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**Estimating Deterrence using Border
Patrol Consequence Reforms
(Presentation)**

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Estimating Deterrence using Border Patrol Consequence Reforms

WEAI 2015

Sarah K. Burns

Institute for Defense Analyses

- Introduction
- Background
- CBP Consequence Delivery System
- Data
- Methodology
- Results
- Future Research

- The repeated trials model (RTM) has become the workhorse model for estimating the flow of migrants
- When the model is extended to allow for deterrence (D), we require an estimate of the deterrence rate

$$P = \frac{T_v}{T} / (1 - D)$$

- Several possible methods to obtain D:
 - Set by assumption (Chang 2006)
 - Estimate with survey data
 - Response bias
 - Participation bias
- ★ ▪ Derive econometrically from consequence data

- Introduction
- Background
 - Overview
 - Empirical Strategy
- CBP Consequence Delivery System
- Data
- Methodology
- Results
- Future Research

- Consequences are designed to create deterrence
 - At-the-border deterrence lowers recidivism
- While we do not directly observe the recidivism rate, we do observe recidivists (re-apprehension)
- Re-apprehension is a function of two unobserved structural variables
 - The probability of “at-the-border” deterrence (D)
 - The probability of apprehension (P)
- If we assume D is a function of consequences (C), then understanding the impact of consequences on re-apprehension will help us understand the deterrence they generate

$$\frac{T_v}{T} = P(1 - D(C, X))$$

- Model re-apprehension as function of Customs and Border Protection (CBP) consequence programs controlling for migrant demographics, time, and border sector
- Exploit variation in the application of CBP consequences created by the consequence reforms that began in the mid-2000s
 - Individual-level model
 - Cohort-level model
- We use the model to simulate what re-apprehension rates would have looked like in the absence of consequences (Voluntary Return (VR)-only regime)

- Introduction
- Background
- CBP Consequence Delivery System
 - Administrative Consequences
 - Programmatic Consequences
 - Criminal Consequences
 - Change in Consequence Application
- Data
- Methodology
- Results
- Future Research

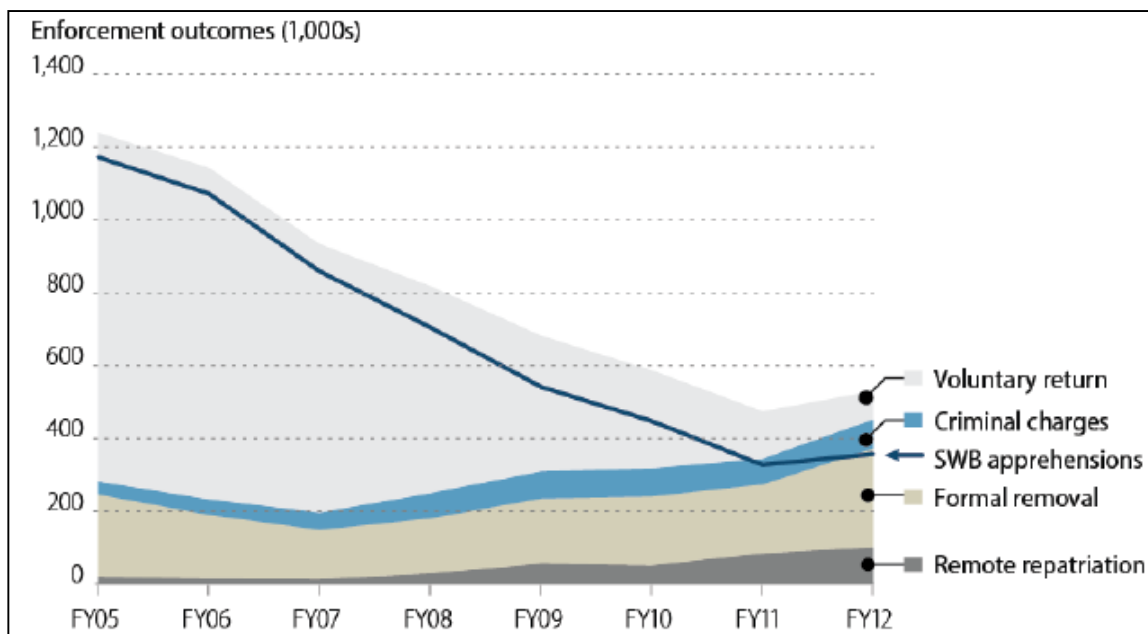
- CDS groups consequences into three categories
 - Administrative
 - ✓ Voluntary Return
 - ✓ Expedited Removal
 - ✓ Reinstatement of Arrest
 - Notice to Appear/ Warrant of Arrest
 - ~~Quick Court~~
 - Programmatic
 - ✓ Alien Transfer Exit Program (ATEP)
 - ✓ ~~Mexican Interior Repatriation Program (MIRP)~~
 - Criminal
 - ✓ Operation Streamline
 - ✓ Standard Prosecutions
 - Operation Against Smuggles Initiative on Safety and Security (OASISS)

Name	Description
Voluntary Return (VR)	Used at the discretion of Border Patrol agents and their supervisors to allow an alien to depart voluntarily from the United States in lieu of being subject to formal removal proceedings.
Expedited Removal (ER)	Initiated against aliens encountered by an immigration officer within 100 miles of the US border, and who have not been physically present in the United States for a period longer than 14 days immediately before their arrest. Aliens formally removed are ineligible for a visa for at least five years.
Reinstatement of Removal (RR)	Provides the ability to reinstate a previously executed removal order for aliens who illegally reenter the United States without reopening or reviewing the original removal order.
Notice to Appear/Warrant of Arrest (NTA/WA)	Used when CBP agents or officers make an arrest and process the alien with the intent that the alien should be detained in DHS custody pending a hearing before an immigration judge.

Name	Description
<p>Alien Transfer Exit Program (ATEP)</p>	<p>Repatriates Mexican nationals through geographic areas different from that of their entry location. ATEP is meant to disrupt future coordination with smugglers after their arrest and removal from the United States.</p>
<p>Mexican Interior Repatriation Program (MIRP)</p>	<p>Under MIRP, certain Mexican nationals are repatriated to their home towns within Mexico. This program was discontinued.</p>

Name	Description
<p>Operation Streamline (OS)</p>	<p>Criminal prosecution targeting individuals who illegally enter the United States. The program relies heavily upon collaborative efforts by CBP, the US Marshal's Service, Immigration and Customs Enforcement (ICE), and the Department of Justice Executive Office of Immigration Review.</p>
<p>Standard Prosecution (SP)</p>	<p>Criminal prosecution targeting individuals for violation of US immigration laws and/or any other federal laws that CBP has the authority to enforce. Any criminal prosecution not defined as a Streamline prosecution is a standard prosecution.</p>
<p>Operation against Smugglers Initiative on Safety and Security (OASISS)</p>	<p>Bilateral criminal prosecution agreement between the United States and the Government of Mexico, which allows for Mexican citizens found smuggling aliens in the United States to be prosecuted by Mexico.</p>

- ER and RR are in effect in all sectors by 2005
 - Increasing use over time and across sectors
- Programmatic consequences begin later
 - ATEP: 2008; most sectors
 - MIRP: 2009–2011; only Tucson and Yuma
- Criminal Consequences
 - OS: 2008; 6 of 9 sectors
 - SP: 2009; all sectors



Source: Lisa Seghetti, *Border Security: Immigration Enforcement Between Ports of Entry*, Report R42138 (Washington, DC: Congressional Research Service, December 31, 2014).



- Introduction
- Background
- CBP Consequence Delivery System
- Data
 - Data Sources
 - Data Sample
 - Dependent Variable
- Methodology
- Results
- Future Research

- US Border Patrol (USBP) Apprehension Data
 - Observation unit is apprehension event
 - Unique fingerprint ID allows tracking of an individual's entire apprehension history over period of interest
 - Demographic and consequence information on the apprehended crossers
 - Age, gender, country of origin (and birth state for Mexicans)
 - Consequence assignment on each apprehension, location of apprehension

- Office of Field Operations (OFO) Inadmissibles Data
 - Same basic structure and variables available
 - Preliminary analysis underway for OFO data

- Mexicans, ages 15–55, apprehended between the POEs
 - Remove all observations missing age, gender, birth state, or fingerprint ID
 - Remove known and suspected smugglers
 - Known smugglers: Identified by OASISS conviction or event role data field
 - Suspected smugglers: More than 7 apprehensions in 365 days
 - Remove suspected successful flow observations
 - NTA
 - NTA/WA
 - Credible Fear/Asylum
 - Final sample: over 4.4 million apprehension events, 2005–2014

- Re-apprehension is our dependent variable
 - Could be defined multiple ways (i.e., ever re-apprehended, re-apprehended within the same calendar or fiscal year, within a month, within 365 days, etc.)

Year	Apprehension Events	Ever Re-Apprehended	Re-Apprehended within a Year
2005	825,534	48%	36%
2006	777,491	46%	35%
2007	636,687	46%	36%
2008	514,577	44%	35%
2009	417,606	45%	36%
2010	344,499	43%	34%
2011	247,245	39%	31%
2012	236,161	35%	29%
2013	240,391	32%	29%
2014*	202,513	24%	24%

Note: The 2014 data is incomplete. It ends after the third quarter of the fiscal year.

- Introduction
- Background
- CBP Consequence Delivery System
- Data
- Methodology
 - Individual Level Model
 - Cohort Level Model
 - Estimation Challenges
 - Cohort Grouping Strategy
- Results
- Future Research

- We model the impact of CBP consequence programs on re-apprehension using two different specifications
- Individual-level model: Establishes correlation between consequence programs and re-apprehension

$$R_{it} = \alpha + \gamma_1 ATEP_{it} + \gamma_2 ER_{it} + \gamma_3 RR_{it} + \gamma_4 OS_{it} + \dots + x'_{it}\beta + \delta_t + u_{it},$$

- Cohort-level model: Attempts to address endogeneity concerns

$$\bar{R}_{ct} = \theta_1 \overline{ATEP}_{ct} + \theta_2 \overline{MIRP}_{ct} + \theta_3 \overline{ER}_{ct} + \theta_4 \overline{RR}_{ct} + \theta_5 \overline{OS}_{ct} + \theta_6 \overline{SP}_{ct} + \bar{X}_{ct}'\beta + \alpha_c + \delta_t + \bar{u}_{ct}$$

- The unobserved probability of apprehension does not explicitly enter the model; capture by time and sector fixed effects

- Quick Summary:
 - Consequences have negative impact on re-apprehension
 - SP has strongest effect followed by MIRP
 - ATEP has smallest effect
 - Difference between an ER and RR very small

Model	Individual Level
ATEP	-0.016*** (0.001)
MIRP	-0.071*** (0.002)
ER	-0.051*** (0.001)
RR	-0.062*** (0.001)
SP	-0.133*** (0.002)
OS	-0.089*** (0.001)
Demographic controls	Yes
Time effect	Yes
Observations	4,301,137
R-squared	0.029

Notes: Standard errors in parentheses: *** p<0.01, ** p<0.05, * p<0.1

Econometric Issues

- u_{it} likely correlated with the observables, serially correlated, and may be dependent across individuals, reflecting common (macroeconomic) shocks
- Consequence policy changes may not be exogenous to recidivism rates: the government may time reforms based on their predictions about the flow of illegal immigrants
- Application of consequences is not independent of individual's recidivist history

Cohort Estimator

- **Strategy:** Compare otherwise similar groups of individuals who have been affected in different ways by the consequence reforms, for reasons that are exogenous to recidivism
- **Literature:** Heckman and Robb (1985); Deaton (1985); Moffit (1993); Blundell, Duncan, Meghir (1998); Vella and Verbeek (2004)

▪ Criteria for grouping:

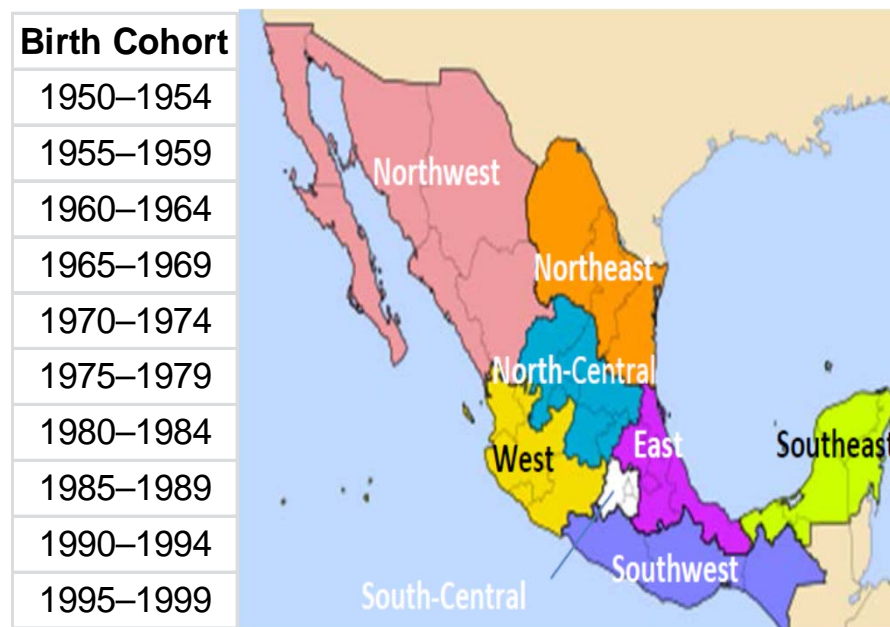
- Observed for all individuals
- Do not vary over time
- Each observation belongs to only one cohort
- Grouping variables should satisfy typical requirements for exogeneity and relevance (imposes rank condition)
- Key tradeoff in cohort size
- **Examples from literature:** year of birth, gender, race, region, education level
- We select 5-yr birth cohorts interacted with birth region

▪ Region:

- Different regional shocks, smuggler networks, travel costs

▪ Birth Cohort:

- Different immigration histories, lifecycle stages, mix of permanent/temporary migrants, macro shocks



- Introduction
- Background
- CBP Consequence Delivery System
- Data
- Methodology
- Results
 - Cohort Level Results
 - Simulation Results
 - Comparison to EMIF-N Deterrence
- Future Research

- Programmatic consequence impacts are not precisely estimated
- Criminal charges have largest negative impact on cohort re-apprehension
- Reinstatements have stronger impact relative to expedited removals

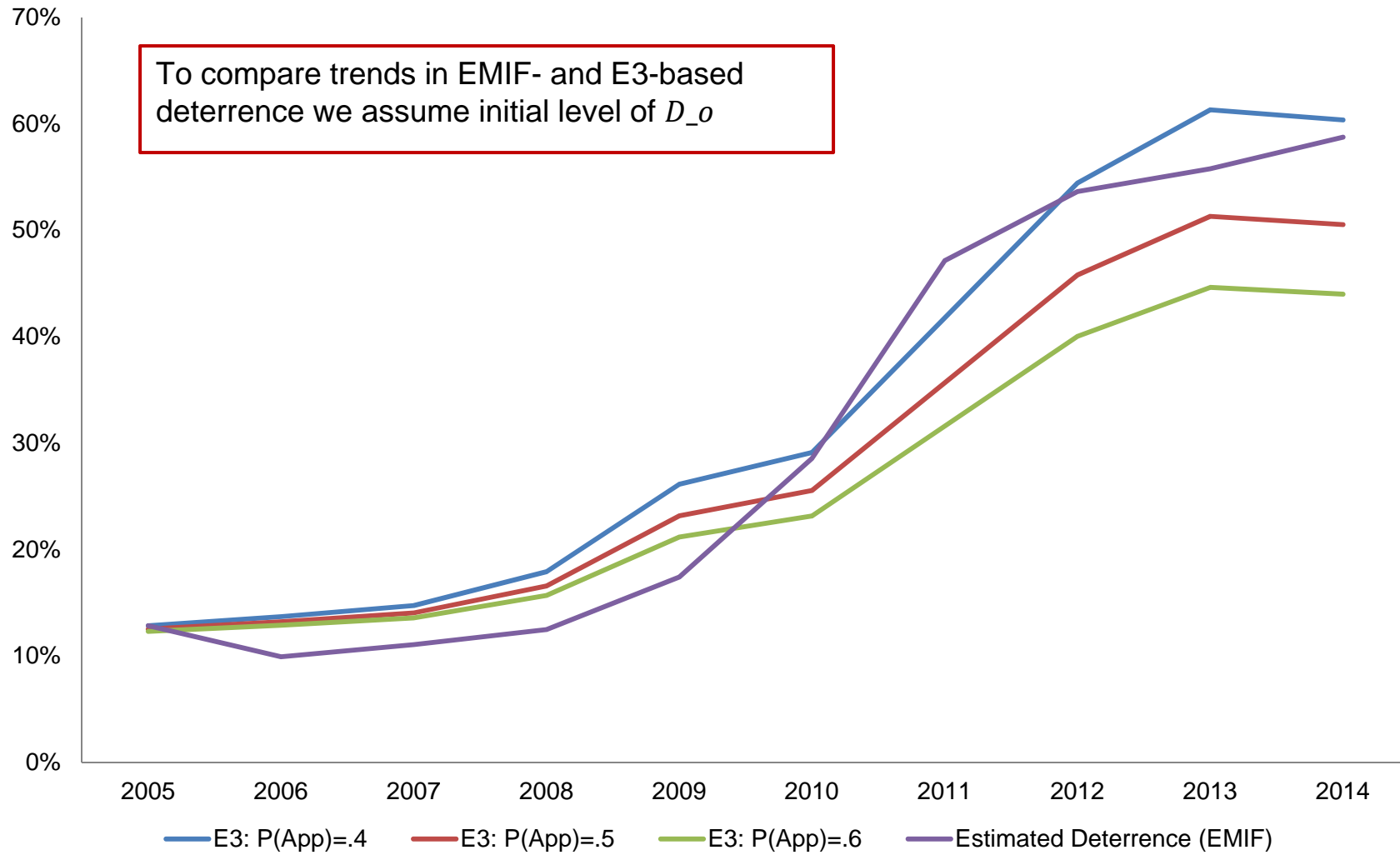
Model	Individual Level	Cohort Level
ATEP	-0.016*** (0.001)	-0.023 (0.023)
MIRP	-0.071*** (0.002)	0.073 (0.091)
ER	-0.051*** (0.001)	-0.078*** (0.022)
RR	-0.062*** (0.001)	-0.282*** (0.037)
SP	-0.133*** (0.002)	-0.263*** (0.048)
OS	-0.089*** (0.001)	-0.159*** (0.042)
Demographic controls	Yes	Yes
Time effect	Yes	Yes
Cohort effects	No	Yes
Observations	4,301,137	669
R-squared	0.029	0.934

Notes: Standard errors in parentheses: *** p<0.01, ** p<0.05, * p<0.1

Predicted Re-apprehension and Reduction in Re-apprehension Due to Consequence										
Fiscal Year	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
PR_{VR}	37%	36%	37%	37%	41%	41%	42%	45%	48%	44%
PR_{AC}	37%	35%	35%	34%	35%	34%	29%	28%	28%	24%
Reduction: $PR_{VR}-PR_{AC}$	1%	1%	1%	3%	6%	7%	12%	17%	20%	20%

Predicted Deterrence Due to Consequences										
Fiscal Year	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
$P(App)=.4$	2%	2%	4%	7%	15%	18%	31%	43%	50%	49%
$P(App)=.5$	1%	2%	3%	5%	12%	14%	24%	35%	40%	39%
$P(App)=.6$	1%	2%	2%	4%	10%	12%	20%	29%	33%	33%

Note! These deterrence estimates are based only on CBP consequences (D_c).
EMIF D is based on D_c + deterrence generated by other factors (D_o).



- Short-Term Objectives
 - Incorporate deterrence generated from non-consequence sources (violence, theft, harsh climate)
 - Introduce probability of apprehension into model with proxy variables
 - Incorporate ICE consequence data
 - Extend model to At-the-POEs
 - Dynamic models
- Longer-Run Objectives
 - Develop theoretical model of border crossing process
 - Decision to migrate
 - Estimate structural parameters

Backups

Expedited Removals									
	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	0.1%	0.4%	2.6%	0.3%	3.0%	0.6%	1.3%	4.0%	1.2%
2006	0.5%	7.5%	3.1%	1.5%	2.3%	3.0%	1.2%	4.2%	2.3%
2007	1.6%	5.7%	2.3%	3.5%	3.7%	3.7%	0.3%	5.7%	5.2%
2008	4.1%	26.4%	1.2%	24.3%	20.2%	4.8%	0.2%	10.8%	27.0%
2009	4.7%	51.7%	0.2%	34.9%	9.0%	4.4%	0.1%	16.7%	23.3%
2010	4.7%	58.9%	1.4%	29.1%	6.4%	5.7%	0.8%	26.2%	30.8%
2011	13.4%	58.3%	6.1%	26.3%	16.9%	11.3%	17.0%	42.8%	34.2%
2012	32.0%	54.3%	19.6%	42.6%	24.0%	36.9%	33.6%	53.9%	34.4%
2013	38.1%	54.5%	39.0%	38.1%	51.4%	37.9%	50.9%	57.1%	36.5%
2014*	39.1%	53.2%	35.6%	39.7%	52.2%	29.0%	65.5%	53.6%	38.0%
Average	14%	37%	11%	24%	19%	14%	17%	28%	23%

Reinstatement of Removal (RR)

	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	6.9%	3.7%	0.2%	5.0%	5.2%	7.7%	0.1%	0.0%	0.1%
2006	7.0%	4.6%	5.3%	5.6%	5.8%	8.6%	2.1%	0.4%	1.5%
2007	7.1%	6.6%	11.2%	7.3%	7.0%	10.2%	4.1%	0.5%	9.1%
2008	8.2%	8.9%	15.6%	14.8%	10.9%	13.5%	4.9%	3.0%	18.3%
2009	13.1%	15.1%	11.0%	30.3%	14.9%	18.5%	5.0%	14.3%	25.1%
2010	15.8%	20.6%	10.1%	34.6%	17.6%	20.8%	5.6%	18.9%	28.2%
2011	20.0%	26.4%	15.1%	39.6%	23.9%	27.2%	9.3%	28.6%	35.4%
2012	28.1%	29.0%	27.3%	38.6%	26.8%	34.8%	10.8%	31.7%	41.4%
2013	32.5%	32.9%	51.8%	41.7%	34.0%	38.1%	13.1%	35.8%	40.9%
2014*	36.2%	36.8%	57.0%	42.3%	35.0%	35.2%	11.5%	39.7%	42.5%
Average	17%	18%	20%	26%	18%	21%	7%	17%	24%

	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2006	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2007	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2008	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	2.7%	1.6%	3.3%
2009	0.0%	0.0%	0.8%	0.0%	0.0%	0.0%	15.4%	12.3%	14.5%
2010	0.0%	0.0%	5.5%	0.0%	0.0%	0.0%	14.8%	14.4%	10.5%
2011	0.0%	7.5%	21.9%	0.0%	10.4%	17.3%	56.6%	44.3%	17.7%
2012	0.0%	13.8%	29.9%	0.6%	33.1%	43.9%	65.6%	44.6%	12.0%
2013	0.0%	2.3%	41.1%	0.1%	28.6%	44.2%	67.2%	44.4%	5.1%
2014*	0.0%	0.0%	53.2%	0.0%	9.0%	0.1%	66.7%	48.4%	1.4%
Average	0%	2%	15%	0%	8%	11%	29%	21%	6%

	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2006	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2007	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2008	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2009	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.7%	2.3%
2010	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	13.8%	0.3%
2011	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	8.5%	0.2%
2012	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2013	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2014*	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Average	0%	0%	0%	0%	0%	0%	0%	3%	0%

	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2006	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2007	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2008	0.0%	8.7%	0.0%	0.0%	5.8%	0.3%	0.0%	1.2%	6.1%
2009	0.0%	65.1%	0.0%	0.0%	30.0%	3.0%	0.0%	6.7%	26.7%
2010	0.0%	70.4%	0.0%	0.0%	9.9%	6.1%	0.0%	9.3%	20.1%
2011	0.0%	65.9%	0.0%	0.0%	15.2%	7.8%	0.0%	12.9%	30.8%
2012	0.0%	72.1%	0.0%	1.2%	13.3%	5.4%	0.0%	14.1%	39.9%
2013	0.0%	80.2%	0.0%	0.6%	10.9%	3.0%	0.0%	12.8%	43.2%
2014*	0.0%	67.4%	0.0%	0.0%	9.5%	0.5%	0.0%	20.4%	56.8%
Average	0%	43%	0%	0%	9%	3%	0%	8%	22%

	Big Bend	Del Rio	El Centro	El Paso	Laredo	RGV	San Diego	Tucson	Yuma
2005	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2006	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2007	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2008	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2009	0.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.3%
2010	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2011	12.9%	0.1%	1.5%	39.1%	3.2%	0.2%	0.9%	2.3%	9.2%
2012	57.9%	1.2%	2.6%	77.9%	16.1%	4.8%	4.7%	7.3%	28.2%
2013	64.2%	5.7%	3.9%	81.4%	24.1%	8.9%	3.8%	8.5%	34.3%
2014*	67.0%	11.9%	5.5%	57.6%	32.7%	8.7%	4.0%	8.3%	21.0%
Average	20%	2%	1%	26%	8%	2%	1%	3%	9%

- All populations are restricted to individuals apprehended in the nine Border Patrol sectors on the southwest land border
- Repeated Trials Population
 - Restricted to apprehended individuals who are Mexican nationals
 - Excludes apprehended individuals who have been in the United States for 4 or more days according to the Time in US field in E3
 - Excludes apprehended individuals who have a missing fingerprint ID number
 - Excludes apprehended individuals who are estimated to be professional crossers (e.g., drug smugglers or alien smugglers)
 - Only includes records with an event role field of participant
 - Excludes apprehended individuals who are associated with a drug seizure
 - Excludes targeted smuggler apprehension and suspected smuggler apprehension from the Classification field
 - Excludes family units as defined by the Classification field
 - Includes only apprehended individuals who are 18 years old or older
 - Includes only apprehended individuals with a disposition of voluntary return, expedited removal, and reinstatement
- Asylum seekers
 - Apprehended Mexican national UACs who are 13 years old and younger
 - Apprehended individuals from countries other than Mexico who are 17 years old and younger
 - Apprehended family units from countries other than Mexico
 - Apprehended individuals with disposition expedited removal/credible fear
- Illegal flow estimated from the probability of apprehension and excluded from the repeated trials population
 - Includes all apprehended individuals except
 - The repeated trials population
 - Asylum seekers
 - Apprehended individuals who have been in the United States 4 days or longer according to the Time in US field
 - This population includes
 - Apprehended individuals from countries other than Mexico who are not asylum seekers
 - Apprehended Mexican nationals who are age 14-17
 - Apprehended Mexican family units
 - Apprehended individuals who are excluded from the repeated trials model as professional smugglers
 - Apprehended individuals with dispositions other than those included in the repeated trials model

- All populations are restricted to
 - POEs on the Southwest land border according to the Site field
 - At entry, null, and not applicable for the Time in US field
- Repeated Trials Population
 - Restricted to Mexican nationals who are inadmissible
Excludes all professional crossers (e.g., smugglers) and asylum seekers
 - Excludes inadmissible individuals without a fingerprint ID in the data
 - Includes inadmissible individuals with disposition reinstatement
 - Includes inadmissible individuals with the dispositions of withdrawal, withdrawal in lieu of expedited removal, and expedited removal with the following charges
 - Fraud or willful misrepresentation
 - False claim to U.S. citizenship
 - Includes inadmissible individuals with the dispositions withdrawal in lieu of expedited removal and expedited removal with the following charges
 - Immigrant without an immigrant visa
 - Public charge
 - Alien present without admission or parole (PWA)
 - Includes inadmissible individuals in 2005 and 2006 with the disposition voluntary return and the charge of alien present without admission or parole (PWAs)
- Asylum seekers
 - UACs
 - Cubans
 - Inadmissible individuals with disposition expedited removal/credible fear
 - Asylum code in Status at Entry field
- Illegal flow estimated from the probability of apprehension and excluded from the repeated trials population
 - Professional crosser population
 - An individual who has one of the following charges at some time:
 - Suspected controlled substance trafficker
 - Alien smuggling
 - Controlled substance trafficker with a conviction
 - Controlled substance traffickers
 - Unlawful activity (security & related grounds)
 - Trafficker in controlled substance
 - Significant traffickers in persons
 - Beneficiaries in trafficking
 - The population of other than Mexican nationals satisfying the charge and disposition criteria for the repeat trials population
 - Includes inadmissible individuals without a fingerprint ID that satisfy the criteria for the repeated trials population
 - Includes inadmissible individuals who are not in the repeated trials population, but have the following charges:
 - Fraud or willful misrepresentation
 - False claim to U.S. citizenship
- The remaining inadmissible individuals are estimated to be unintentionally attempting to enter the country illegally or inadmissible after entry (e.g., at exit)

REPORT DOCUMENTATION PAGE

*Form Approved
OMB No. 0704-0188*

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