

Hardened Borders: A Case Study on Inefficient Solutions to the Immigration Problem in El Paso

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Abstract: With the rising controversy over illegal immigration, Mexican migration to the US twirls into the spotlight. In 2005 the majority (56 percent) of the 11.1 million unauthorized aliens were of Mexican origin (Passel i)—a signal to the US government that the source of the problem is illegal Mexican migration. The solution pursued in the last two decades by the US government was the fortification of the US-Mexico border. The following article argues that hardened borders between the US and Mexico are not a viable solution to unauthorized Mexican migration. The fallacies of the framework for immigration since 1986 are examined by means of a conducted case study on the borderplex of El Paso and Ciudad Juárez. The case study illustrates the social, economic, and kinship cross-border ties which contribute to the porosity of the border. Furthermore, it investigates stepped-up border enforcement programs, such as Operation Hold-the-Line, and new modes of entry resulting from the US Customs and Border Protection's latest strategies to deter illegal migration.

Since the beginning of the twentieth century, the United States has experienced several waves of Mexican immigration. The latest and most voluminous one started in the early 1970s and more than quintupled the Mexican-origin population from 4.5 million to 25.5 million in 2005 (Camarillo 510). Mexican migrants do not only represent the largest group of legal permanent residents (green card holders), they also constitute the majority among illegal aliens. These illegal Mexican immigrants predominantly entered in the past ten years.

The swift increase of the unauthorized Mexican population originated, flourished, and was molded by outdated US immigration policies and by deliberate maintenance of legal loopholes giving US employers the opportunity of worker exploitation. Moreover, the rapid growth was induced by diametrical economic developments in the US and Mexico creating an economy that works both ways. The United States is able to satisfy labor demands in various industries such as construction, manufacturing, and service, while Mexicans are offered an opportunity to earn more money and support their families with higher remittances. This labor and monetary exchange turned the availability of cheap Mexican labor in the US and US foreign direct investment into Mexico into central aspects of the economic development in both countries.

Although an economic integration of the two countries has taken place in the last fifteen years, especially in light of the North American Free Trade Agreement, no labor market integration has been carried out. Along with the elimination of trade barriers in 1994, the fortification of the US-Mexico border started as a measure to inhibit illegal Mexican migration. Henceforth, the strategies of tighter, more concentrated border enforcement and the fortification of the border through the application of high technology have been pursued.

America needs to secure our borders – and with your help, my administration is taking steps to do so. We’re increasing worksite enforcement, deploying fences and advanced technologies to stop illegal crossings. (Bush)

Double- or triple-layered border fences are built especially in highly populated, interconnected, and interdependent areas such as border twin cities.

This paper seeks to examine the efficiency of the approach of ‘border enforcement first’ to reduce illegal Mexican migration. The scope of the analysis covers the border city of El Paso, Texas and its neighbor city Juárez—Mexico’s fourth largest city. Together the so-called borderplex comprises a population of nearly two million and represents an essential traffic junction on the 2,000 mile-long border for goods, capital, resources, and services between the United States and Mexico.

After a short overview of the fallacies of the current immigration system and recently passed immigration legislation, I will assay the socio-economic ties between El Paso and Juárez. In this context I will discuss the integral cycle of labor shortage on the US side of the border satisfied by cheap and low-skilled

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labor available *en masse* from Mexico. The goal of this part is to show that the transborder developments, which have deeply consolidated and integrated the two border cities over the past decades, have led to the porosity of the border always allowing certain loopholes for unauthorized migrants to cross the border.¹

In the last part of my work I will examine the initiatives introduced by the US government since 1993 to break up that liaison in light of securing national borders and reducing illegal immigration. This paper will cross-examine the success of the Border Patrol's (BP) first National Strategic Plan, its implementation of the strategy of Prevention through Deterrence, and the construction of a 'Smart Fence' against the new modes of entry border crossers found to overcome border obstacles. This contribution will thus prove that tighter border enforcement along the US-Mexico border is an insufficient solution to the immigration problem.²

FALLACIES OF THE US IMMIGRATION SYSTEM

The immigration legislation of the past twenty-two years has been circumventive and elusive to economic requirements and labor market objectives, thereby contributing to the current inefficient immigration system. Among others, there are three main reasons for this inefficacy: outdated policies defining permanent residency visa allocation, the insufficient allocation of annual temporary work visas, and a non-comprehensive immigration legislation approach since 1986.

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- 1 Based on Passel's definition, the phrase "unauthorized migrant" is used for "a person who *resides* in the United States but who is *not* a U.S. citizen, has *not* been admitted for permanent residence, and is *not* in a set of specific authorized temporary statuses permitting long-term residence and work" (Passel i, italics and bold print in original). The term immigrant is only used in reference to green card holders which have the right to reside and work in the US long-term. Furthermore, this paper treats Mexican migrants as a homogeneous group and assumes that primarily economic considerations and kinship shape the migratory flow. The group of high-skilled Mexican migrants is not addressed in this paper.
 - 2 In my entire analysis I rely heavily on Bean et al.'s and Cornelius's remarkable studies on the effects of the US government's border enforcement on Mexican immigration. Further interesting examples of studies on Mexican migration to the US can be found in the work of migration scholars such as Douglas S. Massey and George Borjas.

First, legal permanent residency admission is still based on the principles codified in the Immigration and Nationality Act (INA) of 1965. The act established a preference system which puts major emphasis on family reunification and accordingly limits the annual visa allocation slots. Out of 675,000 annually allotted green cards, between 70 and 75 percent are granted due to sponsorship by family (Wasem 3). Merely 20 percent are reserved for employment-based immigrants, such as qualified professionals and high-skilled laborers, who can genuinely add value to the country's economy. The disproportionate distribution of green cards does not meet the current demand for extraordinarily qualified professionals.

Second, the allocation of temporary visas for low-skilled foreign workers, so-called guest or seasonal workers, does not meet current labor market demands. This becomes clear when looking at the most prominent and controversial visa categories among seasonal visas for low-skilled labor: H-2A visas (seasonal agricultural workers) and H-2B visas (seasonal nonagricultural workers) (Robinson-Jacobs and Case). Annually, about 11 percent of all non-immigrant visas are granted to seasonal temporary workers. Labor demands in certain industries such as seasonal, forestry, construction, and manufacturing often do not match the 90,000 to 110,000 temporary seasonal worker visas provided annually.³

According to an article in the *Dallas Morning News*, which bases its findings on data from the Department of Labor, the "number of H2B workers sought by U.S. employers jumped from about 100,000 in fiscal year 2000 to nearly 250,000 in 2006" (Robinson-Jacobs and Case). In 2005, this shortage eventually led Congress to release the Save Our Small and Seasonal Business Act, which exempted all returning H-2B foreign workers from the quota to respond to the severe lack of work force. Although the act slightly mitigated the labor shortage for the year 2005, it was only a short-term solution. The insufficient annual amount of temporary seasonal work visas, especially with regards to the H-2A and H-2B categories, explains the incentive for illegal migration on both sides: Employers hire, and illegals find work. This negative cycle will not be broken as long as cheap labor is within close proximity and as long as manual work exists.

3 Whereas the H-2B category has an annual cap of 66,000, the H-2A category is not numerically limited (Bruno 24).

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Third, immigration legislation in the last twenty-two years, in addition to being outdated and ill-prioritized, has followed an incomprehensive approach towards illegal migrants by focusing on border enforcement and neglecting economic needs as well as necessary policy reforms regarding visa caps. The growing undocumented population was addressed for the first time in the Immigration Reform and Control Act (IRCA) of 1986. It attempted to reduce the number of the three to five million unauthorized migrants by implementing four principles: firstly, by introducing a guest worker program, secondly, by granting amnesty to 3.1 million illegals, thirdly, by stepping up border enforcement,⁴ and lastly, by holding employers accountable if they knowingly hired or continued to employ illegal migrants. The last principle had a more symbolic meaning: The term ‘knowingly’ clearly indicates that if employers hired an illegal immigrant with fraudulent documentation and they claimed not to know, they were not indictable. Moreover, employers were not required to verify the authenticity of the given information or to keep copies and could therefore easily get away. In fact, till date employers are not obliged to verify an employee’s or applicant’s information.

When in the beginning of the 1990s the number of illegal migrants rose again, anti-immigration resentment gained momentum and legislation was formed limiting state-implemented programs, such as Supplemental Security Income, Medicaid, and Food Stamps. Simultaneously, the BP introduced its first National Strategic Plan (NSP). The execution of the NSP, which aimed to gain partial operational control over the 2,000 mile-long US-Mexico border, first became observable in the implementation of Operation Hold-the-Line in El Paso, 1993, and Operation Gatekeeper in San Diego, 1994 (Nuñez-Neto 3).

To gain operational control, both operations followed the enforcement strategy of Prevention through Deterrence (Nuñez-Neto 3), which meant a direct deploying of BP agents and resources such as equipment, cameras, stadium lighting, sensors, and other tactical infrastructure, along the border. This strategy intended to enable the BP to detect attempted entries immediately and to deter undocumented crossers in more remote areas, thereby hoping to end the cat and

4 Stepped-up enforcement along the US-Mexico border to protect against future illegal immigration led to the expansion of the BP, increasing by fifty percent between 1986 and 1987 (Espenshade 215-20). Initially the IRCA was successful in reducing the estimates of undocumented aliens from 3-5 million in 1986 to 1.8-3 million in 1989 (Espenshade 215-20).

mouse game once and for all. Prior to the implementation of this new strategy, the BP agents tried to catch undocumented aliens after they had already crossed the border and reached the interior. This trend to tighten the southern US border has continued ever since.

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) released in 1996 did not only place further restrictions on immigrants,⁵ but also allocated \$12 million for a 14-mile triple fence along the US-Mexico border from San Diego eastward. Moreover, the act included a five-year provision to annually “increase by not less than a 1,000” the number of full-time active-duty BP agents in areas with high crossing numbers. By 1999 the number of BP personnel had quadrupled compared to 1978, with its most rapid growth occurring “between 1992 and 1999, when the number of agents more than doubled, from 3,651 to 7,982” (Orrenius). By the end of 2008, the BP had a total of more than 18,000 BP agents (U.S. Custom and Border Protection).

In addition to a tremendous stock up of BP agents, Congress gave priority to the fencing of the border resulting in the gradual deployment of more technologically sophisticated equipment and enhanced infrastructure along the US-Mexico border. In the past seven years, especially after 9/11, the Department of Homeland Security (DHS) has availed its enhanced discretionary power and pushed even harder for the fractional walling up of the border, culminating in the BP’s second National Strategic Plan and the Secure Border Initiative in 2005. Corroborated by the argument to protect the US against terrorist penetration, besides high numbers of illegal migrants, the two comprehensive multi-year plans took tighter border enforcement to yet another level. The two initiatives aimed at

- Establishing the substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally . . . ;
- Deterring illegal entries through improved enforcement ;
- Detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband;
- . . . multiply the deterrent and enforcement effect of Agents. (Nuñez-Neto 4)

5 One of the new restrictions required immigrants planning to sponsor a family member to prove that their income is at least 25 percent above the federal level.

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In addition, the ‘catch and release’ policy was to be replaced by the ‘catch and return’ policy. These aims were supposed to be achieved mainly by “[l]everaging ‘Smart Border’ technology” (4) and the expansion of detention and removal capabilities, in addition to an increase of the BP force.⁶

As of 2008, 354 out of the 670 miles of planned border fence have been completed. “[T]he border enforcement budget increas[ed] sevenfold from 1980 to 1995 and then more than tripl[ed] from 1995 to 2003” (Nuñez-Neto 5). Only recently another \$2 billion were ensured to the DHS over the next two years “to continue to construct the most effective mix of current and next generation technology, as well as additional miles of fencing and other infrastructure to protect the border” (Executive Office of the President). But despite the DHS’s effort to seal the border in high-traffic areas, with the Secure Fence Act of 2006 being the latest legislative document in this effort, the amount of illegal immigrants has increased. According to a study by Jeffrey S. Passel, a senior demographer at the Pew Hispanic Center, in 2005 an estimated 11.1 million unauthorized migrants resided in the US, out of which 66 percent had been in the country for ten years or less and 40 percent had been in the country for five years or less (i). The largest growing group among the undocumented population were Mexicans whose number increased by 1.5 million between 2000 and 2005, explaining the BP’s special focus on the southern border (ii). The growing number of unauthorized Mexicans speaks for itself and gives reason to seriously question the success of hardened borders.

Despite Congress’s awareness of the severity of the lack of labor force incentivizing illegal Mexican immigrants and US employers to make employment possible outside the realm of law, immigration legislation ratified in the last two decades has failed to respond effectively. Both the outdated policies defining permanent residency visa allocation and the insufficient allocation of annual temporary work visas have thus added to the ineffectiveness of ‘border enforcement first’ as a solution to the issue.

6 ‘Smart Border’ technology refers to an increased usage of advanced technology, such as cameras, satellites, and unmanned aerial vehicles, to reinforce the infrastructure at the border.

THE AMALGAMATION OF EL PASO AND JUÁREZ—A PERMEABLE BORDER

The dynamic transformation of El Paso and Juárez eventually led to an amalgamation of the two cities and the creation of the biggest metropolitan borderplex in the world. This transformation was spurred and reinforced by cultural ties, socio-economic determinants, and international trade liberalizations and treaties, which enabled both countries to utilize their pool of resources for their own betterment. The pool of resources determined by the economic inequality between the two countries, being the most important factor next to kinship, constantly revived not only the integration of El Paso and Juárez but also of the United States and Mexico in general. By having an abundance of cheap labor and lacking a functioning political system and labor protection, Mexico perfectly fit the role of human capital supplier for its northern neighbor. The United States, on the contrary, has had to face a scarcity of labor at various times and has offered better wages and living standards. The socio-economic transformation of the borderplex within the scope of the stated dynamics led to a permeable border, which is increasingly referred to as ‘artificial’ by journalists, migrants, and more recently, by researchers such as Abraham Lowenthal (77).

Once both belonging to the territory of Mexico, El Paso and Juárez encountered their political separation with the ratification of the Treaty of Guadalupe Hidalgo. The treaty settled the end of the Mexican American War in 1848 and constituted what nowadays is the political boundary between Mexico and the United States. At that time the border, though being defined, rather had a ‘symbolic’ meaning and did not interfere with the social and economic developments of the two border cities until about 1986. Especially the common isolation from the interior of their respective countries supported a vigorous integration and interdependence early on. Besides proximity, which is one of the essential determinants in shaping the integration of El Paso and Juárez, economic, infrastructural, and social asymmetry played a crucial, if not the most important, role in facilitating and perpetuating the socio-economic interdependence of the two border cities.

By the end of the nineteenth century, in light of the Westward Movement and with the advent of the railroad in the southwest, El Paso received its wakeup call. Within only a few years, the city turned into a transportation and supply center for the southwest and a gateway into Mexico, marking the first step to El

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Paso's function as a trade center and a port of transshipment. As the region and the city started growing further, attracting new industries and services like agricultural supplies, smelting, and other mining support services, the demand for cheap and pliant labor grew.

The geographical proximity to populous Mexico and the existing rail connection between El Paso and Mexico made it easy for El Paso to cope with its high demand for labor. In the advent of labor contracting, the inflow of cheap migrant workers from Mexico was guaranteed. In fact, "[l]abor contracting [itself] became an important service industry for El Paso during this period" (Simcox). Until the 1964 ratification of the first federal farm labor contractor registration law, labor contracting was largely unregulated, often leading to labor exploitation and mistreatment. The birth of Mexican labor contracting can be considered the foundation and the starting point of Mexico's and the US's interplay between labor supply and demand, later on taking place in different forms like the Bracero Program. This eventually led to an evident dependency which in turn fueled illegal migration. Therefore, labor contracting, in all its various legal and illegal realms, constitutes one cross-border tie making the political border porous.⁷

Another very old and important cross-border tie reinforcing the gradual coalescence of El Paso and Juárez are commuter workers from Juárez. In 1929 the US Supreme Court legally defined commuter workers

as immigrants who had been granted permanent residence in the U.S. Each time they crossed the border to work in the U.S., the immigrants were considered to be returning from a temporary visit abroad. (Lawrence 179)

An early study by Oscar Martinez estimated that 1,700 to 3,000 aliens crossed the border daily to work in El Paso in 1930 (Lawrence). According to a report by the General Accounting Office (GAO), even nowadays day laborers are temporary and transient workers whose jobs are predominantly in manufacturing, warehousing, construction, and domestic services, such as chauffeuring, gardening, and housecleaning (U.S. General Accounting Office, *Worker Protection* 9-11).

⁷ Labor contracting existed already earlier with Chinese migrants mainly prevalent in California. After the exclusion of the Chinese, labor shortages needed to be covered by another ethnic group: Mexicans.

Ever since their existence, daily commuter workers have contributed to the border's porosity. Furthermore, they represent a long-existing labor market element in El Paso. In 1970 estimates calculated that between 10,000 and 13,000 commuter workers were in El Paso, constituting 20 percent of El Paso's employed labor force. Today, the difference is probably that a large portion of commuter workers are hired illegally due to annual visa caps not sufficing labor demands. Generally,

what the commuter worker patterns confirm is the notion that the international boundary tends to fade in highly urbanized areas, giving the way to broader transfrontier domains where US and Mexican cities are joined within a single transnational living space. (Lawrence 186)

Provisions aiming to impede employment of cheap Mexican labor were enacted; these, however, as a result of the severe economic downturn during the Great Depression, were only short-lived in El Paso. When El Paso's Chamber of Commerce realized the downfall in the purchasing power of Juarenses and business loss in El Paso, drastic arrangements were made to conciliate the conflict. Thus, certain statutes existed which provided a loophole "ensuring in specific industries an ongoing flow of Mexican immigration workers" (Champlin and Knoedler 208), showing once more that economic needs outbalanced immigration restrictions and made the border porous.

Federal immigration restrictions placed on Europeans due to the 1924 Quota Act led to an unexpected labor shortage in agriculture and stipulated the creation of the US-Mexican labor contract program called Bracero Program. The program initially lasted from 1942 until 1947. After 1947, several years of informal and private recruiting of Mexican laborers by US employers led to a substantial amount of illegal migration. During this period, US farmers were not required to pay minimum wage or fear government bureaucracy. Moreover, the federal government tolerated illegal entries and even granted illegal Mexican migrants work permissions if they found a job. This procedure was termed "drying out the wetbacks" (Rosenfeld and Tienda 199).⁸

8 Illegal Mexican migrants were referred to as 'wetbacks,' usually arriving wet in the US after having crossed the river Rio Grande.

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In 1951 another Mexican farm labor program was introduced under the same name Bracero which lasted until 1964. The Bracero Programs further changed El Paso's labor market composition. According to Marcell's findings, the number of El Paso's farm laborers of US nationality dropped from 10,214 to 1,444 between 1954 and 1964, whereas the number of annually employed Mexican farm laborers gradually rose. "In 1951 approximately 25 percent of the tomato harvest [in El Paso] was done by Mexican nationals, yet five years later over 90 percent of the harvest was done by Mexicans" (Marcell). Moreover, El Paso witnessing "[m]ore than 80,000 braceros pass[ing] through the El Paso Center annually" altered its economic and social environment. It amplified the city's function as a "historic recruitment site and substantial gathering point for the agricultural labor force" (Marentes and Marentes). Hence, El Paso became and still is one of the most important entry points to the United States.

"[B]y the mid-1950s the program supplied nearly half a million workers annually to agribusiness, primarily in southwestern states" (Camarillo 508). The Bracero Programs provoked the second big wave of Mexican migrants. The continuous extensions of the program, originally intended to last five years, and the rapidly increasing employment of Mexican workers constituted a convenient solution for the US and especially the southwest in hiring cheap contract laborers from its neighbor country. US employers saved about \$1 per one hundred pound cotton picked if they hired a bracero instead of a US citizen farmer (Martinez, "Prohibition and Depression" 156). In El Paso, for example, employers only had to pay daily commuters and guest workers 20 to 40 percent of native wages (156). Furthermore, for the braceros it was an attractive proposition since they made anywhere between nine and sixteen times more money than in Mexico for conducting the same work (Marcell). The Bracero Programs were profitable for both the US employers and Mexican laborers, a cooperation that is still pursued in spite of recent migration enforcement. If not at that time, then at least today the termination of the Bracero Program could have served as a good lesson for the US to recognize its dependency on foreign labor and the employers' preference for cheap over expensive labor. This indicates that migration enforcement in forms of quotas and border enforcement will not overcome these circumstances but will rather trigger violations of immigration statutes.

The termination of the Bracero Program, followed by the return of a large number of Mexican agriculture workers, led to high unemployment rates in

northern Mexico. To alleviate the problem, the Maquiladora Program was launched in 1965 under the Border Industrialization Program (BIP) enacted by the Mexican government. Maquiladoras are manufacturing facilities located in main border towns along the US-Mexico border, that process, assemble, or repair duty-free imported materials or commodities from US businesses. Once the goods are repaired or assembled, they are exported to the US with a duty or tariff added to the value.⁹ With the implementation of the Maquiladora Program, US companies discovered the southern border region as a new Mecca for maximizing cost-effectiveness through lower wages, special customs treatment, lower operating costs, and less intervening labor union regulations.

On both sides of the border, the advent of maquiladoras initiated infrastructural and economic advancement, increased international bridge crossing traffic, and created employment opportunities, thus attracting thousands of people to the border region. The stronger the manufacturing, apparel, and assembling sector grew in Juárez, the higher the demand for services such as engineering and financial assistance, US-based businesses for customers, brokerage, warehousing, transport, and industrial supplies grew in El Paso. For example, turnover at maquiladora production became directly proportionate to employment in El Paso. A study by the Texas Border Holden Institute in 1984 estimated that a 10 percent increase in maquiladora output in Juárez had led to a 2-3 percent increase in El Paso's employment (Cañas, Coronado, and Gilmer 29). The intra-industry trade, instigating the dynamic transformation of the borderplex, further created more stringent and long lasting cross-border linkages in terms of economic and labor market development. These linkages are still evident, considering that, for example, a 10 percent increase in maquiladora production led to a 1 percent increase in El Paso's employment and to an 11 percent increase in El Paso's retail sales (Cañas, Coronado, and Gilmer 29; Phillips and Coronado 24).

The high availability of jobs in the maquiladora business attracting semi- and low-skilled laborers lured a lot of Mexicans from the interior of the country to

⁹ Initially, businesses in the apparel, assembly, and electronic industry sectors took advantage of the incentives provided by the BIP. The latest generation of maquiladoras, however, has focused on skilled design and manufacturing, embracing technological advancement rather than basic assembly. Some of the largest maquiladora operators are Delphi, Mattel, Tyco, General Electric, Ford Motor Company, and ITT (Cañas, Coronado, and Gilmer 28).

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Juárez, thus reshaping Juárez's demographic composition. This finally ended the long-lasting isolation from Central Mexico (especially from Mexico City) and tremendously increased Juárez's population density.¹⁰ Juárez recorded growth rates ranging from 11.4 to 46.6 percent between the 1960s and the 1990s. El Paso experienced similar growth, not only appealing to low-skilled laborers but also to high-skilled workers. The high amount of US manufacturing plants and their accompanying businesses, which relocated from the interior of the US to El Paso, as well as the infrastructural development of the region turned El Paso into the major metropolitan center of West Texas and the largest city on the US-Mexico border. Therefore, El Paso's population increased by 64.6 percent from 359,291 to 591,610 between 1970 and 1990.¹¹ Remarkably, approximately 45 percent of El Paso's population growth during that period was due to international migration, mostly from Mexico, "contributing at least an additional 50,000 workers to the labor force" (Simcox).

The introduction of the maquiladora business not only alleviated unemployment rates in northern Mexico but also tied Mexico's economy strongly to US direct foreign investment. This led to a volatility which for the first time revealed itself in 1997/98. Since then the textile and apparel maquiladora business has been downsizing due to the relocation of the clothing production to low-labor-cost countries in South America and Asia. "[T]he share of textile and apparel maquiladora employment in the border region fell from 49 percent in 1990 to 17 percent in 2001" (U.S. General Accounting Office, *International Trade* 16), thus displacing a lot of workers. Juárez alone accounted for 70 percent of such employment; thus, the impact of downsizing was felt deeply in this region.

Displacement due to infrastructural changes or economic downturns, especially when leading to currency devaluation, is a strong push factor inducing Mexicans to cross the border clandestinely. Once situated at the border and under detrimental economic circumstances, the likelihood to cross the border illegally increases dramatically. Given the economic needs associated with the

10 Especially farmers were attracted to Juárez as an industrial boom town. In the 1970s, Mexico's government removed traditional protection of guaranteed purchase of corn at prices above the market value, and a lot of farmers were displaced. In consequence, Juárez's population grew younger and less skilled.

11 Population growth numbers calculated based on Lorey.

Maquiladora Program, Mexican labor became diversified and also more qualified, leading to a wider range of opportunities in the industrial sector in the US. Previously, opportunities to find work in the US had been provided by the length of the Bracero Program. A network between Mexican migrants and US employers had evolved assisting both sides: undocumented migrants to find work and US employers to overcome labor scarcity. Hence, braceros who had been forced to leave the US did not have a difficult time being rehired illegally, despite the termination of the program. Thus, the termination led to a shift “from a de jure guest worker program based on the circulation of braceros to a de facto guest worker program based on the circulation of undocumented labor” (Fernandez-Kelly and Massey 107).

Therefore, a substantial rise of undocumented aliens in the US can be identified from 1970 onwards. However, these activities were all the while compliant with a fraction of the law, which until 1986 did not consider hiring undocumented workers indictable. The Texas Provision of 1952, for example, literally “allowed employers to hire illegal immigrants with impunity” (Rohe 232). These developments explain the great rise of the number of Mexican migrants during the 1970s and 1980s. In the 1980s the city of El Paso had the fifth highest concentration of Mexican immigrants in the US (Card and Lewis 203). Nowadays, about 76 percent of the El Paso population are of Mexican origin (U.S. Census Bureau).

There are three more determinants influencing the increase of the Mexican population in the US: braceros who gained legal permanent resident status or who were naturalized, residence permits for their families, and natural birth.¹² Therefore, family and kinship ties as well as social networks across the US-Mexico border expanded tremendously, constituting a greater incentive to cross the border (legally and illegally) and significantly facilitating Mexican migration. It is often argued that these networks, supported by the 1965 Immigration and Naturalization Service (INS), led to so-called chain migration.¹³ As sociologist Douglas S. Massey found out in his research on immigration policies

12 Congress passed the Immigration Act of 1965 focusing on family reunification, hence providing a perfect platform for Mexican families to settle down in the US.

13 Chain migration, also called serial migration, refers to migrants who become legal permanent residents (immigrants) by virtue of family reunification. US green card holders are allowed to sponsor family members for legal permanent resident status on the grounds of family reunification.

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implemented after the North America Free Trade Agreement, in 1998 an estimated

20 percent of all Mexicans aged 15 to 64 had made at least one trip to the United States, and 41 percent of all household heads had done so . . . [and] that 60 percent of all Mexican household heads had at least one immediate family member with U.S. experience and 25 percent had an immediate family member living in the United States. Likewise, 67 percent had at least one member of their extended family with U.S. experience and 61 percent had an extended family member living north of the border.

The integration process of El Paso and Juárez demonstrates well the roots of the current cycle of satisfying US labor shortages in various low-wage sectors by importing cheap and abundant Mexican workforce seeking economic advancement. By meeting the needs of US employers and Mexican low-skilled laborers, a strong dependency has been created, which after the termination of guest worker programs often moved outside the realm of legality and which even tighter immigration laws could not break. This dependency in terms of labor supply and demand developed a certain level of convenience in hiring workers for less expense who were often unprotected by labor unions or the law. Additionally, the long absence of true border enforcement or any regulation regarding Mexican migration fueled the development of the current cycle. Moreover, a solid network of families and friends has been established. All these facts have made the border permeable. Adding the factor of the continuously growing undocumented population in the US to the convenience and dependency factor, it is unlikely that ‘border enforcement first’ is going to be effective since it does not take the prevailing conditions into account.

OPERATION HOLD-THE-LINE EL PASO—NEW MODES OF ENTRY

In 1993, the BP’s first National Strategic Plan implemented the strategy of Prevention through Deterrence in the El Paso sector under the name Operation Hold-the-Line.¹⁴ The El Paso sector, which oversees 290 miles of international

¹⁴ The territory referred to as El Paso sector is not equivalent to the territory of El Paso. As defined by the BP, the El Paso sector covers the entire state of New Mexico and the two

border (180 miles land border and 109 miles river border), constitutes one of the busiest and, in terms of cross-traffic, most voluminous ports of entry in the world. Especially the border stations situated in and around El Paso City see major cross-border traffic.

According to CBP [Customs and Border Protection], nearly 40,000 cars went through the ports of entry at El Paso, Santa Teresa and Fabens daily in July [2007]. More than 145,000 pedestrians crossed into the United States during that period. (Carter)¹⁵

In 1993, El Paso was strategically chosen as one of the two major sectors where a large amount of illegals resided (according to Simcox, 35,000-45,000 in El Paso County) and where the majority of apprehensions along the southwestern border occurred. The sector has seen some improvement after the implementation of Operation Hold-the-Line, whereas other BP sectors have experienced increased pressure of illegal crossings.¹⁶

To deter unauthorized crossers, the BP of the El Paso sector deployed more than 400 of the sector's 650 agents to 24/7 duty along a twenty-mile stretch of the border line between El Paso City and Juárez constituting the so-called primary fence.¹⁷ Thus, before Operation Hold-the-Line, the 650 BP agents of the El Paso sector were dispersed along 290 miles of international border encompassing 125,000 square miles. That in itself shows how difficult and probably unlikely catching illegal crossers had been before. Of course, 24/7 meant a steep increase in line-watch hours. Between Fiscal Year (FY) 1993 and FY 1994 BP's line-watch hours in the El Paso sector increased by 21 percent from 810,929 to 1,023,146 hours (Bean et al., *Illegal Mexican Migration*).¹⁸ The higher and more concentrated presence of BP agents proved successful in deterring possible crossers, which can

most western counties in Texas, Hudspeth and El Paso.

15 Customs and Border Protection (CBP) is one of the biggest components of the DHS. CBP has the task to secure US borders against terrorists, human and drug smuggling, illegal migration, and agricultural pests and to facilitate regular trade and legitimate travel.

16 In 1993, the majority of apprehensions occurred in the El Paso sector (23.6 percent) and the San Diego sector (43.8 percent) (U.S. General Accounting Office, "Border Control" 11).

17 Since the construction of the fence had not started yet, the line up of the BP agents was referred to as the 'primary fence.'

18 Line-watch hours refer to BP agents who are patrolling the border, assigned to either special operations or on horseback. Non-line-watch hours refer to officers who enforce immigration law in the interior (e.g. Immigration and Customs Enforcement officials). Both contribute to apprehension counts though.

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be divided into long-distance travelers usually seeking permanent settlement and short-distance travelers usually seeking non-permanent settlement.

But as a study by Bean et al. (*Illegal Mexican Migration*) examining pedestrian bridge crossing data shows, the deterring effect did not last long with regard to daily and short-distance crossers from Juárez. Before Operation Hold-the-Line, illegal immigrants entered the US by wading through the Rio Grande, by taking a *lanchera* (a boat service) operated by a *pasamojados*¹⁹ across the river, or by walking down the bridge on the southbound side. They returned ‘legally’ by simply crossing the bridge because they did not have to fear anything. With border crossings becoming more difficult, the data should show a widening of the gap between north- and southbound crossings because immigrants are more likely to stay in the US in order to avoid the dangers of multiple entries.²⁰ Indeed, the gap widened but only for about five months until November 1993 and then returned to its regular ratio of 8 percent more north- than southbound traffic. The deterrent effect of concentrated BP presence along a short stretch diminished over time because illegal crossers and legal crossers, who were not allowed to work, found new modes of entry avoiding the highly patrolled area. The same bridge crossing data reveals that border crossings during the week decreased and on Saturdays increased, indicating that illegal crossers might not cross as frequently anymore as they used to; thus reducing the numbers of crossings, utilizing their time more efficiently, and adapting their crossing to their needs.

Daily crossers who visit El Paso City for social, family, or shopping reasons are more flexible to adjust their clandestine crossings than Juarenses who work illegally in El Paso City, even if they possess a Border Crossing Card (BCC) allowing them to legally cross the border.²¹ Some anecdotal evidence in

19 According to Bean et al. (*Illegal Mexican Migration* 91), a *pasamojados* is a “crosser of wetbacks.”

20 Apparently crossing the border before the operation was not difficult at all for two reasons: Firstly, the BP agents were dispersed throughout the whole sector and not concentrated in one area. Secondly, the BP limit of tolerance for illegal crossers was very high as Bean et al. report from their field studies.

21 Only nationals from Mexico and Canada can qualify for a Border Crossing Card (BCC) if they prove they do not intend to give up their residence, that they do not seek employment in the US, and that they do not fall into the category of ‘executable alien’ due to former felonies, crimes, or misdemeanors. There is no annual limitation of BCCs. The crossing card permits holders to unlimitedly and freely pass the border for business, tourism, or social visits for a period of 72 hours as long as they stay in the 25-mile border zone. The BCC, which has no expiration date, does not authorize the holder to work in

interviews conducted by Bean et al. addresses the change in crossing behaviors. For example, changes occurred with regard to the timing of crossing:

A lot of maids have their crossing card and come across to work. But they don't cross early in the morning anymore. They cross later in the day. They're afraid that if they cross early in the morning they'll be caught. They'll be asked, "Where are you going? All the stores are closed now. What will you be doing?" And they also have to carry some money on them, enough to be able to justify that they are going shopping. (*Illegal Mexican Migration* 158)

Another very popular method to reduce chances of being caught is the extension of a trip to El Paso City and staying with family or friends, thus reducing the number of trips back and forth:

The people who still manage to cross, well, we don't see them again for a long time, or we only hear from them by phone. . . . Most of them are staying with the people they work for, or with some friends or family, if they have them in El Paso. (158)

Additionally, illegal workers rerouted their trips and used different entry paths to evade BP agents:

I asked him how he'd done it. I thought with the blockade, he wouldn't be able to come any more. So when I saw him again at work, I asked him, "How did you do it?" He told me at two in the morning, through the desert. (157)

Last but not least, as Bean et al.'s anecdotal evidence proves, some illegal laborers quit their work in El Paso:

I used to work as a housekeeper in El Paso, but now I'm an operator in a *maquiladora* here in Juárez. I quit crossing [illegally] with the blockade. Lots of people were detained. A lot of us women used to cross, and then we just couldn't any more. (158, italics and brackets in original)

It becomes clear that modes of illegal crossings into El Paso by undocumented residents from Juárez changed in the first few months after the

the US. In 2001, all BCCs were renewed and replaced by biometric border cards also known as laser visas. In 2006, 33.7 million out of 175 million entering non-immigrants were issued an I-94 form, thus 141.3 million were Mexicans and Canadians crossing the border (U.S. Department of Homeland Security. *Temporary Admissions*).

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operation, but as bridge crossing data and anecdotal evidence show, the deterrent effect seems to diminish the longer the operation dates back. Nonetheless, it has to be acknowledged, as crossers also confirmed, that it is more difficult to cross the border (Bean et al., *Illegal Mexican Migration* 160).

Avoiding highly patrolled areas, using different paths to enter, and crossing less frequently are the new modes of entry shared by short- and long-distance travelers. However, for Mexican migrants who wish to relocate to the US or work there for a longer period, some additional modes of entry can be observed. Similar to the pattern of rerouting of short-distance travelers, long-distance travelers avoid their regular port of entry and choose a completely different one. This becomes apparent in the rising apprehension numbers in other BP sectors like Tucson and Del Rio. These sectors experienced rising apprehension numbers shortly after the implementation of Operation Hold-the-Line, despite an initially positive effect of El Paso's decline in apprehensions, which overall lowered the entire apprehension rate along the southern border by 155,000 per month in the first seven months of FY 1993 to FY 1994 (Bean et al., *Illegal Mexican Migration* 21). This so-called balloon effect can be observed every time after the implementation of such operations in any border sector.²²

The response of Special Agent Joe Romero, who is based in the El Paso sector, when asking him about the 'balloon effect' in an interview with me:

Did we funnel people to other areas? Actually no! People already were there. It only became more visible when less traffic ran through the El Paso area and started climbing up in other areas. (Romero)

This seems to be a rather weak argument because it does not explain the rising apprehension numbers in Arizona (Tucson and Yuma) between FY 1993 and FY 1997, where the deployment of BP agents remained relatively steady.

Another method to successfully cross the border is the usage of fraudulent documents. Publicly accessible statistics give very little information about the amount and type of fraudulent documents intercepted, especially when it comes

22 Originally, the term 'balloon effect' was used in reference to US drug policies describing the evasion of drug smugglers/dealers into new areas with increased drug eradication enforcement in local areas. But in the past eight years the term has been used in reference to alien crossing behavior, too. Cf. Custred as well as Bean et al.'s *Illegal Mexican Migration*.

to specific sectors.²³ However, for the years 1994 to 1998, statistics capturing interceptions of fraudulent documents in the El Paso sector show that only within those four years, interceptions increased by 28 percent from 8,173 to 11,309, insinuating a possible increase in the usage of fraudulent documents (U.S. General Accounting Office, *Illegal Immigration* 34). Since no statistics are provided for the years before or after that period, no direct comparison with the effect of Operation Hold-the-Line can be made. But by referring to one more table published in a GAO report, a tendency for almost the first ten years after Operation Hold-the-Line can be identified: The overall interception of fraudulent documents increased by 13 percent between FY 1998 and FY 2001 (U.S. General Accounting Office, *Identity Fraud* 7). This indicates that, first, forgery is a popular new mode of entry; second, Immigration and Customs Enforcement (ICE) techniques to identify forgery have improved; and third, the level of difficulty to cross the border has increased.

Although increasing numbers of interceptions are a sign of the success of the latest National Strategic Plan, they also show the weaknesses of the enforcement-only approach which lacks a profound understanding of unforeseen consequences. Despite the awareness of rising forgery incidents more than ten years ago, numbers are still rising. Even nowadays, obtaining counterfeit papers is very easy, as a recent article on Juárez, published in June 2007 by NBC news, reveals:

The first offer came within 15 minutes. . . . For about \$500, we could rent what is known as a lookalike document — a real “green card” — with a photo of someone resembling our undercover producer. . . . Another man wants \$400 to rent us a lookalike passport long enough to cross the border, where his female partner would retrieve it so it can be used again. (Myers)

The problem is, as Michael Everitt, director of the Forensic Document Laboratory at US Immigration and Customs Enforcement, pointed out in the

23 Although the Yearbook of Immigration Statistics publishes data about fraud investigations, it is not very helpful for identifying new modes of entry itself since the statistics refer to documentation fraud after a successful entry in order to obtain entitlement benefits. Through an inquiry with the Customs and Border Protection Public Affairs Office I learned that the data for specific sectors is not available for private purposes. Maybe the CBP is afraid that numbers of attempting crossers would seem very high and question the effect of tighter border enforcement.

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article: “Every time we make an advance, the bad guys, you know, they try to figure out another way to exploit the system” (Myers).

Along with the incremental construction of the fence and the cumulative difficulty to cross the border, evidence of rising alien smuggling has occurred in the last twelve years. It seems that more and more undocumented aliens, who are forced to detour through remote and more dangerous areas, refer to the help of so-called coyotes (people smugglers) to transport them across the border and avoid long difficult walks that carry the risk of a loss of potential working time, apprehension, or death.²⁴ According to Coronado and Orrenius, “70 percent of Mexican migrants use coyotes, . . . and the likelihood of hiring a smuggler to assist in crossing increases when border enforcement rises” (5). Other indicators for the flourishing smuggler business are, for example, the increase of smuggling fees and the growing numbers of undocumented aliens captured while smuggled. While in 1992 only 6 percent of undocumented immigrants apprehended along the southern border were smuggled, in 2004 the number rose to 23 percent. Moreover, smuggling fees have tripled since 1993. Wayne Cornelius found out in his face-to-face interviews with 1,327 migrants and their relatives in Mexico that currently smuggling prices are between \$2,000-3,000 per head.

The escalating trend in hiring smugglers has led to an alteration of smugglers into professional criminals and to a change of the nature of smuggling, which eventually is the reason for more violent crimes along the border. Before crackdowns like Operation Hold-the-Line, smugglers tended to be relatives or friends of the attempting crossers. Nowadays, coyotes are associated with crime groups, drug cartels, and gangs. Drug cartels already have expertise in gathering intelligence on BP practices, logistics, the placement of motion detectors and cameras, and other communication devices to get around ever tighter controls; hence, they serve as perfect associates for human smugglers. Drug traffickers in turn use illegal migrants to transport drugs as the price of the passage. As Special Agent Joe Romero said in a recent interview with the *San Francisco Chronicle*, “[t]he drug cartels have determined this is big business, . . . [they] control these corridors. Just like we’re watching them here, they’re watching us” (Francis).

24 People smuggling is procuring the illegal entry of a person into a state of which the person is not a national or permanent resident, in order to obtain a financial or other material benefit (United Nations Office on Drugs and Crime 54).

To demonstrate how such loopholes for smugglers can be created, a closer look at a memorandum released in August 2007 by Luis Garcia, Field Office Director of CBP El Paso, will be taken. The memorandum, obtained by the *Washington Times*, outlines new regulations for border inspectors and gradually diminishes the required number of controlled cars and pedestrians the longer the waiting times are. It even clearly says how often a car should be checked as per speed of traffic. Moreover, in another memorandum also possessed by the *Washington Times*, CBP Chief and Shift Commander George Carpenter informed all border inspectors “never to deny I-94 forms, which allow non-immigrants extended stay in the United States, even if those people failed to turn in previous forms required by law. All the El Paso inspectors were required to sign the memorandum” (Carter). Such a memo clearly shows two things: There are ways for smugglers to get in if they do their research, and economic needs override tighter immigration enforcement initiatives, both making the border more porous (Carter). Although no purpose for the memorandum was given, it can be assumed that it was for business purposes since waiting times rose significantly in 2007 as El Paso’s congressman Reyes pointed out in the *New York Times*: “International bridge wait times continue to escalate, causing frustration and concern in my district and across the nation” (Preston).

The following example also clearly shows the conflict between border communities that consider crossing the border as crossing the street and federal immigration policies implemented on the local level, as Mr Garcia of Juárez tells:

These two communities are very interlinked, not only by trade and commerce, but by family, religion, education When a person leaves El Paso to go to Juárez, it’s like going across the street. They don’t consider it leaving the country. (Preston)

The close ties between both sides of the border are also underscored by an economy of crime that both sides participate in. With the continuous changes of the BP initiatives, a lot of research on possible crossing areas and BP practices is just one part. Furthermore, the formation of transnational alliances between drug gangs, informants, document manufactures, transporters, recruiters, brokers, and often even border officials requires a lot of networking. As the movie *Fast Food Nation* or a recent jointly broadcast documentary by PBS’s Frontline/World and

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the *New York Times*²⁵ shows, even small businesses are involved in the deep routed network of drug and human smuggling (*Mexico: Crimes at the Border*). Often one transporter brings the migrants to the border, where a coyote awaits them and subsequently guides them across it. On the US side of the border, a small transporter, for example from a plumbing business, brings them to their final destination in the US. In Frontline/World's documentary, the correspondents Bergman and Becker followed three coyotes over a period of six months, showing how migrants are stacked under dashboards or additional wooden layers in the back of transporters or rolled up in carpets.²⁶ Not just small businesses, but also corrupt government officials are often involved in human smuggling; BP and CBP agents often compete for their piece of the pie. Over the past few years charges brought against corrupt migration enforcement agents have increased significantly. Only recently, in May 2008, Jesus M. Huizar, a 28-year-old BP agent in El Paso, was indicted with human smuggling charges and money-laundering (Webster).

As the emergence of new modes of entry and the vehement utilization of those modes already indicated, the determination of unauthorized migrants has not been decreased by tighter border enforcement. Apprehension numbers compared to BP enforcement hours, reentry statistics of formerly deported aliens, the increasing incidents of forgery, counterfeit, and human smuggling, and anecdotal evidence confirm this finding. Although El Paso's apprehension numbers initially dropped with the onset of Operation Hold-the-Line, the number of deportable aliens has evened out since 1995 despite the gradual increment of BP agents and border enforcement hours in the sector.²⁷ Moreover, the number of reentries of deported aliens has steadily and steeply risen,

25 The movie *Fast Food Nation* examines the US fast food industry. Subplots deal with, for example, the exploitation of illegal migrants and the life of such migrants after the arrival in the US. Although the movie does not primarily focus on illegal migration, the methods and procedures of human smuggling are portrayed very well and gives a vivid picture.

Andrew Becker and Lowell Bergman's *Mexico: Crimes at the Border* "examines the increasingly lucrative business of human smuggling at the U.S.-Mexico border and the American border officials corrupted by the trade" (Grabowicz).

26 As Coronado and Orrenius point out, human smugglers "prey on migrants and fight each other, committing violent crimes such as assaults or robbery" (2).

27 Since 1995, annually about 110,000 aliens have been apprehended in the El Paso sector (U.S. Department of Homeland Security, 2007 *Yearbook* 93).

suggesting that heightened border enforcement has neither a long-lasting deterrent effect, nor does it impede migrants from entering the US illegally.²⁸

CONCLUSION

The paper has shown that ‘border enforcement first’ is not a viable solution to the immigration problem. The integration process of the borderplex of El Paso/Juárez, distinctly shaped by proximity, interpenetration, and asymmetry, demonstrates the creation of strong socio-economic ties across the US-Mexico border. Starting out with residents that were allowed to freely cross the border without restrictions, followed by contract laborers and daily commuter workers, a cross-border network was spun which was nourished by cheap labor from Mexico and by US employers willing to hire them legally and illegally, thereby making the border permeable. Moreover, well-established family ties, facilitating the transition and relocation process to a profitable country, incentivized unauthorized and authorized aliens to cross the border, thus contributing to the border’s porosity.

Despite tremendous initiatives to seal the porous US-Mexico border, illegal immigration has increased. Unauthorized short-distance as well as long-distance crossers found new modes of entry, resulting in the growth of the smuggling and counterfeit industry and showing the ineffectiveness of focusing on stiffer borders to curtail illegal migration to the US. Moreover, a change of settlement patterns seems to occur, encouraging undocumented aliens to rather settle permanently in the US instead of going back and forth.

To curtail illegal migration, it is important that the US government follows a more comprehensive strategy involving all components of tighter migration enforcement and not focus on border enforcement alone, which does not even account for 40 percent of the undocumented population—visa overstayers. The implementation of an exit system could be one way to address the issue. Generally, it seems to be of high significance that the government starts addressing the issue at its core: the incentives luring unauthorized Mexican labor

28 The number of reentries grew from 1,475 in 1993 to 4,939 in 2003 (U.S. Department of Homeland Security, *2004 Yearbook* 193).

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to the US and the loopholes enabling them to reside and work in the US. This would require the Department of Labor to enforce and the US employers to at least pay the federal minimum wage in sectors such as manufacturing, construction, and seasonal industries. Moreover, holding employers accountable for hiring undocumented aliens and closing legal loopholes are initiatives that need to be undertaken.

For the latter, the government would have to, first, remove the phrase ‘knowingly hire’ from the law and hold employers accountable for hiring unauthorized aliens and, second, legally oblige employers to verify an applicant’s work documents. These could be essential steps in impeding employers from hiring illegals and thereby reducing the incentive for unauthorized migrants to even come to the US in the first place. Of course, a valid database would be required for the verification process. The current database, provided by the Office of Social Security, only used by employers voluntarily participating in the verification, is not accurate and contains too many spelling mistakes of foreign names. Besides that, annual caps for temporary work visas for all categories should be adjusted to meet the demands of the economy, not pushing or even forcing employers to hire illegally.

Of course, if it were that easy, changes might have already been initiated by now. But in order to change these fallacies the government would first have to acknowledge them and bid farewell to the convenience it found in facilitating the employment of cheap available labor from Mexico for economic advantage.

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