

USAWC STRATEGY RESEARCH PROJECT

ILLEGAL IMMIGRATION ACROSS THE U.S. - MEXICO BORDER

by

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ABSTRACT

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Legal immigrants have been welcomed to the United States for centuries. At the same time a high rate of illegal immigration from Mexico has been tolerated for many years. After the terrorist attacks of 11 September 2001 however, the number and countries of origin for illegal immigrants coming to America from Mexico has raised concern for our national security and the safety of our citizens. The question being debated in Congress is how to gain better control of U.S. borders and stop the flow of illegal immigrants. There are basically two sides of the debate: those favoring closed borders and absolute control of all immigration as more important than the economy; and those favoring controlled access, but more open borders to allow foreign workers into the U.S. economy to provide for a perceived labor shortage. This paper provides research and information concerning the current issues of legal and illegal immigration from Mexico, why it is important, the forces for and against more stringent immigration controls, and the impact on U.S. and Mexican government relationships.

ILLEGAL IMMIGRATION ACROSS THE U.S. - MEXICO BORDER

Immigrants arriving through legal processes have been welcomed to the United States for centuries. After the terrorist attacks of 11 September 2001 however, the number and countries of origin for illegal immigrants coming to America from Mexico has raised concern for our national security and the safety of our citizens. Congress is debating how to gain better control of U.S. borders and stop the flow of illegal immigrants. There are basically two sides of the debate: those favoring closed borders and absolute control of all immigration as more important than the economy; and those favoring controlled access, but more open borders to allow foreign workers into the U.S. economy to provide for a perceived labor shortage. This paper provides research and information concerning the current issues of legal and illegal immigration from Mexico, why it is important, the forces for and against more stringent immigration controls, and the impact on U.S. and Mexican government relationships.

The United States was founded as a nation of immigrants. The Statue of Liberty has long been a symbol welcoming immigrants to this Nation; its inscription reads in part: "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!". Despite America's long history of welcoming immigrants, it also has a long history of trying to develop a national policy providing fair and equitable treatment of immigrants and those wishing to immigrate. The companion issue of legal immigration is fair treatment for those that violate U.S. immigration laws and enter the country illegally.

Historical U.S. Immigration

A cursory review of immigration history reveals the paradox of American sentiment concerning immigration. Six years after the ratification of the Constitution,² Congress passed the first immigration legislation -- The Naturalization Act of 1795, which restricted "citizenship to "free white persons" who reside in the United States for five years and renounce their allegiance to their former country." Importation of slaves was prohibited in 1808. In 1882, the Chinese Exclusion Act restricted Chinese immigration. In 1921, the Quota Act limited "annual European immigration to 3 percent of number of a nationality group in the United States in 1910". The Johnson-Reed Act of 1924 reduced the 1921 Quota Act limit of 3 percent to 2 percent of 1890 populations, excluding the huge numbers of immigrants to the U.S. between the years 1890 and 1910 from the calculation. The reduction of legal immigration by almost 40 percent virtually ended the mass immigration of the Industrial Revolution and the Great Western Expansion of

the 1800s.³ During the rapid American population growth of the early 1900s, Congress passed numerous laws restricting and modifying policies aimed at one ethnic group or another.⁴

In 1965, the Immigration and Nationality Act eliminated the nationality quota system and replaced it with a total number restriction of 120,000 from Western Hemisphere nations and 170,000 from the rest of the world.⁵ This law was the first effort to control immigration from our Latin American neighbors and to increase the Border Patrol protecting the U.S.-Mexico border. In the 40 years since this historic legislation, the number of illegal immigrants crossing the U.S.-Mexico border continues to rise. In 1986, Congress attempted to reinforce the border with the Immigration Reform and Control Act. Again, the number of Border Patrol officers and personnel was increased and penalties were established against U.S. employers hiring illegal immigrants.⁶

The last major legislative effort on immigration was signed into law by President Clinton in 1996, targeting the flow of illegal immigrants from Mexico. The law added 10,000 Border Patrol agents and added physical barrier fences in selected high traffic areas near our major border cities. However, the Act only addressed the stopping of illegals coming across the border and never effectively addressed those that came to the U.S. legally but continue to live in the U.S. after their permits expired, such as students who are no longer in school or migrants who have overstayed temporary work permits.⁷

In many ways, the U.S. is a victim of globalization and its own free society and hugely successful economy. Historically, the primary reasons for immigration and the great attraction of the U.S. to immigrants were to escape from ethnic, religious, or political oppression in their home country or to pursue a better life through economic opportunity. Even in the twenty-first century, the primal forces to improve the human condition continue as the primary reasons driving large populations to immigrate internally and externally from their home areas and countries.

The internet, global news services, satellite television, and the commercial advertising that airs with the shows have significantly changed the speed and flow of information. Probably more influential than the information are the images of the U.S. and Western affluence compared to the poverty and despair of poorer nations. In many ways the problems of immigration are compounded by the research and information spread by various protest groups around the world. For example, various environmental groups and anti-war protest groups collect data and then present charts that show the U.S. as one of the major consumers of oil energy. Their intent is to protest U.S. waste and abuse of the world's natural resources. Their words support their protest, but their pictures show life in the U.S. with big gas-guzzling cars and trucks, sport utility vehicles (SUVs), boats, recreational vehicles (RVs), and campers; the

impression is one of affluence and wealth. However, the message to immigrants from poor or oppressed countries is that the Americans must have great jobs and are rich for everyone to own these luxurious things. The inference for the immigrants is that if they could only get to America, then their life would be better! Mexicans have known the opportunities in the U.S. for many years since they share a common border and can actually look across the border into the U.S. and see for themselves. The information technology actually increases the world's awareness of life in the U.S. and whether the information is accurate or not becomes irrelevant because the perception is what drives immigration. The global reach of improved communications continues to show the world the disparities of wealth in the developed countries and the lack of development and wealth in the poor countries.

Mexico: Caught in the Middle!

Mexico finds itself caught in the middle of the U.S. immigration controversy and problem by the affluent U.S. on the north and the relatively poor nations of Central and South America on the south. While the overall economy of Mexico has been improving since the collapse of the Mexican monetary system in 1995/96, the distribution of wealth has widened the gap between the wealthy and the poor. Statistics show that the largest portion of the working age population of Mexico is extremely undereducated. The result is that a large portion of the available workforce is limited in its ability to create higher paying jobs. The increasing separation between the educated middle and upper class Mexican workers and those in ever deepening and undereducated poverty is another result of the Mexican government's failure to provide quality state education. The danger and concern to the U.S. are that poverty places even stronger pressures on the Mexican undereducated and unemployed to migrate north to the U.S. in search of low skill jobs and survival.

The problem of undereducated Mexicans moving north is compounded by the inflow of undereducated Central Americans from Mexico's southern border also moving north to find jobs in Mexico and failing that, traveling still further north to find jobs in the U.S. The U.S. government estimates of the 375,000 illegal immigrants crossing the U.S.-Mexico border each year, only 69 percent of them are actually Mexicans from Mexico. The remaining 31 percent are from other countries and are referred to as "other than Mexican" or OTMs. Most of these OTMs are "transmigrants" or "irregular migrants". As one observer put it, "people who leave their own poor countries typically don't do so just to end up far from home in another poor country that has even less to offer them."⁶ So the pressure is on these OTMs to keep moving north until they find jobs. Typically, that search ends either in death or some other criminal activity such as

human trafficking, drug running, sex slavery, or forced labor; or they make it to the U.S. and find a low-skill job that provides for their needs.

The U.S. national security concern is the 31 percent of non-Mexican immigrants coming into the U.S. from Mexico. Mexico only has three border neighbors: the U.S. to the north, Belize and Guatemala to the south. There is growing evidence that the government of Mexico has even less control its southern borders with Guatemala and Belize than the U.S. has of its with Mexico. While the Belize border is relatively secure, the corruption of the Mexican police and government officials along the 750 mile Mexico-Guatemala border⁹ allows thousands of illegal immigrants to enter Mexico from Guatemala and then travel across Mexico to illegally enter the U.S. It is believed that the majority of the illegal OTM immigrants are actually only passing through Mexico as “transmigrants” from other nations of the world. There is evidence that even Middle Eastern immigrants have used this route to gain entry to the U.S. Several political action groups and other citizen forums are becoming more organized and stir public opinion that Mexico is being hypercritical concerning immigration reform. Mexico continually accuses the U.S. of unfairly targeting Mexicans with harsher enforcement of immigration laws and stronger and more difficult fences. Yet Mexico has not done enough to secure its southern borders against illegal immigration. Until Mexico gains control of the illegal immigration issues on its southern borders, the U.S. policy makers are forced to treat its border with Mexico as the last defense against illegal entry of a terrorist.

The Immigration and Naturalization Service (INS) estimated there were five million illegal immigrants in 1996¹⁰ when President Clinton signed the Immigration and Nationality Act. That number is now estimated at 11 million.¹¹ These numbers indicate that illegal immigrants in the U.S. more than doubled in just nine years, despite the increased emphasis of law enforcement and border surveillance! The Department of Homeland Security (DHS) claims to have over 11,000 Border Patrol agents, plus an additional 18,000 officers at the Ports of Entry (POE), and over 8,000 agents and officers working to track down illegal immigrants already in the U.S. These numbers represent an increase of 15 percent over pre-9/11 levels.¹²

The Center for Immigration Studies estimates that the total number of immigrants (both legal and illegal) in the U.S. is about 34 million.¹³ If the INS statistics of approximately eleven million illegal immigrants are accurate, then approximately 30 percent of the immigrants in the U.S. are illegal residents. The top ten states where these immigrants are living are California, New York, Texas, Florida, New Jersey, Illinois, Arizona, Massachusetts, Maryland, and Virginia. The immigration issue has reached coast to coast in the U.S. and the outcry for immigration control has broad U.S. support beyond just the border states of California, Arizona, New

Mexico, and Texas. The need for action is rising quickly with politicians from numerous states such as Alabama, South Carolina, Georgia, Tennessee, Massachusetts, New York, Utah, Arkansas, and others.

Prior to 9/11, the flow of illegal immigrants from Mexico was considered mostly an economic and social welfare issue and largely limited to the four border states of California, Arizona, New Mexico, and Texas. After 9/11, the national concern is the potential of terrorists illegally coming into the U.S. through the unprotected areas of the U.S.-Mexico border. Based on the large number of undocumented illegal immigrants coming into the U.S. without government's knowledge of their purpose, there is an increasing public outcry demanding the federal government take more action to secure the U.S. borders against these potential terrorist immigrant threats.

U.S. Immigration Strategy: Open or Closed Borders

The President and Congress have at least two basic concepts to guide their efforts in controlling immigration. The discussion amongst immigration scholars and organizations that study the phenomenon is whether a country should have more open or more closed borders. Both sides understand the need for control and so the discussion is how strict and how much control. On the strategy of stricter and more closed borders, a number of proposals are being discussed and drafted in Congress aimed at varying degrees of strict immigration law enforcement. They include building more physical barriers or fences and more border enforcement personnel to deter illegal immigration and to apprehend those that make the attempt as law breaking criminals. Prominent in these proposals is the idea of building a fence along the entire 2,000 mile U.S.-Mexico border and the addition of enforcement personnel.

On the President's strategy of more open market and free trade control of immigration, there are several proposals to create a more favorable immigrant labor process that would allow immigrants easier access to the U.S. for jobs and in the process create a more voluntary legal compliance environment. The strategy is that by making it easier to get work permits, there will be a decrease in the illegal immigrant flow and at some point a decreased requirement for additional enforcement.

To fairly and objectively evaluate alternative strategies, the U.S. Army War College uses an evaluation technique whereby each strategy is judged on its *suitability* to accomplish the national objectives, the *feasibility* of resources to accomplish the strategy, and the *acceptability* of the strategy in terms of public and professional opinion to accomplish the objective.

A discussion of the strategic suitability, feasibility, and acceptability of these proposals must begin with an analysis of the U.S. national objective as it relates to immigration. The concept of increasing Border Patrol and even military control of the U.S. border to prevent all illegal immigrants from crossing the border is an oversimplification of the U.S. national objective towards immigration. The national objective for immigration like all complicated issues, has many facets. Since 9/11, the first priority has been to protect the U.S. borders to ensure terrorists do not enter to cause us harm. The use of force is one means to accomplish this goal. However, the better alternative is a process where the U.S. has knowledge of who is crossing our border, when, and why. The issue with illegal immigration is the U.S. has no knowledge and therefore is at risk from the illegal immigrant's purpose. The second priority is to ensure our economy has free and open access to the labor force it needs to remain strong, vibrant, and growing. A flexible and prudent immigration policy is needed to meet this objective. The third priority is to create a national environment where the immigrant labor force is fully recognized and freely accountable. An immigration policy that allows the freedom of movement for immigrants also promotes the voluntary accountability of immigrants and decreases the need to for illegal activity. The U.S. national objective has therefore, to consider both the security and economic aspects of immigration.

Closed Borders and Strict Law Enforcement

Building a 2,000 mile fence has been proposed by Representative Duncan Hunter (R-CA), the Chairman of the House Armed Services Committee.¹⁴ The project calls for building a multi-layered composite obstacle or barrier that would include several elements. The barrier would include a ditch, coils of barbed wire, two tall and sturdy wire fences with sensors to detect any breaches, a patrol path for vehicles to travel between the two wire fences, a smoothed sand strip to detect footprints, and a system of closed circuit TV cameras and motion detectors.¹⁵ Hunter has actually already taken the first step by construction of a 14-mile section in his own California District south of San Diego.

The perceived success of the California fence has fueled public and Congressional debate on the need for a longer fence to secure the U.S.-Mexico border against illegal immigrants. Hunter claims that the 14-mile fence built in his district has successfully reduced the illegal apprehensions from over 202,000 in 1992 to approximately 9,000 in 2004.¹⁶ While the successful reduction in illegal immigration from Representative Hunter's fence are praised, the evidence of ever increasing illegal immigrant population indicates that such blockading actions merely shift the point of entry to the end of the fence.¹⁷ The shifting of the point of entry

then feeds the requirement for additional fences until some point when the entire border becomes fenced. The very concept of additional fences has been added as an amendment to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Control Act of 2005 as of 15 Dec 2005.¹⁸ The amendment requires the incorporation of 698 miles of new fencing at strategic border locations around Tecate, CA, between Calexico, CA to Douglas, AZ; Columbus, NM to El Paso, TX; Del Rio to Eagle Pass, TX; and Laredo to Brownsville, TX. The bill has not passed the full house yet, but the effort indicates the seriousness of the fencing movement in Congress and the push for such efforts from Congressional home district constituents.

Additional proposals being discussed in Congress are a variety of bills aimed at tougher enforcement of existing immigration laws. Senators Pete Domenici (R-NM) and Byron Dorgan (D-ND) are working together on a bill to strengthen U.S. border protection and enforcement by hiring hundreds more immigration officers, judges, and prosecutors to accelerate the “processing” of immigrants. Their bill also includes millions of dollars for additional fences, barriers, and surveillance technology.¹⁹ The House has begun deliberations on a similar immigration enforcement bill mostly authored by Representative Peter King (R-NY).²⁰ It should be no surprise that a new effort on immigration reform should come from a state so far away from the U.S.-Mexican border since New York ranks as third highest in the number of illegal immigrants living within its borders. The House bill directs the Department of Homeland Security and Department of Defense to coordinate a border strategy that provides 100 percent coverage of the border through fences, aerial surveillance, and other technology. This bill, while specifically targeting illegal immigration enforcement, also attempts to force the Administration to take action on the current “catch and release” policy. While most Mexican illegals are immediately returned to Mexico, there are approximately 100,000 “other than Mexican” (OTM) illegals captured every year. The current policy processes OTMs and then releases them into the U.S. on their own recognizance in hopes that they will come back later to be deported when the paperwork and negotiation with their country of origin is completed. Obviously, very few voluntarily return to be deported. The specific provision of this bill that will force the issue is a requirement for Homeland Security to contract for more holding space, i.e., detention facilities. The second is to penalize those countries that delay or refuse to take back those people the U.S. wants to deport by withholding legal visas for citizens of that country that are following procedures and want to come to the U.S.

There are two major arguments against the “enforcement only” strategy for controlling the U.S. border and immigration policy. The two arguments are concerns for human rights and the impact on the U.S. economy. Regarding the human rights argument, Dr. Douglass Massey of

Princeton University has researched the topic of traditional and non-traditional illegal border crossing points and the effect of fences on the success or failure of those crossings. Dr. Massey's research shows that the probability of apprehension at the fenced locations does in fact increase and therefore the success of a fence to keep immigrants out is validated. The fact that the fence increases the difficulty of illegally crossing the border and increases the probability of apprehension is one of the points touted by California Representative Hunter's campaign for more fencing noted above. Dr. Massey's research also shows that the fence merely relocates the crossing point to more remote and less populated areas of the border. The research shows that the more remote the site of the border crossing the less probability of apprehension.²¹ However, the downside of the remote border crossing site is the increased risk to the illegal immigrant's life due to the physical environment challenges of the remote border crossing site.

The U.S. Bureau of Land Management (BLM) manages thousands of acres of public lands along the U.S.-Mexico border in the form of Wilderness Areas, National Parks, National Conservation Areas, Wildlife Refuges, and National Forests. These areas are popular for illegal immigrants as well as drug traffickers. By the very nature of these types of wilderness areas, they are often remote and distant from the typical border population centers. The remoteness of these areas makes them difficult for U.S. Border Patrol surveillance and easier areas to avoid detection. Unfortunately, the same remoteness of these areas makes them extremely more dangerous to the hazards of environmental conditions. The BLM reported 177 migrant deaths along the Arizona border in 2004 and increased to 251 deaths in 2005.²² The dangers of dehydration, heat exhaustion, and heat stroke in the desert are deadly.

Those who support the economic reasons for immigration make up the second group of people against the building of a fence. Enforcement-only legislation fails to adequately address the three national objectives of immigration policy stated above. Evidence indicates that increasing the security build-ups and enforcement-only measures have not worked and actually have made matters worse. The increase in Border Patrol activities over the past 20 years has failed to prevent the more than doubling of illegal immigrants coming to the U.S.²³ "Enforcement-only" legislation being proposed by Congress are shortsighted and fail to recognize that the U.S. immigration situation is where it is today because of 20 years of unilateral measures. The end result has increased the number of illegal immigrants and made the journey significantly more dangerous and costly to immigrants. Evidence indicates the more the U.S. enforces the border protection, the more lucrative the immigrant smuggling business has become in Mexico.²⁴ In fact, the illegal immigrant smuggling business in Mexico is

estimated to be the third largest industry in Mexico. It ranks behind only drugs and tourism in total estimated revenues.

Lastly, the “enforcement-only” legislation does not address the economic requirements for immigrant labor by only addressing how to keep illegals out of the U.S. and how to capture and deport illegals already in the U.S. It does not address how to increase legal immigration to satisfy the economic labor force needs of U.S. business.

Strategically, the fence is likely to accomplish the security part of a U.S. national objective to gain better control of the illegal immigration of foreigners from Mexico. However, as history has shown with other great barriers such as the French Maginot Line, the Berlin Wall, and the Great Wall of China, there are very few barriers that cannot be breached with enough planning and personal resolve and courage on the parts of those willing to test the fence. Further, a fence of this nature is certainly not going to satisfy the economic part of the U.S. national objective, i.e., to ensure our economy has free and open access to the labor force it needs to remain strong, vibrant, and growing. While constructing a 2,000 mile fence has some dramatic effect concerning size and scope, it does meet the Army War College strategic feasibility tests in that the technology and materials are available to build such a fence. The initial estimates to build the fence are between \$4 and \$8 billion. California spends more than \$10.5 billion each year just to provide education, non-reimbursed health care, and incarceration prison and jail expenses for the illegal immigrants already living in the state.²⁵ The cost of a fence would be cheap in comparison.

Finally, the most viable argument against building such a fence is the lack of international strategic acceptability. The fence is already being compared to the Berlin Wall²⁶ as a physical sign of U.S. “exceptionalism”. Strategically, this fence could undermine the tremendous movement towards a representative democracy of the Mexican government. President Fox was elected by in July 2000. He was the first democratically elected President of Mexico in 71 years. Prior to President Fox, Mexico was essentially an authoritarian government that was largely ignored by the U.S. The loss of power by the former authoritarian Institutional Revolutionary Party (PRI) to President Fox’s National Action Party (PAN) has allowed the PRI to regroup and reorganize itself for another bid for the Presidency in July 2006.²⁷ The criticisms of the Fox presidency may be exacerbated by the U.S. border security controversy and if the PRI wins the Mexican Presidency, could mean a return to the old authoritarian form of government and the U.S. immigration problem may worsen. Strategically, the U.S. interests may be better served by supporting a democratic election in Mexico in July and ensuring the continued economic growth and internal security of Mexico. A stronger Mexican economy will provide

more federal funding for education programs. Stronger education programs lead to less undereducated and unemployed citizens and therefore, decreases the pressures on the unemployed to migrate north to the U.S. While a physical barrier such as a fence will certainly make illegal border crossings more difficult and may even discourage some percentage of the Mexican population from even considering an attempted crossing, it represents a use of U.S. hard power that might not be appropriate at this time. The U.S. National Security Strategy's stated objective is to: "expand the circle of development by opening societies and building the infrastructure of democracy".²⁸ Strategically, this fence does not accomplish or further U.S. efforts towards its objective. Therefore, consistent with U.S. strategy, Homeland Security Secretary Michael Chertoff has gone on record as opposed to a "massive fence".²⁹

Open Borders - Controlled Economic Labor Force

On the strategy of a more open and free trade immigration solution, the Department of Homeland Security (DHS) has proposed what it calls the Secure Border Initiative (SBI). The SBI is an enforcement and reform initiative from DHS Secretary Michael Chertoff.³⁰ The initiative provides a plan to achieve operational control of both the northern and southern U.S. borders over the next five years. It includes initiatives in six areas of border security and immigration policy. The six initiatives are:

- Staffing increases including 1000 additional agents to patrol borders and secure our ports and more criminal investigators, detention beds, and Immigration Enforcement agents.
- A detention and removal program is intended to eliminate the "catch and release" policy. The intent is to ensure all illegal immigrants are detained until they are removed back to their country of origin. Includes re-engineering of current procedures to streamline the process and more efficiently remove illegal immigrants from U.S. territory.
- A technology and Infrastructure will be fielded to provide an integrated system of sensors into a single comprehensive detection system to strengthen our ability to reduce illegal entry.
- Interior enforcement will be strengthened through more worksite enforcement to ensure immigrants are in the country legally. It will also expand partnerships with state and local governments to ensure illegal alien criminals are deported immediately upon release from confinement facilities.

- International efforts will be expanded to engage our border countries in multilateral dialogue to resolve mutual concerns such as border criminal activities (e.g., human and drug trafficking).
- A temporary worker program will be established to make it easier for migrant workers to pursue work in legal and regulated channels.

The SBI is an attempt to reinforce federal efforts toward more secure borders and immigration reform. As in many other facets of National Security, this administration has often moved faster than Congress to implement new rules, procedures, and policies. The SBI was included in the FY06 DHS Appropriations Bill and allows DHS to begin execution of the new procedures and reforms immediately.

The Secure Borders Initiative includes a plan to address many of the concerns from both sides of the immigration issue, i.e., those who want more secure borders and those who want more immigration to satisfy the economic requirements for labor by addressing the illegal immigrant problem on three multilateral fronts. First, the initiative addresses the criminal aspect of illegal immigrants by increasing personnel and funding for the federal activities responsible for enforcement on three levels. The first level includes increased surveillance and protection at the borders to prevent illegal entry; increased federal effort and increased coordinated efforts with state and local governments for investigation and apprehension of illegal aliens in interior states; and expedited deportation of those that are caught.

The second multilateral component of the SBI is increased dialogue and outreach to the governments of neighbors Mexico and Canada. The border crime along our shared borders affects the people of all our nations and must be combated in a coordinated and mutually beneficial manner. The U.S. cannot solve illegal immigration unilaterally and the SBI takes the first steps towards a cooperative multilateral and international action.

The third multilateral component of the SBI is an acknowledgement that the U.S. economy needs the labor force being provided by the illegal immigrants. The temporary worker program is a start to make temporary work permits easier to obtain and administer. As President Bush has noted, most of the people crossing our border illegally are not coming to do us harm. They are crossing the border to find better jobs and to provide for their families. U.S. immigration policy is forcing them to break our laws because we have not provided them an adequate process to legally enter our workforce.³¹

Strategically, the SBI seems to meet the moderate requirements for suitability in that the provisions and programs are considered reasonable. The SBI is a moderate approach to the immigration issue. As a moderate solution, there is still criticism from the strong enforcement

camp, i.e., those that want the fence, believe the enforcement part of SBI is too weak and will not adequately protect their interests. Their goal is to stop illegal immigration and make it harder for immigrants to come to the U.S. to work.³²

Most provisions of the SBI are also included in legislation being prepared by Senators John McCain (R-AZ) and Edward Kennedy (D-MA) known as the Secure America and Orderly Immigration Act of 2005. This legislation is receiving some bilateral support. The fact that Congress has entertained President Bush's plan in the FY06 Appropriations Act for Homeland Security is strong evidence that Congress supports most, if not all, of its provisions. The Senate plans to take additional action to formally codify many of the SBI programs.³³

The second consideration of a strategy is its feasibility. Reviewing the provisions of the SBI indicates that most are very reasonable and moderate actions. In fact, the major criticism is that SBI is only talk and really has nothing new that will accomplish the national objectives of securing the borders and providing for the economic labor force. However, the fact that all the provisions are more centric to public policy and seem to avoid the political extremes is indicative of SBI's ability to accomplish at least some measure of success.

If a strategy is judged to be suitable and feasible, then the last consideration is its acceptability in the realm of public opinion and values. The acceptability of SBI seems to be in its provisions to attract attention from the three major considerations. The SBI addresses the first requirement to protect our borders by stopping additional illegal entry, increased efforts to capture illegals already in the country, and cooperation with state and local programs and officials to ensure the U.S. has a comprehensive plan of action. The SBI addresses the second requirement to engage the international relationship with our neighboring governments to address the issues from a mutual benefit perspective. Finally, the SBI addresses the economic sector in a positive means to increase legal access to the valuable workforce that wants the jobs that our employers cannot find American labor to fulfill. The broad and bipartisan support in Congress seems to indicate broad acceptability.

Conclusion

The U.S. is often referred to as a nation of immigrants. Yet in the 230 years since the Declaration of Independence, the U.S. has continued to struggle with national immigration policy. As the population began to feel threatened by the influx of any particular race, ethnicity, or religion, and etc.; the representatives in Congress were pressured by their constituents to pass immigration laws limiting the numbers allowed into the country. Immigration was largely controllable so long as it came through the U.S. east and west coast seaports and the U.S.

borders with Canada and Mexico were considered relatively safe and mostly an economic issue until the late 20th Century. The social and political pressure of illegal immigration from Mexico became more pronounced in the economic boon of the 1960s and continues to today. However, after 9/11, the need to prevent terrorists from entering the U.S. brought a whole new level of concern for border protection along the U.S.-Mexico border.

Mexico finds itself caught between the U.S. desire to control illegal immigration and all other illegal trafficking across the shared border, its poorer neighbors to the south, and its own internal social and political failures to provide for its citizens. Illegal migrants are striving to get to the U.S. United States seaports are difficult to penetrate and so the most successful route is through Mexico. Mexico's economy does not provide adequate jobs for its citizens because it has been controlled by an authoritarian government for too many years. Years of the same authoritarian government resulted in corruption in government practices and ethics, failure to provide government services such as education, health, and a social security net for its citizens. Without these critical government services, the economy has failed to grow at a pace to keep up with the growth of its population and workforce.

As bad as the U.S.-Mexico border is, the southern border of Mexico with its neighbors, Belize and Guatemala is actually worse. The poor and unskilled workers from Central America and beyond are crossing into Mexico, largely through Guatemala on their way to the U.S. Although the U.S. is putting pressure on Mexico to control its southern border, the Mexican government has few resources available to fix its border problems. Mexican government and law enforcement corruption at the local border level circumvents many federal programs. Therefore, border protection between the U.S. and Mexico is seen as the last stop before illegal entry to the U.S. and creates more U.S. citizen pressure for stronger and more secure border initiatives.

Since the 1960s, the U.S. has steadily increased the level of border law enforcement along the U.S.-Mexico border. More stringent laws have been enacted to make the penalties for illegal entry harsher. The number of Border Patrol officers and agents has steadily increased to provide more surveillance and apprehension of illegals at the borders. Various barriers such as fences and ditches have been built in high traffic areas to make the physical border crossing more difficult and hazardous. The effectiveness of these physical barriers is touted by a large portion of the U.S. population, especially along the border states of California, Arizona, New Mexico, and Texas, as the most effective means to gain control of the U.S. border and prevent the illegal entry of potential terrorists. Proposals for increased law enforcement and physical barriers represent a closed border immigration strategy. Although a closed border strategy may

prevent the illegal entry of a future terrorist, the strategy does not address what caused the mass immigration to the U.S. in the first place and that is the strength of the U.S. economy and its ability to provide jobs.

Current U.S. policy is based on the Secure Border Initiative (SBI). The SBI provides a measure of increased border protection with additional Border Patrol officers, agents, legal personnel, increased surveillance equipment, and additional fencing in high traffic areas to make illegal crossing more difficult to execute and if a crossing is attempted, more likely to be intercepted. The SBI is a more suitable, feasible, and acceptable immigration strategy because it addresses the requirement for access to the immigrant labor force by making work permits more available for legal entry to the U.S. for work. The SBI also recognizes that illegal immigration is not only a U.S. problem and that to adequately stem the flow of illegal immigrants, the U.S. must help Mexico and its southern neighbors improve their internal governance and social service programs which will in turn help their economies to provide jobs for their citizens and reduce the need to migrate to the U.S. for jobs.

It is clear that a growing portion of the U.S population would like to have some kind of physical barrier and better enforcement of immigration laws, this approach is based on use of American hard power and unilateral action. Such an approach only exacerbates the unilateral and "exceptionalistic" image of the U.S. in world opinion, ultimately making matters worse and further degrades U.S.-Mexico relations. There is increasing pressure on President Fox and his political party to present a strong campaign to win another six years in power to further Mexico's movement towards a representative democratic government. The success of President Fox to bring about a political victory for his party by winning another term as President will prevent Mexico's return to a single party, authoritarian government for the next six years. This is a time for the U.S. to show strong support and encouragement for the past six years of President Fox's improvements in Mexican government sponsored social programs such as a social safety net, better education and health insurance programs. The U.S. pursuit of the SBI as a more moderate and reasoned approach to fulfillment of U.S. national objectives for more secure borders and access to a willing and capable immigrant workforce to continue to expand our economic strength is the better option.

Endnotes

¹ Emma Lazarus, "The New Colossus," 1883, available from <http://www.endex.com/gf/buildings/liberty/libertyfacts.htm>; Internet, accessed 19 Nov 2005.

² Jonathan Elliot, *Elliot's Debates - The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, available from <http://memory.loc.gov/ammem/amlaw/lwed.html>, Internet, accessed 17 Dec 2005.

³ *Ellis Island Immigration Museum Home Page*, available from <http://www.ellisland.com/indexHistory.html>, accessed 17 Dec 2005.

⁴ *Digital History Home*, available from http://www.digitalhistory.uh.edu/historyonline/immigration_chron.cfm, Internet, accessed 17 Dec 2005.

⁵ The Brookings Institution, *Government's 50 Greatest Endeavors - Control Immigration*, available from <http://www.brook.edu/gs/cps/research/projects/50ge/endeavors/immigration.htm>, Internet, accessed 17 Dec 2005.

⁶ Close-up Foundation Civics Education, *U.S. Immigration Policy*, available from <http://www.closeup.org/immigrat.htm>; Internet, accessed 20 Nov 2005.

⁷ Ibid. Close-up Foundation Civics Education, *U.S. Immigration Policy*, available from <http://www.closeup.org/immigrat.htm>; Internet, accessed 20 Nov 2005.

⁸ Michael Flynn, "Global Migration Coursing Through Mexico," 25 December 2005; available from <http://globalpolitician.com/articleshow.asp?ID=1503&cid=7&sid=88>; Internet, accessed 12 January 2006.

⁹ George W. Grayson, "Mexico's Forgotten Southern Border - Does Mexico practice at home what it preaches abroad?," available from <http://www.cis.org/articles/2002/back702.html>, Internet, accessed 19 Dec 2005.

¹⁰ Office of Policy and Planning, U.S. Immigration and Naturalization Service, *Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000*, undated.

¹¹ National Immigration Forum, *House takes up Enforcement-Only Bill while Senate Prepares to take up Enforcement-Plus Reform, November 16, 2005*, available from <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=772>, Internet, accessed 20 Nov 2005.

¹² Department of Homeland Security, *DHS Announces Long-Term Border and Immigration Strategy*, available from http://www.dhs.gov/dhspublic/theme_home4.jsp, Internet, accessed 20 Nov 2005.

¹³ Steven A. Camarota, "Economy Slowed, But Immigration Didn't," November 2004, linked from "Center for Immigration Studies Home Page at Current Numbers," available from <http://www.cis.org/articles/2004/back1204.html>; Internet, accessed 13 January 2006.

¹⁴ Erica Werner, "Hunter to propose fencing U.S.-Mexico border," Associated Press, 2 November 2005, available online <http://www.signonsandiego.com/news/state/20051102-1526-ca-borderfence.html>, accessed 20 Nov 2005.

¹⁵ Let Freedom Ring, Inc., *The Solution*, available from <http://www.weneedafence.com/solution.asp>; Internet, accessed 20 Nov 2005.

¹⁶ Joe Kasper, "Hunter Proposal for Strategic Border Fencing Passes House", December 15, 2005, linked from *Congressman Duncan Hunter home page*, available from <http://www.house.gov/hunter/>; Internet; accessed 7 Jan 2006.

¹⁷ Douglas S. Massey, PhD, "Beyond the Border Buildup: Towards a New Approach to Mexico-U.S. Migration," *Immigration Policy IN FOCUS*, Vol 4, Issue 7, September 2005 [journal on-line]; available from http://www.aifl.org/ipc/policy_reports_2005_beyondborder.htm; Internet; accessed 20 Nov 2005.

¹⁸ Joe Kasper, "Hunter Proposal for Strategic Border Fencing Passes House", December 15, 2005, linked from *Congressman Duncan Hunter home page*, available from <http://www.house.gov/hunter/>; Internet; accessed 7 Jan 2006.

¹⁹ Associated Press, "*Senators: Beefed up border protection needed*", available from http://www.azdailysun.com/non_sec/nav_includes/story.cfm?storyID=119446; Internet, accessed 19 Nov 2005.

²⁰ Stephen Dinan, "Congressional battle over border security begins," *The Washington Times*, 17 Nov 2005; available from <http://www.wpherald.com/storyview.php?StoryID=20051117-103247-4094r>; Internet, accessed 19 Nov 2005,

²¹ Douglas S. Massey, PhD, "Beyond the Border Buildup: Towards a New Approach to Mexico-U.S. Migration," *Immigration Policy IN FOCUS*, Vol 4, Issue 7, September 2005 [journal on-line]; available from http://www.aifl.org/ipc/policy_reports_2005_beyondborder.htm; Internet; accessed 20 Nov 2005.

²² "PLF Issues Draft Statement on Illegal Immigration," 15 December 2005, linked from *Public Lands Foundation home page*, available from <http://www.publicland.org/illegal.htm>; Internet; accessed 8 Jan 2006.

²³ Close-up Foundation Civics Education, *U.S. Immigration Policy*, available from <http://www.closeup.org/immigrat.htm>; Internet, accessed 20 Nov 2005.

²⁴ National Immigration Forum, "House takes up Enforcement-Only Bill while Senate Prepares to take up Enforcement-Plus Reform", available from <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=772>; Internet, accessed 20 Nov 2005.

²⁵ Mary Orndorff, "Sessions wants to fence off Mexico," *The Birmingham News*, 19 Nov 2005; available from <http://www.al.com/search/index.ssf?/base/news/113239566935810.xml?birminghamnews?nstate&coll=2>; Internet; accessed 19 Nov 2005.

²⁶ The Miami Herald, "*Remember Berlin Wall? Now, think Mexico*", available from <http://www.miami.com/mld/miamiherald/news/opinion/13197805.htm>; Internet, accessed 18 Nov 2005.

²⁷ Enrique Krauze, "Furthering Democracy in Mexico," January/February 2006, linked from *Foreign Affairs*, January/February 2006 Issue; available from <http://www.foreignaffairs.org/20060101faessay85106/enrique-krauze/furthering-democracy-in-mexico.html>; Internet; accessed 13 Jan 2006.

²⁸ George W. Bush, *The National Security Strategy of the United States of America*, (Washington, D.C.: The White House, September, 2002), 2.

²⁹ Mary Orndorff, "Sessions wants to fence off Mexico," *The Birmingham News*, 19 Nov 2005; available from <http://www.al.com/search/index.ssf?/base/news/113239566935810.xml?birminghamnews?nstate&coll=2>; Internet; accessed 19 Nov 2005.

³⁰ Office of the Press Secretary, Department of Homeland Security, "*DHS Announces Long-Term Border and Immigration Strategy, 2 Nov 2005*", available from <http://www.dhs.gov/dhspublic/display?content=4923>; Internet, accessed 20 Nov 2005.

³¹ George W. Bush, "*President Signs Homeland Security Appropriations Act for 2006, 18 Oct 2005*," available from <http://www.whitehouse.gov/news/releases/2005/10/20051018-2.html>; Internet, accessed 22 Nov 2005.

³² Lisa Riley Roche, "Put brakes on Mexican job seekers, Utahans say", *Deseret Morning News*, Nov 18, 2005, available from <http://deseretnews.com/dn/print/1,1442,635162142,00.html>, accessed 19 Nov 2005.

³³ National Immigration Forum, "House takes up Enforcement-Only Bill while Senate Prepares to take up Enforcement-Plus Reform", available from <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=772>; Internet, accessed 20 Nov 2005.