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Safer than Ever

A View from the U.S.–Mexico Border: Assessing the Past, Present, and Future

Marshall Fitz August 2011

Center for American Progress



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Introduction

A recent trip by this author and several colleagues to study the Arizona border was eye-opening. Not because we encountered scores of headless bodies,¹ but because the border landscape has changed so dramatically in the last five years both literally and figuratively. Hundreds of miles of severe fencing, vehicle barriers, radio towers, flood lighting, and access roads have degraded the border's aesthetics and environmental quality. But in conjunction with surges in manpower and technology, this added infrastructure has also undeniably and fundamentally enhanced the Border Patrol's ability to prevent and intercept unauthorized migrants and smugglers.

All the recent statistics tell us that illegal immigration flows at our southern border have slowed dramatically. Numbers tell us that we no longer have a border across which thousands of people traverse illegally every day without our knowledge. Instead we have a border where the vast majority of attempted entries are identified and a far larger percentage of entrants are apprehended than ever before. Moreover, recent reports persuasively demonstrate that violent crime rates along the U.S.-Mexico border have been falling for years and that border cities of all sizes have maintained crime rates below the national average.²

A first-hand view only emphasizes the point while begging an even bigger question: Why hasn't the story of this transformation penetrated the national dialogue on immigration policy? Rather than acknowledge the remarkable advances that have occurred, immigration reform opponents level sensational—and often patently false—claims meant to scare the public about border violence and insecurity. Although everyone is entitled to their views, our policymakers should not be entitled to mislead the public about something as important as border security merely to advance an ideological policy agenda.

This report rebuts these policymakers' fallacious claims and argues that the changes on the ground at the border demand a change in the conversation in Washington. We first catalog the massive resource deployment and infrastructure buildup at the border since 1993. We then describe the profound impact that deployment has had on unlawful migration flows: Fewer attempted entries plus

a greater rate of apprehension equals a steep decline in successful illegal entries. Next we detail a number of unintended negative consequences that have resulted from advancing this border buildup without enacting concomitant reforms. Finally, we argue that the circumstances on the ground present us with a unique opportunity to secure the gains in border control while negating the counterproductive byproducts of those gains.

Rebutting false claims

The chairman of the Judiciary Committee, Lamar Smith (R-TX), and his restrictionist allies dispute President Obama and Homeland Security Secretary Janet Napolitano's assertions that the border is more secure than ever before. They hang the full weight of their contention on one flimsy hook: a recent GAO report concluding that DHS has 44 percent of the southern border under "operational control." Glibly analogizing to a classroom grading scale, restrictionists argue that 44 percent is a failing grade for the agency.³

This simplistic analysis ignores the basic facts on the ground and distorts the meaning and significance of the report. First, some context. In order to devote more intensive resources to areas along the 2,000-mile-long border where threats are the greatest, DHS has adopted a flexible set of standards that establishes tiered levels of control based on risk. From highest to lowest, the standards are: "controlled," "managed," "monitored," and "low-level monitored." The agency is and should be resourced to "detect, respond, and interdict" incursions in high-threat, high-traffic areas.⁴ Similarly, it's a waste of resources to establish that same level of stringent control in remote areas with inhospitable terrain where very few individuals are attempting to enter.⁵

The GAO report found that 44 percent of the border met DHS's top two standards—"controlled" or "managed"—which DHS defines as areas where it has "the ability to detect, respond, and interdict illegal activity at the border or after entry."⁶ Far from representing a failing grade, that is a remarkable accomplishment. Moreover, two-thirds of the remaining 56 percent meets the third level of control: "monitored," which means DHS can detect but not necessarily respond to or interdict all incursions. So that means that 81 percent of the border meets one of the top three levels of operational control. The remaining 19 percent of the border is low-level monitored because it covers the most remote, inaccessible, and inhospitable stretches of the border.⁷

In fact, the GAO report—and every other independent evaluation of the border—negates the very claim that Smith is making. The enforcement resources deployed at the border are historic in size and effectiveness.⁸ The ability to observe, intercept, and impose consequences on border crossers and smugglers has never remotely approached the level it has today.⁹

But the unreasonable position advanced by the restrictionists is that 100 percent of the border must be subject to the most stringent standard, i.e. “controlled.” Rep. Smith is effectively demanding an absolute seal of the border—an unattainable objective—as a precondition to discussion of broader immigration reforms. This is akin to requiring a big-city chief of police to meet a zero-crime benchmark before undertaking other necessary criminal justice reforms. In other words, they have not only moved the goalposts back but they have pushed them off the field and out of the stadium.

The objective benchmarks mandated by immigration hawks in Congress as a prerequisite to broader immigration reforms have been met or exceeded, as we have demonstrated on numerous occasions.¹⁰ The unparalleled buildup of infrastructure and personnel at the southern border outlined below should speak for itself.

The ability to observe, intercept, and impose consequences on border crossers and smugglers has never remotely approached the level it has today.

Expanding border enforcement: An 18-year effort bears fruit

In 1993 the federal government launched Operation Hold the Line in El Paso, TX.¹¹ Concentrating agents and technology in specific areas as a “show of force” proved effective in deterring potential border crossers. In 1994 the federal government replicated the effort in San Diego with “Operation Gatekeeper,” which was designed to stop the bum-rushing of the border.¹² Nightly news was covering the spectacle, which had become an embarrassing numbers game: The migrants would line up and make a break for it on cue. Border Patrol lacked the capacity to do more than catch a few. And many of those who were caught would try again the next day or the next week.

These operations in California and Texas marked the beginning of a continuous effort to deploy different types of enforcement strategies to gain control over border regions. Many of us were skeptical about how much these fledgling enforcement strategies could accomplish. In part that was because we could not imagine the horror of 9/11 or the country’s reaction to it. Our national sense of vulnerability changed the policy dynamics in Washington in unforeseeable ways.

Not only did Congress create the Department of Homeland Security and embed nearly all of the nation’s immigration functions therein but it also escalated funding for border and interior enforcement exponentially. Before 9/11 we never believed Congress would be willing to spend \$17 billion per year just on its immigration and border enforcement agencies. In FY 2001, for example, we spent just \$4 billion.¹³ Our current levels are greater than the annual GDP of at least 80 countries.¹⁴ But 18 years later there is a remarkable story to tell about how the augmented enforcement capacities in these border sectors have altered, diverted, and ultimately helped diminish the flow of unauthorized migrants.

We now turn our attention to the scope of these augmented enforcement efforts.

There is a remarkable story to tell about how augmented enforcement capacities have altered, diverted, and ultimately helped diminish the flow of unauthorized migrants.

Unprecedented resource deployment

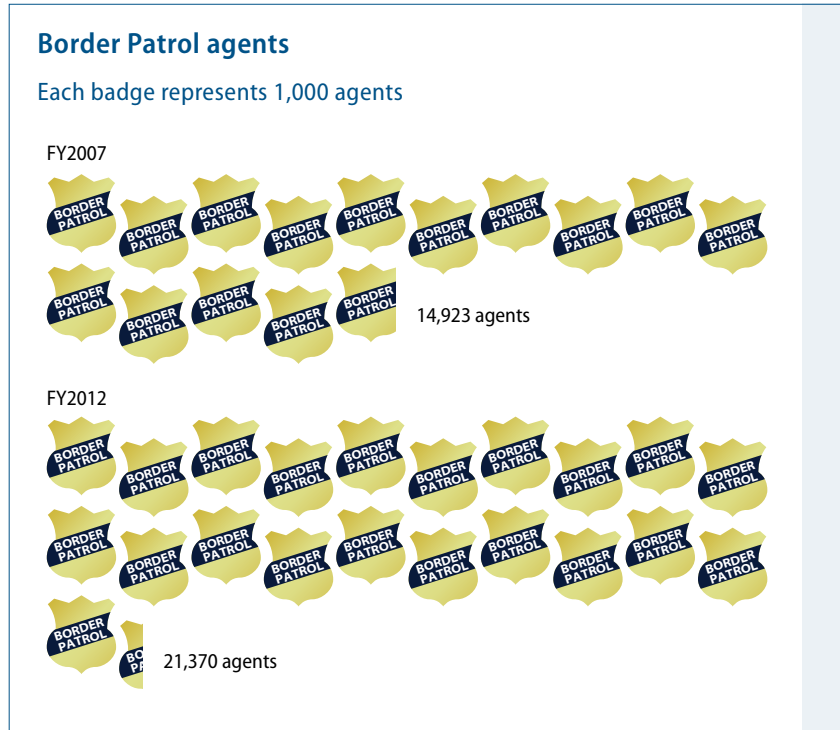
DHS has vastly expanded its presence along the southern border in terms of personnel and has made a number of major improvements in technology and infrastructure. This investment has transformed the Border Patrol's ability to monitor the border and stanch the flow of unauthorized crossings.

Personnel

In 2004 we had 10,000 Border Patrol agents. Today that number has more than doubled to nearly 21,000, nearly 18,000 of whom are deployed along the southern border.¹⁵ Arizona alone has 5,200 Border Patrol agents; more than 900 Customs and Border Protection, or CBP, officers; and more than 130 Air and Marine agents.

What's more, Immigration and Customs Enforcement, or ICE, has also deployed record numbers of officers and resources to the southwest border. A quarter of all its personnel are currently in the region. ICE has doubled the number of personnel assigned to Border Enforcement Security Task, or BEST, forces, which are multiagency teams focused on disrupting criminal organizations. It has increased the number of intelligence analysts focused on cartel violence and significantly expanded the number of officers who facilitate cooperation between Mexican and American law enforcement authorities.

To top it off, the president has deployed and recently extended the mission of 1,200 National Guard troops to help law enforcement on the ground identify smugglers.¹⁶ These entry identification National Guard teams leverage state-of-the-art Department of Defense technologies to help keep watch over highly trafficked areas and fill manpower gaps. They are positioned to identify breaches and communicate those crossings to Border Patrol for interception.



Source: 2007 data from http://www.dhs.gov/xlibrary/assets/budget_bib-fy2009.pdf. 2012 data from <http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf>.

With this manpower baseline in place, the next challenge will be enhancing the ability of Border Patrol leaders to more flexibly deploy agents to areas facing greater threat as the smugglers' tactics shift.

Technology and infrastructure

DHS has completed nearly 650 miles of fencing, which includes around 300 miles of vehicle barriers and 350 miles of pedestrian fencing. Vehicle barriers block access to border areas where smugglers used to be able to make a mad dash into the United States, drop migrants or contraband, and get back across before law enforcement could arrive. The pedestrian fencing is deployed in high-population areas to ensure all crossings are funneled through the designated ports of entry.

DHS also has broadly expanded the use of advanced detection technologies. For example, in high-density areas right on the border, remote video surveillance systems enable officers to monitor large swaths of the border and notify Border Patrol when a breach is occurring. In some cases it allows them to contact their counterparts on the Mexican side when they see individuals preparing to make an incursion. Nearly 60 of those remote surveillance systems are deployed in Arizona right now.¹⁷



Double-layer fencing plus surveillance technology.

After a crossing occurs, the terrain sometimes makes it difficult to maintain a visual on a border crosser. That's where other technologies come in to play. In Arizona, for example, where the topography includes steep rocky hills and deep ravines, the positioning of mobile surveillance units helps maximize Border Patrol's view of the landscape. There are presently 32 such systems deployed along Arizona's border and these systems serve as the eyes and ears for the whole team. Likewise, unprecedented numbers of thermal imaging systems aid agents on the ground while unmanned aircrafts provide visual coverage to law enforcement authorities from above. DHS now has unmanned aerial coverage spanning the entire southwest border.¹⁸

More 'eyes on the border'

With their increased size and the massive deployment of technology, Border Patrol now has a number of tools that enable it to discern with a fair degree of accuracy the numbers of attempted entries every day. In some stretches of high-density urban areas—for example, the border city of Nogales—Border Patrol has 100 percent eyes on the border, meaning they can view every attempted border crossing in real time. This is achieved through a combination of cameras that are monitored remotely and patrols that operate around the clock.

In those high-density locations, they try to intercept every attempt, but at a minimum they know almost the full universe of attempted entries. To be sure, as described later in this report, some of the smugglers have developed tunneling operations. So even where Border Patrol has a visual on 100 percent of the border, some attempted entries between the borders occur beyond, or “underneath,” the view of those cameras.

In more remote stretches of the border, the combination of motion sensors, satellite imaging, drones, and video surveillance systems provides clear estimates of how many people are attempting to enter. Layered on top of that, Border Patrol agents attempt to check every foot of the border every single day for signs of unlawful entry. In Arizona, for example, except for one zone that is inaccessible by vehicle, Border Patrol agents check for tracks along the entire length of border each day. They call this process of combing the border for tracks “cutting sign.”¹⁹

The dynamics on the ground and strategies of smugglers, of course, are not static: The tunneling operations are a case in point. Congress therefore must continue to support the expansion of monitoring technologies that enhance the ability of Border Patrol agents to more efficiently survey broader swaths of the border (above and below ground).

Dramatic decline in unlawful entries

Sector-by-sector gains

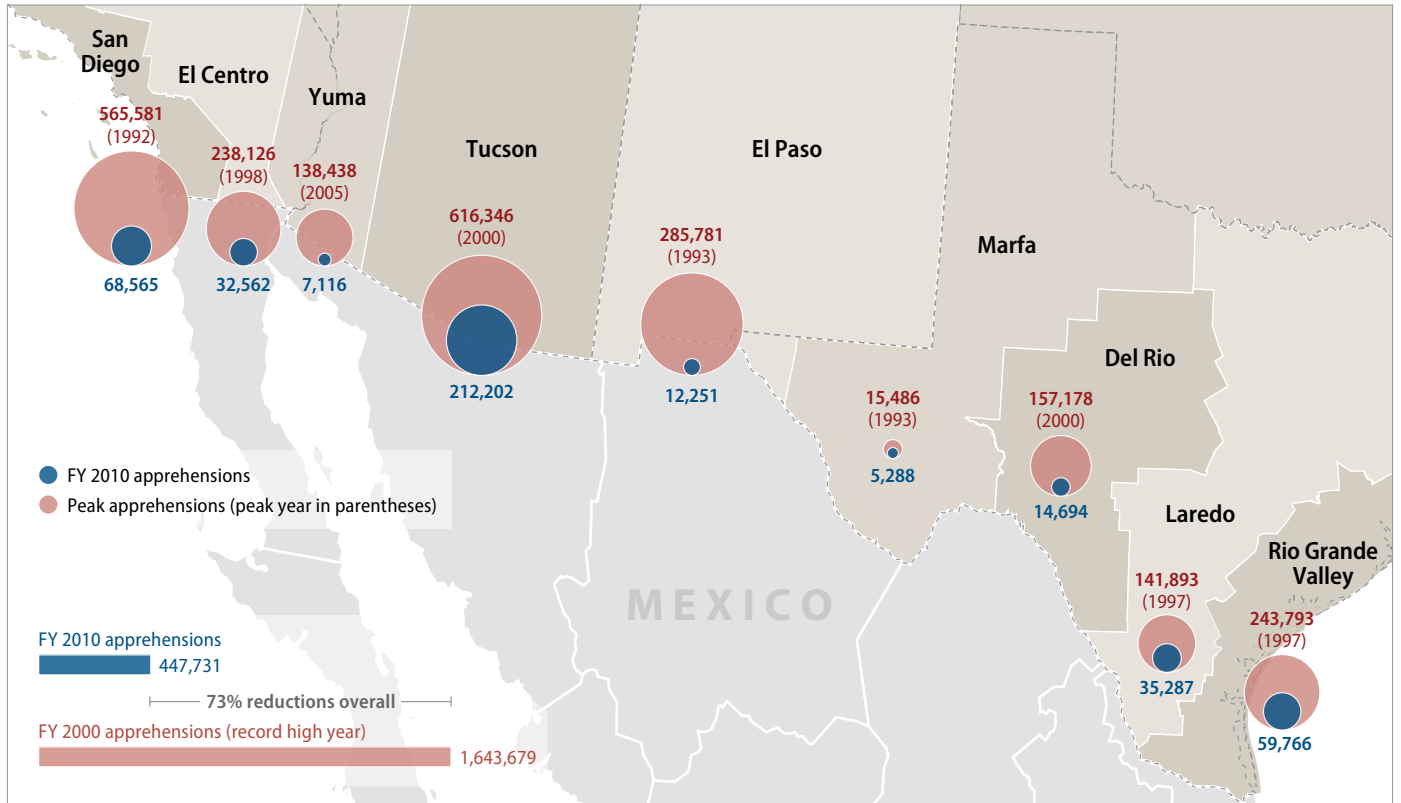
The Border Patrol has divided the 2,000-mile-long land border between the United States and Mexico into nine sectors. From west to east, they are: San Diego, El Centro, Yuma, Tucson, El Paso, Marfa, Del Rio, Laredo, and Rio Grande Valley.²⁰ Analyzing the number of apprehensions sector by sector over time shows how the massive investments in manpower and infrastructure have altered migration flows while highlighting the challenges that remain. Border Patrol apprehensions in the San Diego sector, for example, were more than 565,000 in 1992. By 2000, with significant fencing in place and increased manpower, that number had dropped to 151,000. But as those numbers dropped over time, the flow didn't stop; it just shifted east into the El Centro, Yuma, and Tucson border sectors.²¹

Crossings in the El Centro and Yuma sectors had been less frequent because they have more remote and inhospitable terrain and are further from easy access and transit to employment opportunities. In 1992 border apprehensions in the El Centro sector were around 30,000, around 25,000 in Yuma, and about 71,000 in Tucson. Increased enforcement efforts in the San Diego sector, however, displaced the flow from that area and created a huge spike in entries and apprehensions in those more remote sectors. By 2000 El Centro apprehensions were more than 238,000, Yuma apprehensions at nearly 110,000, and Tucson became the main corridor, reaching a peak of more than 616,000.²²

Massive new infusions of border enforcement resources added to the effort since 2000 put the squeeze on the El Centro and Yuma sectors of the border. By FY 2010 the number of apprehensions in El Centro had dropped back to around 32,000 and Yuma apprehensions had fallen to an incredibly low 7,100.

Only the Tucson sector remains a challenge. The number of apprehensions dropped by more than 400,000 between 2000 and 2010 but they were still at 212,000.²³

Peak and FY 2010 border apprehensions, by border sector



One might ask: Have the efforts in El Centro, Yuma, and Tucson reverted some of the flows to San Diego? The answer is no. San Diego apprehensions have continued to decline and fell to a little more than 68,000 in 2010. Why? Because the infrastructure there is mature and the deterrent effect has been profound.

This same dynamic of increased border enforcement efforts driving flows to the neighboring border sector is found from the other direction as well. In 1997 apprehensions in the easternmost border sector were nearly 244,000; in 2010 they were less than 60,000. In Del Rio the apprehensions in 2000 were 157,000; in 2010 they were less than 15,000. In El Paso in 1993, unlawful crossings were high and apprehensions were more than 285,000. Today, after a significant infusion of resources, they are at only 12,000.²⁴

Yuma sector border infrastructure: before and after

West of Andrade, CA port of entry—Pedestrian fencing



Before: 2006



After: 2008

Tucson sector border infrastructure: before and after

“240” Goal Post area—Pedestrian fencing



Before: 2003 (estimated)



After: 2011

This east-to-west and west-to-east, sector-by-sector reinforcement of the border has funneled flows into the last heavily trekked sector in Tucson. This pincer effect has turned the Tucson sector into ground zero in the border enforcement battle, which, in a bit of law-enforcement hyperbole, senior Border Patrol officials have characterized as the “smugglers’ last stand.”

Fewer apprehensions means fewer attempted entries

It would be natural to assume that the decrease in apprehensions means that more, not less people are succeeding with their quest to enter the United States. The counterintuitive reality, however, is precisely the opposite. The decrease in apprehensions reflects a dramatic downturn in attempted entries,²⁵ and, what’s more, the *percentage* of individuals apprehended is way up.

It used to be that the number of attempted unlawful entries was simply a “guess-timate” based on the number of apprehensions.²⁶ In some high-volume places, Border Patrol used to estimate that for every apprehension, two or three attempted entries succeeded. So estimating the number of people who successfully entered was a matter of multiplying apprehensions by a factor of two or three. No longer.

New infrastructure and enhanced technology allows the Border Patrol to know with far more precision how many people attempt to cross the border. By comparing the number of known attempted entries to the number of apprehensions, the agency now has a relatively clear picture of how many individuals actually succeed in crossing unlawfully.

For example, senior Border Patrol officials have advised me that they believe they are apprehending 80-plus percent of the traffic in the still heavily trekked Tucson sector. In other Border Patrol sectors such as El Paso, where the terrain enables deployment of more robust surveillance technology, they believe the percentage of apprehensions is even higher.²⁷

In other words, instead of two or three people succeeding every time one person was apprehended, only one person is succeeding for every three or four apprehensions. Far fewer people are attempting to enter and Border Patrol is interdicting those that do at a far greater rate. That adds up to a dramatic decline in successful unlawful border crossings.

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Consequences of border buildup without accompanying reforms

As set forth above, this strategy of increasing personnel and infrastructure along the border has undeniably succeeded in reducing unlawful entries. But the singular focus on enforcement without complementary legal reforms has triggered a number of unintended and counterproductive consequences.

The ostensible goal of this border buildup strategy has been to break the existence of an integrated but unregulated, and therefore illegal, North American labor market. The push and pull of supply and demand, however, are powerful forces. Even with the supply of labor impeded by enforcement and the demand for labor diminished due to the recession, the market has not been destroyed. And attempting to choke off migration without providing alternative legal pathways to channel some level of legitimate economic migration has led to a number of perverse results.

Most importantly, the journey for economic migrants to the United States is far more costly and more perilous than ever before. And the people benefiting from the cost hike are criminal organizations, while those exposed to the perils are migrants who simply want to work or be united with their families and who would prefer to come legally.²⁸

As the border has become more difficult to cross—and in the absence of a regulated alternative to unlawful immigration—intending economic migrants have been pushed into the orbit of violent criminal syndicates. Ruthless drug cartels control virtually all illicit cross-border traffic now, including human smuggling.

Because of the increased government control over vast swaths of the border, entry points have moved to more remote and more dangerous junctures.²⁹ Literally thousands of people have died attempting to cross the border since this buildup began.³⁰ The average migrant does not know how or where to cross safely, and therefore must find and pay a guide. Virtually all border crossers now require a smuggler.³¹

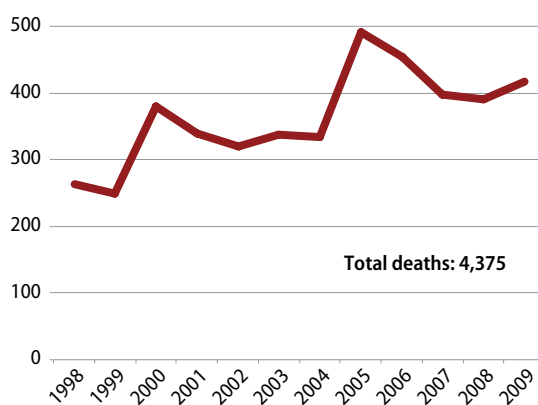
As noted, these smugglers are not the mom-and-pop operations of yesteryear. The cartels have monopolized the market, subsuming in one way or another all of the extant smuggling operations.³² As a result, intending migrants are now far more vulnerable than ever. Forced to pay these violent cartels for assistance in crossing, migrants are risking more than ever before. They are forced into more extreme and desperate circumstances. Held for ransom by some smugglers, they are more easily forced to engage in other illegal activity, like muling drugs, or face the prospect of execution or violent reprisals to their families.³³

It comes as no surprise therefore that what was once a circular flow of economic migrants between the United States and Mexico has been broken.³⁴ Migrants who make it across the southern border's gauntlet are far less likely to return home (to Mexico or further south) than they once were. The cost and danger of crossing have caused migrants to deepen their roots in this country rather than follow the historical cycle of work and return. In fact, they are so settled that undocumented immigrants are more likely to live with a spouse and children in the United States than U.S. citizens or legal permanent residents are.

And as the enforcement presence between the ports of entry has increased, smugglers have devised new strategies for penetrating the border. In some areas, smugglers have developed sophisticated tunneling operations.³⁵ For example, in Nogales they have made a science of tapping into flood drainage tunnels that run under the border into the United States. Those efforts are being aggressively combated with gates in the tunnels, sensors, and cameras. But they speak to the ingenuity and relentlessness of the smugglers.

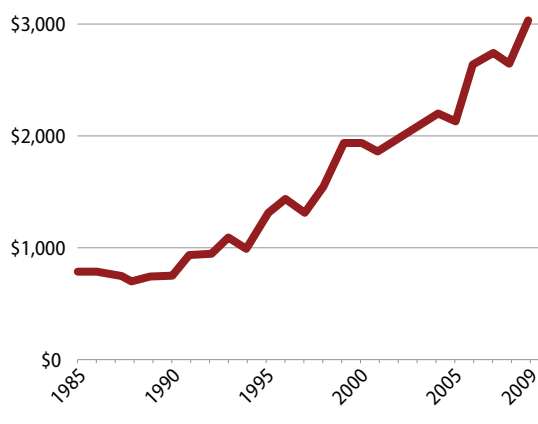
Increasingly, smugglers have resorted to pushing cargo (human or contraband) directly through the ports. They pack migrants into trucks and train cars or arm them with increasingly sophisticated fraudulent documentation. This, of course, increases the pressure on inspecting officers to remain vigilant and make smart,

Immigrant deaths at the border, 1998-2009



Source: U.S. Border Patrol.

The cost of crossing the border, 1985-2009



Source: Damien Cave, "Better Lives for Mexicans Cut Allure of Going North," *New York Times*, available at <http://www.nytimes.com/interactive/2011/07/06/world/americas/immigration.html>; Mexican Migration Project; Princeton University.

quick decisions. While significant funding has gone to Border Patrol to expand their operations between the ports, fewer resources have flowed into Customs and Border Patrol to address the increasing challenges at the ports.³⁶

And this pressure on the ports has potentially serious economic consequences. Mexico is our nation's second-largest trading partner but more scrutiny of cross-border traffic means longer wait times, which means less business is getting done. In some cases, trade is deterred altogether. Likewise, Mexican citizens spend billions of dollars (\$6.1 billion in FY 2010) each year in the United States.³⁷ Only citizens of Canada, Japan, and the United Kingdom spend more.³⁸ Delays in pedestrian and vehicular crossings due to longer border inspections will deter money from being spent in the United States.³⁹ That hurts U.S. businesses and workers.

In short, the failure to pursue practical legal reforms to our immigration system while deploying this massive surge in enforcement resources has led to unintended, albeit not unsurprising, consequences. With the pressure on the border diminished, it is time to construct an immigration system that preserves the gains in control while disaggregating beneficial migration from the violent drug trade.

The cost and danger of crossing have caused migrants to deepen their roots in this country rather than follow the historical cycle of work and return.

A better way: Our recommendations

The contribution of border enforcement efforts to the reduction in unlawful entries is undeniable. But enforcement is not the exclusive factor in these dramatic declines.⁴⁰ Some experts persuasively argue that improvements in Mexico's economy and education system as well as shifting demographics in the country have diminished (and will continue to diminish) the “push” factors that have driven migrants to “el norte.”⁴¹ Others maintain that the decrease is most centrally a function of dried-up labor demand in the U.S. economy; that is, a diminution of the “pull” factor.

This convergence—a softening of push and pull factors at a time of hardening border enforcement—explains the severity of the drop-off in illegal immigration. But it also suggests the gains in deterring illegal immigration may not be secure. Employment demand in the United States undeniably is and always has been a major driver dictating the size and intensity of the cross-border migratory flows.⁴² So while enforcement has had an important deterrent effect, it is also clear that the Great Recession and protracted unemployment have played a substantial role in reducing attempted crossings.

Without the alluring draw of jobs in the United States, the challenges presented by a hardened border and the increase in economic opportunities at home have altered the calculus for many would-be crossers.⁴³ But when the economy rebounds and the pull factors start to grow stronger, we will need a better mechanism for regulating economic migration than our current system provides. Otherwise, some of the dysfunction that has accompanied the border buildup—empowerment of the cartels, exploitation of the most vulnerable migrants, adverse economic impacts on legitimate trade and travel—will be exacerbated when the pressure on the border increases.

The current drop-off in migration presents us with a unique opportunity to design a forward-looking system that addresses those concerns and tackles the elephant in the debate: how to deal with 11 million unauthorized immigrants already living, working, and integrating themselves into our society. Here are our recommendations for such a system:

- **Augment the strong enforcement presence that has been established between the ports of entry with targeted technology and manpower deployments.**

The rapid expansion of technology and manpower at the border has created a strong baseline for inter-port enforcement. The challenge now is to enable those resources to be flexibly deployed to meet or preempt shifts in smuggling operations.

- **Dedicate more resources to ports of entry to enable rapid, effective screening of people and cargo.** As smugglers try to push more contraband through ports of entry, CBP officers are confronted with the daunting task of preventing illicit traffic without slowing legitimate trade and travel. This requires more staffing, better port infrastructure, and improved technologies to detect hidden contraband and fraudulent documentation.

- **Establish a program to deal pragmatically with the unauthorized individuals living in the United States today.** Over the last eight years, we have spent well over \$115 billion on our immigration and border agencies, yet we still have 11 million unauthorized individuals. With the flow of illicit migration diminished by a unique confluence of economic and enforcement conditions, now is the time to restore the rule of law within the country by requiring unauthorized immigrants to register, get screened, pay taxes, learn English, and earn the privilege of citizenship.⁴⁴

- **Establish realistic, flexible legal channels so economic migrants can safely come to the United States.** This will enable us to vet them before entry, regulate their numbers, ensure they are contributing to the national interest, and focus on those who try to circumvent this legal process.⁴⁵

- **Authorize sufficient numbers of family-based visas to prevent multiyear backlogs developing that prevent the reunification of nuclear families.** Husbands, wives, and children of lawful immigrants should not be forced to make a perilous journey to join their families.

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