

Beyond the Border Buildup

Security and Migrants Along the U.S.-Mexico Border

by Adam Isacson and Maureen Meyer

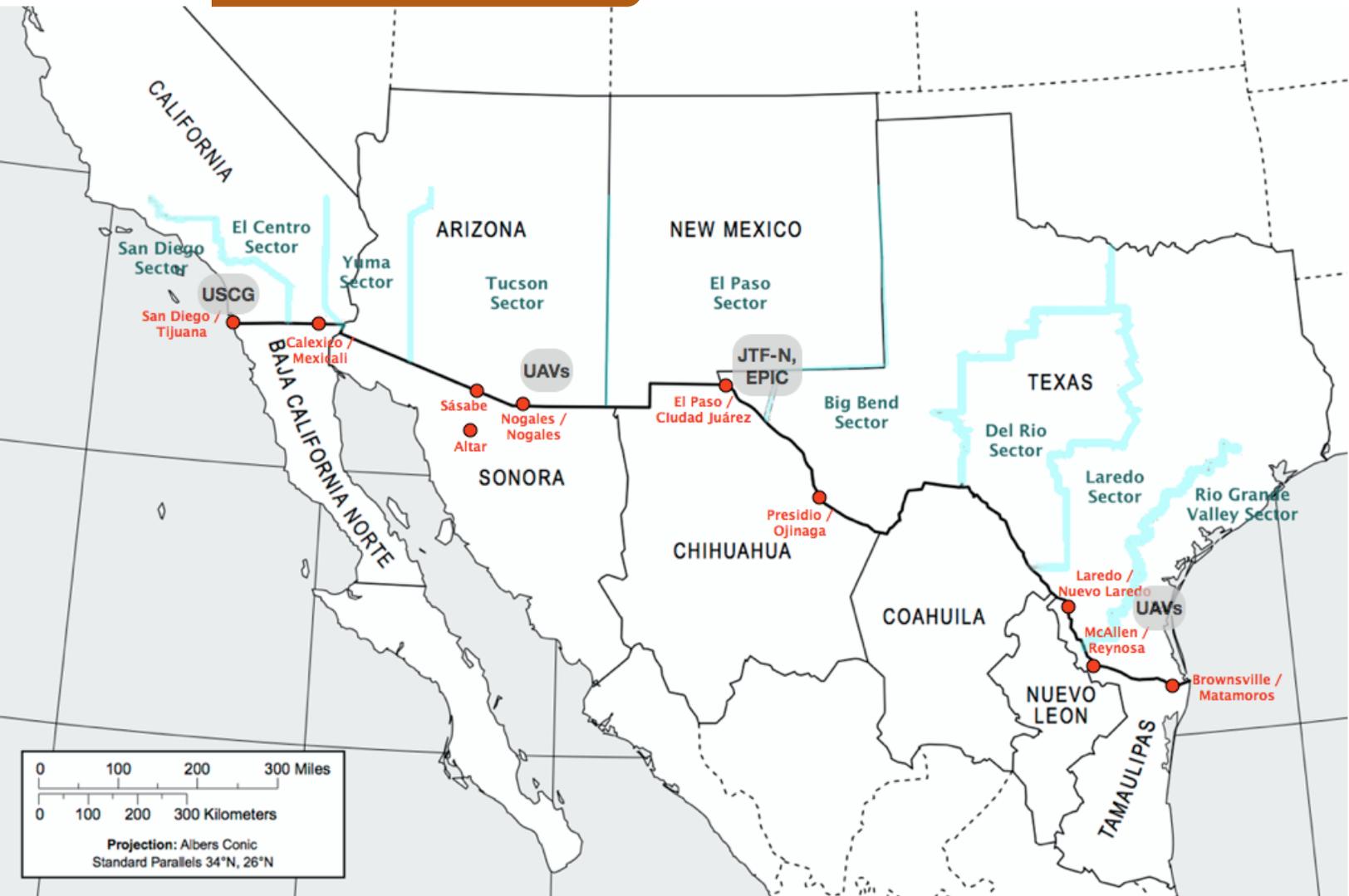
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U.S.-MEXICO BORDER MAP



Underlying Map Source: Department of Geography, Arizona State University

Frequently Used Acronyms

- ATEP:** U.S. Alien Transfer Removal Program.
- ATF:** U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (under DOJ).
- BEST:** U.S. Border Enforcement Security Task Forces (under ICE, which is under DHS).
- BORFIC:** U.S. Border Field Intelligence Center (under Border Patrol, which is under CBP, which is under DHS).
- BORSTAR:** U.S. Border Patrol Search, Trauma, and Rescue Unit (under Border Patrol, which is under CBP, which is under DHS).
- BSOC:** Texas state Border Security Operations Center (under DPS).
- BVIC:** U.S. Border Violence Intelligence Cell (under ICE, which is under DHS).
- CBP:** U.S. Customs and Border Protection (under DHS).
- CNDH:** Mexican National Human Rights Commission (ombudsman).
- COLEF:** College of the Northern Border, one of two non-governmental authors of this report.
- CISEN:** Mexican Center for Investigation and National Security (intelligence agency).
- CRS:** U.S. Congressional Research Service (under U.S. Congress).
- DEA:** U.S. Drug Enforcement Administration (under DOJ).
- DHS:** U.S. Department of Homeland Security.
- DOD:** U.S. Department of Defense.
- DOJ:** U.S. Department of Justice.
- DPS:** Texas Department of Public Safety.
- EIT:** U.S. National Guard Entry Identification Team.
- EMIF:** Northern Border International Migration Survey (carried out by COLEF).
- EPIC:** U.S. El Paso Intelligence Center (under DEA, which is under DOJ).
- FBI:** U.S. Federal Bureau of Investigation (under DOJ).
- FIG:** U.S. Field Intelligence Group (under FBI and HSI).
- FP:** Mexican Federal Police (under SSP).
- GAO:** U.S. Government Accountability Office (under U.S. Congress).
- Grupo Beta:** Mexican search-and-rescue units (under INM, which is under SEGOB).
- HSI:** U.S. Homeland Security Investigations Directorate (under DHS).
- IBIP:** U.S. Integrated Border Intelligence Program (under DHS Intelligence and Analysis).
- ICE:** U.S. Immigration and Customs Enforcement (under DHS).
- INM:** Mexican National Migration Institute (under SEGOB).
- ISR:** Intelligence, Surveillance, and Reconnaissance.
- JTF-N:** U.S. Joint Task Force North (under Northcom, which is under DOD).
- MIRP:** Binational Mexican Interior Repatriation Program.
- MTT:** Mobile Training Team.
- NIIE:** Non-intrusive inspection equipment.
- Northcom:** U.S. Northern Command (under DOD).
- NTC:** U.S. National Targeting Center (under OFO, which is under CBP, which is under DHS).
- OAM:** U.S. Office of Air and Marine (under CBP, which is under DHS).
- OASISS:** Binational Operation Against Smugglers Initiative on Safety and Security.
- OFO:** U.S. Office of Field Operations (under CBP, which is under DHS).
- OIIL:** U.S. Office of Intelligence and Investigative Liaison (under CBP, which is under DHS).

ONDCP: U.S. White House Office of National Drug Control Policy.

OPI: Mexican Child Protection Officer.

PGR: Mexican Attorney-General's Office.

SEDENA: Mexican Ministry of National Defense (Army and Air Force).

SEGOB: Mexican Ministry of Interior.

SEMAR: Mexican Ministry of the Navy.

SRE: Mexican Ministry of Foreign Relations.

SSP: Mexican Ministry of Public Security.

UAS: Unmanned aerial system (often called a "drone").

USAID: U.S. Agency for International Development.

USCG: U.S. Coast Guard (under DHS).

WOLA: Washington Office on Latin America, one of two non-governmental authors of this report.

Introduction

Once relatively quiet and neglected, the U.S.-Mexico border zone is a very different place than it was twenty years ago, or even ten years ago. Today, border communities are separated by both security measures and security conditions. South of the borderline, a spiral of organized crime has made Mexico's northern states one of the world's most violent regions. North of the borderline, a "war on drugs," a "war on terror," and rising anti-immigrant sentiment have encouraged a flurry of fence-building and a multiplied presence of guards, spies, and soldiers. Together, both sides comprise one of the world's principal corridors for the transshipment of illegal drugs and weapons.

The population most affected by this sharp change in threats, vigilance, and attitudes is the hundreds of thousands of undocumented people who seek every year to migrate into the United States. Some come because of the promise of economic opportunity, or the lack of it in their countries of origin, mostly Mexico and Central America. Some come to escape violence or poor governance. A growing proportion comes to be reunited with loved ones already in the United States.

The number of migrants is less than it used to be, for reasons that this report will explore. But after the changes of the past several years, migrants face a much greater risk of being kidnapped and extorted by criminals and corrupt officials in Mexico; finding themselves mired in the U.S. criminal justice system; or even dying in a desert wilderness.

This report is the product of a yearlong study of border security policy and its impact on the migrant population. On the U.S. side, we visited three border regions and carried out extensive research in Washington. In Mexico, we conducted surveys of migrants and met with Mexican officials, representatives of civil society, and migrant shelters.

We found a sharp disconnect between the border zone and Washington (as well as border-state capitals) regarding security conditions at the border, the notion of "spillover" violence, and the need to continue ratcheting up the security presence. We found that the upsurge in violence on the Mexican side of the border, while horrific, has had surprisingly little impact on citizens' security on the U.S. side. We found that the United States, particularly in the post-September 11 period, has thrown together a confusing edifice of overlapping, poorly coordinated security, law

enforcement, military, and intelligence agencies. This includes a troubling, though for now circumscribed, domestic role for the U.S. military.

In Mexico, we found a government border security policy increasingly directed at reducing the openness of its borders and impeding the entry of individuals who are involved in organized criminal activities. However, we found no comprehensive strategy designed to address undocumented migration.

With migration declining amid increased "securitization," we determined that any additional spending on border security is unnecessary, as it would yield diminishing returns. We also found that the U.S. security buildup does not get all the credit for the drop in migrants. Just as important in dissuading would-be migrants are the lack of employment prospects in a crisis-ridden U.S. economy, and the dangerous gauntlet of criminal organizations, kidnappers, and corrupt officials through which they must pass on the Mexican side of the border. Meanwhile, though migrant apprehensions have dropped, drug seizures are up, indicating that increased border security is not dissuading traffickers.

Between the two countries, security cooperation has become the central theme in the bi-national agenda, while migration reform and economic issues have been put on the back burner. Our research found that U.S. and Mexican governments' border security policies are not well coordinated and do little to alleviate the humanitarian crisis that migrants face. In fact, some policies are specifically worsening this crisis, pushing migrants into dangerous terrain, abusive situations, unsafe cities, and even into the hands of organized crime.

Instead of a series of disconnected efforts with grave consequences for migrants, our countries need a border security policy that strengthens legality and makes us safer while reducing human suffering. This in turn requires that our governments allocate resources, and measure progress, according to a realistic assessment of potential security threats. This report seeks to offer such an assessment and to recommend some urgently needed changes.

Instead of continuing to ratchet up the security presence and increase budgets, it is time to look more closely at what is working and how to coordinate disparate efforts. This means rationalizing intelligence and paying more attention to ports of entry. It means increasing accountability for corruption and human rights abuses, be they allegations of Mexican forces'

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complicity with criminal groups, or allegations of cruel treatment by Border Patrol personnel. It means reevaluating deportation policies that separate families and place migrants in physical danger. And it means acting aggressively to prevent the needless deaths, by dehydration, exposure, or drowning, of hundreds of people in U.S. territory.

Ultimately, what is lacking is a clear, government-wide border security strategy for the United States that can guide cooperation, intelligence-sharing, accountability, and humanitarian guidelines. This strategy would ideally be bi-national and coordinated with a comprehensive Mexican border security policy, but even if not, it would fill a gaping vacuum left by today's fragmented approach that, though designed to detect terrorists and drug traffickers, mostly ends up targeting people who want a better life. The Washington Office on Latin America (WOLA) and the College of the Northern Border (*Colegio de la Frontera Norte*, COLEF) hope that this report can increase

momentum, in both of our countries' capitals, toward the adoption of such a humane, cost-effective, and ultimately more successful strategy.

The New Border Context

When U.S. political leaders and opinion makers call for more actions to secure the border with Mexico, the threats they cite most frequently are terrorism, drug trafficking, violent organized crime, and uncontrolled migration. This study does not explore the motives behind these positions, which range from concern about national security to pandering to voters' fears of a foreign "other." Of greater interest is the degree to which these threats are actually manifesting themselves, and whether they should be considered "threats" at all.

TERRORISM

The first threat, the possibility that members of a foreign terrorist organization might attempt to cross

U.S. BORDER HAWKS WARN OF A SECURITY CRISIS

- "Americans living anywhere, but especially along the border, must feel safe and secure in their homes and on their property. They cannot while close to a million illegal border crossers, many with criminal records, enter through the southwest each year."

—Sen. John McCain (R-Arizona), April 2011¹
- "Mexico is in danger of becoming a failed state controlled by criminals. If this happens, Mexico could become a safe haven for terrorists who we know are attempting to enter the United States through our porous border."

—Rep. Michael McCaul (R-Texas), chairman of the House Homeland Security Subcommittee on Oversight, Investigations and Management, March 2011²
- "The bottom line is we do need our border secured because we understand that Mexico is in terrible unrest and they're—that the whole state of Mexico is being controlled by drug cartels and all of that crime is coming across our border and Arizona is the gateway."

—Arizona Governor Jan Brewer, February 2012³
- "Americans should be offended that statistics are being used to diminish the crimes committed against their fellow citizens by narco-terrorists.... The bottom line is our border is not secure. What we have are transnational criminal organizations basing their operations in a foreign country and deploying military-type incursions on American soil. And our President indicates this is okay by saying we are more secure today?"

—Texas Secretary of Agriculture Todd Staples, November 2011⁴
- "You get a lot more home invasions, a lot of crook on crook crimes, a lot of kidnappings, the cartels coming over here maybe trying to collect money and then retreating back over to Mexico.... Our citizens in our border towns are caught in the crossfire, and I mean that in the most literal sense sometimes."

—Capt. Stacy Holland, Texas Department of Public Safety Aircraft Section, quoted by NBC News, November 2011⁵

the border from Mexico to harm U.S. citizens, leaders, or infrastructure, has underlain a tremendous increase in U.S. border security investment since the September 11, 2001 attacks. Today, “The priority mission of Border Patrol is preventing terrorists and terrorists’ weapons, including weapons of mass destruction, from entering the United States,” reads the first text on the gateway page of the agency’s website.⁶

To date, however, no member of a group on the Department of State’s list of Foreign Terrorist Organizations has been detected attempting to cross the Mexico-U.S. border with intent to do harm. In December 1999, a “millennium” plot to bomb Los Angeles’ international airport was foiled by customs agents who found a bomb in the car of an Algerian citizen seeking to enter the United States from Canada.⁷ In October 2011, the U.S. Department of Justice (DOJ) alleged that Iranian officials sought help from sources whom they thought were members of Mexico’s Zetas criminal organization in a bizarre plot to assassinate Saudi Arabia’s ambassador to the United States.⁸

Neither of these episodes involved the United States’ southwest border with Mexico. The “terrorist crossing the porous border through Mexico” scenario continues to worry U.S. planners, though, because of the serious consequences that even a very unlikely event might have. Opinions differ on whether a putative terrorist would seek to work within existing drug or migrant trafficking networks. Some officials and analysts contend that criminal organizations would gladly assist a terrorist for the right price. Others hold the view that “the first time a terrorist uses a trafficker’s route is the last time that trafficker will ever get to use” that lucrative route, which is a cost too high to bear.⁹

“SPILLOVER” OF VIOLENCE

Debate is more impassioned on a second set of threats, that of organized crime and gang violence “spillover” from Mexico. Mexico has seen organized crime-related violence skyrocket in the past five years with over 50,000 murders since 2007. It is estimated that in 2010 around 50 percent of the organized crime

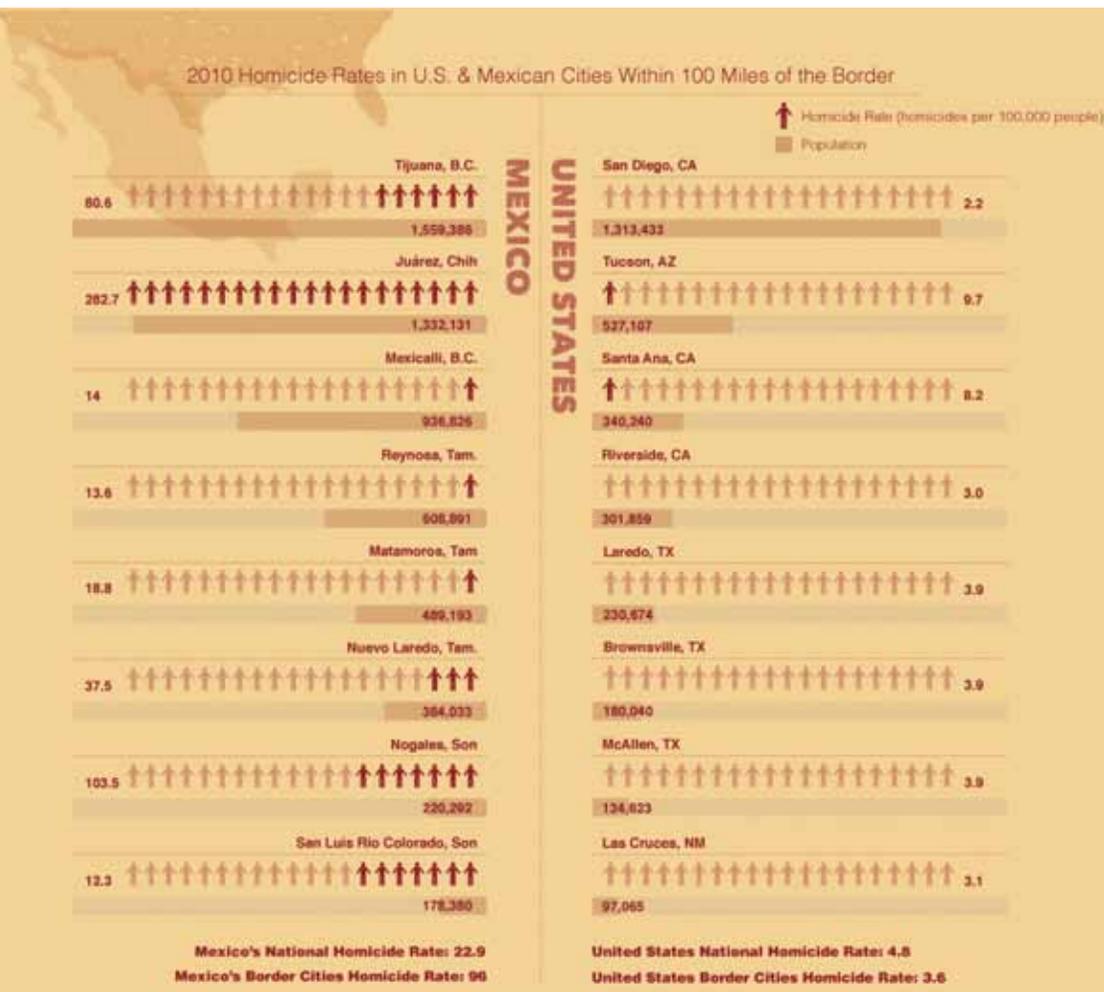
murders were in Mexico’s six states that border the United States; this number dropped to a still-high 44 percent in 2011. An increasing number of the victims are law enforcement personnel, government officials, journalists, reporters, women, and children. According to the University of San Diego’s Trans-Border Institute’s report *Drug Related Violence*: “On average, for every day of 2011, 47 people were killed, three of whom were tortured, one of whom was decapitated, two of whom were women, and ten of whom were young people whose lives were cut short by violence.”¹⁰

While the Mexican government has detained or killed high-profile members of drug-trafficking organizations and seized significant amounts of drugs and guns, the violence continues, as does the flow of drugs to consumers in the United States. These criminal groups have also expanded their activities beyond drug trafficking to include money laundering, human trafficking, kidnapping, extortion, and other illicit activities.

The threat of the horrors in Mexico reaching U.S. soil is a regular theme of speeches and declarations from legislators, governors, and state officials in Texas and Arizona, local political and law-enforcement leaders from counties near—but not on—the U.S.-Mexico border, and some ranchers in remote border zones.

“Conditions within these border communities along both sides of the Texas-Mexico border are tantamount to living in a war zone in which civil authorities, law enforcement agencies as well as citizens are under attack around the clock,” reads a September 2011 report by two retired generals commissioned by the Texas Department of Agriculture.¹¹ This state agency maintains the website www.protectyourtexasborder.com, which includes a section entitled “D.C. Denials.” Twice during his 2010 reelection campaign, Texas Governor Rick Perry claimed that car bombs had been detonated in El Paso.¹² The incident in question actually happened in Ciudad Juárez, Mexico. Some U.S. media coverage, notably television reporting more than print and radio, sensationalizes the border security issue with reporting that cites only officials who warn of “spillover.”*

* Notable here is the coverage of NBC News correspondent Mark Potter with “Along Mexican border, US ranchers say they live in fear,” 25 November 2011 http://www.msnbc.msn.com/id/45440385/ns/nightly_news/t/along-mexican-border-us-ranchers-say-they-live-fear/ and “Patrolling ‘smugglers’ alley’ by air along the Rio Grande,” 29 November 2011 http://daily.foxnews.com/_news/2011/11/29/9090507-patrolling-smugglers-alley-by-air-along-the-rio-grande and Fox News stories with headlines like “Cross-Border Drug Violence Rages as Obama Mulls Pulling Troops” by Patrick Manning, 19 December 2011 <http://latino.foxnews.com/latino/politics/2011/12/19/cross-border-drug-violence-rages-as-obama-mulls-pulling-troops/> or “Embarrassing Attack on Two Generals Reporting on Security Threat at the U.S.-Mexico Border” 17 October 2011 <http://www.foxnews.com/on-air/on-the-record/2011/10/18/embarrassing-attack-two-generals-reporting-security-threat-us-mexico-border>



Information from FBI and Mexico's National Institute of Statistics & Geography (INEGI)

the world (283 homicides per 100,000 people). The four border states themselves are becoming rapidly safer: Federal Bureau of Investigation (FBI) statistics show all violent crime dropping by 11 percent, and homicides dropping by 19 percent, between 2005 and 2010 in Arizona, California, New Mexico, and Texas. And within these states, the border zones are safer still: a 2011 *USA Today* investigation found that within 50 miles of the border, homicide and robbery rates were lower than states' averages.¹⁴ An *Austin American-Statesman* analysis found violent crime down overall from 2006 to 2010 in Texas's 14 border counties, though some counties registered an increase.¹⁵

In all border cities, politicians, law enforcement officials, business leaders, and civic leaders stress

“You know, they said we needed to triple the Border Patrol. Or now they’re going to say we need to quadruple the Border Patrol,” President Barack Obama said of his border security critics during a May 2011 visit to El Paso. “Or they’ll want a higher fence. Maybe they’ll need a moat. Maybe they want alligators in the moat. They’ll never be satisfied. And I understand that. That’s politics.”¹³

In fact, the U.S. side of the border displays a marked *lack* of spillover violence from Mexico. Even as Mexican border states and municipalities exhibit some of the world’s highest homicide and violent-crime rates, most U.S. jurisdictions directly across the border are experiencing fifty-year lows. In 2010, El Paso, Texas had the lowest homicide rate (0.8 homicides per 100,000 people) of all U.S. cities over 500,000 population. That same year Ciudad Juárez, just across the Rio Grande, likely had the highest homicide rate in

the lack of spillover violence. Some voice resentment at officials in Washington and state capitals whose alarmist rhetoric about security, they fear, is discouraging tourism and investment. Many view this rhetoric either as an attempt to attract federal funding through scare tactics, or a line of Republican political attack against the Democratic White House. Those who claim violence is spilling over “ought to stop,” El Paso’s congressman, Democrat Silvestre Reyes, told a local reporter. “They don’t live in our border communities. They certainly don’t represent us and they ought to stay the hell out if they’re going to misrepresent what’s going on along the border.”¹⁶

While these local officials are largely correct about the lack of spillover, troubling examples exist. Ranchers in remote border areas, a small but vocal population, do feel less safe. They voice concern that the individuals crossing through their lands today are

more menacing than the economic migrants of prior years. The unsolved 2010 murder of Arizona rancher Robert Krentz, whose last communication indicated he was going to aid a migrant on his land, lent political momentum to passage of that state's controversial SB1070 immigration law.

Arizona also witnessed the December 2010 killing of Border Patrol Agent Brian Terry in a shootout north of Nogales with Mexican citizens who were in the United States illegally. In El Paso, stray bullets fired from Juárez have bypassed the border fence and struck university buildings, a window in City Hall, and, in February 2012, a woman's leg. In areas of East Texas across from Mexico's state of Tamaulipas, fighting and trafficking involving the Zetas and Gulf cartels appear to underlie several high-profile incidents, including arrests of cartel operatives on the U.S. side of the border, the October 2011 wounding of a U.S. sheriff's deputy in Hidalgo County, and the September 2010 murder of a boater on Falcon Lake, which straddles the border south of Laredo. However, violent crime in east Texas border cities like Laredo, McAllen, and Brownsville, and their surrounding counties, is down overall since 2006.¹⁷

Beyond homicide, Mexican organized crime groups hold kidnapped migrants and smuggled drugs in safe houses throughout the border region. As the victims do not denounce the crime for fear of deportation, the extent of migrant abductions on the U.S. side of the border is unknown. Still, the *USA Today* investigation revealed a decline in kidnapping cases investigated by the FBI: "The bureau's Southwestern offices identified 62 cartel-related kidnapping cases on U.S. soil that involved cartels or illegal immigrants in 2009. That fell to 25 in 2010 and 10 so far in [July] 2011."¹⁸

While troubling, these examples barely compare to the magnitude of the violence on the Mexican side of the border. A general consensus in border communities maintains that very little of this violence makes its way northward, and that claims of "spillover violence" are exaggerated.

DRUGS

What does spill over, however, are illegal drugs. Even as homicide and other violent crime rates plummet on the U.S. side of the border, U.S. authorities are seizing greater amounts of drugs. Between 2005 and 2010, southwest border seizures of marijuana increased by 49 percent, methamphetamine by 54 percent, heroin

by 297 percent, and MDMA (ecstasy) by 839 percent. (The only drug that has seen fewer seizures—21 percent less—is cocaine, which is not produced in Mexico.)

During the same 2005-2010 period, the FBI data noted above show border states' violent crime rates down by double-digit percentages, and apprehensions of migrants dropping by 61 percent. This would indicate that the factors deterring migrants from attempting to cross the border are *not* deterring traffickers of illegal drugs, whose efforts continue apace.

Most drugs, U.S. federal, state, and local officials agreed, aren't transported through the wilderness. Instead, a majority passes through 45 official land ports of entry, through which tens of thousands of cars, trucks, and trains cross each day. Some vehicles' drivers are working directly for organized crime, their crossings coordinated by cartel spotters monitoring conditions at the ports of entry.

Some, though, are law-abiding citizens utilized as "blind mules."¹⁹ Particularly in El Paso, citizens cited several cases of cross-border "commuters" who hold special trusted-visitor visas, whose regularity of travel gained the notice of trafficking organizations. In some cases, drugs are placed in trunks of cars without the drivers' knowledge. In others, commuters are approached by cartels and threatened if they do not agree to smuggle shipments. Because the victims are afraid to go to authorities, it is unclear how common this practice is.

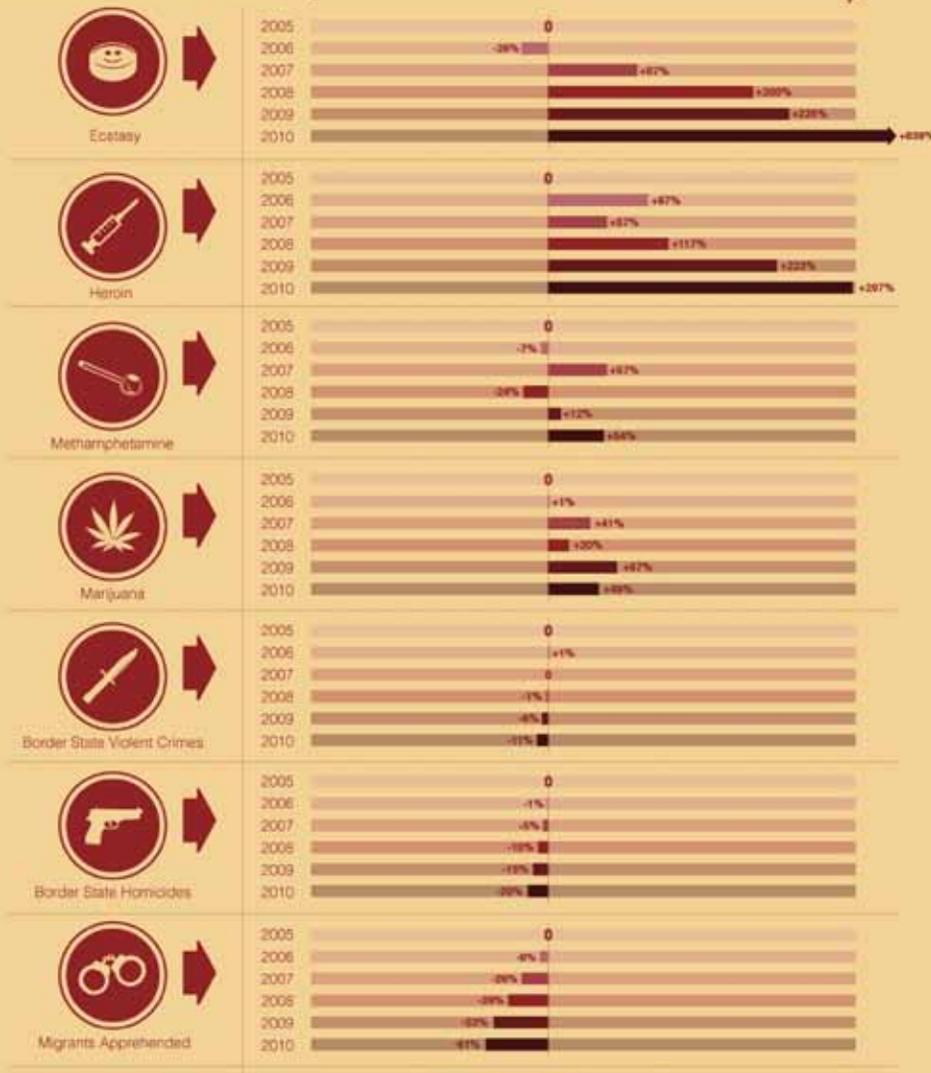
A smaller but still important amount of drugs crosses the border in the vast spaces of dry scrubland and desert between ports of entry. Analysts and officials interviewed in El Paso, Tucson, and San Diego agreed that, to varying degrees and on an occasional basis, drug organizations force would-be migrants—especially those unable to pay exorbitant border-crossing fees—to carry drug shipments across the border. The extent of this practice is impossible to determine, though, and one El Paso law enforcement official voiced skepticism that drug organizations would entrust an unknown migrant with thousands of dollars' worth of product.

As border control efforts have been stepped up in the United States and Mexico, criminal groups are increasingly using tunnels dug under the border for the transshipment of drugs (although they can also be used to transport other illicit goods and migrants).²⁰ These discoveries often make headlines in national media due to their sophistication, with ventilation

Drug Seizures Are Rising, Even as Migrant Apprehensions Are Plummeting

Increased Border Security Isn't Deterring or Dissuading Traffickers

* Using 2005 as a base year, showing subsequent years' rates of change over 2005 levels.



Sources: National Drug Intelligence Center, Customs & Border Protection

systems, electrical wiring, and other amenities. Tunnels are most common along the border with Tijuana, where soil is clay-like and warehouses and other structures are located very close to the fence, and in Nogales Arizona-Sonora, which shares a common storm drainage system.²¹ Tunnels are very rare in El Paso, largely because of the difficulty of tunneling under the Rio Grande. Immigration and Customs Enforcement (ICE) agents nonetheless discovered a 130-foot tunnel in El Paso, running two feet below the concrete riverbed, in June 2010.²²

In Arizona and southwest New Mexico, U.S. authorities have detected a recent increase in a

new way of carrying drug shipments: short over-the-border flights in “ultralight” aircraft, which are basically hang gliders with an engine. A 2010 Department of Defense (DOD)-led effort to monitor ultralight smugglers detected 38 of them in southwest New Mexico in a 3-month period. Most were believed to be carrying marijuana.

The ports of entry are also used heavily for southbound smuggling from the United States into Mexico. Of the estimated US\$18 billion to US\$39 billion that drug trafficking organizations launder each year, an important portion gets brought into Mexico in vehicles, as bulk cash.²³ Meanwhile, loose reporting and minimal background-check requirements at Arizona, New Mexico, and Texas gun shops, and especially at gun shows, have made ports of entry important corridors for smuggling assault weapons and

other firearms to Mexican criminal organizations. Still, U.S. law enforcement’s southbound inspections are sporadic. When they do occur, officials and businesses in El Paso and other cities located directly on the border complain about resulting traffic jams. (Southbound inspections on the Mexican side of the border, too, are quite rare.)

Drug trafficking, and the competition usually associated with it, becomes remarkably less violent once the product crosses the border into the United States. As noted, despite an apparently robust flow of drugs, cities along major trafficking corridors, like Laredo, El Paso, Nogales, and San Diego, are enjoying

decades-low violent crime rates. While drugs are “spilling over,” violence is not.

The main reason appears to be deliberate self-restraint on the part of traffickers. Several U.S. officials interviewed coincided in a belief that trafficking groups have gotten the message that in the charged post-September 11 border security climate, any outbreak of violence on the U.S. side might trigger a response that could hit them hard

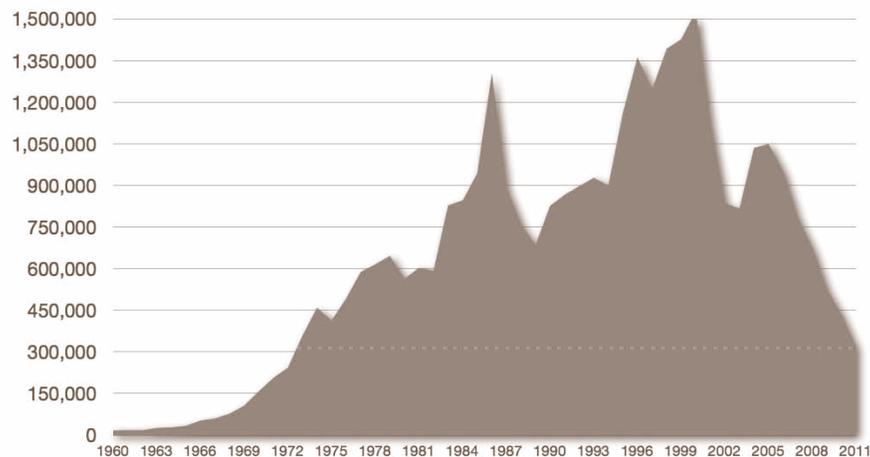
economically. Rep. Reyes, a former Border Patrol sector chief, told the *El Paso Times*, “Mexican drug cartels know better than to let violence spill over into U.S. border cities because they do not want to draw the ire of the federal government.”²⁴ Speaking at an October 2011 event at the University of Texas at El Paso, County Sheriff Richard Wiles recalled that after the September 11 attacks, a several-day closure of all border ports of entry “cost the cartels millions of dollars.” Wiles explained that the criminal groups do not want to create any situation in El Paso that might provoke a renewed closure.²⁵

The curious result is that the same illegal trade that underlies much violence on the Mexican side of the border may be actively holding down violence on the U.S. side.

CHANGES IN MIGRANT FLOWS, ROUTES, AND CROSSING METHODS

Regardless of the justification of the security buildup on the U.S. border or of the Mexican government’s security policies to combat organized crime, the migrant population seeking to enter the United States is deeply affected by the changing dynamics at the border. As will be discussed below, border security policies influence migrants’ decision about where and how to cross and what the cost of that crossing will be.

Southwest border migrant apprehensions have dropped to early 1970s levels



Source: U.S. Border Patrol.

Why Is Migration Decreasing?

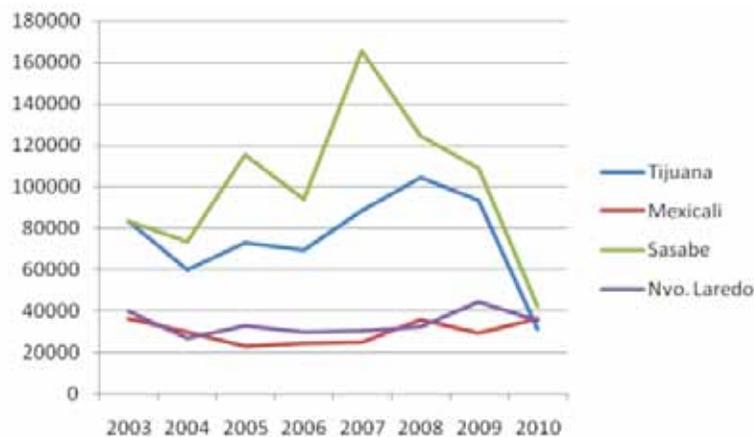
U.S. authorities have registered a remarkable 61 percent drop in apprehensions of migrants at the southwest border between 2005 and 2011. This would suggest that the number of people seeking to migrate has also dropped sharply, though the true percentage is of course unknowable.

While it is impossible to weigh their respective impacts, we believe that three main factors have contributed to the decrease in the flow of undocumented people north: the economic crisis in the United States; the increase in the levels of insecurity in Mexico; and prevention through use of a deterrence strategy in the United States. According to the Northern Border International Migration Survey (*Encuesta sobre Migración en la Frontera Norte de México*, EMIF North) carried out annually by COLEF, the flow of Mexican migrants north began to drop in 2008, when the economic crisis exploded. The U.S. economy entered into a profound crisis that year, first affecting the real estate market and then the construction industry. Migration flows began declining that year, with the EMIF reporting that the number of people crossing the border north annually fell from 841,000 in 2007 to 492,000 in 2010.²⁶

Between 2008 and 2010, total migrant removals increased at a rapid pace, reaching 1,142,201 during

The same illegal trade that underlies much violence on the Mexican side of the border may be actively holding down violence on the U.S. side.

Mexican migrants returned by U.S. authorities to the four main Mexican crossing cities, 2003–2010



Source: Estimates based on COLEF, Conapo, STPS, INM, and SRE, *Encuesta sobre Migración en la Frontera Norte de México*, 2003–2010.

the three-year period.²⁷ This mass deportation policy has led to a change in the profile of undocumented migrants. Nearly half of the people who have attempted to cross the border into the United States have already lived in the country at some point and have families and friends in the United States.²⁸ Among those deported, the vast majority employ desperate measures to return to the United States to rejoin their families. Human Rights Watch reported that from 1997 to 2007, more than 1 million people were separated from spouses, children, or parents as a result of deportation.²⁹ According to these calculations, 44 percent of people who have been deported have at least one child or a spouse with U.S. citizenship or permission to legally reside in the country. In early April 2012, ICE released statistics on deportees from the first six months of 2011 that show that 22 percent of all of the deportees during that time period—46,486—have children that were born in the United States.³⁰

Regarding insecurity, the worst period of violence in Mexico, particularly on the northern border, began in 2007 and continued throughout 2011. The flow of undocumented migrants from Central America

began to drop in 2006. It declined nearly 70 percent between 2005, when it reached 433,000, and 2010, when it fell to 140,000.³¹ While more analysis is required, it is likely that the decline in Central American migration was influenced by rising insecurity in Mexico—particularly in the northeast of the country and in the eastern transit corridor—as well as by the decline in employment opportunities in the United States resulting from the economic crisis.

Where Are Migrants Crossing?

The Tijuana-San Diego route was the most active border crossing for undocumented migrants until the 1990s, followed by the Ciudad Juárez-El Paso crossing. These two zones were displaced to second and third place by Operation Blockade in El Paso in 1993 and Operation Gatekeeper in San Diego in 1994—both designed to increase the presence of agents and technology in high traffic areas to increase the probability of apprehension and thus deter migrants from crossing—and flows instead accelerated at the Sonora-Arizona crossing. Between 2003 and 2007, the number of undocumented migrants increased rapidly in Sásabe, Arizona. By 2007, migratory flows using the routes through Tijuana and Sásabe began to decline, while they increased in Mexicali and Nuevo Laredo.

U.S. immigration policies and border controls have played a large role in determining the routes and methods used to cross the border. With migration flows increasing until 2007, the deterrence strategy appeared to have failed. While the probability that an undocumented migrant was apprehended when crossing the border in the 1980s was between 22 and 26 percent, it dropped to 10 percent during the 1990s.³²

In August 2011, during a visit to a border crossing in Mexicali, we spoke with Benito, a 42-year-old undocumented migrant whose 19-year-old son had recently died in the southeastern California desert. They began their border crossing in La Rumorosa, following a guide (*coyote*) who was recommended by one of Benito's cousins and several nieces. They had all crossed the border six years earlier with the help of this *coyote* and made it to the United States without problems. This time, however,

the *coyote* got lost in the desert and five of the eight members in the group were left behind because of exhaustion or dehydration. After one day in the mountains and three days in the desert, Benito's son grew dizzy and exhausted, and could no longer continue. The *coyote* abandoned the father and son in the desert. Benito, desperate to help his son, went in search of Border Patrol. After hours of searching for his son, they finally found him dead in the sand.

While migration and border control policies affect the flow of undocumented migrants, the search for new routes responds to another important factor: the perception of insecurity and risk in certain regions. The increase in flows through Sásabe from the end of the 1990s to 2007, for example, was due to intense patrolling in the western regions of the border. After 2007, flows in this region began decreasing considerably not only because of the criminalization of undocumented migrants in Arizona, but because of increased insecurity in the area around the key crossroads town of Altar, Sonora.

Just as routes change, so do the strategies migrants adopt to enter the United States. According to interviews with members of civil society groups and migrants, the most common way of crossing the border from Tijuana is at the port of entry. This is the world's busiest border crossing, with nearly 50,000 vehicles passing through each day.³³ The amount of traffic raises the probability of getting across the border hidden in a vehicle or using another person's visa.

According to a bibliographic review and interviews with the Grupo Beta of Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM), since the border wall was built, the maritime route has gained popularity as a border-crossing method. Boats leave the beaches of Rosarito, south of Tijuana, and set out to sea toward California. Authorities reported that 866 people were detained at sea heading to California in fiscal year 2010. According to Derek Benner, a special investigative agent with the Department of Homeland Security (DHS) in San Diego, traffickers began using small fishermen's boats (*pangas*) to transport undocumented migrants to southern California. Hundreds of these small boats have been found

abandoned along the California coast or have been intercepted while trying to reach the shore with either undocumented migrants or drugs.³⁴ Undocumented migrants who drown trying to reach the shore are also reported each year. In November 2011, the Mexican Navy rescued 16 people on the coast of Rosarito after the boat ferrying them to the United States sank.³⁵

The Tijuana-San Diego route has been on the wane since 1994, and flows within this sector moved to the east, in a line stretching 75 miles east of Tijuana, near Tecate, Baja California Norte, to the west of Mexicali. It is a rugged, mountainous zone, particularly in the area of La Rumorosa. Once across, the undocumented migrants find themselves in the Colorado Desert of southeastern California. According to Border Patrol, between 30 and 40 deaths are recorded there each year, primarily due to dehydration.³⁶

Another desert area that has taken the lives of hundreds of migrants is the route from Sásabe, Arizona. This route replaced Tijuana starting in 2000 and became one of the principal routes for undocumented migrants; nearly one out of every five people that crossed between 2005 and 2007 did so in this zone. The route starts in Altar, Sonora, located around 62 miles from the border. It crosses into the United States in Arizona on territory of the Tohono O'odham indigenous nation, which straddles the international border. This is one of the most dangerous desert regions not only because of high temperatures (particularly during the summer months), but also because of the presence of criminal gangs and drug traffickers.

Finally, nearly one-fourth of Mexican migrants are crossing on the eastern flank of the border, entering from Coahuila and Tamaulipas into Texas by crossing the Rio Grande.

Currently, the areas where undocumented migrants are crossing into the United States depend in large measure on the cities where repatriation is occurring. There are 20 repatriation points for Mexicans along the northern border, and one at the international airport in Mexico City. 98 percent of Mexicans repatriated by U.S. authorities are sent to cities on the northern border. U.S. authorities regularly modify the location of repatriation sites. Until 2007, for example, nearly one-third of Mexicans deported home were sent to Ciudad Juárez.³⁷ The number of repatriations has been diminishing since then, with close to 45,000 in 2009, around 13,000 in 2010, and less than 10,000 in 2011.³⁷ The level of insecurity in Juárez, considered one of the most dangerous cities in the world, has also led to a drop in the number of crossings. Added to this is the construction of the wall between Juárez and El Paso and the increase in the number of Border Patrol agents in the zone. Currently, less than 2 percent of Mexicans repatriated by U.S. authorities claim to have tried to enter through Ciudad Juárez.³⁸

In Tamaulipas, where a similarly serious security risk for migrants exists, the opposite has occurred. There has been a rapid increase in repatriation in both relative and absolute terms, rising from 4.8 percent of all repatriations in 2006 to 30.8 percent in 2011.³⁹ This increase in repatriations is an important reason why migration along the eastern edge of the border, particularly toward southern Texas, has increased.

While Mexicans continue to cross through Tamaulipas, there has been a considerable drop in the number of Central Americans crossing into the United States through this region. Rev. Gianantonio Baggio, of the Nazareth House for Migrants in Nuevo Laredo, Tamaulipas, explained:

Until 2007, the border in Nuevo Laredo was one of the easiest points to cross for undocumented migrants. Many crossed without the help of *coyotes* and the route to cities like San Antonio or Houston is not as dangerous as the desert in New Mexico, Arizona, or California. This was the preferred crossing point for Central Americans, especially Hondurans. The Nazareth House received a large number of migrants in the first few years (2004-2008), with around 10,000 per year stopping in on their way north. The situation and the numbers changed radically in 2009-2011. The numbers fell, dropping below 6,000 people in 2010, and half of these were undocumented migrants who had been

deported. Regarding their country of origin, in 2007 the vast majority were Central Americans, mainly Hondurans, but in 2009 there were more Mexicans than Hondurans, and in 2010 Mexicans were the majority.⁴⁰

Another policy that has contributed to a change in routes is the so-called “lateral repatriation.” As part of the deterrence strategy to keep undocumented migrants from trying to cross into the United States again, U.S. authorities repatriate them to border cities far from where they were apprehended. This practice, a principal element of the U.S. government’s “Consequence Delivery” system, is discussed in the “Migrants and the New Border Context” section below.

Use of Smugglers

One significant impact of the border security buildup has been the increase in fees that smugglers charge to cross migrants into the United States. Research presented in a working paper of the DHS Office of Immigration Statistics states that the results of its analysis “suggest that during 2006-2008, the increase in enforcement on the Southwest border accounted for all of the increase in smuggling costs, and in 2004-2008, about half of the increase in smuggling costs can be attributed to increasing enforcement.”⁴¹ Although the majority of migrants used smugglers as early as the 1970s, this number rose to approximately 90 percent of migrants in the 2005-2007 period. At the same time, the two main U.S. academic research projects on undocumented migrants—the Princeton University Mexican Migration Project and the University of California, San Diego Mexican Migration Field Research Program—both show a marked increase in fees paid to smugglers. Adjusting fees for inflation and reported in 2010 dollars, they rose from between US\$750 and US\$1000 in the early 1980s to between US\$2,400 and US\$2,700 in 2005-2006; the amount does not appear to have increased significantly in recent years.⁴²

What is less clear about migrants’ increased reliance on smugglers is the relationship that exists between drug traffickers and human smugglers, and whether smugglers have become more violent and more prone to abandon migrants along the journey. A 2006 report from the U.S. House Homeland Security Committee affirmed, “human smugglers coordinate with the drug cartels, paying a fee to use the cartels’

³⁷ In this case, we use the word “deported,” given that a large majority of the migrants returned to Ciudad Juárez came from detention centers in the United States.

All illicit flows of goods and people, including migrants, end up classified as potential threats to U.S. national security.

safe smuggling routes into the United States. There are also indications the cartels may be moving to diversify their criminal enterprises to include the increasingly lucrative human smuggling trade.”⁴³

Throughout our field research we inquired about the nature of human smugglers and were given a variety of answers in different sectors of the border. In San Diego and Tijuana we heard that although smugglers had to pay fees to drug-trafficking organizations, some smugglers were still operating independently from any organized criminal group. In the Tucson-Nogales sector, the primary answer was that nothing crossed the border that was not under the control of the Sinaloa cartel. This contrasts with a 2011 study by Gabriela Sanchez from the National Consortium for the Study of Terrorism and Responses to Terrorism, *The Social Organization of Human Smuggling Groups in the Southwest*. Based on interviews with 66 convicted human smugglers in Phoenix, Arizona, Sanchez found no evidence of collaboration between smugglers and criminal groups involved in non-smuggling activities, and only two references to organized crime in interviews with the sample population.⁴⁴

Even without a definitive answer regarding the extent of the intersection between human smugglers and drug traffickers, existing research suggests that migrants crossing the border are increasingly in contact with drug traffickers. In the Sonora-Arizona region, University of Arizona researchers Jeremy Slack and Scott Whiteford have shown a high level of collaboration between human smuggling and drug networks, and their research suggests the likelihood that thieves act in collusion with some of the *coyotes* in the region. Based on 71 in-depth interviews with repatriated migrants, Slack and Whiteford found that “sixteen had encounters with thieves called *bajadores*, nine reported contact with drug trafficking, seven were kidnapped, and four witnessed the rape of women.”⁴⁵

On our visit to the Tucson sector we heard accounts of weeks in which migrants were not allowed to cross the border because drugs were being crossed, of migrants being sent out in large groups to cross the border to distract Border Patrol so that drugs could subsequently cross; and, as enforcement efforts have

increased, of migrants running into drug traffickers, mostly trafficking marijuana, in remote routes in the Arizona mountains and desert that were once exclusively used by drug traffickers.

At the same time, other accounts from migrants speak of smugglers who leave behind or abandon individuals unable to keep up with the group and who have prevented medical attention from reaching the distressed migrant by either refusing to look for help or by instructing the migrants to wait a period of time before seeking to notify authorities. This is because if the group fails to make it to its destination successfully, the smuggler could lose payment for the entire group.⁴⁶

Border Security Strategies

IN THE UNITED STATES: MULTIPLE PLANS

Although there has been a massive buildup of personnel and infrastructure on the U.S. side of the border, no comprehensive inter-agency or bi-national strategy exists to coordinate efforts to address the illegal flow of goods and people along the United States-Mexico border. Instead, a myriad of strategies and initiatives targets different security concerns and interests. All illicit flows of goods and people, including migrants, end up classified as potential threats to U.S. national security.

A brief overview of the main security strategies along the southern border illustrates the breadth of the buildup in recent years and the language used to justify it. As subsequent sections discuss, in all of these actions, the apprehension of migrants continues to be the main target of enforcement efforts or, at the very least, the most commonly used measurement of “success” in gaining control over the border.

In 2005, DHS announced the “Secure Border Initiative” to “secure U.S. borders and reduce illegal migration.”⁴⁷ As levels of drug-related violence increased in Mexico, this was followed by a major Southwest Border Security Initiative in 2009 to “crack down on Mexican drug cartels through enhanced border security.”⁴⁸ The same day Homeland Security Secretary Janet Napolitano announced this initiative, she also introduced, along with officials from the



El Paso—Ciudad Juárez.

Department of State and DOJ, the “U.S.-Mexico Border Security Policy: A Comprehensive Response and Commitment” to “lay out the Administration’s comprehensive response to the situation along the border with Mexico.”⁴⁹ According to the press release issued by the White House, the policy addresses U.S. cooperation with Mexico through the Mérida Initiative; efforts from the DOJ, DHS, and the Treasury directed at the southwest border; and the need to do more to address demand for drugs in the United States. However, apart from this press release, we have been unable to find additional information on the policy itself, if in fact such a document exists.

For its part, Border Patrol has developed two national strategies (1994 and 2004) to identify what is needed to meet its main objective: “to establish and maintain operational control over our Nation’s borders.”⁵⁰ A new strategy is expected in 2012. The Drug Enforcement Administration (DEA) webpage also highlights a “Southwest Border Initiative (SWBI),” a cooperative effort by federal law enforcement agencies in effect since 1994 “to combat the substantial threat posed by Mexico-based trafficking groups operating along the Southwest Border.”⁵¹ This is in addition to other efforts within DOJ to combat drug and arms trafficking, illicit financial transactions, and bulk cash transfers along the U.S.-Mexico border. The White House Office of National Drug Control Policy (ONDCP) “National Southwest Border Counternarcotics Strategy” is perhaps the most comprehensive inter-agency strategy regarding U.S. policy on the border, but it focuses only on drug-related activities with the strategic goal to “substantially reduce the flow of illicit drugs, drug

proceeds, and associated instruments of violence across the Southwest border.”⁵²

With all of these strategies and initiatives, the risks of overlap and duplication are evident. At the same time, the increased presence of officials from all of these agencies along the border also increases the odds of coming across migrants, regardless of their mission.

Of all agencies and strategies, Border Patrol’s strategy and expansion has unquestionably had the greatest impact on migrants. The agency’s 1994 National Strategy laid a framework for the agency’s border security and immigration control strategies that for the most part remains in place today, including the “prevention through deterrence” approach. The basic idea of this approach has been to impede, through fences and containment operations, the crossing of undocumented migrants. To achieve this goal, Border Patrol’s objective is to:

Increase the number of agents on the line and make effective use of technology, raising the risk of apprehension high enough to be an effective deterrent. Because the deterrent effect of apprehensions does not become effective in stopping the flow until apprehensions approach 100 percent of those attempting entry, the strategic objective is to maximize the apprehension rate.... We believe we can achieve a rate of apprehensions sufficiently high to raise the risk of apprehension to the point that many will consider it futile to continue to attempt illegal entry.⁵³

The strategy was implemented in stages, focused on the areas of greatest illicit activity on the border, beginning with Operation Blockade in El Paso, Texas, and continuing with Operation Gatekeeper in San Diego, California. These operations did not end up deterring migrants, but they did force them to divert away from the urban corridors that had become traditional routes, and to seek new routes in much more isolated areas, mainly deserts and mountains. Above all, the strategy prompted the dramatic shift in migration flows from the San Diego and El Paso sectors to the Tucson corridor in the mid to late 1990s. To date, the Tucson corridor remains the most frequent route used by migrants to enter the United States.

While the 1994 National Border Patrol Strategy marked a major shift in border enforcement, the agency’s 2004 strategy reflected the post-9/11 environment’s effects on the U.S. conception of border security. Border Patrol maintained its traditional role of preventing the illicit flow of people and goods through

areas outside of ports of entry, but its priority shifted to “establish[ing] substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between ports of entry.” Under this new framework, “any illegal entry could be a terrorist.”⁵⁴ This strategy also introduced the concept of achieving “operational control” over the border, which it defines as “the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives.”⁵⁵

While the release of the 2012 Border Patrol strategy is pending, the agency has introduced the “Consequence Delivery System” as another mechanism to deter migrants from entering the country.⁵⁶ As discussed in the “Migrants and the New Border Context” section below, Consequence Delivery entails a series of strategies, including lateral deportations and use of the U.S. criminal justice system. All aim “to provide a consequence for illegal activity by attaching legal/administrative penalties to every violation utilizing a vast suite of law enforcement, legal, and administrative actions.”⁵⁷ While the system has been in place in several sectors since 2010, it was only formally announced as a border-wide strategy in January 2012.⁵⁸

For border security efforts, it is clear that little distinction is made between individuals coming to the country in search of work and/or to reunite with their families, and those who take advantage of the same porous border to traffic drugs, people, or other illicit goods into the United States. This is clearly expressed in the 2004 National Border Patrol Strategy:

Some would classify the majority of these aliens as ‘economic migrants.’ However, an ever-present threat exists from the potential for terrorists to employ the same smuggling and transportation networks, infrastructure, drop houses, and other support and then use these masses of illegal aliens as ‘cover’ for a successful cross-border penetration.⁵⁹

Likewise, though Border Patrol’s stated main goal is to stop terrorists, the agency consistently references migrant apprehensions, and to a lesser extent, drug seizures, as the signs of the border security strategy’s success. In the morning we spent with Border Patrol agents in the Tucson sector, the word “terrorist” was not mentioned once, but we did hear a great deal about efforts to stem the flow of migrants crossing the border.

IN MEXICO

Mexican policies have also increasingly addressed migration as a security issue. In essence, Mexico serves as the first filter through which many undocumented migrants must pass in the effort to reduce migration to the United States. Mexican authorities estimate that approximately 171,000 migrants cross Mexico’s southern border on their way to the United States every year; 95 percent are from Guatemala, Honduras, El Salvador, and Nicaragua. In 2011, the INM detained over 66,000 migrants in transit in Mexico.⁶⁰

In 2001 the Mexican government began implementing a new police-focused strategy to control migration flows with creation of the Southern Plan. This was aimed at increasing capacity for monitoring, control, inspection, and detention of migratory flows along the southern border with Guatemala.* This included the participation of the Center for Investigation and National Security (*Centro de Investigación y Seguridad Nacional*, CISEN), the principal civilian intelligence agency, which since then has been involved in the observation of migration flows in Mexico.

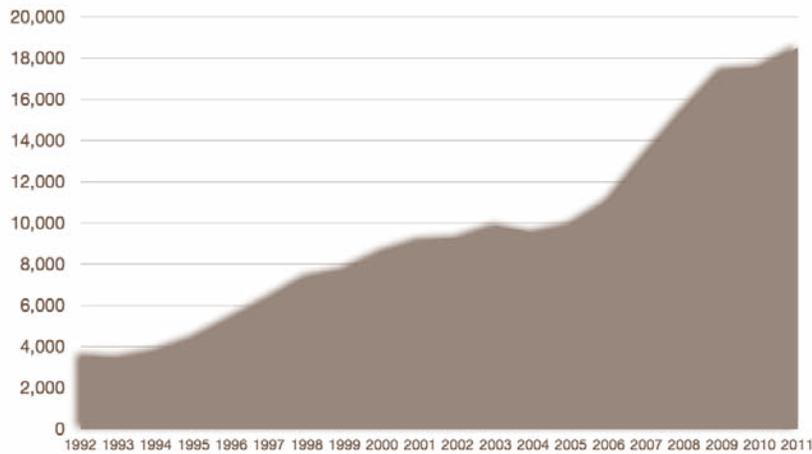
Mexico’s 2001-2006 National Development Plan highlighted the importance of migration flows and the government’s inability to control areas used by migrants to enter the country. In 2005, the U.S. and Mexican governments signed agreements for border control and bi-national consultations, including the Operation Against Smugglers Initiative on Safety and Security (OASISS) program for the deportation of smuggling suspects.

In May 2005, the INM became part of Mexico’s National Security Council.⁶¹ An explicit focus on securitization was established in 2007 with the merging of migration and national security in the 2007-2012 National Development Plan:

Special attention will be paid to reordering the borders to make them more prosperous and safer regions. Borders should be doors for development, not crime. The situation on the southern border requires particular attention, because the economic underdevelopment in the region creates conditions that favor illicit activities.⁶²

The 2009 National Security Plan specifically mentions the threats of organized crime, armed groups,

* From the Isthmus of Tehuantepec, Gulf of Mexico and Pacific coast, to the borders with Guatemala and Belize.

Border patrol staffing, southwest border, 1992–2011

Source: U.S. Border Patrol.

drug trafficking, terrorism, and vulnerable borders. As a result, the Ministry of National Defense (*Secretaría de la Defensa Nacional*, SEDENA) reported that it carried out 82,062 patrols along the country's northern and southern borders in 2010 (Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas, as well as in Quintana Roo, Campeche, Tabasco, and Chiapas).⁶³

Mexican organizations have monitored the evolution toward securitization in their government's policies. In July 2011, several of them presented a report to the UN Special Rapporteur on the Human Rights of Migrants, in which they contend, "The threat consists of weakening institutional controls to exercise sovereignty along the borders. Migratory dynamics are explicitly identified as a national security risk."⁶⁴

The implementation of security and migratory policy in Mexico has opened the way for the participation of diverse federal stakeholders (Federal Police [FP], INM, SEDENA, Navy, the Comprehensive Family Development System, [*Sistema para el Desarrollo Integral de la Familia*, DIF] and the Ministry of Health), as well as state and local police forces in their respective territories. This diversity of agencies, particularly police forces, has fostered mechanisms for coordination both internally and with the United States with the goal of strengthening migratory controls. These mechanisms, however, have

not prioritized the problem of violence against migrants committed by police officers or organized criminal gangs; they have instead framed migration as a national security issue, without clearly assigning responsibilities or sufficient resources to deal with its social, legal, or humanitarian aspects.

The U.S. Security Buildup

By every measure, the U.S. security presence along the border is greater, in most cases by a multiple, than it was twenty years ago. This growth, which accelerated most rapidly after 2005, has made the border a dramatically different place. It has changed, though on its own has not curtailed, the experience of undocumented migration

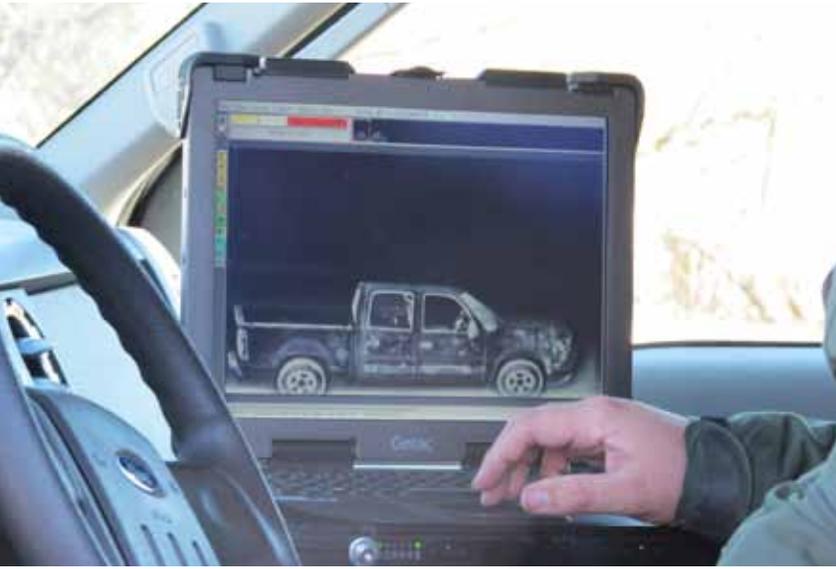
to the United States.

In 1992 Border Patrol was a small constabulary force, with 3,555 agents stationed along the entire southwest border. The presence of fencing was sporadic; in many places where it did exist, it was waist-high barbed wire, more of a marker than a barrier. The U.S. military played little or no role, though a 1988 change in the U.S. Code laid the groundwork for growth by making DOD the "single lead agency" for interdicting drug smuggling overseas and on U.S. soil near borders. With crack cocaine contributing to historic highs in U.S. violent crime rates, stopping the flow of drugs was the main federal law enforcement priority in the early 1990s, eclipsing terrorism, undocumented migration, and "spillover violence" (a term that did not yet exist).^{*}

Many ports of entry, Border Patrol officials in two sectors told us, were subject to regular "bum rushes" in which dozens of migrants would simply run through checkpoints, overwhelming the few agents stationed there. Still, in 1992 Border Patrol apprehended 1.14 million migrants in the southwest border zone, a typical amount for that period, 71 percent of them in the El Paso and San Diego sectors. The vast majority of those apprehended were released into Mexico with little or no processing.

As discussed above in the "Border Security Strategies" section, the first major tightening of border

* In 1989 and 1990, more Gallup poll respondents answered "drugs" to the open-ended question "What do you think is the most important problem facing this country today?" than any other response. See <http://www.gallup.com/poll/5500/terrorism-economy-seen-top-problems-facing-country-today.aspx>



Border Patrol scanner at a checkpoint north of Nogales, Arizona.

southwest border security responsibilities, according to federal cabinet department (Homeland Security, Justice, and Defense), then—more briefly and less comprehensively—by state and local initiatives.

DEPARTMENT OF HOMELAND SECURITY (DHS)

Created in 2002, a year after the September 11 attacks, DHS is largely composed of federal agencies previously scattered across other cabinet departments. It is the lead federal agency for border security. The most important Homeland Security agencies for border issues are Customs and Border Protection (CBP) and ICE, though the agency's intelligence unit and the U.S. Coast Guard also play roles.

Customs and Border Protection (CBP)

The principal components of the new CBP agency are Border Patrol, the Office of Field Operations (OFO), the Office of Air and Marine, and the Office of Intelligence and Investigative Liaison.

The CBP agency responsible for security in the vast spaces between official ports of entry is **Border Patrol**. Its mission includes counterterrorism, counterdrugs, migrant interdiction, and any other violations of federal law within 100 miles of the border.⁶⁸ It is a largely preventive force, with the ability to maintain a dissuasive presence, detain and search citizens, and patrol difficult terrain. It gathers intelligence, maintains border fencing, and has a small investigative capability.

Founded in 1925 and part of the Department of

Justice until it moved to the Department of Homeland Security in 2002, Border Patrol has grown spectacularly in recent years. When Operation Blockade/Hold the Line began in 1993, there were 3,444 Border Patrol agents stationed along the entire U.S.-Mexico border. By 2011 there were 18,506.⁶⁹

The agency's annual budget now stands at US\$3.5 billion. It divides the border with Mexico into nine sectors, in which it maintains 73 stations. In very remote areas, Border Patrol also maintains at least 10 camps known as "Forward Operating Bases," as well as 33 permanent and 39 (as of 2008) mobile, "tactical" checkpoints along important roads several miles inside the border.⁷⁰ Border Patrol has a fleet of over 10,000 vehicles and, together with OFO (discussed below in this section), over 1,500 canine units.⁷¹ In recent years, the agency has benefited from significant upgrades to its communications, monitoring, surveillance, and scanning technologies. (Border Patrol officials admit, though, that their equipment pales in sophistication compared to that employed by DOD.)

Border Patrol carries out most apprehensions of migrants, who are usually turned over to ICE for processing.

In addition to regular patrols and checkpoints, Border Patrol has a Special Operations Group for "uncommon and dangerous situations."⁷² The El Paso-based Border Tactical Unit (BORTAC, founded in 1984 after rioting in detention facilities) and Special Response Teams in each sector resemble police SWAT teams. The Border Patrol Search, Trauma, and Rescue Unit (BORSTAR), created in 1998, carries out rescues and administers first aid to migrants who, after crossing the border, are injured, dehydrated, or lost.

Founded in 2004 as Border Patrol's main intelligence facility, the Border Field Intelligence Center (BORFIC) is headquartered in El Paso, and will soon be relocated to the El Paso Intelligence Center (EPIC, discussed below under "Department of Justice"). It shares intelligence with other groupings of agencies, including, according to the Congressional Research Service (CRS), the "El Paso Interagency Intelligence Working Group, consisting of EPIC, DOD's Joint Task Force-North (JTF-N), and the FBI; and the Bilateral Interdiction Working Group with Mexico," as well as state and local law enforcement.⁷³ For coordination with Mexico, Border Patrol maintains International Liaison Units who meet regularly with counterparts.

Border Patrol maintains and monitors hundreds of miles of fencing, much of it equipped with cameras, stadium-style lighting, and seismic and other sensors. The fence does not run the length of the entire border: it is highest and newest near more densely populated areas, and where terrain is most difficult, and where the border follows the winding Rio Grande, no fencing exists at all.

Before 2007, El Paso and Ciudad Juárez were separated mainly by low steel “landing mat” and barbed-wire fencing, if anything. The border south of San Diego was similar, while Nogales had a low, opaque wall running along International Street. The Secure Fence Act of 2006 funded the construction of 14-foot-high concrete and steel fencing that, by the time work finished in 2010, covered almost the entire length of the border between Juárez and El Paso county. A double wall incorporating the old landing-mat fencing now covers most, though not all, of the San Diego-Tijuana border. The new bollard-style fence that separates Nogales is taller, allows a view across the border, has a diamond shape that makes it more painful to climb, and is topped with metal plates that offer no handholds. “In a lifetime of crossing borders I find this pitiless fence the oddest frontier I have ever seen,” novelist Paul Theroux writes of Nogales in a February 2012 *New York Times* travel feature.⁷⁴

Still, it is not impenetrable. Border Patrol officials in the El Paso, Tucson, and San Diego sectors said that they regularly find ladders leaned up against the fence. The fence south of San Diego has patches welded into it every several yards, repairing holes cut into it with implements like reciprocating saws. The older Nogales fence shows scuff marks from the shoes of climbers. More than anything, officials said, “the fence buys time” by slowing down migrants and allowing cameras to spot individuals.

California and Arizona have built the most fencing outside of population centers, though none exists in the most trackless, mountainous sections of the land



Fencing, clockwise from upper left: on the outskirts of El Paso, along International Street in Nogales, a double layer between Tijuana and San Diego County, and where the border meets the Pacific Ocean.

border. Texas, whose 1,200-mile border with Mexico is by far the largest, has almost no fencing in rural zones between the outskirts of El Paso and the McAllen-Reynosa area far to the east. To build it along the entire Rio Grande, through the Big Bend and other nearly empty regions, would “take 10 to 15 years and US\$30 billion,” Texas Governor Rick Perry has said.⁷⁵

Under the Secure Fence Act, construction has cost about US\$1 million per mile for vehicle fencing, and US\$3.9 million per mile for less penetrable pedestrian fencing, the U.S. Government Accountability Office (GAO) reported in 2009.⁷⁶

Border Patrol’s responsibility is the areas between the ports of entry. The ports themselves—45 road and bridge crossings on the land border between the United States and Mexico—are the responsibility of CBP’s Office of Field Operations (OFO). 21,186 OFO personnel work at 331 ports of entry throughout the entire country; roughly 5,000 of them work along the southwest border. Those located along the southwest border are tasked with monitoring all vehicle and pedestrian traffic, as well as carrying out cargo examinations and agricultural inspections, while keeping border wait times to a minimum. OFO’s annual nationwide budget now stands at US\$2.9 billion.⁷⁷



Automobiles approach ports of entry in Tijuana (left) and El Paso (right).

Most illegal drugs and some smuggled migrants pass northward, and most bulk cash and smuggled weapons pass southward, through the ports of entry. The OFO's lack of manpower and resources to deal with these phenomena manifests itself in long border wait times. These are normally well over an hour, at times two hours or more, for vehicles (whose occupants lack trusted-visitor passes) seeking to cross from Juárez and Tijuana.

OFO's main intelligence capability is the National Targeting Center (NTC), based in Washington's northern Virginia suburbs. Established after the September 11 attacks with counter-terrorism as its overwhelming focus, the NTC maintains large databases to pinpoint suspicious individuals or cargo entering the United States. Much of its focus appears to be on air travel rather than land border crossings.

While OFO has the NTC and Border Patrol has BORFIC, their parent agency, CBP, has its own intelligence body, the **Office of Intelligence and Investigative Liaison (OIIL)**. This office provides intelligence for specific operations. According to recent CBP testimony, OIIL "serves as the situational awareness hub for CBP, provides timely and relevant information along with actionable intelligence to operators and decision-makers and improving [sic.] coordination of CBP-wide operations."⁷⁸

CBP also includes an **Office of Air and Marine (OAM)**, whose 1,200 agents at 80 locations maintain fleets of over 290 aircraft and 250 vessels. This collection of aircraft is the largest of any domestic law-enforcement agency.⁷⁹ While only a portion are

involved in southwest border security missions—especially surveillance and transportation—the air fleet's headquarters are in El Paso.*

In October 2005, OAM launched an unmanned aerial system (UAS, often referred to as "drones") program, using unarmed Predator B aircraft to patrol the U.S.-Mexico borderland.⁸⁰ As of December 2011, the OAM had four Predator

Bs stationed at Libby Airfield in Sierra Vista, Arizona, and three (including a Guardian, a maritime variant of the Predator B) at Naval Air Station Corpus Christi, Texas, bringing their fleet to seven. Two more drones purchased for CBP are scheduled for delivery to Texas and Florida.⁸¹

For now at least, all unmanned aircraft on the U.S. side of the border are OAM assets: DOD is not employing UAS in the region. The main reason given is air traffic control in the area's busy commercial air corridors. UAS have a higher accident rate than manned aircraft and are less able to detect, sense, and avoid other aircraft in their airspace. Within Mexican airspace, however, the DOD is employing the Global Hawk UAS on reconnaissance missions (see DOD section below).

The Predator B has sophisticated surveillance equipment, including an electro-optical/infrared sensor system, and a synthetic aperture radar. It can fly for 20 consecutive hours, remotely piloted by personnel on the ground. It can determine the details of objects as far as 10 miles away, and is able to fly at an altitude of up to 50,000 feet, but usually flies in the 15,000-foot range, at which it cannot be heard from the ground. Each Predator B itself costs about US\$6 million, and the rest of the system needed to fly it—antennas, sensor, radar, satellite bandwidth, systems spares, maintenance, and ground support—brings the per-unit total to US\$18.5 million.⁸³

The Government Accountability Office has identified several concerns with the UAS programs. The Predator B costs approximately US\$3,234 per

* That city's airport hosts the CBP El Paso Air Branch, which includes a branch of CBP's National Air Training Center, which trains pilots, mechanics, and related personnel. Other Air and Marine branches near the border are in El Centro, Riverside, and San Diego, California; Tucson and Yuma, Arizona; and Del Rio, Houston, Laredo, Marfa, and McAllen, Texas. In addition, OAM maintains a P-3 Operations Center in Corpus Christi, Texas, a base for these sophisticated, radar-equipped planes that mainly detect and monitor maritime trafficking.

flight hour to fly, including fuel, maintenance, support services, and labor.⁸⁴ Additionally UAS are “less effective than manned aircraft in supporting apprehension of undocumented aliens,” according to a 2005 DHS Inspector General report.⁸⁵

Immigration and Customs Enforcement (ICE)

The other principal Homeland Security agency with border enforcement responsibilities is ICE, formed in 2003 from a merger of the Immigration and Naturalization Service (formerly in DOJ) and the U.S.

Customs Service’s law enforcement capabilities (formerly in the Treasury Department). Billing itself as “the second largest investigative agency in the federal government,” after the FBI, ICE reports having “more than 20,000 employees in offices in all 50 states and 47 foreign countries” and an annual budget of US\$5.7 billion.⁸⁶

The agency’s mission is to enforce federal laws governing border control, customs, trade and immigration. This involves traditional INS duties like detention and removal of migrants and enforcing employer compliance. It also includes counter-terror and counter-drug intelligence-gathering and analysis and investigative work. Though ICE is not the lead agency for such missions, an ICE official serves as deputy director of the FBI’s Joint Terrorism Task Force, which investigates suspected terrorists within the United States.⁸⁷

Its large investigative capability through its **Homeland Security Investigations (HSI)** Directorate, which has grown rapidly during the past decade, has made ICE an important domestic intelligence agency. It is not, however, considered part of the U.S. intelligence community, unlike the DHS Office of Intelligence and Analysis. It is thus not subject to policy direction from the Director of National Intelligence or oversight by the congressional intelligence committees.

The HSI is considered the lead agency for federal investigations of cross-border tunnels. It has five “Special Agent in Charge Field Offices” near the



One of CBP’s Predator B aircraft. Source: Flickr.com user Caleb Howell (Creative Commons license).⁸⁸

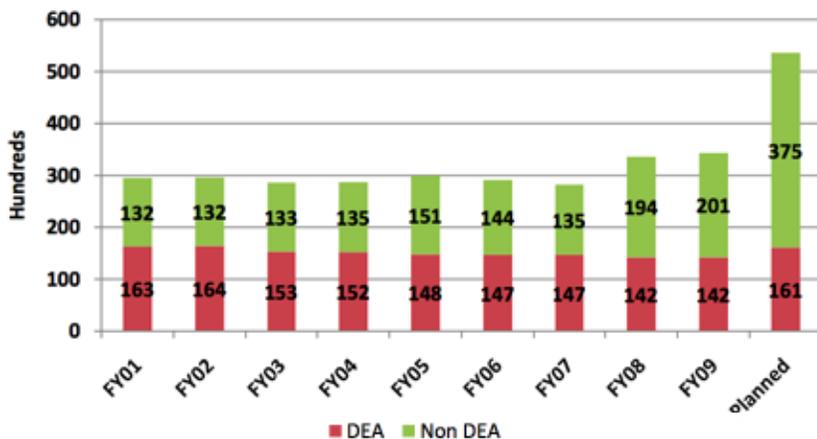
southwest border, in Phoenix, Arizona; Los Angeles and San Diego, California; and El Paso and San Antonio, Texas. These offices include **Field Intelligence Groups (FIGs)** who “identify and analyze criminal trends, threats, methods and systemic vulnerabilities,” and “play a critical role in building actionable intelligence” against organized crime groups.⁸⁸

Immigration and Customs Enforcement maintains nine **Border Enforcement Security Task Forces (BEST Teams)** near the southwest border (Phoenix, Tucson, and Yuma, Arizona; Imperial Valley, Los Angeles / Long Beach, and San Diego, California; and El Paso, Laredo, and Rio Grande Valley, Texas) and one in Mexico City.⁸⁹ These investigative teams include personnel from CBP, the DEA, Alcohol, Tobacco, Firearms and Explosives (ATF), the FBI, U.S. Coast Guard (USCG), U.S. Attorney’s offices, and state and local law enforcement bodies. An ICE “fact sheet” explains that BEST teams pool information and coordinate activities between U.S. and some Mexican authorities “as a comprehensive approach to identifying, disrupting and dismantling criminal organizations posing significant threats to border security.”⁹⁰

Near the border, ICE offices include a nationwide total of 40 **Border Liaison Officers** who share intelligence and cooperate with the Mexican government on investigations, usually of organized crime activity.

At the DEA’s EPIC (discussed in the “Department of Justice” section below), ICE maintains a **Border Violence Intelligence Cell (BVIC)**, founded in

EPIC staffing, FY 2001 — Planned



Source: Department of Justice Office of the Inspector-General.⁹⁶

January 2008. As its name indicates, it gathers and analyzes intelligence on border violence and weapons smuggling along the U.S.-Mexico border. “At the BVIC,” CRS reports, “all-source intelligence is analyzed and operational leads are provided to the BEST task forces and ICE attaché offices. The BVIC also analyzes data from arrests and seizures by the BEST task forces and exchange intelligence with Mexican law enforcement agencies.”⁹¹

Other Homeland Security Agencies

The **U.S. Coast Guard**, formerly part of the Department of Transportation, is now a Homeland Security agency, though in time of declared war it would pass to DOD. The Coast Guard helps defend the United States’ maritime borders, which includes pursuing drug and human traffickers and other unauthorized entry to the United States in a seagoing vessel. Its principal facility near the border is a San Diego Maritime Unified Command in California (which includes assets from CBP Air and Marine, Border Patrol, some U.S. military personnel, and San Diego Harbor Police).⁹³ The Coast Guard presence where the Rio Grande empties into the Gulf of Mexico is more modest, with stations at South Padre Island and Brownsville. It carries out limited patrols of the Rio Grande in east Texas, though members of Congress from the region, particularly Rep. Henry Cuellar (D-Texas), have been prodding the agency to increase its presence.⁹⁴

The DHS **Office of Intelligence and Analysis**, part

of the intelligence community, runs an **Integrated Border Intelligence Program (IBIP)**. The IBIP is meant to serve as a link between DHS, state and local law enforcement, and the U.S. government’s broader intelligence community. The IBIP includes Homeland Intelligence Support Teams (HIST), one of which is located at the EPIC. The focus areas of the program are alien smuggling, border violence, weapons trafficking, illicit finance, drug trafficking, and the connections between crime and terrorism.

DEPARTMENT OF JUSTICE (DOJ)

The Department of Justice plays the lead role in investigating and prosecuting violations of federal law. These include

federal laws broken near the border, principally drug trafficking, arms trafficking, human trafficking and migrant smuggling.

Drug Enforcement Administration (DEA)

The DEA investigates and enforces violations of federal drug laws. This means a significant role at the southwest border, one of the busiest drug-trafficking and bulk cash-smuggling corridors in the world. DEA participates in operations to interdict drugs and to dismantle drug-trafficking networks on both sides of the border. Its agents carry out extensive intelligence-gathering operations in the border area.

Most of these operations employ the El Paso Intelligence Center (EPIC), a DEA-managed facility on the grounds of Fort Bliss, the sprawling army base that extends for dozens of miles north and east of El Paso. EPIC includes liaison officers from 21 federal, state and local law enforcement agencies, including DOD agencies, which are meant to share intelligence with each other. The focus is “on supporting law enforcement efforts in the Western Hemisphere with a significant emphasis on the Southwest Border,” according to EPIC’s website.⁹⁴ “As of August 2009,” reads a 2010 report from DOJ’s Inspector-General, “EPIC had 343 investigative, analytic, and support staff on site. One hundred and sixty were from the Department [of Justice], 81 were from other federal agencies, 6 were from state and local agencies, and 96 were contractors.”⁹⁵

While drug interdiction is a main mission, EPIC also gathers information about potential terrorist, organized crime, human trafficking, or similar law-enforcement threats. These generally do not include interdiction of would-be migrants to the United States, though EPIC shares any information it gathers about illegal border crossings. Instead, much of EPIC's resources go to a "Gatekeeper Project" (not to be confused with the San Diego Border Patrol's 1994 Operation Gatekeeper) that gathers intelligence about trafficking organizations. A new Border Intelligence Fusion Section (BIFS) at EPIC serves as a clearinghouse of information, increasing intelligence-sharing with DOD and the broader U.S. intelligence community "to create a common intelligence picture," as a DHS official's recent congressional testimony described it.⁹⁷ EPIC also hosts a "Rail Fusion Unit" to provide intelligence about railroad traffic crossing the border.

EPIC hosts DHS intelligence bodies discussed in the section above (Border Patrol's BORFIC, the ICE's BVIC). EPIC is also part of an El Paso Interagency Intelligence Working Group (consisting of EPIC, Border Patrol's BORFIC, DOD's Joint Task Force-North, and the FBI), and a Bilateral Interdiction Working Group that meets periodically with Mexican authorities.

Despite these efforts to share and coordinate intelligence, the 2010 DOJ Inspector-General's report had some strong critiques of EPIC's performance in this area. It found "inconsistent" coordination with other government intelligence organizations, and a declining number of requests for information from other government agencies. Still, the EPIC has expanded: between 2007 and 2009 its staff grew by 22 percent (with further growth anticipated), and its budget grew by 46 percent, from US\$13.4 million to US\$19.6 million.

Federal Bureau of Investigation (FBI)

Of that 2009 total, US\$1.6 million was contributed by the FBI, the DOJ agency whose prominent counter-terror and law enforcement missions give it a significant role along the border. The FBI maintains

Field Intelligence Groups (FIGs), or teams of intelligence analysts and special agents, at all of its field offices near the border (San Diego and Los Angeles, California; Phoenix, Arizona; Albuquerque, New Mexico; and El Paso, San Antonio, and Houston, Texas). The FIGs, who play a principally (though not entirely) counter-terrorist role, work as local intelligence "hubs" that glean data from investigations, seek to make connections, and share data with other agencies. They do not play a major role in interdicting migrants, unless it involves human trafficking.

Other Justice Agencies

The **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)** has a desk at the EPIC, and plays a lead role in efforts to break up networks of illegal arms smuggling from the United States into Mexico. Though it has attracted much attention for its botched "Fast and Furious" sting operation, ATF's principal effort to interdict weapons smuggling is Project Gunrunner, which between its 2006 inception and early 2011 had seized over 10,000 firearms—a small but not insignificant fraction of the total traffic, estimated in the tens of thousands per year.⁹⁸

The Department of Justice's **Organized Crime Drug Enforcement Task Forces (OCDETF)**, which target large crime and drug syndicates, are multi-agency bodies housed within DOJ. Four of its strike forces operate near the U.S.-Mexico border, in El Paso, Houston, Phoenix, and San Diego.

DEPARTMENT OF DEFENSE (DOD)

The drug war, combined with the rush to tighten border security, has gone beyond civilian agencies. The U.S. military plays an important role as well, and has done so at least since the 1989 National Defense Authorization Act amended the U.S. Code to give DOD the leading role in interdicting illegal drugs headed to the United States.

U.S. Northern Command (Northcom)

Nearly all of DOD's southwest border security activities are managed by Northcom, the Colorado Springs, Colorado-based combatant command

* Southern Command is responsible for U.S. military activities in the Americas, excluding Mexico and part of the Caribbean. While it plays no role in southwest border security, it is worth noting that three key Southcom facilities are located within a short drive of the border. The command's Army component, U.S. Army South, is at Fort Sam Houston in San Antonio, Texas. San Antonio's Lackland Air Force Base hosts the Inter-American Air Forces Academy, which trains hundreds of Latin American (including Mexican) air force personnel each year. And Southcom's Air Force Component, AFSOUTH or 12th Air Force, is at Davis-Monthan Air Force Base in southern Tucson, Arizona.

responsible for homeland defense.⁹ Founded in 2002, Northcom's area of responsibility includes Canada and Mexico, as well as portions of the Caribbean.

Of Northcom's eight subordinate commands, the one most responsible for border security is **Joint Task Force North (JTF-N)**, a small but active military component at Fort Bliss, in El Paso, Texas. Since 1989, this unit has supported U.S. law-enforcement agencies on missions that have a "counter-drug nexus," as it is funded through the counter-drug account in the Defense budget. JTF-N is unusual in that it involves active-duty U.S. military personnel supporting law enforcement operations against those suspected of trafficking drugs, including U.S. citizens, on U.S. soil.

JTF-N carries out three types of activities. First, each year the unit responds to about 80 requests for help from civilian law enforcement agencies, mainly federal agencies like DHS and DOJ. Services commonly provided are "forward deployed intelligence analysts" helping the civilian agencies to process the information they gather, and planning assistance teams to help the agencies develop more detailed and realistic operational plans. Second, soldiers, sailors, marines and airmen assigned temporarily to JTF-N spend about US\$3 million per year in "engineer projects"—construction services near the U.S.-Mexico border. A frequent project has been the building of roads paralleling the border, especially in Arizona and New Mexico, which Border Patrol vehicles then use regularly. Third, JTF-N sends "Mobile Training Teams" (MTTs): groups of instructors who offer courses to federal, state, and local law enforcement agencies all over the country. As a matter of policy, MTTs do not teach lethal or "advanced" tactical skills.

Because its mission rubs up against the "Posse Comitatus" prohibitions on military use for law enforcement (discussed below in the "Issues Raised by the Security Buildup" section), JTF-N operates under rules that make it very unlikely that soldiers might come into contact with U.S. citizens. This is largely the result of changes made after Marines assigned to JTF-N (then called Joint Task Force 6) shot and killed an 18-year-old U.S. citizen who was carrying a .22 rifle while herding goats on his property in Redford, Texas, about 250 miles southeast of El Paso, in 1997. Today, civilian law enforcement agencies are placed on the front line, while the soldiers themselves carry unloaded weapons and depend on civilian law enforcement—Border Patrol—for protection, according to a September

2011 report by the GAO.

Because their mission must have a "counter-drug nexus," JTF-N personnel are not looking for migrants, though if they detect any, they immediately report it to CBP. The unit's intelligence-gathering personnel cannot target U.S. citizens, though they may keep such intelligence if they believe there is a link to international drug trafficking. JTF-N interacts regularly with the Mexican security forces through a series of "Border Contact Meetings": meet-and-greet affairs with the Mexican Army (SEDENA), Navy (*Secretaría de la Marina*, SEMAR) and the Ministry of Public Security (*Secretaría de Seguridad Pública*, SSP) that take place at least once per month. JTF-N does not train Mexican forces.

Joint Task Force North's support operations deployment of active-duty and reserve-component Army soldiers to the border included members of the 1st Squadron, 13 Cavalry Regiment in early 2011. Border Patrol said that it could not release the number of soldiers deployed nor how long they would be on the border, claiming it would threaten "operational security."⁹⁹

In February 2012, JTF-N announced a deployment of additional active-duty troops to assist Border Patrol. The number and mission of those troops was not available from JTF-N or Border Patrol. Another earlier deployment of 40 airborne combat engineers parachuted into Arizona's Fort Huachuca in January 2012. The active-duty troops have been assigned to help construct a length of road along the border.¹⁰⁰ Also in February, as the National Guard drew down its "Operation Phalanx" presence, JTF-N launched "Operation Nimbus II," which includes part of a Stryker brigade, employing armored fighting vehicles, and an air defense unit along the border in the Tucson and El Paso sectors to provide intelligence, surveillance, and reconnaissance (ISR) support to CBP efforts there.¹⁰¹

JTF-N has launched a manned aerial operation that, officials say, draws on technology and lessons learned during Operations Enduring Freedom in Afghanistan and Iraqi Freedom in Iraq. "**Operation Big Miguel**" uses airborne electro-optical and infrared laser illumination devices deployed in Caravan aircraft to assist border law enforcement personnel with ISR missions.¹⁰²

In addition to the civilian CBP, DOD (through Northcom, not JTF-N) has also been involved in **drone missions** in the border zone—but on the Mexican side. In March 2011, the *New York Times* reported that the

very sophisticated Global Hawk drone was being sent “deep into Mexican territory to gather intelligence that helps locate major traffickers and follow their networks.”¹⁰³ This is the result of an agreement between the U.S. and Mexican governments, considered extraordinary given the Mexican government’s longstanding wariness toward the U.S. military and fierce protection of national sovereignty. The spy planes are conducting sensitive reconnaissance missions, gathering intelligence over Mexican territory. The technical secretariat for the Mexican National Security Council confirmed that the Global Hawk has been used, but “only under Mexican supervision” and “with full respect for the law,” designed to gather intelligence that is then shared with and used by Mexican authorities.¹⁰⁴

The Global Hawk is a much larger and much more expensive UAS than a Predator. It can fly at an altitude of 65,000 feet at nearly 500 miles per hour for a duration of 36 hours. Its optical and infrared technical capabilities are also very advanced.¹⁰⁵ Each plane is estimated to cost US\$218 million.¹⁰⁶

Also at Fort Bliss is the Army’s **204th Military Intelligence Battalion**, a component of the U.S. Army Intelligence and Security Command (INSCOM) that carries out aerial reconnaissance along the border and throughout the Americas. The 204th’s website states—with the “xxx” appearing in the text—that it “has flown over xxx hours in support of USNORTHCOM (Joint Task Force-North) providing homeland security missions for the El Paso and New Mexico’s southwest border patrol sectors.”¹⁰⁷ For now at least, the 204th’s border-zone flights are all manned.

National Guard

In 2006 the Bush administration launched “Operation Jump Start,” which involved the temporary deployment of 6,000 National Guard troops to assist CBP law enforcement personnel at the U.S.-Mexico border.¹⁰⁸ The Guardsmen were limited in their duties to supporting border law enforcement agencies in such activities as civil engineering, intelligence gathering, and to provide extra “eyes and ears” to the effort to stem illegal drug and migrant trafficking. The deployment ended two years later.

In May 2010 President Obama requested US\$500 million in supplemental funding for several border purposes, including another National Guard deployment to the border, and signed an executive



National Guard Entry Identification Team in Nogales, Arizona, January 2012.

order authorizing the use of the Guard, this time a more limited 1,200 personnel, for the same general purpose as Operation Jump Start. In both cases the presidents noted the need for temporary military assistance as a “bridge” while Border Patrol trained thousands of new agents to work on the border. The Obama deployment of the National Guard is in addition to approximately 340 National Guardsmen who were already working along the border in a different program, called “State Counter Drug Program.”

“Operation Phalanx,” as the Obama deployment is called, originally sent Guard units, at the request of DHS, to all the southern border states, including 524 to Arizona, 250 to Texas, 244 to California and 72 to New Mexico, with the remainder deployed to a headquarters unit.

The Guard personnel themselves have mostly served as “Entry Identification Teams” (EITs), which usually consist of two soldiers sent to watch border areas for those who might be entering illegally, then report them to the appropriate law enforcement personnel for detention or arrest. They carry loaded weapons (unlike JTF-N), and their rules of engagement allow them to defend themselves if their lives are threatened. But by order of DOD, they are not to be involved in any direct detention, search, or arrest of individuals. These duties are left to the law enforcement personnel with whom they are to contact when they suspect illegal activity. The Guard units who act as EITs must serve in groups of no less than two, and are not allowed to “patrol” but must stay in a fixed position, according to DOD requirements.

As the National Guard deployment’s one-year authorization neared its end in June 2011, the

administration announced a three-month extension until the end of the fiscal year (September 30, 2011).¹⁰⁹ After warning Congress that the deployment would end without further legislative action to continue funding, Homeland Security Secretary Janet Napolitano announced on September 8 that DOD had agreed to reprogram money in order to fund the deployment through the end of the 2011 calendar year.¹¹⁰

The September 2011 Government Accountability Office report detailed several challenges faced by the Departments of Homeland Security and Defense in their respective missions on the southwest border. It estimated that Operation Phalanx cost DOD US\$145 million between its beginning in June 2010 and the end of the 2011 fiscal year (September 2011).¹¹¹

On December 20, 2011, DOD announced a reduction of the National Guard presence on the border, along with another extension of the Guard's use, beginning in early 2012. By March 2012, the prolonged Guard presence would transition from the Operation Phalanx total of 1,200 to approximately 300 troops.¹¹² “[Customs and Border Protection] has changed the kind of support that it is asking DOD to provide, and DOD is transitioning to much more effective support ... that not only matches up to what CBP needs, but provides more flexibility against an adaptive adversary,”¹¹³ said Paul Stockton, Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs.

The transition to fewer troops is accompanied by a new National Guard strategy, relying more on the use of aircraft. The aviation assets will focus at first on detection and monitoring, according to Border Patrol Chief Michael Fisher:¹¹⁴

Guardsmen will fly specially equipped OH-58 and UH-72 helicopters with a detection radius of 6 and 12 nautical miles, respectively. In addition, Guardsmen will fly RC-26 fixed-wing aircraft with detection and monitoring capability of 12 nautical miles. Such capability will enable the Border Patrol to work in more challenging terrain and give the patrol a faster

reaction time to prevent illegal activities. These airborne assets will be able to look way over the horizon of a person on the ground and be able to flow personnel into an area.¹¹⁵

In December 2011, as the House and Senate considered a conference report on the National Defense Authorization Act for 2012, the House attempted to include non-binding “Sense of Congress” language calling for continued funding for the National Guard mission on the border.* This section was struck from the conference report before adoption.¹¹⁶

The Government Accountability Office reported that the combined cost borne by DOD for Operations Jump Start and Phalanx was US\$1.35 billion, combining June 2006-July 2008 and June 2010-September 2011.¹¹⁷ The projected cost for the continued National Guard deployment in 2012 is US\$60 million, according to Assistant Secretary Stockton.¹¹⁸

U.S. STATES AND LOCAL JURISDICTIONS

The U.S. border-zone security-force presence does not end with the federal government. State and local forces, often beefed up with federal funding, are an integral part of the border security effort, and to a lesser extent the migrant interdiction effort. This section will discuss two states with the most active state-level border security programs (Texas and Arizona), and the case of El Paso, Texas, the local jurisdiction we were able to study most closely.

Texas

Texas Governor Rick Perry, who has been in office since before the September 11, 2001 attacks, oversaw a major, federally supported buildup in the Texas state government's border security apparatus. Most of this buildup, generally known as “Operation Border Star,” has occurred within the Texas State Department of Public Safety (DPS), which includes the state criminal investigative body, the Texas Rangers. The DPS received US\$161 million in federal government funding for homeland security-related activities, including

* In Congress, several legislative initiatives have sought to “mandate” that the president deploy and maintain a continued, more robust military presence on the border. In May 2010, Senators McCain (R) and Kyl (R) of Arizona offered an amendment on the floor of the Senate that would authorize US\$250 million in additional funds for the deployment of “not fewer than 6,000 National Guard personnel” at the border with Mexico. The amendment failed to garner the necessary votes for passage. In September 2010, Rep. Ted Poe (R- Texas) introduced a bill which would have required the Secretary of Defense to deploy “not less than an additional 10,000 members of the National Guard” at the border.

In May 2010 written comments by then-National Security Advisor James Jones and White House Homeland Security Advisor John O. Brennan said, “There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by the McCain Amendment. It represents an unwarranted interference with the Commander-in-Chief's responsibilities to direct the employment of our Armed Forces and thus infringes on the President's role in the management of the Total Force.” They said, in essence, that to require any level of force deployment through the political process is highly unusual and clearly inappropriate. Letter cited at <http://cnsnews.com/news/article/obama-should-visit-us-mexico-border-see-threat-americans-firsthand-republican-senators>

border security, in 2011.¹¹⁹ While Border Star seeks to address perceived violence spillover threats, detecting illegal border crossings—whether violent or not—is a key strategic priority.

The Texas Rangers maintain six “state unified tactical commands,” known as Joint Operations and Intelligence Centers (JOICs), five of them along the border (El Paso, Marfa, Del Rio, Laredo, and Edinburg). According to the state government-commissioned report by the two retired generals (see the “Migrants and the New Border Context” section above), the JOICs share intelligence and facilitate planning between state and federal agencies.¹²⁰

Federal agencies represented include CBP, FBI, ICE, ATF, DEA, and USCG. Texas state agencies include the Texas Rangers, Department of Public Security, Parks and Wildlife Department, tribal authorities, county and municipal police, and—in the case of El Paso—law enforcement from several New Mexico counties. These “unified commands” are in turn coordinated by a **Border Security Operations Center (BSOC)** in Austin, which includes liaison personnel from Border Patrol.

The Texas state apparatus intentionally follows a quasi-military model. The two generals write:

In a manner very similar to a military division level headquarters, BSOC staff assimilates and analyzes information from each local unified command and sector with the intention of developing a dynamic Common Operational Picture for prioritization of statewide, regional and local law enforcement operations. The Ranger leadership commands all of the tactical ‘close combat’ field operators such as the Texas Highway Patrol (THP), as well as various combined Strike, Ranger Reconnaissance, Criminal Intelligence, Counter Terrorism, and DPS Aviation teams.¹²¹

Recent independent investigations of the “Texas model” of border security have found that most Border Star operations have been outsourced almost entirely to private contractors. Prominent among them is a northern Virginia-based company, Abrams Learning and Information Systems (ALIS), founded in 2003 by another retired general. This company, reports the



San Diego County.

Center for International Policy’s Tom Barry, was “hired to do everything from formulating strategy to running operations to managing public relations—not only for Operation Border Star but also for the Texas Rangers and DPS itself.”¹²²

Arizona

No other state maintains a border security effort as large as Border Star. However Arizona, most widely known for its hardline SB1070 immigration law, also carries out a modest non-federal border security program. The state government has assigned 140 members of the Arizona National Guard to a Joint Counter-Narcoterrorism Task Force (JCNTF), which monitors the border zone, principally through air surveillance, to detect potential drug-trafficking activity.¹²³ (This effort is separate from Operation Phalanx, discussed in the DOD section above.) In 2010 the governor’s office launched a Border Security Enhancement Program (BSEP), which directed US\$10 million in federal Recovery and Reinvestment Act funds to 16-month grants “to increase the capacity of county, local and tribal law enforcement to combat criminal activity associated with or directly stemming from the southern border.”¹²⁴

Local Security: The Case of El Paso

In El Paso, the only U.S. city over 250,000 population that actually touches the border, county and city law

enforcement agencies also participate in the border security effort, to a point. The sheriff's office even has a permanent liaison assigned to the EPIC.

Like many U.S. cities and counties in the border region and elsewhere, there have been disagreements between the sheriff's office and federal agencies about a program called "Secure Communities," under which local police electronically share fingerprint data of all whom they arrest with the FBI, which in turn shares it with ICE to determine whether the arrested individual should be deported. This indirectly makes local police into immigration enforcers.

In El Paso, where the police department has endeavored to improve relations with the majority Mexican-American community, Secure Communities has been a source of federal-local tension. While the El Paso County Sheriff's Department participates in Secure Communities, Sheriff Richard Wiles has refused ICE entreaties to share fingerprints about those detained for Class C and other low-level misdemeanors (traffic violations and other crimes subject to fines of US\$500 or less).

In early 2011 House testimony, Sheriff Wiles contended that involving local and county police in federal immigration enforcement "is bad policy." It stretches already thin local resources: "My officers, for example, should not be pulled out of neighborhoods to handle a federal responsibility." And "most importantly," Wiles adds, it undermines the trust and cooperation upon which local police depend to fight crime. "People may be afraid to report crime as a victim or a witness if they fear police will ask them to prove their citizenship."¹²⁵ Experts interviewed in El Paso agreed that an erosion of trust between police and the city's large immigrant community could bring a reversal of the city's remarkably low violent crime levels.

Nonetheless, "while issues do arise from time-to-time," Sheriff Wiles told the committee, "I would say the working relationship between federal, state, county and local law enforcement agencies in El Paso is outstanding and unmatched in other jurisdictions."

El Paso city police collaborate on border security as well. A US\$5.4 million federal grant made possible the 2010 establishment of a municipal Fusion Center, at which 12 analysts monitor activity and share

intelligence between the El Paso Police Department, the county sheriff's office, CBP, DEA, FBI, and the Fort Bliss military police.¹²⁶ Federal funding for the Fusion Center ends in 2013, however, and its future is uncertain.

COOPERATION WITH MEXICO

The U.S. and Mexican governments have increasingly cooperated on border security efforts including Border Liaison Mechanisms, the Border Enforcement Support Teams, the Border Security and Public Safety Working Group, and the Border Facilitation Working Group. The majority of the migration enforcement cooperation is between ICE and CBP in the United States, and the Ministry of the Interior (*Secretaría de Gobernación*, SEGOB) and Federal Police (FP) in Mexico. This cooperation involves regular meetings with representatives from both countries, as well as a monthly meeting among border-area law enforcement agencies co-chaired by border sector patrol chiefs and Mexico's Center for Investigation and National Intelligence.¹²⁷

These efforts, as well as the broader relationship between the two countries, have provided a space and framework for cooperation and definition of cross-border challenges. Today, violence, insecurity, and organized crime have raised serious questions about stability along the border and national security in both nations.* This situation is the product of the limits of the U.S. anti-drug policy in the border region, the lack of effective bilateral cooperation to eradicate these problems, weapons trafficking to Mexico, and the lack of intra-governmental coordination in Mexico on public security.

The Mérida Initiative

Since 2008, when the United States significantly increased security assistance to Mexico under the aid package termed the "Mérida Initiative," cooperation on border issues has expanded. Originally announced as a three year plan, U.S. assistance to Mexico through the Mérida Initiative has continued and to date, the United States has provided Mexico with close to US\$2 billion in security assistance since the Initiative began. Although the Initiative provides foreign assistance to Mexico, it was announced as a new stage in

* This violence has been a special concern to different federal agencies in the United States, particularly between October 2008 and March 2009, and led to multiple different hearings in the U.S. Congress in March 2009, a situation not seen since the mid-1980s. In addition, newspapers such as the *New York Times*, *Financial Times*, *The Washington Post*, *The Los Angeles Times*, and *El País* have provided wide coverage of border violence since mid-2008.

MÉRIDA FUNDING BREAKDOWN BY YEAR AND ACCOUNT, MILLIONS OF U.S. DOLLARS

	FY 2008 Supp.	FY 2009 Bridge	FY 2009	FY 2009 Supp.	FY 2010	FY 2010 Supp.	FY 2011 CR	FY2012 Est.	Acct. Total	FY2013 Request
Economic Support Fund	20.0	0	15.0	0.0	15.0	0.0	18.0	33.26	101.26	35.0
International Narcotics Control and Law Enforcement	215.5	48.0	246.0	160.0	190.0	175.0	117.0	248.5	1,400.0	199.0
Foreign Military Financing	116.5	0.0	39.0	260.0	5.3	0.0	7.98	0.0	428.78	0.0
TOTAL	352.0	48.0	300.0	420.0	210.3	175.0	142.98	281.76	1,930.04	241

ALL U.S. AID TO MEXICO, BY YEAR AND ACCOUNT

Military and Police Aid

Aid Program	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Program Total
International Narcotics Control and Law Enforcement	4.7	29.3	31.2	28.3	36.7	292.3	343.5	89.5	98.0	88.0	64.1	1,158.5
Department of Defense Programs	13.7	11.0	10.3	15.9	18.0	26.5	35.4	91.0	72.9	76.7	76.7	543.7
Foreign Military Financing	0.0	0.0	0.0	0.0	0.0	116.5	39.0	265.3	8.0	7.0	7.0	442.7
Nonproliferation, Antiterrorism, Demining, and Related Programs	0.0	0.0	0.3	0.6	1.3	1.3	3.8	3.9	5.7	5.7	5.7	28.4
International Military Education and Training	1.3	1.3	1.3	0.0	0.1	0.4	1.1	1.0	1.0	1.6	1.5	15.1
Other Department of State-managed programs	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.3
TOTAL	19.7	41.5	43.1	44.8	56.0	437.0	422.8	450.6	185.6	179.1	155.0	2,189.7

Economic and Institution-Building Aid

Aid Program	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Program Total
International Narcotics Control Economic Aid	5.9	6.3	6.7	9.5	0.0	28.9	43.5	261.5	19.0	160.5	128.5	685.4
Development Assistance	10.4	17.3	15.1	11.4	12.3	8.2	11.2	10.0	25.0	33.4	23.0	236.1
Economic Support Fund	11.7	11.4	13.4	11.4	11.4	34.7	15.0	15.0	18.0	33.3	35.0	230.1
Child Survival and Health	5.2	3.7	3.2	4.0	3.7	2.7	2.9	3.5	3.5	1.0	0.0	51.1
TOTAL	33.2	38.7	38.4	36.2	27.4	74.5	72.6	290.0	65.5	228.1	186.5	1,202.6

Source: Numerous government sources cited at WOLA-LAWG-CIP "Just the Facts" Database.¹³⁰

"cooperation" between the two countries: "the Mérida Initiative represents a new and intensified level of bilateral cooperation that marks a new stage in the bilateral cooperation that characterizes the strong relationship between our two countries," reads the initial 2007 joint declaration.¹²⁸

As of 2010, the four "pillars" of the Mérida Initiative are as follows: disrupt the capacity of organized crime to operate; institutionalize capacity to sustain the rule of law; create a 21st century border structure; and build strong and resilient communities. While included as a "pillar" of assistance, many of the activities under the "21st century border structure" category are not directly funded by the Mérida Initiative, but rather form part of

a joint Declaration on 21st Century Border Management signed by the two presidents on May 19, 2010. This gave rise to a Bi-national Executive Steering Committee that is developing and implementing an "action plan to improve the border" focused on "securing and facilitating the flows of people and cargo, strengthening public security and engaging the border communities in the creation of this new border vision."¹²⁹

A substantial amount of the assistance allocated to what is now considered the third pillar of Mérida has been provided to Mexico's INM. As of fiscal year 2011, information provided by the Mexican government shows that the INM received a little over US\$90 million in assistance in the first three years of the

Mérida Initiative. The main elements of this assistance have supported professionalization programs for immigration agents, particularly for the search and rescue tasks of the INM's Grupo Beta agents.^{*} Other support has gone towards strengthening internal control mechanisms, including the purchase of equipment necessary to conduct polygraph exams and biometric equipment, as well as technology to track persons entering and exiting Mexico. For instance, through the Mérida Initiative, US\$14.5 million in biometric equipment has been installed and is in use at three checkpoints on Mexico's southern border with Guatemala.¹³¹

Mérida Initiative funds have also been used to support the Mexican Attorney General's Office (*Procuraduría General de la República*, PGR) for the bi-national OASISS agreement. Implemented in 2005, OASISS is a "bilateral agreement that allows CBP to transfer selected alien smugglers that a U.S. Attorney's office has declined to prosecute to Mexico for prosecution."¹³² Mérida funding has provided the infrastructure needed to expand the program's coverage to the entire border region and to overhaul the PGR's internal communications system.¹³³ Through the end of fiscal year 2011, there were 2,617 cases generated through OASISS, but no information is available on how many cases were successfully prosecuted in Mexico.¹³⁴ Because of the program's focus on prosecuting smugglers and disrupting smuggling networks, the CBP considers OASISS to be part of its Consequence Delivery System (discussed below in the "Migrants and the New Border Context" section).

Although the funds are channeled through the Department of State, the Departments of Justice, Homeland Security, and Defense all participate in Mérida programs. The Department of Homeland Security has reported that it provides training and conferences on areas of DHS expertise and assigns advisors to conduct training for Mexican officials. For example, ICE has provided training to Ministry of Public Security recruits and agents on a variety of topics related to investigating organized crime, including basic criminal investigative methods, undercover operations (including basic concepts

of undercover operations, situational awareness, informant management, surveillance, operational security, intelligence gathering, and special response team training), arms trafficking, cybercrimes, and transnational gang training. ICE has also provided anti money-laundering training for PGR and Mexican customs officials. For its part, CBP has trained a number of SSP officers on topics such as handling non-intrusive inspection equipment (NIIIE) and canine units, detecting hidden compartments, close quarters marksmanship, All-Terrain Vehicle (ATV) awareness, and first aid. DHS also procures equipment for the Mexican government and "completes assessments on border security, transnational criminal groups, the flow of weapons and the use of biometrics."¹³⁵

Under the Mérida Initiative the United States has also provided US\$124.5 million for non-intrusive inspection equipment for SSP, SEMAR, SEDENA and the Tax Administration Service (*Servicio de Administración Tributaria*, SAT) to allow "Mexico's authorities to discreetly scan and inspect passenger vehicles, cargo containers and freight rails for firearms, explosives, drugs, bulk cash, contraband or people."¹³⁶ While only certain types of inspection equipment can detect organic matter, the larger mobile inspection systems, such as the x-ray and gamma vehicle and cargo inspection systems (VACIS), can be used to detect people. In May 2011, over 500 migrants packed like sardines in trailers were detected as they crossed into Chiapas, Mexico from Guatemala when the two trucks they were in were subjected to an x-ray scan.¹³⁷ Whether or not this specific equipment was provided through the Mérida Initiative is unknown, but the case clearly shows that while the primary focus of the equipment may be to scan for weapons, drugs, cash, or other goods, it can detect migrants who are traveling through Mexico. According to the Department of State, the mobile equipment is designed to be used to support the expansion of NIIIE operations "throughout the country's interior, to detect and intercept flows of illicit goods and persons."¹³⁸

The United States has also provided important assistance to Mexico's police forces through Mérida Initiative funds. The Ministry of Public Security, which directs the Mexican Federal Police, has been

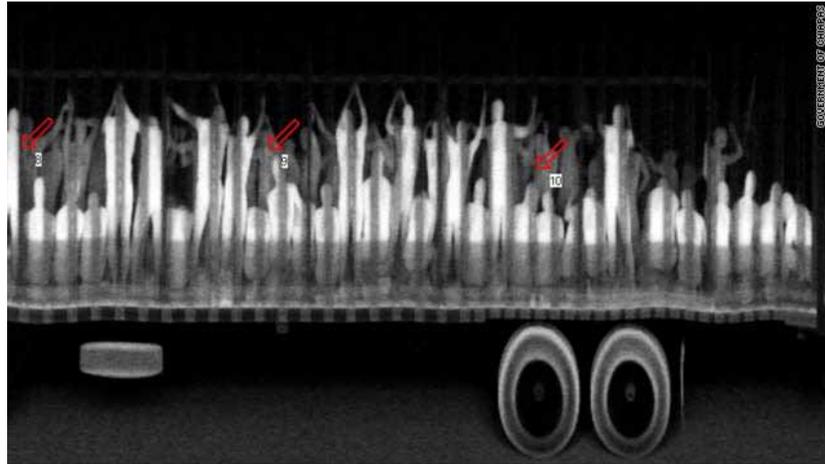
* There are currently 21 Beta Groups with 153 members at the national level. These groups carry out reconnaissance patrols along the borders in seven states, Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, Chiapas, and Tabasco, and in crossing areas for migrants, such as Veracruz and Oaxaca, detecting and assisting migrants who might be at risk.

one of the primary recipients of non-intrusive inspection equipment and other hardware, including six Blackhawk helicopters. As of September 2011, the U.S. government reported training 6,800 federal police officers in areas such as criminal investigative techniques, crime scene preservation, evidence collection and ethics.¹³⁹ As the Mérida Initiative has evolved, a focus of Department of State International Narcotics and Law Enforcement (INCLE) assistance for fiscal year 2011 and fiscal year 2012 will reportedly be police reform efforts at the state and municipal level.

The Migration Law passed in Mexico on May 25, 2011 redefined the Mexican Federal Police's powers for revising migration documents and inspecting the transportation systems used by migrants, placing them in an auxiliary role to the INM. State and municipal police have no role in enforcing migration law. However, all of these forces have been implicated in human rights violations against migrants. This includes the case, documented by Mexico's National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, CNDH), of six federal police who stole money from 50 migrants traveling on the train toward Ciudad Ixtepec, Oaxaca in January 2010, as well as multiple accounts from migrant shelters and organizations of cases of extortion, particularly by municipal police, and testimonies collected by shelters along the migration route which indicate that state and federal police participate in migrant kidnappings.¹⁴⁰

Activities in Ciudad Juárez

U.S. aid to Mexico under the Mérida Initiative is almost entirely federal-to-federal, although the U.S. Agency for International Development (USAID) supports important justice reform and violence prevention efforts at the state level and, as mentioned above, support for state and municipal police reform is expanding. One municipality that has received particular attention is Ciudad Juárez. At the beginning of 2010, the U.S. and Mexican governments put into place a pilot program within the Mérida Initiative framework to support Mexico's efforts to confront and decrease the city's violence. The program provides support to the Mexican government through training, equipment, professional exchanges, and information



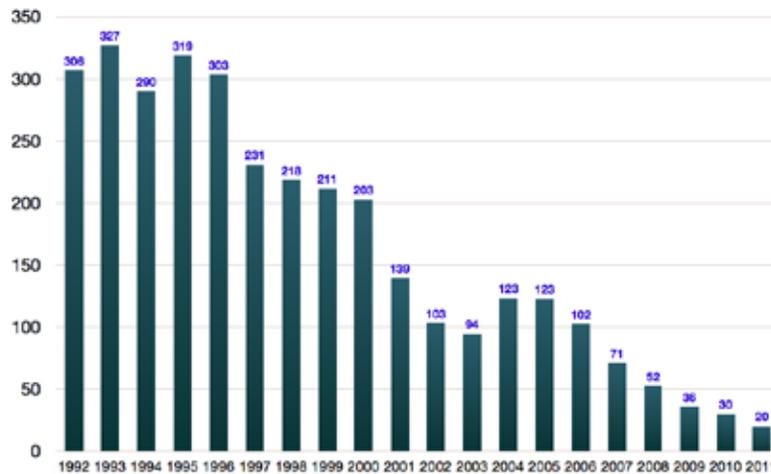
An x-ray scanner detected over 500 Central American, Caribbean and Asian migrants in Chiapas in May 2011. (Source: Government of Chiapas, posted by CNN Español.)

sharing.¹⁴¹ In February 2010 the Mexican government launched a program called *Todos Somos Juárez* (We Are All Juárez) to fund projects that addressed security concerns, violence prevention, employment creation, education, and social development, and other areas. That year, USAID also expanded its significant support for justice reform in Chihuahua to fund programs for violence prevention, job creation, after-school opportunities for young people, improved education, and support for civil society organizations.

U.S. coordination with police forces in Juárez has been limited by past concerns about corruption, and by these forces' own preoccupation with the city's out-of-control violence. Amid the chaos, the configuration of forces in the city has changed in the past few years. In 2008, the notoriously corrupt and outgunned municipal police were joined—some would say eclipsed—by a large deployment of Army personnel.* The military contingent, whose focus was anti-cartel intelligence operations and establishing a “preventive presence” in the city, failed to reduce violence. Juárez community leaders we interviewed told of soldiers sent to the zone with little prior information or appropriate training, many so poorly paid that they sometimes raided citizens' homes just to take food from their pantries.

In 2010, the troops began to withdraw from Juárez as a steadily increasing number of federal police (a force that has been growing nationally) arrived. Meanwhile a “new” municipal police force is slated

* One of the current Mexican government's first decisions was to send the military to Ciudad Juárez. This force has been incapable of stopping the growing wave of violence that, from January 2008 to July 2010, killed 6,137 people in the border city. At the end of November 2010, the Mexican army was again sent to the border; during both deployments, activists in the border region documented cases of human rights violations by the military.

Migrant apprehensions per Border Patrol agent, 1992–2011

Source: Border Patrol.

to replace the federal police once again. Starting in March 2011, the chief of this force was Julián Leyzaola, a former army officer who won a reputation as a successful crime fighter during a 2007–2011 stint as police chief in Tijuana. Leyzaola also earned notoriety with human rights groups, as Tijuana municipal police accused of working with traffickers denounced being tortured on his orders.¹⁴² Leyzaola is purging personnel believed to be corrupt from the Juárez municipal force. The federal and Juárez municipal police, meanwhile, distrust each other deeply; officials told us that their first joint patrol only took place in August 2011. Chief Leyzaola has endeavored to work more closely with municipal public security authorities, however, and has increased coordination with the military.

By March 2012, the number of violent deaths in Ciudad Juárez dropped by nearly 30 percent, to levels not seen since 2008. It is hard to measure whether this reduction in violence is due to changes in the dynamics of the criminal organizations competing in Juárez or to law enforcement efforts.

Department of Defense Military Assistance to Mexico

In addition to aid considered part of the Mérida Initiative, DOD also provides counterdrug assistance through its large budget. The Congressional Research Service has reported that Defense is working on a plan to provide US\$50 million in fiscal year 2011 funds to improve security on Mexico's southern border.¹⁴³

This was also clear at a March 2011 congressional hearing at which Frank Mora, Deputy Assistant Secretary of Defense for Western Hemisphere Affairs, referred to the establishment of a sub-group within the Defense Bilateral Working Group with Mexico to discuss the Mexico-Guatemala-Belize border region. According to Mora, "This sub-group has already met twice. Addressing security issues in this region is becoming even more important as TCOs [Transnational Criminal Organizations] seek to diversify their criminal activities and extend their presence throughout the region, which is why we are working in conjunction with

the Department of State, U.S. Northern Command, and U.S. Southern Command to develop a joint security effort in the border area of these three countries."¹⁴⁴

ISSUES RAISED BY THE SECURITY BUILDUP

The rapid, striking changes in U.S. border security presence and aid to Mexico have posed new challenges and worsened some old ones. Some are managerial or institutional, with important budgetary and organizational implications. Others have implications for the health of democracy and the human rights of migrants in both the United States and Mexico.

Cost Effectiveness

The simultaneous increase in border security expenditure and drop in migration means that a bigger force is confronting a smaller challenge. The example of Border Patrol is illustrative. In the early 1990s, it was common for Border Patrol to apprehend over 300 migrants per agent per year, and over 500 in San Diego. By 2011, that number had fallen to 20, and 16 in San Diego (and four in El Paso).

Similarly, the cost-per-apprehension of measures like National Guard deployments, drones, and fencing is increasing. At this point, it is very difficult to justify continued expansion of border security expenditures, especially for programs that target undocumented migration. Returns on additional investment are diminishing rapidly. Despite the protestations of some in the political debate, the federal government has clearly done enough.

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Lack of Coordination

What is being done, however, could be coordinated far more effectively and efficiently. The current array of defense, intelligence, law-enforcement, and investigative agencies with border security responsibilities is riddled with redundancies and inefficiencies.

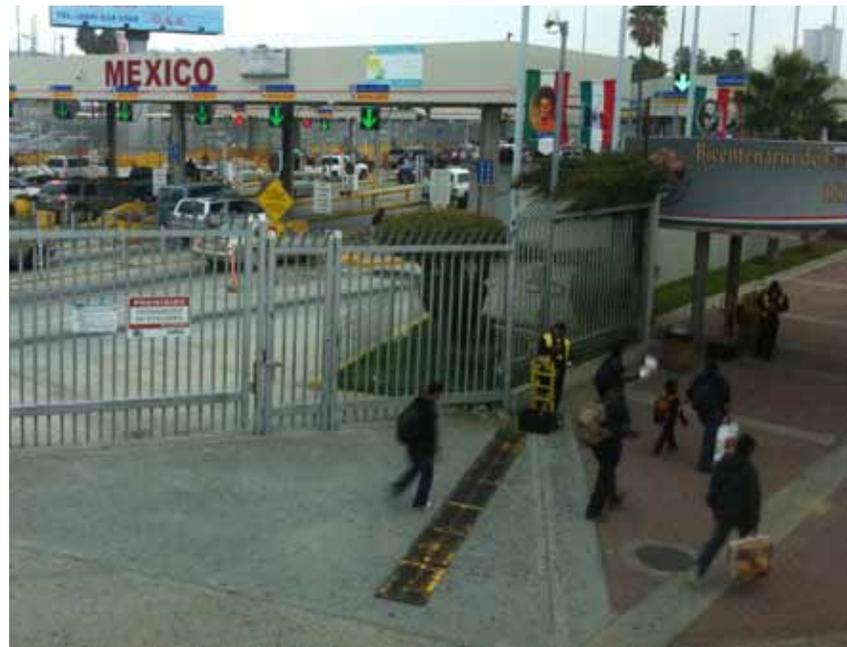
While identifying such managerial snarls is beyond this report's scope, we note the example of intelligence collection and analysis. Nearly every agency, including every agency within DHS and—under DHS—within CBP, has its own body for the gathering, analysis, and sharing of intelligence regarding threats on the border. Most of these bodies, then, participate in at least one inter-agency effort (examples include EPIC, BEST teams, the IBIP, or the OIIL) that intends to share, pool, prioritize and, in general, make sense of the “fire hose” of information coming from each agency's sources. The picture grows still more complicated when some (though not all) state, local, and Mexican intelligence bodies are included, to varying degrees.

The fact that so many “fusion centers” exist indicates that something is organizationally amiss. Some of the problem is simply a result of the post-September 11 rush to throw together an apparatus to foresee and forestall another attack. In a period of likely budget flattening, however, improving coordination—in intelligence and other functions—should be a top priority.

Border Patrol Versus Office of Field Operations (OFO)

Officials and border-area leaders frequently note a resource disparity between OFO, which mans the ports of entry, and Border Patrol, which guards areas between the ports of entry. The OFO, a broad consensus holds, needs more resources in order to maximize its detection of illegal activity while minimizing border wait times and obstructions to commerce. Border Patrol, however, has fewer needs today.

For political leaders, the image of agents sitting in booths at a port of entry is less compelling than that of roving Border Patrol agents in pickup trucks (or on horseback) guarding against terrorists, criminals,



The busy port of entry between Tijuana, Baja California Norte, and San Ysidro, California.

and migrants. As a result, the OFO has received less generous budget increases for its southwest border needs. El Paso-based experts interviewed for this report coincided in recommending a robust increase in the OFO budget. Staff for Rep. Reyes said that according to their investigations, it would cost US\$5 billion per year to modernize, and to staff fully, the ports of entry. The OFO's current budget is US\$2.9 billion, a bit less than Border Patrol, but it must cover all land, air, and sea ports nationwide.¹⁴⁵

Training, Management, and Oversight

Border security agencies' rapid growth has meant a tidal wave of new hires. Emblematic of this is the lobby of Border Patrol's Tucson Sector headquarters which, like a “big box” department store, features a bank of electronic consoles for filling out job applications.

Such quick growth can mean management problems, however, as the percentage of officials with more than a few years of experience shrinks, and mid-level managers with less experience take on more responsibilities. This can mean weaker internal controls, and thus more opportunities for abuse or corruption.

Where border security cooperation with Mexico is closest and most fluid, this tends to be more the result of personal relationships between top officials.

Many interviewees voiced concerns about whether Border Patrol and OFO have appropriate protections in place to avoid infiltration by wealthy Mexican drug-trafficking organizations. Criminals are actively trying to corrupt individual agents, or even to get allies with “clean” backgrounds to join the U.S. law-enforcement forces. In March 2010, the *New York Times* reported that only about 15 percent of CBP recruits had been given polygraph tests the year before to weed out questionable applicants.¹⁴⁶ The agency cited a lack of funds. Of the few who were administered the test, 60 percent failed. In a September 2010 article profiling a corrupt OFO border guard in El Paso, the *Washington Post* reported that CBP and ICE internal corruption investigations had roughly tripled since 2006.¹⁴⁷

Cooperation with Mexico

U.S. security agency personnel interviewed by WOLA uniformly said that their relationship with counterparts in Mexico was good. Liaison efforts, joint operations, and even intelligence sharing are no doubt more frequent than before the Calderón government started in December 2006. Still, cooperation is less regular or established than one might expect from two countries sharing a long border marked by such a great deal of commerce, migration, violence, and smuggling.

Border Patrol has taken recent steps to improve interoperability with the Mexican Federal Police on the other side of the border. This has included increasing liaison units, communicating along the same radio frequencies, holding monthly “border violence protocol meetings,” and occasional simultaneous patrols under an anti-migrant smuggling program called “Operation Lifeguard.” These random patrols, which on the Mexican side are sweeps that result in numerous arrests, at times involve units of Mexico’s Army as well.

Still, these efforts are incipient and relatively low profile. Where border security cooperation with Mexico is closest and most fluid, this tends to be more the result of personal relationships between top officials with responsibilities for a sector (such as a Border Patrol sector chief and a Mexican municipal police chief), and not because of national-level policies or structures. Often, perhaps as a result, the identity of

CBP’s principal Mexican counterpart agency varies across sectors. In San Diego-Tijuana, for instance, it is the Mexican Army; in El Paso-Juárez it is the Mexican Federal Police; and in Nogales there really is no main contact, although officials mentioned collaboration with CISEN and the PGR.

A Significant New Military Role

The border zone is one of the only places where U.S. military and National Guard units are participating in operations to enforce U.S. law on U.S. soil. This makes it a rare exception allowed under the Posse Comitatus statute, the 1870s law that only permits the military’s use for domestic law enforcement under very special circumstances. Military officials interviewed for this project were very aware of the mission’s unusual nature, and could speak in great detail about how their authority was limited by Posse Comitatus.

They also acknowledged, though, that the lack of a clear border security policy to guide their work makes it difficult for the armed forces to perform this unusual internal mission. Department of Defense officials cited in a September 2011 GAO report were said to have expressed concern that there “is no comprehensive southwest border security strategy,” and that as a result, “DOD is hampered in identifying its role and planning for that role.”¹⁴⁸ Defense officials were also concerned about “mission creep,” as border security is not a core mission of the military, and about the perception of having a “militarized” U.S. border with Mexico.

The Department of Homeland Security, meanwhile, was said to have concerns about the ad hoc nature of DOD’s assistance, given that the military has other operational priorities and is available only when the legal authority and financial resources are available.

Within this context, the National Guard deployment under Operation Phalanx appeared to be awkwardly grafted on in response to a political mandate from Washington. Border Patrol agents interviewed said that the Guard presence was an “awesome” help, not least the mechanics who were keeping their vehicles’ at maximum readiness. Nonetheless, WOLA interviewed nobody in a law enforcement or military (as opposed to political) capacity who felt that the guardsmen’s

departure would leave a vacuum that would make the border security mission harder to fulfill.

In El Paso and especially Arizona, some analysts and activists objected outright to the guardsmen's presence. Although they operate under the authority of Title 32 of the U.S. Code—and are thus commanded by governors, not the federal government—the guardsmen's uniforms and weaponry are indistinguishable from those of regular U.S. military personnel. Most citizens would not make the distinction.

"This is a low-intensity war strategy," a prominent El Paso migrants' rights activist told WOLA. "Politicians are calling for a strategy here that would never be accepted in New York or Chicago. Imagine if they put even 200 National Guard in Chicago to go looking for immigrants."

Migrants and the New Border Context

The past few years' dramatic shifts in border security have thoroughly altered the reality faced by the hundreds of thousands of Mexican, Central American, and citizens from other countries who attempt to cross the United States' southern border every year. As noted, migration has decreased rapidly of late, in part because of an increased U.S. security presence and a poor U.S. economy. Migrants are also dissuaded, however, by the journey's inherent perils. The dangers, which range from kidnapping by criminals to abuse at the hands of government officials, have worsened in recent years, and Mexican and U.S. government actions—or inaction—are an important cause.

THE SITUATION OF MIGRANTS IN MEXICO

Given the geographic difficulties of patrolling Mexico's over 700-mile southern border with Guatemala and Belize, the Mexican government has established immigration checkpoints throughout the country—what many call a "vertical border"—particularly along roads and railways that many migrants use to cross Mexico. Because of these checkpoints, many migrants opt to travel off the beaten path in isolated areas, where they are more vulnerable to criminal groups. Their known presence on the railway also makes them easy targets for abuses including kidnapping, robbery, sexual assault, human trafficking, and murder. Security policies and migration programs during President Felipe Calderón's administration have sought to restrict entrance and control undocumented

migrants. In other words, policies are aimed at making it harder for migrants to get to the United States instead of protecting them from abuse.

Abuse and Kidnappings

While migrants in transit have long been subjected to abuse by both criminal groups and Mexican authorities, the situation has worsened in recent years. This is due to the increased presence and power of organized crime groups operating in regions through which migrants transit, and because these criminal organizations have diversified their activities beyond drug trafficking to include human trafficking, kidnapping, and extortion. Many groups have highlighted the increase in human rights violations, including extortion, kidnapping, rape, and murder, suffered by Central American and other migrants trying to get to the United States through Mexico.¹⁴⁹ In one well-known case, on August 25, 2010 the bodies of 72 migrants from Central and South America, massacred by the Zetas criminal group, were found in San Fernando, Tamaulipas.

Organized criminal groups' activity is abetted by corrupt officials. Following a 2008 visit to Mexico, UN Special Rapporteur for Migrants Jorge Bustamante stated:

Transnational migration continues to be a business in Mexico, largely operated by transnational gang networks involved in smuggling and trafficking in persons and drugs, with the collaboration of the local, municipal, state and federal authorities.... With the pervasiveness of corruption at all levels of government and the close relationship that many authorities have with gang networks, incidences of extortion, rape and assault of migrants continue.¹⁵⁰

A 2009 special report by Mexico's CNDH documents a stunning 9,758 migrants kidnapped in Mexico between September 2008 and February 2009.¹⁵¹ Of these, 9,194 were kidnapped by organized gangs. In a February 2011 follow-up report, the CNDH documented 11,333 migrants kidnapped between April and September 2010. Of these, 76 percent were from Central America and 10.6 percent were from Mexico. The majority of the kidnappings (67.4 percent) took place in southeastern Mexico, with a little under 30 percent taking place near the border in northern Mexico. Both reports, as well as testimonies gathered by migrants' rights organizations and shelters in Mexico, point to several cases where Mexican authorities participated in the kidnapping

The business of kidnapping migrants has flourished under a mantle of impunity.

of migrants and of the complicity between criminal groups and some state agents.¹⁵² Among the authorities identified, the most frequently named are municipal police officers, employees of the INM, and national public security institutions such as the Federal Police.¹⁵³

INM employees have been the most frequently named in cases of abuse, and collusion with kidnapers. Between 2006 and 2011, the CNDH investigated 2,129 cases of human rights violations committed by INM personnel. In one eight-month period, between August 2010 and April 2011, the INM fired 200 of the employees who were investigated, of whom 40 faced criminal charges.¹⁵⁴

News of INM employees involved in cases of corruption, abuse and collusion is common and includes accusations of rape, prostitution of migrant women, and kidnapping.¹⁵⁵ President Calderón has admitted to the problem, saying: “It is unacceptable that they take part in human rights violations and collude with criminals. (...) The federal government has initiated a sweeping process to clean up this institute.”¹⁵⁶ However, migrants’ rights organizations continue to express frustration over the lack of information on the vetting process in the INM, particularly whether agents have been fired or simply relocated within the institution.

Criminality and corruption take on different aspects depending on the route used. Testimonies from migrants, and interviews with members of civil society organizations and the INM Grupo Beta in Tijuana, point to a high level of “virtual kidnapping”: keeping undocumented migrants locked in safe houses under the pretext of waiting to put together a large group or improved conditions for the crossing. In the meantime, the criminals contact the migrants’ families, demanding payment by threatening to harm, disappear, or murder the migrants.

Deported migrants are particularly vulnerable to extortion or kidnapping because the majority do not have identification documents, and their clothes, behavior, or tattoos are visible signs that they had been “on the other side,” often in detention centers. In December 2010, for example, the media reported on the kidnapping of three people who had been deported to Tijuana. They were repeatedly raped, beaten, and threatened with death so that their relatives in the United States would pay a US\$5,000 ransom.¹⁵⁷

Kidnappings of groups of more than 10 migrants are common in the La Rumorosa region, between Tecate and Mexicali, Baja California. Civil-society organizations that provide support to migrants in Mexicali report having worked with dozens of people who have been kidnapped, repeatedly beaten, and extorted while heading north. They also state that some migrants are released in exchange for trafficking drugs to the United States.

Trafficking networks’ search for migrants has grown much more aggressive since 2007. *Coyotes* use taxi drivers, truck drivers, and public officials, and offer their own services at border checkpoints. Once they are recruited, migrants in Baja California are transferred to safe houses or makeshift camps in La Rumorosa or the Mexicali Valley.¹⁵⁸

The business of kidnapping migrants has flourished under a mantle of impunity. The vast majority of cases are simply not reported out of fear that police officers are involved. In Mexicali, according to members of civil society organizations, migrants who have been kidnapped say that threats include warnings that if they report the incident the police will take it out on them and their families. Extortion of undocumented migrants is also a common practice among municipal police officers.

Based on nine interviews with deported migrants in Mexico City and informal interviews with *coyotes* in the area around Nogales, COLEF found that migrants face frequent assaults by thieves (*bajadores*), and that a common practice is to strip the youngest women to intimidate the rest of the group or, in some cases, to rape them. One woman interviewed, who crossed the border in Nogales, reported that her group was assaulted in Arizona after they had already crossed the border:

We were attacked in the desert. We were approached by a group of men wearing hoods and they told us to give them everything we had or they would kill us. There were four men. They were fair haired with light colored eyes. We were afraid for the young girl, but since we gave them everything we had they left us alone. After, they told us “Good luck!” (imitating an accent in English).¹⁵⁹

Kidnappings, the majority of which are never reported, are also common in the Altar-Sásabe region of Sonora. In February 2011, authorities rescued

132 migrants who had been kidnapped in the town of La Sierrita, near Sásabe. The majority were from Mexico, but six were from Guatemala, Honduras, and Nicaragua. The following May, another 158 Mexican migrants were rescued in Sásabe in an operation led by the SSP.¹⁶⁰

On the eastern part of the border, along the banks of the Rio Grande, criminal gangs charge migrants between US\$300 and US\$400 to cross the border. This is considered a systematic practice. According to Rev. Baggio from Nuevo Laredo:

What is happening here on the Nuevo Laredo border is a control strategy to exploit migrants as much as possible. The *halconillos*, people who normally monitor the sites where drugs are sold, are used as sentinels all along the Rio Grande. With radios in hand, they report migrants trying to cross on their own and hired guns are sent to intercept and punish these poor migrants. If the migrants are found with an unfamiliar guide, he will certainly end up in the hospital, if not dead.¹⁶¹

Of migrants at the Nazareth House for Migrants in Nuevo Laredo, nearly 20 percent reported suffering human rights violations in 2008 and 2009, with 13 percent reporting violations in 2010. The drop in reports of human rights violations coincides with the falling number of Honduran migrants at the house, although the priest in charge said that a high percentage of deported Mexican migrants also suffer abuse and extortion at the hands of municipal police officers.

Elsewhere in Tamaulipas, in addition to the discovery of the bodies of 72 migrants in San Fernando, 80 miles from the U.S. border, in 2011 authorities also discovered 47 mass graves, with the remains of 196 migrants, travelers, and bus passengers who had presumably been kidnapped.¹⁶²

Every month in 2011, several PGR and Mexican Army operations in Tamaulipas rescued between 52 and 120 migrants kidnapped by the Gulf Cartel or the Zetas. The PGR also exposed evidence of corruption in the INM. On April 19, 2011, for example,



Privately run assistance facility for deported migrants at the Tijuana port of entry.

six INM agents were turned over to the Assistant Attorney General's Office for Special Investigations of Organized Crime (*Subprocuraduría de Investigación Especializada en Delincuencia Organizada*, SIEDO) for having participated in the kidnappings of 120 Mexicans and foreign nationals trying to cross into the United States.¹⁶³

Actions by the Mexican government

Since 2007 a series of legal reforms and programs in Mexico have sought to address the migration issue. In December of that year the Calderón government launched the Humane Repatriation Program (*Programa de Repatriación Humana*) to attend to Mexican citizens who had been repatriated from the United States to nine Mexican border cities. The program, coordinated by the INM with the participation of the Ministries of Labor, Health, Education, and Social Development as well as state and local authorities and civil society organizations, provides migrants with guidance, food, shelter, medical assistance, the possibility to communicate with family members, and connections to temporary job programs.¹⁶⁴

While an important recognition of the necessity of attending to the thousands of repatriated migrants in Mexican border cities, the program only addresses migrants' most immediate needs. It also relies heavily on private shelters and organizations that provide

assistance to migrants. It often presents their work as part of the government's own program, rather than ensuring the funding needed to provide integral government assistance to repatriated migrants.

On August 31, 2010, shortly after the massacre of the 72 migrants in Tamaulipas, the Ministry of the Interior announced the Comprehensive Strategy to Prevent and Combat the Kidnappings of Migrants in Mexico. This strategy has five parts: agreements to coordinate actions among federal government agencies and states; an operational plan to dismantle kidnapping rings; a communications strategy to inform migrants of the risks faced in Mexico and of their rights in Mexico, and to encourage them to lodge complaints; plans to detain kidnapers and put together preliminary investigations; and provision of special attention to victims.¹⁶⁵

In the context this strategy, the Mexican government has carried out a number of actions to protect migrants in Mexico.

In the first half of 2010, a framework agreement for collaboration was established between federal security, justice, and migration agencies and the CNDH. In November 2010, the working group created by the framework agreement was installed to intensify training and awareness-raising efforts among public-sector authorities (particularly federal police officers and INM agents) on respect for human rights and attention to the victims of crime.¹⁶⁶

Throughout 2010 and 2011 SEGOB carried out training for INM personnel in the regional delegations, offering courses on "protection of the human rights of migrants." The courses included the participation of the U.N. Higher Commissioner on Human Rights (UNHCR), International Organization for Migration (IOM), UNICEF, the National Council to Prevent Discrimination (*Consejo Nacional para Prevenir la Discriminación*, CONAPRED), CNDH, and different INM departments. The INM prepared the first training course and in 2011 trained 17,072 people.¹⁶⁷ As part of the actions of the Working Group of the Framework Agreement on the Kidnapping of Migrants, the INM, SSP, PGR, and CNDH carried out in 2011 the "Training Program for Attention and Protection of Migrants Victims of Crimes" to strengthen competencies and improve the professional quality of public authorities and NGO personnel who work with migrants, especially those who have been the victims of kidnapping.¹⁶⁸

Starting in September 2010, the SEGOB coordinated

a campaign, "Kidnapping of Migrants," aimed at informing the migrant population of actions and services that SEGOB carries out in diverse areas of regarding democratic governance, focusing on the risks of entering the country without documents and on their rights in Mexico.¹⁶⁹

In January 2010, the government published the INM's Manual of Migration Criteria and Processes in the official gazette, establishing the Non-Immigrant Migratory Visitor Status for International Protection and Humanitarian Reasons migration document for migrants who are victims of or witnesses to crimes and who want to remain in the country for the criminal process. It allows them to work in the country for up to one year. On September 3, 2010, Resolution INM/334/2010 was published, instructing INM personnel on the procedures that must be followed to detect, identify, and attend to foreigners who are the victims of crime so that they can receive the required medical and psychological attention, information on their rights, migratory assistance, and help accessing specialized centers that receive migrants. In line with the norms for the Operation of Migratory Stations, published October 7, 2009 in the official gazette, the INM provides foreigners housed in Migratory Stations with informational brochures that contain a list of their rights and duties in Arabic, Chinese, English, French, Portuguese, Russian, and Spanish. Signs containing this same information have been posted in all migration stations in the country.¹⁷⁰

On November 26, 2010, the INM-SIEDO Operational Protocol was signed to facilitate attention to victims of crime and investigate crimes involving migrants. This includes filing charges, guiding the victims to receive required guardianship and preventative, medical and psychological care, providing opportune attention to detainees, and formulating and ratifying charges during the corresponding investigation.¹⁷¹

Between January 1, 2009 and December 31, 2010, the INM assisted 221 foreigners who were victims of trafficking. Between September 1, 2009 and December 31, 2010, the INM also assisted 270 foreigners who were kidnapped. Of these, 81 were provided assistance to legalize their status, while the remainder were repatriated to their countries of origin at their request.¹⁷²

In May 2011, the Mexican Congress passed a landmark Migration Law, providing the basic framework for addressing migration and separating

migration issues from the General Population Law.¹⁷³ However, the regulations that will provide the legal framework for implementing the law have not been passed and the current version being drafted by SEGOB is so general that it fails to adequately protect migrants in the country. There is also no budget for implementing the law in 2012.

The Migration Law elevated to the status of law the creation of groups in charge of protecting migrants, including the *Grupo Beta* and Child Protection Officers (*Oficiales de Protección a la Infancia*, OPIs).^{*} Members of these groups have received a much more systematic training than the agents in the regional delegations.

According to interviews with members of the OSCs, and INM and SEGOB personnel, the principal limitations of the actions described above include:

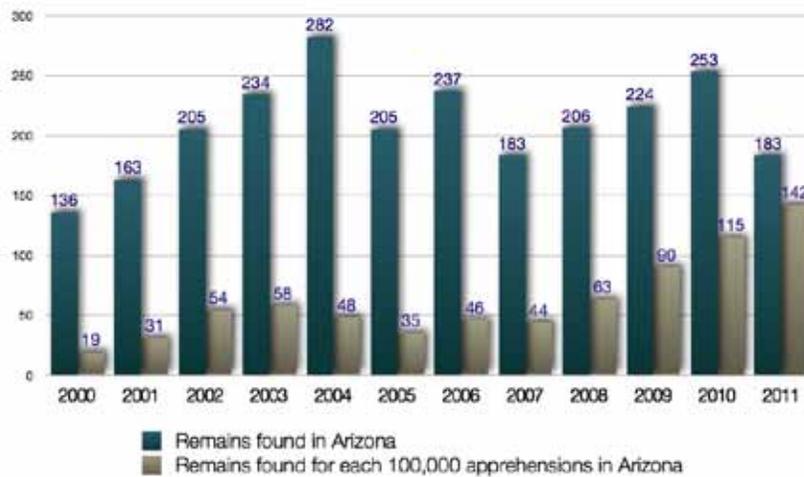
1. The human rights courses for agents in the INM regional delegations are not offered in a systematic manner and they are generally on-line courses. Many agents do not relate the content to their jobs and many do not have sufficient background to understand the content, which tends to be too theoretical.
2. There continue to be major problems with corruption among INM agents, including regional delegates. One example is the delegate from Puebla, Rocío Sánchez de la Vega, who was accused of four crimes in 2011, including human trafficking, abuse of authority, negligence in the escape of foreign detainees, and using institutional funds to support one of the candidates of the PAN.¹⁷⁴
3. The INM has many functions that are contradictory, such as migratory control regularizations, policing migrants (apprehension and detention in migration stations), and protection of their human rights. An example of this is found with the *Grupo Beta* and OPIs. When it began, the *Grupo Beta* could denounce concrete cases of violations of the rights of migrants, but this created tensions within the INM and the group is now limited to rescuing, assisting, and providing humanitarian support for migrants (and, most recently, running the INM's Humane Repatriation Program). By forming part of the INM's bureaucratic structure, the *Grupo Beta* is also exposed to corruption, particularly the practice of extorting migrants, which has occurred with some of its members.
4. Many of the human rights violations committed against migrants have to do with the security perspective of the Mexican migration policy. As in the United States, Mexico's policy favors apprehending migrants under the guise of "securing" the migrants (which only means detaining and repatriating them) as a way of guaranteeing their security. The INM's primary activities and the largest percentage of its budget are aimed at verifying migratory status and carrying out migratory reviews at highway and train checkpoints. The INM reported that agents carried out 9,298 migratory operations along highways and 1,099 along railways throughout the country in 2010. In August 2010, the INM carried out joint operations with SEDENA, SEDEMAR, PGR, and PF in the south of the country and in October 2010 operations began in the central region of Mexico.¹⁷⁵
5. The participation of security forces—particularly the federal police—in migration enforcement poses serious problems in the area of human rights. If there is a problem with the systematic training of migratory agents, this problem is even more serious in the case of the federal police and army, whose agents do not receive training on how to detain a migrant, let alone how to accompany the transfer process for repatriated migrants or how to participate in operations to check migration documents.

Meanwhile, the kidnapping of migrants continues to be a serious problem in Mexico. The CNDH's reports as well as the July 2011 visit of the Inter-American Commission on Human Rights' Rapporteur on the Rights of Migrant Workers, Felipe González, to Mexico, clearly show that migrants continue to suffer horrendous abuses in Mexico and suggest that the Mexican government has not done enough to fully address this problem. A year and a half after the massacre of the 72 migrants, only 60 remains have been identified. In September 2010, the remains of 16 Honduran victims of the massacre were repatriated, however only 12 families were able to claim their loved ones as Mexican authorities had misidentified the other four remains.¹⁷⁶

Although 82 people have been detained as suspects in this massacre and an unreported number have been sentenced, the fact that any investigation was carried out at all is an exception rather than the norm. Between

* The INM has 305 federal migration agents who act as OPIs. There are 14 teams that attend to unaccompanied underage migrants, with 10 along the northern border and four on the southern border.

Migrant deaths in Arizona (Coalición de Derechos Humanos database)



Source: *Coalición de Derechos Humanos*, Tucson.¹⁷⁹

January 2008 and April 2010, the Mexican government reported sentencing only two people for the crime of kidnapping migrants.¹⁷⁷ This impunity for crimes against migrants in transit, and the failure to address corruption effectively within Mexican government agencies, has greatly increased the risks faced by migrants who travel through the country.

THE SITUATION OF MIGRANTS IN THE UNITED STATES

Migrant Deaths

As discussed above, the past 20 years have seen a significant shift in migrant flows as a result of the “prevention through deterrence” strategy, which includes a series of border enforcement operations directed at moving migrants towards remote and inhospitable areas of the border. As has been documented by numerous border organizations, researchers, and Mexican and U.S. government agencies, this strategy has resulted in an alarming increase in migrant deaths in U.S. territory. Since 2000, Border Patrol reports that between 300 and 400 migrants die every year trying to cross the border. Mexico’s Ministry of Foreign Relations (*Secretaría de Relaciones Exteriores*, SRE) reports a higher number of between 370 and 830.¹⁷⁸ The majority of these deaths result from dehydration or hypothermia in desert and mountain areas, or drowning in the Rio Grande or canals.

According to a joint report by the CNDH and the American Civil Liberties Union (ACLU), *Humanitarian*

Crisis: Migrant Deaths at the U.S.-Mexico Border, the increased number of migrant deaths “became the signature of the 1994 border enforcement strategy.”¹⁸⁰ In its 2006 report on border deaths, the Government Accountability Office found that migrant deaths had increased since 1995 and had more than doubled by 2005. The analysis also found that more than three-fourths of the doubling in deaths occurred in the Arizona desert. A significant number of the migrant deaths in Arizona occur on the land of the Tohono O’odham Nation, which includes territory in both countries.¹⁸¹

Paradoxically, migrant deaths have remained nearly constant even as the flow of migrants has decreased. In Arizona, despite a sharp decrease in flows since 2007 and an increase in Border Patrol and National Guard presence, the Tucson-based *Coalición de Derechos Humanos* found 2010 to have been one of the deadliest years for migrants, with 253 bodies found in the Arizona desert. Their data show that while migrant deaths in the state dropped in fiscal year 2011, the number of remains per 100,000 apprehensions actually increased. This coincides with findings in the 2006 GAO report mentioned above, which affirms that “[t]his increase in deaths occurred despite the fact that, according to published estimates, there was not a corresponding increase in the number of illegal entries,” suggesting that even though fewer migrants are crossing the border, they are doing so under more hazardous conditions.¹⁸² While overall migration has decreased, for those who attempt the trip, the probability of death from exposure on U.S. soil has increased sharply.

A similar trend can be observed in Texas. Since 2006, migrant deaths increased dramatically in the state’s southern counties; in 2008 the McAllen sector of Border Patrol reported 67 migrant deaths from drowning. Mexican consulate officials attributed the increase to the greater presence of Border Patrol and the fences newly built along the Rio Grande.¹⁸³

Border deaths have also increased despite Border Patrol’s 1998 implementation of the Border Safety Initiative (BSI), which intends to warn potential

While overall migration has decreased, for those who attempt the trip, the probability of death from exposure on U.S. soil has increased sharply.

migrants of the dangers and hazards of crossing the border illegally and to provide search and rescue assistance to migrants in life-threatening situations.¹⁸⁵ In 2004, the U.S. and Mexican governments launched an additional program to respond to border deaths, the Mexican Interior Repatriation Program (MIRP). The MIRP repatriates Mexican migrants detained in the Sonora desert region of Arizona to their place of residence in the interior of Mexico. Although presented as a humanitarian program meant to decrease risky border crossings in the summer months, it also serves the purpose of removing migrants from border areas and the smugglers they contracted to cross the border, thereby decreasing the possibility of re-entry.

While former INS Commissioner Doris Meissner referred to migrant deaths as a “tragic byproduct of border enforcement,” the CBP argues that increased border enforcement will lead to fewer deaths.¹⁸⁶ When the new BSI campaign was launched for 2004, then-CBP Commissioner Robert C. Bonner stated that “Through increased enforcement efforts, the focus is to secure our border. A more secure border will reduce illegal entries, and thereby reduce migrant deaths.”¹⁸⁷

Throughout the border region, and particularly in Arizona, numerous volunteers and humanitarian organizations install and maintain water stations in the desert, conduct search and rescue missions, and provide humanitarian aid and medical care to repatriated or deported migrants. Many of these organizations have reported various levels of harassment and government opposition to their efforts, primarily because of the view that “these efforts enable unauthorized migration.”¹⁸⁸ In our conversation with

Migrant deaths in Arizona

OCTOBER 2009–SEPTEMBER 2010



OCTOBER 2011–DECEMBER 2011



Source: *Coalición de Derechos Humanos*, Tucson.¹⁸⁴

Border Patrol agents in the Tucson sector, we also heard concerns that the water stations maintained by these groups, while helping migrants, can also be used by drug traffickers. An additional challenge for humanitarian groups is the Tohono O’odham Nation’s resistance to allowing them to operate within the territory.*

Migrants as Targets of Criminal Groups

Although the kidnapping of migrants is alarmingly widespread in Mexico, there are also limited reports of kidnappings of Mexican and Central American migrants after they cross into the United States. This is in part due to the buildup on the border, which has driven up the cost—and thus the profitability—of smuggling, attracting organized criminal groups. Migrants held in “drop houses” in Phoenix, for instance, have reported seeing wads of money, drugs, and weapons in these houses.¹⁸⁹

While far fewer in number than on the Mexican side of the border, enough kidnappings have taken place on the U.S. side for law enforcement to take notice.

* Mike Wilson, a member of the Tohono O’odham nation, has maintained water stations on the reservation since 2002 but this has been against the wishes of the tribal government. See Tristan Ahtone, “Tribe Divided Over Providing Water to Illegal Migrants Crossing Indian Land,” PBS Newshour, 16 September 2008 http://www.pbs.org/newshour/updates/social_issues/july-deco8/waterstations_09-16.html



Tucson's *Coalición de Derechos Humanos* builds a cross for each human body recovered in the desert.

This was confirmed by officials from the Pima County Sheriff's department interviewed in Tucson. Some kidnapped migrants, they noted, are taken from their smugglers by a rival group and held for ransom, a practice some law enforcement agencies term "coyote rips"; other cases involve the same smuggler that transported the migrants across the border refusing to release them from the "drop houses" until their families pay an additional fee, sometimes thousands of dollars more than the original price. The Texas DPS claims that "Human smugglers regularly kidnap groups of illegal aliens in Texas and hold them against their will in safe houses while demanding ransom payments from their families."¹⁹⁰ In Phoenix, media reports based on police documents and interviews with migrants suggest that these kidnappings occur with some regularity.¹⁹¹

Abuse By Border Patrol

Border groups, human rights organizations, and regional and international bodies have documented multiple human rights violations committed by Border Patrol agents against migrants during the detention and deportation process. Some of the most extensive registration of these abuses is the work of the Arizona-based organization No More Deaths, which began its documentation efforts in 2006. Following up on its 2008 report *Crossing the Line*, in September 2011 No More Deaths issued *A Culture of Cruelty*, a report

based on over 4,000 interviews with 12,895 individuals who had been in Border Patrol custody in the Arizona border towns of Naco, Nogales, and Agua Prieta.¹⁹² Based on these interviews, the organization identified 12 areas of concern in Border Patrol's treatment of detained migrants:

[D]enial of or insufficient water; denial of or insufficient food; failure to provide medical treatment or access to medical professionals; inhumane processing center conditions; verbal abuse; physical abuse; psychological abuse; dangerous transportation practices; separation of family members; dangerous repatriation practices; failure to return personal belongings; and due process concerns.

Of the migrants interviewed, 10 percent reported physical abuse. A January 2012 report by the nongovernmental Binational Defense and Advocacy Program, based on interviews with repatriated Mexican migrants, also pointed to Border Patrol's failure to comply with consular notification, or inadequate access to consular services.¹⁹³

According to the EMIF 2010, 7.1 percent of migrants deported by U.S. authorities suffer physical abuse when pursued or detained; 13.7 percent experience verbal abuse; and 8.3 percent are stripped of their personal possessions. Regarding this final point, one of the concerns of human rights groups in Nogales is the seizure of medication, particularly in cases of chronic illnesses. Many migrants who are deported arrive in Mexico in serious condition after having gone several days without medication.

Another concerning practice documented in *A Culture of Cruelty* was the deportation of 869 family members separately, including 17 children and 41 teens, in 2010. Family separation, including the separation of minors from their parents, coincides with information we received from Mexican National Immigration Institute officials in Nogales, Sonora, who reported that they had received over 5,000 unaccompanied minors in 2011 and that some of them had been separated from their families by Border Patrol. No More Deaths members meanwhile interviewed 1,051 women, 190 teens, and 94 children who were repatriated after dark, which violates the 2009 Memorandum of Understanding between the Mexican Consulate and U.S. CBP for Arizona.

Although *A Culture of Cruelty* is focused on the Tucson sector, abuses are not limited to agents

stationed there. Organizations throughout the border region have documented similar abuses against migrants by Border Patrol agents.

Between 2010 and 2011 excessive use of force by Border Patrol agents led to the death of six Mexican citizens.¹⁹⁴ In May 2010, Anastasio Hernández-Rojas died after he was struck with a baton and shocked with a stun gun by Border Patrol and CBP agents as he resisted being deported. In June 2010, 15-year-old Mexican Sergio Adrián Hernández Güereca was shot to death by an agent of Border Patrol near the U.S. side of the border in El Paso, after a group of teens that he was with threw rocks at the agent. In February 2012, a federal judge ruled against a lawsuit filed by the boy's parents alleging that the agent violated the boy's constitutional protections against deadly and excessive force. The judge affirmed that "Güereca isn't covered by those protections because he was a Mexican citizen and was in Mexico when the shooting took place."¹⁹⁵ In June 2011, Border Patrol agents close to the San Ysidro port of entry in San Diego shot and killed a Mexican man who had jumped the border fence and who, together with two other Mexicans, was throwing rocks at Border Patrol agents. The man, Jose Yanez Reyes, fell onto the Mexican side of the border and died. The Mexican government has condemned these deaths and stated that "the use of firearms to repel rock attacks... represents an excessive use of force."¹⁹⁶

The high number of allegations of Border Patrol abuse against migrants suggests that this is not simply a case of "rotten apples" within the institution, but rather a reflection of an internal culture that is exacerbated by weak accountability mechanisms. Organizations we spoke with asserted that at best, serious incidents such as migrant shootings result in investigations and administrative, not criminal, sanctions. In general, though, Border Patrol has shown little willingness to investigate and sanction its agents for abuses. Border groups also expressed frustration at the lack of transparency about complaints, as it is difficult to know the outcome of any investigation. Furthermore, the willingness (or lack thereof) to address human rights concerns seems to depend more on the sector chief's actions than on any institutional guidelines or procedures.

In a positive development, in response to the allegations of abuses made by border organizations, CBP Chief Michael Fisher stated during a February 2012 hearing of the House Appropriations Homeland

Security Subcommittee that Border Patrol recently ordered an investigation into allegations that its agents were mistreating undocumented migrants entering the United States, affirming, "We do take all those [allegations] very seriously."¹⁹⁷

While it appears reticent to address abuses against migrants, CBP is quick to investigate and sanction agents allegedly involved in drug trafficking, human smuggling, or other illicit activities. Between October 2004 and June 2011, 127 CBP personnel were arrested, charged, or convicted of corruption.¹⁹⁸

Activists and experts coincided in their assessment that Border Patrol's alleged excesses owe to problems that are fixable, but institutional. The agency's very rapid growth, combined with a management culture that is, in one El Paso-based analyst's words, "not modern," has brought command and control inconsistencies. Abusiveness and effectiveness "vary by shift" at the El Paso sector, the same local analyst told us.

Border Patrol's nature and culture complicate management. The agency sits on a blurry line between military and police: charged with defending a border against external threats (a military mission) but also charged with protecting and serving civilians in regions near the border (a police mission). Border Patrol officials occasionally refer to the agency as a "paramilitary" organization, and activists criticize Border Patrol for evolving in a more military direction.¹⁹⁹ They refer not just to the weapons that agents carry or the training they receive, but to their allegedly heavy-handed tactics.

Dangerous Deportation Practices

As was highlighted in the *Culture of Cruelty* report and affirmed by Mexican migration agents, concerns abound that Border Patrol has separated families, including minors, in the deportation process, and that the guidelines for safe hours to deport women and minors are often violated. While this issue merits more discussion, we specifically focus on the practice of "lateral repatriation" because it endangers migrants and makes them more vulnerable to abuse by organized criminal groups operating in Mexican border cities.

The first lateral repatriation program began in June 2003, in response to the high number of migrant deaths on the Arizona border. It was designed to transfer migrants detained in the Arizona desert area



Deported migrants' drawings on display at a Ciudad Juárez shelter.

to “safer areas” of the border, particularly the four Border Patrol sectors in Texas.²⁰⁰ This program, now termed the Alien Transfer Exit Program (ATEP) and incorporated as part of the “Consequence Delivery System,” was restarted in the San Diego, El Centro, and Yuma sectors in February 2008, and in the Tucson sector in May of that year. The program’s main objective is to move undocumented migrants from the sector where they were detained to another location for removal, as a way to disrupt the connection between the migrants and the human smugglers with whom they originally crossed, thus making it harder to repeatedly cross the border.

Concerns about the program include the lack of transparency about its operations and guidelines about who can be laterally repatriated; the effects of repatriating Mexican migrants to cities with which they are unfamiliar, and which may lack safety and social services; and the separation of families. As discussed above, multiple accounts indicate that migrants are preyed upon by gangs and organized criminal groups when deported from the United States.²⁰¹ Likewise, whereas larger border cities, including Ciudad Juárez, have a broad network of social services that can assist

migrants, this is not the case in border crossings that have at times been used for lateral repatriations. For example, when repatriations to Ciudad Juárez were halted in March 2010 at the request of the city’s mayor and due to the violence in the city, migrants began to be repatriated through the Presidio/Ojinaga border crossing in the remote Big Bend region.²⁰² While the city has only recently seen higher levels of violence, Ojinaga is a small town that lacks services to attend to high numbers of repatriated migrants. The same is the case with other cities along the east Texas border.

While hard to track, currently it appears that migrants are being laterally repatriated to Tijuana and Mexican cities on the Texas border, with the exception of Ciudad Juárez, despite the fact that Tijuana and the three states that border Texas—Chihuahua, Coahuila, and

Tamaulipas—are all listed on the Department of State’s February 2012 travel warning for Mexico. For Tamaulipas, the warning states:

Tamaulipas: Matamoros, Nuevo Laredo, Reynosa, and Tampico are the major cities/travel destinations in Tamaulipas—You should defer non-essential travel to the state of Tamaulipas. All USG [U.S. government] employees are prohibited from personal travel on Tamaulipas highways outside of Matamoros, Reynosa and Nuevo Laredo due to the risks posed by armed robbery and carjacking.... While no highway routes through Tamaulipas are considered safe, many of the crimes reported to the U.S. Consulate General in Matamoros have taken place along the Matamoros-Tampico highway, particularly around San Fernando and the area north of Tampico.²⁰³

In recognition of the risks faced by migrants deported at the border, Homeland Security Secretary Janet Napolitano announced during her February 2012 visit to Mexico the launch of a pilot program between the two governments to fly detained Mexican migrants back to their states of origin, instead of the border. Set to start in April 2012, the details of this program, which migrants it will affect, and how it will differ from the existing MIRP effort, are still unclear.²⁰⁴

There is concern about the impact of placing migrants—the majority of whom are coming to the United States for economic reasons or to be reunited with families—within the U.S. prison system, where they have opportunities to become connected to criminal networks.

Apart from the possible impact on migrants' safety, a GAO report assessing CBP programs to counter human smuggling along the southwest border affirms that there are no ATEP performance measures for the entire southwest border region, although some sectors have established their own indicators in order to measure the effectiveness of the program in deterring reentries. According to the GAO, the CBP has acknowledged that "because these measures are not assessing performance for the entire southwest border, the full effect of ATEP is unknown."²⁰⁵

Operation Streamline

Another key component of the "Consequence Delivery System" is "Operation Streamline," which began in 2005. This program is designed, CBP reports, to "criminally prosecute for illegal entry undocumented immigrants who enter the U.S. through any designated target enforcement zone in order to reduce illegal border crossing activity and achieve operational control of the border."²⁰⁶ Streamline is currently operating in five sectors (Del Rio, Laredo, Rio Grande, Yuma, and Tucson). Through the end of fiscal year 2011, 164,639 people had been processed through Streamline.²⁰⁷ The maximum penalty for first-time illegal entry is a fine and six months in federal prison; a second reentry can be prosecuted as a felony with a sentence of up to twenty years.²⁰⁸

Because Streamline entails jail time, there is concern about the impact of placing migrants—the majority of whom are coming to the United States for economic reasons or to be reunited with families—within the U.S. prison system, where they have opportunities to become connected to criminal networks while in detention. The program also raises humanitarian concerns about the impact on immigrant families with a mixed legal status, and about due process guarantees and adequate legal representation of migrants, dozens of whom are often tried at the same time.



El Paso, Texas.

At the same time, judges, federal defenders, and others have criticized the program because it requires significant federal court and enforcement resources that would be better used to focus on more serious criminal prosecutions. Estimating the cost of the program for DOJ and federal courts that are required to provide transportation, housing, food, interpreters, defense attorneys, courtrooms, clerks, and judges has also been difficult.²⁰⁹ CBP has calculated a Streamline cost of US\$237.11 per undocumented migrant based on the time required above and beyond normal operations for Border Patrol agents, ICE officers, judicial officials, and others, but this estimate does not include costs for patrol, arrest, transportation, and processing duties, much less incarceration.²¹⁰ In 2009, DOJ estimated that it cost between US\$7 million to US\$10 million per month just to house those convicted under the program.²¹¹ Although CBP has developed a "Streamline Program Performance Framework" to measure the program's effectiveness, it is difficult to assess

whether Streamline is deterring migrants because of the numerous other factors, which this report has discussed, that have brought about the decrease in border crossings.²¹²

Conclusion

We are now in what appears to be the tail end of a historic security buildup that has transformed the U.S.-Mexico border region. In the United States, this buildup has responded to fears of threats: real ones, hypothetical ones, and politically motivated ones. These include uncontrolled migration, the entry of terrorists, flows of illegal drugs, and spillover of Mexico's rising violence.

As this study shows, most of these fears have hardly been realized. Migration is at its lowest point in 40 years. Terrorists aiming to do harm in the United States have not been detected. Violence has frayed nerves, but rarely crosses the border. Only drug trafficking has continued unabated, calling into question the increased security presence's deterrent effect.

In the case of Mexico, the expansion of organized crime has made migrants targets for kidnapping, extortion, and other abuses as they travel through the country. The U.S. border buildup has made human smuggling a more profitable business for drug-trafficking organizations to involve themselves in, or in many cases, to control. In the current "war on drugs" framework, the Mexican government has treated migration as a national security issue, adding more checkpoints and military patrols along the northern and southern border, while failing to address the humanitarian crisis facing migrants in the country or the widespread abuses against migrants committed by state agents.

Those most affected by the border's transformation are the population that least fits the definition of a "threat" to be feared: the hundreds of thousands of migrants who continue to cross the border on a yearly basis. These individuals' motivations may differ: a deported mother may be desperate to see her U.S.-born children or a young man may hope for a chance to reach the middle class. But it is certain that many will continue to make the treacherous journey. And they will do so despite the risks they face, even risks—being robbed, raped, maimed, or dying in a desert—that are more befitting of the 13th century than the 21st.

A true "21st century border" would not be thrown open to all who wish to cross. But nor would it subject

vulnerable people to the horrific experiences that are too common today.

Our year-long study of border security and migration left us with a host of concerns, ideas, impressions, and insights. We try to detail them in these pages. In the broadest strokes, though, we would sum them up in three phrases: "diminishing returns"; "severe side effects"; and "pause and reconsider."

For the United States, it should be clear that further increases in resources for the current border security strategy—or rather, set of strategies—will yield rapidly **diminishing returns**. Fences now exist in all but the most remote and impassable areas, the ratio of migrants to personnel is at historic lows, and the ratio of dollars per apprehension is at historic highs. Meanwhile, it is not even clear how much of the reduction in migration owes to security measures—though some certainly does—and how much owes to other factors like recession and fear of organized crime. Additional dollars for current border security priorities will yield little additional payoff and are unnecessary.

Even without any further buildup, though, the current mix of strategies is having **severe side effects**. Among many others, these include increased migrant deaths, recruitment opportunities for organized crime, a culture of abuse without accountability, and a striking precedent for the U.S. military's domestic role. Working with civil society organizations, our governments must reckon honestly with these consequences and make a priority of minimizing and curtailing them.

The best way to do that is to **pause and reconsider** what has been attempted, built, and achieved over the past 20—and especially the past ten—years. It is time to consider whether today's confusing edifice of U.S. security and intelligence agencies is really the most efficient, effective, and humane border security apparatus given the generous resources currently available. It is time to consider what a unified, bi-national border security strategy could look like. Or whether the current U.S. military role makes sense. Or how to guarantee that officials' abuse of human rights and complicity with criminal groups doesn't go uninvestigated and unpunished. Or how to ensure that U.S. support to Mexico strengthens accountability efforts. Or how to safeguard so that nobody dies of dehydration or hypothermia on the soil of one of the world's wealthiest countries. Or how to have a national and bi-national discussion of migration that aligns legality with reality.

A true “21st century border” would not be thrown open to all who wish to cross. But nor would it subject vulnerable people to the horrific experiences that are too common today.

The present moment—marked by flattening budgets, plummeting migration, and new presidential terms about to begin in both countries—offers a golden opportunity to pause and reconsider. Our governments must seize it, and we hope that this report will inform the discussion.

Recommendations FOR THE UNITED STATES

1. To have improved coordination, a comprehensive border strategy must exist in the first place.

This report details the multi-layered, overlapping, at times confusing and expensive set of U.S. government agencies with border security responsibilities that have either sprung up or grown rapidly during the past decade. Some are civilian, some are military, and many carry out intelligence tasks. Their growth has been accompanied by numerous ad hoc efforts to get employees of different agencies to work together, to share intelligence and to carry out joint operations through a series of task forces, fusion centers, and other coordination bodies. Even when part of the same cabinet department, however, agencies have different goals, cultures, authorities, and ways of measuring success, and may at times compete for resources—and thus for credit.

This lack of clarity not only causes resources to be wasted. It can cause threats to be misread or missed. And it can cause consequences, like the humanitarian crisis facing the migrant population, to be overlooked, ignored, or even aggravated.

Ultimately, the lack of coordination and apparent improvisation will likely continue until the U.S. government develops a comprehensive southwest border security strategy. Today, no document outlining such a strategy exists. While Border Patrol and some other agencies have their own southwest border strategies, and while the White House publishes a regular “Southwest Border Counternarcotics Strategy,” there is no government-wide document to guide agencies with border security roles. In a bureaucracy as vast and multifaceted as the U.S. executive branch—or even one cabinet department like

DHS—the lack of such a document makes strategic planning, coordination, intelligence-sharing, and similar joint operations nearly impossible.

Developing such a strategy is ultimately the responsibility of the White House, since so many cabinet departments have a stake in border security. Demanding this strategy and carrying out regular, comprehensive, and aggressive oversight of its justification, funding levels, and execution is up to the relevant congressional committees. However, the strategy must also take into account cooperation—including sharing resources and intelligence and carrying out joint operations—with agencies over which the White House has no jurisdiction, such as states, localities, and especially the Mexican government.

2. The “law of diminishing returns” is in full effect. Additional resources for border security are not needed.

Apprehensions data show undocumented migration reduced to early-70s levels, and the trend line points to continued decline. The wave of undocumented migration that crested in the 1980s began receding in the 2000s. Given increased U.S. border security, sluggish job creation in the United States, and grave risks on the Mexican side of the border, a new wave is most unlikely anytime soon.

This decline has happened amid an unprecedented U.S. border security buildup. As a result, the number of migrants per Border Patrol officer (20 in 2011) is at least as low as it was 40 years ago. Add this to a lack of spillover violence, and calls to bolster border security capacities still further—or to deploy the National Guard still more robustly—make little policy sense.

Any additional border security spending is likely to yield ever diminishing returns. The need is largely met here. Increased resources are unnecessary.

After the big buildup of recent years, the more immediate challenge is making better use of the resources that have already been appropriated, better coordinating the assets that currently exist, and paring back what is yielding poor results or worsening migrants’ humanitarian situation.

During our field research, we repeatedly heard officials, legislators, and activists call for “more blue and less green.”

3. Invest more at ports of entry. Resources are needed more urgently at the ports than between them.

One area that continues unabated is drug trafficking, which seizure data indicate remains robust. Another is southbound arms and bulk-cash transfers. Both of these phenomena occur principally at ports of entry.

During our field research, we repeatedly heard officials, legislators, and activists call for “more blue and less green.” The term refers to the uniform colors of, respectively, the CBP Office of Field Operations (OFO), which mans ports of entry, and the CBP Border Patrol, which works between the ports. While we did not learn enough to recommend whether *less* “green” (Border Patrol) is actually advisable, we absolutely agree that any additional resources should go to OFO, and if overall budgets do not grow, OFO should increase even at the expense of the rest of CBP, or even DHS.

Stopping southbound traffic of arms and bulk cash is a crucial way to help Mexico combat violence. The majority of drugs, and many migrants, meanwhile enter among the hundreds of thousands of vehicles and pedestrians crossing northward at ports of entry every day. Yet OFO personnel are required to act quickly in order to reduce border wait times in both directions. These conflicting demands require a much larger, better-equipped, and more efficient agency.

4. Start planning now to reduce the Department of Defense’s internal role.

Though perhaps it began as an accidental relic of the 1870s Reconstruction era, the Posse Comitatus Act, which prohibits the use of U.S. military personnel as police, has served U.S. democracy well. Our armed forces have internalized this value, and they are generally reluctant to carry out operations involving U.S. citizens on U.S. soil, except under emergency circumstances.

The decision to give the military a counter-drug law enforcement responsibility on U.S. soil was thus a serious step. The counter-drug “emergency” that brought it about, though, is now 23 years old.

Meanwhile, even though its operations require a “counter-drug nexus” to exist, JTF-N’s support often gets used to assist the apprehension of migrants unrelated to the drug trade. Under Operations Jump Start and Phalanx, the National Guard has been deployed to support border security in general, not just counter-drug operations.

With little violence spillover and historically low migration, we must constantly evaluate whether border security is still an “emergency” requiring our military and our National Guard to play unconventional roles on U.S. soil. The Obama administration’s late 2011 reduction in Operation Phalanx was a move in the right direction. A further step would be to give the remaining 300 National Guard personnel’s surveillance responsibilities to the civilian DHS as quickly as is feasible.

Joint Task Force-North was created twenty years ago to address a counter-drug “emergency,” and certainly, cross-border trafficking remains high. But the definition of a “counter-drug nexus” to justify the military’s involvement seems to have become all-encompassing, with JTF-N personnel supporting law-enforcement agencies in duties ranging from counterterrorism to detecting migrants, that do not require skills, equipment, or techniques that are uniquely military. For the U.S. border security community, JTF-N seems to have become one of several available sources of resources, skills, and manpower. It is not clear why most of its functions cannot be civilianized, at least on U.S. soil.

5. Increase Border Patrol resources for search and rescue operations and collaboration with humanitarian groups; allow these groups to conduct their work free of harassment.

While the overall number of border deaths has dropped slightly, Arizona border organizations’ documentation has shown an increase in the number of deaths per 100,000 apprehensions. In recognition of the continued humanitarian crisis, DHS should allocate additional resources to BORSTAR teams. Studies have shown that the probability of death decreases significantly if BORSTAR agents,

as opposed to non-BORSTAR Border Patrol agents, respond to a migrant in distress.²¹³ Expanding BORSTAR presence, as well as other measures like additional rescue beacon and water stations, is particularly important as evidence suggests migrants are increasingly crossing through more remote and treacherous terrain. U.S. agencies operating on the border, and the Tohono O'odham tribal government, should also facilitate, not hinder, the work of humanitarian groups on the border who work to save migrants' lives and recover migrants' remains, and develop clear protocols for collaborating with these organizations.²¹⁴

6. Establish or strengthen internal and external accountability mechanisms for the U.S. Border Patrol.

As this report highlights, organizations on both sides of the border have widely documented cases of abuse and human rights violations against migrants. The failure to hold public servants accountable for these abuses creates a climate of permissiveness for harming this vulnerable population.

The Department of Homeland Security should ensure that Border Patrol applies existing custody standards, and strengthens them to respond to the allegations of abuses documented by border organizations and civil rights groups. The agency should also develop a transparent and accessible complaint process and establish external accountability mechanisms to respond to concerns raised by human rights defenders and citizen groups.

7. Increase bi-national coordination on border security issues and continue to support institutional strengthening in Mexico.

While U.S.-Mexico cooperation on security issues at the federal level has reached historic levels, cooperation on the ground in the border region appears to be more ad hoc. Mistrust, at times justified, continues to hinder increased law enforcement cooperation along the border.

Additional U.S. assistance to Mexico should be based on clear benchmarks for measuring progress and expected results, and these should coincide with the Mexican government's priorities and security plans. Priority should be given to support that would increase the accountability of municipal, state and federal police agents, as well as INM of-

ficials, as they are some of the primary violators of migrants' rights in Mexico.

8. Adjust repatriation practices to prevent family separation and endangerment of migrants.

The U.S. government's repatriation practices have prioritized dissuasion over family unification and human rights. Mexican migration officials, migrant shelters, and U.S. border groups repeatedly reported violations of the 2004 Memorandum of Understanding on the Safe, Orderly, Dignified and Human Repatriation of Mexican Nationals and local agreements between governments on repatriation practices, particularly provisions regarding the time of the day when, and ports of entry where, women and children can be repatriated. At times members of the same family are repatriated through different ports of entry, which increases their vulnerability. As this report highlights, there are also ongoing concerns about repatriation to Mexican border cities with high levels of violence and few social services to attend to migrants' needs.

The U.S. government must curtail ATEP transfers that separate families. They must also curtail transfers to cities that, though their violent crime rates may be relatively low, are widely viewed to be under the influence of organized crime groups that prey on deported migrants.

We are encouraged by both governments' February 2012 announcement of a pilot program to fly migrants back to their home states, in recognition of security concerns in the border, and encourage both governments to develop better guidelines, in consultation with civil society organizations and migrant shelters, to determine safe repatriation practices to Mexican border cities.

FOR MEXICO

1. The Mexican government should fully implement its Comprehensive Strategy to Combat the Kidnapping of Migrants and enhance the protection of migrants in the country.

Mexico's government has taken initial steps to increase the protection of migrants in its territory, such as the ability of migrants who are victims of a crime to report it without being subject to migrant proceedings. Nonetheless, abuse of migrants is perpetuated and worsened by the state's failure to fully

implement its existing strategy to combat migrant kidnappings, or to hold accountable kidnappers, other criminal groups, and complicit state agents responsible for abuses.

2. Expand and improve mechanisms to combat corruption and increase accountability within Mexico's federal, state, and local police corps, as well as the National Immigration Institute.

The failure to hold government officials accountable for the human rights violations and criminal acts they commit against migrants leads to abuse. All law enforcement and immigration officers should receive a clear, credible message that they will be sanctioned for any criminal behavior, including abuses of migrants' human rights.

3. Establish a professional civil service for the INM.

More than six thousand people work for the INM, over 4,500 of them in operational positions. Since 2010, the INM has stepped up its efforts to train agents, particularly on human rights, and most agents have gone through trust control evaluations. In August 2011, the INM reported that more than 400 agents were fired and several were being investigated for criminal acts after they failed their trust control exams.²¹⁶

Currently, training for migration agents is not comprehensive or regular enough to allow for the agents' professionalization or their knowledge of the new legal and international framework on migration and human rights.

In January 2012, a group of Mexican senators from the Institutional Revolutionary Party (PRI) and the

Party of the Democratic Revolution (PRD) presented a proposal to reform article 25 of the Migration Law that would integrate INM staff into the Professional Civil Service. Although the professionalization of all public servants within the INM would take time, there is an urgent need to clearly define the skills, incentive systems, and comprehensive training programs needed for each post.

4. Provide the *Grupo Beta* with more autonomy and resources.

Our field work at different parts of the border revealed important differences in the performance of *Grupo Beta* agents and their connections with civil society. In some places, like Mexicali, agents had been implicated in cases of corruption, and in others they had connections with smugglers. However, in Nogales and Tijuana the *Grupo Beta* agents carry out important rescue missions for migrants that have been injured on their way to the United States.

A lack of resources is one of the main challenges for improved functioning of the *Grupo Beta*. For example, in Mexicali the group's orange jeeps are almost always parked in front of the port of entry because there are no resources to pay for gasoline or vehicle maintenance. The groups also need more human resources: many members are former state and municipal police officers who, in general, are not trained for the tasks at hand. Many of them express unease about having to turn in their weapons. In this regard, the *Grupo Beta* should be granted more autonomy from the INM and establish hiring guidelines so that the agents do not come from state or municipal police forces.

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About COLEF

Established in 1982, the College of the Northern Border (*Colegio de la Frontera Norte*, COLEF), is a research center whose mission is to generate scientific knowledge about the regional phenomena of the U.S.-Mexico border, to train highly qualified professionals, and to create institutional connections on social and governmental levels that will contribute to the development of the region and the country.

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