judges, we can solve the real crisis on the border. We must provide assurance and confidence to our citizens that our border is secure and our economy is protected.

All of these suggestions come at a cost well below that of building walls, which only act to destroy private property, farms, ranches, and homesteads, not to mention our valued relationship with Mexico: our ally and partner. So, if we really want border security, let’s clean up the river, fix the immigration court system, and modernize our immigration and asylum laws.

***Maybe it’s time to add some “Common Sense” to border management and immigration.***



*Ladder on South Texas border wall*



*Border Fence in New Mexico*

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## About the Author



### **Dennis E. Nixon**

CEO, International Bank of Commerce - Laredo, Texas  
Chairman, International Bancshares Corporation

Internationally, Dennis E. Nixon was instrumental in the passage of the United States Mexico Canada Agreement (USMCA) and its predecessor, the North American Free Trade Agreement (NAFTA). Currently, he chairs the Trade Policy working group of the U.S. - Mexico CEO Dialogue, a select group of 25 U.S. and 25 Mexican corporate CEO's whose members address core issues in the bilateral relationship between the two countries. In May of 2008, IBC was recognized with the United States-Mexico Chamber of Commerce's Good Neighbor Award for the bank's contribution to the passage of NAFTA on its 15th anniversary.

A recognized leader on issues including international trade, cross-border commerce and bi-national economic development, Nixon is also a Texas Business Hall of Fame inductee, a former board member of the United States Chamber of Commerce, and many other organizations too numerous to name.

As CEO of IBC Bank, Dennis Nixon helped border economies survive major market disruptions. He has been interviewed by national media, from CBS and PBS to the Wall Street Journal and the Washington Post, as the country has tried to separate fact from fiction on the issue of border management. He has advised presidential candidates and hosted U.S. senators and opinion leaders for tours along the Texas border to see first-hand the importance of our trade relationship with Mexico. His op-eds on a variety of international topics can be read in publications throughout Texas, the United States and Mexico.



