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Advocacy for Human Rights in the Americas

RESEARCH **REPORT**

AP Photo/Rebecca Blackwell

MEXICO'S SOUTHERN BORDER

Security, Central American Migration, and U.S. Policy

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KEY FINDINGS

It has been nearly three years since the Mexican government announced its Southern Border Program, which dramatically increased security operations and apprehensions of northbound migrants. This report—based on field research in the area surrounding Tenosique, Tabasco along Mexico's border with Guatemala—examines migration flows, enforcement, and insecurity in southern Mexico.

- **THERE HAS BEEN A SHARP INCREASE IN THE NUMBER OF MIGRANTS AND ASYLUM SEEKERS WHO INTEND TO STAY IN MEXICO, RATHER THAN TRAVEL TO THE UNITED STATES.** Many are seeking asylum or other forms of immigration status. Between 2014 and 2016, there was a 311 percent increase in asylum requests in Mexico. In the first three months of 2017, Mexico had received more asylum applications than all of 2015. The UN Refugee Agency estimates that Mexico will receive up to 20,000 asylum requests in 2017.

- **DECREASED MIGRATION FLOWS THROUGH MEXICO AND AT THE U.S. SOUTHWEST BORDER DURING THE MONTHS FOLLOWING PRESIDENT TRUMP'S INAUGURATION ARE NOT SUSTAINABLE.** News of the Trump administration's hard line appears to have caused a wave of Central American migration before January 20, and a sharp drop afterward. However, until there are improvements in the violence and adverse conditions from which Central Americans are fleeing, people will continue to migrate en masse. By May 2017, apprehension levels at the U.S-Mexico border had begun to tiptoe back up, with a 31 percent increase in total apprehensions compared to April, and a 50 percent increase in apprehensions of unaccompanied minors.

- **ALTHOUGH MEXICO REGISTERED LOWER APPREHENSION LEVELS IN THE FIRST FOUR MONTHS OF 2017 COMPARED TO PREVIOUS YEARS, MIGRATION ENFORCEMENT UNDER MEXICO'S SOUTHERN BORDER PROGRAM REMAINS HIGH.** Total migrant apprehensions increased by a staggering 85 percent during the Southern Border Program's first two years of operation (July 2014 to June 2016) compared to pre-Program levels. Limited government resources, migrants' and smugglers' ability to adjust to new security patterns, corruption among authorities, and an overall drop in migration from Central America since President Trump took office have all likely contributed to the leveling off of apprehensions seen in Mexico in recent months.

KEY FINDINGS

- **CRIMES AND ABUSES AGAINST MIGRANTS TRAVELING THROUGH MEXICO CONTINUE TO OCCUR AT ALARMING RATES, AND SHELTERS HAVE NOTED A MORE INTENSE DEGREE OF VIOLENCE IN THE CASES THEY DOCUMENT.** While Mexico's major organized criminal groups do not operate heavily in the Tenosique corridor, smaller criminal bands and Central American gang affiliates routinely rob, kidnap, and sexually assault migrants along this portion of the migration route. Migrant rights organizations in southern Mexico documented an increase in cases of migration and police authorities' abuse of migrants as a result of the Southern Border Program, including recent accounts of migration agents, who are supposed to be unarmed, using pellet guns and electrical shock devices.

- **THERE HAVE BEEN FEWER U.S. ASSISTANCE DELIVERIES TO MEXICO FOR THE SOUTHERN BORDER PROGRAM THAN ORIGINALLY EXPECTED, BUT BIOMETRIC AND COMMUNICATIONS PROGRAMS CONTINUE APACE.** The U.S. State and Defense Departments are currently implementing a US$88 million dollar program to increase Mexican immigration authorities' capacity to collect biometric data and share information about who is crossing through Mexico with the U.S. Department of Homeland Security. The U.S. State and Defense Departments are also funding a US$75 million project to improve secure communications between Mexican agencies in the country's southern border zone. This program has erected 12 communications towers so far, all of them on Mexican naval posts.

- **THE MIGRATION ROUTE INTO MEXICO THROUGH TENOSIQUE, TABASCO HAS SEEN A SHARP INCREASE IN CHILDREN AND FAMILIES FLEEING VIOLENCE IN THE NORTHERN TRIANGLE REGION.** Between 2014 and 2016, the number of children (both accompanied and unaccompanied) apprehended in the state of Tabasco increased by 60 percent. The majority of migrants traveling through this area of the border are from Honduras.

MIGRATION'S CHANGED PROFILE

Our mid-February visit was WOLA's first in three years to the "La 72" migrant shelter in Tenosique, Tabasco, a town of 35,000 people about 40 miles from Mexico's border with Guatemala. While the majority of migrants from Central America travel north through the state of Chiapas on Mexico's Pacific coast, Tabasco, too, receives a significant number of travelers. In 2016, Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM) apprehended 10 percent of migrants (19,577) in Tabasco, compared to 43 percent (81,677) in Chiapas.[1]

Together with a dedicated team of staff and volunteers, Fray Tomás González, a mild-mannered but energetic Franciscan friar, has welcomed hundreds of northbound migrants each month since 2011. In most cases, the shelter gives them up to a week to rest, eat nutritious meals, and heal wounds suffered during their journey so far—from walkers' blisters to assault victims' mental anguish.

An April 2017 report by La 72 outlines the migration context in this area of the border, with a focus on the crimes and human rights violations committed against migrants, and the situation of asylum seekers.[2] In January 2017, 900 migrants and asylum seekers stayed at the shelter, and 13,805 stayed during 2016, nearly all of them from Central America's "Northern Triangle" countries (El Salvador, Guatemala, and Honduras). In Tenosique and further up the train route in Palenque, a city in the state of Chiapas, about 80 percent of migrants are Honduran: this area of Mexico is closest to Honduras, but borders a very sparsely populated part of Guatemala, the Petén region.

During our visit in February 2014, just before a wave of unaccompanied child migrants from Central America made headlines in the United States, most of the migrants at the La 72 shelter were adult men and teenage boys. Nearly all were awaiting the sound of a train whistle: it is

La 72 migrant shelter in Tenosique, Tabasco

in Tenosique that the cargo trains known as "*La Bestia*" (The Beast), which for years has edged northward with dozens of Central American migrants riding on top, pass closest to the Mexico-Guatemala border. There were a few women and children among the migrants at the shelter, but they were a rarity. Nearly all planned to transit the entirety of Mexico—more than 1,000 often treacherous miles—and cross the border into the United States.

Three years later, the La 72 shelter we saw in February 2017 was much different. Not only is it larger—with the support of donations and the UNHCR, Fray Tomás and his staff have built new dormitories, a health post, and other facilities to meet demand—it looked like a day-care center.

Children raced around paved courtyards and walkways, playing tag and make-believe. (As they ran past, a six-year-old confronted by a smaller child waving a stick like a saber conjured a "wall of Donald Trump" as an imaginary shield.) Babies and toddlers sat on their mothers' laps. Teenagers played basketball, flirted, and stood around a mural-sized map of Mexico and its train lines. (Three of them told us that they were going to try entering the United States via Mexicali, one of the farthest possible routes, on the unfounded belief that they faced a lower risk of being robbed or kidnapped.) Entire families, some with elderly relatives, sat at tables, talking and fanning themselves in the shade. Between 2014 and 2016, the number of children (both accompanied and unaccompanied) apprehended by INM agents in the state of Tabasco increased by 60 percent.[3]

One factor explains the change in La 72's demographics: worsening violence and persecution in Central America's Northern Triangle countries. In 2015, homicides in El Salvador increased by 70 percent over 2014.[4] In 2016, El Salvador registered the highest homicide rate for the region.[5] While homicide levels have decreased overall in Guatemala and Honduras, both rank among the world's most violent countries not at war.[6] Virtually everyone at the shelter with whom we spoke told us that they left home because they could not stay. Criminal gangs have grown more aggressive, recruiting younger children, increasing their presence in rural areas, and extorting businesses of all sizes (charging what they call "war taxes"). The gang, or *mara*, phenomenon is most severe in El Salvador and Honduras, and in urban Guatemala. It has been estimated that collectively Salvadorans pay more than US$390 million a year in extortion fees, while Hondurans pay around $200 million and Guatemalans pay an

estimated $61 million.[7] Failure to pay can result in harassment, violence, or death.

Many migrants left after the murder of siblings or cousins, or after gangs ejected them from their houses or sought to enslave daughters. An entire family of 17 Afro-Honduran Garífuna people from Honduras's Caribbean coast—grandparents, parents, and children—had just arrived after the murder of five family members. A 15 year-old Salvadoran boy at the shelter had just received asylum in Mexico; his mother had been murdered in front of him by gangs.

We learned that at least one of the women at the shelter was fleeing domestic violence and sexual assault. In addition to criminal violence in general, the Northern Triangle countries also grapple with severe levels of violence against women. As a region, Central America has the highest homicide rate for women in the world; an analysis of the average homicide rates for women between 2007 and 2012 found that El Salvador had the highest rate in the world followed by Honduras.[8] The UN Refugee Agency (UNHCR) interviewed Central American women seeking asylum in the United States and found that, because of their gender, the women were both targets of violence and unable to find adequate protection from authorities.[9]

THE SOUTHERN BORDER PROGRAM

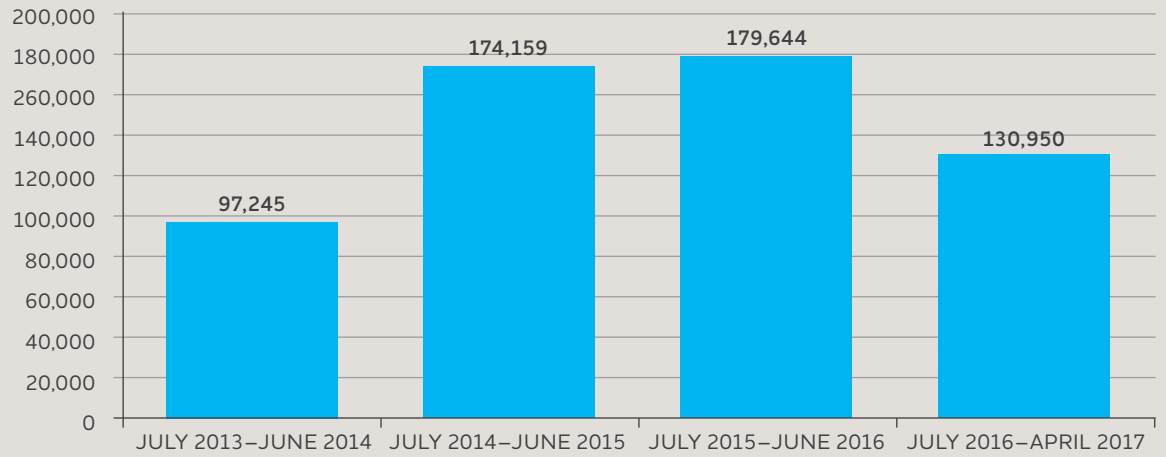
The presence of police, military, and especially INM agents increased in Mexico's southern border zone in 2014, following a four-month period in which U.S. authorities apprehended a stunning 36,075 unaccompanied children, nearly all from the Northern Triangle.[10] In July 2014, at the United States' urging, Mexico instituted a "Southern Border Program" (*Programa Frontera Sur)* that purports to: regulate migration from Central America; improve border infrastructure as a way to increase development and security; increase coordination within Mexican agencies and with Central American governments; and protect migrants and guarantee respect for their human rights.[11]

WOLA has published several analyses of the Southern Border Program and its effects since 2014, especially in other border corridors.[12] In Tapachula and Comitán in the state of Chiapas, the Program brought an increase in road checkpoints and Federal Police presence. Further north along the Pacific coast, as well as in Tenosique and other points near the Gulf coast, the Program also meant a concerted effort to keep migrants from traveling in vehicles and boarding "La Bestia," the dangerous cargo trains where migrants have often been assaulted and robbed.[13] In the Tenosique-Palenque corridor, Mexico's INM agents, with the support of state and local police, were often involved in operations to hunt down migrants.[14] In this area, construction was also finished on a multi-agency customs facility (*Centro de Atención Integral al Tránsito Fronterizo*, CAITF) near an important crossroads in the city of Catazajá, Chiapas, west of Tenosique—the third of five facilities being built by the Mexican government with U.S. support.

Overall, the Southern Border Program triggered a sharp increase in total migrant apprehensions. During the Program's first full year in operation (July 2014-June 2015) apprehensions grew by 79 percent compared to the same period in the previous year. Apprehensions increased by three percent during the Southern Border Program's second year, which represents a rate 85 percent higher than pre-Program apprehensions. The intensity of enforcement operations appeared to level off in 2016, primarily due to limited resources.[15] INM

FIGURE 1

MIGRANT APPREHENSIONS IN MEXICO BEFORE AND AFTER THE SOUTHERN BORDER PROGRAM



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

data on apprehensions in May and June 2017 is not yet available to fully assess the Program's impact during its third year; however the information available would suggest an apprehension rate lower than the program's first two years, but significantly higher than pre-Program levels.

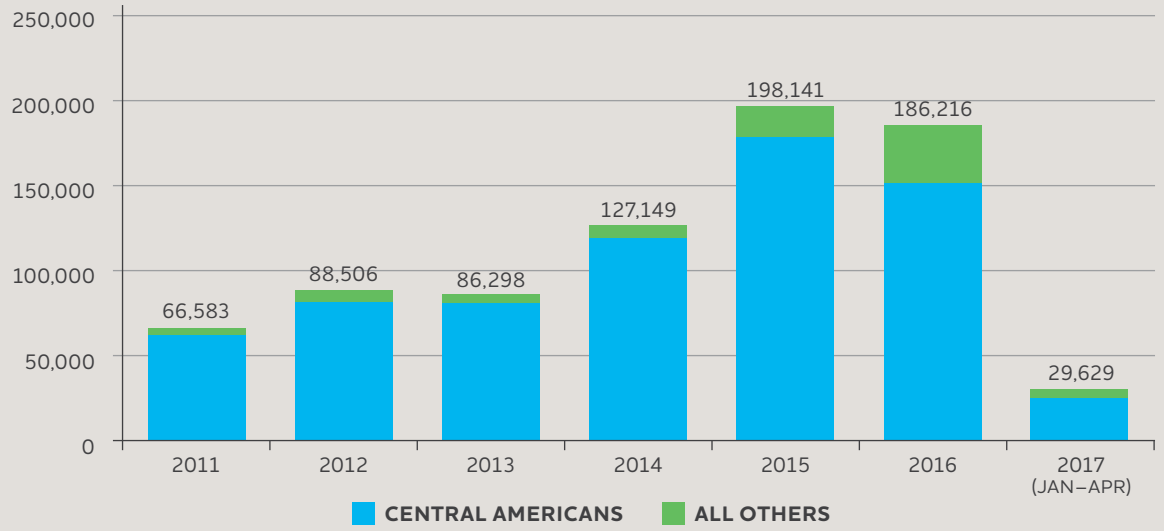
Corruption—which is not uniform, but rarely gets investigated or punished—may have also been a factor in the leveling of the numbers. Migrants and smugglers also adjusted to new security patterns, either by changing routes or by bribing police and migration officials to look the other way. Migrants' and smugglers' ability to adapt to hard line enforcement policies prove that investing in strategies that address the root causes of migration are a better use of resources. Until there are significant improvements in the levels of violence and adverse conditions that cause many Central Americans to flee their home countries, people will continue to migrate en masse.

Operations to remove migrants from the trains have become less frequent and the train runs less frequently. Today, migrants again ride atop *La Bestia*, though in smaller numbers than before. In August 2016 the Mexican government took away the operating permit from the Chiapas-Mayab train company and assumed control over the train route.[16] Shelter personnel say that the train now maintains a more irregular schedule: sometimes two trains will come in a day, at other times several days will pass between them. (We did not see or hear of any train passing during our three days in the region.) We were told that migrants riding the trains tend to be overwhelmingly male and adult, though some women and minors still risk the trip.

U.S. support for Mexico's southern border security has been slower to arrive than expected. In 2014 and 2015, U.S. officials announced US$90 million to help Mexico strengthen security along its southern border.[17] As of January 18, 2017, Congressional Research Service reported that about US$24 million had been delivered from State Department accounts, with a smaller but additional amount coming from the Defense Department.[18]

FIGURE 2

MIGRANT APPREHENSIONS IN MEXICO, BY YEAR



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

At present, U.S. assistance has chiefly supported:

- **BIOMETRIC DATA SHARING:** An effort—funded by the State Department's Bureau of International Narcotics Control and Law Enforcement (INL) and the Deputy Assistant Secretary of Defense for Counter-Narcotics and Global Threats—to get biometric data-collection kiosks operable at detention centers and, to a lesser extent, at border crossings. U.S. officials prioritize the gathering of biometric data—fingerprints, photos, and physical descriptions—in order to help increase Mexico's awareness of who is crossing, and to get early warning about individuals with organized-crime or terrorist ties (especially from countries outside the Western Hemisphere) who may be headed to the United States. Kiosks provided as early as 2011 turned out to be inadequate for the job: they were not networked, so all the information they gathered stayed on their individual hard drives, mainly in Tapachula, Chiapas. New equipment, principally from converted laptops, will be networked to Mexico City, and information about apprehended individuals will be shared with the U.S. Homeland Security Department's Automated Biometric Identification System (IDENT), which alerts Mexican authorities if a match is found. The total cost of this program will be US$88 million: $74 million from the State Department, and $14 million from the Defense Department.

- **COMMUNICATIONS:** INL and the Defense Department are funding a $75 million telecommunications project to improve secure communications between Mexican agencies working in eight southern states.[19] This is primarily through installing cellular communications towers across the unpopulated southern border zone so that security and migration officials can talk to each other. Currently, much of the border zone—including all but a few of the 40 miles of road between Tenosique and Guatemala—has no mobile phone service. This program has

erected 12 towers so far, all of them on Mexican naval posts.

- **INM CAPACITY:** U.S. support for INM personnel in the southern border zones has also included training programs aimed at improving agents' professionalism. At the last meeting between presidents Obama and Peña Nieto in July 2016, the governments announced their intention to develop a training program for INM agents that would "enhance INM's capacity to identify and interview vulnerable populations" and would "also include repatriation best practices and provision of migrant services."[20] At a meeting at the U.S. Embassy in Mexico City, we were told that U.S. agencies are working with the INM to develop a pilot "training academy" course to improve baseline skills. Some INM personnel have traveled to Glynco, Georgia, to tour the Homeland Security Department's Federal Law Enforcement Training Center (FLETC) and observe training techniques and principles. The first round of this training began at the end of May 2017, with 30 INM agents participating in a month-long pilot program.[21] At Mexico's largest migrant detention centers in Tapachula, Chiapas and Acayucán, Veracruz, the INL has also supported the presence of "mentors:" U.S. Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) agents who remain on-site to advise about standard operating procedures, to assist with information-sharing, and to coordinate on cases of migrants from countries outside the Western Hemisphere that are "of interest" due to terrorist activity.[22]

- **POLICE CAPACITY:** As noted in our 2015 report on the Southern Border Program, Mexican Federal Police units operating in the southern border zone, especially Tapachula, have received equipment, technical assistance, and training for investigations and operations against organized crime, particularly human trafficking and exploitation of migrants.[23] Agents from Chiapas's state police, and a few individuals from Tabasco's state police, have received some basic training in professional skills like proper use of force. Police checkpoints employ U.S-donated non-intrusive inspection equipment.

- **JUDICIAL CAPACITY:** The INL has funded training for Tabasco state prosecutors and investigators, carried out by the Department of Justice through its International Criminal Investigations Training and Assistance Program (ICITAP). Additional training in countering gender violence was supported by USAID and carried out by Management Systems International (MSI), a private contractor. Tabasco prosecutors have also received INL-funded training in countering human trafficking and human smuggling provided by the UN Office on Drugs and Crime. State prosecutors with whom we spoke in Villahermosa, Tabasco's capital, gave U.S. support for their judicial reform process a positive evaluation.

- **DRUG INTERDICTION:** The INL and the Defense Department are also assisting Mexican police and military units charged with detecting and seizing drugs transiting the southern border zone, principally cocaine, but also some heroin. In early February, the commanders of the U.S. Northern and Southern Commands visited Tapachula, Chiapas to better understand migration and organized criminal activity in Mexico's southern border zone.[24] In her posture statement before the U.S. Senate on April 6, 2017, Northern Command General Lori Robinson stated that Northern Command "work[s] closely with the U.S. interagency community and Mexican interagency organizations to support the Government

of Mexico's Southern Border Strategy to improve security on their border with Guatemala and Belize."[25] Congressional Research Service has reported that the Defense Department is providing training and equipment to Mexican military forces patrolling the country's southern borders.[26] While we do not have further details on this assistance, the Tenosique-area does not appear to be a priority region.

A TREACHEROUS 40-MILE WALK INTO MEXICO

Migrants are heavily preyed upon in the Tenosique corridor of Mexico's southern border. The geography is ideal for those who would do harm, as Tenosique, the first population center with any services, lies 40 miles from the border with Guatemala. It takes about 20 hours to walk the entire road between the border crossing at El Ceibo in Guatemala and Tenosique, with daytime temperatures routinely over 95 degrees. The road passes through cattle pastures, swamps, cane fields, the occasional patch of forest, and a few tiny farming hamlets. As in early 2014, we passed many young men carrying small backpacks along the side of this road.

This walk requires migrants to pass through

The official Mexico-Guatemala border crossing at El Ceibo

known hotspots where crimes against migrants are routine and often shocking in their brutality. One such site, a few miles east of Tenosique by the municipal garbage dump where a washed-out bridge was recently repaired, has been the scene of many kidnappings and countless robberies and assaults, including sexual assaults and armed attacks. La 72's April 2017 report outlines the three main routes migrants take to arrive at the shelter from Guatemala, and the dangers they face along the way.[27] Of the 13,805 migrants who passed through the La 72 shelter in 2016, 1,050 of them told shelter personnel that they were victims of a crime while on Mexican soil. Staff estimated there were an additional 2,400 "indirect victims" in 2016, like occasions when a migrant at the shelter tells of witnessing crimes committed against other migrants.

While the army and municipal police have checkpoints on either end of the 40-mile road, there is little other state presence. Cellphone service is absent for the vast majority of the trip, so calls for help are impossible. Police (federal, state, and municipal) and INM agents do patrol the road, but their approach causes migrants to scatter into the countryside for fear of apprehension.

Occasionally, INM agents pursue migrants in this and other areas. According to testimonies we heard from shelter personnel and a few migrants themselves in Tenosique and Palenque, these apprehension operations, which increased dramatically after the mid-2014 launch of the Southern Border Program, can be violent. Reports of improper use of non-lethal force include the use of rubber bullets, pellet guns, and hand-held electrical shock devices to incapacitate migrants, as well as beatings—especially of the lower legs and feet, which makes long-distance walking difficult. Shelter personnel told us of having to painfully extract pellets from migrants' legs.

INM personnel insisted to us that their agents, who are supposed to be unarmed, do not use lethal or non-lethal weapons. INM agents do occasionally work jointly with agents from Mexico's 41,000-member Federal Police, the only force authorized to work with the INM to enforce Mexican immigration law (although state and municipal police have also been involved in operations). However, we have seen photo documentation of a uniformed INM agent subduing a migrant while holding what looked like a flashlight in broad daylight. The flashlight-looking device is a stun gun that delivers an incapacitating electric shock, a product available quite cheaply online.[28]

A DANGEROUS JOURNEY

The proximity of the train line and an established network of migrant shelters explain why so many

migrants take the route through Tenosique. It also explains why Fray Tomás established La 72 in 2011—named after the 72 migrants who were massacred in San Fernando, Tamaulipas in August 2010—and why the Sisters of Charity of San Vicente de Paúl established a smaller, but similarly crowded and expanding shelter in Palenque, in the neighboring state of Chiapas. For the most part, those staying at these shelters are traveling without a paid smuggler; the shelters endeavor to screen out smugglers trying to pass as migrants.

Those who can raise or borrow the money to pay smugglers' exorbitant fees—now estimated at up to US$10,000 for transit from Central America to U.S. soil—tend to travel by other means that usually lead through Mexican territory more quickly. Smugglers guide them around known checkpoints, and much of the fee pays the cost of bribing Mexican immigration and law-enforcement officials to look the other way, as well as a fee (*derecho de piso*) to criminal organizations who control parts of the territory, especially at the U.S.-Mexico border.

As was discussed previously, migrants traveling independently continue to ride atop the trains, although less frequently due to increased enforcement and a decrease in the frequency of the train. They also try their luck in buses and transportation vans, and many walk. This journey can be expensive and dangerous. Taxi and bus drivers often take advantage of migrants by charging much higher fares than the going rate for Mexicans. Gangs charge migrants about US$100 per person to ride each leg of the train ride in southern Mexico; some migrants who cannot pay have been thrown off of moving trains.[29]

Both on trains and at "hotspots" where migrants travel on foot, criminal bands often rob them of their travel money, rape women (and in some cases, men), and kidnap them, extorting ransom from relatives. The La 72 shelter has noted a more intense level of violence in the cases it's documenting. Citing information collected from migrants, the shelter reports an alarming increase in rape and sexual assault cases that began in mid-2015. This year the shelter is also reporting an uptick in armed robberies and shootings—a trend not seen in previous years.[30]

The extent of the danger is impossible to measure: as we note below, many migrants not only avoid reporting crimes to authorities, but don't even want to talk about the incident. Shelter personnel believe that roughly one-quarter are extorted, assaulted, or worse just in the southern part of their journey, between Central America and the Mexico City-area.

The gangs that prey on the migrants are often Central American—affiliates of the same *maras* that so many are fleeing. We saw graffiti from Barrio 18, one of the Northern Triangle's two largest gangs, on Tenosique's outskirts. Other criminal bands are local, usually small groups of Mexican individuals operating in a specific area.

Federal Police officials told us there is "no organized crime" in this border zone, observing that smuggling and human trafficking are more severe in other southern border areas, like Tapachula and Comitán, Chiapas. They added that very little cocaine or other drugs appear to transit this border corridor, explaining that traffickers had easier options elsewhere than "bringing it through the jungle" of Petén and the Lacandón National Park area south of Tenosique in Guatemala. If by this the police officials meant that the criminals operating in the area were not commanded by Mexico's national organized crime groups, that seemed to be the case. However, as Tabasco state prosecutors explained to us, the local criminal groups focused on extorting and exploiting migrants were organized into identifiable groups with clear leadership.

State officials, Federal Police agents, and shelter staff all spoke of a wave of kidnappings, including of migrants, in the area around the city of Cárdenas, which is near Tabasco's capital, Villahermosa, on the route migrants take to travel to the state of Veracruz. State prosecutors told us that the week before our visit members of the state Public Security Ministry (*Secretaría de Seguridad Pública*) had rescued 13 migrants who had been kidnapped in Cárdenas, including eight children.[31] In December 2016, the state prosecutor's office was able to dismantle a kidnapping ring in Cárdenas that also targeted migrants, arresting 12 alleged kidnappers.[32]

According to numerous testimonies from officials and migrant advocates, security force and local government corruption is an obstacle to dismantling these criminal groups. Most interviewees had a nuanced view of this corruption, noting that it is not uniform. Some police agents and soldiers warn migrants of dangers, and their presence deters criminals from preying on them. Other agents and security force personnel, however, extort migrants or turn a blind eye to criminals' predation of them, and their institutions do little to prosecute corrupt agents or separate them from the force.

ANOTHER LOOK: IXTEPEC, OAXACA

In March 2017, WOLA staff also visited the "Hermanos en el Camino" migrant shelter in Ixtepec, Oaxaca, a town near the Pacific coast where the train stops on its way north from Chiapas. Hermanos en el Camino was established in February 2007 by Father Alejandro Solalinde. In addition to providing humanitarian assistance (food, shelter, medical attention), Hermanos en el Camino assists migrants in reporting crimes committed against them, applying for humanitarian visas, and requesting asylum. Staff report receiving 20,000 migrants on average each year; however, the shelter was less crowded than usual during our March visit.

Like in Tenosique, migrants along this route rely less often on the train as their primary means of transportation north, and shelter staff in Ixtepec reported that the train schedule is irregular. The majority of migrants at Hermanos en el Camino arrive at the shelter by bus or on foot. However, we spoke with two traveling companions from El Salvador who rode the train for a small stretch before arriving at the shelter. One was a 16-year-old who was hoping to cross into the United States, the other was in his 40s and hoped to find work in one of Mexico's northern border states.

There were fewer women, children, and families at Hermanos en el Camino compared to what we saw at the La 72 shelter. The majority of migrants at Hermanos en el Camino were single adult or adolescent males. Shelter staff and authorities in the area confirmed that, though it has become more common to see women and families traveling along the route through Ixtepec, the majority of migrants continue to be single men. Like in the Tenosique corridor, migrants traveling along this route are routinely victims of crime and human rights violations.

Similar to what we heard in Tenosique, many migrants at the Ixtepec shelter spoke of their intention to stay in Mexico rather than cross into the United States. WOLA spoke with a Guatemalan mother staying at the shelter while she awaited a decision from COMAR about her request for refugee status. It had been four months and there were no advances in her case. She and her two small children (a three-year-old and a one-year-old) fled Guatemala after receiving death threats.

ELUSIVE JUSTICE FOR CRIMES AGAINST MIGRANTS

As we note above, migrants are often victims of crime and human rights violations during their journey through Mexico. However, it has proved difficult to effectively investigate and sanction Mexican officials and individuals implicated in wrongdoing. Municipal and state police forces largely have weak internal affairs units and, while the Federal Police has strengthened its unit in recent years, agents continue to be accused of wrongdoing. La 72 denounced that municipal and federal police agents were implicated in some of the kidnapping cases in Cárdenas in 2016.[33]

The internal regulations of Mexico's Interior Ministry (*Secretaría de Gobernación*, SEGOB), which oversees the INM, call for the agency to have an internal affairs office (the director of which should be proposed by the Undersecretary for Population, Migration, and Religious Affairs and confirmed by the Minister of the Interior).[34] Although the Peña Nieto administration established these regulations in April 2013, to date the INM does not have an official Internal Affairs Unit tasked with opening investigations against agents for alleged criminal activities or serious misconduct. Such a unit would also refer criminal cases to the federal Attorney General's Office (*Procuraduría General de la República*, PGR). The INM has stated that it lacks funds to establish the Internal Affairs Unit.[35] Currently, the INM has an Internal Control Body (Órgano *Interno de Control*) that can impose administrative sanctions on agents for failing to fulfill their duties. Decisions to remove agents appear to be more at the discretion of the INM Commissioner, Ardelio Vargas. In August 2016, Vargas reported to the Mexican Senate that, since taking office in January 2013, he had dismissed 3,000 INM agents and administrative staff—out of a total workforce of nearly 6,000—for corruption, physical abuse, and extortion against migrants.[36]

Mexico's state-level and national human rights commissions, charged with investigating state and federal agents implicated in human rights violations, also document abuses against migrants and call for administrative and criminal investigations where merited. In 2016, the National Human Rights Commission (*Comision Nacional de los Derechos Humanos*, CNDH) received 532 complaints of human rights violations by INM agents.[37] That same year it issued two recommendations to the INM, one for the overcrowded conditions in the migrant detention center in Mexico City, and another for the illegal detention and torture of four Chiapan indigenous people with valid Mexican birth certificates whom INM agents attempted to deport to Guatemala.[38] The CNDH also issued two special reports in 2016 related to the protection of unaccompanied migrant children in Mexico and another on the conditions within several migrant detention centers in the country.[39]

While internal affairs units can sanction agents and human rights commissions are important for documenting abuses, providing recommendations such as policy changes or additional training, and for referring cases for prosecution, the final responsibility for effectively investigating criminal acts which includes human rights violations against migrants, are the state and federal attorneys general offices. Both Tabasco and Chiapas have special prosecutors' offices for crimes against migrants, and in December 2015 the PGR created a Unit for the Investigation of Crimes Involving Migrants. During our February 2017 visit, WOLA staff met with the Tabasco prosecutor for crimes against migrants (*Fiscalía Especializada para la Atención al Migrante*), who is based in Tenosique, as well as the special prosecutor for human trafficking (*Fiscalía para el Combate a la Trata de Personas*), who is also in charge of kidnapping cases, and other representatives of the state attorney general's office (*Fiscalía General del Estado*) based in Villahermosa.

The state prosecutor for crimes against migrants in Tenosique, who has yet to bring a case to trial—much less win a conviction—in the two years the office has existed, explained difficulties stemming from a lack of resources and personnel. However, victims and advocates told us of disrespectful, condescending, and unprofessional treatment by this office. The special prosecutor charged with investigating kidnapping cases has been able to rescue dozens of migrants and arrest several perpetrators. This office has more human resources and is able to pull in other specialists within the attorney general's office, such as legal doctors (*medico legista*) to certify rape or other abuses.

A forthcoming report by La 72 in Tabasco, Casa del Migrante de Saltillo in Coahuila, Hermanos en el Camino in Oaxaca, the Sonora Network, Fundación para la Justicia y el Estado Democrático del Derecho, Fundar, and WOLA assesses the effectiveness of the Mexican government's investigation and prosecution of crimes against migrants, including efforts by authorities in Tabasco.

REFUGE IN MEXICO

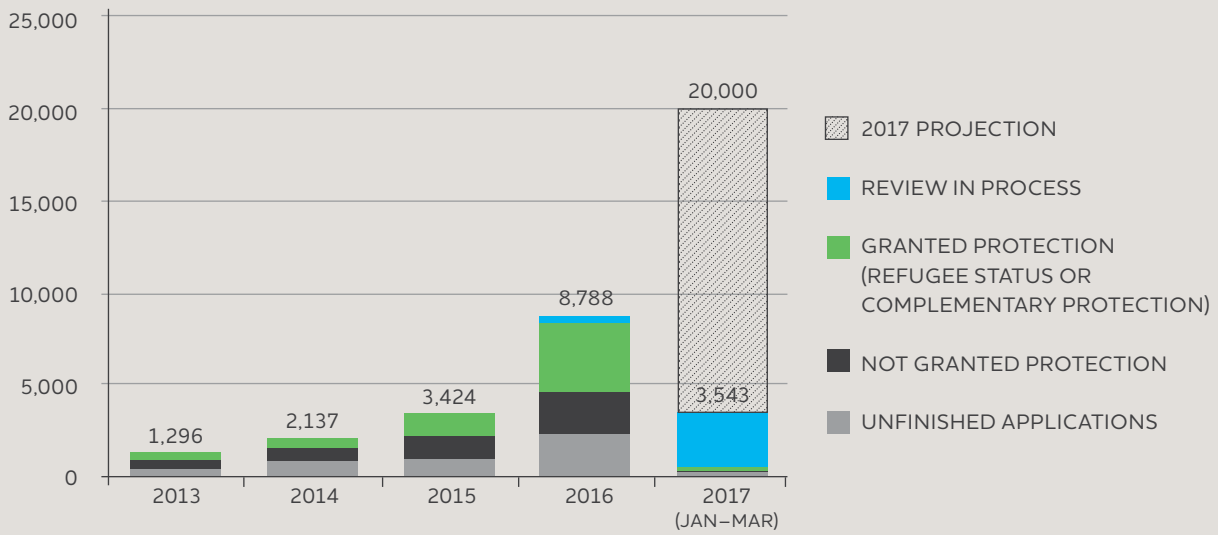
A big change from 2014 is the number of Central Americans whose destination is not the United States. A far greater proportion are now seeking asylum in Mexico. Many people at La 72 were staying longer than the 7-day guideline, as they were awaiting decisions on their refugee status from the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR), the government's small and beleaguered refugee agency. The process should take 45 working days plus appeal time, if necessary. In 2014, just 2,137 people requested protection in Mexico and of these, COMAR granted only 25 percent refugee status or complementary protection. By 2016, the number of asylum seekers increased threefold to 8,781 and of these, about 37 percent received asylum (2,722) or complementary protection (560). Another 3,632 migrants were granted a one-year humanitarian visa, including many who were victims of a crime in Mexico.[40]

For 2017, UNHCR is estimating that Mexico will receive up to 20,000 requests for asylum.[41] Because Mexico is increasingly becoming a destination and not just a country of transit or origin, UNHCR reached an agreement with the Mexican government to increase COMAR's capacity to process protection claims. In October 2016, UNHCR released a job announcement to hire 29 additional agents for COMAR's offices in Mexico City, Tabasco, Chiapas, and Veracruz, an important increase over the 15 agents COMAR currently employs for asylum claims in the entire country.[42]

While this addition is welcome, the implementation has been slow. When we visited Tenosique in February 2017, 30 people staying at La 72 were still awaiting a decision even though their 45 working days had passed. Later that month, La 72 reported that between December 2016 and February 2017 asylum interviews were few and far between and that due to budget constraints, COMAR agents were performing the interviews by phone instead of in person, a grossly inadequate way to engage with asylum seekers who have been victims of trauma and violence.[43] As a result of the long wait, a number of migrants in Tenosique decided to abandon their claims and continue their journey north. We spoke to several migrants who had been waiting for months for asylum and

FIGURE 3

ASYLUM REQUESTS IN MEXICO, 2013-2017



Source: http://bit.ly/2qje36f

humanitarian visas and were considering trying their luck farther north. Of the 202 asylum requests that La 72 has accompanied between January and June 20, 2017, none of the cases have been recognized for refugee status; only six have been granted complementary protection.[44]

Until recently, awaiting an asylum decision usually meant being locked up in one of the INM's "migration stations" (detention centers). The prospect of months in crowded confinement kept many apprehended migrants from seeking protection in Mexico, or caused many to abandon the asylum process, only to be sent back—often to unsafe situations.

That is changing. In April 2017, Mexican judges ruled against the detention of asylum seekers, saying this should be the exception, rather than the norm.[45] In coordination with UNHCR, the INM and COMAR also began in 2016 an "alternatives to lodging" program ("lodging" or *alojamiento* is the euphemism that the INM uses for "detention"). This allows temporary parole for many asylum seekers to await decisions on their status in border communities. The UNHCR, which since July 2016 has offices in Tenosique and a presence farther up the train line in Acayucán, Veracruz and Saltillo, Coahuila, is supporting some families and individuals with a few months' basic food and rent during this period, while others stay at the shelters. While this initiative is welcome, it has yet to become an official program with clear procedures and set staff, and to date many potential asylum seekers remain in detention.

At a March 2017 hearing before the Inter-American Commission on Human Rights (IACHR), several Mexican organizations and migrant shelters highlighted not only the need to formalize the alternatives-to-detention initiative, but also to increase government services and attention to the population that receives asylum in Mexico to ensure their social, economic and cultural integration in Mexico.[46] This need was clear in our visit to La 72. While the shelter is able to house unaccompanied migrant children and others who are seeking asylum in Mexico, they are not

equipped to provide permanent services to this population and meet their long-term needs, including mental health services for trauma victims. In a welcome sign of its awareness of this situation, the Mexican government agreed at the hearing to create a working group with civil society on ways to improve attention to the country's refugee population; the IACHR's Office of the Rapporteur for Migrant Rights will accompany the dialogues.[47]

AN INFORMAL HUMANITARIAN NETWORK EMERGES

While many areas along the Tenosique-area's migration route are predatory, some communities are kind to migrants. A sort of "underground railroad" of concerned volunteers has sprung up at key points along the route. They offer migrants water, warn of dangerous areas, alert the shelters about unaccompanied children who may qualify for refuge, and inform migrants about the possibility of seeking protected status inside Mexico. The volunteers have likely received some guidance on this from migrant shelters or religious networks, or UNHCR, which provides them with electrolyte solutions and basic first-aid items to distribute, if needed. We saw several UNHCR posters on buildings and homes informing people of their right to seek protected status in Mexico. Some communities are even opening their own small shelters.

We saw that network activated during our visit to the La 72 shelter. A shopkeeper on the Guatemalan side of the border had spoken to three Honduran boys, ranging in age from 14 to 16, who had arrived at the border town by bus and who had pawned almost all of their belongings just to get to that far.

This UNHCR poster is often seeen along Mexico's migration routes and informs migrants of their right to seek refugee status

They were traveling without identification or money. (All Central American countries except Costa Rica allow others' citizens to enter their territory.) One of the boys was from Rivera Hernández, perhaps the most violent neighborhood in San Pedro Sula, which is perhaps Honduras's most violent city. Their account of their flight indicated that they would be strong candidates for refugee status inside Mexico. They spent the night at the shop.

The next morning, we accompanied shelter personnel to Guatemala and met the boys. We fully expected the boys to begin the process of applying for protected status within Mexico. They would have been able to stay at La 72 while they awaited Mexican authorities' decision. Later that day, however, we got some devastating news: rather than seek protection, the boys had decided to continue their journey to the United States, more than 1,000 miles away.

THE "TRUMP EFFECT" MAY BE SHORT-LIVED

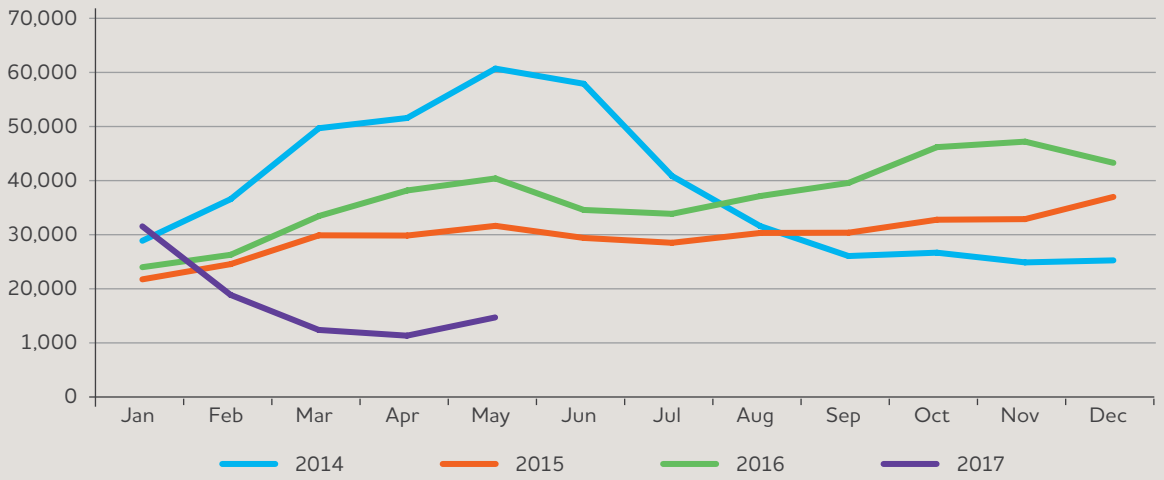
The Tenosique and Palenque migrant shelters saw a very heavy flow of migrants, with an ever increasing proportion of children and families, during the last few months of 2016 and into the first half of January. This was paralleled by a heavy flow of unaccompanied Central American children, and family units, at the U.S.-Mexico border. Several months during the second half of 2016 saw U.S. authorities apprehending more children and families than they had during the 2014 "wave." As was the case then, most Central American arrivals sought out U.S. Border Patrol and CBP agents, asking for asylum or other protected status. Unlike 2014, though, family-unit members now exceed unaccompanied children.

After mid-January, though, numbers dropped sharply in Tenosique. La 72 had about 150 people staying there when we visited—a large number for a low season of the year, but a drop from the over 250 that had been a constant level in prior months. Other migrant shelters have also experienced a significant drop. The decrease seen at the shelters is reflected in the dramatic decrease in apprehensions in Mexico and at the U.S.-Mexico border since February 2017.

While it's impossible to confirm the reason and there are many factors that influence when a person decides to leave their home country, shelter personnel and migrants speculated that, encouraged by messages from smugglers, Central Americans desiring to leave were rushing to reach the United States before the January 20 inauguration of Donald Trump and his promised hardline border security policies.

FIGURE 4

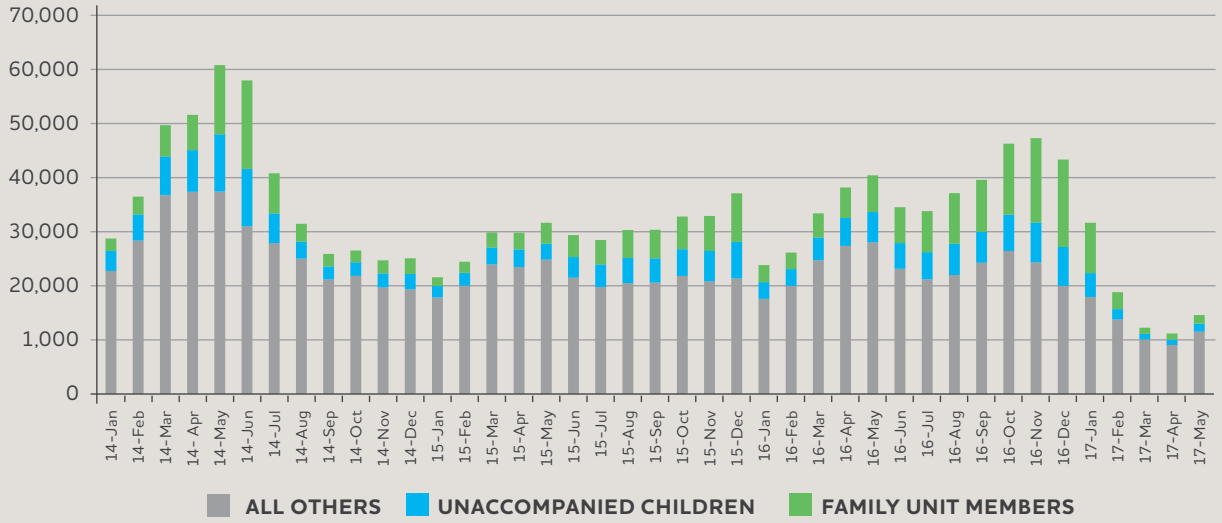
MIGRANT APPREHENSIONS AT THE U.S. SOUTHWEST BORDER, 2014–2017



Source: http://bit.ly/2mnbZsp

FIGURE 5

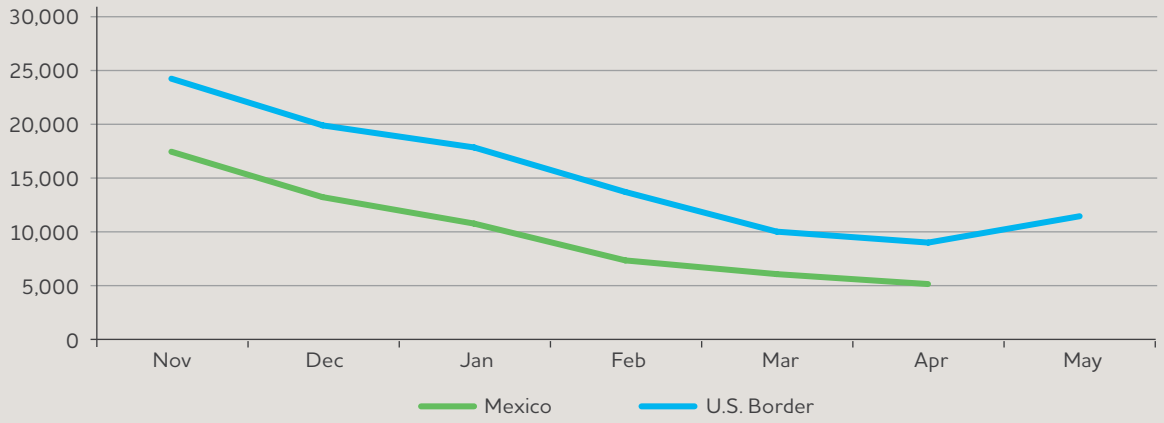
UNACCOMPANIED CHILDREN AND FAMILY UNIT APPREHENSIONS AT THE U.S. SOUTHWEST BORDER



Source: http://bit.ly/2sqK3oK

FIGURE 6

MIGRANT APPREHENSIONS AFTER THE 2016 U.S. PRESIDENTIAL ELECTION



Sources: http://bit.ly/1MphFr5; http://bit.ly/2mnbZsp

They had reason to be concerned. The immigration enforcement measures laid out by Trump's executive orders grant ICE agents the ability to consider any undocumented migrant in the country as a priority for removal and, if fully implemented, would ramp up migrant detention, criminalize parents who hire smugglers to bring their children to the United States, reestablish the Secure Communities program, and promote other agreements to increase state and local law enforcement collaboration with DHS to identify undocumented migrants, among other measures.[48] These orders, combined with widespread media coverage about migrants being targeted for removals, has also likely resulted in people delaying their decisions to attempt the journey north or to look to Mexico and other countries in the region, such as Costa Rica, Panama, and Belize, as possible places of refuge.

However, even in mid-February we saw many young men walking with their packs along the 40-mile road between Tenosique and the remote Mexico-Guatemala border crossing at El Ceibo. On the Guatemalan side of the border, the shopkeeper we met had counted 25 migrants passing by the evening before we visited. For individuals and families fleeing violence and persecution, like the family of 17 Afro-Hondurans from the Garifuna community who fled en masse, increased U.S. enforcement is unlikely to play into their decision to leave their homes, although it might influence their destination. By May 2017, apprehension levels at the U.S-Mexico border had begun to tiptoe back up, with a 31 percent increase in total apprehensions compared to April, and a 50 percent increase in apprehensions of unaccompanied minors.[49]

These numbers are unlikely to return to the unusually high levels seen in late 2016, which, as noted, were also part of a "Trump effect." Instead, WOLA predicts rates are more likely to return to a level that is a rough average of the extremely low rates in early 2017 and the extreme highs in late 2016.

RECOMMENDATIONS

We visited the Mexico-Guatemala border during a singular period: a "trough" of migration following President Trump's inauguration and preceding the modest increases that began in May. We heard little evidence of the cocaine trafficking that occurs quietly in this zone amid an increase in Colombian production. We noted an increase in U.S. assistance to security and migration agencies, and to the justice system, though at levels well below what were expected when the Southern Border Program launched in mid-2014. We were encouraged to see some progress in alternatives to detention programs for asylum seekers, but very alarmed to see that violent abuse of migrants continues to be chronic, and to occur with near-total impunity.

It would be inaccurate to allege that Mexico and Central America are moving backward in efforts to address the root causes of migration and to punish the abuse of migrants, but progress is proving to be excruciatingly slow, and political will to move forward is uneven at best.

- **MEXICO SHOULD CONTINUE TO STRENGTHEN ITS ASYLUM PROCEDURES AND CAPACITY TO SCREEN APPREHENDED MIGRANTS FOR PROTECTION CONCERNS.** While UNHCR support to COMAR is important, it is not a long-term solution to improving the asylum process in Mexico. The government should seek to fund and 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. UNHCR-supported "alternatives to detention" programs have eased the asylum application process and should be supported and expanded.

- **THE INM SHOULD CONTINUE TO MOVE FORWARD WITH INSTITUTIONAL REFORMS AIMED AT DECREASING ABUSES AND STRENGTHENING ACCOUNTABILITY.** It is urgent that the INM create an internal affairs unit, fully establish its civil service for agents, improve and solidify training, and develop use-of-force guidelines. Any additional U.S. support for the INM should prioritize these areas.

- **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 and November 2015 recommendation against encouraging a military role in citizen security and migrant enforcement missions. While this has not been a principal focus of the Southern Border Program, efforts are underway to increase

RECOMMENDATIONS

military capacities in the region, especially for Mexico's Navy and Guatemala's Interagency Task Forces. 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. Whether police or military, units with border security responsibilities need training in protection and credible fear procedures, so that they do not return migrants to the very threats that they are fleeing.

- **THE U.S. DEPARTMENTS OF STATE, DEFENSE, AND HOMELAND SECURITY SHOULD INCREASE TRANSPARENCY REGARDING U.S. ASSISTANCE TO MEXICO FOR SOUTHERN BORDER ENFORCEMENT.** The U.S. government should continue to support training and professionalization programs for the INM. Additionally, migrants' and smugglers' ability to adjust to new security patterns demonstrates that heavy-handed enforcement strategies only provide temporary results, and furthermore, these strategies often lead to abuses and due process concerns.

- **U.S. ASSISTANCE TO CENTRAL AMERICA MUST CONTINUE TO FOCUS ON THE PUSH FACTORS OF MIGRATION.** In May 2017, the U.S. Congress approved $US655 million in Fiscal Year 2017 aid to Central America to continue implementing a multi-year strategy that addresses the underlying conditions driving Central Americans to leave their countries. This strategy began in Fiscal Year 2016 when Congress approved $750 million. Though former assistance to the region focused primarily on security, the revamped strategy recognized the need to reduce violence, strengthen institutions, combat corruption, and expand economic opportunities. The proposed 39 percent reduction in support for Central America in the Trump administration's Fiscal Year 2018 budget request would cripple programs aimed at strengthening security and justice institutions, as well as violence-prevention and job-creation efforts in the region.

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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.

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