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The Migrant Crisis at the U.S. Southern Border

On January 20th, 2021, Joseph Robinette Biden Jr. was sworn in as the 46th President of The United States. For millions of Americans, President Biden's inauguration brought hope; hope that came from a promise made by the Democratic Party's nominee of bringing people together and ending an extremely polarized America. This was a monumental task. The barriers between Democrats and Republicans have grown exponentially since the Obama administration. Before President Biden took office, Donald Trump's administration solidified those barriers, with executive actions and antagonistic tweets towards Democrats with opposing views. Biden's promise to break down those barriers initially seemed welcomed by most Americans.

This paper will discuss one of the main polarizing topics, the policies regarding the U.S.-Mexico border. Republicans see the southern border as a crisis of national security. To the Republicans, drugs, gang member, human traffickers, and terrorists moving across the southern border are the main concerns. Democrats see the U.S.-Mexico border as a humanitarian crisis. They argue that migrants are begging for asylum but being turned away, back to Mexico or the countries they fled from. President Biden promised to change all that. However, as his first year in office concluded, Americans are seemingly more polarized than ever before, especially regarding the southern border. This paper will analyze data from published journals and popular sources regarding the effects current immigration policy has on migrants and on US citizens.

With analysis of the data, the paper will determine which policies are creating the most negative effects and what those effects are. This paper will then argue potential solutions to the problem at the border based on analysis. Bipartisan policy change, regarding the southern border of America, would have a positive effect on migrants and Americans.

In September 2021, nine months after the inauguration of President Biden, U.S. Customs and Border Patrol (CBP) reported detaining 1.7 million migrants along the U.S. Mexico Border (Eichensehr 2). CBP expelled over one million of these migrants, relying on public health rule Title 42. (Eichensehr 2) Most of these migrants were fleeing their homes because of natural disasters, political unrest, gang violence, or economic deprivation. (Eichensehr 2) They were going to America with the hopes of a new beginning. (Kristof) On January 20th, 2021, the Haitian president Jovenel Moïse was assassinated by foreign mercenaries. (Alden) President Biden took executive action to ensure that an estimated 155,000 Haitian migrants who have been in the United States since July 29, 2021, are eligible to receive work authorizations and protection from deportation by granting them a Temporary Protected Status designation. (Alden) Many of the Haitian people fearing political corruption, poverty, violence, and starvation, coupled with an earthquake that devastated the country later that year destroying homes and killing thousands of people, have fled Haiti, traveling thousands of miles with the hopes of seeking Asylum in the United States of America. (Eichensehr 2) However, unlike the group that was previously protected by President Bidents executive order, this group was not greeted with empathy and generosity. Instead, 30,000 Haitian migrants, treated like livestock by CBP officers, were rounded up and placed into encampments near Del Rio, along the U.S.-Mexico Border. (Eichensehr 2) In September of 2021, more than 15,000 Haitians were held in one camp under a bridge in Del Rio, Texas. (Eichensehr 3) Two thousand of those migrants, mostly men, were

repatriated to Haiti, the country they were so desperate to flee. Eight thousand people, demoralized by the prospect of returning to Haiti, willingly returned to Mexico and five thousand were allowed into America while their cases for asylum were processed by immigration courts. (Eichensehr 3)

But therein lies another problem. Many migrants chose to attempt the illegal route into the United States because wait times for immigration courts are entirely unreasonable. Since 1990, Congress has not updated the quotas for the legal immigration system. (Bier) During that time, the US economy has doubled. Quotas—if they exist at all—should be linked to economic growth (in the case of employment-based immigration) or population growth (in the case of family-sponsored immigration) so that they don't immediately become antiquated. (Bier) Those who are applying for their green cards now will most likely die before they reach the front of the line because the applications have been backlogged since 1998. (Bier) Immigrant workers from India have had decades-long waits, but those applying right now will wait more than a century. (Bier) It is understandable that many Americans and legislative officials see this treatment of migrants as immoral and inhumane and are demanding change to policy.

Opposition towards the acceptance of migrants crossing the US Mexico border is no less understandable. The smuggling of drugs, specifically fentanyl, across the US-Mexico border is at an all-time high. In 2021, CBP reported a 1,066% increase in the amount of fentanyl seized in fiscal year 2021 in south Texas. (Elassar) Agents at eight ports from Brownsville to Del Rio seized 87,652 pounds of narcotics, including 588 pounds of fentanyl. (Elassar) The street value of the drugs crossing the border is believed to be \$786 million. (Elassar) President Biden has created further opposition to the acceptance of migrants by secretly flying undocumented immigrants into cities throughout America. In November, after Florida Governor Ron DeSantis

accused the Biden administration of secretly flying migrants into his state in the dead of night, CNN checked flight logs for 47 flights between late April and early October and found many took place during the day: 15 landed in Jacksonville between 11 p.m. and 3 a.m. It is suggested that this transportation of migrants throughout America is not uncommon in recent presidencies, however the fact that it is happening, sometimes under cover of darkness, does indicate something nefarious in nature, causing further division. (Kessler) Furthermore, there is the social implication of supporting illegal immigrants. Many Americans ask why. Why is America supporting illegal migrant behavior when young Americans are going to jail for other crimes? Why does America provide housing for illegal immigrants when we have a homeless crisis amongst veterans? (Colton)

It is understandable that two million migrants crossing the border in the hopes of a new beginning is unsustainable. However, policies need to take into consideration the needs of those asking for help and the national security concerns of American citizens. Legislators must consider the fact that studies have shown there is no significant evidence to suggest that these undocumented migrants are criminals. This is not to say that criminals have not infiltrated themselves within these illegal migrant crossings into the US, only that those known criminal apprehensions are so small in comparison to those who are truly needing help. (Green 521) Compromise amongst legislators regarding the entry of migrants, whether they are asylum seekers or just attempting to better their lives, and national security rights of American Citizens would lead to policies that create a positive outcome for everyone. These are all legitimate concerns.

But how did America get to where it is today regarding the border crisis? Over the past 10 years, the U.S. has had a bad track record with their immigration policy. Policies like Title 42, DACA, the border wall, and the Migrant Protection Protocols (MPP) all have one major problem: they fail to protect the human rights of asylum seekers. Title 42 is a policy that has been used by the Trump and Biden Administrations alike as a COVID-19 response. It is an enigmatic, 75-year-old policy that allows the U.S. government to deny entry to those seeking asylum under the guise of “public health safety.” This policy is heavily criticized by human rights groups with many considering the policy to be illegal. (Eichensehr 2)

As economist Thomas Sowell says, “Policies need to be judged by the incentives created, not the goals stated.” The Deferred Action for Childhood Arrivals or DACA is the embodiment of this quote. DACA grants citizenship to the children of illegal immigrants living in the United States. While on the surface this seems to be a policy that would benefit illegal immigrants, a deeper look reveals the adverse incentives it created. It caused the separation of families as children were granted citizenship and adults were deported. Although this policy had good intentions, the program was ultimately one sided. Republican insite was not part of the decision process, which creates polarization within American society. If this program were bipartisan, then multiple ideas would need to be considered, compromise would be achieved and an overall agreement would be made benefiting the majority. Competing ideas would have most likely caught any negative outcome before it became policy. In the end if all ideas were considered, children would never have been separated from their families.

The MPP’s were a Trump era set of protocols that were undoubtedly the most inhumane. This policy prevents asylum seekers from staying in the United States while awaiting their immigration trial. Migrants are sent to cities in Mexico, most of which are rampant with

crime and violence, and there have been cases of cartels trafficking these asylum seekers for economic gains. This is a heavily criticized policy by nearly every proponent of human rights. But what about the national security concerns of American Citizens?

In 2016 President Trump promised to complete the wall along the US Mexico border, and in 2017 he signed executive order 13767 mandating that the federal government begin construction on the border wall along the US-Mexico border. The president proclaimed, “Beginning today, the United States of America gets back control of its borders.” (Diamond) This relieved many fears amongst Americans who have a real national security concern regarding the border. However, in 2021 President Biden signed his own executive order stopping the construction of the border wall. On April 18th, 2022, Fox news reported that CBP claimed to have stopped 23 migrants on the terrorist watch list. (Melugin) The fears of national security were again brought forth by lack of policy to mitigate these concerns. The questions is, if 23 individuals on a terror watch list were caught, how many made it through? Increasing border security and building a wall would only make it even more difficult for dangerous individuals, drugs, and weapons to move across the southern border into America. Both sides of this argument have valid concerns, but no administration has reached across the aisle, as promised in many cases, to fix the overall problem. Each administration seems to focus on their base and not compromising to create true legislation that fixes this crisis.

As described in the background, the MMP’s were a Trump era set of policies that prevented asylum seekers from staying in the United States while awaiting their court date for their immigration hearing. Finding legal representation is an extreme challenge that asylum seekers face. Data suggests that only 7.5% of asylum seekers were able to hire a lawyer. (American Immigration Council) Without legal representation, it is virtually impossible for one

to win a claim of asylum. It is estimated that there were around 71,000 deportations under the MPP (American Immigration Council). On top of the difficulty to attain legal representation, asylum seekers faced violence within the cities they were sent to. Some of these cities were on the Department of Homeland Security's "no fly list." (Leutert) Most of these cities were run by cartels. Doctors Without Borders reported that the cartels were capturing asylum seekers and selling them into human trafficking. (Leutert) While the name "Migrant Protection Protocols" claims to protect migrants, in reality, it does the exact opposite.

Title 42 is a COVID-19 era policy. It is an obscure, 75-year-old law that allows the United States to deport anyone from a country where a contagious disease is present. This law has been wildly taken out of context and has received lots of criticism from human rights groups. The U.S. government uses it to control the mass numbers of asylum seekers coming to the border. There have been over 700,000 deportations under Title 42 since March 2020. (Doctors Without Borders) This shows the ineptitude of immigration policy within our government. Instead of fixing the immigration system to allow for an influx of asylum seekers, the government enforces old, obscure laws.

Another policy which was highly controversial was the Trump era border wall policy. While this policy does not have a direct impact on asylum seekers, it promotes a negative view of asylum seekers. [WP4] It implies that they are harmful and reinforces stereotypes that they are criminals, rapists, drug smugglers, and overall negative to society. Georgia Governor Brian Kemp plays into this idea when he states in a political ad that he will "round up criminal illegal immigrants" with his own truck if he has to. (Kemp) This statement and statements like it paint asylum seekers in a negative light and have a negative emotional impact on current second-generation immigrants. (Jauregui 10)

This is a list of policies that have been in effect in recent years. Fortunately, the MPP's and the border wall have been repealed by the Biden administration. While this is a step in the right direction, the crisis at the Southern Border is far from solved. Analysis of the aforementioned evidence provides ways in which border policy could be further reformed.

The crisis at the US-Mexico border in many ways is caused by policies that attempt to solve one problem yet create another. From a humanitarian standpoint, Title 42, MPP, and the wall create barriers that are inhumane and racist. The wall represents a border between good and evil which is unjustified, MPP is inhumane in its practice as it deports illegal migrants back to countries they fled or to places in Mexico that may be very dangerous, and Title 42 deports illegal migrants without hearing their claim for asylum. Furthermore, each new president never solves the problem, they only undo the policies of the previous president and input their own. Between Trump and Biden and during the fiscal year of 2021, America deported 1.2 million people. More than 30,000 Haitians fled to America to escape horrible circumstances, but because of Title 42, most were turned away. How can the most powerful country in the world turn away 1.2 million people? The truth is, America doesn't have to.

Congress should mandate the implementation of a bipartisan committee responsible for analyzing the U.S.-Mexico border situation and creating legislation that not only protects migrants but also strengthens national security along the southern border. In 2022, President Biden proposed an increase of defense spending from \$760 billion in 2021 to \$813 billion for 2022. (Mcleary et al) Congress did not ask for this increase, the Biden Administration requested an increase of 53 billion for defense. The increase in defense spending is not necessary and that \$53 billion increase could instead go to improving national defense and humanitarian efforts along the US-Mexico border. The money can be used to complete the wall, create asylum

checkpoints, migrant based civil works projects, federal housing, and a pathway to citizenship. New policies creating such programs could help so many people and improve national security at the border.

A compromise does mean give and take from both parties. Progressives will need to approve construction for building a wall. Understandably, the wall has been met with a large amount of scrutiny, however the biggest goal is helping the most possible people. Building a wall can save lives more than progressives at first glance are willing to admit. Construction of the wall will stop migrants from making dangerous journeys into unforgiving environments where they are at risk of dehydration and injury.

New quotas will also need to be created based on economic growth and fertility rates in the United States. America needs to maintain generational growth in this country at 2.2% per every woman. (Kearney) If we don't, we have bigger problems. For instance, we eventually will not be able to afford social security if America does not sustain a fertility rate of 2.2%. America's fertility rate in 2021 was at 1.7%, so that leaves 0.5% left for immigration which is around 85 million people. America does not come close to those numbers with immigration per year in America. So why not grant 10% of the 85 million people America is lacking to asylum seekers and those suffering from economic hardship. Think of the people America could help.

Some readers may disagree with the proposal this paper is making. Recognizing this fact, here are the explanations that some skeptics may need to understand how these proposals will help everyone. Policy oscillates from one presidency to the next, never effectively solving the problem. President Biden canceled the construction on the border wall and stopped enforcement

of the MPP. At the same time, under his administration America has seen a 1,066% increase in narcotics caught coming across the border in 2021. Half of the US-Mexico border saw seizures of 88k lbs. of narcotics and 588lbs of fentanyl. Also, CBP detained 2 million illegal migrants at the border last year and of that turned away 1.2 million. It is important to remember that many of those people were fleeing some bad regions of the world with recent horrible political and natural disasters, like those from Haiti. We could have helped most of those people as well as maintain national security with a secure border.

The first step in securing the border and helping migrants is to build the wall across the US.-Mexico border. America has thousands of people crossing the Rio Grande unnoticed or captured every week. If there was a physical barrier America discourages migrants from taking such huge personal risks to enter the country. Currently, migrants are willing to face death by dehydration or drowning to enter America. A wall would end those perilous attempts that have killed so many. A wall would also stop migrants from using dangerous people such as Coyotes to help them cross undetected deep in the desert through gaps in the US-Mexico border. A wall would virtually stop migrants from attempting to enter America in this manner. The wall would also make it much more difficult for human trafficking, drugs, weapons, gangs, and terrorists to enter the US undetected.

But America needs to consider asylum for those people that truly need it and people struggling economically. With great power comes great responsibility, and it is the morally right thing to do. Mexico is not doing their part as an asylum Nation. People who end up in Mexico are in many ways in more danger than they were in the places they fled. As stated earlier, the MPP put migrants in dangerous locations in Mexico without a job or housing or food.

America can't help everyone! America can't possibly process all those people! What are illegal migrants going to do when they get here? America can't just allow them to walk around aimlessly and drain the economy more, or become so desperate here that they commit crime simply to survive! These are legitimate concerns. Without a good plan and a way to implement it there is no way to fix this problem. So what would a good plan look like?

First there needs to be bipartisan legislation on this, not just executive action. That means compromise. Compromise that will lead to legislation which will truly end the crisis at the border. Next, build the wall. This will make a hard barrier for anyone to cross the border unofficially. Third, input Asylum checkpoints to process people efficiently, effectively, and expeditiously. No drug smuggler or terrorist is going to attempt to pass through an asylum check point. For those that are approved and are "unskilled" we create Migrant civil works projects (MCWP), putting migrants to work in low paying jobs (below minimum wage) that Americans don't really participate in, cultivating fields, waste management, environmental management, and infrastructure. While they are in the MCWP they will receive federal housing, basic health insurance, and a pathway to citizenship. This will motivate them to become citizens the right way and create jobs for markets that need help because Americans just don't want those jobs. Obviously, there is a maximum amount of time that they can remain in these programs where if they are not ready to move on into American society, they will have an immigration court hearing to review the issue.

The checkpoints will create American jobs. The migrant federal housing project will create American jobs. Managing the programs will create American jobs, and with the wall and increased security and checkpoints these policies will greatly lessen the impact of drugs and crime crossing at the southern border.

Unfortunately, America can't help everyone, but America can help more than ever before. Realistic caps or quotas on how many migrants we can accept each year must be made. Basing the quota on the national census and fertility rates of women will show that America can accept many more people. We need to maintain fertility rates in this country at 2.2% per every woman to maintain the US population, not to grow. (Kearney) For example, If America does not maintain 2.2% growth eventually there will not be enough younger adults to support social security, Medicare or Medicaid. America's fertility rate in 2021 was at 1.7% so that leaves 0.5% left for immigration which is around 85 million people. America does not come close to those numbers with immigration per year. So, if America granted 10% of the 85 million people we are lacking in, to asylum seekers and migrants, that's room for 8.5 million people. And this still does not solve the problem of a declining population. Think of the jobs that could be created, the crime that could be stopped, the suffering that could end, all while also providing for national security at the border. It's time to make policies at the US-Mexico border no longer worthy of polarized discussion. Republicans and Democrats must work together for the greater good. Migrants seeking asylum deserve to have timely processing of their claims and Americans deserve to have a secure sovereign nation. History has shown that if Americans work together, there is no challenge that can't be overcome. Now is the time for change.

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