

## **Caring Networks of NGOs**

### **NGO Assistance to Undocumented Migrants along the U.S. – Mexico Border**

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Abstract:

Border enforcement initiatives along the U.S.-Mexico border in the 1990s channeled migrants away from traditional points of entry to taking dangerous routes through the Arizona desert. Recognizing the increasing number of migrant deaths in the area, NGOs sought to assist migrants by providing various services to them. NGO assistance to migrants should be seen as an important contribution to migrants' social capital. Moreover, this non-state intervention in the migration process has further hindered the state's ability to control migration. Nonetheless, NGO assistance has not increased the number of unauthorized migrants entering the United States. To prove these assertions, this research uses qualitative analysis to examine two case studies: Humane Borders and No More Deaths.

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*“They will neither hunger nor thirst, nor will the desert heat or the sun beat upon them. He who has compassion on them will guide them and lead them beside springs of water.”*

- Isaiah 49:10, quoted by  
Humane Borders

*“No person can argue that making water available to illegal aliens – criminals – is not encouraging, aiding, and abetting those aliens committing that illegal act... The knowledge that there are approximately 50 or more water stations in the desert is a factor in these illegals deciding to attempt the invasion of our nations.”*

- Wes Bramhall, president of  
Arizonans for Immig. Control

## **I. Introduction**

U.S. migration policy in the last decade has centered largely on border control and enforcement. Various initiatives, such as Operations Hold-the-Line, Gatekeeper, Safeguard, and Rio Grande, have attempted to deter undocumented immigration in concentrated areas along the border where such migration was most prevalent (see Cornelius 2005). In so doing, the unintended consequence has been that migrants changed paths, finding alternate routes through dangerous terrain. Now they negotiate freezing temperatures in the Otay mountain range, dehydration in the scorching weather of the Imperial Valley desert, and potential drowning in the All American Canal and rivers, as well as other hazardous and life-threatening situations, just to migrate in less-patrolled areas. To navigate such terrain and conditions, undocumented migrants employ “coyotes” and smugglers to guide them through the desert, thereby supporting an

emerging system of intermediaries known that make up the “migration industry” (Castles and Miller 2003:11). These guides often exploit the migrants by charging them expensive fees and sometimes abandoning them at the first sign of trouble.<sup>1</sup>

Accompanying this move to take less-patrolled and consequently more dangerous routes to cross into the United States, there has been an increase in the number of migrant deaths along the border. Recognizing the increasing number of deaths along the border, a number of U.S.-based nongovernmental organizations have focused their efforts towards physically helping migrants during their journeys. Such efforts include handing out water bottles along the border, drawing and distributing maps to locate water sources, and providing temporary shelter, among other forms of assistance. NGOs also assist immigrants once they have reached their destination locations by providing “Know Your Rights” presentations and English-language classes, helping those who qualify for asylum and other forms of legalized relief file their applications, and assisting migrants with finding employment and housing. Through their instrumental assistance, these NGOs are providing resources to the immigrant population, thereby increasing social capital and either creating, substituting, or amplifying migration networks.

These actions have been lauded by some and vehemently opposed by others who argue that these NGOs are facilitating illegal migration.<sup>2</sup> In response, these NGOs argue that their work responds to dire human rights issues, not immigration ones. They rely on a number of sources to legitimate their assistance to undocumented migrants, including religious appeals to the idea of the Good Samaritan, that is, that a person should provide

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<sup>1</sup> Castles and Miller (2003) report that the average cost of hiring “coyotes” rose from \$143 to \$1500 in six years.

<sup>2</sup> There are also a number of NGOs who seek to limit, control, and deter unauthorized migration. For an example, see The Minuteman Project (MMP) homepage at <http://www.minutemanproject.com/default.asp>, last visited 12/14/06.

aid to another in distress.<sup>3</sup> Moreover, these NGOs claim that their efforts do not encourage individuals to migrate; instead, NGOs are merely taking some of the undue risk out for those who *already intend* to migrate.

The following questions guide this research: 1) Do NGOs facilitate pre-existing migration networks through instrumental assistance? If the answer is yes, are the NGOs a substitute for resources, thereby increasing the number undocumented migration, or are they merely amplifying the resources already present, and thus only assisting those who would have already migrated anyway? 2) How do these NGOs negotiate issues of (il)legality and respond to the criticism that they are aiding illegal migration? In this way, how do their actions provoke receiving governments?

This paper first reviews social capital and network theories to emphasize how migration patterns are created and, more importantly, sustained despite state attempts to deter migration. Expanding on these theories, this paper then posits that scholarship thus far has failed to take into account other actors during the migration process that serve similar roles to family and friends; this scholarship ignores other actors involved in migrants' networks who potentially contribute to their social capital. Nongovernmental organizations working along the U.S.-Mexico border are actors that serve as intermediaries in the migration process, further allowing migrants to circumvent state attempts to restrict immigration. To illustrate this emerging phenomenon, a qualitative analysis of the websites of two NGOs, Humane Borders and No More Deaths, reveals how they assist migrants, how the legitimate this assistance, and how they address issues

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<sup>3</sup> According to the Gospel of Luke (10:25-37) in the New Testament, Jesus tells the story of the Good Samaritan to illustrate that "neighbors" should feel compassion towards each other and assist them in times of need, regardless of their differences. See [http://en.wikipedia.org/wiki/Good\\_Samaritan](http://en.wikipedia.org/wiki/Good_Samaritan), last visited 12/14/06.

of illegality. An examination of the websites illustrates how the NGOs present their work to the public. This paper looks at the services being offered by three different NGOs to assess whether their efforts encourage migration, expand the social network of immigrants, and make the journey more efficient, that is, less dangerous. The conclusion emphasizes the often ignored and vital role of NGOs in intervening in the migration process by providing relief to migrants during their journey. Nonetheless, such assistance to unauthorized migrants does not amplify the number of those migrating.

## **II. Theoretical Review**

In order to evaluate the effects of NGO assistance to migrants, in terms of whether or not it encourages the decision to migrate, a review of scholarship on the causes and perpetuation of migration is needed. Scholars from multiple disciplines have theorized on the causes of migration. Historically, migration scholars focused on the economic factors which caused migration, either by focusing on the micro-level and the individual's choice to migrate or by looking at macro-level causes such as the structural labor demand of markets (that is, labor migrants moving in response to high wage differentials and labor shortages). However, these economic push-pull theories alone fail to explain how the migration process is sustained. For instance, neo-classical economics theory asserts that wages should equalize in an open market, creating an economic equilibrium and leading to a decline and ultimate halt in migration (Castles and Miller 2003).

Scholars then began to look at other factors contributing to migration. Granovetter's concept of embeddedness (1985) applied Weber's studies (1964) to migration. In Weber's examination of the intersection between economics and societal

institutions, he notes that although individuals may make decisions based on economic reasons, the decisions are also “shaped by the overarching social relations and structures in which people are embedded” (Heisler 2000:83). Granovetter further analyzes the concept of embeddedness and divides it into two categories: “relational embeddedness” which refers to personal relationships among actors and “structural embeddedness” which refers to networks of social relations in which actors participate. Heisler notes that “such embeddedness is the basis for the existence, creation, and reinforcement of social capital” (Heisler 2000:83). Social capital thus comes from an individual’s relationships and environment. In relation to migration then, the relationships and connections to others that an individual has may contribute to his social capital, thus affecting his decision to migrate. But what exactly *is* social capital?

Douglas Massey has also extensively examined social capital theory (1987, 1998, 1999), attributing its roots to economist Glenn Loury for introducing “the concept of social capital to designate a set of intangible resources in families and communities that help to promote social development” (Massey 1999:43). Various scholars (Massey 1999, Heisler 2000, Castles and Miller 2003) have also pointed to Pierre Bourdieu (1986) for further refining key concepts of social capital. According to Bourdieu and Wacquant, “[S]ocial capital is the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationship of mutual acquaintance and recognition” (1992:119). Portes defines social capital as “the capacity of individuals to command scarce resources by virtue of their membership in social networks or broader social structures” (Portes 1995:12). Social capital includes access to information on potential job opportunities, destination

locations, and other aspects which then may lead to financial capital (through quick employment or the sending of remittances, for example).

Traditionally, migrants gain access to social capital through “networks” defined as “sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship, and shared community origin” (Massey 1999:44-45). These networks give migrants potential access to information about migration techniques en route and upon arrival in the destination and encourage migration from one locale to another. Such information helps migrants by potentially lowering the costs and risks involved in the process, thereby decreasing selectivity and making the possibility of migration accessible to a wider range of individuals.

Nonetheless, theories on networks contribute to understandings of why an immigrant migrates, the destination he chooses, how he finds employment, why he remains there, and why he remits earnings to the home country. Portes and Bach (1985) introduce the concept of social networks to emphasize the importance of international ties; they note how numerous empirical studies show that linkages across populations “are crucial in regulating migrant flows, ensuring the early survival of immigrants, finding jobs, and maintaining up-to-date information on economic conditions in the home countries” (1985:10). Therefore, network theory not only accounts for how and why an individual migrants (because of his connections and consequent social capital), but also how migration is perpetuated and sustained. For example, Portes and Bach find that social network theories account for the continual migration of Mexicans and Cubans to the United States. Once some migrants have settled in the destination country, they serve

as networks and potential social capital for future migrants, thereby contributing to the cumulative causation of migration.

Portes and Bach's research, along with numerous other studies on chain migration (MacDonald and MacDonald 1974, Levy and Wadycki 1973, Edward Taylor 1986, Light et. al 1989), illustrates the staying power of migration flows and patterns once set into motion. Hollifield (2000) emphasizes this point:

Both network and social capital theory help to explain the difficulty that states may encounter in their efforts to control immigration. Kinship, informational networks, and transnational communities are in effect a form of social capital. As they develop, they can substantially reduce the risks that individual migrants must take in moving from one country to another, thereby stimulating international migration. States must then find a way to intervene in or break up the networks in order to reduce an individual's propensity to migrate (2000:147).

Hollifield attributes a state's inability to control migrant flows to networks; as states attempt to decrease the number of migrants entering the country, migrants are able to capitalize on network ties and often able to circumvent the state's restrictive measures. Heisler (2000) also notes the importance of networks in undermining state power and authority: "Indirectly these models [of immigrant incorporation facilitated by networks and social capital] also attest to the extraordinary diversity of contemporary immigration and the structural differentiation and flexibility of American society, generating a variety of new adaptations, processes, and outcomes" (2000:83). For the purposes of this research, network and social capital theories attest to the numerous structural causes of migration and account for migrants' abilities to circumvent United States' restrictive immigration laws.

Problematically, network theory fails to fully take into account Granovetter's concept of "structural embeddedness." Scholars have emphasized the importance of

friendship and familial ties in contributing to social capital to the detriment of identifying other actors who facilitate and mediate in the migration process, such as “businesses” in the migration industry (like the hiring of coyotes) and NGOs. While family and friend assistance is no doubt important in assisting migrants, much more assistance, and indeed a *different* kind of assistance, is needed to migrate today since the risks of migration are higher and crossing the border is more difficult.<sup>4</sup>

Recently, stricter border control and enforcement mechanisms have pushed undocumented migrants to take more risks when migrating, whether by crossing the U.S.–Mexico border in the middle of the desert or by hiding in a freight train or trailer (for example, see Massey 2002, Vanderpool 2003, Cornelius 2005, Pomfret 2006, Rivera, and Garay). Migrants face numerous structural barriers, thereby making relational capital alone insufficient to overcome such barriers and the hazardous environment. Because migrants take routes through dangerous terrain to evade U.S. immigration enforcement authorities, they utilize a number of different methods in an attempt to offset the structural and environmental hazards of traversing the desert. Both the hiring of guides or “coyotes,” who often leave migrants stranded in the desert, and attempts to navigate a way to the United States without guides have led to numerous deaths along the U.S.–Mexico border. The number of border-related deaths has increased each year since the late 1990s (Smith 2006, Rotstein 2005). In fact, twenty-three people died attempting to cross the border in 1994, compared to 499 migrants who died similarly in 2000 (Castles and Miller 2003:11).

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<sup>4</sup> One poll conducted in 2003 found that migrants were fourteen times more likely to die while crossing the border in 2003 than in 1998 (see Vanderpool 2003).

To decrease the rising death toll of migrants, nongovernmental organizations emerged in the late 1990s to assist migrants during their journey by providing services to overcome the environmental hazards associated with taking such treacherous journeys, namely dehydration and heat exhaustion.<sup>5</sup> Such services include the dissemination of maps identifying water towers in the desert, handing out water bottles, providing temporary shelter and immediate medical relief, and giving other forms of assistance. In this way, NGOs are providing services to migrants that family and friends cannot. However, relationship networks and NGOs do provide similar services to migrants at the points of origin and destination by providing migrants with access to information about job locations and availability and affordable housing, for example.

Due to the recent emergence of NGOs addressing migrant deaths on the border, little research has been conducted on their efforts to assist migrants and how this affects the overall migration process. As previously discussed, NGOs are providing resources to the immigrant population, thereby increasing social capital and either creating, substituting, or amplifying migration networks through their instrumental assistance. An examination of the contributions of NGOs to migrants helps assess whether their services encourage individuals to migrate who otherwise would not have migrated or whether these services merely amplify resources already present. The first would mean that NGOs are indeed increasing illegal migration to the United States. The latter would prove that NGOs are only offering services to those who would otherwise migrate anyway, leading to the conclusion that NGO assistance does not increase the number of

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<sup>5</sup> The two NGOs discussed in this paper, Humane Borders and No More Deaths, were created in 2000 and 2003, respectively. Other NGOs which seek to specifically address deaths occurring during the migration process are also a recent emergence, responding to border enforcement initiatives enacted during the late 1980s, throughout the 1990s, and now into the 21<sup>st</sup> century. However, NGOs advocating for immigrant rights in the destination country is not a new phenomenon.

those migrating illegally to the United States. This paper now turns to an examination of those NGO services provided to undocumented immigrants by looking at two specific case examples. Such an investigation will illuminate aspects and consequences of non-state intervention in the migration process.

### **III. Methodology**

Because the emergence of NGOs aiding undocumented migrants on the border is a relatively new phenomenon, little scholarly attention has focused on the subject. Therefore, in order to analyze how NGOs intermediate in the migration process, the following research undertakes two case studies: Humane Borders and No More Deaths. The case studies will contribute to a new and emerging field of scholarship on non-state interventions in the migration process to more fully illustrate how domestic NGOs become involved in providing assistance to migrants, regardless of their (un)authorized presence in the United States.

Research relies on qualitative analysis of the NGO websites and press coverage of NGO activities. Data covers the NGOs' years of existence, since 2000 for Humane Borders and 2003 for No More Deaths, through today. Specific information on how NGOs assist migrants comes primarily from the programs and projects sections listed on the NGOs' websites. This examination is further bolstered by an analysis of how each NGO presents itself to the public through its website and how the NGOs and the individual participants negotiate issues of (il)legality as they provide assistance to undocumented immigrants. Furthermore, a general review of mass media documents demonstrates how the press and public view NGO activities. Ultimately, this research

will illuminate the role that NGOs, as non-state actors, serve as intermediaries in the migration process.

#### **IV. Analysis / Findings**

The militarization of the border and other attempts to curtail unauthorized migration initiated in the mid-1990s by the Clinton Administration had unintended consequences. Rather than discouraging migrants to cross the border illegally, the migrants turned their backs on traditional ports of entry into the United States and began searching for un-patrolled routes which would allow them to cross the international border undetected. Primary ports of entry changed from El Paso, Texas and San Diego, California to crossings in the Arizona desert. As already demonstrated, there has been a substantial increase in the number of migrant deaths along the border since the mid-1990s.

Recognizing the developing crisis along the border, representatives of the Tucson First Christian Church, led by Reverend Robin Hoover, founded Humane Borders on June 11, 2000 (Humane Borders “Quickfacts”). Despite the assistance Humane Borders offered to migrants, the death toll continued to rise and led to the creation of another organization in late 2003 and early 2004. Bishop Gerald Kicanas of the Roman Catholic Diocese, representatives of the Jewish community, and Arizona Interfaith Network pastors and leaders demonstrated at the Arizona Capitol Building on April 19, 2004 rallying under the slogan “No More Deaths” (No More Deaths “History”). Since their creations, both Humane Borders and No More Deaths have controversially aided migrants in various ways. While opponents argue that the NGOs are abetting illegal

immigration, advocates emphasize the humanitarian aspect as the most fundamental core of their work. The following analysis of Humane Borders and No More Deaths is grouped in the following manner: (a) the “type” of the NGO (i.e. religious affiliations) and assistance offered, (b) the stated mission and goals, (c) the reasons for their work and how they legitimate it, and (d) how the NGOs negotiate issues of legality.

As noted, Humane Borders was founded by members of the Tucson First Christian Church but is supported by a number of other religious groups as well, including: Disciples of Christ, United Church of Christ, Presbyterian Church USA, and United Methodist Church, to name a few. Their primary assistance to migrants is through the provision and maintenance of water tanks distributed in some of the most dangerous areas of the desert (calculated according to the number of deaths registered in each area).<sup>6</sup> As of May 1, 2006, Humane Borders had installed over eighty-three tanks throughout the desert with the permission of landowners and by gaining permits to public land. For example, water stations are currently located in Pima County, Buenos Aires National Wildlife Refuge, and Cabeza Prieta National Wildlife Refuge, as well as on private land in Conchise and Pima counties. The operation of Humane Borders is largely dependent on its huge volunteer base, comprised of over 8,000 individuals. Its funding comes from those religious groups mentioned above, as well as the Pima County Board of Supervisors (which has granted it \$25,000 annually since its creation), corporate sponsors like Radio Unica and Univision, and in-kind contributions.

The mission statement of Humane Borders is the first thing one reads on their website, below a photo of a volunteer filling a water tank: “Humane Borders, motivated by faith, offers humanitarian assistance to those in need through more than 70 emergency

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<sup>6</sup> Humane Borders also provides emergency rations, first aid kits, and clothes at some water stations.

water stations on and near the U.S.-Mexican border.” It is followed by a quote from Isaiah 49:10: “They will neither hunger nor thirst, nor will the desert heat or the sun beat upon them. He who has compassion on them will guide them and lead them beside springs of water.” Moreover, the logo of Humane Borders “incorporates the ‘drinking gourd’ from the slavery abolitionist movement and water pouring from the dipper to symbolize Humane Borders’ humanitarian assistance.” Of particular significance is how none of these three items (mission statement, scripture passage, or logo significance) mentions anything specifically about migrants. Instead, the overarching and most emphasized theme is that Humane Borders is involved in humanitarian work.

Although the primary objective of Humane Borders is to assist those in need, it legitimates such assistance by appealing to unnecessary migrant deaths resulting from current “failed immigration policies” by the United States:

Hundreds of thousands of men, women and children face economic disaster in their homelands and migrate to the United States every year. Many of them come across the U.S.-Mexico border illegally in Arizona. Increasing numbers of them die every year making the attempt. The death toll is the direct result of U.S. border control policy, which ignores the economic forces on both sides of the border driving human beings to make such choices (Humane Borders “About”).

Moreover, Humane Borders’ work “invites public discourse” about immigration issues in the United States, thus explaining the visibility of their legislative advocacy points listed on the website: the legalization of undocumented migrants in the United States; the creation of a guest worker program; an increase in the number of visas allocated to Mexicans; a demilitarization of the border; the support of economic development in Mexico; and the provision of more federal aid to local medical service providers, land owners, and law enforcement.

When approached or attacked by critics, Humane Borders representatives also legitimate their work by arguing that Humane Borders works in conjunction with the Border Patrol, is funded by Pima County, and lowers federal and state costs. In June 1998, the Border Patrol implemented the Border Safety Initiative (BSI) which was given various mandates: to enforce border security, educate migrants about the dangers of migration, and rescue migrants in dire need of medical care (GAO Report 2006).<sup>7</sup> By providing water in the most dangerous areas, Humane Borders has lowered the amount of migrants needing rescue services, thus allowing the Border Patrol to concentrate its efforts elsewhere.

Humane Borders has also initiated a number of other programs aimed at educating migrants about the dangers of migrating illegally. One such program was the creation of a map identifying the locations of migrant deaths, water stations, and Border Patrol emergency beacons, which was distributed and posted throughout towns in Mexico (see Appendix A).<sup>8</sup> While arguments about the legality of the maps are discussed below, what is important to note is that they were accompanied by warning posters that said, “Don’t do it! It’s hard! There’s not enough water!” (See Appendix B.)

Another argument legitimating Humane Borders’ work is that it lowers costs for the county. For instance, Deputy Chief Medical Examiner Eric Peters morbidly stated they the county simply did not have enough room in the morgue for all the migrant bodies so it was containing them in a freezer trailer which cost \$1000 a week to rent

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<sup>7</sup> The Border Patrol also implemented other efforts aimed at reducing migrant deaths, including the Arizona Border Control Initiative (ABCI) and the Interior Repatriation Program (IRP). (See GAO Report 2006.)

<sup>8</sup> A current effort Humane Borders is working on is to install more cell phone towers in the desert. They note how surprisingly, many migrants carry cell phones and call for help if the situation is dire enough. One report released by the Border Patrol claimed that it made 850 rescues from January to October 2005 and that “386 of those were a direct result of 38 phone calls made to 911” (Blue 2005).

(Blue 2005). Other reports confirm that it costs Pima County more money “to recover and deal with bodies than to fund the lifesaving program” (Duffy 2005). The same article notes that it costs about \$300,000 annually to recover and store migrant bodies in Pima County; therefore, the comparatively mere \$25,000 they donate to Humane Borders each year justified, Council members argue. Local and federal officials’ support of Humane Borders serves to legitimate its work and bolster the claim that it is helping more than hurting the county.

However, what about the claim that its work aids and encourages illegal migration? The Humane Borders website addresses issues of legality in a number of ways. First, numerous protocols for volunteers and workers openly state that no one should illegally transport unauthorized migrants. If the migrant is in life-threatening danger, however, the volunteer may take him to medical care but only *after* contacting the Border Patrol and informing them where the migrant was located and where he will be taken. The volunteer protocols further state, “When arriving at the medical facility, the staff will inquire about the nationality of the patient. *There is no hiding the fact that you have transported and undocumented person. You are required to cooperate*” (emphasis original, Humane Border “Volunteers”). A theme of transparency pervades the entire website, which declares that all Humane Borders’ activities are public.

The most controversial issue surrounding Humane Borders’ work is whether or not it is facilitating and encouraging illegal migration. In response to the map distributed by Humane Borders, Arizona State Representative Russell Pearce’s (R-Mesa) comments illustrate the view that their work is illegal: “It may sound humanitarian, but the reality is they simply are promoting illegal activity. It’s a little disappointing to me. It’s a felony to

harbor, promote, encourage and assist ... folks to come to this country or remain in this country illegally. I think they're on the verge of breaking the law" ("Group Offers Map" 2005). In response, co-founder and media representative Reverend Hoover emphasizes that the work of Humane Borders is not a legal issue, but instead a moral, humanitarian one: "According to Matthew 25, when we have not provided water to our neighbor, we have not provided it to our Lord Jesus Christ" (HB Press Release 2006). Responding to the claim that Humane Borders is encouraging illegal migration (by providing maps locating cell phone towers), Hoover says, "They're already coming. The invitation is a job, not a cell phone tower" (Blue 2005).

Other organizations and officials who support Humane Borders similarly argue that migration is the result of structural causes related to the economic demand for labor in the United States and poverty in the country of origin. Democratic Councilwoman Carol West said, "I would rather [give Humane Borders access to city property] than let people die. These people are going to come whether we like it or not" (Burchell 2005). Elias Bermudez, executive director of Phoenix-based Centro de Ayuda, also made the following comment, noting the humanitarian aspect of assisting migrants who have already made the decision to migrate: "Humane Borders is trying to do what is humanly possible to save lives. It is so absurd to think that an organization that is doing things to save lives is encouraging them to come here. People are coming here because there are jobs for them" ("Group Offers Maps" 2005). These statements emphasize the problematic nature of illegal migration—that it is occurring despite efforts to control it and therefore, Humane Borders argues, must be addressed in a *humane* manner.

Perhaps surprisingly, a \$41 million legal suit has been filed by two Arizona attorneys not against Humane Borders, but instead against the Department of the Interior and U.S. Fish and Wildlife Services which manage the Cabeza Prieta National Wildlife Refuge. The attorneys claim that the deaths of fourteen Mexicans in the “Devil’s Path” area of the Refuge could have been prevented if federal agencies had allowed Humane Borders to install water tanks in the area, as Humane Borders had requested and been denied in early 2001. James Metcalf, one of the attorneys, inverted the legality argument, placing the government at fault:

The government has to take on the responsibility of doing something to safeguard folks who are crossing in these areas that are known to be dangerous. The legal status of the individuals doesn’t mean the landowner can wave off all responsibility. And then there’s the fact that you had an organization trying to come into a specific area and volunteer – at no expense to taxpayers – to place water stations that would have saved these lives (Reel).

The decision in the case has yet to be made, but what is certain is that Humane Borders has received substantial support, despite claims that its work is illegal.

While numerous press articles cover Humane Borders’ very public and controversial work of potentially providing water and maps to migrants, much less coverage has been given to No More Deaths. The website is also less developed but still offers insight into the activities, composition, legitimization, and legality claims of the organization. No More Deaths was created in October 2003 in response to the increasing number of deaths along the U.S.-Mexico border. The NGO is supported by multi-faith groups, including Unitarian/Universalist, Quaker, Presbyterian, Methodist, Mennonite, Lutheran, Jewish, Islamic, Episcopalian, Congregational, and Catholic organizations.

No More Deaths' projects include maintaining a humanitarian presence in the desert, conducting search and rescue patrols, and staffing migrant centers and clinics in Northern Mexico. Volunteers at No More Deaths work on both sides of the border to provide water, food, and medical assistance to migrants in the desert. Various initiatives work towards these goals, such as maintaining desert camps (called "Arks of Covenant") and staffing them with volunteers to provide assistance, or if necessary, report human rights abuses. No More Deaths also seeks to find shelter, employment, and legal services for arriving migrants. The Nogales branch of No More Deaths greets migrants getting off deportation buses from the United States, recognizing that such migrants are often in need of medical attention. The website does not include a list of donors nor does it site the number of volunteers or participants who facilitate its work; however, it does list over twenty-five organizations that "support" its work, including other NGOs who provide assistance to migrants.

The tagline of No More Deaths' homepage reads "Humanitarian Aid is Never a Crime." Similar to Humane Borders, No More Deaths emphasizes the human need aspect of their work. However, No More Deaths simultaneously links this human need to the deaths along the border as "a failed border policy enforcement strategy that knowingly channels migrants through remote and dangerous desert." No More Deaths also links its humanitarian work to religious and moral appeal and uses these same appeals to argue for immigration reform. The resulting "Faith-Based Principles for Immigration Reform" begins with the following preamble:

We come together as communities of faith and people of conscience to express our indignation and sadness over the continued death of hundreds of migrants attempting to cross the US - Mexico border each year. We believe that such death and suffering diminish us all. We share a *faith and*

*a moral imperative that transcends borders*, celebrates the contributions immigrant peoples bring, and compels us to build relationships that are grounded in justice and love. As religious leaders from numerous and diverse faith traditions, we set forth the following principles by which immigration policy is to be comprehensively reformed. We believe that using these principles – listed from the *most imminent threat to life to the deepest systemic policy problems* - will significantly reduce, if not eliminate, deaths in the desert borderlands (emphasis added, No More Deaths “Faith-Based Principles”).

The principles include recognition that the militarization and enforcement of the border are failed policies; the implementation of a legalization program for undocumented migrants in the United States; a commitment to family re-unification; the initiation of an employment-based immigration program; and an acknowledgment of the root causes of migration (which lie in economic, environmental, and trade inequalities). No More Deaths legitimates its work by appealing to the “faith and moral imperative” to help migrants in need of assistance.

While there has been less overall press coverage of No More Deaths’ initiatives, questions of legality still arise. Despite claims by No More Deaths that volunteers abide “by clear medical and legal protocols” to work “in concert to save human lives,” others argue that their acts of assistance to migrants are illegal. In fact, two No More Death volunteers, Shanti Sellz and Daniel Strauss, were arrested on July 9, 2005 while transporting three migrants in need of medical attention to the nearest medical provider. Before evacuating the migrants, Sellz and Strauss had talked to medics to review the migrants’ symptoms and assess whether they should be brought in; because the migrants’ throats were swollen from dehydration, they could not drink or hold down any water. The doctors instructed Sellz and Strauss to take the migrants to the hospital. Once en route, Border Patrol agents pulled over and arrested the two volunteers for abetting illegal

immigration. Sellz and Strauss were later brought to trial on two felony charges: “transportation in furtherance of an illegal presence in the United States” and “conspiracy to transport in furtherance of an illegal presence in the United States” (“American Tightens Control” 2005). After numerous petitions and denunciations of the two volunteers’ arrests, Judge Raner Collins dismissed the charges on September 1, 2005 stating that the defendants’ actions were not in violation of the law (No More Deaths “Press Conference” 2005).

Reverends Stuart Taylor and Sue Westfall of St. Mark's Presbyterian Church, an organization involved in No More Deaths, wrote in a letter responding to the arrests: “Our mission is neither to enforce the law nor to break it. Our assistance is designed to ease the physical suffering and save the life of a fellow human being that otherwise might be lost. The courts have historically upheld this basic moral principle. It can never be illegal to provide life-saving humanitarian assistance to a person in need” (Innes 2005). Again, they address the issue of legality by appealing to morality and human rights issues, instead of migration issues.

Responding to the accusation that her work encourages illegal migration (by arguing that migrants now decide to migrate because they expect to receive assistance), Sellz said, “Of all the people I've met in the desert, nobody has ever said they've heard of us. They are stunned to be found. Often they reach out gratefully and say they thought they were done for” (“American Tightens Control” 2005). The controversies surrounding the nature of assistance to unauthorized migrants by organizations like Humane Borders and No More Deaths will continue to become increasingly tense, especially as immigration reform is being discussed in Congress today.

## **V. Conclusions**

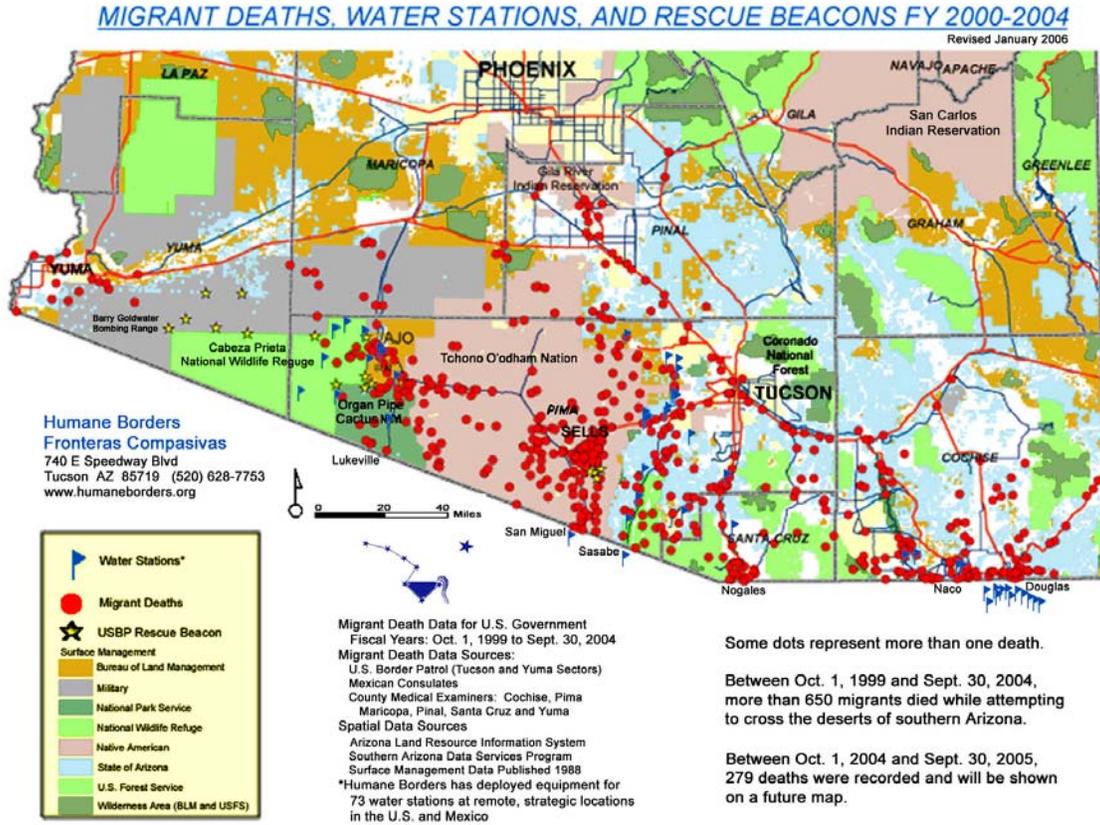
Numerous immigration proposals that would have dire consequences for immigrants and NGOs alike are being debated in Congress today. For example, House of Representatives Bill 4437 (a.k.a. “the Sensenbrennar bill”) makes it a crime to help undocumented migrants. There are already laws in place which prohibit “aiding and abetting” unauthorized migrants; however, this legislation would make it a felony to assist, encourage, direct or induce a person to enter or attempt to enter or remain in the United States illegally (“Immigration Bills” 2005). While advocates of H.R.4437 have argued that this clause is only intended to target migrant smugglers, it could still be applied to anyone offering aid to a migrant, be they charities, churches, or other groups. The bill would also deny emergency care to migrants, which would only increase the number of border-related deaths.

Even though H.R.4437 was not passed in the Senate, similar proposals have the potential to be just as damaging, thus endangering the existence and operation of NGOs like Humane Borders and No More Deaths. The mere discussion of such proposals is affecting the work of NGOs. Out of fear of being arrested, some volunteers refuse to take migrants to hospitals and instead choose to wait with the migrant until the Border Patrol arrives. The ways that NGO volunteers assist migrants are already changing; nonetheless, many volunteers and organizations will continue to assist migrants in need of medical attention, regardless of the legality of it, by privileging moral and human rights issues over legal ones.

There is no way to quantitatively prove whether or not NGO assistance to migrants encourages individuals to migrate and thus leads to an increase in the number of those migrating illegally. It does, however, seem illogical and unrealistic to think that a migrant will decide to migrate merely because he thinks he may be able to find a water tank in the middle of a desert. Moreover, NGO efforts are targeted towards the education of migrants about the real dangers of crossing the border in an effort to decrease migration. As this research has shown, network theories must incorporate the emerging role of intermediaries in the migration process. Many more studies are needed on non-state interventions in the migration process since a more in-depth understanding of all the actors at play in the migration process is essential for any successful future policy-making.

## Appendix A

### Map created by Humane Borders to be Distributed in Mexico



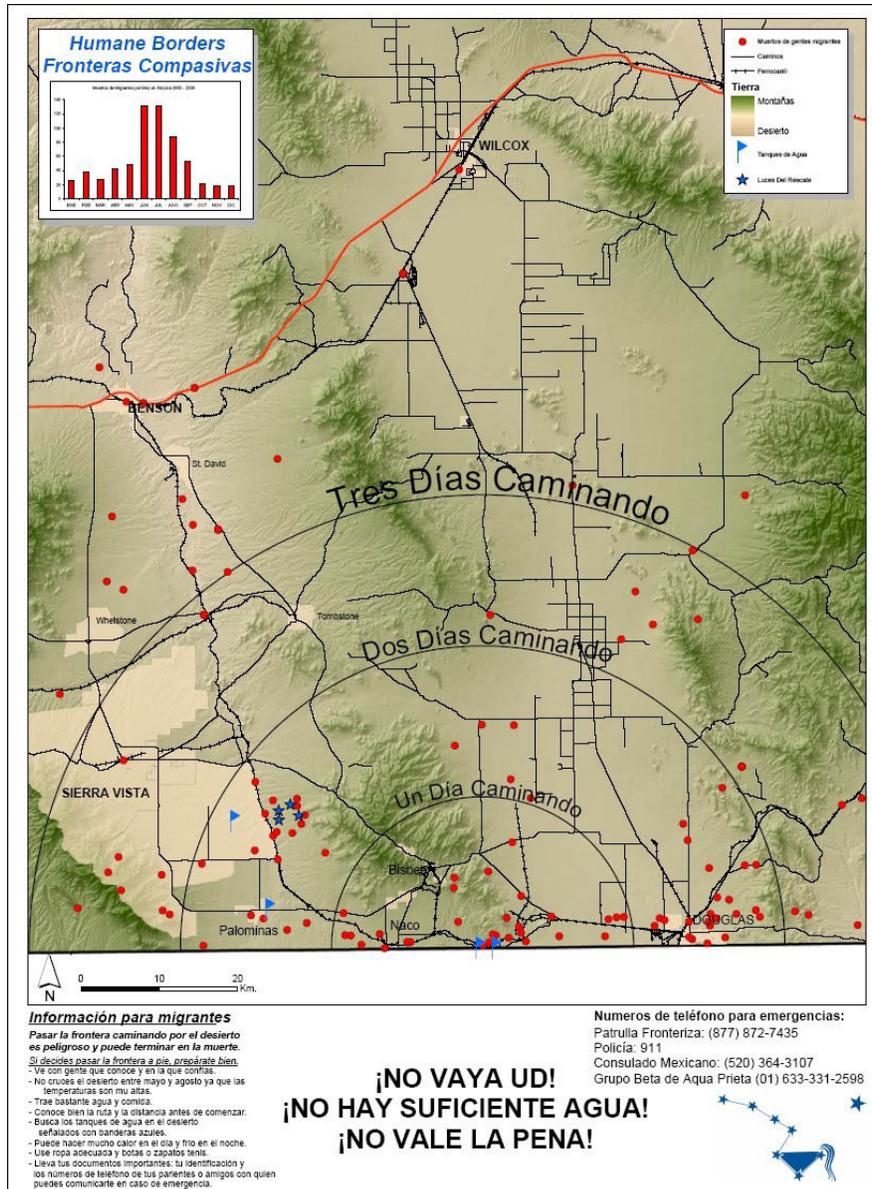
This map shows the locations of migrant deaths, along with the location of Humane Borders water stations and U.S. Border Patrol emergency beacons.

\*\*Note how such a map would hardly help to specifically identify the location of a water tank

Available at [http://www.humaneborders.org/news/images/migrantdeaths\\_0004.jpg](http://www.humaneborders.org/news/images/migrantdeaths_0004.jpg).

## Appendix B

### Douglas Warning Poster



### Migrant Warning Posters: Don't Do It! It's Hard! There's Not Enough Water!

These posters are distributed widely in churches, shelters, shops and other locations on the south side of the U.S.-Mexican border. They warn migrants in stark terms about the dangers they face trying to cross into the United States illegally, on foot through the desert, despite what human smugglers tell them. The estimated walking times from entry points are highlighted, as are the sites of migrant deaths and the location of water stations.

Available at [http://www.humaneborders.org/news/images/Douglas\\_Map.jpg](http://www.humaneborders.org/news/images/Douglas_Map.jpg).

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