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Photo: Alfredo Estrella/AFP/Getty Images

RESEARCH  
REPORT

## INCREASED ENFORCEMENT AT MEXICO'S SOUTHERN BORDER

**An Update on Security, Migration, and U.S. Assistance**

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# KEY FINDINGS

In July 2014, the Mexican government announced a “Southern Border Program,” stepping up apprehensions and deportations of U.S.-bound migrants crossing through the country’s southern border zone. This report, based on field research in the region, examines how the Southern Border Program changed the situation on the ground, what enforcement measures were taken, how migrants and their smugglers are adapting to these measures, the impact on migrants’ access to protection, and the role of U.S. assistance.

- **MEXICO’S MIGRATION CRACKDOWN HAS CAUSED MIGRANTS TO TAKE NEW AND DANGEROUS ROUTES.** Far from deterring migrants from making the journey north, the most notable effect of the increased enforcement at Mexico’s southern border has been changes in how migrants are traveling. With decreased possibilities of boarding the train in Chiapas, migrants and smugglers are now relying on different and dangerous routes and modes of transportation, including by foot and boat. These routes expose migrants to new vulnerabilities while isolating them from the network of shelters established along traditional routes.
- **AGGRESSIVE ENFORCEMENT OPERATIONS ON THE TRAINS HAVE LED TO CONCERNS ABOUT EXCESSIVE USE OF FORCE.** Raids and operations to prevent migrants from riding north atop cargo trains, known collectively as *La Bestia*, have been the most visible and aggressive enforcement efforts under the Southern Border Program. Migration authorities have blocked migrants from boarding trains, pulled migrants off of trains, and raided establishments that migrants are known to frequent, detaining thousands. These operations have prompted concerns about excessive use of force and other abuses by the authorities.
- **THE UNITED STATES’ SUPPORT FOR MEXICO’S SOUTHERN BORDER ENFORCEMENT EFFORTS LACKS TRANSPARENCY.** U.S. assistance to help Mexico secure its southern border region has increased, though there is limited transparency regarding dollar values, recipient units, equipment, and training. Additionally, some of the U.S.-donated equipment at Mexico’s southern border has seen little use and was reported to be ill-suited for the terrain in this region. For example, U.S.-donated observation towers serve little purpose at the densely forested Mexico-Guatemala border. U.S.-donated biometric data equipment was also observed to be in disuse or only used sporadically.
- **MEXICO’S APPREHENSIONS OF CENTRAL AMERICAN MIGRANTS INCREASED 71 PERCENT UNDER THE SOUTHERN BORDER PROGRAM.** Between July 2014 and June 2015, the Mexican government’s apprehensions of Central American migrants increased by 71 percent over the same period in the previous year, before the launch of the Southern Border Program. The Southern Border Program modestly increased the presence of migration agents and security forces, including from the National Migration Institute (*Instituto Nacional de Migración*, INM), Federal Police, and Gendarmería, a new division of the Federal Police. On the train lines, companies have begun to employ more private security personnel to monitor the cars and tracks.

# KEY FINDINGS

- **THE USE OF MOBILE CHECKPOINTS INCREASED UNDER THE SOUTHERN BORDER PROGRAM.** The most notable difference in Mexican authorities' use of checkpoints is the increase in "*volantas*," or mobile checkpoints, which frequently change geographic position, ensnaring unaware migrants and smugglers. New customs facilities have also begun operating. These large multi-agency customs checkpoints (*Centros de Atención Integral al Tránsito Fronterizo*, CAITFs) are not a product of the Southern Border Program but have become a key component of the region's border security strategy. Beyond the CAITFs and mobile checkpoints, there has been little change in the number of roadside checkpoints present on main highways in Chiapas; we observed no new checkpoints on the highway between Tapachula and Arriaga.
- **MEXICO HAS NOT INCREASED ITS CAPACITY TO SCREEN APPREHENDED MIGRANTS FOR PROTECTION CONCERNS.** Despite the larger number of migrants being apprehended and deported, Mexico has not stepped up its efforts to determine whether migrants face danger if deported. Rather than viewing this heavy movement of people as a refugee and protection crisis, the Mexican government sees this mostly as an issue of managing large flows of people. Mexican law recognizes a broad definition of "refugee" under which a significant number of Central Americans fleeing violence could qualify; however, few request protection and few receive it. Mexico only granted refugee status in approximately 21 percent of requests in 2014 and during the first seven months of 2015. The lack of awareness or understanding of the right to solicit asylum, the prolonged stay in grim detention center conditions while asylum requests are processed, lack of legal representation, and the shortage of protection officers authorized to make determinations are among the reasons why so few refugees are recognized in Mexico.
- **INCREASED ENFORCEMENT IN MEXICO REDUCED THE SENSE OF URGENCY IN THE UNITED STATES—BUT DOES NOT DIMINISH THE NEED—TO FOCUS ON THE ROOT CAUSES OF MIGRATION.** With fewer migrants arriving at the U.S. border, legislators have delayed or scaled back badly needed reforms or assistance to address the "root causes" of Central American migration, namely the high levels of violence and poverty, and the lack of opportunity. Whereas Mexico apprehended 67 percent more unaccompanied children from El Salvador, Guatemala, and Honduras from October 2014 to September 2015 compared to the same period in the previous year, U.S. authorities apprehended 45 percent fewer over this period—though during the last few months of 2015, U.S. authorities once again began encountering alarming numbers of Central American unaccompanied children and families.

# INTRODUCTION

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In June 2014, WOLA published a report about security, migration, and U.S. policy in Mexico's southern border region. Though this report, titled *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America*, was based on research performed in February of that year, we released it just as an unprecedented wave of unaccompanied child migrants from Central America was cresting at the U.S.-Mexico border.<sup>1</sup>

That wave quickly receded after June 2014, but the number of Central American migrants arriving at the U.S. border, including unaccompanied children and families, remains near all-time high levels. Drivers of migration—dire economic conditions and uncontrolled, mostly gang-related violence—persist in El Salvador, Guatemala, and Honduras, the three countries that make up Central America's "Northern Triangle." While the total is still lower than mid-2014 numbers, in September 2015 U.S. Border Patrol apprehended 111 percent more unaccompanied minors from the Northern Triangle than it did in September 2014.<sup>2</sup>

Though the problem remains unresolved, the sense of urgency in Washington is gone, due mainly to developments in Mexico's far south, at its border with Guatemala, that began at the height of the 2014 "wave." With U.S. urging and assistance, Mexico accelerated its migrant detention operations in its southern border zone.

The result, seen from U.S. soil, was a sharp drop in arrivals of Central American migrants at the U.S. border. This, in turn, erased the child-migrant phenomenon from U.S. headlines, and moved it to the margins of the Washington policy debate.

Still, Mexico's statistics, which show a big jump in detained and deported Central Americans, made clear to us that the crisis was persisting. In July 2015, WOLA returned to the southern border region, stopping in nine communities in Chiapas, Mexico and two in San Marcos, Guatemala, to perform more field research.

We sought to get a sense of what measures Mexico's government had taken to disrupt migration flows, the role of U.S. assistance in these measures, their impact on migrants' human rights and access to protection, their impact on overall security, corruption, and organized crime in the border zone, and the counter-measures that migrants and their smugglers were adopting in response.

We found that the Mexican government's "Southern Border Program"—a package of operations to bolster security and control human mobility in the zone, which the U.S. has supported—has not resolved the challenges that led to the 2014 migration wave. If anything, the program has delayed the effects of those challenges, and caused them to change form.

## MEXICO'S

# SOUTHERN BORDER PROGRAM

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Our June 2014 report noted that U.S. officials were placing a greater priority on assistance to secure Mexico's border region with Guatemala, a zone seen as porous and poorly controlled. During the summer 2014 wave of unaccompanied child migrants, this region rose to the top of U.S. policymakers' priorities. Nearly all Central

American migrants to the United States pass through Mexico's border states of Chiapas, Tabasco, Campeche, and Quintana Roo. According to U.S. estimates, nearly 80 percent of cocaine consumed in the United States moves through Central America, then on to Mexico, passing through these border states en route from the Andes.<sup>3</sup>



U.S. officials and members of Congress called for increases in U.S. assistance to help Mexico fortify its southern border, building on construction, equipment deliveries, and training support that began with the post-2007 “Mérida Initiative” aid packages and intensified after 2011. “I know that we have offered assistance to Mexico that to date, I don’t know whether that has been accepted, but my information is that it has not been,” said Rep. Michael McCaul (R-TX), Chairman of the House of Representatives Homeland Security Committee, in early July 2014, “I think, as you look at these children, they are all coming from Central America. If we can close the southern border of Mexico, that stops 99 percent of our problems here.”<sup>4</sup> In March 2015, Rep. Kay Granger (R-TX), Chairwoman of the State, Foreign Operations and Related Programs Subcommittee of the House Appropriations Committee, stated in a budget hearing that, “Our neighbor, Mexico is on the front lines of combating the illegal migration issue and we must do all we can to help Mexico strengthen its borders.”<sup>5</sup> Asked in March 2015 how he would spend an additional dollar, Adm. William Gortney, the head of the U.S. military’s Northern Command, said, “I think my dollar would be better spent partnering with Mexico so we can help assist them to shore up their southern border so it’s less of a challenge up on our border.”<sup>6</sup>

At the peak of what President Obama termed an “urgent humanitarian situation,”<sup>7</sup> the Mexican government made a pledge to do more. On July 7, 2014, at a border-zone appearance with then Guatemalan President Otto Pérez Molina, Mexican President Enrique Peña Nieto introduced the “Southern Border Program” (*Programa Frontera Sur*, PFS). According to the President’s communiqué, the program aims to “protect and safeguard the human rights of migrants who enter and travel through Mexico, as well as to establish order at international crossings to increase development and security in the region.”<sup>8</sup>

The program, which to date has not been published in official documents, outlines five action areas: formal and orderly border crossings, including increasing regional visitors visas; improving infrastructure and equipment necessary

for a migration framework, such as establishing the Comprehensive Attention Centers for Border Transit (*Centros de Atención Integral al Tránsito Fronterizo*, CAITFs) and strengthening mobile checkpoints; increased protections for migrants; more regional co-responsibility; and inter-institutional coordination among the different government agencies under the charge of the new Coordinating Office for Comprehensive Attention to Migration at the Southern Border (*Coordinación para la Atención Integral de la Migración en la Frontera Sur*).<sup>9</sup> This coordinating body was officially created on July 8, 2014 and placed under the leadership of Senator Humberto Mayans (who left the Senate to become the Southern Border Coordinator and returned to the Senate in fall 2015 after leaving the Coordinating Office).<sup>10</sup> With the exception of the decree establishing the Coordinating Office and a report of its work from July 2014 to July 2015, there are no official documents available outlining the Southern Border Program and its different areas.

President Peña Nieto and other Mexican officials, including then-Southern Border Coordinator Mayans, sought to portray the Southern Border Program as primarily an economic development strategy for the southern border zone, which suffers some of Mexico’s highest poverty rates. A year later, however, it was evident that the program’s components to create a safe border and to address migration flows were prioritized, as it brought an increase in security-force presence and activity at the Mexico-Guatemala border.

Although this increase has been more modest than expected, raising the number of border-zone security and immigration personnel by less than a thousand, it has been enough to alter migration patterns dramatically. Meanwhile, the Mexican government’s economic development effort in the border region has lagged behind. It remains in the planning phase, laid out in a proposed Federal Law on Special Economic Zones (*Ley Federal de Zonas Económicas Especiales*), focused on southern Mexico, that President Peña Nieto sent to the Congress’ lower chamber on September 30, 2015.<sup>11</sup>

# WHAT HAS INCREASED

## UNDER THE SOUTHERN BORDER PROGRAM

### THE INM

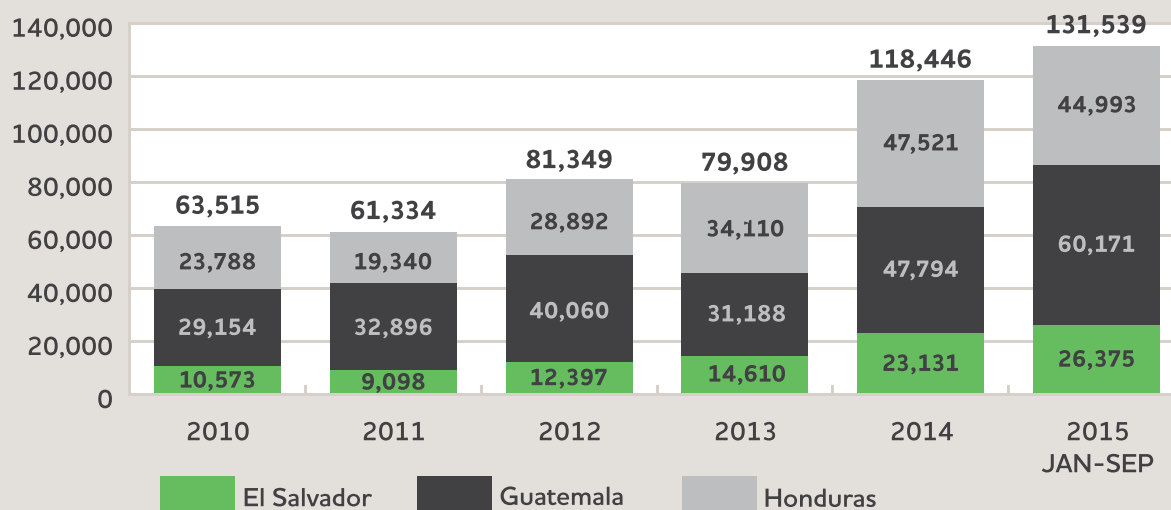
The most notable change in the Mexican government's efforts is the increased presence and activity of its immigration authority, the National Migration Institute (*Instituto Nacional de Migración*, INM). This agency is charged with enforcing Mexico's migration laws (being undocumented in Mexico is an administrative, not a criminal offense) and with protecting migrants. Its agents man ports of entry, checkpoints, and detention centers, and are responsible for migrant apprehension operations, which, under law, they can carry out with the support of Mexico's Federal Police.<sup>12</sup>

The INM has approximately 5,400 employees nationwide.<sup>13</sup>

In the past year, in response to the wave of Central American migration, the INM transferred at least 300 of its agents to the southern border zone from elsewhere in the country, beginning operations shortly after President Peña Nieto's launch of the Southern Border Program. Between July 2014 and June 2015, apprehensions of Central American migrants increased by 71 percent compared to the same period in the previous year—before the July 2014 launch of the Southern Border Program.<sup>14</sup>

[FIGURE 1] 2010-2015

### APPREHENSIONS OF “NORTHERN TRIANGLE” CITIZENS BY MEXICO'S NATIONAL MIGRATION INSTITUTE (INM)



Source: <http://bit.ly/1MphFr5>

The majority of these migrants saw their journey end in the southern border zone. Mexico is apprehending most undocumented Central American migrants in the state of Chiapas, followed by Veracruz and Tabasco: during the first nine months of 2015, 71 percent of all Central

American apprehensions occurred in these three states, up from 69 percent in 2014, and 68 percent in 2013.<sup>15</sup>

Train operations have been the most notorious and visible component of the sharply increased

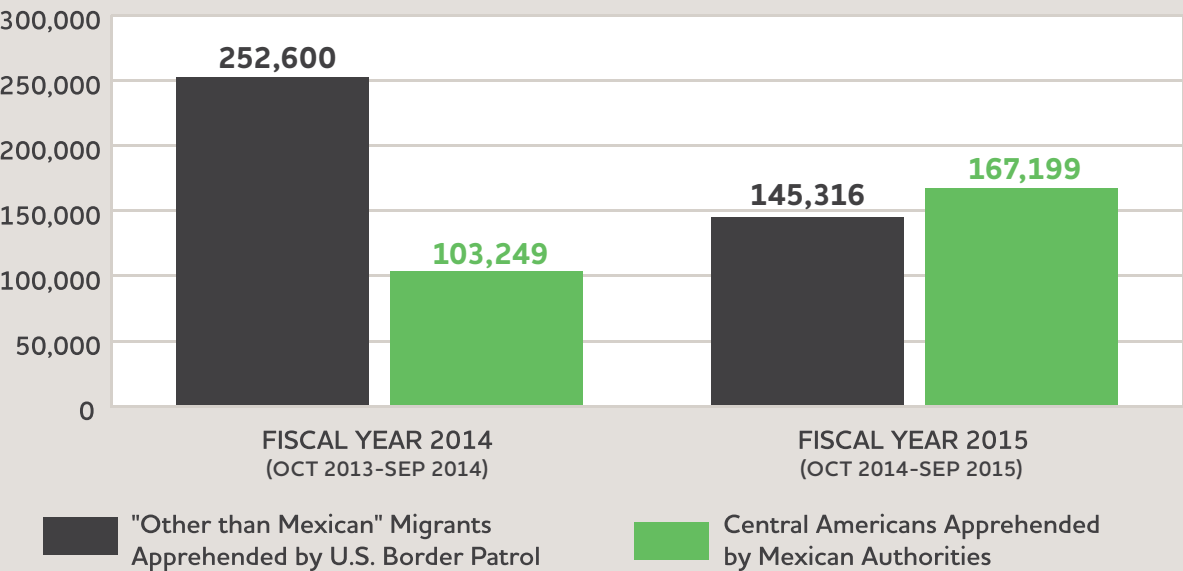
INM operational tempo in the southern border zone. Before the Southern Border Program, one of the most iconic images of Central American migration was that of people riding atop *La Bestia*, the aging cargo trains that lead away from the border zones in Chiapas and Tabasco. U.S. officials had long complained, mostly in private, about Mexico's lack of action to curb migrants' open use of train routes.

Beginning in August 2015, INM agents carried out their first operations to prevent migrants from boarding the cargo trains, detaining many.<sup>16</sup> Over the following months, there would be dozens

more. As described in the “Southern Border Program’s Effect on Migration” section below, these operations, along with track improvements and the construction of physical barriers, make riding the train increasingly difficult for migrants.<sup>17</sup>

While INM agents are not considered security personnel and do not carry lethal weapons, the Federal Police and other agencies that often accompany them do. According to accounts from migrants’ rights advocates, some INM agents are now using Taser-type electrical stun devices, and many of these “non-lethal” operations have been quite brutal.<sup>18</sup>

**[FIGURE 2] FY 2014–FY 2015  
APPREHENSIONS OF CENTRAL AMERICANS**



Sources: <http://1.usa.gov/1Ylk7t0>; <http://bit.ly/1MphFr5>

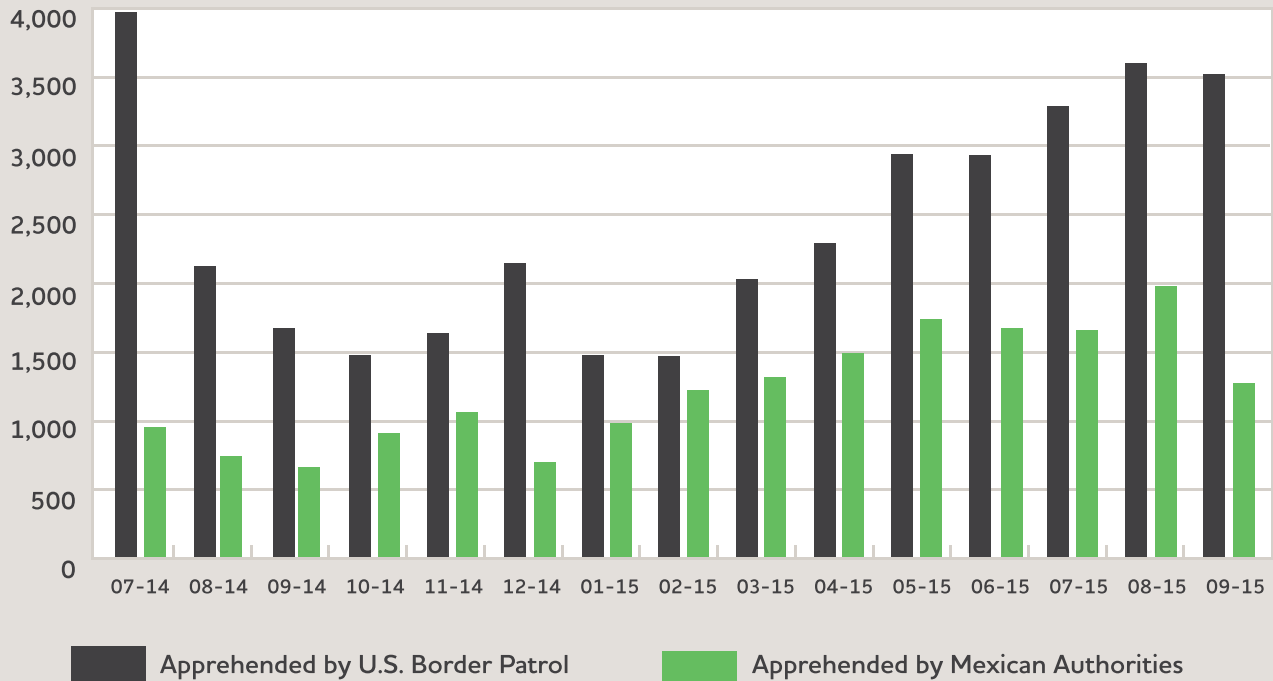
Mexico’s increase in apprehensions was matched by a similarly steep, inverse decline in the United States’ apprehensions of unaccompanied Central American children at the U.S.-Mexico border. Whereas Mexico’s apprehensions of unaccompanied children from the Northern Triangle countries increased by 67 percent during October 2014 to September 2015 compared to the same period in the previous year, U.S. authorities apprehended 45 percent fewer unaccompanied children over this time period.<sup>19</sup>

U.S. officials were delighted. “I very much

appreciate Mexico’s efforts in addressing the unaccompanied children who we saw spiking during the summer,” said President Barack Obama at a January 2015 meeting with President Peña Nieto.<sup>20</sup> “Mexico has really been a key element in helping us lower the levels of unaccompanied children reaching our border since last summer,” Deputy Assistant Secretary for Central America and the Caribbean Francisco Palmieri told the U.S. Senate Homeland Security and Governmental Affairs Committee in March 2015, “Mexico has really stepped up its game.”<sup>21</sup>

[FIGURE 3] JULY 2014-SEPTEMBER 2015

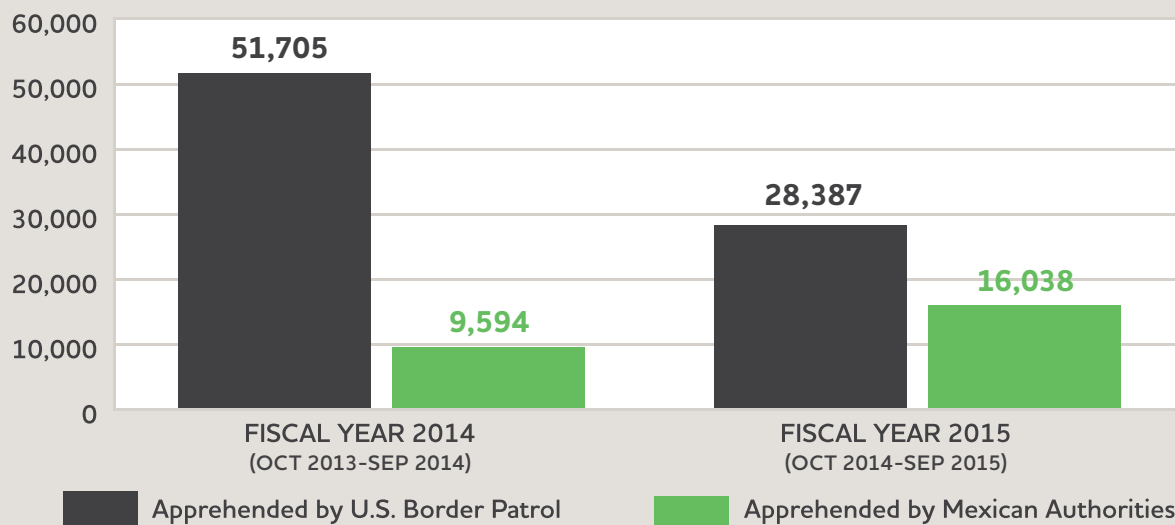
**APPREHENSIONS OF UNACCOMPANIED CHILDREN FROM THE "NORTHERN TRIANGLE"**



Sources: <http://1.usa.gov/1Ylk7t0>; <http://bit.ly/1MphFr5>

[FIGURE 4] FY 2014-FY 2015

**APPREHENSIONS OF UNACCOMPANIED CHILDREN FROM THE "NORTHERN TRIANGLE"**



Sources: <http://1.usa.gov/1Ylk7t0>; <http://bit.ly/1MphFr5>



The train operations are not the only tactics employed by the increased INM presence. Mexican immigration and security authorities continue to rely very heavily on road checkpoints to detect, deter, and apprehend migrants (as well as, occasionally, drug traffickers). Every 10 to 20 miles

or so along main highways in Chiapas—and to a significant but lesser extent along back roads—drivers may be stopped and questioned, and buses may be boarded to inspect passengers' travel documents and cargo.

## COMPREHENSIVE ATTENTION CENTERS FOR BORDER TRANSIT

Construction continues, meanwhile, on the CAITFs, a series of "super-checkpoints," each the size of a small shopping mall, along strategic points on the border zone's road network, usually at crossroads within about 50 miles of the border. All vehicles must pass through and, unless they are waved through, their drivers and passengers must dismount while they and their cars, trucks, or buses undergo inspection.

The primary purpose is to allow Mexico's customs agency (*Servicio de Administración Tributaria*, SAT) to review incoming goods, but—rather uniquely—they combine contingents from several Mexican government agencies in the same place. Officials with southern border responsibilities portray the CAITFs as "a new face," and a "single window" for interacting with all relevant government agencies. They currently incorporate

eight agencies, among them customs, the Army (*Secretaría de la Defensa Nacional*, SEDENA), the Navy (*Secretaría de Marina*, SEMAR), the Federal Police, the INM, the federal Attorney General's Office (*Procuraduría General de la República*, PGR), and agricultural and health inspectors.<sup>22</sup>

Three of the five CAITFs scheduled to be built have been completed, with some advice and support from the U.S. government; construction takes about a year and a half.

The CAITFs are not a result of the Southern Border Program: planning and construction of the first facilities began even before the Peña Nieto administration's December 2012 inauguration. However, they have now become a central element of the border zone strategy.

### CAITFS IN THE SOUTHERN BORDER ZONE

- **Huixtla, Chiapas**, along the Pacific Coast highway northwest of Tapachula. This facility was already operational during our February 2014 visit to the region.
- **La Trinitaria, Chiapas**, a crossroads town just south of the city of Comitán, in the central zone leading from the land border to Chiapas's first and third largest cities, Tuxtla Gutiérrez and San Cristóbal de las Casas. This facility, which is staffed with about 100 personnel, opened in early 2015 with a construction cost of about US\$5 million.<sup>23</sup>
- **Playas de Catatzajá, Chiapas**, near Palenque along roads leading from Mexico's border with Guatemala's remote Petén region. This facility also opened in 2015.
- Facilities in **Palenque, Chiapas** and **Centla, Tabasco** are still under development and will be completed in 2018.



*CAITF checkpoint in Huixtla, Chiapas*

## FEDERAL POLICE

The Mexican Federal Police presence in Chiapas has increased modestly. The 36,000-person force has several hundred agents in the state, most of them deployed in Tapachula and Tuxtla Gutiérrez, and along main highways. Elsewhere, they are only present during operations.

The Federal Police is the only other force specifically mentioned in Mexico's migration law as empowered to assist the INM in immigration enforcement actions, though it has become common for other security agencies also to assist the INM or inquire about a person's legal status in the country. Between September 2014 and May 2015, Federal Police operating near the Guatemala border reported "rescuing" (apprehending) 4,553 migrants.<sup>24</sup>

A new presence in the zone is about 100 members of the Gendarmería, a sixth division of the Federal Police with 5,000 agents inaugurated in 2014 as an initiative of the Peña Nieto government. The Gendarmería is not specifically a border security force. It is principally meant to operate in areas where violence has exceeded existing security forces' capacities, and to protect the "productive chain"—lines of communication and transportation

for agricultural and industrial products—from extortion and attack by organized crime. However, the Gendarmería does have a border security section, with approximately 400 members currently under development with some U.S. assistance.<sup>25</sup> It will operate at Mexico's northern and southern borders, and is intended to focus on violence hotspots, not migration flows, in border zones.

In Chiapas, Gendarmería personnel and vehicles are most visible in Tapachula, the largest city along the border, and in the state capital, Tuxtla Gutiérrez. Tapachula residents say that, while many Gendarmería agents congregate around the town's central square, their purpose there is not immediately evident. During our visit, the Gendarmería units that we saw were primarily engaged in the search for Joaquín "El Chapo" Guzmán, the powerful boss of the Sinaloa cartel, whose prison escape had made international headlines weeks earlier. As Guzmán had been captured in Guatemala in 1993 and was believed to have many contacts in the southern border zone, the Tapachula-area was a focus of the manhunt. At checkpoints near border crossings, Gendarmería agents handed out flyers with Guzmán's photo and offers of reward money.

Shortly before the launch of the Southern Border Program, the Federal Police, with U.S. support, established a small Southern Border Operations Group (*Grupo de Operaciones Frontera Sur*, GOFS) to coordinate its operations against organized crime and support of INM operations in the southern border zone. As part of the government's border security efforts, an elite investigative unit called the Operations Group Against Trans-Border Traffic, Human Trafficking and Gangs (*Grupo de Operaciones Contra el Tráfico, la Trata y Pandillas*, GOTTPA) was established in July 2014 made up of members from the Federal Police, the INM, and the state of Chiapas special prosecutors' offices for crimes against migrants and human trafficking.

Based in Tapachula, the GOTTPA focuses on the nexus between organized crime, gangs, and crimes against migrants in the border zone. Its members have received training in investigative techniques from the U.S. Federal Bureau of Investigation (FBI) and from U.S. Homeland Security agencies. U.S. assistance has also provided equipment and software to the Federal Police in Tapachula for

identifying drugs and fraudulent documents, performing forensic and ballistic analysis, and participating in nationwide organized-crime databases. So far the GOTTPA has had just a handful of results to report, many of them regarding human trafficking cases and gangs of Central American human traffickers operating in Chiapas.<sup>26</sup>



*U.S.-donated equipment at the GOTTPA's offices in Tapachula, Chiapas*

## WHAT HAS NOT INCREASED SIGNIFICANTLY

### UNDER THE SOUTHERN BORDER PROGRAM

#### THE ARMED FORCES

Mexico's Army and Navy are active in the border zone. While countering migration is not a principal mission, they are charged with interdicting drugs and other trafficked items, and with combating organized crime.

In June 2013, Mexican Interior Minister Miguel Osorio Chong had traveled to Tapachula to announce a precursor to the PFS, the "comprehensive plan to attend to the country's south-southeast zone" (a plan that still appears in government documents). There, Minister Osorio Chong stated that SEMAR would take the lead in the effort.<sup>27</sup>

However, SEMAR's role was clearly rolled back later, and received no mention during President Peña Nieto's July 2014 launch of the PFS. The focus instead was on adjustments to migration procedures, such as visitors' visas for Guatemalans, and on efforts to curb Central American migrants' dangerous use of the cargo trains.

SEMAR's presence at the border is slowly growing, however. As our June 2014 report noted, SEMAR has been building about 12 "Advanced Naval Stations" (*Estaciones Navales Avanzadas*) in the southern border zone, small posts with about 54-108 Marines at each.<sup>28</sup> The Peña

Nieto administration explained in its September 2015 annual report that, with a basis in the Southern Border Program, SEMAR completed the construction of four of those posts during the previous twelve months, all of them in very remote areas. (The new posts are located in Vaso de la Presa la Angostura, Frontera Corozal, and La Libertad, Chiapas, and in Chetumal, Quintana Roo.) Their stated purpose is to confront “the criminal groups that have attacked and systematically harmed the migrant population and the inhabitants of [the] country’s south-southeast region.” SEMAR is also building a larger naval installation “for important activities” on the Pacific Ocean in Puerto Chiapas, outside Tapachula.<sup>29</sup>

In September 2014, the incoming commander of the Mexican Army’s Seventh Region, which covers Chiapas, named migration among the principal missions to be faced by the units under his command.<sup>30</sup> The Peña Nieto administration also mentioned in its annual report that SEDENA and SEMAR both maintain a permanent presence in the border zone and work with the armed forces of Guatemala and Belize.<sup>31</sup> Nonetheless, the

presence of SEDENA appears to have changed little in the border zone since the launch of PFS. No official, expert, or community leader we interviewed reported an increase in SEDENA presence.

As was the case before the PFS began, the Army maintains numerous checkpoints, where soldiers are principally seeking drugs or suspected criminals, not migrants. Migrants may be searched and let go at SEDENA checkpoints, though soldiers often alert immigration authorities. In the most remote areas of Chiapas, nearly all checkpoints are manned by SEDENA.

SEDENA is also the main security-force presence in the Chiapas highlands, where the Zapatista movement has been active for over 20 years, and where more migrants are now passing through (as discussed in the “Southern Border Program’s Effect on Migration” section). Human rights defenders have counted 62 Army encampments, with small contingents, in the territory of current or historic Zapatista influence. Today, many are hardened with concrete and appear permanent.

## CHECKPOINTS AND BORDER CROSSINGS

During a July 2015 drive on a 140-mile stretch of Pacific coastal highway in Chiapas, from the Guatemala border heading north, WOLA researchers passed through nine checkpoints manned by the INM, the Federal Police, the Army, the Navy, state police, State Border Police, and state ministerial police. This was a number and variety of checkpoints similar to what we experienced in February 2014, before the PFS went into effect. As before, at certain stops officials asked us some very basic questions (“What do you do?” and “What is the purpose of your visit?”). Other times, officials boarding our bus ignored us, or the bus or van was waved through without having to stop.

We saw little difference in the number or style of checkpoints employed in July 2015 compared to February 2014. Cooperation between Mexican security, customs, and migration agencies did not appear to have increased much either. With

the exception of the CAITFs and one checkpoint manned by state ministerial police and Federal Police, each checkpoint was managed and manned by a single agency, working separately from the others, often just a few miles apart. Instead of cooperation, police officials with whom we spoke said that these agencies informally compete, and spoke disdainfully of those whose drug-seizure totals lagged behind.

To the extent that checkpoint infrastructure has increased, it is in the INM’s use of a small but growing number of mobile checkpoints, whose geographic positions change often and thus may come as a surprise to migrants and their smugglers. Commonly called “*volantas*,” they are manned by the INM, at times with Federal Police support. As migrants and smugglers traveling the roads sometimes do not expect to find them, the *volantas* are likely responsible for a number of the INM’s increased migrant detentions in the





*A checkpoint along the Chiapas Pacific coastal highway*

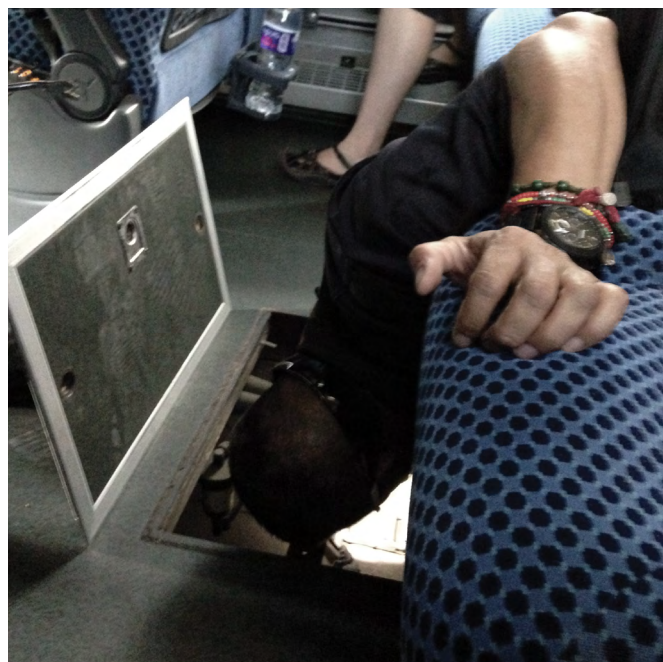
Chiapas border zone. Additionally, some local groups noted that existing checkpoints appeared to have more sophisticated equipment than they did a year earlier, and that small, intermittently active checkpoints were beginning to appear on secondary roads.

At the borderline, improvements to border-crossing infrastructure, and U.S. support for these efforts (discussed at length in our June 2014 report) began well before the announcement of the PFS. These did not accelerate as a result of the PFS. While State Department documents on the Mérida Initiative note assistance to provide “the foundation for better infrastructure and technology to strengthen and modernize border security at northern and southern land crossings, ports, and airports,” U.S.-donated biometric equipment was not visibly in use at the busiest border crossing, between Tecún Umán, Guatemala and Ciudad Hidalgo, Mexico.<sup>32</sup> There are eight official border crossings, or ports of entry, on the 654.5-kilometer line (406 miles) between Chiapas and Guatemala, and two more elsewhere along the border. A ninth may soon be opened in Amatenango, in the central border zone near Frontera Comalapa. There are an additional 45 unofficial vehicular crossings in Chiapas, and 57 along the length of the entire border. Officials estimate that another 300-400 unofficial

pedestrian crossings are used along the entire border.<sup>33</sup>

At Ciudad Hidalgo-Tecún Umán, the official crossing at the bridge over the Suchiate River is time-consuming and tedious: even at a less busy time, getting from one city to the other required 25 minutes of walking, waiting in lines, and filling out forms. Meanwhile, as we walked across the bridge, we could see the dozens of rafts charging about US\$1.35 to cross the river unofficially. Crossing that way takes about three minutes, and the raft operators’ business continues to be robust.

One of the main purposes of the upgrades at Mexico’s ports of entry is to keep better records of who is crossing—a strong interest of the U.S. government, as many of those who cross here may end up in the United States. While the PFS has not brought major upgrades to ports of entry, it did expand a system of border crossing cards for Guatemalan and Belizean citizens. Regional Visitor Cards (*Tarjetas de Visitante Regional*) allow those citizens to be present in Mexico’s four border states for three days. Mexico distributed 109,731 of these cards between September 2014 and June 2015.<sup>34</sup>



*A Chiapas state police official inspects a passenger bus at a highway checkpoint*





*The official border crossing at Ciudad Hidalgo-Tecún Umán*

## STATE POLICE

The Chiapas state police force has not grown significantly, in size or budget, since the launch of the PFS. However, it has gained greater command of often-troubled municipal police forces through the adoption of a so-called “Unified Command” (*Mando Único*) policy that the Peña Nieto administration is pursuing nationwide, which places all municipal police forces under the direction of the state public security system. An agreement for this command structure was signed between the 122 municipalities in Chiapas and the state government on October 6, 2015.<sup>35</sup>

Chiapas-based human rights defenders cite the state police as a frequent violator of human rights; complaints included participation in torture, assaults, and aiding and abetting the activities of gangs, smugglers, and organized crime, often through deliberate inaction. As discussed in the “U.S. Assistance” section later in this report, the Chiapas state police receives U.S. police reform assistance out of a belief that the force’s lack of professionalization is the main cause of its human rights and corruption issues.

The state police play little direct role in migration enforcement. Within its structure, however, is a 135-member State Border Police unit, created in 2006 and located within the Chiapas state public security ministry. The force participates in INM-led migration operations when requested. However, the State Border Police explain their mission as a unique one among the world’s security forces: that of protecting migrants from assault and mistreatment.

They do not detain the migrants whom they encounter, a top State Border Police official explained. Instead, if agents find migrants in territory where they could be vulnerable to banditry and assault, the agents accompany the migrants to zones of safety. Approximately 40 border police agents are also assigned to the Special Prosecutor’s Office for Crimes against Migrants (*Fiscalía Especializada en Delitos Cometidos en Contra de Inmigrantes*) of the Chiapas state Attorney General’s Office, and part of their work includes patrolling in zones where migrants face threats, like the La Arrocera region in the countryside near the Huixtla CAITF facility.

Human rights advocates contested the State Border Police’s portrayal of their role. Though the unit faces fewer accusations of human rights abuse than the larger state police force, migrants do risk being extorted or robbed by State Border Police agents whom they encounter, especially when pursuing alternate routes in rural areas.

In the first half of 2015, the State Border Police noted its agents had arrested fewer people for crimes against migrants than in the same period of the past few years. In fact, rather than focus on migration, the State Border Police now defines its principal mission as confronting organized crime and drug trafficking in Chiapas. Representatives proudly told us of a single heroin seizure earlier this year of 265 kilograms. This is an unusually large amount of heroin to find in one place, equivalent to about 0.5 percent of annual U.S. demand.<sup>36</sup>

## THE INM'S "GRUPO BETA"

The INM's "Grupo Beta," a small unit whose mission is to provide humanitarian assistance and rescue migrants in distress, remains in the border region and in towns along the train line, with five offices in Chiapas, one in Tabasco and one in Oaxaca. Although their primary mission is to protect migrants, there have been increasing reports of Grupo Beta agents participating in migrant detentions, particularly in the southern border zone: "We've had reports of migrants

saying that they heard Grupo Beta members calling immigration police to tell them where they were going to leave migrants so they could arrest them," a migrant rights advocate told *In These Times* in May 2015.<sup>37</sup> Advocates in the Comitán-area told WOLA that the Grupo Beta unit patrolling in nearby Tzimol is notorious for extorting cash from the migrants its members encounter.

## U.S. ASSISTANCE

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At the height of the 2014 child migrant crisis, U.S. officials from President Obama downward communicated to the Mexican government the importance of doing more to help curtail the flow. U.S. officials, as previously noted, expressed deep satisfaction with Mexico's launch of the PFS and the subsequent decline in Central American migration to the United States.

U.S. officials insist that the PFS was not a response to U.S. pressure. "Those images of children streaming across the border were embarrassing to the Mexicans," a U.S. official told WOLA in early 2015, "They knew they had to do something." In fact, no U.S. official has recognized in an interview with WOLA that U.S. pressure led Mexico to institute the PFS. At a March 2015 hearing, Department of Homeland Security Assistant Secretary for International Affairs Alan Bersin urged senators to "recognize that the Mexicans are doing this because they perceive it to be in their interests, for their reasons, and we are the beneficiaries of that determination."<sup>38</sup>

However, the launch of PFS came just a week after President Obama's preliminary request to Congress for additional funding to attend to the "urgent humanitarian situation" at the border.<sup>39</sup> This, along with the fact that Mexico's efforts have focused primarily on detaining and deporting migrants, strongly suggests that the U.S. encouraged or pressured Mexico to step up its enforcement efforts. That the United States has the explicit intention of supporting Mexico in stopping migrants from reaching the U.S.-Mexico border is clear in statements about U.S. assistance. At a U.S. Senate hearing in July 2014, Ambassador Thomas Shannon, Counselor of the State Department, stated that one aspect of the U.S. strategy to address the migration of unaccompanied migrant children from Central America was to improve "the ability of Mexico and Guatemala to interdict migrants before they cross into Mexico and enter the established smuggling routes that move the migrants to our border."<sup>40</sup>

## AMOUNTS AND ACCOUNTS

U.S. assistance to help Mexico secure its southern border region has increased. There is little clarity regarding the exact dollar value of U.S. assistance

that has been appropriated, allocated, or spent in support of Mexico's southern border security effort. However, we have the following clues:

- In July 2014, State Department Counselor Thomas Shannon told a Senate Committee that “we are working to provide support to Mexico’s southern border initiative and intend to provide **US\$86 million** in existing [State Department] International Narcotics Control and Law Enforcement (INCLE) funds” to support the PFS, which President Peña Nieto had just announced.<sup>41</sup> Nearly this entire amount was carved out of previous years’ INCLE assistance under the Mérida Initiative framework, which had yet to be spent.
- The State Department’s 2016 foreign assistance budget request to Congress called for more money in the Bureau for International Narcotics and Law Enforcement Affairs (INL) account: “Funds in the amount of **US\$14 million** will support the strengthening of Mexico’s borders, with a focus on its southern border, with crucial non-intrusive inspection and communications equipment as well as further related training.”<sup>42</sup>
- “This year I am going to put **US\$90 million** of INL programs into the Mexican southern border,” Assistant Secretary for International Narcotics and Law Enforcement Affairs William Brownfield told a House subcommittee in April 2015.<sup>43</sup> This amount likely includes much of the US\$86 million that Counselor Shannon had mentioned nine months earlier, most of which almost definitely remained unspent by April. (The planned INL outlay of new funding for all of Mexico in 2015, for programs ranging from police reform to judicial assistance to border security to crime prevention, was about US\$148 million.)
- U.S. Defense Department documents tell us that the Pentagon spent an additional **US\$44.6 million** of its own counter-drug funds on assistance to Mexico’s military and police forces in 2014, and another **US\$6.8 million** during the first half of fiscal year 2015.<sup>44</sup> We do not know how much of this amount went to the southern border zone, or what amount went to which Mexican police or military forces. We do know that the 2014 amount of Defense Department assistance, which is in addition to the State Department’s US\$90 million, was spent according to the following categories throughout Mexico:
  - Equipment: \$14,240,000
  - Training: \$13,044,000
  - Command, Control, Communications, and Computer Networks: \$6,186,000
  - Intelligence Analysis: \$5,562,000
  - Detection and Monitoring: \$2,881,000
  - HQ Planning and Oversight: \$1,599,000
  - Transportation: \$1,131,000

The vast majority of State Department-funded assistance to southern border-zone security forces comes from a single account: the INL bureau account mentioned above by Ambassador Shannon and Assistant Secretary Brownfield. This

is also the single largest source of funding under the Mérida Initiative.

Security-force assistance provided through the U.S. Defense Department’s budget primarily

benefits SEDENA and SEMAR, and is much less visible in the southern border zone. It is clearly increasing, though. “[W]e’ve just started on a path to really assist [SEDENA’s and SEMAR’s] efforts on their southern border, because, as they said, ‘If

## RECIPIENTS

As described in our June 2014 report, nearly all State/INL aid that goes to Mexican security forces is delivered to Mexican police—not military—forces. Police units receiving this assistance in Chiapas include the Mexican Federal Police, especially the anti-organized crime units, GOFS and GOTTPA, discussed above, and the Gendarmería and its developing border force. The troubled Chiapas state police are receiving assistance aimed at professionalizing the force. On a mostly indirect level through train-the-trainer programs, some municipal police forces are getting U.S. training and advice as well.

Other recipients of INL aid directed at the southern border include Mexico’s customs agency and the INM, particularly for biometric kiosks (which are not visibly being used), support for vetting agents, and training and equipment for Grupo Beta agents.

## EQUIPMENT AND CONSTRUCTION

Most border security facilities in Chiapas have been constructed using Mexico’s own funds. Our June 2014 report read, “U.S. officials mentioned to us that assistance is helping to construct at least two Navy facilities in the southern border zone.”<sup>47</sup> As noted previously, we now know that construction of four such facilities was recently completed in addition to the larger naval post in Puerto Chiapas. The amount of U.S. assistance for these constructions—if any—remains unknown.

As we reported in 2014, equipment provided to Mexican security and migration forces in Chiapas includes vehicles, radios, and other communications equipment. Personnel at checkpoints use mostly U.S.-provided non-intrusive scanning equipment. At the borderline,

we fix our southern border, it’ll help with so many challenges inside of our country,” Admiral William Gortney, the commander of U.S. Northern Command, told the U.S. Senate Committee on Armed Services in March 2015.<sup>45</sup>

The U.S. Northern Command assists the efforts of SEMAR, and to a lesser extent SEDENA, to control drug flows, human trafficking, and other threats in the border zone. Mexico’s military, especially SEDENA, has traditionally been wary of close cooperation with the United States. However, Admiral Gortney of Northern Command noted receiving from SEDENA and SEMAR “in the last 24-36 months, a significant change and an increase in receptiveness and desire to partner with us and work with us and help them train to be more effective.”<sup>46</sup>

In Chiapas, our requests to meet with SEDENA and SEMAR officials were declined, so we lack a clear picture of U.S. assistance delivered to Mexican military units and were unable to evaluate improvements to border-zone military bases. Otherwise, we saw little evidence of U.S.-assisted facilities construction since the launch of PFS, whether at checkpoints or border crossings.

U.S. funds have provided for observation towers more appropriate for the high-visibility deserts of the United States’ southwest than for the densely forested terrain of the Mexico-Guatemala borderline, as well as airboats that are not used to navigate border rivers and are inappropriate for patrolling the Pacific Ocean.<sup>48</sup> At least two ports of entry have U.S.-donated biometric data-gathering equipment, which appears to be used only sporadically.

Federal Police units conducting organized-crime investigations work with U.S.-donated computers and software, as well as equipment for DNA testing, drug identification, ballistics, and forensics.



## TRAINING

“We have been working very closely with our Mexican colleagues in a whole variety of methods with regard to our southern border—Mexico’s northern border,” Department of Homeland Security Assistant Secretary for International Affairs Bersin testified in April 2015, “Many of those techniques in terms of technology, in terms of layered security, in terms of training and capacity building actually have been adopted by the Mexicans in their efforts that have, I think, shown great results on the Guatemalan border.”<sup>49</sup> U.S. training and capacity-building have continued to increase as the focus of U.S. assistance has shifted to the southern border zone.

The INL account provides substantial funding for training, provided by personnel from U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA), police personnel (active and retired) employed by private contractors, or—in the case of 97 trainees in 2014—by Colombian National Police agents.<sup>50</sup>

INL-funded training for Chiapas state and some municipal police is rather basic and focused on introductory policing skills; establishment of police career standards, vetting procedures, and internal controls; accreditation of the Chiapas state police academy; and a “first-line supervisor course.” The focus on “career standards” includes encouragement of improved salaries, establishment of pension funds, and creating clearer guidelines for promotions. In November 2014, the Chiapas government announced U.S. FBI training on identifying gang activity for 6,425 agents who are part of different divisions of the state force, including the border police.<sup>51</sup> Throughout the state, U.S. funds are supporting the attendance of a small number of municipal police in a three-week course at Mexico’s National Police Leadership Center in Puebla.

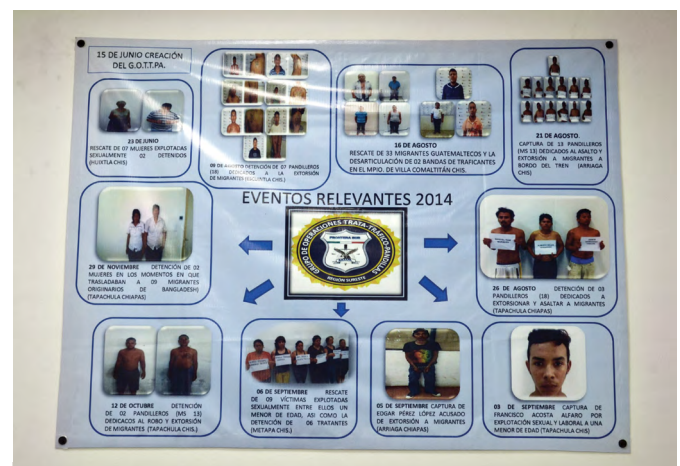
An INL program operating in all of Mexico's 32 states supports use-of-force training. These do not use live fire, which is too expensive; they employ dummy weapons or computerized simulations of firearms use and driving. They

focus on skills like “judgment training” (avoiding indiscriminate use of weapons) and guidelines for escalating force.

INL training of the INM is also robust in the southern border zone. According to the Peña Nieto administration's September 2015 annual report, between September 2014 and August 2015:

[I]n collaboration with the U.S. Embassy 19,473 INM public servants were trained in subjects like: behavior standards; detection of false documentation; interviews and document analysis; identification of smugglers and interview techniques for instructors, identification and use of information from investigations; advanced document inspection; relations with the public; interrogation of terrorism suspects; tactics of fingerprint detection; and escort techniques.<sup>52</sup>

As the INM has only about 5,400 personnel, and many of these areas are outside of the responsibilities of the INM, the 19,473 number cited above most likely refers to individual agents passing through several U.S.-supported courses during that twelve-month period and/or agents from several Mexican agencies, such as the Federal Police and ministerial police. INL funds are also supporting INM efforts to weed out notoriously high levels of corruption through the



*A poster featuring a series of the GOTTPA's accomplishments in 2014*



“trust control” vetting system (*Sistema de Control de Confianza*).

Some smaller-scale training efforts may show long-term promise. Newly established police investigative units, like the Federal Police-led GOTTPA, have shown some initial results against criminal bands that extort and assault migrants. The unit has yet to catch a “big fish,” but sophisticated investigations take time. The Special

Prosecutor’s Office for Crimes against Migrants, which has received U.S. training on the trafficking and smuggling of persons, has rescued many victims of human trafficking and other crimes and opened over 900 preliminary investigations into crimes against migrants. The unit successfully brought its first cases against human traffickers in 2011. However, little information is available regarding whether any of these investigations have led to convictions.

## IN GUATEMALA

On the Guatemalan side of the border, the main focus of U.S. assistance has been the founding and development, since mid-2013, of two “Interagency Task Forces” (formerly known as “Joint Task Forces”) combining personnel from Guatemala’s Army, police, and prosecutors. Interagency Task Force Tecún Umán operates near the Chiapas border, especially in the most densely populated area where the coastal highway passes from Quezaltenango, Guatemala’s second-largest city, through the border city of Tecún Umán and on to Tapachula, Chiapas. The Task Force’s principal activities are checkpoints, patrols, and periodic

operations against organized crime groups engaged in drug trafficking, human trafficking, and extortion. A second unit, Interagency Task Force Chortí, began operating near the Guatemala-Honduras border in the second half of 2014.

Both units operate from facilities constructed with U.S. Defense Department counter-drug funds, and use U.S.-donated vehicles and communications equipment. U.S. assistance to the two Guatemalan border task forces has totaled about US\$17 million.<sup>53</sup>

## THE SOUTHERN BORDER PROGRAM'S EFFECT ON MIGRATION

The impact of the Southern Border Program on migration through Mexico is clear from the steep increase in apprehensions and deportations of Central Americans. In 2013, Mexico deported 78,733 Central Americans, rising to 105,303

deported Central Americans in 2014. In the first nine months of 2015 alone, Mexico deported 118,510 Central Americans, surpassing the 2014 yearly total of deportations.<sup>54</sup>

### DEPORTATIONS TO GUATEMALA

Guatemalan migrants, including many children, are deported to the town of El Carmen, about a 25 minute drive from INM’s principal detention center in Tapachula. Red Cross workers in El Carmen explained that on average, Mexican deportation buses drop off about 100 Guatemalan deportees per day. Red Cross volunteers board

the buses and inform deportees of the location of their office and the services offered (phone calls, basic medical attention). Unaccompanied children are transported to the nearest migrant shelter, a church-run facility in the nearby town of Tecún Umán. Red Cross staff also transport any adult deportees in need of shelter to Tecún Umán.

## LA BESTIA RUNS EMPTY

Following the July 2014 Southern Border Program announcement, the Mexican government moved quickly to prevent migrants from riding as stowaways atop cargo trains, which had been a primary form of transportation for many migrants, particularly those who can't afford to pay a smuggler. On July 11, 2014, Mexico's Interior Minister Osorio Chong said in a radio interview that the government sought to "bring order" to the cargo trains, known as *La Bestia*, saying that "*La Bestia* is for cargo, not passengers, so we must take steps to regulate it."<sup>55</sup> In line with the the President's Southern Border Program rhetoric on providing "comprehensive attention" to migrants, and in the context of a train derailment in Oaxaca, Minister Osorio Chong asserted, "There are two points where *La Bestia* is taken by migrants from Central America, in Tabasco and in Chiapas, and we cannot continue to allow that they put their lives in danger."<sup>56</sup> The cities and stations in these two states that traditionally served as common boarding sites have since seen a sharp drop in the number of migrants taking the train.

Although it would be hard to argue that the train was a safe way for migrants to travel north, there is widespread concern about both the harshness of the operations to prevent migrants from riding

the train and the new dangers migrants face as they take altered routes north to avoid these operations. On August 12, 2014, Minister Osorio Chong said, in regard to the train operations, "It's not a plan to attack or hurt migrants, but rather quite the opposite, to protect the rights and security of citizens from other countries."<sup>57</sup> Yet that same day, the migrant shelter La 72 in Tenosique, Tabasco reported a violent operation carried out by INM agents and Federal Police to prevent over 300 migrants from boarding the train in Tenosique.<sup>58</sup>

Migrant shelters and civil society organizations have continued to document use-of-force concerns and other abuses in the operations to counter migrants along the train routes. The Guatemalan National Council for Attention to Migrants (*Consejo Nacional de Atención al Migrante de Guatemala*, CONAMIGUA) reports that Mexico's INM carried out 153 raids and operations on the trains in 2014, a number INM Commissioner Vargas also cited in a March 2015 press conference, though he did not offer a concrete time period over which these operations occurred.<sup>59</sup>

In March 2015, the migrant shelter in Palenque, Chiapas received testimony from various migrants who witnessed the vicious persecution



*Train tracks in Arriaga, Chiapas*

of a migrant by INM and Federal Police agents. Following a raid on the train, agents pursued the migrant, who was around 20 years old, for about two hours. The migrant began to drown after being chased into a river, and agents watched as the migrant struggled, despite his calls for help. A witness explained that the agents who watched as the migrant drowned said to “leave that jackass.” It took over ten hours for migration authorities to arrive and collect the body.<sup>60</sup>

In September 2014, Mexico’s Communications and Transportation Ministry (*Secretaría de Comunicaciones y Transportes*, SCT) announced a MXN\$ 6,058,000,000 (approximately US\$360 million) plan to restore and modernize 1,046 kilometers (approximately 650 miles) of the Chiapas-Mayab train tracks between 2014 and 2018, which would triple the speed of the train by the end of President Peña Nieto’s administration.<sup>61</sup> Transportation Undersecretary Carlos Almada explained that the goal of these funds was twofold: to improve the connectivity and increase the average speed of the trains, as well as to “mitigate the various social problems associated with the

slow pace of the train cars through this region.”<sup>62</sup>

Train velocities have increased from about 10 kilometers per hour (6 mph) to 60–70 kilometers per hour (37–43 mph). “Obviously migrants can no longer use it,” then-Southern Border Coordinator Mayans said, “because when it ran at about 10 kilometers, they could board, or when it stopped in certain stations, but not anymore, now with these speeds it’s much more dangerous.”<sup>63</sup>

The Chiapas-Mayab train has two routes: the Mayab route runs inland from the Gulf of Mexico from Valladolid, Yucatan to Coatzacoalcos, Veracruz, passing through the states of Campeche and Tabasco; the Chiapas route runs inland from the Pacific Ocean from Ciudad Hidalgo, Chiapas to Ixtepec, Oaxaca. However, due to track damages from Hurricane Stan in 2005, the Chiapas route only operates starting in Arriaga, approximately 175 miles from the border with Guatemala. This Chiapas route was a very common starting point for Central American migrants. In addition to raids on trains, vigilance at train stations, and increased train speeds, other efforts to prevent migrants from riding the trains have included:

- **Monitoring by private security forces:** Two of Mexico’s largest train companies, Grupo Ferrovial Mexicano (Ferromex) and Ferrocarril del Sureste (Ferro-sur), have hired private guards to monitor the trains and prevent migrants from boarding. Migrant shelters report that the guards are armed with high-caliber rifles, and have documented cases of threats and acts of aggressions by the guards against migrants found near the trains. In September 2015, the Gonzalez y Martinez migrant shelter (*Estancia del Migrante Gonzalez y Martínez*) in the state of Querétaro (central Mexico) documented two months of threats and attacks against migrants and shelter personnel carried out by the guards hired by Ferromex. In the most recent incident, on September 6, 2015, the shelter reported that guards fired on migrants walking near the train tracks; no injuries were reported.<sup>64</sup>
- **Walls and barriers:** In fall 2014, Ferro-sur constructed a concrete wall topped with barbed wire that extends roughly one kilometer (approximately 0.6 miles) along the train tracks in Tierra Blanca, Veracruz. In addition to impeding migrants from accessing the train, the wall complicates migrants’ access to the Decanal Guadalupano migrant shelter, which has provided shelter and assistance to migrants since 2003.<sup>65</sup> Before the PFS was announced, Ferro-sur had begun efforts to impede migrants from boarding the train. In 2013, the train company built a wall, similar to the wall in Tierra Blanca, to impede migrants’ access to the train in Coatzacoalcos, Veracruz.<sup>66</sup> In 2012, Ferro-sur lined both sides of the tracks in Apizaco, Tlaxcala with concrete posts, which has made it nearly impossible to board and disembark the train, and has resulted in numerous injuries.<sup>67</sup>

Migration authorities have also carried out raids on restaurants, hotels, and bus stations commonly used by migrants.<sup>68</sup> For example, in August 2014, the migrant shelter in Arriaga, Chiapas—where the Chiapas train route currently begins—reported that INM agents conducted night raids on hotels known to house hundreds of migrants.<sup>69</sup> Arriaga was once a hotspot for migrants boarding *La Bestia*, but heavy INM operations have made

Arriaga a place for migrants to avoid.<sup>70</sup> According to an Arriaga official (who referred to the migration crisis in past tense) during the height of the 2014 “surge” of migrants at the U.S. border, 500 to 1,000 new migrants arrived in Arriaga each day, most of them families and children, flooding the main square and rail stations. Today, however, migrants are a rare sight in Arriaga.

## NEW ROUTES

The Southern Border Program has shifted migration patterns in Mexico’s southern border zone, often in ways that place migrants at greater risk. Obstacles to riding the train, combined with raids and checkpoints along other traditional migrant routes, have caused migrants to seek alternative modes of transportation and routes north. A clear effect of the Southern Border Program has been a multiplication of routes taken, as many migrants are walking different routes and covering much greater distances. Many ride in buses or taxis, either risking encountering a checkpoint or disembarking beforehand and walking around it. Some travel hidden in smugglers’ vehicles, while others travel by boat up the coast of Chiapas and Oaxaca. Still, some migrants continue to ride the train, often boarding further north or in different cities than were previously common.

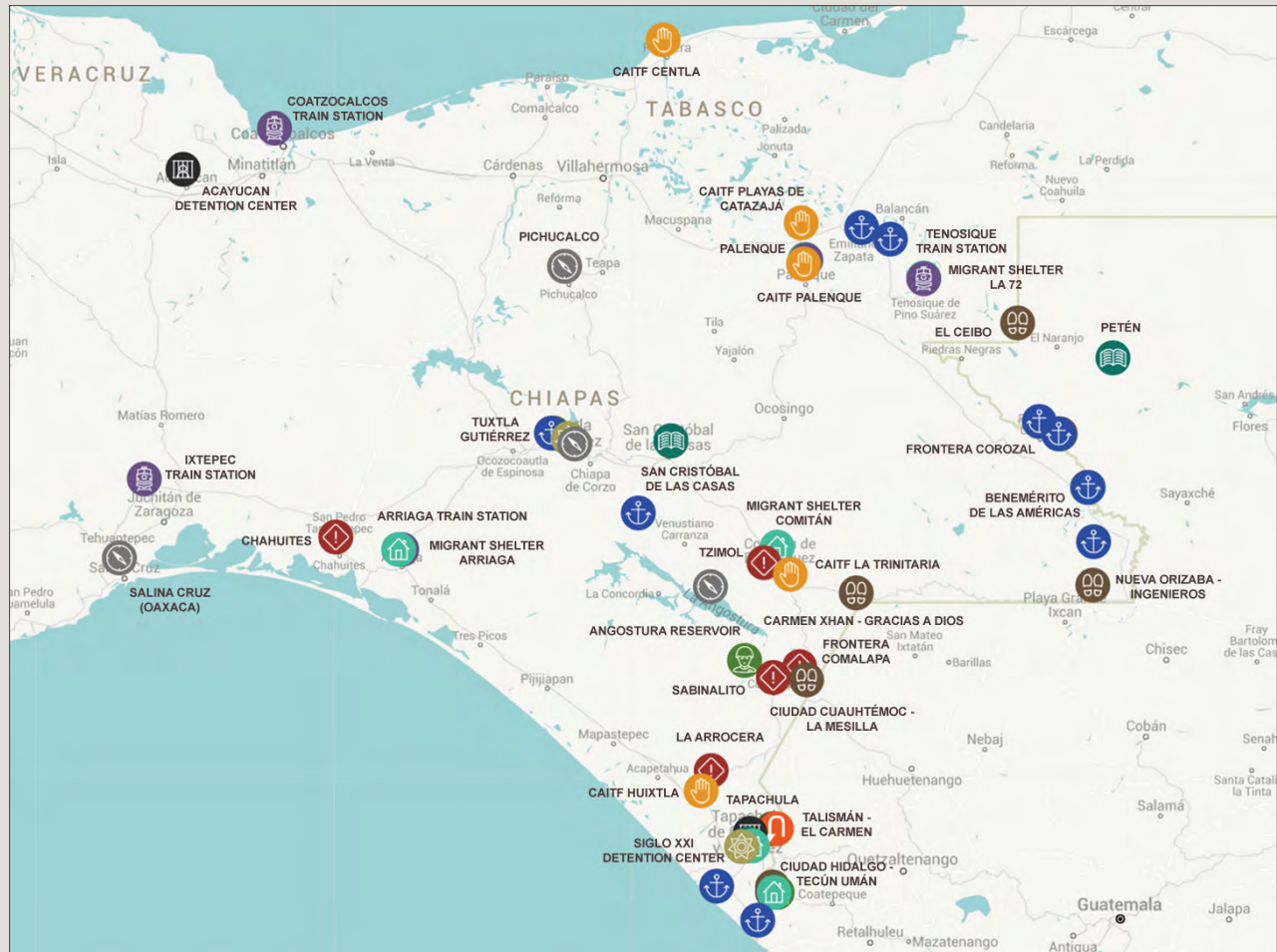
These shifts away from traditional routes have exposed migrants to new vulnerabilities, while simultaneously hindering their access to the network of shelters established along the train routes to provide humanitarian assistance. Migrant

shelters, especially those in northern Mexico, report receiving fewer migrants since the PFS was implemented. As described in the joint report by WOLA and several Mexican organizations and migrant shelters, titled *An Uncertain Path: Justice for Crimes and Human Rights Violations against Migrants and Refugees in Mexico*—with fewer migrants arriving at shelters, efforts to document human rights abuses and violations against migrants under the PFS have been complicated.<sup>71</sup>

Moreover, as routes have become longer and more complex, often requiring the bribing of more officials, smugglers’ fees have increased. Migrants report paying fees between US\$9,000 and 10,000, up from US\$6,000–8,000 before the PFS. A June 2015 investigation by the Mexican investigative journalism organization *Periodistas de a Pie* determined that a main consequence of the Southern Border Program has not been to stop the flow of migration, but rather to make it more expensive, raising bribes that coyotes must pay—a cost that is passed on to the migrants.<sup>72</sup>



# MAP OF MEXICO'S SOUTHERN BORDER ZONE



- |                   |                          |                      |
|-------------------|--------------------------|----------------------|
| Border Crossings  | Mentioned in this Report | Migrant Shelters     |
| Checkpoints       | Mexican Army             | New Migration Routes |
| Deportation Sites | Mexican Navy Bases       | Reported Attacks     |
| Detention Centers | Mexican Police           | Train Stops          |



Below are the changes in migration routes we recorded:

- **Routes traditionally used by women and children:** In the past, Central American migrants used so-called “masculine” and “feminine” routes, with the masculine routes being characterized as faster but more arduous, such as riding atop *La Bestia*. While certainly not unknown aboard the trains, women, children, and families tended to travel via other routes even before the crackdown on *La Bestia*, for example, along roads where smugglers had “arranged” their passage through transactions with corrupt security and migration authorities. Though these routes are more time-consuming, they are coming into greater use by all migrants due to increased train security.
- **Routes through the highlands of Chiapas:** Advocates in San Cristóbal de las Casas and Tuxtla Gutierrez now report seeing more migrants by roadsides, soliciting money and rides. As this was previously very infrequent, local communities are unaccustomed to encountering migrants, and there is not a well-established shelter network. Petty crime and sanitation concerns have been primary complaints, in addition to concerns that migrants attract organized crime, which comes to prey on them. There have also been reports of locals extorting or taking advantage of migrants. From San Cristóbal de las Casas and Tuxtla Gutierrez, migrants either take the highway to Veracruz, or head farther north to Pichucalco, in northwestern Chiapas, where they board the train that leads to Veracruz and up the Gulf of Mexico coastal plain.
- **Routes along rural roads instead of highways:** Although rural roads make for a longer journey, they are less heavily patrolled. Migrants are increasingly using a route that follows the Angostura reservoir on the southwestern edge of the Chiapas highlands, traveling on rural roads and crossing rivers on barges large enough to support vehicles.
- **Routes into Mexico through the lowland jungles along Chiapas’ border with Guatemala:** A smaller number of migrants transit across Guatemala’s Petén region into the lightly guarded, sparsely populated jungle region of central eastern Chiapas. From there, their route joins the central route north, either to Palenque and Pichucalco or to San Cristóbal de las Casas and Tuxtla Gutierrez.
- **Routes up the Pacific coast by boat:** Migrants often board small boats in Guatemala’s San Marcos Department at the mouth of the Suchiate River, or in Puerto Chiapas. In a series of short trips, migrants make their way up Chiapas’ Pacific coast, stopping in various coastal towns and traveling through shallow estuaries. The boats are usually small and stay close to the shoreline, and the journey commonly ends in Salina Cruz, Oaxaca. While on the rise, the use of the ocean route is still not very heavy. One analyst estimated a maximum of 30 migrant boats in operation on an especially busy day, usually fewer.

## REFUGEE STATUS, ASYLUM, AND ACCESS TO PROTECTION

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While over 165,580 migrants were apprehended in Mexico between October 2014 and September 2015, very few have sought or received protection in the country. This is despite the fact that Mexico has a broader definition of “refugee” than the United States, which only grants asylum when an individual can demonstrate “that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group.”<sup>73</sup> Mexico’s 2011 Law on Refugees, Complementary Protections, and Political Asylum recognizes a right to asylum based on “generalized violence; foreign aggression; internal conflicts; massive violation of human rights; and other circumstances leading to a serious disturbance of public order.”<sup>74</sup>

Even with broader categories for qualifying for protection, the Mexican government’s Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) only granted refugee status to 451 people in 2014, around 21 percent of all requests; of these refugees, 413 were from the Northern Triangle.<sup>75</sup> Another 79 individuals received “complementary protection” from COMAR last year, meaning that, though these individuals do not qualify as a refugee and cannot apply to bring their family members, they are permitted to stay in Mexico due to the risk of death, torture, or other cruel and inhumane treatment should they be returned to their countries.<sup>76</sup> In the first seven months of 2015, 1,684 people have requested protection in Mexico; of these, 369 have been granted refugee status and another 46 have been granted complementary protection; 92 percent of requests in 2015 are from individuals in the Northern Triangle.<sup>77</sup>

There are multiple reasons why Mexico harbors so few refugees. Many migrants are unaware of their rights to seek protection. When they are admitted to migrant detention centers, INM agents are required to inform migrants of their rights, including the right to request protection

in Mexico. In practice, however, this requirement is often overlooked or inadequately fulfilled, meaning a migrant may simply sign a form affirming that he or she has been informed of his or her rights without fully grasping its content, or that screening by an agent may be cursory.

In its December 2013 report on the situation of migrants in Mexico, the Inter-American Commission on Human Rights estimated that 68 percent of the people held in Mexico’s largest migrant detention center, the Siglo XXI facility in Tapachula, were unaware of their right to seek protection.<sup>78</sup> In a survey conducted by the United Nations High Commissioner for Refugees (UNHCR) of two hundred unaccompanied migrant children held in Mexico City and Chiapas, only 27 percent knew of their right to seek asylum or refugee status in Mexico.<sup>79</sup> The UNHCR, with offices in Mexico City and Tapachula, is able to visit migrant detention centers in Mexico and speak to migrants about their right to seek protection. Currently, it is working to expand the information available to migrants in detention, such as through posters or videos informing them of their rights.

Detained migrants who are aware of their right to request asylum may decide not to do so, or are discouraged to do so by INM agents, because they must remain in detention until their request is fully considered. By law, this can take up to 45 business days, and can then be extended for several reasons including the need for additional information about the case or the lack of an adequate interpreter.<sup>80</sup> In centers like Siglo XXI that are constantly at or above capacity, a migrant seeking protection represents a problem for the INM, as it means fewer beds available to temporarily hold other migrants, and an additional use of resources to house and feed them.

For migrants, staying in detention for an indefinite amount of time may be too much to bear. In Tapachula we heard that an increasing number of detained migrants who wish to request asylum desist from their claims so that they can be

deported home. Many then travel back to Mexico and go directly to COMAR's office to request asylum, thus avoiding detention while their request is processed.

Even when migrants are able to have their claims processed outside of detention, they face other problems, particularly providing for themselves and their families since they are not legally able to work. Refugee families regularly request humanitarian assistance from UNHCR and Mexican agencies so that they can cover their basic expenses in the months it takes to process their claims. Shortly before our visit in July 2015, the Jesús el Buen Pastor Shelter, run by Olga Sánchez, opened a new house for refugee families with five rooms, each equipped with a bathroom and kitchen, so that some families have a place to stay while their claims await a decision.<sup>81</sup>

In 2014, almost 36 percent of requests for asylum were either desisted (meaning the migrant decided to drop the claim and be deported) or abandoned (meaning the migrant failed to show up for his or her interview or provide additional information about his or her claim).<sup>82</sup> It is likely that in many cases the migrant either did not want to remain in detention or could not sustain his or herself economically for the duration of the proceedings.

Another obstacle for asylum seekers is a lack of access to legal representation. Most migrants cannot afford to hire a lawyer; there are few pro-bono immigration lawyers in Mexico, and

the civil society organizations involved in representing refugees face difficulties entering migrant detention centers. For example, the staff at the Tapachula-based Fray Matías de Córdova Human Rights Center is only able to enter an office at Siglo XXI twice a week for four hours and is only able to speak with migrants who have put their names on a list. As is the case in the United States, refugee-status seekers who lack legal support are less likely to see their claims resolved in their favor.<sup>83</sup>

COMAR itself is understaffed. There are only fifteen agents available to consider claims throughout the entire country, with four stationed in Chiapas. Unlike in the United States, where migrants make their case before an immigration judge, in Mexico the COMAR agent makes the determination about protection based on an interview with the migrant and an analysis of the situation in their home countries. With a dramatic increase in requests, but only a minimal increase in resources (COMAR's budget did not increase in real terms from 2014 to 2015),<sup>84</sup> it is difficult to imagine that agents are able to take the time necessary on each case to adequately assess the request. In many parts of Mexico, there are no agents from COMAR available, which limits migrants' ability to speak with anyone about their eligibility for protection. In these cases, a migrant must communicate his or her interest in requesting protection to an INM agent, who then transmits this information to COMAR.

## MIGRANT DETENTION CONDITIONS

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Though entering Mexico without proper documentation was decriminalized in Mexico in 2008 (unlawful entry is now an administrative violation), migrants without proper documentation are still held in detention while being processed. Language in Mexican law about migrant detention is vague: migrants are "presented" (*presentados*) at detention centers, termed "migration stations" (*estaciones migratorias*), that are administered by the INM, where they are "temporarily housed"

(*alojamiento temporal*) until their stay in Mexico is "regularized," or before they are returned to their country of origin.<sup>85</sup> Depending on the migrant's citizenship, the removal proceedings can take between two days, which is the case for most Central Americans unless they are requesting some form of protection, to several weeks or even months, as is the case for migrants from Cuba or countries in Africa, Asia, or elsewhere.

Under law, a migrant can be held for up to 60 working days. This can be extended indefinitely due to several factors, including an inability to accurately identify the migrant and/or his or her nationality, difficulties in obtaining identification documents, consular delays, or health problems, among others.<sup>86</sup> Some migrants from parts of the world where it is politically or operationally difficult for the migrant to be returned (such as for migrants fleeing violent conflicts who would not necessarily qualify for asylum), the migrant might spend a significant amount of time in detention waiting for an exit document (*oficio de salida*), granting the individual the possibility to remain in Mexico for a period of up to 20 days (many of these migrants likely then make their way to the U.S. border).<sup>87</sup> One Mexican official estimated that approximately 30 percent of the population in Siglo XXI is detained for prolonged periods of time.

Mexican law stipulates that unaccompanied migrant children should be housed in shelters administered by the National System for Integral Family Development (*Sistema Nacional para el Desarrollo Integral de la Familia*, DIF). Due to a lack of space to house them, however, this is frequently not the case. Under this “exceptional circumstance,” the law allows unaccompanied minors to be held in migrant detention centers, at times with adult migrants.<sup>88</sup>

The largest migrant detention center in Mexico, and indeed in all of Latin America, is Siglo XXI in Tapachula, Chiapas, with a capacity to hold up to 960 migrants.<sup>89</sup> Because of its location, Siglo XXI is the main point of departure for Central American migrants who have been detained in the state of Chiapas or elsewhere in central and southern Mexico; the other detention center for departures to Central America is in Acayucan, Veracruz. As a result of increased enforcement in Mexico under the Southern Border Program, and the fact that more than 40 percent of all migrants are apprehended in Chiapas, Siglo XXI is consistently at or above capacity, holding large numbers of Central American migrants, but also hundreds of Cubans as well as migrants from other parts of the world.

While not prohibited, access to migrant detention

centers in Mexico is limited and often restricted to offices outside of the areas where migrants are held. Experts who have had access to Siglo XXI, including one of this report’s authors, observed clean yet crowded living conditions with little ventilation, in a space that feels and looks like a prison. Migrants are divided by gender (there are sections for men, women, families, and unaccompanied minors) and each section has an outside patio. Within each sector, migrants are held based on their length of stay: most Central Americans are placed in rooms for temporary stays, with sinks and benches that can accommodate mattresses; migrants who are being detained for longer periods stay in dormitories with bunk beds for sleeping. The doors to each of the rooms are locked each night and opened again in the morning. While there are some recreational activities, these are limited and one can imagine overcoming boredom to be a challenge.

Although the process of receiving and holding migrants seems orderly, reports from detained migrants tell of verbal, physical, or sexual abuse; inadequate or delayed access to health care; and theft of migrants’ belongings. Detained migrants also describe fears for their own safety, since at times gang members have allowed themselves to be caught so that they can stay inside the detention center, watching over and harassing other migrants.

According to migrant testimonies obtained by the Fray Matías de Córdova Human Rights Center, due to overcrowding at Siglo XXI, migrants wait long periods of time to eat, migrant dormitories are over capacity, and cleanings of the bathrooms and sheets are insufficiently frequent, among other problems. One Egyptian migrant who had been in Siglo XXI for 60 days while his asylum claim was being processed wrote, “During my stay here I am an eyewitness to all type of violations that happen here. All laws have been broken without care and no one in the Mexican government seems to be interested. Here you don’t have any rights. Here you are not even a human, you are just a criminal, a trash bag. That’s how everyone is treated, no matter where you are from. Here you are a trash bag, getting the worst food, the worst medical treatment.”<sup>90</sup>

# HUMAN RIGHTS VIOLATIONS

## AND CRIMES AGAINST MIGRANTS

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As we heard during our trip—and as is described in greater detail in the joint report *An Uncertain Path*<sup>91</sup>—although the southern border program was framed as an initiative to enhance migrants' safety, increased migration enforcement in Mexico in the past year has resulted in an uptick in human rights violations and abuses against migrants as they travel through Mexico. These abuses include robbery, kidnapping, sexual assault, disappearances, murder, and human trafficking, particularly by criminal groups, at times with the collaboration or acquiescence of Mexican authorities, as well as excessive use of force, mistreatment, and extortion by Mexican officials.

As crimes against migrants committed by criminals have increased, so too have abuses by Mexican officials. Complaints of human rights violations by INM officials received by Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) have increased from 454 and 450 in 2013 and 2014, respectively, to 511 complaints in the first eight months of 2015.<sup>92</sup> In September 2015, Federal Police agents detained four INM agents in Chiapas accused of involvement in a human smuggling ring.<sup>93</sup> One of the most recent recommendations to the INM by the CNDH, from 2014, concerned the sexual assault of a 16-year-old Honduran girl by an INM agent while she was being detained in San Luis Potosí.<sup>94</sup>

Beyond immigration officials, Mexican security forces have also been implicated in crimes and human rights violations against migrants. A local human rights organization spoke of a case in which Chiapas State Border Police agents had beaten a migrant, and when the complaint was lodged, the migrant was quickly deported, making it almost impossible to follow up with the case.

Surveys of migrants who arrived at shelters by members of the Documentation Network of Migrant Defense Organizations (*Red de*

*Documentación de las Organizaciones Defensoras de Migrantes*, REDODEM) found that the most common abuses committed by Mexican authorities against migrants are robbery, extortion, illegal detention, and physical abuse. The agency migrants identified most as having abused them was the Federal Police, followed by municipal police forces.<sup>95</sup>

The shelters participating in the report *An Uncertain Path* have also documented cases of INM agents being involved in human trafficking rings, and of migrants being robbed and extorted by INM agents, as well as federal and municipal police forces. In many of these cases, officials ask migrants for money in order to continue with their journey.

Local human rights organizations in Chiapas told us of ongoing human rights violations against the general population by federal, state, and municipal security forces. Also mentioned in our June 2014 report *Mexico's Other Border*, there continue to be cases of harassment of local residents when they pass through checkpoints, and local activists spoke of increased interrogation by soldiers and police.

There is also ongoing concern that the expansion of security forces in the southern border zone, particularly in Chiapas, has more to do with the federal and state governments' plans to move forward with controversial projects—such as the expansion of mining concessions in the state and the construction of a highway between San Cristóbal de las Casas and Palenque—and less to do with increasing Mexico's migration enforcement capacity. Local groups told us that many communities are being pressured to leave their land. To date, the Mexican government has granted 99 mining exploitation permits in Chiapas, which are valid until 2050 and beyond, that cover one million hectares (2.5 million acres) of land; many communities within the 16 affected municipalities have protested their establishment.<sup>96</sup>



## CRIMES AGAINST MIGRANTS

While reported levels of violent crime in Chiapas are below Mexico's national average, crimes against migrants—of which only a small fraction get reported—are quite high. An analysis of crime data published by the Mexican investigative news site *Animal Político* shows a disturbing rise in reported crimes committed against Central American migrants in Chiapas in the year since the Southern Border Program began. Complaints of assaults and kidnappings against migrants are up, and “the crime of robbery shot upward by 81 percent” in border transit states.<sup>97</sup>

According to the Chiapas Attorney General's Office, from July 2014 to April 2015, 385 crimes against migrants were registered. ... from January to April of this year, 171 crimes were denounced, versus 147 during the first four months of 2014. That is, 16 percent more. In addition, assaults and robberies in the state increased 246 percent and 61 percent, respectively, since the presentation of the Southern Border Program. Assaults went from 15 in the July 2013—April 2014 period to 52 in the same period a year later, while robberies rose from 55 to 89.<sup>98</sup>

Civil society representatives we spoke with in Chiapas mentioned changes in the perpetrators of these abuses, who are not just organized criminal groups or Mexican officials but increasingly individual residents of the areas where migrants are traveling.

It is also clear that criminality has followed migrants to their new routes. For example, in October 2014, Father Alejandro Solalinde, founder of the shelter *Hermanos en el Camino*, in Ixtepec, Oaxaca, opened another migrant shelter in Chahuities, Oaxaca in coordination with the local mayor, the state Special Prosecutor's Office for Attention to Migrants (*Fiscalía de Atención al Migrante*), and the CNDH. This shelter is located close to the Oaxaca border with Chiapas, some 26 miles north of Arriaga.<sup>99</sup> Given the complications of traveling on the train in Chiapas, more migrants are bypassing Arriaga and heading directly to Oaxaca, often on foot, with the hope of being

able to continue with their journey there. Since it opened, the shelter's staff has denounced over 200 assaults against migrants on the route between Arriaga and Chahuities; in September 2015 four Salvadoran migrants were violently attacked and robbed while they walked the train tracks in this area.<sup>100</sup>

In Frontera Comalapa, we heard of an increase in crimes against migrants that coincides with more migrants using this “central” route through the Chiapas highlands. Just days before we arrived, local newspapers carried the story of a Guatemalan woman who had been raped and murdered in the outskirts of the town. Local activists also mentioned that the bodies of migrants who had been killed were appearing with more frequency in the canals that border agricultural fields in the area. The number of unidentified and unclaimed bodies has been enough to overwhelm the tiny local coroner's office, which is not equipped with refrigeration. The activists cited a desperate need for DNA testing capacity to identify remains.

Communities, which warmly greeted refugees of Central America's wars in the 1980s, are less receptive today. In Frontera Comalapa, migrant rights defenders told us that the population tends to blame petty theft and other nuisance crimes on “Hondurans.” Due to a belief that migrants bring violence, “there is little hospitality for migrants in Comalapa,” one defender told us, even though the migrant population increasingly includes families. Another Frontera Comalapa-area human rights defender insisted that the population is inclined to be open to migrants, as it was in the 1980s, and that many locals are willing to share what they have, “But it can be dangerous. You don't know who the migrants are. They could be *mareros* [gang members].”

Central American gangs do continue to be present on the Mexican side of the border, and many of those who prey on migrants in Chiapas are, in fact, Central American. Often, they are members of Mara Salvatrucha, Barrio 18, and other gangs driving high migration out of the

Northern Triangle countries. Until recently, these gang members were identified by ways of dress, hand signs, and especially tattoos. The newer

generation of gangs, however, tends to avoid tattoos and is harder to distinguish from the population, a Chiapas-based official explained.



*Mural at the migrant shelter in Tecún Umán, Guatemala*

## TRAFFICKING & ORGANIZED CRIME

### IN THE SOUTHERN BORDER ZONE

#### DRUG TRAFFICKING

As noted above, a large portion of U.S.-bound cocaine, and some U.S.-bound heroin, passes quickly through Chiapas. As these products tend not to stay long on the Mexican side of the border, control over long-distance trafficking tends not to generate much violence north of the Mexico-Guatemala borderline.

Much of the contraband passes through unofficial road crossings. Local groups cited the town of Sabinalito, just north of Ciudad Cuauhtémoc, and the jungle zone around Benemérito de las Américas, but there is a multiplicity of sites, within a few miles of paved roads, where individuals carrying significant volumes of illegal products can cross undetected into Mexico.

The impact of organized crime is more acutely felt in competition for control of local criminal markets. What often simply gets called the “mafia” in Chiapas makes its money from prostitution, often with trafficked migrant women and girls in bars, and from “micro-trafficking” (*narcomenudeo*), sales of smaller amounts of illegal drugs for local consumption. These activities bring occasional outbreaks of violent competition between gangs for local control. And neither can exist without the collusion of corrupt local security, judicial, and political officials.

These outbreaks of violence can be serious. The town of Frontera Comalapa—strategically located near the land border along the road between the central region and the Pacific—saw a rash of killings in 2013. (Some residents believed that high-level national cartel figures may have

been hiding out there.) Today, homicides are still common in the area around Frontera Comalapa, including some cases in which the unidentified victims are probably Central American. When WOLA staff exited our bus in Frontera Comalapa in July 2015, a teenage male passenger we spoke with to ask for directions ended his comments with, “Be careful, it’s very dangerous.”

According to several accounts we heard during our visit, organized crime has comfortable relationships with local officials. An analyst we spoke with described one city’s newly elected mayor as “the biggest narco in the region.” In the border town of Ciudad Hidalgo, the new mayor, who goes by the nickname “La Loba” (“the female wolf”), has been accused over the years of extortion, contraband trafficking, and vote fraud.<sup>101</sup>

## HUMAN TRAFFICKING

Migrant rights defenders in Tapachula said they suspected that sexual abuse of female migrants is rising, especially in larger towns (*cabeceras municipales*). Other migrant women are victims of human trafficking, often being lured to Tapachula and other cities in Chiapas by a promise of employment. As a result of increased attention on human trafficking in Mexico—including the United Nations Office on Drugs and Crime’s (UNODC) international Blue Heart campaign, which was launched in Mexico in 2010—more state and federal agents have been trained on detecting trafficking victims and investigating cases. During the current government, which was inaugurated in late 2012, Chiapas has issued 58 sentences for human trafficking crimes.<sup>102</sup>

Despite progress, human trafficking remains difficult to eradicate, not only because of corruption and networks’ sophistication, but because victims themselves rarely come forward.

Their reticence owes to economic desperation. “To be trafficked is one of the only ways to stay here, and to support a family back home,” a migrant rights defender in Frontera Comalapa admitted.

Meanwhile, prosecutors face a perverse incentive: in order to meet a minimum number of arrests of human trafficking suspects, they have been rounding up the poorest traffickers instead of doing the more time-consuming, riskier work of taking down wealthier, better-connected networks. Local advocates note that most Blue Heart operations have occurred in the lower-income areas of the border zone. “Upscale” human trafficking has been untouched. In some operations, authorities have accused the victims of being the traffickers themselves. Some of the victims being “rescued” in these operations, local advocates speculate, are not actual trafficking victims at all, but migrants rounded up to inflate statistics.<sup>103</sup>



# CONCLUSIONS

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Although presented as part of the Southern Border Program, many of the initiatives laid out by the Coordinating Office for Comprehensive Attention to Migration at the Southern Border and by President Peña Nieto were already in the works prior to July 2014. As we described in our June 2014 report, the Mexican government had already established the Integrated Development Plan for the South-Southeast Zone, Border Zone Support Program, Customs Modernization Program, Migration Program for the Southern Border of Mexico, and the “Safe Passage” Program.<sup>104</sup> For the most part, the Southern Border Program is a new name to describe all of these efforts, with a greater emphasis on coordination between the local, state, and federal governments, and stepped-up efforts at migration enforcement.

In August 2015, shortly after issuing a report on the first year of its work, then-Southern Border Coordinator Mayans announced that due to budget cuts, the government was closing down the Coordinating Office and that he would return to the Mexican Senate.<sup>105</sup> During the year of its existence, the office held dozens of meetings with stakeholders, organized several conferences and workshops, identified federal social programs to prioritize in southern Mexico, and promoted the establishment of special prosecutor’s offices for crimes against migrants at the state level for Campeche, Quintana Roo, and Tabasco, based on the existing special prosecutor’s office in Chiapas.<sup>106</sup>

Although the office played a convening role among different government agencies as certain programs were developed, and promoted what could be effective measures for investigating crimes against migrants if properly implemented, it was not empowered to move significant financial or bureaucratic resources. As a result, its impact seems limited and hard to identify, which may be

in part why it has now been dismantled. Given its limited role, the office’s disappearance will likely have little impact on the programs and initiatives currently in place in Mexico’s southern border region, and it is as of yet unclear if any other office will take on the tasks once assigned to Senator Mayans and his team.

Beyond any official documents, migrants, advocates, and Chiapas citizens use the term “Southern Border Program” to refer to the dramatic increase in migration enforcement that came after President Peña Nieto’s July 2015 announcement. There is no indication that this enforcement will be reduced any time soon. At the same time, Mexico has only taken initial steps to address, investigate, and punish abuses against migrants and the official corruption that so gravely undermines the rule of law in regions like the southern border zone.

While Mexico’s effort, however partial, reduced the sense of urgency for policy change in the United States, it has not “solved” the problem of Central American migration. The poverty and violence that drive migrants to journey through Mexico remain unchanged. In fact, El Salvador this year may register the highest homicide rate yet recorded in the Americas. During 2015, the numbers of unaccompanied minors apprehended at the U.S.-Mexico border steadily increased between January and August, reaching 3,604 apprehensions in August 2015, before decreasing slightly to 3,520 apprehensions in September.<sup>107</sup> While data are not yet sufficient to explain why, this modest increase may indicate smugglers’ and migrants’ adaptation to Mexico’s increased enforcement and demonstrates the continued deterioration of the situation in Central America’s Northern Triangle.



# RECOMMENDATIONS

Mexican officials have frequently stated that their goal in southern Mexico is to gain better control over the legal flows of people and goods so that they can dedicate more resources to addressing illicit traffic at the border. The United States has been eager to support the Mexican government in these efforts. Improving border security and management is no easy task, nor is there a quick answer to addressing the large volume of people, mainly Central Americans, traveling through Mexico, many of whom likely qualify for some form of protection.

What our research over the past two years has made clear is that initiatives at Mexico's southern border cannot strictly rely on security measures like increased checkpoints, patrols, and equipment, which may lead to more seizures of drugs and other illicit goods but which do not address the corruption and impunity that accompany this trade. Increased apprehensions and deportations of migrants also do nothing to tackle the push factors driving people from their homes.

As the Mexican government continues with its border security efforts, and as the U.S. government supports these efforts, it is essential that the Mexican government enforces all of its laws: not just those prohibiting the illicit flow of people and goods, but also those guaranteeing access to refugee or other protected status, those prohibiting human rights violations, and those outlawing corruption at all levels. The recommendations below are in line with this belief, and call on the U.S. government to further its cooperation with Mexico on these areas, as well as to address the root causes of Central American migration.

- **MEXICO NEEDS A GREATER PRESENCE OF WELL-TRAINED AND CORRUPTION-FREE JUDICIAL, PROSECUTORIAL, AND CRIMINAL INVESTIGATIVE PERSONNEL IN THE SOUTHERN BORDER ZONE.** Prosecutors and investigators are essential to untangling organized crime networks and following money trails to get at those who benefit from drug trafficking, human trafficking, kidnapping, and migrant extortion. Only such judicial and prosecutorial personnel, within a reformed judicial system, can increase the probability that an official will be punished for corruption or other behavior that aids or abets organized crime. To do their jobs more effectively, state and federal prosecutorial and judicial agencies need more security (as do their informants and witnesses), better technology, more manpower to reduce caseloads, and stronger controls to weed out internal corruption and abuse. We issued a similar recommendation in our June 2014 report, but have since seen only small steps in this very important direction.
- **U.S. SUPPORT DIRECTED AT MEXICO'S SOUTHERN BORDER SHOULD GO BEYOND THE MÉRIDA INITIATIVE'S GOAL OF "CREATING A 21ST CENTURY BORDER STRUCTURE."** While it is important for Mexico to have more control of its own territory and a fuller sense of who is crossing its southern border, what we have seen over the past two years of research is that building up security and immigration forces' capabilities (in a context of forces with different capacities and training levels, and with weak mechanisms for holding officials accountable for human rights violations and corruption) has increased abuses while doing little to stop illegal activity in the border zone. Mexico, with U.S. assistance, must go beyond a border management focus and invest more at the

southern border in enhancing “the capacity of Mexican public security, border and judicial institutions to sustain the rule of law” (pillar 2 of the Mérida Initiative) and “Strengthen[ing] communities by creating a culture of lawfulness and undercutting the lure and power of drug trafficking organizations” (pillar 4 of the Mérida Initiative).<sup>108</sup> In the current context of an increasingly mixed flow of migrants and refugees, U.S. support for Mexico should also prioritize efforts to identify, screen, and protect vulnerable persons and asylum seekers.

- **MEXICO MUST EXPAND ITS CAPACITY TO SCREEN APPREHENDED MIGRANTS FOR PROTECTION CONCERNS AND STRENGTHEN ITS ASYLUM PROCEDURES.** In October 2015, during the launch of its report on women from the Northern Triangle and Mexico who are seeking protection, the UNHCR warned of a “looming refugee crisis in the Americas.”<sup>109</sup> As the region prepares for an increase of potential refugees, particularly from Central America, Mexico is becoming not just a country of transit, but a destination. Mexico should dramatically expand the capacity and size of COMAR to ensure a transparent and quick processing of requests, with procedures that do not violate the rights of those seeking protection. As the primary agency in contact with this population, the INM should also increase the capacity of its agents to screen migrants for possible protection concerns.
- **MEXICO MUST DEVELOP ALTERNATIVES TO THE MASS DETENTION OF APPREHENDED MIGRANTS, ESPECIALLY CHILDREN.** The Mexican government should consider options that allow migrants to await a resolution of their migration and asylum proceedings without being housed in a detention center. A current pilot project being developed in Mexico City for alternatives to detention for unaccompanied migrant children is an important exploration of viable options to better attend to this vulnerable population.<sup>110</sup> Detention conditions must also improve dramatically, and migrant defenders and humanitarian workers must be granted greater access to facilities. Mexico must work to improve its child welfare services’ capacity to protect migrant children, including increased capacity to screen children to detect possible cases of human trafficking or abuse.
- **THE INM SHOULD CONTINUE TO MOVE FORWARD WITH INSTITUTIONAL REFORMS TO IMPROVE ITS EFFECTIVENESS AND ACCOUNTABILITY.** The INM is close to establishing a civil service for its agents, a welcome step towards improving professionalization within the force. Other areas to focus on in the future are establishing an internal affairs unit, improving recruitment and management selection, and developing use-of-force guidelines. Additional U.S. support for the INM should prioritize these areas.<sup>111</sup>
- **AGENCIES WITH BORDER SECURITY RESPONSIBILITIES SHOULD CONTINUE TO INCREASE THEIR COORDINATION.** Multiple security forces in Chiapas referenced meetings of a security group, which brings together representatives from the Federal Police, SEDENA, SEMAR, and state police forces for regular meetings. Although this increased coordination is welcome, with the exception of one checkpoint and the CAITFs, the checkpoints we saw were manned solely by one agency. This fragmentation across many federal and state law enforcement and prosecutorial agencies, the military, and immigration agents weakens both effectiveness and accountability. The multiple checkpoints along the Chiapas Pacific highway also double travel time, hinder commerce, invite abuse, and fail to curb illegality.

- **NEITHER U.S. ASSISTANCE NOR THE STRATEGIES OF MEXICO AND GUATEMALA SHOULD ENCOURAGE THE USE OF MILITARY FORCE FOR INTERNAL SECURITY MISSIONS IN BORDER ZONES.** We repeat our June 2014 recommendation against encouraging a military role in citizen security and migrant enforcement missions. We note that this has not been a principal focus of the Southern Border Program, though efforts are underway to increase military capacities in the region, especially for Mexico's Navy and Guatemala's Interagency Task Force. We once again emphasize that missions placing military personnel in regular contact with citizens—including tense situations like checkpoints, searches, detentions, and interrogations—should be avoided and minimized wherever possible.
- **U.S. ASSISTANCE MUST ADDRESS THE PUSH FACTORS OF MIGRATION FROM CENTRAL AMERICA.** The US\$1 billion requested by the Obama administration for Central America would triple U.S. funding for the region and move beyond the security focus that has characterized U.S. assistance since 2008. The U.S. House of Representatives has only directly assigned US\$296.5 million for Central America in its version of the FY2016 State, Foreign Operations, and Related Programs appropriations bill, most of it for security assistance. The Senate has approved US\$675 million in its version of the bill for the administration's assistance strategy, including support for economic development and good-governance programs. Both chambers increased Defense Department counter-drug assistance to Central America's security forces. As of the writing of this report, it is unclear what the final amount will be, what the assistance will focus on, and when the funds will be allocated. We believe any U.S. funding should be carefully directed to those countries or agencies that have demonstrated the political will to tackle violence, insecurity and poverty, and deal with corruption and weak institutions. Some key areas to support are efforts to strengthen transparency and fight corruption; to build capacity and accountability for the judiciary and public prosecutors; to protect witnesses in sensitive cases; to carry out community-level violence prevention initiatives; and to provide employment training and job creation programs in communities where youth are especially at risk and from where many young people are migrating.

# NOTES

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## ABOUT WOLA

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights, recognize human dignity, and where justice overcomes violence. WOLA tackles problems that transcend borders and that require both domestic and international solutions. Through strategic collaborations, we partner with courageous individuals working on social change—advocacy organizations, academics, religious leaders, artists, business, and government officials—and together, we advocate for more just societies in the Americas.

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