

**Borders:  
Rights-  
Violating &  
Violent**

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# Borders:

- Tightened borders:
  - make it exceedingly difficult for immigrants to seek naturalization and permanent citizenship
- Border control policies:
  - claimed as extension and right of national sovereignty of state (**David Miller**)
  - pose as physical and ideological barriers to safety and protection for migrants (**Matthew Longo, Arash Abizadeh**)
- The structural harm of borders have and continue to lead to violent human rights violations and abuses (**Case Studies 1 & 2**)
- The case for open borders (**Jeroen Doomernik, Harald Bauder, Joseph Carens, Audrey Macklin, Seyla Benhabib, Antonia Darder**)

# Defense of Border Policies:

David Miller

- Borders and border control policies are not rights-violating because there is no human right to freely move across borders
- Right to exit does not mean right to unrestricted immigration
- Immigrants cannot claim rights in the same way citizens do
- Only exception is *non-refoulement* principle: if denying entry could directly lead to individual's death



Image Source: Al Jazeera

# Harm of Borders:

## Longo: Structural Harm

- Border control technologies, intra-agency cooperation, and militarization of U.S border after 9/11 make borders a “panoptic” and “peripheral” space
- Prioritizes protecting sovereignty over protecting human life at the border
- Imperial ideology behind borders allows violence without accountability

## Abizadeh: Ideological Harm

- Democratic theory does not support a unilateral right to control and close borders on the basis of self-determination and protecting sovereignty
- Distinction between controlling movement of citizens vs. forcible control of migrant movement

# Case Study 1:

## U.S. - Mexico Border

- 1998 report of human rights violations at the border between 1995-1997 in the Southern California region
- Describes unlawful intimidation tactics and violence of U.S. Border Patrol
- Brenda Catalina Ramons - 18 year old U.S. citizen forced to falsely confess and has her documents confiscated at the border
- Berta Alicia Chavez - non-english speaker forced to sign papers saying her documents were fraudulent, deported and had to wait for family to prove her citizenship



*Image Source: Al Jazeera*

# Case Study 2:

## Border Network for Human Rights report 2006

- Spoke to hundreds of families on human rights abuses at the border, sent report to the United Nations Human Rights Committee
- Outlines border security legislation and policies that allow routine violation of Articles 6,9, 16, 17, and 26 in the International Covenant on Civil and Political Rights
- Outlines systematic violation of civil and human rights of individuals at the border leading to migrant death because of unlawful and arbitrary interference



*Image Source: witness.org*

# A Case for Open Borders:

Doomernik - states cost of enforcing immigration law is at \$17 Billion; advocates for smaller, less invasive, and more cost-effective state intervention

Bauder - proposes domicile-based citizenship to replace birthright citizenship

Carens - argues citizens and non-citizens should be treated as free and equal human beings; open borders would affirm liberal character of state and principles of justice

Macklin - argues that adherence to liberal principles include non-discrimination

Benhabib - proposes cosmopolitan federalism to control the economic globalization that has made borders more hostage than sovereign

Darder - states internationalization of capital depends on exploitative labor force; supports disrupting neoliberal policy and advocates for the right of personal self-determination to leave or stay

# Conclusion:

- Borders are structurally and ideologically harmful
- Tightened borders and current border control policies are unlawful and violent
- Studies show U.S. border control use intimidation to detain and deport U.S. citizens
- According to reports, border control policies violate numerous rights granted by the articles of the International Covenant on Civil and Political Rights
- Open borders would be more economically effective and reinforce liberal democratic values and ideals



*Image Source: [filmsforaction.org](https://filmsforaction.org)*