A Commonsense Approach: Border Policy Solutions
Supporting Border Communities

Many Americans are frustrated with our immigration policies. But research and experience show that it's not enough to focus only on the problems with our current policies. We also need to paint a picture of what the country would look like with workable, commonsense immigration policies in place paired with transparent and accountable enforcement practices that respect human rights in border communities. This document discusses border enforcement policies and solutions to ensure that we treat both citizens and non-citizens alike with respect for their rights and fairness.

Topline Message
Throughout the Southwest border region, there are urban and rural communities with a long history of diversity, economic vibrancy, cooperation, and deep roots in the area. Border communities, like communities throughout the country, are entitled to human rights, due process, and policies that recognize their dignity, humanity, and the constitutional protections that this nation values. Unfortunately, policymakers have far too often thrown border communities under the bus by pursuing policies that are ineffective and wasteful for security. These injustices, which go against equality, fairness, and law and order, are frustrating to Americans but not inevitable. We can and should make commonsense policy changes to uphold human rights and due process in all of our communities.

Solutions
De-Emphasize Military-Style Tactics on the U.S.-Mexico Border and Protect the Quality of Life of Border Communities

What Customs and Border Protection (CBP) Should Do:

✓ Implement nationwide data collection and public reporting of all Border Patrol roving patrol and checkpoint activities including stops, referrals to secondary inspection, and searches aggregated by demographics to include perceived and actual race, ethnicity, and immigration status.
✓ Reduce the zone of CBP operations from 100 to 25 miles from the border for boarding vehicles, and from 25 to 10 miles for entering private property. CBP should conduct sector-by-sector analysis as required by existing regulations to determine whether a shorter distance would be reasonable.
✓ Exclude urban and sensitive areas, and all other areas not within three miles of the border from drone and additional invasive surveillance.
✓ Equip all CBP officers and agents who interact with the public with body-worn cameras paired with privacy protections.
✓ Scale back military-type training, tactics, and equipment of CBP officers and agents.
✓ Provide annual training for CBP agents on Fourth Amendment protections against illegal searches and seizures, Fourteenth Amendment prohibitions on racial profiling, and on stereotyping and implicit bias.
✓ Enhance de-escalation training and improve language skill training for new officers and agents.
✓ Disband and prosecute border paramilitary vigilante organizations.

What the Department of Homeland Security (DHS) Should Do:

✓ Clarify that immigration laws are enforced solely by federal immigration officials.
✓ Create a transparent, uniform DHS process for receiving, processing, and investigating all complaints in multiple languages, to align with best practices and joint recommendations submitted recently by NGOs.
✓ Timely inform complainants of the status of their complaint and the outcome of the investigation.
✓ Prohibit DHS personnel, including CBP agents, from using race, ethnicity, and other protected characteristics as a factor in routine investigatory stops, detentions, and searches except where a reliable, current suspect description or affirmatively required statutory determination like asylum eligibility exists.
✓ Move away from wasteful spending projects like drones, Operation Stonegarden, and fences.
✓ Deploy 1,000 distress beacons in the desert, including throughout Arizona, the Lower Rio Grande Valley, Imperial County in California, and the New Mexico Bootheel region, to save migrants and others who fall into distress because of heat and other circumstances.
✓ Extend federal aid programs aimed at preventing migrant deaths to include areas in the South Texas interior that have CBP checkpoints, but are ineligible for funding under current rules.

Respect Our Commitment to International Human Rights Norms and Due Process

What CBP Should Do:
✓ Implement public and enforceable short-term custody standards.
✓ Provide additional training to CBP officers and agents about their obligation to protect and provide due process to potential victims of crimes, trafficking, and domestic violence, or people in need of asylum.

What DHS Should Do:
✓ End the use of dangerous repatriations, such as the Alien Transfer Exit Program and night deportations.
✓ Ensure individuals are returned their personal belongings (cash, IDs, phones, etc.) prior to repatriation.
✓ Create a right to counsel in all stages of immigration enforcement actions and proceedings and permit phone and in-person access by attorneys and child advocates.
✓ Provide access to independent human rights and nongovernmental organization monitoring and include permitting interviewing of immigrants who are detained in CBP custody.
✓ Mandate an independent and thorough investigation for all allegations of excessive and deadly force.
✓ Place CBP under increased oversight by an independent DHS Border Oversight Task Force comprised of border stakeholders, in addition to the DHS’s Office of Inspector General and the Office of Civil Rights and Civil Liberties. Any Border Oversight Task Force should have subpoena power so that it can hold accountable agents who abuse their power and have accurate accounting for taxpayer resources.
✓ The DHS Secretary should be required to report to Congress on the use of force, including compliance with its own policies, incidents causing serious injury or death, and review and disciplinary measures.

What Department of Justice Should Do:
✓ End Operation Streamline and de-prioritize prosecuting illegal entry and illegal re-entry.
✓ Enforce 90- and 180-day custody review processes and oppose any expansion of mandatory detention.
✓ Prosecute and punish CBP agents for acts of deadly force, excessive force, and other crimes.

Talking Points
➢ Border communities deserve to hold border enforcement accountable for wasteful practices that emphasize military-style tactics and violate the constitutional rights that we all value.
➢ We need border security that involves and enlists border communities in providing for safe borders in ways that respect human rights and due process and treat everyone fairly.

Examples of Social Media

Opportunity Agenda @oppagenda  Jun 17
Border safety must enlist border communities in providing safe #borders in ways that respect #humanrights and treat everyone fairly.

The Opportunity Agenda shared a link.
June 17
Border communities need accountability, due process, and human rights. For too long, policies with military-style tactics at the border have led to deaths, unjustified uses of force, and violations of constitutional rights. It’s time for commonsense solutions.

The research cited in this document is current as of June 2015.