



ISSUE BRIEF | Center for Homeland Security & Immigration

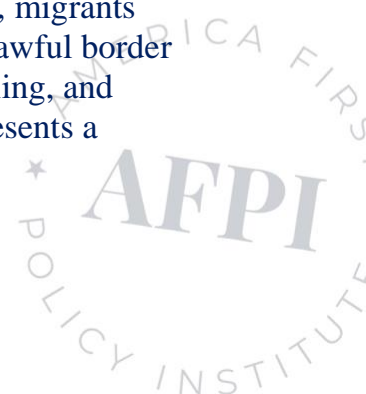
# THE TROJAN HORSE AT THE SOUTHERN BORDER: MALIGN CCP INFILTRATION

## TOPLINE POINTS

- ★ The Biden Administration's border crisis presents a significant national security risk, including the surge in Chinese foreign nationals at our southern border.
- ★ Reporting indicates that most illegal aliens coming to the southern border, including Chinese nationals, are not fleeing persecution and thus do not qualify for asylum under U.S. law. However, they are still being released into American communities.
- ★ The CCP's antagonism toward the U.S. and its ability to coerce any of its citizens into intelligence work presents a unique need for the U.S. to secure its borders and implement deterrence policies against illegal immigration.

## Introduction

In the past three years, the American people have witnessed the catastrophic consequences that occur when political leadership fails to maintain the integrity of U.S. borders. The Biden Administration assumed office in January 2021 and immediately abandoned enforcement at our southern and northern borders. Unsurprisingly, migrants from all over the world have come to our country, creating record-setting unlawful border crossings and unprecedented surges in illegal drug trafficking, human smuggling, and cartel profit. But our porous border is not just tragic and inhumane. It also presents a significant national security [risk](#).



Today, the Chinese Communist Party (CCP) is the greatest adversary to the U.S. It has proven itself able and willing to exploit our Nation with cyber-attacks, espionage, infiltration of our institutions, and lack of cooperation on the world stage to achieve its mission of global domination. Considering the CCP's motives and capabilities, a U.S. administration serious about protecting the homeland would understand and recognize that our unsecured borders are ripe for exploitation. From fiscal year 2021 to fiscal year 2024 to date, apprehensions of Chinese foreign nationals have soared, increasing by more than 1,400 percent and showing no signs of slowing down. Additionally, there have been at least 1.8 million known "gotaways," or individuals who have crossed our border without being apprehended by law enforcement. One can assume that those who go to such lengths to bypass Border Patrol agents instead of turning themselves in likely have nefarious reasons to do so. There is absolutely no way of knowing who these "gotaways" are, which is why they present a significant security risk, regardless of their country of origin.

Chinese nationals pose a heightened risk to U.S. national security because of the CCP's National Intelligence Law, which [states](#) that any citizen must assist their intelligence network if called. Even if all Chinese migrants apprehended at the border had no desire to harm the U.S., they could still be forcibly recruited into doing so by the CCP. With the deterioration of our border security and the spike in Chinese national apprehensions, the U.S. is at a higher risk of compromise to CCP aggression. This paper explores the national security risks of the surge of Chinese illegal aliens at our borders and proposes America First solutions to counter the threat.



## Unpacking the Recent Chinese Illegal Alien Surge at the Southern Border

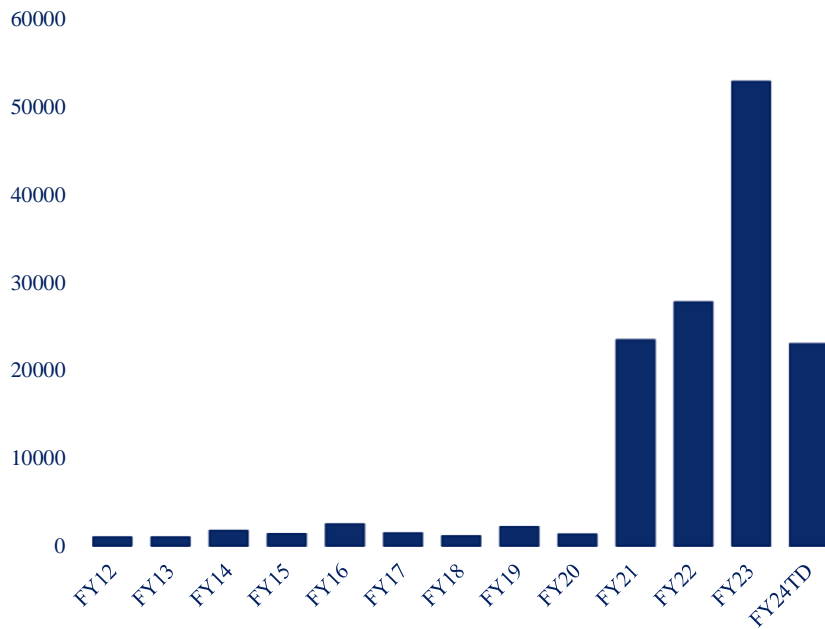


Figure 1: Apprehensions of Chinese Foreign Nationals at U.S. Nationwide Borders

Though border apprehensions of illegal aliens from nearly every foreign country have increased in the past three years, there has been an exceptionally noticeable increase in Chinese nationals apprehended by U.S. Customs and Border Protection personnel (see Figure 1).

From fiscal year 2012 to fiscal year 2020, apprehensions of Chinese nationals averaged 1,500 per year.

But in the first year of the Biden Administration (fiscal year 2021), apprehensions spiked to 23,471, an increase of about 1,400 percent. By comparison, the *overall illegal alien surge from all nationalities combined* has increased around 315 percent from fiscal year 2021 to fiscal year 2023. To put this into perspective, the number of apprehensions in just the first single month of fiscal year 2024 is 20 percent higher than the *total apprehensions* from fiscal year 2017 to fiscal year 2020. Many of these illegal aliens are arriving in California, specifically in the San Diego sector. In several instances, media reports have found [camps](#) set up along the U.S.-Mexico border with hundreds of Chinese nationals waiting to cross the border illegally. These individuals claim asylum in the U.S., which, under Biden Administration policies, basically guarantees them entry into the country for years before their claim is adjudicated.

Before arriving at our southern border, many Chinese nationals reportedly are [flying into Ecuador](#), which does not require special visas. Over the past two years, locals in Ecuador’s capital of Quito have adjusted to meet the demand of Chinese nationals passing through their city, offering airport pickups to Chinese-run hostels and even “organizing the journey north,” according to [CNN](#). From Ecuador, migrants travel through Colombia and then through the treacherous Darién Gap in Panama. This highly forested 60-mile stretch is perhaps the most dangerous area for migrants. Harrowing stories of criminal gangs and murderous cartels exploiting migrants on their journey north are common. In the past three years, the number of Chinese migrants risking their lives to



cross the Darién Gap en route to the U.S. reportedly rose [from](#) 376 between 2010 and 2021 to 2,005 total in 2022 and to 15,567 in just nine months of 2023.

### Examining the Reasons for Surging Chinese Illegal Alien Apprehensions

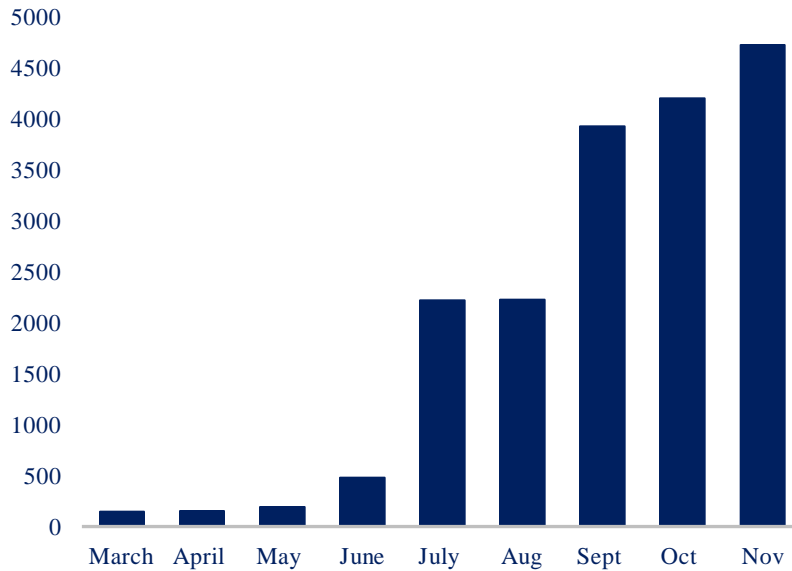


Figure 2: Apprehensions of Chinese Foreign Nationals in the San Diego from March to November 2023

While there are several different factors contributing to the growing number of Chinese national apprehensions, the most notable is the Biden Administration’s shift in border security policy since January 20, 2021. First, it removed previous deterrence policies, such as the Migrant Protection Protocols (MPP), that were controlling the flow by disincentivizing asylum fraud and other bad actors from trying to enter unlawfully. Then, it

returned to catch and release policies, creating greater incentives for migrants to turn themselves in at our border, knowing they will not be detained or expelled. These policy changes have signaled to the world that our border enforcement is weak and illegal entry will not only be unpunished but rewarded. The Biden Administration’s Department of Homeland Security (DHS) has also shifted its policy specifically toward Chinese nationals apprehended at the border. In April 2023, a Customs and Border Protection (CBP) official [instructed](#) agents to ask only a few basic questions when apprehending Chinese nationals. Previously, there were about 40 required questions, meaning that this change represented a drastic reduction in vetting. This added incentive for illegal entry might also be the reason for the additional surge since July 2023, shortly after this guidance was enacted, topping the original spike in Chinese nationals at our border in fiscal year 2021 (see Figure 2).

Acting in combination with the Biden Administration’s open border incentives, Chinese nationals are very likely aware that the CCP refuses to take back their citizens if the U.S. orders them removed from our country. This may act as an added incentive to cross the border unlawfully. According to the [New York Times](#), “Of the 1.3 million people in the United States with final orders to be deported, about 100,000 are Chinese.” Unfortunately, the Biden Administration has not taken meaningful action to compel the



CCP to change this policy. Instead, it accepts the CCP's claims that these citizens are not Chinese. These are highly improbable claims because the CCP logs genetic information of all citizens in a household Resident Identity Portal (the Huji/ Hukou system), enabling them to keep track of their citizenry. Failing to have strong enforcement not only hurts U.S. efforts to repatriate, but it also adds an incentive for Chinese nationals to migrate, knowing they will not be returned home.

Evidence suggests that the Chinese nationals coming to the border are not fleeing persecution and, thus, do not qualify for asylum under U.S. law. Here's why:

1. Chinese nationals are not showing up at legal ports of entry to claim asylum. Instead, they are being apprehended by Border Patrol between ports of entry, risking a much more difficult journey and the possibility of being turned away. With a legitimate asylum claim, it does not make sense to pick this route.
2. Interviews with Chinese migrants suggest citizens are seeking the U.S. for a variety of reasons unrelated to government persecution. They cite a dislike of the CCP's pandemic restrictions, a worsening economy in China, and a desire for freedom in a democratic system.
3. Persecution of Christians, Uyghurs, and other groups in the CCP has led some to flee the country, but this began long before the migrant surge to the U.S. in 2021. Unfortunately, attacks on Chinese Christians have been happening throughout the 20th century, although the situation has worsened in the past decade.
4. The CCP's system of mass surveillance means that travel outside China is restricted to those who behave according to the government. Unless citizens clandestinely sneak out of the country, there is a reasonable assumption that those migrating to the U.S. left with the blessing of the CCP.

This said, the Biden Administration's policy changes have added significant pull factors for Chinese nationals to fraudulently claim asylum and unlawfully enter the U.S. But as mentioned above, the individual sentiments of Chinese migrants toward the U.S. or its national security are not really of consequence. Any Chinese citizen, no matter where that person resides, can be compelled to do the CCP's bidding – both inside and outside of its borders.

### **The Overlooked Security Implication of the CCP's National Intelligence Law**

The CCP uses its National Intelligence Law to take advantage of its geopolitical opponents. Enacted in 2017, the law mandates that any Chinese national (overseas or on the mainland) must comply with the CCP's intelligence institutions, who may "request relevant organs, organisations, and citizens provide necessary support, assistance, and cooperation." This harsh law presents a potentially massive threat to the security of the United States because any Chinese national can become an arm of the CCP intelligence



network, regardless of that individual's personal sentiments toward the U.S. or the West. That means that even if every single Chinese illegal alien released into the U.S. harbored no desire to harm the country, they could be forcibly recruited into doing so. The CCP is an expert in recruiting Chinese nationals worldwide who are already in sensitive positions to spy or work for them. This is most evident in the fact that the U.S. intelligence services open a counter-intelligence case against a Chinese national or concern every 10 [hours](#) a day, every day of the year. The inconvenient yet important implication of the CCP's National Intelligence Law is that, unlike our other political opponents, every single Chinese national within our borders represents a potential national security threat.

In a broader context, it makes sense that the CCP would use this law to exploit the U.S. for infiltration of our institutions, cyber espionage, acquisition of military and commercial technologies, and other nefarious objectives. Extensive [examples of this](#) spying already exist in open-source reporting. From 2000 to 2023, the Center for Strategic and International Studies [found](#) that 41 percent of CCP spies were private Chinese citizens, a period that mostly precedes the National Intelligence Law. The CCP is a highly sophisticated enemy that is doing everything it can to exploit the U.S. It wants to upend the liberal international order and replace it with a Marxist-inspired controlled state. The National Intelligence Law is just one tool they are using to achieve their desired global power structure.

It is also not a stretch to imagine that Chinese nationals who have received asylum or other legal status in the U.S. could be victims of the National Intelligence Law. Just as the cartels threaten migrants with the prospect that they can harm their families back home, the CCP could also demand favors from asylees where failure to comply would put their relatives in China in jeopardy.

Another indirect way that Chinese illegal immigration threatens U.S. national security is the financial enrichment of the Mexican drug cartels. In recent months, [prices](#) of smuggling Chinese migrants have been reported at \$40,000–\$60,000, which is significantly higher than the price for other nationalities. The Mexican drug cartels, who are expert smugglers and control the routes from Central America to the U.S. border, are profiting with record sums of money through their smuggling operations. With higher profits, they are able to further their illicit activities, not least of which include smuggling deadly fentanyl into American communities.

The application of this law also pertains to legal Chinese immigrants residing in the U.S. who have been shown to work as CCP assets in select cases. Specifically, Chinese nationals with F-1 (foreign student) visas may be more of a target for the CCP's intelligence-gathering aims, as they might have access to research material or other sensitive intellectual property. The 2019 [case](#) of Chinese national Zaosong Zheng is just one example of this. Zheng used his student visa to smuggle vials of research specimens



from a medical center in Boston back to China and was caught at the airport on the way home. Similarly, concerns exist about the Chinese Confucius Institutes, which are educational centers in the U.S. and all over the world run by the Chinese Ministry of Education. These serve not only as CCP propaganda centers but also as potential vehicles for espionage and malign influence.

## **The America First Solution to Counter the CCP Threat at Our Border**

Countering the CCP national security threat at our border requires a multi-pronged policy approach that, above all, prioritizes American security interests and protects our sovereignty with the ultimate goal of securing the homeland and putting the American people first. This goal is the fundamental purpose of democratic governance in our Nation.

First, we must secure the border by:

- Reinstating MPP, a successful deterrence policy that would stop most so-called asylum seekers from being released in the U.S. while their claims are adjudicated.
- Resuming construction of the border wall system, which is a needed barrier to stop illegal immigration and the cartels from smuggling drugs into our Nation. Deporting illegal aliens after they have been ordered removed by an immigration judge.

Second, we must get tough on the CCP by:

- Reinstating thorough vetting of all Chinese nationals at our border.
- Using leverage to compel China to take back its own citizens, such as threatening to pause all visas for Chinese nationals.
- Re-reviewing the visa eligibility requirements of all Chinese nationals/ visa holders in the U.S. because of the CCP's National Intelligence Law, specifically the grounds of inadmissibility and removability.
- Banning all Chinese nationals from owning property within a 50-mile radius of a U.S. government property.
- Doubling down on investigations of Chinese crime syndicates operating in the U.S. and imposing strict consequences.
- Instituting an aggressive public relations campaign exposing the evils of the CCP, specifically their ongoing genocide against the Uyghurs, spreading of nuclear missile technology to terrorist states, the surveillance state, oppression of their citizen's God-given rights, and killing of our own intelligence personnel.

## **Conclusion**

The threat of the CCP is serious and is not going to disappear unless the U.S. aggressively and proactively counters it. The America First approach to securing the



border and protecting against our adversaries recognizes this and strives for commonsense measures to safeguard the U.S. The current policymaking environment in Washington, D.C., is weak against our adversaries, which the CCP has already exploited, taking advantage of our Nation's openness and democratic institutions. It's time for the Biden Administration to wake up to the severity of this threat and refuse to tolerate the CCP's exploitation of our Nation.





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