

## Pushing Our Borders Out

By Tom Barry | February 17, 2005

Lining up with the Bush administration's "global war on terrorism," U.S. immigration control programs have a global reach. Searching for migrants headed to the United States on the high seas and within "sending" and transit countries is part of the mission of the Department of Homeland Security (DHS), which in 2003 assumed control over all aspects of U.S. immigration policy.

The DHS doesn't limit its mission of "border protection" to U.S. territorial boundaries, but has loosely defined homeland security to include programs that "have been put in place at—and beyond—our borders."<sup>1</sup> According to the DHS, its new immigration-control strategy includes a "pushing our borders out" approach to stopping the flow of immigrants and terrorists into the United States.

One-fourth of the Department of Homeland Security's personnel work in the newly created the U.S. Customs and Border Protection (CBP) agency. According to CBP director Robert Bonner, "The very existence of CBP makes us vastly better able to protect our nation from all external threats, whether illegal migrants and illegal drugs, terrorists, terrorist weapons, including weapons of mass destruction."<sup>2</sup> Bonner, who served as chief of the Drug Enforcement Administration (DEA) under the current president's father, has conjoined immigration policy, drug policy, and the war on terrorism in his new position in the George W. Bush administration.

The United States today is a global power with economic interests and military bases that integrate the world into a new imperium. As such, it confronts the same conundrum that faced other empires, namely, where to position its homeland defenses—at its national borders or where the threats to the homeland originate.

In the mid-1990s, U.S. officials decided that the government's immigration-control policy lacked source-country and interdiction strategies and needed to more closely follow the model of the overseas "war on drugs" launched by President Ronald Reagan. The overseas strategy of immigration control operates on two main fronts: sea and land. The DHS says that its overseas programs are shaped by the department's "new emphasis on deterrence" in its immigration control efforts.<sup>3</sup>

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### Key Problems

- Expanding definitions of immigration control have led to serious violations of human rights and diplomatic relations.
  - Treating potential migrants as criminals even before entering the United States makes them vulnerable to abuses and mistreatment throughout the migratory trajectory.
  - The conflation of immigration, terrorism, and drug control leads to ineffective and inhumane policies.
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Homeland Security's "beyond our borders" scope includes close interagency cooperation among the CBP, Pentagon, DEA, and U.S. Coast Guard in international interdiction efforts that simultaneously target drug flows, immigration flows, and international terrorists under the common framework of extraterritorial "interdiction."

### "Feet Dry"

The Department of Homeland Security doesn't use the term "mojados" or "wetbacks" to describe illegal immigrants. Now the politically correct term in the Bush administration is "feet wet" or "feet dry" when referring to those trying to enter the United States without visas.

The "feet wet" immigration control initiative is the product of an executive order by President George H. W. Bush that tasks the U.S. Coast Guard to interdict migrants and human smugglers at sea.<sup>4</sup> Under the new policy, if the migrants are feet wet—meaning interdicted at seas—they can be detained without processing by immigration authorities and deposited at the nearest non-U.S. port.

Technically, all "feet dry" immigration control operations occur in the U.S. homeland, mostly in the southern borderlands. In 1997, however, INS launched its Global Reach Initiative as part of a new emphasis on source-country



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control and the land-based interdiction of migrant flows. INS agents and contractors began training foreign immigration agents, police, and airline and bus staff. For the first time, the U.S. government “established a permanent presence of criminal investigators and intelligence analysts overseas to work on deterring migrant trafficking in source and transit countries.” The Global Reach Initiative aims to stop immigration “at its very source” by foreign land-based interdiction of human smugglers.

In Latin America and the Caribbean, the U.S. customs and immigration-control agencies in the late 1990s opened offices in several Mexican cities, four Central American countries, four Caribbean nations, and in Peru and Ecuador in South America. In 1997-2001, U.S. immigration officials provided in-country training to 45,000 foreign agents and airline personnel through the Global Reach Initiative, which in the same period boasts of intercepting more than 74,000 migrants attempting to pass through countries like Guatemala on their way to the United States. The initiative successfully persuaded many cooperating countries to consider it a criminal offense to transit their countries en route to the United States without proper visas.

The stated purpose of the overseas immigration-control operations under the Global Reach Initiative is to “combat multi-billion dollar alien smuggling operations” and to “protect migrants” who are victimized by human smuggling rings. As an example of the success of the Global Reach Initiative, the U.S. Justice Department in a June 2002 news release heralded the results of “the largest multinational anti-smuggling operation ever conducted in the Western Hemisphere” called Operations Crossroads International. Working with officials from a dozen Latin American and Caribbean nations, U.S. immigration agents arrested 75 smugglers and illegal document vendors—and detained and repatriated nearly 8,000 migrants, all of which in the U.S. government’s view constituted a major success “in attacking global crime.”<sup>5</sup>

The DHS remains officially committed to training and collaborating with foreign officials to halt “international migrant trafficking,” but the program has become lost in the bureaucratic maze of the new department. At least 15 foreign immigration control offices still exist but budget shortfalls, uncertain department priorities, and the wave

of resignations of former INS agents (who complained of being treated like second-class citizens under DHS management) have left the government’s Global Reach program empty-handed—even though the top stated priority of the overseas agents of the Office of International Affairs is “alien smuggling and human trafficking.”

## Feet Wet

The Coast Guard has ambitious benchmarks for its immigration interdiction policies—aiming to stop 87% of the maritime flow of undocumented immigrants heading to the United States. In an attempt to meet high performance standards for interdiction, the Coast Guard and the U.S. Navy are in effect generating protests from citizen groups and political parties throughout the region. The aggressive interdiction of fishing boats in the Caribbean and Eastern Pacific has sparked complaints that the U.S. military is violating the sovereignty of their countries and the human rights of their citizens.

Lt. Cmdr. Brad Kieserman, operations legal director of the U.S. Coast Guard, explains that the president’s directive to secure U.S. borders means having Coast Guard and Navy ships on patrol “anywhere in the world.” One of the Coast Guard’s main targets in the “deterrence” mode of immigration control is the ocean traffic

off the coast of Ecuador, where the United States maintains a barricade of ships to interdict would-be immigrants. On its website, the Coast Guard proudly posts photos of its ships and sailors interdicting Ecuadorean fishing boats.<sup>6</sup> Since the year 2000 the U.S. Coast Guard has interdicted about 1,200 would-be immigrants each year traveling on the high seas from Ecuador’s ports.<sup>7</sup>

U.S. ships are no strangers to the coastal waters of Latin America. Since 1960 the U.S. Southern Command (SouthCom) has staged naval maneuvers with the navies and coast guards of most Latin American nations. In 2003 SouthCom organized the “Unitas” joint operations, involving the U.S. Navy and U.S. Coast Guard and the fleets of a half-dozen countries in the region to “enhance operations in support of hemispheric defense.” Although SouthCom increasingly frames its hemispheric defense strategy as part of the war on terrorism, it remains unclear who are the terrorists that are thought to be threatening the region and how these naval maneuvers

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improve hemispheric security. The U.S. Coast Guard, which boasted that the joint maneuvers “started off with a bang,” explained that at least part of the training exercises aimed to improve “marine interdiction” and “maritime law enforcement.”<sup>8</sup>

The 2003 Unitas training exercises operated out of a leased military base that the United States has converted into a “Forward Operating Location (FOL)” —also called Cooperative Security Location (CSL)—in the port city of Manta, Ecuador. (SouthCom counts on two other CSLs in Latin America, one in El Salvador and another in the Dutch Antilles—all three of which have ten-year leases with the host governments.)<sup>9</sup>

In Ecuador, the Latin American Association for Human Rights (ALDU) charged that U.S. ships based at the Manta military base had sunk eight Ecuadorean vessels in the past several years, including four in the first half of 2004. Speaking before the Ecuadorean parliament, ALDU’s Gustavo Larrea petitioned the legislators to cancel the base lease the government signed in 1999. ALDU charged that SouthCom had violated the terms of the lease by involving itself in immigration control operations, both on the high seas and within Ecuador’s territorial waters.

ALDU and a coalition of citizen groups complain that U.S. gunboats are hijacking boats in their territorial waters, boarding fishing boats that prove to have no drugs or would-be immigrants aboard, and arbitrarily sinking vessels when they are deemed not sea worthy—all as part of the war on terrorism.<sup>10</sup> The U.S. embassy in Ecuador has rightly claimed that some interdictions save the lives of “feet wet” immigrants who set out for the U.S. in leaky, overloaded boats.

In 2004 nearly 11,000 “fraudulently documented aliens” were interdicted by U.S. ships patrolling the Caribbean and the Pacific Rim of Latin America. In the past few years, the numbers of “feet wet” immigrants from Haiti and the Dominican Republic interdicted by the Coast Guard have dramatically increased.<sup>11</sup>

Explaining the role of “maritime law enforcement” in halting “illegal immigration,” the U.S. Coast Guard says that “a sovereign nation may control immigration ... under U.S. and international law.” This interpretation of international law justifies the U.S. Coast Guard inspecting fishing boats—and oftentimes sinking them—near the Galapagos Islands and other distant locations. Also in an attempt to justify the presence of Coast Guard gunboats far away from the U.S. coastal waters, the U.S. Coast Guard says—adopting an argument apparently taken from the restrictionists’

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## Key Recommendations

- The United States should immediately halt its current programs of overseas immigration interdiction.
  - Unilateral immigration control efforts should not extend beyond U.S. borders and territorial waters.
  - Future programs should be conducted in cooperation with affected governments.
  - Immigration control programs at the source should take into account expulsion factors.
  - U.S.-sponsored trade and foreign assistance programs should foster equitable development and increase economic opportunities for “immigrant-sending” communities.
  - Immigration control programs should be distinguished from counterterrorism and anti-narcotics trafficking programs.
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briefing book—that its new practice of inspecting foreign boats off of the South American coast benefits U.S. taxpayers by “relieving this financial burden on our citizens” of providing social services to illegal immigrants.<sup>12</sup>

## An Ineffective and Offensive Policy

The “pushing our borders out” strategy of immigration control is proving to be ineffective—much as U.S. drug control policy has not stopped the flow of illegal drugs into the United States. Attempts by the U.S. Coast Guard and Homeland Security to justify an interdiction strategy as a cost-effective way to control immigration and combat terrorism are not convincing. Yet more problematic are the repercussions of the overseas immigration control on U.S. relations with the Latin American and Caribbean nations.

Much like the U.S. drug war fought overseas, the borderless campaign to stop immigrants beyond U.S. borders has increased tensions with Latin American and Caribbean nations. The assumption by the U.S. Coast Guard that a nation’s right to control immigration allows the U.S. government to detain migrants thousands of miles from the U.S. homeland demeans the definition of national sovereignty. The Department of Homeland Security and its immigration divisions’ declarations that their programs to halt unauthorized immigrants are part of the “war on terrorism” perpetuate the false assumption that the September 11th terrorists were illegally in the United States. The lesson of the September 11th attacks for immigration policy was that the U.S. government urgently needs better methods to screen legal immigrants for

links to terrorist networks—not that the flow of illegal immigrants represents a threat to national security.

The U.S. government should immediately halt its ineffective, costly, and counterproductive programs of overseas immigrant interdiction. Any future attempt to stop immigration flows closer to their source should incorporate these features: 1) All foreign migration control programs should be conducted in close cooperation with affected governments and preferably through non-military multilateral forums; 2) Unilateral immigration control efforts should not extend beyond U.S. borders and territorial waters; 3) The most effective immigration control initiatives will be ones that work with sending nations and communities to address the economic and political “expulsion” factors that send foreign citizens on long and treacherous journeys to find work or to escape war and political oppression; 4) U.S. trade negotiators and representatives to the international financial institutions should work to ensure that all trade agreements and foreign assistance programs foster equitable development and increase economic opportunities for “immigrant-sending” communities, and 5) U.S. counterterrorism strategy should not target illegal drug and immigrant flows but rather should be more narrowly focused on dismantling international terrorist networks and on better immigration screening.

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## ENDNOTES

<sup>1</sup> “Statement of Robert Bonner,” July 22, 2004.

- <sup>2</sup> “Statement of Commissioner Robert C. Bonner, U.S. Customs and Border Protection,” Subcommittee on Criminal Justice, Drug Policy, and Human Resources, House Select Committee on Homeland Security, July 22, 2004.
- <sup>3</sup> “INS Global Reach Initiative Counters Rise of International Migrant Trafficking,” INS Fact Sheet, October 17, 2000.
- <sup>4</sup> “Frequently Asked Questions: Coast Guard Migrant Interdiction,” U.S. Coast Guard, at [www.uscg.mil/hq/g-o/g-opl/AMIO?amiofaq.htm](http://www.uscg.mil/hq/g-o/g-opl/AMIO?amiofaq.htm). The policy is contained in Executive Order 12807. The U.S. Navy and patrol boats operated by U.S. immigration authorities operate under the same “feet wet, feet dry” executive order that governs the U.S. Coast Guard’s interdiction practices.
- <sup>5</sup> “Largest Multinational Alien Smuggling Operation,” U.S. Department of Justice, June 27, 2001.
- <sup>6</sup> U.S. Coast Guard, “Alien Interdictions: Ecuador,” at: <http://www.uscg.mil/hq/g-o/g-opl/AMIO/ecpic.htm>.
- <sup>7</sup> USCG Migrant Interdictions Fiscal Year 1982-Present,” U.S. Coast Guard and Department of Homeland Security, January 10, 2005.
- <sup>8</sup> “Pacific Phase of Uitas Starts Off with a Bang,” *The Flagship*, July 24, 2003.
- <sup>9</sup> Tom Barry, *U.S. Southern Command Confronts Traditional and Emerging Threats*, Americas Program Special Report, International Relations Center, July 24, 2004, at: <http://www.americaspolicy.org/briefs/2004/0407militar.html>.
- <sup>10</sup> Xavier Muñoz, “Destrucción de barcos,” CRE, July 1, 2004; Bruce Finley, “U.S. Takes Border War on the Road,” *Denver Post*, December 19, 2004; Michael Flynn, “Ecuador: What’s the Deal at Manta?” *Bulletin of the Atomic Scientists*, January/February 2005.
- <sup>11</sup> U.S. Coast Guard, Office of Law Enforcement, “Total Interdictions: 1982-Present,” at: <http://www.uscg.mil/hq/g-o/g-opl/AMIO/FlowStats/FY.htm>.
- <sup>12</sup> “Maritime Law Enforcement: Illegal Immigration,” U.S. Coast Guard, at: <http://www.uscg.mil/lantarea/aole/text/migrant.htm>.

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