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Crossing Over, and Over

By DAMIEN CAVE

AGUA PRIETA, Mexico — "My wife, my son — I have to get back to them," Daniel kept telling himself, from the moment he was arrested in Seattle for driving with an expired license, all the way through the deportation proceeding that delivered him to Mexico in June.

Nothing would deter him from crossing the border again. He had left his hometown at 24, he said. Twelve years later, he spoke nearly fluent English and had an American son, a wife and three brothers in the United States. "I'll keep trying," he said, "until I'll get there."

This is increasingly the profile of illegal immigration today. Migrant shelters along the Mexican border are filled not with newcomers looking for a better life, but with seasoned crossers: older men and women, often deportees, braving ever-greater risks to get back to their families in the United States — the country they consider home.

They present an enormous challenge to American policy makers, because they continue to head north despite obstacles more severe than at any time in recent history. It is not just that the American economy has little to offer; the border itself is far more threatening. On one side, fences have grown and American agents have multiplied; on the other, criminals haunt the journey at every turn.

And yet, while these factors — and better opportunities at home — have **cut illegal immigration from Mexico to its lowest level in decades**, they are not enough to scare off a sizable, determined cadre.

"We have it boiled down to the hardest lot," said Christopher Sabatini, senior director for policy at the Council of the Americas.

Indeed, 56 percent of apprehensions at the Mexican border in 2010 involved people who had been caught previously, up from 44 percent in 2005. A growing percentage of deportees in recent years have also been deported before, according to Department of Homeland Security figures.

For the Obama administration, these repeat offenders have become a high priority. Prosecutions for illegal re-entry have jumped by more than two-thirds since 2008. Officials say it is now the most prosecuted federal felony.

President Obama has already deported around 1.1 million immigrants — more than any president since Dwight D. Eisenhower — and officials say the numbers will not decline. But at a time when the dynamics of immigration are changing, experts and advocates on all sides are increasingly asking if the approach, which has defined immigration policy since 9/11, still makes sense.

Deportation is expensive, costing the government at least \$12,500 per person, and it often does not work: between October 2008 and July 22 of this year, Immigration and Customs Enforcement spent \$2.25 billion sending back 180,229 people who had been deported before and come back anyway. Many more have returned and stayed hidden.

Some groups favoring reduced immigration say that making life harder for illegal immigrants in this country would be far more efficient. They argue that along with eliminating work opportunities by requiring employers to verify the reported immigration status of new hires, Congress should also prohibit illegal immigrants from opening bank accounts, or even obtaining library cards.

"You'd reduce the number of people who keep coming back again and again," said Bob Dane, a spokesman for the Federation for American Immigration Reform. The alternative, says Doris

Meissner, the country's top immigration official in the mid-1990s, is to accept that illegal immigrants like Daniel "are people with fundamental ties to the United States, not where they came from."

"Our societies are so deeply connected," Ms. Meissner said, referring primarily to the United States and Mexico, the main source of illegal immigrants. "And that is not reflected at all in policy."

The administration acknowledges that immigrants like Daniel are rooted in the United States and typically have otherwise clean criminal records. But under its new plan introduced in August — suspending deportations for pending low-priority cases, including immigrants brought to the United States as children — repeat crossers are singled out for removal alongside "serious felons," "known gang members" and "individuals who pose a clear risk to national security."

Administration officials say they are trying to break the "yo-yo effect" of people bouncing back, as mandated by congress when it toughened laws related to illegal re-entry in the 1990s.

But some experts argue that this commingling actually undermines security. After a decade of record deportations, critics argue, it has become even harder to separate the two groups that now define the border: professional criminals and experienced migrants motivated by family ties in the United States.

"If you think drug dealers and terrorists are much more dangerous than maids and gardeners, then we should get as many visas as possible to those people, so we can focus on the real threat," said David Shirk, director of the Transborder Institute at the University of San Diego. "Widening the gates would strengthen the walls."

Crime and the Border

The border crossers pouring into Arizona a decade or two ago were more numerous, but less likely to be threatening. David Jimarez, a Border Patrol agent with years of experience south of Tucson, recalled that even when migrants outnumbered American authorities by 25 to 1, they did not resist. "They would just sit down and wait for us," he said.

Over the past few years, the mix has changed, with more drug smugglers and other criminals among the dwindling, but still substantial, ranks of migrants.

The impacts are far-reaching. In northern Mexico, less immigration means less business. Border towns like Agua Prieta, long known as a departure point, have gone from bustling to windblown. Taxis that ferried migrants to the mountains now gather dust. Restaurants and hotels, like the sunflower-themed Girasol downtown, are practically empty. On one recent afternoon, only 3 of the 50 rooms were occupied.

"In 2000, we were full every day," said Alejandro Rocha, the hotel's manager.

New research from the University of California, San Diego, shows that crime is now the top concern for Mexicans thinking of heading north. As fear keeps many migrants home, many experienced border guides, or coyotes, have given up illegal migration for other jobs.

In Tijuana, across the border from San Diego, one well-known coyote is now selling tires. In Nogales, the largest Mexican city bordering Arizona, power has shifted to tattooed young men with expensive binoculars along the border fence, while here in Agua Prieta — where Mexican officials say traffic is one-thirtieth of what it once was — the only way to get across is to deal with gangs that sometimes push migrants to carry drugs.

It is even worse in Matamoros, across from Brownsville, Tex. Just standing at the border fence brings out drug cartel enforcers demanding \$300 for the right to pass. Migrants and the organizations that assist them say cartel lieutenants roam the shelters, looking for deportees willing to work as lookouts, earning \$400 a week until they have enough to pay for passage north.

"I was thinking about doing it, too," said Daniel, looking down. "But then I thought about my family."

American law enforcement officials say the matrix of drugs, migration and violence has become more visible at the border and along the trails and roads heading north, where more of the immigrants being caught carry drugs or guns — making them more likely to flee, resist arrest or commit other crimes.

"There's less traffic, but traffic that's there is more threatening," Mr. Jimarez, the border agent, said.

Larry Dever, the sheriff of Cochise County, Ariz., which sits north of Agua Prieta, agreed: "The guys smuggling people and narcotics now are more sinister."

His county, 6,169 square miles of scrub brush, ranches and tiny towns in the state's southeast corner, has been an established crossing corridor since the mid-1990s. Since 2008, the police there have tracked every crime linked to illegal immigrants, in part because state and federal officials frequently requested data, treating the county as a bellwether of border security.

Indeed, [when a Cochise rancher named Robert Krentz was killed](#) in March 2010 after radioing to his brother that he was going to help a suspected illegal immigrant, the county quickly became a flash point for a larger debate that ultimately led to SB 1070, the polarizing Arizona bill giving the police more responsibility for cracking down on illegal immigrants.

Yet, crime involving illegal immigrants is relatively rare (5 percent of all local crime, Sheriff Dever said). Mostly it consists of [burglaries involving stolen food](#). And, public records show, in 11 of the 18 violent crimes linked to illegal immigrants over 18 months, [immigrants were both the victims and attackers](#).

This is not the portrait given by Republican border governors, including Rick Perry of Texas, a presidential candidate who recently said that "it is not safe on that border." But while Mexican drug cartels have increased their presence from Tucson to New York — sometimes engaging in brutal violence after entering the country illegally — Americans living near the border are generally safe.

A USA Today analysis of Texas, Arizona, New Mexico and California in July found that crime within 100 miles of the border is below both the national average and the average for each of those states — and has been declining for years. Several other independent researchers have come to the same conclusion.

But the border is not safe for people crossing or patrolling it. The number of immigrants found dead in the Arizona desert, from all causes, has failed to decline as fast as illegal immigration has, while assaults on Border Patrol agents grew by 41 percent from 2006 to 2010, almost entirely because of an increase in attacks with rocks. The heightened risks have stimulated a debate: Has the more aggressive approach — bigger fences, more agents and deportations — contributed to, or diminished, the danger?

Sheriff Dever, lionized as an "illegal immigration warrior" by immigration opponents, says that increased enforcement has made Americans safer and should continue until his neighbors tell him they are no longer afraid.

But some immigration advocates contend that the government's approach is too broad to be effective. "We have to really separate out the guy who is coming to make a living with his family from the terrorist or the drug dealer," said Peter Siavelis, an editor of "Getting Immigration Right: What Every American Needs to Know."

Home Is Where the Children Are

Deportations have muddled that delineation. In a recent line of deportees piling off a bus on the San Diego side of a metal gate leading to Tijuana, all were equal: the criminal in prison garb with the wispy goatee; the mother averting her eyes; and longtime residents like Alberto Álvarez, 36, a janitor and father of five who said he was picked up for driving without a license.

"Look, I've been in the U.S. 18 years," he said, slinging a backpack over his Izod shirt. "Right now, my children are alone, my wife is alone caring for the kids by herself — they've separated us."

During the immigration wave that peaked around a decade ago, deportations often meant something different: many deportees had not been in the United States for long; they were going home.

But now that there are fewer new arrivals, the concept of home is changing. Of the roughly 11 million unauthorized immigrants in the United States, 48 percent arrived before 2000. For the 6.5 million

Mexicans in the United States illegally, that figure is even higher — 55 percent, according to the Pew Hispanic Center. There are now also 4.5 million American-born children of unauthorized immigrant parents.

Experts on both sides of the debate say this large group of rooted immigrants presents the nation with a fundamental choice: Either make life in the United States so difficult for illegal immigrants that they leave on their own, or allow immigrants who pose no threat to public safety to remain with their families legally, though not necessarily as citizens.

Steven A. Camarota, a demographer at the Center for Immigration Studies in Washington, said the government should revoke automatic citizenship for children born to illegal immigrants, and seize assets from deported illegal immigrants so they have fewer incentives to return.

President Obama, having made no progress on getting his legalization plan through Congress, has instead been trying to make enforcement more surgical. Under the new guidelines, officials will use "prosecutorial discretion" to review the current docket of 300,000 deportation cases, suspending expulsions for a range of immigrants.

Several factors prompt "particular care and consideration" for a reprieve, including whether the person has been in the United States since childhood, or is pregnant, seriously ill, a member of the military or a minor, according to a June memo that initiated the change.

The issue of "whether the person has a U.S. citizen or permanent resident spouse, child or parent" appears in the memo's secondary list of factors to consider. But it is not clear how broadly leniency will be applied. Repeat crossers are given a special black mark, and the administration has already deported hundreds of thousands of minor offenders, despite claiming to focus on "the worst of the worst."

Several Democratic governors and law enforcement officials are particularly angry about Secure Communities, a program to run the fingerprints of anyone booked by the police to check for federal immigration violations. A large proportion of those deported through this process — 79 percent,

according to a recent report by the Benjamin N. Cardozo School of Law at Yeshiva University — were low-level offenders, often arrested for traffic violations.

Administration officials dispute that, saying the ratio of serious criminals is increasing, and that ultimately they must enforce immigration law against all violators. They have mandated that the program be used nationwide by 2013.

Mexico's border cities offer a portrait of what that could mean. Nearly 950,000 Mexican immigrants have been deported since the start of fiscal 2008. And in Tijuana — a former hub for migrants heading north, which now receives more deportees than anywhere else — the pool of deportees preparing to cross again just keeps growing.

Maria García, 27, arrived here after being deported for a traffic violation. She said she had spent six years living in Fresno, Calif., with her two Mexico-born sons, 11 and 7. She was one of many who said that without a doubt, they would find their way back to the United States.

"They can't stop us," she said.

The constant flow of deportees has become a growing concern for Mexican officials, who say the new arrivals are easy recruits, and victims, for drug cartels.

One former deportee was arrested this year for playing a major role in the deaths of around 200 people found in mass graves. In Tijuana, a homeless camp at the border has swollen from a cluster to a neighborhood, as deportees flow in, many carrying stories of being robbed or kidnapped by gangs who saw their American connections as a source for ransom.

Minutes after he arrived, Mr. Álvarez, the janitor, said he was worried about surviving — "you're playing with your life being here," he said. But his twin sons would turn 2 in a few weeks, and like many others, he said that no matter how he was treated in the United States, he would find his way back.

"I feel bad being here, I feel bad," he said. "I've got my kids over there, my family, my whole life. Here" — he shook his head at the end of his first day in Tijuana — "no."



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