



Overview: Executive Executive Order - Border Security and Immigration Enforcement Improvements

JANUARY 27, 2017

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General Information:

President Trump signed an Executive Order on Wednesday, January 25, 2017 titled “Border Security and Immigration Enforcement Improvements.” The directive instructs the Secretary of Homeland Security to, among other things, initiate plans to construct a wall along the U.S./Mexico border, establish new detention facilities for undocumented individuals, hire 5,000 additional border patrol agents, and prioritize the detention of individuals apprehended for violations of immigration law. The directive states that these actions are to go into effect immediately. There are a number of matters that currently remain unresolved; most significantly, funding options and an official timeline for construction of the border wall have not been established.

Rationale:

The official rationale for issuing these actions is to curb what the administration views as a surge of undocumented immigration at the U.S./Mexico border. The Executive Order states that federal resources have been overwhelmed by the entrance of undocumented individuals, who have not been inspected or admitted into the United States and are thus perceived to present a threat to public safety and national security. Tied to the last argument, the administration also seeks to curtail drug and human trafficking operations, which it links to unauthorized immigration.

Counter Arguments:

There have nonetheless been a slew of thoughtful arguments raised by politicians, activist organizations and community leaders against the actions issued by the Executive Order, especially with regards to the construction of a border wall. Among the individuals who have voiced opposition are Congressional Hispanic Caucus members Rep. Michelle Lujan Grisham, Rep. Joaquin Castro and Rep. Luis Gutierrez, Vice-Chairwoman of the Democratic Caucus Rep. Linda Sanchez, House Minority Whip Rep. Steny H. Hoyer, Rep. Ted Lieu of Los Angeles, Sen. Kamala Harris of California, Phoenix Mayor Greg Stanton and Republican Rep. Will Hurd of Texas. A number of civil liberties organizations have also expressed their opposition, including the Mexican American Legal Defense and Educational Fund, the Coalition for Humane Immigrant Rights of Los Angeles, and the American Civil Liberties Union (ACLU).

Opponents have argued that construction of a border wall would be both impractical and ineffective. Pete Saenz, the mayor of Laredo, Texas, a town located along the U.S. border with Mexico that serves as a major hub for international trade between the two countries, has noted that the wall would need to traverse a number of rivers and creeks, which are used by livestock for watering. He thinks that the wall would be perceived as offensive and would undermine the benefits of Laredo’s “good neighbor” policy with Mexico, which has helped fuel cross-border trade in the amount of over \$200 billion (Saenz 2017). Likewise, Sheriff Omar Lucio of Cameron County, whose staff patrols 60-70 miles of land on the



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Texas/Mexico border at the southernmost tip of Texas has noted that the barrier that already exists in the area has not helped to decrease undocumented border crossings (Chakraborty 2017). Benjamin Webb, former Executive Director of the policy and planning office for U.S. Customs and Border Protection, also expressed skepticism with regards to the proposed wall's effectiveness and has suggested that technological improvements and incentives to recruit new agents would be preferable (Becker 2017).

Concerns regarding the viability of the wall are to a large degree grounded in the experiences associated with the construction of the border fence that is currently in place and that was built during the Bush administration. It has been noted that some sections of the fence took years to build due to legal challenges and environmental concerns. The U.S. Department of Justice filed hundreds of condemnation lawsuits to gain access to and eventually acquire land where fencing was planned. Some of these lawsuits have only recently been resolved (Becker 2017).

Opposition to the Executive Order has not solely focused on the construction of the border wall though. The ACLU has voiced strong concerns regarding the continued use of private companies to manage immigrant detention centers, which is permitted under the new Executive Order. In recent years, privately operated detention centers have come under the spotlight due to a number of concerns regarding the care and treatment of detainees. Notably, in August 2016, the Department of Justice (DOJ) issued a memo announcing that it would end its use of private prisons due to concerns regarding the facilities' provision of services, costs, safety and security. A prior DOJ report had demonstrated that safety and security incidents were more prevalent at privately operated facilities than at those run by the Federal Bureau of Prisons (Zapotosky and Harlan 2016). Similarly, an ACLU report from 2011 demonstrated that private prisons were characterized by higher levels of violence against prisoners, less experienced guards, and notably poorer facilities' conditions. The ACLU also noted that almost half of all immigrants detained by the Federal Government were being held in private prisons (American Civil Liberties Union (ACLU) 2011). With the signing of the Executive Order, civil rights groups are concerned that private management of detention centers will now increase. A number of news outlets including The Wall Street Journal (Reinhard 2017) and Market Watch (Kilgore 2017) have noted in the weeks since President Trump's inauguration that private prison companies' stock values have risen since markets anticipate that this will be the case.

Fiscal Impact:

As noted above, the fiscal impact of the actions contemplated in the Executive Order are not currently known, and as such, are a cause for concern among many groups. On January 26, 2017 after the Executive Order was signed, Senate Majority Leader Mitch McConnell (R, Kentucky) stated that he expected costs for building the wall to run between \$12 and \$15 billion (Barrett, LoBianco and Raju 2017). However Customs and Border Protection estimates have been higher, at between \$15 and \$20 billion for a 700-mile wall. Their studies also show that maintenance for the current fence cost \$7.2 million in 2010, demonstrating that upkeep should also be a strong consideration when estimating costs (Becker 2017). Other studies have estimated the costs to be even higher. The research group Bernstein



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projected a minimum cost of \$15 billion, but estimated that it would in fact be closer to \$25 billion when labor costs, land acquisition costs, and higher costs associated with constructing in less accessible areas of the border are all factored in (Bryan 2017). Other estimates have ranged from \$30 to \$42 billion (Becker and Corey, The wall: Building a continuous US-Mexico barrier would be a tall order 2017).



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Works Cited

- American Civil Liberties Union (ACLU). *Banking on Bondage: Private Prisons and Mass Incarceration*. New York: American Civil Liberties Union (ACLU), 2011.
- Barrett, Ted, Tom LoBianco, and Manu Raju. *McConnell: Border wall will cost \$12B-\$15B*. January 26, 2017. <http://www.cnn.com/2017/01/26/politics/border-wall-costs-republican-retreat/> (accessed January 26, 2017).
- Becker, Andrew. *850 miles of US-Mexico 'wall' not needed, ex-border officials say*. January 23, 2017. <https://www.revealnews.org/article/850-miles-of-us-mexico-wall-not-needed-ex-border-officials-say/> (accessed January 26, 2017).
- Becker, Andrew, and Michael Corey. *The wall: Building a continuous US-Mexico barrier would be a tall order*. January 22, 2017. <https://www.revealnews.org/article/the-wall-building-a-continuous-u-s-mexico-barrier-would-be-a-tall-order/> (accessed January 26, 2017).
- Bryan, Bob. *Trump is about to sign off on a border wall with Mexico — here's how much it could cost*. January 25, 2017. <http://www.businessinsider.com/bernstein-note-of-cost-of-trump-mexican-border-wall-executive-action-2017-1> (accessed January 26, 2017).
- Chakraborty, Barnini. *Border town Dems brace for fight over Trump's 'wall'*. January 15, 2017. <http://www.foxnews.com/politics/2017/01/15/border-town-dems-brace-for-fight-over-trump-s-wall.html> (accessed January 26, 2017).
- Kilgore, Tomi. *Trump presidency is providing a great opportunity to buy prison stocks*. January 20, 2017. <http://www.marketwatch.com/story/trump-inauguration-highlights-best-opportunity-to-buy-prison-stocks-in-years-2017-01-19> (accessed January 26, 2017).
- Reinhard, Beth. *Trump's Election Victory Gives Private Prisons a Boost*. January 17, 2017. <http://www.wsj.com/articles/trumps-election-victory-gives-private-prisons-a-boost-1484693381> (accessed January 26, 2017).
- Saenz, Pete, interview by Garcia-Navarro Lourdes. *A Texas Border Town Mayor's Take On Immigration, Trade And The Wall* (January 22, 2017).
- Zapotosky, Matt, and Chico Harlan. *Justice Department says it will end use of private prisons*. August 18, 2016. https://www.washingtonpost.com/news/post-nation/wp/2016/08/18/justice-department-says-it-will-end-use-of-private-prisons/?utm_term=.b71a901c5948 (accessed January 26, 2017).