

What's Really Happening
at the Southern Border?

AGENDA

What Drives Northern Migration?

US Southern Border

- History and Maps
- Border Patrol and Detained Migrants and Deaths
- Drug Cartels

Asylum – A Legal Process

Summary and Resources

REMINDER:

What Drives Northward Migration?

1. Family Reunification – returning to families or coming to live with parents
 - 2/3 of unauthorized have lived 10+ years in the U.S. (1/3 = 20+ years)
 - 16 million people in the U.S. (4.9%) are in mixed-status families
2. Economic Security – exacerbated by climate change
3. Seeking Asylum – fleeing persecution and violence

Root Causes

Independence from Spain – 1810/1821- left centralized govts in few hands
U.S. Intervention (economic, political, military) destabilizes C. America

US Southern Border History

Native Americans

New Spain – Anza Trail 1776 – people into San Francisco Bay

Mexico - 1821 – independence from Spain

Creation of the US Southern Border

- 1845 – Texas Republic joins the United States
- 1848 – Treaty of Guadalupe Hidalgo - Mexican American War
- 1854 – Treaty of Mesilla – Gadsden Purchase
- 36 federally-recognized tribes' land is divided by US/MX border

Concerns: Chinese, ticks, bootlegged goods, Germans



United States

Mexico

Gulf of Mexico

Pacific Ocean

Caribbean Sea

Guatemala

El Salvador

Honduras

Nicaragua

Costa Rica

Panama

Belize

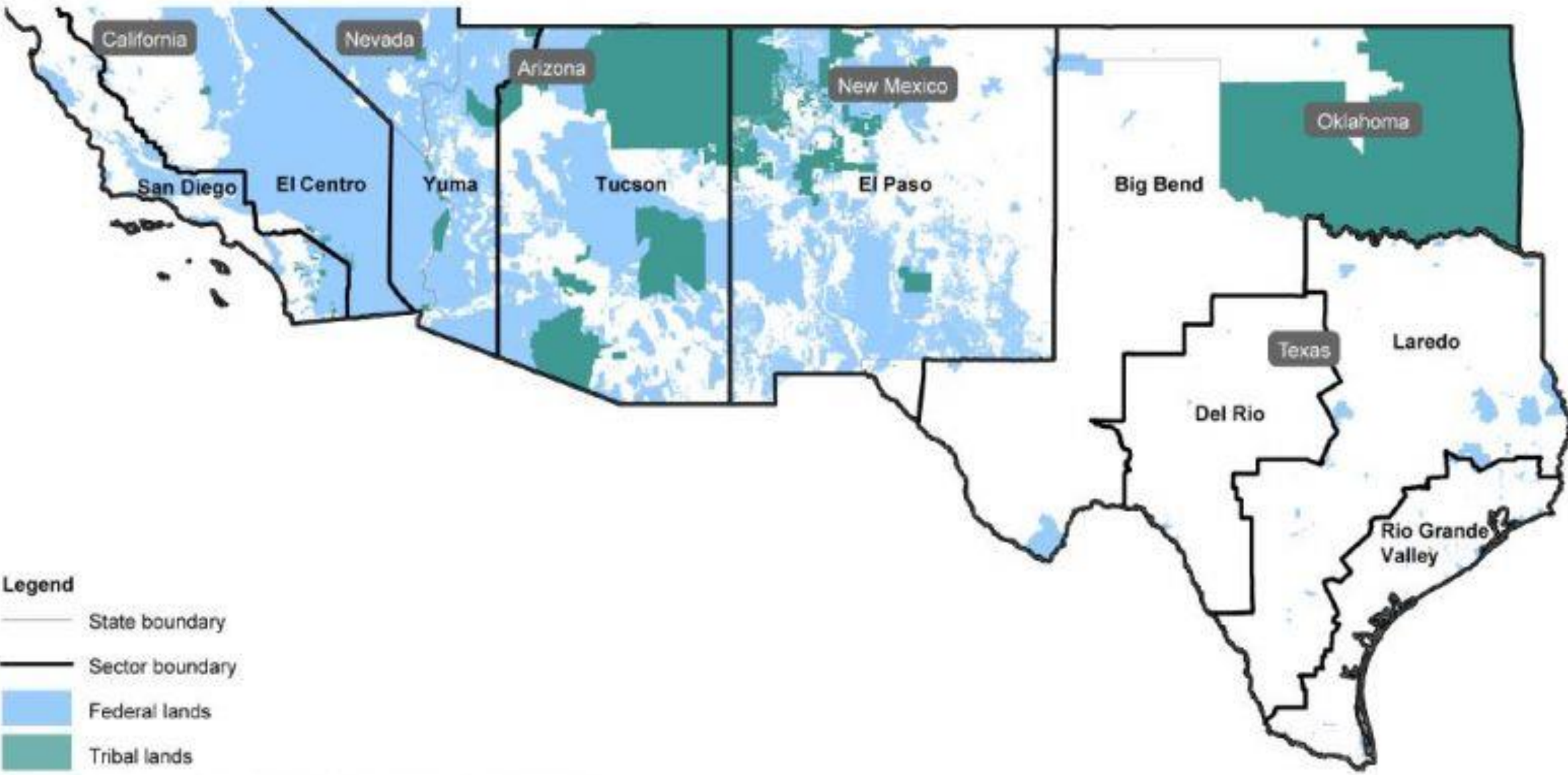
Cuba

Cayman Islands

Jamaica

OnTheWorldMap.com

Figure 1: Map of Southwest Border Lands with U.S. Border Patrol Sectors



- Legend**
- State boundary
 - Sector boundary
 - Federal lands
 - Tribal lands

Source: U.S. Customs and Border Protection; MapInfo (map). | GAO-18-11

US Southern Border History

Early 1990's – Strategic Changes to Border Tactics

Op Blockade - El Paso '93 – BP blocks city crossings

Op Gatekeeper - San Diego '94 – Resources, Wall

Op Safeguard - Arizona '94 – Prevention through deterrence

Op Rio Grande - Texas '97

Building the Border Wall

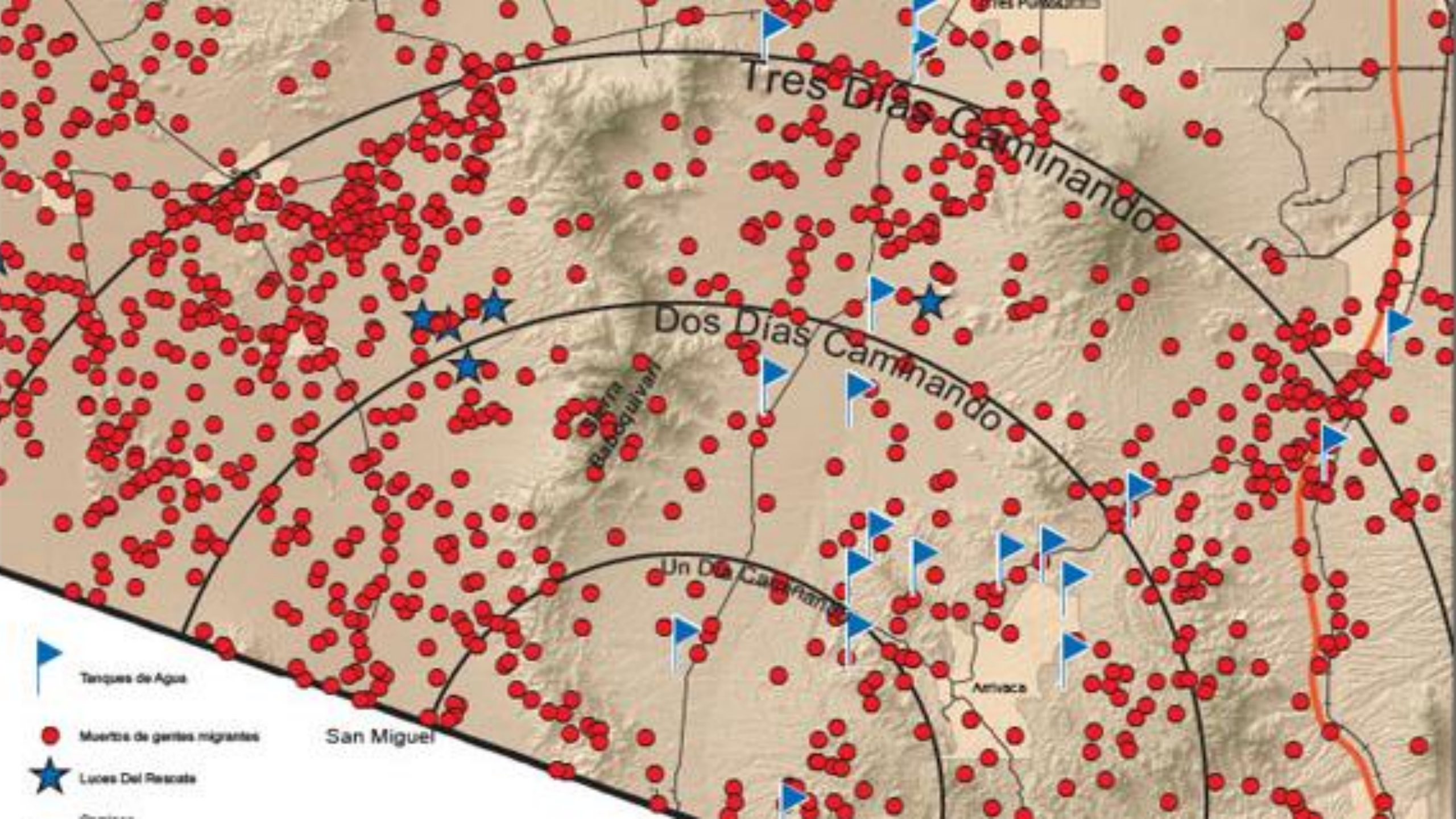
1990 – 1993 – 14 miles of San Diego Wall (GHW Bush)

1994 – Clinton, 2006 – GW Bush, 2010 - 130 miles (Obama)

NOTE: 1996 law: border walls can by-pass environmental and native regs

NOW: by-pass federal contracting laws

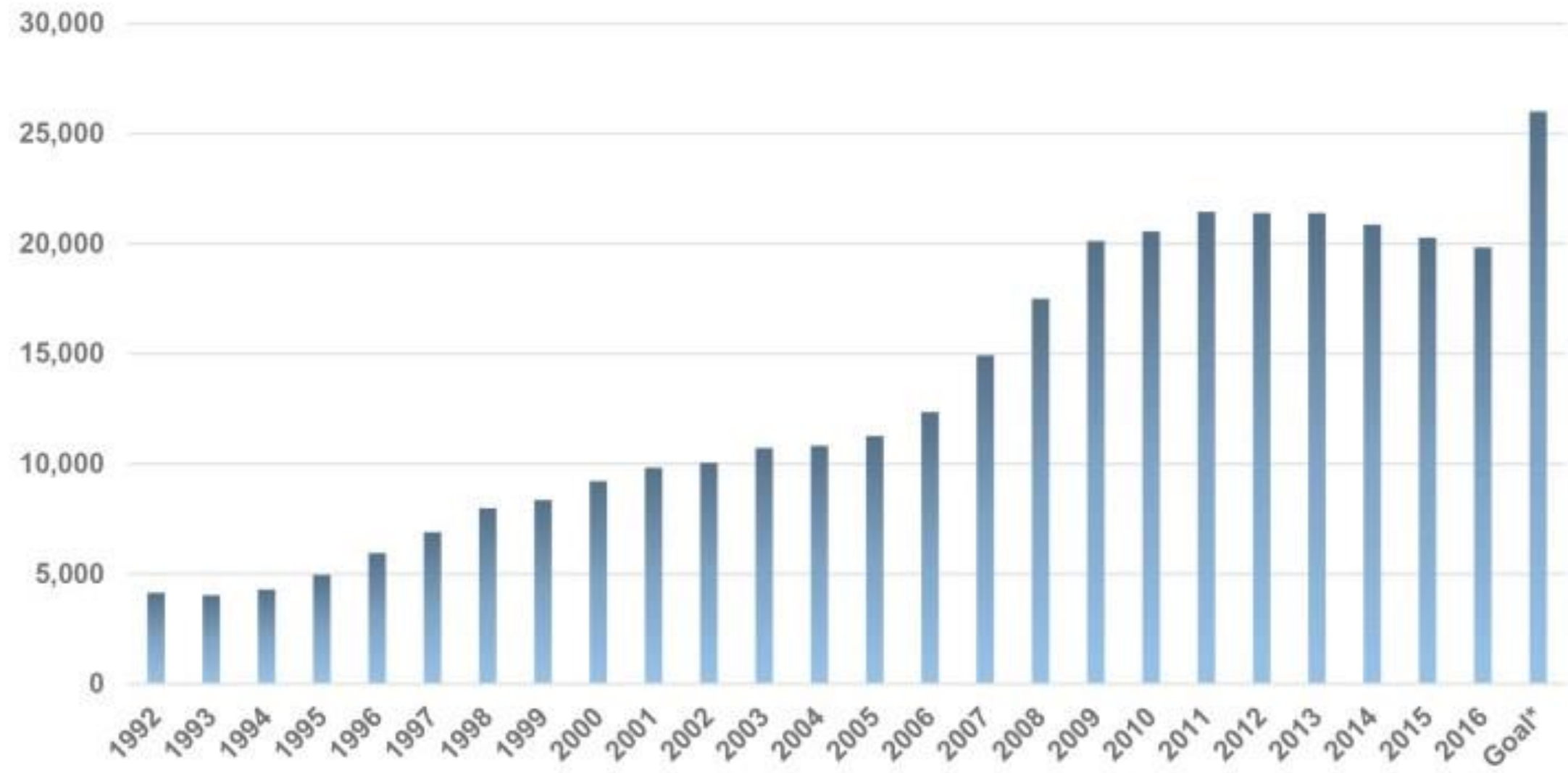
CURRENTLY – 650 miles of wall out of 1954 miles of border (1/3 walled)







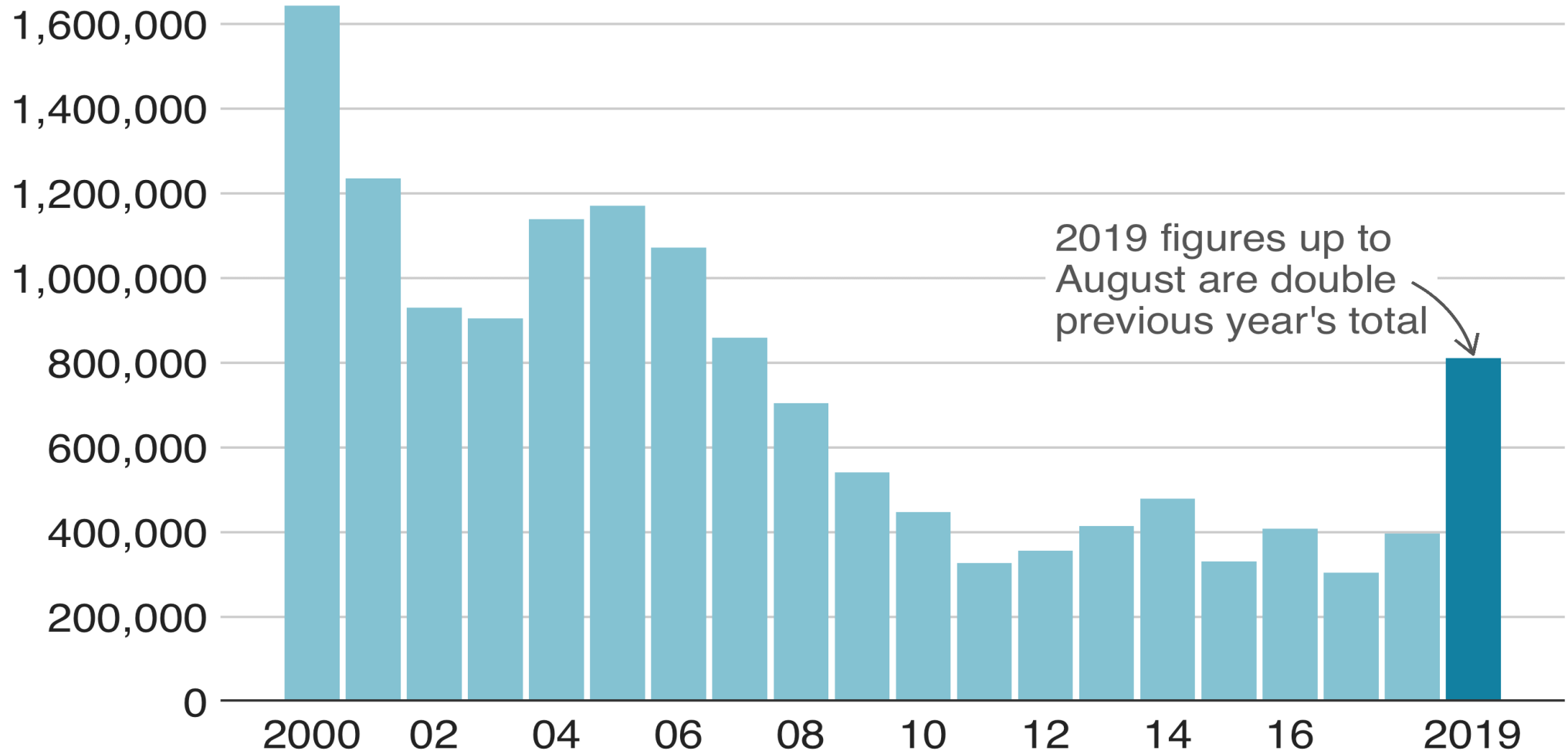
Size of the Border Patrol force over time



Source: Customs and Border Protection
 * 21,000 authorized in FY2016, plus 5,000 announced by President Trump

Migrants detained on the US-Mexico border

Total number of people by US financial year, 2000-2019



Drug Cartels Operate Successfully in Northern Mexico

Drug Smuggling through the US Ports of Entry

- Trucks Packed with Vegetables and Manufactured Goods
- Inspections, Dogs, X-Rays
- Insufficient to stop drug traffic

Human Smuggling – cartels control the border

- \$2000 to cross the border with a coyote
- \$10,000 for a single adult (\$5,000 for parent/child) from Guatemala

Preying on migrants who are in Northern Mexico

- Migrants coming north
- Deported Mexicans, Asylum-seekers Central Americans

Crossing Bet. Ports of Entry = Federal Crime

Apprehended as a (federal) criminal

1st time = misdemeanor; 2nd time = felony

BP Detention (3-5 days)

Tucson Operation Streamline = Federal Criminal Court

Daily - mass (up to 75 people/day)

Plea Hearing (no trial, less penalty)

Pro Bono lawyers assigned by the (criminal) court (5:1)

Punishment

1st time offenders – time served

2nd time offenders – accept misdemeanor + 30-180 days detention

Deported

12 Op. Streamline Courts along the border: CA (2), AZ (2), NM (1), TX (7)

United States Asylum

U.S. signed 1967 UN Protocol (international treaty)

Updated version of UN Refugee Convention (1951)

U.S. passed our own confirming laws :

INA (1965) and Refugee Act of 1980

Asylum proof: Persecution based on race, religion, nationality, membership of a particular social group or political opinion

The U.S. Guarantees :

Asylum can be requested **anywhere** on U.S. land

Those requesting asylum will **not be incarcerated**

Asylees will **not be returned into harm** (non refoulement)

Typical Asylum Process – ex. Maria and Adiel

Request Asylum at Port of Entry

Credible Fear Interview by Asylum Officer (USCIS) (85-90% success)

Match with U.S. sponsor

Transfer to U.S. sponsor home – throughout the U.S.

Await Court Hearing with Immigration Judge (10-20% success rate)

- Legal representation not required, but possible (pro bono or paid)
- Work permit (after 180 days)
- 2 years average wait time

Recent U.S. Actions to Reduce Asylum

1. Preventing Asylum Requests at the US Border
2. Inhumane Treatment as Deterrence
3. Changes to the Asylum Process

RESOURCE: “Shattered Refuge: A U.S. Senate Investigation into the Trump Administration’s Gutting of Asylum” Senator Merkley, Oregon

Preventing Asylum Requests at the U.S. Border

“Metering” – at each U.S. Port of Entry

- CBP allows 0-10 people/day to present for asylum
- 26,000 asylum seekers on “wait lists” at 12 N. MX cities

Prevent northbound migrants from passing through Mexico

- Started with Obama’s administration
- More Mexican police at southern borders with Guatemala

“Safe Third Country” agreements

- Guatemala, Honduras, El Salvador
- 536 Hondurans/Salvadorans have been sent to Guatemala

Inhumane Treatment as Deterrence

Continued separation of children from adults

- No records matching parents in ICE custody with children in HHS, ORR

“La hielera” – the icebox – BP station (1st stop)

Conditions faced by families, adults, and unaccompanied minors

- Overcrowding - Sleeping on floors, little food, infrequent showers
- Lack of medical attention
- Demeaning language by Border Patrol

22 deaths of detainees

Yuma – Regional Detention Center for families (strategy document)

S. Miller email “create multiple unsolvable dilemmas to impact their (migrants) calculus for choosing to make the journey to begin with”

Revisions to the Asylum Process

- AG Sessions (5/18)
 - Gang/domestic violence does not qualify for asylum
- Credible Fear Interviews by CBP
 - Asylum Officers (85-90% pass rate) CBP (47% pass rate)
 - Higher thresholds for approvals
- Remain in Mexico Policy – after credible fear interviews
 - Supervisors overturn many requests for asylum seekers to remain in the U.S.
 - 60,000+ asylum seekers are now waiting in northern Mexico for hearing
- Asylum Transit Ban (7.16.19) – no asylum unless rejected elsewhere
- PACR and HARP Pilot Programs - <10 days CBP asylum, inc. judges
- Tent courts in Texas – judges and translators by video

United States 2020 Budget

\$1.375 Billion - border wall (\$5 B requested by Trump)

Increase in BP and ICE funds – personnel, equipment

Increased funding for DHS Inspector General's office

Create an Ombudsman for BP and ICE

No limit on transfer of funds from other departments to DHS

No blocking of Defense \$ transferred to build the border wall

NOTE: \$7.2B (2019 and 2020) expected from Defense for Border Wall

NOTE: US Border Patrol training BP in 70 countries

SUMMARY

- 1. Increased prevention of north-bound migration**
 - since 1990's - walls, personnel, technology
- 2. Narrowing/Complicating Path for Asylum**
- 3. U.S. government is acting Illegally**
 - breaking US laws (due process, asylum laws)
 - not adhering to international asylum treaties
- 3. U.S. government is acting inhumanely**
 - U.S. is causing chaos intentionally
 - family separation, uncertainty, poor treatment

Resources

Deserted (Big Story) – video – America.cgtn.com

“Trump Wall – All you need to know about the US border in 7 Charts” (BBC)

Fact Sheet: Nat’l Imm. Forum : Border Security Along the Southwest Border

This American Life “The Out Crowd” – NPR Podcast - 1.29.20

Empire of Borders by Todd Miller (2019)

“Homeland Security Goes Abroad – Not Everyone is Grateful” NYT 12.26.17

Video: “Harvest of Empire” – US involvement in other countries

YouTube.com “US Immigration – The Basics” (53 minutes)