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## Policy on Immigration from the Southwest and Resulting Border Control Security Implications

Amber Gottfried  
agottfri@purdue.edu

Arpit Bawa  
abawa@purdue.edu

Russel Goff  
rgoff@purdue.edu

Austin Grelle  
agrelle@purdue.edu

Marielynn Herrera  
herrera@purdue.edu

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**GLOBAL POLICY RESEARCH INSTITUTE COURSE POLICY ANALYSIS PAPER  
POLICY ON IMMIGRATION FROM THE SOUTHWEST AND RESULTING BORDER CONTROL  
SECURITY IMPLICATIONS**

***Team Security: Amber Gottfried, Arpit Bawa, Russel Goff, Austin Grelle, and Marielynn Herrera***

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**INTRODUCTION TO THE GRAND CHALLENGE ISSUE**

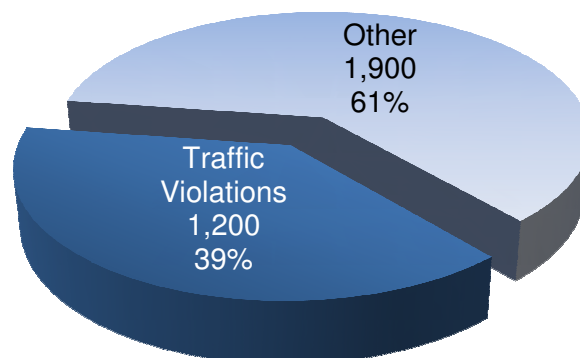
The attacks of September 11, 2001 (9/11) forced the United States to examine its immigration policies and how they relate to the national security of the nation. In the months following these events, Congress expanded the nation's ability to collect data and share information on suspected terrorists through the passage of several laws focused on detaining and deportation of immigrants (Rosenblum, 2011). Although the intention of the enactment of these policies was to protect the nation from further terrorist attacks, they have created unforeseen impacts on populations identified as immigrants into the United States. According to the Immigration and Customs Enforcement Agency, the effects of these policies on deportation levels have been dramatic, jumping from 50,924 deportations in 2005 to 396,906 in 2011 (Removal Statistics). The increase in deportations is a result of expansion of law enforcement agencies in the interior of the nation through the creation of the Immigration and Customs Enforcement agency along with the change in the composition of deportee populations. The 2003 National Fugitive Operations Program, which sought to remove dangerous fugitive immigrants who have either been ordered deportation by a judge or have not reported to Department of Homeland officials as required, began to arrest status violators rather than criminal offenders (Hagan, 2010). Many of these new policies toward immigration reform have thus predominately viewed immigration in the scope of national security rather than its role in shifts in population residency of often peaceful people. In securing US-Mexico border efforts, immigration policy was expanded to also include a focus on prohibiting trafficking of drugs by focusing on those that intended to smuggle them (Ordonez, 2008). This policy expansion to a realm not explicitly associated with the original terrorist focus reflects the true complexities of securing the US-Mexico border, illustrated in Figure 1. It is therefore necessary to develop comprehensive immigration reform efforts to curb the unintended effects of policies focused on terrorists and criminals that also targets social, economic, and health concerns of both unauthorized immigrant populations and legal populations.

Immigration controls have largely created social costs to this vulnerable immigrant population. As stated in a review of a North Carolina law, "...increasingly, many immigrants apprehended through border and interior enforcement activities find themselves in federal or local detention facilities for an indefinite period of time and often without access to a lawyer" (Hagan, 2010). Specifically, in the post-9/11 events, many Arab and Muslim populations were targeted and detained (Chisthi, 2003). These actions violate the core American principle of due process and representation outlined in the Constitution of the United States. Much of the attention towards immigration has been focused on the safety of those who enter through the Mexican-US border, which has targeted specific ethnic groups in the process. The effects of these policies affect the entire family of the immigrant, including vulnerable children. In terms of health security, children

of immigrant parents are less likely to have health insurance or regular access to health care versus children of nonimmigrant parents (Perreira and Ornelas, 2011). Since their access to medical care is forgone, medical attention is often received when an urgent condition has developed and emergency care is required (Perreira and Ornelas, 2011). The ramifications of these policies have criminalized many immigrants. The policies have claimed to target immigrants that have committed serious crimes, but many of the detained persons have committed petty infractions that would have been prosecuted much differently for many Americans. In North Carolina, of the 3,100 immigrants detained and placed in deportation proceedings, more than 1,200 of them were detained due to traffic violations, as illustrated in Figure 2 (Hagan, 2010). These events have caused immigrant populations to withdraw from society out of fear of deportation.



**Figure 1.** Picture of the US-Mexican Border (Commission)



**Figure 2.** Immigrants Detained in North Carolina (3,100 total) (Hagan, 2010)

It is estimated that 12 million undocumented immigrants are living in the United States (Passel, 2011). The majority are employed in low wage, low skill jobs such as construction, manufacturing, and hospitality (Davidson, 2006). To this end, the view that immigrants displace natives from jobs and depress the wage levels is commonplace. While undocumented immigrants take jobs that could employ legal workers, they also create a demand that leads to more jobs because they are also consumers (Davidson, 2006). Therefore a side effect of these policies is that the increased deportation rates have had a negative impact on local businesses. Deportation also causes economic hardships for families, since a family member is removed from the labor force and is thus unable to provide for their family in many cases (Hagan, 2010). In terms of the global economy, many families send remittances to their families in their country of origin. These families use the funds in order to provide basic essentials such as food, clothing, and healthcare (Hagan, 2010). Young undocumented immigrants are also affected by immigration policy. Access to higher education is a huge concern since they are not considered residents of this country and therefore must pay out of state tuition in order to attend a university. This burden is very costly, since undocumented workers predominately possess low wage jobs and may not be able to afford even in-state tuition.

### **SUMMARY OF POLICY ACTIONS TO DATE AND THE CURRENT POLICY ENVIRONMENT**

Of the several important policies and mandates relating to the issue of securing the US/Mexican Border, two are of special significant importance. The first, *The Merida Initiative*, is a partnership between the United States and Mexico to fight organized crime and violence. The second, the *2006 Secure Fence Act*, highlights efforts of the G.W. Bush administration to allow the Department of Homeland Security to gain operational control over the land and maritime border between the US and Mexico. These two important acts are summarized below, showing their significance to the policy alternative implementation outline within this paper.

The Merida Initiative is based on several important principles between the United States and Mexico such that the actions wholly benefit the relationship between the two nations. These principles of shared responsibility, mutual trust, and respect for sovereign independence between the two nations are important of any international endeavor. The efforts of these two countries through this relationship have built confidence that is transforming the bilateral relationship that exists between the two. According to information provided through the US Department of State's website, this initiative is based on four goals: disruption of organized crime, strengthening of institutions towards these goals, to build a border with capabilities available in modern times, and to build strong and resilient communities along and around the border (US Department of State). To accomplish this, the US Congress has appropriated \$1.6 billion since The Merida Initiative first began in the Fiscal Year of 2008 (US Department of State). Currently, several actions are being taken under this initiative, as shown in Table 1. The comprehensive nature of the actions under The Merida Initiative was an important step in political action between the United States and Mexico on the topic of border security to date.

**Table 1. Actions Currently in Progress through the Merida Initiative  
(US Department of State)**

<ul style="list-style-type: none"> <li>• To help sustain Mexican’s reforms through this act, the United States is assisting Mexico by helping educate personnel in the justice sector. These individuals include police, prosecutors, and public defenders. In addition, the United States is helping through correction systems development, judicial exchanges, and enhancing connections amongst law schools in Mexico and the United States</li> </ul>
<ul style="list-style-type: none"> <li>• To accomplish the large amount of change in Mexico through this act, the US Agency for International Development (USAID) has specifically joined the Government of Mexico to help enhance the actions taken by Mexico to aid civil society. This endeavor is multifaceted and includes improving the ‘rule of law’ in Mexico while at the same time helping make communities safer through the execution of changes with the new justice system in Mexico. In addition, USAID has partnered with Mexico to augment efforts towards helping those in society who may be too vulnerable to fend for themselves such as youth and victims of crime. These actions are supposed to increase the cooperation between the community and government, strengthening and creating safer communities.</li> </ul>
<ul style="list-style-type: none"> <li>• One major detrimental factor to the efforts under The Merida Initiative is the violent capabilities and actions of drug cartels in Mexico. To this end, the Merida Initiative provides equipment o Mexico to aid in this war against violent domestic activity. Specifically, the Mexican Army/Air Force receives eight Bell helicopters, the Federal Police and the Mexican Navy three UH-60M Black Hawk helicopters each.</li> </ul>
<ul style="list-style-type: none"> <li>• A major concern of the United States is the entry of illegal or unapproved substances across its border. To help combat this threat, The Merida Initiative provides canners, X-ray machines, and other inspection equipment to be used at Mexican checkpoints.</li> </ul>
<ul style="list-style-type: none"> <li>• To aid in the training of those involved in the correction system development in the first point, this initiative provides for establishment of a corrections academy at Xalapa in the Veracruz state in Mexico.</li> </ul>

The second important political action to date regarding the security of the southern American border was the *2006 Secure Fence Act*. Enacted on October 26, 2006, this act was a major portion of President G.W. Bush’s administration’s efforts to curb developing issues of border security. A major portion of this act was the increased ability it gave the DHS over the entire US-Mexican border (both land-based and sea-based). In addition, the enforcement of laws surrounding immigration was increased through the erection of additional physical barriers (hence the name of the act) equipped with cutting-edge tools to assist in security measures. To not appear biased, the act did also include the creation of a study to assess similar infrastructural increases on the US-Canadian border as well (M. & Bell, 2006).

An assessment was made following the creation of progress related to the act, listed in Table 2 below.

<b>Table 2: Progress Resulting from the Passage of the 2006 Safe Fence Act (Office of the Press Secretary, 2006)</b>
<ul style="list-style-type: none"> <li>Resulting from the passage of the act in Congress, funding related to border security increased from \$4.6 billion in 2001 to \$10.4 billion by the time of the cited press release.</li> </ul>
<ul style="list-style-type: none"> <li>At the time of publication (with President G.W. Bush still in office) the number of border control agents had been increased from about 9,000 at the start of the act to more than 12,000.</li> </ul>
<ul style="list-style-type: none"> <li>As an aid to the border patrol agents, the press release cites that thousands of National Guard members had been deployed to patrol the borders as well.</li> </ul>
<ul style="list-style-type: none"> <li>As was required from the act, the border was equipped with cutting-edge tools and additional infrastructure.</li> </ul>
<ul style="list-style-type: none"> <li>As a result of the technology and measures taken under this act, over 6 million illegal immigrants were sent home.</li> </ul>
<ul style="list-style-type: none"> <li>To end the “catch and release” policies deemed inappropriate under this administration, the press release cites the addition of thousands of beds to detention facilities.</li> </ul>

The policy measures created under this act starkly contrast the alternatives put in place within this paper. It is still important, however, to take note of the original policy actions such as this that are now sought to supplement or in some cases reverse. A further glimpse into the progress of this act can be found in subsequent years to be less positive than the original press release. A few updates are shown below in Table 3.

<b>Table 3: Later Consequences of the 2006 Secure Fence Act (Wikipedia)</b>
<ul style="list-style-type: none"> <li>Though some statistics point to successes implemented by the construction of the southern wall, a May 2009 report by the Congressional Research Service listed a “strong indication” that those believed to have been thwarted by the wall merely had developed new routes.</li> </ul>
<ul style="list-style-type: none"> <li>To counter these fears and to bolster present statistics, in 2008 Congress attempted to build another 700 miles of advanced fencing through the creation of the <i>Reinstatement of the Secure Fence Act of 2008</i>, which subsequently died prior to a vote being taken.</li> </ul>
<ul style="list-style-type: none"> <li>However, despite this failure, the DHS has constructed an additional 613 miles of fencing to counter pedestrians and vehicles from California to Texas.</li> </ul>
<ul style="list-style-type: none"> <li>Again in 2010 additional fencing was pursued under a “Finish the Fence” amendment pushed by Senator Jim DeMint, though unsuccessfully.</li> </ul>

Together, *The Merida Initiative* and the *2006 Safe Fence Act* create a comprehensive picture of the policy additions created to supplement border security throughout the 2000’s. Some of the effects of these policies have been good and have increased border security; however others have met unintended consequences that the policy alternatives within this paper seek to address.

## **SYNTHESIS OF THE INTERCONNECTEDNESS OF FACTORS**

One of the main reasons the border issue is such a quagmire is the fact that it is a wicked problem, as discussed in class. Some believe that national sovereignty of Mexico is at stake, others believe it's an issue of national security of the United States. Inside the United States, some Americans believe the safety of their jobs is in danger due to the influx of potential immigrants, while others believe that the security of the US-Mexican border is a non-issue altogether. The definition of the challenge and its accompanying potential solutions span a wide range of interconnected social, scientific, and economic issues.

The larger purpose of economic systems is to facilitate the distribution of resources among the population, however in the context of border security the issue at stake is, more specifically, what resources should be distributed amongst which populations? If the view taken is a "zero-sum" game wherein there is a certain finite supply of resources, then the more people there are that are playing the game, the less resources there can be per person. In the context of the border, the issue ensures that a minimal number of legal and illegal immigrants become directly tied to the economic prosperity of middle class citizens in the United States. However there are also views in which the immigrants themselves would produce resources through their labors and therefore actually contribute more than they would consume if allowed to live and work in the United States (Department of Homeland Security). In light of this viewpoint, immigrations should be able to occur at an unlimited amount. These two economic views become entangled in the social problems caused by immigration issues since the United States was built by the blood, sweat, and tears of generations of immigrants throughout its history. In that context, the Mexican immigrants can be viewed as the latest in this proud line of laborers, or a view can be taken that they are burning through American's limited resources, unnecessarily. Many believe that the majority the agricultural sector in the United States would cease to be viable and productive if the cheap source of immigrant labor used in many American agricultural institutions were to be removed from the system.

Another aspect of the debate is not on whether immigration is a good thing or not, but rather how can policies be made to ensure that immigration is done legally. It is one thing to allow hard workers to cross the border with paperwork legitimizing their presence, but it is quite another to let undocumented people - who could be criminals or carriers of disease - slip across the border unnoticed. Such people would be unknown to the government and could spread or create crime rings, or accidentally spread disease to the rest of the population in the United States due to their lack of vaccinations and poverty. The US-Mexican border is nearly 2,000 miles long and the ability to patrol such a great distance presents several technological and human resource challenges.

Implementation of many of the newly developed technologies, such as thermal cameras with monitoring stations, requires large capital investments (Costantini, 2001). This cost makes the issue a big debate as to whether this money is spent or not. Several programs have been put into place by the DHS in regards to material accountability at border crossings, preventing counterfeit material or ensuring that nuclear materials do not cross the border. All of these programs require a lot of manpower coupled with new technologies that will require new legislation dictating how to implement them. In addition, it has yet to be determined whether or not such technologies would violate citizen's rights to privacy.

Another social aspect to the issue is that many of the formerly illegal immigrants are now legal residents who are just as acclimated to living in America as many US citizens. In addition, many first and second-generation citizens that identify with populations associated with illegal

immigration have been confused by law enforcement for illegal immigrants and have been accidentally harassed and deported simply because of their ethnicity in the past. This unnecessarily fragments citizens against each other and does not promote stability, which could lead to several security issues down the road.

All of these technological, social, security, economic, and health problems associated with the US-Mexico border could be better approached were the problem not as wicked. As it stands there is not enough unity on what the entire problem actually is, as too many stakeholders from opposite cultures and worldviews have trouble coming to an agreeable problem statement. This makes the cost benefit analysis very difficult to assess due to the inability to place a value on such wide-ranging issues and has left us in the current predicament of perpetuating the status quo that we find ourselves in today.

### **SCOPE OF ALTERNATIVES TO ADDRESSING THE ISSUE**

There are many areas in the world in which policies are having unintended consequences, including policies associated with the US-Mexican Border. Though most of these policies have been created with an aim to make the United States safer from terrorists, there has been a persistence of Human Rights Violations through the actions of governmental officials after the enactment of these policies. Although this may be just a small portion of the problem regarding border control, an important metric of the magnitude of this problem is that during the period of 1998-2004, 1,954 people died attempting to cross the US-Mexican Border (Wikipedia, Migrant deaths along the Mexico-United States border). Though the reasons for death are varied, some include drowning in canals, ditches, and the Rio Grande. In addition to these accidents, there also have been a significant number of intentional murders and other health issues such as death by heat stroke, exhaustion, or hypothermia. This problem is not hidden, as according to Mexico's Ministry of Foreign Affairs, between the times of 1998-2000, there were 117 cases of Human Rights Violations from the US, including 14 deaths (Amnesty International). The current existing policies in place by the United States include the allowance of lethal force in many circumstances regarding what is deemed as illegal immigration, including force against rock throwing which has resulted in death. Policies enacted such as Operation Gatekeeper during the Clinton-era have concentrated on adding border agents, walls, and fencing to this border. These policies take an approach of fostering fatalities, because migrants now have the risk of increased death due to the consequences, intended or unintended, of the policies enacted towards people who attempt to cross the border. To combat these effects, humanitarian organizations have been created in the past such as No More Deaths, which attempted to set up water states, desert medical camps, and other humanitarian patrols in the rescue and recovery process (Humanitarian Aid is Never a Crime). These organizations have often been met with opposition and even punishment from the US Government.

### **POLICY ALTERNATIVES, ANALYSIS, AND THEIR CONSEQUENCES**

In order to facilitate a more humanitarian focused approach, the first policy alternative seeks to provide aid directly to the afflicted and dying in their attempt to cross the US border as illustrated in Figure 3. As a policy alternative, the United States must view a large amount of deaths in the border process as an international humanitarian crisis. Secondly, the US Government should support and allow Nongovernmental Organizations (NGO's) and government agencies to support in the facilitation of basic care to these distraught individuals. This could be accomplished through invitational actions rather than prohibitory activities towards NGO's and local organizations providing support. Finally, the United States could create a bi-national rescue and recovery organization for these immigrants. This would create a multi-national



discussion and visible record of evidence through law enforcement agencies documenting the activities and actions provided to these individuals. Such a record would likely lessen the Human Rights Violations incurred by the US towards Mexico, due in part to the fact that it would be a conjoined effort. Amnesty International's report *In Hostile Terrain: Human Rights Violations in Enforcement in the US Southwest* shows how prevention through deterrence is ineffectual when regarding decreasing Human Rights cooperation and upholding the Migrant's Rights in International Law (Amnesty International). These basic rights include that "all migrants regardless of their status, are guaranteed the highest attainable standard of physical and mental health" (Amnesty International). Our first policy alternative seeks to address and promote these international standards.

The first policy alternative has both positive and negative consequences associated with it. Positives of this alternative include a greater respect for life in immigration. In addition, this policy alternative could lead to greater cooperation with the Mexican government. The United States would through this be able to appear to be more accepting of immigrants and would visibly show respect for their safety to other countries in the world. Despite these positives, some of the negative consequences of this law include that providing more care might increase the likelihood of more immigrants becoming willing to cross the border. Also, policies enacted under this alternative between the United States and Mexico in search and rescue activities might result in unnecessary conflict and disagreement between the two nations.

An important area in which this conflict might arise from can be found in the Migrant's Rights in International Law, as the law states that migrants should also have the right to an education. In addition, the Dream-Act a policy that has been at the forefront of the argument about educational reform for immigrant children who have been living in the United States illegally since before the age of sixteen. This second policy approach would allow for children who were raised by an illegal immigrant family in the United States (who are also in good standing with the law) to have access to college education or join the American military to serve the country instead of forcing them to return back to Mexico. The effects of this policy alternative would be substantial, as it would allow potentially talented children who are already in America to receive access to the benefits of a world-class education. In addition, this policy alternative is also beneficial to the United States, since there would be a greater number of eligible applicants to its military, strengthening the security of the US. Also, by allowing children of illegal immigrants to receive education in the United States, this would be a visible humanitarian action by allowing them to experience a better life due to their increased education. This education would therefore benefit Mexico if migrants returned home and brought back the knowledge they have gained from this education. This policy approach is a strong one because it seeks to address the currently existing difficulties arising for children of alien immigrants.

**Figure 3.** Three Alternative Policies Surrounding the US / Mexican Border Security Issue

***Alternative 1:***

Provide aid directly to those afflicted and dying who attempt to cross the U.S. border, abiding by the Migrant Rights International Immigration Law

***Alternative 2:***

Give children of illegal immigrants access to American educational and military opportunities

***Alternative 3:***

Comprehensive Immigration Reform for those already living in America, while easing the transition for future immigrants

One major difficulty to this policy alternative is that there is much opposition to this type of program within the current political climate of the United States. However, speculatively, Senator Marco Rubio of Florida plans to unveil a similar approach to this policy alternative in the near future. Opposition for such a policy can be found in that many individuals in the US would prefer a policy more like the DREAM Act to Senator Rubio's policy, in which the problem of education for alien minors is concentrated upon, allowing them to gain citizenship at the end of their educational or military service. Therefore, this alternative is similar to Senator Rubio's policy in some aspects. A potential weakness and difference of the second proposed alternative is that it does not fully address what many in the Latino community demand, which is a greater access to citizenship. This desire is noted in that 90% of Latinos supported the originally proposed DREAM Act. Other weaknesses include that the competitive landscape of scholarships and acceptance into college may change within the United States due to the increasing number of applications through this alternative (Abaddon, 2010). Another negative consequence could be that due to the nature of illegal immigrants' current access to work, the likelihood of these young students to afford the education might be in many cases unlikely. In addition, this proposed alternative could increase the number of illegal immigrants, knowing that one day their children might have access to a college education or military service.

A major issue at the center of the difficulty in the United States/Mexico immigration conflict is the actual process of naturalization, as noted through previous legislation attempts on the issue. However, reform in the naturalization process must be met by increased security throughout the country. Alternative three seeks to shorten the time period involved in naturalization for Mexican citizens to match a time frame similar to that of other countries. Currently, according to the Institute for Latino Studies at the University of Notre Dame (Taylor, de los Angeles Torres, Parol, 2006), it takes on average 8 years for the average American immigrant to become a US citizen, but for Mexicans and other North American immigrants, the average time is increased to about 11 years. Alternative three also proposes Comprehensive Immigration Reform, which would allow for a scenario in which all preexisting illegal immigrants who may already be well acclimated to living in the United States are able to become citizens. This would be accomplished by having these illegal immigrants come forward, register, pay a fee, meet the language requirement, age, number of years in the country, and criminal background checks. Upon successful registration, eligible immigrants would have all of the labor benefits of United States citizens previously unavailable to them. This proposal is estimated to increase the United States annual GDP 0.84 percent annual, resulting in 1.5 trillion dollars in 10 years (Hinojosa-Ojeda, 2012). After the initial Comprehensive Immigration Reform is enacted, citizenship and naturalization through this process would be based off demand for labor in the United States (Hinojosa-Ojeda, 2012).

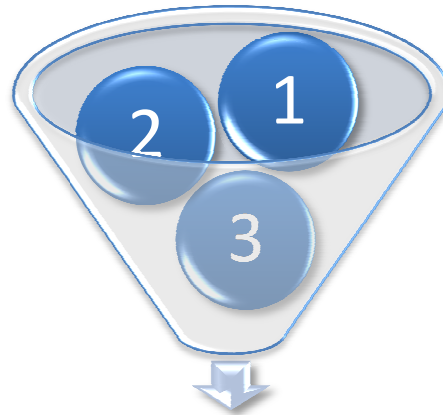
This third policy alternative has many strengths and weaknesses, of which a major weakness is that it is extremely controversial. The benefits of this plan are obvious, however, in that the current state of problems in healthcare, access to insurance, and education would be addressed by allowing existing illegal immigrants to openly receive access to the current benefits American workers receive on a daily basis. It would also result in higher wages for the illegal immigrants and would create a scenario in which American companies would better uphold the standards set in place by the current labor laws. It would also increase investment by the illegal immigrants in their own skills as they would have greater access to jobs which would use these skills. Lastly, it could increase small business ownership or allow for immigrants to own a home in the US, both of which would be beneficial to the economy.

Despite these benefits, this policy approach also has many weaknesses. Firstly, as previously indicated the American public would likely not support this policy. In addition, this policy would be unfair to immigrants of other nations who are seeking citizenship in the United States as it heavily focuses on immigrants from the southwest. It also could encourage further illegal immigration into the country from citizens all over the world, including Mexico, due to the ease of access over previous attempts to immigrate. Also, many would be skeptical that giving full labor rights to illegal immigrants would actually help the job market, as many believe that it would instead make the job market more competitive for Americans. Overall, this policy alternative's greatest weakness would be its lack of public support in the current political climate.

### **PREFERRED ALTERNATIVE**

Through the above three policy alternatives, the problem of United States border security and immigration reform has been thoroughly assessed and addressed. The preferred alternative is alternative two, as illustrated in Figure 4, because it is something that the United States could likely afford to enact in the near future. One such reason for this is that alternative two has a greater likelihood of being supported than alternative three in the current political climate. For this reason alone, allowing access to education or military service for children of illegal immigrants, temporarily is the best policy alternative to pursue in the short-term. Our least

preferred alternative is the third alternative in that although the alternative itself is strong, a law created in light of this policy stance lacks probability of acceptance by the American population. Finally, the first alternative affects a smaller population while still addressing the policies associated with the border and would be important to consider enactment of as soon as possible.



**Alternative 2: Give children of  
illegal immigrants access to  
American educational and military  
opportunities**

**Figure 4.** Illustration of Preferred Alternative

## CONCLUSION

Unfortunately, immigration reform is not likely as those who are most affected also have little access to the political system. The politics of immigration reform often get lost due to other domestic concerns affecting Americans such as healthcare reform and unemployment. Concerns over Mexico's battle against drug cartels will likely heighten border security and further militarize the borders, continuing the inequalities in terms of disparate arrests. In order to successfully aid immigrant populations and provide national security, migration reform should include policies that recognize human rights, provide social assistance, and target serious criminal offenders.

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