

FACTS ABOUT Border Enforcement

FEBRUARY 2013

AS THE NATION ENGAGES in a serious debate regarding federal immigration reform, it is clear that border enforcement continues to be a top priority for policymakers, despite evidence showing that border militarization has dramatically increased and resulted in human rights abuses.

This fact sheet summarizes the Border Enforcement chapter of the Migration Policy Institute's report *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*,¹ and it provides NILC's recommendations. Many of our recommendations are drawn from border organizations leading the fight against continued border militarization, and we encourage readers to visit the websites of the Southern Border Communities Coalition (www.soboco.org) and the Border Network for Human Rights (www.bnhhr.org) for more information.

John Carlos Frey, a documentary filmmaker who investigated circumstances surrounding the death of Anastacio Hernandez Rojas, 42, an immigrant who died after being beaten and Tasered by U.S. border officers, wrote this in a *Los Angeles Times* op-ed article published last April:

By policy, border officials do not make their use-of-force protocol public. When they can fire a weapon and why is kept secret. With insufficient training and little public oversight, perhaps it's no surprise that since May 2010, there have been at least eight documented cases of extreme use of force against unarmed and non-combative migrants resulting in death. Families

and advocates of the victims seeking answers have been met with silence.²



- **The resources available for border enforcement have dramatically increased in recent years**, with a major expansion of the number of Border Patrol agents and the assignment of National Guard units to border enforcement.

NILC RECOMMENDATION

The Border Patrol should be held accountable through transparent investigations for the violations of civil and human rights that have accompanied the increase in its resources and the militarization of the border.



- **The number of apprehensions on the southern border has dropped significantly**, corresponding to the loss of jobs in the current recession, changes in Mexico's economy and demographics, and the increase in resources for border enforcement.

NILC RECOMMENDATION

Resources assigned to militarization of the border should be shifted to improving the infrastructure at ports of entry and facilitating passage through ports of entry (POEs).



- **Mechanisms to prevent border crossing have multiplied**, including surveillance technol-

¹ Doris Meissner, et al., *Immigration Enforcement in the United States: The Rise of a Formidable Machinery* (Migration Policy Institute, Jan. 2013), www.migrationpolicy.org/pubs/enforcementpillars.pdf.

² John Carlos Frey, "What's Going On with the Border Patrol?," *Los Angeles Times*, Apr. 20, 2012, <http://articles.latimes.com/2012/apr/20/opinion/la-oe-frey-border-patrol-violence-20120420>.

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ogy such as video and mobile surveillance systems and drones, and almost 700 miles of fencing accompanied by the waiver of “more than 30 laws dealing with environmental protection, Native American autonomy, and historic preservation.”³

NILC RECOMMENDATION

Continued spending on unnecessary and expensive military tactics and equipment should be stopped. The impact of border militarization on Native American and other border communities and on the environment should be a controlling factor in weighing the use of waivers.



- **Voluntary returns have been replaced by “consequence enforcement,”** including expanded use of expedited removal (removal of the immigrant from the U.S. without a hearing or review), automatic detention of non-Mexican border-crossers, criminal prosecutions in federal court of border-crossers through Operation Streamline, and returning Mexicans to locations deep in Mexico or to often dangerous places on the border far from where they crossed.

NILC RECOMMENDATION

Mass criminal prosecutions targeting nonviolent border-crossers through Operation Streamline and removal and return mechanisms that deprive immigrants of civil rights and endanger the lives of the returnees should be prohibited.



- **As a result of increased militarization in certain sections along the border, border-crossers have moved to more treacherous areas,** leading to more deaths of people trying to cross the border.

NILC RECOMMENDATION

Border Patrol agents should be held accountable for interference with humanitarian assistance to border-crossers. There should be independent oversight and accountability of the Border Patrol, including drastically reduced reliance on private contractors.

³ Meissner, et al., p. 31.



- **Programs to streamline border crossing affect only a tiny portion of crossers,** while “[s]treamlining travel processes for the 99 percent of travelers who represent economic, social and cultural benefits to the nation remains a work in progress.”⁴

NILC RECOMMENDATION

Resources should be shifted to improve the flow of people and commerce at the border, to enhance the life of border communities, and to promote safe communities along and between our borders.



- **Border enforcement goes beyond immigration enforcement** to include “wide-ranging national security, anti-narcotics, criminal enforcement, intelligence, regulatory, trade, federal, state, local, tribal, binational, and multinational missions, programs, and partnerships.”⁵

NILC RECOMMENDATION

Anti-narcotics and national security enforcement should not be used to justify criminalization and militarization of immigration enforcement. Local law enforcement should not be engaged in enforcing federal immigration law.



- **The profile of border-crossers has changed from first-time crossers to people who have crossed before** and are trying to rejoin families in the U.S.

NILC RECOMMENDATION

Immigration policies should prevent or limit family separation and facilitate the reunion of deported family members with their loved ones.

⁴ *Id.*, pp. 37–38.

⁵ *Id.*, p. 39.