

# SMART BORDERS OR A HUMANE WORLD?

By Mizue Aizeki, Geoffrey Boyce, Todd Miller, Joseph Nevins, and Miriam Ticktin

A report published by the Immigrant Defense Project's Surveillance, Tech & Immigration Policing Project, and the Transnational Institute.

*Endorsed by: ACLU of Vermont, American Friends Service Committee (US-Mexico Border Program), Black Alliance for Just Immigration, Detention Watch Network, Just Futures Law, Grassroots Global Justice, Grassroots International, Migrant Justice, Mijente, Migration Technology Monitor, No More Deaths, RGV No Border Wall Coalition, and the Southern Border Communities Coalition.*



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# EXECUTIVE SUMMARY

**On January 20, 2021, his first day in office, President Biden issued an executive order pausing the remaining construction of the southern border wall initiated during the Trump administration. Soon after, the White House sent a bill to Congress, the US Citizenship Act of 2021, calling for the deployment of “smart technology” to “manage and secure the southern border.”**

This report delves into the rhetoric of “smart borders” to explore their ties to a broad regime of border policing and exclusion that greatly harms migrants and refugees who either seek or already make their home in the United States. Investment in an approach centered on border and immigrant policing, it argues, is incompatible with the realization of a just and humane world.

Case studies from Chula Vista, California, the European Union, Honduras, Mississippi, and the Tohono O’odham Nation provide substance to this analysis. So, too, do graphics that illustrate the militarized US border strategy and the associated expansion of borders; the growing border industrial complex; the spreading web of surveillance; and the relationship between wall-building, global inequality, and climate change-related displacement.

As the report traces, the embrace of “smart borders” emerged in the aftermath of 9/11. Smart borders involve the expanded use of surveillance and monitoring technologies including cameras, drones, biometrics, and motion sensors to make a border more effective in stopping unwanted migration and keeping track of migrants. Championing smart borders was—and remains—one of three key pillars of US Customs and Border Protection (CBP) strategy, along with physical barriers and personnel. Smart borders are also embedded in a logic of deterrence, which seeks,

by way of militarized border infrastructure, detention, and deportation, to make unwanted migration so brutal and painful that it will dissuade people from even trying to enter the United States without authorization.

The use of technology by US border agencies is not new. As early as 1919, the US government deployed armed aerial surveillance and reconnaissance of the border region. However, contemporary smart borders are unique in the sophistication of the technologies they embody, the scope of the personal data they are able to collect, and the integration of these systems with one another. They are also more extensively used within and beyond the United States than ever. This is reflected in the increasingly global presence of CBP and Immigration and Customs Enforcement (ICE): the former has 23 offices and the latter 48 offices outside the United States.

The report details some of the more prominent deployments of smart-border technologies. In addition to drones and automatic license plate readers, such technologies include:

- **Integrated Fixed Towers (IFTs)**, built by Elbit Systems of America, a subsidiary of the Israeli arms company. Elbit has built fifty IFTs throughout southern Arizona, each of which has daytime, night-vision, and thermal-energy cameras that can see at a distance of up to

seven and a half miles, as well as a ground-sweeping radar with a radius of nearly thirteen miles.

- **Ankle monitors**, enable ICE to track those with pending asylum applications and others under ICE supervision. Ankle shackles subject people to electronic incarceration with economic, social, psychological, and legal consequences. As of August 2019, there were over 43,000 individuals subject to this technology.
- **Migrant data analysis and tracking.** ICE has worked closely with Palantir to develop two key tools. The first is the Investigative Case Management (ICM) platform that links records to multiple investigations. The second is FALCON Search and Analysis (FALCON-SA), which analyzes data from multiple databases run by DHS and law agencies, as well as from data streams linked to people's internet and social media activity. These platforms enable ICE to apply artificial intelligence to vastly speed up the agency's capacity and efficiency to detain and deport.

Embracing such technologies, many leading Democratic and some Republican politicians argue that a “smart” border offers a humane alternative to Trump-era immigration policy. Yet as this report shows, “smart” or not, all border policing shares a common goal: to control human beings and to deny entry to those deemed undesirable or undeserving. In other words, the goal of a “smart” border is not increased humaneness, but greater effectiveness in advancing this violent enterprise.

In substantiating this position, the report highlights and explores five core harms of US border policing:

1) **A boom in the border and surveillance industrial complex.** Between 2008 and 2020, CBP and ICE issued 105,997 contracts worth \$55.1 billion to private corporations—such as

CoreCivic, Deloitte, Elbit Systems, GEO Group, General Atomics, G4S, IBM, Leidos, Lockheed Martin, Northrop Grumman and Palantir—with ever more contracts for “smart border” technologies. The spending bonanza has provided a bottomless market for growth. There can never be “total” security and, thus, there will always be an alleged need for new technology to fill perceived gaps. Failure of any kind helps create a market for the next even more expensive product or service.

2) **The growing policing of immigrants and their communities, the borderlands, and society as a whole.** Via surveillance technologies, the capacity of the Department of Homeland Security to police and monitor individuals has grown tremendously. On any given day, for example GPS enabled ankle monitors are attached to the bodies of tens of thousands of noncitizens. Such targeted forms of surveillance are complemented by passive ones that monitor a growing swath of the US population. This is especially the case with the US borderlands with Mexico and Canada where CBP provides funding and equipment to local police to incentivize cooperation. CBP also uses such technologies to monitor social movements and political speech. In 2020, for example, CBP aerially surveilled Black Lives Matters protests in at least 15 cities. In addition, the capacity to arrest and detain noncitizens has grown dramatically, as ICE has vastly expanded its surveillance arsenal via, among other technologies, mobile fingerprinting devices and data analytics developed by Palantir to facilitate tracking and targeting of individuals.

3) **Separation and undermining of families and communities.** Trump's zero-tolerance program made family separation a hot political issue. However, the dividing and harming of families have long been, and continue to be, outcomes of US border and immigration policy. For example,



studies show that the arrest, detention, and/or deportation of family members cause symptoms associated with post-traumatic stress disorder. Such symptoms can lead to decline in school performance, negative impacts on health and nutrition, poverty, and economic insecurity—not only for those who have been forcibly deported, but also for those who remain in the United States.

**4) The maiming and killing of large numbers of border crossers.** The US Border Patrol reports an annual average of 355 deaths between 1998 and 2019, or about one death per day over a twenty-two-year period. Because many bodies are not recovered, however, the true figure is far higher. A strengthened border-policing apparatus has forced migrants to take even more dangerous routes. This has led to a rise in the rate of mortality, which has increased fivefold since 2000, as well as countless injuries to border crossers.

**5) Exacerbation of socioeconomic inequality.** The growing illegalization and criminalization of immigrant workers reduces their power vis-à-vis employers, increasing exploitability and disposability. During the pandemic, US farm laborers, most of them undocumented, were declared “essential workers” and DHS announced it would adjust its policing operations accordingly. This exposes how many nation-states and the interests they serve view workers as resources to be exploited when needed and discarded when they are not. In doing so, their practices reflect and reinforce class- and race-based distinctions and their associated inequities, contributing to a world that is apartheid-like. The biggest predictor of which countries construct border walls, and where, is the wealth gap between the nation-state constructing the barrier and the place and population defined as a threat. In other words, the building of walls and policing of international mobility both reflects and produces unequal—and unjust—life-and-death circumstances.

The harms outlined above manifest the extraordinary growth in the budgets for immigration and border policing, which have increased from \$1.2 billion in 1990 to \$25.2 billion in 2019—a more than 2,000 percent jump in less than thirty years. Today’s budget rivals total spending by some of the world’s largest militaries: in 2019, CBP and ICE spending almost matched the military budgets of Australia, Brazil, and Italy, while exceeding those of Canada, Israel, Spain, and Turkey.

This growth reflects a political choice rather than an inevitable state of affairs. It is predicated on the purported need for massive investment in border policing in response to an ever-expanding range of manufactured threats. Yet it never seeks to address any of the root causes of unwanted migration, such as global economic inequality, intensifying climate crisis, failures of multilateral trade policy, and political violence.

As a first step toward a different path, the report highlights key demands of various migrant rights and advocacy groups, which collectively would start to dismantle the border and immigrant control regime.

The report concludes by arguing that we must move beyond a narrow debate limited to “hard” versus “smart” borders toward a discussion of how we can move toward a world where all people have the support needed to lead healthy, secure, and vibrant lives. A just border policy would ask questions such as: How do we help create conditions that allow people to stay in the places they call home, and to thrive wherever they reside? When people do have to move, how can we ensure they are able to do so safely? When we take these questions as our starting point, we realize that it is not enough to fix a “broken” system. Rather, we need to reimagine the system entirely.



# 1 INTRODUCTION

**Through a series of executive orders, the Biden administration quickly terminated the most highly publicized and odious components of the Trump administration’s immigration and border-policing agenda. The executive orders include an end to the Muslim ban, the “zero tolerance” policy that led to the separation of children from their parents, and construction of the southern border wall.**

Biden has also ordered a review of the “Remain in Mexico” policy and other policies that all but suspended US asylum law.<sup>1</sup> The Biden presidency thus manifests not only a defeat of Donald Trump, but also of key elements of Trumpism. Moreover, it represents an opportunity to reverse the figurative and literal wall-building championed by the previous administration.

Among many leading Democratic and Republican politicians, there is a belief that a “smart” border—the expansive use of surveillance and monitoring technologies including cameras, drones, biometrics, and motion sensors—offers a humane alternative to Trump-era immigration policy. The Biden administration’s US Citizenship Act of 2021, for example, calls for the deployment of “smart

technology” to “manage and secure the southern border.”<sup>2</sup> However, the notion that high-tech policing infrastructure is a meaningful alternative to physical barriers obscures the fact that both were integral to the Trump administration’s widely condemned immigration practices. Indeed, Homeland Security officials have long acknowledged this.

This report offers a critical analysis of the “smart” border paradigm, as well as of the larger project of boundary-building of which it is part. It thus explores the emergence of high-tech measures, situating them within the massive expansion of the policing apparatus deployed against immigrants, migrants, and other noncitizens in the US-Mexico borderlands and beyond in recent decades. As we discuss, the results of these developments harm transnational migrants, border communities, and the broader public in the United States and abroad. Rather than offering a meaningful alternative to wall-building, mass detention, and mass deportation, the expansion of the policing and surveillance technology that “smart” borders embody are extensions of these projects. As the use of these technologies expands farther into the country’s interior and helps push US border and immigration controls beyond national territory, the myriad harms they produce will undoubtedly intensify.

The enormous growth of the apparatus has been especially pronounced over the past thirty years or so. In 1990, the budget for immigration and border policing (then housed within the Immigration and Naturalization Service, or INS, under the Department of Justice) was \$1.2 billion. In 2019, the budget (now housed in Customs and Border Protection [CBP] and Immigration and Customs Enforcement [ICE], agencies within the Department of Homeland Security) had grown to

\$25.2 billion—a more than 2,000 percent increase in less than thirty years. The budget also rivals total spending by some of the world’s largest militaries: in 2019, CBP and ICE spending almost matched the military budgets of Australia, Brazil, and Italy, while exceeding those associated with Canada, Israel, Spain, and Turkey.<sup>3</sup>

This budgetary escalation has fueled a dramatic increase in the number of noncitizens detained by US authorities, and a marked growth in the number of Border Patrol agents and ICE officers within the country’s interior. It has also entailed growing surveillance and policing of people who live in border regions, migrant workers, and immigrant communities throughout the United States. In 1999, anthropologist Josiah Heyman described the US-Mexico border region as one where “more and more people either work for the watchers, or are watched by the state.”<sup>4</sup> More than twenty years later, what constitutes that border region, and whom it encompasses, have both grown dramatically. So, too, have the mechanisms of watching, the number of watchers and those who are watched, and the associated geography.<sup>5</sup>

Indeed, CBP’s authority concentrates not just at ports of entry and along the country’s borders, but within a hundred miles from any external boundary of the United States—an area in which two-thirds of the US population resides.<sup>6</sup> In addition, over the past few decades, the federal government has steadily enlisted local law enforcement as a “force multiplier” for ICE policing by way of two key programs. The first is Section 287(g) of the Immigration and Nationality Act, which authorizes the federal government to deputize local police and jails to serve as immigration agents. The second is Secure Communities, a program that automatically shares fingerprints and other arrest-related information gathered by police with DHS.<sup>7</sup>

The expansion of border- and immigration-related surveillance and policing has not made the United States a society whose members enjoy broad and meaningful security. The high death toll associated with COVID-19 and the severe economic pain and vulnerability experienced by so many exemplify this fact. Nor have the developments described above contributed to a more just and peaceful world. Instead, the hardening of the country's borders has facilitated the growing militarization of US society and of the US-Mexico border region in particular. This has especially impacted immigrant communities, people of color, and Native American communities whose traditional homelands traverse nation-state boundaries, thus furthering the adverse effects of their colonization and dispossession.

Globally, by making international mobility more difficult for the poor, the border buildup has helped intensify socioeconomic inequality and myriad forms of violence. Among the manifestations of this are the growing number of deaths of migrants in transit, family separation, and the countless casualties of the US-backed drug wars—in the United States and abroad. All of this has also undermined effective action aimed at addressing true crises such as the COVID-19 pandemic, climate breakdown, and the realization of justice on various fronts—economic, environmental, political, and social.

By exploring the outcomes described above, this report seeks to chart an alternative path to one of endless securitization of the border and its expansion toward generalized surveillance and control throughout the US interior. This alternative path does not seek to achieve a border that is “smart,” rendering the projects of mass surveillance, detention, and deportation more efficient. Instead, the report aims to cultivate a more humane world, one of a broad security for all.

Such an endeavor necessitates that we remind ourselves of why people migrate. Take, for example, El Salvador, Guatemala, Honduras, and Mexico (the countries of origin for the majority of illegalized migrants who come to the United States), in addition to other significant sending countries such as Haiti. While there are many reasons for their migration, the famous statement by Sri Lankan and British novelist, activist, and writer A. Sivanandan—“We are here because you were there”<sup>8</sup>—goes a long way to making sense of it. Among the central factors are the need to find safety from political and social violence, endemic poverty, and, increasingly, ecological degradation, not least that associated with climate breakdown—all factors the United States has played an outsize role in fueling. These are also factors that increased surveillance and policing will not meaningfully address, let alone resolve.

The United States and the world are currently in a dangerous time, facing mounting crises associated with public health, climate change, and global inequality. But it is also potentially a time of transition and an opportunity to envision a world far better than one characterized by violent borders.<sup>9</sup> This is why we have to pose different questions than the ones that dominate mainstream political debate. Thus, rather than asking what is the best way to secure the border, we need to ask questions like these: *How do we help create conditions that allow people to stay in the places they call home, and to thrive wherever they reside? When people do have to move, how can we ensure they are able to do so safely? And: What is the world in which we want to live, and how do we get there?* Answering these questions requires that we pivot away from the “smart” border paradigm and the set of assumptions that drive it and the larger border-building enterprise. Instead, we must invest in the construction of a just, compassionate, and sustainable world.





## 2 WHAT IS A “SMART” BORDER?

**The concept of a smart border emerged in the aftermath of the September 11, 2001 attacks in the United States. It was a time when discussions were also unfolding that led to the creation of the US Department of Homeland Security (DHS).**

According to Alan Bersin—the “border czar” under both Presidents Clinton and Obama—the establishment of DHS represents “a massive paradigm shift,” one that involves the viewing and management of borders “as flows of people and goods as much as lines in the sand, on the water, or through the air.”<sup>10</sup> In other words, as Bersin makes clear,<sup>11</sup> it’s a shift that entails seeing US borders not simply as fixed points, but as locations where journeys

to the United States from abroad begin. US borders are thus found far beyond what is typically conceived of as the country’s territory.

In this regard, the 9/11 attacks led to considerable political pressure to dramatically enhance border policing and increase the monitoring of citizens and noncitizens both within and outside of US territory. An early result was a “smart borders” agreement

between the governments of Canada and the United States. Signed in December 2001, the accord, which was partially extended to Mexico a few months later, aimed to “enhance security of our shared border while facilitating the legitimate flow of people and goods.”<sup>12</sup>

Central to a smart border is the use of advanced technologies. Indeed, CBP officials have repeatedly made clear that smart border technology is one of the three key pillars of its policing strategy, the other two being physical barriers and personnel. The expansion of the smart border is therefore a continuing priority for the agency<sup>13</sup>—and for what it defines as its charge: “keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade.”<sup>14</sup>

Although smart borders are a distinctly post-9/11 concept, there is nothing new about utilizing technology to surveil and police US territorial boundaries. In 1919 (five years before the founding of the US Border Patrol), the US War Department established the short-lived US Army Border Air Patrol, an armed aerial surveillance and reconnaissance unit, for example. Border fencing goes back to at least the late 1930s, and manned surveillance towers were present in the 1940s.<sup>15</sup> The early 1970s saw the introduction and deployment of motion detectors used as part of the US war in Vietnam to areas of the borderlands.<sup>16</sup> And the use of technologies like night-vision equipment goes back to at least the 1990s.

Still, there are two markedly unique aspects of contemporary “smart borders” in the United States. First is the sophistication of the technologies they embody, the scope of the personal data they are able to collect, and the integration of these systems with one another.

Second is their centrality to what is framed as complementary efforts to stymie clandestine movement and to facilitate the smooth flow of authorized border crossings. Enabling this is robust federal spending, which fuels the critical role of military, security, and information technology (IT) corporations in an ever-growing border industrial complex.<sup>17</sup>

At its core, a smart border involves a reliance on high-tech measures—particularly biometrics, surveillance and detection technologies, and information technology—to accomplish these objectives. In the face of massive flows of people and goods—the vast majority of them authorized—the goal is to create a filter, one that catches what is illicit and allows to pass through what is desired across the US boundaries with Canada and Mexico, two of the United States’ three biggest trading partners (along with China). The US government, explains political scientist Peter Andreas, seeks “to have it both ways: Create borders that perform as better security barriers and as efficient economic bridges at the same time.”<sup>18</sup>

The actual components of the “smart border” have grown in number and reach over the past two decades, including the years of the Trump administration. They include integrated fixed towers (see the case study on IFTs), remote video surveillance systems, mobile video surveillance systems with cameras, Predator B surveillance drones, mobile X-ray units, automated license-plate readers, and cellphone tracking “sting ray” towers throughout the US-Mexico borderlands. Thousands of implanted motion sensors are also integrated into what some have referred to as a “virtual” or technological wall. These components are coupled with vastly increased biometric data-collection capabilities—fingerprinting, facial

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and iris recognition, and now DNA samples (see the case study on the HART System)—and technologies that enable the generation of unique identifiers. The identifiers facilitate centralization of massive amounts of data as well as increased data-sharing between agencies in the United States and abroad.<sup>19</sup> And with the effective (and growing) extension of US borders abroad—take, for instance, the presence of Customs and Border Protection agents at airports in countries from Ireland and Panama to Canada and the United Arab Emirates—the “smart borders” of the United States are certainly not limited to US territory.<sup>20</sup>

Support for “smart borders”—as is the case with a strong border-policing apparatus in general—is and has long been a bipartisan affair. During his 2008 presidential campaign, for example, Barack Obama championed investment in “virtual fence” technologies like those launched in 2006 by his predecessor, George W. Bush. More recently, Congressman Will Hurd (a Republican from Texas) has championed a “smart” border as a necessary complement to a physical barrier, explaining that “we should not hamstring ourselves by only focusing on one tool in our toolkit.”<sup>21</sup> Hurd’s fellow Texan, Representative Henry Cuellar (Democrat), argues that border walls constitute “a 14th century solution to a 21st

century problem”; more modern methods—  
aerostats or tethered balloons with surveillance cameras and motions sensors, for example—would not only be more effective, but also less expensive, according to Cuellar.<sup>22</sup>

For many Democrats, there is an additional benefit: a “smart” border is a humane one, they suggest. When the House Appropriations Committee released the draft fiscal year 2021 Homeland Security funding bill, for example, then-Representative Nita Lowey (D-NY) said that it provided “strong investments in modern, effective technologies” for border policing while prohibiting funding “for President Trump’s racist border wall boondoggle.”<sup>23</sup>

What such distinctions erase is that all border policing—whether low-tech or “smart”—shares a common goal: to control human beings and to deny entry to those deemed undesirable or undeserving. In other words, the goal of a “smart” border is not increased humaneness, but greater effectiveness in advancing this violent enterprise. Central to this goal in terms of the contemporary US regime of border and immigration policing is the strategy of deterrence, the focus of the next section.



## ***Integrated Fixed Towers***

In January 2015, Elbit Systems of America, a subsidiary of an Israeli company, built an Integrated Fixed Tower (IFT) about ten miles north of the border city of Nogales, Arizona. It was the first of approximately fifty Elbit IFTs throughout southern Arizona that would become a central component of the current US border surveillance system. The IFTs have cameras that can see at least seven and a half miles and a ground-sweeping radar with a radius of nearly thirteen miles. The towers also come equipped with night vision and thermal energy cameras. The tower feeds go into command-and-control centers where agents (and, since 2017, National Guard troops) watch monitors for any sort of “suspicious” activity.

These were not the first such towers in the borderlands. IFTs were also central to an endeavor called the Secure

Border Initiative Network (SBInet). Launched in 2006, SBInet was imagined as a “virtual fence.” Its aim was to accomplish real-time “threat detection” and automated risk analysis across an integrated network of mobile data terminals, distributed ground sensors, and IFTs spread across the entire US–Mexico border (and eventually the US–Canada border as well). Between the G. W. Bush and Obama administrations, a total of \$3.7 billion was appropriated for SBInet, which was developed by the Boeing Corporation.<sup>1</sup> Nonetheless, SBInet was an operational failure. Its ground sensors proved incapable of distinguishing between animals and human beings. The IFTs became inoperable in rain and under windy conditions, while the rugged, mountainous conditions of the Arizona desert undermined their visual range. As a

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<sup>1</sup> United States Government Accountability Office, “Secure Border Initiative: Technology Deployment Delays Persist and the Impact of Border Fencing Has Not Been Assessed,” September 9, 2009, <https://www.gao.gov/products/gao-09-896>.



result, Congress discontinued the initiative in 2011.<sup>2</sup>

Still, the dream of a virtual fence—as part of a “smart border”—endures, as almost all the Elbit towers are now in place. This has deadly results: the towers effectively push unauthorized border crossers into ever-more remote areas. This explains why there has been a meaningful shift in the location of recovered human remains outside the visual range of the IFTs after their deployment, beginning in 2006, to more arduous routes of travel. One result has been a dramatic increase in the rate of mortality (the number of human remains divided by total Border Patrol apprehensions). By 2020, the rate had more than doubled that recorded in 2010, and it was more than five times that recorded in 2000.<sup>3</sup>

IFTs have also led to significant complaint and activism within border communities. Residents say that the towers are invasive and violate their privacy (see the case study on

the Tohono O’odham Nation). Indeed, when IFTs were first deployed near Arivaca, Arizona, residents complained that the towers were visible from inside their homes. Moreover, they noted that the towers were oriented in such a way that they appeared capable of monitoring the community itself<sup>4</sup>—observations that led to a wave of protest.<sup>5</sup>

IFTs are not limited to the southern border. In its initial SBI-net pilot run, the Boeing corporation constructed eleven surveillance towers along a thirty-seven-mile stretch near Lake St. Clair and the St. Clair River in Michigan,<sup>6</sup> as well as four towers outside of Buffalo, New York.<sup>7</sup> In February 2021, CBP announced plans to build eight high-tech surveillance towers near the US-Canada border in Vermont, and two in New York.<sup>8</sup> This led the ACLU of Vermont to protest the towers, arguing that they “would accelerate the gradual militarization of our region and threaten the privacy, civil liberties, and safety of countless local residents.”<sup>9</sup>

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7 Associated Press, “More Spy Towers Planned for Detroit, Buffalo,” NBC News, March 31, 2009, <https://www.nbcnews.com/id/wbna29981037>.

8 Justin Trombly, “Feds Propose Video Surveillance Towers along Canadian Border,” *VT Digger.org*, February 18, 2021, <https://vtdigger.org/2021/02/18/feds-propose-video-surveillance-towers-along-canadian-border/>; US Customs and Border Protection, US Department of Homeland Security, “Environmental Assessment of Northern Border Remote Video Surveillance System Project, Swanton Sector, Vermont, Phase 1,” February 2021, [https://www.cbp.gov/sites/default/files/assets/documents/2021-Feb/Final%20DRAFT\\_EA\\_Swanton%20RVSS\\_Feb\\_v2.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2021-Feb/Final%20DRAFT_EA_Swanton%20RVSS_Feb_v2.pdf).

9 “Statement of ACLU of Vermont: Border Patrol’s Proposed Video Surveillance System Project,” *Newport Daily News*, February 21, 2021, [https://www.newportvermontdailyexpress.com/news/statement-of-aclu-of-vermont-border-patrol-s-proposed-video-surveillance-system-project/article\\_66c916bo-7489-11eb-a649-53249e1acf66.html](https://www.newportvermontdailyexpress.com/news/statement-of-aclu-of-vermont-border-patrol-s-proposed-video-surveillance-system-project/article_66c916bo-7489-11eb-a649-53249e1acf66.html); Justin Trombly, “Vermont ACLU Voices Opposition to Border Towers Proposal,” *VT Digger.org*, February 26, 2021, <https://vtdigger.org/2021/02/26/vermont-aclu-voices-opposition-to-border-towers-proposal/>.



## 3 THE STRATEGY OF DETERRENCE

Central to the United States' efforts to fortify the border is a strategy of deterrence—one that has evolved over the years to include interdiction at sea, mass detention, militarization of the country's land boundaries, and global border-security agreements. The logic of deterrence is that the hardship and suffering confronting migrants and asylum-seekers upon trying to enter the United States must be more severe than whatever conditions they may be fleeing. So, too, must the punishment be severe of people in the country in violation of US immigration laws.

In this manner, so goes the theory, people will become convinced that it is simply not worthwhile to attempt the journey or to remain in the United States without official authorization. This explains the continuing trajectory of punitive and coercive policies that underlie the migration control regime.

The deterrence strategy has its roots in efforts to prevent migration from Haiti and Cuba in the 1980s by way of interdiction and mass detention.<sup>24</sup> In 1994, the Border Patrol introduced Prevention Through Deterrence (PTD), the first effort at a comprehensive national strategy focused on the US-Mexico boundary. PTD concentrates policing resources and infrastructure in and around population centers in the borderlands, with the goal of pushing unauthorized migrants into remote areas characterized by arduous and dangerous terrain, resulting in many thousands of deaths.<sup>25</sup> Yet the strategy has failed to prevent unauthorized migration: during the policy's first decade, the number of migrants crossing the border grew considerably, and every year remains in the hundreds of thousands.

The Border Patrol and DHS broadly have continuously strengthened their embrace of deterrence, in part by enlarging its geographic scope. For example, the United States encourages and funds programs that include the massive buildup of border operations in southern Mexico and Central America, including the Merida Initiative started under President G. W. Bush in 2008 and the Central America Regional Security Initiative (CARSI) started under President Barack Obama in 2010.<sup>26</sup> In 2003, the CBP created its first attaché office in Mexico; now there are more than twenty-three offices globally. There are also forty-eight ICE offices worldwide.<sup>27</sup> In addition, the US Coast Guard interdicts migrants at sea and

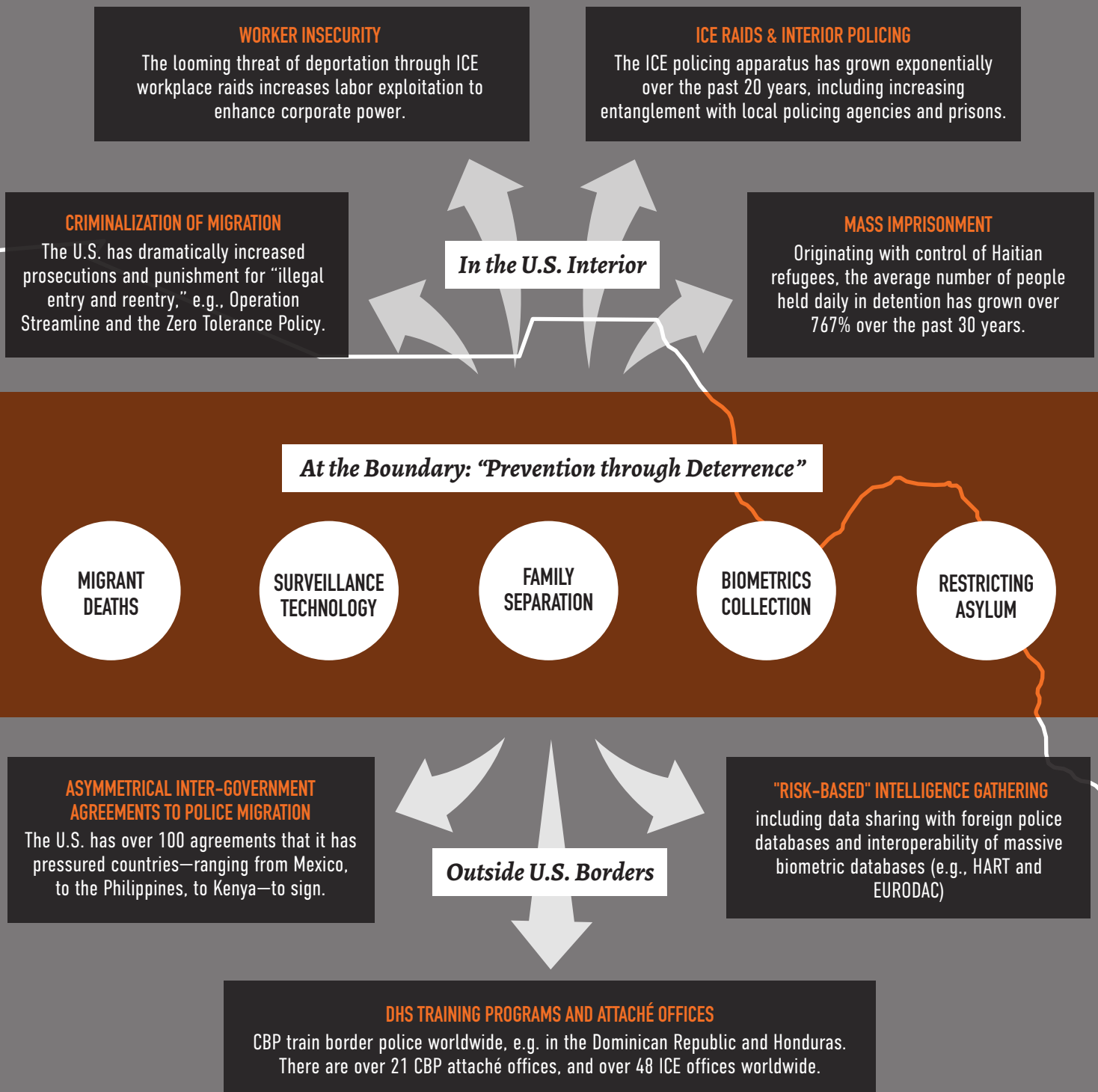
has partnerships and agreements with Caribbean countries like the Bahamas, Haiti, the Dominican Republic, and Cuba to expand migrant policing capabilities.<sup>28</sup> Officials refer to this Caribbean enforcement and detention apparatus as the “third border.” CBP coordinates this “third border” from its regional headquarters in Puerto Rico. By effectively enrolling foreign governments in the US border policing regime in the name of “cooperation,” DHS has essentially created a zone of deterrence that encompasses a wide swath of the hemisphere.

In the United States and along the US-Mexico border, DHS has continually expanded the deterrence strategy to include a variety of measures:

- **Lateral repatriation.** This involves deporting people to regions far from where they crossed, often to Mexican border towns plagued by powerful criminal organizations. In the process, families and others crossing together are frequently separated from one another. The stated purpose of lateral repatriation is to attempt to disrupt people's ability to access smuggling networks. Arriving in unfamiliar border cities disoriented and alone, repatriated migrants are very vulnerable. Organized criminal groups frequently prey upon migrants by using tactics like extortion, kidnapping, torture, forced labor, and other forms of violence.<sup>29</sup>
- **Zero Tolerance and the Criminalization of Migration.** Relying on laws designed in 1929 to control Mexican labor flows, the post-9/11 border regime has increasingly relied on deterring migration through the criminal prosecution for the act of “illegal entry” or “illegal reentry” through programs

# DETERRENCE AND THE EXPANSION OF BORDERS

Central to the U.S. efforts to fortify the border is a strategy of deterrence — one that has evolved to include interdiction at sea, interior immigration policing, mass detention, militarization of the country's land boundaries, and global border security agreements. The logic of deterrence is that the hardship and suffering confronting migrants and asylum-seekers upon trying to enter the United States must be more severe than whatever conditions they may be fleeing. So, too, must the punishment be severe of people in the country in violation of immigration laws. As the theory goes, people will thus become convinced that it is not worthwhile to attempt the journey or to remain in the United States without authorization. This explains the continuing trajectory of punitive and coercive policies that underlie the migration control regime.





like Operation Streamline.<sup>30</sup> Formalized in 2012 under the Border Patrol's Consequence Delivery System,<sup>31</sup> Streamline led directly to the Trump administration's policy of separating families. Justified as a "zero-tolerance" initiative, family separation emerged by subjecting parents apprehended with their children at the border to the same criminal prosecution routinely imposed on most other adult migrants since the mid-2000s. In 2018, then Chief of Staff and former DHS Secretary John Kelly was explicit about the objectives of family separation, arguing that "a big name of the game is deterrence" and that this would form "a tough deterrent [and] a much faster turnaround on asylum seekers."<sup>32</sup>

- **Detention.** Since the 1980s, forcible confinement, or detention, has also played an increasing role in deterrence.<sup>33</sup> The growth has been massive: in the mid-1990s, the daily average of people in detention numbered about seven thousand; today, it is roughly forty thousand.<sup>34</sup> The Obama administration implemented two initiatives, both in 2014, that helped grow immigrant detention significantly. The first was the introduction of a "no bond" or "high bond" policy for immigrants in ICE detention. The second was the reintroduction of family detention (the original "kids in cages" policy), which ICE argued was necessary for "detering others from taking the dangerous journey and illegally crossing into the United States."<sup>35</sup>
- **ICE Raids.** Interior policing—in the form of ICE raids—also plays an important role in deterrence. As asserted in Operation Endgame, DHS's first strategic plan for its detention and removal operations (DRO) issued in 2003,

its goal is to build the capacity "to remove all removable aliens." Also dependent on expanding the role of local police as force multipliers—this includes biometric data-sharing between local police and ICE through programs such as Secure Communities—ICE raids have played a prominent role in the administration of deterrence since the founding of DHS.<sup>36</sup>

- ICE has shifted its logic over the years of who constitutes the primary threat to "national security" and "public safety" to justify the policing of noncitizens. The G. W. Bush administration, for example, focused on Muslims through controversial programs that included the cataloging, surveillance, and detention of Muslim noncitizens.<sup>37</sup> It also targeted undocumented people with deportation orders (so-called "fugitive absconders") and workers via large-scale workplace arrests. The Obama administration similarly focused on broadly defined threats to "national security," concentrating on "criminal aliens" and recent border crossers, while, in the process, rapidly expanding the role of local police in immigration control. Trump seamlessly incorporated these logics into his xenophobic, white-nationalist agenda and used the power of DHS to effectively target anyone subject to deportation.<sup>38</sup> Notably, investment in "mission-critical systems" and state-of-the-art information and surveillance technology have been crucial for enabling raids.<sup>39</sup>
- **Metering and the Migration Protection Protocols.** The escalation of deterrence-based cruelty culminated in the Trump administration. Among what stands out were its imposition of metering (a practice that

severely limits the number of persons who can petition for asylum on any given day) and the Migration Protection Protocols (also known as MPP or the “remain in Mexico” policy). Both policies have required individuals and families seeking to petition for asylum lawfully in the United States to wait for months or years in northern Mexico for scheduling or adjudication of their cases. Lacking resources and authorization to work in Mexico, many of these individuals live in squalid *ad hoc* refugee camps with little infrastructure or support, all the while remaining vulnerable to continued predation by organized criminal groups. Asserted one US official: “M.P.P. is the logical extension of the Consequence Delivery System. By the logic of it, M.P.P. is the biggest deterrent of all.”<sup>40</sup>

In February 2021, the Biden administration announced the end of the Migrant Protection Protocols, and slowly began admitting into the United States those with pending cases under the program. As of April 2021, however, the practice of metering remains in place. So, too, do the Trump-era Title 42 restrictions, which also limit asylum.

In the name of the public-health emergency associated with COVID-19, Title 42 allows US authorities to reject and return most asylum-seekers without affording them access to any legal process or review. In its first two months in office, the Biden administration deported more people of Haitian origin per Title 42 than were deported in all of FY 2020 during the Trump administration.<sup>41</sup>



## *Lessons from the Smart Borders of “Fortress Europe”*

Among the most extensive “smart borders” regimes is that of the European Union.<sup>1</sup> Like the United States, the EU employs a wide array of technologies to surveil and patrol land and sea, and to determine, by way of algorithms, who can and cannot cross its borders.

Frontex is the agency in charge of policing the European Union’s external borders. Established in October 2004, the agency fulfills its overall mission by way of three principal means: 1) providing information and analysis to EU member states regarding what the agency defines as threats to their external borders; 2) training of border guards; and, most visibly, 3) conducting expansive sea and land border operations that aim to repel unauthorized migrants and return them to the countries from which they have come.

The agency frames unwanted migration as an “objective” risk due to its entanglements with networks involving transnational crime, human trafficking, and drug smuggling. Frontex then uses these framings, while drawing on the language of human rights and humanitarianism, to justify border-policing work. It does so, in part, by suggesting that the agency saves migrants—particularly those who already are or could become caught in these networks—by utilizing technologies, for example, that could identify smugglers before they lead migrants on dangerous journeys; or to help to rescue imperiled individuals at sea.

The EU’s border-building efforts have produced three key outcomes that are instructive for the United States: a “pushing out” of the EU’s borders, the proliferation of migrant camps, and a large death toll.

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<sup>1</sup> Ainhua Ruiz Benedicto, “Guarding the Fortress: The Role of Frontex in the Militarisation of Migration in the European Union,” Transnational Institute, November 26, 2019, <https://www.tni.org/en/guarding-the-fortress>.

**BORDER EXTERNALIZATION AND EXPANSION:** Frontex brings together existing national systems—from defense and disease control to maritime safety—of all EU member countries to create what it calls “the system of systems.” These public systems are increasingly partnering with private enterprises, from global technology companies to military contractors.<sup>2</sup> The goal is to achieve total surveillance of the EU’s “external borders.” These include not only the Mediterranean and the border areas of North Africa, but any place from which migration could originate. By pressuring African states to participate in the EU migrant policing apparatus and inducing them to do so via trade deals, arms transfers, and aid programs, the European Union has effectively pushed its borders into sub-Saharan Africa. It has also strengthened some of the region’s most authoritarian states.<sup>3</sup>

**THE PROLIFERATION OF CAMPS IN THE PERIPHERY:** The EU’s smart borders employ a variety of surveillance systems. They include unmanned aerial vehicles along Libya’s desert borders, optronic and radar technologies that scan the Mediterranean from the air, and surveillance towers that use visual and electromagnetic identification techniques to scan the Straits of Gibraltar and the Moroccan coast. These smart borders have resulted in the interception of migrants *en route* and their detention in a series of camps in North Africa—in Libya, Algeria and Morocco—paid for by the EU. Human Rights Watch and others reveal that imprisoned migrants face regular and sustained violence by local police.<sup>4</sup>

Frontex has engaged in “pushback” operations at sea—a potentially illegal practice—stopping migrant vessels from entering EU waters and from landing on Greece’s shores.<sup>5</sup> Those who manage to circumvent such obstacles and cross the sea, or who take new and treacherous land routes, often get stopped at the edges of Europe and put into increasingly overflowing frontier camps. For instance, Moria, the refugee camp on the island of Lesbos in Greece, held up to twenty thousand migrants in a space designed for three thousand, inevitably producing conflict with locals and amplifying the already huge risk of COVID-19 (see sidebar on COVID-19 and smart borders). A fire destroyed the camp in September 2020, leaving thousands unhoused. When the migrants then demonstrated and demanded the right to leave the island and go to the EU’s mainland, Greek police responded with tear gas. New camps have also emerged along routes that go through Eastern Europe, but they too are subject to conflict and violence. Late December 2020 saw the burning down of the squalid camp in Lipa, Bosnia, one that housed 1,400 migrants with another 1,500 refugees and asylum seekers living in nearby squats and forest camps.

**Growing surveillance, camps, and smart borders “within”:** The camps that proliferate on the “exterior” have different names but take similar forms in the EU’s interior; they are called “detention” or “retention” or “holding” centers. Both formal and informal, the camps are located in private hotels, city buildings, airports, on the outskirts close to borders (like the former “Jungle”

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2 “IDEMIA and Sopra Steria Chosen by eu-LISA to Build the New Shared Biometric Matching System (sBMS) for Border Protection of the Schengen Area,” press release, IDEMIA, June 4, 2020, <https://www.idemia.com/press-release/idemia-and-sopra-steria-chosen-eu-lisa-build-new-shared-biometric-matching-system-sbms-border-protection-schengen-area-2020-06-04>. See also the “Border Wars” series of reports from the Transnational Institute, available at <https://www.tni.org/en/topic/border-wars>.

3 Mark Akkerman, “Expanding the Fortress: The Policies, the Profiteers and People Shaped by EU’s Border Externalisation Programme,” Transnational Institute, May 11, 2018; <https://www.tni.org/en/publication/expanding-the-fortress>.

4 Human Rights Watch, “Abused and Expelled: Ill-Treatment of Sub-Saharan Migrants in Morocco,” February 10, 2014, <https://www.hrw.org/report/2014/02/10/abused-and-expelled/ill-treatment-sub-saharan-african-migrants-morocco>.

5 See Nick Waters, Emmanuel Freudenthal, and Logan Williams, “Frontex at Fault: European Border Force Complicit in ‘Illegal’ Pushbacks,” Bellingcat, October 23, 2020, <https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-implicit-in-illegal-pushbacks/>; and “Frontex: Agency’s Initial Response to Alleged Involvement in Pushbacks,” Statewatch, February 24, 2021, <https://www.statewatch.org/news/2021/february/frontex-agency-s-initial-response-to-alleged-involvement-in-pushbacks/>.



in Calais, France), or even within cities like Paris.<sup>6</sup> They are composed of a mix of formal and informal housing—from shipping containers to tents.

Just as camps are proliferating in the “interior,” so, too, are smart border technologies. People coming from outside the EU are made to face AI lie detectors,<sup>7</sup> DNA tests, and other technologies,<sup>8</sup> which defer responsibility for judgment and classification of people to technologies that have been shown to be untrustworthy. The AI lie detectors, for instance, are part of a largely untested automated system, and the facial recognition algorithms on which this system relies have been shown to have high error rates, particularly with women and people of color.<sup>9</sup> Racialized minorities are surveilled in places like train stations with these same technologies, legitimating racism and racial profiling.<sup>10</sup> In this sense, wherever they are found, migrants—and the racialized minorities with whom they are conflated—serve as experimental subjects for these technologies.<sup>11</sup>

#### **A MASSIVE CEMETERY AT SEA AND FATALITIES ON LAND:**

The Mediterranean has the distinction of becoming the location of the greatest number of lethal border crossings in the world; indeed, it has become a mass grave. Between 2014 and 2020, according to the Missing Migrants Project of the International

Organization for Migration (IOM), more than twenty thousand individuals lost their lives while trying to cross the Mediterranean, circumvent the border policing apparatus of the European Union (EU), and reach the shores of what many now refer to as “Fortress Europe.” Smart borders have furthered migrant deaths at sea by forcing migrant vessels to take treacherous routes, requiring the use of smugglers; and by coordinating maritime responses to stop ships with migrants from docking in any EU port, leaving many to simply drift and die.

On land, hundreds more have died within Europe according to the IOM, and countless others have perished within Africa. Authorities in countries like Libya and Morocco sometimes deport migrants into the desert, leaving them to die. Moreover, a combination of vehicles getting lost or breaking down in the desert areas of North and sub-Saharan Africa, with attacks by bandits, has led to many fatalities. As Ambassador Raul Mateus Paula, head of the EU delegation in Niger, admitted: “We know that many people are dying in the Mediterranean. But many are dying in the desert as well, and we have not many statistics.”<sup>12</sup>

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6 Aurelien Breeden, “Outcry in France after Police Clear Paris Migrant Camp,” *New York Times*, December 23, 2020, <https://www.nytimes.com/2020/11/24/world/europe/police-paris-migrant-camp.html>.

7 Rob Picheta, “Passengers to Face AI Lie Detector Tests at EU Airports,” CNN, November 2, 2018, <https://edition.cnn.com/travel/article/ai-lie-detector-eu-airports-scli-intl/index.html>.

8 Zach Campbell, Caitlin Chandler, and Chris Jones, “Sci-Fi Surveillance: Europe’s Secretive Push into Biometric Technology,” *Guardian*, December 10, 2020, <https://www.theguardian.com/world/2020/dec/10/sci-fi-surveillance-europes-secretive-push-into-biometric-technology>.

9 Picheta, “Passengers to Face AI Lie Detector Tests at EU Airports.”

10 Julie Kleinman, *Adventure Capital: Migration and the Making of an African Hub in Paris* (Oakland: University of California Press, 2019).

11 Katja Lindskov Jacobsen, “Experimentation in Humanitarian Locations: UNHCR and Biometric Registration of Afghan Refugees,” *Security Dialogue* 46, no. 2 (2015): 144–164, <https://doi.org/10.1177/0967010614552545>. See also Petra Molnar, “Technology on the Margins: AI and Global Migration Management from a Human Rights Perspective,” *Cambridge International Law Journal* 8, no. 2 (2019): 305–330.

12 Ty McCormick, “Highway Through Hell,” *Foreign Policy*, October 4, 2017, <https://europeslamsitsgates.foreignpolicy.com/part-2-highway-through-hell-niger-africa-europe-EU-smuggling-migration>.



## 4 THE WORK THAT BORDER POLICING DOES

Most of the media attention paid to the policing of US borders focuses on unauthorized border crossers and efforts to prevent asylum seekers from reaching US territory. This serves to obscure other key factors in the development of the US border-policing regime in recent decades: the war on drugs and, more recently, the war on terror. These multifaceted roots help elucidate the work of heavily policed US borders—whether “smart” or low-tech.

**“Such intrusive technology is the outgrowth of a US-government-constructed crisis predicated on the purported need for massive investment in border policing in response to an ever-expanding range of manufactured threats—from terrorism to unwelcome asylum seekers.”**

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These roots also embody a privileging of a narrow notion of security, the pursuit of which helps produce many harmful outcomes: 1) a huge border and surveillance industrial complex; 2) the growing policing of immigrants and their communities, the borderlands, and society as a whole; 3) the separation and undermining of families and communities; 4) the maiming and killing of large numbers of border crossers; and 5) the exacerbation of socioeconomic inequality. We examine each of these outcomes below.

## **GROWING THE BORDER AND SURVEILLANCE INDUSTRIAL COMPLEX**

In 2018, San Diego-based General Atomics received a contract from US Customs and Border Protection (CBP) with a \$279 million potentiality. For more than ten years, the company had been working with CBP to manufacture and maintain nine unmanned aerial systems. These Predator B drones (a nonweaponized version of what the Pentagon uses in places like Afghanistan and Iraq) can “detect moving targets on the ground and water.” An integral part of the “smart” surveillance border, they work in tandem with an array of high-tech cameras, motion sensors, and ground-sweeping radar. Many of the drones are equipped with Vehicle and Dismount Exploitation Radar (VADER) “man-hunting” radar systems, first used in Afghanistan, produced by the weapons

manufacturer Northrop Grumman.<sup>42</sup>

The Department of Homeland Security has hopes and plans for more on the drone front. With potentially far-reaching implications for residents of the ever-widening US borderlands with Mexico and Canada, these plans raise immediate concerns related to privacy and civil liberties. In April 2018, DHS created a testing scenario for companies to demonstrate small drones with the capability to “fly unnoticed by human hearing and sight” along a “predetermined route observing and reporting unusual activity and identifying faces and vehicles involved in that activity comparing them to profile pictures and license plate data.”<sup>43</sup>

Such intrusive technology is the outgrowth of a US- government-constructed crisis predicated on the purported need for massive investment in border policing in response to an ever-expanding range of manufactured threats—from terrorism to unwelcome asylum seekers. This both reflects and helps fuel a powerful border industrial complex through innovation and product development, campaign contributions, lobbying, constant engagement with government officials, and the revolving door between industry and government.<sup>44</sup> Corporations have made the most of the resulting spending bonanza. Between 2008 and 2020, CBP and ICE issued 105,997 contracts worth \$55.1 billion to private corporations.<sup>45</sup>

Smart borders fit clearly into this dynamic. A

# THE BORDER INDUSTRIAL COMPLEX:

## *The Militarization of U.S. Borders and Corporate Power Fuel One Another\**

“Smart” border technology is the outgrowth of a U.S.-government-constructed crisis predicated on the purported need for massive investment in border and immigration policing in response to an ever-expanding range of manufactured threats — from terrorism to unwelcome asylum seekers. This reflects and helps fuel a powerful border industrial complex through innovation and product development, campaign contributions, lobbying, constant engagement with government officials, and a revolving door between industry and government. Corporations have made the most of the resulting spending bonanza.

*\* Adapted from Todd Miller, “More Than A Wall: Corporate Profiteering and the Militarization of US Borders,” Transnational Institute, September 16, 2019, <https://www.tni.org/en/morethanawall>*

### CBP & ICE Budgets

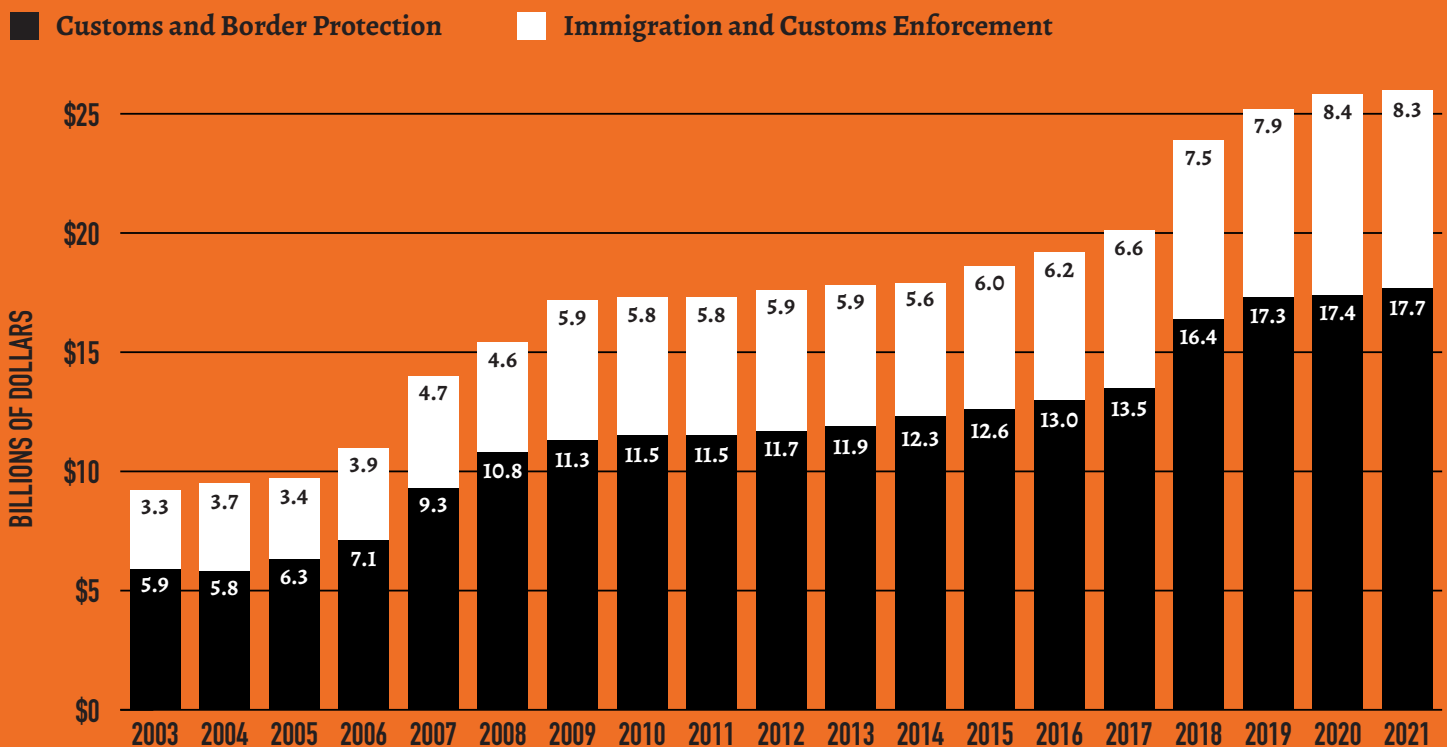
**↑3X**

CBP and ICE budgets have almost tripled since the founding of DHS.

**↑6000%**

The budget for border policing has increased by more than 6000% since 1980.

### CBP & ICE Annual Budgets, FY 2003—2021



Source: Congressional budgets, gross budget authority as provided in Conference Reports, FY 2003—2021



## Government Contracts

**BORDER POLICING BONANZA FOR CORPORATIONS:** The last 3 decades have witnessed an explosive boom in spending on the border regime. Military, security, and IT companies have raked in billions.

**\$55.1 BILLION** in 105,000 CBP and ICE contracts to private corporations, 2008–2020

## Top Border Security Companies

**13 COMPANIES PLAY A PIVOTAL ROLE IN THE U.S. BORDER INDUSTRY:**

CoreCivic	G4S
Deloitte	IBM
Elbit Systems	Leidos
GEO Group	Lockheed Martin
General Atomics	L3Harris
General Dynamics	Northrop Grumman
	Palantir

## Campaign Contributions

**>\$40 MILLION**

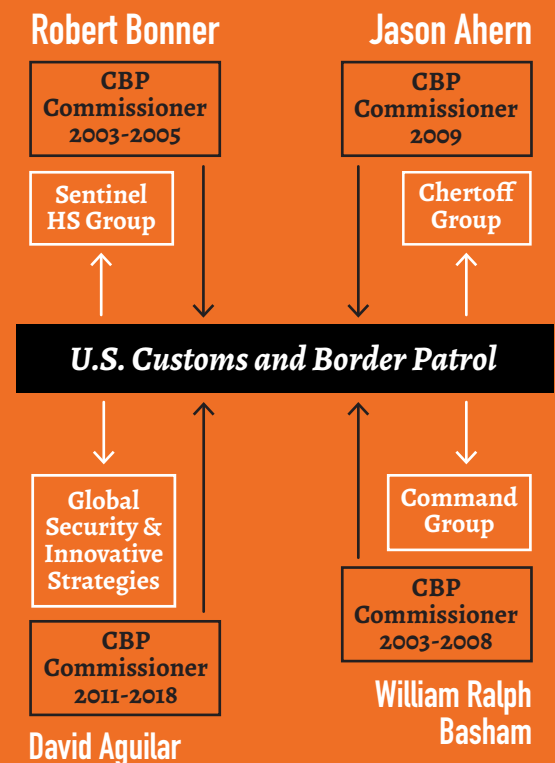
during 2020 electoral cycle to Democrats and Republicans

**\$10 MILLION**

in 2020 electoral cycle to members of strategic legislative committees that design and fund border security policies: The House and Senate Appropriations Committees and the House Homeland Security Committee.

## Revolving Door

**BETWEEN 2003 AND 2017, FOUR CUSTOMS AND BORDER PROTECTION (CBP) COMMISSIONERS WENT ONTO HOMELAND SECURITY CORPORATIONS OR CONSULTING COMPANIES AFTER LEAVING GOVERNMENT.**



2016 report titled “U.S. Public Safety & Homeland Security Market – 2016-2022” by Kenneth Research reported “major shifts” in border policing. These involve a move away from a focus on airports and critical infrastructure protection to “smart borders, safe cities and cybersecurity,” thus creating “new market niches and fresh business opportunities.”<sup>46</sup>

Biometrics is one such opportunity, a realm in which CBP and ICE are already heavily involved. For example, Northrop Grumman received the top contract to shift CBP’s biometric system (known as IDENT), which contains data on 250 million people (up from 1.8 million twenty years ago), to its new cloud-based version, Homeland Advanced Recognition Technology (HART). The HART System (see our case study) is an example of corporate synergy: fingerprint, iris, and facial matching capabilities will reside in a government-certified section of Amazon Web Services.

Northrop Grumman is developing additional features, such as the ability to identify people based on “DNA, palm prints, voice, scars, physical markings and tattoos.”<sup>47</sup> Since biometric data can be used to identify a person for their entire lifetime, the creation of a biometric database creates tremendous risks far into the future—“whether that be a change in political situation or regime, a future data breach, or the development of technology meaning that biometrics can be used for more purposes, and could reveal more information and intelligence about individuals than is currently possible.”<sup>48</sup>

Meanwhile, Northrop Grumman has been a top contributor to members of the Congressional Homeland Security Committee since DHS’s founding in 2003. The company has also contributed significantly to members of the Appropriations Committee, and always lobbies

significantly (along with most other border contractors) when the DHS budget appropriation process happens each year. This is emblematic of the practices of an array of companies engaged in “homeland security.” Typically, they fund Democrats and Republicans equally, manifesting the bipartisan nature of industry-government ties.<sup>49</sup> Such profit-fueled dealings coupled with the state diversion of resources to “homeland security” underlies why a militarized, high-tech, and surveillance-oriented response to migration has become so powerful. It has become one of the biggest impediments to a humane response to migration.

## **GROWING POLICING OF IMMIGRANTS & THEIR COMMUNITIES, THE BORDERLANDS, AND U.S. SOCIETY**

In 2006, as part of the Secure Border Strategic Plan, the Department of Homeland Security began to conceptualize “land and maritime borders, the interior, and threats and risks that originate beyond the borders” as part of a shared “continuum” of enforcement.<sup>50</sup> In doing so, DHS intentionally blurs the distinction between “border” and “interior” space. Key to this effort is an ability to continuously collect, warehouse, and navigate expansive private, personal, and biometric data.

To advance its surveillance ambitions, DHS has also established contracts with Palantir Technologies to develop what it calls “mission critical” software tools that enable ICE agents to vastly expand their arrest and targeting capabilities. Palantir, which donates heavily to Democrats and Republicans alike, was cofounded in 2003 by vocal Trump supporter Peter Thiel, and



## *The HART System*

At the 2017 Border Security Expo in San Antonio, Texas, DHS director of identity operations Patrick Nemeth stood before industry executives and told them that biometrics for Customs and Border Protection “went big time” after 9/11. Since then, the number of “subjects” CBP keeps in its fingerprint data has increased from ten million to 212 million. Nemeth boasted that, at the time, DHS had the second-largest biometric system in the world, “right behind India’s.”<sup>1</sup> By 2020, the number of “unique identity

records” had increased to 260 million.<sup>2</sup> This number is expected to double every seven years.<sup>3</sup>

Since the 1990s, US authorities have used a biometric identification system known as IDENT. However, its capacity for growth is limited, according to DHS officials. Thus, in 2015, CBP began developing a new system known as the Homeland Advanced Recognition Technology System, or HART — “a more robust system

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1 Todd Miller, “More Than A Wall: Corporate Profiteering and the Militarization of US Borders,” Transnational Institute, September 16, 2019, <https://www.tni.org/en/morethanawall>.

2 Department of Homeland Security, “Biometrics,” accessed January 30, 2021, <https://www.dhs.gov/biometrics>.

3 Chris Burt, “Inside the HART of the DHS Office of Biometric Identity Management,” BiometricUpdate.com, September 4, 2018, <https://www.biometricupdate.com/201809/inside-the-hart-of-the-dhs-office-of-biometric-identity-management>.

that will provide OBIM [CBP's Office of Biometric Identity Management] with flexible and more efficient biometric data that supports DHS core missions."<sup>4</sup> On an average weekday, the IDENT system makes 350,000 biometric "transactions" — collections of data, mostly from noncitizens, but also from citizens, at ports of entry and exit (air, land, and sea), as well as at Border Patrol stations. The HART system would more than double this capability to 720,000 transactions<sup>5</sup> and also facilitate biometric data sharing between US government agencies, as well as those associated with foreign governments. The system would further bolster the databases with "at least seven types of biometric identifiers, including face and voice data, DNA, scars and tattoos, and a blanket category for 'other modalities.'"<sup>6</sup> According to the Electronic Frontier Foundation, it would contain biographical data (from commercial and social media sources) about each person and their "relationship patterns," information that can be used to "identify political affiliations, religious

activities, and familial and friendly relationships."<sup>7</sup> Although DHS would rely heavily on this biometric database, OBIM does not provide any assurances regarding the accuracy of the data.<sup>8</sup>

In 2018, the company Northrop Grumman won the contract to implement the first two increments of the HART rollout.<sup>9</sup> HART's development is expected to continue for the foreseeable future, after the passing of delays related to the COVID-19 pandemic and various technological challenges.<sup>10</sup> CBP's Enforcement System Division director Antonio Trindade told industry executives at the 2017 Border Security Expo that HART would reach the border crossing in Tapachula (Mexico's southernmost city), suggesting that Mexican authorities would deploy the technology in cooperation with the United States. "It's a great time for biometrics," he said.<sup>11</sup>

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4 Anthony Kimery, "DHS's Biometric Advanced Recognition Technology System Begins Road to the Cloud," *BiometricUpdate.com*, May 7, 2020, <https://www.biometricupdate.com/202005/dhss-biometric-advanced-recognition-technology-system-begins-road-to-the-cloud>.

5 Burt, "Inside the HART."

6 Jennifer Lynch, "HART: Homeland Security's Massive New Database Will Include Face Recognition, DNA, and Peoples' [sic] 'Non-Obvious Relationships,'" Electronic Frontier Foundation, June 7, 2018, <https://www.eff.org/deeplinks/2018/06/hart-homeland-securitys-massive-new-database-will-include-face-recognition-dna-and>.

7 Lynch, "HART."

8 While OBIM will be the system owner and data steward, it has stressed that it will not own any of the data (data providers maintain ownership of the data and are responsible for its accuracy). US Department of Homeland Security (DHS), "Homeland Advanced Recognition Technology System (HART) Increment 1 Privacy Impact Statement (PIA), 2, DHS/OBIM/PIA-004," February 24, 2020. Federal agencies are required, since 2002, to conduct Privacy Impact Assessments for any information technology systems that contain personally identifiable information. Despite the implementation of Increment 2 and the planned implementation of Increment 3, no PIA has been done on these stages of HART. See Section 208 of the E-Government Act of 2002.

9 Northrop Grumman, "Northrop Grumman Wins \$95 Million Award from Department of Homeland Security to Develop Next-Generation Biometric Identification Services System," press release, February 26, 2018, <https://news.northropgrumman.com/news/releases/northrop-grumman-wins-95-million-award-from-department-of-homeland-security-to-develop-next-generation-biometric-identification-services-system>.

10 Kimery, "DHS's Biometric Advanced Recognition Technology"; United States Government Accountability Office, DHS Annual Assessment, page 41, <https://www.gao.gov/assets/gao-21-175.pdf>

11 Miller, "More than a Wall."



got its start developing intelligence systems for the CIA and US military. Mijente, a national Latinx justice organization, has identified Palantir as “the most prominent supporter of the deportation machine in Silicon Valley.”<sup>51</sup>

Palantir’s work for ICE includes the development of the Investigative Case Management (ICM) platform, which allows the agency to “link records to multiple investigations in order to draw connections between cases.”<sup>52</sup> The ICM works in tandem with another Palantir tool, the FALCON Search and Analysis (FALCON-SA) application, which is used by ICE to “store, search, analyze and visualize volumes of existing information.”<sup>53</sup> FALCON-SA routinely ingests and analyzes information from “all the FALCON components, ICM, the Immigration and Enforcement Operational Records System (ENFORCE)—which includes ICE, U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) arrest and investigation records—and other ICE systems.”<sup>54</sup> This information is not only shared among DHS agencies but also among all levels of law enforcement, including international agencies.

These platforms aspire to enable ICE to integrate and apply artificial intelligence to identify connections within and among data streams associated with people’s internet and social media activity, network analysis of their social media contacts, phone records, financial records, cellphone GPS, license-plate readers, facial recognition software, and other biometrics. Combined with other investigative tools, the goal is to render this information searchable in real time, in order to assist in the tracking of individuals and the undertaking of targeted arrests.<sup>55</sup>

In 2019, *The Intercept* published an analysis of

records obtained via the Freedom of Information Act that revealed how ICM had been integral to a 2017 ICE operation to conduct database checks on hundreds of parents and other family sponsors of unaccompanied children arriving at the US border—with the ultimate aim of detaining and deporting these family members already resident in the United States. (In response to this operation, a coalition of immigrants’ rights groups accused ICE of using asylum-seeking children as “bait.”)<sup>56</sup> Meanwhile, through another FOIA inquiry, Mijente published internal records showing how FALCON-SA was integral to an ICE plan called Operation Mega. Had the operation taken place (ICE canceled it following the plan’s disclosure), it would have been the largest coordinated set of immigration raids in US history, unfolding over five days in September 2017, for which ICE set an arrest quota of 8,400 people.<sup>57</sup> To support this operation, ICE was prepared to deploy other surveillance technologies, including mobile fingerprinting devices and a handheld unit developed by Cellebrite, that breaks into cellphones and downloads data.

Mijente finds that Palantir’s surveillance platforms FALCON-SA and ICM are “now part of most enforcement actions by ICE.” These actions, in turn, drive a host of harms and hardships that disseminate across households and communities in the United States and abroad. For this reason, the role of these technologies in advancing aggressive immigration policing has triggered widespread protest and condemnation aimed at both Palantir and at Amazon, the company that provides Palantir with cloud data storage.<sup>58</sup>

These surveillance capabilities are not limited to the targeting of immigrants and other noncitizens. According to an archive of data

# How COVID-19 has Enhanced the Harmful Effects of Smart Borders

The response of governments to COVID-19 has brought into relief some of the dangerous, far-reaching consequences of borders.

The first consequence concerns how state actors have intensified the war on migrants by conflating it with the battle against the pandemic. Central to this is the use of the language of war and invasion to conflate invasive pathogens and people—the “Chinese virus” is a case in point—and to close national borders, mixing up medical and political quarantine.

Framing the problem as one of insufficiently closed nation-state borders can have deadly effects. Epidemiologists have shown that shutting borders only makes sense before a virus is present. This is why doctors associated with the US government’s Centers for Disease Control and Prevention found the Trump administration’s Title 42 order—closure of the US land border with Mexico to all but “essential” crossers—to have no basis in public health.<sup>1</sup>

Rather than stymieing the virus, border-policing practices have frequently helped it grow while further endangering migrants. In the European

Union, for example, camps and detention centers (see “Fortress Europe”) have spread the virus among migrants. Governments have closed maritime ports, and countries like Italy, Malta, and Libya have ceased rescues of migrants imperiled at sea. Meanwhile, European governments have employed subcontractors charged with compelling and guiding vessels carrying migrants back to violence-plagued Libya, violating principles of non-refoulement. When migrants do succeed in making it to Italy or Malta, authorities have kept them for weeks in ferries that double as floating detention centers, in unspeakable conditions.<sup>2</sup> Overcrowded camps have enabled the virus to spread like wildfire.

Similar conditions exist in immigrant detention centers in the United States; they have the country’s highest rates of COVID-19 due to overcrowding and lack of adequate sanitation and healthcare, imperiling not only people held in ICE custody and staff, but also local communities.<sup>3</sup> As of February 8, 2021, 9,309 people in ICE custody had tested positive for COVID-19<sup>4</sup>—an infection rate thirteen times higher than the US average.<sup>5</sup> The United States

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1 Ariana Sawyer, “CDC Director Doubles Down on Endangering Asylum Seekers,” Human Rights Watch, October 15, 2020, <https://www.hrw.org/news/2020/10/15/cdc-director-doubles-down-endangering-asylum-seekers>.

2 Charles Heller, “De-confine Borders: Towards a Politics of Freedom of Movement in the Time of the Pandemic,” Centre on Migration, Policy and Society, University of Oxford (COMPAS), Working Paper No. 147 (2020), <https://www.compas.ox.ac.uk/2020/de-confine-borders-towards-a-politics-of-freedom-of-movement-in-the-time-of-the-pandemic-wp/>.

3 Eli M. Cahan, “America’s Immigration System Is a COVID Superspreader,” *Scientific American*, February 26, 2021, <https://www.scientificamerican.com/article/americas-immigration-system-is-a-covid-superspreader1/>.

4 See “Impact of COVID-19 on the Immigration System,” American Bar Association, 2020, [https://www.americanbar.org/groups/public\\_interest/immigration/immigration-updates/impact-of-covid-19-on-the-immigration-system/](https://www.americanbar.org/groups/public_interest/immigration/immigration-updates/impact-of-covid-19-on-the-immigration-system/); and US Immigration and Customs Enforcement, “ICE Guidance on COVID-19,” accessed on February 13, 2021, <https://www.ice.gov/coronavirus>.

5 Eamon N. Dreisbach, “COVID-19 Rates Among ICE Detainees 13 Times Higher than US average,” Healio, November 4, 2020, <https://www.healio.com/news/infectious-disease/20201104/COVID19-case-rates-among-ice-detainees-13-times-higher-than-us-average>.

also continued deportations of COVID-19 positive individuals to countries like El Salvador, Guatemala, Haiti, Honduras, and Mexico.<sup>6</sup> Such matters illustrate why *investing* in migrant health, rather than excluding migrants, is a clear route to minimizing the pandemic.<sup>7</sup>

The second major consequence is a potential one. It grows out of governments' embrace of advanced technology—much of which was already developed for smart borders—as a solution to the “problems” of both unwanted migration and the pandemic, opening the door to widespread “bio-digital-surveillance” in the process.<sup>8</sup>

In response to the pandemic, some have proposed immunity or COVID-19 “passports”; these would enable some to travel, while rendering others immobile. The digital COVID passport would combine mobile apps and centralized registries, facial recognition, and QR codes to instantaneously affirm the health status and identity of its holder.<sup>9</sup>

While some limited and protected forms of tracking and contact tracing may help contain the virus, the technologies under development promise to institute unequal regimes of mobility (see the section on “global apartheid”). FaceFirst, a \$10.4 million facial recognition

startup in Encino, California, for example, is working on a “coronavirus-immunity registry” of medical data, which feeds into a mobile facial recognition app. Aside from immunity status, it will include information on the types and features of any tests the owner has undergone. Meanwhile, a London-based company, Onfido, has raised \$265 million to develop a system that shows proof of immunity.<sup>10</sup> In addition to the highly questionable feasibility of such a system due to constant changes in both medical knowledge and virus profiles, it raises serious questions about privacy and civil liberties. With whom, for example, would information be shared? And how long would the information be stored? In addition, who will have access to such tests, vaccines, and (therefore) the would-be passports?

A risk is that, in order to gain access to a territory, some will be willing to self-infect to demonstrate their antibodies. And some will be asked to sacrifice themselves for the safety of others.<sup>11</sup> The United States has already seen a variation of this risk through the sacrifice of “essential workers,” who are primarily immigrants and people of color.

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6 Daniel Gonzalez, “‘They Were Sending the Virus’: Guatemala Reels After U.S. Deports Hundreds of Deportees with COVID-19,” *Arizona Republic*, October 28, 2020, <https://www.azcentral.com/story/news/politics/immigration/2020/10/28/hundreds-deported-by-us-to-guatemala-during-pandemic-had-COVID-19/5902239002/>.

7 See, for example, Laura Spinney, “For True Herd Immunity, We Must Vaccinate Immigrants as a Priority,” *Guardian*, January 14, 2021, <https://www.theguardian.com/commentisfree/2021/jan/14/herd-immunity-vaccinate-immigrants>.

8 Didier Bigo, “COVID-19 Tracking Apps, or: How to Deal with a Pandemic Most Unsuccessfully,” *about:intel*, 2020, <https://aboutintel.eu/COVID-digital-tracking/>.

9 Judith Levine, “The Bioeconomics of Covid-19: How, Exactly, Do We Value a Human Life?” *n+1*, November 17, 2020, <https://nplusonemag.com/online-only/online-only/the-bioeconomics-of-COVID-19/>. See also Monika Pronczuk, “The E.U. Will Propose a Vaccine Passport System for Europe,” *New York Times*, March 1, 2021, <https://www.nytimes.com/2021/03/01/world/eu-vaccine-passport.html>.

10 Levine, “The Bioeconomics of Covid-19.”

11 Miriam Ticktin, “No Borders in the Time of COVID-19,” *Journal of the American Anthropological Association*, July 2, 2020, <http://www.americananthropologist.org/2020/07/02/no-borders-in-the-time-of-COVID-19/>.

## ***Case Study: Testimony by Nicholas Paul, 25, Student at the University of San Diego***

I was born in Chula Vista, California, but I was raised on both sides of the US-Mexico border. I'm a *fronterizo*, so just about every weekend I go to Tijuana to visit family and friends. It's a way of life. It's not something that is unique to me, it's my whole family, my whole neighborhood.

Over the years, surveillance technology has increased in my community. CBP has begun to use face scanning technology in the pedestrian lanes at the border, for example. Chula Vista's local police force has a new drone program, and now it's using automated license plate readers [ALPRs].

In Chula Vista, in early 2017, we went through a community conversation about becoming a sanctuary city. And a lot of community members, including myself, got involved. We pushed our elected officials to designate us as a Welcoming City.<sup>1</sup> For the organizers, it was a very proud moment.

In late 2020, however, there was an exposé<sup>2</sup> in our local newspaper revealing that the Chula Vista Police Department had begun using ALPRs and sharing the collected data with ICE and CBP only a few months after we became a Welcoming City.

The contract was with Vigilant Solutions. It's a subscription service that law enforcement agencies can buy into. Basically, the company pulls data so that different agencies can access it. These agencies are communicating license plate info to it. ALPRs are

cameras mounted on vehicles. They take thousands and thousands of images. They collect information not only about license plates but also the car—make, model, color, location coordinates. While on its face an ALPR may not seem too scary, when used with other information it can be used to target our undocumented community.

We recently had a community information session [the Chula Vista Surveillance Ad-Hoc Committee]. We sent out a survey to all the participants. We learned that people are worried that ICE is surveilling their homes. In one case, ICE took a man into custody after he left for work one morning. There are examples of ICE arresting folks in their neighborhoods. There have been deportations.

This contradicts our values as a community. By declaring us a "Welcoming City," our elected officials and police department made a commitment to enact policies that make Chula Vista more inclusive and embracing of our documented and undocumented community members. Moreover, through Senate Bill 54, California is a "sanctuary state." SB 54 was supposed to be this line in the sand, saying that local law enforcement agencies would not cooperate with ICE and CBP and contribute to the federal government's deportation machine. The police department's continued use and exchange of license plate/vehicle information with ICE and CBP contradicts the spirit of both SB 54 and Chula Vista's "Welcoming City" designation.

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1 Regarding "Welcoming Cities," see Welcoming America's website: <https://welcomingamerica.org/what-is-welcoming/>.

2 Gustavo Solis, "Chula Vista Gives Immigration Officials, Others Access to License Plate Reader Data," *The San Diego Union-Tribune*, December 6, 2020, <https://www.sandiegouniontribune.com/communities/south-county/chula-vista/story/2020-12-06/chula-vista-gives-immigration-officials-others-access-to-license-plate-reader-data>.



collected by the Electronic Frontier Foundation (EFF), between 2015 and 2019 there were more than 180 instances of local law enforcement in border communities using various advanced surveillance platforms.<sup>59</sup> These included assets deployed by Border Patrol itself and others transferred to state, county, and municipal police via CBP's Operation Stonegarden, a program that allocates money and equipment to jurisdictions in order to incentivize cooperation with Border Patrol. Summarizing EFF's findings, journalist Sidney Fussell writes that the technologies deployed included "facial-recognition software, cellphone-tracking 'sting ray' towers . . . license-plate cameras, gunshot-detecting acoustic-surveillance devices, drones, and spy planes." Collectively, these technologies can track "where people travel, as well as whom they call, text, and visit. The tools can also identify people without their knowledge or consent."<sup>60</sup> Justified in the name of policing immigrants and other noncitizens, this level of monitoring places the entire US population under passive surveillance, raising substantial questions about the degree to which these surveillance practices violate fundamental civil liberties. Native American communities located along (and divided by) the US-Mexico boundary are especially hard-hit (see our case study on "The Case of the Tohono O'odham Nation").

So, too, are many communities in the US-Mexico borderlands broadly. Journalist Melissa del Bosque describes what has happened to the residents of Hidalgo and Starr counties in South Texas. She characterizes the two border counties as "now among the most profiled and surveilled communities" in the United States. This is due to the heavy presence of the US Border Patrol and the Texas Department of Public Safety (DPS), a

militarized agency that works closely with CBP and whose mission includes border policing. As a result, del Bosque writes, area residents have been "forced to adjust to life under the persistent watch of aerostat surveillance balloons, observation towers, National Guard listening posts, drones, DPS surveillance cameras, DPS spy planes and a barrage of intrusive police stops."<sup>61</sup> The deployment of these costly technologies is taking place in some of the most economically deprived communities in the United States.<sup>62</sup>

These technologies are also used to suppress social movements and political speech. For example, in 2020, as the United States saw widespread protest against police violence, DHS redirected these surveillance and policing tools to target social movements. This included CBP's deployment of Predator B drones to Minneapolis, Minnesota, to provide real-time aerial surveillance of protests following the police murder of George Floyd, as well as the diversion of Border Patrol's BORTAC tactical units to Portland, Oregon, where agents used unmarked vehicles to follow and arrest protesters.<sup>63</sup> Throughout the summer of 2020, CBP used various aerial surveillance assets against Black Lives Matter protesters in at least fifteen cities.<sup>64</sup>

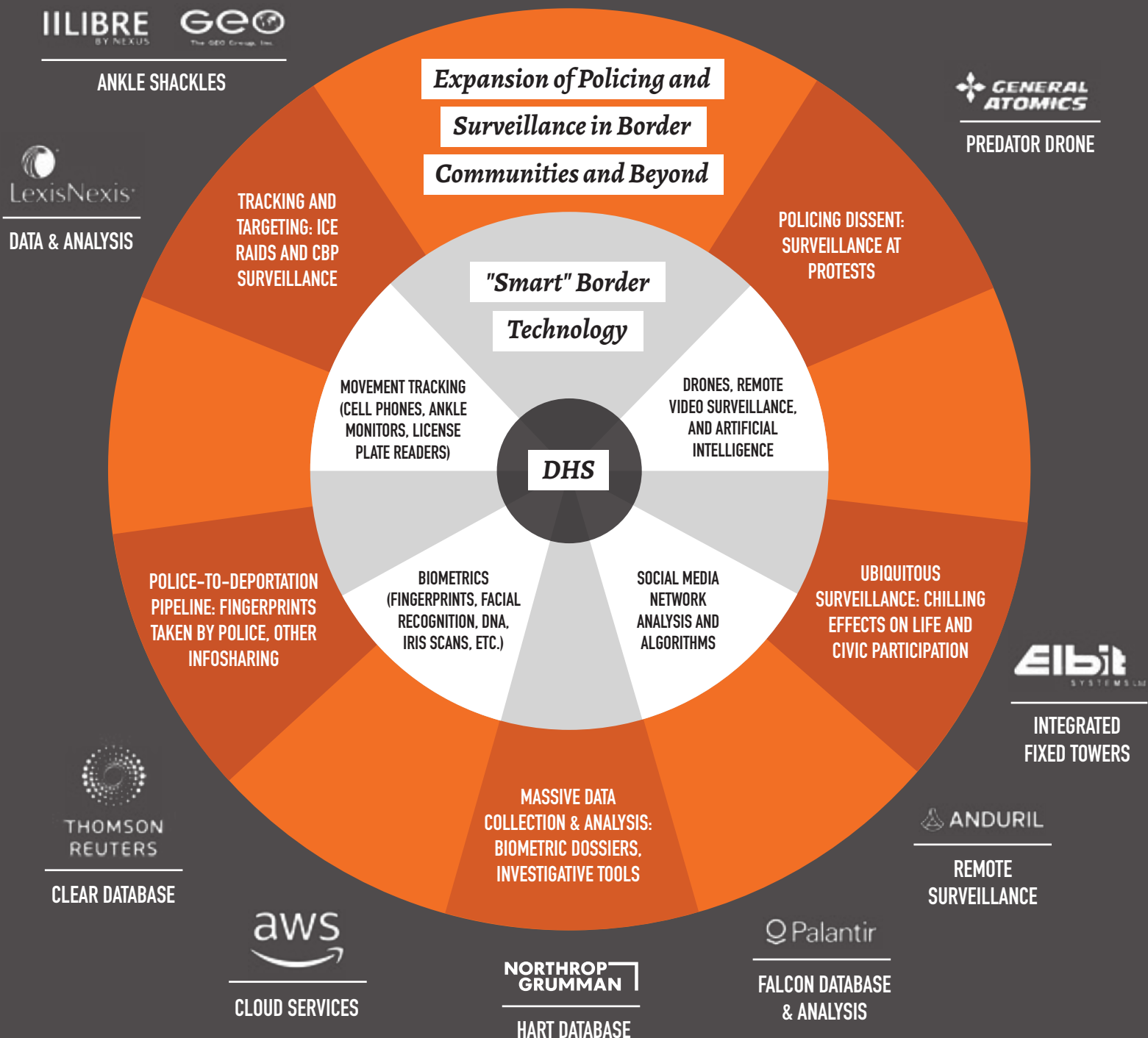
## SEPARATING FAMILIES AND BRINGING ABOUT CASCADING HARMS

The Trump administration's implementation of family separation as official policy at the US-Mexico border in 2018 outraged many, catalyzing protests nationwide. In response, the administration quickly rolled back the policy. Family separation, however, is not an extreme or unusual outcome of border and immigration policing, but a routine and inevitable one. (See

# WEB OF SURVEILLANCE:

## *The Border is Everywhere*

Different border technology components expand the police state by creating a web of surveillance that enhances local, federal and international policing. Surveillance tech and data streams are increasingly available to ICE and CBP, not only for generalized immigration policing, but also for increasing collaboration with other policing agencies. These technologies allow CBP and ICE to potentially track anybody anywhere, and learn intimate information about peoples' lives, all without our knowledge or consent. The diversion of border surveillance tech to police social movements dramatizes the danger of the proliferation of these technologies.



our case study on “The Embodiment of Smart Borders in Mississippi.”) The country’s continuing investment in and use of surveillance technology to target immigrants causes numerous, enduring harms to families and communities, both in the United States and abroad.

According to a 2011 report from the Pew Research Center, 80 percent of undocumented noncitizens in the United States live in a “mixed-status” household, in which there are family members who are either US citizens or lawful permanent residents (LPRs).<sup>65</sup> Similarly, a 2018 survey of individuals deported to Nogales, Mexico found that 78 percent had at least one US citizen child, while 42 percent had a US citizen spouse.<sup>66</sup>

The harm caused to those left behind in the United States when a loved one is detained or deported for reasons related to immigration status is considerable. Multiple studies show, for example, that the arrest, detention, and/or deportation of a parent can trigger symptoms associated with post-traumatic stress disorder (PTSD) in minor children.<sup>67</sup> Once these children enter school, these symptoms can trigger a measurable decline in attendance, grades, and performance.<sup>68</sup>

Research also shows that immigration policing activates negative downstream outcomes on health and nutrition.<sup>69</sup> The extreme financial burden that results from immigration arrest and from contesting a deportation order in US immigration court compounds these hardships.<sup>70</sup> Indeed, studies have found that an immigration arrest generates financial losses in the average range of tens of thousands of dollars in accumulated savings and lost income opportunity, driving long-term patterns of intergenerational insecurity and wealth inequality.<sup>71</sup> Sociologist Laura Enriquez has characterized such

outcomes as “multigenerational punishment,” a phenomenon “wherein the sanctions intended for a specific population spill over . . . to generate limitations across immigration status.”<sup>72</sup>

These outcomes also play out internationally. Research in rural Guatemala shows the long-term consequences that arise when a person’s migration journey fails—due to apprehension at the US border, or in the interior of the United States before the person is able to earn enough money to pay off the debt incurred to finance that trip. Unsuccessful journeys often lead to loss of homes, land, farm animals, and other means of production used for collateral—in addition to extralegal threats and violence by predatory lenders aiming to collect on outstanding debt. This, in turn, frequently leads to new patterns of out-migration—toward the United States.<sup>73</sup>

## INCREASING MIGRANT DEATHS AND INJURIES

Crossing-related fatalities in the US-Mexico borderlands have a long history, going back to at least the late 1800s, when people of Chinese descent lost their lives trying to circumvent border policing associated with the passage of the Chinese Exclusion Act of 1882. Throughout the twentieth century, migrant deaths continued, their numbers ebbing and flowing. Since the mid-1990s, however, as a result of a broad strategy of deterrence (see our Strategy of Deterrence case study), the number of deaths has dramatically increased, with high numbers of these fatalities occurring every year.<sup>74</sup>

Migrant deaths are hardly unique to the borderlands of the United States. They are worldwide phenomena, particularly along the territorial margins that divide and connect areas

## The Case of the Tohono O'odham Nation

Tohono O'odham aboriginal land, in what is now southern Arizona, extends 175 miles into Mexico. It is an area that was sliced off—without the tribe's consent—by the 1853 Gadsden Purchase, an arrangement to which the Mexican government agreed in the face of US threats to seize militarily parts of northern Mexico. This took place several years after the United States had acquired, through the US–Mexico War (1846–48), almost half of what was officially Mexican territory.

A process of “Americanization” followed. This colonial, often overtly violent project involved, among other things, the pacification and dispossession of the Mexican and indigenous populations in the US–Mexico borderlands, the encouragement of in-migration by US American settlers, and the drawing and strengthening of ethno-racial boundaries between the different groups.<sup>1</sup>

Today, as many as 2,500 of the tribe's more than thirty thousand members still live on the Mexico side of the border. Until fairly recently, Tohono O'odham people used to travel between the United States and Mexico with relative ease on roads without checkpoints to visit family, go to school, visit a doctor, or for religious traditions. Since 9/11, such movement has become quite difficult in the face of a significant expansion of Border Patrol agents and the construction of vehicle barriers along the seventy miles the Tohono O'odham Nation shares with Mexico.

New surveillance infrastructure has also moved onto the reservation. And in March 2019, a resolution by the Tohono O'odham Legislative Council allowed CBP to build ten integrated fixed towers, or IFTs, on the Nation's land. The IFTs, says Amy Juan, Tohono O'odham member and Tucson office manager at the International Indian Treaty Council, will make the Nation “the most militarized community in the United States of America.”

Border Patrol has jurisdiction one hundred miles inland from US borders, giving it access to the entirety of the reservation. The IFTs reinforce already long-established components of the surveillance apparatus. On the Nation, drones fly overhead, and motion sensors track foot traffic. Vehicle barriers and surveillance cameras and trucks appear near burial grounds and on hilltops amid ancient saguaro forests.

“Imagine a bulldozer parking on your family graveyard, turning up bones,” Tohono O'odham Nation chairman Ned Norris Jr. testified to Congress in 2008. “This is our reality.” Former chairman Edward Manuel said that when he returned to the Nation in 2009 after a long absence it had become “a military state.”

Around 2007, CBP began installing interior checkpoints that monitored every exit from the reservation—not just on the US–Mexico border, but also on roads heading toward Tucson and Phoenix.

“As a person who once could move freely on our land, this was very new,” Amy Juan said. “We have no choice but to go through the armed agents, dogs and cameras. We are put through the traumatic experience every day just to go to work, movies, grocery shopping, to take your children to school.”

Pulling people out of their vehicles is one in a long list of abuses committed by Border Patrol agents on the Tohono O'odham Nation. Other practices include tailing cars, pepper-spraying people, and hitting them with batons. Closer to the border, people have complained about agents entering their homes without a warrant. Between checkpoints and surveillance, there is a feeling of being “watched all the time,” Tohono O'odham member Joseph Flores told Tucson television station KVOA. It is a high-tech occupation.<sup>2</sup>

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1 Adriana Provenzano and Joseph Nevins, “Arming the Environment, and Colonizing Nature, Territory, and Mobility in Organ Pipe Cactus National Monument,” *ACME: An International Journal for Critical Geographies* 18, no. 2 (2019): 456–485, <https://acme-journal.org/index.php/acme/article/view/1612>.

2 Much of this sidebar is adapted from Todd Miller, “How Border Patrol Occupied the Tohono O'odham Nation,” *In These Times*, June 12, 2019, <https://inthesetimes.com/article/us-mexico-border-surveillance-tohono-oodham-nation-border-patrol>.



of wealth and safety, which tend to be the most heavily policed, and those of deprivation. The borders of Europe (see our “Fortress Europe” case study) have the greatest number of fatalities.

In terms of the US-Mexico borderlands, 471 bodies or sets of human remains were recovered in 2012 alone, according to the US Border Patrol; between fiscal years 1998 and 2019, the agency reports an annual average of 355 deaths, or about one death per day over a twenty-two-year period. In southern Arizona, the Pima County Office of the Medical Examiner documented the remains of over 3,200 migrants between fiscal years 2000 and 2020.<sup>75</sup> In South Texas, which now sees more migrant deaths than anywhere else in the United States, more than 3,253 people lost their lives trying to enter the United States between 1998 and 2019.<sup>76</sup> And despite significant drops in the number of unauthorized crossings in recent years—including 2020, when crossings declined due to the pandemic—high numbers of deaths persist, illustrating a higher death-to-crossing ratio. The year 2020, for instance, was the deadliest year on record for people trying to enter the United States via Arizona; authorities recovered 227 bodies or sets of human remains in the state’s borderlands with Mexico.<sup>77</sup> It is important to keep in mind that these figures are conservative: many bodies and sets of remains are never recovered due to the remote nature of many areas of the borderlands, and because of the decomposition and scavenging of corpses by wildlife. In other words, the true death toll is probably far greater than suggested by these numbers.<sup>78</sup>

In addition to these fatalities, US Border Patrol agents have directly killed dozens of people in recent years. The Southern Border Communities Coalition (SBCC) counts at least 118 such deaths

since 2010. These have resulted from reasons that include Border Patrol vehicles striking and killing individuals, agents shooting people, and medical neglect of migrants in custody.<sup>79</sup> In the case of shootings, agents have killed not only migrants, but also US and Mexican residents of the borderlands going about their daily lives. Indeed, SBCC documents at least six cases of agents killing victims by shooting across the international boundary into Mexico. One was a sixteen-year-old teenager on his way home from work at a pharmacy in Nogales, Mexico; another was a father picnicking on the southern banks of the Rio Grande with his wife and daughters.<sup>80</sup>

Along with fatalities, there are countless injuries. Many individuals are maimed and injured trying to scale the walls and fences along the US-Mexico boundary. Large numbers are also injured in the process of traversing the deserts and mountains of the borderlands in their efforts to reach safety in the United States.<sup>81</sup>

## **FURTHERING SOCIO-ECONOMIC INEQUALITY, STRENGTHENING GLOBAL APARTHEID**

In various ways, migration reflects global patterns of inequality, with large-scale movements of people generally going from low-income to high-income parts of the world. Typically, the harder and more formidable a border is—in terms of its capacity to stymie illegalized movement—the greater the socioeconomic gap between the country policing the border and the country from which people are attempting to migrate. In this regard, we might think of borders, “smart” or otherwise, as part of an endeavor that maintains inequality and reproduces the associated harms.



## ***The Embodiment of Smart Borders in Mississippi***

On August 7, 2019, the largest immigration raid in a single state in US history took place in Mississippi. It involved more than six hundred Immigration and Customs Enforcement (ICE) agents, who arrested close to 680 workers at seven poultry plants. Central to ICE's ability to conduct the raid was that "smart border" technologies were literally attached to the bodies of many of the workers. This is one manifestation of the mobility of borders, of how they can move outward as well as inward, to spaces deeply within national territory.

Search warrants and affidavits revealed that ICE had tapped into its surveillance technology arsenal to identify the targeted worksites and carry out the operation.<sup>1</sup> They also showed that ICE had relied on tech company Palantir's FALCON Tipline as well as ankle monitors that use GPS to track some of the workers.<sup>2</sup> Ankle shackles are a growing part of ICE's Alternatives to Detention program; the devices enable ICE to track people who have pending asylum applications or are otherwise under ICE supervision. But rather than offering freedom,

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1 Jimmie E. Gates and Alissa Zhu, "ICE Used Ankle Monitors, Informants to Plan Immigration Raids Where 680 People Were Arrested," *USA Today*, August 10, 2019, <https://www.usatoday.com/story/news/nation/2019/08/10/ice-raids-how-federal-investigation-led-mississippi-poultry-plants/1975583001/>.

2 Mijente, "Breaking: Palantir's Technology Used in Mississippi Raids Where 680 Were Arrested," October 4, 2019, <https://mijente.net/2019/10/palantirpowersraids/>; Daniella Silva, "GPS Tracking of Immigrants in ICE Raids Troubles Advocates," *NBC News*, August 15, 2019, <https://www.nbcnews.com/news/us-news/gps-tracking-immigrants-ice-raids-troubles-advocates-n1042846>.

ankle shackles subject immigrants to what is effectively electronic incarceration that carries economic, social, psychological, and legal consequences.<sup>3</sup> Corporations such as the GEO Group and Libre by Nexus have reaped millions in profits from electronic monitoring—in part by charging fees of over four hundred dollars per month to immigrants forced to use the devices.<sup>4</sup> As of August 2019, there were over forty-three thousand individuals subject to this tracking technology.<sup>5</sup>

The Mississippi raid took place on what was the first day of school for workers' children. Many kids returned home to learn that ICE had taken one or both of their parents; at least two children, aged twelve and fourteen, were left without adults at home for eight days.<sup>6</sup> The vast majority of people arrested were Guatemalan and spoke indigenous languages, not Spanish or English.<sup>7</sup> They thus could not understand the questions ICE agents asked, including whether someone was at home to take care of their children. Some families were left scrambling for over three months trying to locate their loved ones—who were spread across thirteen detention centers.<sup>8</sup> One year after the raid, Lorena Quiroz-Lewis, an organizer with Immigrant

Alliance for Justice and Equity, spoke of the enduring community trauma, characterizing it as “still so deep and so fresh.”<sup>9</sup>

A tragic example of that continuing trauma took place on January 22, 2021. On that date, assailants shot and killed Edgar López and eighteen other individuals trying to reach the United States, and then dumped their bodies in the back of a pickup truck and set it on fire. This happened just fourteen miles south of the Mexico–United States boundary. López was one of the hundreds of poultry factory workers arrested by ICE agents on August 7, 2019. Following his deportation to Guatemala, the forty-nine-year-old husband, father of three, and grandfather of four was trying to return to his family and home in Mississippi, where he had lived and worked for twenty-two years.<sup>10</sup>

The employment of Guatemalan immigrants at poultry factories both facilitates and manifests the fact that the work is among the lowest paid and most dangerous jobs in the United States. The industry's heavy reliance on a largely undocumented workforce has its roots in the 1980s. During that decade and the previous one, African

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3 Julie Pittman, “Released into Shackles: The Rise of Immigrant E-Carceration,” *California Law Review* 108, no. 2 (April 2020), <https://www.californialawreview.org/print/released-into-shackles/>; see also the website “Challenging E-Carceration,” a project of the Center for Media Justice and the Urbana-Champaign Independent Media Center, <https://www.challengingecarceration.org/>.

4 Steve Fisher, “Getting Immigrants Out of Detention Is Very Profitable,” *Mother Jones*, September/October 2016, <https://www.motherjones.com/politics/2016/09/immigration-detainees-bond-ankle-monitors-libre/>; Anna Barsan, “Libre,” *Field of Vision*, March 14, 2019, <https://fieldofvision.org/libre>

5 Silva, “GPS Tracking of Immigrants.”

6 Peter Wade, “ICE Raids Leave Children Parentless,” *Rolling Stone*, August 8, 2019, <https://www.rollingstone.com/politics/politics-news/ice-raids-leaves-children-parentless-868985/>; Peter Wade, “Two Kids Were Left Alone for Eight Days Following Mississippi ICE Raid,” *Rolling Stone*, August 25, 2019, <https://www.rollingstone.com/politics/politics-news/two-kids-alone-for-eight-days-mississippi-ice-raid-876190/>.

7 Amy Chance, “Mississippi Immigration Raids: Implications for Social Workers,” Undergraduate Honors Thesis, University of Mississippi, Spring 2020, [https://egrove.olemiss.edu/cgi/viewcontent.cgi?article=2374&context=hon\\_thesis](https://egrove.olemiss.edu/cgi/viewcontent.cgi?article=2374&context=hon_thesis).

8 *Immigration Raids: Impacts and Aftermath on Mississippi Communities: Field Hearing Before the Committee on Homeland Security House of Representatives*, 116th Cong. 20 (November 7, 2019), <https://www.hsdl.org/?view&did=844070>.

9 Tina Vásquez, “Q&A: Organizer Lorena Quiroz-Lewis Reflects One Year after Mississippi ICE Raids,” *Prism*, August 7, 2020, <https://www.prismreports.org/article/2020/8/7/qa-organizer-lorena-quirozlewis-reflects-one-year-after-mississippi-ice-raids>.

10 David Mora and Emily Green, “Deported to Death,” *Vice*, February 23, 2021, <https://www.vice.com/en/article/epd9qk/edgar-lopez-murder-trump-zero-tolerance-immigration-policy>.

American workers in the Mississippi poultry industry started organizing to defend their rights. In response, the industry began to recruit immigrant labor, initially from Florida and Texas, and then from Mexico and Guatemala.<sup>11</sup> The enhanced precarity of the workers has enabled the industry to pay poverty-level wages and disregard federal labor law, as well as health and safety regulations. The threat of deportation has been a key weapon of the industry, one used to retaliate against people who organize for workplace rights.<sup>12</sup> Smart borders complement that weapon.

The origins of strong migratory ties between the United States and Guatemala lie in the latter country's civil war (1960–1989)<sup>13</sup>—the longest and most violent conflict in

Central America. Over two hundred thousand Guatemalans, most of them Mayan, lost their lives in a brutal war waged by a US-backed, military-dominated oligarchy against leftist guerillas and popular movements. The 1999 report of the internationally supported Guatemalan Commission for Historical Clarification concluded that the Guatemalan state was responsible for more than 90 percent of the deaths and had committed “acts of genocide.”<sup>14</sup> The United States government played a key role in the military overthrow of a democratically elected, reform-oriented government in Guatemala in 1954. Its ouster was a decisive factor in the civil war's outbreak and, thus, of eventual out-migration from Guatemala to the United States.<sup>15</sup>

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11 Angela Stuesse and Laura E. Helton, “Low-Wage Legacies, Race, and the Golden Chicken in Mississippi: Contemporary Immigration Meets African American Labor History,” *Southern Spaces*, December 31, 2019, <https://southernspaces.org/2013/low-wage-legacies-race-and-golden-chicken-mississippi-where-contemporary-immigration-meets-african-american-labor-history/>.

12 Michael Grabell, “Exploitation and Abuse at the Chicken Plant,” *New Yorker*, May 1, 2017, <https://www.newyorker.com/magazine/2017/05/08/exploitation-and-abuse-at-the-chicken-plant>.

13 See Susanne Jonas, “Guatemalan Migration in Times of Civil War and Post-War Challenges,” *Migration Information Source*, Migration Policy Institute, March 27, 2013, <https://www.migrationpolicy.org/article/guatemalan-migration-times-civil-war-and-post-war-challenges>.

14 The commission found that US training of members of Guatemala's intelligence apparatus and officer corps in counterinsurgency “had significant bearing on human rights violations.” It also found that Washington, largely through its intelligence agencies, “lent direct and indirect support to some illegal state operations.” See *Guatemala: Memory of Silence, Report of the Commission for Historical Clarification*, February 1999, available online at [https://www.aaas.org/sites/default/files/s3fs-public/mos\\_en.pdf](https://www.aaas.org/sites/default/files/s3fs-public/mos_en.pdf).

15 See Stephen C. Schlesinger and Stephen Kinzer, *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge, MA: Harvard University Press, 1999); Kate Doyle and Peter Kornbluh, eds., *CIA and Assassinations: The Guatemala 1954 Documents*, National Security Archive Electronic Briefing Book No. 4, Washington, D.C.: The National Security Archive, undated, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB4/index.html>. See also Kate Doyle, *The Guatemalan Military: What the U.S. Files Reveal*, National Security Archive Electronic Briefing Book No. 32, Washington, D.C.: The National Security Archive, June 2001, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/index.html>; and Daniel Wilkinson, *Silence on the Mountain: Stories of Terror, Betrayal, and Forgetting in Guatemala* (Boston and New York: Houghton Mifflin Company, 2002).



It is widely recognized that limiting mobility within countries is both unjust and detrimental to those denied. In the case of Rwanda in the early 1990s, for example, the government imposed various obstacles to movement and residence within national territory—obstacles characterized as human rights violations by the US State Department.<sup>82</sup> According to the World Bank, Rwanda’s “[r]estrictions on population movements . . . increased poverty by limiting options for the poor and . . . reduced the potential for economic growth.” Hence, the Bank asserted that “any poverty reducing growth strategy for Rwanda [would] need to start with removing restrictions to free labor movement.”<sup>83</sup>

In the case of movement between nation-states, however, the injury-inducing implications of limited mobility for peoples trying to “illegally” cross, or live and work within the boundaries of the globe’s prosperous territories, do not receive such criticism. Nonetheless, it is clear that limited and conditional mobility on the international scale also exacerbates a situation of unequal life chances “by limiting options for the poor” and vulnerable by denying access to resources in spaces that provide greater life-enhancing options. At the same time, for those who do succeed in penetrating and residing in national territories without authorization, their very status as noncitizens increases their “flexibility” (to borrow a term popular among the champions of neoliberalism) and general vulnerability vis-à-vis employers, and the state, and the state’s policing agents.

Many Mexican border cities, where export-oriented manufacturing proliferates, are also sites of such flexibility. While such manufacturing precedes neoliberalism, the “opening up” and deregulation of Mexican society—the North American Free Trade Agreement (NAFTA) being a

key manifestation—has greatly aided its growth. In addition, the neoliberalization of Mexico’s economy has exacerbated the conditions that underlie out-migration to the United States. In this regard, neoliberalism (in Mexico and in Central American countries as well—see the case study on Honduras, for example) has helped to drive the buildup of the US border policing apparatus.<sup>84</sup> It has also facilitated the presence of a disproportionately female, low-wage labor force in Mexican border cities—upon which *maquiladoras* (export-oriented factories) rely—a labor force exposed to everyday and extraordinary forms of violence.<sup>85</sup>

This is one manifestation of the marked growth of global inequality. It is hardly a coincidence that, along with this growth, there has also been a dramatic increase in the number of walls along international boundaries.<sup>86</sup> The biggest predictor of who constructs the walls and where they do so is the wealth gap between the nation-state constructing the barrier and the place and population defined as a threat. Research demonstrates that it is those on the upper end of the wealth gap, the beneficiaries of the growing inequality, who are the wall builders.<sup>87</sup> In other words, the building of walls and policing of international mobility both reflects and produces unequal—and unjust—life-and-death circumstances.

In a world of intensifying climate breakdown, the proliferation of border walls, both literal and figurative, also illuminates a perverse outcome related to climate change. It manifests an effective refusal by wealthy and powerful countries to reap what they have helped to sow—displacement driven through ecological degradation—by way of their markedly disproportionate share of fossil fuel consumption and CO<sub>2</sub> emissions that drive

# WHO BUILDS THE WALLS?

As global inequality has grown, so has the number of walls along international boundaries. The biggest predictor is the wealth gap between the nation-state building the barrier and the those defined as a threat. Climate breakdown contributes to the displacement of many millions of people each year and is projected to be one of the primary reasons behind future migrations for years to come. The United States and European Union have some of the most militarized borders on Earth. At a global level the United States has contaminated the biosphere with 25 percent of all carbon dioxide (CO2) emissions since 1850 (followed by the European Union at 22 percent).

The world is increasingly unequal. In 2020:

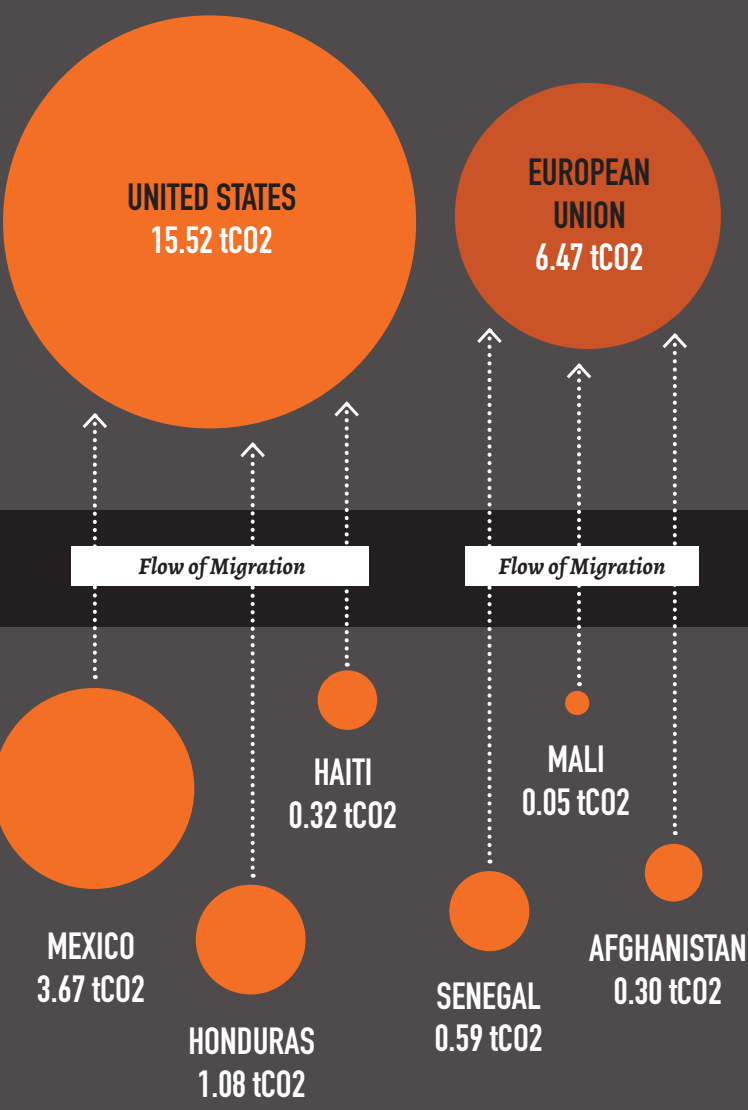


THE RICHEST 1% OWNED MORE THAN 43% OF THE WORLD'S WEALTH....

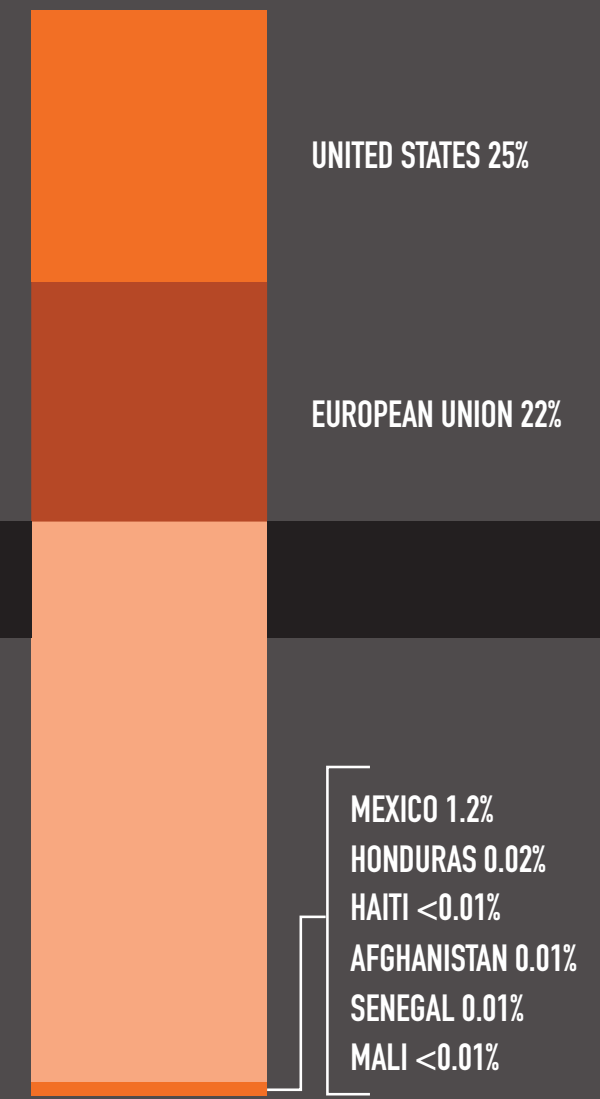
...WHILE THE BOTTOM 50% OWNED JUST 1% OF IT.



Per Capita CO2 Emissions, 2019



Historic CO2 Emissions, as a % of Global Total



SOURCE: Share of global cumulative CO2 emissions - Our World in Data based on the Global Carbon Project. 2019 EMISSIONS SOURCE: Crippa, M., Guizzardi, D., Muntean, M., Schaaf, E., Solazzo, E., Monforti-Ferrario, F., Olivier, J.G.J., Vignati, E., Fossil CO2 emissions of all world countries - 2020 Report, EUR 30358 EN, Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-21515-8, doi:10.2760/143674, JRC121460.

anthropogenic climate change.<sup>88</sup> (See our case study “Borders and Displacement Born of Empire: The Case of Honduras.”)

Given these dynamics, many have branded the system of global border controls as one of apartheid. It is a system that separates the rich from the poor, white people from people of color, places of power and privilege from places of disadvantage, those who consume a lot and live well from those who consume little and die prematurely.

### **Global Apartheid**

In a November 2020 report prepared for the United Nations General Assembly, special rapporteur E. Tendayi Achiume provides analysis that manifests the ties between this global form of apartheid and emerging “smart border” regimes. Achiume notes that many of the emerging digital technologies employed in immigration and border policing have “historical antecedents in colonial technologies of racialized governance.” This speaks to how “not only is technology not neutral, but its design and use typically reinforce dominant social, political and economic trends.” Indeed, the report finds that national governments employ these technologies in ways that “advance the xenophobic and racially

discriminatory ideologies that have become so prevalent, in part due to widespread perceptions of refugees and migrants as per se threats to national security.”<sup>89</sup>

One manifestation of this is what the report refers to as “border externalization.” This involves the imposition of state border controls beyond the actual territory of a country. (In the case of the United States, this often involves effectively enrolling agencies in other countries in the US apparatus of surveillance and exclusion, as we discuss in the section on deterrence.<sup>90</sup>) The effects of such policing are uneven, impacting differently individuals and groups based on their national origins. In particular, Achiume finds that this “pushing out” of border controls “has a disproportionate impact on persons from Africa, Central and South America and South Asia, and in many regions is fueled by racialized, xenophobic, ethnonationalist politics that seek to exclude certain national and ethnic groups from regions on discriminatory bases.”<sup>91</sup>

It is for such reasons that many label such practices and outcomes expressions of “global apartheid.” In apartheid South Africa, the state dictated where the majority of its inhabitants (Black South Africans) could live and work. Similarly, contemporary national immigration

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**“ Achiume notes that many of the emerging digital technologies employed in immigration and border policing have “historical antecedents in colonial technologies of racialized governance.” This speaks to how “not only is technology not neutral, but its design and use typically reinforce dominant social, political and economic trends.”**

and border regimes also discriminate on the basis of ancestry and geographic origins (real or imagined). In doing so, they produce a hierarchy of people, making some effectively disposable.

Take, for instance, what transpired in the United States in the early months of the coronavirus pandemic. In March 2020, the Department of Homeland Security officially defined farm laborers—the vast majority of whom are undocumented—as “essential workers.” The day before the DHS declaration, Immigration and Customs Enforcement (ICE) announced that it was adjusting its policing operations to focus on “public safety risks and individuals subject to mandatory detention based on criminal grounds,” and not police those who fall outside these categories. In response to the change, one farm worker explained to *The New York Times*: “Those of us without papers live in fear that immigration will pick us up. . . . Now we are feeling more relaxed.” In this case, however, the ability to feel relaxed is only temporary. As ICE made clear in its announcement, the new policy would only last until the pandemic passed.<sup>92</sup>

Unauthorized immigrant workers in the United States pay many billions of dollars in taxes each

year—more than \$20 billion in income taxes alone in 2015. Despite this and the fact that many of them were defined as “essential workers,” the Trump administration excluded undocumented workers from eligibility for stimulus checks during the Covid-19 pandemic.<sup>93</sup>

What such cases show is how nation-states and the economic interests they serve view many workers as mere resources to be exploited when needed and discarded (arrested, detained, and deported) when they are not.<sup>94</sup> This is one manifestation of how, particularly in a context of deep inequality between countries, national territorial divides have profound implications: which side of a boundary one is born on significantly determines the rights and resources to which one has access, where one can go and under what conditions, and thus how one lives and dies. Thus, there is an inherent double standard—privilege and broad security for some and disadvantage and precarity for others—a disparity that comes about by accident of birth.<sup>95</sup>

As such, “hard” and “smart” borders alike both reflect and reinforce class- and race-based distinctions and all their associated inequities. They are apartheid-like in terms of their origins and effects.





## ***Borders and Displacement Born of Empire: The Case of Honduras***

In the aftermath of back-to-back category-four hurricanes in November 2020, the Chamelecón River overflowed and flooded homes throughout Lucia Andino's city of La Lima, Honduras. Both hurricanes had intensified rapidly over warming Caribbean waters, and came packed with drenching rain, indications of a world in the throes of intensifying climate change.

Floods and mudslides overtook cities, rural communities, and farmland throughout the country. The storms washed away highways and bridges, cutting off access for many communities, and displaced hundreds of thousands of people.

After the flooding of her home, Andino and her family lived with fellow community members under a nearby bridge. According to reporter Sandra Cuffe, the hurricanes

impacted more than four million Hondurans; eighty-eight thousand were still in shelters at the beginning of January 2021.<sup>1</sup> When Cuffe interviewed Andino, she had just crossed into Guatemala with a caravan of thousands of other Hondurans, many of them in a similar predicament.

Within eyesight were US-trained Guatemalan military police officers in riot gear. Andino was about to be one of approximately four thousand Hondurans deported by a United States border apparatus that now extends thousands of miles away from its southern international boundary. Since the mid-2010s, US Customs and Border Protection units have regularly traveled to Guatemala to train its border patrols and transfer resources such as armored jeeps designed for surveillance.<sup>2</sup>

Honduras is ranked among the countries most vulnerable

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1 Sandra Cuffe, "The 'Spiraling Crisis' Pushing Hondurans to Flee North," *Al Jazeera*, January 26, 2021, <https://www.aljazeera.com/news/2021/1/26/the-spiralling-crisis-pushing-hondurans-to-flee-north>.

2 See Todd Miller and Joseph Nevins, "Beyond Trump's Big, Beautiful Wall," *NACLA Report on the Americas* 49, no. 2 (2017): 145–151, <https://nacla.org/news/2017/07/12/beyond-trump%27s-big-beautiful-wall>; Miller, *Empire of Borders*.



to climate change.<sup>3</sup> In addition to hurricanes, droughts have ruined harvests across the country over the past decade. In April 2019, the United Nations Food and Agriculture Organization and World Food Programme reported that a combination of droughts and heavy rain had destroyed “more than half the maize and bean crops of the subsistence farmers along the Central American Dry Corridor,” an ever-expanding land mass that encompasses large parts of Guatemala, Honduras, and El Salvador. That amounted to 2.2 million people suffering crop losses and 1.4 million people in urgent need of food assistance.<sup>4</sup>

What Lucia Andino and her family have experienced in their home country demonstrates how economic, political, social, and ecological crises converge and build on one another. Honduras is marked by severe socioeconomic inequality and pervasive poverty, a situation intensified by the disruptive effects of a neoliberal “free trade” agreement—the Dominican Republic–Central America Free Trade Agreement (DR–CAFTA)—imposed by the country’s elites and heavily pushed by the United States in the early 2000s.<sup>5</sup> It is also wracked by political terror and a US-backed, kleptocratic government born of the military’s overthrow of

a democratically elected president in 2009. It is a situation produced in no small part by Spanish colonialism and subsequent domination by US fruit companies and military invasions by the United States in the early 1900s. In this sense, the movement of people from Honduras to the United States is a classic example of what Juan González calls “the ‘harvest of empire.’”<sup>6</sup>

Climate breakdown contributes to the displacement of many millions of people each year<sup>7</sup> and is projected to be one of the primary reasons behind future migrations for years to come across the world. Since 1900, the United States has emitted over 450 times more carbon dioxide than Honduras, El Salvador, and Guatemala combined.<sup>8</sup> And at a global level, the United States has contaminated the biosphere with 25 percent of all carbon dioxide emissions since 1751 (followed by the European Union at 22 percent).<sup>9</sup> Yet the United States and Europe have some of the most militarized borders on earth.

On the verge of being deported from Guatemala, Andino said: “I guess we are going back to living under a bridge.”<sup>10</sup>

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3 United Nations Economic Commission for Latin America and the Caribbean (ECLAC), “Climate Change in Central America: Potential Impacts and Public Policy Options,” United Nations, 2018, [https://repositorio.cepal.org/bitstream/handle/11362/39150/7/S1800827\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/39150/7/S1800827_en.pdf).

4 World Food Programme, “Erratic Weather Patterns in the Central American Dry Corridor Leave 1.4 Million People in Urgent Need of Food Assistance,” April 25, 2019, <https://www.wfp.org/news/erratic-weather-patterns-central-american-dry-corridor-leave-14-million-people-urgent-need>.

5 Michelle Chen, “How US ‘Free Trade’ Policies Created the Central American Migration Crisis,” *Nation*, February 6, 2015, <https://www.thenation.com/article/archive/how-us-free-trade-policies-created-central-american-migration-crisis/>.

6 Juan González, *The Harvest of Empire: A History of Latinos in America* (New York: Penguin Books, 2000). See also Joseph Nevins, “Migration as Reparations,” in *Open Borders: In Defense of Free Movement*, ed. Reece (Athens, GA: University of Georgia Press, 2019), 129–140.

7 See, for example, UNHCR, The UN Refugee Agency, “Displaced on the Frontlines of the Climate Emergency, circa 2021,” <https://storymaps.arcgis.com/stories/065d18218b654c798ae9f360a626d903>; Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council, “Global Report on Internal Displacement 2021: Internal Displacement in a Changing Climate,” IDMC, 2021, [https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021\\_idmc.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf)

8 Hannah Ritchie, “Who Has Contributed Most to Global CO<sub>2</sub> Emissions?” Our World in Data, October 1, 2019, <https://ourworldindata.org/contributed-most-global-co2>.

9 Ritchie, “Who Has Contributed Most to Global CO<sub>2</sub> Emissions?”

10 Cuffe, “The ‘Spiraling Crisis’ Pushing Hondurans to Flee North.”



## 5 PRODUCING PERVERSE EFFECTS & ESCALATING FORCE

As discussed elsewhere in this report, surveillance technologies and the associated policing apparatus have caused great harm to individuals, families, and communities within the United States. These technologies have pushed migrant travel into increasingly remote and rugged mountainous areas of the U.S.-Mexico borderlands, thus increasing deaths and injuries among those seeking to enter the United States.



*The alternative to state escalation of force is to allow for greater complexity in how we think about the set of transnational issues that converge at the border.*

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They have also made migrants more dependent on organized smugglers and have led to higher fees for their services—in the process creating additional incentives and resources to pay off corrupt Mexican and US officials in order to facilitate these smuggling operations.<sup>96</sup>

Scholars refer to these types of outcomes as “perverse effects.” Researcher Michael Lawrence explains that this is when a policy initiative generates “unintended (and generally unforeseen) outcomes that exacerbate the very issue they were deployed to remedy.”<sup>97</sup> These outcomes also often generate new and still more dangerous conditions.

Perverse effects can then lead to what Josiah Heyman calls “state escalation of force.” This is when state actors double down on the biases and assumptions that drove a particular set of policy decisions in the first place, rather than subject these biases and assumptions to critical interrogation or consider an alternative set of policy resolutions. An example of this is the assumption that transnational migration can and should be controlled via increasingly sophisticated surveillance technology.<sup>98</sup>

A tragic illustration of these kinds of perverse effects and escalation of force is the so-called war on drugs in the US-Mexico borderlands. While its roots are deep, it emerged in its current form in the late 1960s, in the context of a growing conservative-led war on crime and illicit drug

use. In September 1969, the Nixon administration launched Operation Intercept in the borderlands, the goal of which was to compel Mexico to cooperate at greater levels with US antidrug efforts. The operation only lasted three weeks. However, in connecting “law and order” issues, including unauthorized immigration, with the US–Mexico boundary, it had long-term effects.<sup>99</sup>

Since at least the late 1970s, the war on drugs has been a central factor in what many now refer to as the militarization of the US-Mexico border.<sup>100</sup> Drug interdiction has been a primary justification for the buildup of policing infrastructure and the massive increase in personnel charged with monitoring border crossings. But just like Prohibition in the 1920s, the war on drugs has proven to be a massive failure—particularly when assessed on the terms set by the officials who have championed its waging.<sup>101</sup>

In 2008, Bernd Debusmann, a Reuters journalist, observed the scene at the San Ysidro (southern San Diego) port of entry—through which reportedly passed at the time one out of every eight people entering the United States by air, sea, or land. “Looking south out of a window at the busiest border crossing in the world,” Debusmann wrote, “the phrase looking for needles in a haystack comes to mind, along with the realization that America’s war on drugs cannot be won. Unless the laws of supply and demand are miraculously suspended.”<sup>102</sup>

Finding needles in haystacks is an impossible task. For those championing—and profiting from—its undertaking, the beauty of it all is that there can never be enough resources. In this regard, nothing succeeds like failure.

This dynamic is convenient for those government agencies tasked with border and immigration enforcement, whose requests for greater budget appropriations are therefore always able to find justification. And it is also undoubtedly convenient for the many security companies and contractors whose business model depends on these budget appropriations. But it makes for terrible public policy.

The alternative to state escalation of force is to allow for greater complexity in how we think about the set of transnational issues that converge

at the border. In regard to migration, these issues include conditions of tremendous global economic inequality, families separated across borders, intensifying climate crisis, failures of multilateral trade policy to deliver real stability and opportunity to rural populations, and the tremendous vulnerability that has proliferated in the aftermath of the US-backed war on drugs and associated gang and cartel violence in Mexico and Central America. None of these issues can be resolved, or even meaningfully addressed, by growing the US border and immigration policing apparatus or by US efforts to get other countries to fortify their boundaries<sup>103</sup>—no matter how “smart” or “sophisticated” these efforts claim to be. And yet, for decades, this is precisely what the United States has attempted.

It is time for a different approach.



# 6 CONCLUSION: THE NEED TO ASK DIFFERENT QUESTIONS

The United States, like other countries throughout the world, stands at a crossroads in the face of truly pressing problems. These include intensifying global warming, the growing threat of pandemics,<sup>104</sup> and increasing global inequality. The continued investment—political, ideological, and financial—in a path of immigration control and “border security” diverts our energies from pursuing an alternative path that productively engages these challenges. Which path we choose has huge implications both for the country we want to be and the world we hope to build.



In terms of the apparatus of migration and border policing, there are many steps the Biden administration and Congress could take to markedly reduce the associated violence. Organizations across the United States made a wide array of demands on this front as the Biden administration came into being. We list some of them here:

- **United We Dream:** citizenship for undocumented people in the United States and the defunding of ICE and CBP.<sup>105</sup>
- **The American Civil Liberties Union (ACLU):** the dismantling of electronic info-sharing between police and DHS (particularly in relation to ICE’s “Secure Communities” program), the withdrawal of all military personnel (including National Guard troops) from the US-Mexico border, and the dismantling and removal of all border policing infrastructure built by military personnel (e.g., concertina wire and barriers).<sup>106</sup>
- **The Black Alliance for Just Immigration (BAJI):** the ending of detention and deportations of people from Haiti and support and protection of undocumented Haitians in light of a historical obligation of the United States to the Caribbean country.<sup>107</sup>
- **Detention Watch Network:** the release of all people from detention and the phasing out of the use of detention altogether.<sup>108</sup>
- **The Immigrant Defense Project:** the disentangling of the criminal legal and immigration systems and the dismantling of DHS.<sup>109</sup>

- **A coalition of individuals and advocacy organizations in the Rio Grande Valley:** the removal of “existing border walls—physical or virtual,” and the prevention of their future use.<sup>110</sup>
- **Just Futures Law and Mijente:** an end to the use of invasive data collection and surveillance and a 50 percent cut in Department of Homeland Security spending on surveillance.<sup>111</sup>

By their very nature, such far-reaching calls challenge the often-stated assertion that the US immigration system is “broken.” This is a perspective that lends itself to tinkering with the regime of control and carving out exceptions, which ultimately end up strengthening the overall system.<sup>112</sup>

One only need recall the Immigration Reform and Control Act (IRCA), signed into law by President Ronald Reagan in 1986. IRCA made eligible for permanent residency (and eventual citizenship) unauthorized migrants who had lived in the United States continuously since at least January 1, 1982, as well as those who had labored as agricultural workers for at least ninety days in a one-year period beginning on May 1, 1985. An estimated three million individuals eventually benefited from this program. But IRCA also led to more resources for border policing. And it was through IRCA that the criminalization of employment of unauthorized migrants first became law.

For such reasons, the recommendations above are not aimed at repair. Instead, they suggest the undoing of a system of deterrence and surveillance that is not salvageable. It is a perspective that the authors of this report share.

The embrace of “smart borders” and the associated political consensus to expand the apparatus of immigration and border control reflect a failed and harmful set of assumptions that the most appropriate way to address transnational migration and mobility is through an approach that prioritizes policing. The operationalization of these assumptions fuels a powerful industry that markets various border control and surveillance platforms. The result is continuously increasing investment in a more heavily monitored and controlled world.

The justification for these developments is manifold, but it centers on a conceptualization of security that perceives those outside US territory, particularly the poor and nonwhite, as potential dangers first and foremost. This narrow and perverse notion of security is one that has proven to be a bottomless pit because there never seems to be enough of it.

The policies of the Trump administration laid bare to many in the United States and around the world that hard borders—whether “smart” or low-tech—and the larger strategy of deterrence are incompatible with a respect for fundamental human rights. As discussed in this report, the moral hazards of the current policy trajectory are many and severe.

We thus must ask ourselves different questions than those that inevitably lead to more boundary policing, whether through technology, physical walls, or human agents. Rather than ask what is the most efficient way to bring about a high-tech

border system, we should ask, for example, how do we move toward a world where all people have the support they need to lead healthy, secure, and vibrant lives? How can we address climate-change mitigation without exacerbating the inter- and intranational inequities that underlie this crisis? And how can we meet the threat of a pandemic by ensuring everyone has access to high-quality public health care and vaccines? In other words, we can either ask how to build a smart border or how to pursue the best path to bring about a just and environmentally sustainable world. The project of hard, formidable borders—“smart” or otherwise—is antithetical to a just world; it is one consistent with a world of increasingly invasive and pervasive surveillance and policing in the service of the maintenance of global apartheid.

A socially and environmentally just and resilient world is one in which people have a right to stay in the places they call home; in other words, it is world in which their homelands are viable and safe and allow for fulfilling and secure lives. Relatedly, it is also one in which the earth’s bounty and opportunities for future health and well-being are allocated in an equitable and sustainable manner. And it is a world in which people have freedom of mobility, particularly when their personal welfare is at risk.<sup>113</sup>

Truly “smart” borders would thus not be obstacles and barriers—lines of life and death—but rather points of connection, ones that acknowledge our common humanity and interdependence on an increasingly fragile planet.

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