



Cartels, Human Smuggling, and Unlawful Immigration

Introduction

In July 2022, 53 migrants from Mexico and Central America were discovered dead in the back of a tractor-trailer in San Antonio.¹ These migrants sought to support their families, flee poverty and violence, and pursue better lives. Many had already overcome harrowing conditions to reach the U.S. border and had paid thousands of dollars to smugglers. This tragedy was a stark reminder of the dangers on relying on smugglers to cross the border and highlighted the role that these smuggling networks play in unauthorized migration. Human smuggling is no longer dominated by individual “coyotes” guiding immigrants across the border. Over the last ten years, migrant smuggling has transformed into a “multi-billion-dollar international business controlled by organized crime,”² with less-violent and less-organized smuggling entities being co-opted by larger, more dangerous transnational networks. This organized crime includes some of the most violent drug cartels in Mexico, which are abusing migrants to extort them and make a profit, before, during, and after they arrive in the U.S..³ Over 20,000 migrants are kidnapped

¹ Martínez, Delmer, et al., “Migrants in Texas trailer tragedy died seeking better lives,” *Texas Tribune*, 2 July 2022, <https://www.texastribune.org/2022/07/02/mexico-texas-honduras-migrants-san-antonio/>.

² Jordan, Miriam, “Smuggling Migrants at the Border now a Billion-Dollar Business,” *The New York Times*, 25 July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

³ Albuja, Sebastián, “Criminal Violence, Displacement and Migration in Mexico and Central America,” *Humanitarian Crises and Migration: Causes, Consequences and Responses*, edited by Susan Martin, et al., Routledge, 2014, 113-137.

per year.⁴ Violence attributed to drug cartels continues killing tens of thousands of people yearly in Mexico.⁵

This paper will examine the links between cartels and human smuggling across the border. While these links have existed for many years, the drug war and increased border enforcement have resulted in drug cartels playing a larger role in human smuggling to increase their profits. The result has been increased violence for migrants attempting to reach the United States.

History

Prior to the 1990s, human smuggling and drug trafficking largely operated as separate activities.⁶ Human smuggling was often a business run by local families in the border area.⁷ Smugglers would accompany migrants across the desert to cross the border and onward to their final destination.⁸ Yet increased border enforcement and militarization, which began in the 1990s, drastically changed the situation at the border. Various administrative and legislative initiatives, including Operation Gatekeeper, Operation Hold-the-Line, Operation Safeguard, Operation Río Grande, the Arizona Border Control Initiative, and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, have been enacted over the past three decades to attempt to secure the border.⁹ These enforcement policies have resulted in dramatic changes in

⁴ Albuja, Sebastián, “Criminal Violence, Displacement and Migration in Mexico and Central America,” *Humanitarian Crises and Migration: Causes, Consequences and Responses*, edited by Susan Martin, et al., Routledge, 2014, 113-137.

⁵ Felbab-Brown, Vanda, “Mexico’s Out-of-Control Criminal Market,” *The Brookings Institution*, March 2019, https://www.brookings.edu/wp-content/uploads/2019/03/FP_20190322_mexico_crime-2.pdf.

⁶ Slack, Jeremy and Scott Whiteford, “Caught in the Middle: Undocumented Migrants’ Experiences with Drug Violence,” *A War that Can’t be Won*, edited by Kruszewski, Z. Anthony, et al., University of Arizona Press, 2013, pp. 193-213.

⁷ Slack, Jeremy and Howard Campbell, “On Narco-coyotaje, Illicit Regimes and Their Impacts on the US-Mexico Border.” *Antipode*, vol. 48, no. 5, 2016, pp. 1380-1399.

⁸ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

⁹ Slack, Jeremy and Scott Whiteford, “Caught in the Middle: Undocumented Migrants’ Experiences with Drug Violence,” *A War that Can’t be Won*, edited by Kruszewski, Z. Anthony, et al., University of Arizona Press, 2013, pp. 193-213.

the human smuggling industry, leading less-violent and less-developed organizations to be co-opted by transnational criminal networks, who were better able to adapt.¹⁰ In short, increased border enforcement has led human smuggling to become more sophisticated and profitable.¹¹

This increasing militarization of the border and along with more extensive efforts by Mexican authorities to crack down on cartels resulted in a major increase in violence related to drug trafficking. As a result, irregular migration became profitable for many transnational criminal organizations.¹² These organizations exploit the fact that migrants rarely report aggressions that they suffer, and most fleeing migrants have capital that allows them to migrate.¹³ Now, cartels have teams specializing in logistics, transportation, surveillance, and more, resulting in revenues of up to \$13 billion.¹⁴ According a U.S. Immigration and Customs Enforcement official, “[t]he sheer number of people seeking to cross made migrant smuggling an irresistible moneymaker for some cartels.”¹⁵

Border policies across multiple administrations have only exacerbated this situation. Some asylum-seeking migrants have had to wait in Mexico for several years, which has allowed drug cartels and other criminal elements to victimize them further, with thousands falling victim to kidnapping and other violent crimes.¹⁶ Expulsions under Title 42 have resulted in migrants attempting multiple crossings, sometimes allowing coyotes to charge migrants for multiple

¹⁰ Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

¹¹ Slack, Jeremy and Scott Whiteford, “Caught in the Middle: Undocumented Migrants’ Experiences with Drug Violence,” *A War that Can’t be Won*, edited by Kruszewski, Z. Anthony, et al., University of Arizona Press, 2013, pp. 193-213.

¹² Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

¹³ Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

¹⁴ Jordan, Miriam, “Smuggling Migrants at the Border now a Billion-Dollar Business,” *The New York Times*, 25 July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

¹⁵ Jordan, Miriam, “Smuggling Migrants at the Border now a Billion-Dollar Business,” *The New York Times*, 25 July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

¹⁶ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

crossings, increasing their profits.¹⁷ According to one Border Patrol official, migrant smuggling has evolved into a year-round business for criminal organizations that are reaping large profits.¹⁸

Cartel Practices

Mexican drug cartels predominantly pursue profit and do not follow any political agenda or ideology.¹⁹ Drug cartels exploit irregular migration by kidnapping migrants, imposing high quotas that must be paid to pass through areas they control, and recruiting human smugglers.²⁰ Whereas earlier smuggling organizations, often run by families, used to operate with the permission of the drug cartels and would pay the heads of the cartels for that permission, drug cartels play a much more active role, and the money goes to the top of the cartels before trickling down.²¹

a. Kidnapping

Kidnapping migrants is a highly lucrative business for transnational criminal organizations like cartels.²² However, it only generates high profits when done at scale, requiring the kidnapping of large numbers of migrants.²³ A 2011 Mexican government report by the National Commission for Human Rights found that kidnapping by cartels is “widespread and

¹⁷ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

¹⁸ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

¹⁹ Palacios, Simón Pedro Izcará, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

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²¹ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

²² Palacios, Simón Pedro Izcará, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

²³ Palacios, Simón Pedro Izcará, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

systematic.”²⁴ Kidnapping at this large scale “requires an intricate network of safe houses, weapons, communications equipment, and vehicles.”²⁵ Migrants who are kidnapped are forced to provide telephone numbers for family members from whom the cartels demand a ransom for the freedom of the kidnapping victim.²⁶ Kidnapped migrants may be threatened with death or torture if they refuse to provide a family member’s phone number or if their families do not pay the ransom.²⁷ Reportedly, in some circumstances, kidnapped migrants may be forced to join cartels and/or carry out the smuggling of illegal weapons or drugs for the cartels.²⁸

Kidnapping represents a low-risk activity for drug cartels due to migrants’ precarious status, Migrants fear reprisal and are often afraid to contact Mexican law enforcement, usually due to the belief that the police cannot be trusted. And most kidnapped migrants, once released, are focused on continuing on their journey to the U.S.²⁹

b. Territorial Fees

Drug cartels typically do not involve themselves directly with migrant smuggling. Instead, they charge coyotes and other criminal groups fees to operate within and through their territory.³⁰ This is not to say that coyotes and cartels operate as two distinct entities. According to a 2022 report in the New York Times, it was “impossible to cross” the U.S.-Mexico border at

²⁴Albuja, Sebastián, “Criminal Violence, Displacement and Migration in Mexico and Central America,” *Humanitarian Crises and Migration: Causes, Consequences and Responses*, edited by Susan Martin, et al., Routledge, 2014, 113-137.

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²⁶ Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

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²⁸ Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

²⁹ Palacios, Simón Pedro Izcara, “From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels.” *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

³⁰ Perez, Jose Ignacio Castañeda, “‘Boom of opportunities’: How smugglers, Mexican cartels profit from US border restrictions,” *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

Laredo, Texas, without paying a coyote connected to Cartel del Noreste, a splinter of the Los Zetas syndicate.³¹ Under such circumstances, smuggling fees exceeded several thousand dollars.³² At the same time, fees charged to coyotes by cartels to operate in their territories have increased to such an extent that many human smugglers have struggled to keep up.³³ Many coyotes and other human smugglers have adapted by leaving the human smuggling business and/or formally agreeing to join and work directly under the cartels.³⁴

c. Recruitment of Human Smugglers

Due to the growing violence and militarization at the border, former smugglers have increasingly been recruited by drug cartels.³⁵ Given their knowledge of the border's geography and the surveillance of the border as well as their high tolerance to risk, many criminal entities have prioritized their recruitment, often to perform "more harmful activities."³⁶ Former migrant smugglers have taken on key roles in activities ranging from drug and arms trafficking to kidnapping and killing.³⁷ Many have played a critical role in the kidnapping of migrants, using their expertise in locating migrants who are likely to have family members with money (or have money themselves) and be able to pay ransoms.³⁸

Policy Solutions

³¹ Jordan, Miriam, "Smuggling Migrants at the Border now a Billion-Dollar Business," *The New York Times*, 25 July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

³² Perez, Jose Ignacio Castañeda, "'Boom of opportunities': How smugglers, Mexican cartels profit from US border restrictions," *The Arizona Republic*, 16 December 2022, <https://www.azcentral.com/in-depth/news/politics/border-issues/2022/12/16/how-cartels-profit-migrants-desperation-along-u-s-mexico-border/10704315002/>.

³³ Palacios, Simón Pedro Izcara, "From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels." *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

³⁴ Palacios, Simón Pedro Izcara, "From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels." *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

³⁵ Palacios, Simón Pedro Izcara, "From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels." *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

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³⁷ Palacios, Simón Pedro Izcara, "From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels." *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

³⁸ Palacios, Simón Pedro Izcara, "From Victims of Trafficking to Felons: Migrant Smugglers Recruited by Mexican Cartels." *Estudios Fronterizos*, vol. 18, no. 37, 2017, pp. 41-60.

All too often, the militarization of the border has pushed migrants to more dangerous pathways and into the hands of migrant smugglers and led to increased violence. Multiple U.S. presidential administrations have adopted increasingly enforcement-focused border policies but have largely failed to quell the violence or weaken the cartels, which continue to evolve at a rapid pace. In the absence of additional meaningful immigration policy reforms, the enforcement-focused approach to the border has often failed.

Counterintuitively, U.S. policymakers have most effectively countered smuggling networks and undermined the business model of the cartels through creating alternative and viable pathways to allow migrants to cross Mexico safely, report to a U.S. port of entry, and have their cases adjudicated expeditiously.³⁹ In addition to being more humane and workable, such a process makes it more difficult for cartels to exploit irregular migration. Expanding legal pathways in this manner undermines the ability of transnational criminal organizations to profit off human misery, while – at the same time – allows border authorities to spend more time and resources interdicting dangerous drugs, including fentanyl.⁴⁰

Conclusion

Increased border enforcement and militarization have led human smuggling to become more sophisticated and profitable. Border policies across multiple administrations have made the kidnapping of migrants a highly lucrative business for transnational criminal organizations and cartels. Coyotes and other human smugglers have adapted by leaving the human smuggling business and/or formally agreeing to work directly under the cartels causing significant increases in rates of violence as well as smuggling fees. To weaken transnational criminal

³⁹ Isacson, Adam, “US Migration Policy Is Enriching Cartels at the Busiest, and Most Dangerous, Part of the US-Mexico Border,” *Inter Press Service News Agency*, 5 April 2022, <https://www.ipsnews.net/2022/04/us-migration-policy-enriching-cartels-busiest-dangerous-part-us-mexico-border/>.

⁴⁰ Slack, Jeremy and Scott Whiteford, “Caught in the Middle: Undocumented Migrants’ Experiences with Drug Violence,” *A War that Can’t be Won*, edited by Kruszewski, Z. Anthony, et al., University of Arizona Press, 2013, pp. 193-213.

organizations' activities at our border and beyond, it is fundamental to reform the asylum system and expand legal pathways to migrants.

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