

New tactic to get kids across border More women smuggling children

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NOGALES, Sonora - Young women are getting into the gritty business of people smuggling, using stylish looks, trendy clothes and other people's visas to walk immigrant children through the Nogales border port of entry.

A shift in smuggling has led to an average of three women a week arrested at the Nogales port for pretending immigrant children are their nieces, nephews, sons or daughters, said Customs and Border Protection spokesman Roger Maier.

Because of increased border security following the Sept. 11 terror attacks, it's become harder for fathers living illegally in the United States to return to Mexico for frequent family visits. That has led more of them to try to bring their entire family to live in the United States, opening a lucrative trade in smuggling children across the border.

In 39 federal court complaints filed in Tucson since January, young American women under 30 years old were arrested trying to smuggle children across the border. And because the crime involves bringing someone into the United States rather than being caught inside the country, the mandatory sentence is far higher, said Lynette Kimmins, the criminal division chief for the U.S. Attorney's Office in Tucson. Port officials say they've arrested an average of three women a week this year at the Dennis DeConcini Port of Entry in Nogales.

Under standard plea bargains, getting caught in the United States transporting six to 24 illegal entrants can lead to four to 10 months behind bars, while getting caught at the port garners a stiffer sentence of 15 to 21 months in prison, Kimmins said.

Court records show a hefty profit in some of the cases, as much as \$1,000 to bring a child from Nogales, Sonora, to Phoenix, a three-hour drive. Adults by comparison pay about \$1,500 for the same trip, but could take two days to reach the city because they hike through the desert until they reach the highway before heading to Phoenix.

Many other female smugglers were caught smuggling children into the United States for free or for as little as \$50, records show. Their lawyers say many of those women are illegally bringing children into the United States for humanitarian reasons, not cash.

Customs officials don't hide their disdain for the business of smuggling children, pointing out that parents are putting the kids in danger by leaving them in the hands of human traffickers.

"This is your own kid, your own flesh and blood," said Gary Rehbein, a chief inspector for passenger processing at the Nogales port of entry.

As Rehbein spoke, investigators from the port were in a nearby room building a criminal case against a woman who was stopped trying to smuggle three Mexican children through the pedestrian port using legitimate laser travel visas that belonged to other children.

Child-smuggling gone wrong

That Sept. 1 case started when Rosa Pedroza, a 39-year-old mother of four from the state of Mexico, wanted to get her children into the United States to join her husband in Northern Arizona without having the children risk their lives hiking across the Arizona desert.

The day before, Pedroza and her children met with a smuggler at Ignacio L. Pesqueira International Airport in Hermosillo, 200 miles south of Tucson. The smuggler took them to the Hotel Pasaje, less than a quarter-mile from the port in downtown Nogales, Pedroza said.

The next morning, the family met with a young woman who was to smuggle Pedroza's oldest son, Luis Gerardo Ayala Pedroza, 5, across the port of entry, Pedroza said.

Each of Pedroza's children was to be supplied a laser travel visa that belonged to someone else. The cost per child: \$1,100 after they got across. Once the children were smuggled into Arizona, another smuggler would take Pedroza to Sásabe, Sonora, where she would hike across the desert to start her journey to Northern Arizona. Pedroza would pay \$1,500.

The female smuggler picked up Luis Gerardo and two sons of a second woman, who like Pedroza was heading to Northern Arizona. The mothers and Pedroza's three other children stayed behind in a brown windowless room lit by a single yellow light bulb at the hotel.

The smuggling operation fell apart when a suspicious inspector asked the children what their names were and where they came from. What the children answered didn't match the laser visas they were holding. The female smuggler and the children were taken into custody.

A lookout ran back to the hotel to tell the mothers their children were now in custody of the *oficiales*.

"I thought my heart had stopped," Pedroza said, holding her youngest daughter, Carla, 2, in her arms.

The mothers ran to the border and quickly reunited with their sons.

Pedroza said she doesn't want to try crossing again.

"I feel deceived. I never thought it would be this difficult," she said. Still, Pedroza said it would be left up to her husband to decide if she should try again.

The female smuggler was released back to Mexico the next day and the three child-smuggling charges against her were dropped. The 29-year-old woman who lives in Nogales, Sonora, is not being identified by the Star because charges were dropped. She would not talk about the incident when contacted by a reporter last week.

Kimmins, the federal prosecutor, said the U.S. Attorney's Office declined to prosecute the female smuggler because the only witnesses were the mothers. In order to keep them as witnesses, the federal government would have had to turn the children over to state Child Protective Services.

In the end, it was simply easier to let the mothers have the children back, she said.

Attempts to reunite families

Immigration lawyers who defend women facing child-smuggling charges say many are doing it to reunite families and often do it for free.

In a July 17 case, a woman and her daughter were arrested trying to smuggle two children through the Douglas border port of entry with acquired Arizona birth certificates. An inspector stopped them and agents learned Jenny Antonia Fonseca, 42, and Frances Belen Chavez, 25, were trying to smuggle the girls into Arizona as a favor for the younger woman's boyfriend, a criminal complaint shows.

Trials are pending for both women. Federal prosecutors have made a plea offer to Belen Chavez with a sentencing range from four to 27 months in prison, said her lawyer, Kathleen Williamson.

While they hope to reunite a family, "most don't have a clue of the consequences," said Saji Vettiyil, a criminal defense lawyer in Nogales, Ariz. He currently has three cases involving women facing child-smuggling charges at the Sonora-Arizona border.

In May, one of his clients was sentenced to 15 months in prison for bringing a 1-year old across as a favor to a family friend for \$50, federal court records show.

In that case, Magda Amelia Luna, 23, was caught at the Nogales port Dec. 1 with two

young girls from Arizona and the 1-year-old Mexican infant.

The young girls had Arizona birth certificates; the infant did not. Luna, a mother of three who earned about \$600 a month working in a Nogales, Ariz., duty-free store also faces three years' probation.

"She was reuniting the little girl with her mother. She wasn't bringing a load of cocaine across," said her husband, Fernando Luna.

Vettiyil said he expects women will continue to play more of a role in people-smuggling.

"So long as the families need to be together, this will continue," he said.

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