

# **Border Crisis Declarations as Border Control Technology: An Econometric and Political Theoretical Approach**

Cesar Zamudio  
Columbia University

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# 1 Introduction

The Office of the United Nations High Commissioner for Refugees (UNHCR) says the world is currently facing the highest levels of displacement ever in history, with an unprecedented 65.3 million people forced from their homes by war, internal conflicts, drought or poor economies. Among these are 21.3 million refugees, over half of whom are under the age of 18; the rest are economic migrants and internally displaced persons.<sup>1</sup>

International migrants, specifically those currently at a border or on their way to a border, suffer from a political condition called statelessness. Statelessness allows governments to utilize border control technologies such as militarization and declaration of a crisis at the border to suspend procedural rules of law, often under the pretense of national security, and sometimes for political gain.<sup>2</sup> Statelessness plagues the security of human rights.

This paper takes a multidisciplinary approach in finding the determinants of one such tool of biopolitical control—border crisis declaration. What drives states to declare a migration crisis at the border? Existing literature on border politics has looked at the necropolitics, and thus biopolitics, of migration crises through the act of dying at the border.<sup>3</sup> But because of the recent cascade of events, there is virtually no literature on the phenomenon of border crisis declaration. This paper sets out to determine the econometric and political theoretical determinants of border crisis declaration.

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<sup>1</sup> Sulaiman Momodu, "Africa Most Affected by Refugee Crisis | Africa Renewal Online," *United Nations*, March 2017, <https://www.un.org/africarenewal/magazine/december-2016-march-2017/africa-most-affected-refugee-crisis>, (Accessed November 22, 2018).

<sup>2</sup> See distributive politics in drought declarations in Brazil; Alicia Cooperman, "(Un)Natural Disasters: Distributive Politics in Northeast Brazil." (Working paper, Columbia University, 2018), 29.

<sup>3</sup> Kim Rygiel, "Border Control Politics of Technologies of Citizenship in Europe and North America," *New Border and Citizenship Politics*, (2014): 141-145.

In section two, I focus on the national and supranational levels of border and migration policy. Using the US and EU member states as case studies, I first explain their relevance and usefulness for my econometric study. I argue that the US and EU have similar migration procedures, goals, and technologies for border control, and they also maintain similar geopolitical, economic, and political structures. I identify some of the mechanisms in my study such as populist governance and domestic audience costs in the sample subjects. Additionally, in using these powerful actors as the focus of this study, I create a top-down approach that allows applicability of this methodology to other migration regions, flows, and crises.

Section three defines the hypotheses and mechanisms of my econometric model. I test hypotheses on the role of non-migration factors on the likelihood of border crisis declarations. I identify three main mechanisms for border crisis declaration: populist political alignment, domestic audience costs, and previous crisis declaration. I claim that border crisis declarations will be more likely if a populist party is governing, it is an election year, and previous declarations have already been declared. This study aims to contribute to existing literature on border politics in order to better predict state behavior in both the short and long term.

In section four, I employ an empirical strategy that takes advantage of exogenous factors in border crisis declarations. This study operationalizes a novel strategy using maximum likelihood estimation (probit) to model the cumulative probability that a state will declare a border crisis based on the mechanisms described in section three. My empirical strategy utilizes data from various sources including border patrol agencies, the Timbro Authoritarian Populism Index, UNHCR, and World Bank, as well as itemized records from government officials and press releases to effectively measure the mechanisms described in section three. This section concludes

with a discussion on the internal and external validity of this model, and explores potential areas for future study using my model.

Section five refocuses the national level of analysis in the case of US and Mexico. This section employs the findings of the empirical strategy in the fourth section to answer the question of why states choose to employ such border control technologies? Using a framework of Arendtian, Foucauldian, and Marxist theories of statelessness and citizenship, biopolitics and power, and alienation and exploitation, I argue that border crisis declarations serve as technologies of power, reproducing their own forms of oppression and exploitation for political and economic gain.

In section six I conclude my findings, offer a discussion on both the limitations and applicability of this study, and offer areas of future study in the study of border crisis declarations.

## 2 Econometric Model Information: US & EU

The United States and European Union offer a myriad of insights into why states will declare a border crisis. The US and EU are both sovereign units<sup>4</sup> that have garnered a particular image as being migrant-friendly. Europe has always been seen as a favored destination for refugees from war and humanitarian crises as well as for economic migrants seeking a better life.<sup>5</sup> The US has traditionally garnered the image as the “nation of immigrants,” or so until this year when USCIS removed the line from their organizational mission.<sup>6</sup> Both of these sovereign units are physically intermediated by other states through which certain migration processes can be handled, and thus

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<sup>4</sup> Using this phrase, I am able to extend beyond localities of national and supranational governance.

<sup>5</sup> Christopher Riches and Jan Palmowski, “European migration crisis,” in *A Dictionary of Contemporary World History*, (Oxford: Oxford University Press, 2016).

<sup>6</sup> Richard Gonzales, “America No Longer A ‘Nation of Immigrants,’ USCIS Says,” *NPR*, February 22, 2018, <https://www.npr.org/sections/thetwo-way/2018/02/22/588097749/america-no-longer-a-nation-of-immigrants-uscis-says>, (Accessed November 29, 2018).

border crisis declarations avoided. They are relatively wealthier than the countries that border them, containing varying degrees of income inequality and welfare services available, and they are or mainly consist of liberal democracies with fairly standard election cycles and processes.

The revival of populist politics and rhetoric has made these country-blocs susceptible to domestic audience costs within their electorate. Recent studies have looked at the influence of right-wing populism in shaping government immigration policy showing that while immigration policies across Europe have become more liberal despite the electoral success of the radical right, when the radical right is in government office it enacts more restrictions in integration policies.<sup>7</sup> Anti-immigrant populist mobilization is accordingly more likely to influence immigrants' rights than their actual numbers.

I utilize the historic rise of populist parties across Europe and the US to give specificity to the longitude of my econometric case study. I argue that there is a correlation between the rise of populism and the recent phenomena of border crisis declarations. Although the rise of populist movements across these two country-blocs arose in the late 1980s with the fall of the Berlin Wall (and the metaphorical and physical construction of other walls), very little is known about the relation between the political emergence of populism and its relation to public policy.

One case study on two cities in the Netherlands shows that political and policy populism are related, revealing that the presence of policy populism is not dependent of political populism, further showing that policy populism has a more stable presence, without the need for its political equivalence.<sup>8</sup> Through this focus on public policy affecting migrant integration, the case for a causal relationship between politics and policy as a mechanism of populism becomes even

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<sup>7</sup> Philipp Lutz, "Variation in Policy Success: Radical Right Populism and Migration Policy," *West European Politics*, (November 22, 2018): 1-3.

<sup>8</sup> Mark Van Ostaijen and Peter Scholten, "Policy Populism? Political Populism and Migrant Integration Policies in Rotterdam and Amsterdam," *Comparative European Politics* 12, no. 6 (November 2014): 680-685.

stronger. The recent rise of populist movements and government responses to global migration crises have, naturally, become linked.

Aside from these more general observations on the political landscape affecting migrant rights and integration, the US and EU are points of focus for this study because they provide a blueprint for future studies into the mechanisms of border crisis declarations for perhaps smaller or less wealthy states.<sup>9</sup> The ability of these sovereign units in mitigating international migrant crises is often underscored.

The United States, for one, provides a plethora of empirical data and theoretical material in the study of border crisis declarations. Although the phenomenon of a border crisis declaration is fairly recent, Donald Trump's declaration of a crisis at the southern US border in October of 2018 merely two weeks before the midterm elections provided the relevant framework for this study.

The 2018 US migrant caravan crisis is not the only historical pinpoint for this study. The US immigration crisis of 2014 when over 40,000 unaccompanied minors showed up at the southern border provides plenty of subject matter. Tracking further genealogies of border crisis at the southern border suggests a timeline that extends to 1990 at the end of Reagan's presidency, which, I argue, notably moved migration politics to a more neoliberal approach which I will further discuss in section five.

Overall, the US offers precision in the study of South-North migration, specifically migration due to political instability, violence, and climate change from poorer regimes—often with authoritarian tendencies—including Mexico, Guatemala, El Salvador, Nicaragua, and

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<sup>9</sup> This application can be extended to other migration flows, forms of governance, or party alignment.

Venezuela. The US also lends itself as a useful and precise case study in additional analyses of border technologies, refugee rights, international law, and sovereign interpretations of borders.<sup>10</sup>

Likewise, the European Union offers similar yet distinct empirical and theoretical evidence in state declarations of border crisis. The creation of EU's Schengen Area introduced relaxed internal migration controls, standards for immigration into the area, and increased cooperation between executive and judicial agencies for its twenty six member states. Differing from the US which has full control of its border policies, these member states must cooperate within a network of supranational organization and policy, introducing another level of analysis in the study of state declarations of border crises.<sup>11</sup> Whereas the US might feel more independent in declaring a border crisis, the EU has organized itself to incorporate national tendencies and supranational influences, ensuring open markets and regulated migration, making EU members more dependent on each other, and perhaps less inclined to declare border crises.<sup>12</sup> This follows the same logics of precision used for the US with respect to border technologies, refugee rights, international law, and sovereign interpretations of borders.<sup>13</sup>

Furthermore, the EU's social, economic, and political diversity in its membership offers an array of qualitative data and analyses in Foucauldian biopolitical, Marxist capitalist, and neoliberal theory.<sup>14</sup> Certain literatures have attempted to fuse some of these interrelated analytical axes arguing that neoliberalization, technologization, and outsourcing of border controls and the

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<sup>10</sup> Kevin R. Johnson and Bernard Trujillo, *Immigration Law and the U.S.-Mexico Border ¿Sí Se Puede?* (Tucson: University of Arizona Press, 2011), 13-19. See Mara Sidney, "Outsiders/Insiders," (2014), Robyn Magalit Rodriguez, "Interiorisation," (2014), and Kim Rygiel, "Border Control Politics," (2014).

<sup>11</sup> See Grainne de Burca, "EU Supranational Governance," (2018), and Ariadna Ripoll Servent and Florian Trauner, "Do Supranational EU Institutions," (2014).

<sup>12</sup> Gallya Lahav, *Immigration and Politics in the New Europe: Reinventing Borders (Themes in European Governance)* (Cambridge: Cambridge University Press, 2004), 205.

<sup>13</sup> See Nick Vaughan-Williams, "Border Politics," (2009), and Kim Rygiel, "Border Control Politics," (2014).

<sup>14</sup> Nicholas Paul De Genova, "The 'Crisis' of the European Border Regime: Towards a Marxist Theory of Borders," *International Socialism*, no. 150 (April 4, 2016): 38-42.

emergence of a strong discourse of 'humanitarian' border security accompanying this militarization of the European borderscape has effectively curtailed access to asylum and international protection.<sup>15</sup> While this paper will study the political theory of the US-Mexico case in section five, the EU offers tantamount evidence in studying how border crisis management has serious implications in the biopolitics of migrant life.<sup>16</sup>

In utilizing the strength of their geopolitical, socio-economic, and cultural diversities, EU member states offer valuable insights that can be comparatively analyzed with other South-North and North-North migration movements in both the US and other EU members.<sup>17</sup> Using this methodology, border crisis declarations can be studied in a top-down approach that can be inductively reproduced for other states outside North America and Europe to comparatively analyze border crisis declarations across a variety of disciplines such as criminology, sociology, legal theory, and philosophy.<sup>18</sup> Ultimately, applying these models to other migrant- and refugee-prone countries such as Ethiopia and Uganda, which are two of the largest migrant and refugee destinations in Africa, could offer insights worthy of future study.

Overall, like the US, the EU offers the same comparative analytical framework in assessing certain migration flows which, too, includes migration caused by terrorism, climate change, and political instability from poorer countries—often with authoritarian tendencies—including Syria, Afghanistan, South Sudan, Libya, Palestine, Rwanda, Somalia, and the former Yugoslav

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<sup>15</sup> Nick Vaughn-Williams, *Europe's Border Crisis: Biopolitical Security and beyond* (Oxford: Oxford University Press, 2015).

<sup>16</sup> See Robert Esposito, *Terms of the Political: Community, Immunity, Biopolitics* (New York: Fordham University Press, 2013).

<sup>17</sup> This also includes North-South flows within the EU only.

<sup>18</sup> See Amy Nethery, "Immigration Detention in Australia" (PhD diss., Deakin University School of International and Political Studies, 2010), 1-4, David K. Androff et. al., "U.S. Immigration Policy and Immigrant Children's Well-Being: The Impact of Policy Shifts," *Journal of Sociology and Social Welfare* 38, no. 1 (March 2011): 77-98, and Tally Kritzman-Amir and Thomas Spijkerboer, "On the Morality and Legality of Borders: Border Politics and Asylum Seekers," *Harvard Human Rights Journal* 26, (2013): 16-22.



Federation. Various studies have focused on migration crises within certain EU member states such as Italy in 2011, Malta in 2014, Turkey<sup>19</sup> in 2013, Bulgaria and Greece in 2015, and Hungary in 2017.<sup>20</sup>

### 3 Hypotheses and Mechanisms

This study tests hypotheses about the role of non-migration factors such as federal or supranational migration politics and fixed electoral cycles in the declaration of border crises. The central mechanisms underlying this research are federal or supranational politics and domestic audience costs. Because migration is situated as a naturally external phenomenon, domestic audience costs can influence the declaration of a border crisis and thus shape state policy.

The binomial structure of migrant politics has mostly been interpreted in terms of migrants as the objects of politics rather than the subjects.<sup>21</sup> The dichotomy between migrant as object or subject has led to unaccounted consequences in how state behavior ultimately affects and shapes domestic discourse on migrant rights. This study aims to explain one form of state behavior—border crisis declarations.

Recent literature has focused particularly on how states label, categorize and, in turn, differentiate between ‘refugees’ and ‘migrants’ arguing that these labels have been used to justify policies of exclusion, exploitation, and containment. These “politics of categorization” have enormous implications on the kind of legal and moral obligations receiving states and societies

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<sup>19</sup> Although Turkey is not a member of the EU, it offers crucial insights as the largest host for immigrant refugees. Additionally, it lends itself useful to the study of intermediary states and North-North migration

<sup>20</sup> See Glenda Garelli and Martina Tazzioli, “Arab Springs Making Space,” (2013), Silja Klepp, “Malta and the Rescue,” (2014), Sabine Ruß-Sattar, “Building Borders on a Bias,” (2014), and A. Kallius, D. Monterescu, and P.K. Rajaram, “Immobilizing mobility,” (2016).

<sup>21</sup> Nicola Montagna, “Dominant or subordinate? The relational dynamics in a protest cycle for undocumented migrant rights,” *Ethnic and Racial Studies* 41, no. 5 (2018): 785-791.

feel towards them.<sup>22</sup> Other pieces of literature have challenged this notion of “categorical fetishism,” arguing that dominant categories fail to adequately capture complex relationships between political and socio-economic drivers of migration.<sup>23</sup>

Domestic audience costs are a primary mechanism for border crisis declarations because of this dichotomy and tools like the politics of categorization. Much research suggests that generating domestic audience costs allows states to credibly signal intentions during interstate crises such as a border crisis.<sup>24</sup> Additional studies have shown that rather than assuming a leader has a binary choice of following through with an initial threat or backing down completely, real world leaders often practice policy substitution.<sup>25</sup> Generating domestic audience costs allow politicians to treat migrants and refugees as objects of domestic political processes.

Following this logic, politicians who view migrants as objects will be more likely to put domestic audience costs above the moral demands of migrant rights, and thus declare a border crisis for political (i.e. electoral) gain. Further research has shown that even the manner in which the border crisis is declared through the mechanisms of political rhetoric and media framing can affect audience costs.<sup>26</sup>

Other literature shows that populist politics within central Europe, namely in Sweden and Germany, have pushed the migration debate from an issue of ‘value conservatism’ to an issue of ‘market liberalism’ driving migration policy through careful, pragmatic initiatives to regulate the

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<sup>22</sup> Nando Sigona, “The contested politics of naming in Europe’s ‘refugee crisis’,” *Ethnic and Racial Studies* 41, no. 3 (2018): 456-460.

<sup>23</sup> Heaven Crawley and Dimitris Skleparis, “Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe’s ‘migration crisis’,” *Journal of Ethnic and Migration Studies* 44, no. 1 (2018): 48-55.

<sup>24</sup> See James D. Fearon, “Domestic Political Audiences,” (1994), Kenneth A. Schultz, “Domestic Opposition,” (1998), Jessica L. Weeks, “Autocratic Audience Costs,” (2008).

<sup>25</sup> Erik Lin-Greenberg, “Backing Up, Not Backing Down: Mitigating Audience Costs Through Policy Substitution,” (Working paper, Columbia University, 2018), 2.

<sup>26</sup> See Matthew S. Levendusky and Michael C. Horowitz, “When Backing Down,” (2012), Graeme A. M. Davies and Robert Johns, “Audience Costs among the British Public,” (2013), and Philip B. K. Potter and Matthew A. Baum, “Looking for Audience Costs,” (2014).

inflow of foreigners, promote integration, and facilitate the acquisition of citizenship status. This literature concludes that it is critical whether parties address immigration in terms of an ideological position or in terms of policy competence.<sup>27</sup> Given the debate in surrounding literature, populist politics have shown no sign in yielding their stake in national identity politics, specifically in their hard opposition to legal and social integration of migrants.

As a result, populist governments and their policies become mechanisms that increase the likelihood of border crisis declarations, but they do so, not in the interest of political gain, but in the interest of their ideological underpinnings. Nonetheless, domestic audience costs can be linked to the need to adhere to those same ideological beliefs, and thus affect the likelihood of border crisis declarations.

One could also induce that another mechanism for the declaration of a border crisis is the number of times a state has previously declared a border crisis. Although border crisis declarations appear to be recent phenomena in tandem with the global migration crisis, migration crises and their declarations are not new. States that have tried and succeed in their goals in declaring a crisis at the border tend to do so again and again. In conclusion, my hypotheses are as follows:

1. *States will be more likely to declare a border crisis if the governing political party is populist or right-leaning.*
2. *States will be more likely to declare a border crisis if the migration crisis occurs during a federal election cycle.*
3. *States that have declared a border crisis in the past will be more likely to declare a border crisis in the future.*

In conclusion, I hypothesize that declarations of border crises follow traditional party and ideological arrangements, and voters reward those politicians who value domestic audience costs

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<sup>27</sup> Oliver Schmidtke, "Between Populist Rhetoric and Pragmatic Policymaking: The Normalization of Migration as an Electoral Issue in German Politics," *Acta Politica* 50, no. 4 (October 2015): 379-388.

over demands of migrants. With the future of migrant rights at stake, this scientific study can help predict future state behavior and political decisions that affect the lives of these migrants.

## 4 Operationalizing Empirical Strategy

I employ the use of a novel research design that attempts to determine the maximum likelihood estimation of a state's declaration of a border crisis. I take advantage of several exogenous non-migration factors that influence the declaration of a border crisis. Utilizing cross-sections of longitudinal migration and refugee data by OECD, World Bank, and UNHCR from 1990 to 2017, in coordination with official government press releases, public newspaper data, country-specific border patrol data, and on-record statements from government officials, I utilize timing of migration crises, fixed electoral cycles, populist governance, and number of previous declarations using a multiple regression probit model to determine the cumulative probability that a specific state will declare a border crisis.

The dependent variable ( $Y = Declaration$ ) in this probit model is a binary variable; either a border crisis will be declared ( $Y = 1$ ) or not ( $Y = 0$ ). The first regressor ( $X_1 = Timing$ ) is a continuous random variable for the timing of migration crises. The second regressor ( $X_2 = Election$ ) is a dummy variable for whether or not an election is happening that year. The third regressor ( $X_3 = Populist$ ) is a dummy variable for whether or not the governing party is populist or right-leaning. The fourth regressor ( $X_4 = PrevDec$ ) is measured by the number of times a state has previously declared a border crisis. Finally, I introduce two interaction variables ( $X_1 * X_2 = Timing * Election$ ;  $X_1 * X_3 = Timing * Populist$ ) to identify the additional effects of having a migration crisis in an election year and of having a migration politics while a populist party is in control of government.

$$(1) \quad \Pr(Declaration_{it} = 1 | X_1 \dots X_5) = \phi[\beta_0 + \beta_1 Timing + \beta_2 Election + \beta_3 Populist + \beta_4 PrevDec \\ + \beta_5 Timing * Election + \beta_6 Timing * Populist] + u$$

**Timing of Crises:** I utilize data from the UNHCR and country-specific border patrol or customs agencies to measure the time at which migrants show up to the border in groups large enough to induce a crisis. Using data of border-apprehensions and asylum applications, I am able to consistently and efficiently estimate the time at which a migrant crisis is occurring.

**Electoral Factors:** Country-specific election data will measure the binary variable that an election is or is not happening in that given year.

**Populist Politics:** The Timbro Authoritarian Populism Index maps the status of populist parties in all parliamentary elections in Europe from 1980 to 2017. Using this data, I am able to identify the mechanism of populist politics across Europe and assign the binary variable appropriately. Fortunately, the only case outside of Europe is the US, to which I assign the populist variable given Trump's campaign and presidential statements on migration.

**Previous Declarations:** I measure previous border crisis declarations as a random continuous variable. I utilize official government records, press data, and press releases to measure how many times a government has previously declared a border-crisis.

Because the model I employ is not equipped to forecast likelihood, I am only interested in determining the maximum likelihood estimation that a state will declare a border crisis given the specific variables I have defined and measured at an instant in time. Conversely, this model does not use fixed-effects or time series, which could limit the analytical interpretation and external validity of this model. Additionally, the internal validity of this model might be complicated by omitted variable bias and errors-in-variable as a result of imprecise measurement techniques. The external validity of the model should hold, ultimately yielding results that offer scientific evidence

that border crisis declarations are more likely to occur given the crisis occurs during populist governance, during an election year, and after previous crises had already been declared.

In conclusion, this model provides scientific evidence about how state behavior is influenced by the mechanisms described in section three. Section five will apply the theoretical concepts of this model in the case of US and Mexico. Section six will conclude my findings.

## 5 Political Theory Case Information: US & Mexico

Trump's militarization of the southern border, declaration of a border crisis two weeks before the midterm elections, threats to end birthright citizenship, and his overall tendency to thrust immigration to the center of national politics, whether on the campaign trail or in the White House, mechanized my research questions and strategy. As one Huffington Post described the October 2018 crisis declaration, "Facing an election cycle that imperils the Republican majority in the House of Representatives, the president's message is clear: Voters should blame Democrats for a nonexistent catastrophe at the border."<sup>28</sup>

First and foremost, the case study of US and Mexico offers itself useful not only in the application of my empirical strategy, but also in a theoretical analysis on border crisis declarations as methods of biopolitical control and exploitation. Migrant movements unfolding across the world, including in Central and North America, have produced a global crisis of statelessness leaving migrants up to political and economic exploitation. There are currently ten million stateless people worldwide who have been denied a nationality and access to basic rights such as education, health care, employment and freedom of movement. When states declare border crises for political

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<sup>28</sup> Roque Planas, "Donald Trump Is Fabricating A Border Crisis Before A Major Election," *The Huffington Post*, November 5, 2018, [https://www.huffingtonpost.com/entry/donald-trump-fabricating-border-crisis-before-election\\_us\\_5be0a522e4b09d43e321d731?ncid=txtlnkusaolp00000616](https://www.huffingtonpost.com/entry/donald-trump-fabricating-border-crisis-before-election_us_5be0a522e4b09d43e321d731?ncid=txtlnkusaolp00000616). (Accessed November 21, 2018).

gain, treating migrants as objects of a political destiny rather than as subjects of their own destiny, states fail in their cooperation with international law and human rights, and open up the doors to additional exploitation by terrorist, trafficking, and gangs.

In other cases, such as the case of the “Oaxacan Trump,” US policy has effectively transformed neighboring state behavior to repeat the same disregard to human rights and international law to which migrants and refugees are entitled under international agreements. In the southern Mexican state of Oaxaca, drawing on populist support and anxieties over migration from Central America, the mayor of Chahuities, Leobardo Ramos, has forced the closure and relocation of a local migrant shelter. Ramos has mobilized an aggressive campaign against Central American migrants, galvanizing local anti-immigrant sentiment, describing migrants as “troublemakers” and “unruly,” linking an increase in municipal crime to the presence of Central American migrants in the local shelter. A majority of residents supported Ramos’ view that migrants caused significant “problems for the population.” Eventually, the town eliminated the shelter in July 2017. Now, migrants must walk over 100 miles to reach the nearest shelter, located along a stretch known to migrants as “the gateway to Hell.”<sup>29</sup>

A Marxist reading of this specific case would call into question the Marxist notion of borders as socio-political relations, and thus, relations of struggle (i.e. capitalist exploitation). In the process of objectifying borders into seemingly fixed and stable thing-like realities with a semblance of durability and intrinsic power as opposed to socio-political relations, the US exerts an objectification and fetishization of borders that in turn alienates the species-being. Rather than seeing borders as the result of the action of bordering—instead of seeing “the border” as the *product* of all this work (passport checks, fences, policing)—we are induced to see all these diverse

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<sup>29</sup> Jared P. Van Ramshorst, “Anti-immigrant Sentiment, Rising Populism, and the Oaxacan Trump,” *Journal of Latin American Geography* 17, no. 1 (2018): 253-256.

human activities as merely derivative features that emanate from the apparently already-existing reality of borders.<sup>30</sup>

Border crisis declarations subsume this cycle of objectification whereby the very act of declaring a border crisis precisely signifies the politicization of the elemental human freedom of movement by subjecting human mobility to state power. Naturally, through this act of exclusion in the exercise of state power for economic and political exploitation, the quasi-stateless condition of undocumented immigrants comes into focus.

Because border crises have huge implications on local and international political economies, the issue of statelessness at the heart of border crises becomes an issue of economic exploitation. Using Hannah Arendt's logics of superfluousness—reducing individuals to oblivion as the goal of totalitarianism—the language of alienation and objectification is critically linked to undocumented labor and the role it plays in both the United States' and global political economies.<sup>31</sup> The biopolitical control of undocumented life positions state power as the salient operational method that reproduces methods of oppression, exclusion, injustice, and death.<sup>32</sup>

Scholarship on the politics of citizenship seems to justify this movement of the undocumented condition as a movement towards final devotion to the subordination of their labor. This movement is best accomplished only insofar as their incorporation by state power is persistently beleaguered with exclusionary campaigns that ensure that this inclusion is itself a form of subjugation.<sup>33</sup> The performative creation of the undocumented immigrant has itself served to exact and deliver the state's biopower.<sup>34</sup>

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<sup>30</sup> Paul De Genova, "The Crisis," 47.

<sup>31</sup> Cristina Beltran, "Going Public: Hannah Arendt, Immigrant Action, and the Space of Appearance," *Political Theory* 37, no. 5 (October 2009), 603.

<sup>32</sup> See Özgün E Topak, "The Biopolitical Border in Practice," (October 2014).

<sup>33</sup> Paul De Genova, "The Crisis," 31-35.

<sup>34</sup> See J. Nevins, *Operation Gatekeeper*, (New York: Routledge, 2002).



Conclusively, in developing a political theory for border crisis declarations, I have shown that these declarations, and generally, borders, are struggles between relations of power. When states exercise biopolitical control over borders and migrant life for political or economic gain, they further create conditions that only serve to extend the oppression. Evident through Marx, these forms of exploitation only serve to continuously reproduce themselves across new agents and structures of power. As shown in the empirical strategy that border crisis declarations are largely used for political gain, coupled with the theoretical implications of the US-Mexico case study, this study has presented varying yet equally intensive levels of analysis to border crisis declarations as methods of exploitation and oppression.<sup>35</sup>

## 6 Conclusion

This study has provided a multidisciplinary approach in determining the factors that lead to border crisis declarations. Using a national and supranational organizational framework and top-down approach allowed for an econometric study that tested the likelihood of a state declaring a border crisis given non-migration factors related to partisan alignment, election cycles, and previous declarations, this study lends itself useful in predicting state behavior and the political destinies of migrants and refugees.

One possible limitation of my study could be the non-randomization of sample subjects. Because this empirical strategy was inductively framed, error in induction could have possibly limited this study. Another possible limitation could be in the internal validity of the model due to omitted variable bias given that not much is known about this mechanisms of border control technology.

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<sup>35</sup> Sandro Mezzadra, *Border as Method* (Durham: Duke University Press, 2013); This is what is meant by “borders as method”: the operation of borders is crucial in the operation of global politics, agencies of governance, and capital.

Ultimately, the future of international law and human rights are at stake. In declaring border crises, states could arguably suspend normal procedural methods for purposes of national security. The legitimacy of international law and its indeterminacy is further called into question by the strategic, but boundedly rational nature of individuals and organizations, which prompts them to attempt to bend ambiguous rules to fit their own preferences.<sup>36</sup> However, this is a generous assumption because border politics and immigration law already function outside the rule of law. Increases in border crisis declarations only serve to push migrant legal protections from the uncertain to the impossible making them more susceptible to human trafficking and gang violence.

When states declare border crises instead of employing legislative and fiscal solutions to migration crises, they operate border control technologies of oppression, exploitation, and exclusion for political and economic gain. One area for future study could potentially take a criminological approach in the suspension of legal protection as a result of a declaration. Other studies could offer a Marxist critique of capitalism by tracking the effects of a crisis declaration on border-zone labor markets. Because this phenomenon is so recent and the literature still so sporadic, there is still so much to learn about border crisis declarations and their role as border control technologies of the twenty-first century.

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<sup>36</sup> Tonya L. Putnam, "Framing the Issues," in *Intermediacy, Law, and International Politics*, (Working draft, Columbia University, September 18, 2018), 1-10.

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