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Canada

Research Brief no. 38

Border Patrols Between Ports of Entry

BUILDING A **SAFE** AND **RESILIENT CANADA**

Borders help define nation states. The resources, techniques, and organizational models used to patrol borders, however, differ.

This paper comprehensively describes the current efforts to manage borders between highly organized ports of entry (POEs) in the European Union (EU), the United Kingdom (UK), and the United States (US), which seem to have much in common with Canada, namely long coastlines and land borders. They also share democratic ideals and similar political institutions that address illegal immigration, smuggling, and the potential for terrorism, even when their citizens have expectations of freedom of travel across borders.

The paper also considers possible issues related to the transferability of the Schengen regime (EU system) to nation states situated in South Eastern Europe, as well as the transferability of certain elements of the EU, the UK and the US regimes to Canada, which does not have a national program between its POEs.

Border controls continue to dominate the security agenda in most nation states, including the UK, the US and Canada. The transnational phenomena of terrorism, drug trafficking, organized crime, and irregular migrant movements are recognized as having profound security implications. Heightened border security measures between POEs and at the formal POEs post-9/11 have reshaped border crossings globally, irrespective of modes of transportation used. When the 'political lock-down' or hardening of the US borders occurred, there were serious social and economic impacts in all sectors of the global economy. The sectors of immigration, international trade, transportation and tourism were particularly hard hit.

Although the EU, the UK, the US and Canada use different border patrol strategies, they recognized the need to 'balance' their use of sophisticated technology and cross border regional cooperation to facilitate and expedite access for people and goods. Concurrently, this technology is being employed to interdict and stop terrorists, organized crime and the movement of irregular migrants, illicit goods and contraband from entering their country or region.

Despite using different border patrol management strategies, the EU, the UK, the US and Canada make use of common ways of addressing cross border security issues between POEs. First, each border regime uses response-threat analysis that allows them to focus their capabilities against the highest threats and rapid response between POEs. Second, each regime uses a mix of next generation and traditional technologies to assist border patrol agents in closing off all unauthorized routes used for illicit crossings outside their formal POEs. Third, regional and bilateral cooperation administrative arrangements are established for the sharing of information in innovative ways taking into account their respective budgetary environments. Cooperative initiatives may involve undertaking joint operations or using joint mobile units. This is the case within the EU and the US. For example, FRONTEX, an EU agency, was established to support EU Member States in joint operations at the EU external borders. Fourth, law enforcement agencies are increasingly dependent on these tools for establishing border security between POEs due to the magnitude of the areas under surveillance.

These facilitators or tools present challenges to law enforcement agencies in each regime due to uncertainty associated with using high risk investments, such as untried technologies. For example, despite evidence of the US experience, researchers have noted that EU institutions ignored the US information when presenting their proposals for two new border surveillance initiatives: the EUROSUR and the 'smart borders package' without demonstrating 'a pressing social need' (Hays and Vermeulen 2012, 7).

Unintended and secondary results of border security enforcement between the formal POEs include:

- improved savvy of traffickers (e.g., circumventing law enforcement techniques by using advanced technology found on the Internet);
- environmental impacts (e.g., the vast areas between the formal POEs are sensitive environmental areas often containing species at risk which are adversely effected by the establishment of infrastructure and irregular migrant movements); and
- legal issues (e.g., increasing sophistication of surveillance technologies used in each regime may present potential sovereignty and privacy concerns that may not have been tested in case law).

The discussion paper has been prepared using the Campbell Systematic Review, which involves using explicit criterion to limit hidden biases and assumptions, thus enabling a replication of the research by others. This research included a systematic review of empirical and narrative studies of the border regimes applied between the official POEs in regions of interest, such as the EU-Schengen area, and countries of interest, such as the UK, the US and potential EU candidates situated in South Eastern Europe. This approach permitted a current and comprehensive assessment of the present state of literature so that informed recommendations can be made about its potential application in the Canadian context or for the future development of policy and legislation.

Koren, Elaine (2013). *Border Patrols Between Ports of Entry.* Ottawa, ON: Public Safety Canada.

For more information on organized crime research at Public Safety Canada, please contact the Organized Crime Research Unit at ocr-rco@ps-sp.gc.ca.

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