



**SEARCHING FOR THE
LIVING, THE DEAD, AND
THE NEW DISAPPEARED ON
THE MIGRANT TRAIL IN
TEXAS**

**Preliminary Report on Migrant Deaths
in South Texas**

Dedication

To all the families who, in the search for their loved ones, raised the cry for justice and for the many who are taking action and responding to this grave injustice.



This report was written by Christine Kovic in collaboration with the Prevention of Migrant Deaths Working Group of Houston United/Houston Unido. Revised July 15, 2013.

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Houston United/Houston Unido

<https://www.facebook.com/HoustonUnited>

A coalition of community organizations, has been working to prevent border deaths, stop deportations and detentions, and achieve an immigration reform that allows workers to migrate without being criminalized.

Special thanks to all those who made this report possible, including Maria Jimenez, Tom Power, Pat Hartwell, Gloria Rubac, Stephanie Caballero, Alejandro Zuñiga, Mesias Pedroza.

Texas Civil Rights Project (TCRP)- Houston

www.texascivilrightsproject.org

TCRP's mission "is to promote racial, social, and economic justice through litigation, education, and social services for low/moderate-income persons least able to defend themselves. TCRP strives to foster equality, secure justice, ensure diversity, and strengthen low/moderate-income communities in Texas."

Eddie Canales

A native of South Texas, human rights advocate, organizer, and Board President of the National Network of Immigrant and Refugee Rights. He has done amazing work in the Falfurrias region creating connections to advance the project.

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Executive Summary: Migrant Deaths in South Texas

Thousands of men, women, and children have died in their attempts to cross the U.S.-Mexico border. Official numbers from U.S. Department of Homeland Security place the total number of border deaths at around 5,000 since 1998; other estimates place the number at 7,500 or higher. Death of border crossers is a known outcome of migration enforcement and has a long history. Border deaths have increased dramatically in the past fifteen years as enforcement policies have intentionally forced migrants to cross in isolated and dangerous terrain, particularly the Arizona desert. Migrants are dying in large numbers in South Texas as they attempt to cross the harsh desert brush.

Key Findings:

- **Recorded deaths of border crossers in Texas have reached an all-time high.** Official statistics from the U.S. Border Patrol, a partial accounting of border deaths, document a total 271 deaths for the fiscal year of 2012, the first time that migrant deaths in Texas are higher than those of all other border states combined.
- **The southern border is becoming more deadly.** Deaths are increasing even as the number of migrants crossing the U.S.-Mexico border is declining.
- **Migrant deaths in Texas are concentrated in Brooks County where 129 migrant bodies were recovered last year.** The U.S. Border Patrol Falfurrias checkpoint located in Brooks County is some 60 miles north of the U.S.-Mexico border. Migrants are dying as they cross the harsh desert terrain to avoid this checkpoint.
- **The deaths in South Texas result from a series of policies that extend well beyond the region.** These policies include economic reforms that cause emigration from Mexico and Central America, U.S. border enforcement policies, deportation and the criminalization of migrants in the U.S., and the limited possibilities for large groups of migrants to enter the nation legally.

“Death of border crossers is a known outcome of migration enforcement and has a long history.”
- **DNA testing, as required by Texas State Law for all unidentified remains, is not being carried out in a standardized and coordinated manner to identify the dead.** Family members who have contacted Houston Unido have learned that officials have not taken DNA samples on unidentified bodies that they suspected were their lost loved ones.
- **Migrant deaths and the lack of standardized DNA testing add to existing racial and ethnic disparities.** Those who die crossing the border are primarily from Mexico and Central America, making evident the disproportionate impact of enforcement on Latino immigrants. Added to this injustice, the failure to prioritize the identification of deceased border-crossers has resulted in hundreds of unidentified remains of Latinos.
- **A lack of comprehensive criteria to count border deaths results in a dramatic undercount.** The partial count of deaths leads to a limited accounting for the human cost of enforcement policies.

Summary of Key Recommendations

At the local level:

- Establish protocols that comply with state law on DNA testing and on entering relevant data into the National Missing and Unidentified Persons System (NamUs) database.
- Ensure collection, transportation, and storage of DNA samples for all unidentified remains.
- Promote humanitarian response to border deaths through seeking broad-based community involvement in assistance to migrants and search and rescue efforts.

At the state level:

- Ensure county compliance with Texas state law in carrying out DNA testing and entering relevant information into missing persons database; establish a state fund to support such compliance.
- Support efforts by local authorities to prevent deaths and identify remains.

At the federal level:

- Prioritize immigration reform that supports family reunification.
- Enact moratorium on deportations and detentions of low priority cases
- Prioritize respect for human rights of all border communities in border security policies.
- Fund transportation and processing of unidentified remains.
- Support installation of water drums and rescue beacons.
- Establish a search and rescue group independent of U.S. Border Patrol and its enforcement efforts.



Photo taken at demonstration in Houston advocating for urgent immigration reform. April 2013

Introduction and Overview

Thousands of men, women, and children have died in their attempts to cross the U.S.-Mexico border. Official numbers from U.S. Department of Homeland Security place the total number of border deaths at around 5,000 since 1998, and other estimates place the number at 7,500 or higher (Jimenez 2009).¹ Death of border crossers is a known outcome of migration enforcement and has a long history (Nevins 2008).²

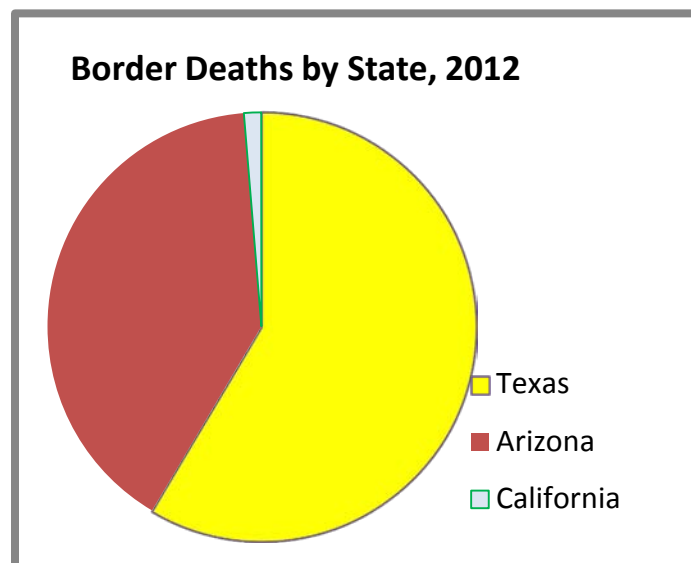
The causal link between the deaths of migrant men, women, and children, and U.S. border security policies is recognized and in large part, intentional. The U.S. Immigration and Naturalization Services designed a strategy of “Prevention-through-deterrence” that creates obstacles and difficulties to discourage undocumented immigration. The 1994 Border Patrol Strategic Plan states, “The prediction is that with traditional entry and smuggling routes disrupted, illegal traffic will be deterred, or forced over more hostile terrain, less suited for crossing and more suited for enforcement.” In the past two decades, border deaths have increased dramatically as enforcement policies have pushed migrants to cross in isolated and dangerous terrain, particularly the Arizona desert. Most recently, migrants are dying in large numbers in South Texas as they attempt to cross the harsh desert brush.

Recorded deaths of border crossers in Texas are at an all-time high. Official statistics from the U.S. Border Patrol, a partial accounting of border deaths, document 271 deaths in Texas for the fiscal year of 2012, higher than all other states combined. That these deaths are taking place as the number of migrants crossing the

U.S.-Mexico border declines means that the southern border is becoming much more deadly. At this time, migrant deaths in Texas are

“Recorded deaths of border crossers in Texas are at an all-time high.”

concentrated in Brooks County, located 70-miles north of the U.S.-Mexico border. Last year, 129 migrant bodies were recovered in this county, more than double the figure for the previous year. The deaths in South Texas result from a series of policies that extend well beyond the region. These policies include economic reforms that cause emigration from Mexico and Central America, U.S. border enforcement strategies, deportation and the criminalization of migrants in the U.S., and the limited possibilities for large groups of migrants to enter the nation legally.



Data from U.S. Customs and Border Patrol

Adding to the complexity and tragedy of the loss of life, local and state officials are not carrying out DNA testing, as required by Texas State Law for unidentified remains, in a standardized and coordinated manner to identify the dead. Family members who have contacted Houston Unido have learned that DNA samples had not been taken of unidentified bodies that they suspected were their lost loved ones. Without the collection of DNA, concerned families will not be able to locate the missing or even know if loved ones have died. As such, migrants are “the new disappeared” or “los nuevos desaparecidos,” to use a term from the 1970s and 1980s to name those who disappeared in the Civil Wars and repressive military regimes in Central and South America (Stephen 2008). U.S. immigration policies as well as neoliberal economic policies in Mexico which have displaced urban workers have produced the current “disappeared” along the U.S.-Mexico border. As was the case for the disappeared of previous decades, families with limited resources search persistently for news of their loved ones, seeking closure and knowledge of their whereabouts. This report is motivated by the family members seeking answers about the disappeared and those facing the pain of loss.

The U.S. Congress is engaged in immigration reform with continued emphasis on enforcement and militarization of the U.S.-Mexico border. This report details one of the most tragic impacts of the criminalization and deportation policies which follow this emphasis. As legislators count votes to advance immigration reform that intensifies

enforcement, in Texas we continue to count bodies. Migrant deaths have become the metrics of a failed border security policy. U.S. society as whole has declined its moral responsibility for this situation by failing to hold immigration policy makers and enforcers politically and legally accountable for the outcomes of these policies, which are carried out in the name of all Americans.

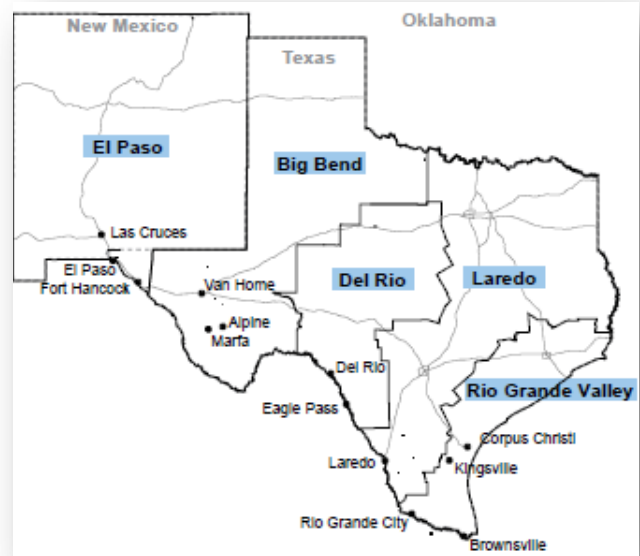
The Report

This preliminary report provides an initial overview of the current crisis in South Texas. It aims to call attention to this crisis and to call on authorities at the local, state, and federal level to take action to prevent these deaths. It points to the lack of standardized criteria in both the processing of human remains and procedures to count migrants who die crossing the border – counts that are essential for understanding the outcomes of U.S. immigration policies. The report presents a synopsis of trends in migrant deaths in South Texas and some of the causes for these deaths. At its close, it presents a series of recommendations to address the current humanitarian crisis. This report, one of the first to focus on deaths in Texas, follows a series of important studies that document and analyze border deaths and their links to enforcement policies (Cornelius 2001; Eschbach, Hagan, Rodríguez 2003; Jimenez 2009; Rubio-Goldsmith et al. 2006).³

“Migrant deaths have become the metrics of a failed border security policy.”

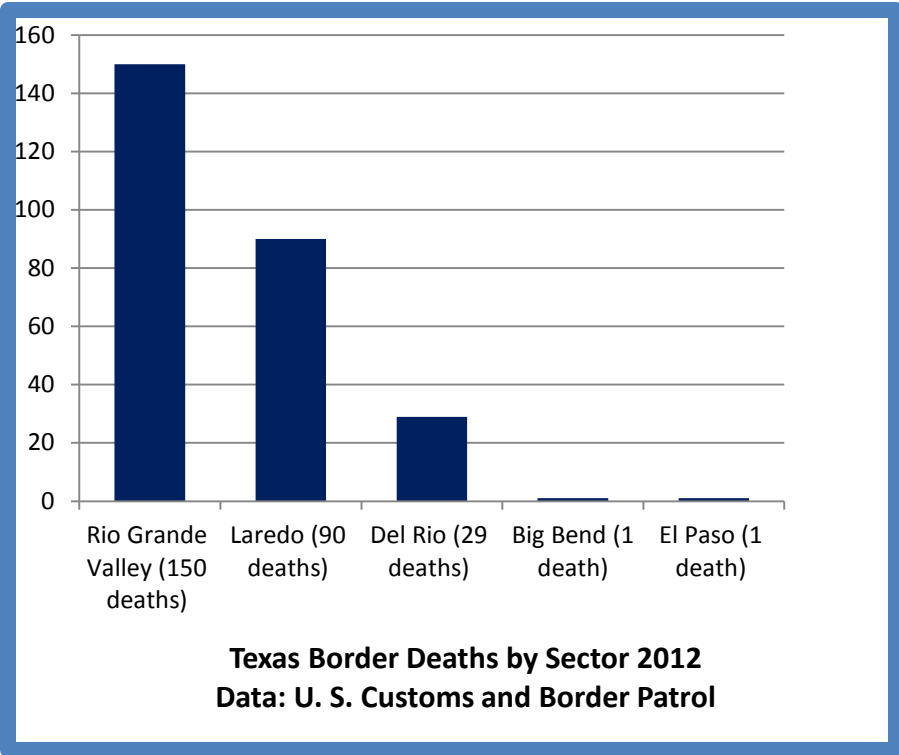
Migrant Deaths in Texas

In 2012 Texas had the highest number of migrant deaths ever recorded for the state. Border Patrol recorded 271 deaths for Texas, a number that is 59% of the total number of border deaths, 463. Deaths in Texas increased by 73% from 2011 to 2012, and deaths in the Rio Grande Valley Sector (which includes Brooks County) more than doubled. Deaths are concentrated in the Rio Grande Valley sector (with 150), followed by the Laredo sector (90), and the Del Rio Sector (29).

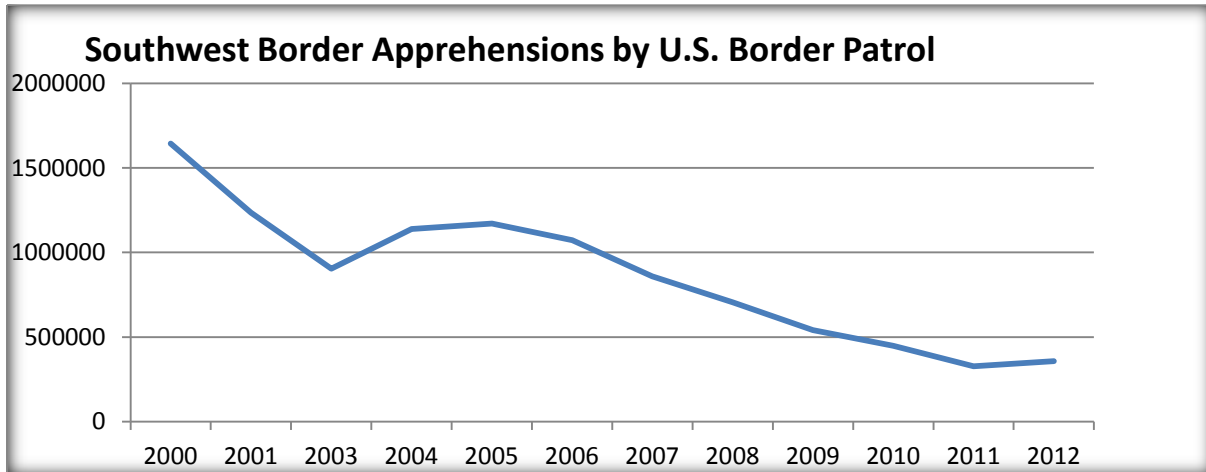


Border Patrol Sectors, 2012 GAO Border Patrol Report

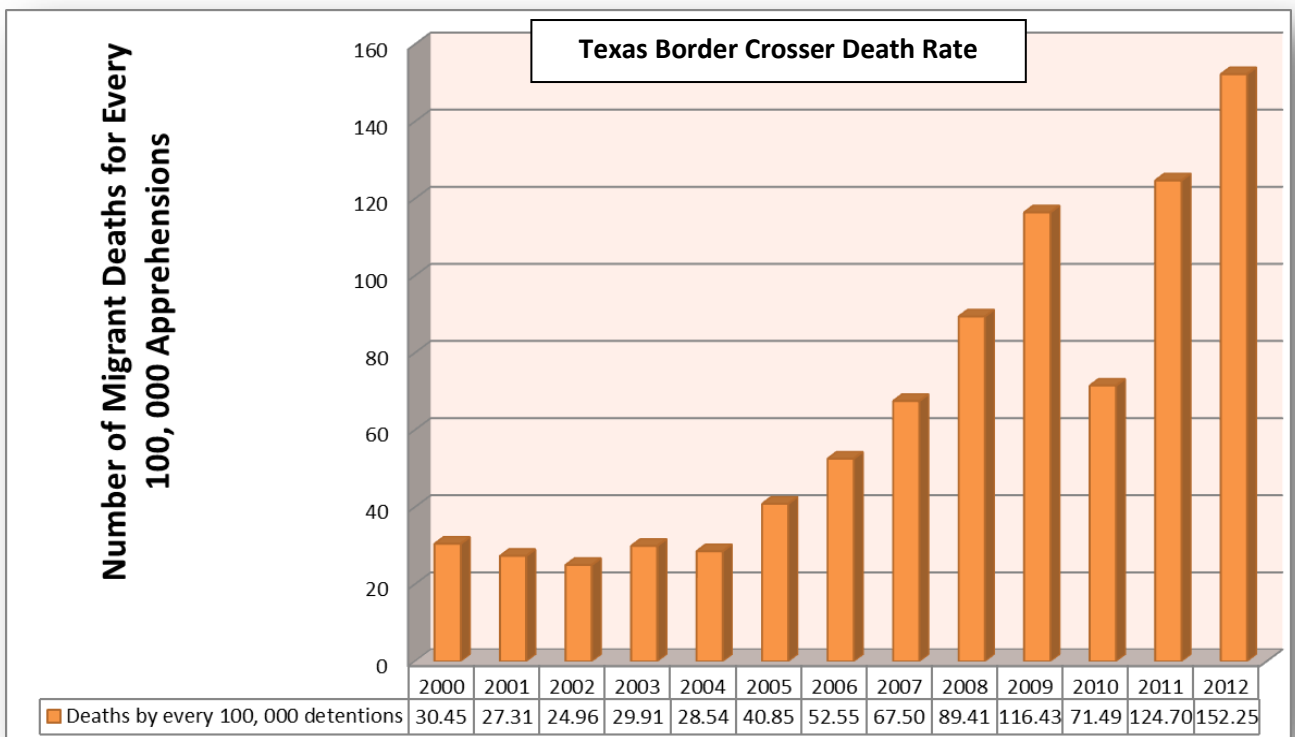
According to Border Patrol apprehension figures, the number of migrant deaths is increasing at a time when fewer migrants are crossing the border. Although Border Patrol apprehensions are at best an



imperfect measure of unauthorized border crossers, they do reflect larger trends in unauthorized migration and changes in such trends (Epenshade 1995; Rubio-Goldsmith et al. 2006). Mexican migration to the United States has declined significantly in recent years, in large part due to the downturn in the U.S. economy (Passel, Cohn, Gonzalez-Barrera 2012). Border Patrol apprehensions for the years of 2011 and 2012 are the lowest in decades going back to 1971.



In sum, it is not the case that more migrants are dying because more are attempting to cross. To the contrary, after more than fifteen years of militarization of the border, a higher proportion of border crossers are perishing. The number of migrant deaths per 100,000 Border Patrol apprehensions provides an approximate death rate (Rubio-Goldsmith et al. 2006). With a few fluctuations, the death rate in Texas is rising, reaching a total of 152.25 for 2012, a 22% jump from 2011 alone. The rate is six times the rate of 2002. The increase in enforcement along the border forces migrants to cross in more dangerous areas, pushing up the death toll.



Data from U.S. Customs and Border Patrol

The problem is much worse than it appears. The actual number of border deaths is much higher than the number reported by Border Patrol for several reasons.

- ***Geography of the region and conditions under which migrants die:*** The Texas border with Mexico spans 1,255 miles. Fifteen Texan counties touch this international border and many more are located within 100-miles of the border. Migrants travel in isolated areas to avoid detection. Because of the low population density and thick desert foliage in Texas's rural areas, bodies many not be located for days, weeks, or even months. Bodies decompose rapidly in the hot and humid climate, and desert predators, including wild hogs, may move or destroy human remains, leaving only scattered bones. Unknown numbers of human remains are never recovered.
- ***Narrow criteria for classifying border deaths:*** These figures may not include cases in which local authorities, border residents, migrants, or humanitarian organizations, among others, are the first to come in contact with and deal with migrant remains. They may not include skeletal remains or bodies beyond "target zones" (Jimenez 2009; Rubio-Goldsmith et al. 2006).
- ***Exclusion of deaths in Mexico:*** Migrants whose bodies are recovered in Mexico, including the dozens who drown every year in the Rio Grande, are not included in Border Patrol counts.⁴

To underscore the incomplete nature of current numbers Rubio-Goldsmith et al. (2006) use the term Recovered Bodies of Undocumented Border Crossers instead of "migrant deaths." The term "migrant deaths" conveys the idea that the count is complete and "leads to semantic misrepresentations of what is actually known about how many unauthorized migrants are dying in the U.S. (as well as in Mexico)" (Rubio-Goldsmith et al. 2006: 19). An undercount of migrant deaths makes less visible this known outcome of border enforcement. A lower count allows for a focus on increasing border "security" and helps steer attention away from the security of migrants themselves or the deaths produced by security policies.

The increasing number of migrant deaths demonstrates the significant limitations of current search and rescue operations. The Border Patrol created a Search, Trauma, and Rescue Unit (BORSTAR) in 1998 in response to criticism about border deaths. Composed of Border Patrol Agents that receive special training, BORSTAR responds "to the growing number of migrant deaths occurring along our nation's border" and "provides assistance to those in distress" (U.S. Custom and Border Patrol Fact Sheet). A number of studies point to the limits of BORSTAR, in particular the Government Accounting Office challenged BORSTAR's incomplete data on deaths and rescue in assessing its efficiency (GAO 2006). BORSTAR places the Border Patrol in the role of both "persecutor and rescuer" with the goal of implementing "the border enforcement policies that foster the conditions of suffering and death" (Jimenez 2009: 36). The existence of a search and rescue unit that forms part of the Border Patrol, an enforcement agency, has two central limitations. First, migrants, even those in acute distress or danger, often hesitate to call for emergency assistance from those in law enforcement, knowing that their rescue in the desert may lead to detention and deportation. Given that undocumented entry is classified as a crime, and re-entry a felony, calling for emergency assistance may lead to detention. Second, BORSTAR agents have two roles -- that of enforcement and that of saving lives. These roles can conflict with one another, and enforcement actions pull resources and personnel away from saving lives.

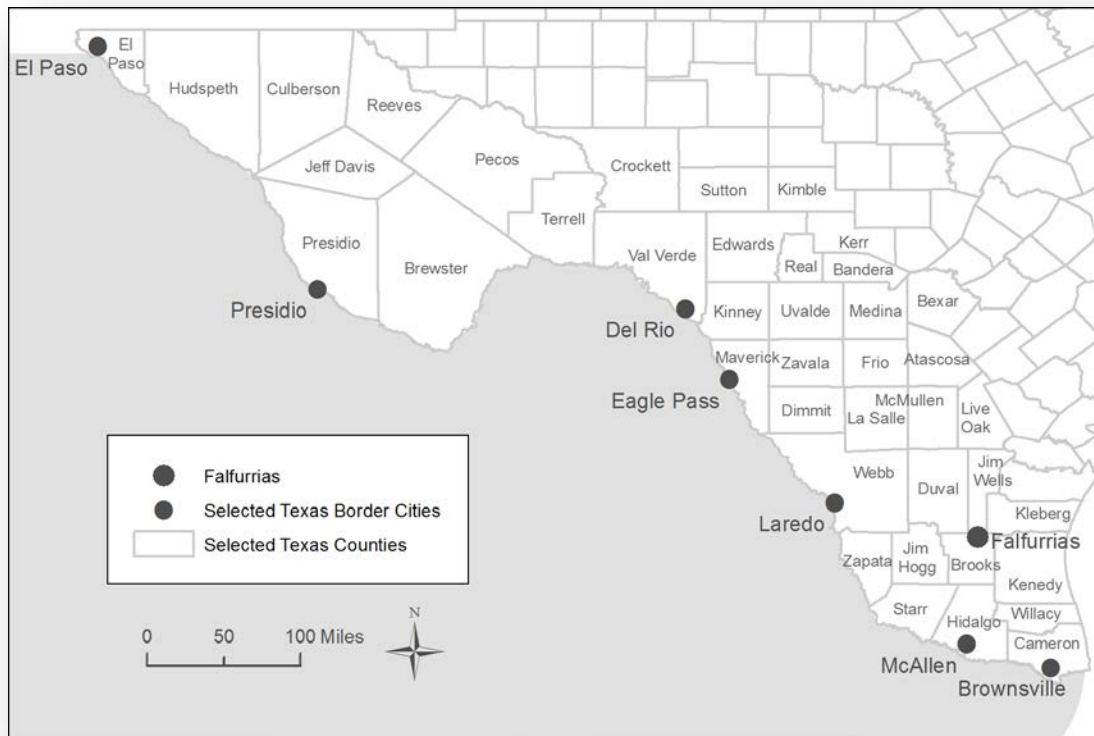
Deaths in Brooks County and the Surrounding Region

The deaths in the Border Patrol's Rio Grande Valley Sector concentrate in Brooks County, with a reported total of 129 deaths last year.⁵ Brooks County is the site of the U.S. Border Patrol Falfurrias Checkpoint, an interior traffic checkpoint located some 60-miles north of the border. It is situated on the corridor used by coyotes (smugglers) to transport migrants to Houston and other cities and stops every northbound vehicle. According to U.S. Customs and Border Patrol, "The station's primary responsibility is to maintain traffic check operations to detect and apprehend terrorists and/or their weapons of mass effect as well to prevent the passage of illegal aliens and/or contraband from the border area to major cities in the interior of the United States via U.S. Highway 281."⁶ The U.S. Border Patrol reports that this checkpoint "is nationally known as a primary leader in seizures, both alien and narcotic apprehensions." It is surrounded by "rough" terrain and "crude vegetation." At the checkpoint's entrance is a sign giving a count of "Year-to-date seizures" with a tally for drugs (in pounds) and for "undocumented aliens." The sign listed 12,367 as the total of "undocumented aliens" in August 2012. The Falfurrias Station also includes a detention and processing station.



Indicator at Border Patrol Checkpoint in Falfurrias, TX, August 2012.

Selected Texas Border Counties



As migrants led by human smugglers attempt to avoid the checkpoint, they must cross harsh, dry, and isolated terrain. The land surrounding the checkpoint is owned by private ranches, with the King Ranch on the east side of the highway and other ranches on the west side. Migrants must walk for miles around the checkpoint and wait for coyotes in the brush. Some are abandoned or injured in the journey, others become too exhausted to continue, and some become disoriented or lost in the region. The flat land provides few markers by which migrants can orient themselves. Stories from survivors of these crossings, such as that narrated in the testimony of Marta Iraheta (included in this report), reveal that coyotes leave behind those who are injured, ill, or too tired to continue the journey through the brush.

Unidentified Migrants in Brooks County and South Texas: “The Disappeared”

Members of Houston Unido became involved in this recent crisis of missing migrants in South Texas when Rafael Hernandez of Los Angeles del Desierto (Desert Angels) visited Houston on his way to Brooks County in June 2012. Hernandez is a member of the humanitarian organization Desert Angels, which he founded in 1997 along with six volunteers. He uses search and rescue skills obtained through the Red Cross in Mexico City to respond to calls from family members to locate missing loved ones along the border. Desert Angels primarily works to rescue lost

“Over the past year Hernandez received over 300 phone calls or email messages from family members or others reporting missing loved ones in the region.”

migrants but also attempts to recover bodies and remains (Jimenez 2009).

Last year, Hernandez began receiving phone calls from family members reporting lost loved ones in the Falfurrias region. Many of these calls were from Central American families about people who had been deported and went missing in attempts to return. Over the past year (May 2012 to May 2013), Hernandez received over 300 phone calls or email messages from family members or others reporting missing loved ones in the region. A selection of emails from October 2012 includes the following cases:

- A Salvadoran woman wrote of searching for her 24-year-old cousin, Krissia, who had last called her two months earlier while crossing Falfurrias, Texas. The cousin spoke to a presumed coyote who said that Krissia had been detained by the border patrol. When the cousin went to search for Krissia in the region, she could not find any news of her. The cousin writes, “Her parents currently live in El Salvador and are very humble people and like us they are desperate for news of Krissia.”
- A man wrote of searching for his Guatemalan friend, Antulio, a young man, who was last seen near the Falfurrias checkpoint.
- A woman wrote in search of her cousin, Brenda, a Honduran woman who is 31-years old. The last news she received of her was that the guide she was traveling with abandoned her in McAllen, Texas in October 2012.

When Hernandez traveled to Brooks County in an attempt to locate the missing migrants, he learned that recovered migrant bodies were being sent to the Elizondo Mortuary and Cremation Services in Mission, Texas. They were eventually buried in the Sacred Heart cemetery in Falfurrias, some without the collection of any DNA samples. When Marta Iraheta went to Brooks County to try to find her nephew and his friend in September 2012, she found out that a man believed to be her nephew had been buried already and that it would cost thousands of dollars to exhume the body and conduct DNA testing. In another case, Leila de Jesús Torres, a resident of El Salvador, was searching for her son Nestor Enrique Calderon Torres, who had crossed the border near McAllen. His mother believed that his remains were being kept at the Elizondo funeral home, but could not visit to attempt identification. The funeral home informed her that she would have to pay for DNA testing. It was only through the intervention of Rafael Hernandez, and later of Houston Unido, that the body was held for DNA testing.

“The 47 unidentified remains reported are out of a total 129 recovered migrant remains, meaning that 36% are unidentified.”

The number of unidentified remains recovered in Brooks County has more than tripled in the past year, rising from 5 in 2010, to 13 in 2011, and 47 in 2012.⁷ The 47 unidentified remains reported are out of a total 129 recovered migrant remains, meaning that 36% are unidentified. Of the 82 classified as identified, some were identified by driver licenses or other personal belongings, a method that may be inaccurate due to the fact that these items commonly change hands during the migration process.

Marta Iraheta, Testimony from May 1, 2013, Houston, Texas

Good evening everyone and thank you for being here and supporting us in this cause because we all have to pray and to ask God for our families that, one day, left our countries with the dream of reaching this country in search of work to support themselves. They paid a very high price and never arrived.

My nephew, along with his friend, left El Salvador in June last year [2012] and on June 29 arrived in Reynosa, and on July 1st they began the walk in the desert. But my nephew's friend was already dehydrated and found some water to drink where cows drink. And I think that he was so nervous that he drank too much water. Suddenly, according to what one of the people with them told me, he simply collapsed and fell down, and the coyote that was bringing them didn't do anything for him, nothing more than looking back to make sure that he was dead. We think that they took his identification because he brought his identification and we haven't heard anything about him since. This was in July of last year.

My nephew continued walking.... On July 5 last year he injured his leg falling in a hole there in the desert and he couldn't walk anymore. He was so dehydrated that he couldn't walk anymore and there they left him, just five minutes away from [the highway] ... But he couldn't go any further, my nephew couldn't walk anymore, and there he stayed, there he stayed.

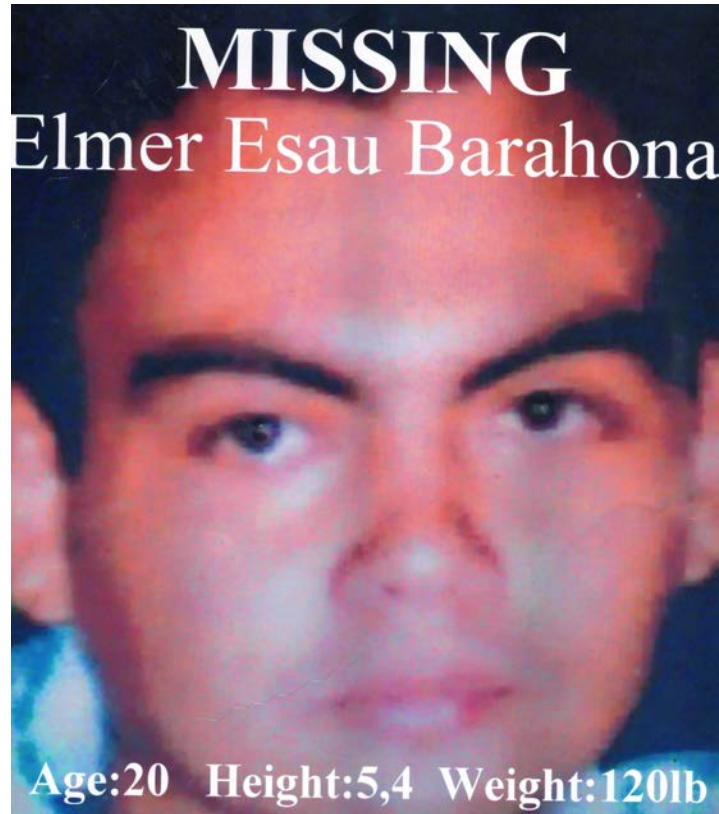
I felt like I was in hell, I felt like I was in hell. My sister called me. She was in El Salvador and called me and asked me to do something. They don't know where South Texas is. They only know that I live in Houston and they believe, lots of people believe, that living in Houston is right there [in South Texas]. And from there to Houston there are hours of difference. But with the help of the Ángeles del Desierto [Desert Angels], I went to walk in search of him. But I didn't find anything. I didn't find anything. We never knew anything about him. We never knew anything about him.

One month later they found a cadaver that was already only bones and we recognized that it was him because I went to Mission, Texas to see the evidence. . . He had two photos in the same pants pocket. But we don't know with certainty that it was him. We need DNA to know if in reality it is him. There is no DNA here in Texas. We need the government to help us with a DNA database so that we can take DNA samples from our families and be able to match them. Without that, we cannot do anything... and there are many families there that say, "My son, my father, or my mother was lost there. Help us, they were lost and no one knows anything about them."

It is sad to say that he was lost and ... it is very hard, very hard. I ask you, please, I ask that we pray for him, for his family, and for those that remain in the desert that came in search of the American Dream, the American Dream that we so desire and that sometimes we pay such a high price for and we never reach it...

As I said, there [in south Texas] they have a cemetery where they bury those that supposedly do not have anyone to reclaim them. But it is not that the families don't reclaim them because they don't love

them, it is that they don't even know that they are there. And sometimes they just put a little aluminum plaque where they fall down. And they say that when they cut the grass, they throw the plaques away. That means they do not know where they are [buried]. I repeat, I hope that the government does something and creates a DNA database so we can find our family members. Thank you.



Elmer Esau Barahona is the nephew of Marta Iraheta

On February 20, 2013, a letter signed by more than thirty organizations including the Texas Civil Rights Project (TCRP) and Houston Unido was delivered to Brooks County urging that DNA samples be taken from all unidentified remains in compliance with state law. According to Texas State Law, DNA samples must be collected from unidentified remains to be submitted to the University of North Texas Health Science Center for inclusion in the database.⁸ At the writing of this report, no conclusive information has been obtained regarding DNA testing of unidentified remains. Although a protocol signed by the four Justices of the Peace dated April 30, 2013 states that DNA testing will be ordered on all unidentified and partial skeletal remains, there is no mention of how these tests will be taken and if and how they will be included in a national database. In recent conversations with the TCRP, Brooks County officials have reported that they are in the initial stages of DNA testing with the assistance of Baylor University.

On May 19, 2013, forensic anthropologist Lori Baker of Baylor University with a team of students began exhumations and analysis of bodies that had been previously buried in dozens of pauper graves in the Sacred Heart Cemetery of Falfurrias. As of June 21, 2013, Baylor University had exhumed 65 bodies for

later identification. Remains were sent to Baylor and Texas State University to take DNA samples in hopes they can be identified.

The current crisis in Brooks County is one created by state and federal policy. Texas lacks standardized criteria for categorizing a death (identified or unidentified) as that of a border crosser and no readily accessible public information site exists. In January of 2013, the TCRP began requesting public information on the number of unidentified human remains as well as the policies on processing such remains for sixteen South Texan counties. Many counties have yet to respond to the TCRP request. The lack of a state-level policy regarding the recording and reporting on migrant remains results in a variety of policies that are not standardized or coordinated. A lack of standardization has left all of the counties on their own to deal with this growing crisis with no federal or state support. In their conversations with county officials, TCRP found that when asked about the processing, identification, and burial of unidentified human remains, the majority of officials were unable to provide clear answers.

Texas counties are not required by law to have a medical examiner and lack local funding for the processing and identification of human remains. Many counties do not have a written protocol regarding who is responsible for taking DNA samples, though state law indicates that a justice of the peace is responsible for conducting an inquest (Texas Code of Criminal Procedures, art. 49.04(a)). There is no medical examiner in Falfurrias (Brooks County). Larger cities such as Corpus Christi (Nueces County), some 70-miles from Falfurrias, and Laredo (Webb County), 90-miles away, can afford medical examiners because of significantly higher budgets. Hidalgo County (in Edinberg) has a pathologist to perform autopsies. This is of particular concern since the information for the National Missing and Unidentified Persons System (NamUs) database of the National Institute of Justice must be entered by a medical examiner or coroner, according to its webpage. NamUs is a public database with detailed information on unidentified persons. It is available on-line in English and Spanish and can be searched by those seeking lost loved ones, facilitating a match.

Several counties near Brooks County also report significant numbers of unidentified remains, most likely those of unauthorized border crossers. Of note, Kenedy County, bordering Brooks County on the east, reported recovering ten unidentified human remains for the year 2012. These remains are sent for DNA

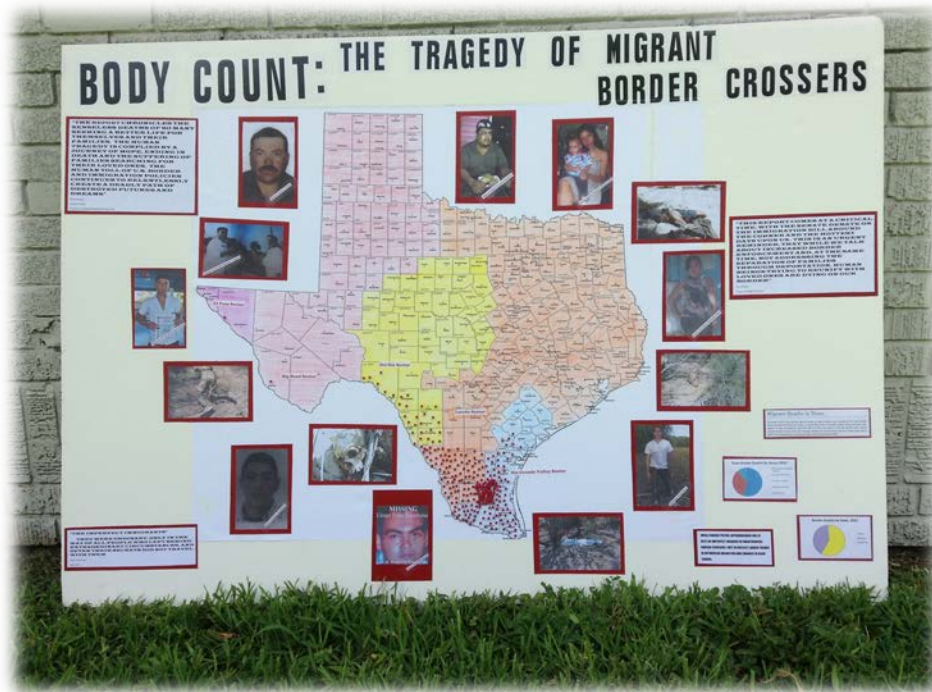
Unidentified Persons in South Texas Counties, 2012

County	Unidentified
Jim Hogg	2
Cameron	2
Kenedy	10
Brooks	47
Hidalgo	5
Jim Wells	0
Willacy	0
Starr	7
Webb	9
Zapata	2

testing and autopsies. Kenedy County's population is just over 400 and it is the site of the King Ranch. Reports for Brooks County plus eleven surrounding counties indicate a total of 86 unidentified remains for the year 2012.⁹ The number of unidentified remains is not the same as the number of border crosser deaths because many border crosser remains are identified.

Most South Texas counties have limited funding for forensic analysis. Brooks County, with an annual budget of \$5 million, requires additional funding to comply with state law in the collection, transportation, and storage of DNA samples (Bustillo 2013). It receives no federal assistance for this task.

The unidentified remains in these South Texas counties are some of the hundreds, if not thousands, of unidentified remains of border crossers, leaving many family members not knowing what has happened to their loved ones. Even when DNA samples are collected from remains, family members must enter their DNA in a database in order to make a match to identify the dead. Not only are many family members (residing in the U.S., Mexico, or Central America) hesitant to submit samples, most law enforcement agencies in the U.S. will not enter samples from foreign nationals due to funding restrictions (Reineke 2013). This means that many of the dead remain unidentified. The lack of identification of Latino immigrant border crossers is but one way in which DNA databases reflect racial disparities. Ironically, forensic DNA databases contain large and growing numbers of Latinos and African Americans, groups that are overrepresented in prisons because of racial disparities in the criminal justice system (Chow-White, Duster 2011). Yet there is scant investment in identifying the remains of dead Latino border crossers through taking DNA samples and matching them to family members.



Central American Migrants

Increasing numbers of non-Mexican migrants, primarily Central Americans from Guatemala, Honduras, and El Salvador, are being apprehended at the southern border. While non-Mexican apprehensions represented just over 11% of the total for the Southwest Border for the Fiscal Year of 2010, they reached 14% in 2011 and 26% in 2012. For the first time, the recorded number of non-Mexicans made up the majority (51%) of the migrants entering the Rio Grande Valley Sector in 2012. They also made up a significant and growing number of those entering the Del Rio Sector, 43%, and 29% in the Laredo Sector.¹⁰ It is likely that one reason Central Americans are crossing South Texas is because it is the shortest distance from their home countries. These migrants have already suffered a long, exhausting, and dangerous journey across Mexico, over what has become a vertical border of more than 1,000 miles before they reach the U.S. border (Kovic 2010).¹¹



Central American women in Chiapas searching for loved ones disappeared during migration through Mexico.

Vehicle Accidents in South Texas

A significant number of migrants die in motor vehicle collisions, often as they are fleeing Border Patrol agents or police. Labeled “accidents,” these collisions often take place in structured ways. As coyotes are traveling late at night, or at high speeds in overloaded vehicles, collisions occur. In just four accidents from April of 2012 to April of 2013 in South Texas, 24 migrants were killed, and dozens more were injured. In the most widely-publicized of these cases, fifteen people died when a pick-up truck carrying 23 migrants from Mexico, Guatemala, and Honduras crashed on July 22, 2012 in Goliad County off Highway 59. Law enforcement officers report that overloaded vehicles traveling at high speeds are common as coyotes work to transport migrants from the border to Houston (Schiller and Pinkerton 2012). Following the crash, Adrian Fulton of the Victoria Mortuary Services received hundreds of phone calls from people searching for missing loved ones. “Yesterday, we probably fielded 1,000 calls. I am trying to find my brother; I am trying to find my sister; I am trying to find my husband,” he reported (Schiller and Pinkerton 2012). The high number of calls is further evidence of the many family members searching for lost loved ones.¹²

Immigration Policies and Border Deaths

Migrant deaths are not a new occurrence but a known outcome of border enforcement. A series of reports have documented these deaths and their rise in the 1990s following the intensification of border enforcement (American Public Health Association 2009; Eschbach, Hagan, Rodríguez 2003; Jimenez 2009; Rubio-Goldsmith 2006). The Border Patrol established a “prevention-through-deterrence” approach that increased Border Patrol agents, barriers, and new technologies at common crossing points, notably urban areas. It was first issued in its 1994 Strategic Plan, not coincidentally the year the North American Free Trade Agreement was enacted, causing an increase in migration out of rural Mexico toward the United States. Policies such as Operation Gatekeeper, which was established in the San Diego, California region and concentrated border enforcement in populated areas, pushed people to cross in more isolated and dangerous regions. The Binational Migration Institute at the University of Arizona shows a “funnel effect” in which migrants were pushed away from busy crossing points into Arizona’s desert, while the number of deaths increased 20-fold from 1990 to 2005 (Rubio-Goldsmith et al. 2006). As the number of deaths soars, the policies continue. As enforcement has intensified in Arizona -- with more border patrol agents, a fence, and new technologies including Black Hawk Helicopters, drones, and ground sensors -- migrants cross on more dangerous routes in both Arizona and Texas, with higher rates of death. Doris Meissner (2009) who was INS Commissioner when the prevention-through-deterrence program began in 1994, later observed that these deaths are “a tragic byproduct of border enforcement.”

“Not only are returning migrants at risk of detention, they also risk death in the process of return as they must cross the southern border in dangerous conditions to reach their families.”

U.S. Customs and Border Patrol, which is charged with enforcing the policies that are a major cause of migrant deaths, is part of the Department of Homeland Security (DHS). Unlike local and state jurisdictions, which lack funding for processing the dead, Customs and Border Patrol has a current budget of over \$3.5 billion. The 2012 budget was more than double the budget ten years earlier (2002), and ten times that of 1992 (without any adjustment for inflation).¹³ As Congress considers increasing spending for border militarization even further, private defense contractors stand to benefit. Major military contractors are competing for large contracts to deploy surveillance equipment along the border, especially as the U.S. withdraws from wars overseas (Lipton 2013).

Deportations

The rise in the number of border deaths must be placed in the broader context of the increasing criminalization of immigrants in the U.S. Deportations reached an all-time high in the 2012 fiscal year, with Immigration and Customs Enforcement (ICE) reporting over 400,000 deportations. ICE emphasized that 55% of those deported were convicted criminals, but this is a very misleading figure, since unauthorized re-entry after deportation is now a felony.

Deportation is linked to unauthorized reentry and migrant deaths. As a direct result of deportations, thousands of parents have been separated from their citizen children. In a two year period from 2010 to 2012, over 200,000 deportations involved parents with children who were U.S.-citizens (Wessler 2012; see also Applied Research Center 2011). A University of Arizona study of recent deportees found that one in four had children under 18 who were U. S. citizens. Not surprisingly, many deportees hope to return to their families, homes, and jobs in the U.S. (Slack et al. 2013). Not only are returning migrants at risk of detention, they also risk death in the process of return as they must cross the southern border in dangerous conditions to reach their families (Meng 2013).

Conclusion

The number of migrant deaths in South Texas is at a record high and current trends project that this rate may be even higher for the year 2013. From October 1, 2012 to May 17, 2013, unofficial Border Patrol statistics report 78 deaths for the Rio Grande Valley Sector, 30 for the Laredo Sector, and 9 for the Del Rio Sector. The summer months are especially dangerous for unauthorized border crossers who suffer heat stroke and dehydration in the Texas brush.

As Congress is currently engaged in another attempt to reform immigration policy to “fix a broken system,” it is essential to integrate the impact of enforcement and border control policies in the discussion. Demands for more militarization and border enforcement must account for and measure the impact these policies will have in terms of the loss of human life. While local authorities did not create the conditions under which migrants are now crossing border counties, officials are left with the responsibility of developing clear policies to protect human life and to locate and identify human remains of deceased border crossers. To do so, local authorities require support from the federal government.



Gravesite at Brooks County's Sacred Heart Cemetery, where many unidentified remains have been buried

Amnesty International labels border deaths a “heinous abnegation” of the state responsibility to respect human rights. Amnesty’s 2013 annual report notes that these deaths occur as “a direct result of measures taken by the U.S. government to make safer passages impassable for migrants” (Amnesty International 2013:7). These deaths are also a result of increased deportations and the very limited possibilities for large groups of migrants to gain legal entry into the United States or to legalize their status after living in the U.S. for years or even decades.

Family members, activists, and humanitarian groups are demanding not only that the dead be identified, but more importantly, that migrants no longer die as they attempt to cross borders. The United States must be capable of creating immigration policies that are not centered on militarization, enforcement, separation of families, and the criminalization of human mobility of low wage workers. In a globalizing world where the U.S has played a central role in promoting free trade agreements and liberalization of economies, immigration policies centered on respect for human rights of all people will support interconnected human security, including that of all communities in the border region.

Recommendations

Border enforcement strategies have led to the deaths of thousands of migrants. The following recommendations at the local, state, national, and international levels focus on actions to prevent border deaths and to promote the human rights of communities and migrants on both sides of the U.S.-Mexico border.

At the Local Level

- Establish county protocols that comply with state law on DNA testing and on entering relevant data into the National Missing and Unidentified Persons System (NamUs) database.
- Ensure collection, transportation, and storage of DNA samples for all unidentified remains. Ensure proper handling and storage of human remains and recovered personal effects.
- Promote humanitarian response to border deaths through seeking broad-based community involvement in direct assistance to migrants and search and rescue efforts to prevent border deaths.

At the State Level:

- Ensure county compliance with Texas state law in carrying out DNA testing on all unidentified remains; establish a state fund to support such compliance.
- Ensure that relevant information from unidentified human remains is entered into the National Missing and Unidentified Persons System (NamUs) database.

At the State Level (continued):

- Create transparent and standardized public reporting of the number of migrant deaths for the state.
- Coordinate training of local officials in DNA sample collection for unidentified remains.

At the Federal Level:

- Commit to an immigration reform that supports family reunification and moves away from criminalizing an economic and social result of the current globalized economy.
- Enact an immediate moratorium on deportations and detentions of low priority cases, including decriminalization of entry, re-entry, and other practices related to undocumented status.
- Reimburse U.S. counties within 200 miles of the U.S.-Mexico border for costs associated with the transportation and processing of unidentified remains, funded through Department of Homeland Security.
- Install and expand rescue beacons and water drums in areas with migrant deaths. Monitor number and placement of water drums and rescue beacons.
- Encourage all genetic laboratories receiving federal funding to process DNA from unidentified remains within 200 miles of the U.S.- Mexico border and compare the resulting genetic profiles against samples from the relatives of any missing individual.
- Provide documentation and reporting from Customs and Border Protection to relevant committees at the end of each fiscal year on the trends in migrant deaths and the actions taken to prevent deaths, including the installation and expansion of rescue beacons and water drums.
- Appropriate funds necessary for each fiscal year to carry out these recommendations.
- Form a DHS Border Oversight Task Force, with participation of members of border communities, to ensure accountability of field enforcement practices on the border, including review of high speed chases.
- Establish a search and rescue group independent of the U.S. Border Patrol and independent of enforcement activities.
- Provide funding for community training at the local level for humanitarian response and search and rescue for prevention of border deaths.

At the International Level:

- Request an investigation on border deaths from the special rapporteur on migrants from United Nations and/or Inter-American Commission of Human Rights.

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¹ The U.S. Department of Homeland Security Border Safety Initiative and Customs and Border Patrol record migrant deaths along the southwest border. Maria Jimenez estimated 5,607 deaths from 1994 to 2009 using the DHS numbers plus the numbers from Mexico's Secretariat of Foreign Relations. These numbers were updated with DHS data from 2010 (365), 2011 (375), and 2012 (468) and SRE estimates for 2010 (334) and 2011 (325).

² Geographer Joseph Nevins makes the important point that migrant death due to border enforcement has a long history. In one of many examples, during the Chinese Exclusion Act of 1882, unauthorized Chinese migrants died in the desert in attempts to enter the U.S.

³ While the number of migrant deaths is increasing in Texas, the state of Arizona continues to report a high toll. The Binational Migration Institute of the University of Arizona titled "A Continued Humanitarian Crisis at the Border: Undocumented Border Crosser Deaths Recorded by the Pima County Office of the Medical Examiner, 1990-2012" released June 5, 2013 documents these deaths.

⁴ In one example of this undercount Miguel Angel Isidro, Mexico's Consul in Laredo, Texas reported 26 migrant deaths in the region from January to September 2012 from drowning in Mexico in the Rio Grande (Diario de Yucatán, "Suman 60 migrantes muertos al tartar de ingresar a EE.UU. por Nuevo Laredo," September 10, 2012). These 26 deaths are in addition to the 34 migrants who had perished on the U.S.-side due to dehydration. To give another example, the powerful, short film by David Riker "The River" narrates the story of a Mexican fireman Armando who has pulled 600 bodies of migrants out of the Rio Grande near Nuevo Laredo in a ten year period from 1995-2005, Riker, David. 2013, Milestone for "The Girl." <http://davidrikersthegirl.com/videos/milestones/>

⁵ The Rio Grande Sector, a region of 17,000 square miles, includes 18 counties: Cameron, Willacy, Hidalgo, Starr, Brooks, Kenedy, Kleberg, Nueces, San Patricio, Jim Wells, Bee, Refugio, Calhoun, Goliad, Victoria, Dewitt, Jackson, and Lavaca.

⁶ Falfurrias Station, U.S. Customs and Border Patrol.

http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/rio_grande_valley_sector/mc_allen_stations/falfurrias.xml

⁷ Data from Deputy Clerk.

⁸ The Texas Code of Criminal Procedure article 49.04(a) reads: "A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if: . . . (3) the body or a body part of a person is found, the cause or circumstances of death are unknown, and: . . . (B) the person is unidentified." Article 63.056 of the same code reads: "A physician acting on the request of a justice of the peace under Subchapter A, Chapter 49, a county coroner, a county medical examiner, or other law enforcement entity, as appropriate, shall collect samples from unidentified human remains. The justice of the peace, coroner, medical examiner, or other law enforcement entity shall submit those samples to the center for forensic DNA analysis and inclusion of the results in the DNA database." Legal Memorandum from Vinson & Elkins prepared for TCRP, November 26, 2012.

⁹ The source for Cameron, Webb, Zapata, Dimmit, and La Salle counties is the NamUs database. The source for Brooks County comes from the County Clerk. Sources for Jim Hogg, Willacy, Kenedy, and Starr are the Sheriff's Offices. For Hidalgo County data comes from morgue receipts.

¹⁰ All data from United States Border Patrol,

http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/nationwide_appr_2000_2012.ctt/nationwide_appr_2000_2012.pdf

¹¹ The U.S.-government has pressured Mexico's government to increase enforcement to limit the transit of Central American migrants traveling toward the United States. The Mérida Initiative in which the United States has appropriated close to \$2 billion to Mexico over a period of five years to fight drug trafficking, terrorism, and to support border control is the most recent example of security collaboration.

¹² On February 6, 2013, three immigrants died in Wilson County (southeast of San Antonio) after an SUV with thirteen migrants crashed into a pond during a police chase (MacCormack 2013). On April 12, 2012, nine passengers died and seven were injured when a minivan fleeing Border Patrol agents in Hidalgo County crashed. On March 21, 2013, seven people died and eight were injured when a truck crashed into the National Air Station in Kingsville, Texas. The truck was fleeing police after a traffic stop. Those who died were believed to be from Honduras and Guatemala (Fox News Latino. 2013. "Car Accident Leaves 6 Undocumented Immigrants Dead Near Texas Border." March 21. Associate Press, "Seventh immigrant dies following Kingsville car crash," March 22.)

¹³ The United States Border Patrol reports an enacted budget of 1.4 billion for FY 2002, and of 3.5 billion for fiscal year 2012. The 1992 budget was \$3.2 million. See

http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/program_budget.ctt/program_budget.pdf



Crosses representing fallen migrants in South Texas, Houston, May 1, 2013.