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Samuel Klopstock

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Keywords

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Keywords: immigration enforcement efficacy, crime prevention, U.S.-Mexico Border

Introduction

The political climate surrounding the United States' southern border enforcement is a topic in the criminal justice discourse, which recently regained traction during the Trump Administration. Throughout his presidential campaign, Donald J. Trump ran upon the promises of building a border wall and significantly halting illegal immigration into the United States. On numerous occasions, President Trump asserted that the American way of life is being threatened by the intense flow of crime and drugs being brought into this country via the southern border. In Amuedo-Dorantes and Pozo (2014), the authors outline state and federal programs geared towards deterring illegal immigration into the United States. According to Massey, Durand, and Malone (2002), immigration enforcement increased significantly after President Ronald Reagan signed the Immigration Reform and Control Act in 1986. Shortly after the end of the Reagan Administration, state-based initiatives such as Operation Hold the Line in El Paso, and Operation Gatekeeper in San Diego was adopted (Amuedo-Dorantes & Pozo, 2014; Massey et al., 2002). Amuedo-Dorantes & Pozo (2014) also discussed the influence of the events that occurred on 9/11 and their adverse effects on immigration policy. Amuedo-Dorantes and Pozo cited Lydgate (2010), which asserts Operation Streamline changed immigration enforcement methods.

Lydgate (2010) emphasizes the end of a previously popular immigration enforcement policy of "catch and release" and the removal of "prosecutorial discretion." Consequently, immigrants who illegally crossed the border were prosecuted, regardless of their previous record. As a result, caseloads increased exponentially in most federal courts surrounding the border. Unfortunately, this leads to the adoption of "assembly

line" justice practices and the use of "en masse" hearings. Between 2002 and 2008, the prosecution of immigration offenses increased over 330% in border courts from over twelve thousand cases to more than fifty-three thousand cases (Lydgate, 2010). Rosenblum (2012) discussed the figures and the extent of this predicament; in the fiscal year of 2011, nearly 165,000 people were in the process of being prosecuted, thus increasing the cost of police, correctional facilities, and other legal costs. According to Rosenblum (2012), $18 billion was spent in 2012 solely for immigration enforcement. Accounting for the data presented, one can conclude that not all of former President Donald J. Trump's assertions were historically sound.

History of Mexican Immigration to The United States
Early 1900s – Before World War I

The history surrounding Mexican immigration into the United States is quite elusive and limited. Durand et al. (2001) begin their study by providing relevant statistics regarding Mexican immigration into the United States. According to Durand et al. (2001), "large-scale" Mexican immigration in the United States did not begin until the early 1900s. Durand et al.cited Cardoso (1980) and Hart (1987), which allude to the United States funding a railroad system that entered Mexico and was linked to the current railroad infrastructure in the northern area of Mexico. During this point in history, this area of Mexico did not have a high population, thus proving a tool for American enterprises which relied on cheap labor (Durand et al., 2001). The authors continue their discourse by researching which regions were hotspots for American enterprises to find cheap, accessible labor. Upon conducting research, Durand et al. (2001) determined that labor was predominantly from one of the following regions:

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Jalisco, Michoacán, or Guanajuato. The authors assert that these immigration patterns were consistent until World War I.

Post-World War I – World War II

After World War I, the United States adopted anti-immigration legislation, which heavily limited entry from South and Eastern Europe. As a result of these laws, American industries "double downed" on Mexican immigrant labor, characterized by a huge increase in Mexican immigration into the United States (Durand et al., 2001). According to Cardoso (1980) and official United States immigration statistics, over 620,000 Mexicans immigrated into the United States between 1920 and 1929. However, after this short period, the United States endured the Great Depression. The authors indicate that at this point in the United States history, there were large-scale deportation efforts that started in late 1929; Hoffman (1974) asserts that over 450,000 Mexican citizens were deported. However, when the Japanese attacked Pearl Harbor, the United States entered World War II, thus ending this trend. Upon the United States entering World War II, there was a surge in demand for labor. As a result, the United States began utilizing new incentives and initiatives for labor allocation.

The most significant of these efforts in allocating labor was the Bracero Accord of 1942 (Durand et al., 2001). As a result of this treaty, the United States allowed temporary entry for Mexican "contract workers", providing them with "work visas"; these visas were valid for six months and could be renewed once they expired. These visas were honored throughout and after World War II, until 1964 (Calavita,1992). Durand et al. cite Cornelius (1978), who outlined the program's lengthy presence, around twenty-two years, which was predominantly responsible for over 4.6 million Mexican laborers entering the United States.

Unfortunately, when social movements began gaining traction, it resulted in the gradual removal of the Bracero Accord.

End of Bracero Accord – Present

Social movements driven by religious and labor activists caused Congress to reverse and remove the arrangements negotiated in this accord. The authors clearly emphasize that this by no means stopped Mexican immigration; migrants merely utilized different means to cross the border. Durand et al. (2001) cited the United States Immigration and Naturalization Code §§ 1551-1557 (1988), which resulted in arrests at the border steadily increasing by fourteen percent a year, totaling more than a million arrests throughout the 1960s -1980s. However, despite the end of the Bracero Program, the authors emphasize that Mexican immigration continued to grow. The authors cite multiple studies such as Warren and Passel (1987) and Passel and Woodrow (1987), which arrived at similar conclusions that around 1.4 million Mexicans were granted legal citizenship, and more than 1.5 million Mexicans entered with documents. However, in the mid-nineteen eighties, the Reagan Administration enacted policies that halted illegal immigration.

According to Durand et al. (2001), the fairly relaxed immigration enforcement era ended with the United States enacting the Immigration Reform and Control Act (IRCA). Durand et al. (2001) continue by citing various studies that greatly discuss the IRCA and its measures. The authors outline the expansion of law enforcement capabilities and resources in these studies, such as allocating more power to the United States Border Patrol and mobilizing the area with military personnel and equipment. Furthermore, the IRCA made it illegal to hire undocumented labor (Dunn, 1996; Fragomen, 1997; Andreas, 1998; Massey, 1998; Singer & Massey, 1998; Durand & Masse,

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n.d.). The adoption of the IRCA was the beginning of contemporary United States border enforcement policies.

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Review of Relevant Literature

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Immigration and Crime

Velazquez and Kempf-Leonard (2010) conducted a qualitative study derived from interviews of Mexican immigrants regarding their experience entering the United States and whether crime is involved in these experiences. They explore the common beliefs that Mexican immigrants account for new "predatory crimes", and countless other issues related to criminal activity. This study utilized thirty participants selected via "a chain referral process" in two different states and cities with the largest Mexican population (Velazquez & Kempf-Leonard, 2010). The authors acknowledge the increased presence of Mexican immigrants and correctional facilities. However, Velazquez and Kempf-Leonard (2010) also indicated that 81% of the entire undocumented Latino population were in the criminal justice system due to immigration related violations such as unlawful entry. One can conclude that the majority of these immigrants are not violent offenders, thus they do not pose a credible threat to American safety. Upon allocation of the interview data, the authors concluded that many Mexican immigrants were more likely victims of crimes than perpetrators. The study enumerates thirteen participants which illegally entered the United States; only one of the thirteen committed a crime (Velazquez & Kempf-Leonard, 2010). Future studies further explore these aspects and arrive at eerily similar conclusions to Velazquez and Kempf-Leonard (2010).

In Martinez Jr. and Stowell (2012), the authors analyze and determine whether there is a correlation between immigration and violent crime. In their study, Martinez Jr. and Stowell utilize "individual homicide incidents" and "census-tract-level

homicides", mainly focusing on Miami, Florida, and San Antonio, Texas between the 1980s and 1990s. The authors hypothesize that a rise in Latino immigration would result in less violent crime. Once Martinez Jr. and Stowell finished their studies in Florida and Texas, they applied the same methods to an international level and compared the results. Both results concluded that Latinos were more likely to commit crimes in their birth country than a new country of residence such as the United States (Martinez Jr. & Stowell, 2012).

Sanctuary Cities and Crime

Martínez-Schuldt and Martínez (2017) studied whether a correlation exists between cities with sanctuary polices, the number of undocumented Mexican immigrants, and the occurrence of violent crimes over the course of three decades. Martínez-Schuldt and Martínez (2017) assert that these sanctuary city policies recently regained support during the late 1990s. The authors stress that sanctuary policies could lower the likelihood of deportation, thus encouraging criminality. Martínez-Schuldt and Martínez (2017) cited Kittrie (2006), which determined that undocumented immigrants were more likely to remain cautious, even if the likelihood of deportation is lower. Although limited, the data does not support the assertion that sanctuary cities are breeding grounds for criminal activity. Upon analyzing the data, Martínez-Schuldt and Martínez (2017) concluded that murder rates and robbery rates had similar results; they could not find any evidence that there were any changes in murder rates. Like murder rates, robbery decreased by nearly 11%, thus concluding that adopting Sanctuary city policies would not increase robbery and murder (Martínez-Schuldt & Martínez, 2017). However, this is not the only study which arrived at such conclusions.

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In a similar study, Gonzalez O'Brien et al. (2017), yielded similar results to the results in Martínez-Schuldt and Martínez (2017). Gonzalez O'Brien et al. utilized a complex approach involving all crime data from 55 cities which approved sanctuary city laws. This approach accounts for factors such as the aftermath of 9/11 and encompasses various crimes such as violent offense, property offenses, and rape. Upon conducting their experiment, Gonzalez O'Brien et al. (2017) concluded that Sanctuary city policies produce no "demonstratable effects" on crime rate, regarding an increase or decrease in criminal activity. Furthermore, Gonzalez O'Brien et al. (2017) concluded that the contemporary depictions by the GOP characterizing sanctuary policies as a leading to an increase in violent crime, is unfounded and unsubstantiated. Both Martínez-Schuldt and Martínez (2017) and Gonzalez O'Brien et al. (2017) dispute the common believed conservative principle that sanctuary cities are a cesspool for criminality. These two studies demonstrate some of the fundamental flaws and logical fallacies presented in the conservative narrative regarding sanctuary cities. As outlined and demonstrated by Martínez-Schuldt and Martínez (2017) and Gonzalez O'Brien et al. (2017), these main flaws are the lack of representative and statistically significant empirical data to substantiate their narrative. Thus, the pragmatic and rational approach would be rejecting these ideas as there is no evidentiary and factual basis to prove such claims.

Contemporary United States Border Enforcement Policies
Operation Gatekeeper (1994)

Huspek (2001) analyzed Operation Gatekeeper concerning its effects on law enforcement, courts, corrections, and its strongest criticisms. Operation Gatekeeper brought nearly 2,200 of the United States' 9,200-armed Border Patrol agents,

with newly given resources to combat illegal immigration such as identification systems and surveillance equipment (Brady, 1998). Enacted in 1994, Operation Gatekeeper greatly increased the demand for federal prosecutors and judges solely designated for trying immigration related offenses. Furthermore, it raised the demand for correctional facilities to hold these immigrants awaiting trial. Similar to other immigration operations, Operation Gatekeeper utilized federal funds of $4.3 billion, which is significantly higher than previous similar initiatives (Cornelius, 2001; Sanchez, 1996; Dunn, 1996). Conservatives and moderates alike vocalized the idea that this operation fails to address many aspects of illegal immigration such as the loss of jobs for American citizens and lower wage standards. According to Huspek (2001), Operation Gatekeeper also leads to the militarization of the border via increased presence of Border Patrol agents, and U.S. Armed Forces branches such as the U.S. Army, Marines, Air Force, and local law enforcement entities. Throughout the journal article, Huspek remains politically neutral arguing that initiatives such as Operation Gatekeeper tend to promote and support "capitalist modes of exploitation", thus justifying the increased presence and power of court and law enforcement entities (Huspek, 2001). Future studies further develop these aspects while applying it to a microanalytical context.

Hinkes (2008) narrows the analysis by investigating the goals of Operation Gatekeeper, as well as its successes and failures. Operation Gatekeeper was designed to redirect illegal immigration from San Diego, thus preventing access to urban areas. Operation Gatekeeper successfully met its goal of shifting illegal immigration to eastern San Diego County. As a result, the rate of arrests dropped, but at a significant humanitarian cost

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(Hinkes, 2008). Hinkes (2008) cited a study conducted by The University of Houston Center for Immigration Research which determined how Operation Gatekeeper affected migrant deaths. According to this study which utilized data from interviews conducted by Border Patrol, law enforcement and coroners, migrant deaths due to hypothermia were triple those in the mid-1980s. Hinkes (2008) also cited a study funded by the Center for Comparative Immigration Studies at the University California, San Diego. In this study the Center for Comparative Immigration Studies analyzes whether "prevention through deterrence". This study concluded that this tactic failed in stopping the flow of illegal immigration it merely placed migrants in dangerous situations which ultimately ended with their loss of life.

Trump Administration Border Enforcement

Upon his inauguration, President Trump acted swiftly, immediately fulfilling numerous immigration related promises made on the campaign trail. Astrada and Astrada (2019) outlined the significant changes that occurred during the Trump administration, such as executive powers, the criminal justice system, and immigration laws and policies. They analyze Trump's immigration policy through the lens of victimization of the "others" or immigrants. In their study, the authors also allude to the fact that many of President Trump's immigration enforcement policies are rooted in a concept called "American exceptionalism" (Astrada & Astrada, 2019). A consistent theme present in their article is their constant and harsh criticisms of Trump's immigration policies. Essentially Astrada and Astrada (2019) assert that these policies are based upon flawed logic and lack any empirical evidence supporting Trump's claims. To truly understand immigration under the Trump Administration, one should possess a sound understanding of the concept of discretion.

The concept of discretion can be analyzed through a variety of different means. For example, one can analyze discretion on both a law enforcement basis and a court basis, such as prosecutorial and judiciary discretion. In addition, Rabin (2019) analyzes the Trump Administration's immigration enforcement policies through the lens of multiple types of discretion (judicial, law enforcement, etc.). Rabin (2019) supplements her analysis with a few case studies from her law practice throughout the first year of the Trump Administration. Furthermore, Rabin (2019) provides a unique insight regarding aspects of Trump's immigration enforcement which is often overlooked, or even ignored. According to the author, legally contesting immigration policies enacted by the Trump Administration is "difficult" and "elusive" due to the significant changes in the methods by which enforcement and legal apparatuses utilize their discretion. Rabin (2019) concedes that Trump's policies are fixated on enforcement heavy approaches, while avoiding the legal obstacles of oversight via enacting an Executive Order. Throughout this journal article, Rabin (2019) discussed the ideas of "net widening" and the extensive amount of discretion granted to law enforcement entities through Trump's Executive Order. Some of these expanded discretionary powers were direct reversal of Trump's predecessor. The most notable of these were removing "humanitarian" initiatives and allowing law enforcement to decide and "prioritize" who enters the United States. These policies were geared toward the systematic deportation of undocumented immigrants (Rabin, 2019). Yet the logic surrounding President Trump's immigration enforcement policies fails to explain two aspects: how these policies will prevent further crime and prevent crimes occurring at the Southern Border. Merely on this basis, one can reject the legitimacy of Trump's policies as they appear to be

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geared towards the maintenance of classic "American culture and values."

Liberal v. Conservative Feeling Toward Immigrants

The two dominant political parties in the United States display different sentiments regarding the issues of immigration and immigration enforcement. With the help of YouGov, Gries (2016) conducted a study which is derived from an "original US survey" called the "national U.S. survey" during the Spring of 2011. Unfortunately, the adoption of internet-based surveys poses privacy concerns, potentially skewing results. In response to this predicament, the author took preventive measures which ensured that respondents' data was private, which he argues is advantageous for his study. The author accounts for a wide variety of demographics such as age, sex, gender, race, and education in his sample of one thousand people. The expansive use of these demographics adequately designates the sample as representative of the general population in the United States. This survey utilized a multilateral approach combining aspects of both psychological and political science surveys, thus complementing one another (Gries, 2016).

Gries (2016) concluded that liberals generally felt more welcoming (warmer) to Latin American immigrants, whereas conservatives were generally more reluctant (cooler) in allowing Latin American immigrants into the United States. In the analysis of his results, Gries concludes that "specific intergroup emotions" can greatly affect whether one is "warmer" or "cooler" towards immigrants (Gries, 2016; Fiske, 2012). Fiske (2012) provides an analogy of groups society perceives as "weaker" and "incompetent" such as the "elderly or disabled;" whereas society tends to dislike groups that tend to pose threats to the safety of the community such as "drug addicts" (Gries, 2016; Fiske 2012). The

presentation of this information is crucial analyzing and comprehending of both the liberal and conservative perspectives.

Although Gries (2016) has conclusive results, Gries utilizes a macro approach to his study, thus leading to overlooking certain specific communities. Kim et al. (2020) address this in their study by comparing views on immigration enforcement policies in bordering communities to the Latino and "general national" population. This study utilized the "original data" from the "RGV public opinion surveys" from 2018. The authors then apply this same framework to views and opinions of building a border wall. In their study, the authors assert that studies which analyze immigration in this regard are limited. Typically speaking, communities located on the U.S.-Mexico border usually lean liberal on their views of immigration policy (Kim et al., 2020). However, Kim et al. (2020) concluded that the issue of building a border is incredibly controversial. Furthermore, they concluded that education status was an influential factor in the opinions of the Latino population. The conclusions coincided with their initial hypotheses that Republicans would favor conservative approaches to border enforcement and the construction of a border wall. While Democrats would oppose conservative border enforcement and the construction of a wall (Kim et al., 2020).

Gries (2016) and Kim et al. (2020) exemplify the difference in attitude toward immigration between conservatives and liberals. Combining the information presented in both studies fulfills both the macro-based analyses and micro-based analyses, thus complementing one another, providing a more balanced approach to liberal and conservative values regarding immigration.

Consequences of Border Enforcement Polices
The Rise of Human Smuggling and Migrant Deaths

The enforcement of the southern border does not come without its consequences. One of the main consequences of border enforcement policies is the increased frequency of unconventional illegal entry methods and the death of migrants. Guerette and Clarke (2005) identified these two as significant consequences of border enforcement. They indicate that the change in immigration policies in the 1990s resulted in migrants seeking other means to illegally enter the United States, such as seeking assistance from a human smuggler. The authors concede that these policies deter illegal immigration; however, they also created a new humanitarian crisis. Guerette and Clarke (2005) cited multiple studies which concluded that the demand for human smugglers at the U.S.-Mexico border increased substantially. According to Guerette and Clarke (2005), the frequency of human smuggling service usage increased from 70% in the 1980s to 89% by the late 1990s (Reyes et al., 2002). The authors also outline the economic side of the equation through citing Cornelius (2001). Cornelius (2001) indicated that smuggling "fees" doubled between 1993 and 1998, resulting in a price of $1000 (Guerette & Clarke, 2005; Cornelius, 2001).

The second consequence of these policies is the death of migrants. Guerette and Clarke (2005) assert that smugglers subject migrants to dangerous "conditions" throughout their journey. Furthermore, the authors claim that the increase in deaths is related to increased border enforcement. Eschbach et al. (1999) determined that migrant causes of death also deviated upon changes in enforcement policy. "Environmental factors" caused more deaths and increased five-fold between 1993-1997 (Eschbach et al., 1999; Guerette & Clark, 2005; Guerette, 2004)

indicated that smugglers would also leave migrants who were "unable to keep up with the group" behind, thus leading to their eventual demise. Additionally, Guerette (2004) concluded that smugglers were reluctant to provide medical aide to migrants, and often failed to notify law enforcement within a timely manner. Although these are two of the fundamental consequences of border enforcement, there is still one major consequence that society is just beginning to recognize.

Separation of Families

Another consequence of border enforcement is the separation of families. Lee (2019) addresses this issue, analyzing it from a morality standpoint related to the "slow death" paradigm. Lee (2019) describes this theory as intangible factors that one can attribute to "health-related harms," which occur gradually. In this study, Lee (2019) asserts that the separation of families at the border differentiated Trump era policies from that of his predecessors. The author further asserts that reuniting families should be the focus of these policies, not destroying them. Throughout this study, the author discusses the family separation crisis related to the "slow death" paradigm. Lee's main arguments revolve around the idea that family separation, much like "slow deaths" can often go unnoticed if they do not directly affect society. Additionally, Lee (2019) develops the idea that current "debate" and deliberation efforts fail to resolve any part of this predicament, due to its failure of grasping the basic nature of immigration enforcement as it relates to migrant suffering. The author concludes his study by asserting that analyzing and debating on broader topics regarding immigration enforcement will help in curbing this problem (Lee, 2019). Lee's perspective regarding the separation of families is a unique analysis; however, there are more conventional methods to analyze this predicament.

In Eagly (2020), the author discussed the idea of "decriminalizing" of "border crossing" to curb the separation of families at the border. She stresses the importance of removing the discretion of prosecutors in immigration matters, as it truly penalizes the children of illegal immigrants. Eagly (2020) indicates that children are displaced when their parents are deported, resulting in their admission into detention facilities. The author concedes that the separation of families is by no means a new phenomenon; it was merely brought to attention during the Trump Administration. She also applies the logic of decriminalization of crossing the border to those seeking political asylum.

Considering the totality of the information presented by Lee (2019) and Eagly (2020), one can conclude a few aspects regard this dilemma. The first aspect is that the separation of families remained unnoticed until Trump took office. Furthermore, one can conclude that the separation of families poses a significant threat to the health and safety of the children. The third aspect is the idea that many religious and political entities scrutinized the separation of families, asserting that it is unethical and fundamentally deviates from American values.

Efficacy of Enforcement Policies

Analysis of Crime Demographics Regarding Immigrants

One can determine the efficacy of contemporary immigration enforcement policies through a few different mediums. The first, and most logical method, would be analyzing crime demographics and statistics regarding immigrants in a sociological context. Hagan and Palloni (1999) conducted an analysis utilizing these exact parameters. The authors assert that society bridging immigration with criminality is by no means a newly held belief. They analyze aspects such as criminality of

immigrants and the incarceration of immigrants. Hagan and Palloni (1999) cited both Scalia (1996) and Wunder (1995), asserting that society the misconceptions regarding Mexican immigrants and criminality is a result of a narrative fed to society by the government. Additionally, they address that this distorts public opinion, causing the public to associate Mexican immigration with criminal activity. The authors incorporate various factors into their study such as age and those detained awaiting trial. Hagan and Palloni (1999) begin through providing unadjusted statistics and concluding with the adjusted statistics accounting for the criteria above. Scalia (1996) determined that between 1960 and 1990, homicide rates almost doubled (Hagan & Palloni, 1999; Scalia, 1996). Furthermore, as Scalia (1996) indicated, the number of incarcerations also rose substantially which were largely results of the War on Drugs. Upon accounting for gender, age, and those awaiting legal proceedings, the data demonstrates little variation between the criminality of United States citizens and illegal immigrants from Mexico. Other relevant studies yielded similar results to those of the latter.

In Rumbaut et al. (2006), the author narrows the scope of their study to incorporate "first and second-generation men." Subsequently, they compared the data and criminality results of first-and second-generation men. According to the data, first-generation men were significantly at a lower risk of incarceration. Rumbaut et al. (2006) found that only 86% were incarcerated. This is nearly four times less than that of a naturally born citizen. However, when analyzing the criminality of second-generation men, Rumbaut et al. (2006) concluded that rates of criminality significantly rose. Ironically the most prominent rises in criminality where that of second-generation Mexican men at a rate

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of nearly 6%, eight times the rate of first-generation Mexican immigrants.

Upon analysis of both Hagan and Palloni (1999) and Rumbaut et al. (2006) one can conclude that immigrants as whole pose little threat towards adopting criminal behavior. Furthermore, one can also conclude that natural-born citizens are at a higher risk for criminal behavior, thus debunking the common misconception that immigrants will plague American communities with many violent crimes. This leaves one factor unaddressed, the lack of attention these statistics receive.

Disparities in Violent Criminal Activity

Borges et al. (2014) studied and determined whether there is a connection between violent crime and Mexican immigration. The author's analysis is multifold incorporating aspects such as mental health factors and other stressors related to the immigration process. Borges et al. (2014) compared the crime rates of Mexican citizens in Mexico to Mexican citizens in America. They initially hypothesized that Mexican citizens in Mexico will experience higher violent crime rates, and vice-versa. Borges et al. (2014) arrived at a few conclusions upon conducting complex statistical analysis. Consistent with the results of previous studies, Borges et al. (2014) concluded that Mexican citizens in Mexico were at higher risk for violent criminal behavior, whereas Mexican citizens living in America were less likely to resort to violent criminal behavior. Borges et al. (2014) conceded that the data and results did not substantiate their original hypothesis. Considering all the data presented in these studies, one can prudently deem that border enforcement is rather ineffective regarding the prevention of crime and criminal activity.

Policy Implications

Reallocation of Border Patrol Resources Towards Humanitarian Efforts

Upon analyzing the data presented, one can conclude that strict border enforcement polices do not serve as an effective deterrent to crime. The data predominantly demonstrates that immigrants are less likely to resort to criminality than naturalized citizens. One method the government could improve the current border situation would be the reallocation of resources towards the humanitarian and social issues immigrants encounter on the border. The most practical would-be further investment into the Border Search Trauma and Rescue Teams (BORSTAR). As outlined in Guerette (2007) the Southern Border during the 1990's saw an increase in migrant deaths at the border. As a result, The Border Safety Initiative program (BSI) was formed. The author asserts that the BSI mandated that United States Border Patrol add more safety measures at the border to prevent the further rise in the number of migrant deaths. In his study, Guerette (2007) investigates whether the BSI and BORSTAR effectively combated the number of migrant deaths. Guerette (2007) utilized data samples from various sources to analyze the efficacy of the BSI. In determining BORSTAR efficacy, the author utilized data from BORSTAR databases predominantly focusing on death and rescues. Upon conducting his study, Guerette (2007) determined that the BSI did not affect the number of migrant deaths. However, in terms of death prevention, BORSTAR was deemed effective. Since human smugglers are profit driven, they often leave "the weaker links" behind. BORSTAR addresses this problem and more through conducting search and rescue operations of migrants who were either abandoned by smugglers or became lost in the desert terrain (Guerette, 2007).

Although not all of these produced statistically significant results, that does not warrant the complete rejection of their theoretical framework. In the BSI case, Border Patrol can render a task force, which will widen the initial scope of educating migrants regarding the countless dangerous of human smuggling. Furthermore, this new task force can increase its presence in areas which are heavily influenced by drug cartels, thus educating those who may be seeking asylum.

Shifting From Immigration Enforcement to Immigration Management

As indicated by the data, migrant death figures were significantly lower before the Clinton Administration enacted heavy regulations on migration and immigration. As a result of such initiatives, the migrants adapted their entry strategies into the United States. These adapted strategies almost exclusively revolved around the use of human smugglers to cross the border. One of these initiatives, Operation Gatekeeper, saw a significant rise in mortality of migrants (Hinkes, 2008; Eschbach et al., 1999; Guerette & Clark, 2005). According to Hinkes (2008), between the years of 1993 and 2004 there were nearly 560 migrant deaths reported in San Diego County. Of these deaths, around 180 were non-immigration related causes of death. This means that nearly 380 deaths directly resulted from these intense immigration regulations (Hinkes, 2008).

Massey et al. (2016) provides a different perspective regarding immigration enforcement. In their study, the authors analyze and determine the reasons behind the border enforcement failures. In their study, Massey et al. (2016) utilized data from the Mexican Migration Project (MMP) complimented with data from Durand and Massey (2004). Throughout their study Massey and colleagues (2016) allude to the increasing prevalence of human

smuggling. They assert that increased border enforcement directly resulted from "moral panic" and a credible threat of "Latino immigration". In the concluding sections of their study, Massey et al. (2016) determined that the United States should shift its approach from enforcing immigration laws to managing immigration.

Although conservative and right-leaning moderates may reject this idea, it is better than being tough on immigration. With the increase in immigration flow, it is more cost effective to litigate resources towards the management of immigration, rather than utilizing framework of being tough on immigration. Adopting such strategies alleviates some of the current, fundamental humanitarian dilemmas such as rapidly increasing migrant death rates, and the increased presence of human smugglers. Furthermore, gearing policy toward immigration management, rather than enforcement-based policies, will resolve the incredible extent of backlogged immigration cases; thus, rendering a wide majority of immigration related offenses as null and void. Since courts will experience a significant reduction in their catalog, they can be repurposed and reserved for prosecuting serious and violent immigration related crimes.

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References

Amuedo-Dorantes, C., & Pozo, S. (2014). On the intended and unintended consequences of enhanced U.S. border and interior immigration enforcement: Evidence from Mexican deportees. *Demography, 51*(6), 2255–2279. https://doi.org/10.1007/s13524-014-0340-7

Andreas, P. (1998). The escalation of U.S. immigration control in the post-NAFTA era. *Political Science Quarterly, 113*(4), 591+.

Astrada, S. B., & Astrada, M. L. (2019). Truth in crisis: Critically re-examining immigration rhetoric & policy under the Trump Administration. *Harvard Latin American Law Review, 22,* 7–36. https://harvardlalr.com/2020/05/truth-in-crisis-critically-re-examining-immigration-rhetoric-policy-under-the-trump-administration/

Borges, G., Rafful, C., Tancredi, D. J., Saito, N., Aguilar-Gaxiola, S., Medina-Mora, M.-E., & Breslau, J. (2013). Mexican immigration to the U.S., the occurrence of violence and the impact of mental disorders. *Revista Brasileira de Psiquiatria*, *35*(2), 161–168. PubMed. https://doi.org/10.1590/1516-4446-2012-0988

Calavita, K. (2010). *Inside the state: The bracero program, immigration, and the I.N.S.* Quid Pro Books.

Capps, R., Chishti, Gelatt, J., Bolter, J., & Ruiz Soto, A.G. (2018). *Revving up the deportation machinery: enforcement and pushback under Trump* [Data file]. https://www.migrationpolicy.org/sites/default/files/publications/ImmigrationEnforcement-FullReport_FINALWEB.pdf

Cardoso, L. A. (1980). Mexican emigration to the United States,

1897–1931. University of Arizona Press. https://doi.org/10.2307/j.ctvss3xzr

Cornelius, W. A. (2001). Death at the border: The efficacy and "unintended" consequences of U.S. immigration control policy 1993-2000. *UC San Diego: Center for Comparative Immigration Studies*. https://escholarship.org/uc/item/7mx516pr

Dunn, T. J. (1996). *The militarization of the U.S.-Mexico border, 1978-1992: Low-intensity conflict doctrine comes home (1st ed).* CMAS Books, University of Texas at Austin.

Durand, J., Massey, D. S., & Parrado, E. A. (1999). The new era of Mexican migration to the United States. *The Journal of American History, 86*(2), 518. https://doi.org/10.2307/2567043

Durand, J., Massey, D. S., & Zenteno, R. M. (2001). Mexican immigration to the United States: Continuities and changes. *Latin American Research Review, 36*(1), 107–127.

Eagly , I. V (2020). The movement to decriminalize border crossing. *Boston College Law Review, 61*(6), 1968–2029.

Enforcement Gone Bad. (2009, February 22). New York Times, WK 9.

Eschbach, K., Hagan, J., Rodriguez, N., Hernandez-Leon, R., & Bailey, S. (1999). Death at the border. *The International Migration Review, 33*(2), 430–454. https://doi.org/10.2307/2547703

Fiske, S. T. (2010). Envy up, scorn down: How comparison divides us. *American Psychologist, 65*(8), 698–706. https://doi.org/10.1037/0003-066X.65.8.698

Fragomen, A. T. (1997). The Illegal Immigration Reform and

66

Immigrant Responsibility Act of 1996: An overview. *The International Migration Review, 31*(2), 438–460.

Guerette, R. T. (2004). Migrant death and the Border Safety Initiative: An application of situational crime prevention to inform policy and practice [Ph.D., Rutgers The State University of New Jersey - Newark]. http://search.proquest.com.libaccess.sjlibrary.org/dissertations-theses/migrant-death-bord er-safety-initiative/docview/305117073/se-2?accountid=10361

Guerette, R. T. (2007). Immigration policy, border security, and migrant deaths: an impact evaluation of life-saving efforts under the border safety initiative. *Criminology & Public Policy, 6*(2), 245–266. https://doi.org/10.1111/j.1745-9133.2007.00433.x

Guerette, R. T., & Clarke, R. V. (2005). Border enforcement, organized crime, and deaths of smuggled migrants on the United States – Mexico Border. *European Journal on Criminal Policy and Research, 11*(2), 159–174. https://doi.org/10.1007/s10609-005-6716-z

Hagan, J., & Palloni, A. (1999). Sociological criminology and the mythology of Hispanic immigration and crime. *Social Problems, 46*(4), 617–632. https://doi.org/10.2307/3097078

Hart, J. M. (1997). *Revolutionary Mexico: The coming and process of the Mexican Revolution (10th anniversary ed)*. University of California Press.

Hinkes, M. J. (2008). Migrant deaths along the California–Mexico Border: An anthropological perspective. *Journal of Forensic Sciences, 53*(1), 16–20. https://doi.org/10.1111/j.1556-4029.2007.00625.x

Hoffman, A. (1974). *Unwanted Mexican Americans in the Great*

Depression: Repatriation pressures, 1929-1939.

Huspek, M. (2001). Production of State, Capital, and Citizenry: The case of Operation Gatekeeper. *Social Justice, 28*(2), 51–68. https://www.jstor.org/stable/29768075

Kim, D., Kim, M., & Altema McNeely, N. (2020). A comparative analysis of the attitudes toward the U.S.-Mexico Border Policy: Evaluating perspectives on border security and building a wall in the Rio Grande Valley, national Hispanic and general U.S. populations. *Hispanic Journal of Behavioral Sciences, 42*(4), 476–496. https://doi.org/10.1177/0739986320953803

Kittrie, O. (2006). Federalism, deportation and crime victims afraid to call the police. *Iowa Law Review, 91.* https://www.researchgate.net/publication/228187259_Federalism_Deportation_and_Crime_Victims_Afraid_to_Call_the_Police

Lee, S. (2019). Family separation as slow death. *Columbia Law Review, 119*(8), 2319–2384. https://columbialawreview.org/content/family-separation-as-slow-death/

Lydgate, J.J. (2010). A review of Operation Streamline. *California Law Review, 98,* 481-544.

Maltby, E., Rocha, R. R., Jones, B., & Vannette, D. L. (2020). Demographic context, mass deportation, and Latino linked fate. *The Journal of Race, Ethnicity, and Politics, 5*(3), 509–536. https://doi.org/10.1017/rep.2020.24

Martinez, R., & Stowell, J. I. (2012). Extending immigration and crime studies: National implications and local settings. *The ANNALS of the American Academy of Political and Social Science, 641*(1), 174–191. https://doi.org/10.1177/0002716212437363

68

Martínez-Schuldt, R. D., & Martínez, D. E. (2019). Sanctuary policies and city-level incidents of violence, 1990 to 2010. *Justice Quarterly, 36*(4), 567–593. https://doi.org/10.1080/07418825.2017.1400577

Massey, D. S., Durand, J., & Malone, N. J. (2003). *Beyond smoke and mirrors: Mexican immigration in an era of economic integration*. Russell Sage Foundation. https://www.jstor.org/stable/10.7758/9781610443821

Massey, D. S., Durand, J., & Pren, K. A. (2016). Why border enforcement backfired. *American Journal of Sociology, 121*(5), 1557–1600. https://doi.org/10.1086/684200

Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., & Pellegrino, A. (1999). *Worlds in motion: Understanding international migration at the end of the millennium.* Clarendon Press. https://www.google.com/books/edition/Worlds_in_Moti on_Understanding_Internati/HTxf4BsATiYC?hl=en&kp tab=overview

McCann, W. S., & Boateng, F. D. (2020). An examination of American perceptions of the immigrant-crime relationship. *American Journal of Criminal Justice, 45*(6), 973–1002. https://doi.org/10.1007/s12103-020-09528-2

O'Brien, B. G., Collingwood, L., & El-Khatib, S. O. (2019). The politics of refuge: Sanctuary cities, crime, and undocumented immigration. *Urban Affairs Review, 55*(1), 3–40. https://doi.org/10.1177/1078087417704974

Passel, J. S., & Woodrow, K. A. (1987). Change in the undocumented alien population in the United States, 1979-1983. *The International Migration Review, 21*(4), 1304-334.

Rabin, N. (2019). Searching for humanitarian discretion in immigration enforcement: Reflections on a year as an immigration attorney in the Trump era. *University of Michigan Journal of Law Reform*, *53*(1), 139. https://doi.org/10.36646/mjlr.53.1.searching

Reyes, B. I., Johnson, H. P., & Van Swearingen, R. (2002). *Holding the line? The effect of the recent border build-up on unauthorized immigration.* Public Policy Institute of California. https://www.ppic.org/publication/holding-the-line-the-effect-of-recent-border-build-up-on-unauthorized-immigration/

Rosenblum, M. R. (2013). *Border security: Immigration enforcement between ports of entry.* Congressional Research Service. https://trac.syr.edu/immigration/library/P7495.pdf

Rumbaut, R.G., Gonzales, R.G., Golnaz, K., & Morgan, C.V. (2006). *Debunking the myth of immigrant criminality: Imprisonment among first- and second-generation young men.* Migration Policy Institute. https://www.migrationpolicy.org/article/debunking-myth-immigrant-criminality-imprisonment-among-first-and-second-generation-young

Sanchez, L. (1996, February 9). *Country to get more border agents, inspectors.* San Diego Union Tribune.

Scalia, J. (1994). Noncitizens in the federal criminal justice system, 1984-94. https://bjs.ojp.gov/library/publications/noncitizens-federal-criminal-justice-system-1984-94

Singer, A., & Massey, D. S. (1998). The social process of

70

undocumented border crossing among Mexican migrants. *The International Migration Review, 32*(3), 561–592. https://doi.org/10.2307/2547764

U.S. Congress. (1964). United States Code: Immigration and Naturalization Service, 8 U.S.C: Vol. Suppl. 4. https://www.loc.gov/item/uscode1964-020008013/.

Velazquez, A. M., & Kempf-Leonard, K. (2010). Mexican immigration: insiders' views on crime, risks, and victimization. *Journal of Ethnicity in Criminal Justice, 8*(2), 127–149. https://doi.org/10.1080/15377931003761045

Warren, R., & Passel, J. S. (1987). A count of the uncountable: Estimates of undocumented aliens counted in the 1980 United States census. *Demography, 24*(3), 375–393. https://doi.org/10.2307/2061304

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