



## **WOLA Commentary**

June 14, 2019

### **Q&A: Implications of the Recent U.S.-Mexico Agreement on Addressing Regional Migration Flows**

By: [Maureen Meyer](#) and [Gina Hinojosa](#)

After a week of tense negotiations, the U.S. and Mexican governments [agreed](#) on June 7 to a series of actions to address regional migration flows. This avoided, for now, President Trump's threat to impose a tariff, starting at five percent, on Mexican exports to the United States.

The agreement came after U.S. Customs and Border Protection (CBP) released its May apprehension [numbers](#) showing a 337 percent year-on-year increase in arrivals of Central American children and families at the border. The numbers also sparked alarm about the growing humanitarian crisis at the border, particularly after the recent deaths of [six migrant children](#) and several [adults](#) in U.S. custody, as well as severe backlogs of asylum seekers waiting in Mexican border towns.

Despite avoiding tariffs, the June 7 agreement has significant economic and humanitarian implications for Mexico. Based on the agreement, Mexico will detain and deport more migrants and must provide support for the tens of thousands of Central American asylum seekers forced to wait in Mexican border cities while their cases are being resolved in U.S. immigration courts.

As an organization that monitors U.S. and Mexican immigration and border security enforcement, we analyze the following questions about what the agreement will mean for the Mexican government and for asylum seekers themselves.

#### **1. What will increased enforcement look like in southern Mexico?**

This is not the first time U.S. pressure has led Mexico to increase immigration enforcement along its southern border. In July 2013, then Mexican President Enrique Peña Nieto

launched the Southern Border Program, which dramatically increased enforcement operations in southern Mexico. As WOLA has [documented](#), the first year of the program resulted in a 41 percent increase in migrant apprehensions as well as a 39 percent increase in deportations.

As part of the Southern Border Program, the Mexican government increased the presence of immigration agents in Mexico's southern border states, added checkpoints along the main highways, raided hotels and other places housing migrants, and made it more difficult to travel on freight trains heading north.

While Mexico has committed to similar increased enforcement actions under its new agreement with the United States, such measures have had limited results in the past. Migrants and smugglers eventually adjusted to the crackdown: Central American child and family migration through Mexico steadily increased throughout 2015, returning to mid-2014 levels by the end of 2016.

Even before the recent agreement, the Mexican government had already increased migrant detentions in response to rising U.S. pressure, [apprehending 21,264](#) migrants in April 2019 and [nearly 23,000](#) in May. A civil society [observation mission](#) conducted in May noted additional checkpoints in Chiapas and an increased presence of federal and military police agents.

As we highlighted in our [May 2019 analysis](#) of Mexico's migration and asylum policies, recent immigration enforcement operations in southern Mexico have become more aggressive, with accounts of National Migration Institute (*Instituto Nacional de Migración*, INM) agents [using force](#) to detain migrants and migrants being [chased into the jungle](#) in rural Chiapas while seeking to evade detention.

What will be new this time around is a deployment of Mexico's recently created [National Guard](#) to the country's southern border. The new force—composed of Mexico's Federal Police plus members of its Military Police and Naval Police—was created to support the country's efforts to address [record levels of violence](#). As part of its commitment with the United States, the Mexican government announced that it would send 6,000 members of the new force to Mexico's southern border area, meaning [10 percent](#) of existing members would be assisting with immigration enforcement.

The [law](#) creating the National Guard, passed in May, grants personnel the ability to work with the INM and review foreigners' documentation. This role is controversial. Apart from the widespread [critique](#) of the National Guard for further militarizing public security in Mexico, Mexican organizations and experts [note](#) that the deployment of the National Guard would enable federal security agents, including soldiers, to be in direct contact with vulnerable migrants and asylum seekers, tasks for which Guard members have no training to date.

Not only is this likely to lead to [human rights violations](#), but it raises the concern that Guard personnel are unlikely to adequately screen migrants for protection concerns, or to ensure they are aware of their right to seek asylum in Mexico. The Citizens' Council of the INM has [noted](#) similar shortcomings and poor practices within the INM.

Apart from concerns about how migrants may be detained as part of Mexico's crackdown, the country's detention centers (*estaciones migratorias*) are [already overcrowded](#), plagued with unsanitary living conditions and a lack of access to proper medical care and food.

While Mexico has a limited alternatives-to-detention program, most asylum seekers—as well as migrants waiting for a resolution to their immigration status or those in line to be deported to their home country—will face time in detention.

The conditions within the detention centers have been the focus of several [reports](#) from Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH), a [report](#) by the INM's Citizens' Council, and recent recommendations by the [UN Committee Against Torture](#).

## **2. What will happen at the U.S.-Mexico border as a result of expanding “Remain in Mexico?”**

As part of the June 7 agreement, the U.S. and Mexican governments announced that they would “immediately expand” the program the Trump administration has termed “[Migrant Protection Protocols](#)”.

Under the program, informally known as “Remain in Mexico”, migrants who present themselves at official ports of entry, or who are apprehended between the ports of entry and seek asylum in the United States, may be returned to Mexico while they await the adjudication of their asylum cases in U.S. immigration courts. To date, CBP has only returned asylum seekers to three ports of entry: Tijuana, Ciudad Juárez, and Mexicali.

Since the launch of the program on January 25, 2019, more than **11,000 migrants** seeking asylum in the United States have been returned to Mexico. U.S. officials state that with the expansion, they expect to return an additional **1,000 asylum** seekers per day. At that rate, it would take just over three months to send 100,000 migrants—essentially, homeless, unemployed, vulnerable people, including some non-Spanish speakers—into Mexico’s beleaguered border towns.

Such numbers would utterly overwhelm those border towns, which are already under **extreme strain** due to resource shortages, security crises, and the “**metering system**” implemented by U.S. border officials that has drastically limited the number of asylum seekers permitted to access the U.S. ports of entry each day.

That system is currently forcing about **19,000 asylum-seekers** to wait **weeks or months** on the Mexican side of the border for an appointment with U.S. officials. Local migrant shelters run by private, usually church-based charities are **currently housing** double, sometimes triple, the number of migrants their facilities are built to support. Add 1,000 more per day, and the unconscionable spectacle of refugee encampments in Mexican border cities cannot be far off.

To avoid this, the Mexican government would need to quickly provide services to these areas and develop procedures for transferring returned asylum seekers away from the border to other parts of Mexico. As part of the discussions between the United States and Mexico, the Mexican government **agreed** to “offer jobs, healthcare, and education” to returned migrants; however, Mexican governors in northern border states have **reported** that they have yet to receive any information about how the program would be rolled out in their states, or **what kind of assistance** they would receive.

Additionally, an often overlooked reality is that the United States deports thousands of Mexican migrants to these border towns every month. The Department of Homeland Security (DHS) **deported** 68,808 Mexicans in just the first four months of 2019. In 2018, 206,669 Mexicans were deported, a 22 percent increase from 2017.

The majority of shelters on the Mexican side of the border were originally established to provide services to Mexican deportees, including individuals who haven’t been in Mexico in years and who have left their entire family behind in the United States. Now, civil society organizations and the Mexican government are struggling to not only provide this population with the documentation and support needed to resettle in Mexico, but also to

support the tens of thousands of non-Mexican asylum seekers who are stuck at the border.

Moreover, there are [serious concerns](#) about the safety of asylum seekers returned to Mexico. Tijuana and Ciudad Juárez—where CBP has returned the majority of migrants as part of the Remain in Mexico program—were the two cities with the [highest homicide rates](#) in Mexico for 2018. Currently, the U.S. State Department has [travel warnings](#) issued for all six of Mexico’s northern border states, urging citizens not to travel to Tamaulipas, to reconsider travel to Chihuahua, Coahuila, Nuevo Leon, and Sonora, and to exercise increased caution in Baja California, all due to high levels of violent crime and gang activity.

As WOLA and 60 other U.S., Mexican, and Central American organizations highlighted in a [February 2019 letter](#) to then Secretary of Homeland Security Kirstjen Nielsen on the Remain in Mexico program, “civil society organizations and migrant shelters have documented multiple cases of torture, murder, disappearances, kidnappings, robbery, extortion, and sexual and gender-based violence that migrants and asylum seekers suffer at the hands of criminal groups in Mexico,” including in Mexican border towns. These crimes are often committed in collusion with corrupt Mexican officials, and [almost always go unpunished](#).

### **3. The U.S. continues to insist on a type of “safe third country agreement” for asylum seekers. What would this mean for Mexico?**

According to Mexican Foreign Minister Marcelo Ebrard, both governments will evaluate the impact of the June 7 agreement in 45 days and [engage in renegotiations](#) if migration flows have not been reduced. A top priority for the Trump administration, to which Mexico has not yet agreed, has been for Mexico to accept some form of “safe third country agreement”.

Under such an [agreement](#), which the United States currently only has with Canada, asylum seekers traveling through Mexico would be forced to request asylum in that country and could be rejected by the United States if they request asylum at the U.S.-Mexico border.

This could multiply the burden on Mexico that already promises to exponentially increase with the 1,000-per-day Remain in Mexico target. Such an agreement is [widely opposed](#) by U.S. and Mexican civil society organizations because Mexico is not considered safe for

many asylum seekers and its asylum system lacks the capacity to adequately and promptly process most claims.

Even if a safe third country agreement were limited to automatically accepting all asylum seekers from select countries, such as Guatemala, a significant increase in requests would put Mexico's asylum system on the brink of collapse. In a recent interview, COMAR head Andrés Ramírez [commented](#) that the refugee agency is already overwhelmed, with only 48 permanent staff and an annual budget of just USD\$1.2 million.

As of June 2019, the agency is managing 28,000 pending cases of requests for refugee status in Mexico, and Ramírez estimates that Mexico may reach [60,000 asylum requests](#) by the end of the year. This would be more than double the 29,600 requests Mexico received in all of 2018. As the number of requests increases, so does the significant backlog in processing cases, as witnessed by this [video](#) of a long line of asylum seekers waiting in precarious conditions outside of COMAR's office in Tapachula, Chiapas.

While Ebrard is open to discussing an asylum agreement with the United States, he has made clear that he wants it to be a [regional agreement](#) with other countries. He put forward the need for commitments from Brazil, Panama, and Guatemala, which are also top transit countries for migrants. Such an agreement would take a regional approach to receiving asylum seekers not only from Central America, but also [extra-continental migrants](#) from the Caribbean, Africa, Asia, and elsewhere, who are increasingly traveling through the region.

The Guatemalan government has [already engaged in talks](#) with the U.S. government about measures to strengthen its border security and combat human smuggling. Additionally, Guatemala's Minister of the Interior has said he is open to revisiting the [Central America-4 Free Mobility agreement \(CA-4\)](#), which enables citizens from Honduras, Guatemala, El Salvador, and Nicaragua to travel within the region without passport control.

Apart from processing cases, Mexico would face the additional challenge of adequately settling tens of thousands of asylum seekers in its territory. Through support from the United Nations High Commissioner for Refugees (UNHCR), select Mexican cities, [like Saltillo](#), have instituted programs to effectively settle asylum seekers, but it is not clear how much these programs could be scaled up.

In 2017, Mexican organizations [alerted](#) the Inter-American Commission on Human Rights (IACHR) of the challenges facing asylum seekers and refugees in Mexico, such as struggling to find adequate housing, healthcare, education, and other critical services. Moreover, documents displaying migrants' refugee status are often not accepted by government offices, banks, employers, and other entities.

As migrants and asylum seekers have become more visible in Mexico in recent months, so too has [xenophobic](#) and racist sentiment towards them. With [less than one percent](#) of Mexico's population being foreign-born, it is clear that the Mexican government will need to undertake significant efforts to effectively integrate this growing refugee population.

#### **4. What was missing from the agreement?**

In an effort to tackle the root causes of migration, the Mexican government is looking to [increase cooperation](#) with Central America, including by [promoting](#) the “El Salvador-Guatemala-Honduras-Mexico Comprehensive Development Plan” drafted by the UN Economic Commission for Latin America and the Caribbean. On the other hand, the U.S. government has yet to make such a commitment.

In the June 7 agreement, the Mexican government was successful in [including mention](#) of the “United States-Mexico Declaration of Principles on Economic Development and Cooperation in Southern Mexico and Central America” that was released on December 18, 2018. However, U.S. Secretary of State Mike Pompeo [made clear](#) that it didn't offer any additional U.S. assistance to Mexico or Central America as part of the negotiations.

Indeed, rather than deepening engagement with Central America or supporting civil society organizations and government reformers working to strengthen the rule of law in the region, the Trump administration recently cut over USD\$450 million in [U.S. assistance to Central America](#), eliminating programs that were working to make the region safer and more prosperous.

Moreover, throughout the region, widespread corruption continues to undermine government efforts to effectively combat crime, establish better infrastructure, invest in public health and education, and promote economic development—efforts that could create the conditions for Central Americans to feel safe and secure in their home countries.

However, the [Trump administration](#) has failed to criticize Guatemalan President Jimmy Morales' efforts to undermine the rule of law, including by ending the mandate of the UN-supported International Commission to Combat Impunity in Guatemala (*Comisión Internacional contra la Impunidad en Guatemala, CICIG*), which has allowed impunity to again flourish in the country.

To effectively address the ongoing challenges of migration, the United States should work constructively with other governments, civil society actors, and the international community on efforts to combat corruption, strengthen the rule of law, and promote social and economic development in Central America. The United States should also [invest](#) in reforming its asylum system by hiring more immigration judges and improving the efficiency of its immigration courts.

Instead, the Trump administration has opted to implement draconian enforcement policies at the border, limit access to asylum, enact illegal programs that contradict [international norms](#) regarding asylum seekers, and bully Mexico into adopting measures that will present enormous economic, humanitarian, and logistical challenges for the country and endanger thousands of vulnerable asylum seekers and migrants.

Once again, the Trump administration has proven that it has no real interest in addressing the humanitarian crisis at the U.S. border, or the factors pushing tens of thousands of Central Americans to flee their homes. Instead, U.S. policies are being spun from the same harsh rhetoric, fear mongering, and efforts to criminalize migrants and incite chaos at the border that are central to Trump's presidency and his bid for reelection.

**Contact:**

Maureen Meyer

WOLA Director for Mexico and Migrant Rights

[mmeyer@wola.org](mailto:mmeyer@wola.org)

+1 (202) 797-2171