

Undocumented immigration in Arizona: a human quagmire

William G. Davey, PhD, Professor Emeritus
Arizona State University, USA

*“Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door.”*

Inscription on Statue of Liberty

“Good Fences Make Good Neighbors” Traditional Proverb

Abstract

Illegal immigration is a significant worldwide phenomenon. In the Southwest United States, this migration has historically been tied to the migration of people who want to acquire a better life in the US. Recently, the issue of illegal immigration has taken on more complex social, political, economic, and national security dimensions. This case will focus on illegal immigration in Arizona and the impact on society. The Arizona frontier with Mexico approximately 265 miles (426 km) is a major corridor of undocumented migration and drug trafficking from Mexico. The volume of illegal immigration, the role of human smugglers, the Minute Men and National Guard, Sherrif Joe Arpaio, the wall, the impact on national security, ethic relations, civil rights, and economic impact will be discussed.

.....

The topic of illegal immigration in the United States is one of great political, economic, and social significance. The **Federation for American Immigration Reform (FAIR)** a national, nonprofit organization estimated more than 13 million illegal immigrants reside in the United States (Fair 2008). Of particular significance is the human drama playing out along the 262 mile (422 km) Arizona frontier with Mexico. In times past, poor people searching for a better life in the United States travelled north largely for economic opportunities. Today, the issue of illegal immigration has taken on more

complex social, political, economic, and national security dimensions. It is a case of human smuggling, drug trafficking, gun running, and organized crime.

The Arizona frontier with Mexico is largely sparsely inhabited and rugged desert terrain. 202 Of the 265 miles of the Arizona border with Mexico is fenced (Lamb 2009). The controversial fence was erected as a response to national security concerns and has changed the flow patterns north making Arizona a prime corridor. Governor Janet Napolitano in her International State of the State address estimated that between 3,000 and 4,000 attempt to cross the Arizona frontier daily (Napolitano, 2006). The social and financial impact on Arizona is significant. Fair estimates that some 500,000 illegal immigrants reside in Arizona and that in 2006 Arizonan taxpayers were burdened with annual costs of about \$1.3 billion. (Fair 2006). While many are apprehended, many make their way the 160 miles to Phoenix. Some remain and others disappear throughout the country.

Border security is a federal government responsibility. Without the implementation of the comprehensive immigration policy currently being proposed by the Obama administration, there has been long standing friction between state, federal, and citizen groups. At the heart of the debate are the issues of responsibility, cost, security, and humanitarian concerns. The status quo represents an unclear federal policy, the need for local enforcement, and the emergence citizen activism.

Despite the need for reform, the federal government plays a significant role in border affairs. Having constructed 639 miles of fence along the 1993 mile border with Mexico, a system of sensors, providing more than 20,000 border agents, and testing a virtual fence, the federal government has slowed but not eliminated illegal crossings on the Arizona border. An outcome of the fence seems to have increased the numbers of people who use “coyotes” to smuggle them across the unfenced sections adjacent to rough desert terrain. This influx of human smuggling combined with drug trafficking and gun running has increased criminal activity on both sides of the border. The United States Border Patrol is the law enforcement arm of the U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS) and is the first line of defense in the detection, prevention and apprehension of terrorists, undocumented aliens and smugglers of aliens, drugs, guns, and money. Despite extraordinary work by the Border Patrol and the enhancement of technology, there remains concern not enough is being done to secure the border, limit illegal immigration, contraband and provide humanitarian assistance.

Such concern led to the deployment of the National Guard troops in 2006 and the creation of citizen activist groups. Founded on October 1, 2004 by Jim Gilchrist, the Minuteman Project recruited civilians to patrol the Mexican border. Frustrated by the lack of federal enforcement of immigration laws, Gilchrist(2008), an ardent proponent of

first amendment rights and rule of law, once described the southern border as “ a loosely guarded, lawless wasteland, an open invitation to enter at will for illegal aliens, fugitives, terrorists, and criminal cartel members who want to avoid detection.” Supporters are largely conservatives who favor strict enforcement of immigration laws and secure borders. Opponents are Latino groups and some government officials who favor more humane laws and question the validity of citizen groups performing government functions. Another citizen group, faith based Humane Borders was founded in 2000 in Tucson. Through a network of some 1500 volunteers and collaborations with more than 100 organizations Humane Borders sets up water stations in the desert along migrant corridors, promotes changes in US policy, amnesty, legal work opportunities for migrants, and economic relief for agencies helping migrants. These groups are representative of deeply acute and opposing views on immigration policy and reform that have intensified and polarized the debate.

Perhaps the most polarizing and controversial figure in the border drama is Maricopa County Sheriff Joe Arpaio. The self-proclaimed “America’s Toughest Sheriff” has been the center of controversy over his “immigration sweeps”. The Arizona Republic reports that “Since March 2008, Arpaio has conducted 13 sweeps and deputies have arrested 669 people, about half of whom were held on immigration violations” (Gonzalez 2010). A 2005 Arizona law, known as the “coyote law”, enabled local police to enforce immigration laws and made it a felony to smuggle illegal aliens and labeled the persons being smuggled as co-conspirators and subject to prosecution under the law. In addition, ICE had granted local law enforcement agencies the ability to enforce federal law under what has been called a 287g agreement. In reaction to pressure from civil rights, pro-immigrant, and labor groups for fear of racial profiling , the Department of Justice began an investigation and notified Arpaio that the investigation will focus on “patterns or practices of discriminatory police practices and unconstitutional searches and seizures.”(Gonzalez 2009). It is argued that his enforcement methods may unfairly target Hispanics and Spanish-speaking people. The Department of Homeland Security withdrew this authority in Oct 2009. Adhering to his position of enforcing immigration laws, Sheriff Arpaio has vowed to pursue illegal immigrants under Arizona Law. An Arizona Republic (October 2009) analysis of arrest records of ten of Arpaio’s sweeps indicated “more than half the illegal immigrants arrested during the sweeps were held on federal immigration violations and hadn’t committed another crime. Arpaio argued that the probe was politically motivated. Former Arizona Governor and now Secretary of Homeland Security, Janet Napolitano and the Sheriff have long standing disagreements over immigration policy.

It is clear that the United States immigration policy must be reformed. The current situation is punctuated by polarizing positions and political rhetoric that must

be overcome to develop a sustainable policy. Mark Krikorian (2008) suggests that policy must answer the following questions: “How do we control and reduce illegal immigration? How many, and which, legal immigrants do we admit? How do we handle temporary visitors? And how do we treat those immigrants we have admitted to live among us?” Napolitano(2009) has argued for a policy that strengthens enforcement, legalizes the current work force, and improves the legal flow of immigration. When the criminal element of human smuggling, drug trafficking and gun running are factored in, the solution becomes very complicated. Despite polarizing perspectives, there is bipartisan support for immigration reform in Congress. Current practices have made Arizona the main corridor for illegal immigration. What is needed is a carefully crafted comprehensive policy that reduces illegal immigration, secures the border against terrorism and contraband, and provides effective alternatives that remove the criminal elements from the border.

References

- The Federation for American Immigration Reform (FAIR).(2008). Immigration Facts: National Data. Retrieved on November 1, 2009, available at http://www.fairus.org/site/PageNavigator/facts/national_data.
- The Federation for American Immigration Reform (FAIR).(2006). Immigration Facts: Arizona. Retrieved November 1, 2009, from http://www.fairus.org/site/PageNavigator/facts/state_data_AZ.
- Gilchrist, J.(2008). *An essay by Jim Gilchrist*. Georgetown University School of Law. September 18, 2008.
- Gonzalez, D. (2009). *Arpaio to be investigated over alleged violations: racial-profiling inquiry stems from immigration sweeps* [electronic version]. *The Arizona Republic*. March 11, 2009. Retrieved on December 9, 2009 available at <http://www.azcentral.com/arizonarepublic/news/articles/2009/03/11/20090311investigation0311.html>
- Gonzalez, D. (2010). *Advocate strikes back on Arpaio crime sweeps* [electronic version]. *The Arizona Republic*. January 3, 2010. Retrieved on January 18, 2010, available at <http://www.azcentral.com/news/articles/2010/01/03/20100103immig-raid0103.html>.
- Henley, J. (2009). *Sheriff Arpaio may lose some immigrant authority*[electronic version]. *The Arizona Republic*. October 3, 2009. Retrieved on November 12, 2009 available at <http://www.azcentral.com/arizonarepublic/news/articles/2009/10/03/20091003arpaio-ice1003.html>
- Krikorian, M. (2008). *The new case against immigration: both legal and illegal*. New York:
-

Penguin.

Lamb, J. (2009). Arizona's border fence nears completion [electronic version]. *Green Valley News and Sun*. February 3, 2009. Retrieved on December 22, 2009, available at <http://www.gvnews.com/articles/2009/02/05/news/03%20border.txt>.

Napolitano, J. (2006). *3rd Annual State of the State Address*. May 25, 2006. Phoenix: Phoenix Committee on Foreign Relations.

Napolitano, J. (2009). 2010 agenda: immigration. *The Arizona Republic*, November 24, 2009, B11.

