

AGREEING ON METRICS OF “BORDER SECURITY”: A POLITICAL PIPE DREAM

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The problem: In the Current Debate over Comprehensive Immigration Reform (C.I.R.), Measuring “Border Security” is a Political Pipe Dream

In post September 11, 2001 (9/11) western countries, the dominant security mindset is to securitize immigration. Indeed immigration, mostly an economical phenomenon, is constructed through the lens of national security and public safety. In the U.S., this process began in the late seventies and was accentuated after 9/11. For instance, the nexus between security and immigration is validated in the terms of the current debate to adopt Comprehensive Immigration Reform (C.I.R.). The leaked White House proposal from February 17th emphasized expanding border enforcement even though without seeming to tie it to legalization of undocumented immigrants. In the “Bipartisan Framework for C.I.R.” released by the ‘Gang of 8’ on January 28, 2013, the prominent pillar is the one dealing with border security stressing the contingency of creating paths to citizenship for “unauthorized immigrants” upon securing the border. Thus set, it clearly appears that the “enforcement-first” strategy is and will be the dominant political strategy to tackle border and immigration issues considered together. This paper will argue that discussions on C.I.R. are frozen in this nexus of immigration and security where the main debate is how to reach an agreed-upon view on border security to open the way to immigration reform. It will examine and critique U.S. Customs and Border Protection (CBP) statistics, which serve as the mainstream metric to measure border security as a contribution to think of order security ‘out-of-the-box’.

Obstacles and Opportunities: How to Measure Success in Achieving Border Security?

Immigration trends are mostly based on economic factors as the reduction of Mexican migration to the U.S. exemplified caused in priority by the last recession. Border security depends on perceived threats and risks and fundamentally also on who defines it. In the current Federal government, the Department of Homeland Security (DHS) controls threat and risk assessment. The importance of perception is a fundamental aspect of most security policies and allows for a political appreciation of the issue. In the current debate between advocates of immigration reform first or enforcement first, bureaucratic and political perceptions of the border have an impact on the evaluation of security. These different perceptions compete amongst themselves as well. Local issues, both relevant and differentiated between segments or corridors of the border, also impact on the evaluation. Local policies such as Arizona’s ‘attrition through enforcement’ have influenced the terms of the debate and the national perception of the issue. Arizona Governor Jan Brewer, in a statement released on January 28, 2013, explains: “Immigration reform will not succeed unless we have achieved effective border security”

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emphasizing the importance of the feeling of security from those living at 'the frontlines'. Her model of success for border security is the sealed Yuma sector.

On the other side of the political spectrum, Janet Napolitano and the Democrats claim that the "border has never been more secured" in U.S. history. This claim is justified on the record amount of resources dedicated over FY 2012 to the militarization of the border: \$17.9 billion dollars as stated in a recent report by the Migration Policy Institute. Currently, on the eve of discussion on C.I.R., it is also clear that the main showdown between Republicans and Democrats in the Congress has shifted from the question of "does the federal government have the ability to achieve border security?" to "how to measure and agree on success in border security so as to deal with undocumented legalization?" The problem of the metrics is thus particularly relevant but a pipe dream to divert attention from solving issues at the border.

Policy Options: C.B.P.'s Metric and its Critics

The often-cited indicators of progress on border security are CBP statistics. One of the goals of CBP is to tackle threats to national security defined as "all types of illegal entries" of people, weapons, drugs and contraband. This is measured by the numbers of apprehensions of these items. The top priority has been to deny entry to would-be terrorists. No reported cases of terrorist attacks in the U.S. that involved passage through the Southwest border has been reported which could be considered as a success. Actually, there is no precise measure of terror activity except the "Aliens from Special Interest Countries" (ASIC) designation that only implies that the person may be involved with terrorism. This risk is of a potential rather than actual nature. However, illegal flows of drug continue in significant amounts. CBP officers and agents seized more than 4.2 million pounds of narcotics across the country in FY 2012. In addition, the agency seized more than \$100 million in unreported currency through targeted enforcement operations. This steady trend calls into question the argument that the source of the drug smuggling problem is the regular demand from within the U.S.

With regards to the "illegal entry of unauthorized aliens", in FY 2012, attempts to cross the border illegally totaled nearly 365,000 nationwide, representing a nearly 50 percent decrease since FY 2008 and a 78 percent decrease from their peak in FY 2000. However, these metrics are not sufficient to measure the impact of enforcement outcomes. Political communications are based on these figures and they need to be more sophisticated. Indeed, CBP is releasing the figures that its mother-department D.H.S. comments on in a closed circle. For instance, when the flow of undocumented immigrants increases, border security advocates declare victory because detentions by CBP increase too, proving the success of the effort deployed by CBP. When the flow diminishes, success is also declared because detentions correspondingly decrease. Significant improvements in border control relies primarily on metrics regarding resource increases and reduced apprehensions levels, rather than on actual deterrence measures such as size of illegal flows, share of the flow being apprehended or changing recidivism rates of unauthorized crossers. As for the decrease in apprehensions of undocumented migrants, debated in C.I.R. many other factors have to be taken into consideration such as the effect of the recession, the structural changes in the Mexican booming economy as well as border enforcement by CBP. It is also important to note that these figures rely on a decade of rising enforcement practices, namely more prosecutions, indicating that immigration laws are being more strictly enforced today than before. This can be verified in the rising number of "removals" rather than "returns". Figures also have to be clearly specified according to each border corridor. For instance, a Government Accountability Office report released last December examines the apprehensions and data Border Patrol collects to inform changes on border security in the Tucson sector in particular. In the Tucson sector, the decrease in apprehensions was 68 percent from FY 2006 to FY 2011. However, the report noted "in the Tucson

sector, there was little change in the percentage of estimated unknown illegal entrants apprehended by Border Patrol over the past 5 fiscal years, and the percentage of individuals apprehended who repeatedly crossed the border illegally declined across the southwest border by 6 percent from F.Y. 2008 to 2011”, thus concluding that CBP has to ensure to “develop milestones and time frames for developing border security goals and measures to assess progress made and resource needs”, namely sophisticated statistics. The new Border Patrol plan for 2012-2016 has still to come out with these new milestones, since nothing particular is presented in the new plan.

Two other metrics can also be used to indicate the progress of border security. The first one is the number of deaths or recovered human remains in the border areas as a measurement of “unauthorized entries” through remote areas. For instance, Coalicion de Derechos Humanos compiled these numbers for the Pima and Santa Cruz counties to measure the effectiveness of deterrence. Their figures inform that 179 bodies were recovered in 2011-2012, compared to 282 in 2004-2005 but this number is not really different from the 183 bodies recovered in 2007-2008 or 2010-2011. The second metric would be the measurement of violence on the U.S. side of the border as measured by the FBI., indicating the relatively low level of violence in major U.S. border cities especially El Paso, facing deadly Ciudad Juarez, and San Diego. The design of the metrics used tends to condition the political rhetoric on border security. Despite global tendencies, contradictory things are said politically about border security. A metric can be criticized and dismissed. Looking for an agreement on this in Congress is a pipe dream. It is certainly time to think ‘out of the box’ regarding border security.

Rationale and Recommendations: Alternative Metrics on Border Security or How to Rethink Border Security?

To think out of the box when considering border security is not to deny the threats and issues which affect the lives of borderland people. Above all, it is a way to disconnect the constructed nexus of immigration and security, especially in the way it is framed by politicians and the media. Part of the “unauthorized entries” problem is due to the fact that previous enforcement strategies pushed thousands of economic migrants from Mexico into remote areas of Arizona and jeopardizing their lives by delivering them in the hands of criminal organizations such as drug cartels. A global perspective of border games should not only focus on U.S. self-defense against perceived “invaders” but also isolate key factors that result in the “unauthorized crossings” of people, drugs, money and firearms across the U.S.- Mexican border.

The first recommendation would be to find ways to legalize the flow of migrants across the border. Eric Olson and David Shirk recommend a widening of the gates with more elastic quotas for work visas. This, in addition to the modernization and proper staffing at Ports of Entry would allow border patrol agents to concentrate on drug cartel activities across the border. Thierry Goddard, former Arizona Attorney General, is in favor of targeting functioning criminal organizations rather than the migrants, arguing “until the cartels are eliminated, the border cannot be considered secure, period.” According to Goddard, the strategies of smuggling by the cartels have to be understood and fought not only at the border but also in hub cities within the U.S. He also proposes to better scrutinize flow of money from the U.S. to the cartels in Mexico by monitoring wire transfers to Mexico.

Political agreements on visa reform or on means and allocations to fight cartels’ activities are likely more achievable than debating if the U.S. border side is “secure” or not. In that sense, the current debate on the global view of what a secure border means is just a political pipe dream that will not get to the root of the issues structuring the border games.