



WRITTEN STATEMENT OF
SOUTHERN BORDER COMMUNITIES COALITION

For a Hearing
on

“The Biden Border Crisis - Part One”

Submitted to the U.S. House of Representatives Judiciary Committee (118th Congress)

January 31, 2023

Southern Border Communities Coalition

Lilian Serrano, Director

Jennifer Johnson, Border Policy Advisor

Introduction

Formed in 2011, the Southern Border Communities Coalition (SBCC), a project of Alliance San Diego, brings together networks from San Diego, California, to Brownsville, Texas, to ensure that border enforcement policies and practices are accountable and fair, respect human dignity and human rights, and prevent the loss of life in the region.

For decades, border communities have borne the brunt of a deeply misguided (often bipartisan) political strategy to subjectively define border “security” to advance political gain. This paradigm has proven to be catastrophic, counterproductive, and costly. Further heightened by a “prevention through deterrence” strategy, it has led to the hyper-militarization of our border communities; a massive erosion of the rights of our community members; increased abuse with impunity by border enforcement officials of community members of color, including immigrants with long ties to the region, tribal members, and those seeking protection. At no point have these strategies have given rise to meaningful advances in humane and fair immigration policies.

The southern border region has always been a place of hope, welcoming and opportunity, home to millions of residents. With the current challenges facing us in the region, our nation has a chance and a responsibility to live up to our shared values, do the right thing, and develop fair, humane and functional systems to welcome vulnerable newcomers, as well as border residents, at our southern border. We want to make sure we, as people who live and work in the southern border region, set the record straight.

The United States has the capacity to face the challenges at the Southern border.

We in the border region know better than anyone that the challenges we are experiencing right now are NOT a “crisis” and are not new — they stem from the hyper-militarization, enforcement-only approach to the Southern border over the last three decades, which includes policies that criminalize migrants, rather than recognize them as human beings.

The near total closure of the border to people seeking safety has created confusion and desperation. The harmful legacy of militarization in our region through deadly walls, unaccountable agents and discriminatory policies like Title 42 are threatening our values, as well as the rights of people seeking safety at our border, and of border communities at large. The slow response in creating a welcoming system also represents an abdication of the United States government’s responsibility to the global community.

We urge Congress to take an active role in creating a system that protects and uplifts human rights by welcoming border residents and vulnerable newcomers alike. Now is the time for our nation to right those wrongs. and implement infrastructure and policies that welcome people in a safe and dignified way, and connect them quickly to resources.

We need good border governance.

Border governance (sometimes referred to as “border management”) policies break away from the enforcement-only and “prevention through deterrence” approach that have dominated decades of border policies. Instead, it represents a move towards responsible border governance that is aligned with our values of dignity and respect for human and civil rights.

On a typical day, more than 600,000 people cross through land ports of entry at our northern and southern borders to visit family and friends, shop, attend school or work, and conduct business, yet border region residents and visitors are subjected to prolonged wait times, crumbling ports, and harassment, often based on racial and religious profiling. A move towards good border governance means investing in infrastructure improvements at ports of entry and adequate, accountable personnel to reduce border-crossing wait times and to ensure that border region residents and newcomers, including asylum seekers, are welcomed with humanity and dignity.

Good border governance also means restricting the role of border officials at the ports of entry to the role of inspectors – to identify and clear people into the country and refer children and families seeking safety to humanitarian, rights-respecting agencies and organizations with expertise in protecting the welfare of children and other vulnerable populations.

Facing the challenges at our southern border will require a whole-of-government, whole-of-society approach. Resources — including federal funding — are needed, alongside a surge of social workers, trauma specialists, medical professionals and human rights specialists. Border communities and organizations are on the ground and at the ready to support a system that welcomes people in a humane and efficient way.

We must develop a screening system that protects human rights.

Militarized border agencies like Customs and Border Protection (CBP) have long legacies of mistreating and abusing newcomers at the Southern border by holding people in cruel and inhumane conditions. Not only does this go against our shared values, but fails to bring us closer to solutions to the challenges we are experiencing in the region. The only role border agents should be playing is to quickly identify needs and refer people to the appropriate resources.

Asylum seekers at the border should be treated with dignity and respect and provided the opportunity to present their claim for an immigration or humanitarian remedy as is our obligation under both domestic and international law. This should be an administrative proceeding, not a criminal proceeding, and it should be supported through community-based case management, not detention.

What should the role of Border Patrol be?

Border Patrol's role should be limited to detection between the ports of entry *at the actual border* with a focus on organized crime and national threats. Border Patrol should not be operating inside the United States, far from the international border line, to engage in warrantless stops, searches and seizures. In other words, they should not be running interior checkpoints far from the border or roving patrols through our neighborhoods. They should cease to engage in the kind of intrusive surveillance and policing that undermines our civil liberties and human rights that undergird our democracy.

The power and resources of Border Patrol to police our communities — rather than detect organized crime and national threats entering the country — must be curtailed and affirmatively limited. It does not make us more safe nor more free. On the contrary, the agency has a disturbing track record of excessive force, racial profiling, sexual assault, interfering with law enforcement investigation and misconduct coupled with a lack of accountability and oversight that, according to DHS's Homeland Security Advisory Council, make CBP “[vulnerable to a corruption scandal that could potentially threaten the security of our nation](#)¹.”

Since January 2010, [more than 250 people have died](#)² as the result of an encounter with CBP agents and officers. Despite deaths in custody and uses of excessive, [deadly force](#)³, agents aren't held accountable. The agency's discipline system is [broken](#)⁴ and agency leadership has long failed to stop a trend of [corrupt](#) agents⁵. Furthermore, Border Patrol's [militarized](#)⁶ over-policing of border communities, including roving patrols and [dozens of internal checkpoints](#)⁷ that subject border-region residents to harassment by CBP, creates a pervasive climate of fear among immigrant and border community members, and contributes to the abusive over-policing of Black, Indigenous and communities of color.

Conclusion and Recommendations

The U.S.-Mexico border is [home to millions of people](#)⁸, has a deeply rich cultural

¹[https://www.dhs.gov/sites/default/files/publications/HSAC%20CBP%20IAP_Final%20Report_FINAL%20\(accessible\)_0.pdf](https://www.dhs.gov/sites/default/files/publications/HSAC%20CBP%20IAP_Final%20Report_FINAL%20(accessible)_0.pdf)

² https://www.southernborder.org/deaths_by_border_patrol

³ <https://www.cbp.gov/sites/default/files/documents/PERFReport.pdf>

⁴

<https://www.propublica.org/article/border-patrol-discipline-system-was-denounced-as-broken-still-not-fixed>

⁵<https://www.motherjones.com/politics/2018/04/new-report-details-dozens-of-corrupt-border-patrol-agents-just-as-trump-wants-to-hire-more/>

⁶ <https://www.aclutx.org/en/news/president-trump-accelerating-militarization-southwest-border>

⁷ <https://www.cato.org/checkpoint-america>

⁸ https://www.southernborder.org/border_lens_southern_border_region_at_a_glance

and indigenous history that predates national boundaries, and its unique wildlife habitats form the dynamic landscape that is home to endangered species like wolves, jaguars, and ocelots. Southern Border cities are some of the safest communities in the country⁹ and the region is a key engine of economic growth; an international trade hub that creates jobs and generates wealth.

SBCC encourages everyone — including our elected congressional members — to help tell the real stories of the Southern Border, and to look at the real data and stories coming from our region. One way to do that is to visit [Border Lens](https://www.southernborder.org/border_lens)¹⁰, our data portal about the region that can be used to inform the conversation about the border. It's time to rethink how we do border and push for a [new vision](#)¹¹ that introduces a 21st century border governance model that expands public safety to all, creates a welcoming system for newcomers and residents, and protects human rights and life.

⁹ <https://www.axios.com/2020/12/01/border-cities-safest-fbi-data>

¹⁰ https://www.southernborder.org/border_lens

¹¹ Southern Border Communities Coalition. "A New Border Vision" (May 2019) Available at: <http://d3n8a8pro7vhmx.cloudfront.net/themes/5c8a803c4764e89849b5753e/attachments/original/1557787799/SBCC-NBV-H.pdf?1557787799>