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# At the Border of Rights

A Partnership of North America's Top Three Powers

## About the Article

As in the past, the fragmentation of the global economy and the formation of geopolitical blocs inevitably lead to the emergence of monetary blocs and changes in the system of international payments and international currency. In this text, we will attempt to outline some key elements of the dynamics of these changes and the possible trajectories for the formation of a new international monetary architecture.

## About the Author

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## 1. Introduction

**M**igration governance in North America has increasingly been shaped by a security-oriented political framework in which border control, deterrence, and territorial sovereignty frequently take precedence over humanitarian protection obligations. Whilst the United States and Canada both publicly position themselves as defenders of human rights and international protection norms, their migration policies often reveal a profound contradiction between political discourse and operational practice. Women and children, who constitute a significant proportion of displaced and irregular migrant populations, are particularly affected by this tension. Far from merely failing to protect vulnerable individuals, contemporary migration policies frequently produce and intensify the very forms of insecurity they claim to mitigate.

In recent decades, migration has progressively been reframed within political and media narratives as a matter of national security rather than humanitarian responsibility. This securitisation of migration has justified the expansion of border enforcement mechanisms, restrictive asylum procedures, detention infrastructures, and deterrence-based policies designed to reduce irregular arrivals. Although these measures are often presented as necessary responses to organised crime, trafficking networks, and border instability, their practical consequences disproportionately affect women and children. Restrictive legal pathways compel migrants towards increasingly dangerous transit

routes, heightening exposure to sexual violence, extortion, human trafficking, family separation, and long-term psychological trauma.

This article argues that migration policies in North America, particularly in the United States and, to a lesser extent, Canada, actively contribute to the vulnerability of women and children through security-driven governance frameworks that prioritise deterrence over protection (British English). By examining border control strategies, detention practices, asylum restrictions, and interstate cooperation mechanisms, this analysis demonstrates how state policies can become structural producers of gendered and age-specific harm. Rather than

**Securitisation of migration: the process through which migration is framed as a national security threat requiring restrictive state intervention.**

offering a purely humanitarian account of migrant suffering, the article focuses on the political logic underpinning contemporary migration governance and the contradictions that emerge between state security priorities and international human rights commitments.

## 2. The Securitisation of Migration in North America

The securitisation of migration refers to the political process through which migration is constructed as a threat requiring exceptional state intervention. Since the early 2000s, and particularly following the attacks of 11 September 2001, migration governance in the United States has become increasingly intertwined with national security policy. Border management, immigration enforcement, and

asylum procedures have gradually shifted away from humanitarian and administrative approaches towards highly militarised systems centred upon surveillance, deterrence, and territorial defence.

The creation of the U.S. Department of Homeland Security in 2002 fundamentally transformed immigration governance by incorporating migration management into broader security architecture. Agencies such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) acquired expanded powers and resources, whilst successive administrations intensified border enforcement strategies through physical barriers, surveillance technologies, detention expansion, and expedited removal procedures. Although political rhetoric surrounding immigration differs across administrations, the underlying emphasis on deterrence has remained remarkably consistent.

Within this framework, irregular migration is frequently portrayed not as a consequence of conflict, poverty, persecution, or institutional instability, but as a challenge to state sovereignty and public order. Political discourse often associates migration with criminality, border chaos, and economic pressure, thereby legitimising restrictive policies presented as necessary for national protection. However, the securitisation of migration tends to obscure the differentiated impact of these policies upon specific populations, particularly women and children.

One of the clearest examples of deterrence-oriented migration governance emerged through policies designed to restrict asylum access at the U.S.–Mexico border. Measures such as the “Remain in Mexico” programme, formally known as the Migrant Protection Protocols (MPP), required asylum seekers to await immigration hearings in Mexican border regions characterised by high levels of violence, organised crime, and institutional insecurity. Numerous humanitarian organisations documented widespread incidents of kidnapping, sexual assault, extortion, and trafficking affecting migrants stranded in these areas. Women travelling alone and families with children were especially exposed to abuse due to their precarious legal and economic circumstances.

**Contemporary migration policies frequently produce the very forms of insecurity they claim to prevent.**

Similarly, the use of Title 42 during the COVID-19 pandemic enabled U.S. authorities to rapidly expel migrants and asylum seekers under public health justifications, significantly limiting access to asylum procedures. Although framed as a sanitary measure, critics argued that the policy functioned primarily as a migration deterrence mechanism. Rapid expulsions often forced migrants into dangerous border environments or compelled repeated crossing attempts, increasing vulnerability to criminal networks and exploitative actors.

Canada, whilst maintaining a more humanitarian international image, has also adopted restrictive measures that contribute to precarious migration conditions. The Safe Third Country Agreement (STCA) between Canada and the United States

restricts asylum claims made at official border crossings by requiring claimants to seek protection in the first “safe” country they enter. In practice, many asylum seekers have attempted irregular crossings to avoid ineligibility under the agreement. This dynamic demonstrates how legal restrictions intended to manage migration flows may indirectly encourage dangerous and irregular migration pathways.

The securitisation of migration therefore extends beyond physical borders; it shapes legal frameworks, political narratives, and institutional practices that systematically prioritise deterrence over protection. Within these systems, vulnerability is not accidental but structurally embedded.

The divergences and convergences between American and Canadian migration governance illustrate how both states, despite differing

political narratives, increasingly rely upon restrictive mechanisms prioritising migration control over protection obligations.

### 3. Gendered Vulnerabilities and the Production of Insecurity

Women experience migration through profoundly gendered forms of vulnerability that are frequently intensified by restrictive border policies and inadequate protection mechanisms. Whilst women may migrate for a variety of reasons, including economic necessity, political persecution, gender-based violence, or family reunification, migration governance frameworks often fail to account for the specific risks they encounter throughout transit, detention, and asylum procedures.







Restrictive migration policies contribute directly to the expansion of informal migration networks by

**Figure 1. Security-Oriented Migration Governance in the United States and Canada**

A comparative policy analysis of how security-first migration frameworks create structural vulnerabilities and physical risks for women and children.

**The Securitisation of Migration:** The political process of constructing migration as a national security threat requiring exceptional state intervention, such as militarised surveillance and deterrence-based laws.

**Gendered and Age-Specific Vulnerabilities:** Migration policies are not neutral; they disproportionately expose women and children to trafficking, sexual violence, and psychological trauma.

Dimension	United States	Canada	Structural Consequences for Women and Children
 <b>Border Enforcement</b>	Militarised southern border; CBP surveillance; physical barriers; expanded enforcement powers.	Less militarised physical border but reinforced cooperation with U.S. border systems.	More dangerous irregular crossings; increased exposure to trafficking and violence.
 <b>Asylum Restrictions</b>	Title 42 expulsions; Migrant Protection Protocols (MPP); expedited removals.	Safe Third Country Agreement (STCA) limits asylum access at official crossings.	Reduced access to protection; increased use of irregular migration routes.
 <b>Deterrence Policies</b>	Family separation practices; detention expansion; anti-irregular migration deterrence measures.	Restrictive bilateral coordination with U.S. migration governance.	Psychological trauma; prolonged insecurity for women and children.
 <b>Detention Practices</b>	Large-scale immigration detention infrastructure, including facilities for minors.	Smaller detention system but ongoing criticism regarding migrant detention.	Mental health deterioration; developmental harm for children.
 <b>Externalisation</b>	Cooperation with Mexico and Central American states to contain migration flows.	Reliance upon the United States as a ‘safe third country’.	Migrants stranded in unsafe transit regions with elevated violence risks.
 <b>Political Narrative</b>	Migration framed as a national security and sovereignty issue.	Humanitarian discourse combined with increasingly restrictive management.	Gap between human rights rhetoric and operational practices.

**Data Synthesis:** Source: Author’s comparative synthesis based on UNHCR, Global Detention Project, Wilson Center, Immigration Hub, Government of Canada, and Human Rights Watch data.

## MAP 2. KEY NORTH AMERICAN MIGRATION ROUTES

Main routes into, within and out of North America



limiting safe and legal mobility channels. As legal entry routes become increasingly inaccessible, many migrants rely upon smugglers or criminal intermediaries to navigate border crossings. This dependence exposes women to heightened risks of exploitation, coercion, and sexual violence.

The migration route through Central America and Mexico towards the United States is particularly associated with widespread gender-based violence. Human rights organisations have repeatedly documented cases of rape, forced prostitution, extortion, and trafficking affecting migrant women during transit. Many women undertake migration journeys already aware of these dangers, with some reportedly taking contraceptive injections before departure due to

the anticipated risk of sexual assault.

Importantly, these forms of violence cannot be understood solely as consequences of criminality external to state structures. Restrictive border enforcement policies themselves contribute to the creation of dangerous migration environments by pushing migrants towards isolated routes controlled by organised criminal groups. Increased militarisation and surveillance at official border crossings do not eliminate migration; rather, they redirect movement into more precarious and less visible spaces.

Moreover, asylum systems often inadequately recognise gender-based persecution despite international legal developments acknowledging forms of violence such as domestic abuse, forced

marriage, sexual violence, and femicide as legitimate grounds for protection. In the United States, asylum recognition for gender-related claims has fluctuated significantly depending on political administrations and judicial interpretations. Such instability creates uncertainty for women seeking protection from gendered violence.

Detention practices further intensify vulnerability. Immigration detention facilities, whether publicly operated or privately managed, have been criticised for inadequate medical care, poor sanitary conditions, limited access to legal representation, and allegations of abuse. Women in detention may face barriers in accessing reproductive healthcare, psychological support, or protection from harassment. Pregnant women, survivors of sexual violence, and mothers with young children are particularly vulnerable within these institutional settings.

Beyond physical insecurity, migration governance can also produce forms of psychological and social vulnerability. Fear of deportation or detention may discourage women from reporting abuse, trafficking, or exploitation to authorities. Undocumented migrant women experiencing domestic violence, labour exploitation, or sexual abuse may avoid seeking institutional protection due to concerns regarding immigration enforcement. Consequently, migration status itself becomes a mechanism through which vulnerability is reproduced and sustained.

The contradiction at the heart of these policies is striking. Governments frequently justify restrictive migration measures as necessary tools to combat trafficking and protect vulnerable populations. Yet

the restriction of legal migration pathways often strengthens the influence of smuggling and trafficking networks by increasing migrant dependence upon irregular routes. In this sense, security-driven migration governance may inadvertently reinforce the very criminal economies it claims to suppress.

#### **4. Children, Detention, and the Politics of Deterrence**

Children occupy a particularly revealing position within North American migration governance because their treatment exposes the tension between deterrence-based enforcement and internationally recognised protection standards. Whilst political leaders frequently invoke the need to protect children, migration policies have repeatedly subjected minors to detention, family separation, prolonged uncertainty, and severe psychological distress.

One of the most controversial examples emerged through the U.S. “zero tolerance” policy implemented in 2018, under which migrant parents crossing the border irregularly were criminally prosecuted, resulting in the separation of thousands of children from their families. Although officially justified as a law enforcement measure intended to deter irregular migration, the policy generated widespread international condemnation. Human rights organisations, medical professionals, and child psychologists warned of the severe emotional and developmental consequences associated with forced family separation.

The trauma experienced by separated children illustrates how suffering itself can become embedded within deterrence strategies. The

objective of such policies is not merely administrative management but behavioural influence: by demonstrating the harsh consequences of irregular migration, states seek to discourage future arrivals. Within this logic, vulnerability becomes politically functional.

Even beyond family separation policies, immigration detention remains deeply problematic for children. Numerous studies have highlighted the harmful psychological effects associated with child detention, including anxiety, depression, sleep disorders, developmental regression, and post-traumatic stress symptoms. Conditions within detention facilities, particularly during periods of overcrowding, have repeatedly attracted criticism for inadequate hygiene, insufficient healthcare, and limited educational provision.

Unaccompanied minors face additional vulnerabilities. Children travelling alone are especially exposed to trafficking, exploitation, forced labour, and abuse throughout migration routes. Upon arrival, they may encounter complex asylum systems requiring legal and procedural navigation far beyond their capacities. Delays in asylum adjudication can leave children in prolonged uncertainty regarding their future, education, and family reunification prospects.

The Canadian system, whilst generally less punitive than that of the United States, has also faced criticism regarding the detention of migrant children and the treatment of asylum seekers under the Safe Third Country Agreement. Human rights advocates have argued that Canada's reliance upon the United States as a "safe" country for asylum seekers fails to adequately

account for systemic shortcomings within U.S. asylum and detention systems.

The treatment of migrant children raises fundamental ethical and political questions regarding the limits of state sovereignty and the obligations owed to vulnerable populations. International legal instruments, including the United Nations Convention on the Rights of the Child, emphasise that the best interests of the child should constitute a primary consideration in all actions affecting children. Yet deterrence-oriented migration governance frequently subordinates these principles to border enforcement priorities.

This contradiction is particularly significant because North American states simultaneously position themselves as defenders of liberal democratic values and human rights norms. The gap between international commitments and migration practices therefore undermines not only the protection of migrants but also the credibility of states claiming moral leadership on human rights issues.

## **5. Human Rights Commitments and Structural Contradictions**

The vulnerability produced by North American migration policies cannot be understood solely through individual policy failures or isolated abuses. Rather, it reflects deeper structural contradictions between humanitarian obligations and security-centred governance.

Both the United States and Canada are signatories to international refugee and human rights frameworks intended to protect displaced populations. These include the 1951 Refugee

Convention and its 1967 Protocol, as well as broader human rights instruments concerning torture, arbitrary detention, and child protection. Central principles such as non-refoulement prohibit states from returning individuals to situations where they face persecution or serious harm.

However, the implementation of migration policy often reveals a selective interpretation of these obligations shaped by domestic political pressures, electoral considerations, and sovereignty concerns. Governments frequently attempt to reconcile restrictive enforcement with humanitarian discourse by presenting deterrence policies as necessary for maintaining an “orderly” migration system. Yet this framing obscures the extent to which restrictive policies themselves generate insecurity.

The contradiction is especially visible in the relationship between security and protection narratives. States justify border enforcement as a means of combating trafficking, organised crime, and migrant exploitation. Nevertheless, by limiting legal mobility channels and restricting asylum access, they often increase migrant exposure to precisely these dangers. The result is a paradoxical system in which protection rhetoric coexists with policies that structurally reproduce vulnerability.

Interstate coordination mechanisms further complicate accountability. Agreements between states concerning border management, asylum responsibility, and migration control can diffuse responsibility across jurisdictions whilst reducing access to protection. The Safe Third Country Agreement between Canada and the United States illustrates how bilateral cooperation may

prioritise migration containment over individual protection needs.

Additionally, the increasing externalisation of border control — whereby states seek to prevent migration before migrants reach their territory — raises significant ethical concerns. Cooperation with transit countries for enforcement purposes may contribute to the containment of migrants within regions characterised by violence, institutional weakness, or insufficient protection infrastructures. In such contexts, the border effectively extends beyond national territory through transnational enforcement practices.

Political discourse also plays a central role in legitimising restrictive policies. Narratives portraying migrants as security threats or burdens upon public resources contribute to public support for punitive measures. Women and children may simultaneously be represented as vulnerable and instrumentalised within political debates concerning border control. Such representations often reduce migrants to symbolic figures within domestic political struggles rather than recognising them as rights-bearing individuals.

Ultimately, the persistence of these contradictions demonstrates that vulnerability within migration systems is not merely incidental but structurally produced through political choices. Border enforcement, detention, and asylum restrictions are not neutral administrative mechanisms; they reflect ideological priorities regarding sovereignty, security, and state control.

## 6. Conclusion

Migration governance in North America

increasingly operates through security-driven frameworks that prioritise deterrence, border control, and sovereignty over humanitarian protection obligations. Whilst the United States and Canada continue to present themselves as defenders of human rights and international norms, their migration policies frequently expose women and children to heightened risks of violence, exploitation, detention-related trauma, and prolonged insecurity.

This article has argued that the vulnerability experienced by migrant women and children cannot be understood solely as a consequence of migration itself or of criminal activity external to the state. Rather, contemporary migration policies actively contribute to the production of gendered and age-specific harm through restrictive asylum systems, detention practices, deterrence strategies, and the limitation of safe migration pathways.

Women are disproportionately exposed to sexual violence, trafficking, and exploitation within migration routes shaped by restrictive border regimes, whilst children face family separation, detention-related trauma, and developmental harm generated by enforcement-oriented policies. These outcomes reveal a profound contradiction between the humanitarian values publicly endorsed by North American governments and the operational realities of contemporary migration governance.

The central issue is therefore not simply whether migration systems adequately protect vulnerable populations, but whether current policy frameworks are themselves structurally incompatible with meaningful protection. As long as migration continues to be approached

primarily through a security lens, women and children will remain disproportionately affected by policies designed to deter rather than safeguard.

Addressing these challenges requires more than humanitarian rhetoric. It demands a reconsideration of the political assumptions underpinning migration governance, including the prioritisation of deterrence as the dominant response to displacement and irregular migration. Without such a shift, the gap between human rights commitments and migration practices is likely to persist, with women and children continuing to bear the heaviest consequences of security-driven border politics.

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