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## **Climate-Related Danger and Missing Migrants: Submission by International Refugee Assistance Project (IRAP) to the Office of the High Commissioner for Human Rights (OHCHR) Special Rapporteur on the Human Rights of Migrants**

This document has been produced based on International Refugee Assistance Project (IRAP)'s experience representing, researching, and advocating for refugees and victims of human rights abuses in need of asylum, resettlement, or other humanitarian protections in the United States. This submission details climate-related and environmental factors contributing to disappearances of migrants and displaced people in the Americas. It also examines the role of state policies that contribute to or fail to prevent disappearances, and offers recommendations to ensure stronger protection measures.

The intensifying effects of climate change are creating deadly conditions for migrants and displaced people in transit, with rising temperatures and severe hazards such as heatwaves and flooding leading to increased fatalities and disappearances. Restrictive asylum and border policies force those seeking protection to take more perilous routes, heightening their exposure to environmental dangers and contributing to the growing number of missing migrants. While these challenges affect migrants and displaced people worldwide, this submission concentrates on the U.S.-Mexico border, where IRAP's research and advocacy on this topic has been focused.

### **Climate Change Impacts Contribute to Migrant Deaths and Disappearances**

Rising temperatures in the U.S.-Mexico borderlands have led to a surge in heat-related fatalities and injuries, making border crossings increasingly treacherous.<sup>i</sup> Heat exposure has become the leading cause of death for migrants in the region, followed by drownings.<sup>ii</sup> The International Organization for Migration (IOM) has documented over 5,405 migrant deaths along the U.S.-Mexico border between 2014 and August 2024, including record-high numbers of deaths since 2021.<sup>iii</sup> This figure likely underestimates the true toll, as many who disappear in the desert are never recovered.<sup>iv</sup> Advocates have documented actions of U.S. immigration



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enforcement officers that have further exacerbated heat-related challenges for border crossers, including destroying water and other supplies left by nonprofit organizations and refusing to provide medical aid to injured migrants in need.<sup>v</sup>

In September 2023, the International Organization for Migration (IOM) declared the U.S.-Mexico border “the deadliest land route for migrants worldwide on record” after temperatures in the region reached unprecedented levels.<sup>vi</sup> Extreme heat events, including the summer 2023 heat dome and the autumn 2024 heat wave, have brought record-breaking temperatures. In October 2024, Palm Springs, California, hit 117°F—the highest temperature ever recorded in North America for that month—while Arizona cities including Phoenix and Yuma also shattered October heat records.<sup>vii</sup>

Extreme weather patterns are also reshaping waterways, making crossings more hazardous. From 2017 to 2023, at least 1,107 migrants have drowned attempting to cross the Rio Grande, with deaths peaking around the time the state of Texas implemented physical barriers obstructing access to the river.<sup>viii</sup> Migrants have also died attempting to swim around the U.S.-Mexico border wall at Playas de Tijuana.<sup>ix</sup>

IRAP’s findings from its ongoing research into the environmental challenges migrants and displaced people face during transit align with these broader trends. Since 2023, IRAP and partner organizations have surveyed over 3,000 migrants and displaced people from the Americas seeking immigration relief in the United States.<sup>x</sup> 43.1% of respondents reported encountering environmental challenges in transit, with over half of those from El Salvador, Haiti, Honduras, and 88% of people from Venezuela affected. These journeys often involved navigating dangerous terrain, with 53% traveling on foot across waterways, 46% trekking through deserts, 43% crossing mountainous regions, and 28% traveling by boat among those who reported transit challenges. Respondents also reported significant barriers to accessing basic necessities during transit. Of 417 surveyed about specific environmental challenges, 24% were unable to find safe shelter, often sleeping in forests or makeshift tents. This lack of secure housing left many vulnerable to exposure to environmental hazards. Additionally, 27% lacked access to necessary



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supplies or sufficient food, and 28% reported that their personal property was damaged or destroyed during their journey.<sup>xi</sup>

Furthermore, respondents faced the kind of environmental conditions climate change exacerbates. Among respondents who faced harsh environments while traveling to the United States the most commonly reported were extreme heat (29%), extreme cold (27%), and heavy rains (15%).<sup>xii</sup>

### **Contribution of State Border Policies to Migrant Deaths and Disappearances**

Policies that prioritize border security and deterrence over human safety have directly contributed to the crisis of missing migrants, forcing individuals into remote and perilous routes where many disappear or lose their lives. The U.S. “prevention by deterrence” strategy, introduced in 1994, has made border crossings increasingly deadly by forcing migrants into hazardous terrain, leading to a rise in deaths and disappearances.<sup>xiii</sup>

The U.S. government has since expanded physical barriers along the border and significantly increased surveillance and enforcement capacity,<sup>xiv</sup> including through restrictive policies like “zero tolerance,” which criminalized unauthorized entry and separated families.<sup>xv</sup> Legal barriers have further restricted asylum access, including, at different times, unlawful policies like the Migrant Protection Protocols<sup>xvi</sup> and Title 42 expulsion policy.<sup>xvii</sup> Today, the *Circumvention of Legal Pathways* rule and Securing the Border rule, as well as Mexican enforcement under pressure from the United States, severely limit access to asylum and the border.<sup>xviii</sup> These policies have forced tens or hundreds of thousands of people to wait indefinitely in Mexico, where many have suffered in makeshift tent encampments and other precarious living conditions that expose them to extreme heat and other adverse effects of climate change.<sup>xix</sup>

In addition to hardening its own borders, the United States has funded and facilitated increased immigration enforcement in Latin American countries with the goal of stopping migrants and asylum seekers from reaching U.S. soil.<sup>xx</sup> U.S.



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pressure on Mexico and other countries in the Americas to militarize their borders and implement restrictive visa policies has further limited safe migration pathways.<sup>xxi</sup> These policies have pushed U.S.-bound individuals to embark on more dangerous journeys—atop the infamous “Beast” train, for example, where riders are exposed to extreme heat and cold, or through sweltering deserts and across dangerous rivers.<sup>xxii</sup>

One of the most perilous consequences of these policies is the increasing number of migrants traversing the Darién Gap, a 60-mile stretch of dense jungle between Colombia and Panama. In 2023, over 520,000 migrants crossed the Darién Gap, a significant increase driven in part by visa restrictions that prevent individuals from countries like Ecuador, Venezuela, and Brazil from flying directly to Mexico.<sup>xxiii</sup> This route exposes travelers to extreme environmental hazards such as rising rivers, landslides, mountainous terrain, and disease-carrying mosquitoes, compounded by activity from armed criminal groups.<sup>xxiv</sup> Migrants endure harsh conditions, including extreme heat, heavy rains, and scarce access to food and water, leading to dehydration, injuries, and disease. Many are forced to drink contaminated water, sometimes tainted with decomposing bodies.<sup>xxv</sup>

Climate change has exacerbated the region’s challenges, with intensified rainfall causing more frequent landslides and flooding.<sup>xxvi</sup> IOM documented at least 300 missing persons in the Darién Gap between 2021 and 2024, though the actual toll is likely far higher, as many deaths go unreported and bodies are never recovered.<sup>xxvii</sup>

Policies designed to restrict migration and asylum access have not only failed to deter movement, they have also amplified the dangers border crossers face throughout their journeys, contributing to deaths and disappearances.

### **Human Rights Impact of Restrictive Policies and Environmental Challenges Contributing To Migrant Disappearances**

Restrictive immigration policies have resulted in higher rates of injuries and deaths in transit, which implicate the right to life, the right to life with dignity, and other



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rights guaranteed by the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 12, which guarantees the right to health. Acknowledging the connection between restrictive immigration policies and deadly crossings, in August 2023, UNHCR and IOM called upon the United States to create more safe and regular migration pathways.<sup>xxviii</sup>

IRAP data indicate that overland journeys for migrants and displaced people have been physically and mentally taxing, with numerous respondents reporting significant health issues due to the environmental conditions they faced in transit.<sup>xxix</sup> Illness or injury was reported by 39% of respondents that responded to the question on transit challenges. Many suffered from dehydration, heat exhaustion, and other heat-related illnesses due to extreme temperatures. Others experienced respiratory problems, fevers, and infections from prolonged exposure to cold and damp environments. The physical toll of continuous walking, often for days on end, led to swollen feet, fatigue, severe blisters, and other injuries. Additionally, 21% were unable to access medical treatment for injury or illness. The psychological impact of such arduous conditions manifested in stress, anxiety, and depression.

Survey respondents reported being targeted by human traffickers and criminal organizations who took advantage of their desperate situations. Among those who provided specifics, mistreatment, abuse, or exploitation by police, immigration agents, or other government officials was reported by 41%, while 30% faced similar treatment by private actors, including members of criminal organizations such as smugglers. Many were robbed, extorted, and, in some cases, subjected to physical violence. The lack of safe shelter and the constant need to move left migrants and displaced people exposed to these dangers, with little to no protection. This vulnerability was compounded by physical and mental exhaustion.

By forcing migrants and displaced people into unsafe routes, restrictive immigration policies exacerbate the risks of injury, illness, and death, as evidenced by IRAP's findings, which document severe physical and mental health challenges



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faced by those in transit. These policies violate fundamental human rights, including the right to life, health, and dignity, and contribute to rising numbers of deaths and disappearances of people crossing international borders.

## **Recommendations for Strengthening Protection Measures**

To improve protection for migrants and displaced people seeking protection across borders, the Special Rapporteur should urge the United States and other member States to...

### ***Ensure Safe Pathways and Protection for People Seeking Safety Across Borders.***

These pathways should provide stable legal status, uphold family unity, and include opportunities for long-term integration and citizenship. States must comply with international refugee law and human rights obligations by ensuring asylum access. By establishing safe legal pathways, States can reduce reliance on dangerous irregular border crossings, which are increasingly hazardous due to the intensifying effects of climate change.

### ***Improve Humanitarian Assistance Along Transit Routes.***

States should prioritize comprehensive humanitarian assistance for migrants and displaced people in transit. This includes guaranteeing access to essential resources such as water, food, shelter, and medical care in high-risk areas. To prevent avoidable deaths and injuries, States should collaborate with local governments, NGOs, and international organizations to establish durable infrastructure and provide immediate and sustained support along transit routes.

### ***Protect the Rights of Vulnerable Groups.***

States should acknowledge the heightened risks faced by vulnerable migrants and displaced people during transit, including women, children, racial and ethnic minorities, and people with disabilities, who are more susceptible to abuse, illness, and injury due to environmental impacts and other hazards along migration routes. States must prioritize the protection of marginalized communities by addressing their specific needs and vulnerabilities, including



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ensuring access to healthcare, safe shelter, and legal support.

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<sup>i</sup> See Camilo Montoya-Galvez, *At Least 853 Migrants Died Crossing the U.S.-Mexico Border in Past 12 Months — a Record High*, CBS (Oct. 28, 2022, 10:37 AM EDT), <https://www.cbsnews.com/news/migrant-deaths-crossing-us-mexico-border-2022-record-high/>

<sup>ii</sup> *Id.*

<sup>iii</sup> Donald Kerwin & Daniel E. Martínez, *Forced Migration, Deterrence, and Solutions to the Non-Natural Disaster of Migrant Deaths Along the US-Mexico Border and Beyond*, 12 J. on Migration & Hum. Sec. 127 (2024).

<sup>iv</sup> Craig Waxman et al., *'No Olvidado': These Americans Find and Bury Missing Migrants*, CNN, <https://www.cnn.com/interactive/2019/12/us/no-olvidado-missing-migrants-border/>.

<sup>v</sup> REECE JONES, *NOBODY IS PROTECTED* (2022) 183- 86.

<sup>vi</sup> See Emiliano Rodriguez Mega & Simon Romero, *Mexico is Reeling from Soaring Temperatures, Too*, N.Y. TIMES, (June 29, 2023), <https://www.nytimes.com/2023/06/29/world/americas/mexico-heat-wave.html>.

<sup>vii</sup> *Ibid.*

<sup>viii</sup> *Border Drownings Rose as Migrants Rushed to Cross and Texas Clamped Down*, Wash. Post (Dec. 8, 2024), <https://www.washingtonpost.com/nation/2024/12/08/border-drownings-immigration-texas-rio-grande/>

<sup>ix</sup> John Bacon, *Woman Drowns, 13 People Rescued After Immigrants Try to Swim Around US-Mexico Border Barrier*, USA TODAY (Oct. 31, 2021, 9:52 AM),

<https://www.usatoday.com/story/news/nation/2021/10/31/woman-drowns-13-people-pulled-water-us-mexico-border-barrier/6223923001/>;

Joebeth Terríquez, *Two Migrants Drown While Trying to Swim around Tijuana-San Diego Border Fence*, SAN DIEGO UNION-TRIB. (Nov. 14, 2022, 3:55 PM), <https://www.sandiegouniontribune.com/news/border-baja-california/story/2022-11-14/deaths-of-migrants-at-sea-alert-mexicos-northern-border>.

<sup>x</sup> Int'l Refugee Assistance Project (IRAP), *Enduring Change: A Data Review of Firsthand Accounts of Climate Mobility Impacts*, <https://refugeerights.org/news-resources/enduring-change-a-data-review-of-firsthand-accounts-of-climate-mobility-impacts> (last visited Dec. 9, 2024).

<sup>xi</sup> *Ibid.*

<sup>xii</sup> *Ibid.*

<sup>xiii</sup> U.S. Border Patrol, *Border Patrol Strategic Plan, 1994 and Beyond*, (1994).

<https://s3.documentcloud.org/documents/355856/border-patrol-strategic-plan-1994-and-beyond.pdf>

<sup>xiv</sup> *Id.* at 13,17.

<sup>xv</sup> DHS Office of Inspector General, Special Review – Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy, OIG-18-84, 2,4 DHS (2018) <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>

<sup>xvi</sup> Julia Neusner and Kennji Kizuka, *Fatally Flawed: “Remain in Mexico” Policy Should Never Be Revived*. 6 HUMAN RIGHTS FIRST (2022). <https://humanrightsfirst.org/wp-content/uploads/2022/10/FatallyFlawed.pdf>

<sup>xvii</sup> See Kennji Kizuka, Eleanor Acer, and Rebecca Gendelman, *Pandemic as Pretext: Trump Administration Exploits COVID-19, Expels Asylum Seekers and Children to Escalating Danger*, HUMAN RIGHTS FIRST (2020) available at <https://humanrightsfirst.org/wp-content/uploads/2021/04/PandemicAsPretextFINAL.pdf>

<sup>xviii</sup> Homeland Security Department and the Executive Office for Immigration Review, *Circumvention of Legal Pathways*. The Federal Register (2023) <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>. *Securing the Border*, 89 Fed. Reg. 48710 (June 7, 2024) (to be codified at 8 C.F.R. pts. 208, 235, 1208). <https://www.govinfo.gov/content/pkg/FR-2024-06-07/pdf/2024-12435.pdf>

<sup>xix</sup> See e.g., Mariana Martínez Barba & Caterina Morbiato, *U.S. Border Policy Spurred Migrant Camps Hundreds of Miles Away in Mexico’s Capital*, Associated Press, (Sept. 1, 2024), <https://apnews.com/article/mexico-migrants-asylum-cbp-app-camps-22b49fabf6e4d7d25d2873d0637544fe>;

<sup>xx</sup> See Todd Miller, *A Return on Our Investment: Border Externalization in “America’s Backyard” under the Biden Administration*, THE BORDER CHRONICLE (2023) available at <https://www.theborderchronicle.com/p/a-return-on-our-investment-border>.

<sup>xxi</sup> See Gretchen Kuhner and Savitri Arvy, *Stuck in Uncertainty and Exposed to Violence: The Impact of US and Mexican Migration Policies*, IMUMI and Women’s Refugee Commission (2023). <https://www.womensrefugeecommission.org/wp-content/uploads/2022/02/Stuck-in-Uncertainty-2.pdf>

<sup>xxii</sup> See Natalie Kitroeff and Alejandro Cegarra, *Aboard ‘the Beast’ on a Journey to America*, THE NEW YORK TIMES (2023), available at <https://www.nytimes.com/2023/05/10/world/americas/migrants-beast-train-mexico.html>

<sup>xxiii</sup> Secretaría de Relaciones Exteriores, *Mexico temporarily suspends visa exemption for citizens of Ecuador*, GOBIERNO DE MÉXICO (2021) <https://www.gob.mx/sre/prensa/mexico-temporarily-suspends-visa-exemption-for-citizens-of-ecuador?idiom=en>; Lexi Lonas, *Mexico will require visas for Venezuelans after US request*, THE HILL (2022), available at <https://thehill.com/latino/588811-mexico-will-require-visas-for-venezuelans-after-us->



request; Secretaría de Relaciones Exteriores, *Mexico modifies the visa application procedure for Brazilian passports*, GOBIERNO DE MÉXICO (2022), available at <https://www.gob.mx/sre/prensa/mexico-modifies-the-visa-application-procedure-for-brazilian-passports?idiom=en>.

<sup>xxiv</sup> Martina Rapido Ragozzino & Juan Pappier, *This Hell Was My Only Option*, Human Rights Watch (Nov. 9, 2023).

<sup>xxv</sup> Id. See also Julia Neusner et al., *Danger in the Darién Gap: Human Rights Abuses and the Need for Humane Pathways to Safety*, Quixote Center (June 2024).

<sup>xxvi</sup> Luke Taylor, *UN bodies call for urgent action over Panama's Darién Gap migration route*, THE GUARDIAN (2023) <https://www.theguardian.com/world/2023/aug/03/darien-gap-migration-panama-un-crisis>

<sup>xxvii</sup> International Organization for Migration, *Missing Migrants Project*, <https://missingmigrants.iom.int>

<sup>xxviii</sup> *Record Crossings of Perilous Darién Gap Underscores Need for Safe Migration Pathways*, U.N. NEWS (Aug. 2, 2023), <https://news.un.org/en/story/2023/08/1139377>.

<sup>xxix</sup> Neusner et. al., *Enduring Change* (previously cited).