

Smuggling and Trafficking in Human Beings: All Roads Lead to America

Sheldon X. Zhang

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Preface

As night falls on Altar, a dusty Mexican border town, scores of migrants begin to emerge from rickety guest houses and motels and converge on several gathering grounds littered with garbage. Passenger vans and pickups with camper tops pull up to the roadside. A brisk business ensues. Migrants and their *polleros* (Mexican slang for human smugglers) mingle and discuss the night's excursion across the desert. For a price anywhere from \$200 to \$2,000, these migrants from the interior of Mexico, Latin America, and elsewhere in the world pack into passenger vans, fifteen to twenty at a time, and head to the staging ground in nearby Sasabe. The Buenos Aires National Wildlife Refuge to the north and the Tohono O'odham Reservation to the west offer vast and perilous environments where these migrants walk, run, huddle, and hide, for hours and days, while dodging sensors and the Border Patrol agents. Many make it through uneventfully. Others are arrested and turned back by the U.S. Border Patrol. Still others succumb to the scorching heat or freezing cold of the desert.

Farther to the west along the border between San Diego and Tijuana, enterprising agents charge \$5,000 to \$9,000 to fly eastern Europeans out of Warsaw and Amsterdam to Mexico City and then transport them overland to Tijuana, where these illegal immigrants from Russia, Lithuania, Ukraine, and Poland change into American-looking clothes and pose as U.S. citizens to cross immigration checkpoints in expensive cars.¹

Halfway around the world in Southern China, dozens of lightly packed passengers ride in a bus heading toward a coastal village, taking breaks together and eating identical meals at the same restaurants. Upon arrival, they are quickly gathered by local *snakeheads* (Chinese human smugglers)

onto a dock where small boats will ferry them in small groups to the mother ship moored in the distance, awaiting the night's several uploads before its transpacific journey. For a price of up to \$65,000, these Chinese nationals are among the world's highest-paying migrants to be smuggled into the United States.

Human smuggling is a booming business along the U.S.-Mexican border, attracting groups of entrepreneurs who provide transportation services for a fee. Distinctive ethnic groups and enterprising agents (e.g., the Mexican *coyotes* and the Chinese *snakeheads*) in recent decades have increasingly engaged in cooperative activities with great efficiency to deliver their clients to their destinations inside the United States. These smuggling organizations exploit legal loopholes as well as established commercial venues to transport foreign nationals by sea, by air, and by land. No one knows exactly how many foreign nationals enter the United States illegally. U.S. Border Patrol agents arrest about 1 million illegal immigrants each year along the southern border. *Time* magazine estimated that about 3 million illegal immigrants enter the United States each year—"enough to fill 22,000 Boeing 737-700 airliners, or 60 flights every day for a year."² Guided by their smugglers, thousands of illegal immigrants walk across the border between the United States and Mexico without the knowledge of any law enforcement agencies. Many have made trips back and forth on established routes for years.

Many smuggling methods have been developed to circumvent U.S. immigration control. Human smugglers as a group are well connected and resourceful. Although the United States remains a primary destination for transnational human smuggling and trafficking activities, many other Western countries are also facing an influx of illegal immigrants.

Although most human smuggling activities involve transporting willing migrants in search of better economic opportunities, a few are in it for a far more sinister purpose—trafficking in women and children for sexual purposes and involuntary servitude. In recent decades, criminal gangs in eastern Europe have developed schemes to recruit and transport young women with promises of lucrative jobs overseas, only to force them into prostitution or servitude. Some of these women wind up in the United States. Although the trafficked victims have traditionally come from Southeast Asia and Latin America, in recent years they are increasingly from central and eastern Europe. Many of these women are forced into sweatshop labor and domestic servitude. The rest are forced into prostitution and the sex industry or, in the case of young children, sold for adoption. Although many victims begin their journeys willingly, few are aware of the terms and conditions placed upon them by their handlers. Many end up in cities in New York, Florida, North Carolina, and California. However, law enforcement agencies across the United States have noticed the migration of trafficking activities to smaller cities and suburbs.

According to a recent U.S. State Department intelligence report, between 45,000 and 50,000 women and children are trafficked into the United States each year by criminal organizations and loosely connected criminal networks. Another State Department report puts the annual figure at 18,000 to 20,000. Although these numbers are small relative to those involved in human smuggling, the exploitative and predatory nature of trafficking in women and children has caused grave concerns to the U.S. government and law enforcement agencies. Both the Clinton and Bush administrations and the U.S. Congress have taken steps to strengthen government-wide antitrafficking measures in prevention, in protection and support for victims, and in the prosecution of traffickers.

The United States has struggled for many years to effectively control its borders and to decide how best to handle the influx of foreign nationals. The rise of organized crime in transnational human smuggling or trafficking activities in recent decades further complicates this problem and bears significant political, social, and economic consequences. Improved global commerce, travel, and telecommunication infrastructures will only expand such criminal opportunities.

With the increased dominance of one country (Mexico) and one region (Latin America) in the U.S. immigrant population, public discourse has shifted more toward suppression and control and less toward integration and assimilation. On the other hand, although poverty in immigrant households continues to be a serious problem, most other social indicators (e.g., English-language acquisition and upward mobility of subsequent generations) suggest that these recent immigrants are not much different from their predecessors of a few generations ago.

The events of September 11, 2001, have fundamentally altered the way the United States views and approaches illegal immigration. Once treated as a nuisance, human smuggling and unauthorized entry by illegal immigrants are now linked to terrorism and national security. The U.S. immigration and border patrol agencies are often criticized for having repeatedly failed to protect the nation's borders and screen out undesirable elements from the masses of foreign visitors. Although critics and policy makers on both sides of the debate call for different measures to overhaul or improve the nation's border control functions, human smuggling and trafficking activities appear to continue unabated.

Although human smuggling and trafficking are illegal activities and oftentimes exploitive and violent in nature, the causes of these activities are complex. The vast majority of illegal immigrants seeking entry into the United States are doing so voluntarily. The social and international environments that initiate and sustain transnational migration and smuggling activities are rife with conflicting economic and political demands, a problem for which there are no obvious solutions. One can think of few legislative or policy measures taken by the U.S. government

in recent history that have proved to be effective in managing the nation's borders. A number of books have been written in recent years on the topics of immigration and transnational migration in the United States, and the policy debates have intensified in all possible arenas by politicians, the public, news media, and academics. Much has been said and published about these debates.

This book instead presents only how smuggling and trafficking activities are carried out and explores policy challenges in combating the problem. Illegal immigrants have been accused of many things in the United States—including straining the social and economic resources of the host countries, contributing to rising crime (and the resulting anti-immigrant sentiment), suppressing the wages and worsening the working conditions of native-born workers and legal immigrants, and increasing health and safety risks to the workforce. Much has been written on these topics, although much more research is needed to deal with these complex social issues. Instead of arguing the political ramifications of illegal immigration, this book is oriented toward a criminological analysis of the illicit venues and strategies employed by groups of entrepreneurs as well as criminal organizations in gaining unauthorized entry into the United States. Although illegal immigration and illegal immigrants themselves are part of the discussion, this book focuses on smuggling and trafficking activities, their organizational profiles, and their operational patterns. The emphasis here is on the *organized* and *business* nature of unauthorized entries facilitated by enterprising agents.

It is a daunting task to engage in a book project of this nature without appearing biased toward one side of the political debate or the other. This book strives to achieve a balanced look at the problem of human smuggling and trafficking. The purpose is to compile and synthesize the most current research findings to shed light on the complexity of how human smuggling and trafficking activities are carried out and how the players operate in this illicit enterprise. There are various options as to what we can and should do to stop or minimize this illicit business. The challenge is not just gathering enough political will and resources but also anticipating unintended consequences and deciding to what extent and at what price we as a nation are willing to withstand the problem.

Data sources include published governmental and nongovernmental agency reports, academic studies, news media reports, and personal interviews with illegal immigrants and human smugglers, as well as with law enforcement representatives.

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Portions of this manuscript have been presented at professional conferences and published in academic outlets.

Chapter 1

Human Smuggling and Irregular Population Migration

WHAT IS HUMAN SMUGGLING?

In a narrow sense, human smuggling is the act of assisting or facilitating, often for a fee, the unauthorized entry of a foreign national into another country. Such characterization applies to most smuggling activities, but there are exceptions to this definition. Human smuggling conjures up different images to different people, and different definitions may lead to different understandings and conclusions about the same activity. For example, must one charge a fee for transporting migrants before the process is considered smuggling?

Although most human smugglers charge a fee for their services, there are also those who claim to be doing their relatives or friends a favor and charge only enough to cover the actual costs. Illegal Mexicans as well as Chinese in the United States often send for family members or relatives to join them. They actively participate in the smuggling process and work with the smugglers closely. Oftentimes, they pay for the smuggling expenses. Financial gains are apparently not the motive for these individuals who orchestrate the smuggling operations of their own relatives.

Once inside the United States, these newcomers typically repay the expenses that their relatives incurred, sometimes with interest and other times not. In these cases, should these relatives in the United States be considered human smugglers? Or should the definition apply only to individuals who participate in human smuggling activities solely for the purpose of making money? Both scenarios make sense: (1) smuggling by friends and relatives for personal reasons, and (2) smuggling for profits.

In either case, the act is the same—getting people into another country in a deliberate attempt to evade normal immigration procedures.

Not all human smugglers gather along the borders and guide fee-paying clients across the desert, although those who do attract much media attention. It would seem easy to simply define human smuggling as the surreptitious entry of people into the United States facilitated by a third party. However, many smugglers take perfectly legal venues to send their clients into the United States by exploiting legal loopholes in certain visa-waiver programs and the asylum system. Human smuggling is a far more complex sociopolitical as well as economic phenomenon than the one commonly portrayed in the news media or even in government reports.

Transnational migration has always been a part of human history as people move away from their ancestral villages and townships in search of better economic opportunities or living environments. For most of history, few paid attention to where people moved and where they chose to settle until, of course, those already settled came to view the newcomers as competitors for limited resources (be it land, water, pastures, or jobs). Over the centuries, communication problems and difficulties in travel restricted human migration to relatively small geographical regions. Except for a few countries, such as the United States and the United Kingdom, out-migration and in-migration for most countries up until very recently remained largely unregulated. In fact, the concept of immigration control did not enter any public discourse and government policies until a few decades ago.

As long as the scale of migration was small and migration channels limited, there was little need for formalized commercial assistance (i.e., human smuggling activities); therefore the term *human smuggling* did not enter the contemporary vocabulary until very recently when migrants received coordinated and systematic assistance from organized gangs and groups of entrepreneurs in North America and many Western European countries. To explore the phenomenon of human smuggling, one must understand some of the fundamentals behind transnational population movement when legitimate channels are either blocked or inadequate, thus creating a demand and an unauthorized market where transportation and other logistical services are sought and purchased.

GLOBALIZATION, POPULATION MIGRATION, AND HUMAN SMUGGLING

Transnational population migration has become a global phenomenon that affects practically all nations. In the past century the general trends have shifted from outflows of Europeans to their overseas colonies to emigrations from developing nations in Africa, Asia, and Latin America to industrialized countries in North America and Europe. The expanding

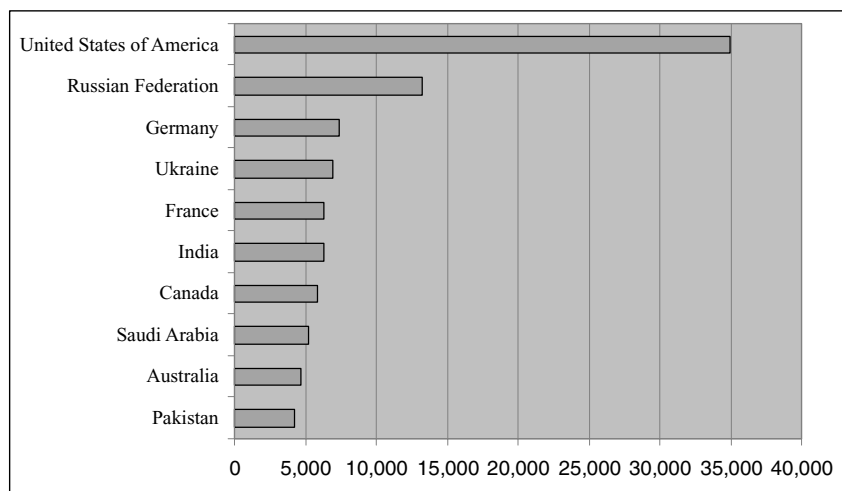
global commerce in the latter half of the twentieth century ushered in an unprecedented era of international exchanges of goods and services, as well as the movement of laborers in response to employment opportunities. International migration has exploded since the 1980s, with people from developing countries and countries in the former Soviet Union seeking opportunities elsewhere, mostly in the West.¹

Global population migration has reached unprecedented levels in the past two decades. According to the United Nations, around 175 million persons currently live outside their native countries (roughly 3 percent of the world's population), and almost 10 percent of the populations in developed nations are made up of foreign-born immigrants.² Migration patterns in the past few decades have remained largely the same, with more-developed regions receiving migrants from less-developed regions, currently at the rate of about 2.3 million a year. In the past thirty years or so, the number of migrants throughout the world has more than doubled, with the majority of them living in developed countries. North America led the world in absorbing large numbers of immigrants, at a rate of 1.4 million annually, followed by Europe with an annual net gain of 0.8 million.³ At the country level, the United States has the largest number of immigrants, with 35 million, followed by the Russian Federation with 13 million and Germany with 7 million.⁴

During the 1990s, according to a report by the United Nations Commission on Population and Development, the European Union saw a sharp increase in non-EU foreign labor population, mostly from the former Yugoslavia and the eastern European states, Turkey, and the Maghreb.⁵ Transnational migration also affected these eastern European countries in significant ways. In Hungary, some 50,000 work permits were issued annually for jobs not being filled by native Hungarians. Some 300,000 to 500,000 foreigners were in the Russian Federation, many of whom came from the former Soviet republics and China, either illegally employed or in transit to other destinations.⁶ Currently legal and illegal migrants account for 15 percent of the populations in some fifty countries, and the percentage is likely to grow well into the foreseeable future.⁷ Figures 1.1 and 1.2 illustrate the magnitude and size of immigrant populations in the top ten countries (i.e., international migrant stock).⁸

To keep these figures in perspective, one should note that the United States, although having the largest number of immigrants, is nowhere close to many other countries in terms of the proportion of foreign-born residents in the total population. In fact, the United States is not even in the top twenty nations with the highest percentage of foreign-born residents among the population.⁹

In the decades after World War II, trends in transnational migration took on two main characteristics. First, there was a reversal of population flows where former sending (mostly colonial) countries became receiving

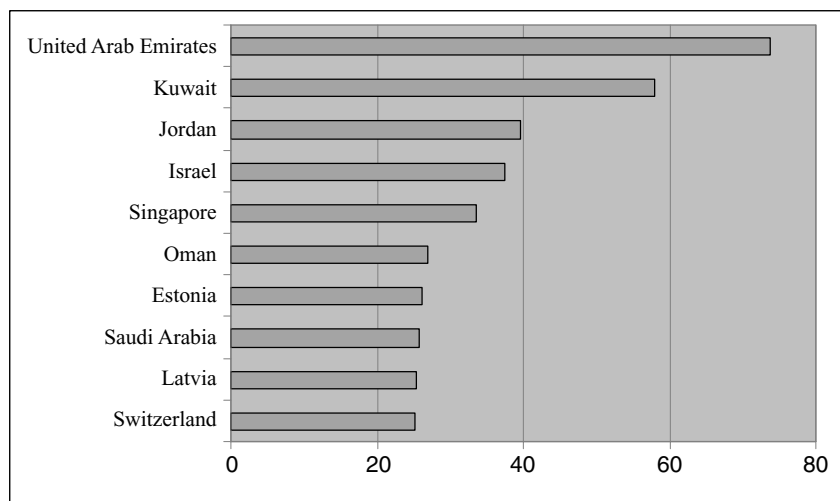
Figure 1.1 Countries with largest foreign-born populations in 2000 (in millions).

Source: United Nations International Migration Report, 2002.

countries.¹⁰ Europeans used to be the typical migrants, going overseas in search of a better life. Now most European countries are drawing large numbers of migrants from around the world.¹¹ Historical immigrant countries such as the United States, Canada, and Australia continue to be strong magnets for international migration. The list of receiving countries has expanded to include Asia, the Middle East, and the Pacific Rim. Second, unlike the European migrants in earlier decades, who were received as essential for nation building, receiving countries today are wary of and often hostile toward new immigrants. Restrictive policies and procedures have been implemented to reduce and restrict the entry of immigrants.¹²

Increased global commercial activities and easier access to other parts of the world have made people in developing countries more aware of their adverse living conditions, thus intensifying the push-and-pull factors that drive migrants' desires to seek opportunities abroad. Drastic differences in wages and living standards have continued to draw unprecedented numbers of migrants from developing countries in Asia, Africa, South America, and eastern Europe to developed countries in western Europe, Australia, and North America. Despite the continued reliance on cheap labor, developed countries have become more selective in the type of and skills of their desired labor force in recent decades. Legislative efforts and government policies in receiving countries have therefore been primarily aimed at restricting low-skilled manual laborers.

When the United Nations first tracked views and perceptions toward international migration in 1976, most member states showed little interest, considering it a topic of secondary concern.¹³ Countries with explicit

Figure 1.2 Countries with highest percentage of foreign-born residents in 2000.

Source: United Nations International Migration Report, 2002.

migration policies were decidedly a minority. By 1995, 40 percent of the UN member states had developed policies specifically regulating levels of immigration. In the past two decades, the number of governments adopting measures to restrict the flow of immigrants continued to grow.¹⁴ It was interesting to note that although developed countries have been most eager to restrict the level of immigration, developing countries are also following suit. Countries such as China, Thailand, and South Korea have in recent years adopted restrictive procedures and policies to regulate foreigners from seeking employment or residency. Even countries with a long history of admitting large numbers of foreign nationals for permanent settlement (namely Australia, Canada, New Zealand, and the United States) are moving toward giving greater preference and priority to those with valuable skills.¹⁵

The United States has for decades remained the number one destination country in international migration, legal or illegal. It is home to 33.5 million foreign-born persons as of 2003, representing 11 percent of the total population.¹⁶ Of those foreign-born residents, more than half came from Latin America—18.6 million. Mexico alone accounted for more than half of these immigrants from Latin America.¹⁷ Immigrants from Latin America are the fastest-growing ethnic group in the United States, and Hispanics, already the largest ethnic minority, are projected to make up 29.8 percent of the U.S. population by 2050.¹⁸ Coastal states continue to have the largest number of foreign-born residents in the nation, as shown in Table 1.1.

Table 1.1 Top Ten States with Most Foreign-Born Residents

Rank	State	2000		1990		% Change
		Total Number	% of Population	Total Number	% of Population	
1	California	8,864,255	26.2	6,458,825	21.7	37.2
2	New York	3,868,133	20.4	2,851,861	15.9	35.6
3	Texas	2,899,642	13.9	1,524,436	9.0	90.2
4	Florida	2,670,828	16.7	1,662,601	12.9	60.6
5	Illinois	1,529,058	12.3	952,272	8.3	60.6
6	New Jersey	1,476,327	17.5	966,610	12.5	52.7
7	Massachusetts	772,983	12.2	573,733	9.5	34.7
8	Arizona	656,183	12.8	278,205	7.6	135.9
9	Washington	614,457	10.4	322,144	6.6	90.7
10	Georgia	577,273	7.1	173,126	2.7	233.4
	United States	31,107,889	11.1	19,767,316	7.9	57.4

Source: Data abstracted from *Demographic Profiles: 1990 and 2000 Comparison Tables* published by the U.S. Census Bureau, available at http://www.census.gov/Press-Release/www/2002/dp_comptables.html.

According to the last two U.S. censuses (i.e., 1990 and 2000), the total number of foreign-born residents (irrespective of their legal status) saw a steady and significant increase throughout the country. Although states such as California, New York, Texas, and Florida continued to lead in the number of foreign-born residents, states in the Midwest and the South, where the numbers of immigrants were historically low, showed the most rapid growths over the ten-year span between the two censuses.¹⁹ Unlike New York, Los Angeles, Chicago, and San Francisco, where socioeconomic systems as well as political establishments are used to dealing with large numbers of immigrants of diverse backgrounds, the new settlements in the heartland of America have created integration challenges and social stress for governmental and nongovernmental agencies not accustomed to their presence and their needs for services.²⁰

The continued breakdown of barriers in the global economy will continue to encourage labor movement, which in turn drives illegal immigration and its by-product—human smuggling. Illegal immigrants in the United States have drawn much attention from the news media, the public, and the political establishment for years. Despite greater concerns over the nation’s border integrity and significant reinforcement following the events of September 11, 2001, the volume of illegal immigrants entering the United States does not appear to have decreased much.

Although it is difficult to provide accurate figures on the number of illegal immigrants residing in the United States, or how many are entering the country illegally, researchers have used various strategies to try to

provide some estimates for specific years. In a 2004 study, based on data from the U.S. Census Bureau and the Department of Labor, the Pew Hispanic Center, a private research group in Washington, drew some profiles on the size and characteristics of the illegal immigration population residing in the United States. The main findings are as follows:²¹

- The illegal immigrant population in the United States had been on a steady growth path for several years, averaging about 500,000 per year.
- At the same growth rate as observed in recent years, the illegal immigrant population can reach 11.5 to 12 million, 40 percent of which have lived in the country five years or less.
- More than half of the illegal population in the United States came from Mexico, numbering about 6.2 million.
- Since the mid-1990s, the most rapid growth in the number of undocumented migrants has been in states that previously had relatively small foreign-born populations. As a result, Arizona and North Carolina are now among the states with the largest numbers of undocumented immigrants.
- Although most undocumented migrants are young adults, there is also a sizable young population. About 16 percent of the undocumented population, about 1.8 million, are under eighteen years of age. Furthermore, two-thirds of all children residing in illegal immigrant families are U.S. citizens by birth.

The Pew Hispanic Center study pointed to two main characteristics of the illegal population in the United States: (1) Mexicans make up the largest group of illegal immigrants, at about 57 percent as of March 2004, and an additional 24 percent, or 2.5 million illegal immigrants, are from other Latin American countries; and (2) states historically low in foreign-born populations have witnessed the greatest growth. The increasing immigrant populations in general have been attributed to the growing employment opportunities in such industries as construction, hospitality, agriculture, and food processing plants.²²

Within Mexico, the majority of illegal migrants have traditionally come from the central-western states such as Michoacan, Guanajuato, and Jalisco. However, migrants from Oaxaca and Guerrero have also increased rapidly in recent years.²³ According to one estimate, the majority of the migrants from Mexico came from about 5 percent of its *municipios* (counties).²⁴

EXPLAINING TRANSNATIONAL MIGRATION

There have been many theories explaining human migration, most of which address two levels of factors.²⁵ At the micro or personal level, disparities in earnings draw individuals from poor countries toward

countries with prospects for greater personal or family wealth. Wage differences between sending and receiving countries are the most important factor in people's decisions to move.²⁶ At the macro level, countries with a shortage in labor attempt to recruit workers from abroad to fill the demand of the economy. As the economy expands or contracts, the labor market fluctuates, and countries in need of labor thus respond by encouraging or discouraging immigration. Individual laborers, on the other hand, adjust and adapt to the cycles of economy. A state of equilibrium is thus achieved through periodic redistributions of labor through migration.²⁷ International migration thus becomes an equalizing mechanism to balance the distribution of economic resources across countries.²⁸

Labor markets in many postindustrial nations have become bifurcated, with high pay and steady jobs on one end and low pay and unstable jobs on the other. Such dual labor markets can be found in cities such as Los Angeles and New York, where managerial, administrative, financial, and technical jobs have reached high levels of concentration among segments of the urban populations. At the same time, these high-paying jobs have also created high demands for low-wage services. Such a bifurcated labor market structurally depends on a steady supply of cheap labor to sustain itself.²⁹ In other words, poor economic conditions in developing countries are insufficient to cause massive outward migration. There must be a corresponding demand in developed countries to create the pull factor.

A few other theories focus on the family or clan rather than on individuals as the starting point. Families send their members to distant places in search of jobs to increase or ensure the overall financial well-being of the family. These sojourners effectively become an insurance policy for the aging parents and other family members against crop failure, market crash, and a host of other adverse economic conditions at home. In return, families with members working overseas can increase their resources to deal with current and future financial uncertainties. Migration therefore is a collective act to maximize a family's income, to minimize risks, and to deal with a variety of economic failures.³⁰

Migrants therefore are rational actors who calculate social and personal costs against potential profits in their decision-making and move to a foreign country where they can expect positive financial returns. Wage differences are not the only incentive that motivates people to move, and migration decisions are not made by isolated actors. They are taken within the family or household and sometimes within a clan or even an entire community.³¹

Still other scholars argue that transnational migration of labor forces reflects the penetration and expansion of the competitive market economy advocated and promoted by the few postindustrial countries. This world system perspective perceives the global marketplace as being dominated by a few core nations that command vast amounts of capital

and resources. As a result, the global economic system is moving toward greater interdependence, with other countries on the periphery supplying not only labor but also consumer markets. The global expansion of the market economy causes disruptions to the traditional economic systems and livelihoods in developing countries, which in turn stimulate population migration.³² Therefore, migration does not necessarily represent a lack of economic development in the sending countries but rather disruptive development itself, because historically it has not been the poorest countries that came to dominate international migration but countries that experienced an economic expansion.

Although these theories attempt to explain the same phenomenon from different angles, they all share a few consistent themes.

The Poverty Factor

Poverty is probably the most cited factor in explaining transnational migration. People migrate for many reasons (e.g., famine, wars, job opportunities, family reunion); however, the search for economic opportunities and security appears to remain constant for most people who choose to uproot from their native land and transplant themselves in a foreign country. In other words, people move because of the prospect of a better life somewhere other than their current geographical location.

Economic opportunities and earning differentials remain a fundamental driving force behind transnational population migration. Income disparities between developed and developing countries have widened in recent decades as a result of a globalized economy in which the production of goods and market transactions can take place in the most efficient manner. Technological advances in transportation and communication have produced unprecedented wealth. The shrinking of the world economy and marketplace, however, has also produced unprecedented inequality between the rich and the poor. Half of the current world population, nearly 3 billion people, lives on less than \$2 a day.³³ The income of the richest fifth of the world population in 1999 was seventy-four times that of the poorest fifth; in 1960 the difference was only thirty times.³⁴

Mexico, the country that sends the most illegal immigrants to the United States, contrasts sharply in wage differences, and the disparities in earnings remain the main impetus for cross-border migration.³⁵ According to the World Bank, half of the 104 million residents in Mexico live in poverty and one-fifth in extreme poverty (defined as living on less than \$1 a day). Mexico's economy was seriously weakened during the financial meltdown of 1994–95. In 2002 the extreme poverty rate was only one percentage point below the level prior to the 1994 financial crisis.³⁶ Despite Mexico's proximity to the world's largest economy and consumer market, between 4 and 9 percent of its population in 2002 was living on