

# Migration Management and Border Security

## Lessons Learned

PERSONAL  
REFLECTION

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Unprecedented irregular movements of people across borders during the last decade have strained the infrastructure, legal systems, and often the social and political fabric of nations encountering them. The humanitarian crises at the U.S.-Mexico border in 2014, 2019, and 2021 and the European migration and refugee crisis of 2015–16 (involving migrants and asylum seekers from Syria, Iraq, Afghanistan, parts of Africa, and the Balkans) starkly illustrate the challenges posed by mass migration for countries both of origin and destination.

Regardless of whether or not migration is “desirable,”<sup>1</sup> the cross-border movement of people is on the rise and will continue to grow. The number of international migrants grew from 84.5 million in 1970 to 281 million in 2020, or from approximately 2.3 percent to 3.6 percent of the Earth’s population.<sup>2</sup> Of these, more than 80 million were displaced by conflict and internal strife.<sup>3</sup> As the human population grows from 7.7 billion today to 9.7 billion over the next three decades,<sup>4</sup> and as weather events and water and other natural resource conflicts attributable to climate change displace populations across many low- and middle-income countries, mass migration will surely increase in scale and frequency. A portion of these migratory flows will include refugees, asylum seekers, human trafficking victims, and the internally displaced (owing to civil strife, state collapse, and natural disaster). Another portion will include those migrating legally or illegally for economic, social, or family reasons. Still another, smaller

portion will include criminal actors—including terrorists and members of other “nonstate” transnational organizations. The challenges of managing territorial borders, as traditionally practiced by nation states, will multiply accordingly.

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As the second decade in the 21st century drew to a close, disarray and uncertainty characterized the management of migration and borders in both the European Union and the United States. Like Tolstoy’s families in *Anna Karenina*, each of the unsuccessful systems had failed in its own way. Nonetheless, in the aftermath of the migration crises that battered Europe and North America between 2014 and 2021, general lessons can be gleaned to shed light on how a more satisfactory border management system might be designed to handle irregular migration.

This personal reflection consists of two parts. Part One extracts salient strategic lessons from recent migration events that severely stressed border authorities in North America and Europe. Part Two outlines a preliminary series of recommendations—centered on North America, where the author’s experience principally is based—aimed at effectively deterring irregular migration while also achieving other desirable policy objectives.

# 1 Learning from Past Migration Crises

## A. *Lines and Flows: The Changing Nature of Borders*

Nation states presently are ill equipped to distinguish between and manage the various forms of human migration at the scale they confront today. Immigration processing systems, asylum courts, and border enforcement agencies increasingly are overwhelmed. Without the legal, bureaucratic, and technological capacity to formally process and manage migrant arrivals in a timely manner, a large and increasing portion of these movements will remain irregular and the immigrants involved unauthorized. The mismatch between the volume and nature of migration and the sovereign incapacity to constrain or manage it—evident in both Europe and the United States—requires a change in our understanding of territorial borders and a corresponding one in the art and science of border management.

Borders traditionally have been viewed as lines in the sand (and on a map) demarcating the edges of sovereign states (or empires) according to the Westphalian system dating from the 17th century.<sup>5</sup> As European influence spread globally, so too did this territorial and horizontal concept of sovereignty and the prerogatives attached to it.

Nation states, consistent with these prerogatives, assert their sovereignty most aggressively at their boundaries by determining who and what may enter or exit the geographic space, when, and under what conditions. This exercise of sovereignty at national borders has long been a means for governments to control the cross-border movement of people and goods. Particularly in today's global context, and highlighted by recent episodes of mass migration, borders should be conceived of as entry/exit points of flow—dynamic geographic spaces—as

well as lines marking sovereignty. This new understanding of borders as lines and flows challenges the classical Westphalian conception of borders as “hard” containerized boundaries around the territories of sovereign states. In other words, “borders” must be viewed as incorporating flows<sup>6</sup> toward and across lines marking national sovereignty and managed as interdependent networks between and among nations, rather than solely as jurisdictional lines to be endlessly fortified and defended *in situ*.<sup>7</sup>

To be clear, this is not suggesting that sovereign territorial boundaries have become irrelevant or unimportant to migratory or other global flows. But because of accelerating technological innovation, time and space have been dramatically compressed such that migrant flows today mobilize quickly, can be nonstop, and do not respond to the usual deterrents. They operate independent of nation states and, for this reason, are often referred to as “borderless,” much as the individuals within these movements are often deemed “stateless” persons. In any event, these flows continue to move toward and over Westphalian border lines, have their principal effects within nation states, and are regulated by the governments operating there. This presents a palpable collision of two historic trends: the sovereign power to regulate cross-border flows, including migratory movements, remains exclusively national, while the flows themselves increasingly are transnational. Any new border paradigm, linking jurisdictional lines to global flows, must take this tension into account.<sup>8</sup>

## B. *The Geography of Enforcement*

It has become clear that nation states cannot successfully manage migration at their territorial border line alone. This boundary, the ports of entry situated on it, and the corridors between them are the last line of defense rather than the first. Border fortifications and fences are of little utility in the case of migrants seeking to find border guards in order to

initiate asylum processes. In this context, governments wishing to avoid the consequences of chaos at their borders must enlist time and space—and the help of other nation states—to manage these movements as far away geographically from the border as practicable and as early in time as possible before migrants arrive at the territorial boundary. The lack of clear and accepted regional jurisdictional authorities, the absence of shared regulatory standards, and the weakness of multilateral organizations complicate immensely the management of irregular migration toward and across border lines in the modern era.

Fragmented border management within and between nations is a Westphalian artifact of history that globalization requires revisiting. The focus of the new border management paradigm is to collect and analyze information on the people and goods that move toward sovereign borders rather than merely interacting with them at the lines that divide nations. The perimeter security paradigm operating with advance information is much more effective than trying to screen everything and everyone at ports of entry—or between them—at the border.

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Implicit in this arrangement is the movement away from parallel bilateral border management regimes and toward cooperative binational and regional relationships. In short, borders can no longer be managed satisfactorily on a unilateral basis from one side or the other. Legal authorities and enforcement power must be exercised to identify, intercept, and neutralize migration-related risks to the homeland

well before they arrive at a border port of entry. Borders are “pushed out” and “externalized.” This altered paradigm regarding the border security mission has fundamental implications for a border management agency’s strategic and tactical approach to organization and function, as well as to its relationships with other agencies both within and outside its national government.

### C. *The Necessity of Networks*

The goal of migration and travel management in the context of border security is keeping dangerous people away from the homeland and “processing” others as far from the border as possible. In dealing with conventional travel and immigration, this is accomplished by visa applications or equivalent protocols. In the case of mass migration events, the same concept and theory of action applies, albeit in circumstances of compression and lawlessness.

Organizationally, networks are the key to effective border management. Partnerships must be forged within the government, with the private sector, and with foreign nations. New forms of governance must emerge to facilitate cooperation through “transgovernmental” mechanisms and public/private partnerships. The old dichotomies—national security and homeland security, domestic affairs and foreign affairs, law enforcement and border security—begin to dissolve in this transformative environment.

Managing mass migration requires significantly enhanced collaboration among public safety, state security, and police agencies at the international level as well. The operational weakness of multilateral organizations—from the United Nations to Interpol and the World Customs Organization, the International Maritime Organization, and the International Civil Aviation Organization—in the face of transnational movements of people and goods and the threats they may embody is painfully obvious. The current situation reflects a stubborn resistance of Westphalian national politics to change and the

unwillingness to relinquish voluntarily even a small portion of sovereign power to multilateral institutions.<sup>9</sup>

As a consequence, from a global perspective, information and intelligence sharing, let alone operational coordination, between national authorities and transnational law enforcement agencies, and with the private sector, is woefully deficient. The result is that irregular migration, engineered by smuggling and trafficking organizations, remains barely challenged today by the international community unless nations (Mexico and countries in Central America, for example) are compelled to cooperate through the imposition of asymmetric leverage, or are “compensated” for doing so as in the case of Turkey and the European Union.

#### *D. The Centrality of Smugglers and Smuggling Organizations*

Recent experience confirms a culmination of trends over the past generation regarding the nature of smuggling and those who carry it out. Hiring a smuggler has become a necessary condition of contemporary irregular migration in many parts of the world. Smugglers serve both as interpreters of the policies of transit and destination countries and as guides and navigators of the pathways calculated to best exploit the defects and vulnerabilities in those policies. Smugglers also remain indispensable to migrants as they undertake parts of the physical journey from the place of origin through transit zones and toward the intended country of destination.

No longer therefore are smugglers the “mom and pop” or individual “coyote” operations of the past. Instead, as countries have strengthened their border security, rendering illegal entry increasingly difficult, the means and methods utilized by smugglers have evolved accordingly—and the prices smugglers charge have risen roughly sixfold since the 1990s.

This massively enhanced revenue stream, in turn, has led to the emergence of international smuggling networks that have become exceedingly well funded, organized, trained, and equipped. Moreover, the amount of money involved has attracted the attention and involvement of transnational criminal organizations that control the land or maritime approach corridors (or plazas) on the borders of destination countries. This has rendered the perils and privations of migrants’ already dangerous journey ever more risky and threatening.

The (largely) unspoken and unacknowledged cooperation between migrant rights organizations (often including religious groups) and smuggling networks<sup>10</sup> is a further lesson to emerge from the North American experience in 2018–21. The appearance of caravans of Central Americans moving north through Mexico—in part to avoid the predations of organized crime—has also highlighted the role of migrants’ family members already in the United States who may subsidize smuggling fees and operational (i.e., transport) costs along with crowd-funding campaigns sponsored by migrant rights organizations.

#### *E. The Message Is the Medium*

Messaging is key to the modern smuggling and migration enterprise. Consider the impact of cellular and online communication today when migrants can move from their place of origin through a transit zone into a destination country within a matter of weeks, and sometimes days. Throughout the journey and upon arrival, the migrants furnish a steady stream of reports on the conditions of reception back to their families and communities in the sending country. In the age of social media, this communication—regarding the success or not of the intending immigrants—can have an immediate impact on the decision-making of others considering migration.

Contemporaneous media reports regarding changes in government policy likewise are available immediately for consumption worldwide and shape the dynamics of migration, seeing it rise and spike and then abate altogether. Recent experience in the United States suffices to illustrate the case. Following Donald Trump's election in 2016, irregular migration fell 68 percent over the following year<sup>11</sup> largely through the power of negative, and to many ears ugly, rhetoric emanating from Washington. Migration resumed and even accelerated when it became clear that the "loopholes" and weaknesses in the U.S. immigration system, evident in the waning years of the Obama administration, had not been addressed by the Trump White House for all its bluster.<sup>12</sup>

Most cross-border entries into the United States eventually were blocked in 2019 through the so-called Migrant Protection Protocols enforcement regime, which sent asylum seekers back to Mexico to await an asylum hearing in the United States, along with other measures such as a transit-country asylum ban, metering of asylum claims, and purported asylum cooperation agreements with El Salvador, Guatemala, and Honduras. The subsequent imposition of a public-health-related order mandating the expulsion of unauthorized border arrivals, issued under Title 42 of the U.S. Code following the onset of the COVID-19 pandemic, essentially eliminated cross-border migration into the United States during 2020.

Trump's defeat in the 2020 U.S. election and the arrival of the Biden administration in January 2021 carried a message of change to would-be migrants. This message reversed migration trends even before the new president took office and dramatically accelerated irregular migration after his inauguration.<sup>13</sup> Just six months into the new administration, "encounters" at the southwest border had risen steadily and were approaching 200,000 per month—an unprecedented level that was reached in July 2021.<sup>14</sup>

## 2 Navigating a Way Forward

The governmental incapacity in 2014–16 to manage migration satisfactorily in Europe and North America, and then again in 2018–19 and 2021 in the United States, left clear in no uncertain terms the four basic variables of the "migrant calculus":

- ▶ the extent of "push factors" (such as violence and poverty) driving people to migrate coupled with the "pull factors" (safety, family reunification, and perceived economic opportunity) incentivizing movement to a particular destination country;
- ▶ the costs of migrating, including smuggling fees and the risks and dangers of the journey;
- ▶ the likelihood of successfully arriving at and getting into the destination country; and
- ▶ the costs and consequences of failure, including detention, deportation, and prosecution.

All of these factors are weighed in the aggregate by intending migrants, but each element is determined by an interaction among governmental policies in sending, transit, and destination countries; the extent of the expenses and other costs exacted by smuggling networks; and the substance and variety of messages generated throughout by the parties involved.

The purpose of enforcement in migration surge management is to contain the movement in such a manner as will serve as a deterrent to further irregular migration. To succeed, it must address directly the elements of the migrant calculus. The following recommendations seek preferred policy outcomes based on the lessons identified above.

## A. *Rethinking Multilateralism*

The post-World War II approach to tailoring multilateral action in (virtually complete) deference to national sovereignty has run its course.<sup>15</sup> The international infrastructure to deal with the movement of refugees and migrants, including the standard-setting bodies and operational mechanisms engineered through the United Nations, largely have lost effective capacity. The United Nations High Commissioner for Refugees and the International Organization for Migration risk collapse under the weight of the challenges they continue to face in the absence both of the authority and the resources required to assist nation states in managing mass migration satisfactorily. It appears unlikely that the Humpty Dumpty of conventional process can be—or should be—put back together again as it previously existed.

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We need bold new thinking and an enunciation of acceptable supranational principles that could govern a reengineering of doctrine and strategy. This development in turn could lead over the next generation toward a global migration management network that connects, in much more seamless fashion, national systems to multinational organizations. The resulting network would address existing gaps in intelligence collection, analysis, and dissemination, and furnish operational coordination sufficient to regulate cross-border movements of people, both regular and irregular.

In the interim, individual nation states will continue to exercise sovereign power to protect their territorial integrity and the security and safety of their citizens. Nevertheless, it is undeniable that no single government can effectively counter mass migration events on its own without the assistance of a multilateral support network, including a workable alliance with neighboring countries. To build and maintain these revised relationships, in summary, will require: (1) articulating new international standards with respect to national and international collaboration; (2) compiling an international “data utility” regarding the movement of people; and (3) implementing new transnational mechanisms able to coordinate actionable responses on behalf of “quasi-” or “failed” states among countries of migrant origin.

## B. *Designing a Regional Asylum System for North America*

The U.S. asylum system, and asylum systems in the West more generally, are broken and in need of overhaul and reform. This proposal focuses on the procedural aspects of the asylum process. Principles of redesign could include:

- ▶ merging refugee and asylum application processes, which currently are administered separately, because refugees and asylum seekers are fleeing similar dangers;
- ▶ off-shore application, processing, and adjudication of asylum petitions—similar to the refugee application process—to eliminate, or at least minimize, the role of smugglers by enabling people in need of protection to apply closer to their places of origin;
- ▶ creation of “safe zone” processing centers in southern Mexico or in one or more Central American countries at which individuals with a credible fear of persecution could find

sanctuary pending the final determination of their asylum claims;

- ▶ decision on asylum petitions within 90–120 days by U.S. Citizenship and Immigration Services asylum officers (or similarly authorized agents from other nations), with expedited written appeal to an immigration court; and
- ▶ affirmative grants of asylum would result in placement of individuals and families in one of several destination countries party to a regional/hemispheric compact—for example, the United States, Canada, Mexico, Costa Rica, Panama, Colombia, Chile, and Peru.

Such a system would prevent the abuse evident in the current asylum process while ensuring that individuals with compelling claims have the opportunity to be fairly heard and to receive refuge in a safe country in timely fashion.<sup>16</sup>

### C. *Confronting Migrant Smuggling and Human Trafficking Networks*

Irregular migration is facilitated, as noted above, principally through an extensive, decentralized network of smuggling organizations. These groups operate transnationally and the routes migrants take often are mediated in concert with elements of organized crime and through corrupt immigration and border officials. Law enforcement campaigns regularly announce the targeting of smugglers, traffickers, and their organizations. The results, however, with few exceptions, have been unsatisfactory and smuggling networks continue to operate today in a largely unfettered fashion.

To remedy this situation, executive action should be taken to designate migrant smuggling and human trafficking specifically as national security threats and a tier one priority for intelligence collection, in-

vestigation, prosecution, and disruption, including intensive information (and disinformation) campaigns directed against smuggling organizations.<sup>17</sup>

In addition, while the advocacy prerogatives of migrant rights organizations must continue to be entirely respected, these organizations should be advised of their vulnerability to prosecution when their activities cross over into aiding and abetting migrant smuggling. Similar caution should be urged for family members based in destination countries who are engaged in financing smuggled journeys for their relatives.

### D. *Preparing Now to Avoid Future Humanitarian Crises*

In 2014 with the influx of unaccompanied minors, and again in 2019 and 2021, governmental authorities were ill prepared to manage the arrival of tens of thousands of irregular migrants (largely Central American asylum seekers and families) at the U.S. southwest border. Consequently, authorities were incapable—and remain incapable today—of managing satisfactorily the care and processing of migrants at the border. In late Spring 2019, the U.S. Department of Homeland Security and the Department of Health and Human Services were overwhelmed, and the system was brought to the breaking point. In 2021, when a similar level of pressure was reached, U.S. authorities felt compelled to release family units into the country without formal processing.<sup>18</sup>

These repeated humanitarian crises demonstrate the inevitable result of failing to prepare in advance. Congress and the White House have been unable to address supplemental funding requests in a timely manner, as the issue has become entangled in a prevailing border and immigration policy impasse. Given the likelihood of mass migration events in the future, authorities should create a standing reserve fund that border officials can access in emergencies (subject to meeting stipulated criteria or “triggers”).

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Additionally, authorities should be authorized in advance to use existing government facilities to meet migrant care requirements. The Federal Emergency Management Agency disaster response model in the United States of “forward deployment” is applicable. When migration exceeds certain preset levels, pre-determined contingency plans and resources should be activated. These would include selected military bases and/or existing facilities (prepared and moth-balled) at the border, along with funding to cover basic costs associated with migrant care needs (medical, mental health, food, and security).<sup>19</sup>

### *E. Expanding Options for Legal Migration*

Illicit migration flourishes because immigration systems, bureaucratically administered, are slow and cumbersome. Such migration is a function of factors “pushing” people out of their communities of origin and forces “pulling” them toward a destination country. In many cases, these push and pull factors have an economic dimension. For this reason, efforts to counter irregular migration must include measures that expand work-related opportunities for lawful (temporary and permanent) entry into the United States, Europe, and other potential destinations. These should be designed systematically to address labor shortages and workforce development needs in both low-wage agricultural and nonagricultural sectors. If destination countries would provide those

seeking economic opportunity expanded lawful avenues to work, such programs could help reduce illegal immigration substantially—particularly if coupled with a viable regime of employer sanctions to deter the hiring of unauthorized immigrants.<sup>20</sup>

### *F. Addressing Security and Development Issues in Countries of Origin*

Any strategy geared toward reducing irregular migration to the United States in the long term, of course, must address the conditions causing people to leave countries such as El Salvador, Guatemala, and Honduras in large numbers: poverty, lack of economic opportunity, gang violence, and insecurity. Confronting these issues effectively requires a candid recognition of the tightly oligarchic structure of these Central American societies; the systemic corruption that is endemic to that structure; and the consequent incapacity of governments in those countries, which renders them “quasi-states” rather than effective sovereign powers. In this context, conventional foreign aid programs will be of little avail and cannot deliver the necessary results in an acceptable time frame. What is needed are revised approaches that are: (1) predicated on setting in motion dramatic change and (2) implemented under the direction of an external, multinational authority with plenary control over planning and funding functions. The first objective of this multilateral effort in the near to mid-term would concentrate on gang control, citizen security, and community safety. The second focus would be on formulating comprehensive economic development strategies involving catalytic public investments and incentives aimed at igniting private-sector enterprise.<sup>21</sup>



### 3 Conclusion

The post-World War II order is weakening in the genuinely epochal transition underway. Mass migration is a principal symptom of the resulting dislocation. Because it is so visible and the source of substantial rancor and division within destination countries, migration may be a suitable initial candidate for

constructive multilateral solutions, beginning with bilateral and regional accords. This reflection sets out a way of seeing the migration challenge in such a manner as might facilitate a reasonably satisfactory solution on that basis. Progress in this context, in turn, could serve as a precedent for managing other movement- and mobility-related transnational challenges that exist and also remain largely unaddressed.

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### Endnotes

- 1 Leaving aside the political and moral considerations that govern how much migration is desirable between and among nations, and at what rate, it is evident that people suffering in conflict zones or perennially impoverished countries may choose not to queue up to apply for legal rights of entry elsewhere. In a world where free cross-border movement of capital is celebrated while the mobility of people and labor is sharply restricted, resentment between those who can access lawful migration opportunities and those who cannot will grow. On the other hand, migration occurring outside of legal channels is perceived by populations in destination countries as demonstrating disdain for the rule of law and violating a nation's borders in derogation of its sovereignty. These reactions understandably generate significant fear and resentment on both sides of the issue. Questions of migration, borders, sovereignty, and nationality provoke visceral, often violent, tribal responses and are certain to continue to do so. Alan Bersin and Evan Smith, "Global Flows and the Declining Westphalian State" (unpublished manuscript, Altana Technologies, 2019).
- 2 International Organization for Migration (IOM), *World Migration Report 2020* (Geneva: IOM, 2019); United Nations Department of Economic and Social Affairs (UN DESA), *International Migration Report 2020* (New York: United Nations, 2021).
- 3 At the end of 2017, the United Nations High Commissioner for Refugees (UNHCR) recorded 62.15 million refugees, asylum seekers, and internally displaced persons. There were another 7.85 million returnees, stateless persons, and other people of concern, totaling 71.44 million persons of concern worldwide. Since then, the number of forcibly displaced people worldwide has increased further, reaching 82.4 million at the end of 2020. See UNHCR, "UNHCR Statistics: The World in Numbers," UNHCR Population Statistics Database, accessed August 30, 2021.
- 4 UN DESA Population Division, *World Population Prospects 2019: Highlights* (New York: United Nations, 2019).
- 5 The Treaty of Westphalia in 1648 generally is considered as marking the start of the modern nation state system. This new system established principles such as mutual respect for national borders and the territorial integrity of states, acknowledgment of the plenary authority exercised by a sovereign within its jurisdiction, covenants not to interfere in other states' internal affairs, and the legal equality of states within the international system.
- 6 Globalization is the cumulative effect of these flows, a 24/7, 365 days/year movement continuously around the world of capital, labor, cargo, people, goods, services, ideas, images, data, and electrons.
- 7 Austen D. Givens, Nathan E. Busch, and Alan D. Bersin, "Going Global: The International Dimensions of U.S. Homeland Security Policy," *Journal of Strategic Security* 11, no. 3 (2018): 1–34.

- 8 The COVID-19 pandemic that began in 2020 has furnished an even more dramatic, and painful, demonstration of this collision. The public-health consequences resulting from an absence of coordinated international action to contain the borderless flow of contagious disease have been massive and remain unaddressed.
- 9 Only Europol, in the context of the European Union and the “shared sovereignty” its Member States have implemented partially, has taken significant steps in the direction of institutional collaboration. Europol genuinely facilitates cooperation and coordination among police and border management agencies within the European Union. Nonetheless, even here, little of this potential capacity was in evidence during the migration and refugee crisis of 2015–16.
- 10 Guadalupe Correa-Cabrera and Alan Bersin, “Migrant Activists and Human Smugglers Collaborated at the Southern Border: Innocents Lost,” *The Hill*, December 29, 2018.
- 11 U.S. Customs and Border Protection, “Southwest Land Border Encounters,” updated July 2021.
- 12 Alan Bersin, Nate Bruggeman, and Ben Rohrbaugh, “Yes, There’s a Crisis on the Border. And It’s Trump’s Fault,” *Politico*, April 5, 2019; Alan Bersin, Nate Bruggeman, and Ben Rohrbaugh, “What U.S. Can Do to Reduce, Deter Illegal Migration,” *San Diego Union-Tribune*, November 21, 2018. The European context has produced a similar example. The EU-Turkey Statement signed in March 2016 led to a sharp fall in detected maritime arrivals of irregular migrants and asylum seekers traveling from Turkey to Greece, with Turkey’s efforts in policing the border and the prospect of being returned sending a message to people on the move that this route was no longer a viable option. Subsequently, in 2020 and 2021, the European Union experienced a sharp spike in migrant arrivals as the agreement with Turkey appeared to fall apart and messages to this effect were communicated widely in migrants’ origin countries.
- 13 The “Don’t Come” messages coming from senior administration leadership—during Vice President Kamala Harris’ visit to Guatemala and Secretary of Homeland Security Alejandro Mayorkas’ press conference in Mexico City, for example—were belied by reports received by prospective migrants via personal networks of families and unaccompanied minors being admitted into the United States. Mixed messages cannot succeed as smugglers and migrants alike hear what they want to hear and, more importantly, communicate back to sending countries their experiences on the ground. See Nick Miroff, “Biden Administration Tries to Transition from Campaigning on Immigration to Managing a Dysfunctional Immigration System,” *The Washington Post*, February 20, 2021.
- 14 U.S. Customs and Border Protection, “Southwest Land Border Encounters.”
- 15 Rana Dasgupta, “The Demise of the Nation State,” *The Guardian*, April 5, 2018.
- 16 Considerations regarding family reunification should be taken into account as practicable but cannot be dispositive in the first instance. Following initial placement, and the establishment of a reliable migrant processing infrastructure, subsequent reunification petitions should be a feature of any new system.
- 17 Alan Bersin and Chappell Lawson, “Disrupting Transnational Criminal Activity: A Law Enforcement Strategy for Homeland Security” (Homeland Security Policy Paper Series No. 9, The Belfer Center, Harvard Kennedy School of Government, March 2021).
- 18 Stef W. Kight, “Scoop: 50,000 Migrants Released; Few Report to ICE,” *Axios*, July 27, 2021.
- 19 See NPR’s discussion with Doris Meissner of the Migration Policy Institute: NPR, “The U.S. Border Immigration Problem,” updated February 28, 2021. In Europe, there is a similar need to prepare for future migration crises. While irregular migration has fallen significantly since 2015–16, ongoing and protracted instability and poverty in the Sahel remain factors that will drive future mass migration to Europe. The principles of advance preparation and forward deployment are equally applicable, and policy responses should be available for activation rather than “scrambled into existence” at times of crisis.
- 20 Kate Hooper, *Exploring New Legal Migration Pathways: Lessons from Pilot Projects* (Washington, DC: Migration Policy Institute, 2019).
- 21 Institute of the Americas, “2021 Hemisphere in Transition Webinar Series: Security and Economic Prosperity in Central America’s Northern Triangle Region” (YouTube videos, June 2021).

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Alan D. Bersin is a Senior Adviser and Policy Consultant at Covington & Burling LLP. Between 2012 and 2017, Bersin served as Assistant Secretary of International Affairs and Chief Diplomatic Officer at the U.S. Department of Homeland Security (DHS). From 2014 to 2017, he also served as (Acting) Assistant Secretary for Policy. In those capacities, Mr. Bersin led DHS' transnational engagement, served as the principal advisor to the Secretary on international affairs, and oversaw strategic planning and policy formulation in the areas of border security, trade, cyber security, and critical infrastructure protection.

Mr. Bersin served in 2010–11 as Commissioner of U.S. Customs and Border Protection (CBP), a position in which he oversaw the operations of CBP's 58,000 employees and guided its efforts to secure the nation's borders while expediting lawful trade and travel. Between 2012 and 2015, he served as Vice President of INTERPOL for the Americas Region and as a lead member of the INTERPOL Executive Committee. He was Chair of the Advisory Committee for the International Policing Division Steering Committee of the International Association of Chiefs of Police.

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