

U.S. Immigration Policy and Migrant Deaths on the Border

Ms. Claudia Smith, TBI Lecture Series

As part of the Trans-Border Institute's 2003-2004 Speaker Series, Ms. Claudia Smith, an immigration lawyer and USD law school graduate, gave a talk on Thursday, October 23rd on U.S. immigration policy and migrant deaths over the last decade. This talk formed part of a week-long immigration conference, "Strangers No Longer: A View from Both Sides" www.sandiego.edu/csl/snl.html, that provided insights from a variety of perspectives from the U.S. and Mexico, including law enforcement, academics, activists, and migrants. The conference was co-sponsored by TBI and several other campus organizations from October 20-25th. Ms. Smith's presentation at the Joan Kroc Building, attended by over 80 faculty, students, and community members, provided an activist's perspective on the deaths of more than 2,700 unauthorized border-crossers from 1993 to 2003.



Immigration Activist Claudia Smith



with altitudes of 6,000 feet and more than a 50% chance of sub-zero temperatures in the winter months. When migrants started dying of exposure in these regions, Ms. Smith asserted, "the border patrol publicity machine expressed shock." However, the strategy of concentrated border enforcement was continued and expanded into its third phase, which expanded measures into the mountainous regions and driving migrants further east. According to Smith, one border patrol agent declared that "we want them in the desert." According to Ms. Smith, this revealed that concentrated

border enforcement was "a deliberate strategy of putting migrants in harm's way." As a result, migrant deaths not only increased during this period, from about 100 a year in 1990 to an annual average well over 300 by 2003, but also expanded from West to East. Migrant fatalities from drowning and highway accidents were replaced by deaths from cold and heat exposure.



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An increase in the number –and fees– of migrant smugglers has been another significant result of this policy change. Increased border enforcement has inflated the fees that migrant smugglers can demand

from would-be crossers, who pay sums now averaging more than \$1300 (often paid by relatives living and working in the United States). Ironically, Ms. Smith observed, the fact that such smugglers are now more prominent than ever “may mean that *more* migrants are actually getting across.” Nationally, it is estimated that between 6-7 million undocumented migrants (4-5 million from Mexico) presently reside in the United States, due to undocumented immigration and overstayed visas. Ms. Smith observed that some estimates place the proportion of undocumented California agricultural workers at greater than 50%. Such figures support the notion that, in Ms. Smith’s view, while the United States is “utterly dependent” on undocumented labor, there is not a serious effort to punish employers because of a “lack of political will” (Ms. Smith noted that she does not advocate employer sanctions).

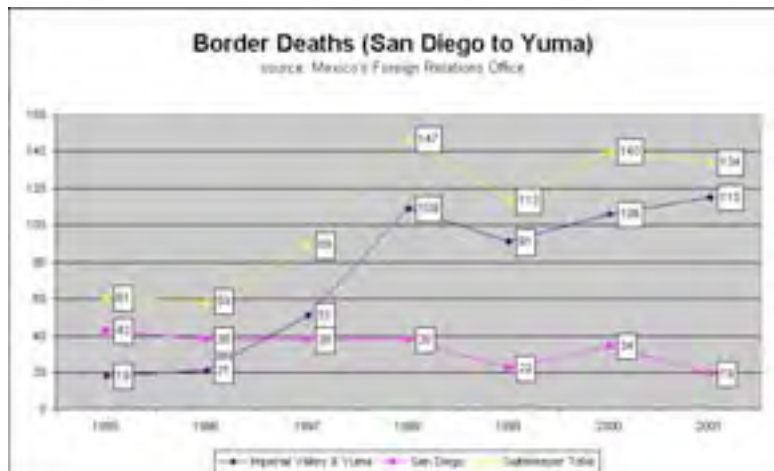


As an activist, Ms. Smith works with the California Rural Legal Assistance Foundation, www.stopgatekeeper.org, to raise public awareness about the issue of migrant deaths and the overall impact of U.S. immigration policy. Ms. Smith indicated that she became mobilized against the U.S. policy of concentrated border enforcement when a 14-year old boy died near the Arizona border, soon after the Border Patrol had disbanded its search and rescue team in that sector. Ms. Smith explained that it is excruciating to listen to coroners’ descriptions of such deaths. Migrants dying of dehydration become delirious, stripping their clothes and running through the desert. Some migrants leave behind their identification cards under an article of clothing or underneath them as they lay down to die. Ms. Smith asserted that the

measures taken by the Border Patrol to prevent such deaths came too late and have been inadequate; safety beacons for requesting assistance from the Border Patrol are separated by miles of desert and have no water available (on the grounds that the Border Patrol does not want to encourage undocumented migration).

Ms. Smith noted that information about migrant deaths is often incomplete. The figure of 2,700 deaths is provided by the Mexican consulate, and only contemplates the number of deaths identified by Mexican consular authorities and the U.S. Border Patrol. Many deaths are not counted, either because bodies are not found or because the deaths occur too far from the border itself (e.g., the suffocation of 18 migrants in a smuggler’s van just north of the Texas border in Spring 2003 was not counted in official Border Patrol statistics). Meanwhile, Ms. Smith asserted, the Border Patrol’s statistics on migrants saved are artificially elevated because they include individuals “liberated from trunks of cars.”

“Ultimately, the deaths are a moral issue,” Ms. Smith contended. A deliberate strategy to maximize the risk to human rights violates the Inter-American Commission of Human Rights principles and is pending a ruling on a case presented by her organization.



Speaker Biography

Claudia Smith is the Border Project Director of the California Rural Legal Assistance Foundation: www.stopgatekeeper.org Born and raised in Guatemala, Ms. Smith received her B.A. from George Washington University in 1970, and then went on to work for California Rural Legal Assistance in 1973. Claudia Smith later obtained a law degree from the University of San Diego, and continues studying international law at USD with a focus on human rights law. Working with faith-based and community organizations, Ms. Smith has been a prime source for information on conditions at the border, testifying before the Organization of American States and the UN Commission on Human Rights in Geneva.