
How Mexican Cartels Are Changing the Face of Immigration

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One could argue that Ecuadorian immigrant Luis Fredy Lala Pomavilla is lucky to be alive. In August 2010, Luis and seventy-two other migrants from Central and South America were traveling north through Mexico in the back of two freight trucks. Some had paid up to USD 10,000 for safe passage to Texas through eastern Mexico, believing their *coyotes*, or paid human smugglers, knew this to be the safest route. Unfortunately, this route would take them through Tamaulipas state, the bloody battlefield of the rival Gulf and Los Zetas drug cartels.

At some point in the afternoon, the trucks were about nine miles north of the town of San Fernando—roughly ninety miles from the border with Texas—on Highway 101 when they came across a roadblock. Armed men wearing facemasks emerged from three vehicles parked across the road and identified themselves as members of Los Zetas. The men ordered all the migrants out of the freight trucks, put them into several pickup

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trucks, and took them to a warehouse on an abandoned ranch nearby. In all, fifty-eight men and fourteen women were lined up against a wall in the warehouse and interrogated about where they came from, where they were going, what they did for a living, and if they worked for the Gulf Cartel. All of them denied having any links to trafficking organizations.¹

Not completely satisfied with their answers, the leader of the group, nicknamed “El Kilo,” offered the migrants one last chance: they could work for Los Zetas as forced labor. All of them refused. In response to their refusal, the captors ordered the migrants to lie face down on the ground, then executed them with several rounds from assault rifles. To ensure everyone was dead, the men delivered a final shot into the head of every migrant. However, one of those *coup de grâce* shots went astray and caught Luis in the neck instead of in the head. Despite being in a massive amount of pain from the bullet that exited through his jaw, he played dead until his captors left the ranch.²

Luis managed to travel several miles to a Mexican Marine checkpoint, where he told the soldiers what happened. Once the Marines made it to the site of the massacre, they discovered the seventy-two bodies exactly as Luis had described. They also seized twenty-one firearms and detained a minor, most likely associated with the cartel.³ El Kilo and his people avoided the Marine raid, and hid out in nearby Ciudad Victoria for several months. However, he and eleven of his accomplices were arrested in April 2011, although his boss, Salvador “La Ardilla” Martinez, remained at large.⁴

This massacre is just one example in which Mexican cartels are changing the nature of northbound human migration in Latin America. Los Zetas, in particular, are increasingly preying on vulnerable immi-

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grants, viewing them as a potential source of ransom money or forced labor. But Los Zetas are certainly not the only drug trafficking group involved in reaping the profits of the human smuggling business. A report by the Woodrow Wilson International Center for Scholars stated, “Factions of many [organized crime groups] engage in similar activities, either directly or indirectly. The Gulf Cartel appears to

be the most active, and works with both the Mexican police and Mexican migration officials in order to capture its victims.” It also said, “Factions of the Juárez and Tijuana cartels also collect *piso* [a tax, or toll] from local

smugglers and may, in the case of Juárez, be directly involved in trafficking. Portions of the old La Familia Michoacana, now called the Caballeros Templarios (the Knights Templar), and the Sinaloa Cartel have also reportedly displaced coyotes operating in their territories and have attempted to take over this business.”⁵

Acclaimed journalist and producer for Al Jazeera America, Christof Putzel discovered this first-hand while filming a documentary for the now-defunct Current TV’s *Vanguard* series. In November 2010, Putzel and Mexican-American filmmaker Juan Carlos Frey recorded their attempt to smuggle themselves across the southwest border in a manner as close as possible to that of hundreds of thousands of migrants every year. “What was nuts is that, when we initially planned to shoot this, we thought we would just get some ‘mom and pop’ *coyote* operation, and those things don’t exist anymore. The cartels run the show,” Putzel said about his experience. “So we needed to get permission from the cartels to do this [episode]. Part of the deal was, they would be okay with us doing it as long as we only talked about migrants and didn’t mention anything about drug trafficking. They really didn’t want us reporting on that at all.”⁶

Immigration attorneys on the U.S. side of the border are seeing more and more cases of immigrants being coerced at gunpoint to work as drug mules. The cartels threaten them and their family members, giving them strict orders on where to haul drug loads as heavy as sixty pounds over unforgiving terrain and under penalty of death. Elizabeth Rogers, a federal public defender in West Texas, has said most of her recent backpacker cases claim coercion. “About a year and a half ago, ourselves as well as our investigators started seeing these clients that would say, *I don’t care how long I’m going to get [in jail time], I can’t go home — they’ll kill me,*” she told National Public Radio in 2011. “[We] have grown men, rawboned cowboy guys from Chihuahua, begging for protection from deportation.”⁷

As a result of the increasing violence in Mexico and the targeting of innocent immigrants by drug cartels, the number of applications for asylum by Mexican nationals passing through U.S. immigration courts is skyrocketing.

Raul Miranda, a criminal defense attorney in Tucson, Arizona, has said about one-third of his clients have claimed they were unwilling drug mules. “They’re told by the people—who obviously work for the cartels—that they have to carry the bundle, or they’ll reduce the fee that they’re going to have to pay, or they’ll forgive the

fee. But the people who are telling them this are armed, and the people feel threatened if they say no.”⁸

As a result of the increasing violence in Mexico and the targeting of innocent immigrants by drug cartels, the number of applications for asylum by Mexican nationals passing through U.S. immigration courts is skyrocketing. In 2005, there were 2,670 applications filed, and that number rose to 2,818 in 2006. By 2010, applications had increased to 3,231, and nearly doubled to 6,133 in fiscal year 2012. However, between 2007 and 2011, only 2 percent of requests from Mexico were granted, compared to 38 percent of requests from Chinese nationals and 89 percent of Armenian applicants.⁹

Unfortunately, while the nature of cross-border migration has changed significantly in the last decade, immigration laws and the guidelines for granting asylum have not. Asylum has historically been associated with the Cold War and communism, and refugees fleeing the political and social oppression imposed on them by tyrants. In decades past, we would hear about “defectors” from places like the Soviet Union, Cuba, and North Korea. Today, China and Cuba are still popular countries for citizens with asylum requests, but U.S. courts are host to more and more applicants from countries like Afghanistan, Iraq, Iran, Somalia, and Pakistan—nations categorized as failed or failing states with governments that cannot protect their citizens, and in some cases, are actively oppressing their freedoms and rights.

Requesting asylum has not really been a popular or necessary option for Mexican immigrants until drug-related violence started spreading in earnest and the ties between government officials, law enforcement officers, and the cartels became stronger and more blatant. In some cases, it

..... is very clear that the Mexican government is unable to provide adequate protection to an asylum applicant, the police are directly involved in the harm being caused, and the local government is obviously looking the other way while it happens. But in other cases, requesting asylum becomes a last-ditch effort by illegal immigrants to avoid deportation when they never would

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have considered applying if they hadn’t gotten caught. This only delays the inevitable and clogs up the already backed-up immigration court system. As comprehensive immigration reform plans progress through U.S. political channels, it is important to keep an eye on asylum provisions and how

they might change; it could have a huge impact on how these cases are processed in the future.

As the drug war continues in Mexico, fear may become the primary motivating factor for migrants heading north, rather than the lure of better economic opportunities. As one asylum applicant stated after her application was denied, “I will not hesitate to stay here illegally. I would rather do that than ever go to Mexico again, even if it means illegal re-entry. It’s not that I want to live in the U.S. I never did. But I cannot go back. I do not want to die.”¹⁰

Whether it is Mexicans, Cubans, Chinese, or Iraqis, foreigners will always want to come to the United States. Most of them will not be able to enter or stay here legally. Because the security situation in Mexico and Central America has deteriorated so badly over the last decade, citizens of those countries are more motivated than ever to run the risks of the northbound journey. And it does not matter to them how many border patrol agents get assigned to the border, or how many miles of fence the government builds. Maybe twenty years ago it was easier to detect undocumented immigrants along our borders, process them, and send them back to their home countries. But now our cross-border traffic has become a blur—a gray area where drug traffickers and migrants blend together and have become more difficult to separate.

It is clear that as long as the United States is safer than Mexico—which will be the case for the foreseeable future—Mexican and Central American citizens will go to great lengths to come here and avoid being returned home, no matter what border enforcement actions we take or laws we pass. It’s also guaranteed that as long as the American demand for illegal drugs continues, Mexican cartels will exploit every aspect of cross-border migration for their own profit-seeking purposes. *f*

ENDNOTES

- 1 “Their Dreams Ended in The San Fernando Massacre,” August 24, 2012, <<http://www.borderlandbeat.com/2012/08/their-dreams-ended-in-san-fernando.html>> (accessed February 25, 2014).
- 2 Ibid.
- 3 “Survivor Details Massacre of 72 Migrants by Drug Cartel in Mexico,” August 25, 2010, <<http://www.foxnews.com/world/2010/08/25/mexican-government-migrants-dead-ranch-killed-zetas-drug-gang/>> (accessed February 25, 2014).
- 4 “Their Dreams Ended in The San Fernando Massacre.”
- 5 Steven Dudley, “Transnational Crime in Mexico and Central America: Its Evolution and Role in International Migration,” Migration Policy Institute, Woodrow Wilson International Center for Scholars, November 2012.
- 6 Christof Putzel, Interview by Sylvia Longmire. Telephone interview. July 27, 2013.

- 7 John Burnett, "Migrants Say They're Unwilling Mules For Cartels," December 4, 2011, <<http://m.npr.org/news/front/143025654>> (accessed February 26, 2014).
- 8 Ibid.
- 9 Ioan Grillo, "Mexico's drug-war refugees seek asylum," September 15, 2011, <http://www.tucson sentinel.com/nationworld/report/091511_mexico_asylum/mexicos-drug-war-refugees-seek-asylum/> (accessed February 26, 2014).
- 10 Chris Vogel and Patrick Michels, "Asylum Denied: Unlike Refugees from Other Troubled Countries, Only a Fraction of Mexicans Seeking U.S. Asylum Are Accepted — No Matter Their Wounds or Stories," August 26, 2010, <<http://www.phoenixnewtimes.com/2010-08-26/news/asylum-unlike-refugees-from-other-troubled-countries-only-a-fraction-of-mexicans-seeking-u-s-asylum-are-accepted-no-matter-their-wounds-or-stories/4/>> (accessed February 27).