

Caribbean Maritime Migration: Challenges for the New Millennium

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Maritime migration in the Caribbean basin has always been a fairly consistent phenomenon. It has seen an upsurge in the past twenty years largely due to worsening economic conditions in various host nations and the proliferation of technology that enables smugglers to operate far more efficiently. The numbers of migrants attempting to reach United States shores from the Caribbean are not insignificant. Estimates of Caribbean migration vary, but have been as high as 50,000 migrants making the attempt annually. In 2007, over 6,000 migrants were interdicted at sea attempting to cross into the United States;¹ at least that many reached our shores and blended into the general population. Over ten thousand migrants attempted to reach the United States via other vectors, including sea routes into Mexico.² And it is certain that an untold number died at sea in making the attempt, simply disappearing as poorly constructed boats sank or fell apart with no means to signal for assistance.

As economic and political conditions worsen in the region, it is likely that Caribbean maritime migration will increase, and thus is a growing concern within the U.S. government. The threat is tremendously variable and diverse. Numbers of migrants attempting to reach the United States by sea can rise and fall based on rumor, innuendo, environmental conditions, or scores of other factors. This rate can range from several hundred a month along all vectors to several thousand heading directly for the United States in a mass migration. Unlike migration on land, the sea presents unique challenges to both migrants and law enforcement activity. For migrants, transport on the water is slow and incredibly hazardous, making death or injury a very real possibility (if not likely). Vast distances and uncertain environment make the sea difficult or impossible for law enforcement to universally monitor. Strategically, the spread of illegal migration vectors to other Caribbean nations in search of a new route into the United States has a de-stabilizing effect as criminal networks dedicated to smuggling or human trafficking establish themselves on foreign shores.

The growing challenge of Caribbean migration must be met, not only as a threat to national sovereignty and law enforcement activity, but also as a humanitarian mission to save lives, potentially on a massive scale. Means to do this can be devised by first understanding the diverse nature of the threat, analyzing lessons learned from the past, and devising new methods to meet the growing challenge.

MARITIME MIGRATION: THREATS AND TACTICS

Maritime migration is a constantly evolving threat. Although there will always be a degree of consistency to some parts of the migration process – a certain percentage of desperate migrants will always attempt to depart their homes by any means available and attempt to go directly to the United States – the rapid advance of maritime technology and the proliferation of small commercial traffic

in the Caribbean has changed the threat considerably. This is evident when examining the recent historical trends in migration.

Maritime migration can be generally characterized as one of two forms. “Humanitarian” migration is that which is largely unorganized, ad hoc, and lacking an organized smuggling component. Until recently, the most common means of this form of maritime migration have been the “Rustica” – small coastal freighters or sailboats jammed with refugees – and rafts. There are a number of common characteristics among these means of conveyance. Both rafts and Rusticas are almost always grossly overloaded,³ have no appreciable means of navigation, and no lifesaving gear. “Crews” of these vessels, if they exist, have limited to no maritime skills or knowledge and are almost always subject to urban legend regarding navigation – it is not uncommon, for example, to encounter Haitian migrants who feel that Miami is “a day away from Haiti” and can be reached by “sailing north.”⁴ Rusticas have very primitive forms of propulsion – either sails or engines that frequently break down and, especially in the case of Haitian sailboats, are materially incapable of handling heavy seas. Rafts are usually “homegrown,” constructed from barrels, tarps, or virtually anything that can float. Naturally, rafts are at the complete mercy of the elements and, more often than not, do not survive in moderate to heavy seas.

“Migrant” smuggling is the second form of maritime migration, and is radically different from humanitarian smuggling. Always present in the Caribbean, migrant smuggling has been on the rise in recent years due to the increasing sophistication of navigation technology and availability of large “go-fast” style speed boats that can be outfitted to carry large amounts of fuel and people (and, coincidentally, cocaine; the go-fast is also the conveyance of choice for drug smugglers).⁵ It is different from humanitarian migration in several respects. First, migrant smuggling networks are well organized and sophisticated, with established criminal networks in host nations and the United States. Second, they often operate with considerable financial support, either through political organizations dedicated to various migrant causes (in the case where smugglers act as “liberators” or in some other guise) or through links to organized crime in the case of human trafficking. Smugglers are businessmen and generally competent mariners, but it should be noted that there is no hesitation to risk the lives of migrants if threat of capture exists.⁶

Both humanitarian migration and migrant smuggling exist universally throughout the Caribbean, but the form each of these methods takes depends largely on the area where it occurs. The Caribbean is very diverse – nations, economies, and applicable laws vary considerably. This must be considered in strategic planning.

MARITIME MIGRATION: THREAT VECTORS

When studying the overall problem of Caribbean maritime migration, the forms of migration can be further associated with threat vectors. Factors such as the country of origin, regions to be transited, proximity to the United States and its territories, and whether the migration is humanitarian or smuggling-based must be taken into account. For ease of study, the forms of migration can be associated with four respective threat “vectors.”⁷

Haiti Threat Vector

Haiti remains one of the most consistent sources of maritime migrants in the Caribbean. The poorest nation in the hemisphere, Haitian migration historically is fairly consistent in its form. Migrant departures are highly dependent upon weather conditions, availability of boats, and political rumors/innuendo in-country. In terms of maritime conveyance, Haitian migration is generally unsophisticated in terms of smuggling means and tactics. Traditionally, Haitian migrants depart the mainland in sail boats or sail freighters of the type normally seen in the Bahamas or Miami trade. Sailing without compass, charts, or basic navigation equipment and piloted by “captains” with almost no nautical skills, Haitian migrant boats usually follow northerly winds hoping to arrive in the port of Miami. These boats are almost always vastly overloaded – it is not uncommon for a sixty-five-foot boat to have several hundred migrants aboard – and unseaworthy, making the voyage incredibly dangerous. When intercepted, migrants are removed under the Safety Of Life At Sea (SOLAS) convention which allows termination of voyages of inherently unsafe vessels. It should be noted that while Haitian migration at sea is almost always of the “humanitarian” nature (i.e., there are no obvious smugglers aboard), smuggling is present in a particularly insidious form. In Haiti, “smugglers” generally conduct their business ashore, selling vessels/boats that are barely seaworthy to groups of desperate migrants, often with the full knowledge that these boats will disintegrate in any moderate sea or weather.

Intercepted Haitians are normally repatriated directly back to Haiti, often within days of being intercepted. While Haitian interdictions are down to roughly 3,000 per year, it should be noted that since these vessels are unregistered and data on migrant departures in-country is very sketchy, there is no way to determine the number of overloaded Haitian vessels that have capsized, sunk, or been lost at sea. As one vessel could easily contain 500 migrants, it is possible that several thousand migrants each year perish in transit.

Dominican Republic Threat Vector

The Dominican Republic has historically been a major source country for migrants entering the United States, due to the relatively short distance (approximately forty nautical miles) from the Dominican Republic to Puerto Rico across the Mona Passage. Due to prevailing currents, sea state, and the fact that the Dominican Republic is not a destitute nation, the overwhelming majority of maritime migration is through smuggling. Until very recently, the Dominican Republic was the source of the largest numbers of migrants attempting to reach the United States from all nationalities (roughly 40 percent of the recorded total); although the bulk of these migrants are from Dominica, numbers of Cubans attempting to cross have dramatically increased, as well as migrants from over twenty-four different nations. Unlike Haiti, most of these migrants are transported via highly organized smuggling networks employing small, low freeboard “Yolas” that carry between ten to 250 migrants running the Mona Pass at night to avoid detection. Although more sophisticated than Haitian sail freighters, “Yolas” are really nothing more than large motorized rowboats,

designed for quick, stealthy transit across the Mona Pass. The low freeboard of these vessels, as well as the fact that they are habitually overloaded, makes them inherently dangerous. Upon interdiction, Dominican migrants are traditionally repatriated within twenty-four hours.

Cuba Threat Vector

Cuba presents unique challenges that set it apart as a source nation for maritime migration. This is due to the United States government's position regarding the status of Cuban migrants. Until 1995, Cubans intercepted at sea were brought into the United States and allowed to stay for one year on "parole" status, eventually being given the opportunity to obtain citizenship. Under a series of legislative initiatives following the mass migrations of 1994-95, the United States government initiated a policy commonly known as "feet wet/feet dry." Under this policy a migrant intercepted at sea (feet wet) is returned to Cuba, but the migrant who physically reaches United States territory (feet dry) is allowed to stay in the United States on parole status.

This act has changed the nature of Cuban migration significantly in the past decade. Feet wet/feet dry drastically reduced the number of Cubans attempting to flee the island in makeshift rafts, but had the unintended consequence of creating alternative means of illegal migration. Whereas traditional Cuban migration consisted of small rafts and boats attempting to flee the island (and actively seeking United States assistance/rescue) and was humanitarian in nature, Cubans now employ sophisticated smuggling networks to run migrants into the United States directly via the Florida straits using high speed, high tech "go-fast" speed boats; or they travel via indirect routes (Mexico to reach the Southwest Border or the Dominican Republic to cross to Puerto Rico). Interdiction data on Cubans is extremely accurate as there is a financial incentive to declare one's presence: once "feet dry" Cuban migrants are granted parole status, they are given a stipend by the United States Government to live for one year until applying for citizenship.

Mass Migration Vector

Caribbean mass migration is a scenario unto itself, requiring special planning and consideration. The United States has experienced three mass migrations in the previous thirty years. The size of these operations is staggering, both in terms of numbers of migrants involved and the assets required to properly respond. In 1980, during the Mariel Boat Lift from Cuba, 124,776 migrants were recovered in a six-month period. In 1994, a mass exodus occurred from Haiti; dubbed Operation "Able Manner" by the Coast Guard, combined forces of Coast Guard and Navy ships rescued 25,177 migrants. Several months later, Cuba again became the focus: during Operation "Able Vigil," 30,224 Cubans were rescued. While each had its own particular characteristics, the events had a number of important commonalities. Each was predicated by a significant political event and each involved the sudden, relatively unexpected movement of thousands of people. Each used means of maritime conveyance that were not only inherently dangerous but also largely ad-hoc; it was not unusual to find Cubans clinging to

car tires and lawn chairs in 1995. Each required large-scale United States government intervention to successfully save lives at sea. And most importantly, each represented the potential for mass humanitarian crisis at sea.

Mass migration is critical in the migration planning process, an always present specter in considering tactical response to maritime migration. It is generally acknowledged within the United States government that a future mass migration is inevitable from either Haiti, Cuba, or another Caribbean nation, and that when it occurs it will be both sudden and require the full capability of the United States to respond effectively.

MIGRATION RESPONSE

Although the Coast Guard is the lead agency for the enforcement of United States immigration laws at sea, response to maritime migration is a large, coordinated interagency effort. In the words of Coast Guard Commandant Thad Allen, “There is no single solution to maritime border security. It requires a layered system of capabilities, established competencies, clear authorities, and strong partnerships.”⁸ This includes cooperation with Customs and Border Protection (CBP), Immigrations and Customs Enforcement (ICE), Office of Detention and Removal (DRO), Department of State, Department of Justice and elements of the Department of Defense (DOD). Interdiction operations are directed by national security goals that focus on border and transportation security under Executive Order 12807 (E.O. 12807) and Presidential Decision Directive 9 (PDD – 9). But migrant interdiction operations are as much humanitarian as they are law enforcement missions. As noted, the majority of migrant interdiction cases handled by the Coast Guard actually begin as search and rescue (SAR) missions on the high seas with the majority of migrant vessels being dangerously overloaded, unseaworthy, or otherwise unsafe. This principle must remain paramount in all planning for migrant interdiction: while the overall mission is the enforcement of United States law and protection of national borders, safety of life at sea is always the primary focus.

Toward that end, migrant interdiction takes a holistic approach, focusing not only on interdiction operations but also on peripheral areas that can influence migrant trends. These actions can be divided into three broad areas: deterrence, interdiction, and safety.

Deterrence

Deterrence is an early and important goal of migrant operations; if migrants can be encouraged not to leave their home nations then no humanitarian crisis or potential loss of life exists, and law enforcement action is minimized. Because of the diversity and size of the theatre, deterrence operations are generally targeted toward specific migrant groups. They take on two generic forms: deterrence against humanitarian migration and law enforcement deterrence.

Humanitarian deterrence can take on a number of forms. Primary means of deterrence focus on visibility, including media engagement and active forward presence. The advent of a mass media culture in many parts of the Caribbean has been particularly useful in deterrence operations. In recent years, host nations –

particularly the Dominican Republic – have cooperated with the United States in an aggressive media campaign that graphically illustrates the dangers of making the migration attempt, including recorded interviews with family members that lost relatives at sea. Media can be a powerful deterrent tool in “non-cooperative” nations as well; statements of readiness to respond to mass migration, for example, are routinely used to deter Cuban migration.

In some nations, such as Haiti, potential migrants have no easy access to public media. In such cases, forward deployment of operational assets such as ships and aircraft are used as an overt deterrent, often with the full support of the host nation.⁹ Patrolling ships and aircraft are not the only element of this tactic. Aggressive public repatriation is also critical, especially in areas with limited media coverage. The message sent by these repatriations is that assets are at sea, and that attempts to migrate will be interdicted.

Deterring smugglers is far more complex as deterrent measures target specific criminal behavior where motivation is pure profit, encouraging smugglers to find means around the deterrent actions. Forward interdiction and overt patrols are noticeably effective against smuggling routes – these operations have been especially robust in the Straits of Florida – but have a strategic impact of driving smugglers to find different routes or venues. It is an important fiscal and strategic reality that law enforcement cannot be strong in all avenues; when strength is demonstrated in one area, criminal networks will seek other paths. There is considerable evidence, for example, that Coast Guard patrols were so active in the Florida Straits during 2006 and 2007 that the use of new routes for Cuban smuggling, particularly the Dominican Republic and Mexico, increased over tenfold.¹⁰

The key in effective deterrence is to find actions that have universal application and are asset neutral. There have been a number of initiatives that take this approach. New technical means show particular promise. In 2007, the Coast Guard deployed the first workable biometrics-at-sea system designed specifically to target illegal maritime migration and identify potential felons attempting entry into the United States.¹¹ The system was tested in the Mona Pass against interdicted migrants prior to their scheduled repatriation. Utilizing an electronic scanner with a satellite link to the United States Visit data base, the Coast Guard’s biometrics system identified and prosecuted 105 felons in a one-year period. Potential migrants were told via an aggressive media campaign that their fingerprints had been electronically recorded and that prosecution would be the result of a second attempt at migration and subsequent biometric “hit.” These actions have had a noted deterrent effect; in the months following the deployment of biometrics, maritime migration in the Mona Pass dropped 40 percent.¹²

Technical deterrents are only part of the solution. To be truly effective, they must be backed by legislation that gives teeth to smuggling prosecution. Legislation such as the Maritime Alien Smuggling Law Enforcement Act (MASLEA) provides for stiffer penalties for those apprehended smuggling, making the crime a felony misdemeanor. Re-entry is now prosecuted in the Mona Pass, promising jail time for migrants caught attempting to enter Puerto Rico after being identified by biometrics from a previous attempt.

Interdiction of Migrants At Sea

Interdiction of migrants prior to arrival in the United States or another transit country is a primary goal of effective migrant strategy. As discussed, this ideally occurs as far “forward” as possible – patrolling assets that indict forward act not only as a deterrent, but also ensure that the time migrants spend on the sea is minimized, significantly improving the odds of survival at sea.

Successful interdiction goes far beyond simple tactical operations. In the strategic sense, it relies heavily on interagency coordination in terms of intelligence/information sharing, screening of migrants for credible fear of return, and repatriation.¹³ Intelligence regarding potential migrant departures (especially in determining the likelihood of a mass migration) and potential destinations is especially important; toward that end, Coast Guard, CBP, and ICE maintain a very close liaison in both day-to-day information sharing and strategic planning. For law enforcement prosecution, identification of smuggling networks and sharing of intelligence regarding their activities is crucial not only in tactical interdiction, but also in planning joint operations to close identified smuggling routes.

Interdiction operations are especially reliant on interagency cooperation during a mass migration. Planning for mass migration, especially in light of recent political events in Cuba, has been very forward-leaning. On August 27, 2007 Secretary Chertoff signed OPERATION VIGILANT SENTRY (OVS), the Department of Homeland Security’s (DHS) coordinated plan for response to a Caribbean mass migration. The plan lays out a large-scale effort, detailing the coordinated response of over thirty federal, state, and local organizations in one unified effort designed to safely interdict migrants and prevent a humanitarian crisis. In addition to the considerable interagency planning that went into the drafting of OVS, the plan itself was aggressively exercised throughout 2006 to prepare for a potential migration in the event of instability in Cuba, incorporating lessons learned immediately into the planning cycle and making it one of the most robust plans within DHS or the United States government.

Safety Of Life At Sea (SOLAS)

Ultimately, all types of maritime migration must be regarded as a safety of life at sea issue. As indicated above, there is no “safe” way to illegally migrate on the water, only various degrees of hazard ranging from the dangerous – high speed chases in smuggling go fast boats – to the almost suicidal risk taken by migrants in overloaded unseaworthy craft.

Toward that end, Coast Guard cutters have well-established procedures for embarking and potentially rescuing migrants at sea. Given the new, aggressive tactics smugglers are taking to avoid interdicting units, these standards must not only be reiterated in interagency training, but also in future material design of interdicting assets. As new ship designs reach the fleet and emphasis is placed on non-traditional missions across agencies and in DOD, means of effectively and safely rescuing large numbers of people at sea must become part of both design and culture for all agencies operating afloat assets in theatre.

CONCLUSIONS

Caribbean maritime migration is a concern for the United States in terms of national sovereignty and enforcement of immigration law. But as numbers of migrants taking to the sea increase, maritime migration is increasingly becoming a regional dilemma in terms of the proliferation of smuggling networks from nations throughout the Caribbean and the potential humanitarian crisis in terms of loss of life at sea. The scale of this problem and the unique challenges of the maritime environment require a coordinated strategy that goes far beyond simple interdiction. Deterring migration through an aggressive message will serve to limit the problem significantly; saving lives is obviously of key importance. Caribbean maritime migration will not go away. Addressing the problem now through a coordinated interagency strategy that stresses a multi-layered, holistic approach will be key in preventing a potential crisis in the future.

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¹ <http://www.uscg.mil/hq/g-o/g-opl/AMIO/AMIO.htm>

² "Illegal Flow of Cubans on the Rise." *Caribbean Update*, 1 (November 2007), http://goliath.ecnext.com/coms2/gi_0199-7104782/Illegal-flow-of-Cubans-on.html.

³ In 1995, the author intercepted a sixty-five foot Rustica with 502 migrants aboard. The current informal record of migrants aboard a vessel that size is 506.

⁴ Author's experience. In 1994 the author intercepted the forty-five foot sail boat "Tet Anasham" with 125 migrants aboard thirty-five miles of the coast of Haiti, being captained/piloted by a Voodoo Houdan (priest) who had convinced his followers that Miami was in "the clouds on the horizon." This experience is not uncommon.

⁵ *Statement of RADM Ernest Riutta on Coast Drug Interdiction Before the House of Representatives Sub Committee on the Coast Guard, June 10, 1998.* http://www.fas.org/irp/congress/1998_hr/h980610-riutta.htm.

⁶ In the past year there have been a number of migrant injuries and deaths in the Straits of Florida, precipitated by Cuban smugglers refusing to stop when apprehended, and causing injury in the subsequent attempt to evade law enforcement. These cases are normally prosecuted for failure to heave too, assault, and in one case attempted second degree murder.

⁷ U.S. Coast Guard Office of Law Enforcement, *Sovereign Shores: USCG Migrant Strategy* (Washington D.C.: USCG Headquarters Command, Working Draft, Dec 2007).

⁸ Office of the Commandant, *USCG Maritime Strategy* (Washington, D.C.: USCG, 2006).

⁹ "Shoreline flights" of low flying helicopters and planes were routinely authorized by the government of Haiti in the 1990s specifically to deter migrant departure.

¹⁰ <http://www.uscg.mil/hq/g-o/g-opl/AMIO/AMIO>.

¹¹ Department of Homeland Security, “USCG Begins Biometric Collection Program” (Press Release, November 13, 2006), http://www.dhs.gov/xnews/releases/pr_1163445303682.shtm.

¹² Statistics on migrant departures and interdictions are maintained at <http://www.uscg.mil/hq/g-o/g-opl/AMIO/AMIO.htm>.

¹³ “Credible Fear” is a condition whereas a migrant could potentially face prosecution, torture, or imprisonment if returned to his/her country based on their political beliefs. It is a matter of policy that migrants expressing some form of critical fear are “screened” by a USG official (ICE/DRO) to determine if this claim is legitimate. If the claim is determined to be legitimate, the migrant is typically resettled in a third party nation.