U.S. Anti-Migration Efforts Move South

By Michael Flynn | July 8, 2002

For years, the public has scrutinized the successes, failures, and excesses of border policing strategies devised by the Immigration and Naturalization Service (INS) and the Border Patrol, primarily on the Mexico-U.S. dividing line. Increasingly important among these anti-migration efforts is the little known but growing U.S. role in stopping migrants long before they set eyes on the border.

Background

The 1994 North American Free Trade Agreement (NAFTA) between Canada, Mexico and the United States presented Washington with a seemingly intractable dilemma: How could the United States open its borders to the free transit of goods and services yet prevent unwanted migrant and drug traffic?

One way was to build walls and control ports of entry. During the domestic political debates and binational negotiations leading up to NAFTA's signing, the United States adopted what many observers consider to be a siege mentality regarding its borders. In 1993, the INS began a series of blockade initiatives that involved building walls along selected sections of the U.S.-Mexican border, multiplying the number of border guards, and deploying a fleet of jeeps, boats and helicopters armed with high-tech detection equipment. Then, in 1996, Congress passed two harsh immigration and asylum laws, the Anti-Terrorism Effective Death Penalty Act and the Illegal Immigration and Immigrant Responsibility Act. The legislation beefed up border enforcement even more, built new barriers to achieving legal status, expanded the grounds for deportation, and gave the INS the authority to use additional law enforcement techniques, such as wiretaps, to aid its investigations.

Officials and observers soon realized that one outcome of these strategies was that migrants increasingly turned to international smugglers who, for a hefty price, would supply them with false documents and promises of smooth passage to their destinations.

At the same time, Central America and Mexico, which generally have looser visa regulations than the United States, rapidly became the initial ports of entry for many extraregional migrants—people from Asia, the Middle East, and elsewhere—who saw the region as a convenient and relatively accessible bridge to the United States.

Debate continues as to whether the INS' stiffer blockade strategies have impeded the progress of the hundreds of thousands of Mexicans, Central Americans, and extraregionals who each year try to cross the southern U.S. border. But one thing is clear: Along with tighter security have come higher death counts. The walls, guards, and helicopters, it turns out, only force migrants to take more perilous paths north. The Center for Immigration Research at the University of Houston estimates that between 1995 and 1998 the number of deaths due to hypothermia, heat stroke, and other causes on these routes was nearly three times the level of the mid-1980s. By 2000, according to the INS, deaths had reached more than one a day.

Projecting U.S. anti-migration efforts abroad

To supplement policing activities on its national borders, the United States began looking abroad for other ways to deter undocumented migrants from arriving in its territory.

In 1997, the INS implemented an international anti-smuggling operation called Global Reach, which greatly expanded the agency's presence throughout the world.

According to a Justice Department fact sheet, Global Reach is a strategy of "combating illegal immigration through emphasis on overseas deterrence." According to the fact sheet, the INS has

established 40 overseas offices with 150 staffers that “provide a permanent presence of immigration officers overseas,” has trained more than 45,000 officials from other countries as well as airline personnel in fraudulent document detection, and has “undertaken special operations to test various illegal migrant deterrence methods in source and transit countries.”

Global Reach’s initiatives in the Western Hemisphere are part of what is called Operation Disrupt, a series of INS-led multilateral campaigns involving law enforcement officers from throughout the region. According to activists in these countries, during the campaigns INS agents accompany local authorities to restaurants, hotels, border crossings, checkpoints, and airports to help identify suspicious travelers.

The INS claims that Operation Disrupt has been enormously successful in breaking up smuggling rings. But, activists note, a cursory glance at the numbers shows that it is migrants, not smugglers, who are targeted. In 2000, for example, the INS declared that year’s campaign, called Forerunner, to be the “largest anti-smuggling operation ever conducted in the Western Hemisphere.” Involving agents from six Latin American countries, the effort nabbed 3,500 migrants, but only 38 smugglers.

This was the “first Disrupt operation,” said the INS in a news release, “where several countries worked in a coordinated effort to protect migrants who are victims of criminal smuggling operations.”

A group of U.S. Catholic bishops who visited a prison in Tegucigalpa, Honduras, where migrants detained during the operation were confined, told a different story. They denounced terrible conditions in the prison, lack of legal representation, and the fact that the operation prevented the migrants from applying for asylum. On the other hand, Joe Banda, the INS special representative in Tegucigalpa, told a journalist at the time, “The cost savings [from detaining and deporting migrants in Honduras as opposed to in the United States] are enormous.”

According to an INS press release, last year’s Operation Disrupt, called Crossroads International, was “the largest, most successful operation of its kind.” The campaign, which took place from June 4 through 20, resulted in the arrest of some 8,000 migrants and 75 smugglers in 12 Latin American countries. Law enforcement agents from Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Panama, and Peru all participated in the operation.

Interestingly, although the INS claimed that Mexico played a key role in the operation, the Mexican government told reporters last June that authorities had never even heard of it. Queried by a reporter about the operation, one Mexican official responded: “Maybe I should ask you about it.”

Also playing a role in these interdiction efforts is the U.S. Coast Guard. Long a key player in U.S. efforts to stem drug trafficking and contain migration crises in the Caribbean, the Coast Guard received an expanded “national security” mandate in the early 1990s via a succession of presidential decrees. In 1992, George Bush Sr. issued an executive order authorizing the Coast Guard to interdict vessels at sea carrying undocumented migrants and to return the migrants to their home countries. In 1993 Bill Clinton directed the service to cooperate with other law enforcement agencies in combating human smuggling.

In recent years, much of the Coast Guard’s effort has been focused on the Pacific Rim of the Americas, which has seen a massive influx of Chinese and Ecuadorian smuggling vessels. In Ecuador, where conversion to a dollar-based economy has failed to resolve a three-year economic crisis, some 500,000 people have fled to Europe or gone north on smuggling boats. The boats, which also carry migrants from as far away as Asia and the Middle East, tend to be rickety, overloaded death traps that struggle up the coast to clandestine landings in Guatemala and southern Mexico.

Although its principal mission is to patrol for illegal narcotics traffickers, the Coast Guard regularly intercepts migrant smuggling boats off the coasts of Latin America. Many of these interventions serve legitimate humanitarian purposes—most of the vessels are not appropriate for transporting migrants and lack emergency equipment.

Despite the Coast Guard's humanitarian goals, however, advocates argue that its expanding mission is ultimately just another attempt to prevent migrants and legitimate asylum seekers from reaching U.S. shores. Says Yovani Sandoval Martínez, an analyst with the Guatemalan government's human rights defenders office (the Procuraduría de Derechos Humanos, or PDH): "When the [Coast Guard] intercepts these boats, it often asks Guatemala to accept the migrants on humanitarian grounds. But it really isn't for that. The fact is, other countries either don't accept U.S. policies or don't want the migrants, so the United States turns to Guatemala."

Martínez also questions the legality of some of the detentions. He points to a case last March when the Coast Guard, working with the U.S. Navy, intercepted an Ecuadorian fishing vessel in international waters off the coast of Costa Rica that was carrying some 220 undocumented migrants from Ecuador. According to a PDH report about the case, after the boat was escorted to Guatemala's Puerto Quetzal, the U.S. embassy asked that nation's vice president to have the five crew members detained. Guatemala's migration authority (the Dirección General de Migración, or DGM) then brought up charges against the crew members, accusing them of illegally bringing people into the country—although the boat had been detained in international waters. A judge finally threw out the case, but the DGM refused to release the crew. They remained in detention for several months before finally escaping.

Moving the border south

Since the mid-1990s the United States has been pressuring its southern neighbors to stem migration flows by securing their own borders, developing regional migration strategies, tightening visa restrictions, and participating in multilateral operations like Disrupt.

A major venue for pushing these policies is the so-called Puebla Process, a yearly gathering of migration and foreign policy officials from Canada, the United States, Mexico, and Central America (it is named for r the Mexican city where the first meeting took place in 1996). Officially called the Regional Conference on Migration, the Puebla Process also has been the focus of lobbying efforts by nongovernmental groups from all over the region.

Mexico played a central role in initiating the process, according to Susan Gzesh, head of the University of Chicago's Human Rights Program, in hopes that the meetings would be a way of advancing its own interests and enlisting the support of other countries in the region, many of which rely on remittances from immigrants living in the United States as a principal source of hard currency. The United States, on the other hand, saw the process as a way to push its policy objectives.

According to Melanie Nezer, an immigration attorney with the Washington-based Immigration and Refugee Services of America, because many of the meetings take place behind closed doors, it is difficult to know precisely what agreements are made. But one thing is obvious, she says: The process has institutionalized regional cooperation over migration issues.

"Instead of leading to increased protections of the human rights of migrants," Nezer wrote in a 1999 report for the U.S. Committee for Refugees, "cooperation among North and Central American governments has led to a 'southward migration' of the Mexico-U.S. border." She pointed to the aftermath of Hurricane Mitch, which devastated areas of Honduras, Nicaragua, and El Salvador, in 1998 as an example:

"In the wake of Hurricane Mitch, Mexico and Guatemala turned back tens of thousands of migrants headed toward the United States. Intergovernmental cooperation was evident, as press reports revealed that the U.S. government paid to rent buses that transported migrants apprehended near the Guatemala-Mexico border back to El Salvador and Honduras." At the same time, she wrote, Guatemala began requiring passports from the other countries that with it make up the CA-4 group. Before Mitch, nationals of the CA-4 countries [Guatemala, El Salvador, Honduras, and Nicaragua] could freely travel in the region with no more than an identity document." A few months after Mitch struck, Demetrios Papademetriou, a migration

expert then with the Carnegie Endowment for International Peace told *Newsweek*: "They're buckling under pressure from the United States. There is no other compelling reason for Guatemala to stop people from crossing its territory."

The Mexican case study

For Mexico, which receives billions of dollars in remittances from its migrants in the United States each year, migration and border control always have been touchy subjects. But along with NAFTA came new signs of cooperation. Hoping to convince a skeptical U.S. Congress that it would be a responsible partner, Mexico began devoting more energy to combating drug trafficking and collaborating with U.S. agencies in cross-border interdiction efforts.

Last July, with binational negotiations regarding changes to U.S. immigration policy vis-a-vis Mexico ongoing, the administration of Mexican President Vicente Fox began a massive new interdiction effort in Mexico's southern states known as Plan Sur. Mexico deployed hundreds of new agents, fired border officials accused of corruption or abuse of power, established dozens of new road blocks in an area stretching from its southern border northward to the isthmus of Tehuantepec, and increased military participation in interdiction efforts.

To impede Central American migrants' return to Mexico after deportation, the government—with the support of Guatemala and the United States—started busing them directly back to their countries of origin, instead of just dropping them off at the Guatemalan border. Mexico deported some 150,000 Central Americans in 2000, and another 100,000 during the first six months of last year.

At about the same time, Mexico implemented a short-lived plan (with U.S. assistance) to deport extraregional migrants to Guatemala if it could be determined that they had entered from that country. According to the U.S. Committee for Refugees, some 1,000 migrants from India, Pakistan, Sudan, China, Colombia, Ecuador, and other countries were deported to Guatemala last year, with the United States covering most of the transportation costs.

This plan, which many observers claim contravened international law and bilateral accords between the Meso-American countries, resulted in some high profile human rights cases. In one case, about four dozen undocumented migrants from India were deported to Guatemala after being detained for nearly five months in Mexico City. Making the Indian migrants' case particularly strange, however, was their claim to have never set foot on Guatemalan soil until they were "sent back" there.

Guatemalan authorities housed the migrants in a U.S. Embassy-funded detention center in Guatemala City for four months. During that time, one of the migrants, who was suffering from intense cardiac pains for which he was denied medical care, committed suicide. Late last December, about three weeks after the suicide, a Guatemalan judge ordered the migrants released, ruling that they had been illegally detained.

According to Felipe de Jesús Preciado, Mexico's immigration commissioner, Plan Sur has resulted in about a 35% decrease in the number of migrants crossing Mexico's southern border. "The problem of the undocumented is very serious in Mexico," Preciado told journalists in March, while announcing the plan's results. "Imagine the migratory populations in Mexico headed for the United States, increasing the levels of criminality, unhealthiness, drug trafficking, prostitution. The fact that [smugglers] operate in Mexico is a problem that the government has to solve, which will benefit the United States."

Although the government insists that the plan is only about ensuring its own national security, many observers see it as part of the Fox administration's efforts to persuade the U.S. government to normalize the legal status of the 6 to 8 million undocumented Mexicans who live in the United States. In Mexico and Guatemala, the plan has been the source of considerable controversy among advocates and many government officials, who charge that Mexico is committing the same kinds of abuses along its southern border as those for which it long has criticized the United States.

The Sept. 11 terror attacks in the United States effectively quashed negotiations between the administrations of Fox and U.S. President George W. Bush over the status of undocumented Mexicans in the United States. So Mexico has adopted a second diplomatic track in its efforts to woo Washington. Building on Plan Sur's alleged success, Mexican officials now emphasize in their conversations with U.S. officials the idea of a "North American security perimeter," an idea proposed by Fox early in his administration.

The next logical step is to create a shared security structure for all the NAFTA partner nations. As part of this idea, Mexico has proposed increasing intelligence sharing among the countries, coordinating customs efforts, and harmonizing visa regulations for third-country visitors. In exchange, Mexicans, as well as Canadian and U.S. citizens, would be able to travel more freely within the perimeter.

Impacts in Central America

Following Mexico's lead, governments and security forces in the Americas are responding to the terror attacks by establishing a new series of migration related security agreements. Last September, the Central American police chiefs agreed to improve information sharing between police, intelligence, and migration offices. In February, Fox and Guatemala's President Alfonso Portillo signed a series of bilateral accords aimed at reinforcing security along their mutual border, coordinating customs activities, and creating a High Level Group on Border Security. Also last September, the United States announced that it would begin assisting Central American countries in anti-terrorism operations. Explained one U.S. official to journalists at the time: "Before, they were thinking about Ecuadorians and coyotes [human smugglers]. Now, after these attacks, there is a recognition it may be a different kind of person."

As migrants moving north meet U.S.-driven migration controls moving south, a predicament is arising on the Central American isthmus: What do you do with detainees while they await deportation?

In a study published early this year about the state of detention centers in the region, the Comisión para la Defensa de los Derechos Humanos en Centroamérica (Codehuca), a Costa Rica-based human rights group, reported: "The trafficking of migrants from Latin America and the Caribbean to the United States and Canada is growing rapidly… . The magnitude of this phenomenon has overwhelmed the capacities of [Central American] governments, whose response has been ineffective and often repressive."

In Belize, where undocumented migration is considered a crime, the government simply imprisons migrants indefinitely; in El Salvador, which doesn't have a dedicated detention facility, migrants are kept at a police station lock-up where they are mixed with regular prisoners before being deported; and in Costa Rica, which is a central destination country for both Nicaraguans and Colombians, the government partially refurbished a dilapidated prison to house undocumented migrants. Only one country, Nicaragua, was found to have a doctor available 24 hours a day for detainees.

Guatemala, which Codehuca described as the "final frontier" between North and South America, has had a particularly difficult time housing migrants. Last year, while Mexico was busy deporting extraregional migrants across its southern border, Guatemala was knee-deep in its own detention campaigns. Its Venceremos 2001 initiative coincided with the INS's Disrupt operation, Crossroads International. And during Coyote 2001, the police put up road blocks to randomly check vehicles and undertook sting operations in places suspected of harboring migrants. Although only the national police are legally authorized to detain migrants, according to PDH's Martínez, several other law enforcement bodies, including the anti-narcotics police and the forest protection service, are playing an increasing role in detention efforts.

Overrun with detainees, Guatemala turned to the U.S. Embassy for support. In a July 2001 letter to Ambassador Prudence Bushnell, the country's migration chief at the time, Carlos Velásquez Domínguez, wrote: "Taking into consideration that migration is an international problem, I appeal to

you for humanitarian aid to help avoid this immigration and thereby contribute to the American dream that they desire and to contribute as well to national security. The aid that we ask for consists in helping us rent [shelters] and to pay for flight tickets to transport undocumented people back to their countries of origin."

The United States responded favorably. According to Kaye Mayfield, the embassy press attaché in Guatemala: "The decision to support this request was made on the basis of the needs of the migrants. They need to be housed and cared for, and the question was what can we do to make sure there is a place for them to stay as their nationality is being established. That was the concern; that was what we tried to accomplish."

Margarita Hurtado, a member of the Guatemalan migrants rights group Menamig, described the two U.S.-funded detention centers, which were closed down early this year: "After they initiated Coyote 2001, the centers were filled with people from everywhere-from Ecuador, India, Peru, Syria, Cuba. In one space there were 40 people… there was no light, no air. They were worse than our jails."

When I asked if the U.S. Embassy had bothered to inspect detention centers it was funding, Mayfield referred me to Hipolito Acosta, head of the INS regional office in Mexico City. He told me that INS officials did eventually visit the centers. "We determined that the facilities Guatemala was using were not acceptable. Guatemala is now looking at another location to build a new detention center, which will be almost like a model for Central America.. . I sent my deputy director to check it out because we are greatly concerned."

Indeed, rights advocates warn that the southward advance of U.S. migration policies has resulted in an increase in human rights violations, the criminalization of migrants, and the growing militarization of borders in the region. They add that, far from breaking up smuggling rings, the U.S.-promoted strategies have spurred a boom in the people-trafficking business. Stricter visa regulations and tighter border crossings, they explain, simply drive migrants into the hands of traffickers.

"Because they deny legal migration, people are forced to travel illegally," says Father Ademar Barilli, a Scalibrinian priest who runs a migrant shelter in Tecún Umán, a Guatemalan border town that serves as a key crossing point for undocumented migrants.

"Every country has its own policies," Barilli adds. "But when it comes to immigration, it is the United Sates that imposes its policies on everyone else." He says that since the passage of NAFTA, the impact of these policies have been growing. "Now there are more polleros [people smugglers], more corrupt border agents, and more deaths along routes in the mountains that nobody knows about."

Michael Flynn recently visited Guatemala and southern Mexico as part of a Pew Fellowship in International Journalism. This article was adapted from a longer piece published in the July/August 2002 issue of the Bulletin of the Atomic Scientists*, for which he is associate editor (see http://www.thebulletin.org/issues/2002/ja02/ja02flynn.html)*

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