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TRANSIT MIGRATION IN MEXICO: DOMESTIC AND INTERNATIONAL POLICY IMPLICATIONS

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Introduction

The recent surge in Central American migration has challenged Mexico to implement policies that uphold human rights for migrants (especially unaccompanied children) who are passing through the country while also deterring unauthorized crossings at the southern border and cracking down on human smuggling and trafficking. However, finding the appropriate balance for these policies—with a humanitarian focus on the one hand and meeting larger “security concerns” on the other hand—has been elusive for the Mexican government. This essay discusses the historical and political context of Mexico’s various policy responses to the spike in Central American migration through Mexico toward the United States and analyzes related implications for the country’s relationships with the United States and its Central American neighbors.

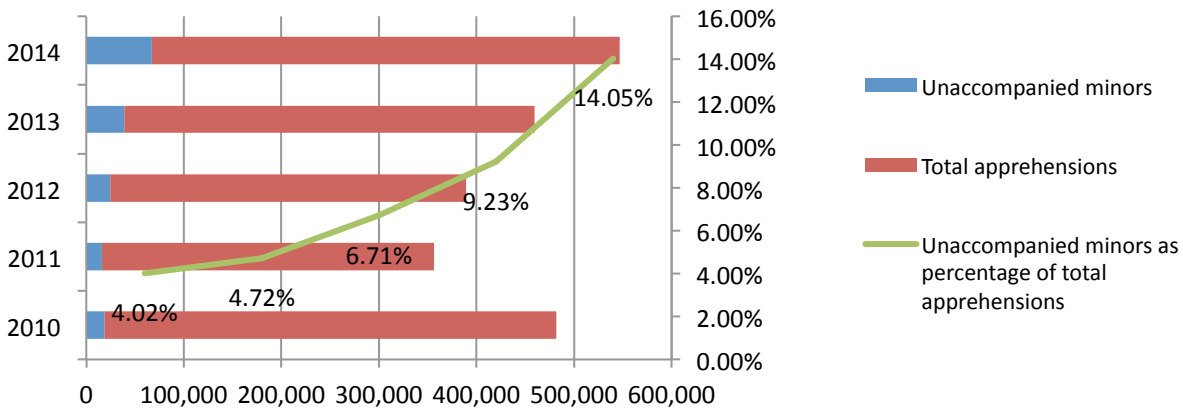
Overview

Since 2011, Central American migration in and through Mexico has risen sharply. Apprehensions in Mexico of migrants headed to the United States—known as “transit migrants”—rose by approximately one-third between 2011 and 2012, before leveling out in 2013, and then resuming an upward arc in 2014.¹ Likewise in the United States, apprehensions of non-Mexican border-crossers—almost all Central American—have climbed steadily in the past two fiscal years, increasing 83 percent in 2011–2012 and 50 percent in 2012–2013. The 2013–2014 fiscal year statistics recently released by the Border Patrol show a further increase in apprehensions to 479,377—half of which were Central Americans. These high levels of Central American migration are expected to continue in the long term, given the persistence of conditions that foment intense out-migration, something that in the academic world has come to be known as the “push” forces of migration. These conditions include high rates of criminal violence and homicide in the “Northern Triangle” of Central America—Honduras, El Salvador, and Guatemala; the institution-corroding presence in these countries of organized criminal gangs and drug trafficking cartels as well as human smuggling and trafficking groups; and deplorable

¹ Apprehensions of illicit crossers are considered the best way to measure overall flows of undocumented migration. Increases in apprehensions suggest overall increases in flows, while decreases in apprehensions suggest the opposite.

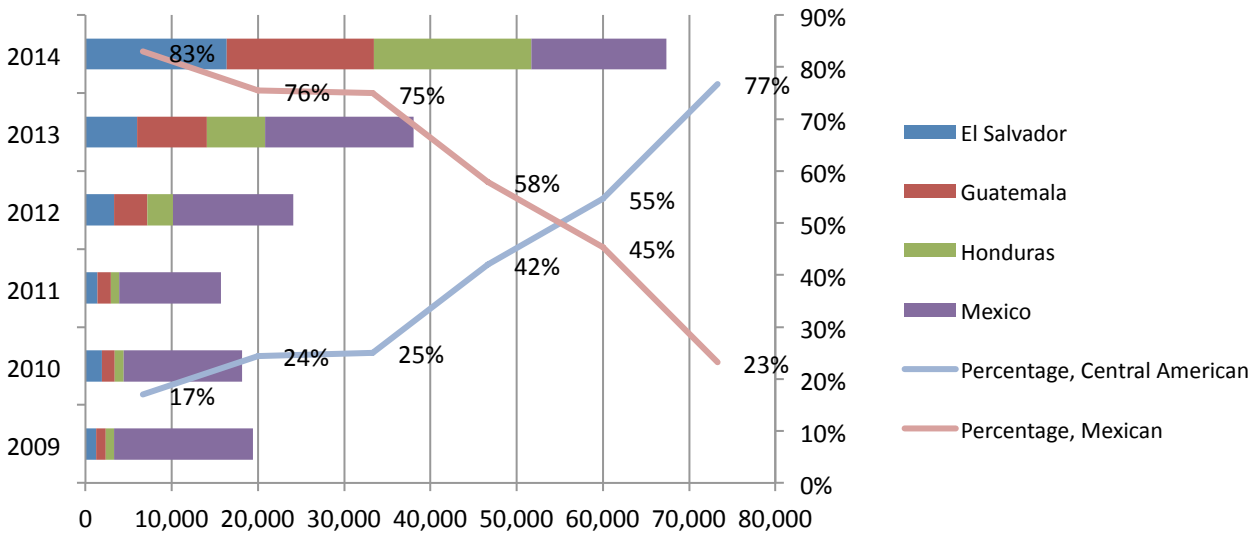
economic conditions and high levels of extreme poverty. In addition, the gradual augmentation of Central American migrant networks in the United States and improving economic conditions that produce the kinds of jobs that migrants take up once in the country will further encourage successive cohorts of migrants to find their livelihoods outside of the region. These last factors are known in the academic world as the “pull” factors. Central American migration will continue to be driven by a combination of both push and pull forces for the foreseeable future. And although they will not be analyzed in detail in this paper, it is worthwhile to mention three dominant trends characterizing the recent migration pattern from the region: 1) large numbers of child migrants traveling without parents or other family members; 2) a swelling proportion of Hondurans transiting through Mexico; and 3) inversely fewer Mexicans in the migrant flow to the United States.

Table 1. Percentage and Percentage Growth of Unaccompanied Minors among Total Apprehensions of Undocumented Border Crossers (United States, FY2010–FY2014)



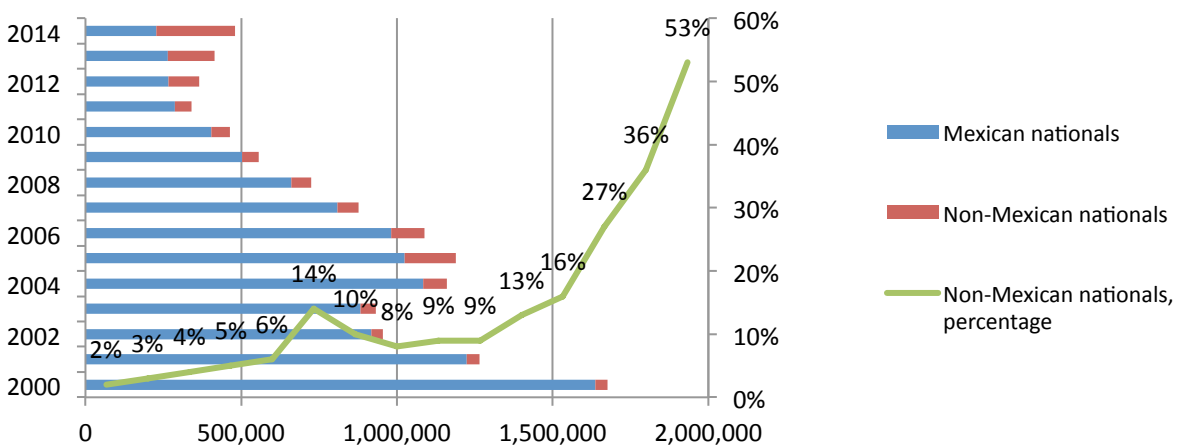
Sources: United States Border Patrol, “Total Unaccompanied Alien Children (0-17 Years Old) Apprehensions By Month – FY 2010 through FY-2013,” accessed November 15, 2014, http://www.cbp.gov/sites/default/files/documents/BP_Total_Monthly_UACs_by_Sector_FY10-FY13.pdf; Andrew Becker, “Border Patrol statistics show changing migration pattern,” *The Washington Post*, November 5, 2014, http://www.washingtonpost.com/politics/border-patrol-statistics-show-changing-migration-pattern/2014/11/05/727c9132-6534-11e4-bb14-4cfea1e742d5_story.html; United States Border Patrol, “Southwest Border Unaccompanied Alien Children,” accessed November 15, 2014, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>; John F. Simanski, “Immigration Enforcement Actions: 2013,” in *Yearbook of Immigration Statistics* (Washington, DC: Department of Homeland Security, 2014), http://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2013.pdf.

Table 2. Apprehensions of Unaccompanied Minors by Country (United States, FY2009–FY2014)



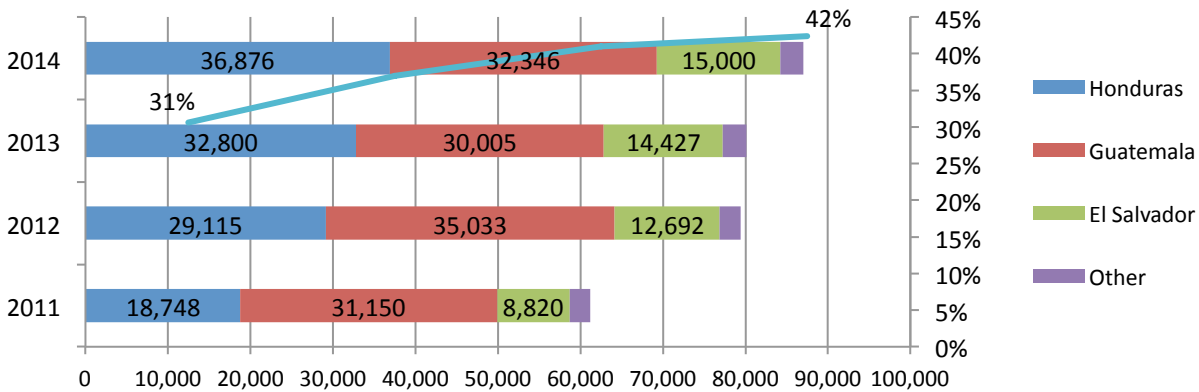
Source: United States Border Patrol, “Southwest Border Unaccompanied Alien Children.”

Table 3. Apprehensions of Mexican and Non-Mexican Undocumented Crossers (United States, 2000–2013)



Sources: Becker, “Border Patrol statistics”; United States Border Patrol, “Sector Profile – Fiscal Year 2013,” accessed November 15, 2014, <http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202013%20Profile.pdf>; Washington Office on Latin America, “Mexico’s Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America,” accessed November 15, 2014, <http://www.wola.org/sites/default/files/Mexico%27s%20Other%20Border%20PDF.pdf>.

Table 4. National-Origin Composition of Undocumented Border Crossers and Percentage Growth of Honduran Cohort (Mexico, 2011–2014)



Sources: *Síntesis 2012: Estadística Migratoria* (Mexico City: Instituto Nacional de Migración, 2012), http://www.inm.gob.mx/estadisticas/Sintesis_Grafica/2012/Sintesis_2012.pdf; *Boletín Mensual de Estadísticas Migratorias 2013* (Mexico City: Instituto Nacional de Migración, 2013), http://www.wola.org/files/2013_inm_stats.pdf; “Eventos de extranjeros devueltos por la autoridad migratoria mexicana, según continente, país de nacionalidad y tipo de resolución. 2014,” accessed November 15, 2014, http://www.wola.org/files/14-01-04_mx_deportations.pdf.

Programa Frontera Sur

The sudden increase in the influx of Central American migrants has led Mexico to reevaluate its border and immigration policies. In July 2014, President Enrique Peña Nieto, accompanied by Guatemalan President Otto Pérez Molina, unveiled the Southern Border Program. Known in Spanish as Programa Frontera Sur (PFS), the policy initiative has two stated aims: 1) to protect the human rights of transit migrants and 2) to manage official border-crossing stations in ways that promote the development and security of the region. To implement the program, Peña Nieto created a commission—*Coordinación para la Atención Integral de la Migración en la Frontera Sur*—and appointed Humberto Mayans, a federal senator from Quintana Roo, to head it.

In August, Mayans expanded upon the commission’s objectives, articulating the following goals:

- 1) To facilitate regular and orderly trips by legal border-crossers in the region;
- 2) To make infrastructure and other kinds of improvements at customs ports of entry and other border-crossing stations;
- 3) To develop new medical and social services resources for families;

- 4) To coordinate regional efforts based on a foundation of “shared responsibility” (*corresponsabilidad*); and
- 5) To create models of inter-agency coordination among federal, state, and municipal units involved in border security and migration-related enforcement details.

Regular and Orderly Trips

This first objective is to facilitate visits of limited duration for Guatemalan and Belizean visa-holders for tourism, family, or shopping purposes in the immediate southern-border region—primarily the states of Chiapas, Tabasco, Campeche, and Quintana Roo. However, it does not apply to the tens of thousands of Central American transit migrants whose final destination in Mexico is the country’s northern border, primarily en route to the United States, and it provides no extraordinary protections for these migrants during their passage through the country. In some ways, this goal simply recognizes and formalizes what is already happening and takes place largely within the law.

To enable “regular and orderly trips,” the policy has proposed a new visa, known as the *tarjeta de visitante regional*. The visa is eligible only for qualified Guatemalan and Belizean nationals, who must show original ID documents confirming citizenship and residency to receive it. The visa grants holders permission to be lawfully present in Mexico for up to three days as long as they do not travel beyond a circumscribed border-region zone. Thus, the visa’s utility for transit migrants is limited, if not outright unusable, although it may provide some protection for Guatemalan migrants at the very beginning of their journeys. In Chiapas, 65 municipalities encompass the visa’s geographic limits, while three are in Tabasco. The remainder is in the other two, less-transited Mexican border states of Quintana Roo and Campeche. The objective of the visa is to encourage cross-border shopping and tourism by residents of the neighboring countries, who might otherwise fear being confused with transit migrants and getting caught up in immigration dragnets or otherwise being threatened with apprehension or deportation.

Despite the visa’s limited utility for transit migrants, the official statement that introduced it appeared to suggest a more universal applicability. “So that their passage (*paso*) through our territory is ordered and secure, [Mexican immigration officials] will have to uphold ... the rights

of the (visa-holders),” Peña Nieto said at the policy’s unveiling in the southern border state of Chiapas (Presidencia de la República 2014). The word “passage” appears to refer not to those who visit that border band for authorized tourism and shopping, but to those who would move further north. Conversely, the policy statement seemed to suggest that Mexican immigration officials will be under *no* obligation to uphold rights for non-visa-carrying migrants, even though these account for the great majority of border-crossers and are in the highest need of protection. Clearly, this goal is insufficient to enforce the rights of transit migrants and is directed to a minority of border residents who would visit Mexico for purposes other than transiting north.

Improvements at Ports of Entry

The second PFS goal is the consolidation and upgrading of customs and border-crossing stations. To accomplish this, the plan seeks to reduce the number of inefficient or poorly utilized border stations while enhancing technology and operations at the remainder of them. In addition, the plan proposes the creation of new *Centros de Atención Integral al Transito Fronterizo*, which may suggest new resources and services for transit migrants or opportunities for them to turn themselves in and begin expedited deportation processing. However, it is unlikely that the new centers will offer migrants services that would protect them should they choose to continue on their journeys—such as the ability to safely apply for asylum, file criminal complaints, or denounce corrupt authorities—without fear of deportation. The plan to consolidate border-crossing stations fits within a related Mexican government program to streamline the ports of entry and improve commercial and visitor flows, known as the Programa de Apoyo a la Zona Fronteriza (CNN México 2013). So far in the Peña Nieto administration, 12 crossing stations have been shuttered, including three at the southern border, all in Chiapas (Viva México, Tzimol, and Quija) (Animal Político 2013).

Social and Medical Services for Migrants and Families

The third goal of the new strategy will be the development of new social and medical services for migrants and their families. This will include the construction and maintenance of five new medical units in Chiapas and improvements to migrant detention centers and shelters, which detainees complain about for their “poor conditions, mistreatment, and abuse” in reports by nongovernmental monitoring groups (Isacson et al. 2014, 33). These upgrades would be in

collaboration with civil society and other migrant-aid groups, according to the official statement from the Mexican president's office (Presidencia de la República 2014). It is unlikely, however, that the Mexican government would be able to make the financial investment to provide better conditions for over 150,000 transit migrants a year, besides the fact that these efforts do not seem to be directed at either transit migrants or the up-to-three-day visa-holding visitors on the border region. Thus, it is not clear for whom these additional services are being provided.

Shared Responsibility

The fourth goal of the strategy is to augment regional collaboration on migration issues, basing this collaboration on a foundation of “shared responsibility,” or “*corresponsabilidad*,” between Mexico and the Central American countries. Although the official statement touches only briefly on this goal and lays out no practical or actionable objectives, conceptually it appears to borrow from the idea of mutual responsibility that has helped to solidify regional security cooperation efforts, such as those under the aegis of the Mérida Initiative and the Central America Regional Security Initiative (CARSI). By using the language of “shared responsibility,” Mexico appears to acknowledge its role in fostering conditions that have led to the abuse of migrants in its territory. And although this is already progress, at the same time, the goal recognizes the burden on the Central American nations to improve economic and political conditions and to do their part to control illicit migration outflows. Even so, Mexico is not committing to specific plans or financial resources to aid in easing the push factors for Central American migration.

Inter-agency Coordination

The fifth goal of the PFS speaks to the need for coordination among the many different agencies tasked with southern border enforcement. Currently, myriad agencies, ranging from the military to migration authorities to municipal police, conduct their own separate checkpoints, roadblocks, and other enforcement actions on the roadways leading north out of Chiapas into the Isthmus of Tehuantepec—some 1,145 kilometers between Mexico and its neighbors Guatemala and Belize. But while intense, the volume of activity does not appear to have appreciably stemmed the flow of undocumented migrants. Instead, it has appeared to complicate lawful flows of people and commerce and imposed a kind of unwelcome militarized security presence that local residents chafe at. Observers have criticized the efforts for being uncoordinated and confusing to local

residents (Isacson et al. 2014, 21). The many agencies, with overlapping jurisdictions, multiple actions, and discretionary power that they seem to possess has only increased the opportunities for both violation of human rights and corruption. The Washington Office on Latin America (WOLA), for example, has characterized the border enforcement policies as follows: “Numerous security agencies with overlapping responsibilities coordinate poorly, suffer from endemic corruption, and manage to stop only a tiny fraction of US-bound drugs” (Ibid.).

Historical Antecedents to Programa Frontera Sur

Prompted by the terrorist acts of September 11, 2001, and the US war on terror, the administrations of Vicente Fox Quesada (2000–2006) and Felipe Calderón Hinojosa (2006–2012) also wrestled with migration and border security concerns, implementing similar programs to Peña Nieto’s PFS. Both Calderón’s Programa Frontera Sur Segura and Fox’s Plan Sur had similar stated goals to the PFS: to protect the human rights of migrants, to upgrade border-crossing facilities, and to register more accurately the identities of border-crossers. Both former presidents also sought to strengthen border controls along the frontier zone with Guatemala and Belize and along the principal north-south land routes leading into the Isthmus of Tehuantepec and central and northern Mexico. Calderón’s plan additionally sought to rein in abuses by migration authorities (García Aguilar and Tarrío García 2006, 131), and merge the migration and border-security program with the fight against organized crime and drug trafficking (Notimex 2006). The Fox administration also put into action another program—Fortalecimiento de las Delegaciones Regionales de la Frontera Sur (González Murphy 2013b, 60–63)—which sought to augment the size and scope of the government’s Grupo Beta migrant-aid units at the borders, upgrade conditions at detention centers, and sign repatriation agreements with the Central American nations (García Aguilar and Tarrío García 2006, 144).

Especially under Calderón, border security began to be more consciously subsumed under the aegis of national security than it had been in previous administrations, when its function had been primarily restricted to controlling flows of illicit Central American migrants and political refugees. This shift was a response to 9/11-inspired fears that Mexico could be used as an unwitting conduit for international terrorist attacks on the United States, although none of the Al

Qaeda hijackers had attempted entry through either the southern or the northern borders and all had at some point been issued visas by the US State Department. Nevertheless, the larger geopolitical developments pushed Mexico to build up its enforcement presence in the South. This shift included new provisions to strengthen military and other patrols and saw the formation of high-level border security liaisons between Guatemala and Belize, known by their Spanish initials as GANSEF (Grupo de Alto Nivel de Seguridad Fronteriza).

Mexico's beefed-up enforcement appears to have generally assuaged US concerns of the border's exploitation by terrorists. However, critics charge that the policy has negatively shifted the country's stance toward its southern border and illicit migrants. Rather than view migrants as fellow citizens in need of protection, asylum, or refugee services, there has grown a tendency to perceive them as potential enemies, lawbreakers, and as less worthy of citizenship benefits and protections than Mexican nationals (Isacson et al. 2014, 20). With the continuous presence of the Mexican military, the southern-border region itself has become a militarized space, holding the potential for human rights abuses against migrants and Mexicans at the hands of soldiers.

US-Mexico Relations

The surge in Central American migration has important implications for the US-Mexico relationship. It has helped to raise Mexico's profile on the US foreign policy agenda, since it has underscored Mexico's value as a regional partner in stemming the flow of unauthorized migrants—something the United States cannot do unilaterally. At the same time, Mexico's pro-enforcement response to the surge has more firmly inserted the country within larger hemispheric security projects, such as the Mérida Initiative. That project is a binational security-cooperation agreement established by the administrations of George W. Bush and Calderón, whose main priority was the fight against organized crime and drug trafficking. This harmonization with larger security-cooperation efforts is reflected by the kind of technology and hardware improvements that Mexico is making at its southern-border crossing points as part of the PFS (Isacson et al. 2014, 24). Although Mexico's use as a staging ground for terrorism is largely dismissed in mainstream policy circles, this does not mean that US security concerns have disappeared from the Guatemala-Mexico border region. This is because the area is

increasingly being used as a site for drugs, weapons, and other forms of contraband trafficking by the major Mexican cartels. This concern has grown over the past decade with the expansion of Mexico's most violent drug cartel, the Zetas, beyond the Gulf Coast and southern Mexico and into the Northern Triangle area of Central America. The Zetas and other cartels are exploiting these countries' weak institutions to engage in bribery and cooptation of authorities to establish turf rights over territory that can be converted into illegal smuggling routes. As such, the cartels represent a security concern to the region, since a potential consequence of such activities is a generalized breakdown in the rule of law and the control by organized crime of the police and courts. The cartels pose an additional security threat to the region, specifically imperiling the lives of transit migrants, because of their growing involvement in unauthorized migrant smuggling and their application of the violent methods of drug trafficking to this new business. Perhaps the most notorious example of the cartels' diversification into migrant smuggling came in 2010 when 72 Central American migrants were massacred at the San Fernando ranch in the state of Tamaulipas. Allegedly, the victims were killed by their Zetas captors for failing to pay ransoms for passage to the border, although some may have been slain for blood sport. Apart from the Zetas, other violent gangs threatening the personal security of migrants along the migrant trail include the Mara Salvatrucha and Barrio 18 street gangs, founded in El Salvador (Martínez 2013). Journalist Oscar Martínez cites these transnational gangs as triggers for the recent surge in Central American migration, given the extreme violence and instability their gang rule has caused in large sections of Central American cities (Martínez 2013).

It must be noted, finally, that these close cooperative efforts between the United States and Mexico on the southern border are seen differently by the Central American governments and the Central American populations. For the latter, these efforts have created additional resentment toward Mexico, as the country is seen as implementing hostile policies that are essentially an extension of American policies. The Central American governments are considerably more diplomatic in their reception of Mexico's efforts toward its southern border. This is further explored next.

Mexico-Central America Relations

The migration surge has also affected Mexico's relationships with its southern neighbors. At the announcement of the PFS in August, President Peña Nieto made a point of inviting Guatemalan President Otto Pérez Molina to jointly unveil the program. Pérez Molina lauded his Mexican counterpart's "vision" for the border region, implicitly contrasting it with the US enforcement-heavy border buildup since the 1990s. "Instead of putting up walls, obstacles, and difficulties, what he has is a vision of union ... [Peña Nieto] speaks of the shared responsibility of Guatemala and Mexico to work together and to make our nearly 1,000-kilometer border a safer, less unequal, and more economically competitive area" (Presidencia de la República 2014). The PFS, Pérez Molina said, "is an example of the improvement of the treatment of migrants and the relationship between two brother peoples" (Ibid.). In fact, Peña Nieto did mention the importance of regional management of migration issues at the ceremony with Pérez Molina, though neither he nor his appointee to run PFS have yet offered further details on what this might entail.

Conclusion

The current surge in Central American migration has important implications for Mexico's international standing, as well as for its relationships with the United States and its Central American neighbors. Reports of widespread and systematic abuse and violence against transit migrants has garnered condemnation in the international media, with most of the blame for this placed at the feet of the Mexican government. Documentary and narrative films—such as *De Nadie*, *Which Way Home*, *Bajo el Tacaná*, and *Sin Nombre*, to varying degrees—portray Mexican immigration institutions and authorities as, if not abusive and corrupt, at least incompetent and in need of comprehensive reform. Myriad first-hand journalistic accounts, such as the books *Enrique's Journey* (Nazario 2007) and *The Beast* (Martínez 2013), have also brought the world's attention to the horrific dangers migrants face as they pass through Mexico.

Yet this crisis also provides an opportunity for Mexico to undertake crucial changes to its border-security and migration policies and to make President Peña Nieto's stated vision of universal

protection a reality (Presidencia de la República 2014). Among some of the ways Mexico can capitalize on the current crisis to improve its migrant-protection policies are the following:

- Create a new transit-migrant “visa” upholding the rights of migrants. Mexico should consider issuing a new visa-like document for migrants that honors their universal human rights and safeguards the constitutional rights they enjoy by virtue of their presence on Mexican territory. Such a document could be issued at Mexican embassies or consulates in the Central American nations and obtained there by prospective transit migrants to inform them about their rights as universal citizens while in Mexico. Rather than permit formal entry into the country or enjoin against deportation, such a “visa” would function primarily to reinforce Mexico’s duty to protect the rights of immigrants, as well as provide them with a federal legal shield against official abuse or extortion. Doing so would carry an additional benefit: It would help Mexico live up to its duty as a signatory to international migrant-protection agreements, such as the UN-drafted International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which Mexico ratified in 1999.
- Develop new legal provisions to protect migrants from deportation under special circumstances. According to current law, transit migrants who file criminal complaints against private citizens or Mexican officials for violating their rights are almost always summarily deported, and their cases rarely go to trial. This practice breeds impunity and systemic abuse, as wrongdoers realize crimes against migrants will hardly ever be punished and migrants opt against exposing themselves to deportation. At the same time, such a system also taints the Mexican justice system and corrodes institutions in the public trust. To counter this trend, Mexico should consider legal provisions to stay deportation proceedings under select conditions, such as in the case of credible allegations of abuse of authority, which may be made to Mexico’s human rights ombudsman and to Central American consular or embassy officers.
- Create a new special prosecutor’s office for crimes against transit migrants. Migrants are rightfully afraid to file complaints at local prosecutorial offices because of the threat of deportation and because of low confidence in the fairness of the current system generally. Yet as long as complaints go unfiled, investigations against abuse of authority,

corruption, and violence against migrants, as well as against others, cannot proceed. Thus, Mexico should consider creating a new special prosecutor's office for crimes against transit migrants, specially designed to field and investigate complaints, minus the threat of deportation.

Beyond the domestic law changes, the current crisis also calls for a vigorous foreign policy response from Mexico. As the central thrust of this response, Mexico should consider collaborating more energetically with fellow regional actors on devising joint migration policy solutions. One way to begin such collaboration would be in the form of institutionalized regional dialogues—such as that under the auspices of the Regional Conference on Migration, also known as the Puebla Process,—which Peña Nieto briefly mentioned in his official PFS pronouncement (Presidencia de la República 2014). Efforts should also be undertaken to advance related work in academic and think tank circles, such as that currently being done by the Migration Policy Institute's Regional Migration Study Group, which is co-chaired by former Mexican President Ernesto Zedillo. These projects and others propose as starting points regular conversations among the North American, Central American, and Caribbean nations to discuss the role of migration as a lever for enhanced regional economic competitiveness, as well as to better understand each nation's unique migration and labor supply-and-demand characteristics.

As a bridge between the United States and Central America, Mexico is ideally positioned to lead a regional dialogue on migration issues for several reasons. First, the political volatility of the Mexican migration issue has declined in recent years, as net migration from Mexico to the United States dropped to net zero in 2008 and has been declining ever since (Passel et al. 2012). This trend may help to depolemize and depoliticize the migration issue and encourage US policymakers to engage with Mexico on migration-related issues. Second, Mexico's location between the United States and Central America suggests an extraordinary role for the country in controlling Central American migrant flows, which are expected to rise in the near future. Its geographic position thus could strengthen the government's bargaining stance with US officials, incentivize their participation in regional migration discussions, and perhaps improve Mexico's position in different migration-related negotiations. Third, Mexico's reputation on the world stage would benefit enormously should it choose to lead a regional migration dialogue. This is

because doing so would require Mexico to systemically address its current migrant-protection challenges in order to obtain the participation of the Central American nations.

While still the source of many migrants, Mexico's net migration to the United States has been dropping since 2008, a consequence of stricter US border and interior enforcement and the slowdown in US economic growth. This trend has been coupled with demographic and labor-market shifts in Mexico that have reduced the country's labor surplus and reduced migration pressures. These conditions, however, do not hold as strongly for the Central American nations, where economic differences with the United States are much more drastic and where severe violent crime continues to push large numbers of economically active young people into the migration stream. Situated between the supply of strong migration flows from the South and the promise of prosperity in the North, Mexico occupies a key spot in the region's geography—one that should prompt the nation to consider leading a regional migration dialogue framework. Such a framework could lead to the development of mutually beneficial arrangements aimed at coordinating short-term labor supply and demand, improving circularity, reducing unauthorized flows, and using development funding to reduce migration pressures, among other objectives. At the same time, by introducing greater formality into the regional migration market, such a process could mitigate the harms migrants face in the labor black market and offer an alternative to the risky services of professional smugglers.

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