

[PENSIVE MUSIC]

**SARAH BALDWIN:** From the Watson Institute at Brown University, this is Trending Globally. I'm Sarah Baldwin.

**ALAN BERSIN:** There is nothing that happens in the homeland that does not have a cause or effect that starts abroad. This is just in the nature of the global context we live in.

**SARAH BALDWIN:** This spring, former US customs and Border Protection commissioner Alan Bersin gave a talk at Watson. It was titled, "Lines and Flows: the future of border security is not what it used to be". Today goods, services, and ideas flow freely around the globe. But often, Bersin argues, the laws surrounding national borders work against these global flows. This tension has come to a head at the US-Mexico border, where there is a more or less constant immigration crisis. To fix it, we'll have to dramatically rethink how our border operates, and maybe even re-imagine what a border is.

After his talk, I spoke with Bersin and Watson Professor Peter Andreas, an expert on these issues. We talked about the current state of the US Mexico border, the cynical genius of Trump's chant to build a wall, and the damaging effects of our patchwork immigration system. I started by asking Bersin to define borders, and explain the problem with the way we think of them. Here's Alan.

**ALAN BERSIN:** Borders define nation states.

**SARAH BALDWIN:** So they're lines on a map.

**ALAN BERSIN:** Lines on a map, or in the sand, in the earth that indicate where one nation or one empire begins and the other ends. It is the basis for territorial sovereignty, for the exercise of governmental authority within a specific geographic space. And in many ways, the way in which the world is organized by nation states-- now we have 192 separate nations defined by their territories, and by the power they exercise within those boundaries. It's that in a global world-- where we have a 365, 7/24 movement often instantaneous of goods, people, labor, capital, ideas, images, and now electrons-- how inconsistent, in some ways, the effort to manage those flows through a Westphalian or nation state system of regulation is. And I think many of the problems that we face in the world today is the inconsistency between a borderless environment of globalization, and the nation states that purport to regulate it.

**SARAH BALDWIN:** And now, staying with this idea of globalization, it's almost as though President Trump has offered a solution to globalization in the form of a wall. And you purport that that is not a solution. Is there something else that can be offered to these people as a concept that is more productive?

**ALAN BERSIN:** The symbol of the wall, and it is a symbol, actually derived from a suggestion to President Trump while he was campaigning for Roger Stone of all people-- that he remembered the image of a wall to remember that immigration is the key point that he should be hammering home. Taking advantage of the insecurity, and the fear, and sense of dislocation that many Americans have experienced in the context of globalization. So the wall really started out as a mnemonic device of sorts.

And it's now morphed into this major issue that really has very little to do operationally with the facts on the ground at the border. The people who are coming nowadays are looking for border patrol agents. They're not trying to climb over walls, or tunnel in. They're actually coming to the borderline, the boundary line of the United States with Mexico, and looking for border patrol so they can start the asylum process. That's completely different from a security device that I would argue wouldn't serve in any case beyond the border boundaries we have in place. But this is a metaphor that is completely misplaced.

**SARAH BALDWIN:** So the metaphor, or even people who mean it literally-- the wall is not the solution. But you've also said that the asylum system is not the solution. So what would work better?

**ALAN BERSIN:** We need to recognize that the immigration system depends on the rule of law-- both in terms of governing the conditions under which people are permitted to come into the United States and to stay here, but also the way in which they're treated. The problem with the asylum system is that it's well-intentioned, but it doesn't work. Because people who claim asylum are first subjected to a very low threshold as to whether or not they'll be permitted to continue in the process of seeking asylum. And that involves having a hearing scheduled before an immigration judge.

And all of that would work if you could get a speedy adjudication of these claims. But because of the backlog-- now almost a million cases in the immigration court. Hearings are scheduled three, four, and five years out. We have a situation where people can come into the United States, and wait three, four, and five years. Often don't show up for their immigration court hearing. And when they do, 70% or 75% of them are denied asylum.

So you have this odd situation where people come up, they come into the United States, they develop a life here. And then many of them don't want to sacrifice that, so they don't show up at the hearing. If they do, the deportation is often delayed for additional years because you then have the right of appeal to the court system. So you have a system that is completely overwhelmed by the numbers that are now involved in it. And this makes people very cynical about the rule of law.

**SARAH BALDWIN:** So what would work better? Would it be to slow the flow now, and catch up somehow?

**ALAN BERSIN:** So one of the dangers is that we cannot even distinguish between those who are genuinely entitled to asylum from the large number that are here because they're fleeing poverty, or economic injustice, or lack of opportunity. What we need to do is have a system that permits people to apply for asylum. But they cannot be admitted into the country while they're waiting for the hearing. We need to have more immigration judges so that these hearings take place within months, not years, so that people know whether or not they will be granted asylum or not.

And the reason I say, at least for the foreseeable future, we need to have these hearings take place, or people wait for their hearings outside the United States is-- that would take away the immediate magnet of coming into the country and applying to get in. If people-- and in fact, the Trump administration, after trying one failed policy after another of zero tolerance-- of the morally repugnant separation of children from their families-- of meteoring asylum cases and of port of entry. They actually worked out with Mexico something called a migrant protection protocol that would have people wait in Mexico while their case was being adjudicated. And that would tend to be a deterrent to people who really would not have a chance to get asylum granted because most people don't want to wait in Mexico for two, or three, or four years.

There's another alternative-- having safe zones in Guatemala, Honduras, and El Salvador where people could be protected. That would deter people who didn't have a genuine fear of gang violence, or some other form of violence, from actually making this journey north to the border. So that would be the short term.

In the long term, we obviously have to do more to create conditions in Central America that don't drive their people out.

**SARAH BALDWIN:** Well, that was the question I was going to ask both of you. Absent from this conversation of

asylum, even if it's not 80% who are validly escaping terrifying things, there is a situation in Central America that the US may or may not be partly responsible for-- you know, just in terms of past interventions and meddling. Do we not have some responsibility to start on the ground there?

**ALAN BERSIN:** So I'll be interested in Peter's view. I think that there's no question that the deportation of many gang members from Los Angeles to the Northern Triangle that took place is a factor that contributed to the violence, the gang violence that we now see.

But that the fact is, those people, that country, the United States had a right to deport those people. And in my view, should have deported them. But you cannot just put this kind of violent character in context, and not work with the police authorities in those countries to be able to control it. These states, they cannot take care of their own people. They cannot protect young people or families from gang members. The fundamental obligation of the state is to be able to protect its citizens from this kind of insecurity.

So I think there's no question that we have to build and work toward creating conditions in Central America-- that, as took place over the last 40 years in Mexico, eliminated the conditions that drive people and push people out. Because there will always be a magnet to come to the United States-- a better life. That brought my relatives here, as well as many others. But you can't-- this takes place over a generation. It doesn't take place in a matter of two years, let alone-- or even 10 years.

**SARAH BALDWIN:** Peter, what were your thoughts?

**PETER ANDREAS:** That point exactly, which is long term solutions just don't sell politically. And the problem is we can say, well, we need long term and short term solutions at the same time. But too often, the short term solutions we choose tend to substitute in for the long term. So we say, well, we need criminal justice reform in Mexico. So we'll bring back the troops from the streets in Mexico while we're doing that. But then they never do police reform. And then because the troops had already been sent to the streets, they say, well, can leave it like that. So I think this is actually a criticism one can make, not just of the Trump administration, but previous administrations.

And it's not just this issue. I mean, look at climate change. We have a terrible time dealing with long term problems, right? Rather than some immediate crisis, or something that's part of the electoral cycle.

**SARAH BALDWIN:** Peter, I wanted to ask you-- I know you're a specialist on many borders, but especially on the Mexico-US border. How has the tightening of the border changed or affected migrant flow? In terms of where and how people crossed before, and now how they may require more help by nefarious individuals.

**PETER ANDREAS:** So Alan knows this history better than I do. In fact, he was an architect of some of this history. he was. I think we can agree on a lot of the facts on the ground-- sort of where the flows started, where they moved to, and so on. Might be some different interpretation in terms of the emphasis I would put on unintended consequences. So for example, there's no intention to drive migrants into the hands of smugglers.

But this very same period of time where you're tightening border controls, hardening the border, in some ways successfully so. Has been a boom time for smugglers precisely because, frankly, at one point in time you could smuggle yourself across the border. And it wasn't very expensive to hire local coyote. So as it's become harder to cross the border, and you have to do it in more remote and dangerous terrain, the necessity to hire help has grown. And so the costs of getting cross border goes from hundreds of dollars to thousands of dollars. And so this unintended perverse consequence has been--

**SARAH BALDWIN:** A boon for--

**PETER ANDREAS:** --this has been-- yeah. Absolutely. And it's continuing right up to the present. In fact, as Alan has pointed out, even the asylum process now has become part of this. You now smuggle your human cargo to the border patrol agent, right, as opposed to trying to evade the border patrol agent.

**ALAN BERSIN:** So Peter, in fact, another unanticipated consequence has been-- as the level of border security heightened, and the price, as you indicate, of being smuggled across the border increased significantly to thousands of dollars from hundreds in the 1990's-- we actually saw something that was unanticipated. In that the major criminal organizations that control the plazas, the approaches into the United States in various border cities-- in the past had collected a small fee from the coyotes.

But they themselves then became deeply involved in the movement of people, and the creation of safe houses, where they realized that they could steal and extort thousands of additional dollars from migrants-- who would be trapped in these houses, held by hardened

criminals-- and who would then call their relatives either in the United States or in the Northern Triangle, and basically extort.

Migrant organizations, having realized that, that then led to the creation of caravans. In which thousands of people would band together to avoid the dangerous journey of being, really, held in safe houses by hardened criminals. And either extorted, or assaulted, or raped, or all three as you try to make your way into the United States. So yes. We've seen the border security has led to consequences. Which doesn't mean that we shouldn't have strengthened the border, but it does mean that you have to recognize that these factors are connected. And as far as possible, you should be anticipating the reaction to the action that you take.

**PETER ANDREAS:** I mean, I would just add to that. It's again a short-termism of policy decisions is there's just a chronic tendency-- and this is throughout American history-- of not actually anticipating two steps ahead of what's going on. Because your immediate job-- I even notice this in the border in the '90s. If you talk to a border agent, he says, well my sector is under control. And so I did my job. Check off that box. I'm gonna get my raise. I get to tell Congress that we were securing the border. But out and over in Arizona? That that's a different matter. But that's not my sector, and I don't have to deal with that. And so that's just an immediate geographic short-termism.

**SARAH BALDWIN:** I want you to play politician, or at least political strategist for me. Just for a minute. So what is the answer? And I'm not saying what could a Democrat say to sort of trump Trump's argument. I guess what I'm asking is wherever you are on the political spectrum, if you're not in this sort of xenophobic, build a wall, fear-based place, what could someone offer those people that is not this? That is louder and more meaningful than build a wall?

**ALAN BERSIN:** Unfortunately, the use of the wall as a symbol is chosen because it is very effective in the sense of politicking-- and talking to people who are receptive to the notion that something is wrong. The solutions to these are not overnight. So that in fact, Congress has to change the asylum system. But oddly enough, in the first two years, when President Trump actually had control of the Congress as well as the executive branch, there were no proposals to remedy the system.

There is no short term solution, except to not let people exploit the hole that they're exploiting, which is the ability to come into the country, and stay while they wait for their hearings. If we could end that, which is doable, with a policy that would be implemented in concert with

Mexico, or the Northern Triangle countries, you would then see a diminution in the flow of migrants coming in. Fact is that Bloomberg pointed out that 15% of the people who applied for asylum in 2017 actually received it. But only 1.5% of the tens of thousands of people who were arrested that year were removed from the country.

That's the essence of the problem that we face. And by addressing that, we could deal with the flow. Dealing with the problem in the near-term is along those lines. Dealing with it in the midterm is changing the immigration system to account for asylum in a more effective and efficient way. And long term, we have to address the factors that are pushing people out of their homes in Guatemala, El Salvador, and Honduras.

**PETER ANDREAS:** The appeal of the build that wall line is-- Alan takes the immigration issue seriously. I mean, his answer to your question is to talk about immigration. But the build the wall line is basically a slogan about everything.

**SARAH BALDWIN:** Yes.

**PETER ANDREAS:** So it's basically not just about immigration. It's about race politics. It's about the rest of the world. It's about globalization. It's about keeping out anything you don't like. And so it's this catch all phrase that--

**SARAH BALDWIN:** That's what I'm saying.

**PETER ANDREAS:** Yes. And so this is the brilliance of it, and the seduction of it. And so, to be perfectly-- I mean, Alan Bersin's the practitioner, not me. I mean, these are the moments where I'm glad I'm not in Washington. But I think in the short term-- since everything is very short term oriented, and the solution is not short term-- I wish the Democrats the best of luck in changing the subject.

**ALAN BERSIN:** But it's obviously the subject that the people, at least 35% of the American people seem preoccupied with. And these political [INAUDIBLE] that you hold the base by appealing to really their worst instincts. But they're fears, they're legitimate fears that have not otherwise been taken into account by the political system. It's something that cannot be ignored. But in lieu of the symbol of a wall, people do need to find a more effective way of articulating it than I've been doing.

But saying we need a change in the immigration law, a comprehensive change in the immigration laws. We need to start working on that in a way that provides for border security, for fair processing of asylum cases, and for an overhaul of many of the provisions that we all

agree need to be overhauled. Nobody thinks the immigration system is working in this country. But we cannot agree on how it ought to be fixed.

But Democrats, without going to the other extreme of the spectrum from Trump, and in effect advocating-- even if they don't want to call it that-- open border policies. There is plenty of room in the middle, such as we demonstrated with the so-called gang of eight that came up with a bipartisan comprehensive immigration reform plan that was actually quite good. Not perfect, but quite good, which is what we need to come up with now.

Democrats need to talk about that without succumbing to the idea that we don't need enforcement, we don't need ICE, we don't need deportation. We need all of those things. But it needs to be done in a way that's consistent with our values as a people, and as an immigrant nation.

**PETER ANDREAS:** I mean, what's urgently needed in this, where we do agree is more lawyers and judges dealing with asylum case applicants, and get rid of that million person backlog. Unfortunately, that doesn't sell politically like a wall does. But that's precisely the sort of thing that needs urgent action ASAP.

**SARAH BALDWIN:** I want to just pull back from the US-Mexico border for a minute, and go back to this notion of border, and borders and flows, and how things have changed so much in the world we live in-- especially recently, with digitization, and technology. You said something very interesting earlier today, which is that notion of Homeland Security is actually an international undertaking. Can you explain what you mean by that?

**ALAN BERSIN:** Just that globalization, which is this borderless movement across the planet of goods, people, capital, labor, ideas, images, electrons, that happen instantaneously and continuously without stop-- have actually characterized our world. And therefore, what usually happens inside the borderlines that define a nation state almost invariably, in a global context, take part in that process. So that there is nothing that happens in the homeland that does not have a cause or effect that starts abroad. This is just in the nature of the global context we live in.

**SARAH BALDWIN:** So it's not just someone coming to a port of entry, a US port of entry? It could be someone who starts a journey thousands of miles away?

**ALAN BERSIN:** Absolutely. If you wanted to deal with the issues that are driving migrants, you don't wait till they get to the borderline. You try to deal with the issues as far away from the borderline as



you can geographically, and as early in time before they arrive at the borderline.

**SARAH BALDWIN:** Well, we are out of time. But I hope you'll both come back because this has been fascinating. And I really appreciate it.

**ALAN BERSIN:** Thank you, Sarah.

**PETER ANDREAS:** Thank you.

[PENSIVE MUSIC]

**SARAH BALDWIN:** This episode of Trending Globally was produced by Dan Richards. Our theme music is by Henry Bloomfield. I'm Sarah Baldwin. You can subscribe to us on iTunes, Stitcher, or your favorite podcast app. If you like what you hear, leave us a rating and review on iTunes. It really helps others find the show. For more information about this and other shows, go to [Watson.Brown.edu](http://Watson.Brown.edu).

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