



U.S.-Mexico Border Policy Report

*Effective Border Policy: Security, Responsibility and
Human Rights at the U.S.-Mexico Border*
November 2008, Washington, D.C.

Cover: A boy looks through the border fence from the Mexican side. The fence is one part of the securitization that has occurred in the U.S. It also represents a violation of migrants' human rights as outlined in the U.S. Constitution and several international conventions.

Published by the Border Network for Human Rights, the Border Action Network, and the U.S.-Mexico Border and Immigration Task Force (2008). Release in collaboration with the National Immigration Forum. November 2008.

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Acknowledgments:

This Border Policy Report was possible due to the contributions of individuals and institutions committed to the well being of the border communities where they live. The U.S.-Mexico Border and Immigration Task Force wish to recognize the dedication and efforts of the human rights Promoters, staff and volunteers of the Border Network for Human Rights and the Border Action Network whom initiated our engagement in shaping better border policies. The Task Force acknowledges the time and work of Professor Joshia Heyman by helping to lay the basic structure of this Report. Finally, we thank the support of the National Immigration Forum to help on the presentation and release of the Border Policy Report.

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Executive Summary

This U.S.-Mexico Border Policy Report is the culmination of years of effort among border leaders to provide local law enforcement, government and community expertise to the national debate over immigration policy and border security. For too many years, we have witnessed efforts to secure the border that are grounded not in the complex realities of border life but in simplistic sound bites and assumptions that building a wall can somehow keep our country safe. Our conclusions and policy recommendations start with the premise that the “border” is a dynamic concept, that border communities have important ties to both the United States and Mexico, and that these ties create a unique set of opportunities and challenges that affect both the border areas and the broader national interest. Recognizing that millions live and work in U.S. border communities, border and immigration policies must be formulated and implemented in a way that respects the rights of these community members and the needs of their hometowns and cities. When properly carried out, these policies can substantially improve security and safety in the border region and in the nation as a whole.

The Consequences of Increased Militarization of the Border

Over the last two decades, U.S. immigration policy began to focus increasingly on the need to secure the southwest border in order to block the flow of undocumented migrants. Rather than viewing border enforcement as a component of a broader immigration strategy, border enforcement became the strategy, most often expressed as the need to first secure our borders before dealing with broader questions of immigration reform. This approach, however, has failed, costing the country billions of dollars, weakening the autonomy and rights of border communities and their residents, and creating a militarized border that has left the country less secure. Our findings indicate that the consequences of these policies have led to needles suffering and an overall degradation in human rights.

Summary of Recommendations

The U.S.-Mexico Border and Immigration Task Force has developed over 70 specific recommendations for improving immigration enforcement. The vast majority of the recommendations identify specific ways to improve enforcement objectives, reduce the possibility of civil and human rights violations, and engage border communities in creating solutions to legitimate concerns about violence and security along the border, as well as for calling for an end to misguided and fiscally irresponsible programs, such as the mandatory construction of a physical border wall. Some of these suggestions have already been recognized by Congress and incorporated into proposals such as the STRIVE Act of 2007 and the bi-partisan Senate immigration proposal of 2007, including the creations of the U.S.-Mexico Border Review Commission, the Congressional Report on Border Deaths, the Border Patrol Training Review and Local Community Consultations among others. We believe these recommendations can and should be part of any new discussions on legislative reform of border safety.

Our recommendations offer the country an opportunity to revisit the discussions of border enforcement and immigration enforcement more generally. The ability of elected officials, law enforcement officials, business leaders, community advocates and faith leaders to come together around these proposals demonstrates that broad support can exist for immigration reform and border security, and that people from very different perspectives can agree when we challenge our assumptions. The Border Task Force began to learn that much of our work centers on the question of what genuinely makes our communities safer and stronger. Thus, we believe that the report offers a new paradigm for immigration enforcement. By ensuring the safety of border communities, we shift away from an enforcement-only mentality to one that recognizes that smart immigration reforms benefit everyone in our communities and in our nation. The following summary of recommendations reflects that conclusion.

- **Communities are more secure when border enforcement policies focus on the criminal element and engage immigrants in fighting the real dangers facing us.** Community security is an integral part of national and border security, but we need to stop treating the immigrant as the greatest threat, focusing instead on dangerous criminals, traffickers, and exploiters in border and immigrant communities.
- **Communities are safer when we implement policies that ensure accountability and provide local oversight of enforcement activities.** Border enforcement policies, projects, and agencies need to be accountable to the communities in which they operate. To ensure that this occurs, the U.S. Congress needs to create an independent oversight and review commission. Additional operational and policy recommendations include improved human rights training of officers, strengthened complaint procedures, and measures to end racial profiling in the borderlands.

- **Communities flourish when Ports of Entry are treated as vital gateways to America.** Ports of Entry are America’s gateway. They are vital to the economy and well-being of the nation and border region, and they deserve major investments in staffing and infrastructure to expedite crossings and reduce the economic impact of long border delays. Dramatic overhaul of complaint and oversight procedures is needed to ensure that the rights of border crossers are protected.
- **Communities are stronger and lives are saved when we replace border blockade operations with more sensible enforcement.** Comprehensive immigration reform will eliminate the need for mass border enforcement “operations” that are responsible for hundreds of deaths annually. Implementation of border enforcement actions, technologies, and infrastructure need to take into account impacted communities and the environment.
- **Communities are literally divided by the devastating impact of the border wall, the construction of which should be halted.** The construction of the border wall should immediately stop due to its overwhelming social, environmental, and legal impacts. Just from a cost-effectiveness standpoint, the current border wall and fencing projects have not proven successful in stopping immigration flows, while construction costs have nearly doubled from \$4.5 million per mile to \$7.5 million per mile.
- **Communities are safer when local law enforcement is not pressed into immigration-enforcement roles.** Federal immigration laws involve complicated administrative and criminal issues, and local law-enforcement agencies should not be forced to assume the role of federal immigration enforcement. Federal and state laws and resources should not be used to pressure local agencies to undertake these activities.
- **Communities are safer when the military is not used to enforce civilian law.** The military does not belong in civilian law enforcement, even indirectly. Demonstrated risks to civilians of military operations in support of civilian law enforcement should be eliminated. Loopholes in the Posse Comitatus Act governing the National Guard should be closed.
- **Communities are destabilized by harsh detention and removal practices. It is essential to dramatically overhaul detention practices and the manner in which we conduct removals.** We propose a series of specific reforms to improve the human rights conditions of the U.S. detention and deportation system, which currently has little oversight and accountability.

- **All communities benefit by engaging the root causes of migratory pressures. Comprehensive economic development is the long-term solution.** Just and comprehensive development in the U.S. borderlands, the U.S. interior, and the Mexican interior, is the long-term solution to migratory pressures.

Going Forward

Resolving the crisis along our southwestern border is a national imperative. The expertise of border leadership is critical to the development of border security measures. For too long, border communities have been told what will “work” to fix the problem, without being actively included in the decision-making process. At the onset of a new Administration and a new Congress, the time has come to engage in a genuine dialogue about immigration and border reform. The timing could not be more critical—our economic crisis makes it imperative that we revisit old ideas about immigration as a barrier and instead view immigration and border issues as part of the solution. Effective border policy relies on:

- Security that focuses on criminal elements such as trafficking, smuggling and other insidious actions.
- Accountability and trust between law enforcement officials and the community.
- Fiscally responsible border enforcement measures that promote cross-border trade.

Ultimately, this Border Policy Report can provide us with the opportunity to begin to address the very complicated issues of immigration reform and border security in a new framework, one that recognizes that we must all work together to remain strong and grow.

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