



Bipartisan Policy Center

Redefining Border Security

A Plan for Migration Management and Border Security

While the framework at the border for dealing with crossings has not substantively changed in decades, the recent changes in the makeup of migrant flows at the border require a new framework for addressing “border security.” Given the large number of arrivals of children and families seeking asylum, which is legal under U.S. law, it is necessary to address the arrivals separately from the needs of securing the border from threats such as smuggling, contraband, or migrants seeking to evade capture. Specifically, the United States needs to set up separate systems for receiving and processing asylum seekers and vulnerable populations at the border and apprehending and processing other immigrants trying to make illegal entries.

The following outlines recommendations for a new framework that recognizes a fundamental shift in migrant demographics at the border and the different components needed for dealing with each activity. Together, they provide a comprehensive approach to securing the border against crime, drugs, and terrorism, while addressing unauthorized migration and meeting legal obligations to receive and decide asylum claims.

Migration and Security Threats at the Border

The vast majority of migrants do not represent a significant national security border threat. Some individuals who are seeking to enter the United States and evade apprehension to commit crimes, smuggle drugs or other contraband, or commit terrorism have incentives, monetary or ideological, to enter the United States, and by definition their entry violates criminal laws, and not just immigration laws. **These individuals represent real national security threats at the border, but they do not represent the majority of encounters by border officials.** Separating these threats from ordinary migration at the border presents a challenge, as persons entering for these purposes can and do use migrants to conceal their efforts or distract border officials.

Since the turn of the century, efforts to merge immigration enforcement at the border with these other more serious threats have resulted in a punitive border security infrastructure and process that treats all migrants as criminals. **This stance is not appropriate for dealing with families, children, and other vulnerable populations, but also has not significantly affected migration flows in the long term. By redefining border security to encompass both migration management and responding to crime, drugs, contraband, and terrorism, protocols, personnel, and infrastructure can be prioritized to appropriately deal with each.**

Migration Management

The shift over the last eight years away from single adults seeking to enter the United States for work toward families and children seeking asylum requires a different form of migration management at the border. Seeking asylum is a legal action under U.S. law, although asylum seekers who do not enter at ports of entry can be charged with deportation and can file their asylum applications as a defense against that. However, this process differs significantly from the almost automatic deportation of those who do not seek asylum. While criminal smuggling organizations may aid both types of migrants, treating asylum seekers in the same way as other migrants at the border has resulted in

migrants being kept in severe and overcrowded facilities at the border, medical issues and deaths in custody, and outsourcing the U.S. management strategy to other countries in the region. All of these are generally ineffective responses in the long term.

BPC recommends reconfiguring border infrastructure and the asylum system to create a process that can:

1. Receive asylum-seeking and vulnerable migrants.
2. Provide suitable accommodations including medical care, immigration legal information, and case management.
3. Expedite adjudicative decisions without overtaxing the existing immigration court system.

Specifically, we recommend the following:

- Constructing larger, specialized Regional Migration Processing Centers near the border, with additional staff from other agencies, and state or local governmental or non-governmental entities to assist with the humanitarian needs of arriving migrants.
 - ◊ These facilities should include separate spaces for families, unaccompanied children, and single adults.
 - ◊ Persons suspected of criminal activity or with outstanding warrants might still be placed into secure border facilities to conduct necessary law enforcement responsibilities.
 - ◊ Specialized positions should be created to staff these centers, including persons with training in caring for children and trauma victims.
 - * Immigration and other processing should be conducted by non-uniformed officers or professionals, although uniformed and armed staff may be available to ensure security in the facility.
- U.S. Customs and Border Protection, FEMA, the Department of Health and Human Services (HHS) and other appropriate organizations should set up and operate temporary influx housing for migrants conveyed directly from the border, until they can be transferred to the larger migration processing facilities. The influx facilities would operate like disaster relief centers for affected communities that provide individuals with shelter, food, and access to medical and other relief services.
 - ◊ Only the most basic processing of migrants, such as identification and recording in necessary information systems, should be conducted at these facilities. All other processing should be done at the larger regional facilities.
 - ◊ Regular transportation systems should be established from these facilities

to the larger facilities.

- Coordinating with the HHS National Disaster Medical System for doctors and nurses to provide medical assistance to migrants. FEMA Corps and other volunteers from Department of Defense medical staff or national guard could provide additional humanitarian support to these facilities.
 - ◊ Only emergency medical services and triage should take place at influx facilities.
 - ◊ Broader spectrum medical care should be available at Regional Processing Centers.
- Reassigning asylum officers and interpreters to Regional Processing Centers in border asylum processing teams responsible for the asylum interview process after migrants arrive to the processing facility. The teams would process each case within 20 days to ensure that families can present their cases together.
- Authorize asylum officers to decide asylum claims in the first instance and approve “clearly approvable” cases without resorting to an immigration court.
- Work with the Department of Justice (DOJ) to create new border courts with newly hired judges (who do not have existing caseloads that would be displaced) located near the DHS regional processing facilities who would prioritize processing the cases from recent arrivals at the U.S.-Mexico border.
 - ◊ This court would operate under the same rules but would have a separate docket for border cases.
 - ◊ Cases that cannot be decided within 90 days could be transferred to other immigration courts, allowing migrants to be relocated with appropriate supervision and case management services.
 - ◊ Border cases must be decided within 6 months from date of arrival.
- Working with DOJ to expand the cadre of immigration judges by 110% to ensure that the immigration court system can process influxes of complex cases without sacrificing its ability to effectively review regular interior removal or asylum cases.
- Working with DOJ and DHS to establish an “On Call Reserve” of retired judges and asylum or immigration adjudication officers or other qualified individuals (subject to mandatory annual training to remain eligible for call up) that could be activated on short notice to address capacity issues due to ongoing increases in migration.
- Non-asylum cases and single adults may continue to be processed under expedited removal or other authorities existing under law.

Addressing Crime, Drugs, Contraband, and Terrorism

Outside of the newly created migrant processing infrastructure at the border, there continues to be a need for resources to ensure security from other threats. This will remain a key mission of CBP. **Traditionally, CBP has relied on the three “pillars” of border security: personnel, technology, and infrastructure.** Together, these components work to deter or prevent illegal entry of drugs, contraband, criminals, or terrorists, and identify migrants seeking to evade apprehension. All three are needed but should be focused on the threats being countered.

Personnel

*The focus on Border Patrol agent numbers should not obscure needs for fully staffing ports of entry, and current difficulties in hiring and retaining agents and officers should be addressed before significantly increasing authorized personnel. Oversight and accountability measures need to be increased to maintain the highest standards of professionalism and integrity, and ensure that agents and officers fully understand the differences among their missions of managing migration and addressing criminal and security threats. **Additionally, more emphasis should be placed on hiring positions in other parts of the immigration system to address processing, care, and adjudications of migrants instead of using border agents for those roles, while reassigning agents back toward front-line security.** Given these parameters, the following personnel-related changes should be considered:*

- Increase the number of CBP officers at ports of entry.
- Increase training on professionalism, use of force, and integrity for CBP officers and Border Patrol agents.
- Authorize non-agent or contract support for non-frontline positions such as operation centers or back office and additional headquarters positions that do not require law enforcement designation to allow law enforcement officials to serve on front lines.
- Authorize non-agent support positions for processing apprehended immigrants, and for monitoring, deploying, and maintaining border technologies, allowing agents to spend more time on patrol.
- After assessing need for non-agent support positions, reanalyze Border Patrol staffing models to account for the changes, and authorize recruitment to the necessary staffing levels.

- ◇ Once staffing levels are reached, increase numbers of Border Patrol agents only if there is evidence of increases in attempted illicit entries or new threats at the border.
- Focus on recruitment and retention, including considering signing bonuses and bonuses for completing training and probationary term.
 - ◇ Increase funding for CBP retention efforts and retention bonuses after completing five years of service, and provide additional incentives to agents and officers stationed in more remote areas with limited services, housing, and amenities for families.
- Increase Office of Air and Marine flight hours to ensure maximum support to border operations, except in emergency response situations.
- Promote tactical flexibility by authorizing the transfer of border agents based on operational necessity, provide incentives for more remote or temporary duty assignments.

Technology

Securing the border requires more than just physical infrastructure. Technology has been used on the border for decades to detect intrusions, provide situational awareness through surveillance, and enhance agent response. Since 2017, CBP has received more than \$700 million for border technology deployments, but most of the planned improvements remained unfinished according to a [DHS Office of Inspector General Report](#) published in February 2021. CBP needs to follow through with these technology deployments or redirect the funding to other missions or needs. Further, the General Accountability Office and OIG have noted that CBP does not have adequate guidance to obtain sufficient and reliable data on the effectiveness of its technology deployments. Technology remains a key tool in securing the border, but CBP needs to address the issues in its acquisition and deployment of already authorized and funded systems, as well as improve its assessments of the effectiveness of those systems in maintaining border surveillance, situational awareness, and identification and classification of border crossings.

- CBP must create an overall Border Security Technology Resource and Deployment Strategy and Plan that covers its technology needs, describes the need and appropriate deployment, as well as how it will collect data to assess the effectiveness of these deployments.
- CBP should identify key information technology positions necessary to deploy, monitor, and maintain its technology and assess whether they must be filled with armed agents and officers or whether support positions could be created for these roles.

- CBP should request, and Congress should appropriate, sufficient funding for initial and ongoing user training of deployed technologies to ensure that all officers and agents are able to understand and properly use new technologies in the field.
- Investments in tunnel detection technology should be made. As border fences and infrastructure increased, the use of subterranean tunnels, used primarily for drug and currency smuggling, has also increased. CBP should articulate its requirements for tunnel detection and set challenges to the private sector for the development and deployment of new, effective means of detecting tunnel activity along the border.
- Upgrades to existing CBP Information Technology should be made to remove obsolete and outdated systems and integrate the most current cybersecurity protections.

Infrastructure

*While much effort was made in the last administration toward building a “wall,” in reality much of what was built was updated and stronger border fencing in areas where previous barriers existed but were perhaps less of a deterrent. **Fencing or barriers make sense in areas where there is little time for detection (using technology) or response (by personnel) in an area and where deterrence can be effective at preventing, slowing, or diverting entry at that location. However, where barriers exist in more remote areas, they are less effective since entrants have more time to take actions to circumvent the barrier via breaches or surmounting it. Therefore, other types of infrastructure, such as roads or lighting that facilitate response to breaches and addressing lines of sight for technology to allow for surveillance of the areas, are actually more important.** Importantly, border infrastructure includes not just fencing and other barriers, but also roads and access to the border and areas along the border for agents to respond. Buildings, sector stations and other operating bases are also included. Finally, securing the border must include updates to infrastructure at our ports of entry, through which both billions in legitimate immigration, travel, and commerce enter as well as drugs, contraband, and smuggled persons. Specific options could include:*

- Rebuild roads along the border.
- Clear sightlines and invasive species along the Rio Grande, such as Carrizo cane, a tall perennial species of reed that obscures views of the river shores, providing cover to unauthorized crossings and making it difficult to reach crossers.
- Upgrade and install physical barriers in appropriate sectors, including additional pedestrian barriers in sectors with significant pedestrian crossings, replace vehicle barriers with pedestrian barriers where appropriate, boat ramps, access gates, forward operating bases, checkpoints, lighting, roads, and levee walls.

- Upgrade and maintain CBP Forward Operating Bases, including perimeter security, portable generators, interview rooms, adequate communications including wide areas network connectivity and cellular service, potable water, and helicopter landing zones.
- Improve security and enforcement technology at ports of entry through additional cameras/surveillance of traffic/pedestrian areas, non-intrusive inspection technology improvements, development and deployment of hand-held technologies for data and detection, expansion of facilities to allow for secondary inspection, additional K-9 teams and improving border crossing processing times.

Miscellaneous

- Revise the DHS Border Security Strategy to separate management of migration from other threats at the border, setting separate goals for processing as well as apprehension and/or detection of migrants.
 - ◊ Segregate statistics of those apprehended attempting to evade detection and those seeking agents to claim asylum. Continue to disaggregate statistics between ports of entry and at ports of entry, by demographic group encountered (single adults, families, and unaccompanied children) and disposition of cases (expedited removal, section 240 removal proceedings, asylum case, or other process).
- Revise Border Security Strategy to discuss different enforcement postures to address differing threats, such as drug smuggling, human trafficking, or other contraband.
 - ◊ Release statistics on persons encountered with suspected terrorist ties as well as dispositions of these cases.
 - ◊ Special Interest Aliens (SIAs) should not be categorized as terrorist encounters unless subsequent investigation reveals terrorist associations or intent.
- Consult with governors of agriculture and border states and local governments, to minimize the impact of border security measures on landowners, the environment, commerce and culture; promote state and local law enforcement grants for updated communications quipment.
- Require annual reporting to Congress and the public with extensive metrics on how the increased efforts have affected entry attempts and successful or unsuccessful border crossings.

Long Term Regional Investments

In the long term, addressing migration at the U.S.-Mexico border means addressing both the underlying country conditions that lead migrants to decide to leave, and the facilitating factors that allow them to make the journey to the border. Addressing these issues requires diplomacy, foreign aid, and cooperation with migrant-sending, transit, and other countries in the region. Dealing with country conditions will be a decades-long effort but is absolutely necessary. However, some medium-term changes can be implemented with regional cooperation. The following recommendations are taken from our 2019 report, [Policy Proposals to Address the Central American Migration Challenge](#).

Bilateral Work with Mexico

- *Boost Mexico's capacity to process and integrate more asylum seekers.* The United States should work with the United Nations High Commissioner for Refugees (UNHCR) to help Mexico navigate its new status as an asylum transit and receiving country by strengthening its capacity to receive and integrate more migrants, including helping its asylum and migration agency hire more staff and open new permanent offices across the country.
- *Develop a formal agreement with the Mexican government to mutually manage the migration flows.* The agreements could result in agreements to:
 - ◇ Provide additional support to Mexico to improve and expand its capacity to accept and process asylum claims, encouraging more migrants to apply for protection there.
 - ◇ The United States and Mexico could agree to permit processing of U.S. asylum claims or refugee claims in Mexico.
 - ◇ Provide additional support to Mexico to protect migrants in the country awaiting their case outcomes, including protection from violence and the ability to support themselves. Support could also extend to non-governmental organizations working to shelter and care for migrants in Mexico.
 - ◇ Work with UNHCR to establish formal refugee processing in Mexico.
- *Work with Mexico to secure its southern border with Guatemala.* Provide border and migration training to deployed Mexican National Guard and support investments in the Mexican National Immigration Institute (INM) to process visas for legal migrants and access asylum application in

Mexico to regularize migration along this border.

- ◊ *Work with Mexico to identify and dismantle smuggling organizations and cartels that facilitate unauthorized migration.* The United States and Mexico have a greatly improved law enforcement relationship that is currently under some strain due to political forces in both countries. However, efforts to curb the criminal enterprises that prey on immigrants and that facilitate their migration are necessary, especially as these illegal operations become more sophisticated and efficient at smuggling individuals into the United States.

Regional Solutions in Central America

- *Provide development assistance to southern Mexico.* The current Mexican government is looking to expand economic opportunity in southern Mexico that might provide regional benefits with Guatemala and more job opportunities for both Mexicans and Central American migrants in the region. The United States should support these development efforts as well as the border security efforts at Mexico's southern border.
- *Work with regional partners in Central America to improve governance, root out corruption, and better protect vulnerable populations from crime and violence.* The long-term solution will be to work with Central American partners—Costa Rica, El Salvador, Honduras, Guatemala, and Panama—to improve conditions in the emigration countries, strengthen the rule of law and governance, and reduce the power of the gangs and criminal enterprises to terrorize their populations. The focus should be on addressing governmental corruption and human rights abuses, as well as criminal activity, and supporting democratic institutions and leaders who are working positively in these countries, often at the local level. These efforts should also improve educational and health institutions that can promote long-term human security in the region.
- *Resume in-country processing of potential refugee applicants in the region.* Although limited in scope, the Obama administration created processes in the Central American countries to screen and process applications from a select group of children with family in the United States, which the Biden administration has recently resumed. Expanding capacity to process applications across the whole the region could provide individuals with the chance to make their cases directly to the U.S. government without submitting to smugglers and traffickers or making a dangerous journey through other means. This should involve a regional, multilateral agreement, including the UNHCR, to ensure that other countries in the

region also work to accept and process migrants in need of protection.

- *Increase development assistance to Northern Triangle countries.* Along with addressing institution-building, development that improves the economic fortunes of central and local governments in the three Northern Triangle countries will also reduce the factors pushing many to migrate north. These factors include a lack of job opportunities, which leads people to participate in criminal activities that generate violence or to leave for the United States to seek work, as well as poverty among agricultural regions as a result of drought and other climate conditions. These efforts should include direct monetary assistance in the first instance, especially for those regions facing food shortages, as a means of subsistence until additional options are available. Assistance and development should focus on replicating those programs that have had success at the local level to other regions and localities, and should put continued pressure on national governments to address systemic issues that inhibit economic activity from expanding beyond entrenched elites.



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