

**SOUTH TEXAS HUMAN RIGHTS CENTER
WORKING GROUP TO PREVENT MIGRANT DEATHS**

**UNACCOMPANIED MINORS AND WOMEN AT THE US/MEXICO BORDER
POLICY RECOMMENDATIONS**

AUGUST 5, 2014

THE CONTEXT

The current crossing of unaccompanied minor children and women on the US/Mexico border is not a “border crisis.”

1. The size of the displaced population is relatively insignificant when compared to other displaced population in other parts of the world. According to the Congressional Research Service, the “total unaccompanied child apprehensions increased from about 8,000 in [fiscal year] 2008 to 52,000 in the first eight and a half months of FY2014. In comparison, an estimated 2.5 million people, half of them children, have fled their homes in Syria in the last three years to neighboring countries of Turkey, Lebanon, Iraq and Jordan.
2. The size of the US economy is able to absorb the estimated numbers of new arrivals. It is the world’s largest single national economy and the one of the top performing economies according to several studies, including the Ease of Doing Business Index and the Global Competiveness report. Some economist consider that the current problems of the US economy is symptomatic not of its decline but of its globalization.
3. The movement of women and children currently is more aptly described as a crisis of failed US trade, drug and immigration/border policies. The existence of thousands of unaccompanied minors should have constituted a humanitarian crisis years ago for all countries involved including the U.S., Mexico, and Central American countries.

US RESPONSIBILITY IN CREATING THE CONDITIONS OF MIGRATION

Trade Policies: An examination of NAFTA’s impact in Mexico is indicative of the consequences of other trade pacts throughout Latin America. Researchers estimate that only 10% of Mexicans have seen a rise in income or standard of living since the adoption of NAFTA. Displaced farmers, low-wage maquiladora workers and underemployed Mexicans are left with no job option but to migrate to the US. The same conditions are being reproduced in Central America. Deporting these children back to these conditions, not only places them in danger in Central America but also places them at extreme risk if they attempt to cross Mexico to reach the U.S. Mexico’s National Commission of Human Rights has reported that thousands of Central American migrants have been kidnapped in their attempts to cross the country.

Drug Policies: The US is the number one nation in the world of the consumption of illegal drugs. At the same time, the prohibition and militarized-enforcement approach to the global war on drugs has transferred the costs to the poorer countries and “produced enormous negative outcomes and collateral

damage, “according to a report entitled *Ending the Drug Wars* from the London School of Economics (LSE). Clearly, according to the report, the prohibition/militarization- enforcement strategy transfers the costs to poorer and transit countries, especially in the escalation of violence. It specifically points out that: Market interventions by states disturb the political economy of the trade, cultivating more violent actors, in turn driving more aggressive state interventions which in turn drive more violent outcomes. In 404 interviews conducted by the U.N. Refugee Agency (UNHCR) of children from El Salvador, Guatemala, Honduras and Mexico, it concluded that these “demonstrate unequivocally that many of these displaced children face grave danger and hardship in their countries of origin.”

Historic Intervention: The U.S. involvement in civil wars in Central America in the 1970s-1990s as well as recent support of the coup in Honduras increased the conditions of violence which migrants are now fleeing. In addition, Central American youth who were incarcerated in the U.S. and then deported to their sending countries are another significant factor in contributing to contemporary violence. Recent US proposals to send more military aid as a measure to reduce violent criminal activity to avert migration will only parallel the violence and human rights violations of the past and do little to reduce the forced migration of women and children seeking refuge.

Immigration and Border Policies: U.S. immigration policies, laws and practices have restricted access to legal migration, failing to provide adequate visas for legal immigration and the lack of opportunities for legalization of the undocumented and family reunification. A flexible legal framework for international migration promotes orderly, legal migration in contrast to a restrictive legal framework that reduces the possibilities of legal migration, especially in the case of family unification.

Border policy and enforcement has become deadly on the US/Mexico border in the last twenty years. Every day at least one man, woman or child perishes in treacherous treks through deserts, waterways, mountains or brush. Officially, at least 360 migrants die yearly. In the last two years, it has risen to over 470 decedents, most of them on the Texas border with Mexico. Of remains recovered, only about 75% are identified border wide and in Texas at least it may be as low as 56%. With border deaths a known outcome of enforcement, maintaining and intensifying these policies could be considered state negligence to protect the fundamental human right to life and even, a state crime under international law. Families search year after year to locate their loved ones. The national attention brought to the recent increase in migratory flows of women and children has further complicated life-threatening situations for migrants as untrained National Guard troops are deployed to bolster Customs and Border Protection agents. In addition, armed militias are now patrolling certain parts of the border with attitudes that these women and children are “invaders, intruders or terrorists.” Further concern of human rights violations has grown with the surge of the Texas Department of Public Safety and other state agencies mandated to enforce immigration law without the proper training to fulfill this obligation.

RECOMMENDATIONS

- These children and women need to be treated as refugees and should be provided humanitarian assistance and not deported or detained. This status should be extended to all children whose lives are threatened if returned to their countries of origin. These protections should also be extended to Mexican children and all children without distinction as to country of origin.

- Instead of trade agreements, there is need for policies that support coherent national development strategies in developing countries. Central to development is shaping economic growth by ensuring inclusive development, protecting the environment, addressing market failures in key economic sectors and increasing the quality and quantity of employment.
- The US should re-examine its role in promoting a military solution to the drug consumption and end the global drug war based on military/enforcement approaches and redirect resources toward effective evidence-based policies that treat drug consumption as a public health issue.
- The US needs to overhaul the immigration legal system to ensure equal access to legal migration. This includes an immediate moratorium on deportations and changes in the law for a more flexible framework for legal migration, including the legalization of the 11 million undocumented immigrants and a workable family reunification programs. 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.
- Border policies that have proven deadly must re-examine their impact on human lives. To avert further thousands of migrants perishing in attempts to cross the border since 1994 as a result of enforcement policies, alternatives to prevent death must be included in any border security bill, including search and rescue teams independent of border and military agencies; beacons and water drums and a unified system for the processing of unidentified human remains and the inclusion of DNA samples in state and national databases. In addition, funds should be expended to counties along the US-Mexico border and further inland to comply with state and federal laws regarding the processing and identification of border decedents. Finally, all border policies, laws and practices must include strategies to hold personnel and agencies accountable for actions that threaten and infringe upon fundamental human rights and dignity. It is a particular concern when state law enforcement agencies and military personnel are assigned to enforce immigration laws. The strict separation of the functions of state and federal enforcement agencies should be maintained as a cornerstone of best policing practices.

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