

Voters Distrust Border Patrol Agency, Want More Oversight and Accountability

July 21, 2022

Tom K. Wong, PhD

Department of Political Science
Director, US Immigration Policy Center
University of California, San Diego

Gabriel De Roche, PhD Candidate

Department of Political Science
University of California, San Diego

Jack Trent Dorfman

Undergraduate Research Fellow
U.S. Immigration Policy Center

Executive Summary

To better understand the attitudes and preferences that U.S. voters have on border policies, the U.S. Immigration Policy Center (USIPC) at UC San Diego partnered with the Southern Border Communities Coalition (SBCC) to conduct a nationally representative border-specific survey. The survey was fielded from July 5 to July 7. The margin of error is +/- 3.0%. For more, see methodology section.

The data show that the majority of U.S. voters disapprove of the way that the President and the Border Patrol agency are handling issues at the U.S.-Mexico border. Moreover, despite the media and political sensationalization of the border, only one-fifth of U.S. voters are “extremely concerned” about our southern border and only one-in-ten Americans rank the southern border as the most pressing issue facing the country.

The results also reveal a general lack of trust in the Border Patrol agency, which includes a lack of trust that border agents will protect the constitutional rights of all people and a lack of trust that border agents will be held accountable if they abuse people’s constitutional rights. The results also reveal a solution — more than eight-in-ten U.S. voters agree that respecting the constitutional rights of everyone, including migrants, travelers, and residents, increases trust in border agents.

Moreover, large majorities of U.S. voters believe that people should be able to sue border agents in civil court in front of a jury when border agents violate civil and constitutional rights, that border agents should be required to have a warrant before searching private property, cars, boats, buses, and subways inside of the country, and that the Border Patrol agency should be independently investigated when border agents have killed or seriously injured people.

Main Findings

Disapproval of How the President is Handling Issues at the Border

- The data show a net -13% disapproval rating of how the President is handling issues at the Southern Border. 44% either “somewhat approve” or “strongly approve” of how the President is handling issues at the Southern border, while 57% “somewhat disapprove” or “strongly disapprove”

Disapproval of How the Border Patrol Agency is Handling Issues at the Border

- There is a net -6% disapproval rating of how the Border Patrol is handling issues at the Southern Border. 47% “somewhat approve” or “strongly approve” of how the Border Patrol is handling issues at the Southern Border, while 53% “somewhat disapprove” or “strongly disapprove”

Concern about the Border and Issue Prioritization

- Despite media and political sensationalization, only one-fifth (21%) say that they are “extremely concerned” about the Southern Border. The largest group of respondents (27%) express only “a moderate concern” and 11% express “no concern at all”
- Only 13% of respondents characterize the Southern Border as the most pressing issue facing the United States

U.S. Voters are Mixed About Which Federal Agency to Trust to Manage Border Resources

- Whereas only 23% of respondents trust Customs and Border Protection (CBP) to manage resources allocated in response to increased humanitarian migration at the Southern Border, the rest of respondents prefer other agencies at the Department of Homeland Security (DHS): 23% prefer Immigration and Customs Enforcement (ICE), 19% prefer U.S. Citizenship and Immigration Services (USCIS), and 17% prefer the Federal Emergency Management Agency (FEMA).

Respecting the Rights of Everyone at the Border

- Three-in-five respondents (61%) either “somewhat disagree” or “strongly disagree” that border controls are so important that border agents should be exempt from constitutional requirements to protect the civil rights and liberties of everyone, including migrants, travelers, and residents
- An overwhelming majority (80%) “somewhat agree” or “strongly agree” that respecting these rights would increase trust in border agents

Border Agents and Respect for Rights: Trust vs. Accountability

- Only one-quarter (26%) report having “a great deal” or “a lot” of trust that border agents will respect the rights of everyone, including migrants, travelers, and residents. 42% report having only “a little” trust or “none at all”
- Relatedly, when asked how much trust they have that border agents will be held accountable for abusing someone’s constitutional rights, only 27% report having “a great deal” or “a lot” of trust. Nearly half of respondents (47%) report having “a little” trust or “none at all”

Majority Support for Prosecutorial Review of Critical Incident Teams

- 77% either “somewhat support” or “strongly support” having prosecutors review cases involving Critical Incident Teams for potential obstruction of justice
- A majority of Democrats (89%), Independents (75%), and Republicans (64%) support prosecutorial review of cases involving Critical Incident Teams

Investigative Responsibility for Excessive Use of Force

- 53% favor giving the FBI primary investigative responsibility over border agents accused of federal crimes involving excessive use of force, while 47% favor giving DHS primary investigative responsibility

Support for Right to Sue Border Patrol

- Nearly three-in-four (72%) either “somewhat support” or “strongly support” giving individuals the right to sue border agents in civil court in front of a jury when their civil and constitutional rights are violated

Support for Warrants for Searches within the US

- Two-thirds (67%) either “somewhat support” or “strongly support” requiring border agents to have a warrant before searching private property, cars, boats, buses and subways inside the country

Support for Pathway to Citizenship for Dreamers

- More than three-quarters (76%) “somewhat support” or “strongly support” providing a pathway to citizenship for Dreamers
- Majorities across all three partisan groups “somewhat support” or “strongly support” a pathway to citizenship for Dreamers: Democrats (87%), Independents (75%), and Republicans (63%)
- In a survey experiment embedded in the questionnaire, making a pathway to citizenship for Dreamers conditional on increased border enforcement did not increase levels of support for a pathway to citizenship

Support for Asylum Hearings

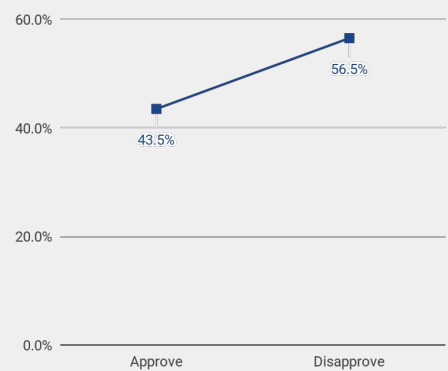
- Nearly three-in-four (73%) “somewhat agree” or “strongly agree” that all people seeking protection from persecution should have the opportunity to request asylum at our borders so that their applications can be reviewed by a judge

Majority Disapprove of How the President is Handling Issues at the Southern Border

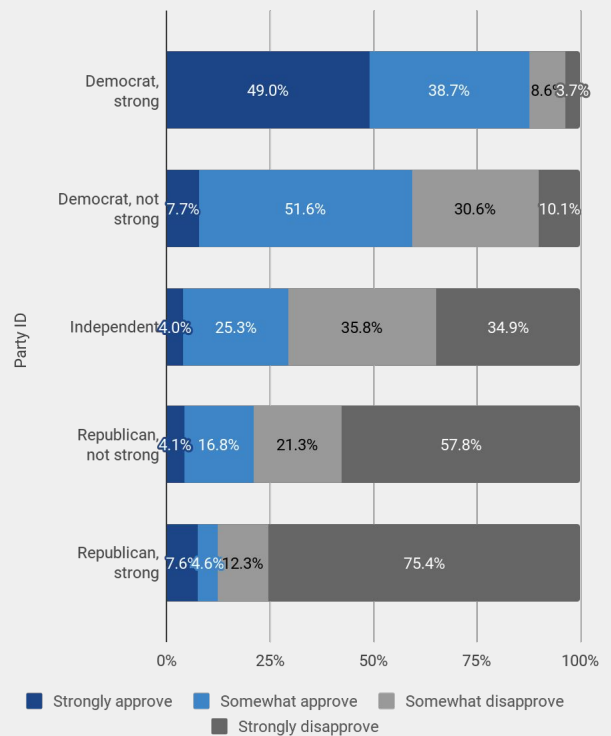
“Do you approve or disapprove of how the President is handling issues at our Southern Border?”

- The data show a net -14% disapproval rating of the way the President is handling issues at the U.S.-Mexico border
- 44% “somewhat approve” or “strongly approve” of the way the President is handling issues at the U.S.-Mexico border
- 57% “somewhat disapprove” or “strongly disapprove” of the way the President is handling issues at the U.S.-Mexico border
- Among strong Democrats, net approval is +75%. Among not strong Democrats, net approval is +19%
- Among Independents, net disapproval is -41%
- Among strong Republicans, net disapproval is -76%. Among not strong Republicans, net disapproval is -58%

Combined Approve/Disapprove



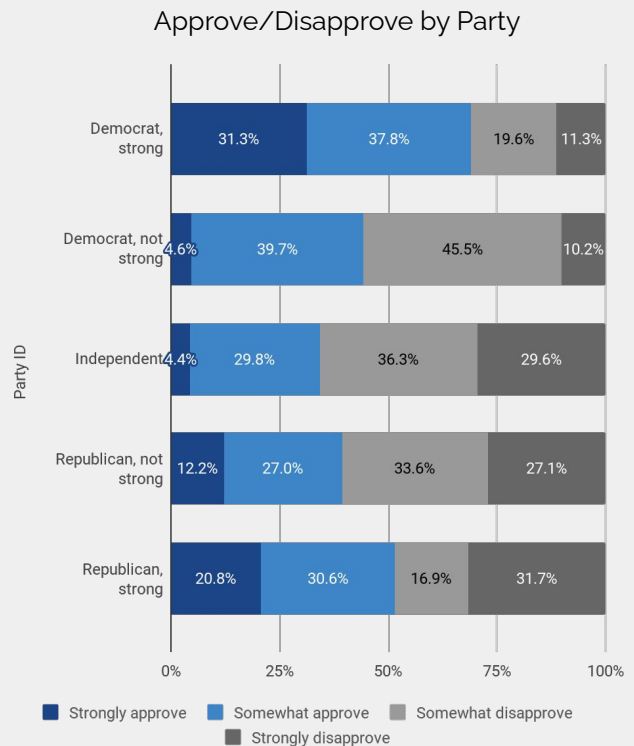
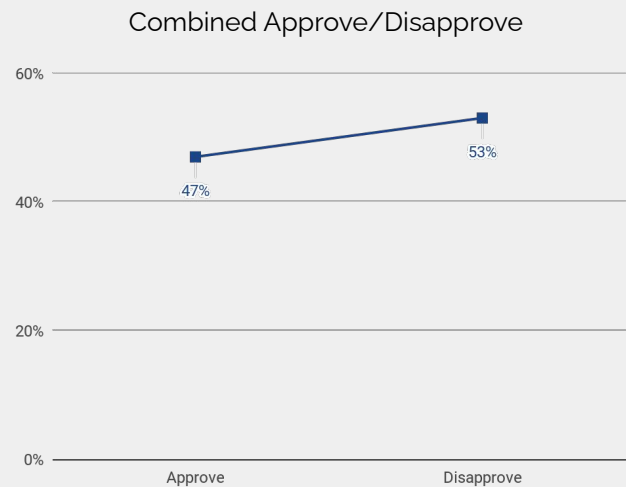
Approve/Disapprove by Party



Majority Disapprove of How the Border Patrol Agency is Handling Issues at the Southern Border

“Do you approve or disapprove of how the Border Patrol is handling issues at our Southern Border?”

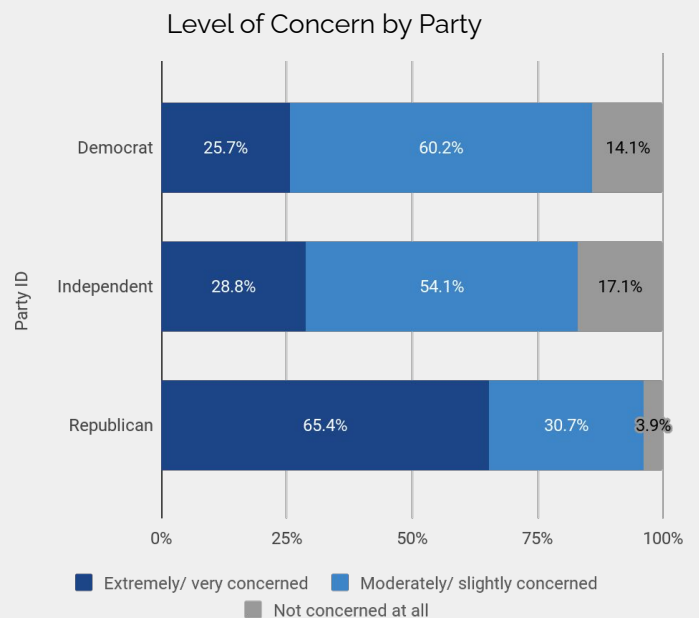
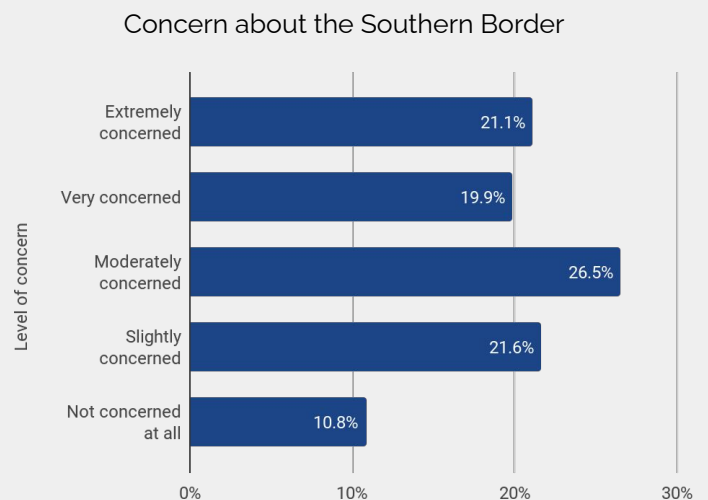
- The data show a net 6% *disapproval* rating of the way the Border Patrol is handling issues at the U.S.-Mexico border
- 47% “somewhat approve” or “strongly approve” of the way the Border Patrol is handling issues at the U.S.-Mexico border
- 53% “somewhat disapprove” or “strongly disapprove” of the way the Border Patrol is handling issues at the U.S.-Mexico border
- Among strong Democrats, net approval is +38%. Among not strong Democrats, net disapproval is -11%
- Among Independents, net disapproval is -33%
- Among strong Republicans, net approval is +3%. Among not strong Republicans, net disapproval is -22%



Level of Concern About the Southern Border is Highest Among Republicans

“How concerned are you about our Southern Border??”

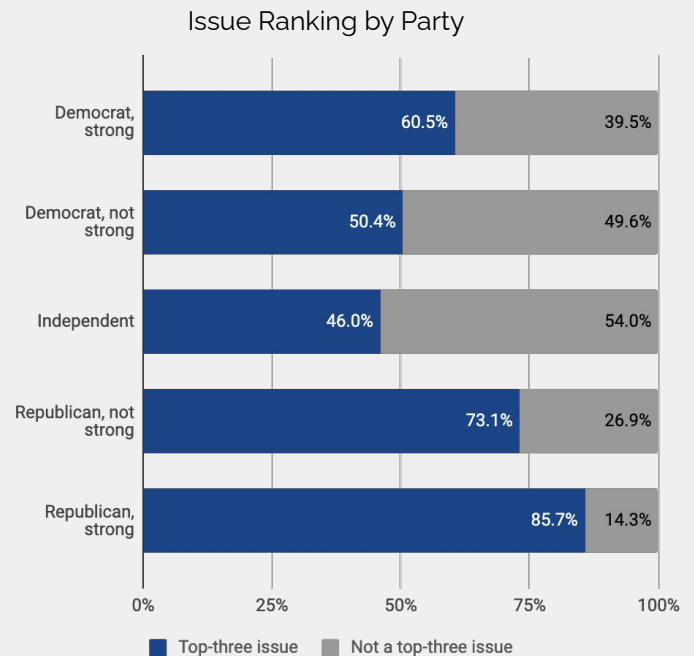
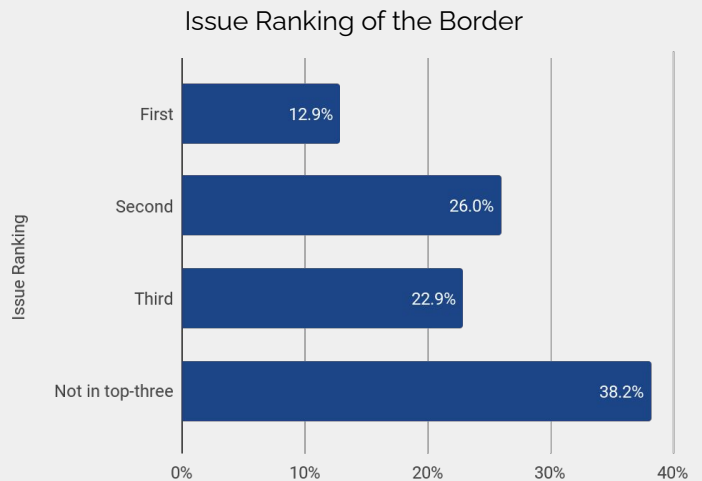
- Only 21% are “extremely concerned” about the Southern Border
- 27%, which represents the plurality of respondents, are only “moderately concerned” about the Southern Border
- 11% of respondents say they are “not concerned at all” about the Southern Border
- Only 26% of Democrats report being “very concerned” or “extremely concerned”
- Only 29% of Independents report being “very concerned” or “extremely concerned”
- In contrast, 65% of Republicans report being “very concerned” or “extremely concerned about the Southern Border



Fewer Americans Than Expected Rank Southern Border as the Most Pressing Issue

“Where would you rank the Southern Border in terms of the most pressing issues facing the United States?”

- 13% rank the Southern Border as the most pressing issue facing the United States
- A majority of Independents do not rank the border in their top three issues. Among Independents, 54% do not rank the Southern Border as one of the top three most pressing issues facing the United States
- However, a large majority of Republicans rank the border in their top three issues. Among strong Republicans, 86% rank the Southern Border as one of the top three most pressing issues facing the United States. Among not strong Republicans, this percentage is 73%

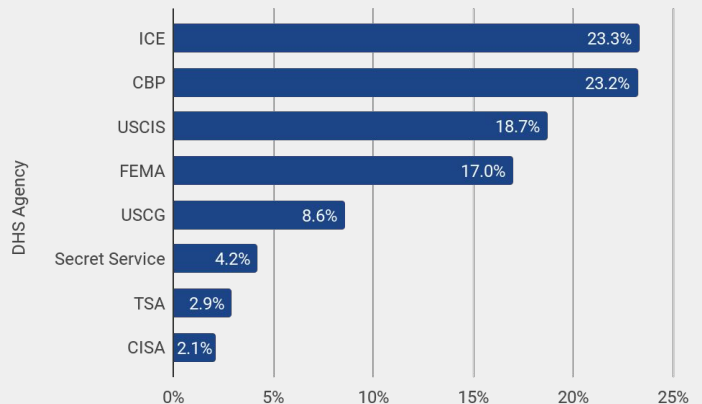


Public Split on Who Should Manage Humanitarian Resources at the Border

“There is expected to be an increase in humanitarian migration at our Southern Border. Which of the following agencies within the Department of Homeland Security do you trust most to manage the humanitarian resources allocated to respond?”

- Only 23% trust Customs and Border Protection (CBP) to manage resources allocated in response to increased humanitarian migration at the Southern Border
- The rest of respondents prefer other agencies at the Department of Homeland Security (DHS): 23% prefer Immigration and Customs Enforcement (ICE), 19% prefer U.S. Citizenship and Immigration Services (USCIS), and 17% prefer the Federal Emergency Management Agency (FEMA).

Agency most trusted to manage humanitarian border resources



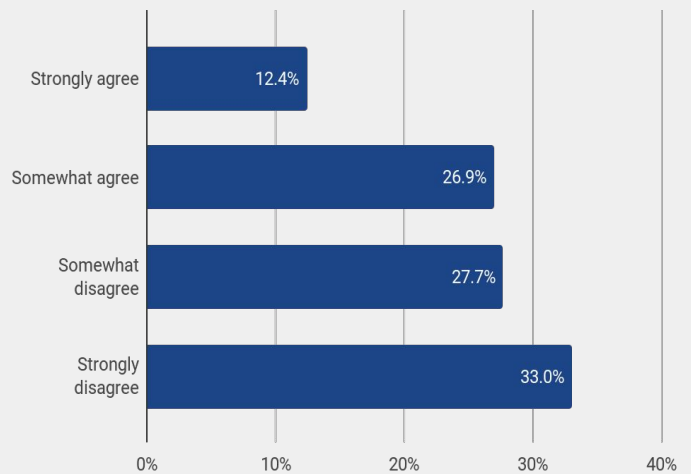
DHS Agency	Democrats	Independents	Republicans
Federal Emergency Management Agency (FEMA)	22.5%	18.5%	9.6%
Transportation Security Administration (TSA)	3.3%	4.0%	1.9%
U.S. Citizenship and Immigration Services (USCIS)	21.5%	20.1%	14.7%
U.S. Coast Guard	7.8%	10.0%	8.8%
U.S. Customs and Border Protection (CBP)	23.3%	19.7%	24.8%
U.S. Cybersecurity and Infrastructure Security Agency	2.3%	2.4%	1.7%
U.S. Immigration and Customs Enforcement (ICE)	15.8%	18.7%	34.6%
U.S. Secret Service	3.6%	6.5%	3.9%

Majority Oppose Exempting Border Agents from Constitutional Requirements

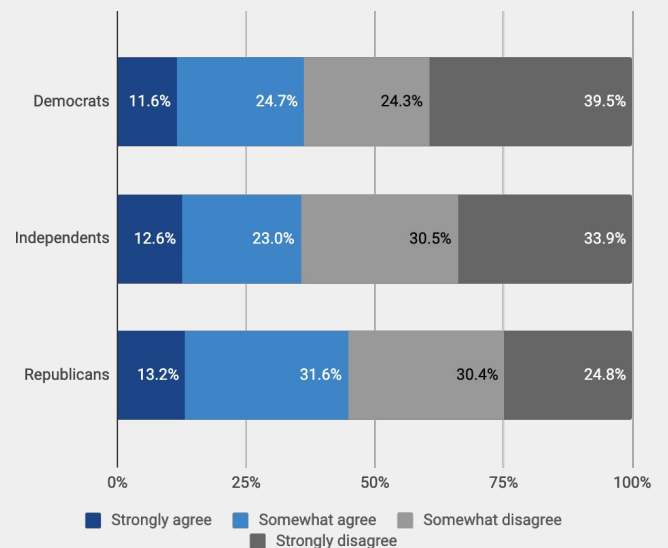
“Do you agree or disagree with the following statement: Border controls are so important that border agents should be exempt from constitutional requirements to protect the civil rights and liberties of everyone including migrants, travelers, and residents.”

- Only two-in-five respondents (39%) agree that border agents should be exempt from constitutional requirements to protect civil rights and civil liberties
- Over six-in-ten (61%) “somewhat disagree” or “strongly disagree”
- Consistent majorities across Democrats, Independents, and Republicans oppose exempting border agents from their constitutional requirements to protect civil rights and liberties
- 64% of Democrats, 64% of Independents, and 55% of Republicans “somewhat disagree” or “strongly disagree” that border agents should be exempt from their constitutional requirements to protect civil rights and liberties

Border Agents' Exemption from Const. Reqs.



Border Agents' Exemption from Const. Reqs. by Party

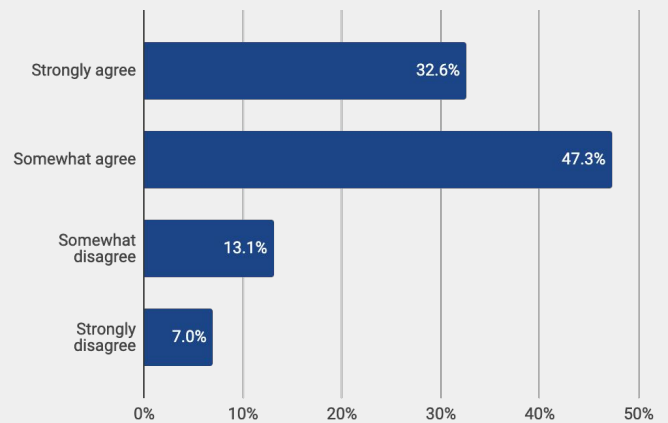


Large Majorities Agree that Protecting Rights Would Boost Trust in Border Agents, Including Republicans

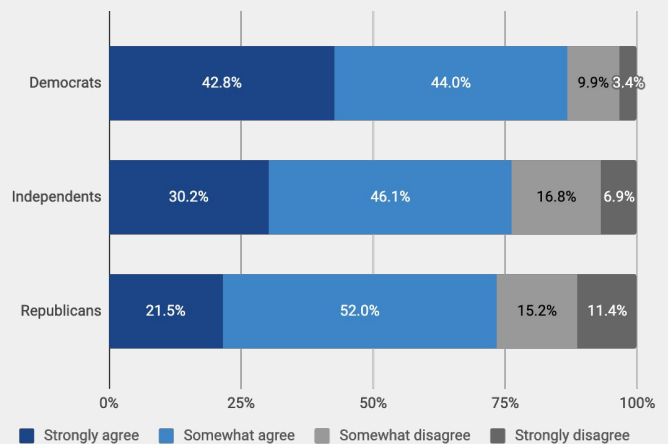
“Do you agree or disagree with the following statement: Respecting the constitutional rights of everyone including migrants, travelers, and residents increases trust in border agents.”

- 80% “somewhat agree” or “strongly agree” that respecting everyone’s constitutional rights increases trust in border agents
- Large majorities across Democrats, Independents, and Republicans “somewhat agree” or “strongly agree” that trust in border agents would be increased by respecting everyone’s constitutional rights
- 87% of Democrats “somewhat agree” or “strongly agree”
- 76% of Independents “somewhat agree” or “strongly agree”
- 74% of Republicans “somewhat agree” or “strongly agree”

Rights Protection and Trust in Border Agents



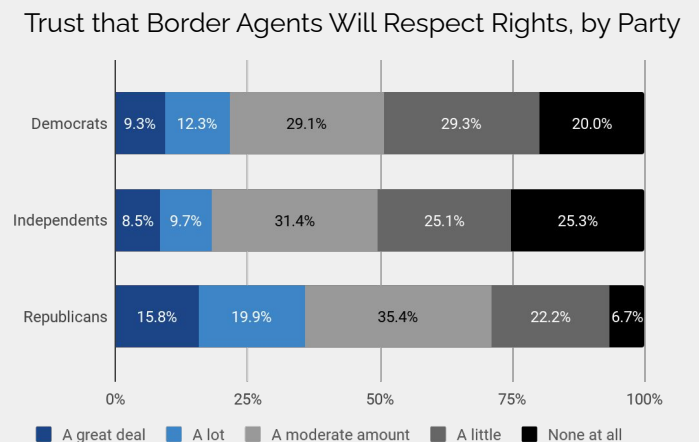
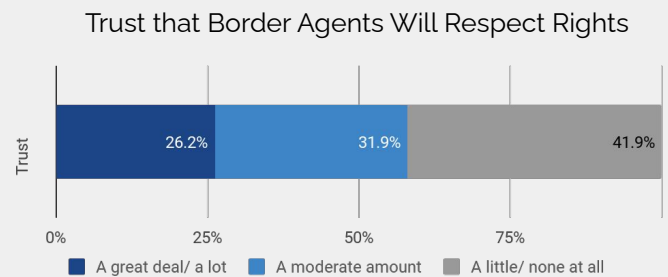
Rights Protection and Trust in Border Agents, by Party



Plurality Reports Low Level of Trust in Border Agents' Protection of People's Rights

“How much do you trust that border agents will respect the constitutional rights of everyone, including migrants, travelers, and residents?”

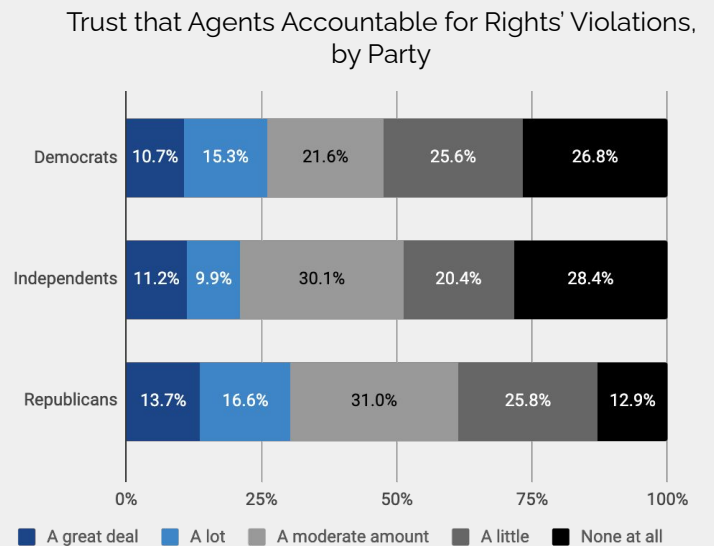
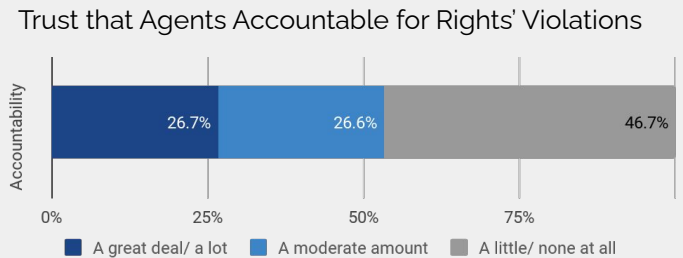
- Only 26% report “a great deal” or “a lot” of trust that border agents will respect the constitutional rights of everyone, while 33% report “a moderate amount” of trust
- 42%, which represents the plurality of respondents, report only “a little” trust or “none at all” that border agents will respect the constitutional rights of everyone
- Of Democrats, 22% report “a great deal” or “a lot” of trust. 29% report “a moderate amount.” 49% report only “a little” trust or “none at all”
- Of Independents, 18% report “a great deal” or “a lot” of trust. 31% report “a moderate amount.” 50% report only “a little” trust or “none at all”
- Of Republicans, 26% report “a great deal” or “a lot” of trust. 35% report “a moderate amount.” 29% report only “a little” trust or “none at all”



Nearly Half Report Low Level of Trust that Border Agents Will be Held Accountable for Rights' Violations

“How much do you trust that if border agents abuse someone’s constitutional rights they will be held accountable?”

- Only 27% report “a great deal” or “a lot” of trust that border agents will be held accountable if they abuse someone’s constitutional rights, while 27% report “a moderate amount” of trust
- 47%, nearly half of respondents, report only “a little” trust or “none at all” that border agents will be held accountable
- Of Democrats, 26% report “a great deal” or “a lot” of trust. 22% report “a moderate amount.” 52% report only “a little” trust or “none at all”
- Of Independents, 21% report “a great deal” or “a lot” of trust. 30% report “a moderate amount.” 49% report only “a little” trust or “none at all”
- Of Republicans, 30% report “a great deal” or “a lot” of trust. 31% report “a moderate amount.” 39% report only “a little” trust or “none at all”

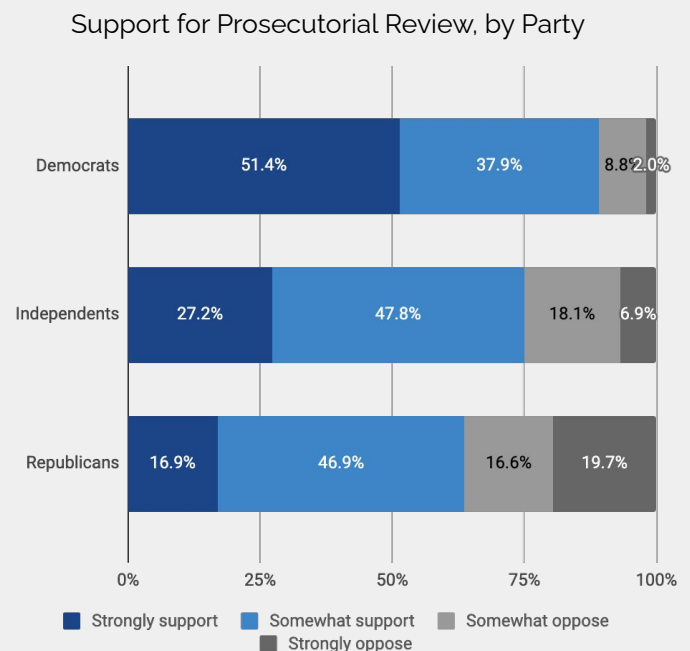
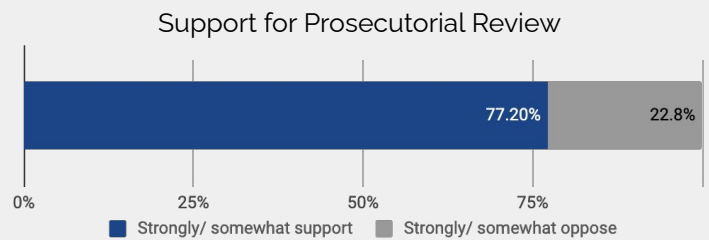


Large Majority Supports Prosecutorial Review of Potential Obstruction by Border Patrol Critical Incident Teams

“Congress is currently investigating the Border Patrol’s ‘Critical Incident Teams’ for interfering with investigations of border agents who have killed or seriously injured people. Lawmakers have raised concerns that these teams may have obstructed justice in order to cover up wrongdoing by border agents. Lawmakers are calling for government prosecutors to review cases where these teams have been involved.

“Would you support or oppose government prosecutors reviewing cases involving the Border Patrol’s Critical Incident Teams for potential obstruction of justice?”

- 77% either “somewhat support” or “strongly support” having prosecutors review cases involving Critical Incident Teams (CITs) for potential obstruction of justice
- Only 23% “somewhat oppose” or “strongly oppose”
- 89% of Democrats “somewhat support” or “strongly support”
- 75% of Independents “somewhat support” or “strongly support”
- 64% of Republicans “somewhat support” or “strongly support”

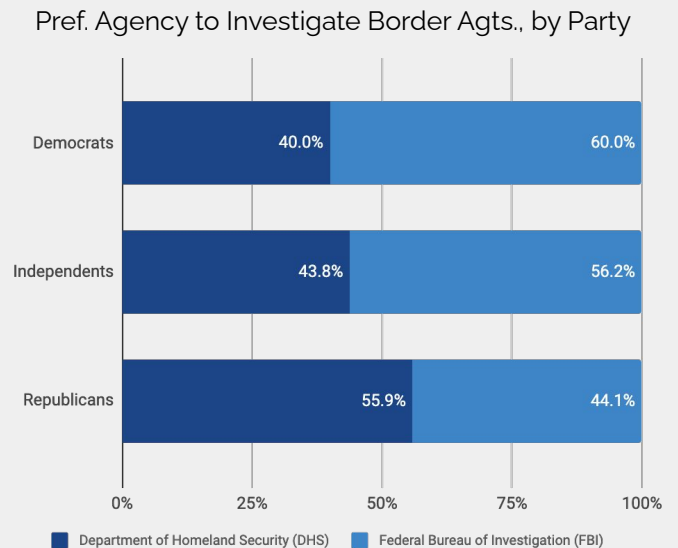
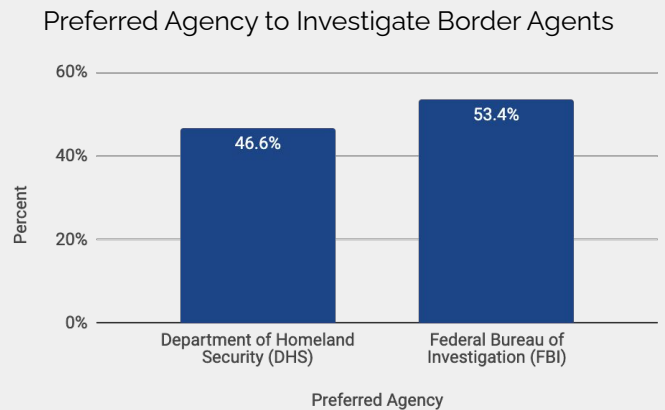


Slim Majority Prefers FBI over DHS for Investigations into Border Agent Use of Force

“The Department of Homeland Security, known as DHS, has the authority to investigate border agents for federal crimes involving excessive use of force. Because border agents work for DHS, lawmakers are concerned about conflicts of interest that can arise when DHS investigates itself. The Federal Bureau of Investigation, known as the FBI, also has the authority to investigate border agents for federal crimes involving excessive use of force and is independent from DHS.

“Would you prefer that the DHS or the FBI have the primary investigative responsibility to investigate border agents for federal crimes involving excessive use of force?”

- 53% prefer that the FBI have primary responsibility for investigating border agents for excessive use of force (compared to 47% preferring DHS)
- 60% of Democrats favor the FBI, while 40% favor DHS
- 56% of Independents favor the FBI, while 44% favor DHS
- Preferences of Republicans are the reverse; 44% favor the FBI, while 56% favor DHS

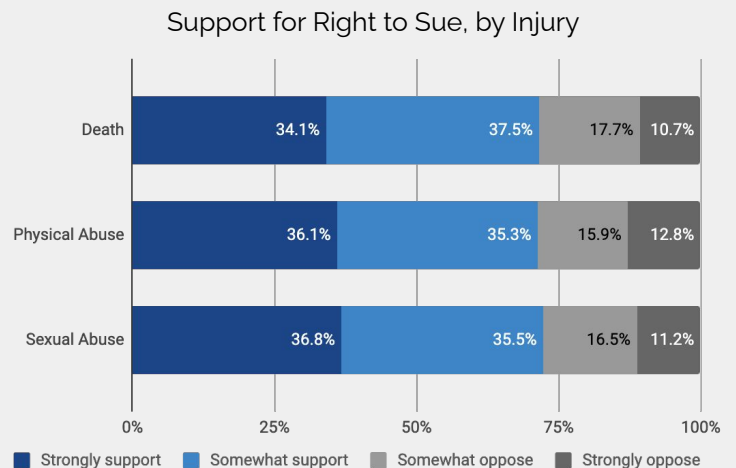
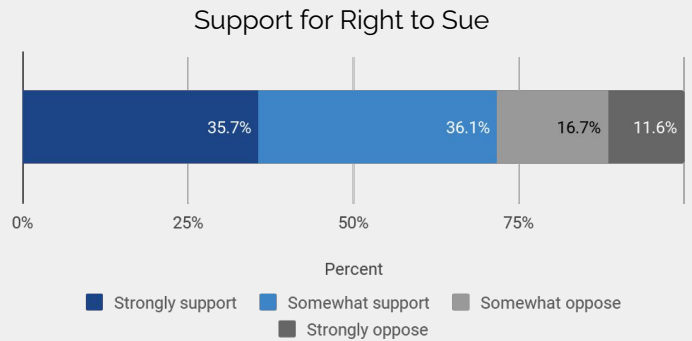


Majority Favors a Right to Sue Border Agents for Rights' Violations

“People in the U.S. do not have the right to sue border agents in court in front of a jury when their civil and constitutional rights are violated. However, **[families of people killed / people physically abused / people sexually abused]** by border agents, for example, do not have a right to make a claim in front of a jury. Despite people having the right to sue state and local law enforcement, people do not have the same right to sue border agents. Some lawmakers want to give people the right to sue border agents.

Would you support or oppose giving individuals the right to sue border agents in civil court in front of a jury when their civil and constitutional rights are violated?”

- Nearly three-in-four respondents (72%) “somewhat support” or “strongly support” the right to sue border agents who violate civil and constitutional rights
- Support levels are statistically equivalent whether respondents are given the example of *death* (72%), *physical abuse* (71%), or *sexual abuse* (72%)

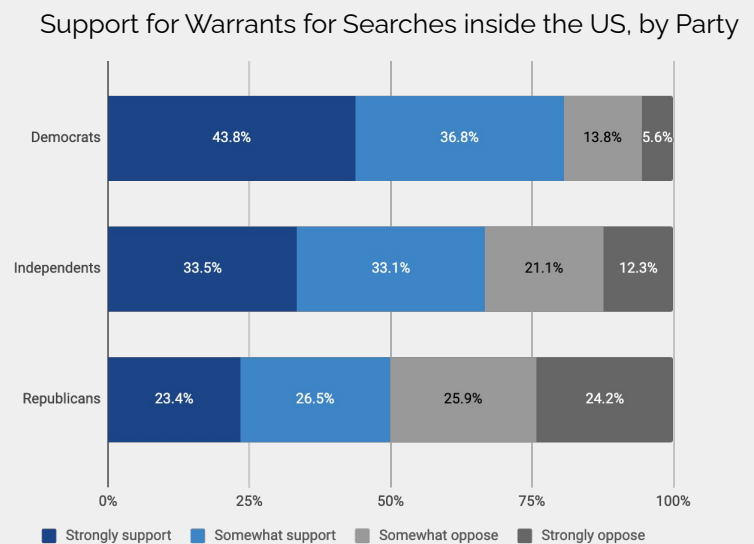
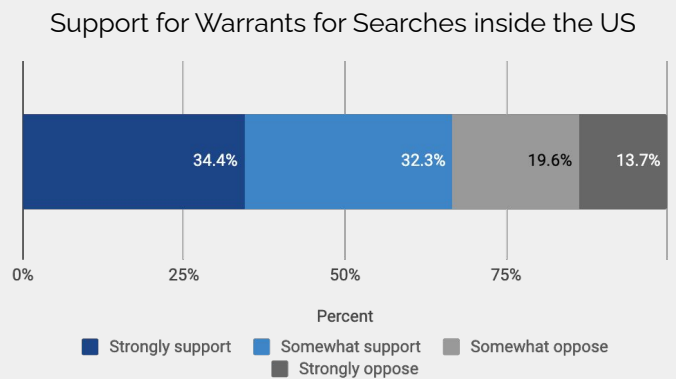


Two-thirds Majority Supports Requiring a Warrant for Searches by Border Agents inside the US

“Border agents operating inside the U.S. do not need a warrant to enter and search private property or to stop, board and search cars, boats, buses, and subways inside the country. Some lawmakers believe this is inconsistent with our constitutional right to be free of warrantless searches in the Fourth Amendment, and they want to require border agents to have a warrant before such searches in the U.S.”

“Would you support or oppose requiring border agents to have a warrant before searching private property, cars, boats, buses and subways inside the country?”

- Two-thirds (67%) “somewhat support” or “strongly support” requiring border agents to have a warrant to conduct searches inside the United States
- 81% of Democrats “somewhat support” or “strongly support”
- 67% of Independents “somewhat support” or “strongly support”
- Republicans are evenly split: 49.9% “somewhat support” or “strongly support” while 50.1% “somewhat oppose” or “strongly oppose”



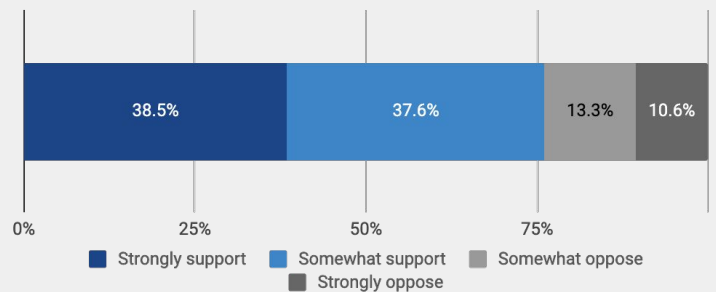
Strong Majorities Support for Pathway to Citizenship for Dreamers, Including among Republicans

“Currently, some undocumented immigrants who were brought to the United States as children and who have grown up in the US, known as Dreamers, are protected from deportation and are allowed to work because of a program called Deferred Action for Childhood Arrivals (DACA). However, they may lose this protection this year. Congress is debating a proposal that would provide a pathway to citizenship for these people [RANDOMIZE: but only if it is balanced with more border enforcement].

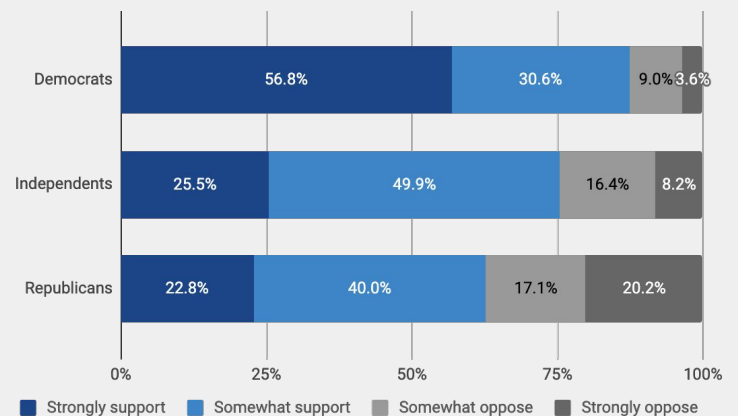
“Do you support or oppose providing a pathway to citizenship for Dreamers?”

- More than three-in-four respondents (76%) strongly or somewhat support a pathway to citizenship for Dreamers
- 87% of Democrats “somewhat support” or “strongly support” a pathway to citizenship
- 75% of Independents “somewhat support” or “strongly support” a pathway to citizenship
- 63% of Republicans “somewhat support” or “strongly support” a pathway to citizenship

Support for Dreamer Pathway to Cit. (Pooled)



Support for Dreamer Pathway to Cit. (Pooled), by Party

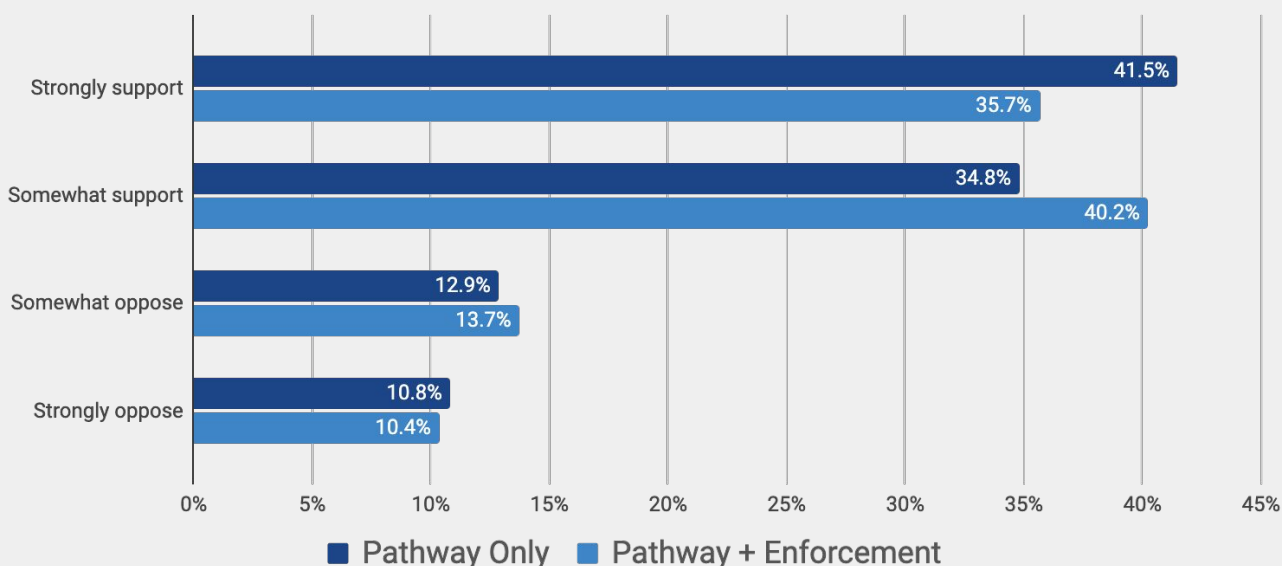


Pairing More Border Enforcement with a Pathway to Citizenship for Dreamers Does Not Boost Support for a Pathway to Citizenship, May Decrease Intensity of Support

Survey Experiment

- We tested whether making a pathway to citizenship for Dreamers conditional on an increase in border enforcement would change support levels. We do not find a statistically significant difference between overall support/opposition levels between (i) a pathway to citizenship alone, and (ii) a pathway to citizenship paired with increased border enforcement
- We do, however, find suggestive evidence that the percentage of people expressing “strongly support” decreases when the policies are paired (from 41.5% to 35.7%) ($p = 0.06$)
- Pairing the two policies neither increases nor decreases the percentage of respondents who strongly or somewhat oppose a path to citizenship for Dreamers. If anything, conditioning a pathway to citizenship with increased border enforcement slightly lessens the intensity of support for creating a pathway

Survey Experiment: Pathway to Citizenship Alone vs. Paired with Enforcement



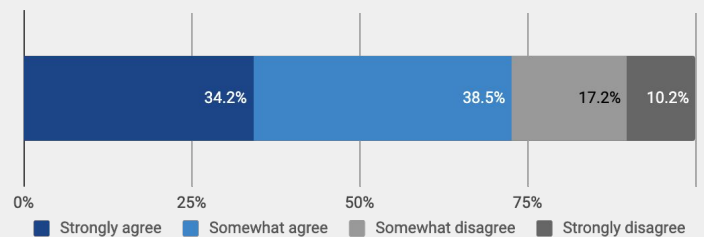
Majority Agrees Asylum-Seekers' Applications Should Be Reviewed by a Judge, Including among Republicans

“The U.S. government is currently using a public health law to allow border agents to pick and choose who can apply for asylum at the Southern Border. Some lawmakers say that this public health law should not prevent those seeking asylum in the U.S. from applying. They believe that all people who are seeking protection from persecution should have the opportunity to request asylum at our borders so that their applications can be reviewed by a judge.”

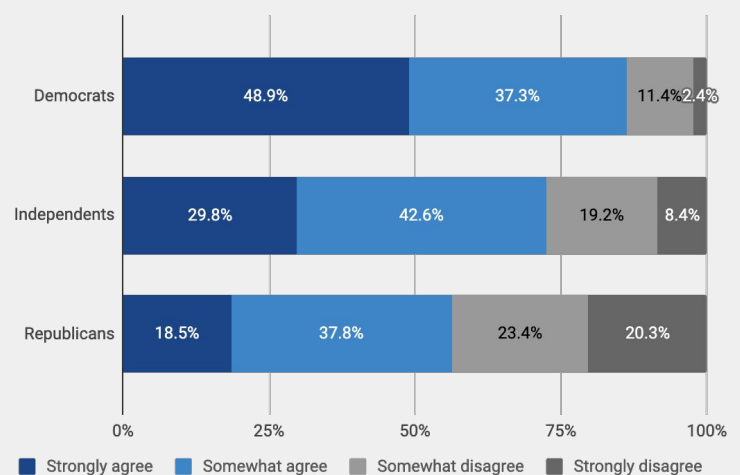
“Do you agree or disagree that all people seeking protection from persecution should have the opportunity to request asylum at our borders so that their applications can be reviewed by a judge?”

- Nearly three-in-four (72.7%) respondents “somewhat agree” or “strongly agree” that asylum-seekers should have their applications reviewed by a judge
- 86% Democrats “somewhat agree” or “strongly agree”
- 72% of Independents “somewhat agree” or “strongly agree”
- 56% of Republicans “somewhat agree” or “strongly agree”

Support for Jud. Rev. of Asylum Applications



Support for Jud. Rev. of Asylum Applications, by Party



Methodology

This survey was fielded from July 5 to July 7, 2022. The total sample size is 1,038 respondents. The sample was recruited through the Lucid Theorem marketplace, a provider of online survey samples. To achieve a representative sample, registered voters were sampled by Lucid, filling quotas by sex, age, ethnicity, and region to closely match the registered voter population of the United States. The questionnaire was delivered online. Survey weights were generated using raked weighting to reflect the registered voter population of the United States along the following dimensions: region of the United States (Northeast, Midwest, South, West); age group; sex; race and ethnicity; political ideology; and partisan identification. The margin error for an equivalent probability sample of this size is +/- 3.0%.

*Tom K. Wong, Ph.D., Associate Professor, Department of Political Science, UC San Diego, Director, U.S. Immigration Policy Center (USIPC). Email inquiries to tomkwong@ucsd.edu.



July 21, 2022