



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

Phenomenon of missing migrants – human rights analysis from the National Network for Immigrant and Refugee Rights and Partner Organizations

The National Network for Immigrant and Refugee Rights works to defend and expand the rights of all immigrants and refugees, regardless of immigration status. Since its founding in 1986, the organization has drawn membership from diverse immigrant communities, and actively builds alliances with social and economic justice partners around the country. As part of a global movement for social and economic justice, NNiRR is committed to human rights as essential to securing healthy, safe and peaceful lives for all.¹ This report focuses on Texas, particularly on Brooks County and Maverick County, two regions with the largest number of migrant deaths and emerging cases in New Mexico and is based on documentation from the South Texas Human Rights Center, the Eagle Pass Border Coalition, and the Battalion Search and Rescue.

Introduction and Data

Thousands of migrants have died in the U.S.-Mexico border region in past decades as a direct outcome of immigration and enforcement policies and negligence, in a racialized system of exclusion that leads people to their deaths. Many of the dead remain unidentified due to a lack of proper processing and timely documentation by government authorities. The failure to treat migrants and their remains in a dignified manner leaves family members without knowledge of what happened to their loved ones.

Official data on migrant deaths from the U.S. Immigration and Customs Enforcement places the number of dead at more than 9,000 from 1998-2022, with 895 deaths recorded in 2022, the largest number for any year on record. Yet, these numbers vastly undercount migrant deaths along the border. Human rights organizations in Texas and Arizona estimate that the numbers of dead could be two to ten times the “official” count of Border Patrol (South Texas Human Rights Center and No More Deaths, Left to Die).² Deaths are undercounted because they often take place in isolated terrain, on private land (especially in Texas), where the rapid dispersal and

¹ See National Network for Immigrant and Refugee Rights, <https://nnirr.org>

² This information comes from the South Texas Human Rights Center and No More Deaths, “Left to Die: Border Patrol, Search and Rescue, and the Crisis of Disappearance,” http://www.thedisappearedreport.org/uploads/8/3/5/1/83515082/left_to_die_-_english.pdf



disintegration of remains in desert environment, and the failure of authorities to search and locate remains. The U.S. General Accounting Office (GAO) issued a 2022 report criticizing the Border Patrol’s data on border deaths for being limited and incomplete; a 2024 update from the GAO noted that the Border Patrol failed to address these limitations.³ One study comparing data on migrant deaths from the Border Patrol to county-level data in three Texas counties, found an undercount by the Border Patrol of 139 cases, a total of 19% of the deaths in the period from 2009 to 2017.⁴ In another example of undercounted migrant deaths, the Washington Post documented 859 drownings at the border in Texas from 2017 to 2023 while U.S. Customs and Border Patrol documented only 587 for the entire southwest border in this same period.⁵

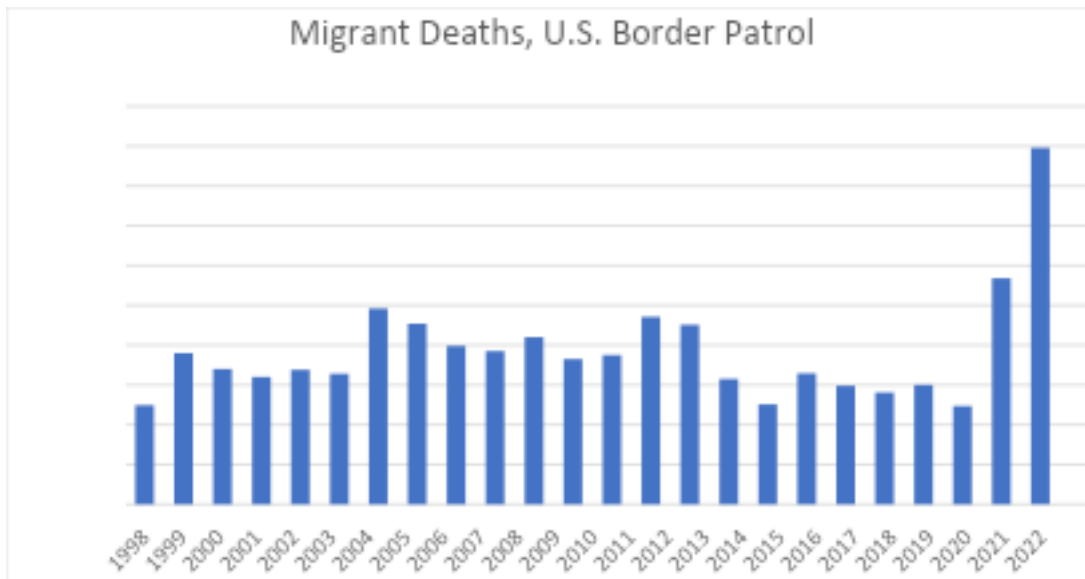


Table 1: Data from U.S. Border Patrol for 1998-2022

Based on Fiscal Year.

³ Government Accountability Office (GAO), “Southwest Border: Border Patrol’s Missing Migrant Program,” November 15, 2022, <https://www.gao.gov/products/gao-23-106007>; “Border Security: Border Patrol’s Missing Migrant Program,” March 20, 2024, <https://www.gao.gov/products/gao-24-107051>

⁴ Stephanie Leutert, 2024. “The Border Patrol’s Migrant Death Undercounting in South Texas,” *Journal on Migration and Human Security* 12(3): 277-289. <https://doi.org/10.1177/23315024241265908>

⁵ Arelis Hernandez, “Border drownings rose as migrants rushed to cross and Texas clamped down.” *Washington Post*, December 8, 2024, <https://www.washingtonpost.com/nation/2024/12/08/border-drownings-immigration-texas-rio-grande/>



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

Policies Put Migrants in Danger, Authorities Failure to Respond to Distress Calls.

U.S policies that restrict the possibility of legal entry to the United States, even for asylum-seekers, coupled with heightened border militarization and enforcement, create dangers that put migrants at risk and lead to injury and death. These dangers are known outcomes of the Prevention through Deterrence Policy, making the state responsible for these deaths. While policies put migrants at risk, human rights organizations have documented numerous cases in which government authorities and law enforcement fail to respond to migrants in distress leading to additional deaths. Below are examples documented by local human rights organizations:

The South Texas Human Rights Center (STHRC) regularly receives calls from family members reporting migrants who are in distress, lost, or injured. STHRC follows established protocol in reaching out to Border Patrol and other authorities to report these cases. In many instances, they have to make repeated calls or pressure authorities to respond to cases. One case of negligence was documented by the STHRC in June 2023 in Eagle Pass (Maverick County, Texas). The Center received a phone call from a Salvadoran family who reported the coordinates of a young woman who was at risk of death. The STHRC reported the case to the 911 dispatch. The Sheriff's Office reported the case to the Border Patrol. None of the authorities went to the coordinates to locate the woman in distress until three days later. When the authorities arrived at the location reported by the family, the woman had already died. This is one of many cases in which negligence on the part of authorities led to death.

In another case from September of 2023 in Brooks County, a family called and gave coordinates of a Honduran man who was in distress. STHRC reported the case to the Missing Migrant Project of the Border Patrol on the same day it received the call. However, when agents did a search, they did not locate the missing person. It was not until weeks later when the man was located and had already died.

Another way that enforcement policies place people in danger is through high-speed car chases that take place along the Texas-Mexico border. High speed chases by Texas State troopers have increased under the implementation of Operation Lone Star, Governor Greg Abbott's border enforcement program. These chases resulted in 75 deaths and 189 injures from March 2021 to July 2023, dating from the implementation of Operation Lone Star. Victims of these chases include migrants, as well as U.S. citizens or residents.⁶

⁶ See "[So Much Blood on the Ground: Dangerous and Deadly Vehicle Pursuits under Texas' Operation Lone Star.](#)" Human Rights Watch, November 2023.



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

In Arizona, the nongovernmental organization No More Deaths documented Border Patrol negligence in their failure to respond to 911 calls involving migrants in distress or from their family members. Their report found that in the majority of cases, there was no confirmed search or mobilization to respond to distress calls.⁷

Lack of Identification

Alongside the crisis of migrant deaths is the crisis of the disappeared. The lack of standardized procedures and protocols for processing remains and identifying the dead, failure to follow state and national laws, and overall negligence of government authorities present enormous barriers for identifying remains.

In New Mexico, the Battalion Search and Rescue has been conducting monthly searches looking for missing migrants in the Chihuahuan Desert west of El Paso, Texas. This all-volunteer group searches with four-to-twelve volunteers for four-to-ten miles. In the past twelve months, they have located 19 sites with human remains in this area, which has become a major migration corridor in the last two to three years. With the majority of the cases reported to the Doña Ana County Sheriff's Office and the Office of the Medical Investigator, Battalion reports facing hostility and resistance from the sheriff's office to recover discovered human remains believed to be associated with undocumented migration.

Battalion submitted eight written and verbal reports to the Sheriff from August 30th 2024 to October 21st 2024. In these cases, the Sheriff's Office took the calls and emailed reports regarding the finding of remains, but failed to locate or recover them. The majority of the remains have still not been recovered. The El Salvadoran Consulate was contacted by Battalion after identification was located beside one set of remains that coincided with the identity of a migrant reported missing. Even with the involvement of consular authorities, the county sheriff's office failed to recover the individual

In sum, these New Mexico cases demonstrate the extreme negligence on the part of authorities to respond to migrant deaths and initiate the processing of remains. In cases of remains they locate, members of Battalion Search and Rescue photograph, document and report remains, clothing, personal items and identification documents, if present. All sites of their findings are accessible within 2 miles of local highways and on Bureau of Land Management land. The Battalion reports include detailed descriptions of the sites and their

⁷ No More Deaths, "Left to Die."



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

locations including GPS coordinates for each site. They forward reports and photos to the Sheriff's Office and the Office of the Medical Investigator in Albuquerque. However, most of the remains have been left in the open, with no one going to locate or retrieve them, some remaining unrecovered even more than three months later despite multiple attempts by Battalion to follow-up. Battalion additionally flags the sites with high vis tape to assist the authorities in locating the remains. The authorities' failure to respond to their reports means that these deceased individuals cannot be investigated, potentially identified and repatriated. Leaving the remains unrecovered places them at risk of further degradation, becoming scattered, lost, or damaged.

In Maverick County along the Texas border, officials state that they are unprepared and unequipped to address the increasing number of migrant deaths in the region as migrant routes have shifted to this region. A recent story in the Washington Post notes the "crude and haphazard" manner in which remains are "stored, identified, and buried." It reports that officials at times failed to collect DNA samples from unidentified remains before burying them as required by Texas State law.⁸ This failure to collect DNA makes it practically impossible to identify the dead. In one cemetery, 26 sets of remains were buried without the collection of DNA. When a forensic anthropology team, Operation Identification (OpID) from Texas State University, exhumed the remains, they found some buried with identification documents, including a passport buried with one man that quickly led to a positive identification.⁹

In Eagle Pass, Texas, a community of 28,000 along the US-Mexico border, a devastating reality unfolds. The Rio Grande River and surrounding desert have become a graveyard for countless migrants seeking a better life. The lack of resources in our community and the high number of deaths have left our local officials and first responders overwhelmed by the sheer scale of the crisis. Since 2020, nearly 200 migrant remains have been recovered in Maverick County alone, with countless others feared to be lost in the unforgiving vastness of the desert or in the depths of the Rio Grande. Of those identified, 172 are known to have drowned, while the exact number who perished from exposure remains uncertain.¹⁰

The Border Vigil was founded in 2023 to remember the lives needlessly lost in the community resulting from militarized border policies and to advocate for change. In 2024, local volunteers stepped up to help identify unidentified remains through forensic fingerprinting and

⁸ Arelis R. Hernandez, "Migration's Toll Overwhelms a Border County in Texas," April 14, 2024, Washington Post. <https://www.washingtonpost.com/nation/interactive/2024/texas-border-eagle-pass-migrant-deaths/>

⁹ Arelis R. Hernandez, "Migration's Toll Overwhelms a Border County in Texas."

¹⁰ López, G. (2024, January 9). *At the U.S.-Mexico border, the search for missing migrants has become a race against time*. The Washington Post. <https://wapo.st/3Bkysky>



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

DNA sampling. Border Vigil volunteers have partnered with OpID to bring dignity and closure to the families of those who have perished. Community members stepped in as volunteers because county officials and first responders were overwhelmed by the number of remains and also did not have the training to confront a mass casualty event on this scale.¹¹ To date, OpID identified nearly 200 individuals out of the more than 600 cases it has undertaken throughout the south Texas border region.¹²

Family members searching for loved ones may be living in any region of the United States, Mexico, Central America, or another country and have no centralized place to contact to try to learn the location of the missing. Local human rights organizations have documented cases in which family members have been denied a visa to travel to the U.S. to search for loved ones. A recent effort by NNiRR to bring El Salvador's Director of the Forensic DNA Bank—an individual who also represents a committee of families of missing migrants from El Salvador—was abruptly halted when the U.S. government denied a tourist visa, citing that "the person did not own a house." However, the individual had sold their home to finance the search for their missing relative.

Recommendations

Immigration:

- End U.S immigration deterrence policies that criminalize migrants and put people at risk; terminate policies, laws and practices stemming from this framework.
- Create long-term rights-centered channels for regular migration; adhere to the objectives 5,6,14,16 and 18 of the [Global Compact for Migration](#) calling for safe, dignified and regular migration pathways.
- Respect the international right to seek asylum as required by US law and due process for all migrants; allow asylum seekers to await hearings within the United States.

Humanitarian Aid & Rescue:

- Decriminalize all humanitarian efforts and aid given by community groups, labor, civil and human rights organizations, and advocates at the border, including rescuing

¹¹ BorderVigil. (n.d.). *BorderVigil*. Facebook. <https://www.facebook.com/BorderVigil>

¹² Santos, E. (2024, December 9). *As border migrant deaths rise, forensic volunteers and students work to identify remains*. NBC News. <https://www.nbcnews.com/news/latino/rise-border-migrant-deaths-forensic-volunteers-students-work-identify-rcn-a183639>



migrants in the desert, or mountains, providing water, food, shelter, medical aid and transportation to safety and treatment inland.

- Create emergency response systems independent of immigration and enforcement; remove Border Patrol from search and rescue and hold BP responsible for negligent actions and omissions.
- Create a mechanism that ensures effective response to emergency 911 calls; ensure timely and coordinated response from relevant agencies.
- Fund installation and expansion of beacons and water stations in areas with migrant deaths monitored by a group independent of immigration enforcement.
- Promote the collaboration of border counties to establish standardized methods of search and rescue efforts and of identification and reporting of human remains.

Missing and Unidentified

- End all deterrence strategies, practices, and measures, including wall-building, lack of access to visas, asylum and regularization of status, militarized policing and surveillance and checkpoints, which force migrants to cross the border through the most inhospitable, isolated and dangerous areas where thousands have perished or disappeared.
- Collaboration with civil society and other relevant stakeholders to ensure timely and effective response in working to prevent deaths, document migrant deaths, support identification and timely and respectful repatriation of remains.
- Follow the [Global Compact for Migration](#) in supporting International Collaboration to prevent migrant deaths, identify the dead, and locate the missing.
- Develop standardized protocols to ensure DNA is taken from all unidentified remains in a timely manner; coordinate training of local officials in DNA sample collection for unidentified remains.
- Create an international monitoring mechanism to assess causes of migrant deaths and disappearances to bring attention to the issue and document human abuses.
- Standardize reporting system for missing and unidentified remains and sharing of information with consular offices.
- Encourage all genetic laboratories receiving federal funding to process DNA from unidentified remains within 200 miles of the U.S.-Mexico border and compare genetic profiles against samples from relatives of any missing individual.
- Reimburse U.S. counties within 200 miles of the U.S.-Mexico border for costs associated with transportation and investigation of unidentified remains.



NNiRR

National Network for Immigrant and Refugee Rights

El Paso, TX +1.915.257.5360 | Oakland, CA +1.510.465.1984 | nnirinfo@nnirr.org

- Establish a regional medical examiner system in South Texas (including facilities and salaries positions) serving Starr, Hidalgo, Cameron, Brooks, Kenedy, Nueces, and as needed in other counties along the U.S.-Mexico border.
- Include relevant information from missing persons reports and unidentified human remains into the National Missing and Unidentified Persons System (NamUs) database and state databases.
- Create, fully fund and staff a national humanitarian DNA database that facilitates for wide-scale random DNA comparison between unknown recovered remains of believed migrants and family reference samples from Mexico, Central America, and other countries from those families whose loved ones have gone missing in the course of migration. Since the Humanitarian DNA Identification DNA Database's (HDID) creation in 2020, it has experienced a backlog that prevents it from being useful on a wide scale or open to submitting medico-legal offices and non-governmental organizations. outside of Texas.¹³
- Allow emergency humanitarian visas for families to travel to the U.S. and repatriate remains, and for witnesses who know where remains are located to assist in searches.
- Designate respectful burial sites in border counties exclusively for the unidentified.

###

¹³ Budowle, B., Bus, M. B., Josserand, M. A., & Peters, D. L. (2020). A standalone humanitarian DNA identification database system to increase identification of human remains of foreign nationals. *International Journal of Legal Medicine*, 134, 2039–2044.