

# BORDER BRIEFING:

## WHY WE NEED BETTER BORDERS, NOT MORE BORDER ENFORCEMENT

### 1. Benchmarks for Border Security Have Already Been Met.

In the national conversation around immigration reform, enforcement-first proponents keep moving the goalposts on what a secure border should look like, when all of the previous benchmarks have been met or exceeded.<sup>1</sup>

- ✓ 21,033 Border Patrol agents<sup>2</sup>
- ✓ 25,326 Inspectors at Ports of Entry<sup>3</sup>
- ✓ 653 miles of fencing<sup>4</sup>
- ✓ 356 video surveillance systems<sup>5</sup>
- ✓ 10 drones for air surveillance<sup>6</sup>
- ✓ 34,000+ detention beds<sup>7</sup>

It's time to move forward to fix our nation's broken immigration system and create lawful pathways to unite families and meet workforce demands.

### 2. Border Communities are Safe.

The southern border region is home to some 15 million people living in border counties in California, Arizona, New Mexico, and Texas. These communities, which include cities such as San Diego and El Paso, are among the safest in the country. Crime rates associated with unauthorized migration such as breaking and entering, trespassing, and car theft are well below the national average in all border communities.<sup>8</sup>

### 3. Net Unauthorized Migration from Mexico Has Fallen to Zero.

A weakening U.S. economy, strengthened enforcement, and a growing Mexican economy have led to a dramatic decrease in unauthorized migration from Mexico. In fact, net migration from Mexico is now zero or slightly negative (more people leaving than coming).<sup>9</sup> The profile of those still crossing without authorization has changed from being predominantly young, first-time crossers seeking a better life to older, prior crossers, with few ties to their home country, seeking to rejoin their families.<sup>10</sup>

### 4. Border Enforcement Costs Billions, Can We Afford More?

U.S. taxpayers spend more on immigration enforcement agencies (almost \$18 billion) than we do on all other enforcement agencies combined, including the FBI, DEA, ATF, US Marshals, Secret Service.<sup>11</sup> The bulk of this money goes to Customs and Border Protection (CBP). With a budget of \$13 billion and more than 59,000 personnel, CBP is the largest law enforcement agency in the country, and their agents are concentrated on the southern border.<sup>12</sup>

### 5. With Crossings at a Historic Low, Apprehensions are Manageable.

The largest share of CBP personnel are assigned to Border Patrol with the vast majority deployed along the two-thousand mile southern land border (17,026 agents).<sup>13</sup> This near-record high level of staffing comes at a time when unauthorized migration is down and Border Patrol apprehensions between ports of entry are at near-record lows. In FY 2016, Border Patrol apprehended 408,870 unauthorized migrants along the southern border, one of the lowest numbers in decades.<sup>14</sup> This is the equivalent of about 24 apprehensions a year per agent (or 2 apprehensions a month per agent). Despite these numbers, some policymakers are calling for even more agents to be hired and deployed at the southern border.

### 6. Efficient Ports of Entry Should be the Priority Moving Forward.

With the buildup of enforcement between the ports of entry, land ports have been neglected, creating choke points for the more than 185 million people and 7 million containers entering lawfully through our southern ports every year.<sup>15</sup> These choke points regularly cause crossing delays several hours long, inhibiting binational trade, exacerbating local air pollution and traffic congestion, and frustrating binational relationships. Less than 0.1% of crossers are found inadmissible every year.<sup>16</sup> The challenge for CBP port inspectors is to facilitate the flow of legitimate crossers, who make up more than 99.9% of crossers, and detect the other 0.1% who are not. Modernizing port infrastructure, increasing operational hours, and expanding trusted traveler programs would alleviate choke points and allow inspectors to manage risks.



SOUTHERN BORDER COMMUNITIES COALITION  
**SBCC**  
CALIFORNIA ARIZONA NEW MEXICO TEXAS

The Southern Border Communities Coalition (SBCC) brings together organizations from San Diego, California, to Brownsville, Texas, to ensure that border enforcement policies and practices are accountable and fair, respect human dignity and human rights, and prevent the loss of life in the region.  
[www.southernborder.org](http://www.southernborder.org)

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## 7. Heartland States Depend on Efficient Ports.

Investments in southern ports of entry represent a tremendous cost benefit to the entire country. The ports along the southern border are critical gateways to Mexico, our third largest trading partner and the second largest market for U.S. exports. Every day about 500,000 people and 19,000 containers enter lawfully through our southern ports.<sup>17</sup> The vast majority of crossers are border residents<sup>18</sup> who come to shop, do business, and visit, fueling our economy and strengthening our relationships.<sup>19</sup> The containers are destined to all 50 states, with many arriving empty and ready to load U.S. goods for sale in Mexico. Mexico is a top export destination for heartland states such as Nebraska, South Dakota, and Kansas, and an estimated 5 million jobs (one in every 24 workers in the country) depend on trade with Mexico.<sup>20</sup> Delays at ports of entry are costing the United States and Mexico billions of dollars each year.<sup>21</sup>

## 8. The Dangers of Unchecked Border Enforcement.

CBP has extraordinary authority that far exceeds other law enforcement agencies. Under 8 U.S.C. 1357(a) and 8 C.F.R. 287.1, CBP asserts the power to act without a warrants and do any of the following *inside* the United States without first establishing any suspicion of wrongdoing as is normally required under the Fourth Amendment of the Constitution:

- Interrogate anyone to ask for their papers in the U.S.
- Search public transportation up to 100 miles from border
- Enter private property (but not dwelling) up to 25 miles

CBP's extraordinary authority coupled with extraordinary resources has led to repeated abuse of power, pointing to gaps in agency oversight, accountability and training. Since 2010, CBP agents have killed more than 50 border residents.<sup>22</sup> At the same time, the media has uncovered more than 150 incidents of corruption among agents that include drug trafficking, bribery, and human smuggling.<sup>23</sup> No known agents have been convicted, put on leave or otherwise held accountable.

## 9. A Better Border Begins with Efficiency & Accountability.

In the 21st century, border residents and travelers should be able to cross through efficient ports and be safe from corruption and abuse. The rapid buildup of CBP personnel has not been matched with a commensurate investment in oversight such as through the hiring of internal affairs investigators. The ratio of investigators to CBP enforcement agents is dangerously low with a ratio of one investigator for every 200 CBP agents.<sup>24</sup> Using the FBI's ratio of one investigator for every 50 agents as a benchmark, the CBP Integrity Advisory Panel has characterized the CBP Office of Internal Affairs as "woefully understaffed" and the internal affairs disciplinary process as "broken."<sup>25</sup> In light of these deficiencies, oversight and accountability must become a priority.

<sup>1</sup> "Border Security: Moving Beyond Past Benchmarks", January 2013. <http://www.aila.org/content/default.aspx?bc=25667%7C43061>.

<sup>2</sup> U.S. Customs and Border Protection, "Snapshot: A Summary of CBP Facts and Figures", February 2017. <https://www.cbp.gov/sites/default/files/assets/documents/2017-Mar/CBP-Snapshot-UPDATE-03022017-FY16-Data.pdf>

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.dhs.gov/keywords/remote-video-surveillance-system>

<sup>5</sup> Information found in document named "Estimated RSVW Tower and C2 Quantities". [https://www.fbo.gov/index?s=opportunity&mode=form&id=00fbabf1b4052432e3c3ae7cf4336cad&tab=core&\\_cview=0](https://www.fbo.gov/index?s=opportunity&mode=form&id=00fbabf1b4052432e3c3ae7cf4336cad&tab=core&_cview=0)

<sup>6</sup> Privacy Impact Assessment for the Aircraft Systems", September 2013. (4). <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-aircraft-systems-20130926.pdf>

<sup>7</sup> "Immigration Detention Bed Quota Timeline", January 2017. [https://www.immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2017-01/Immigration%20Detention%20Bed%20Quota%20Timeline%202017\\_01\\_05.pdf](https://www.immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2017-01/Immigration%20Detention%20Bed%20Quota%20Timeline%202017_01_05.pdf)

<sup>8</sup> The most recent data are from 2014 [http://os.cqpress.com/city-crime/2013/2014\\_CityCrimeRankingsbyPopulation.pdf](http://os.cqpress.com/city-crime/2013/2014_CityCrimeRankingsbyPopulation.pdf)

<sup>9</sup> "5 Facts About Mexico Immigration to the U.S.", February 2016. <http://www.pewresearch.org/fact-tank/2016/02/11/mexico-and-immigration-to-us/>

<sup>10</sup> "The Process of Unauthorized Crossing at the U.S.- Mexico Border", 2013. (15-20). <https://www.nap.edu/read/13498/chapter/4> The Migration Policy Center also provides a "Profile of the Unauthorized Population in the United States" <http://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>

<sup>11</sup> "Budget in Brief for FY 2016 from the United States Department of Homeland Security", (10). [https://www.dhs.gov/sites/default/files/publications/FY\\_2016\\_DHS\\_Budget\\_in\\_Brief.pdf](https://www.dhs.gov/sites/default/files/publications/FY_2016_DHS_Budget_in_Brief.pdf)

<sup>12</sup> This statement can be found on the CBP Website. <https://www.cbp.gov/about>.

DHS has also released the 2017 budget allocation for CBP. [https://www.dhs.gov/sites/default/files/publications/FY2017\\_BIB-MASTER.pdf](https://www.dhs.gov/sites/default/files/publications/FY2017_BIB-MASTER.pdf) (25)

<sup>13</sup> "United States Border Patrol Sector Profile- Fiscal Year 2016". <https://www.cbp.gov/sites/default/files/assets/documents/2017-Jan/USBP%20Stats%20FY2016%20sector%20profile.pdf>

<sup>14</sup> Ibid.

<sup>15</sup> Data can be found by searching for all aggregate data from Southern Border Ports. [https://transborder.bts.gov/programs/international/transborder/TBDR\\_BC/TBDR\\_BCQ.html](https://transborder.bts.gov/programs/international/transborder/TBDR_BC/TBDR_BCQ.html)

<sup>16</sup> Download "Immigration Enforcement Actions 2015 Data Tables" and see file named "fy2015\_table36". <https://www.dhs.gov/immigration-statistics/enforcement-actions>

<sup>17</sup> Source is the same as footnote 15. [https://transborder.bts.gov/programs/international/transborder/TBDR\\_BC/TBDR\\_BCQ.html](https://transborder.bts.gov/programs/international/transborder/TBDR_BC/TBDR_BCQ.html)

<sup>18</sup> "Cross Border Travel Behavior Survey", September 2011. [http://www.sandag.org/uploads/publicationid/publicationid\\_1682\\_14773.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1682_14773.pdf)

<sup>19</sup> This source notes that the "United States and Mexico depend on each other more than ever for our economic well being and competitiveness" (4). [https://www.wilsoncenter.org/sites/default/files/growing\\_together\\_economic\\_ties\\_between\\_the\\_united\\_states\\_and\\_mexico.pdf](https://www.wilsoncenter.org/sites/default/files/growing_together_economic_ties_between_the_united_states_and_mexico.pdf)

<sup>20</sup> Both sources listed state that at least 5 million jobs depend on trade with Mexico. Although, the map provides more details about individual states' interaction with Mexico. Growing Together: Economic Ties Between the United States and Mexico" (35). [https://www.wilsoncenter.org/sites/default/files/growing\\_together\\_economic\\_ties\\_between\\_the\\_united\\_states\\_and\\_mexico.pdf](https://www.wilsoncenter.org/sites/default/files/growing_together_economic_ties_between_the_united_states_and_mexico.pdf) and <http://naftamexico.net/mapa/newmap.pdf>

<sup>21</sup> "The State of Trade, Competitiveness, and Economic Well-Being in the U.S. -Mexico Border Region" (10). [https://www.wilsoncenter.org/sites/default/files/State\\_of\\_Border\\_Trade\\_Economy\\_0.pdf](https://www.wilsoncenter.org/sites/default/files/State_of_Border_Trade_Economy_0.pdf)

<sup>22</sup> Persons killed by Border Patrol as of July 2016. <http://southernborder.org/killed-by-border-patrol-2/>

<sup>23</sup> "Crossing the Line: Corruption at the Border". <http://bordercorruption.apps.cironline.org/>

<sup>24</sup> The size of CBP's force is approximately 43,267. The CBP Integrity Advisory Panel has reported that there are 218 staff members in the CBP Office of Internal Affairs. This produces a ratio of one investigator for every 200 agents. <https://www.cbp.gov/sites/default/files/assets/documents/2017-Mar/CBP-Snapshot-UPDATE-03022017-FY16-Data.pdf> and <https://www.dhs.gov/sites/default/files/publications/DHS-HSAC-CBP-IAP-Interim-Report.pdf> (7)

<sup>25</sup> "Interim Report of the CBP Integrity Advisory Panel", June 2015. <https://www.dhs.gov/sites/default/files/publications/DHS-HSAC-CBP-IAP-Interim-Report.pdf> (7-9) "Final Report of the CBP Integrity Advisory Panel", March 2016 (2). [https://www.dhs.gov/sites/default/files/publications/HSAC%20CBP%20IAP\\_Final%20Report\\_FINAL%20%28accessible%29\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/HSAC%20CBP%20IAP_Final%20Report_FINAL%20%28accessible%29_0.pdf)