

The Illegal Immigration Conundrum: Compassion and The Rule of Law

The United States shares about 7,000 miles of land border with Canada and Mexico. Citizens and government concerns over the southern border present complex challenges because compassion and the rule of law are intricately linked to policy and politics. Between January and June 2014, the Customs and Border Patrol Agency (CBP) agency apprehended more than 52,000 children who illegally entered the country. They broke the law according to Article VI of the Constitution: “This constitution, and the laws of the United States...shall be the supreme law of the land.” Approximately 75 percent of them originated from Central America’s northern triangle countries of El Salvador, Guatemala, and Honduras. Extreme poverty and drug cartels are two of the most-often cited reasons for making such a dangerous journey. The American people are widely recognized for helping those in need, especially children. It’s a part of our ethos. Compassion can lead to good policy, but bad politics when the 538 members of Congress attempt to satisfy the desires of 308 million constituents. The Congress has addressed these challenges, through both the rule of law and compassion.

**Trafficking Victims Protection Act of 2000
Public Law 106-386**

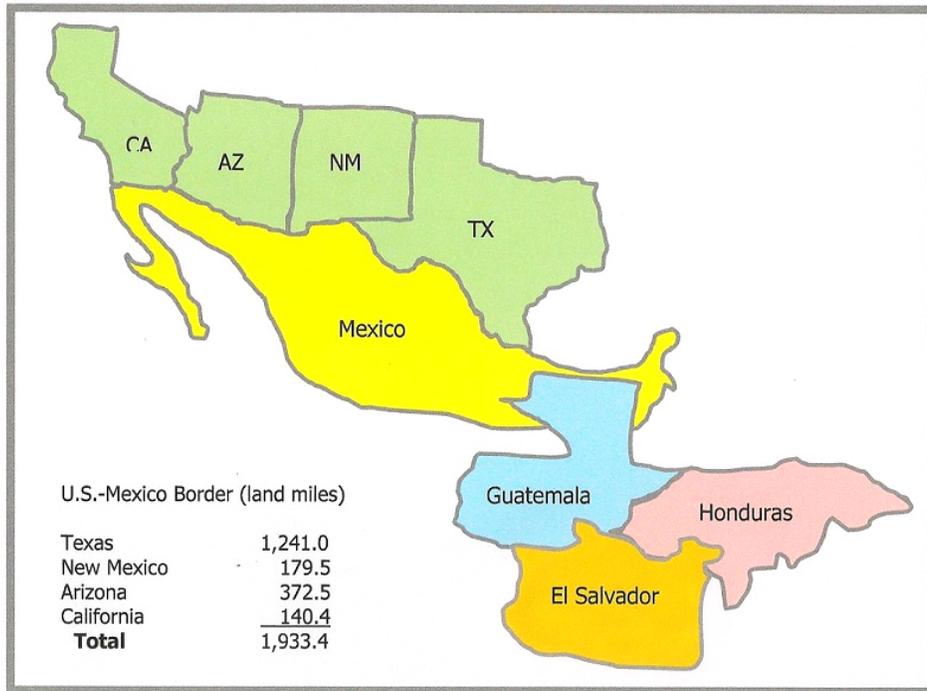
SEC. 102. PURPOSE AND FINDINGS

- The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominately women and children, to ensure just and effective punishment of traffickers, and to protect their victims.
- Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.
- ...the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing victims of such offenses.

The 2005 reauthorization of this law included provisions to repatriate unaccompanied Mexican children who crossed the border without judicial proceedings. But, the law does not apply to children from other countries. They are afforded legal representation, at taxpayers’ expense, to apply for refugee status before an immigration judge. The Federal government is required by law to feed and care for these children until a final disposition is determined – remain in the United States, or be returned to their native country. A supplemental appropriations request of \$3.7 billion to help care for the children and other related costs did not gain much traction in the Congress. Compassion and the rule of law were two overarching factors. Some Republicans stated that the law should be modified so that the unaccompanied children could be deported immediately because they broke the law. Many Democrats state that children should not be penalized because of the actions of their parents or adult caretakers.

The loudest noise, from both supporters and opponents, arises from the costs and need to build a fence that will keep our southern neighbors on their side of the border. Analysts and government officials agree that it is highly improbable to achieve a zero admissions rate of illegal immigrants. In 2006 the Department of Homeland Security (DHS) awarded a contract to Boeing Corporation to build an integrated set of fixed sensor towers that would cover the entire Southwest border. The Secure Border Initiative (SBInet) was terminated by DHS after investing \$1 billion. An internal review by DHS officials concluded that SBInet did not have the capability to meet current standards. The CBP is the nation’s

largest federal law enforcement agency. Most of the 21,000 border agents are stationed at the Southwest border. Still, the large flow of people across the border enhances the argument that the border is insecure. Construction costs to build a 1,933 mile fence have been estimated at \$5.8 billion by the Congressional Budget Office (CBO) at \$3 million a mile. An additional \$870 million is the estimated annual cost to maintain it.



Foreign policy serves as a critical component of U.S. national security. Bilateral relations include trade, economic and security assistance, and cultural exchange programs. Mexican authorities informed Administration officials that fence building would send the wrong message and hamper efforts to maintain bilateral relations. President George W. Bush visited Mexico and Central America in March 2007. Large flows of narcotics, crime, and violence in the region convinced him of a need to provide security assistance. The Merida Initiative and the Central America Regional Security Initiative (CARSI) were established to provide equipment and training to counter criminal threats. During the past six years Congress appropriated \$803.6 million for these programs. El Salvador, Guatemala, and Honduras collectively received 56 percent of this funding. Still, some Central American leaders have stressed that funding is inadequate due to the many challenges their countries are encountering. Push back from some U.S. administration officials maintain that the United States should not be the main problem solver of the world's problems, and that so long as Central American leaders continue to demonstrate a lack of political will to do what is best for their citizens, no amount of aid will solve their problems.

Both parties want to attract more Hispanic voters. So long as immigration reform remains a divisive issue, and compromises are not made on both sides of the aisle, neither party will meet their objectives. Meanwhile, approximately 11 million undocumented people continue to live and work in this country in hopes that one day they can come out of the shadows without fear of deportation.

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