Ineffective U.S. Immigration Policies and Deterrence Mechanisms at the U.S.-Mexico Border: The Story of Mexico and the Northern Triangle

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Abstract

Starting approximately in the 1960s, large waves of migration from Mexico and the Northern Triangle countries - Honduras, El Salvador, and Guatemala - has resulted in a 'crisis' at the US-Mexico border, where US border enforcement agents are faced with large waves of illegal migration. In response, the United States has established over the years a series of policies and deterrence mechanisms that have included human right violations, to stop and reduce illegal migration. The goal of this paper was to understand the effect of these policies and deterrence strategies on migration from Mexico and the Northern Triangle countries, to gauge their effectiveness or lack thereof. The results demonstrated that current US policies and deterrence strategies are ineffective in achieving their stated objective to reduce/stop large waves of migration from Mexico and the Northern Triangle since they actually perpetuate the migration they seek to stop. What we find is that current policies and deterrence strategies, combined with the push factors, including politics and corruption, poverty, and violence from gang and drug cartels, create a cycle of debt migration, where migrants are in such a vulnerable position, that they have no other choice but to try and migrate again to the United States. As a result, this paper suggests that the United States reevaluate its migration policies, to have a more welcoming approach, to increase legal pathways to migration, and to address the root causes in Mexico and the Northern Triangle in cooperation with those countries. Without a change in policies, the problem at the US-Mexico border will persist.

2021

INTRODUCTION

Looking at the total immigrant population in the United States in 2019, 3.3 million people came from the Northern Triangle countries (Honduras, Guatemala, and El Salvador) while 10.9 million came from Mexico (MPI 1, n.d). Many within these numbers include families, like that of Monterosso and her husband and their three children, who requested asylum in the United States. The family explained that "they were willing to do whatever it took" since "going back to Guatemala was simply not an option" (Edwards, 2019). This they explained, was because gangs threatened to murder their children "if they didn't pay an exorbitant bribe, five months' worth of profits from their tiny juice stall" (Edwards, 2019). Unfortunately, this scenario is one that is experienced by many in Mexico and the Northern Triangle countries (NTCs). These countries are home to problems like violence, political instability and corruption, poor socioeconomic conditions and poverty. For example, Honduras has a crime index of 76.65, ranking the country fifth globally for crime (World Population Review, 2021). The violence experienced stems mostly from gang activity and from the drug industry as Honduras is known as a major drug route towards the United States due to its weak domestic law enforcement (World Population Review, 2021). In El Salvador, the same level of violence is found. The country also faces high unemployment rates, low wages, and high levels of petty crimes (World Population Review, 2021). In Guatemala, despite having one of the largest economies in Central America, "about 60 percent of Guatemalans live in poverty" (Verza, 2018). In Mexico, 42 percent of the population lives below the poverty line (Serrano, 2021). The country is also plagued by corruption - Mexico was ranked by the World Economic Forum 127 out of 137 in 2017, for corruption (Serrano, 2021). Mexico also experiences high levels of violence due to drug cartels, who in 2018, "killed at least 130 candidates and

politicians in the lead-up to Mexico's [...] presidential elections" (Council on Foreign Relations, 2021).

As a result, conditions in Mexico and the NTCs leave many no choice but to leave for the United States. These migrants usually travel to the US-Mexico border where they enter the country illegally. From 2017 to 2019, 201,569 migrants from El Salvador, 502,330 from Guatemala, 420,302 from Honduras, and 727,000 from Mexico were apprehended at the US-Mexico border (Homeland Security, n.d). With this high influx of illegal migrants, the United States has reacted by establishing strict immigration policies and deterrence strategies that are based on three primary objectives: prevention, removal, and deterrence (National Research Council, 2011, p.41). These three objectives are accomplished with the use of visas, screening procedures, physical barriers (i.e. fences, border walls), surveillance technology (i.e. cameras, motion detectors), personnel, special task forces (i.e. Fugitive Operations Teams), immigration penalties, criminal charges, and detention (National Research Council, 2011, p.41-44). To further deter migrants, the United States has also relied on human rights violations - such as separating families, brutal detention conditions, and sexual and physical abuses in detention centres (Amnesty International, 2018). However, according to Massey and Pren (2012), "paradoxical as it may seem, US immigration policy often has very little to do with trends and patterns of immigration. Even when policies respond explicitly to shifts in immigration, rarely are they grounded in any real understanding of the forces that govern international migration" (p.2). This explanation is one that resembles a lot of the discussion related to US responses to the migrant crisis that exists today. Indeed, criticism of the US policies are prominent in today's literature, as many criticize its ability to properly address migration (see: Fan 2008; Massey, Durand, Pren 2016; Massey, Pren 2012; Johnson, Woodhouse 2018; Abrego 2009).

Having this in mind, this paper takes a close look at the case study of out-migration from Mexico and the Northern Triangle countries, as well as the immigration policies and deterrence mechanisms in the United States, in order to attempt to answer this question: are current immigration policies and deterrence mechanisms able to stop and/or reduce large waves of migration from Mexico and the NTCs? This has lessons for migration and development studies overall because, oftentimes, when it comes to dealing with large waves of migration, countries rely heavily on the creation of policies and deterrence strategies. Since migration is a phenomenon found around the world that impacts many individuals every day, understanding the effectiveness or lack thereof of different strategies becomes crucial if we want to avoid unnecessary human rights violations, injuries, and deaths. For this reason, this paper argues that US immigration policies and border enforcement strategies are unable to achieve their intended goal since they actually perpetuate the migration they seek to end. In what follows, I will begin by thoroughly examining the root causes of migration in both the NTCs and Mexico. Next, I will discuss the different US immigration policies and deterrence mechanisms that have been implemented over the years, examining their stated objectives and the ways in which they were and are implemented. The paper will end with a discussion reflecting on the results of these policies and deterrence strategies, and will finish with recommendations which call for a complete reorientation of today's US immigration policies.

THE ROOT CAUSES OF MIGRATION

Despite having average scores in key indexes that measure development: Human Development Index (Mexico: 0.779, Honduras: 0.634, El Salvador: 0.673, Guatemala: 0.663), GDP growth (Mexico: -0.1, Honduras: 2.7, El Salvador: 2.3, Guatemala: 3.8), Gini Index (Mexico: 45.5, Honduras: 52.1, El Salvador: 38.6, Guatemala: 48.3), etc., if we look at politics and

corruption, poverty, gang/drug cartels and violence, the situation is much different than what those numbers portray (UNDP, n.d; The World Bank, n.d, ‘GDP Growth’, and ‘Gini Index’). Indeed, migration from Mexico and the NTCs is a result of a combination of factors that, together, make it so that many feel the need to leave their homes.

Politics and Corruption

In Guatemala, following a civil war lasting 36 years (1960-1996) between government forces and left-wing guerilla groups that resulted in “more than 200,000 people [...] killed [...] more than half a million [...] driven from their homes, and many more [...] raped and tortured”, the country transitioned to a democracy beginning in 1980 (Bracken, 2016). A democratic constitution was officially adopted in 1985 and the first democratically elected government in 1986 (Taft-Morales, 2019). However, the following years were far from democratic as government representatives were year after year implicated in corruption scandals. For example, former presidents Alavor Arzu (1996 to 2000), and Alfonso Portillo (2000 to 2004) were both indicted for embezzlement and/or money laundering (Pineo, 2020, p.11; The Associated Press, 2018; Weiser, 2013). The US attorney on the case even explained that Portillo was being charged for basically “converting the office of the Guatemalan presidency into his personal A.T.M” (Weiser, 2013). More recently, former president Alvaro Colom (2008-2012) is accused of a US$35 million fraud case, president Otto Pérez Molina (2012-2015) is accused of being part of a US$65 million customs and tax fraud ring, while president Jimmy Morales (2016-2020) is currently being investigated for fraud (Pineo, 2020, p.11-12). This corruption has resulted in distrust, with “more than 72% of the population [having] little or no trust in the police, and about 65% [having] little to no trust in the government” (Taft-Morales, 2019, p.3).

In El Salvador, a 12 year civil war plagued the country from 1980 to 1992. The war was a result of economic inequality and political exclusion, as the country was controlled by a few wealthy families (CJA, n.d). This system was challenged by the Salvadoran people, especially in 1932, when the peasants rose up against dictator General Maximilian Hernandez Martinez, who responded violently, killing 30,000 (CJA, n.d). Eventually, in 1980, decades of political violence turned into a full-scale civil war (CJA, n.d). The Salvadoran people had enough, and desperately wanted change. The war was fought between the Farabundo Martí National Liberation Front and the government of El Salvador. The war resulted in an estimated 71,629 deaths and was marked by numerous human rights violations, kidnappings, torture, disappearances, massacres, and corruption (Green, Ball, 2019, p.782; Allison, 2012). Unfortunately, despite the end of the war, corruption remains prevalent in Salvadoran politics as former president Francisco Flores (1999-2004) was charged with stealing earthquake relief funds, president Tony Saca (2004-2009) is currently in prison for embezzlement, president Mauricio Funes (2009-2014) is facing corruption charges, and current president Nayib Bukele (2019 - to present) although not facing any charges yet, is suspected to be part of payouts to gang leaders (Pineo, 2020, p.13).

In Honduras, the country was historically ruled by the military, but eventually, the country transitioned to a democracy in 1981. Unfortunately, as democracy was strengthening, everything came to a halt in 2009, as president Manuel Zelaya (2006-2009) was the victim of a coup. The coup was executed by the military who were "claiming that he [Zelaya] was considering exploring a bid for reelection, something that was not at the time lawful in Honduras" (Pineo, 2020, p.13). Prior to the coup, president Zelaya was actually well liked by Hondurans as he was making progressive social and economic reforms (Gordon, Webber, 2013, p.34). Free school enrollment, higher salaries for teachers, increased minimum wage, and the support for the legalization of some

narcotics were all products of his time as president (Gordon, Webber, 2013, p.34). Unfortunately, the coup drastically resulted in a giant step backwards for both the country and democracy, as military and police forces renewed their presence, and corruption spread due to a weak judicial system that allowed crimes and human rights violations to remain unpunished (Salomon, 2012, p.58). Indeed, the following two presidents since Zelaya, have both been accused of criminal activity. President Porfirio Lobo Sosa (2010-2014) was accused of misappropriating government funds and of money laundering, while current president Juan Orlando Hernandez (2014 - present) is accused of being part of a drug trafficking and money laundering conspiracy (Human Rights Watch, 2020).

In Mexico, the country experienced a 'one party democracy' for 71 years (1929-2000). As the ruling party, the Institutional Revolutionary Party (PRI) plagued Mexico with rampant corruption (Shelley, 2001, p.215). The system was characterized by politicians bribing constituents for their votes in an attempt to get reelected. This forged an important relationship between politicians and the wealthy elite, who would use this dynamic to benefit each other (Nieto, 2012, p.25). Indeed, in the mid-1980s, a survey found that "over 70% of those questioned [agreed] that the payment of a bribe was necessary when dealing with the government" (Morris, 1999, p.625). Further, in 1995, another survey found that "88% of respondents [claimed] that corruption was widespread" with "62% [admitting] that at times it was necessary to bribe in order to resolve a problem, while 53% agreed with the statement that 'it is so difficult to comply with laws and regulations that at times there is no other way but corruption?'" (Morris, 1999, p.625). In more recent years, corruption under Felipe Calderon (2006-2012) and Enrique Pena Nieto (2012-2018) has been the highlight of today's newspapers, as both Presidents have been accused of bribery with drug cartels (Llorente, 2019).

Essentially, such a political environment results in underfunded state institutions and programs, it limits the government's ability to respond to natural disasters, food insecurity, and other types of crisis, essentially affecting the general population, who is left dealing with problems like poverty on their own (Wilson et al, 2019, p.5).

Poverty

In the NTCs and Mexico, poverty exerts itself mainly through malnutrition, poor living conditions, low employment opportunities and wages, reliance on remittances and unreliable markets, and poor education rates. Unfortunately, many are facing more than one issue at a time. For example, Guatemala is plagued by malnutrition with almost half of its population unable to afford the cost of basic food staples which has resulted with a national growth stunting rate of 46.5%, with that number reaching over 70% to 90% in poorer areas, while in Honduras, 48% suffer from malnutrition (WFP, 2020; Cross, 2015). In terms of poor living conditions, in El Salvador, one in six live in homes with dirt floors, while it is estimated that 1.8 million Mexicans are still living without electricity (Pineo, 2020, p.14, p.5; Mexico News Daily, 2019). In terms of employment and salaries, one of the biggest issues in the NTCs and Mexico is the reliance on informal employment, which often results in significant social health inequalities, increased poverty, and poor health (Lopez-Ruiz et al., 2015). In El Salvador, 69.14% (2019) of the population partakes in informal employment, while 60% of Mexico's working force does the same (Statista, n.d; ILO, 2014). Another significant issue contributing to poverty is the reliance on unreliable markets and remittances. In Guatemala, the top exports are bananas, raw sugar, coffee, nutmeg, mace and cardamom, and palm oil (OEC, 2020). Similarly, Honduras relies heavily on the production of coffee, sugar, and bananas (Pineo, 2020, p.15). These primary resources are often highly sensitive to environmental changes, and prone to unreliable production rates. Many issues

found in this sector are droughts, rust, pests, low prices, etc. If we look specifically at coffee in Guatemala, rust recently affected more than 70% of the farms, leading to 1.7 million coffee workers losing their jobs (Taft-Morales, 2019, p.18).

In terms of remittances, since informal employment and low wages are the norm, many are forced to rely on migration to support their income. Remittances represented over 10% of Guatemala's GDP, 20% in El Salvador, 21.5% in Honduras, and 3.1% in Mexico (Taft-Morales, 2019, p.18; WFP, 2021, p.1; The World Bank, n.d, 'personal remittances'). Another important problem in the NTCs and Mexico is a poor education rate. In El Salvador, one-third are not educated past the third grade and less than 1/10 will ever attend college classes (Pineo, 2020, p.15). In Guatemala, 1 in 10 people are illiterate, half of the population has only a primary education, and less than 1/10 of the labour force has a university degree or higher (Orozco, Valdivia, 2017, p.1). Similarly, in Honduras, 1 in 10 people are illiterate, and 63% of the labour force only went to primary school (The Dialogue, 2017, p.1). In Mexico, "more than a million children, or about 13% of children in school age, do not attend classes because they cannot afford it" (Cullmann, 2018). A poorly educated person is more likely to have a low income and low-quality job, a more precarious economic situation, and has a higher risk of having health issues such as work-related injuries. Combined with the corruption described previously, which underfunds state institutions and programs, and limits the government's ability to respond to crisis and problems like malnutrition, migrating to the United States for better jobs and higher wages becomes the only way out of poverty.

Gangs and Drug Cartels

In the NTCs and Mexico, violence represents another threat that pushes migrants to the United States. In the NTCs, there are two gangs that are notorious for their crimes - Barrio 18 (M-

18) and Mara Salvatrucha 13 (MS-13). Both gangs are of US origin, as they were created around the 1960s and 1980s respectively, in Los Angeles by the sons of migrants from the NTCs (Fogelbach, 2010, p. 420). Eventually the gangs established themselves in the Northern Triangle as members were deported from the United States (Fogelbach, 2010, p. 420). Today, there are an estimated 50,000-85,000 active members in the NTCs (Pineo, 2020, p.16). Members are usually men coming from poor families who were recruited at a young age or who decide to join as a means to escape poverty and unemployment (Pineo 2020, Fogelbach 2010). Indeed, research on youth perception of violence in Honduras found that unemployment and poverty were major drivers of violence. For example, Alejandro, a youth who was interviewed, noted the importance of violence to benefit one's economic status, stating: "Oh, sure there is a benefit to violence. The majority of acts, like assaults, are so a person can improve their economic situation. They steal a lot of money and material things that have value, for this" (Williams, Castellanos, 2020). The Northern Triangle is also home to smaller gangs - called pandillas who also commit crimes and violence. Together, the gangs have changed the NTCs into extremely dangerous countries - with murders, petty crimes, and extortion the most common offences committed. For example, gangs in Honduras received approximately US$200 million every year from Honduran citizens (Pineo, 2020, p.16). Similarly, in El Salvador, 7 out of 10 small businesses are forced to give monthly payments to the gangs (Pineo, 2020, p.16). These expenditures can be especially challenging to poor families, whose salaries barely cover their basic expenses. In terms of murders, a report from Médecins Sans Frontières (2018) found in 2017 that approximately 150,000 people have been killed in the last ten years from gang activity in the NTCs (p.8). Additionally, when asked if they never feel safe at home, the report found that 57% of Hondurans, 67% of Salvadorans, and 33%

of Guatemalans answered yes (p.10). In the NTCs no one is sheltered from gang violence, even children and the elderly are at risk.

In Mexico, violence is a product of drug cartels. This problem began in the 1980s as Colombian drug cartels would hire Mexicans to traffic their drugs into the United States; however, eventually Mexico developed cartels of its own (Kellner, Pipitone, 2010, p.29-30). Their success mostly started in the 1990s as a result of prominent Colombian drug cartel leaders such as Pablo Escobar and others, being arrested or killed, opening up the market to Mexican cartels (Kellner, Pipitone, 2010, p.29-30). As earnings increased in the mid 1990s, violence followed as drug gangs started fighting for more territory and control. Today, the most prominent drug organizations in Mexico are the Sinaloa Cartel, the Jalisco New Generation, The Gulf Cartel, and Los Zetas Cartel (BBC News, 2019). Although Mexican presidents have been fighting to eradicate drug cartels since their inception, the drug war truly began in 2006, when President Felipe Calderon took office. From 2006 to 2012, president Calderon "deployed tens of thousands of military personnel to supplement and, in many cases, replace local police forces he viewed as corrupt" (Lee et al, 2019). The result was rather catastrophic and ineffective in addressing the drug problem. Indeed, "with an army trained and licensed to kill on the streets replacing the police, drug cartels controlling large parts of the territory, and total impunity for reported crimes, terror took a grip on the country and its people" (Laurell, 2015, p.249). The army took advantage of that impunity and committed many crimes and violated the rights of many. For example, in 2014 alone, the military and police were responsible for the disappearance of 43 students, the murder of 6, and the injury of 25 in Iguala, and a massacre of 22 civilians in Tlatlaya (Williams, 2019). Further, a report from Amnesty International (2016) found that women were being tortured, abused, assaulted and harassed both sexually and physically, during interrogations and arrests linked to the drug war. At the same time,

the drug cartels retaliated to Calderon's efforts with bloodshed and even more violence, as "squad-sized units of the police and Mexican army [were] tortured, murdered, and their decapitated bodies publicly left on display" (Kellner, Pipitone, 2010, p.31). Further, the rate of drug-related murders since 2006 continued to increase, with total homicides in Mexico rising by 90% from 2006 to 2009 (Basu, Pearlman, 2017, p.2). Today, it is estimated that the war on drugs has "claimed nearly 300,000 lives over the past 14 years" while "another 73,000 persons have gone missing" (David, 2020). Since no one is ever truly protected from drug gangs, these conditions have installed a tremendous sentiment of fear in Mexico. A survey reported that "the proportion of adults who feel their state of residence is unsafe rose 49% in 2004 to 61% in 2009" (Basu, Pearlman, 2017, p.1). The situation remains very similar to this day.

Relation to Migration

In the NTCs and in Mexico, it is not surprising that corrupted politics, poverty, gangs, and drug cartels have resulted in mass migration to the United States. With 594,100 migrants (legal and illegal) in the United States in 1960, to over 14 million in 2019, conditions have clearly not improved as people continue to migrate (MPI 1, n.d). For the most part, migrants leave due to a combination of factors (Pineo, 2020). Indeed, Capps et al (2017) found in a survey on a Honduran group that they had left because of violence and insecurity, as well as for better opportunities and living conditions (p.18). Another survey also found that the majority of those interviewed stated violence, insecurity, and the search for better opportunities and living conditions as their reason for migrating (Capps et al, 2017, p.18). Similar results were found by Cornelius for both Mexican migrants and those from the NTCs (2018, p.13). Another report by Kennedy (2014) found through interviews with child migrants from El Salvador that about 60% of them fled the country because of gang threats and violence. Similarly, a report from Médecins Sans Frontières (2017) found that

39.2% of interviewees from the Northern triangle “mentioned direct attacks or threats to themselves or their families, extortion or gang-forced recruitment as the main reason for fleeing their countries” (p.5). Lastly, in a 2017 survey of 120 households, the findings revealed that the primary reasons for emigration for Guatemalans was loss of agricultural production, lack of work opportunity for Hondurans, and violence and insecurity for Salvadorans (Capps et al, 2017, p.17). Research also demonstrates that push factors (corruption, poverty, and gang/drug cartels) are the leading factors for emigration rather than the pull factors (what is pulling people towards a destination) (Pineo, 2020; Capps et al, 2017). In other words, without the push factors, many would most likely remain in their home country.

LITERATURE REVIEW

The literature discussing migration from Mexico and the NTCs to the United States, focuses mainly on the migration policies and the root causes of migration. Those who focus on the migration policies either believe that US immigration policies and deterrence mechanisms are successful, or they argue otherwise. Those in the first category usually follow a more state-security model and tend to analyze specific policies and their specific effects at the border (Alden 2017; Amuedo-Dorantes et al 2013; Hoekstra, Orozco-Aleman 2017). For example, the work of Hoekstra and Orozco-Aleman (2017) looks at Arizona SB 1070 and demonstrates how that policy led to a decrease in migrants at that specific point on the border where it was implemented. The article does not consider, however, other factors that led to the decrease in migrants, such as the diversion to other points at the border.

The second category of scholars, those who argue that the current US immigration policies and deterrence mechanisms are unsuccessful tend to follow a human security model and observe the crisis from an array of angles (Warren, Kervin 2017; Massey, Pren 2012; Richard 2018; Fan

2008; Bacon 2014). In this area of research, the key themes explored are: cycles of debt-migration, push-pull factors, diversion versus deterrence, the creation of a detention system, the importance of addressing root causes of migration, and more. Scholars in this category also discuss the policies through a human rights perspective, with a focus on international law, NGOs and humanitarian aid (Alonso, Nienass 2016; Androff, Tavassoli 2012; Ataiants et al 2018; Seyal 2020). For example, Ataiants et al (2018) look at how migrant children's rights are being violated at the US border. Androff and Tavassoli (2012) look at the criminalization and death of migrants, as well as the criminalization of humanitarian organizations (i.e. Humane Borders, Samaritans, No Mas Muertes) as violations of human rights and international law. I situate my paper with scholars in this category, since I believe that to truly understand a situation, one must look at the complete picture.

The literature focused on the root causes looks at why people are choosing to leave, the type of migration, and the migrant demographic. Those who research push-pull factors, typically look at the effects of poverty, corruption, politics, conflicts, gangs and drug violence, and environmental problems (Pineo 2020; Taft-Morales 2019; Cantor 2014; Cruz 2015; Brenden et al 2017; Franklin 2014; Aguila et al 2012). For example, Pineo (2020) demonstrates the correlation between migration and politics, poverty, and gang activity in the Northern Triangle. Those who focus on the type of migration (legal versus illegal) typically research why migrants decide to migrate the way that they do, and the effects of those migrating patterns (Orrenius, Coronado 2017; Gutiérrez 2019; Schmidt, Buechler 2017; Ryo 2013). For example, Schmidt and Buechler (2017) conducted research on the decision-making process of women migrants from the Northern Triangle to migrate to the United States. In terms of migrant demographic, a lot of new research is looking at the shift in migration trends - from mainly men migrants, to families, women, and

unaccompanied children (Ghosh 2019; Acuna 2018; Bruno et al 2014; Stinchcomb, Hershberg 2014). Some research also explores the relationship between migration and US involvement in Mexico and the NTCs (Laurell 2015; Teichman 2019; Wise 2019; Bull 2016). These articles tend to argue that the United States has a responsibility to help address the root causes of migration because of their prior involvement.

Other relevant research areas exist with respect to illegal migration. For instance, the economic side of migration tends to address the concept of remittances, the use of coyotes, cycle of debt migration, etc. (Johnson, Woodhouse 2018; Massey, Durand, Pren 2016; Heidbrink 2019; Abrego 2009). Research on health, tends to focus on the physical and psychological effects of migration and of US policies (Linton et al 2018; Jusionyte 2018; Chambers et al 2021). Other research explores the risks associated with migration, looking at crimes occurring during migration, such as trafficking, smuggling, kidnapping, etc., and also the violence at the border (Sarabia 2020; Brenden et al 2017; Menjivar, Abrego 2012). Some scholars discuss the perception of migrants in the United States, showing the relationship between US perception and the creation of policies (Correa-Cabrera, Garrett 2014; Campbell 2014). Lastly, some research also focuses on how migration should be addressed moving forward, with different suggestions ranging from open borders, human security models, state security models, addressing root causes of migration, etc (Vietti, Scribner 2013; Restrepo et al 2019). As is clear, there is a wide range of literature on this topic.

METHODOLOGY

The aim of this paper was to study current literature to formulate an analysis of the situation at the US-Mexico border. This paper is entirely based on secondary data, collected from scholars and key organizations in relevant fields. The substantial part of the paper is based on peer-reviewed

sources, which were collected using different research tools such as Novanet and Google Scholar. To supplement the peer-reviewed articles, this paper also used important data such as statistics, interviews, personal stories, and news coverage, which were acquired using search engines such as Google. The purpose of this data was to support the ideas found in academic research and to portray a more realistic picture of the issue. Overall, the selection of sources was based on their relevance to the topic, the credibility of the authors, and the quality of the source. This ensured that this paper used sources that were appropriate, reliable, and accurate.

RESULT AND DISCUSSION

Now that we know why migrants are migrating, it is important to understand why large numbers of migrants are choosing to migrate illegally. One example is the Bracero program, which was established in 1942 as a result of labour shortages during the Second World War. The program allowed Mexican workers to work in the agricultural sector in the United States, temporarily. This allowed American companies to fulfil their employment needs, and offered jobs to Mexicans peasants who were desperate for work. The program was deemed valuable to Mexican workers, with the number of contracts signed reaching 4.6 million from 1942 to 1964, with many workers returning more than once on different contracts (Bracero History Archive, 2021). Unfortunately, the United States terminated the program in 1964, due to concerns about the treatment of workers and possible abuses of the program, despite "vociferous objections from Mexico" (Massey, Pren, 2012, p.2). With scarce work opportunities in Mexico and reduced legal pathways to migration, combined with Mexicans relying on the program to sustain their livelihoods, the sudden termination of the program had severe consequences. Indeed, Mexico went from having around 450,000 guestworker visas in addition to about 50,000 resident visas per year, to no guestworker visas and only 20,000 resident visas (Massey, Pren, 2012, p.3). Thus, migration from Mexico to

the United States did not end following the termination of the Bracero program, but rather, continued under illegal circumstances. For instance, in 1965 - when the program ended - approximately 40,000 illegal Mexican migrants were in the United States. In 1977 - nine years following the end of the program - there were approximately 460,000 illegal Mexican migrants (Massey, Pren, 2012, p.28). In the 1970s-1980s, migration from the NTCs also started to increase, and these migrants were met with the same restrictions (20,000 resident visas annually), forcing many to also migrate illegally (Massey, Pren, 2012, p.9).

US POLICIES AND DETERRENCE STRATEGIES

In 1994, the Prevention through Deterrence policy (PTD) came into effect in response to illegal migration. PTD are policies focused on pushing migrants away from safe migrating routes into rugged and remote desert areas (Boyce, Chambers, Launius, 2019, p.24). For example, one area where migrants are pushed is the Sonoran desert, which is extremely mountainous, and is home to extreme temperatures ranging from -3.9C to 38C. It also lacks vegetation and water sources, and is home to rattlesnakes, centipedes, and scorpions. Essentially, it was assumed that this policy would create such difficult experiences that it would inevitably discourage individuals from attempting to migrate to the United States. Operation Gatekeeper (1994) and the Illegal Immigration Reform and Immigrant Responsibility Act (1996) were key policies that resulted in thousands of agents hired, a first wall built, dozens of checkpoints established near all land and maritime borders, and increased penalties which allowed the deportation of migrants who committed crimes, including those who were legally in the country (Budd, 2019; Miller, 2017).

In the early 2000s, policies focused on deporting illegal migrants were created, such as Operation End Game (2003), Operation Stonegarden (2004), Operation Return to Sender (2006), Operation Rapid REPAT (2007), and Secure Communities Program (2008). From 2003 to 2008,

just over 7 million migrants were deported to their country of origin (Homeland Security, 2019). Additionally, more deterrence focused policies were created in the mid 2000s. This included the Border Protection, Antiterrorism, and Illegal Immigration Control Act (2005), the Secure Border Initiative (2005), Operation Streamline (2005), Operation Jump Start (2006), Secure Fence Act (2006), and the Southern Border Security Act (2010). These policies increased surveillance equipment and support infrastructure, money spent at the border, patrol agents, and severe penalties (Massey, Pren, 2012 ; CRS, n.d). For example, a new technology called SBI*net* system - unmanned aerial vehicles (UAV), aerial assets, a remote video surveillance camera system, and sensors - was implemented costing over $1 billion (Homeland Security, 2005; O'Neil, 2017). Further, looking at the budget increase, in 2005, the budget for US Customs and Border Protection (CBP) and US Immigration and Customs Enforcement (ICE) was $9.7 billion, reaching $17.3 billion in 2010 (American Immigration Council, 2021, p.3). If we look at personnel, there were 32 thousand CBP officers, Border Patrol Agents, and ICE agents in 2005. That number reached 47.1 thousand in 2010 (American Immigration Council, 2021, p.4). In 2011, the United States created a new system called the Consequence Delivery System (CDS). Policies under this system are similar to those created before, however, they differ in the sense that they seek to increase the penalties associated with illegal migration by actively punishing, incarcerating, and criminalizing those who do so, rather than relying entirely on deterrence (Slack et al, 2015, p.109). Policies and strategies in this program include: Operation Streamline, the Alien Transfer and Exit Program, Operation Against Smugglers Initiative on Safety and Security, Voluntary Return, Warrant of Arrest/Notice to Appear, Expedited Removal, Reinstatement of Removal, and Standard Prosecution (Capps, Hipsman, Meissner, 2017). This resulted in 3.7 million individuals

apprehended from 2011 to 2016 (Homeland Security, 2017). Since then, about 500,000 immigrants are detained in detention centres each year (Detention Watch Network, n.d).

Under the Trump administration, in 2017, Executive Order 13768, and 13767 meant more resources were given to border protection resulting in an additional 10,000 immigration officers and 5,000 border patrol agents (Commission on Immigration, n.d). An increase in the severity of penalties and a higher detention capacity in detaining facilities were also part of these orders (Surge Initiative) (American Bar Association, n.d). More importantly, they resulted in the construction of a border wall - Trump's biggest promise during his campaign. Although he promised to build a wall stretching along the 2,000 mile border, only about 365 miles of new border wall had been built since 2017 (Bailey, Rodgers, 2020). Prior to that, 354 miles of barricades (for pedestrians) and 300 miles of anti-vehicle fencing were in place at the southern border. Today, the wall measures a total of 734 miles in length, with 378 miles of border wall under construction or planned (Bailey, Rodgers, 2020). In 2018, the Zero Tolerance Policy was created which allowed the Department of Justice to prosecute "all adults [...] apprehended crossing the border illegally, with no exception for asylum seekers or those with minor children" (Kandel, 2021, p.1 of the summary section). Since adults are required to be detained in federal criminal facilities, where children are not permitted, this led to numerous family separations. This resulted in approximately 8,000 family units being separated (Amnesty International, 2018, p.6). Today, an estimated 545 children have still not been able to find their parents - 60 of which were under 5 years of age when separated from their parents (Dickerson, 2021). Separating families is a deterrent strategy that discreetly started in 2017, before the policy was officially introduced. Both prior and during the policy, family separations were poorly documented, making the reunification of families nearly impossible. The reason for this was simply that "the Trump administration had no plans to keep

track of the families or ever reunite them" (Dickerson, 2021). Reunification became difficult as many adults were prosecuted and deported without regard for their children, who were still in the United States. According to the Human Rights Watch, "no federal law or regulation requires children to be systematically separated from extended family members upon apprehension at the border, and there is no requirement to separate a child from a parent unless the parent poses a threat to the child" (Bochenek, 2019). As a result, the Zero Tolerance policy violates important human rights protected under international law, such as the right to family unity, the right to liberty, the right to freedom from torture and other ill-treatment, to name a few (Amnesty International, 2018, p.7).

This is not the only policy that violates human rights, international law, and US obligations. Violating one of the most important principles of international refugee law, the prohibition of refoulement, is the Trump administration's implementation of "an illegal de facto policy of pushbacks [...] along the entire US-Mexico border at official US border crossing" (Amnesty International, 2018, p.5). This meant that asylum-seekers were forced to queue on the Mexican side of the border, a region prone to criminal activity and where migrants are at risk of being arrested and deported by Mexican immigration officials (Amnesty International, 2018, p.5). Instead, the United States is required by law to interview asylum-seekers to assess "the risks of persecution or torture that they may face upon return" (Amnesty International, 2018, p.5). Another example is the 'safe third country' agreements the United States signed with Mexico, and the NTCs. A 'safe third country' agreement is signed based on the fact that both countries are able to offer asylum to migrants in need. As a result, migrants who pass through those countries - NTCs and Mexico - to get to the United States, are required to first request asylum in those countries (unless they are fleeing from prosecution in said country). Otherwise, once they reach the United

States, they will be sent back to the first 'safe third country' they reached. These agreements are violations under US and international law because they are not "uniformly safe [countries] for all asylum-seekers" (Amnesty International, 2018, p.6). Other than policies, other disturbing deterrence strategies that grossly violate the human rights of migrants exist. For example, from January 2010 to July 2016, the Department of Homeland Security received 33,126 complaints (from migrants about officials) of sexual and physical abuse in detention centres, but only investigated 57 (Saadi et al, 2020, p.189). In terms of treatment, a report that questioned over 7,000 asylum cases, found that one-third reported poor conditions, treatment, or medical issues when they were detained. The issues reported were related to food and water (61.8%), hygiene (34.5%), and the inability to sleep, overcrowded conditions, confinement, and cold temperatures (45.6%) (Saadi et al, 2020, p.190). These immigration policies and deterrence strategies not only are problematic, but also do very little to reduce or stop migration.

For example, prior to the launch of Operation Gatekeeper, border-crossing deaths were in decline from 1990 to 1994. However, following the first phase of the operation, "yearly deaths more than doubled between 1994 and 2005, reaching 472 deaths in just 2005 alone" (Fan, 2008, p.702). Additionally, a study by Massey, Durand, and Pren (2016) noted that "from 1986 to 2008 the undocumented population of the United States grew from three million to 12 million persons, despite a five-fold increase in Border Patrol officers, a four-fold increase in hours spent patrolling the border, and a 20-fold increase in nominal funding" (p.1). Today, there are an estimated 7.3 million unauthorized migrants from Mexico and the NTCs living in the United States (MPI 2, n.d). Meanwhile, the death count is estimated by No More Deaths (n.d), a humanitarian organization based in Arizona, to be ten times Border Patrol's claim of 7,805 deaths from 1998 to 2019 (p.5).

In other words, the "soaring death rates and unabated migrant traffic [show] that people [are] paying the ultimate price rather than being deterred" (Fan, 2008, p.702-703).

With migration routes diverted to harsh terrain, and with the creation of harsher penalties when apprehended, many migrants rely on the help of coyotes, who are guides that smuggle people across the border. Indeed, the use of coyotes increased from 70% in the 1970s to 100% by 2010 (Massey, Durand, and Pren, 2016, p.13). Unfortunately for migrants, the use of coyotes is both risky and expensive. Extortion, abandonment, kidnapping, and death are common risks associated with coyotes (Gilardi, 2020). Additionally, today the cost of a coyote reaches upwards of US$8000 per individual (Johnson, Woodhouse, 2018, p.978). Since these migrants have relatively low incomes, many rely on loans to cover their expenses - putting their property as collateral. For example, Johnson and Woodhouse (2018) recount the story of Jose:

> Jose is trapped. Like many from his hometown of Cajola, Quetzaltenango, Jose set out north with the goal of improving his family's economic circumstances. And like many, his pursuit of economic stability led to hardship and turmoil. Jose's debt stemmed from two attempts to reach the US. On the first in the early 2010s he was captured outside of Tucson, Arizona and deported to Guatemala, losing the Q20,000 down payment for his trip (per a unique arrangement with his coyote). His first failure eventually led to a second attempt, this time through Texas, where he was caught by the Border Patrol and sent back bearing an additional Q20,000 in debt to the same lender. Back home in Cajola, Jose watched the 10% monthly interest on his loans, borrowed against his house, push his cumulative debt to roughly Q80,000 (~US$10,500). At the time of our interview Jose was three months away from defaulting on his combined loans. Non-payment would result in the seizure of his home by the moneylender. Faced with weighty debts, mounting interest, and the threat of dispossession, Jose was reluctantly beginning to conclude that a US wage was his only way out: 'This is what I'm contemplating right now… I don't know how I'm going to get out of this … I don't know how. But I'm thinking of going again" (p.985).

The cycle of debt migration experienced by Jose is unfortunately the situation experienced by many other migrants. Those who do make it in the United States and find work get to pay back their loan and support their household with their American salary. Those who get apprehended, detained, deported, and/or who die during their journey, face much harder circumstances which extend to others in their lives. For example, Jacobo, a former migrant, explained "many people

spend three months in detention centers in the United States and the interest on their loans keeps running, in those three months. They come back for a month or two and try to return again, which means another two or three months. Now they're almost a year since the first trip... By then the interest is almost equal to the principal" (Johnson, Woodhouse, 2018, p.987). This is exactly what happened to Julio, a 14-year-old unaccompanied migrant who was detained for over five months after migrating to support his household financially after two years of failed corn crops. Unable to work, the interest on his loan he and his family took to pay for his journey continued to increase, leaving his family in an even more dire situation (Heidbrink, 2019, p.270-271). Indeed, US policies that inflict harsher penalties - like detention/jail time - drastically affect migrants' abilities to pay back their loans. As a result, migrants have no other choice but to migrate again, with a US wage their only option out of debt. Indeed, a Guatemalan from Patzun noted that farmers earned about Q40 a day [~US$5.00], meaning that paying off a Q200,000-300,000 debt is near impossible (Johnson, Woodhouse, 2018, p.990). Many other stories confirm this, like Eduardo who demonstrated the desperateness felt by many, as he explained that "if [migrants] don't make it the first time, they look for a second or third loan. And finally, when you owe Q100,000, Q120,000 your life is worthless. Then you just throw yourself at the border" (Johnson, Woodhouse, 2018, p.991). Or the story of Manuel, who was apprehended and deported five times before he finally made it inside the United States, with a debt of about US$30,000 (Johnson, Woodhouse, 2018, p.990). Or the story of Rodrigo, who after two failed attempts, a debt that increases and that is threatening his family's land, and only a fourth-grade education, explained that he has no other choice but to try again, otherwise, his family will "suffer and die, maybe not tomorrow but the next month or next year. This is not a choice" (Heidbrink, 2019, p.267). This all starts with a lack of legal pathways for migration, deterrence strategies forcing the use of coyotes and loans, and

harsh penalties causing debts to increase substantially. As a result, rather than deterring migration, current immigration policies are giving those who get apprehended, no other choice but to migrate again, to escape the extreme debt that can only be paid with US wages. For this reason, current immigration policies are ineffective in achieving their stated objectives as they perpetuate the migration they seek to end.

CONCLUSION

Moving forward, I believe the United States should focus on establishing a human security model by eliminating their deterrence strategies that push migrants towards harsh terrain - the leading cause of injuries, deaths, disappearances, and the use of coyotes. Reorienting migration towards safer routes will both reduce debts (created by using coyotes) and reduce deaths, injuries, and disappearances. The United States should also increase pathways towards legal migration. Creating a guest-worker program - like the Bracero program - or providing permanent employment-based visas would significantly decrease illegal migration. This would be a good and viable option for the United States, who in 2018, "had 6.7 million job openings and just 6.4 million available workers to fill them" (Cox, 2018). I believe that together, these changes will create a safe environment which will push migrants to seek legal migrating routes. Lastly, I believe the United States should increase its cooperation with Mexico and the NTCs in addressing the root causes of migration. Whether it is by funding the work of NGOs or training lawyers and judges, addressing the root causes of migration will drastically reduce the number of migrants attempting to reach the United States.

Thus, if the United States seeks to have better control of illegal migration, changes are necessary. I recognize that it will not be easy, but it is essential, as current immigration policies perpetuate the migration it seeks to end. Push factors combined with immigration policies make it

so that migrants have no choice but to leave. The cycle debt migration the system creates needs to be addressed. Otherwise, the migration 'crisis' found at the US-Mexico border will continue.

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