

# Innovations

## The Phenomenon of Donkey Visa - A Migration Wave via Backdoor Channels

Gurleen Kaur

Student Researcher, Christ (Deemed to be university), Delhi NCR, India

---

---

### Abstract

*The India population majorly from Punjab, Haryana, Uttar Pradesh, Jammu and Kashmir crosses border illegally with a dream to enter and settle in America. The illegal migration of the Indian population has increased swiftly over the years. They use the Donkey visa or flight to illegally enter the target country. The entry in the United States through the backdoor channels is the deadliest and the most dangerous journey in the world. They hire agentaka Donkers who charge 30- 50 lakhs and brain washes them to take to the destination and leave mid- way. Among a very few of them reach the destination because they have to face endless hurdles such as Mafia in jungles, Gang- violence, Gun- violence, all types of crimes, hunger, threat of forest animals, etc. After crossing the Mexico- US border, they surrender themselves to the border patrolling force of the United States, thereafter they apply for an asylum process through the lawyer which the agent makes them hire and fill asylum application. Among those, some people get deported and if lucky, get permanent asylum there. It is actually the process in which people are smuggled by the agents through the backdoor channels and routes to reach the target country. With a view to get a better quality of living with financial stability, people take visa- free- entries by back door entry. In this deadliest journey of donkey visa, many people die and disappear every year and their families back India are unaware whether they are alive. People take many routes to reach America as their agent suggests. Most popular route they reach through is south American corridor crossing Ecuador, Columbia, through Panama they reach Costa Rica then to the Mexico where they travel towards Tijuana Mexico- USA border and enter the United States. The other route which agents take through is via different flights and routes from India to Venezuela, Turkey, Dubai, Kazakhstan, Brazil, Argentina, they reach Panama and crosses El- Salvador, Honduras, Guatemala and reach to cross the Mexican border. Some people even after reaching Canada legally, they illegally try to enter the United States with a dream to earn American dollars and settle there. The process is affecting the illegal immigrants and the native population both. It is both social as well as an economic burden for the native government in the era of scarce resources where governments plan and make policies for the judicious use and saving of resources for future use. This becomes a problem for the native government to make a balance between the rights of immigrants and citizens. Migrating flow of population in an illegal manner impacts both themselves by the violation of their human rights and the target country in a number of ways. Also, their data is difficult to be collected and tracked.*

**Keywords:** *Asylum, Backdoor- entry, Border- crossing, Deportation, Donkers, Donkey- visa, Illegal-immigrants, Visa- free entry.*

---

---

### Introduction

Migration has become a prominent feature for the Indian population to settle in west through the horrible and deadliest practice of the Donkey visa. The phenomenon of donkey visa is a complex approach taken by the people seeking better lives with financial stability. The entry through backdoor channels is perilous

in nature with no food and safety. People using donkey routes face grave humanitarian challenges, including exploitation, human trafficking, and exposure to extreme weather conditions and the dangers of the forests. And after being caught whether midway or at target country, the life and treatment at the detention centres is also a big human right concern. And when talked about the rights of the illegal immigrants and natives, there exists a big question that who should be prioritized the nationals or asylum- seekers as resources are already scarce and limited availability is there to every country. While states remain the duty bearers of human rights, it is the obligation of the states to uphold the rights of all people within their territory and subject to their jurisdiction. But when the rights of citizens are shared along with the migrants, it also gives birth to tussle between nationals and non- nationals. Such flow of migration attracts problems for both the asylum seekers and also for the country where it migrates. And if citizens would be prioritized, right against discrimination would be a question. Illegal migration creates economic as well as social burden on the state and tracking down the data of these people is also a cumbersome process which creates an imbalance for the administration process.

After the entry in the United States, an asylum application is filled stating the reasons for leaving the country and many people cook up the stories to grab permanent asylum there in the country. Genuine migrants who actually suffered persecution and are under danger should be cared and provided asylum and others to be deported because in this growing world with huge population, it needs adequate number of resources to be used judicially with taking care of its native population. Also, the people travelled to Canada give ransom amount of dollars to the truckers moving from Canadian provinces to United States and many reached and are residing undocumented which is an hindrance in resource management as well as a big human right issue where these people are residing without any nationality across the globe. The native population and the economy of the country suffers due to the large number of undocumented and untracked illegal flow of migration.

Agents' aka Donkers exploit people by taking ransom amount and leave mid- way and they face different types of crimes such as violence, kidnapping, smuggling, murder, rape, harassment, drug cartels, etc. The phenomenon of donkey visa is an unregulated practice depicting grave violation of human rights and international humanitarian law principles. It is certainly true that the phenomenon of illegal migration by way of donkey flights and routes is dangerous for the migrants, harmful for the economic interest and stability of the country. There are certain positive impacts as well due to the migration both for the source and the target country but when it is in the form of illegal migration, it hampers the state's sovereignty and can also lead to sudden transformation of policies.

### **Trends in Donkey routes- An unregulated Entry**

Over the years, with the increased flow of migration towards the west as united states has always been regarded as the land of opportunities and the favourite destination of the Indians in search of quality of living and economic stability. There are number of people who could not make it by legal means and try to take entry through the backdoor channels. The donkers are the hired agents who have over the time have all the notable routes and developed the alternative paths to cross the border. They have established their business to sneak the people cross borders and charge hefty amount of money for the same. The process of Donkey is equally expensive and dangerous and just to reach their dreamland they sell their properties, land in India and choose the pathway where the return is least expected. There are notable donkey routes identified and developed by the agents and by all the means try to make the entry possible in the United States.

Firstly, it is important to identify which is the most used and key path which most of the people use to enter under the agent's guidance because timely political relations and stability between the nations also matter to cross different borders and many people get stuck in mid- way.

Over the recent years there are the two paths which are widely used by the people to travel from India to Mexico border. People travel from India to Istanbul and from there to El Salvador but there has arisen a problem that after reaching Panama, people are getting deported and due to this the easiest route towards the Mexico has closed. Due to the deployment of US immigration officials in the Panama at Darien Gap to screen and deport the people who intends to cross border without any eligibility to asylum and humanitarian assistance. Diplomatic channels and efforts between the different states is the only way which can help regulate and manage the horrendous practice of Backdoor entries. Due to this immigration policy of Biden's administration, many people got deported back from Panama and some got stuck at Istanbul. so, they try to find an alternative route. The most recent trends that people and Donkers follow to cross southern border of America is to take Schengen visa from India and from there they try to reach El Salvador. It all happens under the research and guidance of the agents and there is no standard path as such because the entries and border crossing depend on the immigration policies and diplomatic efforts of different countries. They keep political and policy trends in mind and find the most suitable route to travel. The trend of Schengen visa has grown after the Panamanian government's deportation policy because getting transit visa at Panama after possessing Schengen visa is not a complex task. The other notable route which people started to cross by is from India they go to Oman to Madagascar to south Africa. From there they travel towards Suriname then to El Salvador and so on. This route involves getting different visa but not a complex task.

At Panama international airport the maximum 12 hours of stay is allowed without the visa and the country admits the boarding of various listed foreign nationals including India also in case they meet any of the conditions issued by panamanian national immigration service. They should hold valid panamanian visa, those who have residence or have entry visas granted by Canada, United States, Australia, Korea, Japan, United Kingdom of Great Britain, Northern Ireland, Singapore and any of the states which forms the European union, diplomatic and consular agents, foreign officials, seafarers, crew members, holding visa, permit of the country of final destination, or, if travelling to country of origin. (<https://panamamissionindia.com/>)

So, the intended migrants usually prefer to take any Schengen visa to make their necessary arrangement of travel from Panama. And travelling through Istanbul towards Panama can lead to the deportation either due to non- fulfilment of the requirement or the increased screening of the migrants after the diplomatic effect of Biden's administration with panamanian government.

A large number of people in India have a dream to travel towards west specifically to United States. And some are luckier enough that they make it even after crossing the deadliest paths and jungles around the world and living their dream and some who actually suffered persecution, travelled through the easiest route, paid hefty amounts to donkers could not make it. There are many people who reached Canada and still want to enter the United States. The most popular way people have adapted to is via trucks. The Canadian truckers are bribed and people are smuggled in United States eventually and many people have pleaded guilty in American courts for smuggling Indian nationals from Canada to there.

Also, people travelling through channels and routes face perilous situations especially at Darien Gap which is a dense mountainous region on the borders of Colombia and Panama. Mostly people are exposed to criminal activities at this region by different criminal groups and these areas are under the control of gangs and mafia which needs to be regulated. They assault people, smuggle drugs, murder unknown number of people and dismantling these groups require the diplomatic efforts and cooperation of the other countries as well as panamanian- Columbian cooperation less succeeded so far.

But the other way round, the presence of criminal gangs offers a natural barrier to the intended migrants towards united states and aid balancing the number of migrants who actually do not qualify for asylum. But above all, it is also a matter of human rights and the people who actually faced danger and

persecution in their country of origin will be left suffering at all the ends. The drug cartels, murder, rape, assault by the criminal groups is a matter to be regulated.

For some people migrating is a positive experience but some people migrate due to lack of healthcare, education, water, housing, persecution, as a result of war or a conflict, etc, and they are vulnerable to human rights violation at their country of origin, mid- way and even at the country of destination. Their violation of human rights become the cause to migrate, mid- way the criminal activities which they suffer leads to human rights violation and in destination country they face discrimination, exploitation, inadequate treatment even after being eligible for asylum. There turns out a tussle between the prioritisation between asylum seekers and citizens as their opportunities, rights, resources are shared along with them. Som people live undocumented over the years and in this global world they are lost of national identity.

### **An ankle monitor- to track the whereabouts**

As a part of monitoring and investigation process of the refugees, they are made to wear ankle monitors or ankle bracelets after they get a release until the final order of the court comes. The bracelet track and trace the destination and where- abouts of the person. They are under the constant supervision of the immigration officers. The court usually requires the immigrant to wear the monitor when they are released on the bail until the final verdict comes and in case if the person refuses to wear the monitoring system, the bail can be revoked and the person can be put behind the bars. These bracelets are very effective and can able to call and record the happenings and whereabouts and these devices can be turned on without warning also in certain cases. There are certain immigrants who genuinely needs asylum and the court considers them at low- risk to create danger for the society and these people are released on parole or whose trial is awaited. To protect the societal and national interest, these are the mechanisms that are used by the national supervising agencies which protects country's right to privacy and its national affairs. And it is a balanced approach to protect the human rights of the people and national interest equally. Instead of directly deporting the people, those who actually need asylum or are at risk in their own countries are protected and are released from the jails with reasonable restrictions and limitations.

Immigrants on the other hand who are forced to wear the ankle bracelets or such devices consider it as abusive which also take a toll on their physical and mental wellbeing. This is the breach of right to privacy of the person but considering the national interest and nation as a priority, yet providing with an alternative option to jail, these limitations are reasonable. These bracelets are mostly fitted to the families who have crossed the border with minor children and keeping them under mortar prison would not be considered as humane and reasonable. And wearing GPS devices and trackers to comply would be adequate till the time it is determined whether they are allowed to stay or will be deported. This drive was basically for the families and people who claim their lives at risk in their own countries. This initiative is a part of A Family Expedited Removal Management Process (FERM). The device should be worn out twenty-four hours a day in an ankle only but in certain medical conditions, it can also be worn out at the wrist. It is a water- proof device with shock- resistant transmitter. If people tend to remove it without the supervising agency's permission, it triggers an alarm and it is considered as a violation of their custody agreement.

### **Conclusion and Findings**

There has also been a failure to completely affix the issue of illegal migration and crossing the borders via back- door channels and donkey- flights. Even after prioritising the arrest of undocumented immigrants and refugees, the number has seen no decline because the root cause of migration is still unaddressed. People tend to migrate in lure of better quality of life and new opportunities in terms of finance, health,

infrastructure, jobs, etc. border patrolling and the prioritised arrest is significant for national security and privacy concerns but still the problem of illegal migration is unlikely to improve due to the political and financial instability in their own countries.

But the process of deportation is an effective measure to send immigrants back to their own country who just have crossed the borders with an intention to reside and settle in the United States who does not potentially have any dangers or evolved risks to their lives in their own countries. Being the largest supporter of human rights, the people who actually are in need of asylum are recognised whereas others are deported. Every nation has their own development goals and due to the resources, which are scarce in nature, adjusting the larger number of undocumented immigrants would create a concern. The donkey routes which are used by the agents to smuggle the borders across different countries should be regulated by the patrolling forces so that the number of people crossing the channels would get a possible decline.

And it is often considered that deportation is the only solution to this problem but having a better legal process and stringent penalties would more likely to cope up with this problem. There should also be a ban on employing or hiring illegal or undocumented people. Also, coalition should be formed across all the continental states to curb the immigrants especially for those who without any justifiable reasons, followed the wave of crossing different channels and pathways. Initiatives should also be taken to seal all those already identified and mostly followed back- door channels by the different governments across the continents.

There are many people who entered illegally have been approved to enter and reside legally because they have the resources and a know- how to do the things properly. The number is has become that huge that people are less aware of the legal methods to enter the country but are completely well- versed with all the possible ways to enter illegally and through the help of donkers. It is high time that the initiatives to be taken up for the sealing of the backdoor pathways.

And many people who some- how make it to reside in the country overstays their visa over a number of years left unidentified which possibly effect the traceability and tentativeness of data which hampers growth and development and also a threat to security.

Also, the tussle between citizens and illegal immigrants is not something not to be debated. The nation has different policies for the betterment of its citizens and in this era neither the country is self- sufficient and looks after the fulfilment of the needs of the people. There is a need to eliminate hunger and homelessness for their own citizens but people entering there illegally, even those who are on temporary asylum visa there (until the decision of the court comes), sharing all the public assistance and resources equally with the citizens who have not contributed to their economy. The people who actually need asylum has now become difficult to be differentiated from the people who are self- sufficient but left their countries with a dream to enter the united- states. Due to this approach, the people who are actually in the need of asylum and had to leave their countries due to unavoidable circumstances suffers due to the well- preparedness and already knowing the loopholes of the system by the other people entering illegally.

It is said that continuing to accept the illegal behaviour will simply increase that in certain or some ways and would create an imbalance in the wave of migration in the era of Globalisation.

## References

1. Hanson, G. H. (2006). *Illegal Migration from Mexico to the United States*. *Journal of Economic Literature*, 44(4), 872–873.
2. Schrover, M., van der Leun, J., Lucassen, L., & Quispel, C. (2008). *Introduction: Illegal migration and gender in a global and historical perspective*. In M. Schrover, J. van der Leun, L. Lucassen, & C. Quispel (Eds.), *Illegal Migration and Gender in a Global and Historical Perspective* (pp. 9–38). Amsterdam University Press.
3. Sharma, R. (2011). *Gender and International Migration: The Profile of Female Migrants from India*. *Social Scientist*, 39(3/4), 41–47.
4. DONATO, K. M., & MASSEY, D. S. (2016). *Twenty-First-Century Globalization and Illegal Migration*. *The Annals of the American Academy of Political and Social Science*, 666, 9–11.
5. Weiner, M. (1993). *Rejected Peoples and Unwanted Migrants in South Asia*. *Economic and Political Weekly*, 28(34), 1737–1738.
6. Baldwin-Edwards, M. (2006). *“Between a Rock & a Hard Place”: North Africa as a Region of Emigration, Immigration & Transit Migration*. *Review of African Political Economy*, 33(108), 314–317.
7. Katharine M. Donato, & Samantha L. Perez. (2017). *Crossing the Mexico-U.S. Border: Illegality and Children’s Migration to the United States*. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 3(4), 117–118.
8. Fogleman, A. S. (1998). *From Slaves, Convicts, and Servants to Free Passengers: The Transformation of Immigration in the Era of the American Revolution*. *The Journal of American History*, 85(1), 43–46.
9. Piquet, E. (2013). *From “Primitive Migration” to “Climate Refugees”: The Curious Fate of the Natural Environment in Migration Studies*. *Annals of the Association of American Geographers*, 103(1), 152–153.
10. Weiner, M. (1996). *Ethics, National Sovereignty and the Control of Immigration*. *The International Migration Review*, 30(1), 171–178.
11. Black, R., Biao, X., Collyer, M., Engbersen, G., Heering, L., & Markova, E. (2006). *Migration and Development: Causes and Consequences*. In R. Penninx, M. Berger, & K. Kraal (Eds.), *The Dynamics of International Migration and Settlement in Europe: A State of the Art* (pp. 41–49).
12. Mazza, Jacqueline. (2017). *The us-mexico border and mexican migration to the united states: 21st century review*. *SAIS Review of International Affairs*, 37(2), 33-47.
13. Torrado, Susana. (1979). *International migration policies in latinamerica*. *International Migration Review*, 13(3), 429-437.
14. Wood, C. H., Gibson, C. L., Ribeiro, Ludmila, & Hamsho-Diaz, Paula. (2010). *Crime victimization in latinamerica and intentions to migrate to the united states*. *International Migration Review*, 44(1), 3-10.
15. Ghoshal, A., & Crowley, T. M. (1983). *Refugees and Immigrants: A Human Rights Dilemma*. *Human Rights Quarterly*, 5(3), 327–332.
16. Goodwin-Gill, G. S. (1989). *International Law and Human Rights: Trends Concerning International Migrants and Refugees*. *The International Migration Review*, 23(3), 526–532.
17. Howard-Hassmann, R. E. (2012). *Human Security: Undermining Human Rights?* *Human Rights Quarterly*, 34(1), 88–92.
18. Pescaru, Cristina Maria, & Pescaru, Maria. (2013). *The consequences of the international migration illegal migration*. *Revista Universitara de Sociologie*, 2013(2), 74-77.
19. Gusetoiu, Alexandru. (2015). *Illegal migration, key factor in the increase of organized crime*. *Research and Science Today*, 9(Supplement 3), 14-15+18.

20. Baldwin-Edwards, M. (2008). *Towards a Theory of Illegal Migration: Historical and Structural Components*. *Third World Quarterly*, 29(7), 1449–1455.
21. Rystad, G. (1992). *Immigration History and the Future of International Migration*. *The International Migration Review*, 26(4), 1168–1175.
22. Wickramasekara, P. (2008). *Globalisation, International Labour Migration and the Rights of Migrant Workers*. *Third World Quarterly*, 29(7), 1247–1254.
23. Elliott, L. (2012). *Climate Change and Migration in Southeast Asia: Responding to a New Human Security Challenge*. *S. Rajaratnam School of International Studies*.
24. Jones-Correa, M., & de Graauw, E. (2013). *The Illegality Trap : The Politics of Immigration & the Lens of Illegality*. *Daedalus*, 142(3), 185–194.
25. PORTER, L. (2006). *Illegal Immigrants Should Not Receive Social Services*. *International Social Science Review*, 81(1/2), 66–71.