

BALLARD BRIEF

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Inadequate Immigration System for Asylum Seekers at the US-Mexico Border

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Summary

The history of immigration in the US goes back to its founding. However, in recent years, immigration trends at the US-Mexico border have gained media and political attention as more migrants flee to the border and face challenges as they seek refuge in the US. The inadequate immigration system has been exacerbated as legislation like the Migrant Protection Protocols and metering complicates the legal system and forces asylum seekers into border towns. Border patrol's misuse of resources and insufficient immigration data also contributes to the inadequate immigration system. Families and individuals seeking legal asylum at the border are being detained and separated from their families at higher rates, making migrants more vulnerable to violence, health issues, fear of death, and uncertainty for the future. The consequences of these trends lead to higher death rates and physical or sexual violence for asylum seekers. Advocacy coalitions that aim to change

legislation and create legal pathways for immigrants are possible solutions to the inadequate immigration system at the Southern Border.

Key Terms

Asylee—Someone who is seeking legal protection in the US through asylum status.

CBP—The acronym for Customs and Border Protection, a federal agency under the Department of Defense that enforces customs and immigration, mainly at the borders.¹

ICE—The acronym for US Immigration and Customs Enforcement, a federal agency under the Department of Defense specializing in protecting national security through border crime and immigration, at the border and internally.²

Northern Triangle Countries—The countries of Honduras, Guatemala, and El Salvador that make up much of the migrant groups at the southern border.

POE—The acronym for Port of Entry, which is where migrant processing

takes place along the US-Mexico border.

Unaccompanied Children—Defined by the council of foreign relations as

Context

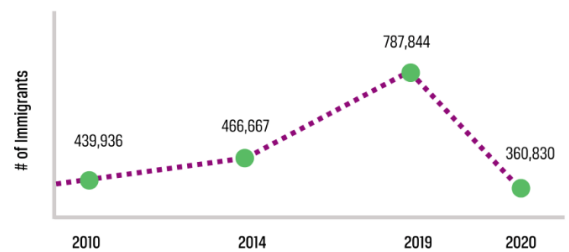
Q: When did the US recognize problems in the immigration system?

A: Since the 1990s, immigration at the Southern border has become increasingly strenuous as more families and unaccompanied children have crossed the border, and immigration has become more politicized in the US over time.⁴ The number of immigrants from Central America and Mexico coming to the border has steadily increased over time; in 2010, Central Americans and Mexicans arriving at the border totaled 439,963,^{5, 6} 466,667 in 2014,^{7, 8} 787,844 in 2019,^{9, 10} and 360,830 in 2020 (a decrease due to the pandemic).^{11, 12} Increasingly strenuous circumstances at the border led the US

“migrants under eighteen years old with no lawful status in the United States and who have no parent or legal guardian available to care for them.”³

government to create the Customs and Border Protection Agency (CBP) and the US Immigration and Customs Enforcement Agency (ICE) in 2002.¹³

Increasing Numbers of Immigrants from Central America and Mexico 2010-2020



CBP focuses on the border and ports of entry (POE) while ICE patrols the border and the interior US (all US territory that is not within 100 miles of the border). Ever since the US government acknowledged the

problems caused by the overwhelming number of migrants and created these agencies, various administrations have taken different stances on immigration at the border. The 2016 administration declared a crisis on illegal immigration at the Southern border because of the increased immigration of undocumented immigrants.¹⁴ After a sharp drop in immigration at the Southern border in 2020 due to the coronavirus pandemic, migrant encounters with CBP patrol quadrupled in 2021, rising to 1,659,206 patrol encounters.^{15, 16}

Q: What characteristics of the immigration system are inadequate?

A: Immigration systems at the border are inadequate because they do not have proper support for the flow of asylum seekers at the border. Evidence for the current set of systems at the border being inadequate include bottlenecks of immigrants waiting at the border, uncertain procedures, extended wait times, and the humanitarian crisis that many migrants

experience; these are discussed more completely in the Contributing Factors and Consequences sections of this brief.^{17, 18} Immigration at the border is also inadequate because of structures within border patrol, such as their data collection and misuse of government funds (as will later be discussed in the Contributing Factors section of this brief). An adequate immigration system would have proper procedures to counteract the increasing immigration flows and expand according to anticipated immigration flows.

Q: What are asylum seekers?

A: Asylum seekers are migrants who claim that they would face persecution or harm if they were to return to their home countries.¹⁹ Asylum seekers coming from south of the US-Mexican border can claim asylum 1 of 2 ways: by going through the paperwork with an on-duty border patrol officer at the border or by sending the paperwork to the US Citizenship and Immigration Services (USCIS) within 1 year of entering the country.²⁰



Asylum seekers are different from refugees because refugees immediately qualify for legal employment upon arrival in the US. Refugees are also granted work and housing through government and nonprofit agencies. Asylum seekers must apply and prove that they should be granted asylum before they can work, and they typically resettle themselves. To qualify for asylum, asylum seekers must prove a nexus, which is the legal term for proof that they were persecuted (have been harmed or have a severe fear of harm) in their home country.²¹ The nexus event of persecution must fall into 1 of 5 categories: race, religion, nationality, political opinion, or membership in a particular social group.²² Asylum seekers also have to provide evidence that they would

experience continued persecution if they returned to their home country. After applying for asylum, applicants must pass a background check, undergo fingerprinting, and go through an interview with a US Citizenship and Immigration Services (USCIS) officer before they are officially granted asylum.²³

Q: Where are asylum seekers coming from?

A: When immigration across the Southern border started around 1845 (with the United State’s annexation of Texas), immigration into the US was slow and only from Mexico.²⁴ During the late 1900s and up until the late 2000s, immigration to the southern border from other countries began to increase steadily. In 2021, 63% of migrants were from countries other than Mexico.²⁵ Many of these migrants were asylum seekers from the Northern Triangle Countries of Honduras, Guatemala, and El Salvador.²⁶ From 2007 to 2015, immigration went from 1.2 million asylum seekers a year to 1.42 million in

El Salvador, 750,000 to 980,000 in Guatemala, and 480,000 to 630,000 in Honduras.²⁷ Governmental instability and high corruption in these countries are reported as the main causes of high immigration trends to the Southern border.²⁸

Q: What are the demographics of migrants crossing the US-Mexico border?

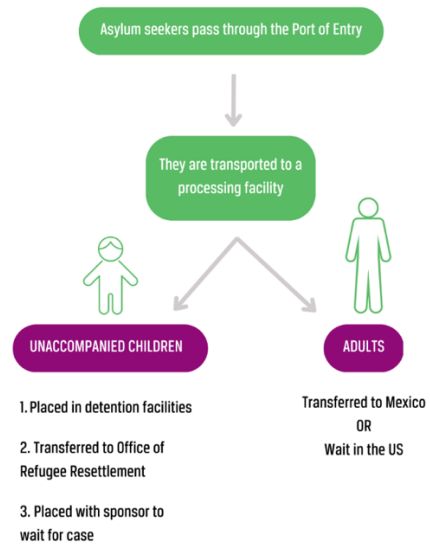
A: In 2021, the makeup of migrants at the border was 64% single adults, 27% individuals in family units, and 9% unaccompanied children.²⁹ Children are designated as “unaccompanied” if they are alone without a parent or legal guardian. If children come with extended family, they are still considered unaccompanied.³⁰ The increase in unaccompanied children is partially from recent policy changes which allow for unaccompanied children as they reunite with their families in the US.³¹ Surges of unaccompanied children are also caused by poverty, environmental conditions like hurricanes, and the pandemic.³²

Q: What happens when Asylum Seekers arrive at the Southern Border?

A: Asylum seekers do not exclusively pass through the US-Mexico border, but many do, especially those coming from Central and Latin America. These asylum seekers pass through Ports of Entry (POE) at the Southern Border, where they are asked to provide identity information.³³ Here they can make an asylum claim with the border patrol officer. After making this initial claim, they are transported to a processing facility to await a trial hearing about their asylum case. According to the border patrol agency known as CBP (Customs and Border Protection), asylum seekers are not supposed to wait in processing facilities for more than 72 hours.³⁴ In 2019, however, 31% of asylum seekers in 5 holding facilities indicated that they had been waiting for more than 3 days.³⁵ Suppose the asylum seeker is an unaccompanied child. In that case, they are placed in a detention facility and transferred to the Office of Refugee

Resettlement until they are placed with a sponsor to await their trial hearing regarding their asylum case.³⁶ As the US undergoes surges of unaccompanied children, detention facilities often place children in stadiums, military bases, or convention centers.³⁷ If the asylum seeker is an adult, a Department of Homeland Security officer decides whether to send them to Mexico to await their hearing or to let them wait in the US. As a result, asylum seekers could experience wait times of a few months to over a year and beyond.³⁸ Of those staying in the US, some will be released to live in the country until their trial, and others will be placed in detention facilities.³⁹

What Happens When Asylum Seekers Arrive at the Southern Border?



Q: Where does immigration take place?

A: There are over 48 government-approved US-Mexico border crossings (POEs).⁴⁰ Major border-crossing cities for southern immigration include San Ysidro and Otay Mesa, California, and El Paso and Laredo, Texas.⁴¹ Much of the data about the conditions at the POEs is not available, such as data from each POE on how many families are split up, how much violence occurs with officers, the number of inhumane interactions with other asylum seekers, and other information about conditions at the POEs individually. The information that is available mostly

describes immigration flows at each POE. For example, San Ysidro is the busiest land port of entry in the Western Hemisphere, processing around 20,000 northbound pedestrians and 70,000 northbound vehicles daily.⁴² Laredo is the largest commercial-trade POE at the Southern border and accounts for 44.1% of all US-Mexico trade.⁴³ Because of the 2,500–3,000 commercial trucks that pass through Laredo and El Paso daily, there are daily bottlenecks that can delay asylum seekers from entering the United States for 3–5 hours.⁴⁴

Contributing Factors

US Immigration Legislation

Migrant Protection Protocols

The biggest contributing factor to the inadequate immigration system at the US-Mexico border is immigration legislation, which restricts asylum seekers' abilities to legally seek asylum in the US. This factor adds to the inadequate system in that it restricts

entry and sends asylum seekers to border towns where they face violence, extortion, and lack of representation.⁴⁵



One of the biggest pieces of American legislation contributing to the crisis is the Migrant Protection Protocols. Migrant Protection Protocols (MPP) or the “remain in Mexico protocols” cause asylum seekers to be detained and transferred to border towns in Mexico as they await their asylum trials.⁴⁶ Before MPP, asylum seekers trying to cross the Southern Border would have been released into the US as they awaited deportation hearings.⁴⁷ From December 2018 (when MPP was announced) to August 2021 (when MPP was suspended), over 70,000 migrants were removed from the

border and placed in Mexican border towns to await trial.⁴⁸

In being returned to Mexico, asylum seekers face dangerous situations and are subject to many kinds of abuses and lost opportunities. While in Mexico, asylum seekers have reported that Mexican authorities could not get them the proper documentation for work or health care or to send children to school.⁴⁹ Because of this, many asylum seekers are stalled financially and educationally.

Elaboration on asylee circumstances in border towns can be found in the Consequences section of this brief.

While in border towns, some asylum seekers miss their court hearings because of kidnappings or because they were taken south by the Mexican government, far from court hearing locations.⁵⁰ Of those asylum seekers who remained in Mexico, 50% did not attend their court hearings, as opposed to the 11% who were allowed to remain in the US.⁵¹ When asylum seekers do attend their court hearings, Migrant Protection Protocols have

made it difficult for asylum seekers to legally and safely apply for asylum, in part because MPP makes it more difficult for asylum seekers to attain lawyers, as access to representation is limited in Mexico.⁵² MPP also makes it harder for asylum seekers to gain legal representation in the US because of the extended wait times and processing under MPP. For example, regular cases in which asylum seekers were not subject to MPP processing at the border experienced higher rates of cases with representation.⁵³

Lack of Representation Under MPP



79.4% of asylum seekers were able to receive representation before MPP



only 7.5% were able to receive representation during MPP

Regular cases with wait times of 2 months had an 18.1% representation rate, while MPP cases in the same

period saw 0.4%.⁵⁴ While MPP was in effect, 7.5% of asylum seekers did have representation;^{55, 56} before MPP was instated, 79.4% of asylum seekers were able to receive representation.^{57, 58} Lack of representation makes it difficult for those under MPP to receive asylum because, without representation, they are more likely to lose their asylum case. Without representation, only 1 out of 10 individuals will win their asylum case, but with representation, a migrant is 3 times as likely to be approved for asylum status.⁵⁹ This disparity is because legal representatives often know what kind of evidence is needed and can make claims about policies that asylum seekers may not be aware of.⁶⁰

In June of 2021, the US presidential administration released a memo ending MPP.⁶¹ However, a backlash among some states as to whether this ruling was within the executive branch's power ensued. The state of Texas sued the presidency for the right to continue MPP on the state level.⁶² On August 13, 2021, the Supreme Court ruled that the presidency must

reinstate the Migrant Protection Protocols.⁶³ Under the new MPP, officers now have to ask if migrants are afraid to return to Mexico, whereas they were before not allowed to ask migrants if they were afraid to return to Mexico. The requirements for what constitutes credible fear are also less strict than with the previous MPP.⁶⁴ Even with these modifications to the MPP, the protocols disrupt the asylum seeker process and create instability within the system, making it hard for asylum seekers to navigate.

Metering

Along with MPP, the legislative policy of metering is an inadequate response to the influx of asylum seekers at the border. Although metering began as an effort to regulate the immigration system at the Southern border, it is ineffective as it stalls asylum seekers in border towns where they face uncertainty and danger. Metering began in mid-2018 and lasted until September 2021; it works by creating daily limits on how many asylum seekers are accepted at a POE.⁶⁵ Under

MPP, asylum seekers are given a date to appear in immigration court at the border before they are turned away and sent to border towns. However, with metering, asylum seekers are not processed, nor do they have a date to appear in court.⁶⁶ Daily metering creates high concentrations of bottlenecks at POEs; at its height in 2019, there were 26,000 asylum seekers on the waitlist at the border from metering.⁶⁷ Daily limits are unpredictable. They often vary at different POEs and fluctuate from day to day. As asylum seekers come to the border, they are placed on a list and left to live in border towns in Mexico.⁶⁸ The wait times, border towns, and transportation of immigrants leave asylum seekers vulnerable to a range of criminal activity, health problems, and anxiety as they await relief and aid in the US.⁶⁹ Much of the humanitarian crisis occurs as border towns are unsafe, and asylum seekers do not have access to basic necessities.

Border Patrolling

Although the border patrol has made strides in making a more efficient asylum process, some problems remain. Border patrolling contributes to the inadequate immigration system at the Southern border because border patrol agencies collect and use inadequate data and misuse resources. These factors prevent border agents from efficiently and safely processing asylum seekers.



Data and Transparency

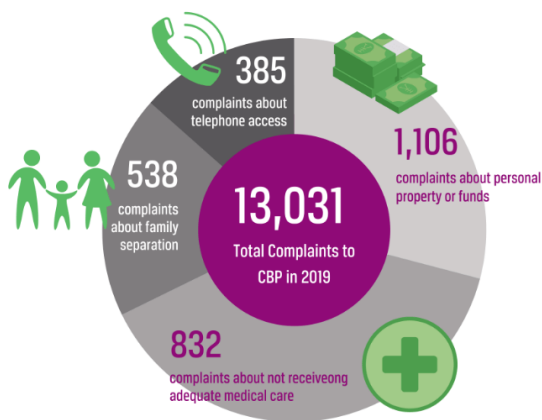
Although there are few internal CBP evaluations, CBP is consistently evaluated by the US Government Accountability Office (GAO), the main office of federal program evaluation in the United States. Following the death of 3 children in CBP custody, GAO

investigated CBP in July 2020.⁷⁰ GAO reported that CBP was not being transparent with Congress about the number of asylum seekers who died while in CBP custody and discovered underreporting of missing persons, fatal injuries, and suicide attempts.⁷¹ For example, Congress found that 31 people died in CBP custody from 2014–2019, but CBP only reported 20.⁷²

Because CBP was not transparent with Congress about the number of asylum seekers who die while in their custody, Congress is misinformed about the conditions at the border, and Congress cannot react with appropriate funds or resources.⁷³ CBP sometimes under-reports because it lacks information about conditions at the border or it miscategorizes data.⁷⁴ An instance of this miscategorization is the number of suicides, as CBPs automated reporting does not have a category for suicide and instead places suicide or suicide attempts in “injuries or illnesses.”⁷⁵

Along with CBP underreporting migrant deaths at the border, ICE also underreports complaints of conditions

in detention facilities. As ICE becomes overwhelmed with more immigrants and unaccompanied children at the border, it has encountered trouble keeping up standards for all new asylum seekers who enter detention facilities. Detention facilities are meant to follow a strict standard set by the Department of Homeland Security, including detainees receiving nutritious meals through sanitary means, control of hazardous substances, safe work spaces, protecting detainees and staff from certain dangerous detainees in the Special Management Units, detainees receiving written orientation of the facilities in English or Spanish, and informal contact between staff and detainees of important information.⁷⁶



One important standard is that children are only allowed to stay in facilities for a maximum of 20 days. However, in 2019 the House Committee on Oversight and Reform found that 679 children were held from 46–75 days, 50 children were held over 6 months, and 25 over a year.⁷⁷ Additionally, ICE detention facilities frequently receive complaints from detainees. In 2019, CBP received 1,106 complaints about personal property or funds, 832 complaints about not receiving adequate medical care, 538 about family separation, and 385 about telephone access, totaling 13,031 complaints in that year.⁷⁸ A 2020 GAO evaluation reported that ICE detention

facilities were not meeting the facility standards, and ICE did not analyze complaints to try and improve the facilities.⁷⁹ GAO gave ICE 6 recommendations to streamline complaint data and to perform regular assessments of ICE detention facilities. As of June 2022, 3 of the 6 recommendations have been partially completed, and the other 3 are open but incomplete.⁸⁰

Misuse and Inadequate Appropriation of Resources

CBP also misuses funds from the government that are meant to help asylum seekers. In May 2020, CBP was given \$112 million for emergency medical care for asylum seekers due to the COVID-19 pandemic, but only \$87 million was used for this purpose.⁸¹ The remaining money was used for printers, speakers, the canine unit, dirt bikes, and motorcycles. GAO found this oversight to be because CBP officers were untrained in how to use the funds and were unaware that the funds were for medical care only (a responsibility that falls on the Federal Law Enforcement

Training Center).^{82, 83} This misuse contributes to the inadequate immigration system because asylum seekers are not getting adequate medical treatments while they are in CBP detention facilities, which they are obligated to receive by the Department of Homeland Security. The GAO report also found that many facilities were not conducting routine medical interviews. In contrast, other facilities did not administer the influenza vaccine after a recommendation from the Centers for Disease Control and Prevention.⁸⁴ ICE also failed to complete many health checks in their facilities. When children under 12 are admitted to ICE, they are supposed to receive a mental and physical health screening. In February 2020, of the 373 children admitted to detention facilities, one-third (143 children) received the medical screenings.⁸⁵

Funding for border patrol programs has risen by 6000% since the 1980s, from \$350 million to \$23.7 billion in 2018.⁸⁶ The number of border agents has also risen from 4,000 in 1994 to 21,000 border-specific agents

today.⁸⁷ As of 2019, all agents in the various CBP departments added up to 60,000 agents, making CBP the largest federal law enforcement agency in the United States.⁸⁸ In recent years, government funding for ICE and CBP has nearly tripled from \$3.3 billion in 2003 to \$8.3 billion annually in 2021.⁸⁹ While budgets for apprehension agencies like ICE and CBP have risen tremendously, budgets for agencies that deal with judicial due process for asylum seeker cases have not risen since 2003.⁹⁰ The Executive Office for Immigration Review (EOIR) is one of the agencies that process asylum cases at the border (as well as in the US). The EOIR budget has remained below 2 billion since 2003.⁹¹ The lack of funds given to agencies such as EOIR contributes to the crisis because EOIR has the potential to decrease the number of asylum seekers at the border by increasing the processing speed for their files, but it is not receiving the funding to do so. With increased funding, EOIR could hire more judges and support staff to keep pace with the

increased caseloads and offer more legal services to asylum seekers.⁹²

Consequences

Death

The inadequate immigration system at the US-Mexican border can lead to the death of asylum seekers because they experience fatal encounters with border patrol. As of 2021, 160 migrants since 2010 have died from interactions with border agents,⁹³ and one source finds that fatal encounters with CBP rose from 6 per year in 2010 to 58 per year in 2021.⁹⁴ However, in the 90-year history of the CBP, not one officer has been convicted of killing while on duty.⁹⁵ Between 2010–2021, 77 deaths were caused by vehicle collisions from high-speed chases initiated by border patrol, 61 deaths were caused by an on-duty CBP agent through asphyxiation, taser, shooting, beating, or chemical agent, 53 were caused by failure to give adequate medical assistance, and 15 deaths were homicides carried out by off-duty officers (in these cases, a few

were sentenced to prison time for behavior).⁹⁶ Although these deaths can be attributed to border agents, the agents have not been convicted for these deaths.



7,000 people have died from crossing the desert since 1998.

The inadequate immigration system can also lead to the death of asylum seekers who try to cross the desert and enter the country illegally (which they choose to do because legislation hinders asylum seekers' opportunities for legal immigration). As legislation preventing the opportunity for legal immigration is implemented, and as immigration is further criminalized, asylum seekers feel forced to travel through the desert and cross into the

country without going through a POE, risking their own lives.⁹⁷ Crossing the border can often be very dangerous. Since 1998, it is estimated that over 7,000 people have died while crossing or migrating to the border (including both those that crossed through POEs and those that did not): This estimation comes from tracking human remains found near the border.⁹⁸ In the fiscal year 2019, 300 deceased migrants were found along the Southwest border.⁹⁹ In the fiscal year 2021, CBP reported 557 deaths, most of which were connected to the desert's heat.¹⁰⁰ Many of those crossing the desert are exposed to heat exhaustion, starvation, hypothermia, or violence from animals.¹⁰¹ The Sonoran Desert of Arizona, California, and Mexico spans over 100,000 square miles, much of it containing uninhabited land.¹⁰² The desert can reach temperatures as high as 120 degrees and is home to 17 different types of rattlesnakes, which asylum seekers could fall prey to.¹⁰³ On the trail to the border, many asylum seekers are vulnerable to being hit by cars or freight trains, drowning in

rivers, or succumbing to other natural elements.¹⁰⁴ In 1998, 6 migrants were killed while sleeping on train tracks.¹⁰⁵ More recently, in 2022, 9 migrants died while crossing the Rio-Grande river after a storm raised the water level by 2 feet in one day.¹⁰⁶

Separation of Families

Another negative consequence of inadequate immigration systems at the US-Mexico border is that some pieces of legislation cause families and children to be separated from each other, which can have long-term psychological consequences. According to the Reunification Taskforce, from July 2017 to January 2021, there were 5,636 family-child separations at the US-Mexican border.¹⁰⁷ Separation from parents is one of the most impactful traumatic events that a child can experience, and it has even been compared to torture.¹⁰⁸



In order to increase criminal prosecution and to stifle the increase in asylum applications, the 2016 Administration instituted the Zero Tolerance Policy (a policy coinciding with MPP), which states that the Department of Justice should prosecute and detain migrants crossing the border.¹⁰⁹ This policy also states that all migrants attempting to cross the border anywhere other than a POE were to be criminally prosecuted, including asylum seekers.¹¹⁰ The policy created a systematic operation of separating children from parents so the parents could be prosecuted separately and the children were taken into custody.¹¹¹ The immigration policies of Zero Tolerance states that children and adults must be processed separately, so, therefore, families are separated

systematically. Families were also separated under MPP, with one parent being sent back to Mexico while their child and the other parent were allowed to enter the US.¹¹² In January 2021, the acting Attorney General rescinded Zero Tolerance Policy and stated that Zero Tolerance did not take into account individual circumstances.¹¹³ Although many children's advocates believe the letter is a good step forward, they advocate for congressional changes to revise the penalties for crossing the border.¹¹⁴ Currently, there is no new system of penalty, and families continue to be separated through detention and deportation practices.¹¹⁵ Families may also be subject to separation at the border because of a parent's criminal history, health issues, or criminal persecution and charges.¹¹⁶

For children separated at the border, the adverse effects are exacerbated by the frightening, sudden, chaotic, or prolonged nature of the separation.¹¹⁷ A nonprofit group known as the Physicians for Human Rights (PHR) conducted a study on children and

parents at the border who were separated from each other for at least 60 days under MPP. The study concluded that the act of separating children from their families to deter parents from seeking asylum could be constituted as torture as defined by the United Nations Guidelines Istanbul Protocol.¹¹⁸ The PHR clinicians found that the children and adults surveyed showed signs of trauma or Post Traumatic Stress Disorder through behaviors like confusion, excessive crying, consistent worry, sleeping and eating difficulties, nightmares, depression, and anxiety.¹¹⁹ Children who were separated also showed signs of age-regression behaviors such as clinging to parents, extensive crying, refusal to eat or sleep, or lacking basic developmental milestones.¹²⁰ The study also showed that children who experienced separation at the border were more susceptible to illnesses in the future, such as cardiovascular disease.¹²¹ MPP legislation and the Zero Tolerance policy created a systematic separation of families that has lasting

psychological effects on both children and parents.

Sexual and Physical Violence

Sexual and physical abuse is another consequence of the inadequate immigration system through increased encounters with border patrol and legislation that sends asylum seekers to border towns. The Immigration and Law Enforcement Monitoring Project estimated a total of 285 complaints of violence a year concerning conditions during immigration procedures.¹²² There are most likely many more undocumented cases that go unreported due to the asylum seekers' fear of repercussions. In a study by Human Rights Watch America, asylum seekers reported officer abuse against asylum seekers, including verbal abuse, beatings, physical assaults, unjustified shootings, sexual abuse, and, in some instances, torture.¹²³ In 2014 a pregnant migrant reported being kicked in the stomach by a CBP official, causing her to miscarry.¹²⁴ Another migrant reported that CBP officers had stomped on his back after being

handcuffed.¹²⁵ Families and individuals (who are already in a vulnerable state) face abuses from officers, adding to their trauma and the crisis at the border.

Children are susceptible to sexual or physical violence as they are separated from their families and placed in different holding facilities and shelters as they await processing or release to family members. From 2014–2018, a department under Health and Human Resources known as the Office of Refugee Resettlement received 4,556 complaints of sexual abuse or harassment or other inappropriate behavior from children at holding facilities, perpetrators including other children and staff members.¹²⁶ The Department of Justice also received 1,303 more allegations of serious sexual harassment or abuse, including 178 allegations against staff members.¹²⁷ As children are separated from their parents and placed in holding facilities, they become more susceptible to sexual or physical violence than they would not be otherwise.

Women who are journeying to the border or in shelters along the border are highly vulnerable to sexual assault. As women are placed in border towns, they experience a greater risk of sexual and physical assault.¹²⁸ Human Rights Watch found that asylum seekers in border towns in Mexico are exposed to trauma, rape, kidnapping, extortion, and assault.¹²⁹ Asylum seekers are also targets for gang activity or other crimes. Asylum seekers have reported that they have been intercepted by criminal groups in transit and were threatened with being kidnapped or harmed.¹³⁰ Tracking sexual assault among migrant women is difficult because it often goes unreported, and the actual amount of those attacked is, therefore, higher than reported. Nevertheless, physicians at the nonprofit Doctors Without Borders believe that the proportion of women who experience sexual assault while traveling to the border could be close to one-third.¹³¹

Practices

Southern Border Communities

Coalition

Advocacy groups can take on many forms and focus on various issues relating to the border crisis. The Southern Border Communities Coalition (SBCC) is an advocacy group that brings together different groups along the Southern border and shares resources and up-to-date research.¹³² Their mission statement is to “promote policies and solutions that improve the quality of life for border residents.”¹³³ SBCC also focuses on fiscal policy changes, civic engagement, equity in education, taxation, and human rights.¹³⁴ SBCC involves 60 organizations spanning from Brownsville, Texas, to San Diego, California.¹³⁵ SBCC receives funding from donations, mostly in the form of large donor grants (over \$100,000) and through labor unions.¹³⁶ SBCC works toward its mission of promoting policy for border residents through congressional letters, a border

manifesto, and a lawsuit stating that using military funding for a border wall was unconstitutional.¹³⁷

SCBB is a part of a wider movement termed “research impact,” in which advocacy groups use research to engage with government entities and policymakers.¹³⁸ Academic research impact has been shown to create impact as more decision-makers seek counsel from research.¹³⁹ SBCC cultivates a database called “Border Lens” that government policymakers can effectively use for real-time data about Southern Border conditions.¹⁴⁰ The efforts of SCBB have led to a broader interest in their congressional letters and border policy proposals. The June 2020 congressional letter was supported by Kamala Harris and 97 other congresspeople.¹⁴¹ SBCC also published a new framework for immigration at the border, which included eliminating internal CBP checkpoints, increasing investigation into border abuses, ending the detention of suspected illegal immigrants, and increasing undocumented immigrant

rights.¹⁴² The framework is supported by Berkley City Council and other councils and legislations in San Diego and San Francisco.¹⁴³ SBCC has also been successful in submitting statements to the US Senate Homeland Security and Governmental Affairs Committee, including border grievances and policy recommendations.¹⁴⁴ SBCC has unified over 60 organizations to strategize and target important issues and the areas that are in the most need of change along the Southern border.¹⁴⁵ SBCC has seen success and has created an impact in its advocacy efforts through its coalitions and policy-changing practices. For example, SBCC was successful in its lawsuit that using military funds for border construction was unconstitutional by the 9th Circuit Court of Appeals in June of 2020, halting border construction.¹⁴⁶

SBCC faces inherent obstacles in that it deals with legislation and advocacy. One of the biggest gaps between SBCC and most other advocacy groups is that impact depends on the decision-making of those in power, making

impact difficult to measure.¹⁴⁷ Additionally, although SBCC has been influential in creating congressional letters and helping to identify problems at the Southern Border, it is unclear how those letters and frameworks are being implemented (and if they are being implemented at all). It is also unclear how updated research has created an impact in the 60 organizations that SBCC deals with other than the sharing of information.¹⁴⁸ Another gap in advocacy groups like SBCC is that they depend on effective advocacy evaluators and the support of leaders with legal understanding or representation.¹⁴⁹ Effective advocacy evaluators are those that have deep knowledge of the political aspects of legislation, networks with key players, and the ability to distinguish organizational quality.¹⁵⁰ These evaluators are especially important for SBCC as they deal with complex legislative policies that deal with legal and illegal immigration structures and legal representation. Many organizations also do not work in

coalitions or groups, which has been shown to be ineffective and could actually be detrimental to a potential change in legislation.¹⁵¹ The SBCC has managed to resolve this gap, as their main focus is to work in coalitions and groups; however, this gap is still

prevalent in many other advocacy groups.

Endnotes

1. "Border Patrol History," US Customs and Border Protection, July 21, 2021, <https://www.cbp.gov/border-security/along-us-borders/history>.
2. "History of Ice," ICE, accessed September 30, 2021, <https://www.ice.gov/features/history>.
3. "Southern Border Humanitarian Crisis," The Center for Disaster Philanthropy, accessed September 20, 2021, <https://disasterphilanthropy.org/disaster/southern-border-humanitarian-crisis/>.
4. "Border Patrol History," US Customs and Border Protection.
5. "Asylum Seekers at the Border," Southern Border Communities Coalition, July 20, 2021, https://www.southernborder.org/border_lens_asylum_seekers_at_the_border.
6. 43,144 (Central America) + 396,819 (Mexico) = 439,963 total in 2010
7. "Asylum Seekers at the Border," Southern Border Communities Coalition.
8. 239,897 (Central America) + 226,771 (Mexico) = 466,667 in 2014
9. "Asylum Seekers at the Border," Southern Border Communities Coalition.
10. 621,386 (Central America) + 166,458 (Mexico) = 787,844 in 2019
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