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CONTROLLING UNAUTHORIZED IMMIGRATION FROM MEXICO: The Failure of "Prevention through Deterrence" and the Need for Comprehensive Reform*

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INTRODUCTION

For the past 15 years, the United States has had a strategy of immigration control that overwhelmingly emphasizes border enforcement, coupled with extremely weak worksite enforcement and no effort to reduce the unauthorized flow by increasing legal-entry opportunities, especially for low-skilled workers. Under the "prevention through deterrence" doctrine adopted by the U.S. Border Patrol in the early 1990s, illegal entries were to be prevented by a concentrated "show of force" on specific segments of the border, which, it was believed, would also discourage crossing attempts from being made in areas less heavily fortified but more remote and dangerous to migrants. Tens of billions of dollars have been invested in the border enforcement build-up since 1993, with little concern about its efficacy.

Since 2005, the Mexican Migration Field Research and Training Program (MMFRP) at UC-San Diego has been documenting the effectiveness and unintended consequences of the U.S. border enforcement strategy. We have interviewed over 3,000 migrants and potential migrants, in their hometowns in the states of Jalisco, Zacatecas, Oaxaca, and Yucatán, as well as in the U.S. cities that are their primary destinations. Our most recent study was conducted in Oaxaca and San Diego County, from December 2007 to February 2008. The MMFRP data, gathered from the people whose behavior has been targeted by the U.S. strategy, is the most direct and up-to-date evidence of whether it is actually keeping undocumented migrants out of the United States (it is not). This research also shows how tougher border enforcement is enlarging the settled population of undocumented immigrants in the United States – one of the strategy's most important unintended consequences.

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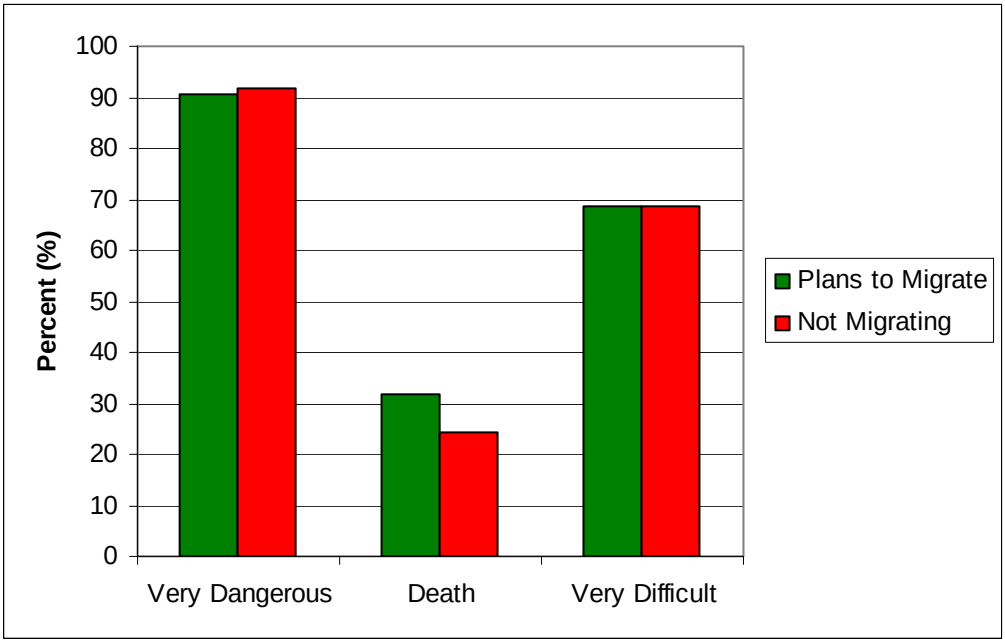
DOES BORDER ENFORCEMENT DETER ILLEGAL ENTRY?

> "The Border Patrol told me the first time, 'If we apprehend you a second time, we are going to put you in jail for two weeks. If we apprehend you a third time, it is going to be a month; the fourth time, three months. You could be in jail for up to a year.' But no matter what they say to you, you're still going to try again. I told them, 'Well, I just have to cross.' They asked me if I was sure. 'Maybe you should just go home,' they said. 'But I have to cross,' I told them. No matter what, the majority of us Mexicans are going to keep trying."
>
> -- *Briseida, a 24-year-old Oaxacan undocumented migrant*

The Border Patrol apprehended Briseida six times during the month before her most recent (successful) entry into the United States. To be effective, U.S. border enforcement must change the beliefs and perceptions of millions of would-be migrants like her throughout Mexico. Unauthorized migration will decrease only when the majority of potential migrants conclude that the costs and physical risks of clandestine entry are greater than the potential benefits awaiting them on the other side of the border. In our interviews with experienced and prospective first-time migrants, we delved deeply into their knowledge and perceptions of the obstacles that they face upon arrival at the border.

Figure 1: Knowledge and Perceptions of Border Hazards as Predictors of the Intent to Migrate

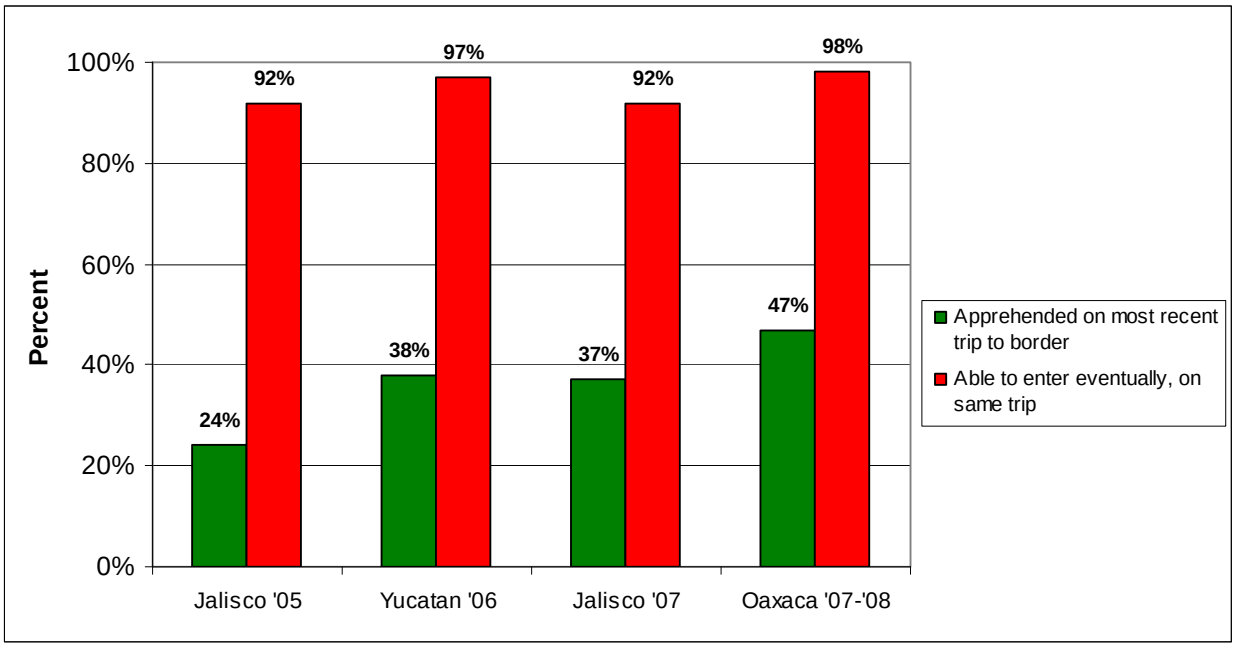


Our data from Oaxaca (Figure 1) show that knowing that clandestine entry is "very dangerous," that evading the Border Patrol is "very difficult," and knowing someone who died attempting to cross the border are not useful predictors of whether one will migrate. Border enforcement-related knowledge and perceptions do not differentiate between those who intended to go to the United States in next twelve months and those who planned to stay home. The only statistically significant difference between the two groups is that those planning to migrate are slightly *more* likely to know someone who died trying to cross the border. This may be because those who do not intend to go to the United States do not interact regularly with experienced migrants, whose knowledge of such fatalities is likely to be higher.

A multivariate regression analysis of these data reveals that perceptions of border-crossing difficulty and dangers have no statistically significant effect on the intent to migrate in 2008, when we control for the effects of age, sex, marriage, educational level, previous migration experience, and the number of family members currently living in the United States. We have performed the same analysis of responses to the same survey questions in three previous studies (done in different migrant-sending communities in the states of Jalisco and Yucatán), getting the same results.[1] In sum, seeing the fortified border as a formidable and dangerous obstacle course does not deter would-be migrants.

Nor does the obstacle course prevent illegal entry. In four MMFRP studies, we found that fewer than half of migrants who come to the border are apprehended, even once, by the Border Patrol. As shown in Figure 2, the apprehension rate found in these studies varied from 24% to 47%. And of those who are caught, all but a tiny minority eventually get through – between 92 and 98 percent, depending on the community of origin. If migrants do not succeed on the first try, they almost certainly will succeed on the second or third try.

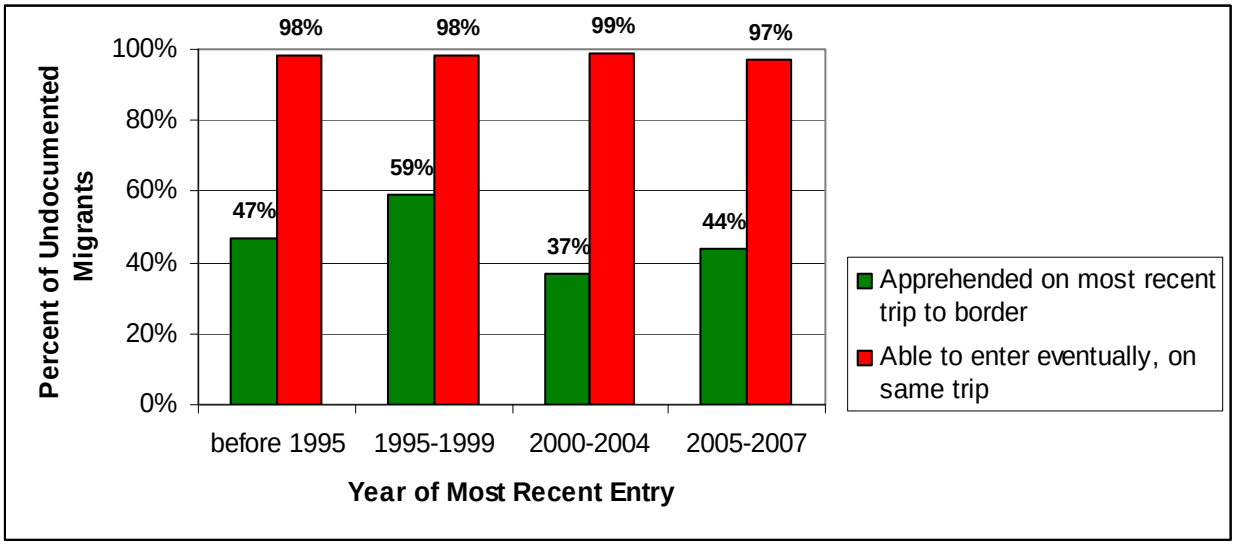
Figure 2: Apprehension and Eventual Success Rates Among Undocumented Migrants from Jalisco, Yucatán, and Oaxaca



Among our Oaxacan interviewees, the eventual success rate has remained remarkably high throughout the period of tighter border enforcement (see Figure 3). The success rate is virtually the same for migrants whose most recent crossing occurred before 1995, when the border was largely unfortified, and those crossing in the most recent period. In other words, the border enforcement build-up seems to have made no appreciable difference in terms of migrants' ability to enter the United States clandestinely. Such high success rates do not occur by chance; rather, they are achieved through an evolving array of border crossing strategies pursued by migrants and the professional people-smugglers (*"coyotes")* who assist them.

[1] See Wayne A. Cornelius and Jessa M. Lewis, eds., *Impacts of Border Enforcement on Mexican Migration: The View from Sending Communities* (Boulder, CO: Lynne Rienner Publishers, 2007); Wayne A. Cornelius, David Fitzgerald, and Pedro Lewin-Fischer, eds., *Mayan Journeys: The New Migration from Yucatán to the United States* (Boulder, CO: Lynne Rienner Publishers, 2007); Wayne A. Cornelius, David Fitzgerald, and Scott Borger, eds., *Four Generations of Norteños: New Research from the Cradle of Mexican Migration* (Boulder, CO: Lynne Rienner Publishers, 2008).

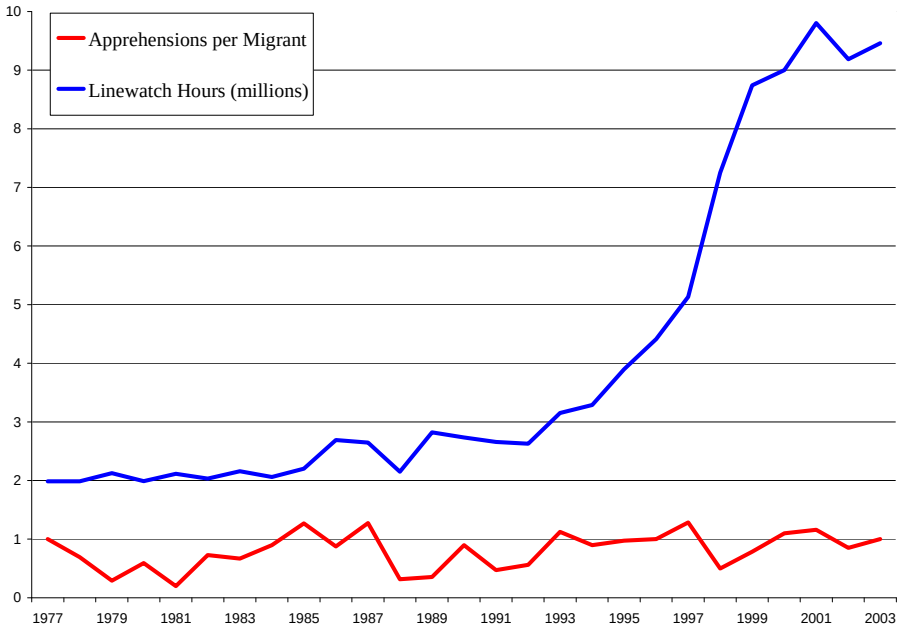
Figure 3: Apprehension and Eventual Success Rates among Undocumented Oaxacans



MEASURING THE EFFICACY OF BORDER ENFORCEMENT: POLICY VS. ECONOMICS

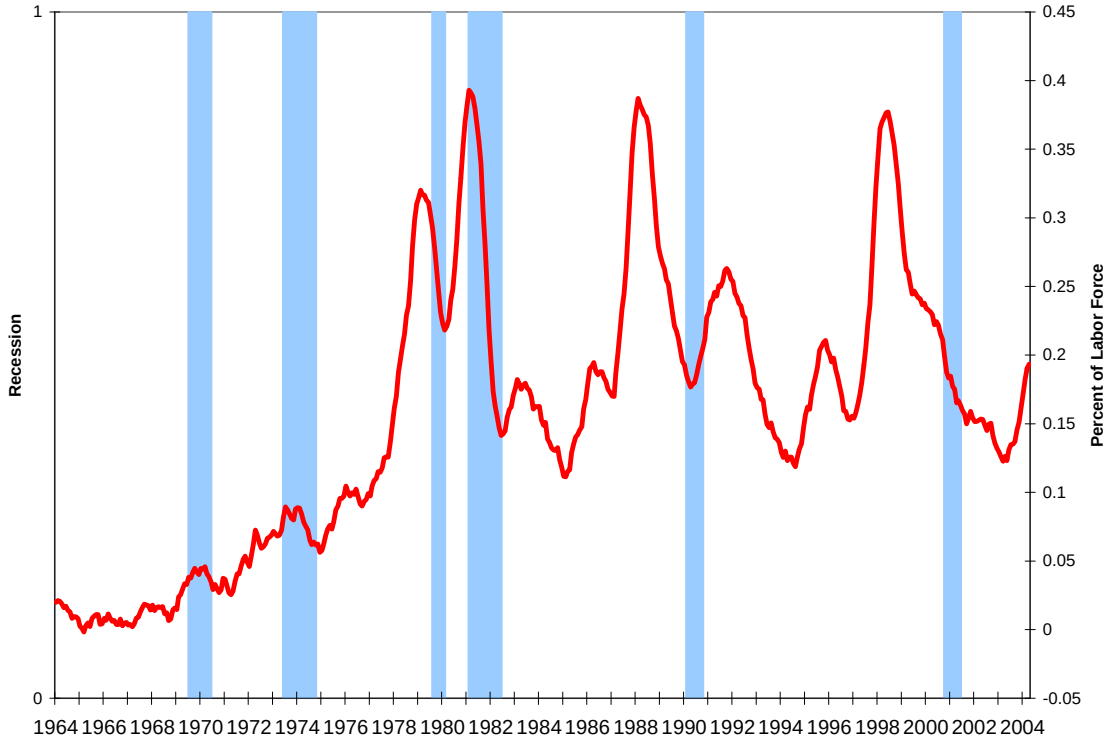
To assess the impact of border enforcement policy on the flow of undocumented migrants, we need to relate changes in migrant behavior to U.S. policy shifts over time as well as to changes in economic conditions in the United States and Mexico. To do this we created a time series from aggregate statistics on apprehensions made by the Border Patrol and micro-level survey data from our field research program. For this analysis we used data on 684 unauthorized migrants who were interviewed between January 2006 and January 2008. The data represent the number of times that an undocumented migrant was apprehended before he or she succeeded in entering. Previously published studies have assumed that any increase in border enforcement would increase the apprehensions-to-migrant ratio. However, Figure 4 demonstrates that the apprehension rate has *not* increased in tandem with the level of Border Patrol effort, measured by the number of hours that agents spend patrolling the border.

Figure 4: Border Enforcement Intensity and the Probability of Apprehension



Using these data, we estimate the flow of undocumented migrants into the U.S. and place it into the context of what is happening in the U.S. labor market. Figure 5 reports the percentage of recently arrived undocumented migrants (defined as migrants who crossed the border in the previous three months) in the U.S. labor force, using a 12-month moving average to smooth seasonal fluctuations. The blue bars represent periods of economic contraction. We find that undocumented migration clearly responds to changing U.S. economic conditions, with steep increases in the flow toward the end of expansion phases of the business cycle and significant decreases during economic downturns. Moreover, the pattern of undocumented migrants responding to economic conditions rather than policy decisions has continued during the border enforcement build-up that began in 1993.

Figure 5: Recent Undocumented Migrants as a Percent of the U.S. Labor Force

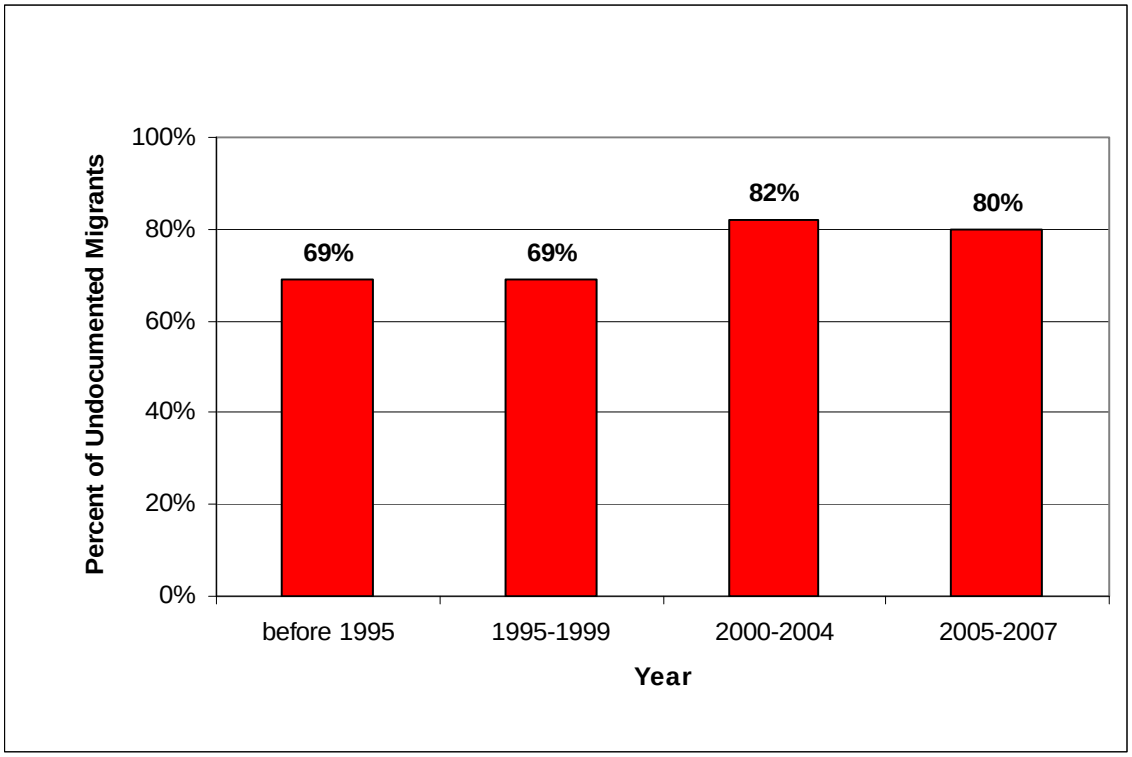


ADAPTING TO A FORTIFIED BORDER

The most common way in which undocumented migrants have adapted to tighter border enforcement has been to rely upon the skills and experience of *coyotes* to guide them across the border and transport them to their final destination. Hiring a *coyote* was an option chosen by many Mexican migrants even before the current border fortification effort began. But *coyotes* are no longer optional; tougher border control has made them indispensable to a successful and relatively safe crossing.

As shown in Figure 6, there was a sharp increase in *coyote* use among our Oaxacan interviewees, between the late 1990s (when border controls were still being implemented in most areas) and the current decade (when concentrated border enforcement operations were fully implemented in California and Arizona). Today, four out of five undocumented migrants are relying on *coyotes* to evade the Border Patrol and reduce the risks of crossing through remote desert and mountainous areas that pose life-threatening hazards.

Figure 6: Use of a Coyote on Most Recent Border Crossing, among Oaxacan Migrants

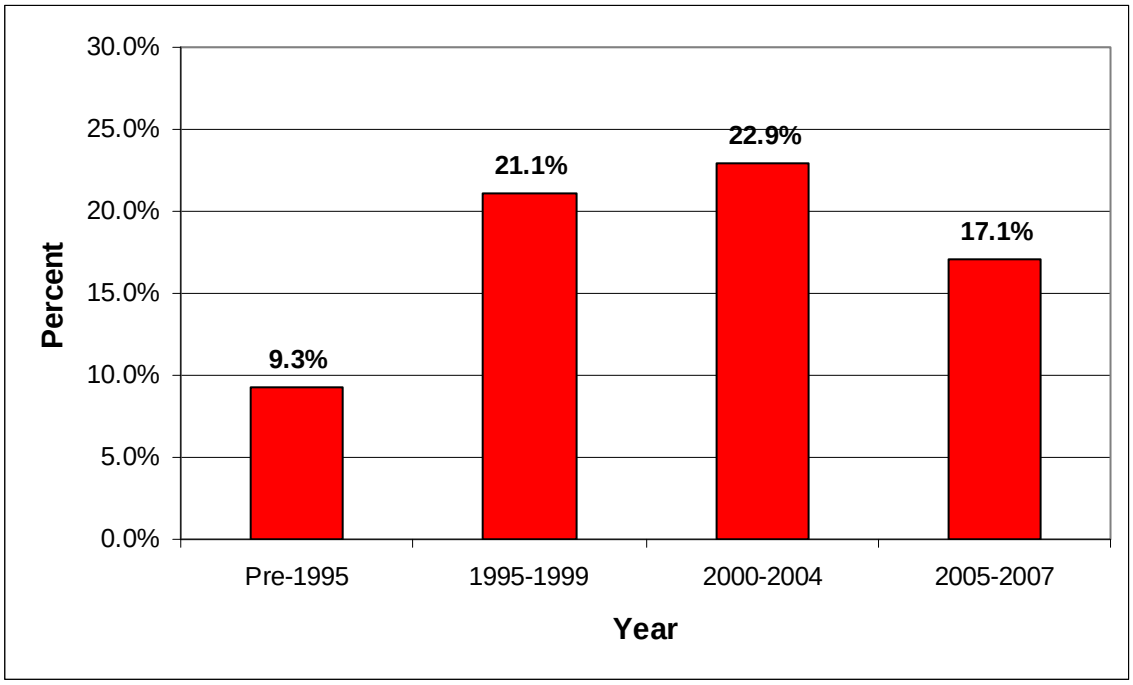


For most undocumented migrants, hiring a *coyote* virtually guarantees success. Among the Oaxacan migrants whom we interviewed, 100% of those who had used a *coyote* were able to enter the United States successfully on their most recent trip to the border. As the demand for *coyotes* has risen, the fees that they can command have increased in tandem. *Coyote* fees have doubled or tripled, border-wide, in the post-1993 period. Since 1995, among our Oaxacan interviewees, payments to coyotes have been rising, on average, by 5 percent per year, controlling for inflation. The average fee paid to a coyote in 1995 was $978; by 2005-07 it had risen to $2,124. This striking run-up in coyote fees is a direct consequence of heightened border enforcement. Most migrants borrow the money from relatives in the United States and/or use personal savings.

Logistical decisions about when and where to cross the border are delegated to *coyotes*. In our study of Oaxacan migrants, we found that the overwhelming majority (72%) had crossed in the San Diego/Tijuana area, which until recently the Border Patrol had claimed to be under "operational control." Among our Oaxacan interviewees, nearly one out of five had passed through a legal port of entry, either concealed in a compartment of a vehicle or as a passenger, using false or borrowed documents.

This is a preferred mode of entry, especially for women and children, because it reduces physical risk to zero; however, *coyotes* are charging upwards of $3,500 for this type of crossing. Nevertheless, as shown in Figure 7, this mode of entry has increased significantly in popularity since 1995. As enforcement is tightened in areas between the legal ports of entry, more of the clandestine traffic is passing through the ports – the latest example of what Border Patrol agents call the "squeezing the balloon" phenomenon. Similarly, there is evidence that a portion of the traffic is shifting from the land border to the maritime border: Since August 2007 more than two dozen people-smugglers' boats have been intercepted or found washed ashore on the beaches of San Diego County.

Figure 7: Border Crossings Made through a Legal Port of Entry, among Unauthorized Oaxacan Migrants



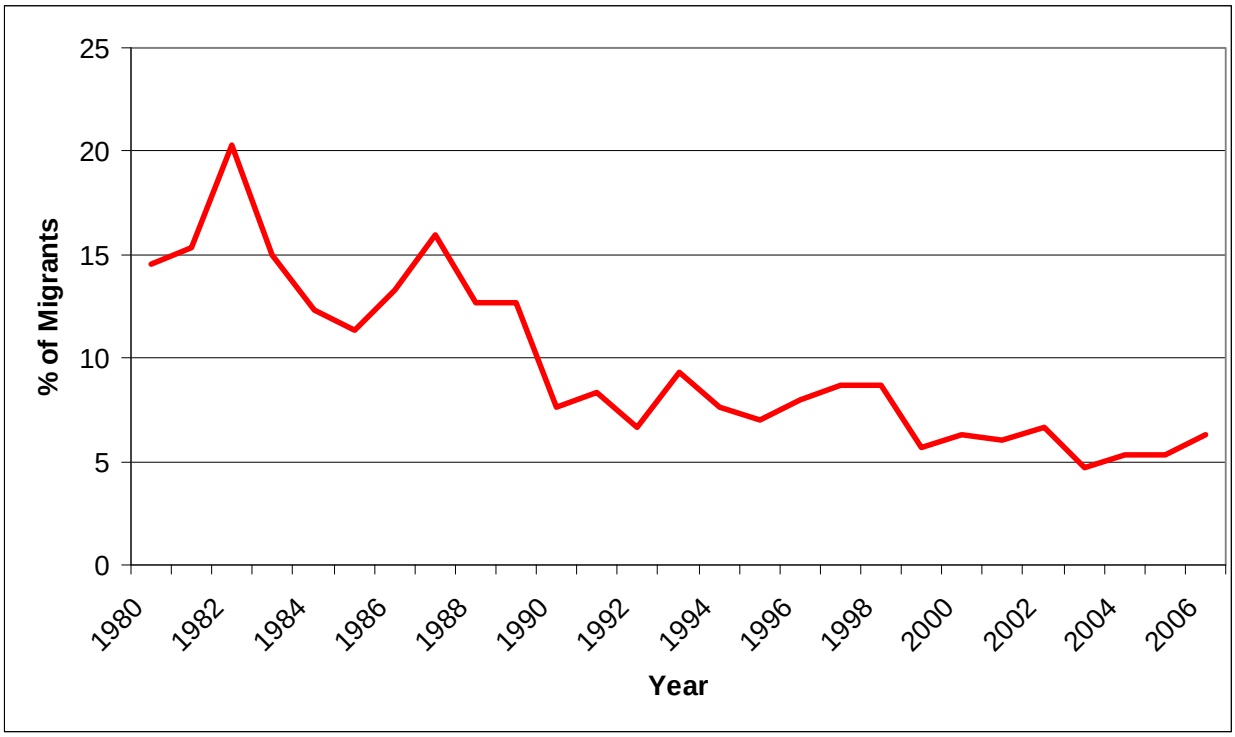
UNINTENDED CONSEQUENCES OF BORDER ENFORCEMENT

In addition to fueling a booming people-smuggling industry, border enforcement has had several other significant unintended consequences.[2] Fatalities resulting from clandestine border crossings have risen to at least 500 per year (more than 4,700 migrants have died since 1995, and these represent only the bodies that have been discovered). Most notably, in terms of its long-term consequences for both Mexico and the U.S., tougher border enforcement has helped to turn what used to be a two-way migration flow between Mexico and the United States into a largely one-way, south-to-north flow.

In the traditional pattern of Mexican migration to the U.S., most migrants were unaccompanied males who engaged in circular migration. Every 6-12 months they would rotate between working in the United States and returning to their hometown for extended stays. Today, while some circular migration continues, more Mexican migrants are staying longer in the United States, bringing their families with them, and putting down roots in the United States. Figure 8 shows the sharp decrease in return migration from the U.S. to our research site in Oaxaca. Another key of declining circularity in migration is the incidence of houses in migrant-sending communities that have been abandoned by families, all of whose members now live in the United States. In our Oaxaca research community, 31 percent of the total housing stock was uninhabited last December.

[2] Border Patrol officials and Homeland Security Secretary Michael Chertoff have often cited rising coyote fees as an *intended* consequence of the border enforcement build-up and a key indicator of its effectiveness. But this would be an indicator of efficacy only if people-smugglers were being priced out of the market. All available evidence, including our own, suggests that this is not happening. Migrants and their U.S.-based relatives are digging deeper into their pockets to finance *coyote*-assisted crossings. Professionally assisted crossings are more likely to succeed, which is one reason why border apprehensions have been trending downward since 2006, together with slumping demand for labor in the U.S. construction industry and reduced circularity in Mexico-to-U.S. migration.

Figure 8: Probability of Returning from the U.S. to Mexico, among Undocumented Oaxacan Migrants (3-year moving average)

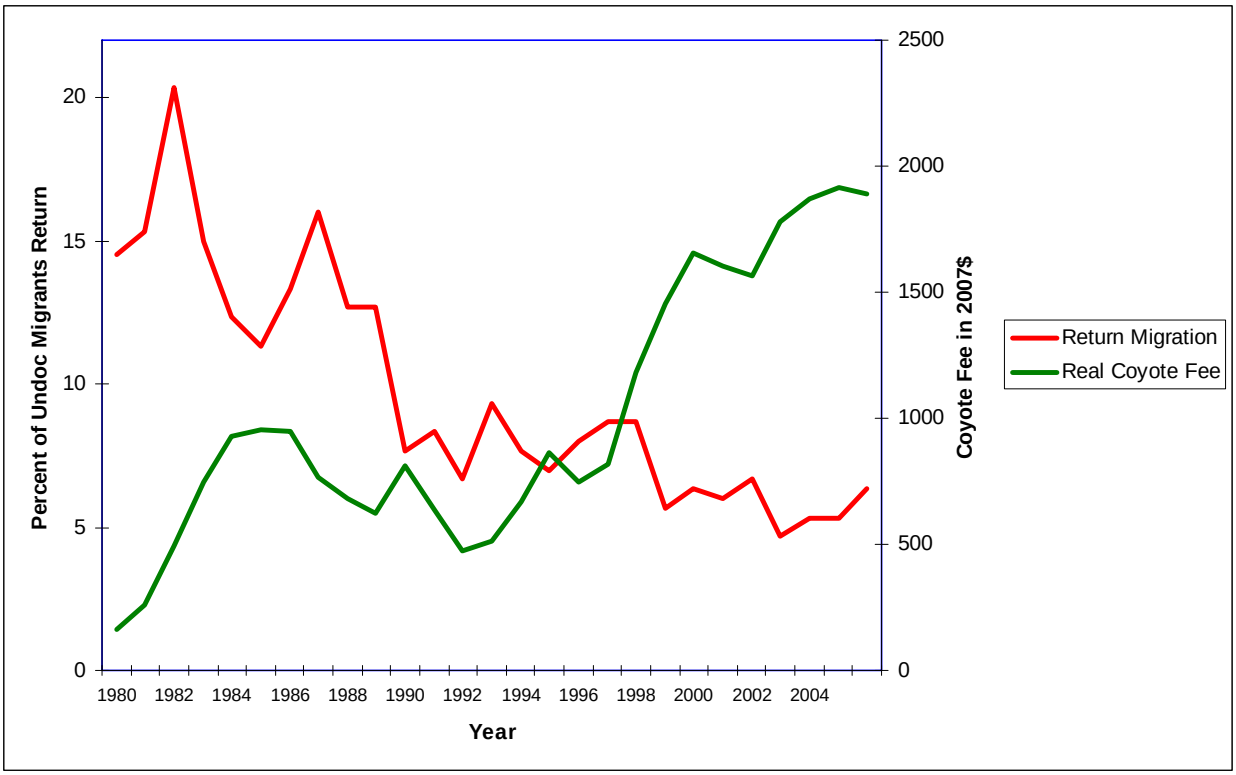


What explains the change in migration patterns from cyclical sojourners to permanent settlers? In our field research we found three factors to be most influential: the rising cost of *coyote*-assisted border crossings; the deepening of migrants' social networks within the United States, as a result of family reunification on the U.S. side of the border; and greater availability of permanent, year-round job opportunities for Mexican migrants in the U.S. economy. All of these factors except the last one are directly related to border enforcement.

We found that among our undocumented Oaxacan interviewees, as *coyote* fees rise, unauthorized migrants are staying in the U.S. for longer periods, and their probability of returning to Mexico declines (see Figure 9). There is an almost perfect inverse relationship between *coyote* fees and the probability of return migration. Understandably, after paying off a substantial debt for their most recent crossing, it is daunting to consider going back to the hometown for a visit and then having to pay a *coyote* thousands of dollars to return to one's job in the United States.

Our research shows that the more time a migrant spends in the United States, the greater the likelihood of him or her staying put. If the ongoing border enforcement build-up makes return trips to Mexico prohibitively expensive, undocumented migrants will continue to deepen their roots north of the border. Given our findings on the eventual success rate among undocumented migrants, it is entirely possible that stronger border enforcement has bottled up more of them within the U.S. than it has kept out.

Figure 9: Probability of Return Migration in Relation to Coyote Fees



Millions of undocumented immigrant children and their parents are now in the United States as an unintended consequence of tougher border enforcement, which has promoted family reunification on the U.S. side of the border. Our research illustrates the price being paid by both immigrant students and U.S. society at large for their continued undocumented status. We find that undocumented students from Oaxaca experience significant educational progress in San Diego County, especially as compared to their counterparts who remain in Mexico (see Figure 10). However, these students are being held back by their lack of legal status.

As shown in Figure 11, we found that 77% of documented Oaxacan migrants who immigrate to San Diego County during their compulsory schooling years complete high school, but only 31% of their undocumented counterparts attain a high school diploma. We also found that only 34% of undocumented migrants arriving in the U.S. at school age completed *any* schooling in the United States (the corresponding figure for documented students is 90%). In other words, the vast majority of undocumented students do not *drop into* school.

A generous legalization program and the DREAM Act are needed to bring these students and their parents out of the shadows and ensure that their human capital is fully developed. Our fieldwork in U.S. migrant-receiving cities suggests that efforts to penalize undocumented students for their immigration status, such as denying them tuition-free college education and financial aid, will not induce them to voluntarily "self-deport." It will only impair their academic performance, raise their drop-out rate, and reduce their future contributions to tax revenues.

Beyond legalization, our research findings point to the need for comprehensive immigration reform. Absent tough workplace enforcement, a well-functioning guestworker program, and a more

realistic supply of permanent resident visas, border enforcement clearly is not keeping undocumented migrants out of the U.S. labor market. It is, however, producing a host of unintended consequences.

Figure 10: Educational Attainment among Oaxacans in Mexico and the United States, by Age

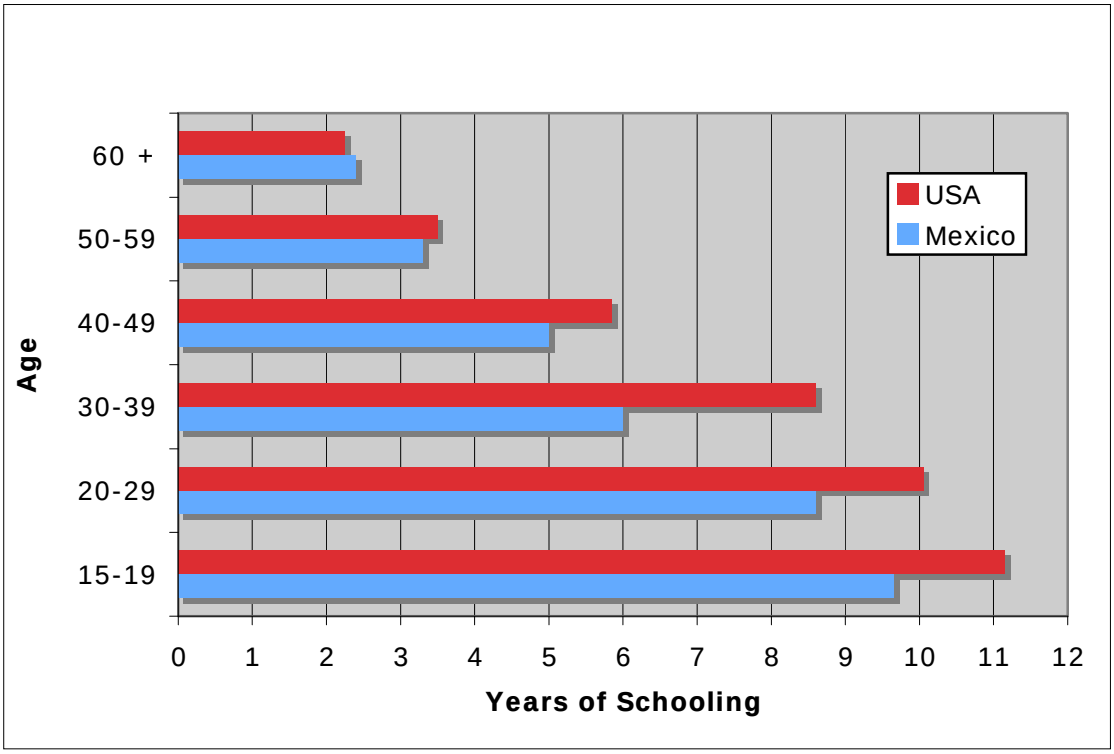


Figure 11: High School Completion and U.S. Schooling, by Documentation Status