The Route of Death for Central and South American Illegal Immigrants Can Come to an End with a Change in the United States' Policy

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Comment

The Route of Death for Central and South American Illegal Immigrants Can Come to an End with a Change in the United States’ Policy

Sirenia Jimenez*

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* J.D., University of the Pacific, McGeorge School of Law, to be conferred May 2013; B.S., Business Administration, California State University, Stanislaus, 2010. I would like to thank the people who made this Comment possible: my family, for their continued love and support; Andrew Boriskin, for being my second set of eyes; Professor Raquel Aldana, for her invaluable insight; and my Associate Comment Editor, Scott Merrill, for his dedication and guidance.
A Salvadorian woman leaves her young children in El Salvador to jump on "The Beast," a cargo train, which is her free ride to the American Dream. As she jumps off the train, she slips and falls under the train’s wheels and severs one of her feet. A Honduran woman is raped when she attempts to go to the United States by making her trip across the border between Mexico and Guatemala. A mother, on board the train, has her child die in her arms and has to bury him in Mexico before continuing her journey. A group of young men are killed by a drug cartel for refusing to transport drugs across the U.S. border. These are only a few instances in which vulnerable migrants have been subjected to tragedy. "Human rights groups estimate thousands of migrants have died after falling off the train, due to fatigue, dehydration or attempts to board while it was on the move." Thousands have been mugged, sexually abused, murdered, and extorted by Mexican authorities, or have been victims of human trafficking, all on their journey to the United States.

4. Id.
7. Penhaul, supra note 2.
8. Perasso, supra note 5.
There is a rise of abuse of undocumented migrants in Mexico with reported assaults and kidnappings increasing in recent years. Mexico has responded to this human disaster by passing new legislation to protect and guarantee the human rights of undocumented migrants in Mexico. The stated purpose behind this law is to alleviate the vulnerable condition migrants suffer. Eliminating this vulnerable condition is crucial because it is the characteristic criminals look for when committing rampant kidnappings and murdering migrants travelling through Mexico. In order to effectuate its purpose, the new law decriminalizes immigration and removes penalties. Unfortunately, this new legislation has failed to have an impact on the systematic abuse of undocumented migrants.

There are a number of internal and external factors playing a part in Mexico’s inability to address this problem: a weak economy, a weak government, lack of a nation-level commitment, and lack of national law enforcement strategy. Although the United States has demonstrated a willingness to help Mexico and other Central American countries combat this phenomenon by passing legislation to deter immigration, there are statistics that show this legislation has actually been a contributing factor to the migrant abuse. A change in the United States’ immigration laws making them less restrictive may come with some costs. However, it is a possible solution to effectively reduce undocumented immigration as well as migrant abuse.

In Part II, this Comment discusses the situation of Central and South American migrants being abused, kidnapped, and killed in Mexico and how this abuse is on the rise in recent years because of their vulnerable condition. Part III explores Mexico’s approach to solving this problem. First, it will discuss legal

10. Pachón, supra note 6 (a study by the National Human Rights Commission showed that “[a]t least 11,333 migrants were kidnapped in Mexico between April and September last year.”).

11. See generally Decreto por el que se Expide la Ley de Migración [Decree was issued by the Immigration Act], Diario Oficial del la Federación [DO], 25 de Mayo de 2011 (Mex.).

12. Id.


14. See generally Decreto por el que se Expide la Ley de Migración, supra note 11.


18. Id.

19. Id.


measures Mexico has taken, such as adopting new legislation that protects and guarantees human rights to undocumented migrants in Mexico. Second, that legislation will be compared to legislation in the United States, such as the anti-immigration laws in Arizona, to demonstrate a difference in their approaches. Lastly, this Comment will examine other non-legislative measures Mexico has taken to combat this human disaster. Part IV reveals the impact the Mexican legislation has had on the issue of migrant victimization and then explores possible external and internal factors that can explain why this piece of legislation has not been very responsive to the problem. Finally, Part V stresses the importance of U.S. collaboration in tackling this humanitarian disaster.

II. BACKGROUND

A. Economic Poverty in Central America

Most of the populations of Central American countries, especially Honduras, Guatemala, Nicaragua, and El Salvador, suffer from severe poverty. The most dramatically affected country is Honduras, with “75[%] of its rural population living in poverty and 63[%] of them in extreme poverty.” In Guatemala, 54% of its people live in poverty, while in Nicaragua and El Salvador, 47% live in poverty. “Indigenous peoples are among the poorest in the region” and, as a result, they do not have access to education, health care, or housing.

The difficulties in finding work and excessively low wages make it nearly impossible for citizens to provide for their families. Guatemala’s trash miners risk their lives searching for silver and gold in toxic water spews from a drainage tunnel. A Honduran worker for an Asian-owned maquiladora that produces clothes earns 400 lempiras a week (equivalent to $22 USD). Those same workers barely earn enough to survive and raise their children. In addition, a large portion of the population is under fifteen years old (e.g. Guatemala 41.6%).

24. Id.
25. Id.
26. Id.
29. Kovic & Kelly, supra note 27.
30. Id.
Honduras 36.8%\textsuperscript{32}, which means the country has to supply sufficient labor for the children that will soon be entering the work force.\textsuperscript{33} The frustrations with their economy and determination to find a better life for their children drive a majority of migrants to leave their country and cross Mexico's southern border en route to the United States.\textsuperscript{34}

B. Migration

Migration is "the movement of a person or a group of persons, either across an international border, or within a State."\textsuperscript{35} From 2000 to 2010, the number of international migrants worldwide has increased dramatically from 150 million to 214 million.\textsuperscript{36} Recent studies show that 3.1% of the world's population is migrants and 49% of those migrants are women.\textsuperscript{37} The International Organization for Migration ("IOM"), a leading inter-governmental organization for fifty years, develops new policies, programs for assistance, and studies to help governments facing migration challenges.\textsuperscript{38} The migration process involves a complex process for the destination country because migration affects economic, social, labor, health, cultural, and security domains of the destination country.\textsuperscript{39} IOM believes that a country with a "clear migration policy and well-defined admission categories is in a better position to avoid migration-related problems."\textsuperscript{40} Central America and Mexico have a very complex and dynamic migration situation resulting in crimes involving migrants transiting their country.\textsuperscript{41} However, as illustrated later, these crimes are not the result of a lack of migration policy or a lack of facilitated migration and freedom of movement.\textsuperscript{42} Instead, it is the

\begin{itemize}
\item \textsuperscript{32} Honduras, INT'L ORG. FOR MIGRATION, http://www.iom.int/jahia/Jahia/honduras (last updated Mar. 15, 2011).
\item \textsuperscript{33} Leon Bouvier & David Simcox, Many Hands, Few Jobs: Population, Unemployment and Emigration in Mexico and the Caribbean, CTR. FOR IMMIGR. STUD. (Dec. 1986), http://www.cis.org/node/34.
\item \textsuperscript{34} Kovic & Kelly, supra note 27.
\item \textsuperscript{37} Id.
\item \textsuperscript{40} Id.
\item \textsuperscript{41} See Central America and Mexico, INT'L ORG. FOR MIGRATION (July 2011), http://www.iom.int/jahia/Jahia/activities/americas/central-america-and-mexico.
\item \textsuperscript{42} See Developing Migration Policy, supra note 39. See generally Decreto por el que se Expide la Ley de Migración, supra note 11.
\end{itemize}
vulnerable condition of the migrant that has driven up the crime numbers. Despite being aware of the risk of becoming subject to these crimes, migrants continue to seek the high demand of labor in the United States and Canada in hope of escaping their poor socio-economic conditions.

C. Migrants’ Voyage through Mexico

“Mexico’s 750-mile southern border with Guatemala and Belize [is crossed by] . . . thousands of Central Americans—predominately from Honduras, El Salvador, and Guatemala—‘each year, on their journey to the U.S. border. Mexico’s National Migration Services estimated that 140,000 illegal Central American migrants transited the country in 2010. Upon their arrival in Mexico, migrants face extortion, kidnappings, violence, and other dangers, which have taken many of their lives. Many of these instances are due to their vulnerability as migrants. This is because crime organizations seek susceptible people, who will make their job easier without using much force or many resources. Therefore, these migrants, who are novices in the new country and are not afforded the same protections as citizens, become the perfect target for organized crime, including migrant traffickers.

1. On Board “The Beast”

“The Beast,” also known as the “Train of Death,” is a freight train that runs 684 miles from southern Mexico, near the Guatemala-Mexico border, to Mexico City. Estimates show that over 20,000 illegal immigrants boarded the train from January 2010 to April 2010. The migrants do not travel in passenger trains; rather, they ride in the trains, which haul anything from cement and lumber to corn and minerals. Both the train’s course and free fare make it the most

43. See Protection of Vulnerable Migrant Populations, supra note 13.
44. Penhaul, supra note 2.
45. Kovic & Kelly, supra note 27.
46. CLARE RIBANDO SEELKE, CONG. RESEARCH SERV., RL 32724, MEXICO: ISSUES FOR CONGRESS 27 (2011) [hereinafter MEXICO: ISSUES FOR CONGRESS].
48. See Protection of Vulnerable Migrant Populations, supra note 13.
50. See id.
51. Perasso, supra note 5. From Mexico City, migrants travel by bus to Guadalajara then pay “coyotes” to cross the United States-Mexico border. Id.
52. Penhaul, supra note 2.
53. Id.
attractive means for poor migrants to reach the United States-Mexico border. These cargo trains do not stop, so migrants are forced to jump on board while it is still moving. Migrants will have to do this between ten and fifteen times en route to the border because multiple trains are required to travel the whole distance. This journey could take weeks to complete.

The nature of “The Beast” poses many dangers to the migrants riding on it. The migrants have to either reach the roof of their carriage, risking falling off and being mutilated by the train, or choose to be jammed in a carriage with over 200 other migrants and risk suffering from dehydration, sexual abuse, and other related harms. Many are killed or lose their limbs by getting run over by “The Beast” trying to jump off, slipping, or being pushed off. The train is most dangerous for women because the train’s close quarters make women more susceptible to rape and sexual assault. However, both men and women become victims of the gangs that run the trains and rob them of their possessions. These gangs are known to force migrants into human trafficking schemes.

2. Encountering Human Traffickers/Kidnappers

While it may be true that many unauthorized migrants crossing through Mexico from Central America to reach the United States begin their journey voluntarily in search of jobs, a significant amount become the victims of human trafficking during their journey when criminals exploit those migrants because of their vulnerability and poor travel conditions.

Human trafficking is

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

54. Perasso, supra note 5.
55. Id.
56. Id.
57. Penhaul, supra note 2.
58. Perasso, supra note 5.
59. Stone, supra note 1.
60. Id.; Perasso, supra note 5.
61. Perasso, supra note 5.
62. Cicero-Domínguez, supra note 21, at 303.
63. Id. at 305.
Kidnappings increased by 188% in Mexico from 2007 to 2011. Kidnappings may occur either through force or deception; for example, migrants will pay smugglers as much as $3,000 USD to get them through the United States-Mexico border—only to have the smuggler kidnap them. Victims of these kidnappings are involuntarily held captive and coerced into labor or forced into sexual exploitation, such as pornography or being placed in strip clubs, brothels, or massage parlors. Estimates show that as many as 20,000 Mexican and Central American children are being used for sex tourism, a form of commercial sex. Some victims are also forced to sell their organs or engage in other illegal activities such as joining drug cartels, transporting illegal weapons, and robbery. Migrants from Central American countries are especially appealing to human traffickers because those traffickers are well aware of the migrants' physical and legal vulnerabilities.

D. Vulnerability of Migrants

Human traffickers and other criminal actors now prey upon migrants because of their vulnerable state. Vulnerability of migrants is an “imposed condition of powerlessness.” It is natural for human beings to believe that upon their departure from home, they are also leaving behind all their resources to defend and protect themselves. Thus, this inherent feeling manifests in migrants’ demeanor and actions, allowing criminals to easily identify them. Acts of sovereignty by foreign countries also contribute to this vulnerability. For example, when countries with immigration policies based on state sovereignty (rather than human rights) define who is a national and who is a foreigner through their laws, they create inequality between the two groups.

Mexico has faced the unfortunate targeting of migrants by organized criminals due to the large amount of transmigration of Central American migrants crossing their territory to reach the United States, and the vulnerable

65. MEXICO: ISSUES FOR CONGRESS, supra note 46, at 4.
66. See Cicero-Domínguez, supra note 21, at 304.
68. Id. at 2.
69. Id. at 4.
70. See id. at 2; Cicero-Domínguez, supra note 21, at 306.
71. See Cicero-Domínguez, supra note 21, at 303.
72. Central America and Mexico, supra note 41.
74. See id.
76. See Bustamante, supra note 73, at 566.
77. Id. A foreigner is an alien, while a national is a resident or citizen of the country.
condition of the migrants. The Special Report of the Comisión Nacional de los Derechos Humanos (National Human Rights Commission) to the Mexican state declared that the Central American migrants, who make their journey through the Mexican territory without identification papers, are highly vulnerable, due to the facts of:

traveling by high risk transportation vehicles such as cargo railroads or trucks with double bottom; they choose shortcut roads or lonely roads in general; they sleep out in open spaces; they do not know the zones they go through; they avoid police contact or with any state officer; they do not know their rights or decide not to exercise them if that means being exposed; they are far away from their homes and do not know who to go for help in case they need it or are unaware of their country’s laws.

This state of vulnerability makes migrants susceptible to organized criminals using them for running smuggling and trafficking rings across the United States-Mexico border. Some argue that migrants put themselves in this danger voluntarily by choosing to migrate. However, these migrants are more often than not forced out of their countries and into these dangers because of the poor conditions in their home country. They have no choice. Therefore, it is this vulnerable status, which migrants have no control over, that drives criminal organizations’ use of the Mexican territory to exploit Central American migrants.

III. MEXICO’S RESPONSE TO MIGRATION

A. Migration Laws: Sovereign-Based and Human Rights-Based Approaches

The normative approach to migration law involves two different, yet complementary, forms: sovereignty and human rights. When principled on state sovereignty, the state enforces its “right to protect borders, to confer nationality, to admit and expel foreigners, to combat trafficking and smuggling and to safeguard national security.” Legislation in these states clearly defines who are...
nationals, and who are outsiders. The human rights approach, on the other hand, is primarily based on human rights and humanitarian conventions that exist at a universal and regional level. Although these conventions do not recognize migrants explicitly, migrants are incorporated in the conventions' human rights, "humanitarian law, refugee law, criminal law and labour law." 

1. Mexico's Human Rights-Based Approach

Recognizing the vulnerable condition of migrants, Mexico has begun adopting a human rights-based strategy to alleviate the systematic abuse of migrants. Mexico's immigration policy is reflected in the "Ley General de Población" ("General Population Act"). Mexico has reformed this act several times by making human trafficking a criminal offense, removing violations of the immigration statute from criminal offenses, lessening time migrants spend in detention centers, and stiffening penalties for alien smuggling. The last reformation was new legislation in May, 2011, "Decreto por el que se expide la Ley de Migracion" ("Decree was issued by the Immigration Act"). This law is designed to give migrants—especially Central Americans who are being abused—certain rights to protect themselves. The principal behind this idea is that "los migrantes no son delincuentes" (migrants are not criminals) and should therefore be able to exercise all their rights without any sort of discrimination. Articles 6-17 list all the rights undocumented migrants are entitled to. These rights include liberty to travel, stay, and leave Mexican territory without being required to prove legal immigration status; the right to enjoy public education and medical services, including free medical assistance in emergencies; and the right to ask for protection from law enforcement officers. Furthermore, only immigration authorities are able to ask for and retain immigration documents. Along with the positive rights listed for migrants, the legislation also lists the

86. See supra note 77 and accompanying text.
87. Id.
88. Id.
89. MEXICO: ISSUES FOR CONGRESS, supra note 46, at 27.
90. Id. at 27 n.110.
91. Id. at 27-28.
92. Decreto por el que se Expide la Ley de Migración, supra note 11.
94. Id.
95. Decreto por el que se Expide la Ley de Migración, supra note 11.
96. Id. at art. 7.
97. Id. at art. 8.
98. Id. at art. 13.
99. Id. at art. 17.
organizations that are required to ensure these rights are enforced, and asks those organizations for additional assistance to be directed towards those in vulnerable conditions, like women and children.

The legislation also has procedural components. Specifically, the legislation prohibits the verification of immigration status in places that give aid to migrants, such as shelters. Also, the law prohibits sanctioning those who employ undocumented migrants. The law states that resident status should not be denied to any migrants who meet the statutory requirements and that their immigration status shall be resolved within twenty-four hours. The procedure to enter the country legally is outlined in the legislation, as well as the procedure to legally deport those who qualify as "deportable."

2. A Comparison to the U.S. Sovereignty-Based Approach

The Mexican legislation is distinguishable from the most recent laws in the United States, which are principled on state sovereignty. The trend in laws of the United States is to discourage and deter unlawful immigration by establishing additional criminal penalties based on an immigrant's status. The state of Arizona enacted S.B. 1070, which allows immigration status determinations during stops, detentions, or arrests by state law enforcement. It also imposes state criminal penalties for certain violations of federal alien registration requirements and criminalizes the solicitation or performance of work by unlawfully present aliens. In addition, S.B. 1070 authorizes state law enforcement to make warrantless arrests for public offenses, which constitute grounds for deportation under federal immigration law. These are all quite contrary to the current Mexican law.

S.B. 1070, unlike the Mexican law, takes away the rights of unauthorized immigrants, making migrants' condition even more vulnerable, and thereby

100. Id. at art. 26-30 (naming the following agencies: the Secretaria de Turismo (Secretary of Tourism), Secretaria de Salud (Secretary of Health), Sistema Nacional para el desarrollo Integral de la Familia (National System for the Integral Development of Family), and Instituto Nacional de las Mujeres (Women's National Institute)).

101. Id. at art. 73.

102. See generally id. at art. 76.

103. Id.

104. Id.; Con Nueva Ley, Ningún Illegal serÁ Considerado Delincuente, supra note 93.

105. Con Nueva Ley, Ningún Illegal serÁ Considerado Delincuente, supra note 93.

106. See Decreto por el que se Expide la Ley de MigraciÁn, supra note 11.

107. See generally id.; see also generally MEXICO: ISSUES FOR CONGRESS, supra note 46 at 29.

108. MEXICO: ISSUES FOR CONGRESS, supra note 46.


110. § 23-212.


112. See generally Decreto por el que se Expide la Ley de MigraciÁn, supra note 11.
frustrating efforts preventing the abuse of migrants. President Obama agrees, stating that the law discourages vulnerable migrants from reporting crimes because of the fear of deportation. Further, some believe that the enforcement of S.B. 1070 will lead to racial profiling, which is constitutionally impermissible. As a result, the U.S. Supreme Court granted Arizona’s petition for writ of certiorari to resolve the constitutionality of this statute.

Unfortunately, this is not the first time Arizona has enacted a law based on state sovereignty hindering efforts to protect migrants. Arizona previously enacted the Legal Arizona Workers Act, which allows superior courts in Arizona to suspend or revoke business licenses of employers who knowingly or intentionally hire unauthorized aliens and also makes participation in E-Verify (a system that determines eligibility for employment based on information from I-9 forms and U.S. Department of Homeland Security and Social Security Administration records) mandatory for all employers. The U.S. Supreme Court declared this Act constitutional in *Chambers of Commerce v. Whiting*. The similarities between the Legal Arizona Workers Act and S.B. 1070 make it possible that S.B. 1070 too will withstand constitutional challenges.

### B. Other Remedies: Treaties, Federal Laws, and Agencies

Before Mexico’s new legislation, Mexico had taken positive steps in combating the issue of human trafficking. In 2000, Mexico signed and ratified the United Nations Convention Against Transnational Organized Crime (“UNCATC”). Since it was not a self-executing treaty, the Mexican government enacted new legislation under their Federal Penal Code Articles 296 and 297, “Trafficking in People and Sexual Pandering.” However, this piece of legislation does not directly speak to trafficking, only defining sexual procurements; therefore, one can only be punished when trafficking involves

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114. MEXICO: ISSUES FOR CONGRESS, supra note 46.

115. MICHAEL JOHN GARCIA, LARRY M. EIG & YULE KIM, CONG. RESEARCH SERV., RL 41221, STATE EFFORTS TO DETER UNAUTHORIZED ALIENS: LEGAL ANALYSIS OF ARIZONA’S S.B. 1070, at 35 (2011) (Racial profiling would result because the enforcement of law requires agents to search for undocumented persons, who are non-American.).


118. § 23-214(A).


121. Cicero-Dominguez, supra note 21, at 308.
sexual exploitation. Articles 206 and 207 do not acknowledge that trafficking may lead to other activities such as forced labor, illegal transportation, donation of organs, etc.

The Mexican government also enacted “La Ley Federal contra la Delincuencia Organizada” (“Federal Law Against Organized Crime”), which in Article 2 makes trafficking and smuggling a federal offense. By enacting a federal punishment for organized crimes, Mexico reveals its ambition to end the victimization of migrants. In addition, Mexico’s Congress enacted Article 194 in “Código de Procedimientos Penales” (“Code of Criminal Procedures”), which makes trafficking of undocumented immigrants a felony. By raising the penalty on crimes against migrants, with this enactment Mexico showed its intent to protect migrants—people will be less willing to commit a crime against them if they are aware of the harsh consequences. Congruently, over seven years ago, Mexico and Guatemala formed a Memorandum of Understanding to “cooperatively strengthen bi-national efforts to combat human trafficking along the Mexican-Guatemalan border.” Mexico is conscious that to combat these crimes against migrants, it will need to reach beyond its borders to seek support, with Guatemala being the first country it approached.

In regard to overall protection of migrants, the Mexican government has also taken non-legislative action. The government set up the “Grupo Beta,” a task force to assist migrants, which rescued over 3,500 migrants in distress in the first eight months of 2011. Furthermore, the Mexican government promotes the assistance of migrants through new policy. For example, in 2005, President Fox awarded Mexico’s first National Human Rights Award—which was comprised of $20,000 to construct a new shelter—to Dona Olga, a Mexican human rights worker, for helping with migrants. Similarly, in June 2001, the Mexican government disclosed “Plan Sur” (Southern Plan), designed to promote cooperation among many agencies “to curb the rampant organized crime and corruption arising from illicit traffick[ing] in migrants and merchandise at the Mexico-Guatemala border.” As a result, approximately $11 million was

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122. Id. at 310.
123. Id.
124. Id. at 311.
125. See id.
126. Id. at 311-12.
127. See id.
128. WEBBER, supra note 67, at 6.
129. See id.
131. See generally Kovic & Kelly, supra note 27, at 2.
132. Id. at 4.
133. George W. Grayson, Mexico’s Forgotten Southern Border: Does Mexico Practice at Home What It
2012 / The Route of Death

invested in improving checkpoints and equipment for injured migrants.134 These steps show willingness by the government to effectuate change through different avenues.135 However, despite the legislation enacted and other measures Mexico has taken, its efforts have proven ineffective.

IV. INEFFECTIVENESS OF MEXICAN EFFORTS


Despite Mexico's attempts to remedy the abuse of migrants, these measures have been ineffective due to many factors. Corrupt enforcement officers contribute to the vulnerability of migrants because migrants are left with no official support, forcing them to fight on their own.136 These same officers have a negative effect on the enforcement of the decriminalization of immigration law (designed to give these migrants more power) by not enforcing the laws and denying the migrants their rights.137

This political instability is largely due to Mexico's weak economy caused by its discrepant income distribution.138 Statistics show that the wealthiest 10% receives 42% of the national income, while the poorest 40% receives only 15% of the national income.139 This disparity has led the nation into social inequality, which has had a large impact on Mexico's enforcement measures.140 The increase in official corruption in recent years has harmed the Mexican economy by reducing the efficiency of its government141 and making it easier for drug cartels to conduct illegal activities.142

While the Mexican federal government works to combat human/drug-trafficking issues of migrants, the local and state law enforcement officials have not been so forthcoming because they are intimidated by these crime organizations.143 The fact that corruption is rampant was illustrated when over

134. Id. (providing Beta Groups with more personnel).
135. Id.
137. Id. at 109-11.
138. Id. at 103-06.
139. Id. at 104.
140. See id. at 104-05.
141. Id. at 109.
142. COLLEEN W. COOK, CONG. RESEARCH SERV., RL 34215, MEXICO'S DRUG CARTELS 9-10 (2007) [hereinafter MEXICO'S DRUG CARTELS].
143. Id. at 9.
100 state police officers were suspended for corruption in 2007 in just one city.\textsuperscript{144} A group of Special Forces soldiers was recruited, abandoned the Mexican military, and joined one of the largest drug cartels in Mexico—which can now muster an army of 100,000 guns.\textsuperscript{145} Authorities have also “used unlawful methods, including coercion of witnesses and fabrication of evidence,” to hide the complicity between the police and criminals.\textsuperscript{146} Even highly ranked officers, such as Attorney General Mario Ruiz Massieu, have been bribed, forming close ties between themselves and drug cartels and thereby strengthening these syndicates in Mexico.\textsuperscript{147} Those law enforcement officers who are not associated with drug cartels are putting their lives at risk.\textsuperscript{148} One of the worst attacks against government forces occurred where members of a drug cartel tortured and killed twelve federal agents.\textsuperscript{149}

Additionally, the slow justice system prevents justice from being served effectively because these delayed penalties result in individuals’ disregard for the law.\textsuperscript{150} The Human Rights Watch confirmed that not a single member of the military who has been accused of any violation has been convicted despite its frequency.\textsuperscript{151} Consequently, citizens of Mexico have lost confidence in their justice institutions.\textsuperscript{152}

Another factor that impedes the effectiveness of the legislation is the way the drug cartels have utilized the press to conceal their crimes from the public’s knowledge.\textsuperscript{153} Reporters take bribes from the cartels in exchange for the withholding of coverage of kidnappings or extortion in which the cartels are involved.\textsuperscript{154} Even worse, some reporters are coerced to withhold this same coverage through threats, murder, or terrorization by these crime organizations.\textsuperscript{155}

When the law enforcement, the judiciary, and the political system are all associated with drug/human trafficking cartels, there is no branch of government

\begin{flushleft}
\textsuperscript{144} Id. at 10. \\
\textsuperscript{145} Sam Logan, The Evolution of ‘Los Zetas,’ a Mexican Crime Organization, MEXIDATA.INFO (Mar. 16, 2009), http://mexidata.info/id2194.html. \\
\textsuperscript{146} COMM. TO PROTECT JOURNALISTS, SILENCE OR DEATH IN MEXICO’S PRESS: CRIME, VIOLENCE, AND CORRUPTION ARE DESTROYING THE COUNTRY’S JOURNALISM 3 (2010), available at http://cpj.org/reports/cpj_mexico_english.pdf. \\
\textsuperscript{148} 10 Mexican Federal Police Killed in Gang Attack Near High School, FOXNEWS (June 14, 2010), http://www.foxnews.com/world/2010/06/14/mexican-federal-police-killed-gang-attack-near-high-school/. \\
\textsuperscript{149} Id. \\
\textsuperscript{150} Jane Bussey, Political Reform Gave Push to Drug Lords’ Rise in Mexico, McClATCHY (May 4, 2010, 6:46 AM), http://www.mcclatchydc.com/2008/09/15/52320/political-reform-gave-push-to.html. \\
\textsuperscript{151} MEXICO: ISSUES FOR CONGRESS, supra note 46, at 24. \\
\textsuperscript{152} Bussey, supra note 150. \\
\textsuperscript{153} See generally COMM. TO PROTECT JOURNALISTS, supra note 146. \\
\textsuperscript{154} Id. at 4. \\
\textsuperscript{155} Id. at 5. 
\end{flushleft}
to enforce the government's legislation. Furthermore, the lack of media attention does not promote the necessary awareness to effectuate change through the democratic system. The efforts of the Mexican President and Congress to address the abuse of vulnerable migrants by giving them rights cannot be effective when the enforcement system is controlled by criminals.

B. Other Countries Contributing to the Ineffectiveness of Mexico's Legislation

While the conditions in Mexico are the principle cause of the ineffectiveness of its new legislation designed to protect vulnerable migrants, other countries are also responsible. The adoption of stricter U.S. immigration policies, especially border control, has increased criminal activity (human trafficking and smuggling). In addition, the United States' failure to have an effective anti-drug policy has created a huge demand for drugs in the United States, bolstering the drug trade. Both President Obama and Secretary Clinton have acknowledged the insatiable demand for illegal drugs in the United States and are pushing for a more effective anti-drug policy. The demand for drugs is increasing with the spread of medical marijuana dispensaries. Having a weak anti-drug policy in the United States strengthens these drug cartels by making their product more profitable. With more potential profit comes more power, which the cartels then use to control the Mexican government, rendering it ineffective in all areas, including migration legislation.

In Central America, the perennial lack of economic growth has also boosted industry for criminal activity with migrants. Studies show that socio-economic factors—which include the “wealth of a country, the distribution of national income and how the public revenues are invested in the overall structure of the State”—essentially shape the quality of life of the population. The wealthier the nation, the lower the level of crime and corruption, and, as mentioned above, Central America's socio-economic condition is one of poverty. Evidence

156. Id. at 7.
157. Id.
158. See id. at 4.
159. See Cicero-Domínguez, supra note 21, at 303.
160. See MEXICO: ISSUES FOR CONGRESS, supra note 46, at 9.
161. Id.
163. See MEXICO: ISSUES FOR CONGRESS, supra note 46, at 9.
164. See generally MEXICO’S DRUG CARTELS, supra note 142.
165. Cicero-Domínguez, supra note 21, at 303.
167. Id.
suggests that poverty increases the supply of illegal labor for criminal syndicates because the high unemployment rate forces individuals into any possible work, including that which is illegal. These conditions in Central American countries are favorable to criminal organizations, which are impeding the effectiveness of Mexican legislation and contributing to the abuse of migrants.

V. SOLUTION: IN THE HANDS OF THE UNITED STATES

“The porosity of the Mexican-Guatemalan-Belize frontier renders it a virtual third American border,” and therefore, the United States should offer the same protection over it as its own borders. The U.S. Government responded to trafficking issues in Mexico by passing the “Trafficking Victims Protection Reauthorization Act of 2008” (“H.R. 7311”). The Act provides the tools to combat trafficking in persons both worldwide and domestically by establishing the “President’s Intercy Agency Task Force” to assist in the coordination of anti-trafficking efforts. This task force coordinates programs dedicated to the prevention of trafficking and grants funds to people offering legal, health, or social services to victims of trafficking. However, this act has been in place for over three years and the situation in Mexico has only worsened. Furthermore, the United States has assisted Mexico through the Mérida Initiative, a funded package formed in 2008 to combat crime and drugs. Though this assistance to Mexico has flowed “through the International Narcotics Control and Law Enforcement (“INCLE”), Foreign Military Financing (“FMF”), and Economic Support Fund (“ESF”) accounts,” the fight against drugs is its priority and thus, a focus on the abuse of vulnerable migrants in Mexico on their transit to the United States is still needed.

A. A Change in the Philosophy of U.S. Borders

A change to the U.S Immigration policy may be the answer to alleviate the abuse of migrants. The Secretary of the Department of Homeland Security (“DHS”) is charged with “preventing the entry of terrorists, securing the borders,
and carrying out immigration enforcement functions." The U.S. Border Patrol, which is within the U.S. Customs and Border Protection, a component of DHS, has the duty "to detect and prevent the illegal entry of aliens." The U.S. immigration policy has generally been one of increasing restrictions and limitations on its borders. For example, Congress has authorized the building of a fence along the United States-Mexico border. Policy behind such strict enforcement has been based on national sovereignty, national security, economic impact, cultural change, and the fear of flooding the gates. However, these fourteen miles of fences and the stricter border laws have become an obstacle to the remedying of human trafficking and deaths of migrants.

1. Closed Border: An Analogy to the Prohibition Era

Some argue that the policy behind having a closed border would be counterproductive in regard to the problem of immigration, abuse of vulnerable migrants, and the prevention of terrorism and other serious criminal activity around the borders. Having a closed border policy would be similar to the Prohibition in the United States—a national ban on the sale, manufacture, and transportation of alcohol in place from 1920 to 1933. The Eighteenth Amendment of the U.S. Constitution mandated the ban. The purpose of this prohibition was to reduce the amount of liquor consumed and, in return, promote public health, morals, and safety. Similarly, advocates of a closed border reason that prohibiting illegal immigration promotes national security, public safety, and economics. Unfortunately, the results from the

180. Id.
182. Id. at 198.
183. Id. at 205 (flooding the gates occurs where there is excessive immigration and the destination country cannot support the influx).
184. Id. at 209.
186. Id. at 222.
prohibition on alcohol failed to satisfy these purposes.\textsuperscript{191} Although consumption of alcohol decreased at the beginning, ultimately it increased and was accompanied by organized crime and other unintended outcomes.\textsuperscript{192} A powerful black market for alcohol flourished because of its profitability, but brought with it violence between competing bootlegging gangs.\textsuperscript{193} This black market formed as a result of “volitional demands for certain goods and services that have been legally prohibited and are satisfied only by methods and means condemned by law.”\textsuperscript{194} If the border was absolutely closed, only through smuggling would individuals be able to enter the United States, creating a black market for coyotes,\textsuperscript{195} which is a condemned act.\textsuperscript{196} Violence would also follow this smuggling market,\textsuperscript{197} as competing criminals would attempt to profit off this competitive and underground market.\textsuperscript{198} Many already recognize that current U.S. immigration policies have already created enormous immigration black markets.\textsuperscript{199} “Murder, theft, smuggling, and even slavery are part and parcel of immigrant black markets.”\textsuperscript{200} Moreover, heightened immigration restrictions have made the smuggling business more profitable by increasing fees to immigrants.\textsuperscript{201}

While the government is able to regulate those activities which they are aware of, it becomes more difficult to regulate those which are entirely underground.\textsuperscript{202} Bootleggers were forced to completely conceal their behavior and as such avoided regulations that would have been followed prior to the prohibition.\textsuperscript{203} For example, a large number of underground speakeasies opened and the government could not regulate their locations or hours as they did before.\textsuperscript{204} If migrants were able to access the country only through illegal channels, the government would be unable to control or track the type and number of people entering the country for those same reasons.\textsuperscript{205} In order to avoid

\begin{enumerate}
\item[191.] Thornton, supra note 190.
\item[192.] Id.
\item[195.] S.E. Smith, Regarding Immigration, What is a Coyote?, WISEGEEK (Feb. 18, 2012), http://www.wisegeek.com/regarding-immigration-what-is-a-coyote.htm (defining a coyote as “someone who specializes in human smuggling, bringing people across the United States border from Mexico” for a high fee).
\item[196.] See e.g., Johnson, supra note 22, at 223.
\item[197.] Id. at 222.
\item[198.] See Thornton, supra note 190.
\item[200.] Id.
\item[201.] Bruch, supra note 181, at 223.
\item[202.] See Thornton, supra note 190 (discussing the ultimate failure of Prohibition).
\item[203.] Id.
\item[204.] Id.
\item[205.] Young & Nowrasteh, supra note 199.
\end{enumerate}
the government during the prohibition, many bootleggers inserted whiskey into
the spare tires of their cars in Canada and crossed the border into the United
States. Similarly, today in areas where the border is not fully closed, migrants
are hidden in all types of vehicles in order to enter the United States without
detection.

Prohibition was also ineffective because while law enforcement focused its
efforts on reducing drinking and arresting people for drunkenness, thefts and
burglaries increased by nine percent and homicides increased by thirteen percent
during the prohibition. Comparatively, a closed border would result in
excessive enforcement efforts diverting all resources to keeping undocumented
people out, rather than focusing on problems of serious concern: smuggling
and human trafficking. Another unintended consequence of prohibition was
wasted resources through the “clogging of the courts with drink-related
prosecutions” and the immense expenditures that went to its enforcement.
These expenditures are illustrated by the increase of the annual budget of the
Bureau of Prohibition from $4.4 million to $13.4 million during the Prohibition
Era. Ultimately, the government repealed the Eighteenth Amendment upon the
ratification of the Twenty-First Amendment, and pending indictments for the
violation of the Eighteenth Amendment prior to ratification were properly
dismissed. The United States should have learned that completely prohibiting
an activity results in an inability to regulate and other unintended
consequences, and as such, should not completely close borders. With an even
more restricted immigration policy, criminal syndicates will thrive in human
trafficking because vulnerable migrants will be so accessible to them.

Therefore, a closed border policy would be counterproductive to alleviating the
abuse of vulnerable migrants.

207. SPECIAL REPORT OF THE HUMAN RIGHTS NATIONAL COMMISSION ON KIDNAPPING OF MIGRANTS
20commission%2019-06-09.pdf.
208. Thornton, supra note 190.
210. See generally Cicero-Domínguez, supra note 21.
211. Blocker, supra note 189, at 238.
212. Thornton, supra note 190.
213. Id.
214. U.S. CONST. amend. XXI.
216. See Thornton, supra note 190.
217. Johnson, supra note 22, at 223.
2. **Open Borders: An End to Vulnerability**

To have an open border, meaning a policy where people could work and move freely among countries, would mean a return to the policy in place for a majority of American history, where immigration was either open or slightly regulated.\(^{218}\) National security and economics are the two objections to having an open border policy—both of which are unjustified.\(^{219}\)

In regards to the national security concern, the real danger exists now because thousands of people have to cross the border in secret, either by swimming across the Rio Grande\(^{220}\) or by paying “coyotes” to transport them.\(^{221}\) This is due to the “near-impossibility of entering the United States legally.”\(^{222}\) Consequently, the U.S. Customs and Border Protection are unable to track everybody entering the United States.\(^{223}\) On the other hand, an open border system would be more secure to the nation than the current system. Because anyone\(^{224}\) would be able to enter the United States through its borders, those who cross the border illegally would assure the government that their intent is criminal.\(^{225}\) By making legal channels to immigration easier through lessening the paperwork and eliminating quotas, legal methods become more attractive.\(^{226}\) A more liberal migration policy would allow full attention to be paid to “terrorists, dangerous criminals, and drugs,” which are the true dangers to public safety and national security.\(^{227}\)

The economic argument is that having an open border policy would overburden U.S. laws and infrastructure.\(^{228}\) A number of studies have examined the impact of immigration on the United States and have found no negative economic impact.\(^{229}\) For example, although the supply of employees increases, so does the demand for employees because businesses are expected to respond to immigration by hiring more people to make more products or provide more

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219. Id.

220. Id.

221. See Smith, *supra* note 195 and accompanying text.

222. Id.

223. Id.

224. Most who are trying to enter the United States are peaceful unauthorized immigrants, solely in search of the opportunity to have safe lives for themselves and their families. Johnson, *supra* note 22, at 208.


services congruently with the increase in population. Simple laws of economics state that when both supply and demand increase, there is no change to the market. In addition, the money migrants pay smugglers to transport them into the country illegally would instead go to U.S. taxpaying companies who would provide other possible forms of transportation for migrants, such as airplanes, and thereby boost the U.S. economy. In conclusion, these exclusions go beyond that which is necessary to protect national safety and economic infrastructure.

If no significant negative effects will result from liberalizing the immigration policy in the United States, why should the government change it? Humanitarian needs. Military-style operations on the border “have channeled immigrants into remote, desolate locations where thousands have died agonizing deaths from heat, cold, and thirst.” There are internationally recognized human rights implicated in the context of immigration and border restrictions: freedom of movement, freedom from discrimination, and the right to self-determination. The Universal Declaration of Human Rights grants the “freedom of movement and residence within the borders of each state” and “the right to leave any country, including [one’s] own, and to return.” As for discrimination, which is a major cause for the condition of vulnerability, it would be nearly diminished because in protecting human rights, a nation would not be permitted to use its sovereign powers to draw discriminatory lines between humans. A country’s obligation to protect the human rights of people is not limited to only those who are citizens; rather, a country has the duty to protect the individual rights of any person within its jurisdiction.

An open border would minimize racial discrimination against migrants and reduce deaths of and violence against those migrants—both of which would alleviate the harming of their dignity and help them feel more secure. Giving migrants an identity and making them aware that they have been given protection in both countries, Mexico and the United States, will minimize migrants’ susceptibility to crime because they will now have both governments to support them and give them outlets to seek that protection. In addition, they can skip

230. Id. at 22, 24-27.
231. Id.
232. Johnson, supra note 22, at 223.
233. Id. at 213.
234. See generally SOMERVILLE & SUMPTION, supra note 229.
235. Id. at 221.
236. Bruch, supra note 181, at 213.
238. See Johnson, supra note 22, at 216.
239. See Bruch, supra note 181, at 220.
240. Id.
241. See Johnson, supra note 22, at 200, 218.
242. See generally id. at 231.
the dangerous route through Mexico, where many of their abuses occur, and fly directly into the United States.\textsuperscript{243} Lastly, they will no longer have to seek “coyotes,” who oftentimes take advantage of migrants, in order to come into the country because their entrance will be legal.\textsuperscript{244}

The increasing danger of illegal immigration into the United States has deterred many from immigrating.\textsuperscript{245} But by deterring these people from immigrating, these people have no other option than to remain in severe poverty in their home countries, risking their own lives as well as those of their families, which goes against human rights.\textsuperscript{246} For these reasons, liberalization is the correct approach to satisfy the basic human rights of migrants.

B. \textit{The United States Has Begun Recognizing Human Rights}

The change in policy of the United States is evident in all three branches of the government—human rights are now supported through legislation, court orders, and executive decisions. While these policies show a step in the right direction, in order to truly effectuate the goals of these policies, the United States should go a step further and specifically combat abuse of migrants.

1. \textit{Legislative Branch: Asylum Laws}

The United States recognizes the right to nationality and to seek asylum,\textsuperscript{247} which many countries believe is a nation’s legal obligation to offer protection to refugees fleeing persecution.\textsuperscript{248} “Aliens present in the United States may apply for asylum” after arrival into the country, or may seek asylum before an immigration judge during removal proceedings.\textsuperscript{249} To qualify for asylum in the United States, applicants must show that they have been persecuted or have a well-founded fear of persecution, which makes them unable or unwilling to return to their country.\textsuperscript{250} Severe beatings, torture, and sexual abuse are example of things that have amounted to persecution;\textsuperscript{251} however, mere harassment or basic suffering is insufficient.\textsuperscript{252} Originally, when the United States began allowing asylum seekers

\begin{itemize}
\item \textsuperscript{243} \textit{Id.} at 221-22.
\item \textsuperscript{244} See Smith, \textit{supra} note 195.
\item \textsuperscript{245} MEXICO: ISSUES FOR CONGRESS, \textit{supra} note 46, at 26.
\item \textsuperscript{246} See, e.g., United States v. Medrano, 241 F.3d 740, 745 (9th Cir. 2001). See generally Rural Poverty in Latin America, \textit{supra} note 23.
\item \textsuperscript{248} Johnson, \textit{supra} note 22, at 224-25.
\item \textsuperscript{249} RUTH ELLEN WASEM, CONG. RESEARCH SERV., RL 32621, U.S. IMMIGRATION POLICY ON ASYLUM SEEKERS 1 (2005) [hereinafter U.S. IMMIGRATION POLICY ON ASYLUM SEEKERS].
\item \textsuperscript{251} U.S. IMMIGRATION POLICY ON ASYLUM SEEKERS, \textit{supra} note 249, at 21.
\item \textsuperscript{252} Sergio Garcia, \textit{Asylum for Former Mexican Police Officers Persecuted by the Narcos}, 31 B.C.
\end{itemize}
into the country in the 1980's, the government arrested, rather than protected, a large number of asylum seekers who fled El Salvador and Guatemala.\textsuperscript{253} However, in the following years, the United States reformed their policies, making them more liberal and allowing more asylees.\textsuperscript{254}

This policy of protecting those in need should similarly be extended to those migrants facing harms and hardships from human traffickers and smugglers engaged in violence.\textsuperscript{255} Although Congress created the Victims of Trafficking and Violence Act, granting U-visas and T-visas to victims of crimes, people only qualify if they report the crime.\textsuperscript{256} This act focuses on assisting law enforcement in the investigation of crimes, rather than preventing the abuse.\textsuperscript{257} Through the changes in the asylee policy and the adoption of the T-visa and U-visa, the United States has valued human life in specific instances; however, this policy should be extended.

2. Judicial Branch: Vulnerable Victim Sentencing

The United States has already given significance to the vulnerable condition of humans by considering the vulnerability of a victim when determining the sentence imposed against a defendant.\textsuperscript{258} Under Sentencing Guideline \textsection 3A1.1, a court is authorized to increase a defendant's sentence if it finds that the "victim of the defendant's crime was unusually vulnerable due to age or physical or mental condition, or was otherwise particularly susceptible to the defendant's criminal conduct."\textsuperscript{259} The courts have explicitly held that illegal immigrants are considered vulnerable victims.\textsuperscript{260} In \textit{United States v. Medrano}, the U.S. Court of Appeals for the Ninth Circuit found that a group of migrant workers—who were all from a poverty-stricken area in Mexico, did not know how to read or write in any language, and were naïve in matters of business practices in the United States—were to be considered vulnerable victims of the defendant, who had...
embezzled funds from their accounts. Similarly, in United States v. Medina-Argueta, the U.S. Court of Appeals for the Fifth Circuit found that illegally smuggled aliens could be considered vulnerable victims, and in United States v. Melchor-Zaragoza, the U.S. Court of Appeals for the Ninth Circuit lengthened the sentence of a defendant because the victims that were held hostage for ransom were illegal immigrants, and therefore were vulnerable. In these cases, the United States, through its Judicial Branch, developed a policy recognizing that illegal immigrants are a vulnerable group of people who may be afforded additional protection. Therefore, giving immigrants that additional protection at the borders would promote this established U.S. policy.

3. Executive Branch: Obama’s Immigration Policy

President Obama has recognized the existence of immigration problems, which can be alleviated with “comprehensive immigration reform”; for example, with amnesty and other new laws. For this reason, the Obama administration has adopted a new policy, which will allow many illegal immigrants facing deportation a stay. The administration instead has focused on removing convicted criminals and those who might be a threat to national security. The ICE Director, John Morton, issued a memorandum of guidance for this “prosecutorial discretion” that must be used on a case-by-case review of 300,000 illegal immigrants. Individuals present in the United States since childhood, caregivers, and homosexuals, who have a U.S. Citizen, are given priority. This demonstrates the eagerness of the President of the United States to have a more human rights-based approach to immigration by focusing on keeping out those who are an imminent threat to society and allowing law-abiding immigrants to remain. For that reason, a liberal change to immigration policies would not be contrary to the President’s desires, but in fact would be
congruent with his beliefs.\textsuperscript{271} This is echoed by Janet Napolitano, Secretary of Homeland Security,\textsuperscript{272} who supports a set of border initiatives aimed at “(1) guarding against violent crime spillover into the United States; (2) supporting Mexico’s crackdown campaign against drug cartels in Mexico; and (3) reducing the movement of contraband in both directions across the border,” rather than focusing on unauthorized aliens.\textsuperscript{273}

Closing borders will negatively affect the human rights of migrants. Opening the borders will not threaten national security or the nation’s economics, but instead, guarantee human rights to migrants. Furthermore, Congress has passed laws promoting human rights of immigrants, specifically asylum laws;\textsuperscript{274} the courts have extended protection to migrants because of their vulnerability;\textsuperscript{275} and the President has effectuated a policy focused on human rights and immigration.\textsuperscript{276} Since each one of the three branches of the U.S. Government has taken steps to endorse human rights in immigration, the country should fully support this direction.

VI. CONCLUSION

The continuous abuse of migrants is due to their vulnerability; however, ensuring their human rights could end this condition and, in that way, end their victimization. Mexico has taken several steps to put a stop to this exploitation and maltreatment of humans by reforming its migration laws to guarantee vulnerable migrants rights in that country.\textsuperscript{277} Unfortunately, Mexico’s weak economy, corrupt government, and censored press impede the effectiveness of the law.\textsuperscript{278} A change in the U.S. immigration policy could remedy this problem. The current U.S. immigration policy is one of which a noncitizen is presumed to be inadmissible unless he or she establishes eligibility to enter the country—by having an employment, being a student, having family members in the country, fleeing persecution in their home country, having an extraordinary ability, etc.\textsuperscript{279} A system opposite to this, in which there is a presumption of admissibility unless the government demonstrates a strong justification for the exclusion—for example, that he or she is an imminent threat to the nation—would represent a move closer to liberalized borders.\textsuperscript{280}

\textsuperscript{271} See id.
\textsuperscript{272} Id.
\textsuperscript{273} MEXICO: ISSUES FOR CONGRESS, supra note 46, at 16-17.
\textsuperscript{274} See U.S. IMMIGRATION POLICY ON ASYLUM SEEKERS, supra note 249, at 3.
\textsuperscript{275} See generally See, supra note 258.
\textsuperscript{276} See Kobach, supra note 264.
\textsuperscript{277} MEXICO: ISSUES FOR CONGRESS, supra note 46, at 27.
\textsuperscript{278} See discussion supra Part IV.A.
\textsuperscript{279} See Johnson, supra note 22, at 213.
\textsuperscript{280} See id.
This liberalization of borders policy is a solution to the abuse of migrants because it would send a message to migrants that they have equal dignity with all people, instead of classifying them as an unwanted and dehumanized alien. As a result, this would minimize the current political vulnerability of noncitizens that exists today, as well as the facilitation of deaths and exploitation of desperate undocumented immigrants. These vulnerable migrants will feel protected by both the United States and Mexico and will no longer be afraid to report crimes that occur in transit to the United States because they will not fear deportation or exclusion. This will lead to the capture of human traffickers and smugglers and an elimination of that market. Furthermore, those Central Americans who are forced to travel through Mexico and take the Train of Death would now have the opportunity to fly directly into the United States, avoiding this horrific journey. The money a migrant would have paid a smuggler “coyote” could now be given to the United States or other taxpaying companies. The benefits of liberalizing U.S. border policies are numerous and the harms minimal, if present at all; therefore, in order to promote the current U.S. policies of human rights and reduce the victimization of vulnerable migrants, the United States should liberalize its border policy.

281. Id. at 218.
282. Id. at 208.
283. Id. at 222-23.