National Foundation for American Policy

March 19, 2013

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New Data Show Immigrant Deaths Along Southwest Border Increased 27 Percent From 2011 to 2012

Over 5,500 Immigrant Deaths Since 1998 Highlight Need For Legal Work Visas

Arlington, Va. – Immigrant deaths at the border rose by 27 percent from 2011 to 2012, according to U.S. Border Patrol data obtained for a new study by the National Foundation for American Policy (NFAP), an Arlington, Va.-based policy research group. The 477 immigrant deaths in 2012 represent the second highest recorded total since 1998, eclipsed only by the 492 deaths in 2005. Most troubling, the rise in immigrant deaths comes at a time when fewer people are attempting to enter illegally, as measured by the significant drop in apprehensions at the border over the past several years. The evidence suggests an immigrant attempting to cross illegally into the United States today is 8 times more likely to die in the attempt than approximately a decade ago, according to the NFAP analysis.

"If Congress adopted reforms to allow the legal entry of foreign-born workers in sufficient numbers the tragedy of immigrant deaths at the border would largely disappear and illegal entry to the United States would be reduced," said the report's author Stuart Anderson, executive director, National Foundation for American Policy, and former head of policy and counselor to the Commissioner of the INS (August 2001 to January 2003). "Increased border enforcement has contributed to the problem by pushing immigrants into more remote and dangerous areas but it is unlikely such enforcement will go away. In fact, Congress is likely to increase resources at the border. That leaves legal visas for workers as the only realistic option to prevent thousands of more deaths."

The report, "How Many More Deaths? The Moral Case for a Temporary Worker Program," is available at www.nfap.com.

Over the past 15 years more than 5,500 immigrants have died trying to enter America. This loss of life is a direct result of the absence of legal avenues for foreign nationals to work at jobs in hotel, restaurants, construction and other industries, concludes the research. The current visa categories for agriculture (H-2A) and nonagricultural work (H-2B) are considered cumbersome and are only for seasonal work, not the type of year-round jobs filled by most illegal immigrants in the United States.

"Economic conditions in Mexico and Central America mean the loss of life will almost certainly continue unless more legal paths are open to work in the United States," said Anderson. "Since the failure to pass immigration reform legislation in 2007, more than 2,000 people have died along the Southwest border. 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."

In 2007, Congress debated and failed to pass an immigration reform bill. "Poison pill" restrictions on a new temporary visa program favored by businesses have been cited as a key reason for the bill's failure.

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 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. 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.

One way to measure this, also used by the Congressional Research Service, is to calculate the deaths per 10,000 apprehensions. In FY 2012 there were more than 13.3 immigrant deaths per 10,000 apprehensions, compared to 1.6 deaths per 10,000 apprehensions in FY 1999. That means compared to FY 1999, the evidence suggests an immigrant attempting to cross illegally into the United States today is 8 times more likely to die in the attempt than about a decade ago.

A five-fold increase in the number of Border Patrol agents over the past two decades has been accompanied by a change in border strategy. The result is immigrants crossing illegally have been pushed to venture into more dangerous areas. In FY 1993, there were 4,208 Border Patrol agents, while at the end of FY 2012, the number of Border Patrol agents stood at 21,394.

The number of deaths would be even higher if not for the rescue efforts of U.S. Border Patrol agents. Just since 2005, the Border Patrol has rescued more than 15,000 immigrants in areas near the Southwest border. In FY 2012, the Border Patrol rescued 1,333 individuals near the border, according to the U.S. Border Patrol.

The actions of Mexican farm workers under the Bracero program between 1953 and 1959 demonstrate 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 95 percent between 1953 and 1959. One does not need to replicate the Bracero program in all of its features, but 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.

Combining sufficient legal avenues for work and immigration enforcement can dramatically reduce illegal immigration. Providing new temporary visas for lesser skilled foreign workers, particularly from Mexico, can be accomplished in the context of immigration reform or via a bilateral treaty with Mexico. 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. The higher relative wages offered in the United States are a primary factor encouraging migration, meaning enforcement alone is unlikely to prevent illegal immigration.

"To oppose a new temporary work visa category, burden it with heavy regulation or restrict its use by insisting on a bureaucratic body to set annual numbers ignores the dangers facing foreign-born workers who would instead enter the country illegally," concludes the study. "Many of those workers decide to enter without authorization due to family need and the lack of an appropriate legal visa category."

Even those workers who survive the desert and live to work in America would be more secure with legal status obtained by entering through a legal visa category, rather than by seeking to work while out of status, notes the NFAP analysis. Working illegally in the United States makes one more susceptible to coercion and often restricts labor mobility. Allowing easy portability from one employer to another should address genuine concerns about exploitation under a new temporary visa category. And such workers should also possess the chance to be sponsored for permanent residence (a green card).

"The evidence indicates people are dying primarily because there is no legal way for workers from Mexico and elsewhere to enter America and work at year-round jobs in restaurants, hotel, construction and similar jobs," according to the study. "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?"

A grant from Carnegie Corporation of New York funded the research for this NFAP paper. The contents of the report are solely the responsibility of the National Foundation for American Policy.

About the National Foundation for American Policy

Established in the Fall 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, Ohio University economist Richard Vedder, former U.S. Senator and Energy Secretary Spencer Abraham 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.

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