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March 20, 2024

The Honorable Gary C. Peters
Chairman
The Honorable Rand Paul, M.D.
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Mark E. Green, M.D.
Chairman
The Honorable Bennie G. Thompson
Ranking Member
Committee on Homeland Security
House of Representatives

Border Security: Border Patrol’s Missing Migrant Program

In fiscal year 2023, U.S. Customs and Border Protection’s (CBP) Border Patrol reported more than 2 million encounters with individuals attempting to enter the U.S.¹ Some migrants attempting to enter the U.S. illegally have sought to cross the border in remote areas, where they risk injury and death by trying to cross over mountains, deserts, and rivers. As part of its border security role, Border Patrol responds to reports of migrants attempting to enter the U.S. between ports of entry who may be missing or in distress. In fiscal year 2022, Border Patrol reported a record number of migrant deaths—approximately 900—and the rescue of about 22,000 others.² Border Patrol established the Missing Migrant Program in 2017 to help rescue migrants in distress and reduce migrant deaths along the southwest border.

In April 2022 and November 2022, we reported on Border Patrol’s Missing Migrant Program.³ Specifically, we reported that Border Patrol issued nationwide procedures in September 2021 intended to help standardize how agents collect and record data, and coordinate with external

¹CBP, within the Department of Homeland Security (DHS), is the lead federal agency responsible for border security. Within CBP, U.S. Border Patrol is responsible for securing the border between ports of entry to prevent individuals and goods from entering the country illegally. These data include Border Patrol fiscal year 2023 encounters with individuals who were either subject to the Centers for Disease Control (CDC) Order issued pursuant to Title 42 or were processed pursuant to Title 8 of the U.S. Code. See, e.g., 8 U.S.C. §§ 1225(b), 1229a; 42 U.S.C. § 265; 42 C.F.R. § 71.40.

²Department of Homeland Security, U.S. Customs and Border Protection, *Rescue Beacons and Unidentified Remains: Fiscal Year 2023 Report to Congress* (Washington, D.C.: Aug. 17, 2023).

³GAO, Southwest Border: CBP Should Improve Data Collection, Reporting, and Evaluation for the Missing Migrant Program, [GAO-22-105053](#) (Washington, D.C., Apr. 20, 2022) and Southwest Border: Border Patrol’s Missing Migrant Program, [GAO-23-106007](#) (Washington, D.C., Nov. 15, 2022).

entities.⁴ However, we found that Border Patrol data on migrant deaths was incomplete, and reporting did not include data limitations. We also found that Border Patrol did not have a plan to evaluate the Missing Migrant Program. In our April 2022 report, we made recommendations to address these issues. Border Patrol concurred with them, and we discuss actions taken in response to these recommendations later in this report.

The Missing Persons and Unidentified Remains Act (the Act) requires CBP to submit an annual report to Congress that includes, among other elements, the number and location of unidentified remains found along the southwest border.⁵ In response, CBP submitted its first report to Congress in March 2022 and a second in August 2023.⁶ The reports include information on efforts to reduce the frequency of migrant deaths through the Missing Migrant Program, data on migrant deaths and rescues, and information on rescue beacons and 9-1-1 placards.⁷

The Act also includes a provision for us to review how CBP collects data on migrant deaths and works with external entities in cases involving missing migrants or unidentified remains.⁸ This report addresses: (1) the actions Border Patrol has taken to collect and record available information on migrant deaths, (2) Border Patrol's reporting to Congress on migrant deaths and the extent to which data limitations are included, and (3) Border Patrol's efforts to evaluate the Missing Migrant Program.

This report supplements information and draws from our April 2022 and November 2022 reports on the Missing Migrant Program.⁹ Further details on the scope and methodology for those reports are available within the published products.

To address our first and second objectives for this report, we reviewed Border Patrol documentation on how the agency collects data on migrant deaths. For example, we reviewed procedures for the Border Safety Initiative Tracking System, which Border Patrol uses as its system to record information on migrant rescues and deaths.¹⁰ We reviewed data that Border

⁴We use the term external entity to refer to any government or organization that coordinates with Border Patrol on migrant deaths, including federal, state, local, or tribal entities; medical examiner's offices; consulates of foreign countries located in the U.S.; and nongovernmental organizations.

⁵See Pub. L. No. 116-277, § 5, 134 Stat. 3370, 3371 (2020).

⁶Customs and Border Patrol, *Rescue Beacons and Unidentified Remains: Fiscal Year 2022 Report to Congress* (Washington, D.C., Mar. 29, 2022) and Customs and Border Patrol, *Rescue Beacons and Unidentified Remains: Fiscal Year 2023 Report to Congress* (Washington, D.C., Aug. 17, 2023). In addition, CBP issued a report in February 2021 with data on southwest border migrant deaths for fiscal years 2015 through 2019 by sector, type of death, and nationality to address the congressional directive in the committee report accompanying DHS's fiscal year 2020 appropriation. See Department of Homeland Security, U.S. Customs and Border Protection, *Migrant Death Mitigation: Fiscal Year 2020 Report to Congress* (Washington, D.C.: 2021).

⁷Rescue beacons are towers with sensors that can alert Border Patrol agents that someone needs help once activated by an individual in distress. 9-1-1 placards placed across the southwest border instruct migrants to call 9-1-1 for help and assist rescue personnel with locating migrants in distress.

⁸See Pub. L. No. 116-277, § 5(c), 134 Stat. at 3371.

⁹[GAO-22-105053](#) and [GAO-23-106007](#). In these two reports, we addressed how Border Patrol has implemented the Missing Migrant Program to help reduce the frequency of migrant deaths; the extent to which Border Patrol collects and reports complete and accurate data on migrant deaths; and how Border Patrol evaluates the Missing Migrant Program. We evaluated the extent to which Border Patrol's data recording and reporting aligned with agency policies and compared Border Patrol data with publicly reported data on migrant deaths.

¹⁰Border Patrol, *Border Safety Initiative Tracking System (BSITS) User Manual* (Washington, D.C.: 2007).

Patrol sectors provided to headquarters in fiscal year 2023 and 2024 and interviewed officials from headquarters about how they review sector data and identify and address any data limitations, as we recommended in our April 2022 report.¹¹ We also reviewed Border Patrol documentation that describes Border Patrol's coordination with external entities. For example, we reviewed the Missing Migrant Program's Internal Operating Procedure, which includes guidance on coordinating with external entities and responding to inquiries about missing migrants.¹² In addition, we reviewed agendas and reports from three regional summits Border Patrol held in fiscal year 2023 with Missing Migrant Program external entities to describe efforts the agency is making to coordinate with these partners. In addition, we reviewed CBP's 2023 report to Congress to determine the extent to which limitations in the data were included. Finally, we obtained and analyzed information on Border Patrol's efforts to address our prior recommendations since our April and November 2022 reports.

To address our first two objectives, we also interviewed officials from selected Border Patrol sectors. In particular, we obtained perspectives from officials from four Border Patrol sectors—Big Bend, Del Rio, Miami, and Tucson—in October and November 2023. We interviewed officials from these sectors about how they coordinate with external entities and collect and record data on migrant deaths. We selected these sectors to reflect a range in the number of reported migrant deaths, types of terrain, and length of time the Missing Migrant Program had been implemented in the sector. They also supplement the information we obtained from the sectors we included in the scope of our April and November 2022 reports.¹³

In addition, in November 2023, we interviewed a representative from one external entity—the Pima County Medical Examiner—that operates within one of the Border Patrol sectors we contacted. We interviewed this entity to gather information on how the office coordinates with Border Patrol officials. We previously interviewed the Pima County Medical Examiner for our April 2022 report and interviewed this entity again to obtain updated information and perspectives on its coordination with Border Patrol. The information we collected from interviews with Border Patrol sector officials and the external entity representative cannot be generalized but provides important perspectives on how they coordinate and share information on migrant deaths.

To address our third objective and assess Border Patrol's efforts to address the recommendation made in our April 2022 report that the agency develop a plan to evaluate the Missing Migrant Program, we reviewed documentation of Border Patrol's November 2023 plan for evaluating the Missing Migrant Program. We examined the goals, objectives, and key performance indicators contained in the evaluation plan. We also interviewed headquarters officials to obtain information on how Border Patrol evaluates the program.

We conducted this performance audit from September 2023 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and

¹¹GAO-22-105053. Border Patrol divides responsibility for border security operations geographically among 20 sectors, each with its own sector headquarters. There are nine sectors along the southwest border, eight along the northern border, and three in the Gulf Coast and Caribbean regions. Border Patrol established the Missing Migrant Program in 2017 in sectors along the southwest border and in established pilot Missing Migrant Program efforts in the Miami, Swanton, and Ramey sectors in fiscal year 2023.

¹²An Internal Operating Procedure serves as national guidance for Border Patrol.

¹³For our April 2022 report, we interviewed officials from four of the nine Border Patrol sectors responsible for operations along the southwest border—Laredo, Rio Grande Valley, San Diego, and Tucson. For our November 2022 report, we interviewed officials from three southwest border sectors—Del Rio, El Paso, and Tucson.

perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Border Patrol established the Missing Migrant Program in 2017 and issued guidance—the Missing Migrant Program Internal Operating Procedure—in September 2021 to help standardize the program across sectors. This document establishes common processes for sectors to assign roles and responsibilities to agents assigned to the Missing Migrant Program and to respond to inquiries about missing migrants from external entities. It also establishes Missing Migrant Program coordinators at each sector and in headquarters. In fiscal year 2023, Border Patrol expanded the Missing Migrant program to sectors on the northern and coastal borders.

The Missing Migrant Program carries out various efforts intended to help reduce the frequency of migrant deaths and help Border Patrol respond to missing migrants or those who may be in distress. Along the southwest border, the Missing Migrant Program focuses its efforts on a target zone consisting of 45 counties on or near the border with Mexico. Border Patrol uses a data system—the Border Safety Initiative Tracking System—to track the volume and types of rescues performed and the number of migrant deaths that occur.

Border Patrol Collects and Records Information on Migrant Deaths

Border Patrol sector agents are responsible for collecting and recording data on migrant deaths. According to Border Patrol guidance, agents should record the death of a suspected undocumented migrant who died in furtherance of an illegal entry within the target zone, whether Border Patrol was directly involved or not. If Border Patrol was not involved in the initial discovery of remains found within the target zone, it should record the death when known, including the agency or person that initially discovered the remains.

In April 2022, we reported that Border Patrol had not collected and recorded, or reported to Congress, complete data on migrant deaths.¹⁴ Specifically, we reported that while Border Patrol has a policy for recording information on migrant deaths in the Border Safety Initiative Tracking System, Border Patrol sectors were not recording all migrant deaths in instances where an external entity first discovered the remains. We recommended that Border Patrol take steps to ensure it collects and records available information on migrant deaths, including those identified by external entities. Border Patrol agreed with our recommendation and has implemented it by taking steps to revise its guidance, meeting with sectors and reviewing their program reports, and coordinating with external entities.

Border Patrol is revising its national guidance. In October 2023, Border Patrol officials told us they updated the national guidance for the Missing Migrant Program to address challenges they have identified related to collecting and recording data on migrant deaths, such as duplicate reporting by external entities. This revised guidance is not yet finalized, but as of January 2024, Border Patrol officials told us that it is being reviewed by the agency's leadership.

Border Patrol headquarters officials meet with sectors and review reports. Border Patrol has also continued to strengthen its internal coordination with sectors and to review sectors' weekly Missing Migrant Program reports. In November 2022, we reported that Missing Migrant

¹⁴[GAO-22-105053](#).

Program headquarters officials sent emails to sector coordinators and conducted field visits to help standardize the collection and recording of data on migrant deaths.¹⁵ In October 2023, officials in Border Patrol headquarters told us that they continue to maintain communication with sectors regarding data collection and entry through email reminders and refresher trainings. In addition, in fiscal year 2023, Border Patrol officials conducted visits to five sectors to provide training on the Missing Migrant Program and engage with sector leadership to ensure their continued support of the program. In November 2023, headquarters officials told us that in fiscal year 2024 they plan to visit all southwest, northern, and coastal border sectors that have the Missing Migrant Program and plan to conduct a national meeting to discuss best practices and challenges for the program.

Moreover, Border Patrol assembles weekly reports of data from the sectors, which include information on search, rescue, and recovery requests as well as requests for assistance in identifying migrant remains. Officials told us that these reports are discussed at a telephone conference every 2 weeks that includes the Missing Migrant Program coordinators from the sectors. The telephone conference allows headquarters and sector officials to identify data errors and correct them.

Border Patrol sectors coordinate with external entities. Border Patrol has taken action to strengthen its coordination with external entities through meetings and other types of contacts. For example, in fiscal year 2023, Border Patrol held three regional Missing Migrant Program meetings to connect with local external entities, including medical examiners, coroners, nongovernmental organizations, and consulates.¹⁶ At these meetings, Border Patrol discussed with external entities ways to enhance the Missing Migrant Program's main objectives of preventing migrant deaths, locating and identifying migrant remains, and returning remains to migrants' families. According to Border Patrol officials, these engagements with external entities have helped them expand situational awareness and share information related to migrant deaths, strengthening data collection.

In addition to these meetings, Border Patrol officials in each of the four sectors we spoke with told us that they maintain regular contact with external entities. For instance, officials in one sector said that they are in contact with law enforcement partners on at least a weekly basis to exchange information on remains located in their area, which allows them to ensure that remains located by external entities are included in Border Patrol data. In addition, the Pima County Office of the Medical Examiner told us that their office contacts Border Patrol whenever it receives remains likely belonging to a migrant and that Border Patrol often alerts the office when they discover remains.

Border Patrol Does Not Include Data Limitations in its Reporting of Migrant Deaths

In its August 2023 report to Congress on migrant deaths, CBP provided data for fiscal years 2018 through 2022 on migrant deaths.¹⁷ However, the report does not include a discussion of data limitations as we previously recommended. More specifically, in our April 2022 report, we found that Border Patrol had not reported to Congress complete data on migrant deaths or

¹⁵[GAO-23-106007](#).

¹⁶2023 meetings with external entities were held in the Rio Grande Valley, Texas; San Diego, California; and Tucson, Arizona. In addition, the El Paso sector held a media event in May 2023 to highlight the dangers of crossing the border.

¹⁷CBP, *Rescue Beacons and Unidentified Remains (2023)*.

disclosed limitations with the data it reported.¹⁸ In that report, we noted that quality information can be used by agency management and external stakeholders, such as policymakers, to make informed decisions. We recommended that Border Patrol include known migrant deaths, including those reported by external entities, as well as any data limitations in public agency reports and those to Congress. Border Patrol agreed with this recommendation and has taken some steps toward addressing it.

For example, in its August 2023 report, CBP provided data on migrant deaths broken down by several variables, such as by sector, nationality, gender, age group, and whether the death was discovered by Border Patrol or an external entity. The report also noted which months had the highest number of deaths and that deaths increased during the hottest months of the year.

While Border Patrol's report provides useful information on migrant deaths, including data on cases when a death was discovered by an external entity, it does not include a discussion of data limitations. Border Patrol sector officials told us in November 2023 that they are aware of migrant death data limitations, which could include factors outside Border Patrol's control or not covered by agency policies and procedures. For example, officials from one sector told us that large land areas along the border, sometimes combined with hazardous terrain, make it difficult to discover all remains, leading to some migrant deaths going unreported. Officials in another sector told us that it may be difficult to determine if the remains that are discovered belong to a migrant who was attempting to enter the U.S., which impacts whether a death is recorded in Border Patrol's data system.

In addition, Border Patrol headquarters officials told us that Border Patrol policies and procedures may lead to the exclusion of some migrant deaths from the data the agency reports. For instance, these officials noted that according to agency guidance, the data does not include migrant deaths that occur outside of their target zones if Border Patrol agents are not directly involved in the location or identification of remains. Further, officials told us that they rely on external entities to inform them of potential migrant deaths not located by Border Patrol.

Border Patrol has taken steps to strengthen its efforts to collect, record, and report more complete data on migrant deaths. However, to fully address our recommendation, Border Patrol should include data limitation disclosures, such as those discussed above, in its report to Congress. By including data limitations in its report, Border Patrol could provide context for Congress and the public to better understand data on migrant deaths.

Border Patrol Has Developed a Plan to Evaluate the Missing Migrant Program

In April 2022, we reported that although Border Patrol collected and reviewed information about Missing Migrant Program activities, it did not have a plan to evaluate the program overall.¹⁹ As noted in that report, by developing a plan to evaluate the Missing Migrant Program, Border Patrol would be in a better position to assess its progress in meeting the program's goals, track its contributions towards CBP's larger strategic goals, and consider the extent to which program changes may be needed. As a result, we recommended that Border Patrol develop a plan with time frames to evaluate the Missing Migrant Program. Border Patrol concurred with the recommendation and implemented it by developing such a plan.

¹⁸[GAO-22-105053](#).

¹⁹[GAO-22-105053](#).

In particular, in November 2023, Border Patrol provided a plan for evaluating the Missing Migrant Program that notes that headquarters will review the program every 6 months. A Border Patrol program manager told us that the first reports from sectors based on the evaluation plan were expected in March 2024. It includes activities that are intended to help Border Patrol monitor and improve the Missing Migrant Program. The plan also includes goals for the program, such as increasing situational awareness, investing in innovative technology, and enhancing stakeholder engagement. Within each goal, Border Patrol has objectives to define and monitor progress toward these goals. For example, the plan also includes objectives related to improving the collection and integrity of data. It also discusses increasing collaboration with external entities at a national level through providing annual or semiannual training opportunities for external entities and expanding partnerships to additional external entities.

In addition, each objective in the Missing Migrant Program evaluation plan includes key performance indicators to provide action items to sector agents. For instance, to enhance data integrity with external entities, agents are expected to meet quarterly with local medical examiners and law enforcement partners to deconflict migrant rescue and death data. In November 2023, headquarters officials told us that they expect to discuss progress with each sector and revisit the key performance indicators on a quarterly basis.

Agency Comments

We provided a draft of this report to DHS for review and comment. DHS provided technical comments, which we incorporated, as appropriate.

We are sending copies of this report to the appropriate congressional committees and the Secretary of Homeland Security. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or gablerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report include E. Jeanette Henriquez (Assistant Director), Miriam Hill (Analyst in Charge), Michele Fejfar, Heidi Nielson, and Christine Stenglein.

A handwritten signature in black ink that reads "Rebecca Gambler". The signature is written in a cursive, flowing style.

Rebecca Gambler
Director, Homeland Security and Justice

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