

7,000 DEATHS AND COUNTING

EXECUTIVE SUMMARY

Over the past 20 years, more than 7,000 men, women and children have died along the Southwest border. Between 1998 and 2017, there have been 7,127 deaths in Southwest border areas, according to the U.S. Border Patrol. As of July 24, 2017, 212 people have died along the border in FY 2017. In FY 2016, 322 people died. The deaths have continued even as apprehensions and attempts to cross illegally have diminished. There have been 7.8 immigrant deaths per 10,000 apprehensions in FY 2017, similar to the rate in FY 2014, 2015 and 2016. This is lower than the 13.3 immigrant deaths per 10,000 apprehensions in FY 2013. However, when compared to FY 1999, the evidence suggests an immigrant attempting to cross illegally into the United States today is *5 times more likely to die* in the attempt than 18 years ago.

The root cause of the deaths is the lack of legal avenues to work combined with increased enforcement at the border. Only rescues by U.S. Border Patrol agents have prevented the number of deaths from being far higher. If Congress adopted reforms to allow the legal entry of foreign-born workers in sufficient numbers, then the tragedy of immigrant deaths at the border would largely disappear and illegal entry to the United States would be greatly reduced.

**Table 1
Immigrant Deaths at the Border: 1998-2017**

Fiscal Year	Immigrant Deaths
1998	263
1999	249
2000	380
2001	340
2002	320
2003	338
2004	328
2005	492
2006	454
2007	398
2008	385
2009	420
2010	365
2011	375
2012	471
2013	451
2014	313
2015	251
2016	322
2017	212*
TOTAL	7,127

Source: U.S. Border Patrol. *FY 2017 figures through July 24, 2017.

HISTORY KEEPS REPEATING

“Those who cannot remember the past are condemned to repeat it,” wrote George Santayana.¹ Congressional and administration policies on immigration repeat the mistakes of the past, yet many people express shock and remorse when history repeats itself in the form of dead bodies and lost futures.

The July 2017 deaths of 10 people suffocated while smuggled inside a tractor trailer truck discovered in San Antonio should spark debate about the need for legal visas for lower-skilled workers. If the past is any guide, it will not.

“The people packed into the sweltering tractor-trailer needed air,” reported the *Washington Post*. “They banged on the walls for help, but the vehicle kept going. Trapped with as many as 200 people in the pitch-black trailer, they took turns breathing through a hole in the side. Some just passed out.”² Ten people died.

Thomas Homan, acting director of U.S. Immigration and Customs Enforcement (ICE), said, “So long as I lead ICE, there will be an unwavering commitment to use law enforcement assets to put an end to these practices.”³

No one need doubt Mr. Homan’s sincerity. However, history shows law enforcement alone cannot solve this problem. In fact, immigration enforcement policies have inadvertently made the problem worse. Mr. Homan said in interviews he was particularly moved by the deaths in San Antonio because they were so similar to a case he investigated in 2003.⁴

In 2003, at least 73 unauthorized immigrants were packed into the back of a tractor-trailer for a 300-mile trip to Houston. Smugglers and middlemen arranged for the group of immigrants from Mexico and Central America to ride in the truck as a way to make it further into the interior of the United States. However, as in the case in San Antonio, the air conditioner on driver Tyrone Williams’ truck did not work, leaving men, women and one child inside to face hellish conditions.

Two men managed to poke small holes in the truck. Passengers attempted to take turns at breathing in through the tiny passages. One passenger called 911 and a passing motorist, alerted by a waving cloth from a hole in the truck, called police. Help did not come.

¹ George Santayana, *Reason in Common Sense*, (New York: Dover Publications, 1980).

² Maria Sacchetti, Mark Berman and Lindsey Bever, “After Deadly Smuggling Case, Officials Charge Truck Driver and Decry ‘Crime Against Humanity,’” *Washington Post*, July 24, 2017.

³ “Statement from ICE Acting Director Thomas Homan on Human Smuggling,” News Release, ICE, July 24, 2017.

⁴ *Ibid.*

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By the time Tyrone Williams stopped, 19 people had died of “asphyxiation, dehydration and heat exposure as the result of being trapped inside a tractor trailer truck. Among the dead was a 5-year-old child.”⁵ Throughout the trip, passengers had expressed concern for 5-year-old Marco Antonio. “Please, for the sake of the child, get out of the way, let the father take the boy to the hole so he can get some fresh air,” one passenger yelled. The boy was brought through the packed truck and put near the breathing holes. It did not save Marco Antonio.⁶

OVER 7,000 DEATHS IN 20 YEARS

Over the past 20 years, more than 7,000 men, women and children have died along the Southwest border. Between 1998 and 2017 (through July 24, 2017), there have been 7,127 deaths in Southwest border areas, according to the U.S. Border Patrol.⁷ (See Table 1.) As of July 24, 2017, 212 people have died along the border in FY 2017 (the fiscal year ends September 30, 2017). In FY 2016, 322 people died. As recently as FY 2012, 471 people died in Southwest border areas.

The root cause of the deaths is the lack of legal avenues to work combined with increased enforcement at the border. Starting in 1994, the increased enforcement focused on adding Border Patrol agents and deploying them to deter those crossing illegally. Those actions pushed unauthorized crossings into more dangerous areas. In 2001, University at California-San Diego Prof. Wayne Cornelius found an increased number of immigrant deaths had become a predictable outcome of the new Border Patrol strategy, which has been influenced and funded by members of Congress. “The available data suggest that the current strategy of border enforcement has resulted in rechanneling flows of unauthorized migrants to more hazardous areas,” wrote Cornelius.⁸

The number of Border Patrol agents deployed nationwide has increased five-fold over the past 25 years, rising from 4,139 in FY 1992 to approximately 20,000 in FY 2009, a level that remains in place today.⁹ In nominal dollars, the budget of the Border Patrol has increased ten-fold, from \$326 million in FY 1992 to \$3.6 billion in FY 2016.¹⁰

Apprehensions at the border have long been recognized as a proxy for attempted illegal entry, with the higher the number of apprehensions the greater the number of people attempting to enter the United States illegally. In FY 1999, the Border Patrol had over 1.5 million apprehensions along the Southwest border, while there were 263

⁵ Jorge Ramos, *Dying to Cross*, (New York, NY: HarperCollins, 2005), xi.

⁶ *Ibid.*, 84. See also Stuart Anderson, *Death at the Border*, NFAP Policy Brief, National Foundation for American Policy, May 2010, Stuart Anderson, *How Many More Deaths? The Moral Case for a Temporary Worker Program*, NFAP Policy Brief, National Foundation for American Policy, March 2013, and *Work Visas Better Than a Wall*, NFAP Policy Brief, National Foundation for American Policy, August 2016, from which parts of this policy analysis are adapted.

⁷ Data provided by U.S. Border Patrol.

⁸ Wayne Cornelius, “Death at the Border: The Efficacy and Unintended Consequences of U.S. Immigration Control Policy 1993-2000,” *Population and Development Review*, vol. 27, no. 4, December 2001.

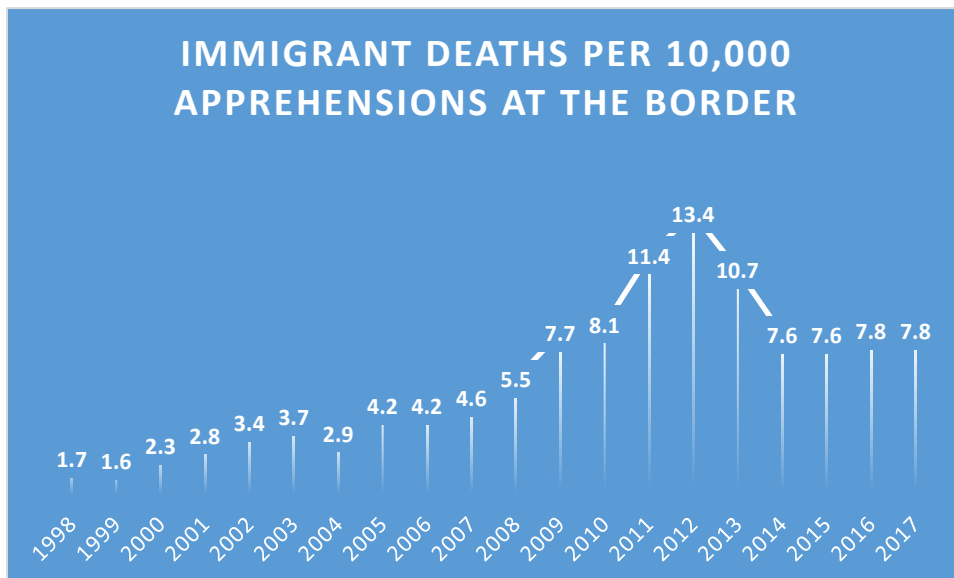
⁹ U.S. Border Patrol.

¹⁰ *Ibid.*

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immigrant deaths. In FY 2009, Border Patrol apprehensions fell to 540,865 along the Southwest border but immigrant deaths rose to 417. In FY 2012, immigrant deaths increased to 477, while there were 356,873 apprehensions along the Southwest border.¹¹ In other words, between FY 1999 and FY 2012, immigrant deaths increased by more than 80 percent at the same time apprehensions, a measure of illegal entry, declined by 77 percent.

Figure 1



Source: U.S. Border Patrol, National Foundation for American Policy.

The Congressional Research Service (CRS) has utilized a measurement to illustrate the problem. “[T]he mortality rate per apprehension has been increasing steadily (with the one-year exception of FY 2004), from 1.6 deaths per 10,000 apprehensions in FY 1999 to 5.5 deaths per 10,000 apprehensions in FY 2008,” according to CRS. (The rate is much higher than 5.5 today.) “This suggests that, even as apparently fewer individuals have been entering the country illegally over the past few years, the border crossing has become increasingly dangerous for those that do attempt to cross into the United States illegally.”¹²

Since that time the situation has worsened, as the deaths have continued even as apprehensions and attempts to cross illegally have diminished (see Figure 1). NFAP updated the CRS calculations and found that in FY 2017 there have been 7.8 immigrant deaths per 10,000 apprehensions, similar to the rate in FY 2014, 2015 and 2016. That figure is lower than the 13.3 immigrant deaths per 10,000 apprehensions in FY 2013. But compared to FY 1999,

¹¹ Ibid.

¹² *Border Security: The Role of the U.S. Border Patrol*, Congressional Research Service, November 20, 2008, p. 27.

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the evidence suggests an immigrant attempting to cross illegally into the United States today is 5 times more likely to die in the attempt than 18 years ago.

Rescues by U.S. Border Patrol agents have prevented the number of deaths from going far higher. This is clear based on data from just one sector. “In fiscal year 2016, Tucson Sector Border Patrol agents rescued more than 1,400 people; mostly in western Arizona,” according to the Border Patrol.¹³ Between FY 2005 and FY 2012, the Border Patrol rescued more than 15,000 immigrants near the Southwest border.¹⁴

WORK VISAS CAN SAVE LIVES AND REDUCE ILLEGAL IMMIGRATION

Examining Mexican farm workers using the Bracero program between 1953 and 1959 shows that allowing legal paths for work can reduce illegal immigration and save lives. When in 1954 enforcement actions were combined with an increase in the use of the Bracero program, illegal entry, as measured by INS apprehensions at the border, fell by an astonishing 95 percent between 1953 and 1959.¹⁵ The experience of the 1950s demonstrates how access to legal means of entry can affect the decision-making of migrant workers. “Without question, the Bracero program was . . . instrumental in ending the illegal alien problem of the mid-1940’s and 1950’s,” wrote the Congressional Research Service.¹⁶

If Congress adopted reforms to allow the legal entry of foreign-born workers in sufficient numbers, then the tragedy of immigrant deaths at the border would largely disappear and illegal entry to the United States would be significantly reduced. Such visas must be relatively free of bureaucracy to be usable by both employers and employees and be of sufficient number to act as a reliable alternative to crossing the border illegally to work. Reforms to H-2A and H-2B visas would also lead to more legal entries.

America still does not possess a means for individuals to fill lower-skilled jobs with legal visas in year-round industries like construction, hotels and restaurants. The lack of legal work visas in the United States has exacerbated the problems that have propelled people to flee violence in Central America, as noted in earlier NFAP analyses. The influx of child and other migrants from Central America is one manifestation of the lack of economic-based visas. Parents who first came to the United States to work have found that increased enforcement means it is not advisable to travel back and forth, as people did many years ago. Having established economic footholds superior to those in their home countries many have sent for their children to join them. If parents could work in the

¹³ “Border Patrol Rescues Continue to Climb,” News Release, U.S. Border Patrol, June 27, 2017.

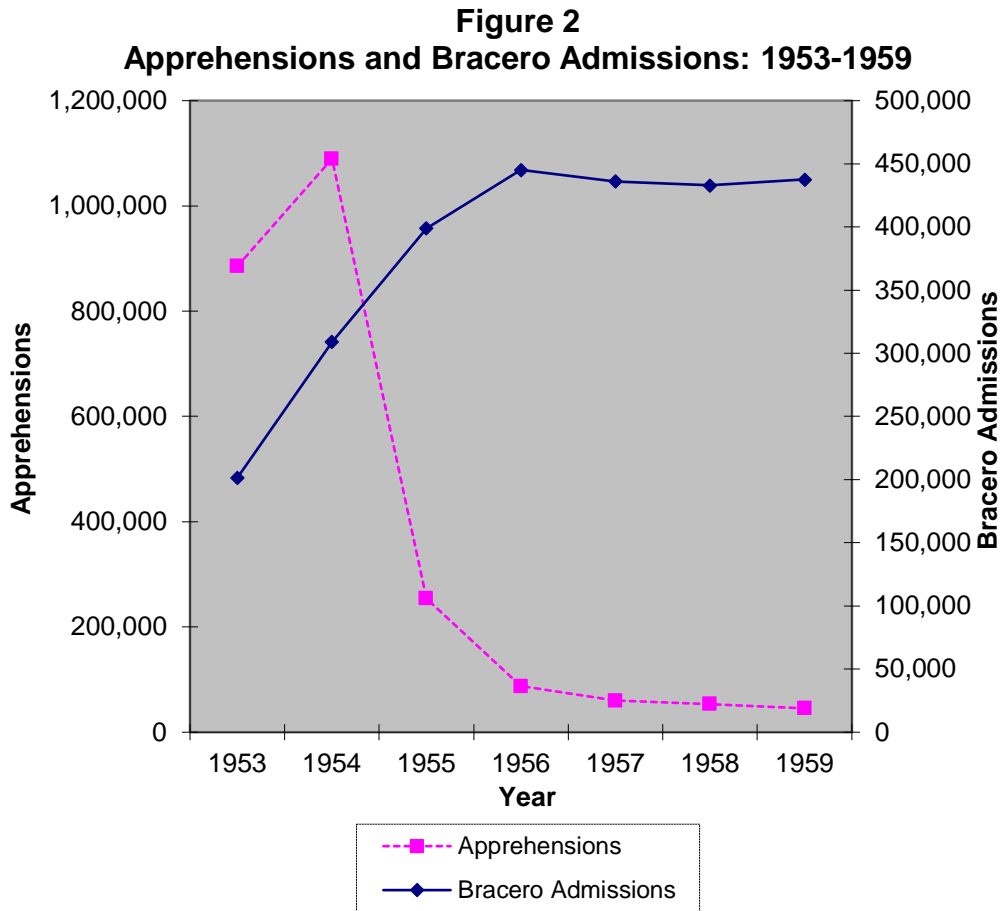
¹⁴ U.S. Border Patrol.

¹⁵ Stuart Anderson, *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*, National Foundation for American Policy, November 2003; Congressional Research Service, *Temporary Worker Programs: Background and Issues*. A report prepared at the request of Senator Edward M. Kennedy, Chairman, Committee on the Judiciary, United States Senate, for the use of the Select Commission on Immigration and Refugee Policy, February 1980, 41, citing the 1955 INS Yearbook.

¹⁶ *Ibid.*

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United States legally and travel back and forth to Central America or petition legally for their child (or spouse), then the situation of unaccompanied minors and family units appearing at the border likely would never have happened.



Source: Congressional Research Service, Temporary Worker Programs: Background and Issues, February 1980, p. 40; *Annual Report of the Immigration and Naturalization Service, 1959*; *INS Statistical Yearbook 1996*.

The number of Mexican farm workers legally admitted more than doubled from 201,380 in 1953 to an average of 437,937 for the years 1956-1959. Moreover, Mexicans admitted as permanent residents (green card holders) rose from 18,454 in 1953 to an average of 42,949 between 1955 and 1959.¹⁷

¹⁷ Kitty Calavita, *Inside the State* (New York, NY: Routledge, 1992), p. 218. It appears a good portion of those who received permanent visas were petitioned for by their agricultural employers, which was later limited by the federal government.

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Apprehensions along the Southwest border dropped from 885,587 (in 1953) down to as low as 45,336 in 1959.¹⁸ As Figure 2 shows, apprehensions, a proxy for illegal entry, *dropped* significantly when legal admissions under the Bracero program *increased* significantly.

CONCLUSION: HOW MANY MORE DEATHS?

In 2007, Congress debated and failed to pass an immigration reform bill. “Poison pill” restrictions on a new temporary visa program favored by businesses were a key reason for the bill’s failure. “Since the failure of Congress to pass immigration reform legislation in 2007, more than 2,000 people have died near the Southwest border,” noted a 2013 NFAP Policy Brief. “If another 5 years goes by without Congress approving new legal temporary visas for workers it is predictable that an additional 2,000 people will die simply because they wanted to work in America.”¹⁹

Absent reform, the number of deaths will continue to mount. The lack of legal avenues to enter America and work legally at year-round jobs in restaurants, hotel, construction and similar jobs almost guarantees more deaths. Those who oppose establishing a new temporary visa category because they say new workers may be exploited have to answer a simple question: Is it better that those workers die in the desert?²⁰

The deaths will take place either in another tractor-trailer truck or by other means. Author Luis Alberto Urrea tells the tragic story of 26 Mexican men who crossed the border into the southern Arizona desert in 2001. The men were led by a *coyote* known as Mendez, who brought them into brutal desert territory, into what is referred to as the Devil’s Highway. He took wrong turns that got the group lost in the desert but he did not want to turn back or tell the others they were lost.²¹

Urrea described the type of heat stroke these men experienced: “Dehydration had reduced all your inner streams to sluggish mudholes. Your heart pumps harder and harder to get fluid and oxygen to your organs. Empty vessels within you collapse. Your sweat runs out . . . Your temperature redlines – you hit 105, 106, 108 degrees . . . Your muscles, lacking water, feed on themselves. They break down and start to rot . . . The system closes down in a series. Your kidney, your bladder, your heart.”²²

In all, 14 of the 26 men in the group died. One of them was Lorenzo Ortiz Hernandez, a father of 5 children age three to 12. He couldn’t support his family by growing coffee so he decided to borrow \$1,700 at 15 percent interest and take a chance at crossing illegally for an opportunity to work in America. Describing what Border Patrol agents

¹⁸ 1959 *INS Statistical Yearbook*; U.S. Border Patrol.

¹⁹ Anderson, *How Many More Deaths? The Moral Case for a Temporary Worker Program*.

²⁰ *Ibid.*

²¹ Luis Alberto Urrea, *The Devil’s Highway*, (New York, NY: Little, Brown and Co., 2005), 190.

²² *Ibid.*, 127-129.

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found when they encountered Hernandez's body, Urrea writes, "Lorenzo was on his back, his eyes open to his enemy, the sun. His brown slacks were empty looking: his abdomen had fallen in . . . It was 110 degrees before noon."²³

If Lorenzo Ortiz Hernandez had the opportunity to work in America by obtaining a legal visa he – and thousands of others like him – would be alive today.

²³ Ibid., 144-45, 174.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. The Advisory Board members include Columbia University economist Jagdish Bhagwati, former U.S. Senator and Energy Secretary Spencer Abraham, Ohio University economist Richard Vedder, former INS Commissioner James Ziglar and other prominent individuals. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.