

Resolved: The United States federal government should substantially expand its surveillance infrastructure along its southern border.

Potential Sources to Use:

Immigration Forum

The Land of Open Graves: Living and Dying on the Migrant Trail by Jason De Leon
Strauss Center

Center for Immigration Studies

Heritage Foundation

RAND Corporation

U.S. Customs and Border Protection (use with caution)

CNN

NPR

Coda Story

National Network for Immigrant and Refugee Rights

American Immigration Council

Bipartisan Policy Center

National Immigrant Justice Center

OBSERVATIONS

FRAMEWORK:

An important part of this topic is going to be qualifying what wins the debate. Does the winning case save the most lives? Does the winning case best secure national security interests? What are those security interests, and how does expanding surveillance infrastructure accomplish them?

Frameworks:

- Cost Benefit Analysis - We win the round if we can prove that there are more benefits than costs (or vice versa) to expanding surveillance infrastructure on the Southern Border
- Human Rights - We win the round if we can prove that our side best protects human rights
- Civil Liberties - We win the round if we can prove that our side best protects privacy/autonomy

Definitions:

Surveillance Infrastructure: DHS '18, "The Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP) deploys Border Surveillance Systems (BSS) to provide comprehensive situational awareness along the United States border for border security and national security purposes, and to assist in detecting, identifying, apprehending, and removing individuals illegally entering the United States at and between ports of entry or otherwise violating U.S. law. BSS includes commercially available technologies such as fixed and mobile video surveillance systems, range finders, thermal imaging devices, radar, ground sensors, and radio frequency sensors. CBP is updating this PIA to assess the privacy risks associated with new border surveillance technologies not addressed in the original PIA, including maritime and ground radar, enhanced video capabilities, seismic and imaging sensors, and the use of commercially available location data to identify activity in designated areas within near the United States border."

<https://www.dhs.gov/publication/border-surveillance-systems-bss>

Types of border security used:

Physical Barriers

Technologies to detect contraband cargo

Border surveillance technologies to track people in remote areas

Biometric identification technologies

<https://publicsafety.ieee.org/topics/high-tech-border-security-current-and-emerging-trends>

AFF

Humanitarian Aid:

Summary: The reality of undocumented immigration at the border - the frequency at which it is happening - is not changed by either side of the debate. What we can change, though, is the safety of these crossings. Expanding surveillance infrastructure allows Border Patrol to save lives that otherwise would have been lost in the desert attempting to make the dangerous crossing.

The Land of Open Graves: Living and Dying on the Migrant Trail:

US Southern Border policy is specifically designed to kill undocumented

immigrants. De Leon '15, As we start to walk away from this death site, I notice something on the ground. Crouching down, I pick up a piece of bone smaller than my fingernail. It immediately crumbles to dust. I try to hand it to Bob, and an unexpected breeze passes through and plows many of the particles off my hand. I scrape what I can from my finger and sprinkle it into the bag. It's a futile gesture. There is little that forensic scientists can do with bone dust. This person will likely become a like in the Pima County Office of the Medical Examiner's database of migrant fatalities reading: "Name: Unknown. Age: Unknown. Country of Origin: Unknown. Cause of Death: Undetermined (partial skeletal remains)." **The identity of this individual and much of his or her body has been swallowed up by the desert, and there were no witnesses. Bare life has been reduced to shoes, shards of bone, and the "unknown."**

I often think about this particular day, for two reasons. First, we know this death and its physical erasure are by no means a unique event. Between October 2000 and September 2014, the bodies of 2,721 border crossers were recovered in southern Arizona alone. Approximately 800 of these individuals are still unidentified. Second, this particular moment in the desert perfectly illustrates the structure, logic, and corporeal impact of the current US border enforcement policy. This point was driven home in the spring of 2012 when I visited the Juan Bosco migrant shelter in Nogales (see chapter 5). The stucco walls of this nonprofit organization are always decorated with glossy Mexican government fliers that warn about the conditions in the desert, oversized maps produced by the group Humane Borders showing locations of border crosser deaths, and photocopied posters put up by family members of missing migrants. It wasn't until 2012, though, that I noticed for the first time a tiny sign on the wall of the men's bathroom that had been produced by the US Department of Homeland Security. In Spanish the flier warned, "The next time you try to cross the border without documents you could end up a victim of the desert." This line was accompanied by a pathetic cartoon drawing of a saguaro cactus"

I laughed at this crude representation of the desert, but also started thinking about how this was one of the few times I had seen a warning sign produced by the US government in a Mexican shelter. More interesting, however, was that the wording of the pamphlet personified the desert as a perpetrator of violence targeting migrants. Conveniently, this flier contains no mentions of the tactical relationship between federal border enforcement policy and this harsh landscape. When put in historical context, however, this public service announcement offers insight into the structure of the Prevention Through Deterrence (PTD) strategy that since the 1990s has deliberately funneled people into the desert. It also illustrates the cunning way that nature has been conscripted by the Border Patrol to act as an enforcer while simultaneously providing this federal agency with plausible deniability regarding blame for any victims the desert may claim. In what follows, I outline the history and logic of PTD and begin to draw the connections between border enforcement policies and the migrant suffering and death that I explore in detail in the rest of the book.

Immigration Forum:

Expansion of border surveillance empirically fails to prevent undocumented

immigration. Immigration Forum '21, Since at least 1994, various administrations have attempted to increase enforcement measures and impose harsher conditions on arriving migrants as a means to reduce the total number of individuals attempting to cross the Southwest border between ports of entry. The 1994 [Prevention Through Deterrence \(PTD\) strategy](#) aimed to push arriving migrants away from border cities and into rough and dangerous terrain to ultimately deter future attempts to cross. In 2005, [Operation Streamline](#) emphasized the prosecution and detention of arriving migrants, in part as an attempt to deter future migration. Presidents Obama and Trump both touted their efforts at barrier construction on the Southwest border — among [other enforcement](#) measures — as a means of deterring unauthorized migrants.

However, none of these approaches proved to be effective at deterring irregular migration. The Clinton administration's PTD strategy led to CBP apprehensions of unauthorized migrants **spiking** in the early 2000s. And while Operation Streamline was implemented during a long-term decline in unauthorized migration, a **statistical analysis** of the program's impact found no deterrent effect. Obama and Trump both presided over **large increases** in irregular migration in 2014, 2016, and 2019.

While enforcement is not correlated with deterrence, effective and targeted enforcement measures at the Southwest border can result in more orderly, secure, and humane processing of those who do arrive and attempt to cross.

https://immigrationforum.org/article/border-security-along-the-southwest-border-fact-sheet-2/?gad_source=1&gclid=CjwKCAjwNi0BhA1EiwAWZaANIn9bEPz4kDrdjec0rsccl_SoxcWwDijYL6loFRc8jYLgl7gy4tlbBoCLcAQAvD_BwE

Surveillance is used for deterrence now, but it has the potential to be used for search and rescue. Leutert '24,

Publish rescue beacon locations. In order to use rescue beacons, migrants need to be able to find them. However, the Border Patrol does not disclose its rescue beacon locations, amid concerns that any maps could assist migrants and smugglers.^{xxviii} However, smugglers are likely already aware of rescue beacons' locations and, if anything, try to avoid them since they have motion detecting cameras. This report recommends that the Border Patrol publish the beacons' locations in a downloadable map. This would allow migrants to access the beacons' locations without cell service. Given potential landowner concerns, this type of information could be initially piloted with rescue beacons on public lands to see if it increases beacon usage and migrant rescues.

Invest in robotic flotation devices. Border Patrol agents often have to respond to migrants in distress in the Rio Grande. While the agency does not have standardized procedures for these rescues, agents are encouraged to respond with patrol boats or by throwing ropes and flotation devices from the shore. However, boats may not arrive in time and it can be difficult to throw flotation devices to individuals being swept downstream. To address this issue, this report recommends that the Border Patrol invest in robotic flotation devices. A Border Patrol agent could launch a robotic flotation device from the Rio Grande's bank and control the device through a remote control. For example, the Red Cross has already used the Emergency Integrated Lifesaving Lanyard (EMILY) to rescue migrants in the Mediterranean Sea. This robotic flotation device is battery-powered, weighs 26 pounds, and can reach speeds of 23 miles per hour.

Use drones for search and rescue. Currently, the Border Patrol uses drones for surveillance, but these tools could also be used for search and rescue operations. The Border Patrol's response time for a migrant in distress can mean life or death for the individual. Drones offer an efficient way to help find a missing migrant based on approximate GPS coordinates, and they could be equipped with life-saving resources, such as water, electrolytes, and first-aid kits. These drones could also be launched over popular Rio Grande crossing spots and drop flotation devices if necessary. This technology is already being piloted in other areas. This past year, New York City's Fire and Police Departments announced that they were looking to fly flotation-device-equipped drones along the city's beaches.

<https://www.strausscenter.org/wp-content/uploads/MMP-PRP.pdf>

U.S. Customs and Border Protection:

Border Patrol has made life saving rescues of undocumented immigrants before. Copeland and Chandler '24,

An emergency call for assistance from a mother in Mexico is relayed to the U.S. Border Patrol on the Southwest border on a blistering

113-degree afternoon. Her adult son paid a smuggler to get him across the border and now she cannot reach him by phone. After reaching out to the smuggler, she was told that her son couldn't keep up with the group after crossing the border, so he was left behind somewhere in the desert two days prior. Fearing the worst, she asked CBP to help her to locate her missing son. Border Patrol agents immediately relayed the call and information to the station nearest the last known whereabouts of the missing Mexican man. Simultaneously, a Border Patrol Search, Trauma, and Rescue team – better known as BORSTAR

– **was notified,** and an Air and Marine Operations aircrew joined the search. Together, **they later** located the missing man

in the desert with neither water nor food or shelter from the brazen heat and elements. BORSTAR provided immediate life-saving care, and the man was taken to a nearby hospital.

The summer of 2020, despite its record-setting scorching heat, saw an uptick in extremely risky search and rescue scenarios all across the Southwest border similar to the one described – dangerous for both illegal aliens and the agents who risk everything to save them.

“Smugglers play with people’s lives in this unforgiving desert,” said retired Chief Patrol Agent Roy Villarreal who was in charge of the Border Patrol in Tucson, Arizona, an area of responsibility that covers a large part of the Arizona-Mexico border, 262 miles to the New Mexico state line. “Unfortunately, [illegal aliens] put their trust in smugglers, who ultimately abandon them in the middle of one of the most environmentally dangerous places on earth. Our agents are often tasked to find, rescue and provide medical aid to those victimized by coyotes and smugglers.”

BORSTAR Special Operations Supervisor Phil Vanous led a BORSTAR team during 2019. Every rescue is different and every rescue is hard, he said.

“Some people live, some don’t. You never get used to someone dying,” Vanous said. “As part of our jobs, we sometimes spend the last moments of someone’s life with them.”

<https://www.cbp.gov/frontline/cbp-makes-lifesaving-rescues>

Drugs

NBC News

Border Patrol does not have the capacity to scan cars equitably, resulting in subjective and limited searches, Strickler and Ainsley ‘24, Fifty-six scanning systems that can detect fentanyl in personal vehicles at southern U.S. border crossings will now be installed because of \$200 million in new funding that was approved by Congress after NBC News reported the scanners were sitting unused in warehouses.

Ninety-five percent of the fentanyl U.S. law enforcement seizures is discovered in personal vehicles driven across the border by U.S. citizens, according to Department of Homeland Security officials, and the **scanners are the strongest tool the Biden administration has to detect fentanyl in vehicles.**

After the NBC News report, two senators, three House members and two state attorneys general called for additional funding to install the scanners that had been previously requested by DHS. Funding to finally install the machines came through the House Homeland Security appropriations bill, which Congress passed in late March.

Border scanners go unused in fight against fentanyl smuggling

The 56 that will be installed because of the new funding will be in place by 2026, according to a senior Customs and Border Protection official. Thirty-one scanning systems are already in place, and 27 are under construction. All of the scanners were appropriated in 2021.

DHS says that once the scanners are in place, 40% of all personal vehicles crossing the border will be scanned. Now, fewer than 5% of personal vehicles are X-rayed, according to DHS officials.

At ports of entry without scanners, customs officers have to rely on their own intuition to detect something amiss and hold vehicles for further inspection.

Since 2021, the U.S. government has struggled to install fentanyl scanners at ports of entry. Critics have applauded the progress but say it’s still just a drop in the bucket.

Bobby Watt was at CBP for over 30 years and oversaw non-intrusive inspection scanning at ports of entry before he left CBP in 2019; he blames red tape for the delays. He says the goal should be to scan 100% of personal vehicles.

“It’d be foolish not to,” said Watt, now an adviser to scanning contractor Viken Detection. “Because if you were a drug smuggler, would you go to a port that had an X-ray? Or would you go to the one next to it that didn’t have an X-ray?”

DHS has pointed to construction challenges with installation, such as a lack of room at ports of entry to install the systems, and says it doesn't have the funding from Congress needed to scan 100% of vehicles. The senior CBP official said the 40% of vehicles that will be scanned won't be randomly chosen; instead, they'll be vehicles determined to pose the highest risk.

<https://www.nbcnews.com/politics/national-security/border-fentanyl-scanners-sat-idle-lack-funding-rcna151374>

CATO Institute:

The majority of fentanyl coming to the United States comes through legal points of entry. Bier '22, “That U.S. citizens account for most fentanyl trafficking convictions is not surprising given the location

of fentanyl border seizures. Over 90 percent of fentanyl border seizures occur at legal border crossings and interior vehicle checkpoints (and 91 percent of drug seizures at checkpoints [are from U.S. citizens](#)—only 4 percent by “potentially removable”

immigrants). In 2022, so far, Border Patrol agents who were not at vehicle checkpoints accounted for just 9 percent of the fentanyl seizures near the border (Figure 2). Since it is easier for U.S. citizens to cross legally than noncitizens, it makes sense for fentanyl producers to hire U.S. citizen smugglers.

The DEA [reports](#) that criminal organizations “exploit major highway routes for transportation, and the most common method employed involves smuggling illicit drugs through U.S. [ports of entry] in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers.” Several agencies including CBP, ICE, and DHS intelligence [told](#) Congress in May 2022 the same thing: hard drugs come through ports of entry.

Some people posit that less fentanyl is interdicted between ports of entry because it is more difficult to detect there. But the opposite is true: fentanyl is smuggled through official crossing points specifically because it is easier to conceal it on a legal traveler or in legal goods than it is to conceal a person crossing the border illegally. Customs and Border Protection [estimates](#) that it caught 2 percent of cocaine at southwest land ports of entry in 2020 (the only drug it analyzed), while it [estimated](#) that its interdiction effectiveness rate for illegal crossers was about 83 percent in 2021 (Figure 3).^[ii] This means that drugs coming at a port of entry are about 97 percent less likely to be interdicted than a person coming between ports of entry, and this massive incentive to smuggle through ports would remain even if Border Patrol was far less effective at stopping people crossing illegally than it now estimates that it is. (Bier 2022)”

<https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers>

CNN Reports:

- Fentanyl comes into the United States from China and Mexico
- 90-94% of heroin consumed in the United States is estimated to come from Mexico
- The Southern Border is the “main entry point” for cocaine and methamphetamine coming into the United States

<https://www.cnn.com/2019/06/01/politics/trump-mexico-drugs-90-percent-tariff-fact-check/index.html>

Immigration Forum:

Expansion of surveillance has increased border patrol's effectiveness in seizing drugs at the Southern Border. Penichet-Paul '23, "Since its launch on March 13, 2023, Operation Blue Lotus has led to 18 seizures, 16 federal arrests, and two state arrests. Those seizures prevented over 900 pounds of fentanyl, over 700 pounds of methamphetamines, and over 100 pounds of cocaine from entering the United States through Sunday, March 19. [...] This Administration has a multi-pronged strategy to combat the scourge of fentanyl that is devastating communities across the United States, and the Department of Homeland Security works every day to prevent it from coming across our border. In the past two years, DHS has seized more fentanyl than the previous five years combined. But we must do more," said Secretary of Homeland Security Alejandro N. Mayorkas. "Operation Blue Lotus is a DHS-led, coordinated surge effort to curtail the flow of illicit fentanyl smuggled into the United States from Mexico and bring to justice the dangerous criminal organizations profiting from the illegal production, distribution, and sale of this dangerous substance."

Operation Blue Lotus leverages advanced analytics and intelligence capabilities at HSI and CBP. It includes the deployment of HSI personnel alongside CBP Officers at ports of entry, so that they can immediately pursue investigations as contraband is discovered in order to expose the networks.

CBP's Forward Operating Labs (FOLs) at Ports of Entry conduct real-time analysis of unknown substances, enabling DHS to target, identify, and examine unknown powders, pills, crystalline substances, or organic materials for hard narcotics, precursor chemicals and components associated with the manufacturing or processing of synthetic drugs. In turn, that enables investigations to proceed more quickly.

<https://immigrationforum.org/article/illicit-fentanyl-and-drug-smuggling-at-the-u-s-mexico-border-an-overview/>

Reduce cyclical poverty from drug use

The Addiction Center Reports:

A low-income status causes many of the stressors that can lead to drug use and addiction, which then makes it more difficult to climb out of poverty. These resources both do a solid job of explaining how drug addiction perpetuates cyclical poverty. The impact here is less exposure to drugs keeps people from being exposed to this cycle of poverty.

<https://www.addictioncenter.com/addiction/low-income-americans/>
<https://borgenproject.org/drugaddiction/>

Drug mules as a direct example of people in a cycle of poverty from the presence of drug trafficking

<https://www.npr.org/2023/08/09/1191638114/fentanyl-smuggling-migrants-mexico-border-drugs>

Neg

Increased Surveillance leads to deaths of border crossers

Coda Story:

Expanding surveillance drives migrants into dangerous environments, and militarizes the border. Hellerstein '21, "Humanitarian and migrant rights groups have argued that the border's high-tech surveillance infrastructure funnels people into ever-deadlier corridors.

The suite of technologies has also come under fire from critics, who say that the electronic perimeter raises significant privacy and civil liberty concerns.

While there is little research on the intersection between border surveillance and migrant deaths, a 2019 peer-reviewed study by researchers from the University of Arizona and Earlham College found that the surveillance matrix along southern Arizona's border — including towers and ground sensors — forced migrants to use more dangerous routes in the desert, exposing them to greater risk of dehydration and heat exposure.

Geoffrey Alan Boyce, academic director of the Earlham College Border Studies Program in Tucson, Arizona, and a co-author of the report, disagrees with the idea of a humane "smart" border.

"Biden and the Democrats have really pushed the idea that this is a kind of more humane alternative to the border wall and family separation. I'm sure, from a marketing standpoint, they believe that this is like a convincing kind of framing. But the reality on the ground is that all of these technologies become integral, not only to the intensification of suffering and deaths for undocumented border crossers, but also this expansion of surveillance throughout the interior of the country."

[...]

"A few hours later and deep in the desert, a border patrol truck pulled to a stop next to us. An officer rolled down his window, striking up a conversation. He told us we had tripped a hidden camera.

After the officer drove away, Holeman reflected on the proliferation of surveillance technology. "I was in the Marine Corps," he said. "I see the militarization of the border first-hand. I recognize it. They're adopting tactics and technology that's been used in conflict zones. The border is more and more militarized every year and all these policies, technology enforcement kills people. It just kills people."

Arivaca and the long view

A steady breeze rustled the desert shrubs as Eva Lewis maneuvered her gray truck down a dusty road in the southern Arizona wilderness. It was a bright afternoon in Arivaca, a rural town in Pima County at the edge of the US-Mexico border. Lewis had spent the better part of the day taking me on a border surveillance tour. The latest stop brought us to a white house at the base of a sloping hill. About 100 feet away, perched on top of the ridge, a surveillance tower loomed over it. Lewis swept her arm across the street. "This whole area, everything we just drove past is homes," she explained. "So, the tower is just overlooking all of that."

<https://www.codastory.com/authoritarian-tech/us-border-surveillance/>

Immigration Forum:

Expansion of surveillance does not deter migration. Immigration Forum '21, Since at least 1994, various administrations have attempted to increase enforcement measures and impose harsher conditions on arriving migrants as a means to reduce the total number of individuals attempting to cross the Southwest border between ports of entry.

The 1994 [Prevention Through Deterrence \(PTD\) strategy](#) aimed to push arriving migrants away from border cities and into rough and dangerous terrain to ultimately deter future attempts to cross. In 2005, [Operation Streamline](#) emphasized the

prosecution and detention of arriving migrants, in part as an attempt to deter future migration. Presidents Obama and Trump both touted their efforts at barrier construction on the Southwest border — among other enforcement measures — as a means of deterring unauthorized migrants.

However, none of these approaches proved to be effective at deterring irregular migration. The Clinton administration's PTD strategy led to CBP apprehensions of unauthorized migrants spiking in the early 2000s. And while Operation Streamline was implemented during a long-term decline in unauthorized migration, a statistical analysis of the program's impact found no deterrent effect. Obama and Trump both presided over large increases in irregular migration in 2014, 2016, and 2019.

While enforcement is not correlated with deterrence, effective and targeted enforcement measures at the Southwest border can result in more orderly, secure, and humane processing of those who do arrive and attempt to cross.

https://immigrationforum.org/article/border-security-along-the-southwest-border-fact-sheet-2/?gad_source=1&gclid=CjwKCAjwNi0BhA1EiwAWZaANln9bEPz4kDrdjec0rsccl_SoxcWwDijYL6loFRc8jYLqI7gy4tlbBoCLcAQAvD_BwE

Crackdowns on immigration increase migrant deaths. National Network for Immigrant and Refugee Rights '20, Research suggests that the US Border Patrol's attempts to control migration, especially through intensified militarization, have not decreased the number of migrants but instead led to an increase in the deaths of migrants. The U.S. Border Patrol has recorded over 7,000 migrant deaths along the U.S.-Mexico border between fiscal year 1998 and 2020, and 2020 year was the deadliest year on record, with 227 recorded deaths of those attempting to cross the border through the desert.

Humanitarian groups estimate the figure to be much higher. While international humanitarian law dictates that states must collect the bodies of the dead, the U.S. government systematically fails to recover remains. As a result, the families of people disappeared at the border rarely find closure in the loss of their loved one.

For an in-depth portrait of this issue, check out Missing in Brooks County, a full-length documentary released in 2021 about migrant deaths in the South Texas border region, featuring Eddie Canales, NNIRR Board Chair from the South Texas Human Rights Center.

There are advocate groups working around the clock to prevent migrant deaths:

South Texas Human Rights Center, Coalición de Derechos Humanos, No More Deaths, Humane Borders | Fronteras Compasivas and more.

These following reports reflect the work of these organizations to bring this humanitarian crisis to light and advocate for a change in policy and put an end to the Border Patrol's "prevention through deterrence" strategy that has resulted in a human rights crisis with rising numbers of migrant deaths and disappearances.

Left to Die: Border Patrol, Search and Rescue and the Crisis of Disappearance. A joint report by Coalición de Derechos Humanos and No More Deaths (February 2021)

'Treated like trash': the project trying to identify the bodies of migrants An article in The Guardian (January 13, 2020), by Samuel Gilbert. Includes interview with NNIRR Board chair Eduardo Canales of the South Texas Human Rights Center in Falfurrias, TX Listen to this radio program and view gallery of border photos: Deadly Divide: Migrant Deaths at the Border

The exact number of migrant deaths is uncertain. This graph from a Congressional Research Service Report by Marc R. Rosenblum compares the data of key organizations up to 2012. It is notable that the DHS, a government agency, reports the lowest figures.

CSR Report: Known Migrant Deaths, Southwest Border, 1985-2011: Source: University of Houston Center for Immigration Research; Jimenez, "Humanitarian Crisis," 2009; CBP Office of Congressional Affairs.

A 2013 National Foundation for American Policy report states that “evidence suggests an immigrant attempting to cross illegally into the United States today is 8 times more likely to die in the attempt than approximately a decade ago.” This report compiled data from the Department of Homeland Security (DHS) into one table. It is crucial to note that Border Patrol does not count deaths on the Mexican side of the border, making their estimations immediately questionable:

<https://nnirr.org/programs/seeking-border-justice/stopping-migrant-deaths/>

The expansion of surveillance pushes border crossers into more physiologically costly terrain, increasing the rate of migrant deaths. Chambers et. al. '19, According to

the U.S. Border Patrol (2016), 6915 migrant deaths occurred along the U.S.- Mexico border between 1998 and 2016.1 A major cause of migrant deaths in the U.S.- Mexico borderlands is “exposure to the elements,” especially post-Operation Gatekeeper and the creation of the Department of Homeland Security in 2002 (Eschbach, Hagan, and Rodriguez 2003; Martinez et al. 2013; Silva 2016). Exposure, in this context, covers dehydration, hyperthermia, and, most important for this study, physical exertion (Magaña 2011). In fact, from 1990 to 2013 exposure accounted for 45% of all recorded migrant deaths in Southern Arizona (Martínez et al. 2014). As described above, deterrence strategies are premised on funneling migrants and refugees away from areas of relatively easy flow to areas that are more difficult to cross, so as to dissuade or add difficulty to the journey (GAO 1999; Rubio-Goldsmith et al. 2006;

Martinez et al. 2013; Jones 2016; Slack et al. 2016). Martinez et al. (2013) in fact identify two consecutive and cumulative funneling processes – first, from southern California and south Texas and into the southern Arizona corridors around Douglas and Nogales, Arizona; and second, away from the desert areas around Douglas and Nogales and west into the Altar Valley and beyond.

Through **the ongoing concentration and expansion of surveillance and related enforcement**

infrastructure within these crossing corridors, it is our assertion that the geography of deterrence has now come to follow a third funneling process, one that **results in a shift of migration routes** away from natural routes of egress within the Altar Valley and **into increasingly difficult and mountainous areas that lie adjacent.**

To avoid areas with high levels of surveillance, the area that is traversable is limited to a smaller more costly percentage, and human beings are funneled into these areas of high caloric cost. These costs combine with the desert climate to test the body’s tolerance of extreme temperatures, a tolerance that depends on the body’s ability to maintain a stable temperature within a healthy range

through further caloric expenditure (Adolph and Molnar 1946; Eichler, McFee, and Root 1969). In short, through this third funneling process **the concentration of surveillance infrastructure combines with the rugged desert**

landscape in a coupled system that maximizes the physiological toll, pain and suffering

to which unauthorized migrants are subjected when crossing on foot through the

Arizona borderlands. The analysis contained here helps to explain, contextualize and

confirm Martinez et al.’s (2013) observations on **the exponential increase in the rate of migrant deaths**

(measured as recovered remains / 100,000 U.S. Border Patrol apprehensions) in the southern Arizona

borderlands. Indeed, even as the number of apprehensions has declined in the Border Patrol’s Tucson Sector (reflecting a decline in border-crossing overall that corresponds to the economic crisis beginning in 2008 – as well as a broader shift in migration toward south Texas), the number of recovered remains in that sector has remained consistently high year-to-year (see Table 1). In explaining this trend, Martinez et al. (2013) posit a relationship to an increase in the average number of days of travel reported by migrants in the Tucson sector, from 2.3 days to 3.3 days between 2008 and 2011. Our findings support this conclusion but add the physical ruggedness of terrain as an additional variable causing physiological harm and mortality – one that is not fully explained by time or distance involved in crossing

[https://www.researchgate.net/publication/330786155 Mortality Surveillance and the Tertiary Funnel Effect on the US-Mexico Border A Geospatial Modeling of the Geography of Deterrence](https://www.researchgate.net/publication/330786155_Mortality_Surveillance_and_the_Tertiary_Funnel_Effect_on_the_US-Mexico_Border_A_Geospatial_Modeling_of_the_Geography_of_Deterrence)

Poor Disaster Response

National Immigration Law Center:

Not only has undocumented immigration decreased, but the number of people leaving for Mexico has increased. Straut-Eppsteiner '19,

Annual appropriations for interior and border enforcement have increased tremendously in recent years, and federal spending on enforcement has totaled \$263 billion since 1986. With it, the government has built nearly 700 hundred miles of physical barriers along the U.S.-Mexico border and hired tens of thousands of interior and border enforcement agents. Between fiscal years 2003 and 2016, the number of Border Patrol agents doubled and the number of U.S. Immigration and Customs Enforcement (ICE) agents working in ICE's Enforcement and Removal Operations tripled. Since the U.S. Department of Homeland Security (DHS) was established in 2003, the budget for U.S. Customs and Border Protection (CBP) has grown from \$5.9 billion to more than \$14 billion in 2018. Appropriations for CBP for 2018 included \$1.57 billion for "physical barriers and associated technology along the Southwest border."

When we set aside hyperbole and examine the data, it becomes clear how unnecessary even more border spending really is. As shown in the graph below, Border Patrol staffing (the blue line indicated by numbers on the left axis) skyrocketed as apprehensions (orange line, numbers on the right axis) tumbled since the mid-2000s. In fact, contrary to the misinformation frequently put out by the Trump administration, the undocumented population has decreased in recent years. Net migration from Mexico, the largest source of migrants to the U.S., has decreased since 2010. Undocumented migration from Mexico is now near zero. Net Mexican migration is, in fact, negative, meaning more people are returning to Mexico than entering the U.S.

Migration scholars have found that as the border has become more militarized, making travel back and forth more dangerous and difficult, migrants have increasingly opted to settle permanently in the U.S. Rather than maintaining families in their countries of origin and supporting them through U.S.-based jobs, migrants have developed strong social ties in their U.S. communities and are raising U.S. citizen children.

Expanding security at the Southern Border takes money from other government agencies for little to no practical effect. American Immigration Council '21, In February 2019, after the longest government shutdown in history, 35 days, Congress reached a deal with the President, offering \$1.375 billion for 55 miles of fencing along the Rio Grande Valley. The President expressed his dissatisfaction with this offer, and shortly after signing the bill, declared a national emergency to fund his border wall through other means. In addition to the \$1.375 billion that has already been allocated for fencing, he announced his intent to pull \$600 million from the Treasury Department's Drug Forfeiture Fund, \$2.5 billion from the Department of Defense's Drug Interdiction program, and 3.6 billion from the Department of Defense's military construction account. An additional \$1.5 billion in Department of Defense funds were transferred in May 2019.

What has this spending bought? The United States currently has roughly 700 miles of fencing along the Southern border, record levels of staff for ICE and CBP, as well as a fleet of drones among other resources. Some of these resources have been spent on ill-conceived projects, such as the \$1 billion attempt to construct a "virtual fence" along the Southwest border, a project initiated in 2005 that was later scrapped for being ineffective and too costly. CBP announced a similar project in July 2020 to install a total of 200 "Autonomous Surveillance Towers" along remote areas of the southern border at a reported cost of several hundred million dollars.

Even with record level spending on enforcement, enforcement alone is not sufficient to address the challenges of undocumented migration. It also has significant unintended consequences; according to U.S. Border Patrol statistics, the Southwest border witnesses close to one death per day. All of these efforts that have accumulated in the name of security, however, do not necessarily measure border security properly, or make the border more secure. It is past time for the United States to turn away from costly and haphazard efforts to secure the border and instead focus on reining in the costs of border enforcement.

The Cost of Immigration Enforcement and Border Security in Dollars

The immigration enforcement budget has increased massively since the early 1990s, but many members of Congress and the president continue to call for more taxpayer dollars to be spent on immigration enforcement.

Since 1993, when the current strategy of concentrated border enforcement was first rolled out along the U.S.-Mexico border, the annual budget of the U.S. Border Patrol has increased more than ten-fold, from \$363 million to nearly \$4.9 billion (Figure 1).

[https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security#:~:text=Figure%20%3A%20U.S.%20Border%20Patrol%20Budget%2C%20FY%201990%2D2021&text=Since%202003%2C%20the%20budget%20of.FY%202021%20\(Figure%202\).](https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security#:~:text=Figure%20%3A%20U.S.%20Border%20Patrol%20Budget%2C%20FY%201990%2D2021&text=Since%202003%2C%20the%20budget%20of.FY%202021%20(Figure%202).)

NBC News:

Historically, funding for border security has been taken from the Federal Emergency Management Agency's disaster relief fund. Ainsley and Thorp '19

WASHINGTON — The Trump administration is pulling \$271 million in funding from the Department of Homeland Security, including the Federal Emergency Management Agency's Disaster Relief Fund, to pay for immigration detention space and temporary hearing locations for asylum-seekers who have been forced to wait in Mexico, according to department officials and a letter sent to the agency by a California congresswoman.

To fund temporary locations for court hearings for asylum-seekers along the southern border, ICE would gain \$155 million, all from FEMA's Disaster Relief Fund, according to the letter from Rep. Lucille Roybal-Allard, D-Calif., which was seen by NBC News.

The allocations were sent to Congress as a notification rather than a request, because the administration believes it has the authority to repurpose these funds after Congress did not pass more funding for ICE detention beds as part of an emergency funding bill for the southwest border in June.

[...]

Specifically, the Department of Homeland Security will lose \$116 million previously allocated for Coast Guard operations, aviation security and other components in order to fund nearly 6,800 more beds for immigrant detainees, the officials said.

"We would not say this is with no risk but we would say that we worked it in a way to...minimize the risk. This was a must pay bill that needed to be addressed," said a DHS official, who noted that the funds would begin transfer immediately to fund ICE through Sept. 30.

Combined with existing space, the funding would allow ICE to detain nearly 50,000 immigrants at one time.

The Trump administration has claimed that the sudden rise in border crossings in 2019 has overwhelmed resources at the border, and that the lack of detention space at ICE has caused backlogs at border stations that offer migrants substandard conditions.

In July, there were 82,049 undocumented migrants who were apprehended or presented themselves at the southwest border, a sharp decline from over 144,000 in May, but still double the number seen the same month the previous year.

The \$155 million for court hearings was originally allocated to FEMA in 2006 and 2007, but would have been used in the current budget to prepare to respond to natural disasters, such as hurricanes.

<https://www.nbcnews.com/politics/immigration/trump-admin-pulling-millions-fema-disaster-relief-send-southern-border-n1046691>

Bipartisan Policy Center:

A recent lack of funding to federal disaster relief programs has left the agencies struggling to gather proper resources, and the country is going into a high-risk hurricane and wildfire season. Gimont and Winkler '24, The DOT-ER Program has long suffered from chronic underfunding as the increasing number of severe weather events triggers higher levels of damage to federal-aid highways and related

infrastructure. The tragic events surrounding the collapse of the Key Bridge and the urgent need to rebuild this vital link in the Interstate 95 corridor have highlighted the inadequate funding available for projects eligible for assistance through the DOT-ER. OMB's June letter indicated that part of the \$3.1 billion increase in the DOT-ER account will be dedicated to rebuilding the Key Bridge. This funding will be accompanied by "efforts to pursue all avenues to recover the costs of rebuilding, and...compensation for damages or any insurance proceeds which will reduce" the overall costs of rebuilding.

Key Takeaways

The lack of sustained investment in federal disaster response and recovery funding has resulted in a critical shortage of resources to address evolving and growing disaster risks. Moreover, the complexities of an increasingly politicized congressional budget process have delayed efforts to adequately fund the relevant accounts, jeopardizing the long-term viability of response and recovery programs.

Meanwhile, the 2024 hurricane season (which began on June 1) is expected to be one of the most active in recent memory. Extreme heat and drought conditions are already putting parts of the country at higher risk of wildfires as well. The projected depletion of DRF funding within the next 60 days poses significant problems, particularly for areas of the country most vulnerable to hurricanes, tropical storms, and wildfires.

Former FEMA Administrator Brock Long has noted that the lack of clarity on funding hobbles effective response at the state and local levels. According to Long, "Officials overseeing response and recovery need to understand the full range of tools and resources that are available to them... it is imperative that federal resources be available as needed and not weeks or months after the fact. Given that a disaster event can strike any community, at any time, it should be a front and center consideration for Congress to ensure that funding is in place to enable the appropriate level of response."

<https://bipartisanpolicy.org/blog/status-of-federal-disaster-assistance-funding/>

National Immigrant Justice Center:

Part of the money taken from other agencies is taken from the Federal Emergency Management Administration, weakening the agency's response efforts. Toepfer and Cullen '18, The U.S. Department of Homeland Security (DHS) has spent more than \$4 billion this fiscal year to lock up and deport immigrants.

\$10 million of that, we now know, came from the Federal Emergency Management Administration (FEMA) as part of a transfer request congressional appropriators signed off on this summer after U.S. Immigration and Customs Enforcement (ICE) blew through its budget. This money helped fund ICE's efforts to lock up asylum seekers at the border and increase raids in our communities, tearing thousands of immigrant parents from their children. In total, Congress approved a transfer of more than \$200 million away from other programs to cover DHS's overspending on immigration prisons. In addition to FEMA, that transfer took money from the Transportation

Security Administration and the Coast Guard. NIJC and the Detention Watch Network **obtained the documents** detailing these transfers.

This month, the Government Accountability Office released a report **criticizing FEMA's inadequate response** to Hurricane Maria, which killed nearly 3,000 people in Puerto Rico. As Senator Merkley **shined a light** on ICE's funding transfer for all Americans to see, another massive hurricane barrels toward the East Coast.

Funding that could have saved lives is now going to expand an ICE detention and enforcement system whose human toll, mismanagement, and abuses are at this point **well documented**—including **medical negligence leading to deaths** in immigration jails, **rampant sexual assault** in immigration jails, and the use of **racial profiling** and other illegal tactics to arrest immigrants in our communities and workplaces. ICE routinely opens new immigration jails before it has the funding to do so, and **blatantly lies** about where and how many people it is locking up. DHS's own watchdog found this year that the agency **fails to properly inspect** immigration jails to ensure they meet the basic standards of care.

Government Accountability Office:

Staffing shortages and a lack of training complicates FEMA's ability to sufficiently respond to disasters. Government Accountability Office '18

Nevertheless, GAO found that FEMA faced a number of challenges that slowed and complicated its response efforts to Hurricane Maria, particularly in Puerto Rico. Many of these challenges were also highlighted in FEMA's own 2017 hurricane after action report, including: • the sequential and overlapping timing of the three hurricanes—with Maria being the last of the three—caused **staffing shortages** and **required FEMA to shift staff to the territories that were already deployed to other disasters**; • logistical challenges complicated efforts to deploy federal resources and personnel quickly given the remote distance of both territories; and • limited preparedness by the U.S. Virgin Islands and Puerto Rico for a Category 5 hurricane and incapacitation of local response functions due to widespread devastation and loss of power and communications led FEMA to assume response functions that territories would usually perform themselves. The 2017 hurricanes and wildfires highlighted some longstanding issues and revealed other emerging response and recovery challenges. For example, the concurrent timing and scale of the disaster damages nationwide caused shortages in available debris removal contractors and delays in removing disaster debris—a key first step in recovery. In addition, **FEMA's available workforce was overwhelmed by the response needs**. For example, at the height of FEMA workforce deployments in October 2017, 54 percent of staff were serving in a capacity in which they did not hold the title of “Qualified”—according to FEMA's qualification system standards—a past challenge GAO has identified. **FEMA officials noted that staff shortages, and lack of trained personnel with program expertise led to complications in its response efforts, particularly after Hurricane Maria.**

Further, federal, state, and local officials faced challenges finding temporary housing for disaster survivors given the extensive damage to available housing in each location. For example, given the widespread damage in Puerto Rico and lack of hotels and other temporary housing, FEMA transported survivors to the mainland United States to stay in hotels. FEMA also used new authorities and procedures to meet the need, such as providing Texas as much as \$1 billion to manage its own housing program. However, this approach had not been used or tested in past disasters and state officials noted challenges in managing the program such as staffing shortfalls. State officials further noted challenges in coordinating with FEMA that led to delays in providing assistance to survivors. GAO will continue to monitor these programs

National Low Income Housing Coalition:

Staffing issues still present in FEMA. CBS '18, The U.S. House of Representatives' Committee on Appropriations held a hearing, “Fiscal Year 2025 Request for the Federal Emergency Management Agency,” on April 16. The primary witness was FEMA Administrator Deanne Criswell. FEMA has requested \$33.1 billion to fund its many disaster recovery and mitigation programs and grants in fiscal year (FY) 2025.

“Emergency management has changed in recent years, and emergency managers across the country – at every level of government – are asked to do more, and FEMA is no exception,” said Administrator Criswell in her opening statement. **“To support communities across the nation, FEMA must have funding commensurate with growing demands and risks of disasters.** Whether it is a wildfire, flood, derecho storm, or other disaster it is vital that FEMA tap into an adequately funded Disaster Relief Fund [DRF].” **Administrator Criswell subsequently**

warned that without action from Congress, the DRF – which holds FEMA’s operational funding – could become so depleted that the agency would be forced to enact its Immediate Needs Funding (INF) policy, which pauses non-emergency response-related activities conducted by the agency in order to maintain preparedness. She also discussed FEMA staffing issues and upgrading FEMA’s operational systems.

Many members of the Committee highlighted their concerns over funding the Shelter and Services Program (SSP), previously known as the Emergency Food and Shelter Program (EFSP). Members of the committee were concerned about the amount of money from this program going to migrants crossing the southern border. Questions about this program largely overshadowed discussion of FEMA’s larger operational issues and the need for reforms ensuring that low-income disaster survivors can access assistance.

<https://www.cbsnews.com/news/gao-report-criticizes-fema-response-to-hurricane-maria-in-puerto-rico/>

FEMA has halted aid for emergency repairs in areas devastated by natural disasters, leaving local infrastructure destroyed. Bittle ‘23, It’s been a tough year for residents of Perry County, Kentucky, and the federal government isn’t making it much easier right now.

Raging flood waters ravaged the mountain county of 28,000 last year, sweeping away homes and killing at least three people. The underfunded local government has been able to recover only with help from Washington, which promised about \$3.7 million to repair roads and buy out flooded homeowners.

Last month, after the county had spent \$2 million of its own money on recovery efforts, County Judge Scott Alexander received a concerning letter from the Federal Emergency Management Agency, or FEMA. The agency was running low on money, the letter said, and it was pausing the reimbursements it had promised. Not only would the county not be paid back for its road repairs, it also wouldn’t receive money for home buyouts. The projects would be suspended until Congress gave FEMA more cash. That’s left homeowners in limbo, and the county with a fiscal hole that’s equivalent to 10 percent of its annual budget.

“It’s huge, and it’s crippled us right now,” Alexander, the county’s chief executive, said. “It really puts a hardship on us, and it will be hard for all smaller communities going forward. We want to do [the buyouts] as quickly as possible for the homeowners so they can get on with rebuilding their lives.”

Many, many more communities and homeowners face similar situations. Even as the nation veers toward the first government shutdown since late 2018, the Federal Emergency Management Agency is in a desperate financial state. Despite repeated requests for more funding, Congress has let the agency’s all-important disaster relief fund empty out, imperiling its ability to respond to devastating floods, fires, and other catastrophes.

As the agency tries to save cash, it has paused \$2.8 billion in funding for thousands of disaster recovery projects across the country. A list of interrupted projects reviewed by Grist shows that the hiatus has affected everything from post-hurricane school construction in Florida to road repairs in Colorado, plus hundreds of millions of dollars in reimbursements for pandemic response.

<https://grist.org/extreme-weather/fema-disaster-relief-fund-government-shutdown-recovery-congress/>

MISC EVIDENCE

U.S. immigration policy violates international law. Morgenstern '17, Certain U.S. Immigration Court jurisdictions, by almost never granting asylum, arguably violate international law obligations on fair hearings for asylum-seekers. The problem of highly restricted access to asylum will worsen under the Trump administration. Despite possible small measures to alleviate the situation, not much will change unless and until the arrival of a future Presidential administration and Congress more concerned with international human rights obligations. According to a coalition of U.S. law scholars and non-governmental organizations (NGOs) that presented at a December 2016 Inter-American Commission on Human Rights (IACHR) hearing, certain U.S. Immigration Court jurisdictions violate the due process protections of the American Declaration on the Rights of Man.[1] These advocates call these jurisdictions “asylum-free zones”[2] – Immigration Courts where almost no asylum applicant succeeds and which thus deny applicants a fair adjudication. The advocates explained that U.S. Immigration Courts, which are administrative law courts run by the Department of Justice’s Executive Office for Immigration Review (EOIR), exhibit severe disparities between jurisdictions in terms of defensive asylum grants to non-citizens in removal proceedings. Legal scholars and the U.S. Government Accountability Office (GAO) have repeatedly documented these disparities.[3] Whereas the average nationwide asylum grant rate is about 50%, in the most restrictive jurisdictions, such as Atlanta, Charlotte, Houston, Dallas, and Las Vegas, it is far closer to 0%.[4] In the latter jurisdictions – the “asylum-free zones” – asylum-seekers thus have effectively no fair hearing.[5]

<https://www.mjilonline.org/asylum-free-zones-u-s-violations-of-international-legal-obligations-to-asylum-seekers/>

Supply-side drug policies incentivize the smuggling of more concentrated drugs.

On the occasion of this small but meaningful legal victory, it’s worth reflecting on what we believe is the broader absurdity of the legal battle over public health interventions in the drug domain. Beyond their public health value, harm-reduction interventions such as naloxone distribution, syringe-exchange programs, and overdose-prevention sites have always been important for challenging the punitive “War on Drugs” and its codification in federal and state law. The role of the CSA as a persistent barrier to harm-reduction measures is tragically ironic: Nearly 50 years after its passage, the statute has failed to “control” psychoactive drugs in both the pharmaceutical and illicit markets. In fact, the need for harm-reduction interventions has arisen largely because of this failure.

The continuing death toll from overdoses is a reflection of the fact that at least 24 million people in the United States use street drugs.² This number has increased over the past decade in part because of the current regime’s failure to properly regulate the prescription-opioid market. Heroin has been cheap and plentiful in the United States for decades,³ and new markets have opened in recent years.⁴ The increasing penetration of illegally manufactured fentanyl into the illicit drug supply is now driving the overdose crisis. The failure of the U.S. Drug Enforcement Agency and its partners to prevent and remedy this development is the latest instance in a historical pattern in which **drug-trafficking organizations respond to upticks in supply-side enforcement by turning to higher-potency, more easily smuggled products.**⁵ The Safehouse decision marks a shift from this course by not allowing an ideology of punitive drug control to deprive people with substance use disorders of the benefits of a tested, sensible public health service.

The Philadelphia case is another invitation to everyone who cares about people who use drugs and the harms associated with drug use to face the failure of the criminal justice model of drug control. The need to replace this model with one that focuses on furthering individual and public health has never been more apparent. There has been much useful discussion of the effects of too much incarceration, racial disparities in the enforcement of the CSA, and law-induced high-risk behavior. But we believe that far too little critique has focused on the more fundamental failure of the CSA model to do the main thing the law was intended to do: control the supply of drugs — both licit and illicit — and thereby reduce drug-related harms. If leaders and the public can face this fact, we will be able to start developing the kind of approach to regulating drugs that we have needed for decades — one that minimizes both the harm caused by drugs and the harm caused by drug regulation itself.

<https://www.nejm.org/doi/full/10.1056/NEJMp1913448>

Expanded Surveillance is an opportunity for the federal government to violate not only immigrants’ rights, but also its citizens’ rights. Burris et. al. ‘19,

We also published an in-depth report on Plataforma Centinela (Sentinel Platform), an aggressive new surveillance system developed by Chihuahua state officials in collaboration with a notorious Mexican security contractor. With tentacles reaching into 13 Mexican cities and a data pipeline that will channel intelligence all the way to Austin, Texas, the monstrous project is unlike anything seen before along the U.S.-Mexico border. The strategy adopts nearly every cutting-edge technology system marketed at law enforcement: 10,000 surveillance cameras, face recognition, automated license plate recognition, real-time crime analytics, a fleet of mobile surveillance vehicles, drone teams and counter-drone teams, and more. It also involves a 20-story high-rise in downtown Ciudad Juarez, known

as the Torre Centinela (Sentinel Tower), that will serve as the central node of the surveillance operation. We'll continue to keep a close eye on the development of this surveillance panopticon.

Finally, we weighed in on the dangers of border surveillance on civil liberties by filing an amicus brief in the U.S. Court of Appeals for the Ninth Circuit. The case, *Phillips v. U.S. Customs and Border Protection*, was filed after a 2019 news report revealed the federal government was conducting surveillance of journalists, lawyers, and activists thought to be associated with the so-called "migrant caravan" coming through Central America and Mexico. The lawsuit argues, among other things, that the agencies collected information on the plaintiffs in violation of their First Amendment rights to free speech and free association, and that the illegally obtained information should be "expunged" or deleted from the agencies' databases. Unfortunately, both the district court and a three-judge panel of the Ninth Circuit ruled against the plaintiffs. The plaintiffs urged the panel to reconsider, or for the full Ninth Circuit to rehear the case. In our amicus brief, we argued that the plaintiffs have privacy interests in personal information compiled by the government, even when the individual bits of data are available from public sources, and especially when the data collection is facilitated by technology. We also argued that, because the government stored plaintiffs' personal information in various databases, there is a sufficient risk of future harm due to lax policies on data sharing, abuse, or data breach.

Undoubtedly, next year's election will only heighten the focus on border surveillance technologies in 2024. As we've seen time and again, increasing surveillance at the border is a bipartisan strategy, and we don't expect that to change in the new year.

<https://www.eff.org/deeplinks/2023/12/surveillance-and-us-mexico-border-2023-year-review>

Crackdowns on illegal immigration exacerbates racial profiling, creating rifts between legal citizens and law enforcement. Whall '24

It is well-established that immigration is a field of law solely within the federal government's authority to regulate.[8] However, supporters of Texas's position in this debate argue for more state power to arrest and detain individuals suspected of immigration violations.[9] Although 61 local law enforcement agencies across 17 states already possess the authority to arrest and detain for immigration violations through 287(g) agreements, these are individual contracts made between the federal government and county sheriff's offices.[10] Texas supports far more extensive state control, where all police across the state could arrest people they suspect of committing unlawful entry whether or not the officers have been deputized by the federal government.[11] Proponents of state control over Empowering State authorities to enforce immigration policy "threatens severe damage to the social fabric of communities across the nation." [13] Mutual trust between the police and the communities that they serve is critical to effective policing.[14] **When undocumented persons are aware that local law enforcement officers work with Immigration and Customs Enforcement (ICE) or have the authority to become involved in immigration matters, this trust is undermined.**[15] For example, undocumented individuals state that they are less likely to report crimes that they have been victims of, or have witnessed.[16] This chilling effect is found to extend to immigrants who are lawfully present in the United States, out of fear that their status would be questioned in any way.[17] If residents, regardless of their status, do not feel they are able to work with local authorities, they may not provide information to ensure that bad actors are held accountable for their actions.[18] The Department of Justice also notes how it is a well-established fact that criminals will target undocumented people because of their reluctance to inform police of their victimization.[19] **Distrust in state and local law enforcement could create communities that are under-protected by police, where crime thrives, affecting the lives of all residents.**[20]

In addition to chilling community engagement in public safety, states taking a role in policing immigration could contribute to the ever-present issue of pretextual and race-based policing. State law enforcement agencies have long been criticized by activists, lawmakers, and legal professionals for racial profiling and how this practice informs whose lives intersect with the criminal justice system.[21] Just last year, national leaders of the NAACP and local activists called for the Department of Justice to investigate the New Jersey State Police following concerns of racist police conduct in the field and internally.[22] **Specific to immigration, Arizona State Police have been painted as "suspicious of drivers who were listening to Mexican music," as described by the experience of a U.S. citizen, Catalina Veloz, when she**

experienced two traffic stops in one day which she believes were demonstrative of racial profiling.[23] Social psychologists assert that at the heart of racial profiling is inherent bias, meaning possible solutions may be understanding and combatting these beliefs through quality information and expectations.[24] Despite greater training and higher standards for specialized agents such as ICE agents, federal immigration authorities are known to engage in significant racial profiling that leads to inconsistent enforcement against individuals who appear to be racially or ethnically diverse.[25] If state troopers and local police broadly possessed the authority to stop, arrest, and detain those suspected of immigration violations, this could create greater opportunities for law enforcement to exercise biases and affect the lives of those who fit an officer's expectation of an illegal immigrant.

<https://lawandinequality.org/2024/03/14/how-texas-immigration-power-grab-harms-migrants-legal-immigrants-and-communities/>

There is no positive link between immigration and crime - in fact, the only possible link is a decrease in crime, Shoichet '24,

Ousey: Human beings commit crime in pretty much all societies across the globe. But the bottom line is what gets lost in those anecdotal stories — those lead you to a flashpoint of negativity in which you ignore all the potentially good things that immigrants bring to our society. And it's frustrating to try to bring evidence to the table and try to contextualize things and put it statistically when you're arguing against this flashpoint that allows people to more or less kind of ignore everything else.

So many people that will respond to those public opinion polls and will recognize that immigrants, you know, have contributed greatly in beneficial ways to society. So it's like, what are the driving forces that perpetuate, that you know that association (between immigration and crime)? And why does it have so much power? Why does it have so much influence on the way that we think about immigrants more generally or undocumented immigrants specifically? I'm not sure of the answers, but that's one of the things that kind of really is intriguing me.

What's the takeaway that you want people to have from your book?

Kubrin: **Across a variety of studies that use different years of data that focus on different areas of the United States** — with some exceptions, there's some nuance there. I don't want to deny the nuance — in general, on average, we do not find a connection between immigration and crime, as is so often claimed. **The most common finding across all these different kinds of studies is that immigration to an area is either not associated with crime in that area, or is negatively associated with crime in that area. Meaning more immigration equals less crime.** It's rare to find studies that show crime following increases in immigration or with larger percentage of the population that are immigrants.

Ousey: A lot of people when you say that will then say, "Oh, well, but what about undocumented immigration?" And there's less research on that topic. But that body of research is growing, and it pretty much reaches the same conclusion.

<https://www.cnn.com/2024/02/15/us/border-migrants-crime-cec/index.html>

Expansion of border security harms indigenous sovereignty. BBC '20, Native American burial sites have been blown up by construction crews building the US-Mexico border wall, says a lawmaker and tribal leaders.

Authorities confirmed that "controlled blasting" has begun at Arizona's Organ Pipe Cactus National Monument, a Unesco recognised natural reserve.

Raul Grijalva, a Democratic congressman, told the Intercept the destruction is "sacrilegious".

The government failed to consult the Tohono O'odham Nation, he said.

Environmental groups also warn of the damage being done to the local underground aquifer, as well as to migrating wildlife in the remote desert region about 115 miles (185km) west of Tucson.

<https://www.bbc.com/news/world-us-canada-51449739>

Surveillance expansion on the border becomes used domestically. D'Annunzio '24, What is data colonialism?

That's one of the underpinnings behind this whole story—the fact that our world is built on data now. An amazing colleague of mine, Mariam Jamal, a digital rights activist in Kenya, had this great phrase—"Data is the new oil." That is precisely what we've been

seeing. The fact that Western nations like the United States, Canada, Europe, need a lot of data subjects to power the way that technology is developed and deployed, it kind of replicates colonial power. So countries on the African continent or in the Middle East end up being subjects on whom technologies are tested or data is extracted from.

What does that testing of technology look like on the U.S.-Mexico border?

The U.S.-Mexico border is an interesting case study because it is one of the crucial sites where smart border tech is being tested out. The border itself is already a really interesting and an important place to look at, because legally speaking, it's very opaque, very discretionary. Officers can make all sorts of decisions. This is **the kind of zone where new technologies of surveillance are being tested without public scrutiny, accountability, or even knowledge. We're talking about traditional surveillance,** like drones, cameras, sensors in the ground, **but also draconian projects like the robot dogs that were announced in 2022 by the Department of Homeland Security that are now kind of joining the global arsenal of migration management tech.**

What happens at the border is this kind of laboratory where things are tested out and then it proliferates into other spaces—even with these robot dogs. A year after they were announced, the New York City Police Department proudly unveiled that they're going to be using robo-dogs on the streets of New York. One even had black spots on it, like a Dalmatian.

You said that there isn't a lot of oversight of border tech. Could you talk about that more in the context of technologies being tested at the U.S.-Mexico border?

One project that comes to mind is the CBP One facial recognition application that has been rolled out the last few years for the purposes of what officials say is streamlining the system. If a person arrives, they have to download this application that uses facial recognition technology, data collection, etc. on their phone to then be able to enter the system and get an appointment.

It sounds like an application on paper, but people have been documenting its discriminatory effects on people with darker skin. It crashes people's phones. People don't know where their data is going.

So much of these technologies are rolled out without any kind of discussion. It's unclear what kind of human rights impact assessments have been done. Have they talked to human rights lawyers or refugee lawyers about what is actually needed on the border? It again highlights that the border is like a free-for-all, this frontier zone that is a perfect laboratory for tech experimentation, because it's hard to know what happens.

For you as a journalist, for me, as a human rights lawyer, we find out about things after the fact, or once they've already been rolled out. There isn't this commitment to oversight and accountability in these spaces at all—because there doesn't have to be.