

## INTRODUCTION

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In approximately 2000 miles of territorial boundary and with about 12 million inhabitants<sup>1</sup> in the area, the U.S.-Mexico divide is the most populous and interdependent of all borderlands in the hemisphere and one of the most active in the world; and although there are no armed conflicts, the area is probably the most policed international boundary between two nonbelligerent nations.<sup>2</sup> The U.S.-Mexican border has a history of coexistence and disarray, where all sorts of activities take place –from job arrangements to family ties, the amount of transnational affairs is persistently growing. In only two hundred years, the border has been the target of two military occupations and recruitment campaigns; it has been the platform of regional industrialization and, in the last couple of decades, it has become an economic actor that has successfully entered the global market. It is thus expected, that in an increasingly interdependent region, frictions will appear. It is hardly surprising that Mexico, the second largest trading partner of the United States, is also the largest provider of migrants to that country. That is precisely the problem upon which this thesis is based. Not only has migration “(...) been one of the longest-lasting problems and most sensitive border issues for Mexico and the United States,”<sup>3</sup> but it has become the showcase of state policing and government control to an extent that is worth examining further in detail.

Migration, like no other social phenomenon has the potential to change the fate of the hemisphere. The reason is no other than the importance that migration has on

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<sup>1</sup> United States-Mexico Border Health Commission. *Border Region*. Available from [http://www.borderhealth.org/border\\_region.php](http://www.borderhealth.org/border_region.php) Consulted February 2nd, 2005.

<sup>2</sup> As commented by the author in Joseph Nevins. *Operation Gatekeeper: The Rise of the "Illegal Alien" and the Remaking of the U.S.-Mexico Boundary*. (New York: Routledge, 2002), 5-6.

<sup>3</sup> David Lorey. *The U.S.-Mexican Border in the Twentieth Century: A History of Economic and Social Transformation*. (Delaware: Scholarly Resources Inc., 1999), 163-163.

both the Mexican and the United States economy. The boundary region alone is one of the fastest growing, throwing an output of about 150 billion dollars<sup>4</sup> annually, not to mention the voluminous amount of remittances sent back to origin-countries from all over the United States. Allegedly, Mexican migration has been harmful to the unemployment rates of the United States; however, as Mexican emigrants represent 15 per cent of Mexico's labor force, the United States' 'geriatric'<sup>5</sup> society relies on Mexican job supply excess to maintain its productivity. Recently, the relevance of the question of migration –which will be the main focus of the following analysis-, has to do with this former country's security concerns, starting in the mid-nineties and especially after 9/11, in view of the fact that criminalization of illegal human flows has been contradictorily paralleled to commercial liberalization and de-territorialization.<sup>6</sup>

By the end of the Nineteenth century the border region was vaguely defined and trouble between the two countries occasionally arose; commercial activity and economic integration at that stage was almost inexistent.

From 1848 until the end of the nineteenth century, the border was not patrolled and migration across it concerned few people (...); only in 1929 did it become a crime to enter the United States from Mexico without documentation. The tensions caused by the migration issue as we now think of it emerged in the 1940s [after] (...) the Bracero agreement.<sup>7</sup>

In fact, within a century, the composition, life and phenomena of the U.S.–Mexico border radically evolved. Conflict at the U.S.-Mexican border can be rooted back to the 1900s when natural resources –mainly water, were the subject of disagreement. As time went by, the divergence in the bi-national scenario developed

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<sup>4</sup> Marcelo M. Suárez-Orozco, (ed.) *Crossings: Mexican Immigration in Interdisciplinary Perspectives*. (Cambridge, MA: Harvard University Press, 1998), 30.

<sup>5</sup> Some authors suggest that U.S. demographical composition complements with Mexican since an aging society like the American requires of Mexican 'pediatric' generation.

<sup>6</sup> Suárez-Orozco. *Crossings*. 30.

<sup>7</sup> Lorey. *The U.S.-Mexican Border in the Twentieth Century*. 163-163.

into more complexly interconnected issues. Indeed, “[e]conomically dynamic borderlands, [like the U.S.-Mexican,] that have progressed to the stage of interdependence, may face frictions associated with international trade, smuggling, undocumented migration, heavy cross-border traffic, and international pollution.”<sup>8</sup>

Interestingly enough, the question of migration from Mexico to the U.S., sets forth a very noticeable phenomenon for experts to examine, that is, the paradox of economic integration versus the escalation in insecurity. With the signature of the North American Free Trade Agreement NAFTA in 1994, economic relations between the two countries have experienced a vertiginous change. In a just a few decades, cattle and mining activities as well as the manufacturing and services sectors –that kept the economy of the border alive for at least the second half of the Twentieth century, were progressively replaced by more diverse transnational activities. All of the former can be translated into an ever more interdependent stage at the Mexico-U.S. border. More precisely, crossings of the border for labor-related reasons have generated a new form of *industry* entrenched with immigration.

In fact, the newest addition to this clandestine behavior has to do with immigrant smuggling. This form of organized crime involves not only the illicit transportation of people across the border, but also implicates illegal drug and goods trafficking, document forging, and in some cases sexual or labor exploitation. In response, the U.S. Government has set up a series of border control policies and passed several pieces of legislation that somewhat contradict the integrationist trend characteristic of the North American block in the last decade. The regional management of borders shall accompany such a trend in a governance regime that fits the dynamics of the transnational phenomena of the block.

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<sup>8</sup> Oscar J. Martínez. *Border People: Life and Society in the U.S.-Mexico Borderlands*. (Tucson and London: The University of Arizona Press, 1994), 15.

Thus, the central argument I contend is that, if the North American Free Trade Agreement is in fact the perfect example of an economically liberalizing initiative, that de-territorializes the Mexico-U.S. boundary through a lesser amount of binding commercial norms, law enforcement mandates at the southwest border of the United States reflect a reassertion of American territorial sovereignty by either limiting or restraining certain types of transnational activities. Therefore, the hypothesis I will examine is that law enforcement policies have shown deceptive results; while these reaffirm territorial sovereignty with ample public acceptance, they fail at truly deterring the illegal entrance of aliens to their territory and consequently at ending the 'push and pull' forces provoking the massive movements of job-opportunity seekers. In fact, the enhancement of the U.S. border security policies have had an adverse effect on the Mexican crossings heading for the U.S.; those policies are prejudiced, discriminatory and do not fulfill the purposes for which they were introduced in the first place. They have generated new ways of either avoiding border security or 'skipping' it through legal mechanisms.

That line of thought is based on the fact that Mexico and the United States have dealt with undocumented migration for several decades, from the early 1900s to the early 1950s, U.S. immigration quotas and temporary worker programs were usually the sources of controversy. Later on, during the second half of the century, U.S. massive repatriation programs like Operation Wetback and deterrence policies like Gatekeeper and Hold-the-line have been part of the bi-national agenda on legislation aimed at curbing the flux of undocumented migrants. At times when most U.S. federal agencies were suffering budget cuts, the U.S. Immigration and Naturalization Service (INS) experienced a remarkable expansion in terms of budgeting and staffing, especially geared towards southwest border control objectives.

The INS strategy, called “prevention through deterrence”, was originally intended “(...) to discourage unauthorized entry along the southwest border –through more fencing, surveillance equipment, and law enforcement personnel- rather than having to apprehend entrants once [they had] crossed into the United States.”<sup>9</sup> “Prevention through deterrence” policies like Gatekeeper, Hold-the-line and even the USA PATRIOT Act of 2001, as well as other militarization of the border procedures,

(...) share a similar underlying logic: Increase enforcement resources and concentrate them along the busiest entry points for illegal migration, disrupting the human traffic and forcing migrants to attempt entry along more difficult, remote areas and at official ports of entry that are presumably easier for the Border Patrol to regulate.<sup>10</sup>

Nevertheless,

[r]aising the risk and difficulty of entry (...) forces more migrants to turn to smugglers and increases the price of being smuggled. The end result, border control strategists argue, is that many migrants are inhibited from even attempting to cross, and many of those who try fail repeatedly, leading them to give up due to frustration and lack of resources.<sup>11</sup>

Having considered that, one can only infer that border security policies respond to national interests mainly and to shared ones only to a certain extent. Hence, the impact of nationally-based border security policy on both sides of the borderline is the escalation of insecurity. Consequently, border control strategy can be assessed as both a failure and a success; border enforcement initiatives certainly affect the patterns, frequency and location of border entries, but fully fail at deterring illegal crossings. It is because law enforcement is located primarily at the busiest entry points that human traffic is dispersed and constantly displaced. As a result, what used to be a simple illicit

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<sup>9</sup> Peter Andreas. “The U.S. Immigration Control Offensive: Constructing an Image of Order on the Southwest Border” in Suárez-Orozco. *Crossings*. 345.

<sup>10</sup> Andreas in Suárez-Orozco. *Crossings*. 347.

<sup>11</sup> Andreas in Suárez-Orozco. *Crossings*. 347.

act such as crossing the border undocumented has become part of a devious, more dangerous web of organized crime. Indeed, today it is more dangerous and expensive for migrants to cross illegally, but enforcement policies fail at responding to the growth and sophistication of bi-national smuggling entrepreneurs.

Some have claimed that law enforcement policies have been a policy success since it is now more difficult and more expensive to enter –and remain in– the U.S. illegally. Furthermore, they consider law enforcement to be enough of a reason for migrants not to attempt to cross again. Failure arises though, as the number of people attempting to cross the border has not lowered, and the smuggling industry has actually become more profitable. Thus, in the administration’s attempt to diminish the amount of border apprehensions, officials can claim a policy success, but not so in the actual number of illegal immigrants entering United States soil, where the enforcement policy has been counterproductive. In fact, that there has not been a labor force shortage in any of the sectors where migrants are usually employed, and dollar remittances to origin-countries continue to be sent. This can only show that while the image of state control at the U.S. southwest border is regained, the problem of illegal immigration remains unsolved.

It is foreseen that border policing will continue to escalate, and so will the levels of migration between the two countries, especially if their current socioeconomic ties become persistently more integrated. While an orderly and safe border is necessary for the wellbeing of both nations, cross-border tensions will be perpetuated if bilateral cooperation is not achieved. So far, efforts to reduce illegal entry have failed and thus perpetuated the myth that the solution to the problem of the border is indeed at the border. The most advantageous and feasible of solutions requires intelligent, long-lasting initiatives from both countries. There is a strong need for a coherent border

security policy that underpins the interests of Mexico and the US, especially to prevent a major outgrowth in the criminal levels in the area.

To carry out this investigation, this thesis will contain three chapters. The first one will provide an overview of the conceptual framework that is embedded in the analysis of the question of migration. I have decided to call it a *conceptual* rather than a *theoretical* framework since the study of migration has been normally considered multidisciplinary, and each of the variables within this phenomenon has been analyzed individually by diverse disciplines. For that reason, I will apply a constructive approach through the allusion of ideas, models and premises of International Political Economy, Sociology, Political Science and Geography, all part of the International Relations discipline, since each of them contribute theoretically or empirically to the overall study of migration. I will refer to the work of Peter Andreas, Joseph Nevins, Thomas Biersteker, Barry Buzan, Sergio Aguayo-Quezada, Marcelo Suárez-Orozco, Oscar J. Martínez and David Lorey. Their work, and the contributions of several others, will help me compile the key concepts and major ideas related to the case study of border security and migration. Chapter one will additionally draw the panorama of the configuration of the border in order to better identify the problems of a shared Mexico-U.S. boundary.

The second chapter will review the general background of my subject matter – border security and migration- through a succinct but focused revision of it, particularly after the end of the Cold War. I attempt to clearly differentiate the migration issue from that of illegal drug trafficking, and highlight the border policing initiatives of the United States. In doing that, I will lay out the basis for an exhaustive evaluation of “prevention through deterrence” policies, to be completed in a third and final section. I attempt to

illustrate my argument with facts and figures developed by specialized councils and institutes.

Chapter three will be aimed at thoroughly assessing the border security policy of “prevention through deterrence”. I will make use of working papers, official and unofficial documents, and statements of policymakers before congressional subcommittees in oversight hearings and briefings. The main axis of this last chapter will be the highlighting of the adverse effects of enhanced border security on Mexican migration to the United States. I will contend mainly that the most immediate results of such measures have been counterproductive as to ending the influx of the undocumented but have generated a positive externality to the unlawful practice of human smuggling. I will finally cast a commentary on the latest policy developments dealing with this item.

My final conclusions will draw together the concepts developed throughout the first chapter, and will put the facts collected in the second chapter in perspective once the policy evaluation is completed in the third. All together, the following thesis attempts to contribute in generally realizing the importance of safer borders for orderly migratory activities, while providing an informed opinion on the governmental policies driving the fate of one of the most unique borders in the world.