



# BORDER REALITY CHECK



In the national conversation around immigration and the border region, the Trump administration has taken an enforcement-only approach and demanded more border walls, more agents, more detention beds, and more military interventions. But that assertion is not evidence-based and does not take into account the buildup of border enforcement that has already taken place and cost us billions of dollars.<sup>1</sup>

## HERE ARE THE FACTS:

### We've Invested Billions in Border Enforcement

We've created a spending monster that is gobbling up taxpayer dollars that could be better spent elsewhere, like on health care, education, and infrastructure. Congress continues to channel more U.S. taxpayer dollars to immigration enforcement agencies (more than \$21 billion now) than all other enforcement agencies combined, including the FBI, DEA, ATF, US Marshals, and Secret Service.<sup>8</sup> The bulk of this money goes to U.S. Customs and Border Protection (CBP).

With a budget of \$14.4 billion in fiscal year 2018 and more than 59,000 personnel, CBP is the largest law enforcement agency in the country, and more than 85 percent of the agency's Border Patrol agents (16,605 of 19,437) are concentrated on the southern border.<sup>9</sup> Trump's expanded deployment of the military to the border could cost between \$200 and \$300 million in addition to the estimated \$182 million for the earlier deployment of National Guard to the border.<sup>10</sup>

#### **Billions of taxpayer dollars are spent on:**

- 19,437 Border Patrol agents<sup>2</sup>
- 700+ miles of wall
- 9 unmanned aerial vehicles (UAVs) for surveillance<sup>3</sup> (CBP is also testing man-portable drones in Arizona, Texas, and Vermont)<sup>4</sup>
- 40,520 detention beds (that is the quota)<sup>5,6</sup>
- 2,000 National Guard and 5,200 active-duty troops<sup>7</sup>

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

A growing Mexican economy, an aging population and dropping fertility rates have led to a dramatic decrease in unauthorized migration from Mexico. In fact, net migration from Mexico is now zero or slightly below (more people leaving than coming).<sup>11</sup>

### Total Apprehensions are Low and Manageable

Increases in CBP spending and staffing comes at a time when migrant apprehensions continue to be near an all-time low with only a slight increase from 2017. The combined 521,090 apprehensions for Border Patrol and Customs agents in fiscal year 2018 were 32,288 apprehensions fewer than the 553,378 apprehensions in 2016. For greater perspective on these figures, on average, each of the 19,437 Border Patrol agents nationwide apprehended a total of only 19 migrants in 2018 - that averages fewer than 2 apprehensions per month.<sup>12,13</sup> In the last few years, an increased proportion of apprehensions are parents seeking to protect their children from the violence and extreme poverty in Honduras, El Salvador, and Guatemala. Even with more Central Americans arriving to our southern border seeking protection, total apprehension rates are still at their lowest since the 1970s.

### Border Communities are Safe

The southern border region is home to about 15 million people living in border counties in California, Arizona, New Mexico, and Texas. These communities, which include cities such as San Diego, Douglas, Las Cruces, and El Paso, are among the safest in the country.

## 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 warrant 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 mi. 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 70 people.<sup>14</sup> No known agents have been brought to justice for these deaths. CBP, however, has one of the highest termination rates for its agents when compared to other federal agencies.<sup>15</sup>

## We Need Transparency, Oversight and Accountability

In the 21st century, border residents and travelers should feel safe from corruption and abuse. The rapid buildup of CBP personnel has not been matched with a commensurate investment in oversight such as insufficient investigators at the CBP Office of Professional Responsibility (OPR) and DHS Office of Inspector General (OIG) to address corruption and abuse within CBP.

Accountability could be enhanced by (1) requiring the use of body-worn cameras, with adequate privacy protections, (2) gathering and public reporting of stop and arrest data from checkpoints and during roving patrols, and (3) limiting the "warrantless" authority that CBP uses to undermine 4th amendment protections against unreasonable search and seizure. CBP oversight and accountability must become a priority.

*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.*

<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. Border Patrol Staffing by Fiscal Year. See: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Staffing%20FY1992-FY2017.pdf>

<sup>3</sup> Bier, David and Feeney, Matthew. "Drones on the Border Efficacy and Privacy Implications," (May 1, 2018) See: [drones-border-efficacy-privacy-implications.https://www.dhs.gov/keywords/remote-video-surveillance-system](https://www.dhs.gov/keywords/remote-video-surveillance-system)

<sup>4</sup> FoxNews. "Border Patrol Testing Drones to be its "eyes in the sky," (January 19, 2018). See: <https://www.foxnews.com/tech/border-patrol-testing-drones-to-be-its-eyes-in-the-sky>

<sup>5</sup> National Immigration Forum. "The Math of Immigration Detention, 2018 Update: Costs Continue to Multiply." See: <https://immigrationforum.org/wp-content/uploads/2018/05/Math-of-Detention-2018-Update-FINAL.pdf>

<sup>6</sup> NOTE: ICE, however is detaining an average of 44,631 people every day, way more than its congressional budget for FY18 has allowed.

<sup>7</sup> Galvan, Astrid. "This federal law limits what US troops deployed at the border can do," The Associated Press. (Oct. 31, 2018) See: [https://www.washingtonpost.com/national/us-troops-deployed-at-the-border-limited-in-what-they-can-do/2018/10/31/c7394c5e-dd23-11e8-8bac-bfe01fcda3a6\\_story.html?utm\\_term=.f2693fb04ba](https://www.washingtonpost.com/national/us-troops-deployed-at-the-border-limited-in-what-they-can-do/2018/10/31/c7394c5e-dd23-11e8-8bac-bfe01fcda3a6_story.html?utm_term=.f2693fb04ba)

<sup>8</sup> Department of Homeland Security. FY 2019 DHS Budget in Brief. See: <https://www.dhs.gov/sites/default/files/publications/DHS%20BIB%202019.pdf>

<sup>9</sup> U.S. Border Patrol Staffing by Fiscal Year. See: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Staffing%20FY1992-FY2017.pdf>

<sup>10</sup> Browne, Ryan. Trump's border deployment could cost between \$200M and \$300M, CNN (Nov. 5, 2018) See: <https://www.cnn.com/2018/11/05/politics/southern-border-deployment-cost/index.html>

<sup>11</sup> Massey, Douglas. "Today's US-Mexico 'border crisis' in 6 charts," The Conversation (June 27, 2018) See: <http://theconversation.com/todays-us-mexico-border-crisis-in-6-charts-98922>

<sup>12</sup> United States Border Patrol, "Southwest Border Sectors: Total Illegal Alien Apprehensions By Fiscal Year. See: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Southwest%20Border%20Sector%20Apps%20FY1960%20-%20FY2017.pdf>

<sup>13</sup> CBP.gov. "CBP Enforcement Statistics FY2018." See: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

<sup>14</sup> Deaths by Border Patrol as of September 18, 2018. See: [http://www.southernborder.org/deaths\\_by\\_border\\_patrol](http://www.southernborder.org/deaths_by_border_patrol)

<sup>15</sup> Nowrasteh, Alex. "Border Patrol Termination Rates: Discipline and Performance Problems Signal Need for Reform," CATO Institute (Nov. 2, 2017) See: <https://www.cato.org/publications/policy-analysis/border-patrol-termination-rates-discipline-performance-problems-signal>