



## Executive Summary

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# SPOTLIGHT ON THE BORDERLANDS

## How Racism, Militarization, and Surveillance Create a Human Rights Crisis on the U.S.-Mexico Border

NNiRR's [Spotlight Report on the Borderlands](#) analyzes the lethal effects of immigration deterrence and militarization on border communities. The report highlights the ways in which these policies persistently violate the rights of people of color on the borderlands and contribute to the death and suffering of migrants and refugees. In each chapter, the authors paint a dangerous picture of the current state of surveillance and militarization in their communities, where racism, xenophobia, homophobia, and transphobia leave migrants and refugees no choice but to cross through the most dangerous and desolate regions of the border. U.S. border control has also created an environment where Indigenous sovereignty is violated, and entire communities are dehumanized.

The militarization of the U.S.-Mexico borderlands has caused thousands of migrant deaths and disappearances since 1994—when the Border Patrol first implemented its “prevention through deterrence” strategy. Along with militarization, the U.S. has pursued an aggressive denial of entry to Black and Brown migrants and asylum seekers fleeing their homelands in search of safety and security for themselves and their families. Instead of protecting, as required by U.S. and international law, the U.S. government continues to endanger the lives of migrants, their families, and people seeking refuge.

As documented in these articles, race, ethnicity, nationality, and citizenship serve as defining factors in migration journeys. These racialized experiences make people of indigenous and black ancestries the particular target of immigration enforcement. These particular communities overwhelmingly experience forced displacement and genocide in their countries of origin. Indigenous Peoples, as noted in these articles, are the explicit target of racism and violence at the hands of U.S. border agents and government officials and are systematically denied the right to asylum and safety. According to 2021 data from the Transactional Records Access Clearinghouse, a premier information and research center on federal enforcement, the majority of immigration judges (60%) have an asylum [denial rate of 70 percent or higher](#).

Militaristic and surveillance technologies structure a racially discriminatory environment that precludes the enjoyment of human rights on the borderlands. The massive investment in military technologies, surveillance cameras, towers, drones, and other technological interventions create more precise forms of racial and ethnic profiling and discrimination. Border control agencies have unlimited power to stop, arrest, detain, frisk, and shame people of color, who must regularly negotiate transit between checkpoints to attend school, work, or access essential services such as food and healthcare. The Tohono O’odham Nation has documented frequent Border Patrol harassment and interrogations when traveling through their own territories while border militarization desecrates their sacred sites and landmarks. The increasing migration of Black and Afrodescendants through the borderlands, as widely documented in Del Rio, Texas and has once again exposed the racist legacy and violence permeating border governance.

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Current migration and border management approaches are creating a human rights catastrophe where thousands of migrants have gone missing or perished in the vast territories of the borderlands. As documented by our report, families and under-resourced community organizations are confronted with a web of morgues, medical examiners, forensic pathologists, embassies, and consular offices to investigate and track individual missing persons. Shamefully, these organizations must fundraise the costs of their own operations to recover, identify and reunify families with the remains of their loved ones. [After decades of thoroughly documenting migrant deaths](#), we are certain that pain, trauma, and death are the central and intended consequences of the U.S. immigration deterrence model.

Against this background, immigration discussions are still centered on bolstering the connection between border control, national security, and migration. Both political parties insist that border security, a euphemism for border militarization, should be a precursor to any meaningful immigration reforms. This approach includes multi-billion-dollar commitments to surveillance infrastructure, border walls, border patrol agents, stations, bases, and other technological interventions while subjecting border communities to poverty and disinvesting in social infrastructure and safety nets. Militarization encroaches and restricts peoples' mobility, deters community engagement, and [undermines political participation](#).

NNiRR expresses concern that immigration deterrence and militarization have become the cornerstone of the U.S. approach to migration governance, with a principal focus on the externalization of borders. [The Spotlight Report on the Borderlands](#) calls attention to the fact that immigration deterrence and border externalization will never make migration safe, regular, or orderly; instead, these practices set the basis for the use of excessive force, acts of torture, and other threats to physical integrity. As the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related intolerance has noted, border externalization does not affect all groups equally, but they, in fact, have a "disproportionate impact on persons from Africa, Central and South America and South Asia."

This report is part of a broader Spotlight Initiative to advance human rights on the US-Mexico border. [The Spotlight Report](#) brings together multiple datasets (including in-depth interviews, ethnography, surveys, and participatory mapping) to create a broad and holistic understanding of the human cost of the immigration deterrence model. By encouraging the interaction between data sets, we hope communities can gain a well-rounded understanding of the social, historical, and political context of the state of human rights at the US-Mexico border.

Through this report, we urge Congress to take bold action to save lives, create meaningful livelihoods and conditions at the border, and safeguard the primacy of human rights when addressing international migration. [Spotlight on the Borderlands](#) is directed to U.S. policymakers, urging them to implement policy changes to remedy and strengthen U.S. and international commitments to protect and uphold the rights of migrants, asylum-seekers, and border communities.

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# SUMMARY OF INITIAL FINDINGS

- ➔ The U.S. immigration deterrence model directly leads to migrant deaths and disappearances and reinforces racial, ethnic, national, and religious profiling. U.S. border control singles out indigenous, dark-skinned Latino families and Black communities, including those in transit or residing on the U.S.-Mexico border region, making them the explicit target of surveillance and enforcement.
- ➔ Historical racism, forced displacement, and genocide throughout the Americas are the root causes of the growing involuntary migration of Indigenous Peoples. Indigenous Peoples experience differentiated violence at the border, and they are often the target of racial discrimination at the hands of U.S. border agents and government officials.
- ➔ The externalization of the U.S. immigration deterrence model fuels anti-Black racism and turns borders into sites of criminalization and dehumanization. The border externalization project subjects Black migrants and asylum seekers to intensified racial policing resulting in high levels of physical and emotional trauma and gross human rights violations.
- ➔ Border enforcement threatens Indigenous livelihoods. Border walls and roving patrols cause the ecological destruction of territories. These militarized practices desecrate and block access to indigenous mobility across their territories and desecrate traditional sites of Indigenous spiritual and cultural practice.
- ➔ The externalization of immigration makes it significantly more difficult for asylum-seekers to establish claims—especially for those fleeing severe domestic abuse and violence and subjects many women and LGBTQ people to dangers that originally compelled them to flee.



# SUMMARY OF INITIAL FINDINGS

- **Smart border enforcement technologies** intensify the precision of racial discrimination by regulating and controlling the mobility of border communities through checkpoints, cameras, drones, and surveillance towers. These technologies also push migrants into deserts and mountains, fueling the crisis of migrant deaths.
- Official **Border Patrol** statistics recorded 8,050 migrant deaths at the border from 1998 to 2020 – an average of 365 deaths a year. **Preliminary figures** reveal 557 deaths for 2021. According to community organizations and forensic anthropologists, these numbers represent a systemic undercounting of the number of missing and deceased migrants in the borderlands.
- The systemic and widespread abuses by U.S. Border Patrol reflect historical and institutional racism and discrimination imposed on border communities. According to the Southern Border Communities Coalition, since 2010, there have been over **200 fatal encounters** with Customs and Border Protection agents. Of these, 58 deaths have occurred from use-of-force incidents, and 72 deaths resulted from vehicle pursuits.
- U.S. criminalization of migration subjects people in vulnerable situations to arbitrary arrest and detention. The U.S. maintains more than 200 jails and detention centers used by Immigration and Customs Enforcement to detain and imprison migrants and their families. Detained migrants protesting conditions of incarceration through peaceful protests, prolonged hunger strikes, and **desperate suicide attempts** face severe ICE and private security retaliation. These practices include **pepper spray, solitary confinement, force-feeding**, and other forms of severe punishment.



## OVERALL RECOMMENDATIONS

### We urge U.S. policymakers to:

#### 1 Assess all border laws, policies, and procedures to ensure the centrality of human rights.

- Ensure migrants and asylum seekers have immediate access to protections, shelter, and safety at the border, including access to services, asylum, and due process.
- Guarantee access to healthcare for migrants, refugees, and other displaced persons. Extend access to essential medicines and provide treatment in a non-discriminatory manner.
- End the militarization of immigration enforcement, which is fueling the crisis of migrant deaths and disappearances at the U.S.-Mexico border and the destruction of Indigenous People's lands and culture.
- End push-backs at the border. This practice pushes migrants into vulnerable situations and subjects them to exploitation, discrimination, and violence in transit countries.

#### 2 Save lives and establish coordinated international efforts on the crisis of missing migrants by supporting and implementing Objective 8 of the [Global Compact for Migration](#). This objective encourages an enhanced international collaboration to prevent migrant deaths, identify the dead, and locate the missing.

- Provide emergency humanitarian visas to the families of missing and deceased migrants to travel to the U.S. to find their missing loved ones or repatriate remains. Extend visas to witnesses of these disappearances to assist in official investigations and searches.
- Designate respectful burial sites along the US-Mexico border exclusively for the unidentified.
- Develop standardized protocols to take D.N.A. from all unidentified remains; coordinate training of local officials, consular offices, and genetic laboratories in D.N.A. sample collection to compare genetic profiles of unidentified remains and relatives of missing individuals.
- Create a humanitarian D.N.A. database that includes family reference samples from Mexico, Central America, and other countries; place firewalls regarding the use of this information for criminalization.
- Establish a border-wide medical examiner system, including relevant information from unidentified human remains in the National Missing and Unidentified Persons System (NamUs) database and state databases.



### **3 Address the impacts of racism and xenophobia by creating regulatory frameworks that strengthen human rights, racial equality, and non-discrimination in immigration law and border enforcement.**

- Investigate and address the persistent and profound anti-Black racism inherent in immigration enforcement and border control.
- Investigate the impacts of immigration policies on Indigenous Peoples and people of Indigenous descent forcibly displaced by unsustainable and exploitative development policies, representing the majority of those perishing at the border.
- Ensure access to refugee protections and visas to migrants to people of color in vulnerable situations. The current system disproportionately discriminates on the basis of race, color, ethnicity, or national origin.
- Incorporate meaningful opportunities for representatives of racially or ethnically marginalized groups, including refugees, migrants, and border communities, in the design, implementation, and monitoring of the human impact of these surveillance technologies.

### **4 Respect and honor Indigenous sovereignty, autonomy, self-determination, and the right to mobility across the border; enforce the rights of Indigenous People who have lived in the borderlands for time immemorial.**

- Recognize and respect the first nations along the border, including their rights to their lands and culture.
- Recognize the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples as the minimum standard to address the rights of Indigenous peoples who face conflict, violence, and forced displacement in their ancestral lands.
- Respect Indigenous Peoples' rights as outlined in International Labor Convention 169 and the United Nations' Declaration of the Rights of Indigenous Peoples, which recognize their distinct social, economic, cultural, and political rights.

### **5 Create gender-responsive legislation to address the specific challenges and vulnerable situations that women, girls, and gender non-conforming people face at all migration stages, particularly at the border.**

- Affirm and protect the rights of LGBTQ+ migrants and refugees, understanding that many flee persecution as LGBTQ+ persons in their home countries.
- Eliminate barriers and discrimination that fuel gender-based violence against LGBTQ+ migrants and refugees, including policies that limit access to due process and critical services such as legal representation, healthcare, mental health, housing, and other services.
- Investigate and hold accountable all border control agents responsible for engaging in gender-based violence, sexual exploitation, sexual harassment, and other forms of abuse against women, girls, and gender non-conforming peoples in situations of vulnerability.



### **6 End the criminalization and prosecution of people in situations of vulnerability, especially migrants and asylum seekers.**

- End en masse prosecutions, including Operation Streamline that facilitate that undermines due process rights and other constitutional protections.
- End the costly criminal prosecution of unlawful entry into the U.S. by repealing criminal penalties for unauthorized entry and reentry: Amend the Immigration and Nationality Act (I.N.A.) to repeal 8 U.S.C. § 1325 and 8 U.S.C. § 1326.

### **7 End all forms of immigrant incarceration and ensure rights-centered, community-based, non-custodial alternatives to detention.**

- Ban for-profit federal prisons contracted by the D.O.J., including the Criminal Alien Requirement (C.A.R.) prisons that hold people convicted under 8 U.S.C. §§ 18 325 and 1326.
- Among other critical changes, amend the I.N.A. to change the definition of what constitutes an "aggravated felony" and remove the statutory penalty for people convicted for unauthorized reentry.

### **8 Create real mechanisms to hold immigration enforcement agents directly accountable for human rights violations against migrants, refugees, and border communities.**

- Hold Border Patrol agents accountable for human rights violations, including negligence in search and rescue, use of force, abuse of authority, and sexual and gender violence.
- Hold Border Patrol agents accountable for willfully engaging in obstruction of justice, including unlawful activities of the Critical Incident Teams.
- Immediately dismantle Border Patrol's secret cover-up units, including the Critical Incident Teams, and reopen and prosecute cases of abuse and obstruction of justice.
- Enact civil liability legislation to hold U.S. Border Patrol accountable for shootings, including cross-border incidents; provide reparations to the families whose loved ones are harmed or killed by Border Patrol.

### **9 Create and expand rights-respecting regular pathways for orderly and regular migration.**

- Increase access to visas and rights-based pathways for people in migration who are moving across borders in search of jobs, family reunification, or escaping political, social, economic, or climate devastation.
- Enact legislation to provide support, protection, and assistance to climate-displaced people who are forced to migrate across borders.



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**Demilitarize all U.S. immigration and border governance. Rescind all collaboration between the military and U.S. Customs and Border Protection, U.S. Border Patrol, and other agencies engaged in asylum and migration-related procedures.**

- Prohibit U.S. Border Patrol from obtaining a national police force designation.
- Create a civilian oversight mechanism to assess and remedy the harmful effects of immigration deterrence; this includes the impacts of "smart" technologies on vulnerable groups.
- Fund an ombudsman's office to address and remediate human and civil rights concerns to ensure meaningful engagement and consultation with civil society organizations and border communities.
- Ensure transparency and accountability for private and public sector use of digital border surveillance technologies, and enable independent analysis and oversight.
- Create social and economic infrastructure in border communities that result in dignified jobs, living wages, access to affordable housing, clean air, water, and soil.

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**Pass inclusive and rights-affirming legislation to regularize the status of undocumented migrants and refugees that includes direct pathways to naturalization.**

- Officially recognize the rights of migrants, asylum-seekers, and those with temporary protected status, such as DACA and T.P.S. recipients, by passing broad, inclusive, and rights-affirming legislation to regularize the status of migrants residing in the U.S.
- Any regularization program must recognize full worker protections, including the flexibility to remain, leave and return, settle and be joined by family members, and meaningful participation in civic life.