**Responses to Question**

**Student 1**

1) Is the current immigration policy seriously treated as national security issue? How was it treated prior to 9/11? Finally, what are the challenges that the United States has in regard to securing both the US/Canada and Mexico borders?

Yes, immigration policy is treated as a national security issue today. However, this was not always the case before 9/11. September 11, 2001, no American will ever forget, and this single event has shaped many of the United States policies to include, homeland security, national security, immigration enforcement and many more. Before 9/11 the United States, in essence, had one of the most open borders in the world. Border Patrols primarily focused on illegal aliens, alien smuggling, and narcotics interdictions. However, after 9/11, policy shifted as the U.S government recognized that that “smugglers’ methods, routes, and modes of transportation are potential vulnerabilities that can be exploited by terrorist and result in terrorist weapons illegally entering the United States” (Ramirez-Partida, 2014). Today, The United States exercises its immigration policy as a broader net to catch persons who might engage in terrorist activities, whether now or at some point in the future. Additionally, under the current administration, immigration policy is touted as an instrument for combatting social problems such as violent crimes although no data supports its effectiveness at tackling such issues.

However, the effectiveness of immigration policies is not singular to the United States but relies on cooperation from allies and partners. The Northern border with Canada spans more than 12 states, and over 4,000 miles received little attention before 9/11(Haddal, 2010). Both parties must engage in intelligence sharing and have compatible database not just for information sharing but have a rapid system for alerting authorities at all levels of government. Most of the Northern borders lay along unpopulated areas so improve monitoring required whether that is boots on the ground or deployment of surveillance equipment such as drones or cameras. The Southern Border is no different although much emphasis previously placed on it throughout the years. Smugglers are more and more getting creative from digging tunnels running back and forth into the U.S and Mexico to smuggling illegal immigrates in semi-trucks. Human resources, cooperation with Mexico, surveillance and information sharing need more significant improvement to secure the 1,952-miles of the Southern Border.

Haddal, C. (2010, August 11). Border Security: The Role of the U.S. Border Patrol. Retrieved from https://fas.org/sgp/crs/homesec/RL32562.pdf

Iyer, D., & Rathod, J. (2011). 9/11 and the Transformation of U.S. Immigration Law and Policy. Human Rights, 38(1). Retrieved from https://www.americanbar.org/publications/human\_rights\_magazine\_home/human\_rights\_vol38\_2011/human\_rights\_winter2011/9-11\_transformation\_of\_us\_immigration\_law\_policy.html

Ramirez-Partida, H. (2014). Post-9/11 U.S. Homeland Security Policy Changes and Challenges: A Policy Impact Assessment of the Mexican Front. Norteamerica, 9(1), 55-78. Retrieved from https://www.sciencedirect.com/science/article/pii/S1870355014701132

2) Discuss Custom border authority and “border searches,” as they pertain to the fourth amendment rule.

The fourth amendment protects individuals from unreasonable searches and seizures. However, Title 19, Section 482 of the U.S Code and Immigration and Nationality Act §287 gives customs officials broader authority to conduct searches not just at the borders or port but at any point of entry into the United States often without meeting probable cause or warrant requirement afforded under the fourth amendment.

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Kim, Y. (2009, June 29). Protecting the U.S. Perimeter: Border Searches Under the Fourth Amendment. Retrieved from https://fas.org/sgp/crs/homesec/RL31826.pdf

**Student 2**

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| 1) Is current immigration policy seriously treated as a national security issue? How was it treated prior to 9/11? Finally, what are the challenges that the United States has in regards to securing both the US/Canada and US/Mexico borders?  The immigration policy has most definitely been treated at as a national security issue and it was treated much more seriously after the attacks of 9/11. Prior to the attacks of 9/11 the borders to the North and the South were more of an after-thought, than a security threat. In 2002, the Homeland Security Act that was established due to the horrific events of 9/11 resulted in the Immigration and Naturalization Service being replaced by the USBP and aligning within the umbrella of the Department of Homeland Security (Haddel, 2010). The United States made efforts to stop the illegal entry into the country, but in years leading up to 9/11, the budget was not seen as a high priority. After 9/11 attention was directed, not only towards stopping illegal entry and exiting into the United States, but also preventing terrorists and weapons of mass destruction.  As previously mentioned, there were relationships in place with the Canadian Border Authority that made the protection of the northern border a lot easier, but we still had to have people of our own in place to provide security from our side. We do not currently have any relationships in place for the southern border, so it all fall upon the U.S. Customs and Border Protection. What makes the makes the machine run more smoothly is the interjacencies (state and local governments) working together to accomplish the greater mission. One example would the National Guard Troops at the border providing protection.  2) Discuss Customs border authority and "border searches", as they pertain to the fourth amendment rule.  Balanced against the sovereign's interests at the border are the Fourth Amendment rights of entrants. Not only is the expectation of privacy less at the border than in the interior. The Fourth Amendment balance between the interests of the government and the privacy right of the individual is also struck much more favorably to the government at the border. This balance at international borders means that routine searches are "reasonable" there, and therefore do not violate the Fourth Amendment's proscription against unreasonable searches and seizures.  Casey  References  Haddel, C. C. (2010). Border security: The role of the U. S. Border Patrol. CRS Report for Congress.  Kim, Y. (2009). Protecting the U.S. perimeter: Border searches under the Fourth Amendment.  CRS Report for Congress.  Peters, M. E. (2015). Open trade, closed borders immigration in the era of globalization. World Politics, 67(1): 114-154.  U.S. Customs and Border Protection. (2017). CBP search authority. |