



Top 10 Priority Requests to the Biden-Harris Administration that Protect Border and Immigrant Communities

Communities along the U.S.-Mexico border are home to millions of people -- and they are diverse and vibrant places of encounter, hope and opportunity. The southern border region has a deeply rich cultural and indigenous history that predates national boundaries, and its unique wildlife habitats enrich the dynamic landscape that is home to endangered species like wolves, jaguars and ocelots. Southern border cities are some of the safest communities in the country and the region is a key engine of economic growth; an international trade hub that creates jobs and generates wealth.

But, for decades, border communities have borne the brunt of a deeply misguided (often bipartisan) political strategy that unwisely attempts to offset immigration reforms with the so-called need for border “security” that in reality is harmful to the region. This paradigm has proven to be catastrophic, counterproductive and costly. It has led to the hyper-militarization of our border communities; a massive erosion of the rights of our residents; increased abuse with impunity by border enforcement officials of community members of color, including immigrants with long ties to the region, tribal members, and those seeking protection; and almost zero advances in humane and fair immigration policies.

We encourage the Biden/Harris Administration to take a new approach. The new administration needs to recognize the deep need for an overhaul and meaningful reform of U.S. Customs and Border Protection, the nation’s largest law enforcement agency that has abused immigrants and border communities with impunity. Below are our top 10 priorities to advance the protection of immigrant and border communities.

1. **Re-think Borders.** The administration should recognize the deep harms that have resulted from the legacy of deeply misguided border policies grounded in a “law enforcement-only” or “deterrence” model that have not made us safer as a nation, but instead threatens the wellbeing and rights of both immigrant and border communities, contributes to the loss of life of thousands, and wastes billions of taxpayer dollars. The border region needs good governance, not more harmful enforcement. The administration — in consultation with border communities — must develop a new approach to manage our border that expands community safety for all, protects life and human rights, and offers a welcoming system for those who live and work in the border region, visitors, and people seeking protection.
2. **Immediately Halt Border Wall Construction.** Border wall construction under the Trump administration has wasted billions of taxpayer dollars (much of it illegally raided outside the

appropriations process), bull-dozed and dynamited our region's national monuments and other public lands, blown up sites sacred to Native Americans, torn homes and farms away from landowners, irreparably harmed wildlife and fragile ecosystems, and contributed to thousands of migrant deaths. The new administration must immediately halt all border wall construction, cancel all outstanding contracts, end eminent domain cases in South Texas, and begin a process to mitigate harms and heal from the wall's damages to communities, tribes and lands. The administration should conduct a comprehensive assessment of the feasibility of dismantling existing border walls and barriers through consultation with environmental experts and border and tribal communities. Reparations also should be accorded to cross-border tribal nations whose sacred lands have been desecrated by bull-dozers and dynamite. As an important first step, the Administration should end the Emergency Declaration at the border that Trump exploited to divert military funds for border wall construction and withdraw the government's appeals to the Supreme Court on this issue. And as the Administration moves to halt wall construction, we caution against pivoting to an expansion of CBP's invasive technology programs, like a "smart" or virtual wall, drones, biometric and other surveillance technologies that raise extreme civil rights, civil liberties and privacy concerns, and run the risk of being a costly boondoggle.

3. **Repeal the border wall waiver authority.** The equal protection of the law should be restored to border communities and lands. The [Real ID Act of 2005](#) gives the Department of Homeland Security Secretary the extraordinary authority to waive and ignore all local, state and federal laws, regulations and statutes to expedite construction of physical barriers -- and the Trump Administration deployed this authority more than any other in history. Dozens of bedrock laws passed by Congress to protect public health, water, the environment, religious sites, and our tax dollars have been waived to expedite construction of the border wall. The administration should direct the DHS Secretary to rescind the waivers put in place by the Trump administration and work with Congress to repeal the waiver authority.
4. **Remove all military personnel and equipment.** The border region is not a war zone. The new administration should remove all military personnel — including active duty troops, reservists and National Guard — from the border region, except for any military personnel providing humanitarian aid (for example, in the case of a natural disaster). Concertina wire should also be removed from physical barriers and from river banks near the international border line.
5. **Improve port of entry infrastructure.** Instead of wasting billions of taxpayer dollars on a lethal, ineffective border wall, the new administration should work with congressional appropriators to invest dollars in infrastructure improvements at ports of entry and in systems to reduce border-crossing wait times. Creating a more efficient and rights-respecting process will not only facilitate cross-border travel for border residents and visitors, it will also boost local and national economies.
6. **Bring CBP policy and practices into full compliance with Fourth Amendment standards.** CBP operations often force border region residents to regularly encounter CBP

enforcement within their communities and region, including while traveling to work, school, family visits, and medical appointments, and the broad powers CBP asserts have led to widespread Fourth Amendment and other constitutional violations. The incoming administration should issue a memorandum to CBP reinforcing that border agency officials should conduct their law enforcement activities in adherence to constitutional protections. CBP agents and officials should be regularly certified in constitutional training so that they understand the Fourth Amendment protection from unreasonable search and seizure and do not default to treating people as “the enemy,” especially people of color or people who have an accent when speaking English. The administration should direct CBP to prohibit racial and identity profiling and direct the Department of Justice to eliminate the border exception to its [racial profiling guidance](#). The administration should also eliminate interior checkpoints, which have only served to interfere with the daily lives of border communities going about to school, work, shopping and doctor’s appointments. A [2017 GAO report](#) showed that the vast majority of arrests at checkpoints was of U.S. citizens, many of whom were carrying only a small amount of marijuana. And the administration should work with Congress to ensure constitutional protections are upheld in statute and fully complied with throughout the border region, including by amending 8 USC 1357 “powers without warrant” to align with the Constitution.

7. **Replace Abusive Over-Policing with Accountability.** CBP’s decades-long track record of rights abuses and impunity has greatly intensified over the past four years. These include the unaccountable deaths of [six children](#) in custody, [family separations](#), [arrests of children receiving urgent medical care](#), and the BORTAC tactical unit’s [seizure](#) of protesters in Portland. The administration should both scale down the Border Patrol force and establish an efficient and effective system that holds CBP officials accountable for abuses and lethal and excessive use of force, including by making changes to agency policy, including use of force policy, to bring the agency in line with best practices as recommended by the Police Executive Research Forum (PERF) and other experts. The administration should also issue a statement that supports legislation that provides a private right of action for damages against federal officials alleged to have violated an individual’s constitutional right(s) and that overturns the current barrier to accountability imposed by the “qualified immunity” doctrine. In addition, the administration should end all collaborations between federal immigration enforcement officials and local police, which disrupt community trust and threaten public safety, including ending FEMA Stonegarden grants. The administration should also request federal prosecutors to deprioritize 8 USC 1324, 1325, and 1326 prosecutions and work with Congress to eliminate these statutes as these have racist origins.
8. **Rescue and Recovery.** Policies and programs between ports of entry should focus squarely on the protection, rescue and recovery of migrants. “Prevention through deterrence” strategies must be a thing of the past. Halt the use of tactics that threaten the life and safety of migrants (such as dusting and fast-speed vehicle pursuits), initiate a working group with relevant state, local, and federal authorities and stakeholders to protect life, expand rescue operations, and provide humanitarian care in the border region.

9. **Roll back President Trump’s anti-immigrant and anti-refugee regime.** The new administration should roll back the entire gamut of harmful executive orders and policies enacted by former President Trump, starting with the “Muslim Ban” and including “metering,” the so-called “Migrant Protection Protocols,” fast-track removal policies such as the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP), and the use of a global pandemic as an excuse to quickly expel individuals, children and families at our borders. In addition, more than one in every five DACA recipients live in the border region and 43 percent of the 11 million undocumented people in the United States live in the four Southwestern states of California, Arizona, New Mexico and Texas; hence, we urge the new administration to pursue full DACA protections until a permanent pathway to citizenship is created. The new administration should also work with Congress to pass a fair and humane immigration reform with strong legalization provisions. All of these immigration reform initiatives should be bold, restorative and transformative, and should not include provisions harmful to any specific group — *including against border communities* — in exchange for benefits for a handful of groups.
10. **Welcome protection seekers without relying on detention.** The administration should develop and implement a welcoming system to expeditiously welcome those arriving at our borders seeking protection. This system should not rely on detention and must instead create humanitarian welcoming centers — staffed by social workers, trauma specialists, asylum officers, child specialists, and health professionals — at all ports of entry. This aligns with best practices outlined by the United Nations.

The Southern Border Communities Coalition is a network of networks from San Diego, California to Brownsville, TX that comprises more than 100 organizations that came together to ensure that border enforcement policies and practices are accountable and fair; respect life, dignity and human rights; and prevent the loss of life in the region.