Every year, more than three hundred people die while attempting to enter the United States clandestinely from Mexico as a result of intensified border enforcement policies, mainly because entry attempts have been pushed away from densely populated areas to more dangerous areas of the border. We draw that conclusion from an analysis of official vital registration statistics (described in more detail below), taking account of environmental conditions, the shifting location of enforcement activity, homicide, and estimates of the increased number of illegal entry attempts.

The International Covenant on Civil and Political Rights, which the United States has ratified, gives people the right to leave any country including their own. But there is no corresponding right to enter a country. This right depends on a host of national policies of immigration and political asylum, all of which are grounded on the assumption of national sovereignty. In the post-medieval era of nation-state formation, the concept of national sovereignty has achieved sacrosanct status in the name of national security, and national policymakers assume that a country’s right to protect its borders is absolute. This assumption underlies the restrictive 1996 immigration law, which some have called the “Mexican Exclusion Act,” and the intensification of border enforcement in such campaigns as Operation Hold the Line and Operation Gatekeeper. These border operations appear logical in the context of massive undocumented immigration of over one-million illegal entry attempts per year, but they represent a clear contradiction to the historical importance of immigration in building the nation, as well as to the key role of undocumented workers in the labor force across a wide spectrum of occupations.

Mexican border songs and folk knowledge told about the dangers of clandestine immigration long before sociologists and other migration experts arrived on the border to assess migrant mortality systematically and empirically. This knowledge frightens many
mothers in the migrants’ home villages and towns, who attempt to dissuade their children—though usually unsuccessfully—from migrating north. The knowledge and fear of border death also helps many a smuggler to maintain a steady stream of migrant customers wanting to reach the labor markets in the north—the present-day El Dorado for many Latin American workers.

The new U.S. efforts to prevent unauthorized entry on the southwest border have had two main effects on undocumented migration flows. Illegal border crossing patterns have been spatially redirected to circumvent areas of intense border enforcement, and the border region from Texas to California has become increasingly dangerous for undocumented migrants. Attempts to cross the U.S.-Mexico border surreptitiously in less patrolled but more dangerous areas, the greater use of unknown smugglers, predatory border bandits, abnormally high temperatures—all have combined to increase the risk of undocumented border crossings. Not surprisingly, the greater exposure to risk has led to an increasing number of deaths as undocumented immigration has grown in the late 1990s.

While this increase has been widely recognized, our study is the first to assess mortality from a standardized empirical data source, that is, a source which maintains consistent measurement criteria across time and space, and the first to compare the incidence of migrant deaths before and after the implementation of intensified border campaigns in the 1990s (Eschbach, Hagan and Rodriguez, 2001). We use a single, standardized data set—official vital registration data pertinent to the border research area—and subject the data to systematic analysis, from the standpoint of a host of causes of deaths, for the period 1985 to 1998. A key concern of our study is to see if time-series death data fluctuate with respect to the time points and areas of intensified border enforcement.

The study’s findings concerning migrant deaths at the southwest border between 1985 and 1998 include the following:

--Deaths due to exposure to extreme environmental conditions (heat or cold) is the only border-wide data series that rises sharply because of the redirection of migration flows after enhancement of border enforcement.

--A portion of the increase in environmental deaths in 1998 is attributable to the increased migration flow in the late 1990s, a portion is attributable to the unusually hot summer that year, and the remainder is attributable to redirected flows caused by intense border enforcement.

--Deaths due to unknown causes show a U-shaped pattern, decreasing from 1985 to 1995 and then increasing, that is consistent with the change of the volume of undocumented migration between 1985 and 1998.

--Drowning deaths increased in Imperial Country, California, and in El Paso County, Texas. The increases in Imperial County are directly related to the redirection of migrant flows, but the increases in El Paso County reflect a persistent problem with drowning exacerbated by the opening of an additional canal segment, and thus cannot be associated with redirected migration.

--Drowning death totals in Texas outside the El Paso area were suppressed by the low water flow volume in segments of the Rio Grande River below the Amistad Reservoir.

--Auto-pedestrian accidents declined in San Diego County and in El Paso County. These declines were related to targeted border enforcement that deflected flows from dangerous urban crossing locations.

--Homicide deaths of foreign migrants and unidentified persons declined along the border, especially in San Diego County. The causes of these declines are manifold, and increased border control in urban crossing places, especially San Diego, is probably one cause of the decline.

--Other causes of death from external accidents and injury do not appear to have been affected by the spatial restructuring of undocumented immigration at the U.S.-Mexico border.

--There appears to have been a net increase in undocumented migrant fatalities along the southwest border because of spatial restructuring through 1998, since deaths due to environmental causes have increased more than deaths due to other causes have decreased.

--The multiplier of observed to unobserved environmental deaths is not known; consequently, the true effects of flow redirection may not be fully known. In general, redirection of flows from urban to rural crossing points is likely to lead also to a redirection to causes and places of death that decrease the probability that a death will be discovered and registered.

The empirical findings on migrant border deaths raise several issues. Some who are less sympathetic to undocumented migrants lay the blame for migrant border deaths on the migrants themselves or on Latin American governments. Indeed, some even argue that the migrants’ deaths are yet another cost of illegal migration for local border government agencies that must handle the migrants’ remains. From this perspective the undocumented migrants are seen as victims of their own willful decision to undertake a clearly illegal act to enter the United States; their own governments are partly to blame because they fail to promote economic growth and full employment.

Others who are more sympathetic to undocumented migrants place the blame on the U.S. government for implementing a policy of border control that callously disregards the impact on human lives. Operation Gatekeeper in San Diego County is particularly blamed for having redirected migrants to high risk areas in adjacent deserts. From this latter perspective, some have even called for an international court to review the impact of U.S. border enforcement policy on migrant deaths.

offer an additional perspective from which we can examine migrant border deaths in the light of human rights questions. Sjoberg and Vaughan argue that in the period of transition to modern, industrial society (1300–1800) where religion loses its role as the primary basis for the formulation of people’s world views, nationalism and allegiance to the nation-state emerge as a dominant ideology, making this social system the moral unit of analysis. From this nationalistic perspective, social actions undertaken to protect and enhance the nation-state are deemed ethical, regardless of how destructive these actions are to minorities or non-members of the nation-state; the destruction of European Jews and the atomic bombing of Hiroshima and Nagasaki are presented as major examples. Sjoberg and Vaughan are concerned to counter what they see as the nationalistic tendency of sociology. They argue that a trans-national basis—the dignity of humankind in general—for the moral unit of analysis. This they see as being consistent with the universalizing claim of science, since it is ultimately concerned with the general rather than with the particular. The mission of science is to be useful for all of humankind, and not only for particular nation-states.

Those who make the nation-state the moral unit of analysis may view the more than three hundred migrant border deaths per year as an acceptable mortality bill, or at least not worry too much about the ethical implications of those deaths. Identifying unauthorized entrants as threats to the nation-state, these observers show little concern for the effect of enforcement on the targeted migrants as long as it succeeds in excluding them. Making nationalism the moral imperative, they see undocumented migrants as less than human, or as “aliens” who threaten national security. This form of human degradation reduces the chances for sensing a common humanity with unauthorized entrants and makes it easier to accept the dire consequences of enforcement activities.

Soon after we released our first report on migrant border deaths (Eschbach, Hagan, Rodriguez, Hernandez-Leon, and Bailey, 1996), the U.S. Immigration and Naturalization Service (INS) announced several changes to address concerns about migrant safety on the southwest border. The changes included designating a safety officer in each border sector, equipping Border Patrol vehicles with safety and rescue equipment, programming radio announcements in Latin America to warn potential undocumented migrants of migration hazards, and organizing a special desert rescue team in Arizona. These changes have saved migrant lives, but they do not compensate for the lethal combination of redirected migration, unusually hot weather, and elevated undocumented migration flows in the late 1990s. The changes, while much appreciated, amount to a “Schindler’s List” approach where luck and serendipity are the major variables reducing mortal risk.

We think it is helpful to briefly review some human rights themes to put migrant border deaths and border enforcement in a broader structural context. Again, the work of Sjoberg and Vaughan is key, since they have specifically highlighted the human rights context of large-scale bureaucratic organizations like the INS.

Sharing the views of other human rights theorists like Ronald Dworkin, Sjoberg and Vaughan take human dignity—“equal concern and respect”—as the central principle for the concept of human rights. They see transnational universality, human agency, reflectivity, the ability to take the roles of others, and human interdependence as key factors operating in the human rights plane.

Among these concerns, we emphasize human interdependence, since we see this as a major motivating force for international migration, legal and illegal. From this perspective, international labor migration expands human interdependence. Among other levels, human interdependence occurs across economic categories (employers and workers) and within segmented, transnational households. U.S. employers and immigrant workers have pursued this interdependence vigorously throughout U.S. history, and the U.S. government has promoted this relationship particularly in the case of Mexican foreign labor. For foreign migrant workers, migration provides an opportunity to achieve a satisfactory quality of life. To the extent that migration becomes a prerequisite for maintaining a decent quality of life it becomes a human need, and the right to pursue it a human right; within family units, it can become a human obligation.

Yet the human right of migration is cast upon a political terrain segmented by national borders. Immigration agencies, such as the INS, charged with entry inspections at border points mainly operate according to national policies in pursuit of particular political interests, and not according to the universal code of human rights. The difference between the human right of communities to acquire resources for a livable life and the political right of governments to control border areas is at the beay of the over three hundred migrant border deaths per year that we find in our research.

The gap between the human rights of migrants and their families and the political right of nation-states might be considered as a cultural lag, that is, nation-state concepts of political border control are falling behind human rights concepts in an increasingly interconnected and independent world. On the other hand, the gap might be quite appropriate within a global system organized along political-economic principles where the social elite and social privileges are partly maintained through a stratified world order, in which the power to migrate within the world system is controlled by national governments. From this perspective, the actions of state immigration agencies take on a political function serving the principles of global social stratification.

Finally, migrant border deaths cannot be attributed purely to border enforcement activities. Yes, within the context of abnormally hot summers and elevated migration flows, border enforcement campaigns like Operation Gatekeeper will push the migrant mortality count up, but behind these border campaigns stands immigration policy. It is policy that ultimately determines the increase in border deaths. In a world in which human need will continue to propel persons in less economically prosperous regions to seek economic opportunity abroad, there really are only two ways to significantly reduce the migrants’ risk of border
death. One way is to completely seal the border and stop undocumented immigration; the second way is to acknowledge how much we all rely on migration and to give greater legal opportunity to the country’s undocumented labor force.

REFERENCES


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