

BORDER BRIEFING:

Why We Need Better Borders, Not More Border Enforcement

February 2013

1. Benchmarks for Border Security Have Been Met.

In the national conversation around immigration reform, enforcement-first proponents keep moving the goal posts on what a secure border should look like, when all of the previous benchmarks have been met.¹

- 21,444 Border Patrol agents
- 21,063 Inspectors at Ports of Entry
- 651 miles of fencing
- 333 video surveillance systems
- 9 drones for air surveillance
- 34,000 detention beds

The insistence on enforcement-first is a ploy to delay a meaningful conversation on how to fix our nation's immigration system.

2. Border Communities are Safe.

The southern border region is home to some 6 million people living in border communities in California, Arizona, New Mexico, and Texas. These communities, which include major cities such as San Diego and El Paso, are among the safest in the country. Crime rates associated with unauthorized migration such as breaking and entering, trespassing, and car theft are well below the national average in *all* border communities.²

3. Net Unauthorized Migration from Mexico has Fallen to Zero.

A weakening U.S. economy, strengthened enforcement, and a growing Mexican economy have led to a dramatic decrease in unauthorized migration from Mexico. In fact, net migration from Mexico is now zero or slightly negative (more people leaving than

coming). The profile of those still crossing without authorization has changed from being predominantly young, first-time crossers seeking a better life to older, prior crossers, with few ties to their home country, seeking to rejoin their families.³

4. Border Enforcement Costs Billions, Can We Afford More?

U.S. taxpayers spend more on immigration enforcement agencies (almost \$18 billion) than we do on all other enforcement agencies - the FBI, DEA, ATF, US Marshals, Secret Service - *combined*. The bulk of this money goes to Customs and Border Protection (CBP). With a budget of \$12 billion and over 61,000 personnel, CBP is the largest law enforcement agency in the country and they are concentrated on the southern border.⁴

5. With Crossings at a Historic Low, Apprehensions are Manageable.

In FY 2012, Border Patrol apprehended 340,000 unauthorized migrants, the lowest number since 1970, an equivalent of 18 apprehensions a year per agent. The largest share of CBP personnel are assigned to Border Patrol with the vast majority deployed along the two-thousand mile southern border (18,500 agents). This means that there are almost 10 agents for every mile or one agent for every 500 feet (less than two football fields) on the southern border. A record high level of staffing comes at a time when unauthorized migration is down and Border Patrol apprehensions between ports of entry are at a record low - the lowest since the Nixon administration - in all nine southern border sectors.⁵

6. Efficient Ports of Entry Should be the Priority Moving Forward.

With the buildup of enforcement between the ports of entry, land ports have been neglected, creating choke points for the more than 215 million people and 13 million containers entering *legally* through our northern and southern ports every year.⁶ These choke points regularly cause crossing delays several hours long, inhibiting binational trade, exacerbating local air pollution and traffic congestion, and frustrating binational relationships.

Less than 107,000 crossers are found inadmissible (less than one-twentieth of one percent) every year.⁷ The challenge for CBP port inspectors is to facilitate the flow of legitimate crossers, who make up more than 99.95% of crossers, and detect the other 0.05%



The Southern Border Communities Coalition (SBCC), is made up of the San Diego Immigrant Rights Consortium (CA), Border Action Network (AZ), Arizona Sonora Border Coalition (AZ), Taskforce for Immigrant Advocacy & Services (NM), and Rio Grande Valley Equal Voice Network (TX). www.soboco.org.

who are not. Because of the volume of crossers, ports are an attractive route for illegal activity. Modernizing port infrastructure, increasing operational hours, and expanding trusted traveler programs would alleviate choke points and allow inspectors to manage risks.

7. Heartland States Depend on Efficient Ports at the Southern Border.

Investments in southern ports represent a tremendous cost benefit to the entire country. The 25 ports of entry along the southern border are critical gateways to Mexico, our third largest trading partner and the second largest market for U.S. exports. Every day over 400,000 people and 15,000 containers enter *legally* through our southern ports. The vast majority of crossers are border residents who come to shop, do business, and visit, fueling our economy and strengthening our relationships.⁸

The containers are destined to all 50 states, with roughly one-third arriving empty to load U.S. goods for sale in Mexico.⁹ Mexico is a top export destination for heartland states such as Nebraska, Iowa, and Kansas, and an estimated 6 million jobs (one in every 24 workers in the country) depend on trade with Mexico.¹⁰ But trade is delayed at the southern ports. The U.S. Department of Commerce estimates that every minute of delay at the five busiest southern ports costs the U.S. economy \$116 million, and the cumulative loss over the next 10 years could be as much as \$86 billion.¹¹

8. The Dangers of Unchecked Border Enforcement.

Corruption and abuse among CBP agents is on the rise. CBP has extraordinary authority that far exceeds other law enforcement agencies. Under 8 USC 1357(a)(3) and 8 CFR 287.1, CBP asserts the power to do any of the following without first establishing any suspicion of wrongdoing as is normally required under the Fourth Amendment of the Constitution:

- Stop anyone at a checkpoint anywhere within 100 miles of the border.
- Board public transportation throughout border communities to question passengers.
- Enter onto private property (but not a dwelling) up to 25 miles from the border.

CBP's extraordinary authority coupled with extraordinary resources has led to repeated abuse of power, pointing to gaps in agency oversight, accountability and training.

Since 2010, CBP agents have killed at least 20 border residents,¹² sexually and physically assaulted others, and repeatedly violated the human rights of border crossers.¹³ But no known agents have been prosecuted, put on leave or otherwise held accountable. At the same time, the media has uncovered more than 144 incidents of corruption among agents that include drug trafficking, bribery, and human smuggling.¹⁴

9. A Better Border Begins with Efficiency & Accountability.

In a 21st century border, the 99.95% of legitimate crossers must be able to do business in an efficient system safe from corruption or abuse. The rapid buildup of CBP personnel has not been matched with a commensurate investment in oversight at the Office of Inspector General (OIG) and the Office of Civil Rights and Civil Liberties (OCRCL) within the Department of Homeland Security. Moving forward, oversight and accountability must become a priority. Border communities should be able to feel the same pride and trust in CBP that local police and firefighters inspire across the country.

¹ American Immigration Lawyers Association, "Border Security: Moving Beyond Past Benchmarks," January 30, 2013. <http://www.aila.org/content/default.aspx?bc=25667143061>.

² Doris Meisner et al. *Immigration Enforcement in the United States* (Washington, D.C.: Migration Policy Institute, 2013), 43; John Rosman, "Border cities El Paso, San Diego have lowest crime rate," *Fronteras Desk*. <http://www.fronterasdesk.org/news/2013/feb/07/border-cities-el-paso-san-diego-lowest-crime-rate/>

³ Meisner et al. *Immigration Enforcement*, 29, 47.

⁴ *Ibid.*, 9, 19, 47.

⁵ *Ibid.*, 3, 19.

⁶ U.S. Department of Transportation, Bureau of Transportation Statistics. Data from 2011. http://transborder.bts.gov/programs/international/transborder/TBDR_BC/TBDR_BCQ.html.

⁷ U.S. Department of Homeland Security Office of Immigration Statistics, "Immigration Enforcement Actions: 2011," September 2012. <http://www.dhs.gov/immigration-enforcement-actions-2011>.

⁸ Bureau of Transportation Statistics. Data from 2011.

⁹ *Ibid.*

¹⁰ Christopher E. Wilson. *Working Together: Economic Ties Between the United States and Mexico* (Washington, D.C.: Woodrow Wilson International Center for Scholars, 2011), 1.

¹¹ Draft report for the U.S. Department of Commerce, "Improving Economic Outcomes by Reducing Border Delays," 3, 28 (2008).

¹² Southern Border Communities Coalition website, listing killings with links to sources: <http://soboco.org/border-patrol-brutality-since-2010/>.

¹³ PBS *Need To Know*, "Crossing the Line at the Border," Part I (April 20, 2012) and Part II (July 20, 2012). <http://www.pbs.org/wnet/need-to-know/>; Administrative complaint filed by ACLU Southern Border Affiliates seeking an investigation of abuse of power, excessive force, coercion, and unlawful confiscation of property by CBP at ports of entry along the U.S.-Mexico border, May 9, 2012. <http://www.aclusandiego.org/featured-stories/border-agents-charged-with-abusing-u-s-citizens-and-non-citizens-alike/>.

¹⁴ Center for Investigative Reporting, "Crossing the Line, Corruption at the Border," describing 144 cases of corruption. <http://bordercorruption.apps.cironline.org/>.



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