

**Experts: Plan may cut border deaths;  
Current strategy criticized as lethal to illegal migrants**

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Published in *The Chicago Tribune*

January 11, 2004

The paupers' graves draw no mourners. Without tombstones, the grassy earth beside ash trees and the clacking trolley commuter line resembles a curbside lawn.

But here lie the bodies of 15 illegal migrants who died crossing the border. These migrants rest in anonymity, their names and their hometowns unknown.

To the activists who tend the gravesite--mistaken as a dirt parking space until sod was laid last summer--the deceased are called no identificados and no olvidados, unidentified but not forgotten.

The specter of more such potter's fields, arguably the starkest legacy of the last decade's toughened border policy, might be prevented by reforms in immigration laws as President Bush proposed last week, some experts and activists say.

With Bush poised to discuss the reforms with Mexican President Vicente Fox this week, these experts said the idea to ease the way for foreign guest workers could help reduce the lethal, if unintended, consequences of U.S. border strategy.

Bush, who has condemned the exploitation of illegal immigrants by smugglers, has proposed a two-stage process for foreign workers and illegal immigrants already in the country to become permanent U.S. residents and possibly citizens.

The guest workers could travel freely from their home countries for three years under a temporary worker card, which could be renewed for another three years as workers try independently to become permanent U.S. residents. Bush also wants an unspecified but "reasonable annual increase" in permanent residency quotas.

**Toll put at 1 death a day**

Since 1995, shortly after Washington began intensifying border security, 2,592 undocumented workers--almost one a day--have died trying to enter this country, according to the U.S. activists, who cite Mexican Consulate statistics. That makes the U.S.-Mexico border the world's deadliest land crossing for illegal immigration, they contend.

The annual toll has risen steadily, reaching 409 last year, compared with 61 in 1995. About a third of the deaths are unidentified migrants, human-rights lawyers said.

U.S. Border Patrol officials dispute the 2,592 figure, saying the number is much lower. Since the U.S. government began its tally of migrant deaths in late 1998, these officials said, 1,339 illegal migrants have died from a host of causes along the border, including exposure, drowning, car accidents and confined-space suffocation.

Whatever the actual numbers, however, analysts emphasized that the Bush plan for guest worker visas must win the confidence of employers and laborers to succeed, and they were waiting to see how the program's details unfold this year.

"I see it as a really positive step, frankly, because there are so many immigrants without

proper documents who aren't able to cross the border without paying a tremendous amount of money and risking their lives," said Heather Williams, associate politics professor at Pomona College in Claremont, Calif.

Others were not so sure. They questioned the overall strategy that has turned stretches of the border into futuristic military zones with triple fencing, stadium-like lights, remote-controlled surveillance cameras and infrared night scopes in truck beds.

"As long as we have a border that will funnel them into the most dangerous and riskiest places, then [migrants] are still going to die and be raped and have their money stolen and fall into slavery in some cases," said David Kyle, an expert on human smuggling and associate sociology professor at University of California at Davis.

In the past decade, the government's deterrence strategy at major urban border crossings left deserts and mountains as the few unguarded entry points into the United States. The notion that illegal migrants would not dare cross desolate wilderness did not materialize, as undocumented workers from Mexico and elsewhere continued to pour in perilously.

With half of 2003's migrant deaths caused by exposure and other environmental factors, critics blame the strategy as the ultimate cause of those deaths.

Border Patrol officials said that they have made the border safer with initiatives like Hummer rescue vehicles and that illegal crossings have historically been treacherous. Their data show a drop in migrant deaths, from 317 in the 2000 fiscal year to 246 last fiscal year.

Experts said employer support of the proposed program could dampen the human smuggling trade, a lucrative enterprise where fees have doubled in six years to \$2,000 a person. There are 8 million to 12 million illegal immigrants in the United States, officials estimate.

But employer confidence may be difficult to win.

The Bush program would match "willing" employers with "willing" immigrant workers if no Americans want the job, but if employers find government bureaucracy too stifling in filling jobs, they might continue to rely on illegal migrants, experts said.

### **Very skeptical'**

"It makes me very skeptical to think that this new system will be viewed as user-friendly," said Wayne Cornelius, director of the Center for Comparative Immigration Studies at the University of California at San Diego.

"If you can't get enough employers to buy into this program, you can't put much of a dent in the migrant death problem. ... In other words, if they build it, they might not come. The government assumes they will," Cornelius said.

As migrant deaths remain a controversial aspect of any border reform, activists are criticizing how the Border Patrol is verifying the raw data of migrant bodies found by agents.

The data show an increasing number of migrant deaths, up to 340 last fiscal year from 250 in 1999. But Roy Villareal, assistant chief of the U.S. Border Patrol, said those figures include skeletal remains that may not belong to an illegal migrant. He added that the Mexican government's figures used by U.S. experts and activists could not be verified.

Once the U.S. raw data are verified, they show a drop in deaths, he said.

"Death during illegal immigration has always existed," Villareal said. "We've worked extremely hard to make the border safer."

Activists like Claudia Smith, who helped raise \$1,000 over the summer to lay sod on the unidentified migrants' graves, said the Border Patrol has always given her and watchdog groups only raw numbers, which she understood to be approximate final counts, though the groups were led to believe they were the final counts. Now Smith says the government is "cooking the numbers" in an election year.

As she recently visited the paupers' graveyard in San Diego's public Mt. Hope Cemetery, Smith expressed optimism that the proposed Bush reforms might reduce the border deaths. Mt. Hope is home to more than 50 unidentified migrants, buried in different places.

"But you're still going to have hundreds of thousands who are going to cross illegally because there's no way you're going to have a guest worker program big enough to meet the need in Mexico and the demand here," said Smith, a human-rights lawyer with the California Rural Legal Assistance Foundation in Oceanside, Calif.

#### **BORDER DEATHS ON THE RISE**

1995 61  
1996 59  
1997 129  
1998 325  
1999 356  
2000 491  
2001 391  
2002 371  
2003 409

#### **LEADING CAUSES OF DEATH (2000-2003)**

Environmental (hypothermia, asphyxia, sunstroke, dehydration), Drowning, Auto accident  
Source: Center for Comparative Immigration Studies, University of California at San Diego  
Chicago Tribune