



To: Friends, Colleagues, and Elected Officials
From: Dennis E. Nixon *DE*
Subject: Updated Common Sense Border Management Plan
Date: August 11, 2021

Over the course of my career, I have seen the Texas/Mexico border evolve. Pre-NAFTA, the border suffered double digit unemployment and limited growth potential. NAFTA changed that to make our border communities major trade centers bringing jobs, growth and economic prosperity from Brownsville to El Paso. We're not where we want to be, but looking back, we have made major strides in economic development.

That's the good news.

The bad news is that border communities continue to struggle and suffer because of the actions, reactions and in some cases, inactions of the federal government. It stems from the government's failure to learn what makes the border unique and special. It comes from failing to see that our Texas border towns and our Mexican counterparts are one city in two countries, and it comes from failing to meet with the private sector when they visit the border to better understand the entire vision of the border from a variety of different perspectives.

That's why back in 2017, I authored a "Common Sense Border Security Solutions" document. I personally wrote this piece to lay out a roadmap for finding common sense solutions to the many challenges we face. The document was based on facts, not emotions - on real solutions, not political ones.

Over time as our border has changed, this dynamic document has been updated to meet the new challenges we face together. Today, I am proud to share with you our 2021 update called "Common Sense Border Management Solutions." This new document has a strong emphasis on border "management" because managing the border takes more than just border security.

It is my sincere hope that you will read this document. If you agree with my thoughts, my ask of you is to embrace and support the plan. If you disagree with some part, please let me know. I welcome the feedback and plan to include new ideas and thoughts in future updates.

Lastly, another reason for writing this was that I hear the same worries and concerns over and over again from every border town. Yet, when speaking to the media, our border leaders - both private and public sector - do not always carry a consistent message, so I thought the major points in the document summary would give our leaders strong talking points to focus on the key recommendations to message the border.

Thank you again for taking the time to read this document. I welcome your suggestions or ideas. My goal is to provide all of us a tool when communicating with members of Congress or members of the media.

I urge you to share this important message with friends and colleagues. The document is also available in electronic format for easy distribution.

Updated August 2021

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11-08-21

COMMON SENSE BORDER MANAGEMENT SOLUTIONS

Dennis E. Nixon

Rio Grande River Laredo, Texas August 2021





Rio Grande River Laredo, Texas

EXECUTIVE SUMMARY

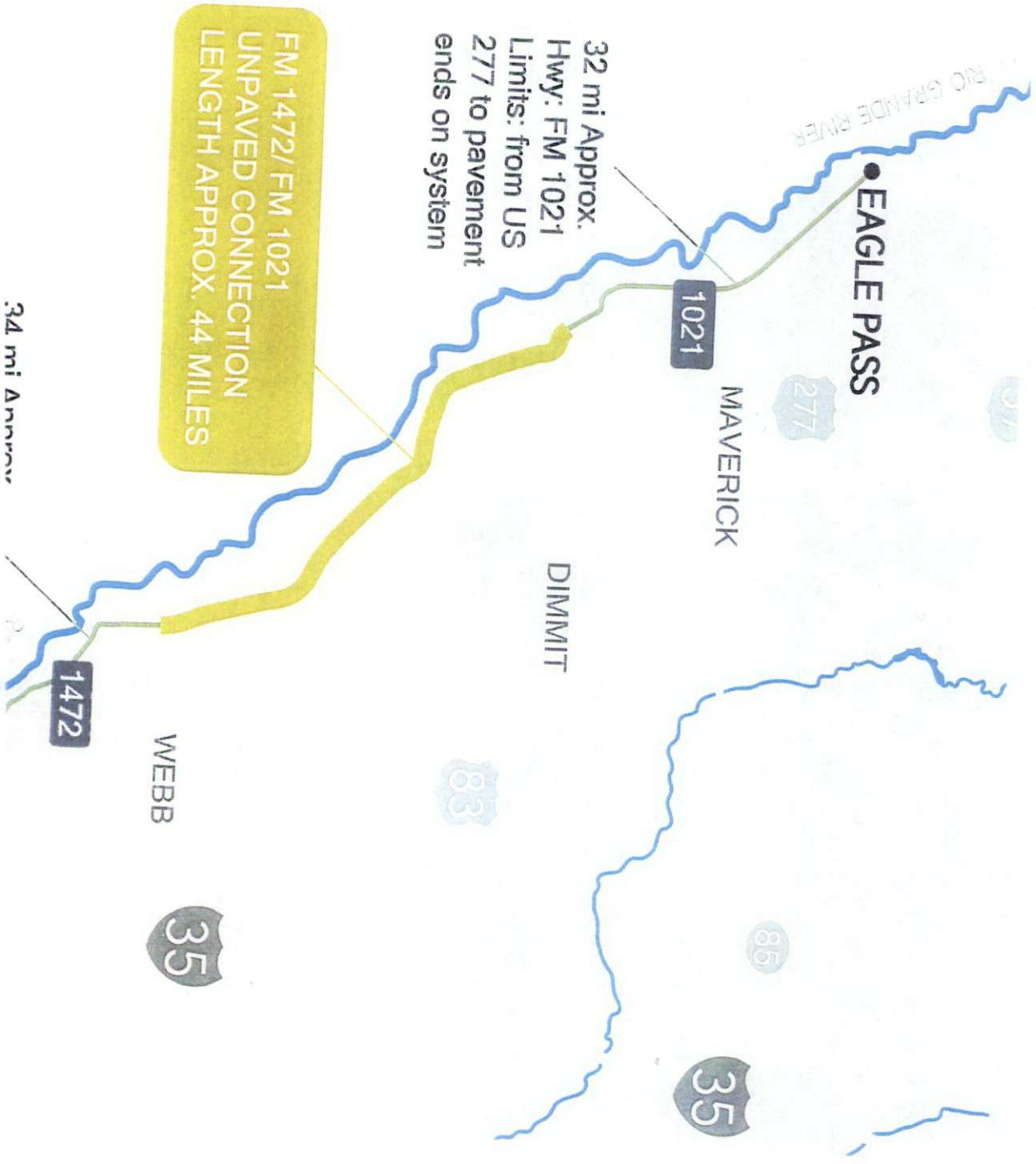
This new update of my Common Sense Border Solutions paper, last revised in April 2018, continues to focus on key recommendations I have summarized that in my view will have an immediate and lasting impact on mitigating or solving many of the challenges we face in managing the U.S. Mexico Border in Texas. These bullet 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 we need to undertake to improve management of the border. I want to thank you in advance for reading this updated paper.

1. Clean up the Rio Grande River by eradicating and/or suppressing invasive plants such as Carrizo Cane and Salt Cedar – a plan supported by environmentalists - creating 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 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.
2. 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. The goal is to re-introduce this clean river plan to the current Mexican administration.
3. Improve and build road infrastructure along the Rio Grande River. US Highway 83 hugs the U.S. side of the river from McAllen to Laredo, but no such fully completed road exists along the river between Laredo and Eagle Pass. Completing Highway 1472/1021, AKA Mines 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.
4. Apprehensions are only successful if there is an adequate immigration judicial system to handle the one 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.
5. Build the Laredo Bulkhead Project designed to widen and deepen the Rio Grande in the downtown sector of Laredo –This plan drafted by the City of Laredo in coordination with local DHS officials, would provide for an 18-foot-high retaining wall with a road at the bulkhead for use by the Border Patrol. It offers flood mitigation for the city, greater access for Border Patrol, and a wider river to discourage illegal entries. Truly a classic win-win-win scenario.
6. Complete the Cameron County Weir Dam project in Brownsville, Texas and the Webb County Dam in Laredo to help widen the Rio Grande by building 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. The root cause of much of the border security problem lies in our outdated and ineffective laws. Immigration and asylum laws need to 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.



Border Patrol agent walks along congested river banks

**FM 1472/ FM1021 (AKA MINES ROAD)
HAS APPROXIMATELY 44 MILES OF UNPAVED ROAD**



Common Sense Border Management Solutions

Thoughts from Dennis E. Nixon • Updated August 2021

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.

Any intersection between a migrant who has entered the country illegally and a U.S. Border Patrol agent is classified by Customs and Border Protection (CBP) as an “apprehension,” whether the migrant was actually apprehended or whether they turned themselves in to seek asylum. Apprehensions hit their peak in 2000 with 1.6 million apprehensions on our southern border. Since then, apprehensions have been steadily declining until an uptick in 2019. (See chart on page 2)

Then, in 2020, apprehensions dropped to a more normal level until the massive surge on our southern border during the first few months of 2021. Today, migrant entries across our southern border occur because of individuals coming to the U.S. in hopes of participating in the American Dream—a chance to succeed. There are two types of migrants that enter the U.S. – asylum seekers and economic migrants. Asylum seekers turn themselves in so that they may begin the asylum application process. Under U.S. law these migrants are not illegal once they touch U.S. soil to seek asylum. Unfortunately, U.S. Border Patrol do not separate these migrants from illegal migrants so the data is not transparent. 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.

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 (meeting up 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.

Many of these Central American migrants 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” with a court date that is to be determined. This is the process under current law.

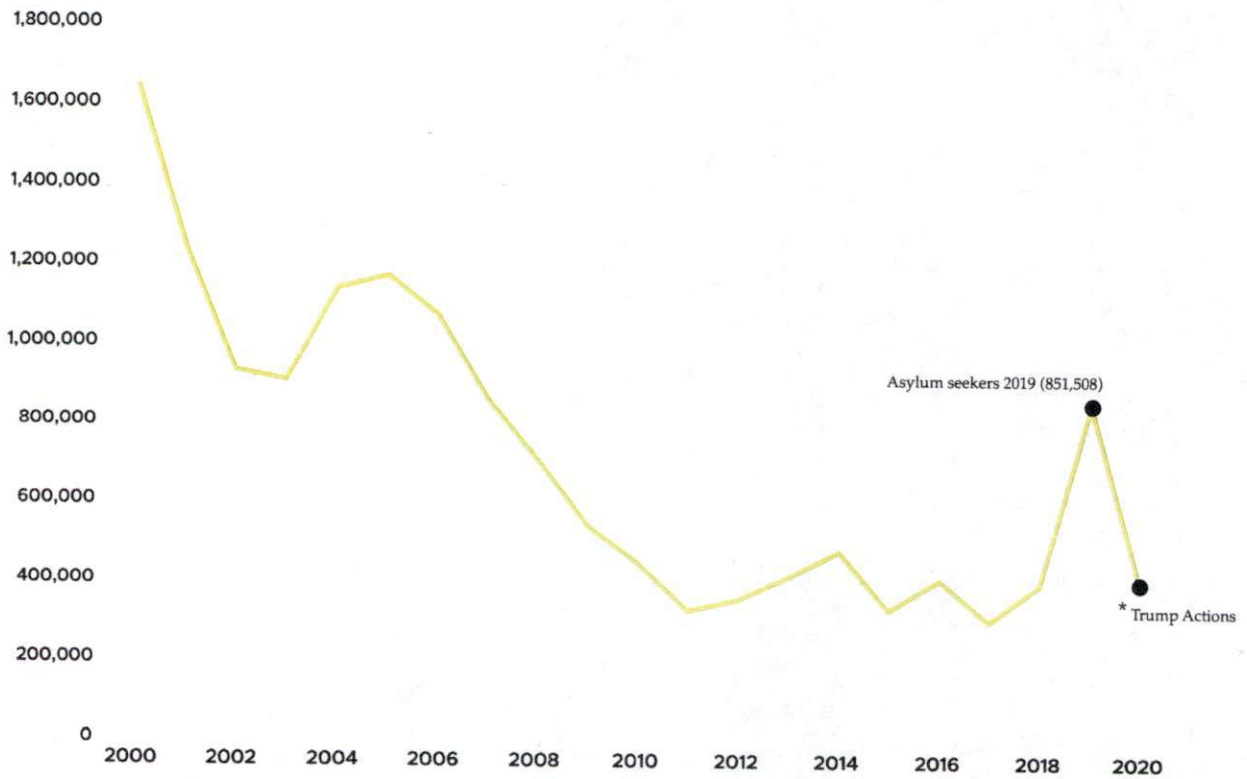
On average, these court cases take up to 1,000 days to be adjudicated. Due to this delayed process, many migrants never appear for a court date and end up being deported in absentia.

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, immigration judges, and consular officers 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. At present, this is not done.

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- a concept where workers came into the U.S. and returned 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. Ninety-five percent of those apprehended were economic migrants. The other five percent are engaged in criminal activity. Asylum seekers had not been a huge problem in the past; however, the opportunity to seek asylum rapidly became the choice migrants made during the Trump administration.

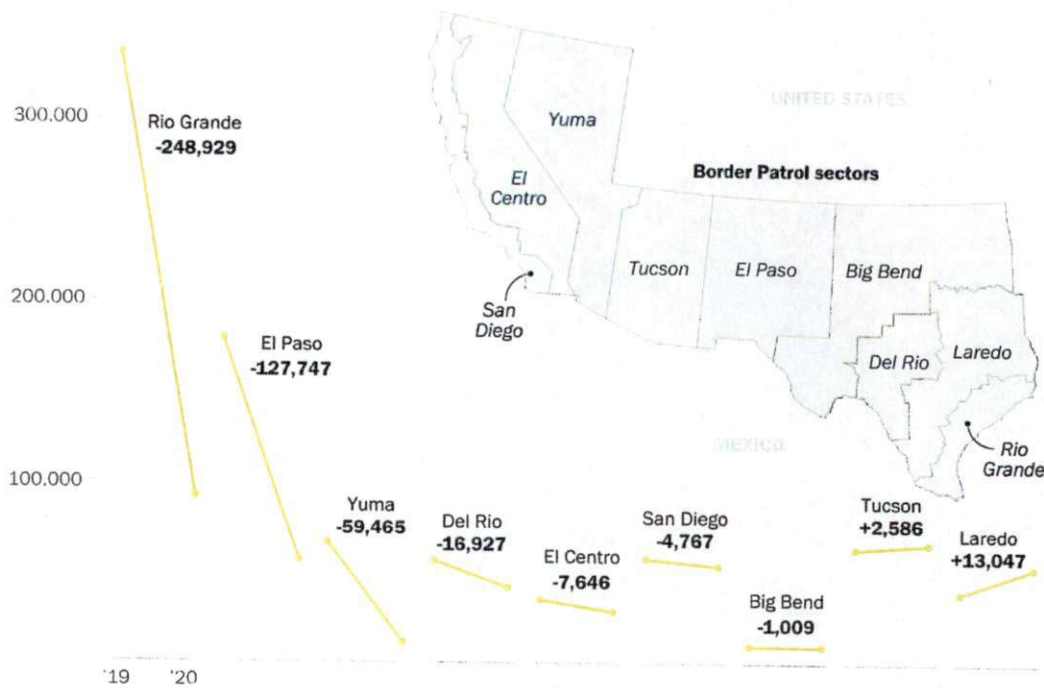
Mexican migrants once again account for a greater share of apprehensions than in the recent past, while Central Americans represent a smaller proportion. Around four-in-ten (42%) of the apprehensions at the southwestern border at the beginning of 2021 were people of Mexican origin, up from 13% in May 2019, the most recent peak year for yearly apprehensions. People from El Salvador, Guatemala and Honduras accounted for 46% of apprehensions in 2021, down from 78% in 2019. Ninety-five 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, as discussed in this white paper.

APPREHENSIONS AT SOUTHWEST BORDER BY FISCAL YEAR



*2021 saw a huge surge in migrants seeking asylum under our current laws.

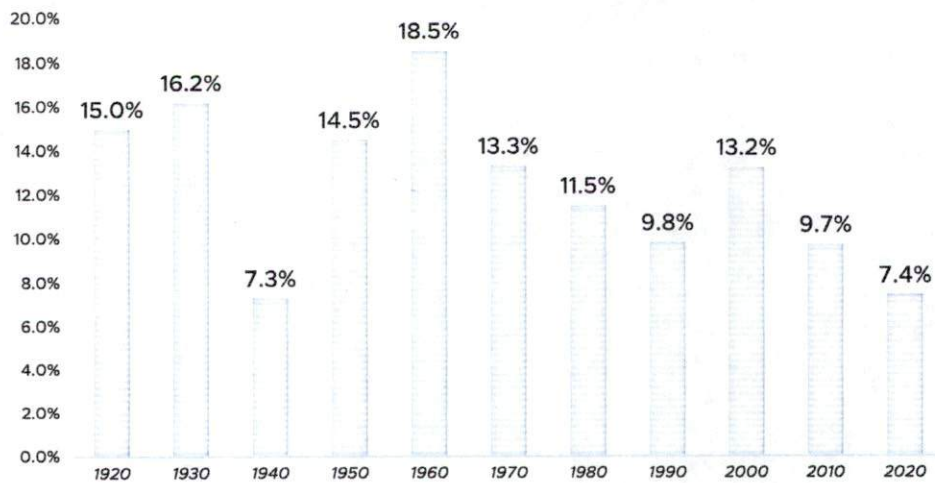
DECLINE IN APPREHENSIONS AT US BORDER PATROL SECTORS IN FY 2020



Source: U.S. Customs and Border Protection

THE U.S. POPULATION GREW AT SECOND-SLOWEST PACE IN HISTORY

INCREASE IN POPULATION



Mexico 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 migrants.

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. That means at that time 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 these countries just as it has the rest of the world. Europe and Asia are in trouble with fertility rates that are below both replacement or sustainability levels. These countries are unlikely to recover from such low fertility rates, and the numbers suggest these countries will experience a huge loss in population over the next couple of decades as deaths begin to outpace births.

For example, Japan and Russia are experiencing population loss. 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. 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! We are seeing many signs of this in 2021 with huge worker shortages.

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 entire point of this section is to make clear that we need an immigration policy that addresses America's need for workers. We need about 600,000 to 650,000 low-skilled workers every year to keep our economy growing. 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 people to do the so-called basic jobs that some deem as "dirty jobs"? In any society, the more educated 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 its 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 in our own country 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.

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 or we will continue to starve this country's economy of the human capital capable of doing the basic work required in a growing economy. 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.



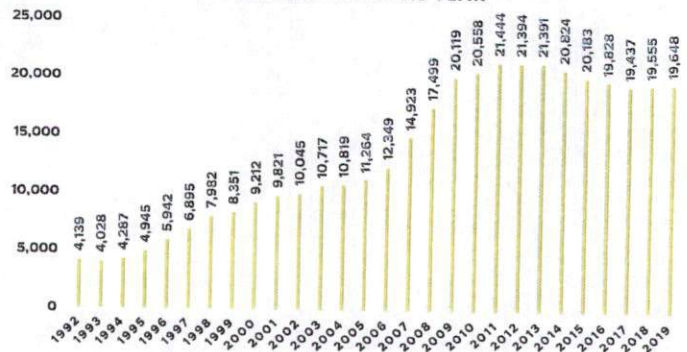
CLEAN UP THE RIO GRANDE AND GIVE BORDER PATROL ACCESS AND VISIBILITY

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 they need, but 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 immigrants and criminals who illegally enter the U.S., and in the process, make U.S. Border Patrol and other law enforcement officers more vulnerable. 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.

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. Furthermore, Mexico has embraced cleaning up their side of the river, but has never been pressed to do so. If both the U.S. and Mexico worked together, it would create a larger buffer zone that, by eliminating hiding grounds, will discourage immigrants and criminals from

crossing for fear of being exposed in the open buffer zone where Border Patrol has that clear line of sight that they lack today. The 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 that enhances the border and offers an amenity to local residents. That combination is a far more effective barrier to entry than any man-made wall. Without the brush cover, immigrants 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 and allows U.S. Border Patrol officers to do what they do best: protect our 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. Only until we can provide Border Patrol with a clean riverbank with clear sightlines, can we expect to see real results. But we must not forget, the current asylum migrants 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.

BORDER PATROL AGENT NATIONWIDE
STAFFING BY FISCAL YEAR



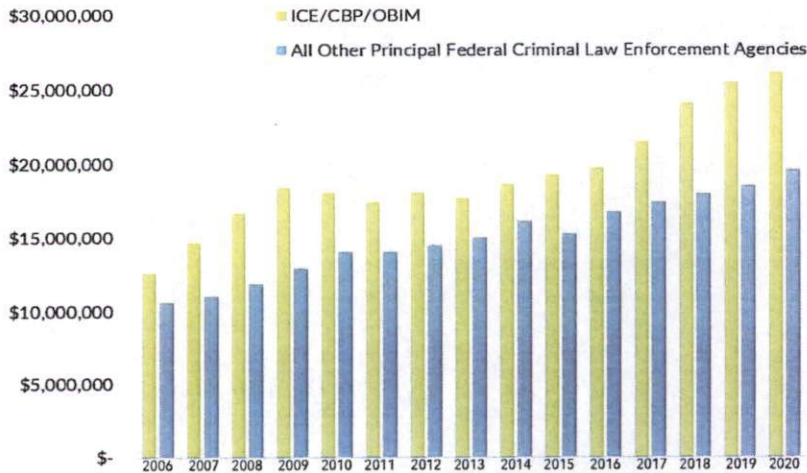
CLEAR BACKLOG IN OUR IMMIGRATION COURT SYSTEM BY HIRING MORE IMMIGRATION JUDGES

Most law enforcement officials believe the border has become secure, but it is clear that more can be done. An increase in apprehensions 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, yet the judicial system remains inadequate because it is grossly underfunded by not providing the judges needed. Simply said, we need many more immigration courts.

Through February 2021, more than a million cases are awaiting adjudication in U.S. immigration courts. 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 total wait time at 1,000 days or more.

SPENDING FOR IMMIGRATION ENFORCEMENT AGENCIES

Figure 1. Appropriations for Immigration Enforcement and Other Principal Federal Criminal Law Enforcement Agencies, FY 2006-20 (in thousands)



Note: The other principal federal criminal law enforcement agencies are the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Drug Enforcement Administration; the Federal Bureau of Investigation; the U.S. Marshals Service; and the Secret Service.

Sources: For each year's Department of Homeland Security (DHS) *Budget-in-Brief* from fiscal year 2008 through 2020, see DHS, "DHS Budget," [available online](#).

Note: Spending more on border security than all the other federal law enforcement combined

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 460 immigration judges located in 67 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 and these new funds will allow 100 new immigration judges and their support staff to be appointed. That is a great addition, but will fall short as the number of cases will still cause backlogs.

The July 2014 prioritization 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. It then rose to 1,299,239 cases less than five years later.

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.

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. With an adequate number of courts rapidly processing children, parents, or family members, too, could be processed upon their arrival to pick up their children and

prevent establishing themselves in the country. If parents or other relatives are determined to be out-of-status or undocumented, then both parents and their children should be legally processed expeditiously and returned to their country of origin. Doing so would stop the migration of children because word of the prompt enforcement would quickly spread to families in Central American countries and elsewhere hoping to migrate their children. Again, the entire family should be processed together. Essentially, unaccompanied minor children (UAC) are detained by U.S. Border Patrol for up to 117 hours, far longer than the 72 hours allowed by law. From there, they are transferred to Health and Human Services (HHS) for detention and then reunification with family members or sponsors at various facilities across the U.S.

The legal status of these family members and sponsors is never questioned, so one could surmise that the majority of family members and sponsors who pick up these children from HHS are not here legally. Therefore, the sponsors and the UAC are not likely to report for immigration hearings because that would expose the entire family as being out-of-status and eligible for deportation. If the status of these family members and sponsors was determined during the immigration proceedings, it would have an immediate impact on these children risking the trek from Central America. These detention facilities are costing taxpayers millions per month, and this money could be better invested in more post-apprehension resources, such as additional immigration judges. Immigration judges are appointed by the U.S. Department of Justice and do not require Senate confirmation. It's all about money. We need to support funding for these judges. Thankfully, Congress has taken some recent action but it will take time to establish the new courts. This is an important although inadequate step because more than 100 new immigration judges are needed.

ENHANCED SECURITY OPPORTUNITY

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,



Border Patrol agent surveys the border in Rio Grande City, Texas

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 a 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 Border Patrol agents. Additionally, 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 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.

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 provide a favorable asset for economic development.

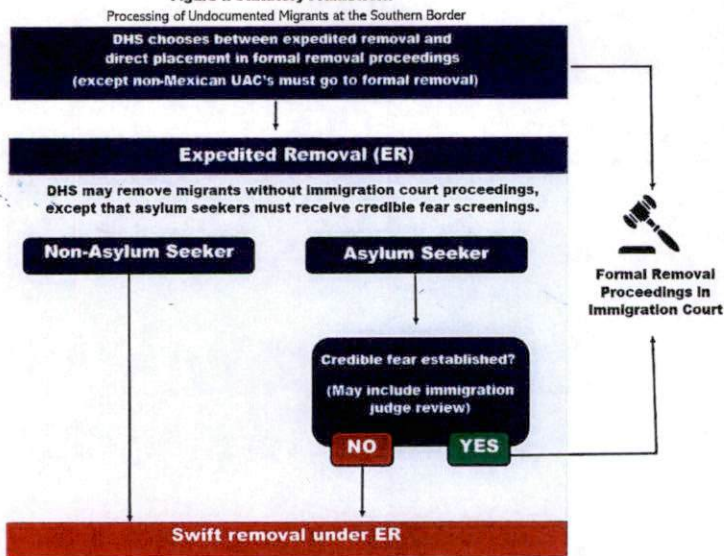
It also adds traffic to the area which makes clandestine travel much more difficult for migrants as well as human and drug traffickers. This is another win-win for border security and economic enrichment versus building a physical barrier that adds little value for anyone. This small section of approximately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

ASYLUM SEEKERS

Mexicans who are classified as non-essential, who once crossed the border regularly to visit family or spend money at stores and restaurants have been barred since March 2020, in an effort to combat the spread of the coronavirus. As a result of this, small businesses in border towns are reeling from the economic fallout of these restrictions on nonessential travelers. However, despite the border being partially closed, asylum seekers from Central American countries like El Salvador, Guatemala, Honduras, Mexico, with several other countries adding to these numbers are still showing up by the thousands, seeking relief from crime, poverty and the devastation caused by hurricanes in their home countries.

While there is much debate over who is to blame for this immigration crisis, we must not lose sight of an even bigger crisis we're battling: a depopulation crisis. It is also 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 legally enter the country. They are not illegal in most cases.

Figure I. Statutory Framework



Source : Congressional Research Service — <https://fas.org/sgp/crs/homsec/R46755.pdf>

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 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. 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.

WHY THE UNITED STATES NEEDS IMMIGRANTS

Our economy is built upon 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 upon 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



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

thehill.com

a waiter, host, or manager that is most often filled by a native-born American. 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 basics for other job creation.

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

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 from a lack of students, small towns and villages are being razed and turned into parks because of a lack of people, thereby creating additional problems such as wildlife and other predators moving into villages where people are leaving.

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 that studies the economic growth of the U.S., cites the huge impact immigrants have had on our economic prosperity. The American economy would be far smaller if not for immigrants.

As labor shortage gets worse, why not tap more immigrants?

DALLAS MORNING NEWS

A recent article in the Dallas Morning News stated the U.S. had over 9.2 million job openings in May 2021, the highest monthly number on record. Many employers are complaining of the difficulty of finding candidates. Furthermore, 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 percent 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, 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, and most aren't 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 like cleaning up the river in cooperation with Mexico, so that we may enhance the natural barrier that is already in place and make it an effective, economically viable positive solution that will protect and preserve the border's most important asset: the Rio Grande River, the Texas

border's most important amenity. It is the primary water source for urban and agricultural use and preserves private property rights that have existed for 300 years. It also preserves the wonderful history of the Rio Grande and its enormous

importance to the region from a tourism perspective, a beautiful natural amenity, and its historical importance to Texas and Mexico. By following this path and by sponsoring a doubling of immigration judges to solve the real crisis with immigration, we can provide assurance and confidence to 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, then let's clean up the river, fix the immigration court system and modernize

our immigration and asylum laws to really achieve border security. Maybe it's time to add some "Common Sense" to border management and immigration.



Ladder on South Texas border wall



U.S. Customs and Border Protection Agency flies a UH-1 Huey helicopter over the Rio Grande River

ABOUT THE AUTHOR



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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 binational 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 first-hand 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.

For over 45 years Nixon has led the Laredo, Texas -based IBC Bank recognized by Forbes as a consistent leading institution in 87 communities throughout Texas and Oklahoma. Nixon is a graduate of the University of Texas at Austin.

