



MIGRATION CONTAINMENT

Serious Human Rights Violations

Migration Containment



SUMMARY

One of the most vulnerable sectors in regular times is that of migrants who enter Mexico through the southern border and who come mainly from the so-called northern triangle.

During the last three years, there has been a significant increase in this migratory flow, which is attributable to the so-called humanitarian crisis in Central America, whose main causes are organized crime and the precarious economic situation. In this context, the Donald Trump government pressured the administration of President Andrés Manuel López Obrador to implement containment mechanisms that would drastically reduce the migratory flow to the United States. In

the face of tax threats from the US government, Mexico shifted from a policy that ordered irregular migration and guaranteed the human rights of all migrants, to one characterized by the mass detention of people fleeing their violent contexts.

Managing migration has historically been a major challenge for the States. For Mexico in particular, the challenge is special due to its geographical location, which places it next to the world's main migratory destination. The World Migration Report 2020,¹ produced by the International Organization for Migration

¹ OIM. Informe sobre las migraciones en el mundo 2020. [World Migration Report 2020]. Available at: <https://tinyurl.com/ydx2ltcj>

(OIM by its acronym in Spanish), shows that the United States is still the world's top destination country, with 50.7 million international migrants, and the Mexico-United States corridor is, in turn, the longest on the globe. It is worth noting that international migration from all countries in the Latin American and Caribbean region is primarily to the United States. As is known, a large proportion of people who migrate to the north of the continent do so irregularly and their passage through Mexico is almost imminent. This has made Mexican immigration policy an issue of state for the U. S. government.

Although Mexico has been characterized by the implementation of measures to contain migration, the arrival of Andrés Manuel López Obrador to the presidency made many think that this could change. López Obrador promised to reduce migratory flows through regional cooperation for development and to respect, at all times, the human rights of migrants.² Eighteen months after his arrival in power, the facts show an opposite reality. The first intention to make Mexican migration policy one that operates in respect for the legal, constitutional, and con-

² *Notisistema*. Propone AMLO impulsar el desarrollo de la región para frenar la migración de centroamericanos. [AMLO proposes to promote the development of the region to stop the migration of Central Americans]. Available at: <https://tinyurl.com/ybou3knh>

Image: <https://cnnespanol.cnn.com>

ventional instruments that govern the human right to migrate was discarded due to regional pressure, specifically from the United States. The abrupt turn in Mexico's immigration policy is the result of the U. S. president's anti-migrant policy.

By abandoning these intentions, the Mexican State decided, on the facts, to continue and harden the policy of containment that has characterized it. Regardless of speeches, the reality is that, for domestic reasons, the Trump government decided to close its border. That decision forced Mexico to strengthen efforts to curb, from its southern border, the move-



ment of people to the United States. The tax threats against Mexico by Trump³ have subdued the current government's aspirations for a new phase in migration management. This decision is not innocuous, but rather violates the parameters that the Mexican State itself has imposed on itself through its legislation and the international treaties it has signed.⁴

On June 7th, 2019, after a period of tension between the two governments, Mexico and the United States signed an agreement⁵ to improve Mexico's migration control and humanitarian protection systems. This agreement consisted of, on the one hand, the Lopez Obrador government expanding the Migrant Protection Protocols (MPP by its acronym in Spanish),⁶ also known as Stay in Mexico, strengthening immigration controls on the border with Guatemala through the deployment of the National Guard and

3 BBC. Amenaza de aranceles de Trump a México: qué mercancías cruzan la frontera entre ese país y Estados Unidos. [Trump's Tariff Threat to Mexico: What Goods Cross the U. S. -Mexico Border] Available at: <https://tinyurl.com/y76hu5bk>

4 CNDH. Análisis situacional de los Derechos Humanos de las personas migrantes. [Situational analysis of the human rights of migrants.] Available at : <https://tinyurl.com/ya9avxt7>

5 Declaración Conjunta México Estados Unidos (7 de junio de 2019). [Joint Statement Mexico - United States (June 7, 2019)]. Available at: <https://tinyurl.com/ya08wgmj>

6 Los Protocolos de Protección a Migrantes (MPP) consisten en que las personas que presentaron solicitudes de asilo en Estados Unidos esperen en México el resultado de sus casos.[The Migrant Protection Protocols (MPPs) consist of persons who filed asylum applications in the United States waiting in Mexico for the outcome of their cases.]

showing a greater commitment to working together with the United States in dismantling migrant trafficking networks; and on the other hand, the Trump government committed to speeding up the processing of asylum applications under the MPP and investing heavily in the states of origin of migration, intending to discourage displacement to the United States. The agreement implied that the Mexican government should ensure access to employment, educational opportunities, and medical care for people in Mexico awaiting resolution of their asylum claims in the United States of America. This responsibility has not been fulfilled.

Although the government has not wanted to recognize it, on the facts, this agreement meant the tacit acceptance of Mexico as a safe third country and the militarization of Mexican immigration policy. By September 2019, three months after the signing of the agreement with the United States of America, the 4T administration had already accepted 39,000 migrants, coming from the United States of America, who were waiting for the results of their asylum cases (four times more than those received between January and June 2019). July 2019 is the month in which more migrants under the MPP have been sent to Mexico, in total 3,410. Also, in just three months

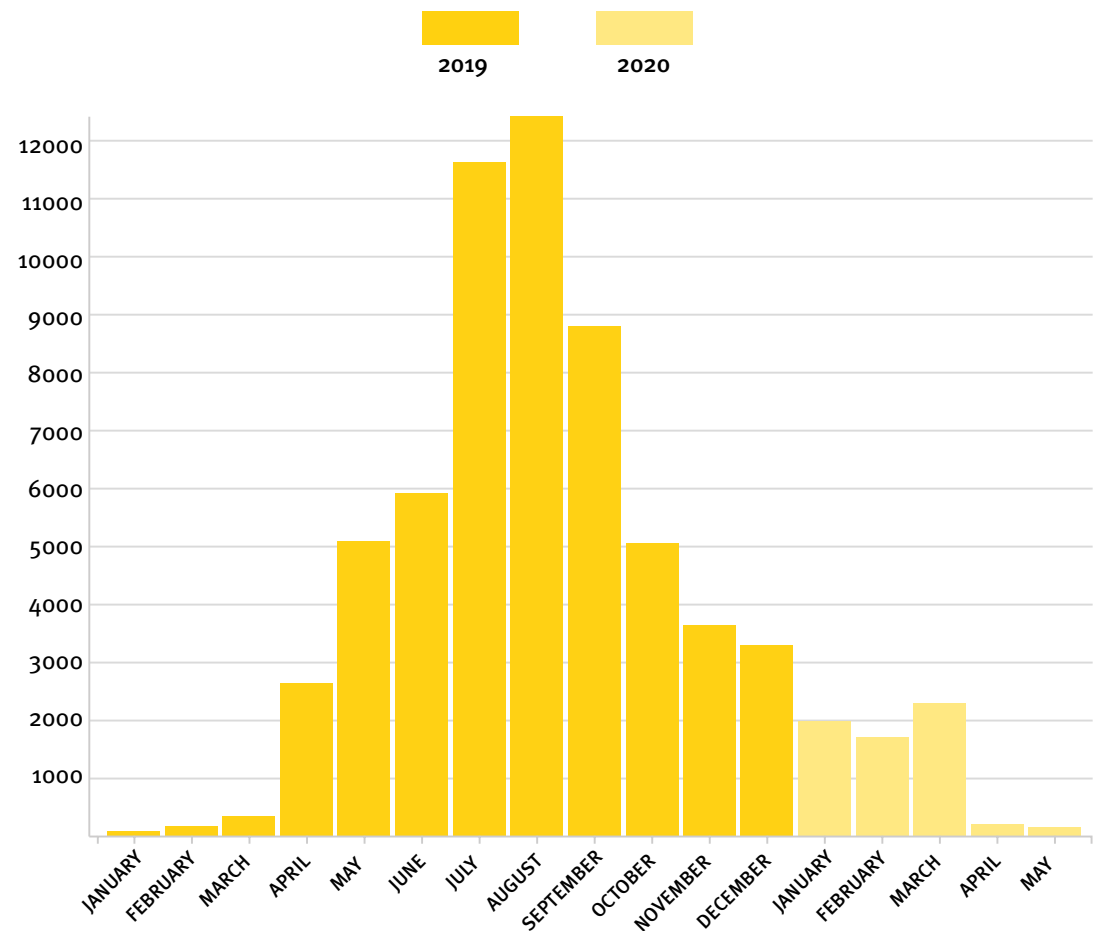
(June-September), the Mexican government had already deployed 25,000 National Guard troops that had detained approximately 81,000 migrants, 35,000 more than in the same period in 2018; and had mobilized around 10,000 elements of the National Guard to patrol Mexico's southern border with Guatemala and 15,000 more guards to do the same job on the northern border.

Although the authorities of Mexico, Guatemala, El Salvador, and Honduras reaffirmed the Comprehensive Development Plan in which it was proposed to identify the causes of migration and, based on that diagnosis, to invest in strategies that would order safe migrations,⁷ to date there is no clarity on those strategies or their consequences in the region. Although the Mexican president committed to transfer a sum of 90 million dollars annually to Central American countries through the Sembrando Vida and Jóvenes Construyendo el Futuro (Sowing Life and Youth Building the Future) programs, there is as yet no known evaluation showing the results of this policy. In contrast, data on apprehensions and repatriations of Central Americans in Mexico showed a dramatic in-

⁷ CEPAL. El Salvador, Guatemala, Honduras y México reafirman su compromiso con el Plan de Desarrollo Integral. [El Salvador, Guatemala, Honduras and Mexico reaffirm their commitment to the Integral Development Plan]. Available at: <https://tinyurl.com/yazupl34>

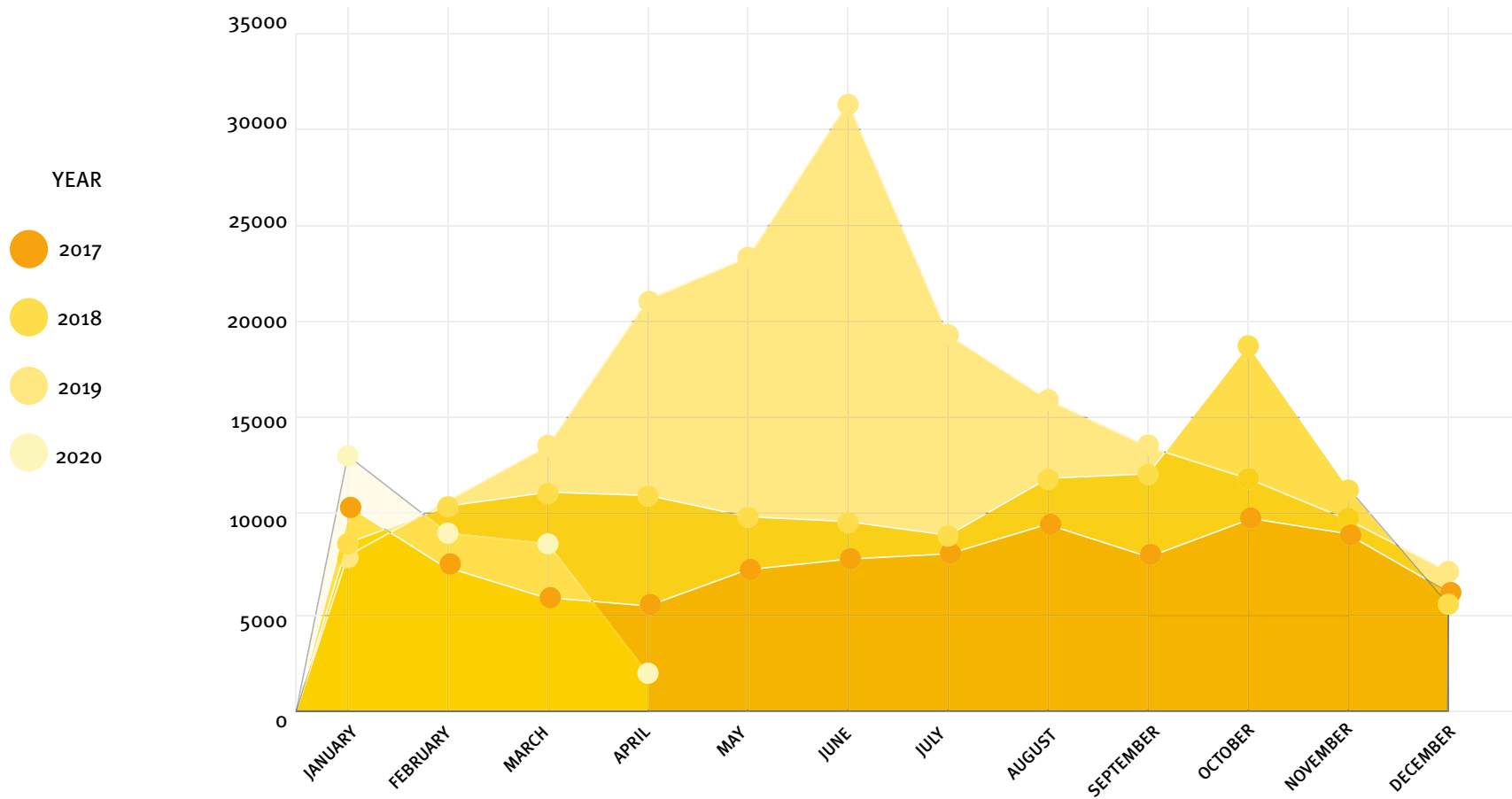
MIGRANTS RETURNED TO MEXICO BY USA AUTHORITIES UNDER THE PROTECTION PROTOCOLS OF MIGRANTS (MPP)

JANUARY 2019 TO MAY 2020



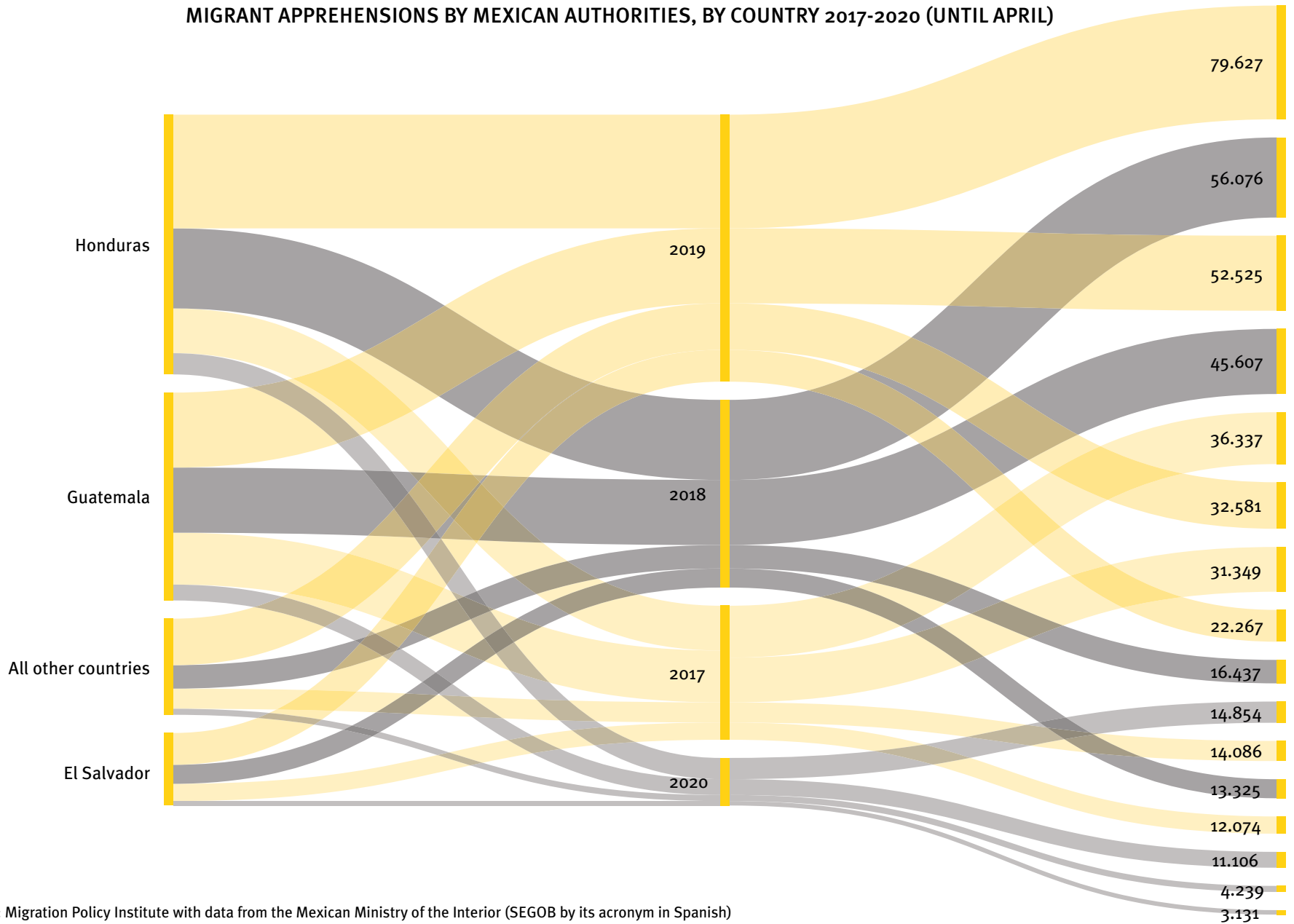
Source: Migration Policy Institute with data from Transactional Records Access Clearinghouse. <https://trac.syr.edu/phptools/immigration/mpp/>

MONTHLY MIGRANT APPREHENSIONS BY MEXICAN AUTHORITIES 2017-2020 (UNTIL APRIL)



Source: Migration Policy Institute with data from the Mexican Ministry of the Interior (SEGOB by its acronym in Spanish)

MIGRANT APPREHENSIONS BY MEXICAN AUTHORITIES, BY COUNTRY 2017-2020 (UNTIL APRIL)



Source: Migration Policy Institute with data from the Mexican Ministry of the Interior (SEGOB by its acronym in Spanish)

crease in 2019, which then decreased in 2020 due to the global health crisis.

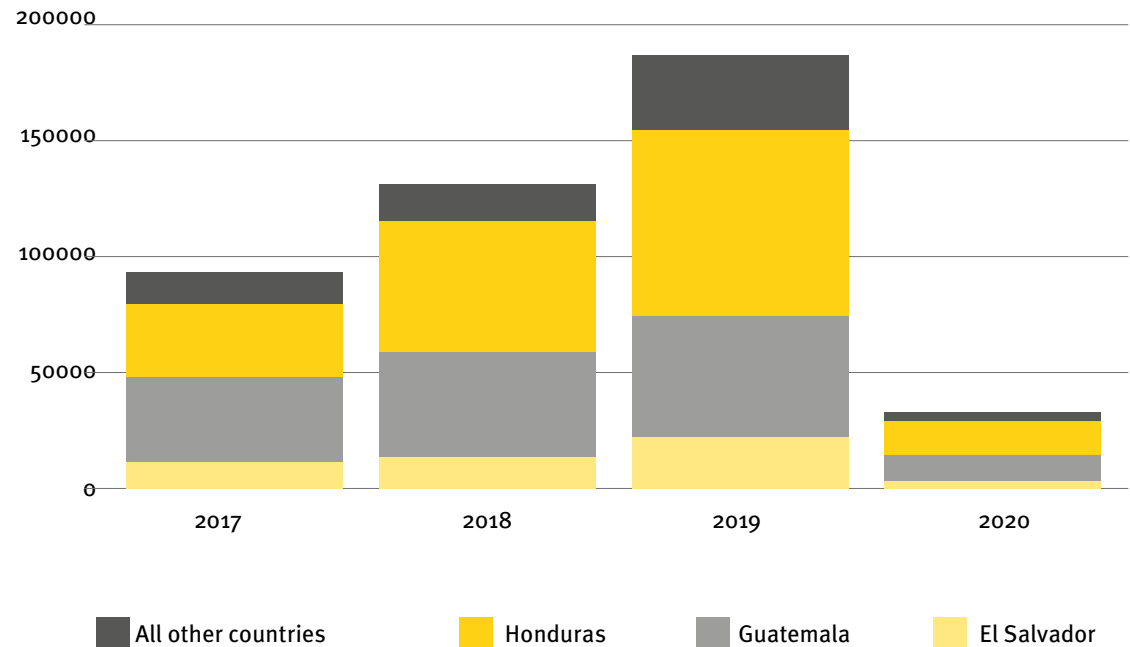
National migrant detention experienced a 99 per-cent increase between 2017 and 2019. While 93,846 arrests were reported in 2017; 131,445 in 2018, and 186,750 in 2019. June 2019 is the month with the historical record of arrests, exceeding 30 thousand records.

Historically, most of the repatriations have been of Salvadoran, Honduran and Guatemalan citizens, and they have increased year on year. While in 2018 they were 114,357, or 87% of the total, by 2019 they had risen to 155,000, which represented 83% of the total number of repatriations that year. As expected, as a result of the SARS-CoV-2 pandemic, 2020 has seen a significant decrease in these records. The first quarter of this year has seen 33,330 arrests, 37.6% less than the same period in 2019, when 53,420 were recorded.⁸ This decreasing variation can be explained, in part, by the institutional weakness of the recent National Guard that had to dedicate itself to tasks related to the health crisis.

As far as asylum applications are concerned, a similar behavior to that of arrests and repatriations of mi-

grants is observed. While in 2017 Mexican Commission for Refugee Assistance (COMAR for its acronym in Spanish) registered 14,619 applications for asylum, in 2018 these exceeded 26,500 and by 2019 they closed at about 71,000. That is, between 2017 and 2019 there was a 380% increase. This growing trend was

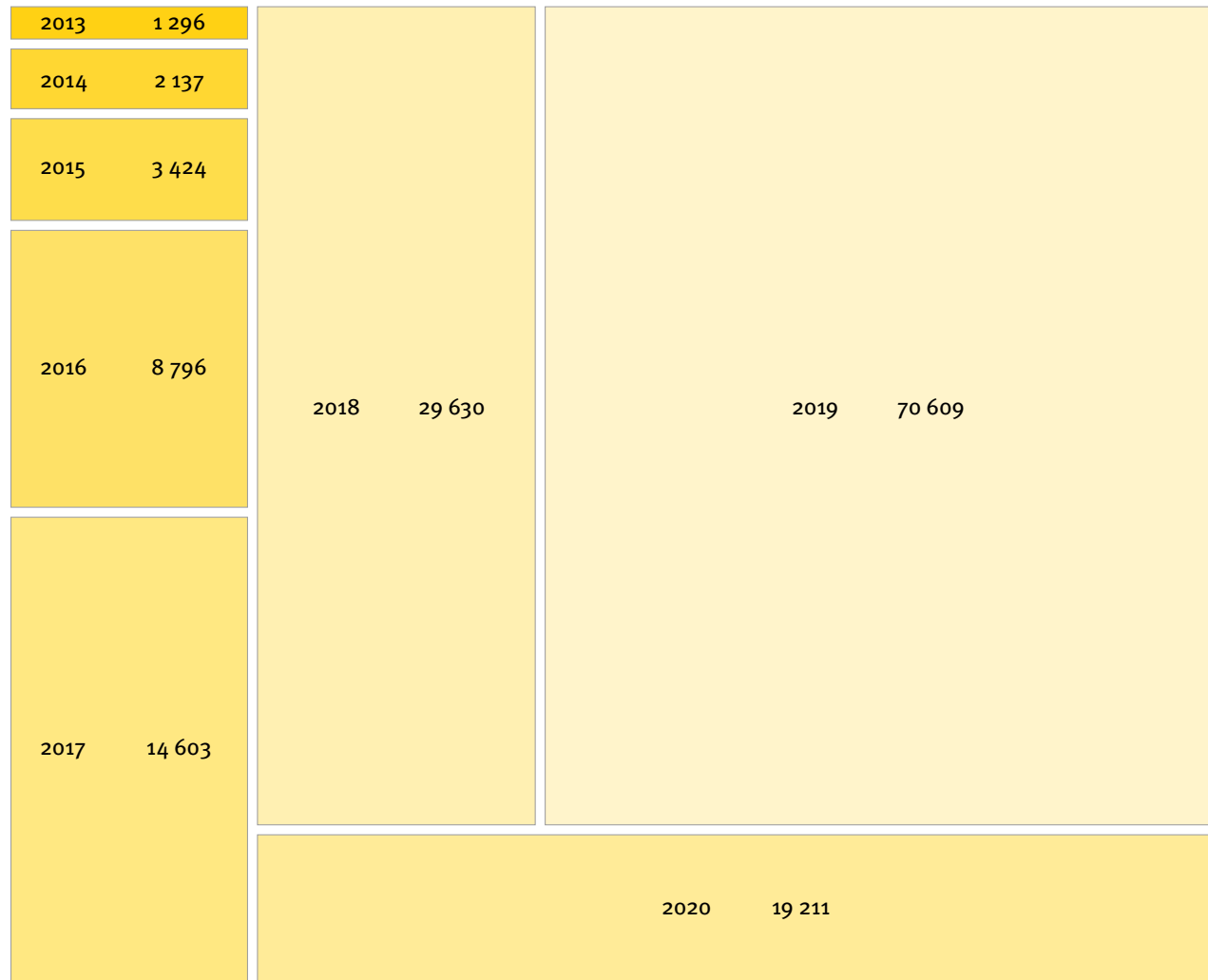
MIGRANT REPATRIATIONS BY MEXICAN AUTHORITIES, BY NATIONALITY 2017-2020 (UNTIL APRIL)



⁸ Boletín Mensual de Estadísticas Migratorias 2017-2019. [Monthly Bulletin of Migration Statistics 2017-2019]. Available at: <https://tinyurl.com/yb4faefr>

Source: Migration Policy Institute with data from the Mexican Ministry of the Interior (SEGOB by its acronym in Spanish)

ASYLUM REQUESTS IN MEXICO 2013-2020 (UNTIL MAY)



Fuente: Own elaboration with information of Mexican Commission for Refugee Assistance (COMAR by its acronym in Spanish) 2020

https://www.gob.mx/cms/uploads/attachment/file/555168/CIERRE_DE_MAYO_2020__1-junio-2020_.pdf

reversed in 2020, which its first five months registered around 18,000 applications in. Although 5,314 applications were received in March 2020 alone, by April this number had fallen to 949 and in May there were 981.

It is worth to mention that the increase in asylum applications in Mexico between January and July 2019 was since a large number of migrants failed to reach Mexico's northern border. This is due to the aforementioned mobilization of the National Guard. Faced with this reality, a large number of the displaced saw in the applications for refuge in Mexico the only option not to return to their countries of origin. Despite a large number of applications, the level of approval of these is minimal. Only 20.4%, that is to say, 5,420 resolutions were positive in 2018 and 15%, or 10,841 in 2019. For this reason, The Office of the United Nations High Commissioner for Refugees (ACNUR for its acronym in Spanish), together with other specialized organizations, recommends that the authority should adjust its migration policy to one that ensures full respect for the State's human rights obligations towards migrants and asylum-seekers. Still, it is worth showing that the gross increase in approved applications between 2018 and 2019 was 100%.

Another relevant indicator to understand the weaknesses of the Mexican migration policy is the functioning of the migration stations. According to the National Human Rights Commission (CNDH for its acronym in Spanish) special report on the situation of migrant holding centers in Mexico in 2019,⁹ the National Institute of Migration (INM for its acronym in Spanish) had 33 holding centers in the country, of which 29 were open. The same report revealed the first increase of 4.3% in the occupation of these, from 138,612 detainees in 2018 to 144,591 in the period January - August 2019. These stations were overpopulated until the beginning of 2020. This is why people often

⁹ CNDH. Informe Especial. Situación de las estaciones migratorias en México, hacia un nuevo modelo alternativo a la detención (2019). Disponible en: <https://tinyurl.com/ybuz6vam>

Image: <https://mx.blastingnews.com>



live in overcrowded and inadequate living conditions. This saturation was due to the growing volume of apprehensions, especially in mid-2019.

The National Human Rights Commission (CNDH for its acronym in Spanish) and various organizations concerned with the protection of migrants have made an enormous effort to measure conditions inside the stations and have managed to reveal, among other things, that in the Iztapalapa migrant station 57 percent of those detained do not receive a medical check-up and that in San Luis Potosí this figure rises to 67 percent. Besides, they have reported that food shortages, lack of space, and lack of hygienic measures are characteristic of these spaces that often become focal points of abuses committed by immigration authorities.

Finally, it cannot be omitted that the abandonment of migrants by the Mexican State has encouraged organized crime to recruit or traffic migrants. This phenomenon is not new, but the increase in migrants expelled from the United States of America to Mexico has left thousands of people locked up in the national territory. Normally people arrested for attempting to cross the U. S. border illegally were detained and faced prosecution, but as a measure to prevent

MIGRANTS DETAINED IN MEXICO FROM 2016 - OCTOBER 2019



Source: Own elaboration with information from the Special Report. The Situation of Migratory Stations in Mexico, Towards a New Alternative Model to Detention, National Human Rights Commission (CNDH by its acronym in Spanish) 2019

the spread of COVID-19, the Mexican and U. S. governments agreed to close the shared border for non-essential travel. That's why now border detainees are immediately returned to Mexico. These migrants find themselves without state protection, face discriminatory treatment by Mexican citizens,¹⁰ and are often victims of organized crime.

Given this reality, the Mexican government must adopt measures with a human rights perspective that take into account the diversity of migrants who leave, transit, and remain in the country, moving away from an approach of militarization and criminalization of migration. The role of the Mexican State is fundamental in the migration process and it is urgent that it transforms its migration policy and guarantees access to justice for migrants, respecting their dignity at all times.

¹⁰ *Animal político*. Migrantes frente al COVID-19: entregados por EU, abandonados en México y con fronteras cerradas (12 de abril de 2020). (Migrants versus COVID-19: delivered by the US, abandoned in Mexico and with closed borders (12 April 2020)). Available at: <https://tinyurl.com/ydcum9km>



Image: Stringer/REUTERS en <https://expansion.mx>

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SIGNOS VITALES
EL PULSO DE MÉXICO

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