Miscelánea

How many border controls are enough for the Mexican-American border? A review of arguments from contemporary North American scholars*

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Palabras clave: Frontera mexicano-estadounidense, controles fronterizos estrictos, controles fronterizos flexibles, política migratoria, Estados Unidos

Keywords: Mexican-American Border, strict border controls, loose border controls, migration policy, United States

RESUMEN

Las fronteras están sujetas a debate constante, especialmente en tiempos contemporáneos, y generalmente este se centra en una pregunta: ¿cuánto control necesita una frontera? La frontera analizada en este ensayo es la frontera mexicano-estadounidense, y argumentos de ambas posiciones del debate provenientes de la academia norteamericana serán analizados. Aunque muchos académicos no necesariamente están a favor de un lado, la lógica de sus argumentos usualmente se cita en el debate. Al final, se señalará que mientras que los que defienden la apertura de las fronteras tienen un conjunto de argumentos más amplio para defender controles fronterizos más laxos (e.g. derechos humanos, medio ambiente, etc.), los que abogan por cerrar las fronteras generalmente se centran solo en argumentos de seguridad tradicional para favorecer controles fronterizos más estrictos. Consecuentemente, el tipo de políticas de gobernabilidad migratoria que cada lado persigue también serán igualmente diferentes.

ABSTRACT

Borders are subject to constant debate, especially in contemporary times, and generally it centres on one question: how much control does a border need? The border analysed in this essay is the Mexican-American border, and arguments for both positions of the debate coming from North American academia will be evaluated. Despite many scholars do not necessarily advocate in favour of one side, their arguments' logic is usually cited in the debate. Ultimately, it will be pointed out that while pro-open border supporters have a wider array of arguments backing less strict border controls (e.g. human rights, the environment, etc.), pro-closed border adherents generally focused only on traditional security arguments to advocate in favour of tougher border controls. Consequently, the type of migration governability policies that each side will pursue will also be equally different.

* Recibido: 29 de diciembre de 2022. Aceptado: 23 de mayo de 2023

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VOLVER A INICIO

Introduction

There are many debates in the contemporary political arena in the United States: inflation, the post-COVID-19 pandemic recovery, the trade war with China, the Russian acts of aggression over Ukraine, etc. But there is one topic subject of debate which has been around for decades, with constant opinion shifts as the political majorities change: the border, especially the southern border.

Particularly after the tragic events of 11 September 2001, this debate has been strongly polarised due to a series of factors that have taken place ever since which support both postures of the discussion. The rise of international terrorism, the increase of Latin American and Caribbean flows of migrants and the trafficking of drugs, for instance, are generally used to back the closed-border arguments (or at least those that encourage tougher border controls). On the other hand, the countless cases of human rights violations of migrants, and the economic disparity between countries and even the environment are cited to sponsor the open-border discourse (or at best the lessening of border restrictions).

But how accurate are those claims used by both sides of the debate? In this article, some of the arguments provided by contemporary North American scholars in favour of both stronger and loose border controls will be analysed[1] in order to decipher the logic behind them, especially around security[2]. The reason to focus on the opinion of North American academics is because the debate of whether the Mexican-American border should be strictly controlled or not is solely in the United States, not in Mexico. Proof of that, as an example, is that Mexico does not even have plans to construct a border wall on its northern border, and the border surveillance is notoriously severer on the American side (it is not a border equally patrolled by both sides as is, for example, the case with the border in the Korean Peninsula). Moreover, as the aim of this article is not to offer a historical assessment of the debate but a picture of the contemporary trends, for simplicity purposes, only works from the 21st century will be examined.

Closed borders: a matter of security

Many of those that endorse stricter border controls conceive migrants as a potential threat to traditional national security because of the possibility that they might link up with terrorism. This is such because, as Mark Krikorian[3] says, 'no enemy has any hope of defeating our armies in the field and must therefore resort to asymmetric means' (Krikorian, 2004: 77). 'The primary weapons of our enemies are […] the terrorists themselves' (Krikorian, 2004: 78), and with good reason. In a study of the think tank he leads, an:

1 The selection of the authors examined is not intended to be thoroughly exhaustive but illustrative. The works cited were found in databases such as Google Scholar, Web of Science and JSTOR by using keywords that would normally appear in the search for articles that support either side. For example, "terrorism" or "border security" for those who favour strict border controls and "migrants' human rights" or "border environment" for those that demand softer border controls.

2 It is not that these and other authors explicitly write down that border controls on the Mexican-American border must be heightened or softened. But the ideas and arguments they provide usually feature in various debates about the opening or closure of international boundaries.

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VOLVER A INICIO

> Analysis of the 48 foreign-born Al-Qaeda operatives who committed crimes in the United States from 1993 to 2001 (including the 9/11 hijackers) found that nearly every element of the immigration system has been penetrated by the enemy. Of the 48, one-third were here on various temporary visas, another third were legal residents or naturalized citizens, one-fourth were illegal aliens, and the remainder had pending asylum applications. Nearly half of the total had, at some point or another, violated existing immigration laws (Krikorian, 2004: 78).

Mark Krikorian does acknowledge that the American immigration system has indeed prevented terrorist attacks (Krikorian, 2004: 79), but he argues it lacks proper effectivity, and in the end, 'leaves us naked in the face of the enemy' (Krikorian, 2004: 80). To tackle the ambivalence of the immigration system, he suggests a three-layer strategy to improve the system: stronger visa filters; better inspections at ports of entry and tracking of departures and; to reach a political consensus to accurately enforce the law in a coordinated way and the dismissal of 'sanctuary policies' that prohibit the reporting of immigration violations (Krikorian, 2004: 80-84).

Cynthia Sorrensen[4] adds further anxiety to the security concern by suggesting a new layer of border controls: the underground. In the space of at least two decades (1990-2010), she documents more than 140 subterranean tunnels between the Mexican-American border, with the majority of them being either between Nogales, Sonora and Nogales, Arizona or between Tijuana, Baja California and San Diego, California; the former being less sophisticated than the latter, but the latter frequently situated around the same area (the Otay Mesa Industrial Zone) (Sorrensen, 2014: 336). Notwithstanding she explicitly declares that 'to the best of my knowledge, and with some corroboration, there is no evidence of tunnels having provided access to terrorists of weapons of mass destruction', nevertheless, she mentions that 'regardless, national concern for the possibility certainly exists' (Sorrensen, 2014: 329).

She argues that the United States Customs and Border Protection has been using the discovery of underground tunnels as the quintessence of the success of aboveground heightened surveillance and stricter border controls. Hitherto, data seems to validate this claim. From 1990-1999, nine tunnels were discovered at various sites across the Mexican-American border, while from 2000-2009 after border fences had been fortified (chiefly due to 9/11) nearly 100 tunnels were discovered (Sorrensen, 2014; 338). Even the first border tunnel ever discovered, one in Douglas, Arizona in 1990, was uncovered when the ground border had a chain-link fence. Indeed, most border tunnels discovered during the 1990s were in places where steel landing-mat walls were either in process of being erected or had already been finished (Sorrensen, 2014: 339). However, it is worth mentioning that the nature of all these tunnels discovered so far has been drug trafficking, and most of the time these discoveries are linked by the media as an issue Mexico exports to the United States, totally ignoring the fact that drug trafficking drivers expand way beyond an international boundary. In an analysis of press releases in the United States where neutral language is used to describe tunnel discoveries, in almost half a northwards directional language is used (Sorrensen, 2014: 343).

VOLVER
A INICIO

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Seung Whan Choi[5] supports the abovementioned claims that there is a positive relationship between restrictive immigration policy and the reduction of terrorism, albeit not a total one. In his study, he tests how three restrictive immigration policies affect terrorism in Western democracies: border regulations (i.e. universality by nationality, skill level restrictions, quotas, immigrant recruitment policies, restrictions on labour market participation, family reunification policies, refugee policies and asylum policies), immigrants' rights (i.e. citizenship and other rights) and enforcement (i.e. deportation policies and other policies). He concludes that:

> Terrorism is likely to decrease when states restrict immigration to only those who are highly educated and/or are high income [sic] earners, or when states specify how immigrants are registered, where they can live and/or who their employers are. By contrast, terrorism is likely to increase when states provide no special visas or procedures to recruit labour or settlers who are then likely to enter the state illegally, or when citizenship is given only by birth from a native father or mother (Choi, 2018: 21-22).

Furthermore, he finds that the only national indicator that has a significant relationship with terrorism is population: the larger the population, the greater the risk of terrorism. All other indicators considered, that is, democracy, economic development and muslim population, were inconsistent in forecasting terrorism (Choi, 2018: 19).

Immigration policies that do not consider the variable of terrorism 'may have potentially unintended consequences as terrorists often exploit them for their own advantage' (Choi, 2018: 15). Nonetheless, he cautions that states must carefully scrutinise what policy areas they need to improve to successfully prevent terrorism because not all restrictive immigration policies showed the same fruitful outcomes equally in the ten democracies examined (Choi, 2018: 22). In addition, the enforcement of immigration policies, even the tough ones, must be effective; the lack of credibility from a state will only open the door for future terrorist attacks (Choi, 2018: 16).

Likewise, states have the right to take these and other measures regarding immigration control, whatever its level of restrictiveness, because of one simple reason: they are sovereign. In the words of Kalevi J. Holsti[6] 'an essential element of sovereignty is the right to control access to a state, its society and territory' (Holsti, 2004: 94). This is as such because borders have a lot of functions: they define the territorial limits of a country's legal jurisdiction, they help prepare the defence of a country and, more importantly, they demarcate a political and cultural community and provide efficiency within it (Holsti, 2004: 95-96). Yet, although states may occasionally relinquish a certain degree of this right due to the obligations they acquire when entering into treaties, they rarely give up the entirety of their right to control the ingress and egress of their territory[7]. And even if they did, they always have the possibility of abandoning such a treaty.

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7 The obvious -and only- exception is the Schengen Area, but even in this case, Member States do have the possibility to temporarily close their borders if 'there is a serious threat to public policy or internal security' (Art. 25, Regulation (EU) 2016/399 at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0399&from=en).

VOLVER A INICIO

Open borders: more than a matter of (traditional) security

Many proponents of closed borders claim that the Mexican-American border is 'insecure, out of control and crime-ridden' (Castañeda & Chiappetta, 2020: 2), and hence, they firmly suggest that stricter border controls are needed to solve the insecurity issue at the border. But is this truly the case? This is what Ernesto Castañeda[8] and Casey Chiappetta[9] try to discover in their study of border residents' perceptions of crime and security in El Paso, Texas.

Having conducted 919 in-person confidential interviews of El Paso residents (all of them Hispanics, but considering 83% of the local population is indeed Hispanic, this was something difficult to avoid), they found out that '96.9% of respondents reported feeling either "very safe" or "safe"' (Castañeda & Chiappetta, 2020: 6-7). They additionally revealed that, while statistically insignificant, 'those who are undocumented are more likely to perceive El Paso as very safe or safe in comparison to those who are not undocumented' and that 'those not raised in El Paso are more likely to perceive the city as very safe or safe' (Castañeda & Chiappetta, 2020: 9). In a nutshell, the violence typical of northern Mexico has not spilt over the American side of the border. In the words of the authors:

> There is no empirical evidence that supports the claim that an influx of immigrants is a disorganising force in communities. On the contrary, research suggests that "crime and violence are down, cities are growing in population, poor urban neighbourhoods are being economically revitalised and immigrants are renewing small towns on the verge of withering away" (Castañeda & Chiappetta, 2020:10).

There are many hypotheses that could explain this phenomenon, e.g. the low profile immigrants pursue to avoid deportation, the fact that immigrants come from more violent places -something which they avoid replicating-, the presence of law enforcement and the attractiveness to commit wrongdoings in the Mexican side of the border due to the high impunity in Mexico. But it is unlikely that border residents feel safe simply because of the militarisation of the border and the construction of walls and fences because, while difficult to completely reject, crime rates were already low before these actions were implemented (Castañeda & Chiappetta, 2020:11).

Bearing this in mind, thus, other scholars such as Michael A. Clemens[10] explore the possibility of including immigration as a key component of a broader definition of security itself, in his case, as a promoter of development. Development is part of security, and he argues that there is a nexus between development and migration by venturing to say that 'the two cannot be separated in practice' (Clemens,2017: 1).

Migration is not necessarily a result of 'development failure', but the opposite. According to his view, for example, the creation of new job and education opportu-

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VOLVER A INICIO

nities does not deter people from seeking a better life outside of their hometowns. The former because it increases earning power, which can encourage people to believe they can now bear the costs of migrating; the latter because education makes people more qualified, and as such, more likely to be welcomed in a country in need of their skills (Clemens, 2017: 3). This is something he corroborates when finding that 'middle-income countries have about triple the emigrant rate, relative to their populations, of low-income countries' (Clemens, 2017: 4). Yet while he does recognise that countries do not always need to follow this path, he demonstrates that historically that has been the case. He mentions that in 71 countries that became middle- or high-income in the 1960-2013 period, just four did not show a parallel rise in the emigrant share (Clemens, 2017: 5).

Moreover, he also advocates in favour of the idea that migration, on average and over long periods, drives development. For instance, he argues that migrants are typically more productive -by hundreds of percent- in the destination country than in their country of origin and that, due to the networks migrants build with their hometowns, migrants also promote development back home by bringing new technologies, skills, trade, investment and modern social norms (Clemens, 2017: 6). As well, he states that native workers' productivity, especially high-skill ones, is also enhanced by low-skill immigrants because, as a consequence of their presence, native workers are encouraged to invest more in education (Clemens, 2017: 8). Also, while it is true that low-skill native workers usually suffer in some settings in the short term due to the presence of low-skill immigrants, he considers that if countries provided opportunities for native workers to better be able to respond to the influx of foreign workers, such as changing jobs, acquiring new skills or moving, native workers' disruption would then be minimal because they would end up with jobs better suited to their comparative advantage (Clemens, 2017: 8).

There are, nevertheless, other types of scholars that have interesting arguments supporting the idea of softer borders, but not because of security matters, but rather because it is a matter of justice. This is the line of Antonia Darder[11], who blames the ever-widening international inequality, a product of neoliberalism, as the ultimate responsible for the problems attributed to migrants in the United States. In her words:

> Capitalists use technological changes and speculative investment to induce unemployment, thus creating an industrial reserve army of unemployed workers. Rather than immigrants, it is this deliberate creation of unemployment that has exerted a downward pressure on wage rates, thereby creating new opportunities for profitable deployment of capital. This exploitive process of capital accumulation at the expense of workers has been responsible for stagnant and declining real wages over the last 15 years (Darder, 2011: 288).

After giving robust empirical data to support her argument (Darder, 2011: 285-286), she remarks that the 'accumulation by dispossession' is the real threat to the United States, not increasing immigration (Darder, 2011: 287). This is because over 86% of the world's resources are consumed by developed nations (Darder, 2011: 289), leaving the

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VOLVER A INICIO

rest of the world in impoverishment conditions of life, making it reasonable why people decide to undergo the hardships of migrating in spite of the fact they would rather prefer to remain in their own countries. But sadly, the egotistical American ethnocentrism of the system prevents citizens in the United States from understanding this reality (Darder, 2011: 285).

Antonia Darder unambiguously challenges the idea that border fences equal security. Historically, she says, from the Great Wall of China to the Berlin Wall all failed to improve security between nations and, conversely, this was accomplished as a result of the 'building of trust and respect through diplomacy, economic development and common labour, environmental and social agreements' (Darder, 2011: 291). As might be expected, she fearlessly argues that border fences are basically useless because they cannot prevent the -capitalist- system from falling apart, 'a border wall cannot contain the political mendacity, exploitative labour practices and shameful poverty tied to the unchecked excesses of capital' (Darder, 2011: 286).

Probably the supporters of looser borders that have the least to do with traditional security, though with compelling and logical arguments, are those contemplating the environmental variable. To give an example, researchers from Arizona[12] have shed light on the probable impacts on wildlife of a fence along the Mexican-American border, specifically between Arizona (United States) and Sonora (Mexico). In this research, they analysed two species, the pygmy owl and the desert bighorn sheep.

The study concludes that the 'movement behaviour and patterns of interpopulation connectivity we observed in the US-Mexico borderlands suggest border fencing and associated vegetation clearing could degrade landscape connectivity for some species of wildlife' (Flesch et al., 2010: 177). In the case of the owls, they discovered that their flight behaviours would be affected because they tend to jump from trees and fly no higher than 1.4 metres above ground, and transboundary fences in the area are usually 4 metres high (Flesch et al., 2010: 177). Only 23% of flights observed exceeded the 4-metre height, which suggests that the disruption, while not absolute, will severely damage the transboundary connectivity of the owls. In the case of sheep, the disruption would be far worse because their intermountain movements would simply be impossible. *Ergo*, the border fence would prevent transboundary movements of this species, weakening linkages among populations and reducing the probability of relocation in case of local extinctions (Flesch et al., 2010: 179).

12 Aaron D. Flesch, PhD in Organismal Biology and Ecology from the University of Montana and research scientist in the School of Natural Resources and Environment of the University of Arizona. More about him at https://nature.arizona.edu/aaron-d-flesch. Clinton W. Epps, PhD in Environmental Science, Policy and Management from the University of California and professor in the Department of Fisheries, Wildlife, and Conservation Sciences at Oregon State University. More about him at https://blogs.oregonstate.edu/epps/lab-members/clinton-w-epps-associate-professor/. James W. Cain III, PhD in Wildlife and Fisheries Science from the University of Arizona and assistant unit leader at the New Mexico Cooperative Fish and Wildlife Research Unit of New Mexico State University. More about him at https://fwce.nmsu.edu/faculty-staff/james-w-cain-iii.html. Matt Clark, from Defenders of Wildlife. More about him at https://defenders-cci.org/authors/matt-clark/. Paul R. Krausman, emeritus professor in the School of Natural Resources and the Environment at the University of Arizona. More about him at https://press.jhu.edu/books/authors/paul-r-krausman. John R. Morgart. More about him at https://www.researchgate.net/scientific-contributions/John-R-Morgart-30531217.

VOLVER A INICIO

How do both postures compare?

Altogether, it is crystal-clear that both sides of the debate would generally favour the immigration policy that is contrary to the opposing side. Pondering the three models of migratory governability that Lelio Mármora[13] points out (Mármora, 2010: 76-77), closed-border adherents largely opt for 'securitisation' immigration policies while open-border supporters essentially prefer 'human development' immigration policies.

Broadly speaking, the securitisation model of migratory governability proposes policies that have security (national, social, cultural, etc.) at their core. Here, migrants are seen as potential perils not because of their presence *per se*, but because of the relationships they can form with terrorists, drug lords or criminals overall; and also because of the possible cultural shock they can cause to the local population. Therefore, irregular migrants are seen as illegal foreigners (Mármora, 2010: 76). On the other hand, the human development model of migratory governability has migrants at its core. Hence, this person-driven approach unequivocally rejects any association being made between migrants and insecurity and defends the right of free movement, residence, return and social justice for migrants (Mármora, 2010: 77).

Nonetheless, it is worth remarking that neither of these models is applied in a pure form (Mármora, 2010: 77). In fact, they could even merge with a middle-ground model called 'shared benefits', which mainly proposes that migration flows can be beneficial for both destination and origin countries as long as and only if they are orderly and regular (Mármora, 2010: 77). Table I shows a more comprehensive comparison between the models of migratory governability previously mentioned.

	Securitisation	Shared benefits	Human development
Freedom of movement of people	Need for border controls and surveillance of foreigners living in the destination country.	Movement of people is limited to the needs of the destination country's labour markets.	Denial of the existence of so-called freedom of movement of people; questions whether such freedom does indeed exist in the current globalised system in other regards, such as capital goods and technology.

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13 Albeit not American (he is Argentine), Lelio Mármora's work was considered and chosen because it offers a great and comprehensive analysis of how different migratory policies can be compared between them. Additionally, the selection of this Latin American author does not conflict with the proposed aim of the essay -exclusively analysing American scholars- because Mármora's work does not support any position; it simply presents a framework useful for making comparisons of migratory policies -of any country-.

VOLVER A INICIO

Cost-benefit	Transfer of underdevelopment to the destination country. Migrants' use of social services without directly contributing to their maintenance. Contention policies to preserve local culture.	Co-development to reduce undocumented migration (e.g. increase of foreign direct investment and official development assistance); the economic and demographic positive role of migrants is acknowledged. Circular migrations.	Inequality as the cause of migrations. Every migratory policy should be linked with other policies (e.g. commercial) to level up the losers of globalisation *vis-à-vis* its winners.
Participation of migrants	Irregularity limits access to social services; citizen rights are conditioned if migrants have the nationality and have assimilated into the destination country's culture.	Migrants' access to social services is recognised irrespective of their situation; there must be equality of opportunities and the right to cultural difference is respected.	Total participation in society in both origin and destination countries. Multiculturalism is rejected because it promotes social fragmentation, interculturalism (mutual respect) is encouraged instead.
Political spaces for the treatment of migrations	Unilateralism, but with the option of bilateralism and multilateralism under different circumstances. If it is the latter, conventions are signed to legitimise unilateral policies, and if not the case, they are not ratified.	Fierce advocacy in favour of bilateralism and multilateralism.	Total defence of the promotion and compliance of international law in relation to migration.

Table I: comparison between models of migratory governability. Source: **Mármora,** 2010: 77-85.

Final considerations

Migration is a complex issue which needs a thorough assessment in order to adopt the most adequate immigration policies, especially those related to international boundaries. As was shown throughout this article, both sides of the debate regarding the opening or closure of borders have persuading and rational arguments worth considering. It would be a disastrous mistake to decide to ignore one side's claims and *in tandem* take as final word the positions of the other side.

Governmental problems, pretty much like life itself, are rarely solved simply by portraying them as a black-and-white affair (even though politicians nowadays frequently

VOLVER A INICIO

try to make their populations think so). It is indeed irresponsible to look at such a multidimensional and comprehensive situation as is migration at the Mexican-American border through bifocal lenses. As the migration question at the Mexican-American border cannot, due to its complexity, be solved by a single super far-reaching policy, instead, *ad hoc* approaches that try to solve specific issues ought to be pursued. For instance, the improvement of border scanning, the strengthening of underground border surveillance and the betterment of the intelligence work in the visa applications, but also -and at the same time- the establishment of circular migration schemes, the acceleration of immigration processes for asylum-seekers and even to consider alternatives for border fences where their presence will ruthlessly damage the transboundary environment.

These and other *ad hoc* policies will certainly be difficult to sell to a public that is both tremendously polarised and is constantly demanding an immediate resolution to the migration crisis. But all in all, this may be the only -and most reasonable- way to proceed.

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VOLVER A INICIO