



Advocacy for Human Rights in the Americas

REPORT
SUMMARY



(Photo: Adam Isacson)

THE "WALL" BEFORE THE WALL

Mexico's Crackdown on Migration at its Southern Border

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INTRODUCTION

Andrés Manuel López Obrador came into the Mexican presidency on December 1, 2018 promising a new, more humane approach to the migration of Central Americans and others who come to Mexico to either settle there or travel north to the United States. He advocated for the governments of Central America, Mexico, and the United States to coordinate a joint response to address regional migration flows—a response based on shared responsibilities and coordinated actions.

However, the multiple groups of migrants traveling in “caravans” through Mexico en route to the United States caught the ire of the Trump administration in the early months of López Obrador’s presidency. When record numbers of children and families began reaching the U.S.-Mexico border, the U.S. government started an aggressive campaign to pressure Mexico to do more on migration enforcement.

Increased U.S. pressure forced the López Obrador administration to place on the back burner its lofty goals of addressing the root causes of migration. The government shifted its efforts toward detaining and, in most cases, quickly deporting as many migrants as possible in order to meet some undefined U.S. goal of success.

In August 2019, staff from the Washington Office on Latin America (WOLA) traveled to Mexico’s southern border to learn about the impacts of Mexico’s increased migration enforcement efforts and to get a sense of recent trends in migration flows and asylum requests in Mexico. To do this, we visited border crossings and enforcement checkpoints and conducted interviews with human rights defenders, shelter workers, academics, government officials, and representatives from the United Nations High Commissioner for Refugees (UNHCR).

This report details our findings. We assess the steps the Mexican government has taken to increase enforcement operations since June 2019, after the Trump administration threatened to impose tariffs on Mexican goods in response to increased migrant arrivals at the U.S.-Mexico border. This includes an assessment of how the deployment of Mexico’s new National Guard to the country’s southern border has impacted migration flows and access to asylum.

In particular, we analyze how the National Guard deployment has driven migrants to travel through more remote areas where they are more likely to fall prey to criminal groups, and how smugglers are adapting to this new shift. The report further examines how this crackdown has overwhelmed migrant detention centers, heightened concerns of inadequate screening of potential asylum seekers, and resulted in a rapid increase in asylum requests in Mexico. Finally, the report examines how U.S. assistance has supported Mexico’s migration enforcement and border security efforts along its southern border.

The report’s final section provides recommendations on how the Mexican government can work to ensure the safety and well-being of migrants, asylum seekers, and refugees, and root out any corruption and abuse linked to security forces and migration agents who interact with these vulnerable populations. It also provides recommendations on how the U.S. government can support these efforts, while upholding its own national and international commitments to asylum seekers.

KEY FINDINGS

- **Mexico dramatically intensified its migration enforcement efforts after the Trump administration threatened to impose tariffs on Mexican goods in June 2019.** As a result of this crackdown, Mexican authorities' apprehensions of migrants shot upward in June and July, more than tripling over the same period in 2018. Mexico apprehended 31,416 migrants in June, the highest monthly total in all publicly available data going back to 2001.
- **The deployment of Mexico's National Guard to assist with migration enforcement at Mexico's southern border raises human rights concerns.** The Mexican government has deployed nearly 12,000 members of its newly created National Guard to its southern border region as part of its agreement with the United States to beef up immigration enforcement efforts. The vast majority of these guardsmen are active soldiers or military police, many of them only temporarily reassigned to conduct these tasks. This raises concerns about whether guardsmen—most of whom have primarily military training—have received adequate human rights training or guidelines on how to interact with vulnerable populations.
- **A surge of asylum seekers in Mexico has put the country's refugee agency on the verge of collapse, yet the Mexican government has yet to allocate substantial resources to strengthen its capacity.** With only three main offices across the country, the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) is severely under-resourced and understaffed. In the first 11 months of the year, COMAR received almost 67,000 asylum requests—more than double what it received in all of 2018. Despite this reality, the 2020 budget for COMAR is a mere USD\$2.35 million. The agency's ability to process claims depends on the support it receives from the UNHCR, whose 2019 operating budget for Mexico is over 25 times that of COMAR's—around USD\$60 million.
- **Mexico's sharp increase in migrant apprehensions has left the majority of detention facilities operating far beyond capacity.** In August, Mexico's detention centers and short-term detention facilities were housing on average 61 percent more migrants than they were meant to hold, with some facilities operating 300 percent over capacity. Most lack adequate sanitary facilities, access to healthcare, or even fresh food. Despite widespread concerns about overcrowding, poor health conditions, and allegations of mistreatment, the Mexican government continues to restrict independent monitoring of detention facility conditions.
- **Crimes against migrants in Mexico's southern border zone continue unabated. Almost the entirety of these crimes go unpunished.** Migrants transiting through southern Mexico continue to suffer assault, robbery, rape, and kidnapping at the hands of organized crime or common criminals. The majority of shelter workers and human rights defenders that we interviewed told us that the problem, while at serious levels, did not substantially worsen between 2018 and 2019. However, migrant rights defenders in Tenosique, Tabasco did report an alarming uptick in serious crimes against migrants, such as sexual violence and brutal kidnappings. Shelters and organizations that support victims who have filed criminal complaints before prosecutor's offices reported to us that prosecutors have taken little action to investigate these crimes or combat these criminal trends.

KEY FINDINGS

- **The United States continues to provide assistance to Mexico to help tighten its southern border and to increase Mexico's capacity to process and receive asylum seekers.** The United States has funded the construction of communications towers in southern Mexico as well as the installation of biometric equipment in all of Mexico's 52 long- and short- term migrant detention centers. Although U.S. support for Mexico's security efforts continues, the U.S. government has yet to determine with Mexico if and how it will provide any direct support to the National Guard. The U.S. government also continues to support efforts to strengthen Mexico's asylum system through providing funding to the UNHCR.

CONCLUSIONS

U.S. and Mexican authorities combined apprehended over a million migrants and asylum seekers in fiscal year 2019. Hundreds of thousands of these individuals fled endemic violence and persecution in their home countries, while others sought to escape crippling poverty that had hindered their ability to meet even their most basic needs.

Rather than seeking sound policy measures to address this mixed flow of people, the Trump administration has cut aid to Central America, all but ended access to asylum at the U.S.-Mexico border, and bullied Mexico and Central America into accepting programs that outsource the United States' international protection obligations.

Going into 2020, the Trump administration will likely continue to pursue policies that further limit access to asylum in the United States and restrict legal migration. The future of the Remain in Mexico program and other policies that likely violate U.S. and international law will rely on the will of Congress and the courts to push back: Congress has the power to defund these programs and the courts have the ability to block their continuation.

In the meantime, migrants traveling through Mexico are those most acutely feeling the impact of the Trump administration's attempt to all but end access to asylum at the U.S.-Mexico border. Far from López Obrador's campaign promises to make Mexico a welcoming country for migrants, his government has followed the steps of his predecessor, Enrique Peña Nieto, and cracked down on migrants and asylum seekers traveling in the country.

While recent attention has focused primarily on the growing humanitarian crisis in Mexico's northern border towns as a result of the Remain in Mexico program, it is important to call attention to the crisis at Mexico's other border. Thousands of migrants are stranded in Mexico's southern border zone, where many have fallen victim to crime and abuse. Those who decide to seek asylum in Mexico must face an understaffed and under-resourced asylum system that the Mexican government has yet to commit to adequately fund. In this system, backlogs mean months of waiting in precarious conditions.

To become a country that effectively advocates for the rights of its citizens abroad, the Mexican government must also work to ensure the rights of migrants, asylum seekers, and refugees in its own territory. The United States should support Mexico in these efforts while upholding its own national and international responsibility to provide protection to asylum seekers and refugees.

RECOMMENDATIONS

FOR THE MEXICAN GOVERNMENT:

- **The López Obrador administration should provide COMAR with the funds and human resources it needs to improve its capacity to receive and process asylum requests.** The administration must commit its own resources to build up its refugee agency; it can't rely on the UNHCR's support alone. Asylum requests more than doubled between 2018 and 2019 and will likely increase in 2020. In this context, the federal government should continue to increase COMAR's budget dramatically. When comparing COMAR's 2019 budget to the number of asylum applications it received in the first 11 months of 2019, it can be seen that the Mexican government spent an average of just USD\$22 on each application it processed this year.
- **Mexico's migration enforcement agency should strengthen its protocols to guarantee that agents adequately screen all migrants for protection concerns.** Members of the National Migration Institute (*Instituto Nacional de Migración*, INM) often fail to fulfill their obligation to ensure detained migrants understand that they have the right to seek protection in Mexico. The INM must work to adequately screen all potential asylum seekers for protection concerns. In addition, the INM should grant civil society actors increased access to detention centers to provide legal assistance to those who wish to apply for asylum.
- **The INM should address the appalling conditions within many of its detention centers.** In doing so, it should follow the recommendations put forth by the National Human Rights Commission, the INM Citizen Council, and other organizations. These recommendations lay out strategies for how to decrease overcrowding, guarantee adequate access to food, healthcare, and other basic services, and adequately protect particularly vulnerable migrants. In addition, the INM should strengthen its compliance with Mexico's Child Rights Law, which prohibits the detention of migrant children. The INM should also establish an orderly system within detention centers that allows detained migrants to lodge criminal complaints for the crimes and human rights violations they have suffered in Mexico. Finally, the agency should expand alternatives to detention programs so that the detention of potential asylum seekers becomes the exception, rather than the norm.
- **Agencies involved in migration enforcement should strengthen their internal affairs units in order to guarantee strong oversight and accountability measures.** During the first half of 2019, while Tonatíuh Guillén headed the INM, the agency purged around 500 personnel for acts of corruption. The New INM Commissioner, Francisco Garduño, committed to continuing these efforts when he came into power. Part of this initiative should focus on ensuring that the INM strengthens oversight mechanisms over its agents, including by establishing an internal affairs unit to investigate possible criminal acts and grave cases of misconduct. Likewise, the National Guard must make full use of its own internal affairs unit to investigate any crimes or human rights violations that guardsmen may commit against migrants.

RECOMMENDATIONS

- **Investigative authorities should promptly and thoroughly investigate crimes and human rights violations committed against migrants and asylum seekers.** Prosecutor's offices at the state and federal level should establish mechanisms that make it easier for migrants to report the crimes they have suffered in Mexico. Prosecutors should regularly visit migrant shelters and human rights organizations to receive crime reports, and the Mexican government should establish new specialized prosecutor's offices in areas where there is a high number of crimes against migrants. In addition, internal affairs units should immediately investigate any official within prosecutor's offices who ask migrants for bribes in return for receiving and investigating crime complaints. Finally, federal and state governments should guarantee that prosecutor's offices have the financial and human resources they need to effectively investigate crimes against migrants.
- **The Mexican government should develop a plan to withdraw the National Guard from migration enforcement operations.** While the López Obrador administration created the National Guard as a public security force, in its current form, it is a military-led security force staffed primarily by members of the armed forces. As we have repeated in multiple reports on Mexico's southern border, we do not believe that military forces should have a role in citizen security and migration enforcement missions, given the risks associated with placing military personnel in regular contact with citizens and vulnerable populations. The National Prosecutor's Office must thoroughly investigate any guardsmen accused of violating migrants' rights. Any U.S. support to the National Guard should be restricted to improving the professionalism and accountability of the National Guard, including by supporting strong internal and external accountability mechanisms.

FOR THE U.S. GOVERNMENT:

- **The U.S. government should continue to provide robust funding to support the UNHCR's efforts in Mexico.** The UNHCR continues to provide critical support to increase COMAR's technical capacity. It also provides crucial assistance to civil society organizations and migrant shelters that assist asylum seekers and refugees. While the Mexican government must commit to destinating its own resources toward strengthening COMAR, the U.S. government can provide important support by continuing to provide funding to the UNHCR.
- **The U.S. government should contribute to efforts to make Central America a place people don't need to flee. Cutting assistance to the countries of the Northern Triangle is counterproductive.** The only way to tackle the large-scale challenges facing the region is with long-term, sustainable strategies that acknowledge the realities on the ground and partner assistance with political support. The U.S. government should bolster efforts to strengthen the rule of law and tackle corruption in Central America. Assistance should focus on efforts to reduce violence, strengthen law enforcement and judicial capacity, combat corruption, and increase accountability and transparency. It should also go towards evidence-based employment creation and job training programs. Any aid to Central American government agencies should be conditioned on demonstrable progress on much needed reforms.

ABOUT WOLA

The Washington Office on Latin America (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 and recognize human dignity, and where justice overcomes violence.

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