Does Border Enforcement Matter? U.S. Immigration Control Policy from Clinton to Obama

Presentation to the Silicon Valley Center for Global Innovation and Immigration, San José State University

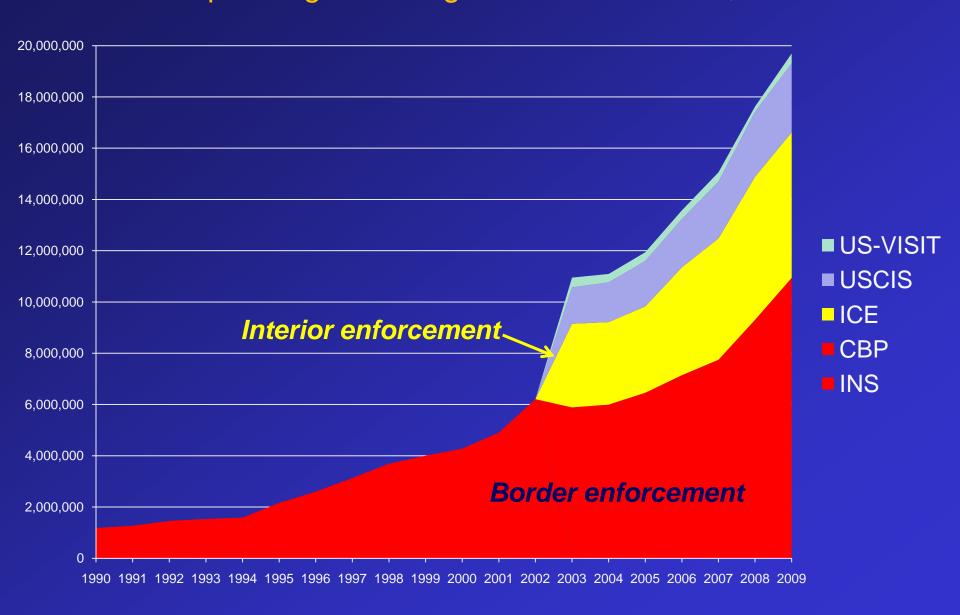
Wayne Cornelius
Co-Director, University of California Global Health Institute
Associate Director, UC Center of Expertise on Migration and Health



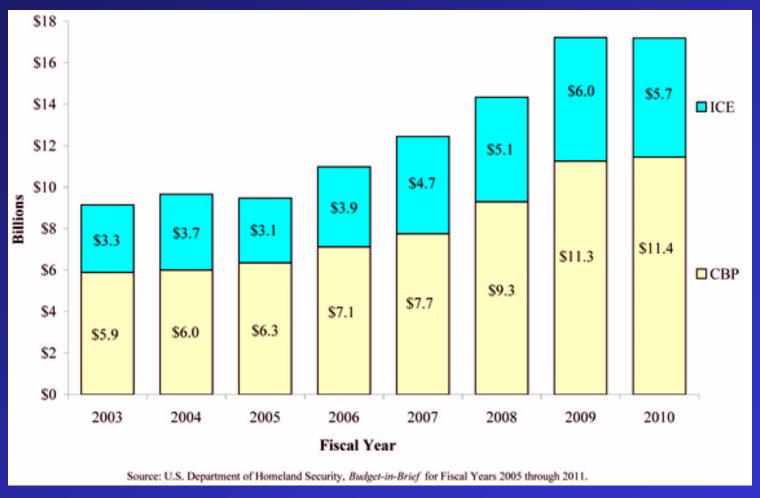
17 years after Operation "Hold-the-Line" (El Paso) began, what have we accomplished?



We have spent a lot of money: Federal spending on immigration enforcement, in millions



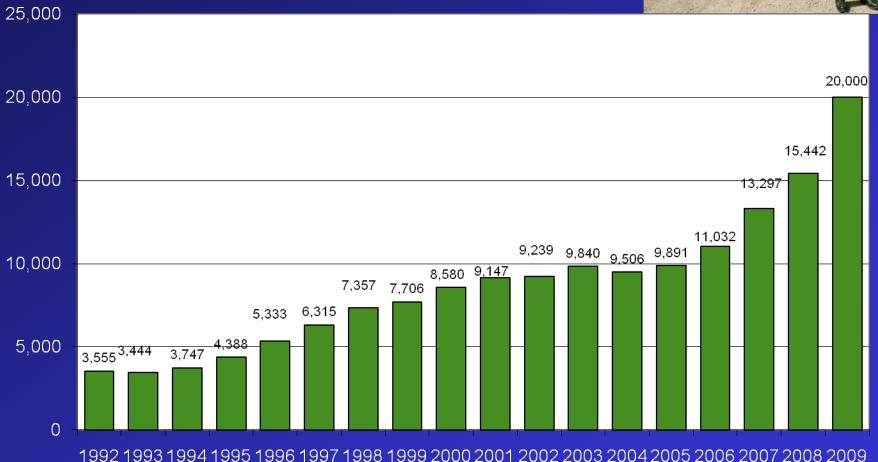
\$17.1 billion being spend on immigration enforcement this year, plus **\$600 million** in supplemental border security bill passed in July 2010



ICE = interior enforcement; CBP = border enforcement

U.S. Border Patrol has more than quintupled in size since 1992





Fiscal Year

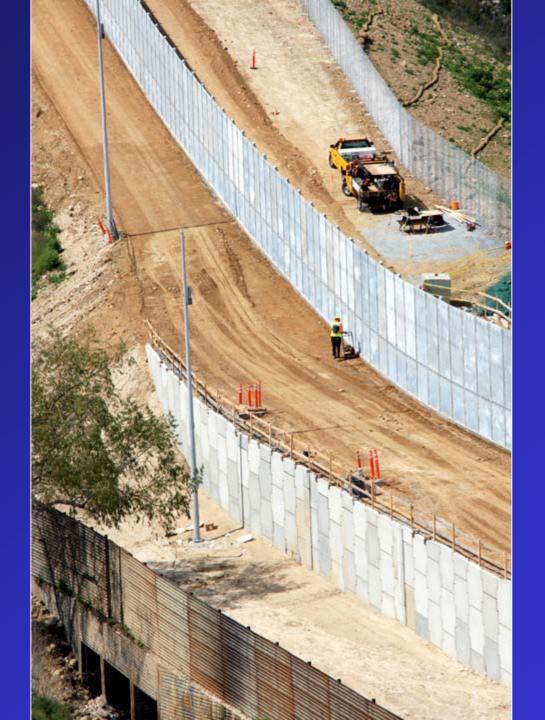
Physical infrastructure for border enforcement has been vastly enhanced

Total miles of new fencing built, 2006-2010: more than 600 miles, including pedestrian fencing + vehicle barriers (= 31% of southwest border)

Construction cost for pedestrian fencing: \$3.9 - \$16 million per mile



Triple-fenced section of U.S.-Mexico border near San Diego





Newest sections of border fence are 20 ft. high



Our own Great Wall

Border fence on Otay Mountain, near San Diego

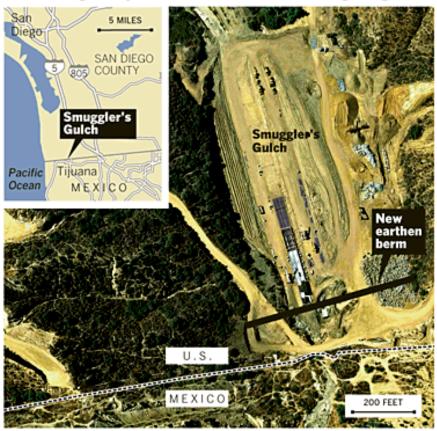
Cost of construction: \$16 million per mile

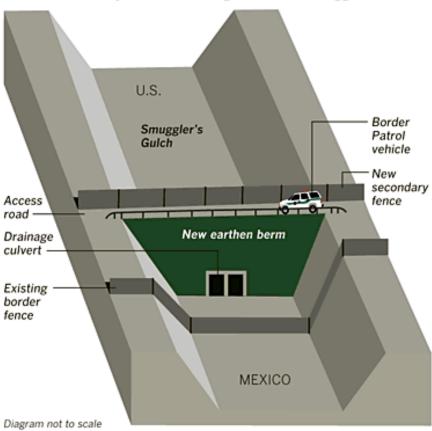


Fence on Otay Mountain, San Diego County

Closing the door

To deter illegal entry, the U.S. Border Patrol is building a large earthen berm across a canyon near San Diego known as Smuggler's Gulch.





Sources: U.S. Border Patrol, Google Earth

BRADY MACDONALD Los Angeles Times



Completed Smuggler's Gulch fencing project



Concertina wire
has been added to 5
miles of border fence
between San Diego
and Tijuana



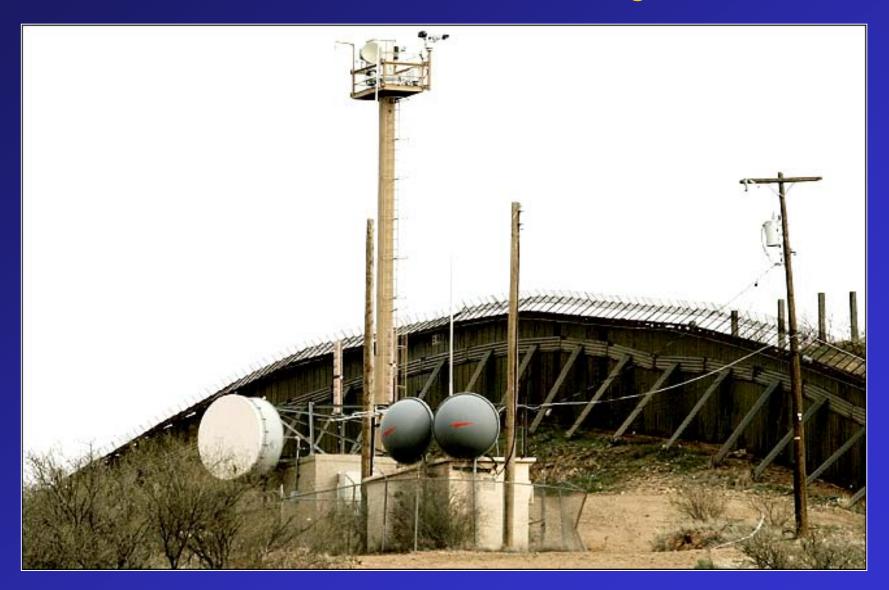






Border fence "floats" on sand dunes, Imperial Dunes, Calif.

Remote video surveillance systems have been installed in all urbanized areas along the border





Mexican research sites selected purposively to maximize variation on:

- Community tradition of migration to U.S. (1 - 2nd, 3rd, 4th generation)
- Level of social and economic development/marginality
- Ethnic composition (mestizo vs. indigenous)

U.S. research sites determined by principal destinations of migrants leaving Mexican research sites:

- California (San Diego, Orange County, Los Angeles, S.F. Bay Area)
- Oklahoma (Oklahoma City)



4,884 survey interviews and **1,500+** hours of in-depth life history interviews conducted in communities of origin and destination, 2005-2010



MMFRP Field Research Team, Tlacuitapa, Jalisco, January 2010

Pooled data set

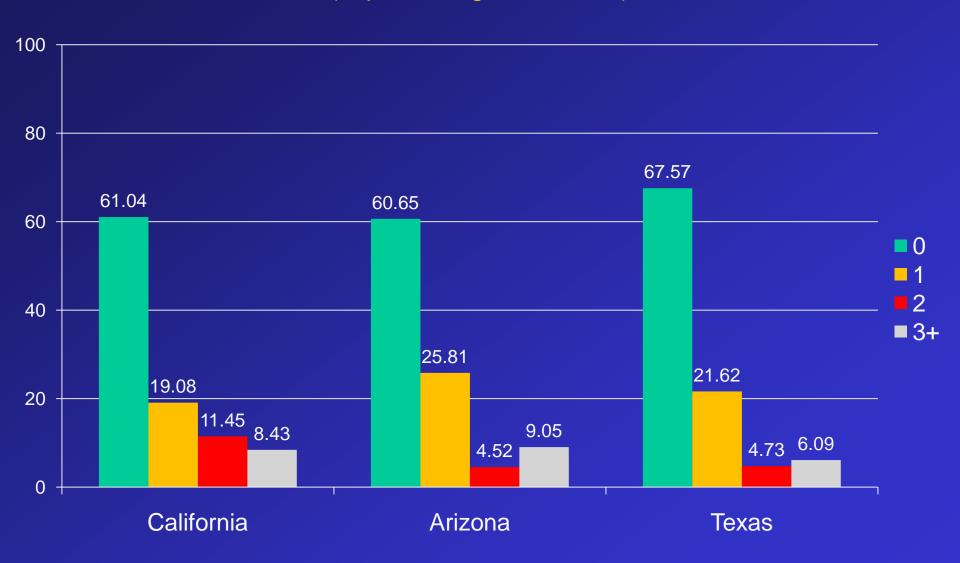
Four survey waves included:
Jalisco + Calif. + Oklahoma 2007
Oaxaca + Calif. 2007
Yucatan + Calif. 2009
Jalisco + Calif. + Oklahoma 2010

Sample characteristics:
All adult residents of Mexican sending communities; snowball samples of U.S.-based migrants from same points of origin

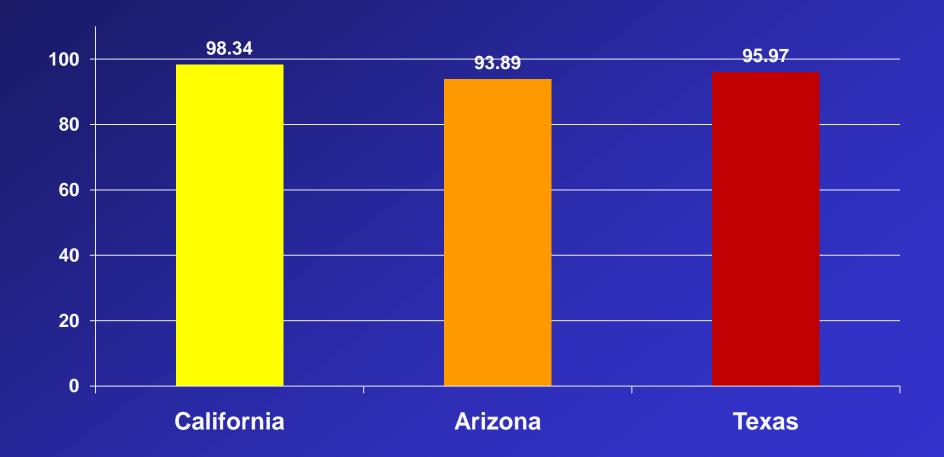
Total N = 1,935 for respondents with U.S. migration experience; 3,530 for experienced migrants + potential first-time migrants



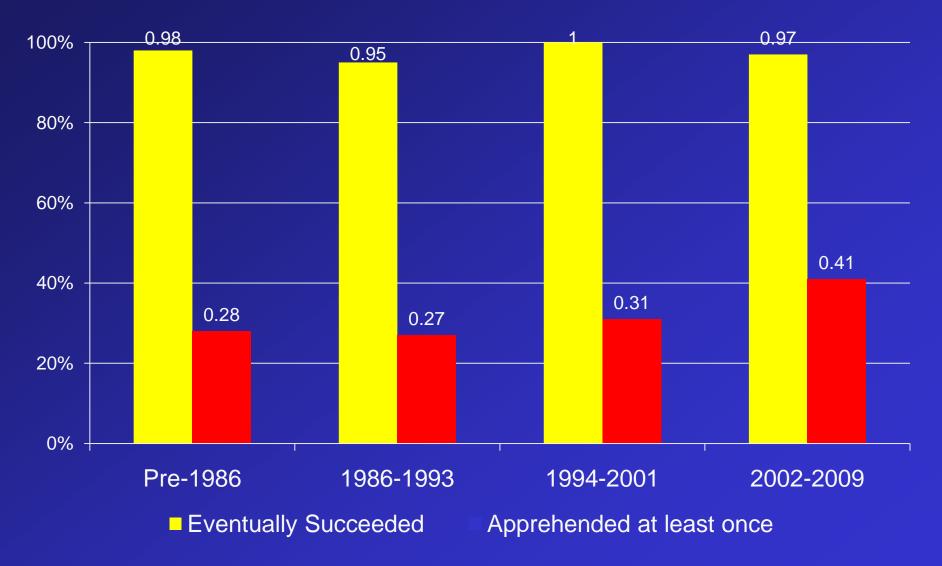
Number of times apprehended on most recent trip to border (in percentages; N = 842)

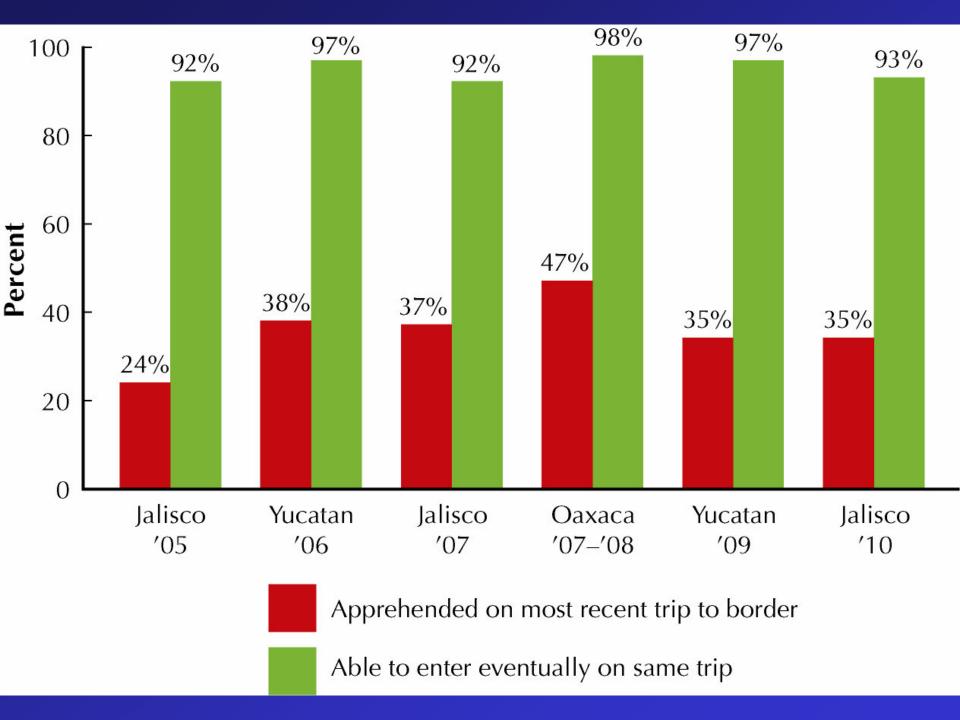


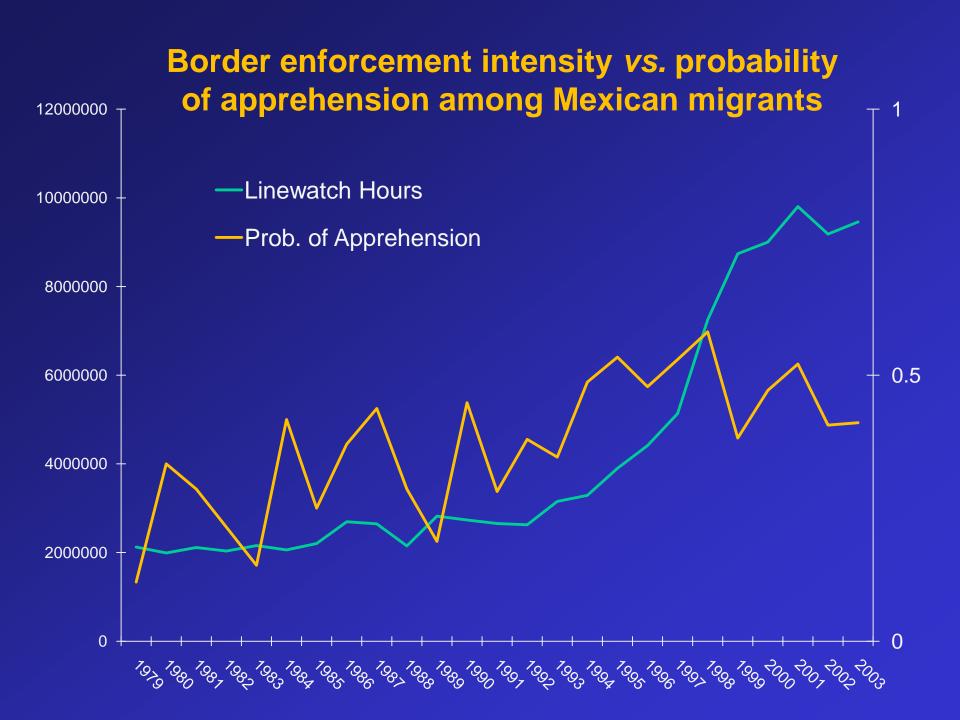
Eventual success rate among migrants apprehended at least once, on same trip to border (in percentages; N= 753)



Apprehension and eventual success rate among Jalisco migrants, by year of most recent entry attempt (percentages)





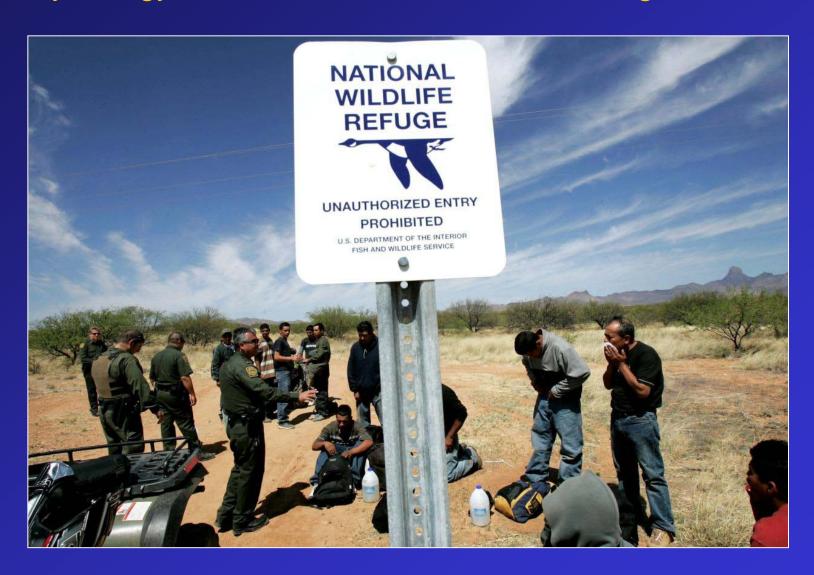


Why is border enforcement so ineffective?



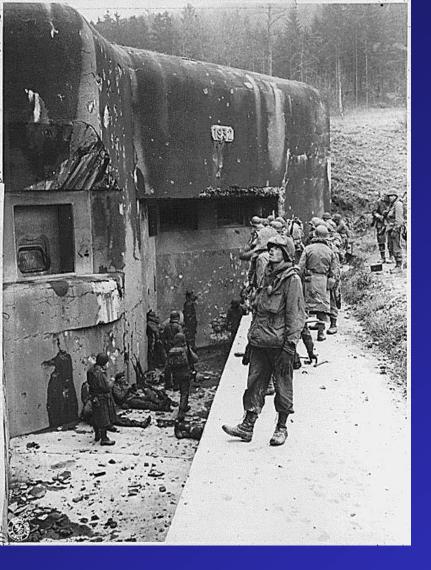
No continuous physical barrier:

Numerous gaps in border fencing, due to adverse topography, hydrology, Indian reservations, wildlife refuges, etc.









The Maginot Line, France, 1940

Migrants detour around most heavily fortified segments of land border, crossing in more remote and dangerous areas



U.S.-Mexico border fortifications, 2010

Border fences can be climbed over



Fences will never be high enough



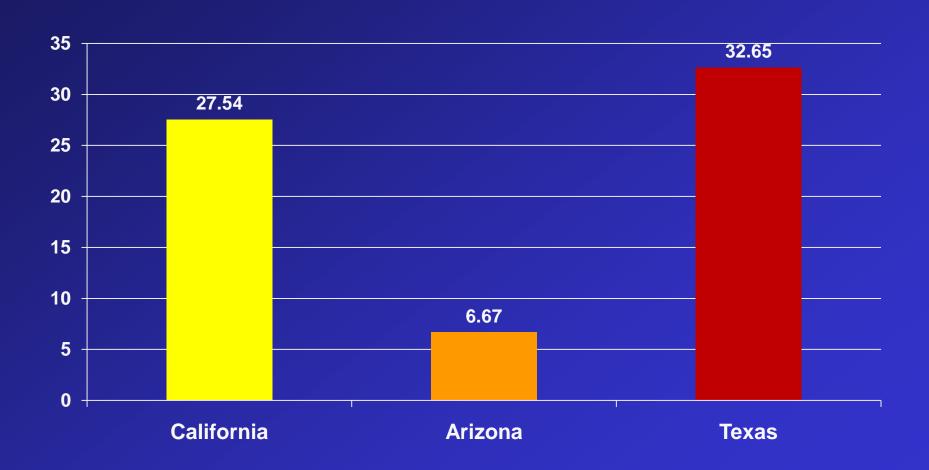
Fences can be tunneled under by people-smugglers





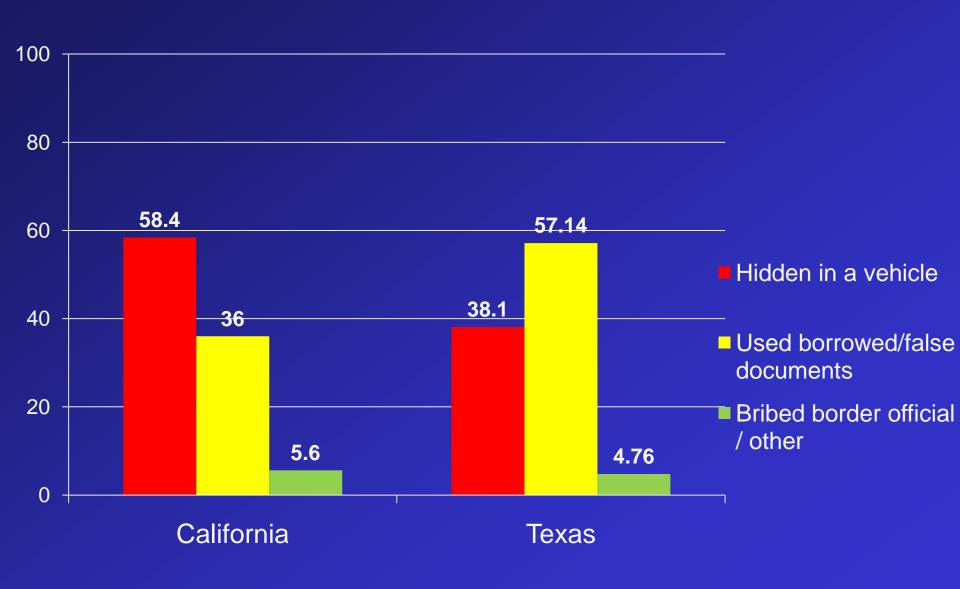
Entered through a legal POE on most recent trip to U.S.

(percentages; N=827)



Mode of entry through legal port of entry

(percentages; N=180)



Unauthorized entries are being made through legal ports of entry because they are more likely to succeed + reduce physical risk (mean number of apprehensions on most recent trip to border)

	Crossed through POE	Crossed away from POE
Pooled dataset (2007-10)	0.69	0.88
Yucatan migrants(2009)	0.36	0.73
Jalisco migrants (2010)	0.51	0.70



San Diego Union-Tribune May 26, 2009

Migrant smugglers take to the seas

ENCINITAS – Nearly two dozen illegal immigrants were detained early Tuesday near Swami's Beach, and two people believed to have smuggled them into the country were arrested shortly afterward on a boat, officials said.



Maritime smuggling of migrants is up five-fold in San Diego County in the last 3 years







Popotla, Baja California

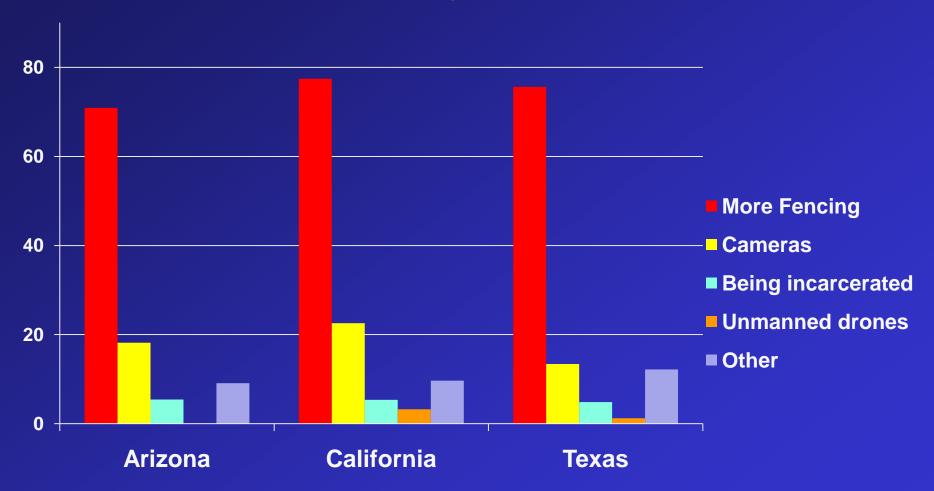
Launching point for most maritime people-smuggling to San Diego County



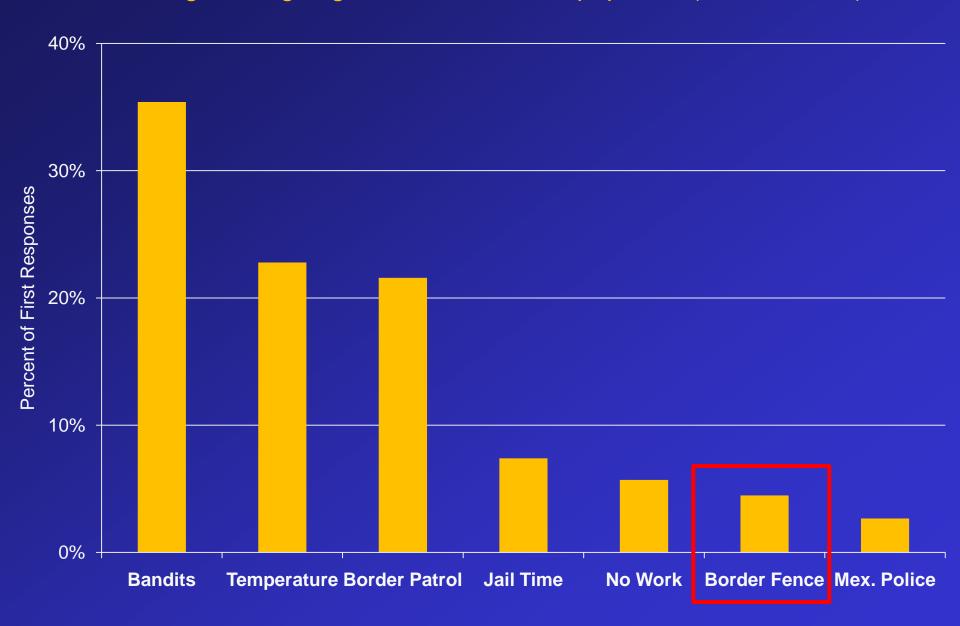
What migrants know and believe about border enforcement doesn't stop them from trying



What undocumented migrants know about border enforcement measures in 2010,by most recent state of entry (percentages; N= 830)

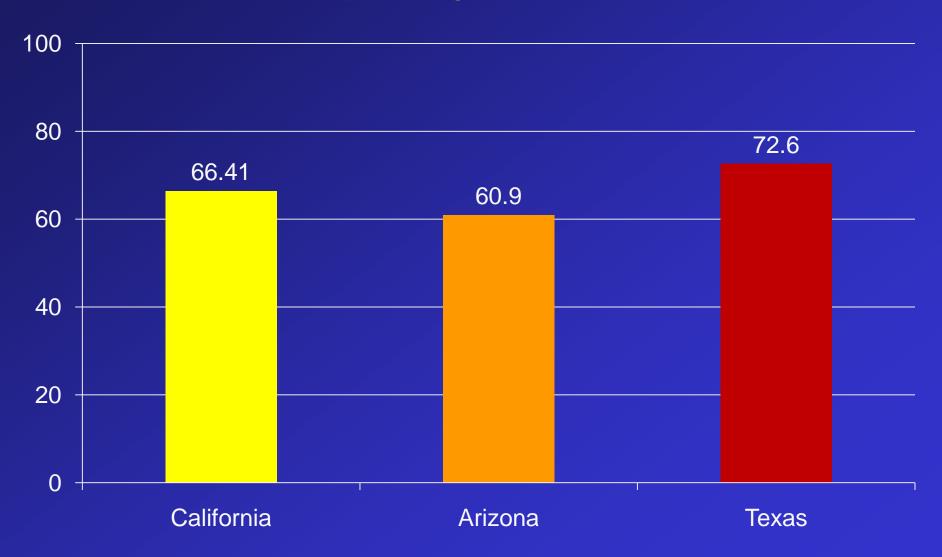


Border deterrence factors: "What do you worry about most, when thinking about going to the U.S. without papers?" (Jalisco, 2010)

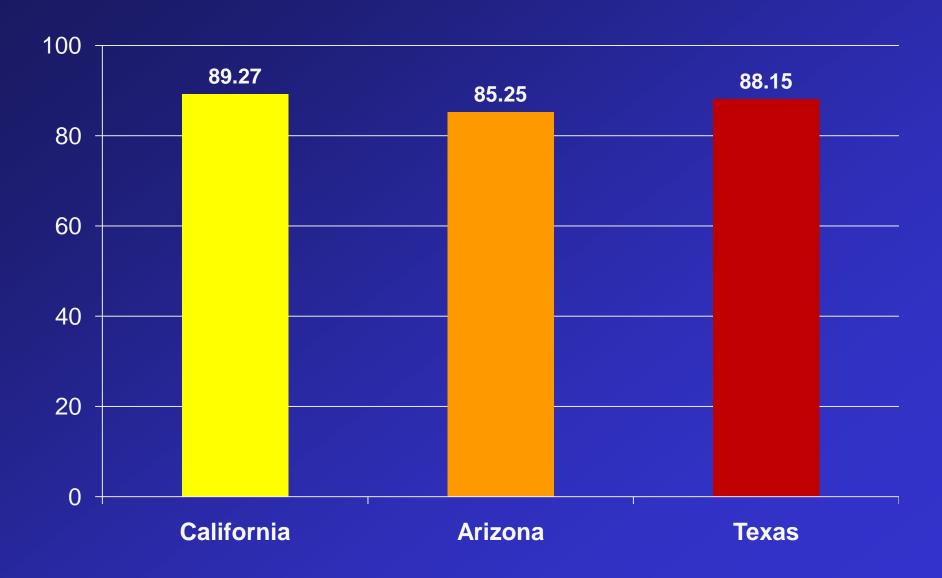


Believes it is very difficult to evade Border Patrol, by most recent state of entry

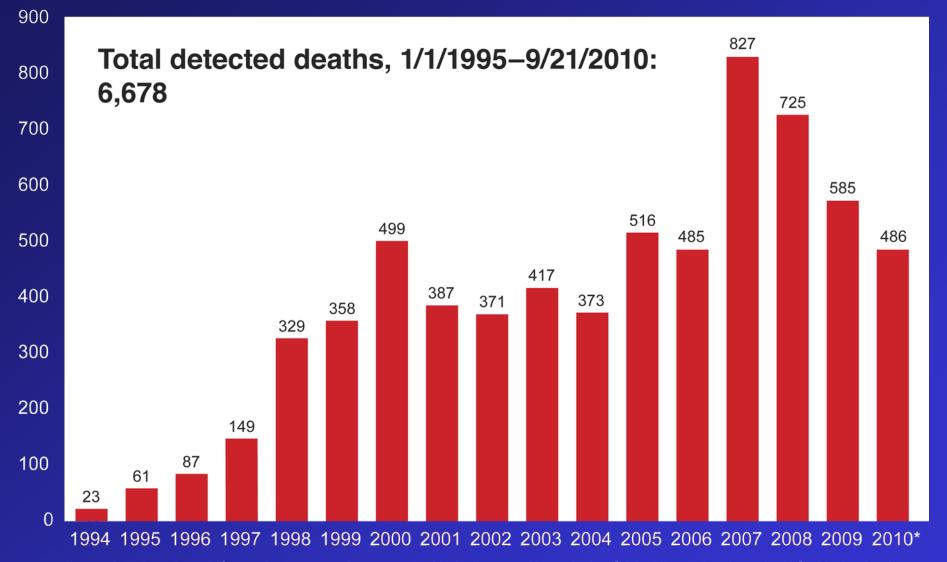
(percentages; N=834)



Perceives clandestine entry as dangerous or very dangerous (percentages; N=852)



Migrant fatalities have increased in tandem with tougher U.S. border enforcement



*Incomplete data, through September 21, 2010. Data sources: Maria Jimenez, *Humanitarian Crisis: Migrant Deaths at the U.S.- Mexico Border*, October 1, 2009, p.17; *Arizona Republic*, 9/22/10; Secretaria de Relaciones Exteriores, Mexico.

Record number of border-crossing fatalities (252) in Arizona in FY 2010



Migrant's body being removed from Arizona desert, August 2010

Effects of border enforcement beliefs/perceptions on propensity to migrate: Logit results

- Only two of the measured border enforcement variables significantly influence propensity to migrate: (1) knowing someone who died in a border-crossing attempt; (2) believing that it is "very dangerous" to enter clandestinely.
- However, the deterrent effect of these border-crossing beliefs/perceptions is relatively weak, compared with gender, prior U.S. migration experience, and having more relatives in U.S. Perceived danger is barely significant in the final model.
- Perceived difficulty of border crossing and knowledge of border enforcement measures are <u>not</u> statistically significant predictors of propensity to migrate.
- Awareness of a border-crossing fatality is *positively* associated with intention to migrate, probably because such people know more people with migration experience (better information).

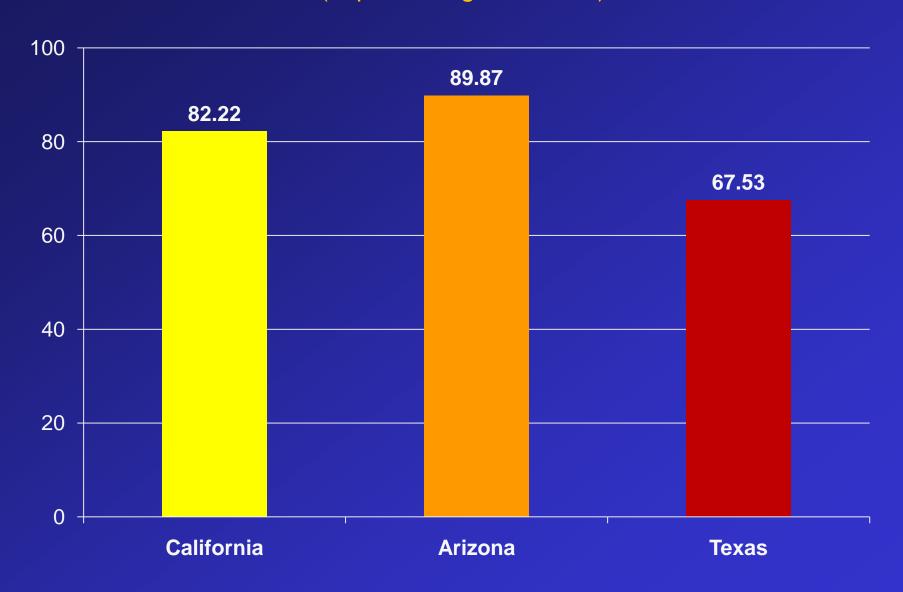
Tighter border enforcement deters new migration mainly through its impact on people-smugglers' fees



- Higher probability of apprehension and more dangerous crossings = greater demand for coyotes, and coyotes can charge more.
- However, the Great Recession has reduced demand for coyotes because U.S.-based relatives can no longer finance all or most of the cost.
- Result: a flattening of the run-up in coyote fees.

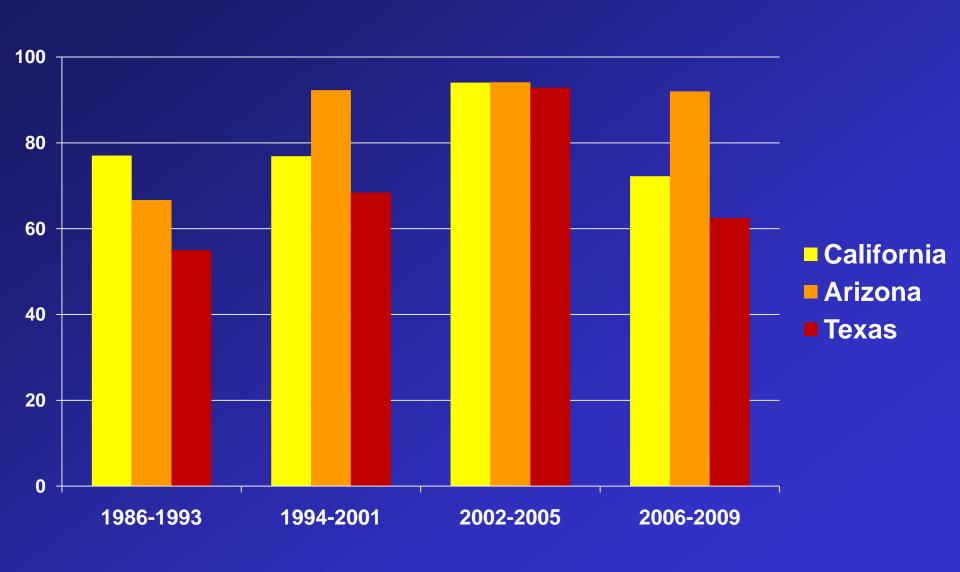
Used coyote on most recent trip to U.S.

(in percentages; N=857)

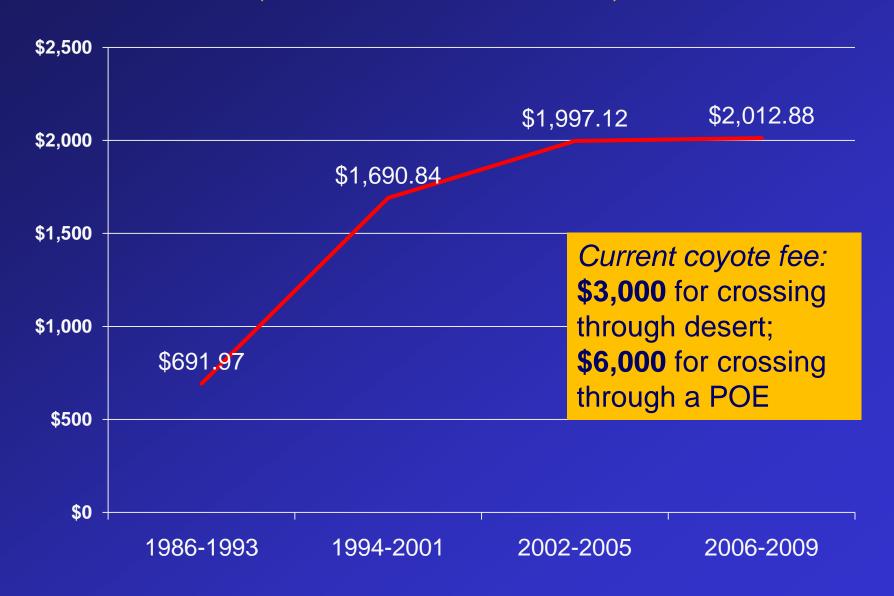


Used coyote on most recent trip to U.S.

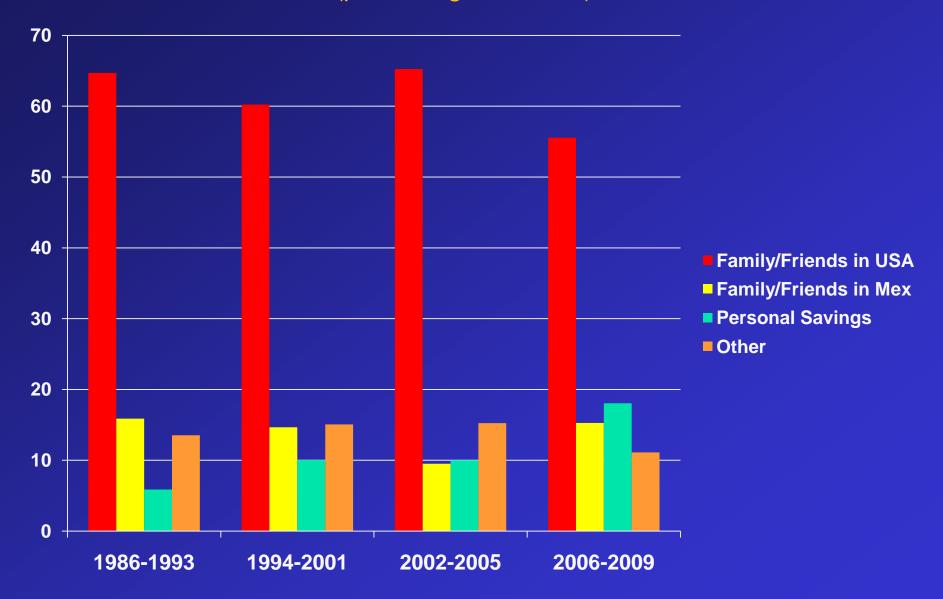
(in percentages; N=854)



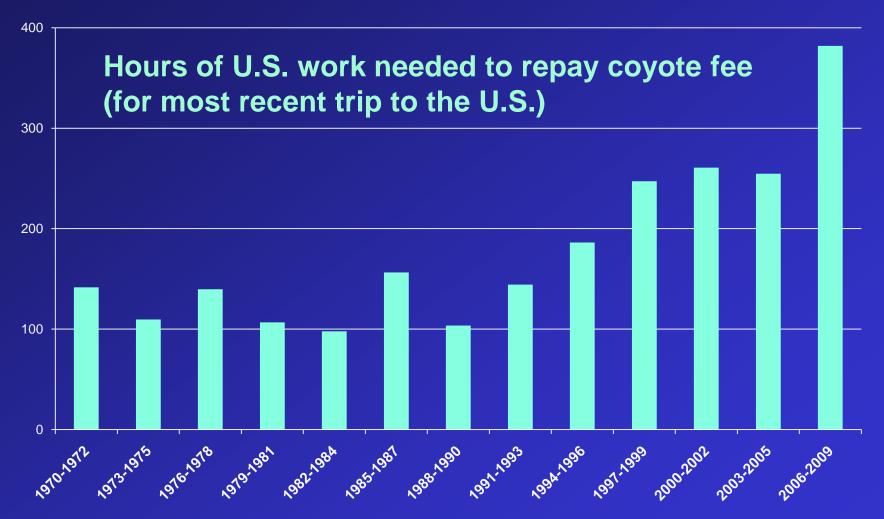
Average coyote fee paid, by year of most recent trip (medians; in 2010 U.S. dollars)



Principal source of financing for unauthorized migration (percentages; N=834)



Migrants who hire coyotes stay longer in the U.S., since they need more time to pay off coyote debt



Source: CCIS survey of Yucateco migrants in U.S. and Yucatan, 2009.

Border Patrol apprehensions have dropped sharply:

FY 2000: 1,675,438

FY 2008: 723,825

FY 2009: 556,041

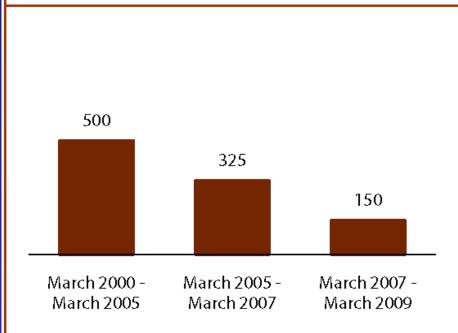
(fewer migrants = fewer apprehensions)

New inflows of unauthorized Mexican immigrants have dropped sharply in last three years

Figure A1

Average Annual Inflow of Unauthorized Immigrants from Mexico, by Period, 2000-2009

(thousands)



Notes: Flows are derived as differences of population totals over given intervals, classified by period of arrival in U.S., from March CPS supplements. Averages of alternative estimates are shown in chart. See Methodology.

Source: Pew Hispanic Center estimates based on augmented March Supplements to the Current Population Survey.

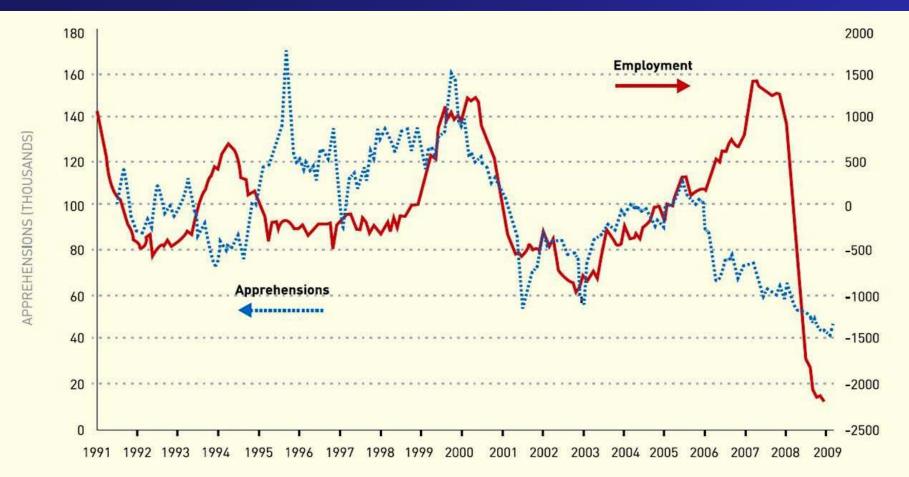
Why are border apprehensions and inflows declining?



"Because of better enforcement and current economic circumstances, the flow has been reduced by more than half from the busiest years, proving that we are in a much different environment than we were before." -- DHS Secretary Janet Napolitano, Nov. 13, 2009

DEVIATIONS FROM TREND, IN THOUSANDS

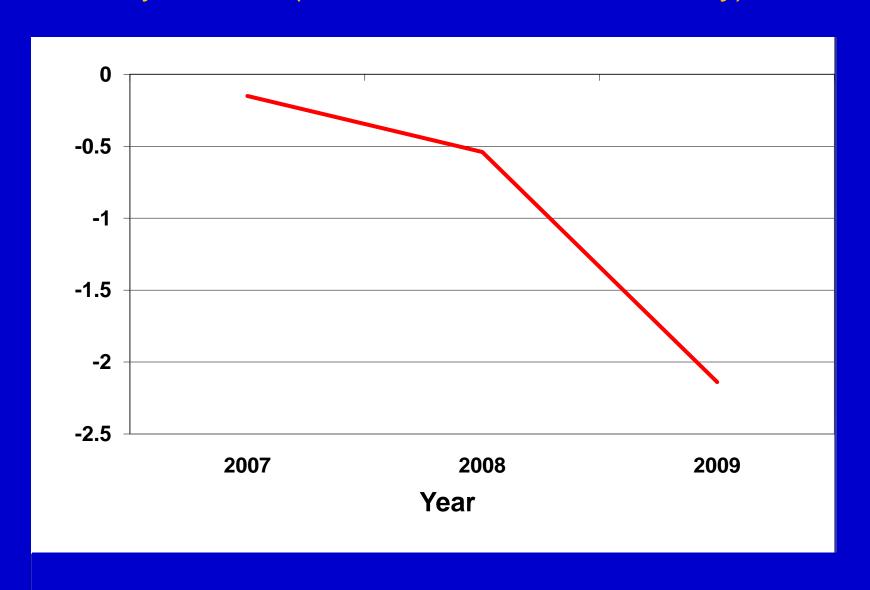
Apprehensions vs. U.S. employment (non-agric., de-trended)



Source: Bureau of Labor Statistics; Department of Homeland Security; Authors' calculations.

Note: Nonfarm payroll employment is expressed in deviations from long-run trend. Apprehensions are shifted 6 months forward. Employment and apprehensions have been seasonally adjusted by the Dallas Fed.

Intention to migrate to the United States, relative to reference year 2006 (Yucatan, MMFRP 2009 survey)

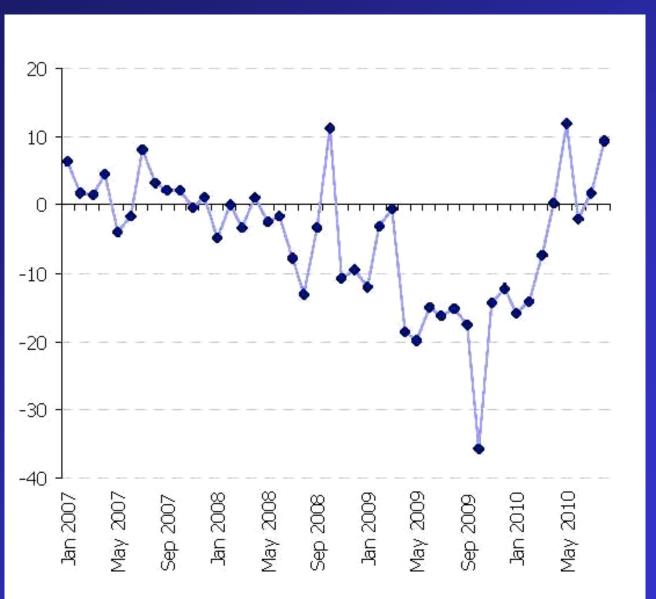


- No statistical difference in propensity to migrate between 2006 and 2007
- By 2008, potential migrants were 54% less likely to be planning migration to the U.S.
- In 2009, potential migrants were 2 times less likely plan migration, relative to reference year of 2006



As U.S. economy recovers, migrant remittances increase

Family remittances to Mexico: % annual change in dollars



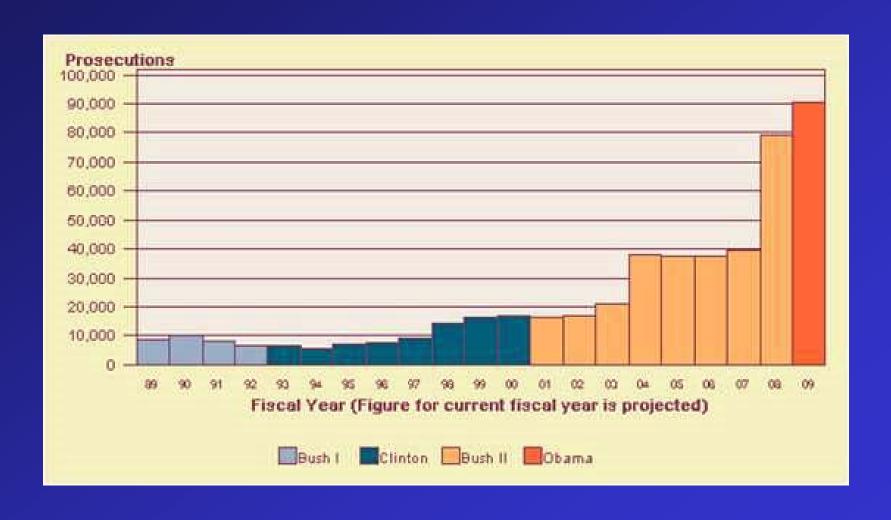
Enhancements to border enforcement: "Increasing penalties for illegal entry"

Operation Streamline:

"zero-tolerance" policy of prosecution and incarceration of apprehended aliens



Criminal prosecutions of immigrants are up under Obama, continuing Bush II policy



Formal deportations (vs. "voluntary departures) have reached new records in each year of Obama's presidency

2010 Fiscal Year:
392,862 people deported
(a new record), of whom
195,772 (50%) were
classified as "criminal
immigrants" (= 50% were
economic migrants with no
criminal record)

2009 Fiscal Year:389,000 deportations(also a new record)



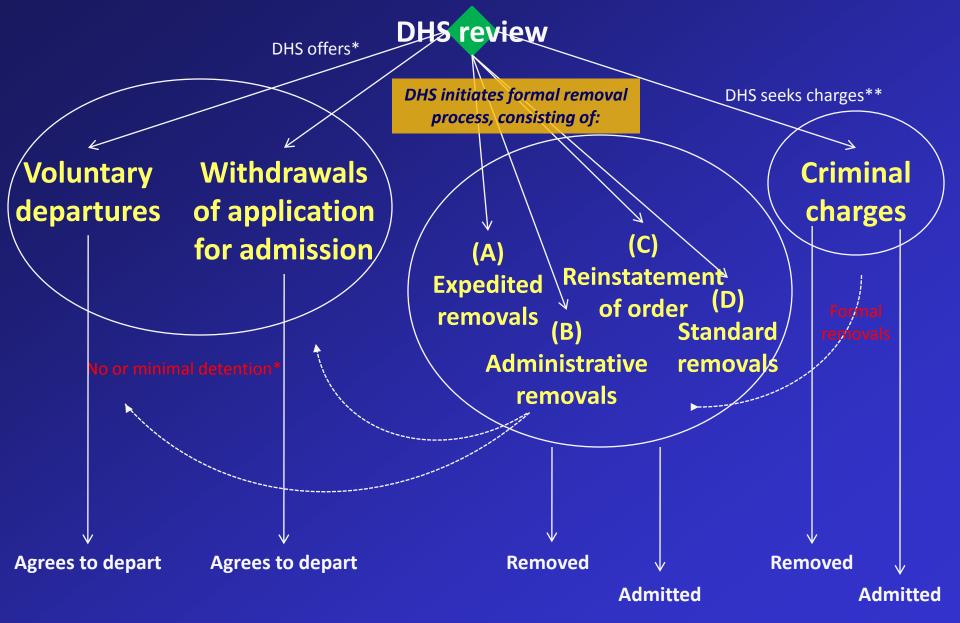


Western District of Texas (courts in El Paso, Alpine, and Del Rio) Border Patrol Sectors: El Paso, Marfa, Del Rio

Southern District of Texas (courts in Laredo, McAllen, and Brownsville) Border Patrol Sectors: Laredo, Rio Grande Valley

Operation Streamline Jurisdiction

What happens to apprehended migrants



"Raising the penalties" approach in Arizona (Tucson Sector)

Goal:

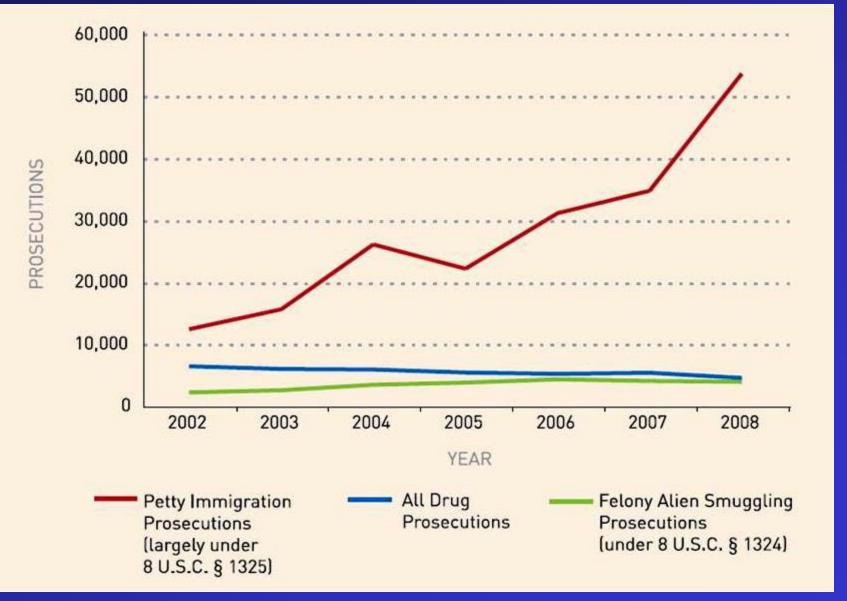
To reduce "voluntary departures" drastically and increase "formal removals" through criminal prosecution or administrative action, so migrants will have a record and authorities can escalate charges and jail time if migrant is caught again. If migrant is formally removed, there is a five-year bar to re-entry.

Current practice:

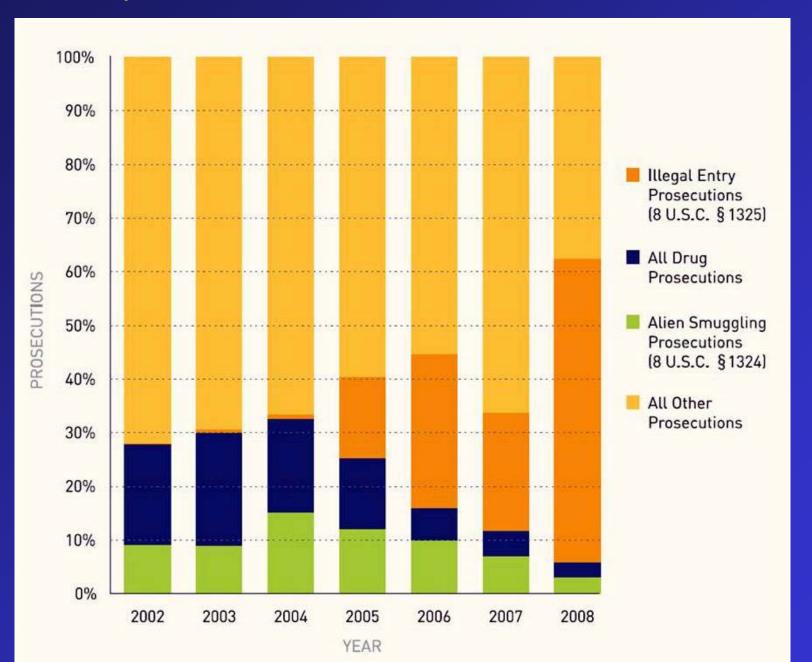
300 migrants being apprehended daily in Tucson Sector, of whom: 100 are processed through criminal justice system (70 per day thru "Operation Streamline", and 30 on federal felony charges); 200 allowed to take "voluntary departure"

Operation Streamline process: Migrants agree to plead guilty to a federal misdemeanor (illegal entry). Most are sentenced to time served (the 24 hours they have been held; more complicated cases get 30-180 days of jail time.

Operation Streamline: border-wide effects



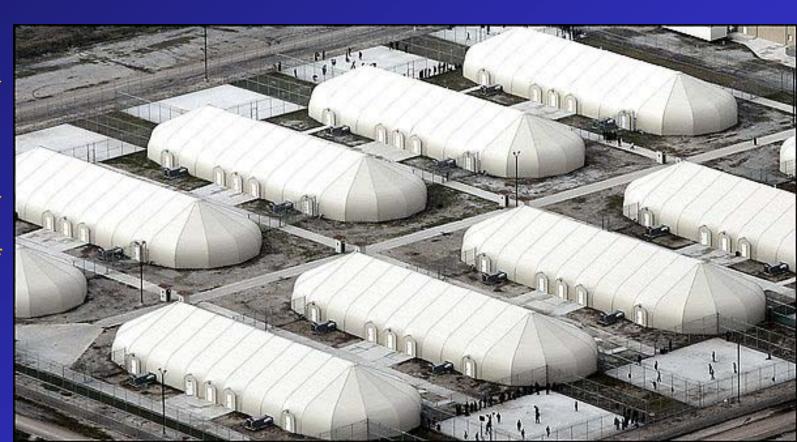
Operation Streamline's effects in Arizona



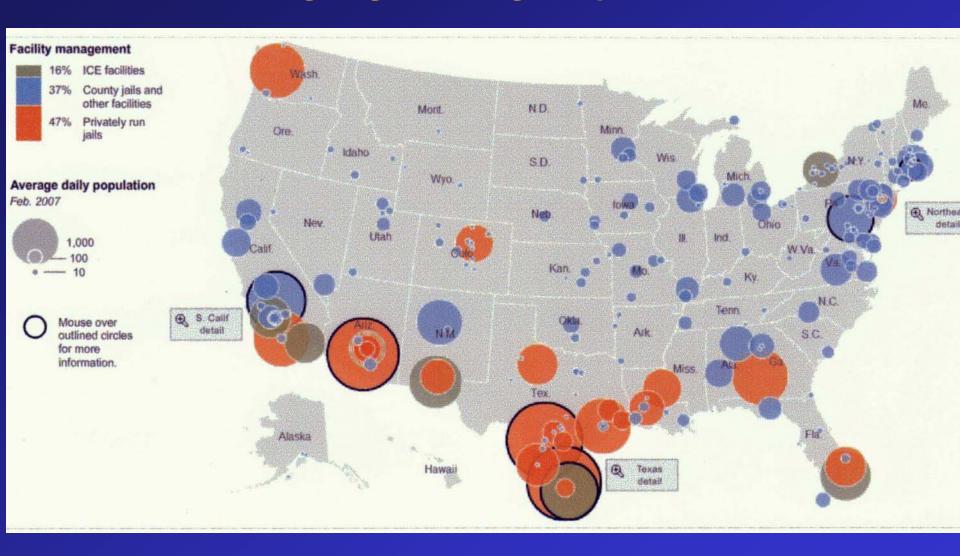
Major constraints on expanding Operation Streamline are:

- Lack of capacity in federal courts: not enough judges and courtroom space
- Lack of detention capacity: only 32,000 beds available nationwide for immigration detainees (FY 2008)
- Cost: \$125 per day to keep an immigrant in federal custody

Immigrant detention center in south Texas, operated by Corrections Corporation of America (CCA)



The U.S. gulag of immigrant prisons, 2009



The "attrition through (interior) enforcement" approach to immigration control

Inducing undocumented immigrants to *leave* the U.S. by making it more difficult for them to find employment and housing; restricting their access to health care and transportation (confiscating vehicles, etc.); instilling fear





The Obama administration is aggressively "auditing" suspected employers of unauthorized migrants (over 2,200 firms targeted since January 2009), but:

- Audits ("silent raids") have only driven unauthorized migrants to seek work at other businesses; migrants not removed from U.S.
- Worksite raids have mostly had the effect of breaking up immigrant families. Substitution of U.S.-born workers for immigrants in raided firms has been negligible.



ICE raids on workplaces instill fear but don't affect decisions to migrate to the U.S.

- 8.1% of migrants had witnessed a workplace raid;
- 17.6% had a relative or friend arrested in a workplace raid

Intends to migrate in 2009:

- 14.5% of those who experienced raid
 - 9.5% of those with no raid experience

(among economically active Yucateco migrants, aged 18-40, interviewed by MMFRP in 2009)

Most employers of unauthorized workers have not changed their hiring practices

Current employer asked for some sort of document:

Yes: 67.5%

No: **32.5**%

In current U.S. workplace:

Employer knew *for sure* that worker was authorized to work in U.S.:

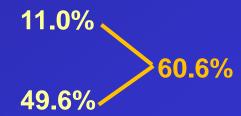
Employer *probably* knew that worker was authorized:

Employer *probably* knew that worker was not authorized:

Employer knew *for sure* that worker was not authorized:

30.7%

8.8%



Interior
enforcement
creates a
climate of fear
in immigrant
communities

¿Cuáles cosas más le preocupan a una persona que vive en los Estados Unidos sin documentos?





ir a la escuela



ir al trabajo



manejar un coche



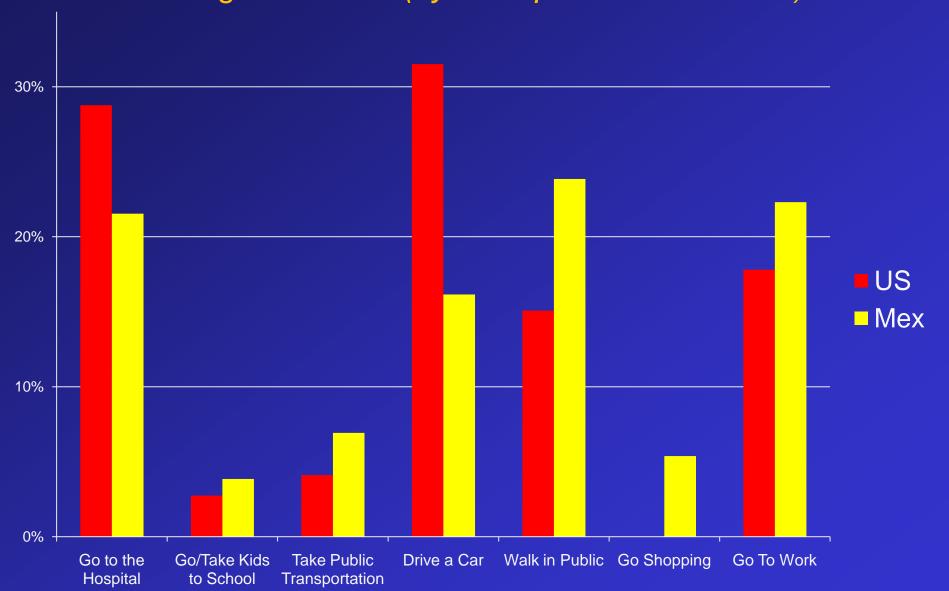
usar transporte público



andar en la calle



Things that most worry unauthorized migrants living in the U.S. (by main place of residence)



Local police stops of immigrants have increased sharply in recent years



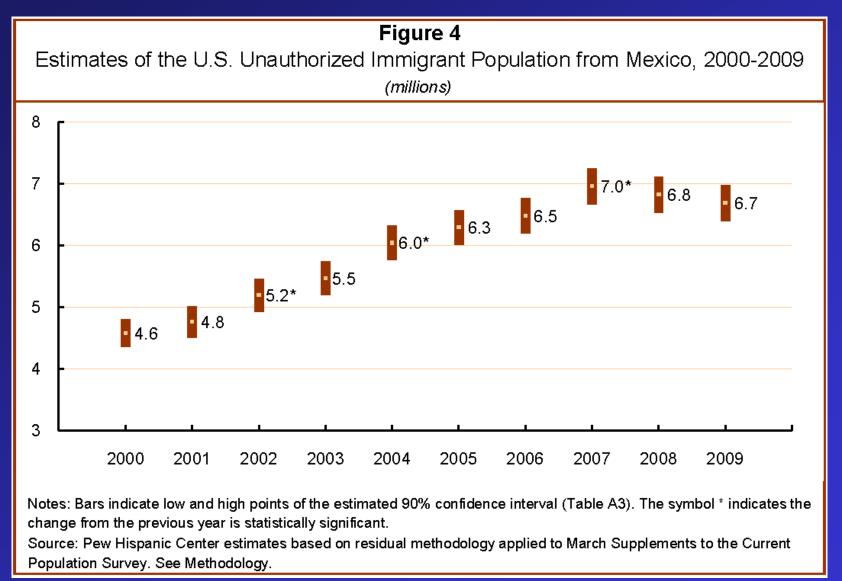
26% of U.S.-based
 Jalisco migrants had
 been stopped by police
 and questioned in last 12
 months

(MMFRP survey, Jan.-Feb. 2010)

 17% of a national sample of Latino immigrants had been stopped and questioned by local police

(Pew Hispanic Center survey, April 2009)

The stock of unauthorized Mexican immigrants living in the U.S. has remained almost stable



Why so few returnees to Mexico since 2007?

- 1. Fear of losing their U.S. job: Returning to Mexico even briefly would jeopardize their continued employment in U.S.
- 2. People are aware that the situation in Mexico is no better: *Q. Why don't you go back to Mexico?*"Because the work in Mexico is deficient as well. When I think about it, I want to go back, but I don't because of the situation that Mexico is in right now."
 - -Ramón, Tunkaseño migrant living in Anaheim, CA
- 3. Border enforcement:

 Makes it costly and physically risky to reenter U.S. after a stay in Mexico. ("caging effect")
- 4. Integration into U.S. society:
 Families increasingly rooted in U.S.: U.S.-born children in schools, church membership, social networks here

5. Migrant families have developed new survival strategies:

- Relying more heavily on family support networks, churches
- Reducing living expenses, by sharing housing, meal preparation, etc.
- Sending less money back to relatives in Mexico
- -- Seeking 2nd or 3rd jobs



Why are relatively few Mexicans going home?

Perceptions of current economic situation in the U.S. and Mexico (among Jalisco migrants and potential migrants, January-February 2010)



Main Conclusions

- Border enforcement discourages new migration mainly through its effect on "coyote" fees, creating stronger demand for peoplesmugglers. Direct effects of border enforcement-related knowledge and perceptions on probability of migration are relatively weak, statistically insignificant, or *positively* related to migration propensity.
- The Great Recession has strongly discouraged new migration from Mexico, both legal and unauthorized, by changing the cost-benefit calculus of migration. But for most, migration is only being postponed until the U.S. economy improves.
- Recession has reduced the capacity of some potential migrants to go north because U.S. relatives can no longer pay to hire coyotes.
- Some deterrent effect of border enforcement, affecting women more than men; but it operates only in combination with weak labor demand in the U.S. Potential migrants' perceptions of border-crossing difficulty/danger have been largely stable since 2007, but their perceptions of the U.S. labor market have changed dramatically.

- No evidence that border fortifications are keeping unauthorized migrants out of the U.S. Migrants' success rates have been remarkably stable over time and across very different sending communities. More than 60% still get in on the first try, and all but 2-6% of those apprehended once succeed eventually.
- Migrants know more about physical fencing than any other border enforcement measure, but fencing is an extremely weak deterrent. Border Patrol manpower is more effective but still less important than natural hazards and border bandits.
- Entering through a legal port of entry has become a significant mode of entry in California and Texas but not in Arizona; especially used to cross women and children. High cost curbs wider use.
- No large-scale exodus of Mexican migrants from the U.S. due to the U.S. recession. Caging effects of employment insecurity in U.S. (risk of losing U.S. job if they return home) and of border enforcement causes migrants to staying put. No evidence that interior enforcement is driving decisions to return to Mexico.

The counter-factual scenario: What if we <u>hadn't</u> fortified the border since 1994?

- The federal debt would be about \$30 billion lower
 (= tax dollars that would not have been spent on border fortification)
- Perhaps **2** *million Mexicans* would still be living in Mexico rather than the U.S. (= those who have settled permanently in the U.S. due to caging effect of border enforcement), and government spending at all levels to provide human services to those settled migrants and their U.S.-born children would be reduced commensurately.
- **7,000-14,000 people** might still be alive (= migrants who died attempting clandestine entry since 1995, high-end figure including estimate of undiscovered bodies of missing migrants)
- People-smugglers would be *hundreds of millions of dollars* poorer.

Questions?



Comprehensive Immigration Reform?





Key elements of 2007 U.S. Senate immigration reform bill

Border Security

- 370 miles of additional fencing on U.S.-Mexico border
- Increase in Border Patrol to 20,000 agents
- 80 high-tech electronic surveillance towers, UAVs, etc.
- Building facilities to incarcerate up to 27,500 aliens per day Border security "triggers" must be in place before anything else is implemented

Worksite Enforcement

- Mandatory electronic employee eligibility verification system
- Much higher financial penalties for employers

Guestworker Programs

- 200,000 visas per year, to work in any industry; 2-year stay, renewable,
 with 1 year in home country between each stay
- AgJobs: special guestworker program for agriculture, up to
 1.5 million visas during first 5 years

Legalization of Undocumented Immigrants

- Most undocumented migrants already in U.S. eligible for temporary legal status if they pay \$5,000 fine + back taxes owed, pass background check
- Eligible to get "green card" after 8 yrs., U.S. citizenship after 13 years; must return to home country and reenter U.S. legally to qualify for green card

Permanent legal immigrant admissions

 More than 50% of all green cards to be awarded through point system giving most weight to occupational skills, higher education, English fluency

REPAIR ("Real Enforcement with Practical Answers for Immigration Reform") Proposal (April 29, 2010)

1. Tougher border enforcement measures

- -- More Border Patrol agents + ICE agents at ports of entry
- -- More investment in technology and infrastructure

2. New system for workplace enforcement

- -- all employers must enroll in verification system within 6 years
- -- biometric ID cards issued to all legal U.S. workers (embedded fingerprints or scans of hand veins)
- -- large increase in workplace inspection agents

3. Legalization of some portion of existing population of indocumentados; requirements to include:

- -- Admit violating U.S. law
- -- Pay a fine for illegal entry (\$5,000 most likely)
- -- Pass criminal background check
- -- Pay any back taxes owed
- -- Wait 8 years before applying for LPR status ("green card")

4. Regulating future flows of migrants

- Two temporary worker programs, for agricultural and non-seasonal non-agricultural workers, with admissions tied tightly to changing labor market conditions; possible path to permanent resident status
- Automatically grant "green cards" to all immigrants receiving advanced degrees in science, math, engineering from U.S. universities
- Establish commission of "independent experts" to set quotas for employment-based permanent visas, by industry
- Clear the existing family-based immigration backlog over 8 years, by raising per country caps

5. State and local governments will be barred from enacting their own immigration laws

The Wall Street Journal March 9, 2010

ID Card for Workers Is at Center of Immigration Plan

BY LAURA MECKLER

Lawmakers working to craft a new comprehensive immigration bill have settled on a way to prevent employers from hiring illegal immigrants: a national biometric identification card all American workers would eventually be required to obtain. This "high-tech version of the Social Security card"





Would replace:

Electronic Employment Eligibility Verification Program (E-Verify)

- Checks job applicants' Social Security numbers and immigration status against a federal data base
- Employer participation is voluntary, except for federal contractors
- 2.3% of U.S. businesses are now enrolled in E-Verify
- System wrongly clears unauthorized workers 54% of the time, because it can't detect identity fraud (i.e., borrowed documents)
 - -- Westat Corp. evaluation study for Dept. of Homeland Security, January 2010

PREFERENCE CATEGORY	Average wait time for Mexican nationals, with current backlogs	
1 st (Unmarried, minor sons & daughters of US citizens)	12 years	Why the backlogs?
		Per-country limit for all visa
2A (Spouses & children of Legal Permanent Residents	6.5 years	categories is 25,620 per year
2B (Unmarried, over-21 sons & daughters of LPRs)	192 years	Example: If there are 256,000 applications from Mexican
3 rd (Married sons & daughters of USCs)	12 years	nationals in any given category, wait will be 10 years
4 th (Brothers & sisters of Adult USCs)	13 years	

Ties that bind: great potential for future family reunification migration from Mexico

% who have close relatives living in U.S.



Sources: For "all Mexicans," Pew Global Attitudes Project, national survey in Mexico, May-June 2009; for "high migration communities," Mexican Migration Field Research and Training Program, Center for Comparative Immigration Studies, UCSD, surveys in Jalisco, Zacatecas, Oaxaca, Yucatan, 2005-2009.

Needed (but politically unrealistic) changes in immigration system, to promote *legal* family reunification migration:

- exempt Mexican nationals from some visa ceilings to reduce backlogs and incentive for illegal immigration
- Increase total number of "green cards"



Mixed-legal-status families are increasing rapidly

