

APPENDIX A

TO

**RIGHTS OF IMMIGRANTS IN AND MIGRANTS TO THE UNITED
STATES**

U.S. BORDER MILITARIZATION AND IMMIGRATION CONTROL

SUBMITTED BY

THE NATIONAL NETWORK FOR IMMIGRANT AND REFUGEE RIGHTS

Introduction

Migrants, refugees, and immigrants in the United States are particularly vulnerable to exploitation, racial discrimination and racist violence, and face increasingly harsh barriers to participate freely and without fear in the social, economic, cultural and political decision and policy-making institutions, processes and activities that impact their lives and well-being. Their immigration status, whether they are documented or not, is a pretext to deny them their basic human rights. Migrants, refugees, and immigrants, especially immigrants of color and the undocumented, are arbitrarily arrested and detained, exploited at work, and are threatened with deportation to intimidate them and prevent them from asserting their rights, organizing or demanding justice.

Over the last seven years, the U.S. government has instituted a new era of assault on the rights of immigrants and refugees through new forms of racial discrimination, including policies, measures, laws and practices of racial, national origin, ethnic and religious profiling. This has taken place through three major areas of policy-making that targets immigrants and other people who may “look or sound” foreign, focusing on:

- The further criminalization of immigration status;
- The militarization of immigration policing and border control; and
- Further cementing immigration services and enforcement to the politics of U.S. national security and the “war on terror.”

One alarming development is the growing extension of United States border control and militarization strategies into the U.S. interior. Instead of increasing access to legal migration, U.S. border control and immigration control policies and strategies force migrants to cross into the United States through the most dangerous and desolate regions of the desert and mountains between the Arizona-USA/Sonora-Mexico border.

The deadly gauntlet for migrants does not end at the border. Once inside the U.S., unauthorized entry is a continuing offense and a person is now subject to automatic jailing. (See Operation Streamline below.) There are only two “crimes” in the United States that have no statute of limitations: homicide and being an undocumented or unauthorized migrant. Though there are no parallels or comparisons between someone accused of murder and someone accused of being undocumented, a person – even after they become a legal permanent resident – who was once undocumented will always risk detention and deportation, even for minor offenses, because of immigration laws.

Humanitarian Crisis on the U.S.-Mexico Border

United States government immigration and border control policies, measures, practices and laws are creating a deepening humanitarian crisis enveloping immigrants, communities of color, Indigenous people and workers at the U.S.-Mexico border.

The United States-Mexico border stretches 2,000 miles long, from the Pacific Ocean to the Gulf of Mexico.¹ The remote terrain varies from mountainous peaks to expanses of brutal desert.

Long an area where people and animals crossed unimpeded, the border has turned into the epicenter of a human rights crisis. This is the result of U.S. immigration and border control policies and strategies that deliberately force migrants to risk their lives by crossing through the most desolate and dangerous parts of the border region.

Hundreds of deceased migrants are recovered each year as the federal government increases its militarization of the border. In fiscal year 2007 (October 1, 2006-September 30, 2007), the Coalición de Derechos Humanos documented the recovery of 237 migrants found deceased on the U.S. side of the border in Arizona alone.ⁱⁱ

According to the US Border Patrol, 1,954 people died crossing the US/Mexico border between the years 1998-2004.ⁱⁱⁱ In FY 2005, facing a summer of triple digit heat, a record-breaking 473 migrant died at the border; 279 of these individuals died on the Arizona border.^{iv} Coalición de Derechos Humanos reports that 1,327 migrants perished crossing the Arizona (US)/Mexico border between October of 2001 and September of 2007.^v

Human rights groups at the border monitoring migrant deaths believe that for every migrant body recovered at least ten others are missing or dead in the remote desert and mountainous stretches of the desert.^{vi} Most victims died from dehydration and hyperthermia. Others drowned in the strong currents of border canals and rivers as they tried bypassing the worst of the desert. A significant number died in motor vehicle accidents.^{vii}

The Deadly Mixture of U.S. “Free” Trade and “Prevention through Deterrence:” From Operation Blockade to Operation Streamline

On September 19, 1993, just weeks before the North American Free Trade Agreement was ratified by Congress, the Clinton Administration implemented “Operation Blockade” on the El Paso sector of the U.S.-Mexico border, a new strategy called “prevention through deterrence.” The new strategy consisted of placing one Border Patrol agent and Bronco vehicle every thousand yards in the El Paso metropolitan region, through a 20-mile stretch of the border from Ysleta, Texas, in the east, to Sunland Park, New Mexico, in the west.^{viii} The almost 15 year-old strategy deliberately forces migrants to cross through most dangerous and isolated regions of the border, where they risk their lives and many times are at the mercy of unscrupulous smugglers, vigilantes and police.

The policy shift of the U.S. militarization of border and immigration control was synchronized with the negotiation and implementation of the North American Free Trade Agreement. As Operation Blockade was being implemented in the El Paso, Texas border sector, NAFTA was being ratified by the U.S. Congress. While ineffective side-agreements were negotiated on labor and environment, migration was left completely off the table. One of the U.S.’s main arguments promoting NAFTA was the belief that “free” trade development would eventually ameliorate and even decrease and end unauthorized migration across its borders. NAFTA would create jobs, stimulate investments and provide options to migration so that Mexican workers, in particular, would stay in their own country. However, NAFTA created greater dislocations and displacements and U.S. immigration policies were driven by the needs of “free” trade and an almost exclusive reliance of policing, building border walls and prisons exclusively for immigrants and migrants.

In 1994, the U.S. government extended its “prevention through deterrence” strategy to the entire border, first launching Operation Gatekeeper, an initiative aimed at blocking traditional crossing routes along the California (US)/Mexico border. Operation Gatekeeper was touted a success, having reduced the number of apprehensions along the California border by 20 percent between 1994 and 2000.^{ix} But these figures only tell half the story. Then Operation Desert Safeguard was implemented in Arizona and Operation Hold the Line and Operation Rio Grande in Texas. The result has been the “funneling” of migrants into the Arizona and New Mexico deserts and mountains where an unknown number of migrants are dying and/or disappearing and an average of two migrant dead being recovered on the U.S. side of the border.

Border Militarization

The new border barriers, fortified checkpoints, high-tech forms of surveillance, and thousands of additional Border Patrol agents stationed along the southwest border have done nothing to stop the number of unauthorized migrants crossing into the United States. Rather, the new strategy has closed off traditional points of entry and funneled thousands of migrants through Texas and the deadliest stretches of desert in southern Arizona.

Between 1994 and 2000, immigrant apprehensions rose 55 percent in Texas and 351 percent in Arizona.^x The Pima County Medical Examiner's Office (PCMEO), which handles 90 percent of all unauthorized border crossing bodies in the U.S. Border Patrol's Tucson Sector, saw a sharp spike in deaths around the same period of time {Figure 2}.^{xi}

Despite a failed enforcement strategy, the US government continues to direct funding to the U.S. Border Patrol. In February 2007, President Bush requested about \$13 billion for border controls and internal enforcement of immigration laws for fiscal year (FY) 2008. This represents an approximately \$3 billion increase from FY 2007.^{xii} In August 2007, Homeland Security Secretary Michael Chertoff and Commerce Secretary Carlos Gutierrez announced a series of new border enforcement measures. By the end of 2008, DHS aims to increase the number of border patrol agents from 15,000 to 18,300 (this figure represents a doubling of border patrol agents under the Bush administration).^{xiii} The initiative will also add 370 miles of "fencing," 18-foot high walls constructed from surplus portable landing strip runways used in the desert for the first Gulf war in Iraq, welded together across iron beams cemented into the ground; 300 vehicle barriers, 105 camera and radar towers and 3 unmanned aerial vehicles.^{xiv}

As stepped up enforcement increases the need for personnel, training, technology and transportation, border enforcement is turning private security firms into lucrative businesses. There are signs that Blackwater USA, the private security firm that came under intense scrutiny after its employees killed 17 civilians in Iraq in September 2007, is positioning itself for direct involvement in U.S. border security. The company is poised to construct a major new training facility in California, just eight miles from the U.S.-Mexico border. While contracts for U.S. war efforts overseas may no longer be a growth industry for the company, Blackwater executives have lobbied the U.S. government since at least 2005 to help train and even deploy manpower for patrolling America's borders.^{xv}

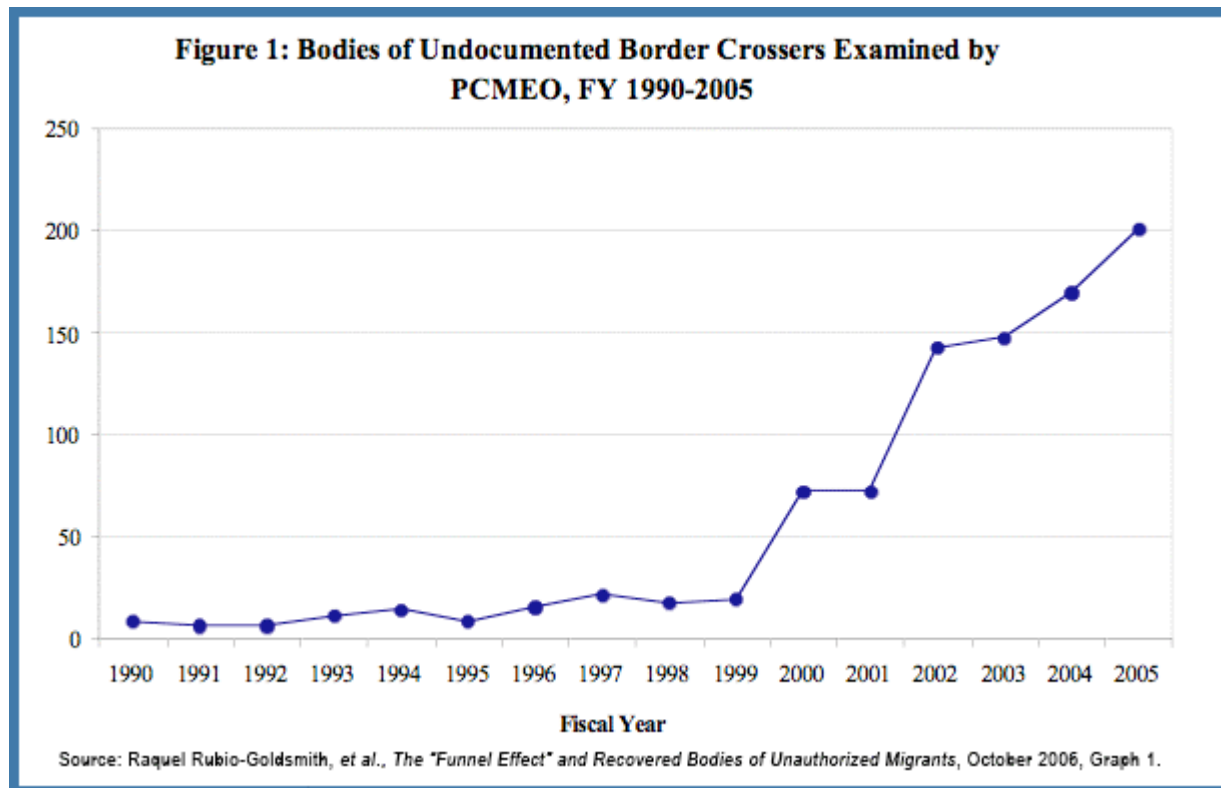
In December 2005, the Department of Homeland Security introduced another border control pilot project, "Operation Streamline," in the Del Rio, Texas sector and plans to extend it to the entire border. Under the DHS's new deterrent strategy "Streamline," every undocumented migrant detained will be automatically jailed and prosecuted.^{xvi}

Since being introduced in Del Rio, over 23,000 migrants have been prosecuted and some 22,000 were convicted and deported. First-time offenders are charged with a misdemeanor, punishable by up to 180 days in jail. In Del Rio, the average jail time for first-time offenders was 34 days. A second-time offense could mean up to two years in prison and third time offenders will face even harsher sentences and deportation. In the Yuma border sector, Border Patrol agents arrested 116,000 in the same nine-month period two years ago and 36,000 the past year. Arrests in the Del Rio sector also dropped dramatically. From October 2006 to July 2007, agents made 20,000 arrests, 35,000 fewer than the year before. During the same period of its implementation in Yuma, extensive wall building, qualitative increases of Border Patrol and the stationing of National Guard troops also took.

Like its 1993 precursor, Operation Streamline is pushing migrants deeper into mountainous areas where

not even Border Patrol all-terrain vehicles can enter. Arizona already accounts for more than half of all deceased migrants recovered on its border region and at least half of all migrants who cross the border on foot. Now Arizona could be the first state to prosecute and jail all undocumented migrants. And the toll promises be deadly.

Figure 2: Bodies of Undocumented Border Crossers Examined by PCMEO, FY 1990-2005



Roots of the Humanitarian Crisis

Since 1996 immigrants and refugees in the United States have borne the brunt of major economic, political, and social restructuring resulting in cutbacks and privatization of services, the erosion of civil rights and liberties, fueling the roots of the U.S.'s latest anti-immigrant wave. That year, Congress passed three laws focused on terrorism, immigration and welfare, which collectively had a more detrimental effect on immigrants than any other law passed in the previous 70 years.^{xvii}

In April 1996, policy makers commemorated the one-year anniversary of the Oklahoma City bombing by signing into law the first anti-terrorist legislation. While the bombing was a domestic attack launched by white male citizens, the legislation targeted foreign nationals. It permitted evidence from secret sources to charge immigrants with terrorist involvement during deportation proceedings. It also introduced new sanctions for immigrants that overstayed their visas.^{xviii} In August, the Clinton administration ushered in welfare reform that greatly reduced the eligibility of legal permanent residents to receive welfare during their first five years of residency.^{xix} then in September of 2006, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which expanded the grounds for detentions and deportations; set off a new immigration raid strategy; further militarized the border; and criminalized immigrants and refugees. The nation had last seen such sweeping immigration changes in 1986.

In response to these oppressive measures, community groups organized a forceful and coordinated response. Tens of thousands of Latinos from California, Texas, Michigan, Illinois and New York traveled cross-country to Washington, D.C. in October 1996 to protest IIRIRA and call for legalization.^{xx} Soon after, community groups launched the Fix 96 campaign to right the wrongs of the three draconian laws passed that year. The National Network for Immigrant and Refugee Rights also formed the National INS Raids Task Force to put an end to the inhumane practice of raids that the INS aggressively began using in 1997. And by 1999, U.S. immigration raids were being blocked and a new national grassroots movement demanding legalization for the undocumented began taking shape.

By 2000, the human and civil rights climate for immigrants had changed dramatically. In 2000 and 2001, local community groups were elevating debates about legalization and immigration reform to the national level. Groups and policy makers once seen as dismissive of immigrants became part of the debate. On February 16, 2000, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) repealed its long-time support of employer sanctions, and squarely placed the union movement on the side of immigrant workers.^{xxi} And in September 2001, just days before the 9/11 attacks, President Bush met with Mexican President Vicente Fox and declared immigration reform, particularly guest worker programs, top priorities of his administration.^{xxii}

Days later, September 11, 2001 stalled and redirected the progress that had been made. Fear of another terrorist attack and the desire to name an enemy led many to scapegoat immigrants and refugees. Since 9/11 immigrants have faced fortified enforcement strategies, suffered human rights violations, and are living under an overwhelming climate of hate. The following events highlight key factors responsible for the hostile environment we live in today:

Criminalization of Immigration Status

Over the past five years (2001-2006), funding for two of DHS’s enforcement branches – the Bureau of U.S. Customs and Border Patrol (CBP) and the Bureau of U.S. Immigration and Customs Enforcement (ICE) – have outweighed funding for immigration services by a margin of 6 to 1. CBP’s budget nearly doubled from \$5.8 billion in FY 2003 to \$10.1 billion in FY 2008 (the fiscal year runs from October 1 to September 30) {Figure 1}. Similarly, funding for the ICE rose from \$3.2 billion in 2003 to \$5 billion in 2008. The Bureau of U.S. Citizenship and Immigration Services trails far behind at \$2.5 billion in 2008.^{xxiii} Consequently, USCIS’s attempt to clear the backlog of pending immigration cases has proven difficult. As of March 2007, 1,275,795 cases awaited review.^{xxiv}

Figure 1. Funding for Three Department of Homeland Security (DHS) Bureaus

Year	CIS	ICE	CBP	Total DHS Budget
2003	1,422,000	3,262,000	5,887,000	31,182,000
% of total DHS budget	5%	10%	19%	
2004	1,549,733	3,669,615	5,997,287	35,604,092
% of total DHS budget	4%	10%	17%	
2005	1,775,000	3,845,178	6,416,398	38,510,517
% of total DHS budget	5%	10%	17%	
2006	1,887,850	3,866,443	7,113,495	40,420,007

% of total DHS budget	5%	10%	18%	
2007	1,985,990	4,696,641	7,743,581	42,804,409
% of total DHS budget	5%	11%	18%	
2008	2,568,872	5,014,500	10,174,114	46,399,702
% of total DHS budget	6%	11%	22%	

Source: Department of Homeland Security annual budgets

Despite studies that show increased enforcement does little to deter unauthorized migration, the U.S. government continues to employ the same failed policy. In fact, no “terrorists” have been found despite the increased enforcement funding; however, more immigrants, documented and undocumented, are being jailed and deported in record numbers and border militarization has only resulted in more migrant deaths.^{xxv}

As the immigrant rights movement gathered momentum in 2003, the Department of Homeland Security also began implementing “Endgame,” a new strategic 10-year detention and deportation plan. According to a 49-page DHS document, Endgame builds on “a mission first articulated in the Alien and Sedition Acts of 1798.” Endgame’s goal is to “remove” – deport – “all removable aliens,” including “illegal economic migrants, aliens who have committed criminal acts, asylum-seekers (required to be retained by law) or potential terrorists.”^{xxvi}

A new type of internal border checkpoint was implemented surreptitiously when the REAL ID Act was signed into law by President George Bush in May 2005. Unable to be approved by Congress, REAL ID was attached as an amendment to an emergency spending bill to fund the war in Afghanistan and Iraq, which was passed without little or opposition. In May 2005 the U.S. Senate attached REAL ID to an appropriations bill to fund the Iraq war, which received resounding approval.

The REAL ID Act requires states to issue federally approved driver’s licenses by 2008. The new driver’s licenses will function as national ID card; anyone without one can be detained until identity is proven. It also represents a further tightening of asylum policies and makes it easier to deport immigrants. Instead of acting as a deterrent to terrorism, it will prevent immigrants from getting car insurance and make our roads less safe because unqualified drivers will continue to be behind the wheels of vehicles. Without a REAL ID driver’s license, individuals will not be able to enter federal buildings or take trips that require boarding airplanes and trains. If some states decline to participate in this program, a non-REAL ID driver’s license would function as an indicator of the possible immigration status of the holder, making them subject to detention. The REAL ID driver’s license will include a “radio frequency transmitting” (RFT) chip – much like the credit cards being marketed for quick paying at the check-out counter. Ostensibly this will help prevent ID theft and fraud and make it easier to identify the holder. It will be harder if not impossible for some immigrants, especially the undocumented, to qualify for a driver’s license.

Every state that has passed laws allowing all residents, including the undocumented, to apply for a driver’s license has suffered setbacks. New York State Governor Elliot Spitzer recently approved by decree driver’s licenses for all immigrants, as long as they could prove their identity. Within days, an anti-immigrant backlash forced him to go further than even required by the REAL ID law. He modified his proposal to include the immigration status on the driver’s license. But the reaction and criticism did not

stop and the opposition against any kind of driver's license for undocumented immigrants grew, even with such repressive measures, finally forced Spitzer to completely withdraw the initiative.^{xxvii}

State governments have also taken an active role in passing their own immigration bills. As of July 2, 2007, state legislatures had introduced over 1,400 bills related to immigrants. In the first six months of the year, 170 bills became law in 41 states. Legislators introduced nearly two and a half more bills in 2007 than in 2006. Many of these bills relate to employment eligibility verification, requiring proof of lawful residency to claim public benefits, and putting into place identity verification systems before issuing driver's or business license. The more positive bills seek to combat human trafficking and help integrate immigrants into U.S. society. The number of bills that became law has also surged from 84 in 2006 to 170 in 2007.^{xxviii}

Local and county governments have also introduced their own mix of anti- and pro-immigrant initiatives. The Board of Aldermen of Valley Park, Florida, passed an ordinance that imposes fines on landlords who rent to undocumented immigrants. It also suspends the licenses of businesses that hire undocumented workers.^{xxix} A similar ordinance passed in Hazelton, Pennsylvania; however, a federal judge struck the ordinance down in July 2007 based on violations of due process rights and interference with federal law.^{xxx} In Anne Arundel County, County Executive John R. Leopold issued an executive order in August 2007 requiring businesses with county contracts to sign affidavits attesting that they do not employ undocumented immigrants.^{xxxi}

Juxtaposed with these measures are pro-immigrant ordinances, which are dramatically few in number. For example, local officials in New Haven, Connecticut, and San Francisco, California, passed resolutions permitting the cities to issue municipal identification cards. These cards would allow undocumented immigrants to open up bank accounts, check books out from the library, and access basic city services. And across the country, in cities and counties like Cook County, IL and National City, CA, local governments have passed proposals making their jurisdictions sanctuaries for undocumented immigrants.

Frustrated with a perceived lack of enforcement at the border, nativist groups like the Minutemen have taken law enforcement into their own hands. The Minutemen have allegedly organized 9,000 volunteers to harass and report immigrants crossing the border and to picket construction sites employing undocumented immigrants.^{xxxii} They argue that unauthorized migration limits jobs for U.S. citizen workers and strains community resources.^{xxxiii} Chris Simcox, head of the Minutemen, blames Americans' addiction to drugs and cheap labor for the flow of unauthorized migrants. While the Minutemen's paramilitary activity is illegal in most states, they continue compromising the safety of immigrants and local communities.^{xxxiv}

Conclusions

- U.S. border control and militarization strategies are not failed policies but a deliberate policy and strategy to force migrants to risk their lives, if they choose to enter the U.S. without authorization, by crossing through the most dangerous and isolated desert and mountain terrain of the border region.
- Community organizations, faith-based groups, human rights advocates, environmentalists and Indigenous peoples at the border have consistently proposed policies and alternatives to uphold the human rights and safety of all residents, workers, communities and migrants at the border. Instead, the U.S. government, under the direction of the Bush Administration, and its Department of Homeland Security, continues expanding the disastrous border control and immigration enforcement strategies that systematically violate the rights of communities, Indigenous peoples and migrants at the border – endangering their lives, destabilizing the region, poisoning the border's environment and destroying

the natural habitat, without any evaluation of the results and impacts or accountability to those being impacted.

- The humanitarian crisis at the border is also the result of “trading rights,” where some institutions, even civil rights groups and others that promote immigrants rights, negotiate with policymakers, immigration law enforcement and other public officials supporting draconian border “security,” militarization and other enforcement strategies that undermine the rights of all communities, without consulting the impacted communities at the border.
- An estimated 5,000 migrant dead have been found on the U.S.-Mexico border since the current strategy of border security and militarization of immigration law enforcement was implemented in 1994, with at least half of the migrant dead found in the Arizona border region alone.
- Through wall-building, intensified policing and military surveillance of border urban and suburban regions and their surrounding areas, migrants are intentionally pushed further and further into desolate regions of the border where even walls cannot be built and where Border Patrol agents cannot enter with their all-terrain vehicles.
- Every year hundreds of migrants -- including children, women, men and the elderly -- are found dead from dehydration and exposure to the natural elements in the deserts and mountains of Arizona and New Mexico and parts of the California and Texas sectors of the border.
- Migrants who survive at the border are also more vulnerable to racist violence, violations of their rights, subjected to deadly force and abuse at the hands of unscrupulous Border Patrol agents, police, smugglers, employers and others who take advantage of their immigration status and perceived lack of rights and protections.
- Border communities suffer widespread abuse and impunity at the hands of Border Patrol and other immigration policing and local law enforcement officials, including repressive state laws and agencies working to restrict their rights and access to services. They are also subjected to hate violence. Those who stand up for their rights and those of migrants are subjected to racist harassment and death threats, while federal, state and local authorities allow armed hate groups to act without restraint.
- In April 2005 the anti-immigrant, vigilante Minutemen, a small group of white supremacists, racists and xenophobes, initiated a national hate campaign in support of the border militarization strategy by setting up armed patrols to capture migrants in a small area of the U.S.-Mexico border. During the same period, the Department of Homeland Security intensified their “Arizona Border Control Initiative,” concentrating hundreds more Border Patrol agents and enforcement resources to blockade even further the border areas that are near cities, roads and highways, purportedly in response to outcries for more border reinforcements.
- Residents of border communities are also subjected to stepped up racial profiling, unconstitutional detentions and other draconian state and local policies and laws, diminishing their civil rights and civil liberties, criminalizing migrants, youth and workers, and placing communities under siege, where Border Patrol agents and other law enforcement and government officials act with impunity.
- The border region has been the laboratory for many repressive immigration control and enforcement tactics and policies that are extended continually into the interior of the country. Militarized policing, police-ICE collaboration, deportation without due process and heightened surveillance are examples of measures first experimented with on the border which are now routinely used across the country, in

immigrant and non-immigrant communities alike. The border serves as a central predictor of the type of law enforcement policies that await non-border communities.

Recommendations

The U.S. government could have easily prevented the brutal crisis at the border just *by providing sufficient numbers of family reunification visas so that migrants could enter the country safely and legally to live and work with full rights and protections*. Instead, the U.S. government intensifies militarization and impunity, building more walls and other barriers, increasing the numbers of Border Patrol agents, deploying National Guard troops on the line, building jails and other detention facilities and installing high tech surveillance of the border. Furthermore, U.S. immigration and border control policies are fanning anti-immigrant racism and xenophobia, linking the “war on terror” and national security to immigration reform.

The U. S. government’s insistence on framing the issues of migration as law enforcement and national security matters has prevented acknowledging and addressing the negative displacement impacts and involuntary migration of workers caused by economic restructuring, particularly the North American Free Trade Agreement. The U.S. government’s refusal to acknowledge the root causes of migration has blocked any dialogue from taking place to promote economically-sustainable development for communities in the sending countries, which would result in an eventual decrease in migration flows.

We can expect more militarization, migrant deaths and widespread rights violations and abuse at the border and the interior. **Congress’s approval of the 2006 “Border Fence Act,” which authorizes the construction of an additional 700 miles of a double border wall, and the pending legislation that promises to further criminalize immigrant families, workers and communities gives no hope that the humanitarian crisis at the border and its extension into the U.S. interior will end any time soon.** In addition, the privatization of border security operations, including recent multi-billion dollar contracts for domestic private security corporations like Lockheed Martin, Boeing and Halliburton, to build prisons exclusively for immigrants, will only exacerbate this crisis by prioritizing profits over human rights.

The next five years of immigration and border control have already been defined. The National Intelligence and Terrorism Prevention Act, signed into law by President Bush in December 2004, includes the doubling of the number of Border Patrol agents and the tripling of interior immigration police and an additional 8,000 prison beds for immigrants every year through 2010. The REAL ID Act, signed by President Bush as part of the Iraq war budget in May 2005, further links interior and border immigration control to unprecedented levels. Among other things, the REAL ID Act creates a national ID card through state driver’s licenses and will impact everyone’s constitutional rights – citizen and non-citizen alike.

After President Bush authorized the deployment of National Guard troops in May 2006, Congress authorized an additional \$1.9 billion for border militarization and security later that summer. And then President Bush authorized another \$1.2 billion to begin building the first 300 miles of the double border authorized by Congress in September.

Taking their cue from draconian federal laws and proposals, almost all states and hundreds of cities across the U.S. are implementing anti-immigrant legislation ranging from imposing additional state taxes on the wages and remittances of alleged undocumented workers, to prohibiting landlords from renting to families and punishing employers who hire workers who cannot prove their status

In order to re-establish the stability, to ensure human rights, peace with justice, safety, and the dignity of all communities on the U.S.-Mexico border, including stopping the inhumane treatment of migrants and the rampant abuse and violation of the rights of border communities and immigrants, the U.S. government must:

- **Implement routine programs of legalization** that expand access to visas and provide access to permanent residency including future flows. Systematic legalization programs – recognizing human, labor, environmental, and civil rights – will ensure that migrants have options to unite with their families and avoid mortal danger;
- **End the deadly border enforcement strategies;** instead protect the human rights and constitutional liberties of all immigrants and communities on the U.S.-Mexico border. This includes but is not limited to issuing sufficient visas so that all migrants that wish to can enter the country legally and safely and are not forced to choose between risking their lives crossing through the desert and mountains or subjecting themselves to inhumane violations of their rights and abuse just to reunite with their families and find work to survive;
- **Demilitarize the U.S.-Mexico border and cease all enforcement policies, practices, measures, laws, and strategies that criminalize migrants** forcing them into crossing through the most dangerous areas in the mountains and deserts where hundreds die every year. And, prevent the initiation of policies, laws, practices and measures to militarize the U.S.-Canada border;
- **Address the backlog and facilitate family reunification** by increasing visas and more legal options allowing migrants to cross safely and not risk their lives at the hands of smugglers, unscrupulous employers, or immigration officials who act with impunity and jeopardize public safety;
- **Repeal draconian federal criminal laws** that prosecute and incarcerate migrants for merely crossing the border without inspection;
- **End the deportation of permanent residents, including ending indefinite detention** or its expansion, preserving due process rights and restoring access to the courts and meaningful judicial review for all immigrants;
- **Develop bi-lateral migration policies and practices that uphold the human rights of migrants**, which are accountable to independent, civilian community-based monitoring and oversight;
- **Restore the civil rights, civil liberties and human rights of border communities and immigrants everywhere.**
- **Grant unrestricted crossing rights for members of Indigenous nations and communities** living on both sides of the border;
- Enhance the safety of border communities and protect migrants by **demilitarizing the borders, including tearing down the walls along the U.S.-Mexico border**, and establishing accountability mechanisms for independent civilian and community-based monitoring and oversight;

- Clearly and publicly **declare its opposition to private vigilante groups** and the hateful acts they perpetrate, and prosecute any criminal activity against immigrants and others;
- **Create an independent monitoring and accountability mechanism** that directly engages impacted communities in holding the Department of Homeland Security accountable for its immigration enforcement and detention policies and initiatives;
- **Transfer federal spending from border militarization to genuine “border security” programs including health care, housing, education, living wages, social security and fair trade** between communities straddling the border and other nations;
- **Stop collaborating with other countries targeting migrants for arrest and detention** and cooperate with neighboring nations to implement economic and social policies that effectively resolve problems of unsustainable development caused by “free” trade policies, which are the root cause of forced displacement and involuntary international migration;
- **End and reverse the privatization of border control and national security operations**, which is rewarding private security contractors that have abysmal human rights records and corruptive practices in Iraq, Palestine, New Orleans and elsewhere;
- **Abandon all plans to militarize the U.S.-Canada border**, virtually and physically, as contemplated in recently passed Congressional legislation calling for a “study” of the militarization of the northern border, including the high technological surveillance of the U.S.-Mexico border;
- **De-link the policies and politics of national security and the “war on terror” from all immigration services and enforcement** and give priority to “human security,” fulfilling the human rights, economic well-being, civil liberties, labor protections, health, safety and freedom from fear and instability, for all communities and individuals regardless of their citizenship or immigration status; and,
- **Transfer all border and interior immigration services and enforcement functions now under the Department of Homeland Security back to the Department of Justice**, including the Bureau of Immigration and Customs Enforcement, the Bureau of Border Protection and Customs, and the Bureau of Citizenship and Immigration Services, previously under the Immigration and Naturalization Services;
- **Address the root causes of involuntary migration and forced displacement in sending countries** by ending “free” trade and other structural adjustment programs imposed on the global south by U.S.-controlled international financial institutions. Support sustainable economic development instead;
- **Make the United States a true partner in international cooperation by ratifying the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.**

NOTES

- ⁱ Washburn, Rachel. [Globalization, Territorialized Economic Development and Power Plants on the U.S.-Mexico Border](#) Paper presented at the annual meeting of the American Sociological Association, Hilton San Francisco & Renaissance Parc 55 Hotel, San Francisco, CA., Aug 14, 2004 Online <.PDF>. 2006-10-05 <http://www.allacademic.com/meta/p110767_index.html>
- ⁱⁱ Coalición de Derechos Humanos press release: "Final Count for Recovered Bodies on the Arizona- Sonora Border 237 as Border Patrol Continues to Report Decreases in Crossings," October 11, 2007. See www.derechoshumanosaz.net
- ⁱⁱⁱ ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS 2004: III. GENERAL OVERVIEW OF THE POLICIES AND PRACTICES RELATING TO THE HUMAN RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES, Interamerican Commission on Human Rights, February 23, 2005, available at <http://iachr.org/annualrep/2004eng/toc.htm>
- ^{iv} "The US-Mexico Border," Migration Policy Institute, June 2006, available at <http://www.migrationinformation.org/Feature/display.cfm?ID=407>
- ^v Coalición de Derechos Humanos counts the number of bodies recovered in Arizona for the fiscal year, which begins October 1st, and ends September 30th of every year. Numbers are collected in collaboration with the Consular offices and county medical examiners. Coalición de Derechos Humanos, Webpage: "Arizona Recovered Bodies," available at http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=20&Itemid=34
- ^{vi} See NNIRR "Preliminary Report and Findings of the Emergency National Border Justice and Solidarity Community Tour: Militarization and Impunity at the Border," October 2006; available at www.nnirr.org
- ^{vii} "Operation Gatekeeper Fact Sheet," California Rural Legal Assistance, April 30, 2001, available at <http://www.stopgatekeeper.org/English/facts.htm>
- ^{viii} See *Operation Blockade: A City Divided* A report from the American Friends Service Committee's Immigration Law Enforcement Monitoring Program (ILEMP), July 1994; written by Jonathan Fried; and *Network News* newsmagazine, October 1993, available from www.nnirr.org
- ^{ix} "Operation Gatekeeper Fact Sheet," California Rural Legal Assistance, April 30, 2001, available at <http://www.stopgatekeeper.org/English/facts.htm>
- ^x "Operation Gatekeeper Fact Sheet," California Rural Legal Assistance, April 30, 2001, available at <http://www.stopgatekeeper.org/English/facts.htm>
- ^{xi} Raquel Rubio-Goldsmith, M. Melissa McCormick, Daniel Martinez and Inez Magdalena Duarte, Immigration Policy Brief: "A Humanitarian Crisis at the Border: New Estimates of Deaths Among Unauthorized Immigrants," American Immigration Law Foundation, February 8, 2007, available at www.aifl.org/ipc/policybrief/policybrief_020607.shtml
- ^{xii} Aaron Terrazas, "Frequently Requested Statistics on Immigrants in the United States," Migration Policy Institute, October 2007, available at <http://www.migrationinformation.org/USfocus/display.cfm?id=649>
- ^{xiii} Fact Sheet: "Border Security and Immigration Enforcement," Department of Homeland Security, November 6, 2007, available at http://www.dhs.gov/xnews/releases/pr_1194362675632.shtm
- ^{xiv} Fact Sheet: "Improving Border Security and Immigration Within Existing Law," Department of Homeland Security, August 10, 2007, available at http://www.dhs.gov/xnews/releases/pr_1186757867585.shtm
- ^{xv} Eilene Zimmerman, "Blackwater's run for the border," Salon.com, October 23, 2007, available at http://www.salon.com/news/feature/2007/10/23/blackwater_border/

-
- ^{xvi} *The Arizona Republic*, Nov. 5, 2007, "AZ/Immigrant prosecutions may jump dramatically. Border crossers now risk jail," by Sean Holstege; <http://www.azcentral.com/news/articles/1105crackdown1105.html>
- ^{xvii} Webpage: "Support the 'Fix 96' Campaign," August 17, 1999, Jewish Council for Public Affairs, available at http://www.jewishpublicaffairs.org/action/recent/fix96_8-17-99.htm
- ^{xviii} Mathieu Deflem, "The Globalization of Heartland Terror: International Dimensions of the Oklahoma City Bombing," June 1995, available at <http://www.cas.sc.edu/socy/faculty/deflem/zokla.htm>
- ^{xix} Audrey Singer, "Welfare Reform and Immigrants," The Brookings Institution, May 2004, available at http://www.brookings.edu/reports/2004/05demographics_singer.aspx
- ^{xx} Roberto Rodriguez, "Students Play a Major Role at Historic Latino March on Washington," *Black Issues in Higher Education*, October 31, 1996, available at http://findarticles.com/p/articles/mi_m0DXK/is_n18_v13/ai_18941416
- ^{xxi} Testimony: "John J. Sweeney, President, AFL-CIO – U.S.-Mexico Migration Discussions – A Historic Opportunity," September 7, 2001, available at <http://www.aflcio.org/mediacenter/prspmtm/tm09072001.cfm>
- ^{xxii} Daniel González, "Migrant Reform: 9/11's Role Debated," *The Arizona Republic*, September 13, 2006, available at <http://www.azcentral.com/arizonarepublic/news/articles/0913911immigration.html>
- ^{xxiii} See Department of Homeland Security, "Budget and Finance Documents," available at <http://www.dhs.gov/xabout/budget/>
- ^{xxiv} "Citizenship and Immigration Services Ombudsman Annual Report 2007," June 11, 2007, available at http://www.dhs.gov/xlibrary/assets/CISOMB_Annual_Report_2007.pdf
- ^{xxv} Belinda Reyes, Hans P. Johnson, Richard Van Swearingen, *Holding the Line? The Effect of the Recent Border Build-up on Unauthorized Migration*. Public Policy Institute of California, 2002. Also see, U.S. Government Accountability Office (GAO) report, "Border Crossing Deaths Have Doubled Since 1995; Border Patrol's Efforts to Prevent Deaths Have Not Been Fully Evaluated." GAO-06-770; August 2006.
- ^{xxvi} See: Department of Homeland Security report, dated June 27, 2003: *ENDGAME: Office of Detention and Removal Strategic Plan, 2003 – 2012: Detention and Removal Strategy for a Secure Homeland*; 49 pages.
- ^{xxvii} See "The Impact of Real ID on Current State Laws" and other fact sheets at <http://www.realnightmare.org/resources/100/>
- ^{xxviii} See National Conference of State Legislatures, "2007 Enacted State Legislation Related to Immigrants and Immigration," August 6, 2007, available at <http://www.ncsl.org/programs/immig/2007ImmigrationUpdate.htm> Also see: <http://www.as-coa.org/article.php?id=746> "U.S. Immigration Update: New State Laws," by Jason Marczak and Kelli Bissett, published November 2007 in *Hemispheric Quarterly*, which reports that "In the first half of 2007, 182 such bills became law in 43 states."
- ^{xxix} Robert Koulisch, "Facing Manipulation on immigration," *Baltimore: Baltimore Sun*, October 31, 2007, available at www.baltimoresun.com/news/opinion/oped/bal-op.immigration31oct31_0,2883986.story
- ^{xxx} Julia Preston, "Judge Voids Ordinance on Illegal Immigrants," *New York: The New York Times*, July 27, 2007, available at http://www.nytimes.com/2007/07/27/us/27hazleton.html?_r=1&oref=slogin
- ^{xxxi} Raymond McCaffrey, "Anne Arundel County is Latest to Challenge Illegal Workers," *Washington, D.C.: The Washington Post*, August 23, 2007, available at

<http://www.washingtonpost.com/wp-dyn/content/article/2007/08/22/AR2007082201089.html>

^{xxxii} Carey Gilliam, "Minuteman group grows amid illegal immigration fight," Reuters, November 1, 2007, available at

<http://www.reuters.com/article/domesticNews/idUSN0142840020071101?feedType=RSS&feedName=domesticNews&rpc=22&sp=true>

^{xxxiii} Carey Gilliam, "Minuteman group grows amid illegal immigration fight," Reuters, November 1, 2007, available at

<http://www.reuters.com/article/domesticNews/idUSN0142840020071101?feedType=RSS&feedName=domesticNews&rpc=22&sp=true>

^{xxxiv} See "Shell Games: The 'Minutemen' and Vigilante Anti-Immigrant Politics," Chicago: Center for New Community, October 2005.