



# **The Intersection of Foreign Policy and Migration Policy in Mexico Today**

---

**EDITORS**

**CLAUDIA MASFERRER**

**LUICY PEDROZA**

# **The Intersection of Foreign Policy and Migration Policy in Mexico Today**

## Seminario Migración, Desigualdad y Políticas Públicas

El Colegio de México

# The Intersection of Foreign Policy and Migration Policy in Mexico Today

**EDITORS**

**CLAUDIA MASFERRER**

**LUICY PEDROZA**

325.273

In619361

The intersection of foreign policy and migration policy in Mexico today / Claudia Masferrer, Luicy Pedroza, editors ; translation Susan Asselin and Jonathan Délano – 1<sup>a</sup> ed. – Mexico City : El Colegio de México, Red de Estudios sobre Desigualdades de El Colegio de México, Seminario Migración, Desigualdad y Políticas Públicas, 2022.

106 p. : graph.. – (Seminario Migración, Desigualdad y Políticas Públicas)

Translation of: La intersección de la política exterior con política migratoria en el México de hoy

ISBN 978-607-564-343-4 (ebook english)

1. Mexico – Emigration and immigration – Government policy – 21st Century. 2. Mexico – Population policy – 21st Century. 3. United States – Emigration and immigration – Government policy – 21st Century. 4. Immigrants – Social conditions – Mexico. 5. Central America – Emigration and immigration – 21st Century. 6. Return migration – Mexico. 7. Mexico – Foreign relations – United States. 8. México – Foreign relations – Central America. I. Masferrer, Claudia, ed. II. Pedroza, Luicy, 1982- , ed. III. Asselin, Susan, tr. IV. Délano, Jonathan, tr. V. Ser.

First edition, 2022

Translation from Spanish to English: Susan Asselin and Jonathan Délano

D.R. © El Colegio de México, A. C.

Carretera Picacho Ajusco, núm. 20

Ampliación Fuentes del Pedregal

Alcaldía Tlalpan

14110, Ciudad de México, México

[www.colmex.mx](http://www.colmex.mx)

ISBN (electronic) 978-607-564-343-4



**9 Acronyms/Abbreviations**

**11 Key Messages**



**17 Scenario Proposals at the Intersection  
of Foreign Policy and Migration  
Policy in Mexico Today**

CLAUDIA MASFERRER AND LUICY PEDROZA



**29 Demographic Opportunities for the Migration  
System in North America and Northern Central America**

VÍCTOR MANUEL GARCÍA GUERRERO



**40 Return, Deportation, and Immigration to Mexico**

CLAUDIA MASFERRER



**50 Population Seeking International Protection**

ISABEL GIL EVERAERT



**58 Invisibility of Mexican Forced Migrations and  
Internal Displacements on Migration Policy  
between Mexico and the United States**

OSCAR RODRÍGUEZ CHÁVEZ



5

**67 Institutional Displacement  
in Migration Management**

LUICY PEDROZA



6

**75 Outlook on Migration Reform  
in the United States and Possible  
Multilevel Diplomatic Responses  
by Mexico: The Role of Consulates**

GUADALUPE GONZÁLEZ GONZÁLEZ



7

**84 "Foreign Migration Policy"**

ANA COVARRUBIAS



8

**91 Mexico and its Relationship with Central America:  
Missed Opportunities and Possible Futures**

BEATRIZ ZEPEDA



9

**100 Labor Migration in the United States,  
Mexico, and Northern Central America:  
Context and Policy Scenarios**

ANTONIO YÚNEZ-NAUDE



# Acronyms/Abbreviations

CCIME	Consultative Council of the IME
CCINM	Citizen Council of the National Institute of Migration
CCPM	Advisory Council on Migration Policy of the Secretariat of the Interior
CDP	Comprehensive Development Plan
CELAC	Community of Latin American and Caribbean States
CIAIMM	Inter-secretarial Commission for Integral Support in Migration Matters
Coespos	State Population Councils
COMAR	Mexican Commission for Refugee Assistance
CONAPO	National Population Council (Mexico)
COVID-19	Coronavirus 19
CSOS	Civil Society Organizations
CURP	Unique Population Registration Code
DACA	Deferred Action for Childhood Arrivals
DHS	Department of Homeland Security
ECLAC	Economic Commission for Latin America and the Caribbean
GCM	Global Compact for Safe, Orderly and Regular Migration
GDP	Gross Domestic Product
ICE	Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigration Responsibility Act
IME	Institute for Mexicans Abroad
INM	National Institute for Migration
IOM	International Organization for Migration
IRCA	Immigration Reform and Control Act
LDFI	General Law to Comprehensively Prevent, Address and Redress Internal Forced Displacement
MIFR	Inter-institutional Panel on Providing Integral Support to Returning Mexican Families
MPP	Migrant Protection Protocols
NADB	North American Development Bank
NAFTA	North American Free Trade Agreement
NCA	Northern Central America
NG	National Guard (Mexico)
NGOS	Non-Governmental Organizations
RENAPO	National Population Registry
RFC	Federal Taxpayer Registry
SARS-COV-2	Severe Acute Respiratory Syndrome Coronavirus 2
SEGOB	Secretariat of the Interior

<b>SNE</b>	<b>National Employment Service</b>
<b>SRE</b>	<b>Secretariat of Foreign Affairs</b>
<b>STPS</b>	<b>Secretariat of Social Labor and Welfare</b>
<b>TPS</b>	<b>Temporary Protected Status/Temporary Protection Status</b>
<b>TRAC</b>	<b>Transactional Records Access Clearinghouse</b>
<b>UN</b>	<b>United Nations Organization</b>
<b>UNHCR</b>	<b>United Nations High Commissioner for Refugees</b>
<b>UPMRIP</b>	<b>Migration Policy Unit, Registry and Identity of Persons</b>
<b>U.S./USA</b>	<b>United States of America</b>
<b>USMCA</b>	<b>United States-Mexico-Canada Agreements</b>

# Key Messages

## 1.

Debates on migration as a problem or a reason for crises have convinced many of the idea that the only sensible policy is containment: that is, preventing people from migrating. For this report, “The Intersection of Foreign Policy and Migration Policy in Mexico Today,” nine researchers from *El Colegio de México* studied the migration situation in Mexico and propose that migration be recognized for what it is: a constant reality that poses challenges for both sending and receiving societies, yet a reality that exists because it promises opportunities. In this report, we go beyond offering diagnoses or making loose recommendations. We propose to envisage plausible short- and medium-term scenarios to make the most of the political, economic, and demographic opportunities that migration offers.

## 2.

In the region of North and Central America, it is not only Canada and the United States that need to set demographic objectives in their migration policies. Mexico and El Salvador must also do so as their populations will begin an aging process in the next 50 years. Hence, it would be worthwhile to develop a regional dialog among the countries in the region so that countries of origin and destination can make the most of the demographic opportunities offered by migration. The enormous demand for labor, coupled with limited legal avenues for labor migration from Mexico and Northern Central America, have historically led to irregular migration to the United States. Today, potential convergence of plans from the governments of Mexico and the United States in respect of Central American development could begin to open channels for labor migration that benefit the entire region. However, doing so would require the north to redirect its focus on containment as the pillar of its migration policy—that is, as applied to flows from the south—as well as to recognize that even the development approach has its limitations.



# 3.

Deportation and return of migrants to Mexico affect populations in both countries because of the division of families. As such, both Mexico and the United States must jointly design solutions that safeguard their shared (binational or potentially binational) population, for which they are responsible. In addition, rethinking the integration of returnees and U.S.-born children could lead to a reframing of migration policy in Mexico that favors the migrant population in the country, regardless of place of birth.

# 4.

In recent years, Mexico has established itself as a destination country for populations seeking international protection. However, the combination of a limited institutional response and restrictive mobility policies has led both to prolonged and uncertain waits as well as to increased risk and tension with local, regional, and national populations. At present, Mexico needs to develop a comprehensive and sustainable protection policy that goes beyond humanitarian aid and emergency response. It also needs to include temporary and permanent incorporation, integration, and regularization components for refugees and those awaiting resolution of their applications for protection. Furthermore, the governments of Mexico and the United States have not fully recognized the growing reality of internal forced displacement and forced Mexican migration due to insecurity and violence. As long as Mexico favors armed confrontation as a path to combat criminal violence, such displacement is unlikely to decrease. Thus, it will be necessary to develop palliative measures to serve this vulnerable population via protection programs.

# 5.

Given the dense legacy of restrictive migration policies left by the Trump administration, it will take time and political capital in the United States to rebuild the asylum system and open avenues for regularization the likes of those advanced by current President Biden. Although political conditions are not favorable to comprehensive reform, there is a window of opportunity to gradually and partially open the migration system. For Mexico, this implies an opportunity to seek specific bilateral agreements and support Mexican migrants in the United States through an extensive consular network. It is also an opportunity for Mexico to strengthen its migration institutions and develop a comprehensive strategy aligned with its interests and that could be projected abroad. To have a clear idea of the country's own strategy could serve as a starting point from which to address changing situations in the future.



# 6.

Since President Donald Trump began to focus on the issue of migration, Mexican foreign policy has become "migratized", and the López Obrador administration—which prioritizes its domestic political project—has adapted to pressures exerted by the United States on migration policy, subordinating its own plans in that arena. As a result, containment became the pivotal axis of Mexican migration policy and of Mexico's relations with Central America. At this juncture, the international context provides an opportunity for Mexico to promote dialog and shared responsibility among all countries involved in the migration system, with a perspective that includes the countries of Northern Central America.



# Scenario Proposals at the Intersection of Foreign Policy and Migration Policy in Mexico Today

CLAUDIA MASFERRER AND LUICY PEDROZA

To eliminate false dilemmas that view migration as a problem, we set out to view it for what it is: a constant reality that poses challenges for both sending and receiving societies, yet as a reality that exists nonetheless because it promises opportunities.

---

To transcend what is immediate and the present juncture, nine researchers from *El Colegio de México* undertook a study of the intersection of foreign policy and migration policy in Mexico. Beyond giving mere diagnoses or making loose recommendations, we propose to envisage plausible short- and medium-term scenarios.

---

Several sections of this analysis contend that Mexico risks losing political, economic, and demographic opportunities should it fail to advance a broader migration policy other than simple containment. We propose to think of a "National Integration Agreement" that allows for the creation of agencies and proper institutional paths for migration. It would begin with immigration and go through to integration, and it would be valid for all the groups that make up Mexico's migrant population. The agreement would serve as a starting point for regional cooperation.

## The Problem of Seeing Migration as a Problem

Our societies have been profoundly shaped by migration, and as such, it is not hard to see that migration will remain a global constant. The complicated part is predicting concrete data: for example, how many, how, from where and to where will people migrate in search of a better life, to reunite with their families, seeking protection or refuge, or for other reasons? This complexity has been reduced thanks to the tools provided to us by migration theories that have underpinned various disciplines for more than two centuries. Today we can separate the phenomena that constantly generate emigration—wage differentials between neighboring communities, the drive toward family reunification, or the presence of cultures of emigration—from the environmental, economic, and political shocks that cause “waves.” Specialists from different disciplines have been accumulating data for years to analyze migration, both internal and international.

With this backdrop in mind, as coordinators of this research project, we question how sensible it is to subsume a defining phenomenon of humanity under the terms *problem* or *crisis* (i.e., *migration problem* or *migration crisis*). It is clear to us that these terms are used in an effort to draw attention to the subject, which in turn may have further aims. Rigorous scrutiny of the so-called migration crises in recent years shows that if something were in crisis, it was not migration (it followed known parameters) but rather the political responses to it. Often, in seeking to curb or channel migration, given policies have generated unexpected effects, creating or reinforcing vicious cycles. Even more often, the so-called migration crises are about crises in the political/administrative apparatuses: having made certain deci-

sions at a political level, administrations are unable to manage them because their resources have not been coherently developed for that purpose. Capacity mismatches lead to overruns from which, in turn, humanitarian crises derive.

In an ideal world, knowledge of the constants and variables of migration should inform decision-makers, allowing them to plan migration policies to the extent possible. In turn, these people should conduct themselves ethically and not impose the costs of their policies on other countries nor stigmatize populations that are already vulnerable.

Well aware that we do not live in an ideal world, nine researchers from *El Colegio de México* studied a situation that produced a crisis in Mexico in 2019. The consequences of that crisis are felt to date: under extraordinary external pressure, the room available to Mexico to develop its migration policy was reduced, and migration took over a large share of the foreign policy agenda. The lines tracing the largely natural intersection between foreign policy and migration policy were widened as never before, all in an effort to curb the risk that migration would hinder trade and the economy.

Bearing in mind that the new (2021) Biden administration in the United States could allow for a change of direction, our aim in this study has been two-fold: to understand, from multidisciplinary perspectives and using current data, (1) what Mexico can do to prevent such a crisis from happening again; and, from a more promising vantage point, (2) how Mexico can contribute to building scenarios that strengthen its positions on migration and foreign policies.

Those who associate migration with the idea of crisis think in terms of “catastrophes that have to be resolved immediately” or they falsely believe

that “after this catastrophe, everything will be better.” To go beyond the immediate and the present climate, we propose to discern between plausible short- and medium-term scenarios. Because we can differentiate the constant and mobile parts of the migration phenomenon, we avoid falling into the falsely pessimistic belief that everything is out of control. We understand that a failure to intervene and change what is within our grasp in the short and medium term will fail to produce a long-term change, and “crises” will be recurring.

### **Rationale for Analyzing the Intersection of Migration Policy and Foreign Policy**

Migration and foreign policies have expected and even desirable points of intersection. The flow of people across borders requires coordination between entry and exit regulations, border management, issuance of documents that allow regular and orderly departure, and entry permits. These functions require coordination between the government agencies responsible for internal and foreign affairs. For countries such as Mexico with a substantial diaspora (especially living in the United States), foreign policy also traditionally seeks to protect this population—and, more proactively, to promote its interests and connect it to Mexico. Implementation of diaspora engagement policies is almost entirely supported by foreign affairs: more specifically, on Mexico's unparalleled consular apparatus in the United States, which constantly innovates in local policies intended to protect, strengthen, and integrate the community.

Beyond Mexico's particular circumstances, for a country to achieve its migration policy goals, it may need to act in the international arena to nego-

tiate agreements between States. Given that power asymmetries become palpable at the international level, it is important that the intersection of migration and foreign policies make it easier for one to support the other albeit without one capitulating to the other. That is, although the intersection is natural and even desirable, the resulting overlap may weaken both public policy areas by limiting the range of their respective objectives to those that are within the agendas the other area might have.

Currently in Mexico, the broadening of this intersection is detrimental to migration policy because it compromises plans conceived at the onset of this administration to exemplify implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM). Further, it undermines foreign policy because it diverts the attention of the foreign affairs apparatus from other matters that are of interest to Mexico; and this, in turn, can hinder relations with other countries, especially those in Central America.

Reformulating the intersection of migration and foreign policies in Mexico is also of interest to the United States. Focusing the bilateral relationship on the issue of migration would have aligned with Trump's political-electoral agenda, from a State policy perspective in the United States. However, it is important that Mexico strike a balance between these areas because only a foreign policy that has room to maneuver can handle the sheer complexity of Mexico's relations with its neighbors to the north and south. In the scenario that aligns with its migration policy goals, the United States has benefitted from Mexico and Guatemala taking on the role of countries that regulate migration. Mexico and Guatemala would do well to refrain from believing that this role “promotes” them with respect to their profile as sending countries, not only because they

continue to be a source of emigration, but because the role of regulators detracts from their authority to take positions in defense of broader interests that are consistent with their true migration reality, which is far from exclusively being transit countries.

### **Migration as a Challenge and as a Source of Opportunities**

False dilemmas abound with regard to migration. Can a human rights approach to migration policy be declared while making every effort to contain migration? Does promoting the right to “not to have to migrate” proposed by some development approaches in places of origin cancel the option of migrating as a right for those living in conditions of family separation and uprooting? Does having an “orderly” border mean closing it or opening it? Where do an orderly border and a prosperous border share common ground? Each of these questions leads to complex discussions, but as long as they continue to be raised in simplistic terms, both populations with irregular status and limited access to rights will continue to grow, as will the aversion to purportedly “uncontrolled” migration.

To do away with these false dilemmas, we set out to view migration for what it is: a constant reality that poses challenges for both sending and receiving societies, but one that exists nonetheless *because it promises opportunities*. To the extent that sending and receiving societies are cognizant of migration conditions and characteristics and can adapt to make the best of it, the individual opportunity presented by migration can, in turn, become a social opportunity to address demographic transitions, strengthen labor markets, reunite families, promote foreign exchange investments, and strengthen binational or multiple identities as the basis of human

capital—a human capital made up of individuals who could develop in and contribute to multiple societies. Migration can bring significant opportunities to Mexico at all these levels, but if they are to be realized, they must first be identified.

Migration policy needs to be refocused on the basis of an analysis of the intersections with foreign policy that are beneficial and those that are not. Migration policy intersects not only with foreign policy but also with a country's population, economic, and social welfare policies. Therefore, countries deemed to be migration policy models around the world, such as Portugal, have medium- and long-term goals with multisectoral approaches and an interinstitutional framework to implement them. In Canada, for instance, migration policy has been held as central to its population growth and economic development for the past four decades. Although this has not precluded questioning, particularly on the necessary levels of immigration, basic agreements have been consistently maintained on the selection and integration of immigrants, including refugees. Closer to Mexico, Colombia has taken decisive action in the face of drastic changes in its migration profile by proposing exemplary approaches. As a country of 50 million people, Colombia received almost 2 million Venezuelans in the last 10 years, of whom it is estimated that 50% are in an irregular situation. In February 2021, the Colombian government chose to regularize this population to ensure their social rights and fully incorporate them into Colombian society.

This study was developed in Mexico and takes its immediate regional context—Northern Central America and North America—as the focal point to analyze the particular challenges Mexico faces. However, the purpose of mentioning countries with different migration profiles and levels of develop-

ment here is to show that where challenge is viewed as potential, a broad perspective of a country's migratory interests can be developed. The idea that achieving comprehensive and humane migration policies implies renouncing migration control is an idea that is nourished, yet again, by a false dilemma. It is also false that defining migration policy in line with national interests implies reducing immigration. There are countless possible migration policy combinations ranging anywhere between surrender to uncontrolled migration on the one hand, and containment on the other. However, migration control is just one of several dimensions of migration policies that a country needs to consider in order to materialize migration opportunities. Selection, integration, and diaspora engagement policies are equally as important. Therefore, decision-makers need to stop reducing migration to a source of problems and crises with containment as the only possible solution.

## Data and Methodology

A team of nine researchers from different Centers for Studies at *El Colegio de México*,<sup>1</sup> coordinated by Claudia Masferrer and Luicy Pedroza,<sup>2</sup> set out to study the current intersection between migration policy and foreign policy in Mexico. The research team undertook a participatory data collection process compiling the views of 64 key actors in Mexico, Guatemala, Honduras, and El Salvador from academia and think tanks (17), officials of various government bodies (27), members of civil society organizations (11) and international organizations (6), and other key actors (3). We conducted interviews under Chatham House rules, which preclude us from revealing the identity of these people. The entire team or a subgroup of researchers representing the multidisciplinary nature of the team took

part in these interviews, always abiding strictly by confidentiality rules. As a basis for the questions that guided the interviews, we reviewed primary and secondary sources: current laws, reports and briefings on migration and foreign policies, official press releases, academic articles and books, news stories published between December 2020 and June 2021, and requests for information from the IFAI (Mexican Federal Institute of Access to Public Information; Spanish abbreviation). For some sections, we also use Mexican census data; administrative data from COMAR, UPMRIP, TRAC, DHS; and estimates and projections from the UN World Population Prospects.

This project was driven by a deliberative process that enhanced our diverse disciplinary perspectives. Discussions with interviewees, and after the interviews, among team members every two weeks over a period of seven months, allowed us to create spaces for reflection. This is the source from which we outline scenarios where the current intersection of migration policy and foreign policy is maintained or wanes, and which in turn leads to different scenarios. We hope that the deliberative process involved in the project continues after the completion of this report. Within the framework of the Seminar Migration, Inequality and Public Policies (MIGDEP; Spanish acronym), we will hold public events to discuss the ideas expressed herein with key actors.

## Our Approach: Plausible Scenarios versus Inaction

Several historical works reveal how one arrives at a given point today, but our project is based on the premise that envisaging what might happen in the future can help us put together a better plan, and that is why we propose *scenarios*. Far from offering

simplistic recipes, we expect that the outlined scenarios will sow the seed for a broad discussion that potentially germinates into policy changes. In some cases, we use the perspective of inaction to envision a scenario with very little to no change. Seen from another perspective (e.g., when it is plausible that external conditions will worsen), inaction poses a gloomy scenario with potentially negative impacts. Far from predicting, in order to outline more promising scenarios, we consider conditions that appear to be achievable and worthwhile. The great challenge is to define which of the various scenarios outlined we seek as a society.

Thus, this report is unique for several reasons. Not only does it present reflections on different types of scenarios rather than merely providing diagnoses or making loose recommendations, but those reflections are reached by combining the perspectives of two social sciences that seldom converse: migration studies and international relations. By combining these perspectives, we managed to multiply the interpretations of the evidence obtained. Migration studies already combines geography, sociology, demography, and economy, and international relations, in turn, combine approaches to diplomatic history, comparative politics, and public policies. Combining interpretations allows us to observe the implications of the intersection of the policies we analyze both for migration policy and foreign policy collectively but also for each policy separately. In addition, although we intend to study this intersection from a scientific standpoint, we have taken a pragmatic approach in writing this report.

### **Structure of the Report and its Concatenated Findings**

We raise questions that guide our draft scenarios

throughout the nine sections covered by this report. The answers to those questions combine what we know about how the most critical variables have behaved in the past with comparable theories or cases.

Starting with an analysis of regional demographic dynamics, the first section of the report addresses how migration policy can provide demographic opportunities. The second looks more closely at immigration in Mexico, both from the arrival of foreign-born and of the return of Mexican migrants from the United States. This section presents scenarios that envision ways in which migration policy can address binationality and promote integration processes. Given that a substantial, and arguably the most visible, portion of recent arrivals in the country consists of populations seeking international protection, the third section envisages migration policy scenarios that specifically address these arrivals. Continuing with the theme of populations seeking protection, the fourth section presents different scenarios for internally displaced Mexican populations seeking asylum in the United States. It reminds us that although the media and public debate so far focus on populations from Northern Central America, the displaced Mexican population has been on the rise in the past two decades.

Given the needs of all these migrant populations, the fifth section discusses possibilities for creating institutional and management scenarios that are better able to meet those needs and to design a robust migration policy. Then the sixth section hones in on the challenges for Mexico under various possible scenarios that depend on the behavior of key variables in domestic policy in the United States, and particularly on its migration policy. The seventh and eighth sections set out scenarios for Mexican foreign policy in terms of its relationships both with

the United States and with the countries of Northern Central America. In particular, these latter sections outline scenarios where Mexico retakes a leadership role in promoting more complex agendas that suit its interests. Finally, the last section takes a closer look at the role that labor migration plays and may play in the region.

Notwithstanding the joint discussions and findings gathered as a team, we believe that in order to do justice to the multidisciplinary approach that characterizes this project, it is important to consult each individual section. Each section provides different perspectives, which in turn, lead to different scenarios. To motivate our readers, we have chosen to write in a concise manner and as free of academic jargon as possible. Nevertheless, the following reflections pertain to the report as a whole.

### ***Findings and reflections underpinning the report***

Our general finding is that despite the widely known intersection between the two policy areas analyzed, in order for Mexico to develop a position of trust and leadership in each of them, it is necessary for each of them to have their own spaces. Various sections of this analysis contend that Mexico may lose political, economic, and demographic opportunities should it fail to advance a broader migration policy than containment. Unlike foreign policy, which has well-established principles, Mexican migration policy has less of a trajectory: certain principles have been in place for only a decade. However, the current reality requires accelerating the transition from principles to concrete goals. The challenge is greater because it entails developing a coordinated and ambitious long-term strategy to do away with the stigma of migration and invest in a change of narrative about migration as a problem or the reason behind

recurring “crises” to a more positive and realistic narrative. That is, migration is a structural, complex phenomenon that begins with an individual decision but which may present more opportunities than problems for a society that knows how to channel and materialize it.

In a democracy, regulating and managing migration policies falls within the purview of various areas of government, and therefore requires consensus and a cross-sectional view. Mexico already has some emerging examples of broad coordination (see MIFR; Spanish acronym) and some government agencies with broad agendas (see UPMRIP), although in recent international negotiations on migration, this broad approach has been lost, focusing only on irregular migration. Some recent exercises, such as the collaborations between government agencies to participate in the Regional Conference on Migration at a time when Mexico holds its Presidency Pro-Tempore, are helping to correct the impression that the containment perspective dominates Mexico's migration agenda. The détente with the current U.S. administration—which, on the other hand, remains explicitly interested in containment of migration in Central America—has also allowed the Mexican administration to rhetorically resume the emphasis it had placed on promoting development in Central America as a migration policy objective. However, the handling of a crisis that linked migration and trade, through tariffs, under the Trump presidency, left the impression of a failure in the adoption of that agenda and its broad promotion at the international level despite the social communication efforts that sought to frame the decisions and actions taken by Mexico as a defense of sovereignty. Certainly, both interpretations, as a defense of sovereignty and as submission, resonate depending on how much space



Mexico is deemed to have had during those times of extreme pressure from the Trump administration. Today there is an opportunity to expand those spaces, at the foreign policy level as well, which requires trust in order to be developed with a pragmatic interpretation of its principles in a way that serves Mexico's interests. The link between access to vaccines against SARS-CoV-2 and agendas that are inclusive of developing countries shows that it is possible to expand the agenda.

However, both the evidence accumulated over the past two decades, and the evidence reflected in the analyses of several sections of this report make it clear that to expect the United States to change its emphasis on border control as the backbone of its migration policy is not plausible. For almost three decades, development of this approach has been bottom-up and linear, backed by bipartisan consensus, administrative bodies, and industrial interests with close ties to a growing security apparatus. The biggest change that can be expected in this area of migration control is a change of focus on *forms*: for example, from deportation to regularization. Nonetheless, the existing consensus on having border control be the priority does not extend to particular forms, so even changing forms will prove costly.

As for Mexico, the varying sections of this report allow us to highlight that the one-dimensional approach of migration containment and deterrence—largely driven by the United States—has perverse effects that merit careful consideration. As migration costs increase and legal avenues are closed, networks that enable people to migrate require ever more resources and alliances with ties to illegal businesses and corrupt arrangements. Having pressured Mexico to contain migration anyway, without taking into account that the country is presently unable to

guarantee the safety of its resident citizens with its security forces, the Trump administration promoted the militarization of internal security in Mexico and its overflow to areas that were previously institutionally limited, such as migration policy. Intense pressure also put civil society at a crossroads: as the grayscale required for a sensible discussion on human trafficking was lost, many organizations that had given refuge, relief, and counsel to migrants from a humanitarian perspective were engulfed by a harsh climate in which they were pigeonholed as actors and networks that engage in illegal activities. As in countries such as Italy and Greece, this criminalization of humanitarian work has an enormous cost for active organizations in matters of migration and human rights in terms of credibility, trust, and dialog. Ultimately, this hindrance to their work has resulted in more migrant deaths. Without creating new residence permits, enabling family reunification, increasing admission of applicants for international protection, providing more temporary work visas (agricultural and non-agricultural), and failing to provide paths for them to be obtained through an appropriate administrative apparatus, the United States is a contributor to all these corollaries.

Mexico can and should also think about its potential to help expand the range of possibilities for regular entry into the country. For the Mexican emigrant population, especially in the United States, the current overlap between migration and foreign policies presents an opportunity: to strengthen the powerful and extensive network of consulates. This could involve investments to increase their capacity to respond to the documentation needs that could be the result of potential changes in the immigration policy in that country (e.g., regularization of their status). Moreover, it is possible to think about pro-



cesses for empowering people with Mexican nationality, dual nationality, and of Mexican descent to partner with Latino caucus-type organizations that are a legitimate means of participation and aggregation of interests in that country.

***Beyond a strategy:***

***Toward a national agreement***

Thinking about how to frame these findings, we propose consideration of a "National Integration Agreement" that allows us to create something that goes further than just a strategy limited to the temporal scope of this administration and that runs the risk of staying on paper. The idea of an agreement reflects an important nuance in the composition of institutions and actors to develop and implement a strategy of the scale required to make migration an opportunity for Mexico both internally and abroad: namely, to create appropriate agencies and institutional channels for integration of all groups composing the migratory reality of Mexico in the long run. Implementation of such an agreement must go beyond the scope of central government. It should promote synergies between agencies at different levels and with other relevant actors, from the private sector, business chambers, and trade unions to civil society organizations for humanitarian aid, of a religious or cultural nature, as well as common citizens who are attracted by the idea of participating in the transformation of their communities into ones that are more prosperous and inclusive. Endowing it with such a participatory structure would allay the fear that changing administrations will lead to projects being left abandoned. Such an agreement would require creating multilevel communication channels and also being open to the more horizontal idea of promoting the learning of best practices between

municipal and state levels. The legislative power can assume a leadership role—or, at least, shared responsibility in the development of this agreement, as it would necessitate both negotiations across partisan lines in the branches of government and also support from executives at the different levels of government.

To achieve this, Mexico's identity is an advantage; it need only acknowledge it. As a traditional country of emigration; as a country whose national population surpasses borders and generational lines, especially in the United States; as a country with a strong tradition of refuge, mostly from Spain, Latin America, and, in particular, Central America; and recently as a country of transit and where the realities of forced displacement are present, our migration profile allows us to forge a narrative of broad inclusion. Whichever administration successfully develops it will leave an indelible imprint for future administrations. Several sections of this report propose that the narrative and long-term vision are important because they place Mexico in a position to negotiate options that will allow it to pursue its own interests even if external conditions change and force it to adjust the means by which to do so. On the one hand, a strategy with clear long-term goals, precise lines of action, and an inclusive structure is important for the type of society that Mexico aspires to be in the face of the unstoppable and imminent reality of migration; on the other hand, a change in narrative is the only way to combat the stigma borne by some migrant populations and to neutralize xenophobia.

Achieving an agreement of such breadth could help Mexico gain a legitimate international position on matters of migration, for example, to engage in or even convene high-level dialog among countries.

It represents the only plausible path to putting *all* the issues that are relevant to Mexico on matters of migration on the table. An agreement does so not only with the 360° view on migration that Mexico showcased during the process of adopting the GCM, but also from the perspective of shared responsibility, which both our Migration Law and the “New Migration Policy of the Government of Mexico” advance. Even bilaterally, the achievement of an internal agreement would help Mexico strengthen its position in the face of possible future affronts should Trumpism or any other anti-immigrant political current be reactivated in the United States. At the present juncture, the government of the United States seeks to heal its image and reposition itself globally at the multilateral level and expresses an intention to listen to and consult with Mexico. Although for Mexico a negotiation with the United States will ever be asymmetrical, a strong internal commitment will improve Mexico’s position on core issues such as migrant family reunification or the proper management of transfers or returns to Mexico and will enhance its legitimacy to take up migration matters in multilateral fora.

***The agreement: A starting point for regional cooperation on matters of development***

On a regional level, this agreement might also allow us to reframe our relationship with Central America, which was affected by the spillover of the 2019 crisis. For instance, several developments in migration in the region have taken place without Mexico’s participation, both in a restrictive perspective (e.g., with the agreements between Guatemala and the United States) and in a more open perspective (e.g., the Puntarenas Agreement under the leadership of Costa Rica). As the hinge between North Ameri-

ca and Central America, Mexico can set an agenda based on its own need to capitalize on migration for sending and receiving countries. Several public and private sector actors and state programs have expressed the benefits of relocating migrants so as to harness their potential for the workforce, but they need to be better listened to and coordinated. In recent years, cooperation with Guatemala generated joint investment in infrastructure that can lead to a more dynamic border, but the objective for both countries must be clear.

A migration strategy should take into account that although economic development programs—and above all, human development (i.e., a development that entails capacity building)—are important in and of themselves and that because *they may, in the long term, contribute to reducing some of the causes that drive emigration, there will always be other reasons for people to seek to emigrate*. Therefore, for a country with the complex migration profile that Mexico has, focusing a migration strategy on *reducing* emigration is not nearly enough, and we dare say, futile. Migration is a constant of humanity, and although it is worth emphasizing its upside for labor markets in the region (to the extent that they complement one another), empirical evidence tells us that job creation and economic growth could induce further emigration in the short term. That is why we propose a comprehensive policy based on realism and the cumulative evidence taken from disciplines represented in this report. In our country, as in several Central American countries, some realities drive thousands of people to emigrate and reunite with their families, to rebuild their lives after enduring natural disasters, to correct economic inequalities, and to respond to the cultural appeal factor represented by the ways of life in the coun-

tries to our north. As long as these realities (all more complex than mere economic development) do not change, the impetus to emigrate will remain. Given the combination of *all* these realities, we call for the creation of a comprehensive migration policy that recognizes migration for what it is: societal challenges and opportunities.

In the formulation of an agreement, countries such as Canada or Germany could offer technical advice because not only do they have more experience in matching specific short-term policies with medium-term goals, but their experiences within a federal structure could offer lessons in multilevel coordination. Although Canada has a longer tradition than Germany as a country of immigration with integration goals, in both cases, the first step was to perform a candid assessment of the country's migration reality and recognize that it was there to stay, so as to begin to defuse fears—and from there, seek rapid and effective integration between migrants and the receiving society. Their elite understood that the proper management of migration is more than “crisis” management, and on that basis, they developed a strategy that was consistent with their needs and a suitable infrastructure that could be applied flexibly, distributing costs fairly throughout the territory.

### **Limitations of the Report**

Achieving a migration policy that puts migrants at the center requires more than the vision of experts. Our analysis gathers perspectives from experts in five disciplines, which is valuable but still insufficient. The voice of people from different migrant groups is only dimly present in our own analysis. While conducting research between the second and third waves of COVID-19 in Mexico, the pandemic became a limita-

tion to convening broad dialogs. All the while, we do not focus our analysis on the pandemic as a cause of change in migration—an issue that would merit separate research.<sup>4</sup>

Our research is an exercise that pertains to a certain space and a certain time. We propose scenarios that are plausible based on the reality observed between the end of 2020 and mid-2021. But it will also be necessary to rethink beyond this juncture and adapt the analyses made in the event of highly changing circumstances in Mexico, the United States, and Central America, not only in the legal realm but in the political realm and several others. Finally, this analysis is limited specifically because of the indisposition on the part of many individuals at the state and municipal levels to be interviewed on account of the proximity between the time at which we gathered our data and the elections held on June 6, 2021. All these limitations force us to acknowledge that the scenarios outlined here are necessarily incomplete, but they also invite us to raise them as topics for discussion. To use a sports metaphor, they merely represent the serve, an invitation to more people who might feel motivated to participate in the exercise.<sup>5</sup>

### **Acknowledgments**

The coordinators and members of this project are grateful for the invaluable support provided by Fernando Arnábar over the course of these months as an assistant, facilitating the research and management work. Thank you to Selva Hernández for creating the graphic image of our project as well as the editorial design of this report. Thank you to Ricardo Mendiola for working on the page layout. We also want to thank Jonathan Délano and Susan Asselin for the English translation and Teresa Artman for copyediting

and proofreading this report. Also deserving of special thanks for their support are Tania Ochoa and Cristina Portas from the Coordination of Digital Education (COFD), José Héctor Gutiérrez Pérez and Alberto Chavarría from the Coordination of Computer Services,

and Mónica Hernández and Gerardo Gutiérrez from the Office of Special Projects of El Colegio de México. Finally, we thank Ana Macouzet and the Open Society Foundations for supporting the realization of this project.

1. Isabel Gil Everaert is a postdoctoral researcher at the Seminar Migration, Inequality and Public Policies (MIGDEP, Spanish acronym) of the Network on Studies of Inequalities at *El Colegio de México*.
2. Oscar Rodríguez, graduated with a PhD in Population Studies (Class of 2016–2020) at the Centre for Demographic, Urban and Environmental Studies (CEDUA) and joined the *El Colegio de la Frontera Norte* as faculty after the research project had started.
3. These include peaceful settlement of disputes; non-use of force in international relations; legal equality of States; self-determination of peoples; non-intervention; international cooperation for development; respect, protection, and promotion of human rights; and the fight for international peace and security.
4. Halfway through 2021, it is unclear whether Mexico will undergo a fourth wave of COVID-19 and what the “new normal” might look like. We also do not know the concatenated impacts from the increase in mortality, the economic downturn, and the consequences of the pandemic on the health and well-being of the population, including the impact on family and labor relations. However, we know that they could all impact migration patterns.
5. Portugal has democratically formed advisory bodies that, far from hindering the major redirections in migration policies, have adjusted them to the realities they must address.



# 1

## **Demographic Opportunities for the Migration System in North America and Northern Central America**

VÍCTOR MANUEL GARCÍA GUERRERO

Fertility and mortality in the six countries that make up the region of North America and Northern Central America are decreasing, resulting in an aging population. The demographic process in the region is strongly determined by migration.

---

The ideal situation for a country is stable population growth, such as what Canada and the United States currently have. Mexico and the countries in Northern Central America will be at advanced stages in their aging process over the next 50 years. If the declining birth and mortality and the primarily outward migration flow trends continue, the growth rate would be unstable leading to eventual population decline, especially in El Salvador.

---

Governments in the region must create institutions or empower current ones to anticipate the effects of aging resulting from demographic change. Planning for an annual number of immigrants in countries whose populations are predominantly of working age will help maintain a steady and sustainable population growth rate.

## **Migration in the Demographic Evolution of North American and Northern Central American Countries**

The six countries that make up the region of North America and Northern Central America are at advanced or intermediate stages of what is known as the demographic transition, characterized by the change from high and uncontrolled birth and mortality rates to low and controlled levels. With the gradual decline in fertility, the shift from family economic systems to free market systems, women with higher levels of education, and changes to the incentives for having children, the demography of countries have been transformed. To a greater or lesser extent, the population of the countries of this region have begun to age. Although migration did not play a predominant role in these demographic transformations, at present—and in the face of the imminent aging of their populations—migration plays a fundamental role in the demographic sustainability of the socioeconomic systems of the countries analyzed herein. In other words, migration provides demographic opportunities for the region.

### ***Convergence of birth and mortality***

Since the 1980s, the demographic dynamics—that is, changes in the balance between existing population plus births and immigrants minus deaths and emigrants—of the countries that make up the region of North America (Canada, the United States, and Mexico) and Northern Central America (Guatemala, Honduras, and El Salvador) have been very diverse and, in a sense, convergent and complementary. Fertility has declined to a greater or lesser extent in all countries. Canada and the United States have maintained levels below 2 children per woman since 1980, but birth rates in the rest of the countries have

decreased by about 4 children per woman, from 6 to 2 children per woman in the past 40 years. Guatemala and Honduras are the countries with the highest fertility rates during 2015–2020. For the same period, Mexico and El Salvador are already below population replacement, at 2.1 children per woman.<sup>1</sup>

Survival, measured by life expectancy at birth, has increased over the past four decades. At 82, Canada has the highest life expectancy of the six countries. The United States has stood stagnant at approximately 78 years, with the resulting divergence from Canada since 2010. There is still no consensus on the main causes of such stagnation although evidence points to increases in cardiovascular disease<sup>2</sup> and drug abuse.<sup>3</sup> Life expectancy in Honduras and Mexico was 75 years in 2020. Mexico, like the United States, has remained stagnant since 2000–2005, due to the increased murder rate resulting from the climate of violence caused by the war on drug trafficking.<sup>4,5</sup> The country with the lowest life expectancy at birth is El Salvador, at just over 72 years.

### ***Convergences in natural growth and complementarity in social growth***

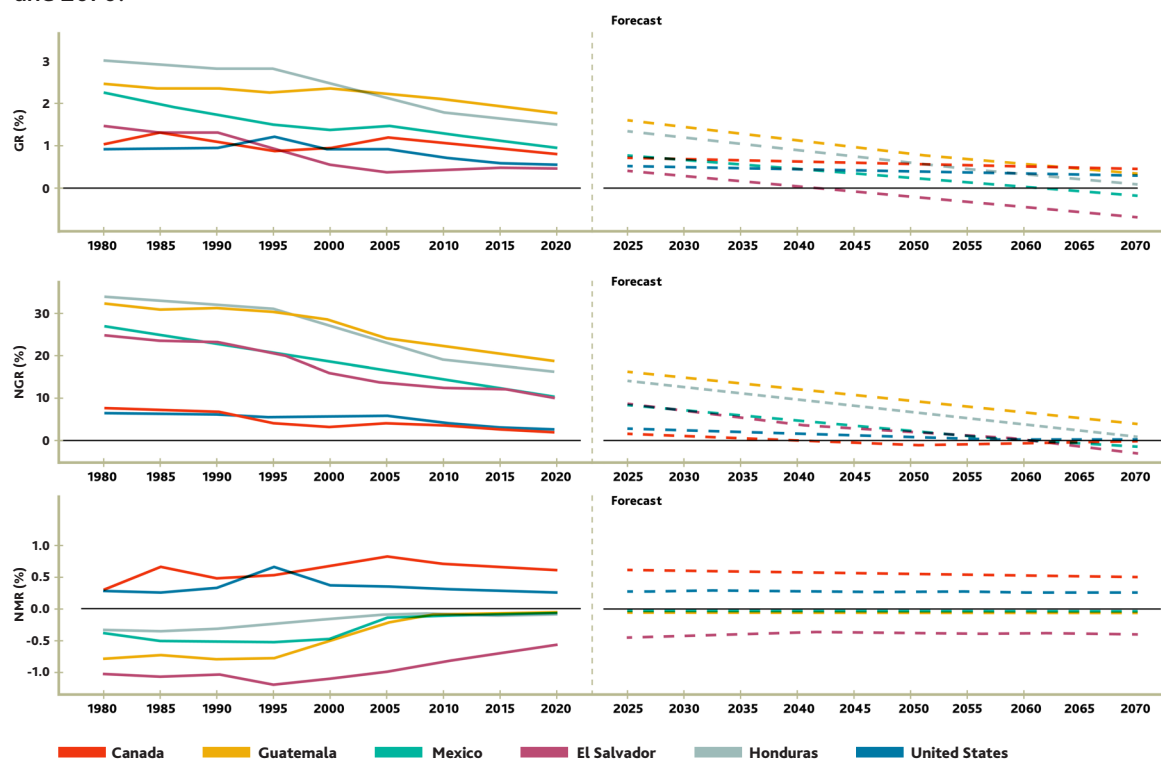
When there are more births than deaths, the population living in a country continues to increase, and the natural growth rate is positive. The continued decline in mortality and births in the countries of the region has led to a gradual decline in natural growth; the balance between births and deaths in a population expressed as a percentage. At the beginning of the 1980s, Guatemala and Honduras had a natural growth rate of more than 3%, Mexico and El Salvador were around 2.4%, and Canada and the United States were around 0.7%. By 2020, the rate decreased to around 2% in Guatemala and Hondu-

ras, about 1% in Mexico and El Salvador, and less than 0.5% in Canada and the United States (see Figure 1-1).<sup>1</sup> In Canada and the United States, the fact that the rate is converging to zero does not imply an increase in deaths due to a health problem; rather, the two countries are in advanced stages of the aging process, which is characterized by few births and a growing number of deaths concentrated in older age groups.

In addition to births and deaths, immigrants and emigrants determine the change in population volume. Migratory flows between countries in the region are very dynamic and reconfigure a permanent migration system.<sup>6</sup> The net migration rate, also known as the *social growth rate*, is the balance be-

tween the two phenomena with respect to the total population. There are two groups of countries in the region: those with positive social growth (Canada and the United States) and the rest with a negative rate (Figure 1-1). Social growth in Canada has been increasing since the 1980s, mostly due to the policy of accepting approximately 1% of the population as immigrants with permanent residence per year,<sup>7</sup> although in recent years, Canada has received a greater number of temporary migrants. Social growth in the United States has remained positive and steady for the past 40 years. On the other hand, Mexico and the countries in Northern Central America have negative rates, with the population sent exceeding the population received.

**Figure 1-1.** Annual rates of total growth, natural growth, and net migration, Canada, United States, Mexico, Guatemala, Honduras, and El Salvador. Estimated between 1980 and 2020, and projected between 2021 and 2070.



**Source:** Own calculations based on data from "World Population Prospects, 2019 Revision," United Nations, <https://population.un.org/wpp/>

It is important to place these figures in context. The rates are relative to the population volume of each of the countries in the stated periods. Per Table 1-1, although the population of the three countries in Northern Central America is slightly smaller than that of Canada, it is three times smaller than that of Mexico, and the latter has a population three times smaller than that of the United States. Thus, although the migration rate in the United States, close to 0.25%, of a population of about 330 million represents, in absolute terms, more than 800,000 people in 2020, El Salvador has a population of 6.5 million, which represents a loss of 48,000 people—equivalent to the capacity of the Yankee Stadium in New York.

### ***Migration as a guarantor of sustained population growth***

Together, the natural growth rate and the net migration rate make up the total growth rate of a population. The growth rates of all six countries are declining (see Figure 1-1), and if fertility, mortality, and migration trends continue, Mexico and El Salvador would be the only countries with negative growth in the next 40 years, which implies an acceleration to their aging processes. If trends in demographic variables continue, especially migration, Canada and the United States would have a stable positive growth. In fact, by the second half of the 21st century, these two countries may have the highest population growth in the region, albeit below 1%. This stability is mainly due to the assumption that net migration rates remain unchanged for these countries, as shown in the top panel of Figure 1-1. In other words, preserving a certain level of migration ensures stability in population growth as a whole, especially in contexts such as in Canada or the United States where natural growth—which does not include migration—can

eventually reach zero or be negative, as is expected to happen in 15 years.

To a greater or lesser extent, the population of the six countries has increased over the past 20 years (see Table 1-1) although the ratios are very different, and the compositions in terms of the foreign-born immigrant population has been very heterogeneous. By 2019, 21.3% of Canada's population was born abroad, an increase of 44.4% compared with 2000. By contrast, in Mexico less than 1% of the population was born abroad. Although this hardly seems like an increase, the figure was doubled with respect to 2000. Now, how many people are we talking about? In absolute terms, Canada's population born abroad in 2019 was close to eight million; in Mexico, it was one million. In the United States, in 2019 the total immigrant population was 50 million, an increase of 45% *vis-à-vis* 2000, when the figure stood at just under 35 million. In 2015, the total Canadian population irrespective of birthplace was 36 million. In the hypothetical and unlikely case that the entire population of Northern Central America in 2019 (35 million) migrated to the United States, it would account for 67% of the foreign-born population in that country in 2019. This is virtually impossible because as mentioned earlier, net migration in Guatemala and Honduras is very close to zero today.

### **Migration as a Catalyst and Enhancer of the Socioeconomic Effects of the Aging Process**

#### ***Changes in age structures***

Migration levels and trends are determined by several conditions, foremost among which are economic, political, and demographic factors. The age structure is decisive in determining the emigration potential of



**Table 1-1.** Foreign-born population in North America and Northern Central America

	TOTAL POPULATION <sup>1</sup> (thousands)			FOREIGN-BORN POPULATION <sup>2</sup> (thousands)			PERCENTAGE OF TOTAL POPULATION			CHANGE (%)
	2000	2015	2019	2000	2015	2019	2000	2015	2019	2000 - 2019
<b>Canada</b>	30 588	36 027	37 411	5 512	7 428	7 960	18.0	20.6	21.3	44.4
<b>United States</b>	281 711	320 878	329 065	34 814	48 178	50 661	12.4	15.0	15.4	45.5
<b>Mexico</b>	98 900	121 858	126 014	538	1 028	1 060	0.5	0.8	0.8	97.0
<b>Guatemala</b>	11 651	16 252	17 581	48	78	80	0.4	0.5	0.5	66.7
<b>El Salvador</b>	5 888	6 325	6 454	32	42	42	0.5	0.7	0.7	31.3
<b>Honduras</b>	6 575	9 113	9 746	29	38	38	0.4	0.4	0.4	31.0

**Source:** <sup>1a</sup>World Population Prospects, 2019 Revision," United Nations, <https://population.un.org/wpp/>

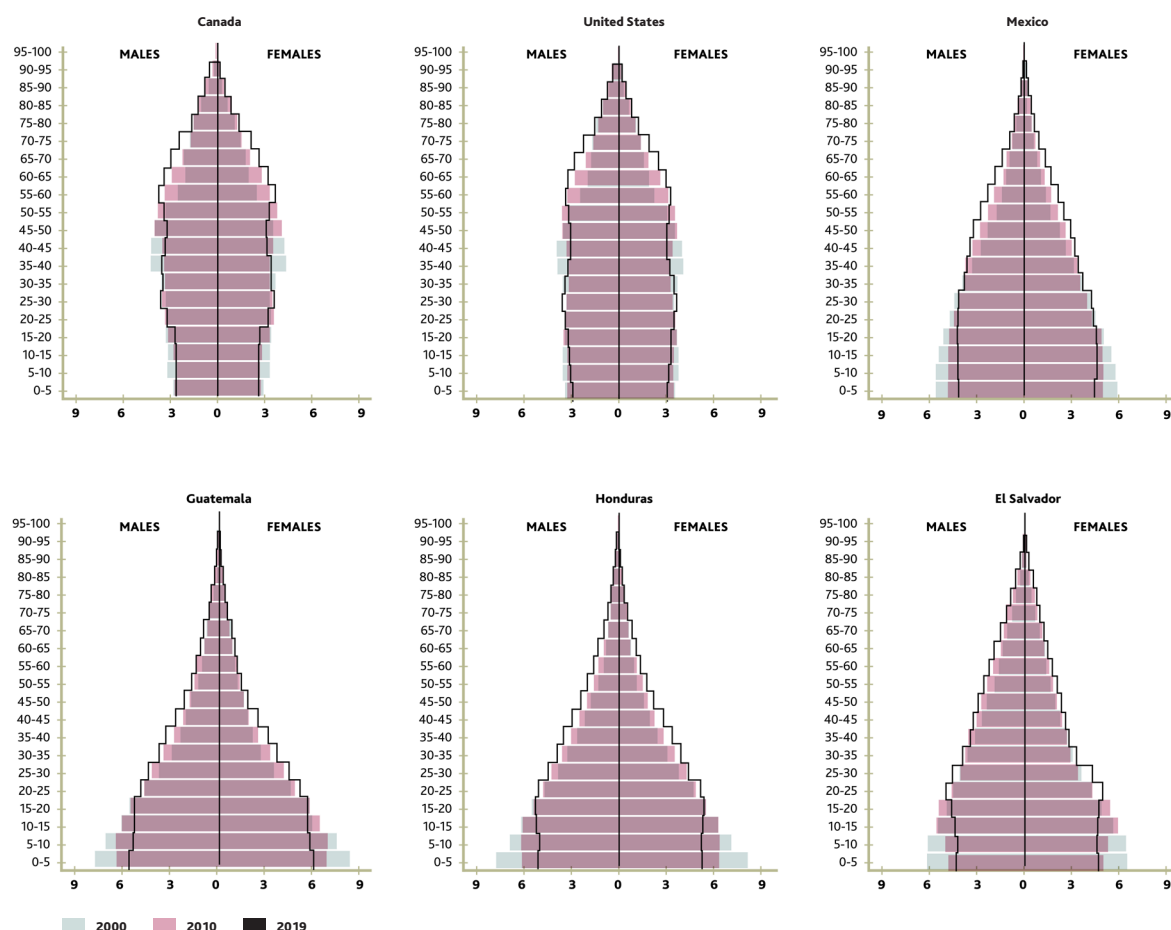
<sup>2a</sup>Trends in International Migrant Stock: Migrants by Destination and Origin," United Nations, 2019.

traditional sending countries. Similarly, the aging process in traditionally receiving countries determines the potential demand for workforce. Figure 1-2 shows the age distribution of populations in the countries of the region. Strikingly, to a greater or lesser extent, all of them except Guatemala are in a clear aging process: that is, they all show a contraction at the base of the population pyramid. Although Mexico and the countries in Northern Central America have younger age structures, they have contracted significantly in the last 20 years, leading to a greater proportion of adults. This is an indication that the migration potential of Mexico and Central America will tend to decrease in the medium term, given that migration flows are merely for work and family reunification. Similarly, the age distribution of Canada and the United States shows that these countries are at the advanced stages of the aging process, which leads to requiring a workforce that lessens the social and economic effects of the aging process.

To measure aging, the dependency ratio is used, calculated as the number of people of an economically dependent age—under 15 and over 65 years

of age—with respect to the working or economically independent population—between 15 and 64 years of age. This ratio allows us to measure, together with other structural development factors in a country, the potential for economic development that results from having a predominantly working-age population, also known as a demographic *bonus* or *dividend*.<sup>8</sup> Canada and the United States reached their maximum potential demographic bonus between 2005 and 2010, Mexico will do so in the second half of the 2020s, and the countries in Northern Central America will reach theirs between 2040 and 2050 (see Figure 1-3). El Salvador, on the other hand, will have a decreased capacity to capitalize on it because after 2045, its dependence ratio increases very rapidly until it reaches very similar levels to those in Canada and the United States. Aging in the United States will be slower but in relative terms very similar to Canada.<sup>9</sup> This information shows that both the United States and Canada were able to extend the window of opportunity potentially offered by the demographic bonus for 30 years, between 1980 and 2010, despite the low fertility rate—that is, thanks

**Figure 1-2.** Change in the age structure of Canada, United States, Mexico, Guatemala, Honduras, and El Salvador between 2000 and 2019



**Source:** Own calculations based on data from “World Population Prospects, 2019 Revision,” United Nations, <https://population.un.org/wpp/>

to immigration. However, if net migration rates remain constant, and fertility decline intensifies, the dependency ratios in Canada and the United States will tend to grow, as they have since 2010.

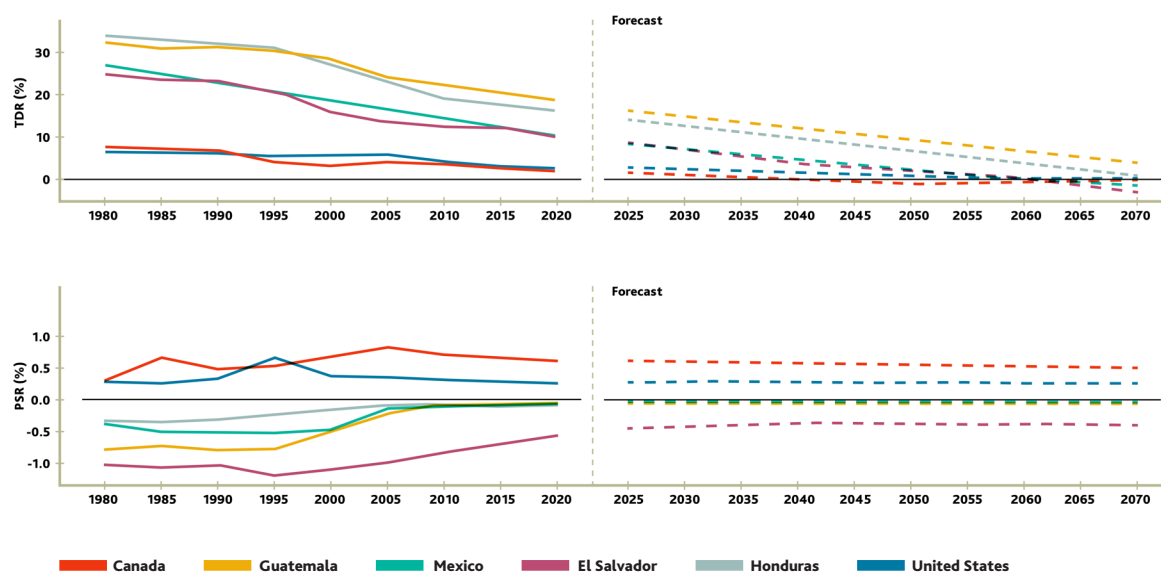
The potential *support ratio*—the number of working-age people per 100 older adults—shows that all six countries clearly converge in the second half of the 21st century. However, in Mexico and the countries in Northern Central America, especially Guatemala, it decreases. As of 2030, Canada and the United States are expected to have a very stable working population, close to 30 per 100 older adults. This data is

important in determining what levels of immigration allow for a sustainable potential support ratio. However, levels of migration depend on various socioeconomic and political conditions in each country—in particular, those related to migration policies that define visa, deportation, and refugee systems.

### ***The need for multilateral policies on visas, migration control, and refuge***

In this demographic context, the migration policy of traditionally recipient countries regains particular significance, especially policy governing labor

**Figure 1-3.** Evolution of the dependency ratio and the potential support ratio of the countries of North America and Northern Central America between 1980 and 2020



**Source:** Own calculations based on data from "World Population Prospects, 2019 Revision," United Nations, <https://population.un.org/wpp/>

migration that, in turn, determines the number of visas that are issued for temporary and permanent migrants. Similarly, prevailing political imperatives and structural policies on migration control gain importance, particularly those that determine deportation enforcement and those that govern quotas, procedures, and requests for asylum and refuge. In addition, the phenomenon of return has played a predominant role in reconfiguring migratory patterns in the region [see section 2]. The United States is the main recipient of immigrants from the rest of the region's countries. Despite a significant population with irregular status, legal channels for Mexican migration have increased since 1997. Today, more than half of the Mexican population in the United States has regular status. As shown in Figure 1-4, there has been a more than threefold increase in the number of non-immigrant visas issued between 1997 and 2020. In 2019, more than 350,000 visas were granted to Mexico, Canada, Guatemala, Honduras,

and El Salvador, with Mexico receiving more visas for non-immigrants than any of the others. Since 2008, the trend shows a steady increase in the number of visas issued per year, possibly in response to the need to secure a temporary workforce that resulted from the global financial crisis. In 2020, there was a decrease in the number of visas issued—probably as a result of the COVID-19 pandemic—with a reduction of more than 50,000 visas issued *vis-à-vis* those issued in 2019. The issuance of all types of visas to Mexico increased, especially the so-called non-immigrant visas, which under United States regulation include H2A and H2B for temporary agricultural and temporary non-agricultural workers (see Figure 1-5).

Canada and the United States have designed policies that react to or anticipate the socioeconomic considerations derived from an aging population that needs a workforce. The United States increases the issuance of non-immigrant visas in response to their present needs. Canada has annual immigrant

quotas that are revised every three years. Both proposals, if maintained, result in sustained population growth in these countries to avoid a workforce shortfall. Mexico finds itself in a new situation in which it has also become a country of immigration, although it lacks the legal framework and institutions that would allow to manage migration from a human rights approach. As a result of the immediate demographic future, Mexico will also need to manage immigrant and returnee flows appropriately.

### Scenarios to Generate Demographic Opportunities through Migration Policy

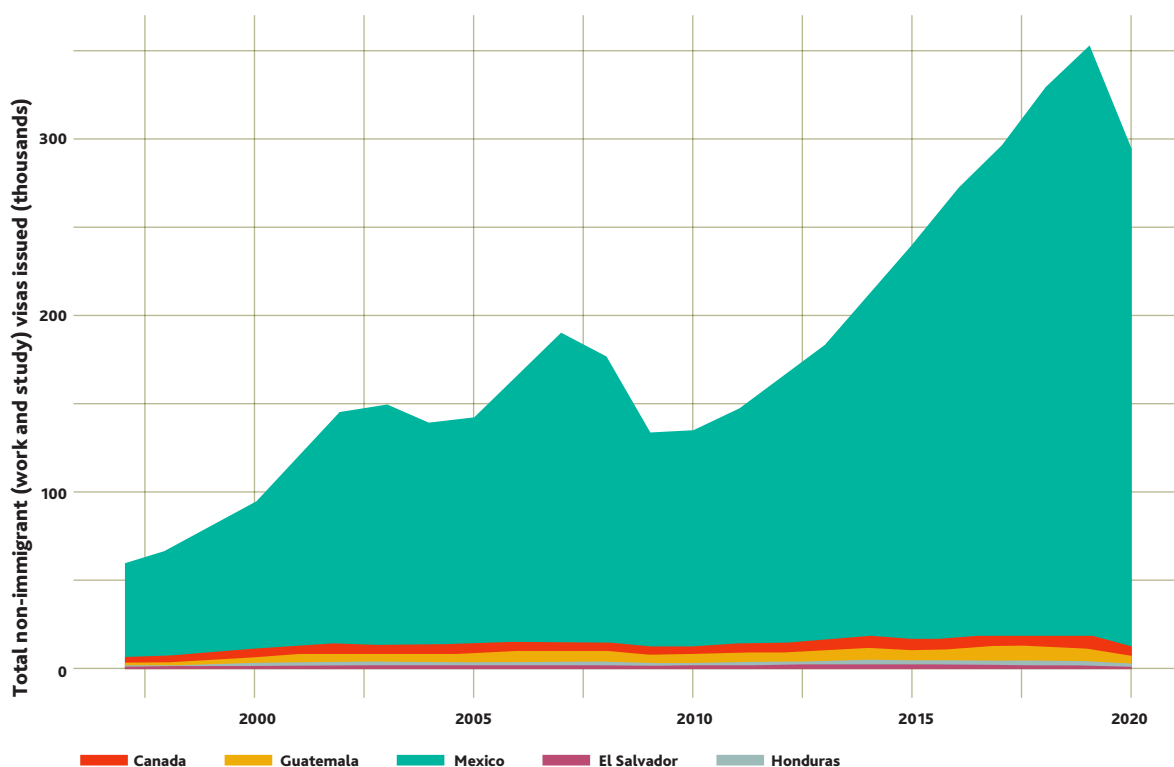
The demographic dynamics of each country, coupled with the phenomena of return, deportation, refuge,

and the uncertainty fueled by the current COVID-19 pandemic will drive future migration patterns in the region. In principle, the pandemic may promote emigration from Central American countries and Mexico to the United States and Canada in the short term. However, the latter will all depend on the migration policies and policies on emergency response to the economic crisis generated by the pandemic, akin to social transfers and medium-term investment in the health care systems of the six countries overall. As follows, we outline scenarios for generating demographic opportunities based on migration policy.

#### *Economic mismatches due to aging*

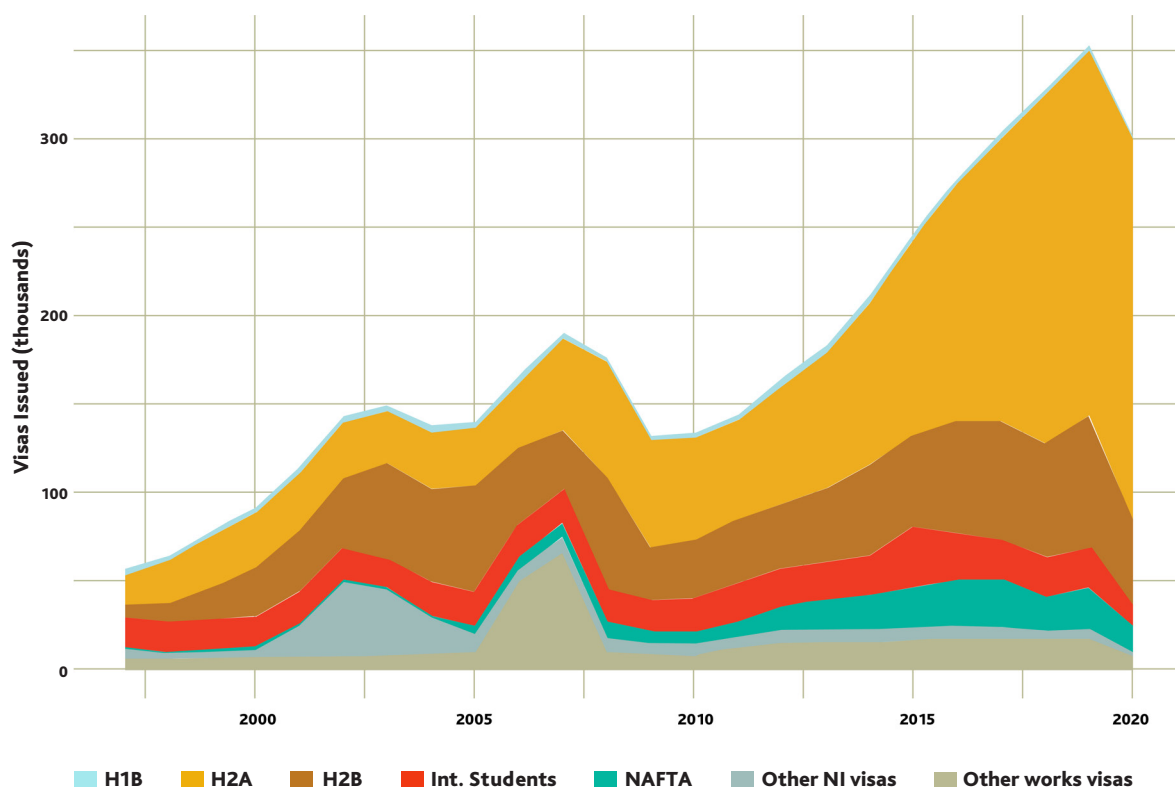
Ideally, countries should have stable population growth, as is currently the case in Canada and the

**Figure 1-4.** Total number of annual non-immigrant visas issued, 1997-2020



**Source:** "All Visa Categories", U.S. Department of State, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>; and "Non-Immigrant Visas," U.S. Department of State, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>.

**Figure 1-5. Non-immigrant visas issued to Mexicans**



**Source:** "All Visa Categories," U.S. Department of State, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics.html>; and "Non-Immigrant Visas," U.S. Department of State, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>.

United States. Such growth should go hand in hand with a dynamic labor market and adequate provision of social security and care for older adults. Otherwise, for instance, economic situations could arise in which public health systems are overwhelmed because health spending is particularly significant among primarily retired populations. Countries with declining populations, such as several European and Asian nations, face labor shortages and restricted provisions for the elderly. On the other end of the spectrum, countries whose populations are growing very rapidly may face massive youth unemployment and other issues. These two scenarios are plausible for the region if the management of population policies remains unchanged.

Mexico is experiencing a special situation: It has become an immigration and return country after mainly being an emigration and transit country. The demographic bonus that was transferred to the United States and Canada over the past 30 years also generated some economic gains in communities where remittances were received. This also took place in Central American countries. However, the return and immigration to Mexico have become a way of extending that bonus, which may be harnessed for development. In other words, in an aging population context, migration can act as a lever for development if there are mechanisms to beneficially integrate migrant populations into the labor market [see section 2].

### ***The linkage between migration policy and population policy to reduce the effects of aging***

Should the type of reactive migration policies in the U.S. and planned migration policies in Canada continue, their population growth will be maintained, and they will avoid falling into a workforce deficit. It is harder to predict a scenario for Mexico, Guatemala, Honduras, and El Salvador. We know that they will also enter advanced stages of the aging process over the course of the next 50 years. Mexico will do so even in the next 10 years. If declining birth and mortality trends and negative migration rates continue, those countries will not have a stable and sustainable growth rate. Rather, they are ultimately trending toward population decline and advanced stages of the aging process, which they are not economically prepared for, especially in El Salvador. It is therefore important for governments to create institutions or endow the institutions that they have with the ability to anticipate the effects of population aging entailed in current demographic change.

For Mexico, a scenario that provides development opportunities based on its demography is one in which the country takes a modified version of the Canadian model of planning for a certain number of immigrants per year in order to maintain a constant population growth rate. However, the current lack of coordination between institutions and legal frameworks that regulate demographic phenomena prevents this, although it is an area of opportunity that can be readily addressed. Three institutions

are responsible for analyzing and proposing migration-related programs and policies in Mexico: the National Population Council (CONAPO; Spanish abbreviation), the Migration Policy Unit, Registry and Identity of Persons (UPMRIP; Spanish abbreviation), and the National Institute for Migration (INM; Spanish acronym). The first is responsible for designing the population policy that sustains the country's National Development Plan for each six-year period. However, with the creation of the UPMRIP and INM, CONAPO lost its power to be involved in migration policy and in integrating that policy more efficiently into population planning. The UPMRIP and INM must still perform the pending task of disseminating the recommendations of CONAPO recommendations (by way of publications) as well as of taking them to a public policy level able to set concrete goals in demographic terms.

The current Mexican administration seems to favor U.S. aspirations in terms of containing Central American migration over and above its own demographic interests. Mexico's current stage in the aging process also indicates that migration flows to the United States will decline in the medium term. Mexico's consistent transformation into a sending, transit, and receiving country includes a great source of uncertainty, in view of which it would be more important to set some minimum targets. Unfortunately, the information available on prospective migration from a demographic perspective does not cover that type of abrupt change over time.

1. "World Population Prospects, 2019 Revision," United Nations, <https://population.un.org/wpp/>
2. Neil K. Mehta, Leah R. Abrams, and Mikko Myrskylä. "U.S. Life Expectancy Stalls due to Cardiovascular Disease, not Drug Deaths", *Proceedings of the National Academy of Sciences* 117, no. 13 (March 2020):6998–7000, doi:10.1073/pnas.1920391117
3. Anne Case and Angus Deaton, *Deaths of Despair and the Future of Capitalism*. (Princeton: Princeton University Press, 2020).
4. Vladimir Canudas-Romo, José Manuel Aburto, Víctor Manuel García-Guerrero, and Hiram Beltrán-Sánchez. "Mexico's

Epidemic of Violence and its Public Health Significance on Average Length of Life", *Journal of Epidemiology & Community Health* 71, (February 2017):188–193, <https://jech.bmj.com/content/71/2/188>.

5. Vladimir Canudas-Romo, V.M. García-Guerrero, and C.J. Echarri-Canovas. "The Stagnation of the Mexican Male Life Expectancy in the First Decade of the 21st Century: The Impact of Homicides and Diabetes Mellitus", *Journal of Epidemiology & Community Health* 69, no. 1 (January 2015):28–34, <https://jech.bmj.com/content/69/1/28>.
6. Silvia Giorguli-Saucedo, Víctor Manuel García-Guerrero, and Claudia Masferrer. *A Migration System in the Making: Demographic Dynamics and Migration Policies in North America and the Northern Triangle of Central-America*. (Mexico: El Colegio de México, 2016). <https://cedua.colmex.mx/proyecto/a-migration-system-in-the-making/home>.
7. Ninette Kelley and Michael J. Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*. (Toronto: University of Toronto Press, 2010).
8. David Bloom, David Canning, and Jaypee Sevilla. *The Demographic Dividend: A New Perspective on the Economic Consequences of Population Change*. (Santa Monica, CA: RAND Corporation, 2003), [https://www.rand.org/pubs/monograph\\_reports/MR1274.html](https://www.rand.org/pubs/monograph_reports/MR1274.html). Also available in print form.
9. Adrian Raftery. "The Dip in the U.S. Birthrate Isn't a Crisis, but the Fall in Immigration May Be", *The Conversation*, June 21, 2021. <https://theconversation.com/the-dip-in-the-us-birthrate-isnt-a-crisis-but-the-fall-in-immigration-may-be-161169#:~:text=The%20U.S.%20Centers%20for%20Disease,record%20low%20for%20the%20nation.&text=Falling%20immigration%20may%20be%20America's,the%20dip%20in%20birth%20rates>.



## **Return, Deportation, and Immigration to Mexico**

CLAUDIA MASFERRER

To solve one of the current major challenges in migration policy and foreign policy, it is necessary to understand and accept that not all Mexicans living in the United States want to return to Mexico because they have created family and affective ties in the United States. Deportation and unplanned return affect populations in both countries, among other things by dividing families.

---

To rethink binationality in Mexico and the United States, taking family ties into account, implies having both governments actively participating in safeguarding the interests of a shared population. Recognizing this responsibility and taking action is an important step toward improving the well-being of mixed families, and towards securing legal status in both countries.

---

Rethinking the integration of returnees and their U.S.-born children could lead to rethinking a migration policy in Mexico that favors the migrant population in the country regardless of birthplace and that reflects the reality of the migration phenomenon.

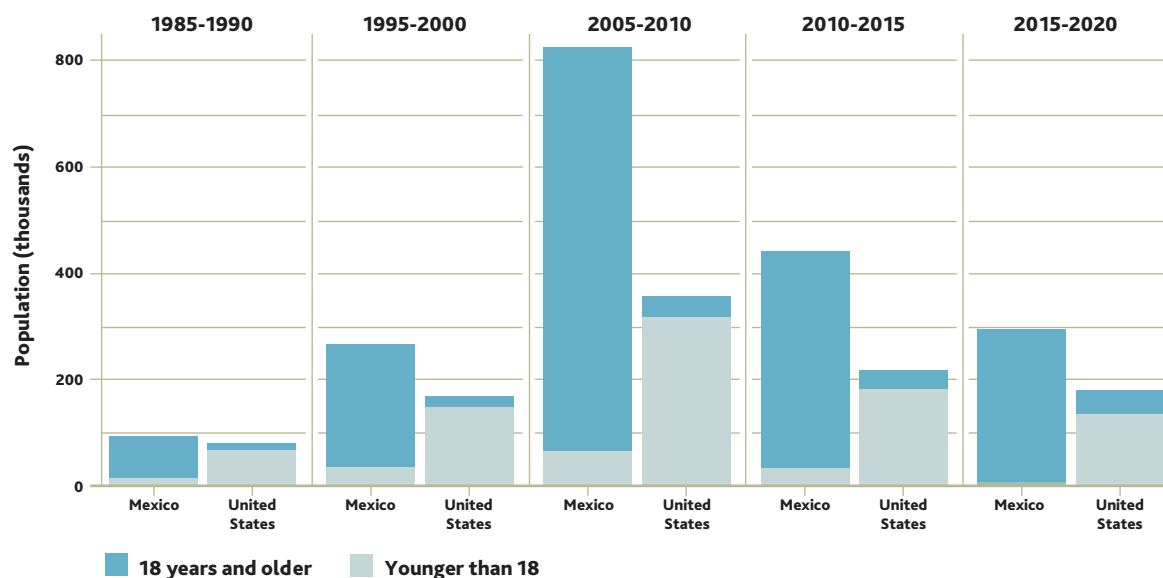


The Return to Mexico immigration policy triggers an important foreign policy and migration policy dilemma born of the confrontation between Mexicans and the foreign: namely, “those who are there,” “those who arrive,” and “those who, while ours, left.” It is a false dilemma if our starting point is a recognition of diversity and mixed and multiple interests and identities. Can Mexican migration policy integrate that population while simultaneously supporting others to integrate outside of the country? Yes, it can. A State can promote both things with the greater interest of giving them the option of self-realization and being functional in both countries. Given the situation of binational or mixed-origin families in both countries, the challenge is making this population a priority for both governments, yet defining a comprehensive migration policy in Mexico requires a better understanding of the diversity of migrant populations that originated from other latitudes.

## Return and Recent Immigration from the United States

Approximately 10% of the population born in Mexico lives abroad, and although not everyone will return to live in Mexico, they are potential returnees. In 2019, 11.2 million Mexicans lived in the United States. According to 2017 estimates, of the 10.5 million unauthorized people in the United States, 4.95 million are Mexican, and half of them have lived there for over 17 years, and 83% have been there for more than 10 years.<sup>1,2</sup> The greatest volume of Mexicans in the United States reached 12 million in 2007, and that figure declined when the number of returnees began increasing in 2008. Involuntary return surged over time: a greater number of returnees comprises deportations and the return of persons whose financial circumstances were impacted by the economic crisis. In addition, the arrival of those born in the United States

**Figure 2-1.** Place of birth and age of the recent migrant population from the United States to Mexico, 1990-2020



**Source:** 1990, 2000, 2010, and 2020 Mexican Census and 2015 Intercensal Survey

**Note:** The population born in Mexico refers only to those aged 5 years or more. The U.S. population also includes those born in the United States aged 0 to 4 years because by definition, they arrived in the five years prior to the census period.

—especially minors—accompanying relatives on their return grew (see Figure 2-1).<sup>3</sup> Census data<sup>4</sup> show a slowdown in returns: from 825,000 in 2005–2010, to 442,000 in 2010–2015, and to 294,000 in 2015–2020. The data also show a decline in U.S. immigration from 316,000 in 2005–2010, to 218,000 in 2010–2020, and 181,000 in 2015–2020 and an increase in settlement of that population. Since the 1990s, minors account for the vast majority of the flow and volume of U.S.–born migrants. In fact, the volume of U.S.–born minors in Mexico (500,600 under 18 and 571,000 under 21) is similar to the number of Mexicans with DACA in the United States (548,000),<sup>5</sup> but few are familiar with this fact, as was observed in a number of interviews.

Approximately 1.6 million Mexicans were deported during the two George W. Bush administrations (FY2000–2008) and nearly 2 million under two Obama administrations (FY2009–2016). Trump's presidency (FY2016–2019) deported 608,000 Mexicans.<sup>6</sup> We do not know exactly how many of the returnees living in Mexico today have been deported in the past or how many of the U.S.–born population, who arrived due to a relative's process rather than their own individual process, were *de facto* deported.

### Profile of Recent Immigrants and Reasons for Migrating

In complete dissonance with the reality of immigration to Mexico, the recent focus of migration policy and foreign policy have been migrants in transit and those seeking protection (see Table 2-1). Policy has focused on populations that generate more tension or need more immediate help, but the migration control and humanitarian aid discourse stand far

from processes aimed at integrating returnees and their families as well as other foreigners in Mexico. In 2020, the return migrant population (294,000) and that of U.S.–born minors (138,000) who arrived in the last five years far exceeds the number of Central Americans in the country regardless of when they arrived. More than half of the people who recently immigrated to Mexico are U.S.–born. Guatemalans, Salvadorans, and Hondurans together do not amount to 11% of the recent migrant population, while more than 10% of recent migrants are Venezuelans, and more than 4% are Colombians. By far, the main cause of migration is family, even if there are differences between countries (see Table 2-2). For example, although 8 of every 10 Haitians emigrated for financial or work-related reasons [see section 3], 9 of every 10 U.S.–born did so for family reasons, and more than 3 of every 10 Salvadorans and Hondurans, due to insecurity or violence [see section 8].

### The Possibility of Ensuring that the Population Who Defines Home as the United States Can Stay and Is Not Forced to Return to Mexico

It is difficult for Mexico to ensure that those who want to stay in the United States are able to because they lack access to legal status. In the context of Biden's proposals to Congress, the reinstatement of DACA and possible regularization seem to alleviate the situation. However, even though DACA is important to prevent the deportation of some migrants who arrived while they were children, the program's coverage is very narrow, conditional, and limited in terms of the rights it grants. Above all, its phase-out in the Trump years and the ruling of Texas judge Andrew Hanen in July 2021 not to re-

**Table 2-1.** Country or region of birth of the foreign-born population living in Mexico in 2020

Country or Region of Birth	Total	Lived in Mexico in 2015	Recent Migrant (2015-2020)	% of Nonrecent Population	% of Recent Migrant Population	% of Total Foreign-born Population
United States	751 011	569 789	181 222	69.1	52.9	64.3
Canada	10 936	7 141	3 795	0.9	1.1	0.9
Guatemala	59 866	44 536	15 330	5.4	4.5	5.1
El Salvador	19 481	12 101	7 380	1.5	2.2	1.7
Honduras	33 517	19 027	14 490	2.3	4.2	2.9
Venezuela	56 047	20 414	35 633	2.5	10.4	4.8
Colombia	34 709	20 267	14 442	2.5	4.2	3.0
Argentina	18 796	12 091	6 705	1.5	2.0	1.6
Cuba	25 998	12 895	13 103	1.6	3.8	2.2
Haiti	8 821	3 928	4 893	0.5	1.4	0.8
Rest of the Americas	55 215	35 727	19 488	4.3	5.7	4.7
Spain	21 995	17 068	4 927	2.1	1.4	1.9
Rest of Europe	43 965	32 777	11 188	4.0	3.3	3.8
Asia and Oceania	23 527	14 679	8 848	1.8	2.6	2.0
Africa	3 443	2 251	1 192	0.3	0.4	0.3
<b>Total</b>	<b>1 167 327</b>	<b>824 691</b>	<b>342 636</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Source:** 2020 Mexican Census

**Notes:** Recent migrants are those who resided abroad in 2015 and arrived in Mexico during the 2015–2020 period. Nonrecent migrants already resided in Mexico five years before.

ceive new applications show that it is at the mercy of political will. On the other hand, comprehensive regularization would prevent the forced return of many, although it would not eradicate return by way of deportation or due to other causes. The U.S. political environment after Biden's arrival and the composition of the Senate and Congress, as well as Mexico's limited capacity to want to influence those processes, hamper a comprehensive reform that would give legal status to the population of almost 5 million unauthorized Mexicans and almost 6 million people from the rest of the world [see section 6]. Should the returned or U.S.-born population in Mexico not be integrated or given

the tools to develop in the future in one of the two countries, a vulnerable migrant population would be created.

### Prior Attempts to Facilitate Processes for Reintegration of Returnees and Immigrant Integration in Mexico

There have been a number of federal and state programs that seek to facilitate integration processes for returnees and their families at different levels, but efforts have so far been insufficient, and there is a need for a thorough review of existing laws and regulations.<sup>7</sup> In July 2016, the Peña Nieto administration launched the *Somos Mexicanos* strategy

**Table 2-2.** Cause of migration to Mexico

Country or Region of Birth	Cause of Recent International Migration					
	Economic/ Labor	Family	Study	Violence and Insecurity	Deportation	Natural Disasters and Other Causes
<b>Born in Mexico</b>						
Returned from the United States	21.2	51.2	1.7	0.7	13.7	11.6
Returned from another country	29.3	37.0	15.1	2.4	0.7	15.6
<b>Foreign-born</b>						
United States	3.5	86.2	2.6	0.3	0.6	6.9
Canada	13.1	59.6	3.8	0.8	0	22.7
Guatemala	39.3	47.6	2.6	5.8	0.7	4.0
El Salvador	28.9	31.5	1.0	33.7	0.5	4.4
Honduras	26.6	31.5	2.4	35.4	0.9	3.2
Venezuela	30.2	34.1	2.9	19.2	0	13.6
Colombia	41.0	37.8	12.7	2.0	0.1	6.4
Argentina	42.3	42.7	3.3	1.6	0.1	10.1
Cuba	33.6	31.8	5.7	13.0	0.2	15.8
Haiti	79.8	7.2	4.1	7.5	0	1.4
Rest of Americas	30.0	45.5	15.2	2.4	0.1	6.8
Spain	40.7	37.7	9.8	0.0	0	11.9
Rest of Europe	36.3	43.1	8.6	0.1	0	11.9
Asia and Oceania	48.6	36.1	5.9	0.0	0	9.4
Africa	20.1	32.1	19.2	12.4	0	16.3
<b>Total</b>	<b>18.4</b>	<b>63.4</b>	<b>4.3</b>	<b>5.5</b>	<b>0.4</b>	<b>8.0</b>

**Source:** 2020 Mexican Census

**Notes:** The column for Family (under Causes) was assigned to the population aged 0 to 4 years born abroad who were not asked about the cause of migration, and it is assumed that they arrived in Mexico in the last five years. The column for the Deportation cause includes legal and administrative reasons, so it does not necessarily mean that the individual had a deportation order.

that brought together a series of programs, such as *Paisano*, *Programa de Repatriación Humana*, *Soy México*, and *Repatriados Trabajando*, among others. Under the López Obrador administration in November 2020, the Inter-Institutional Panel on Providing Integral Support to Returning Mexican Families (MIFR; Spanish acronym) was created as a forum for institutional interagency coordination,

in addition to the INM and IME who are responsible for the Technical Secretariat. The IME convenes the MIFR on a quarterly basis. The third MIFR, in June 2021, adopted the Inter-institutional Strategy for Integral Support for Repatriated and Returning Mexican Families (*Strategy*).<sup>8</sup> It is still too early to assess the implementation of the measures provided for under the *Strategy*, although it does in-

clude very positive elements (several provided for in *Somos Mexicanos*), such as: (1) a basis on comprehensive multidimensional support; (2) a focus on the family dimension of migration; (3) inclusion of a gender perspective; and (4) consideration of differentiated needs at different times for planning, reception and reintegration. It is also too early to assess how different *Somos Mexicanos* and the current strategy are in practice, as well as to evaluate the impact that IME and the consular network may have in helping migrants planning for their return [\[see section 5\]](#).

### **Potential Effects of not Changing the Course of Policies Toward the Migrant Population**

*Greater invisibility, stigmatization, vulnerability and lack of social cohesion.* The return migrant population is often invisible, stigmatized, and hides their migratory experience for fear of discrimination and rejection. Recognizing the returnee population for the United States means accepting deportees and *de facto* deportees who lived with vulnerabilities. However, the costs of having U.S. citizens growing up in Mexico with parents unable to integrate into their home country have yet to be calculated. In Mexico, some think that a dilemma exists between creating specific employment programs for returnees, for instance, or employment programs for all regardless of whether they are migrants, arguing that this could create new inequalities that give those with migration experience an advantage. The difficulty arises within this context of how to sit both governments down at the table so that both watch over the interests of their citizens and their families, with interventions in labor, socioeconomic,

and cultural terms. If not, lack of social cohesion, vulnerabilities, and increased stigmatization can have terrible consequences, ranging from failing to make the most of the skills of returnees through to aggravating the social alienation that has led to phenomena the likes of the *Maras* in El Salvador—a population significantly linked to failed integration processes of returnees from the United States.

### **Potential Effects of Not Changing the Course, While Relevant Factors Do Change, and the Situation Worsens**

It is difficult to know whether there will be a dramatic increase in deportations—such as during the Obama administration—or whether they will decrease, either because some populations are regularized, or the tightening of immigration control is limited. Biden could deport the detainees, thus reinforcing the image of Democrat administrations as “Deporters-in-Chief.” Regularization processes could be opened on a par with greater control, as happened post-1986 with IRCA, and a hardening that would lead to an increase in involuntary returns in the long run. This would lead to a higher number of family separations and a higher number of U.S. citizens growing up far from their parents and grandparents or more U.S. citizens arriving to Mexico to *migrate as a family* to avoid separation. Mexico could maintain its non-interventionist approach to U.S. politics and fail to strengthen the action of Mexican consulates to attain greater access to rights and protections for the population that lives abroad and for their U.S. citizen relatives. Doing so would hinder future efforts to revert the negative implications of return and the lack of opportunities to obtain a regular status that would allow people to freely choose where to live. From the

interviews conducted, we have noted that several Mexican public officials are under the impression that it would be complicated for Mexico to take action in that regard, beyond the assistance already provided by consulates in terms of documentation and protection, often with limited resources [see section 6].

Whether a possible regularization could be in tune with greater border control is uncertain. What could happen in Mexico is that an increase in that control would, in turn, imply greater stigmatization or *de facto* criminalization of populations in transit or seeking protection and that this, in turn, would permeate through to the returned and immigrant population in general. If we fail to work with public officials, entrepreneurs, and society in general to destigmatize the return migrant population, and if we do not create a comprehensive policy, the situation of a population that could capitalize on its migratory experience will become increasingly vulnerable.

It is unclear what the short-, medium-, and long-term effects of the pandemic will be on the global economy. If the COVID-19 pandemic worsens in the United States, we may see an increase in returns under adverse economic conditions, such as after the Great Recession of 2008, with little in the way of savings and, in turn, with greater challenges to find work in Mexico and greater job instability. If the pandemic also worsens in Mexico, it would multiply the vulnerabilities because it would permeate other dimensions, such as education, health, and housing. That interaction would be to the detriment of the U.S.-born population in Mexico whose father or mother is Mexican as well as to the returning Mexican population.

Even without increasing deportations, return will

continue as returnees are coming back to Mexico for a multiplicity of reasons (see Table 2-2). If return is associated solely with deportation, as reflected in many government documents that use the term *repatriation* for return, we run the risk that interest in serving invisible, heterogeneous, and other populations with multiple needs will either disappear or be distorted. A similar risk exists if the sign of the net migration rate changes due to an increase in emigration or a drop in returns, and it is mistakenly expected that populations arriving in Mexico from the United States will have no problems that need to be addressed or if the focus shifts to migration control in order to stop emigration. Another similar risk exists if interest in that population is restricted, such as has happened on other occasions, to election periods when politicians seek to attract votes from returnees.<sup>9</sup>

## Changes Required to Build a Promising Scenario

### *For greater voluntary returns and return planning.*

Although possible regularization would increase mobility between the two countries, a number of the people interviewed are of the opinion that it would translate into increased returns. Personally, based on my own studies and those of others, I doubt that regularization would entail a short-term increase in the number of returns with the desire to settle for long periods in Mexico. What it would entail is the chance to plan it better. Irregular circumstances constrain the possibility of integrating into U.S. society, which limits the financial resources and savings needed to be in a position to plan for return and to get back to better circumstances. Regularization could in the short term reduce returns albeit increasing it in the long term under better

conditions, and more importantly, it could provide the opportunity to have an active binational life that recognizes the capacity of multiple belongings in both countries as truly transnational dual citizens.

***To take the family dimension into account.*** The deportation or return of Mexicans who are then unable to go back to the United States, where their relatives have been left behind, affects both Mexicans and U.S. citizens. A careful review from the standpoint of the greater good for children and family welfare of those implications by a binational commission could perhaps arrive at an understanding of the measures that can be taken to prevent lengthy family separation, both involving minors who remain away from a parent in Mexico and the United States. For example, one discussion could be on how to avoid deportation proceedings if children are involved or when migrants lack social support networks in Mexico because they have lived most of their lives in the United States or on seeking ways to provide legal avenues for visiting family members who stayed in the United States, and not just children or grandchildren. This consideration would entail considering the well-being of binational families of mixed backgrounds and legal status on both sides of the border. In that scenario, taking the family dimension of migration into account could also generate legal channels through family reunification and better manage the migration of unaccompanied minors seeking to reunite with their parents, both in Mexico and the United States.

***Rethinking binationality.*** U.S. citizens who migrate accompanying returning Mexicans are primarily a binational population, by definition, although they do not all have formal dual citizenship. Census data for 2020 show that 492,000 individuals of all ages living in Mexico were born in

the United States, and that they also had Mexican nationality or birth certificate: that is, two of every three U.S.-born- in Mexico have dual nationality. Although the first step toward their integration in Mexico is for those eligible to obtain Mexican nationality, efforts cannot be left at a relaunching of a national strategy like *Soy México*. Established in 2003 as a decentralized body of the Secretariat of Foreign Affairs, the IME seeks to strengthen links with the country of origin and promote integration into the society where they reside. Mexico could present the example and experience of the IME to the United States so that the latter administration supports the situation of its nationals in our country and others. Creating an organization of that nature should highlight the need to avert having a population in the future that lives in conditions of vulnerability despite having U.S. citizenship. In other words, a population with formal access to rights, but without the human, social, or economic capital to integrate into the United States if they decide to return to their home country. In addition, it would rekindle the U.S. government's principle of watching over the interests of its citizens, regardless of age, ethnicity, class, country of parents' birth, or current residence. That body should go beyond the consular work now carried out by the United States Embassy. The scope could be ever more far-reaching if the body took on a dual nature reflecting the binationality of the population and included voices from both countries.

***For greater multilevel coordination.*** The Strategy articulates actors focused on various dimensions and works from seven multisectoral thematic groups: the right to identity, health, vulnerable groups, workplace inclusion, education, economic development, and regulatory framework. Its multidimensional na-



ture entails institutional coordination challenges. In a promising scenario, public administration would be coordinated to ensure the rights and integration of these populations. That improved coordination would specifically include a stronger connection between SEGOB and SRE than what presently exists, and with other agencies. The interviews also show the importance of being able to articulate a multilevel strategy involving local actors—from csos, teachers, human resources staff, or officials providing over-the-counter services—and municipal, state, and federal actors. Our study also found the need to incorporate the voices of the private or business sector in order to be able to think beyond some investment projects or support for banking remittances: most returned migrants enter the labor market as salaried employees (with high levels of job insecurity and without access to benefits), and not as self-employed workers or employers. This scenario would also include something that seems a little more difficult due to the virtually nil participation of returnees and immigrants, and of advisory councils for generating public policy: a strategy that links the multiplicity of migrant voices so as to change the migration narrative and see it reflected in specific policies [see section 5]. Now, the programs may very well be better received if they are inclusive of nonmigrants, too: for instance, a job fair attuned to the needs of the returned or

immigrant population and that is also open to the general population.

***Rethinking regional integration.*** In addition to promoting binationality, it would be important to take up the thread of success stories where Mexico-United States integration is palpable and has proven to be beneficial for actors in both countries. An example of this can be found in several border cities, where consulates and local governments, industry and chambers of commerce, and universities benefit from an ongoing exchange. This could be further expanded to southern Mexico to restate the relationship with Central America.

***For greater social cohesion, after migrant integration, regardless of birthplace.*** Several studies and success stories in some cities show that good migrant population integration into the host society brings greater social cohesion, particularly when local actors are involved. To achieve this scenario, the definition of migration and foreign policy that generates better migrant integration processes should not distinguish between Mexicans and foreign-born. We would move from the reintegration of returning migrants to a broadly defined integration. Hence the virtues of integration would trickle through to a wider population, and the migrant population—be it Mexican or of another origin—would be better accepted.

1. We come back to the data from the Pew Research Center report from Jeffrey Passel and D'Vera Cohn, *U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade* (Washington, D.C.: Pew Research Center, 2018) although the work from Randy Capps, Julia Gelatt, Ariel G. Ruiz, and Jennifer Van Hook, *Unauthorized Immigrants in the United States. Stable Numbers, Changing Origins* (Washington, D.C.: Migration Policy Institute, 2020) estimates a slightly larger population.
2. Mark Hugo López, Jeffrey Passel, and D'Vera Cohn, *Key Facts About the Changing U.S. Unauthorized Immigrant Population* (Washington, D.C.: Pew Research Center, 2021), <https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>.
3. See Claudia Masferrer, Erin R. Hamilton, and Nicole Denier, "Immigrants in Their Parental Homeland: Half a



Million U.S.-Born Minors Settle Throughout Mexico," *Demography* 56, no. 4 (August 2019): 1453–61. For a shorter version, see Claudia Masferrer, Erin R. Hamilton, and Nicole Denier, "Half a million American minors now live in Mexico," *The Conversation*, July 1, 2019, <https://theconversation.com/half-a-million-american-minors-now-live-in-mexico-119057>.

4. According to data from the Mexican 2010 and 2020 censuses and the 2015 Intercensal Survey, available at <https://inegi.org.mx/>.
5. Gustavo López and Jens Manuel Krogstad. "Key Facts About Unauthorized Immigrants Enrolled in Dhaka," *Pew Research Center*, September 25, 2017, <https://www.pewresearch.org/fact-tank/2017/09/25/key-facts-about-unauthorized-immigrants-enrolled-in-daca/>.
6. Deportations refer to *removals* and not to arrests at the border; see Office of Immigration Statistics, "Yearbook of Immigration Statistics 2019," last modified April 30, 2021. <https://www.dhs.gov/immigration-statistics/yearbook/2019>.
7. See *El Colegio de la Frontera Norte, Políticas Multinivel Para El Retorno Y La (Re)Inserción De Migrantes Mexicanos Y Sus Familias*, (Tijuana: El Colegio de la Frontera Norte, 2019). <https://www.colef.mx/wp-content/uploads/2019/04/Informe-Políticas-Multinivel.pdf>. Or, Cruz Piñeiro, Rodolfo, and Rafael Alonso Hernández López, "¿México Debe Avanzar Hacia Una Política Migratoria De Retorno?" *Coyuntura Demográfica* 19, (January/June 2021), <http://coyunturademografica.somede.org/mexico-debe-avanzar-hacia-una-politica-migratoria-de-retorno/>.
8. Secretaría de Gobernación. "Acuerdo por el que se establece la estrategia interinstitucional de atención integral a familias mexicanas repatriadas y en retorno," Pub. L. No. DOF 24/06/2021. [https://dof.gob.mx/nota\\_detalle.php?codigo=5622105&fecha=24/06/2021](https://dof.gob.mx/nota_detalle.php?codigo=5622105&fecha=24/06/2021).
9. Elizabeth Malkin, "Mexican Deportees, Once Ignored Back Home, Now Find 'Open Arms'," *The New York Times*, April 16, 2017, <https://www.nytimes.com/2017/04/15/world/americas/mexico-deportees-welcome.html>.

# 3

## **Population Seeking International Protection**

ISABEL GIL EVERAERT

Mexico is consolidated as a destination country for populations seeking international protection. Given this scenario, weak institutional response coupled with the implementation of mobility-restricting policies has resulted in prolonged waiting, increased risk, uncertainty, and tensions at the local, national, and regional levels.

---

Given a landscape in which the trend reflects a continued rise in requests for international protection in both Mexico and the United States, thinking of alternative scenarios that include significant changes to the refugee and asylum systems, in three aspects, is necessary: namely, (1) reduce wait times and uncertainty, (2) improve wait conditions, and (3) develop temporary and permanent regularization and integration programs.

---

A comprehensive and sustainable international protection policy goes well beyond humanitarian aid and emergency response. It includes temporary and permanent incorporation, integration, and regularization components for refugees and those waiting.

## Consolidation of Mexico as a Temporary and Permanent Destination Country

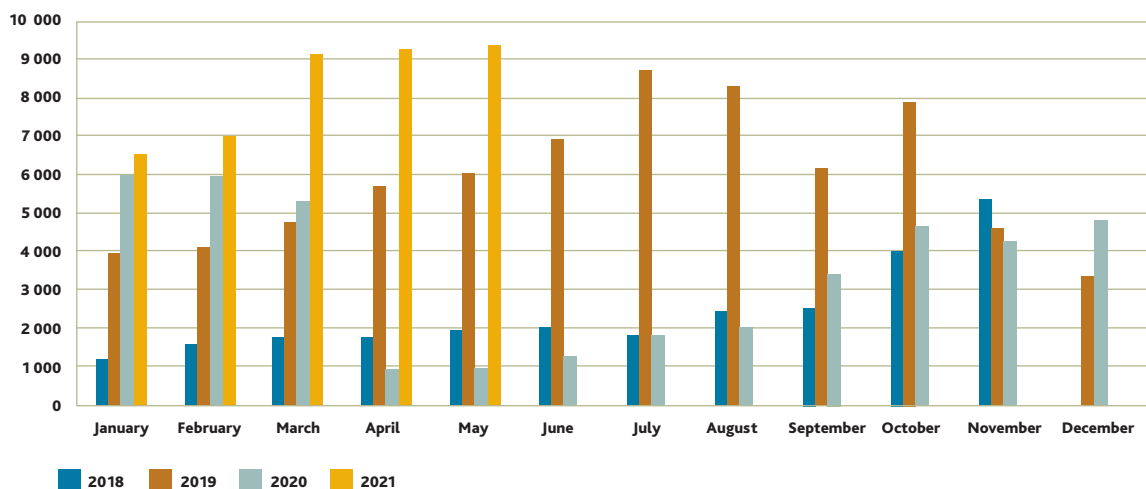
Over the course of the last decade, Mexico has been consolidated as a country of mixed mobility flows. Significant return [\[see section 2\]](#), transit, internal forced displacement [\[see section 4\]](#), and immigration flows have been added to its historical role as a country of origin, in addition to a significant number of persons seeking international protection. Mexico is part of the migration corridor whose primary destination is the United States. Still, as restrictions on asylum and border control are reinforced in the United States, the number of people who settle in Mexico, either temporarily or permanently, has risen. From 2010 to 2015, the number of nationals from El Salvador, Guatemala, and Honduras residing in Mexico grew from approximately 51,000 in 2010 to 68,000 in 2015, which represents an increase of 34%.<sup>1</sup> According to data from the 2020 Mexican Census, this population now amounts to 112,864 people, and this represents a 66% increase [\[see section 2\]](#) over the

past five years, a figure that is yet to include those of other nationalities—such as Venezuelan, Haitian, and Cuban—who have settled in the country, often as refugees.

Between 2015 and 2019 alone, requests for refugee status in Mexico increased twenty-fold, from 3,423 to 70,418. In 2020, a significant drop in applications was observed, mainly due to the COVID-19 pandemic and border closures in the main countries of origin of the population from Northern Central America. However, in the first five months of 2021, there are already 41,195 requests, a number that exceeds the total reported in 2018, and that represents almost 60% of the total for the year with the highest number of applications in history, 2019.<sup>2</sup> See Figure 3-1.

In addition to those seeking refugee status with the Mexican government, a significant number of people in Mexico intend to apply for asylum in the United States and are waiting to cross the border to begin their process. That population includes (1) those who were sent back to Mexico under MPP; (2) those who are wait-listed (metering) awaiting their

**Figure 3-1.** Applicants for refugee status in Mexico by month, 2010–2021



**Source:** Created by the author with data from COMAR

**Figure 3-2.** Estimates of population seeking international protection in Mexico, 2021



**Source:** Created by the author with data from COMAR, TRAC Immigration, and Savitri Arvey and Caitlyn Yates, "Metering Update. May 2021" (Austin, Texas: Strauss Center for International Security and Law, May 2021)

turn to cross; and (3) those traveling with the intention of seeking asylum in the United States, but who are not yet included in either tally. According to official data, reports, and estimates published by different institutions, these two populations are calculated to total close to 230,000 people (see Figure 3-2).

### Population Seeking International Protection in Mexico: Tension, Prolonged Waits, Uncertainty, and Risk

The sustained rise in populations seeking protection, coupled with the implementation of measures restricting mobility and weaker refugee and asylum systems, has resulted in longer application processing times in Mexico and the United States. Of the 170,000 applications received by COMAR between January 2013 and March 2021, 43% have been resolved. In other words, up to March 2021, almost 100,000 people were waiting—some, for years—for resolution by COMAR. During the fiscal year 2019, in the United States, the average wait for some form of resolution in asylum cases was 1,030 days

or almost three years.<sup>3</sup> Although those waiting in Mexico account for a small proportion of the latter cases, court delays and the weakening of the asylum system in the United States have impacted those waiting at Mexico's northern border to be admitted.

From the regulatory standpoint, current legislation on international protection provides that persons seeking refugee status in Mexico cannot leave the state where they began their proceeding until the process is complete.<sup>4</sup> According to data from COMAR, the states of Chiapas and Tabasco in southern Mexico account for between 63% and 80% of applications received in the past four years. Thus, most of the applicant population is concentrated in one of the regions that lag the most in the Human Development Index indicators: levels of education, life expectancy at birth, or housing conditions.<sup>5</sup> On the other hand, the population seeking asylum in the United States, which includes those waiting under MPP, metering lists, and recent arrivals that are hoping to cross the border, is concentrated in cities in northern Mexico, mainly in the cities of Tijuana, Mexicali, Ciudad Juarez, Reynosa,

and Matamoros. Although northern Mexico along the Mexico–U.S. border has better economic indicators than southern Mexico, several of those cities, especially in Tamaulipas, face serious insecurity and violence-related issues.

Groups that are waiting for long periods of uncertain length and are spatially concentrated at Mexico's northern and southern borders are vulnerable to certain risks and face obstacles to obtain documentation. This in turn makes it difficult for them to work and have access to basic services, such as health care, education, and housing.<sup>6</sup> At the same time, tensions have been rising in waiting areas, made patent through episodes of xenophobia, pressure on municipal governments and local authorities, and demands for support from humanitarian assistance networks, which are admittedly overwhelmed.

## Recent Changes to International Protection Systems

Governed by the U.S. agenda, the regional response in the face of this reality has been a migratization of the political agenda [see section 7], focusing disproportionately on border control and irregular migration to the detriment of institutional development regarding internal displacement [see section 4], integration [see section 2], and international protection.

Three obstacles to asylum were imposed in the United States during the Trump administration years: (1) substantive changes in regulations, (2) procedural obstacles, and (3) barriers to access for applicants.<sup>7</sup> Definitions and criteria changed, costs for procedures increased, the possibilities to affirmatively apply for asylum were restricted, and the asylum court system was weakened. All of this generated a high number of pending cases, on the

one hand, and a huge number of cases that were fast-tracked for decision, on the other, which implies fewer opportunities for applicants to defend their case in court. And finally, in terms of barriers to access, MPPs were implemented, which may represent one of the most impactful changes for Mexico as the country that committed to receiving and guaranteeing basic human rights of applicants while they await their turn in the United States.

The Biden-Harris administration has proposed certain international protection changes. First, an executive order was issued February 2021 terminating MPP and ruling that those persons with open cases would be gradually admitted, and the latter was expanded to include persons who received an order of removal for failure to appear in court or whose cases were terminated by the courts. Those two decisions are estimated to benefit approximately 40,000 asylum seekers. Nevertheless, according to figures for May 2021, 18,683 people who are metering are awaiting entry to U.S. territory to apply for asylum.<sup>8</sup> Although the population under MPP has received more precise instructions on their procedures, and most have managed to enter the United States, the rest have no idea when or how they will be able to do it as the Biden administration has not specified how the asylum system will work at the border and continues to return people under Title 42. On the matter of admissibility criteria, on June 16, 2021, the U.S. Attorney General's office<sup>9</sup> published a decision repealing a previous decision that voided domestic and gang violence, and violence at the hands of "private actors" in more general terms, as causes of credible fear of persons who may merit asylum. This was a major change, especially for displaced persons from Central American countries. Haitian and Venezuelan

nationals have also been granted TPS. It is worth noting that most of the proposals made so far seek to provide solutions for those who are already in the United States—not for those seeking to enter the country. The latter are the people who have the greatest impact on the mobility dynamics in Mexico because they are the people who are stranded, on standby, or seeking to cross the border in order to initiate asylum proceedings.

Comparatively, in Mexico, it was not until very recently that increased applications for refugee status were reflected in substantive changes to the international protection system. In 2020, the budget allocated to COMAR rose for the first time in years, from \$20.8 million in 2019 to \$47.4 million in 2020. In 2021, the intention is to add the resources previously earmarked for the Southern Border Commission, which would represent a COMAR budget of close to \$100 million.<sup>10</sup> That budget increase is in addition to the resources emanating from the agreements signed between SEGOB and UNHCR in early 2019, which have allowed COMAR to increase its staff from 48 agents in 2019 to 140 agents in March 2020, and to expand its presence in Mexico from four to seven offices located at strategic sites in the country.<sup>11</sup> Despite this progress, there are still several challenges outstanding, such as the need for ongoing staff training, improving statistical and data collection systems, and expanding the presence of COMAR to other areas of the country. It is also important to recognize that an essential part of the favorable changes has depended on the support of international organizations. To overcome the challenges that remain, it is of utmost importance to seek mechanisms for improving internal capacity, resource self-sufficiency, and sustainability in strengthening the international protection system in Mexico.

## Scenarios

Based on the available data and their expertise, the view held by the people interviewed for this report is that requests for international protection in both Mexico and the United States are likely to continue to increase on the short and medium term. On the one hand, some of the root causes of expulsion have worsened. There is a deepening of the economic crisis that is intertwined with other social and political aspects, human rights violations, and increased levels of crime and violence. In addition to the countries of Northern Central America, political instability in Nicaragua, Colombia, Cuba, and Haiti, and deteriorating conditions in Venezuela are identified as factors that will contribute to displacement, as well as the possible arrival of extra-continental asylum seekers, which would require diversified assistance for populations with different needs. Contributing further are the natural disasters of 2020—especially hurricanes Eta and Iota—as well as the worsening of extreme conditions in Central America's so-called dry corridor. Meanwhile, at least two reasons for increased mobility are identified: (1) the perception of the end of the pandemic and the easing of some mobility restriction measures, such as border closures; and (2) the changes that are expected to the asylum system in the United States following the change of administration.

### ***Stability or tightening of the United States asylum system and "imposed cooperation"***

In view of the arrival of more people seeking to enter the United States along its southern border, this scenario examines a situation in which the United States reinforces existing restrictions or does not implement substantive changes that would allow

internment into U.S. territory to apply for asylum. In addition to the internment restrictions, it is likely that pressure will be increased for Mexico and countries in Northern Central America to implement measures restricting mobility and offshoring international protection,<sup>12</sup> such as the Cooperation Agreements on Asylum or the rule that required asylum to be requested in countries of transit prior to applying for it in the United States, both of which are invalid as of this writing.<sup>13</sup>

So far, as mentioned earlier, the U.S. government has outlined a series of proposals and executive actions that focus on the population already in the United States or in the process of applying for asylum. In addition, it has emphasized a dissuasive discourse to irregular migration embodied in Vice President Kamala Harris' "Do not come" declaration during her 2021 visit to Guatemala.<sup>14</sup> This discourse, like many others, combines and confuses irregular migration with forced displacement and the search for international protection, without recognizing that seeking asylum is a regular way of migrating. For people who want to go to the United States, there have been discussions about the possibility of establishing information and processing centers in Central America. Doing so would allow people to wait near their places of origin rather than at the Mexico–U.S. border. The proposal is ironic because, among other things, staying close to home means that people fleeing their homes due to danger, threats and fear, and seeking international protection would be exposed to greater danger.

#### ***Redistribution of spaces and responsibility at the domestic level***

Faced with a scenario that makes it difficult to enter and stay in the United States and apply for

international protection there, one can expect increased applications for refugee status in Mexico, longer wait times, and higher concentrations of populations along the northern and southern border areas, seeking opportunities for entry to the United States, be it regular or irregular.

One possible way forward in view of this reality is to promote initiatives for distribution of the applicant population to locations that are better suited to receive them, where there is a need for labor, and where local authorities and networks can provide basic services to those waiting. In 2019, a joint effort undertaken by COMAR, STPS, INM, and UNHCR enabled implementation of a pilot program that resettled 5,500 refugees from southern Mexico to other labor-intensive locations,<sup>15</sup> such as Saltillo, Coahuila. The initiative is a first redistribution exercise that could be expanded not only in terms of the number of beneficiaries and destination locations but also to include those who have not yet been recognized as refugees and who are on standby. According to the interviewees for this report, the proposal has encountered significant resistance from the United States, where they are interpreting possibility of movement as facilitating mobility northward, as well as within the Mexican government because it requires, among other things, a reform of the current Regulation of the Law on Refugees and Complementary Protection.

#### ***A new approach: From humanitarian assistance to temporary inclusion and permanent integration***

This scenario is presented either as an alternative to redistribution, because it may be difficult to make legislative changes, or as a convergent strategy. The scenario implies fully assuming the role of

destination country, on the one hand, and consolidating Mexico's role as a key player in a regional international protection system, on the other. It also involves transforming responses to a greater volume of applications for international protection from reactive humanitarian protection and crisis management measures to medium- and long-term strategies that promote integration [\[see section 2\]](#) and autonomy of refugees and applicants.

A key part of strategies for assistance and integration of populations seeking international protection is the possibility of having regular migration status either temporary—while waiting—or permanent in the case of obtaining asylum or refugee status. Globally, there has been a change in asylum and refugee systems from permanent solutions to temporary protections.<sup>16</sup> The former, as its name suggests, seeks to offer permanent or more-stable legal status, such as permanent residence or citizenship—accompanied by more comprehensive rights and obligations frameworks—and the latter are formulated as transitional responses to situations of need or crisis but with limitations in terms of duration and rights.

Temporary regularization strategies arise as possibilities or parallel systems to address increased flows that occur in short periods of time. In many cases, temporary regularization is granted collectively while the system manages to assess each application individually and then offer possibilities for permanent regularization. Assuming Mexico's role as a long-term destination for some people, but also as a temporary stopover for those seeking to go to the United States, implementing hybrid regularization programs would both improve waiting conditions and encourage medium- and short-term inclusion of those seeking to remain in Mexico. In practical

terms, it would facilitate participation in the labor market, access to services, and mobility within the country. All these factors reduce situations of vulnerability and risk and in turn reduce the burden of humanitarian or emergency assistance systems in border municipalities, whose local assistance networks—both government and civil society—are currently overwhelmed.

### ***Changes to Mexico's international protection system: The need for coordinated multisectoral and multitiered action***

The approaches outlined earlier in this section make it possible to imagine a promising scenario in which the international protection system in Mexico fully responds to current reality. However, implementing those changes requires significant coordination and management efforts among different sectors and at different levels of government [\[see section 5\]](#). In other words, the strategies require the joint work of institutions such as COMAR, INM, RENAPO, STPS, SNE, COESPOS; municipal authorities; and international organizations such as UNHCR and IOM, among others. They also require the joint work of the Executive Branch, by way of budget allocations to strengthen the international protection system, and the Legislative Branch, which would have to work on changes to regulations that make the system more flexible.

Secondly, the scenario involves building bridges between decision-makers and those who execute them, both in government and in the business/private sector, civil society, and international organizations. With this in mind, the scenario requires creating and strengthening spaces for institutional linkages—formal and informal—to facilitate processes such as regularization and the issuing of



documents (CURP, RFC, migration documentation, etc.), access to education and health care, work placements, and housing, among others.

Finally, and with the scenarios top of mind, it would be essential to know and recognize the needs and capabilities at the local level in terms of labor, housing, and basic services, such as education and health care. This would make it possible to

develop plans for temporary and/or permanent inclusion of mobile populations that include possibilities for emerging regularization as well as to identify the need to strengthen assistance networks at the local, federal, and bi-national levels, all of which are key actors in the implementation of a comprehensive, international protection policy.

1. Claudia Masferrer León and Carla Pederzini Villareal, "Más allá de tránsito: perfiles diversos de la población del Triángulo Norte de Centroamérica residente en México", *Coyuntura Demográfica* 12, (2017): 41–51.
2. "Estadísticas de solicitantes de la condición de refugiado, cierre Mayo 2021", COMAR, last modified May 2021, [https://www.gob.mx/cms/uploads/attachment/data/file/643919/CIERRE\\_Mayo-2021\\_1-Junio-2021.pdf](https://www.gob.mx/cms/uploads/attachment/data/file/643919/CIERRE_Mayo-2021_1-Junio-2021.pdf)
3. "Record Number of Asylum Cases in FY 2019", TRAC Immigration, last modified January 8, 2020, <https://trac.syr.edu/immigration/reports/588/>
4. *Reglamento de la Ley sobre Refugiados y Protección Complementaria*, art. 23.
5. According to information from INEGI Welfare Indicators by State, available at <https://www.inegi.org.mx/app/bienestar/>
6. Caitlin Dickerson, "Inside the Refugee Camp on America's Doorstep", *The New York Times*, October 23, 2020, <https://www.nytimes.com/2020/10/23/us/mexico-migrant-camp-asylum.html>; PHR, "Unsafe, Unsanitary, Inhumane: PHR Medical Expert's Observations at the Matamoros Migrant Encampment", Press Release, September 26, 2019, Physicians for Human Rights, <https://phr.org/news/phr-statement-on-migrant-protection-protocols/>; Delphine Schrank, "Asylum Seekers Cling to Hope, Safety in Camp at U.S.-Mexico Border", *Reuters*, October 16, 2019, <https://www.reuters.com/article/us-usa-immigration-mexico-matamoros-feature/idUSKBN1WV1DY>
7. Andrew I. Schoenholtz, Jaya Ramji-Nogales, and Philip G. Schrag, *The End of Asylum* (Washington, D.C.: Georgetown University Press, 2021).
8. Savitri Arvey and Caitlyn Yates, "Metering Update. May 2021" (Austin, Texas: Strauss Center for International Security and Law, May 2021).
9. 28 I&N Dec. 307 (A.G. 2021) available at <https://www.justice.gov/eoir/page/file/1404796/download>
10. Andrew Selee, et al., "Sentando las bases para una cooperación regional. Política migratoria y capacidad institucional en México y Centroamérica" (Washington, D.C.: Migration Policy Institute, April 2021).
11. To date, COMAR has offices in Tapachula and Palenque, Chiapas; Tenosique, Tabasco; Acayucan, Veracruz; Mexico City; Tijuana, Baja California; and Monterrey, Nuevo León.
12. *Offshoring international protection* refers to the state practice of sending asylum-seekers to other countries to process their applications. This is usually done by developed countries that send applicants to developing countries to wait while their asylum proceeding is processed. The UNHCR has condemned this practice as a way for governments to evade and transfer responsibilities, exposing applicants to increased risks and vulnerabilities.
13. Deutsche Welle, "EE.UU. pone fin al acuerdo de 'tercer país seguro' con Guatemala", *DW.COM*, February 5 2021, <https://www.dw.com/es/eeuu-pone-fin-al-acuerdo-de-tercer-pa%C3%ADs-seguro-con-guatemala/a-56477416>
14. Zolan Kanno-Youngs, "In Guatemala, Harris Tells Undocumented to Stay Away from U.S. Border", *The New York Times*, June 8, 2021, <https://www.nytimes.com/2021/06/07/world/americas/kamala-harris-guatemala.html>
15. Andrew Selee and Ariel G. Ruiz Soto, "Building a New Regional Migration System: Redefining U.S. Cooperation with Mexico and Central America" (Washington, D.C.: Migration Policy Institute, November 2020).
16. Jan-Paul Brekke, "The Dilemmas of Temporary Protection - the Norwegian Experience", *Policy Studies* 22, no. 1 (March 1, 2001): 5–18, <https://doi.org/10.1080/01442870120047695>

# 4

## **Invisibility of Mexican Forced Migrations and Internal Displacements on Migration Policy between Mexico and the United States**

OSCAR RODRÍGUEZ CHÁVEZ

Mexico's public security policy will continue to favor armed confrontation; hence, forced displacements and migration due to insecurity and violence are expected to continue in northern, western, and central Mexico.

---

Recognition by the federal governments of Mexico and the United States of internally displaced persons and forced migrants for reasons of insecurity and violence—and in particular, violence by criminal groups—constitutes the first step toward addressing and reducing both phenomena.

---

If asylum laws and laws on access to other forms of protection were reformed in the United States, Mexicans fleeing violence and who currently represent the majority of asylum applications denied for various reasons could stand to benefit. A palliative measure to address displaced persons and forced migrants is developing protection programs in several regions of Mexico where the public and private sectors collaborate to integrate migrants into local economies.

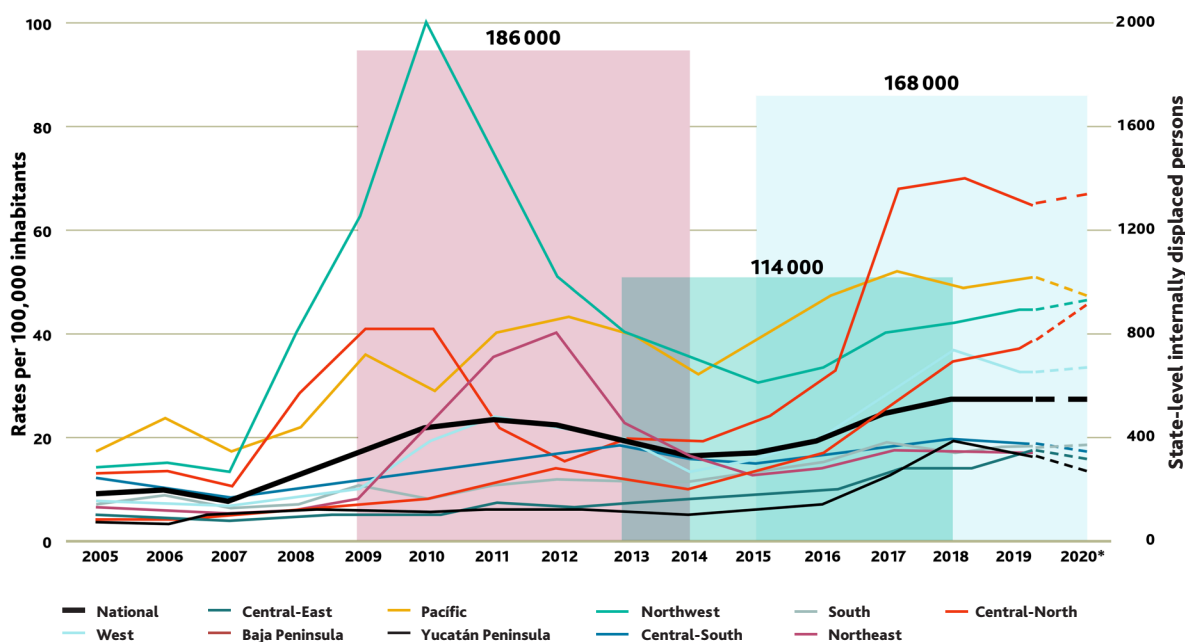
Rising insecurity and violence in Mexico as a result of armed clashes between criminal groups and, in particular, between drug cartels has intensified since the so-called war on drug trafficking initiated by the federal government in late 2006. That war consisted of the armed forces fighting a number of criminal groups in order to arrest or bring down their leaders. However, the initiative caused divisions and confrontations among criminal groups for control of production, distribution, and sale of drugs, in addition to increasing cases of extortion, kidnapping, and human smuggling and trafficking, among other crimes.<sup>1</sup>

The increase in violence, particularly in northern and western Mexico, led to a number of problems,

such as reduced life expectancy due to increased intentional homicides as well as increased internal displacement and forced migration, especially of women and children. Despite the change of federal and state governments, Mexico's public security strategies continue to favor armed confrontation by the Army, Navy, and now the National Guard without achieving the expected results. On the contrary, violence has spread to other regions of western, central, and southern Mexico.<sup>2</sup>

The rise of violence was not uniform (see Figure 4-1), as the Northwest, Northeast, Baja California Peninsula, and Pacific regions<sup>3</sup> showed the highest murder rates for the periods between 2007–2013 and 2015–2020. Meanwhile, estimates of internal

**Figure 4-1.** Homicide rates by region (left axis) and estimates of state-level forced internal displacement (right axis), 2005–2020



**Source:** "Censo de Población y Vivienda 2020", INEGI, 2021; "Encuesta Nacional de la Dinámica Demográfica 2014," INEGI, 2015, <https://www.inegi.org.mx/programas/ccpv/2020/>; "Encuesta Nacional de la Dinámica Demográfica 2018," INEGI, 2019, <https://www.inegi.org.mx/programas/enadid/2018/>; "Incidencia delictiva del fuero común, nueva metodología 2015-2021," Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, 2021, <https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-del-fuero-comun-nueva-metodologia?state=published>; Oscar Rodríguez Chávez, "Violencia, desplazamiento interno forzado y dinámica migratoria en México (1995-2015)", PhD diss., *El Colegio de México*, 2020.

**Note:** 2020 rates estimated from intentional homicides and femicides

migrants due to criminal insecurity and violence show a similar trend to regional levels of violence. The highest level was recorded in the period from 2009 to 2014, and subsequently, in 2015–2020, there was an upturn in the number of violence and insecurity-driven internal migrants.

Despite the increase in violence, particularly in the northern border regions of Mexico (Northwest, Northeast, and Baja California Peninsula), few research papers have sought to quantify and determine the traits of forced displaced persons within and from Mexico. However, recent studies have shown that increased violence and insecurity on Mexico's northern border has led not only to internal displacement toward other municipalities and states in Mexico, but also migration flows to the United States by way of different types of visas, requests for asylum, or through irregular migration.<sup>4</sup> In this regard, whether people migrate to another municipality, state, or country depends on the financial resources at their disposal, on the domestic and international networks to which they have access, the distance to international borders, and the legal barriers that limit their movement within Mexico or to the United States.<sup>5</sup>

To address and reduce internal displacement and forced migration, the governments of Mexico and the United States must recognize the impact of criminal groups inflicting violence and of insecurity. Despite the increase and spread of forced displacement in Mexico, there is still no federal law on forced internal displacement to protect and assist victims of the phenomenon. Moreover, asylum laws in the United States do not recognize violence and insecurity perpetrated by criminal groups as grounds for granting asylum or other types of protection.

In the United States, only 15% of Mexican asylum applications reviewed between 2001 and 2020 were

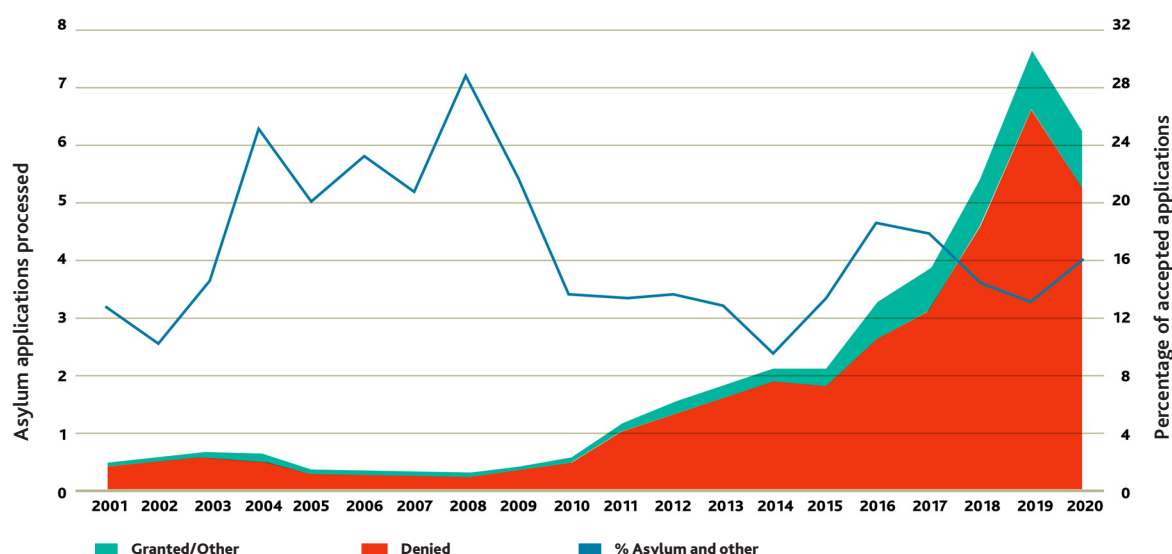
accepted, or their applicants were granted some form of protection. Even though the number of asylum applications submitted by Mexicans to the United States increased after the rise in violence in various regions of Mexico, the percentage corresponding to those who were accepted or granted protection declined from 22% between 2003 and 2009 to 14% between 2010 and 2020 (see Figure 4-2). The latter does not include cases still awaiting a decision.

Asylum and other types of protection for Mexicans and other migrants fleeing to the United States to get away from violence are also subject to spatial biases. Official data from the asylum system shows that the percentages of acceptance for asylum applications vary between 3% and 95%, depending on the presiding judge. In addition, the data also show that the highest rates of refusal for Mexican asylum applications submitted between 2001 and 2020 were concentrated in western states, such as Nevada and Utah; southwestern states, such as New Mexico, Texas, and Arizona; south/southeastern states, such as Louisiana, Georgia, North Carolina, and Florida; and midwestern states, such as Ohio (see Figure 4-3).

The executive decision by the U.S. government to use the COVID-19 pandemic as a reason for the immediate deportation of migrants with irregular status at the southern border under Title 42 has intensified barriers for forced migrants heading to the United States [see section 3]. Immediate expulsions of migrants due to the health emergency, coupled with increased pressure on the United States asylum system, have complicated the review of new asylum applications, and thus forced migrants have looked for other ways to enter the United States.

In these circumstances, one might expect Mexico's foreign policy to focus on lobbying for reforms aimed at increasing visa quotas and regularization of

**Figure 4-2.** Asylum applications by Mexicans processed in the United States (left axis) and protection percentage (right axis), 2001–2020



**Source:** TRAC Immigration, "Immigration Court Asylum Decisions (October 2000 through May 2021)," Syracuse University, 2021, <https://trac.syr.edu/phptools/immigration/asylum/>

**Note:** Other types of protection include (1) suspension of expulsion; (2) protection under the UN Convention against Torture (CAT); (3) protection for victims of trafficking and violence (U and T VISA); (4) protection for violence against women (VAWA); and (5) special immigrant youth status (SIJS).

irregular migrants in the United States, which would partly benefit forced migrants from Mexico. However, Mexico's current foreign policy does not prioritize influencing United States immigration policy to protect Mexican nationals forced to migrate to other countries, not only for fear of damaging the principles that purportedly govern foreign policy [see section 6 and 7] but also because it would imply a recognition on the part of the Mexican government of its inability to provide security and enforce the Rule of Law within its territory.

Therefore, due to the lack of official recognition by the governments of Mexico and the United States, little is known about internally displaced persons and forced migrants who are not seen as subjects and objects of public policy. It is consequently necessary to know what role is played by migration policies in Mexico and the United States regarding

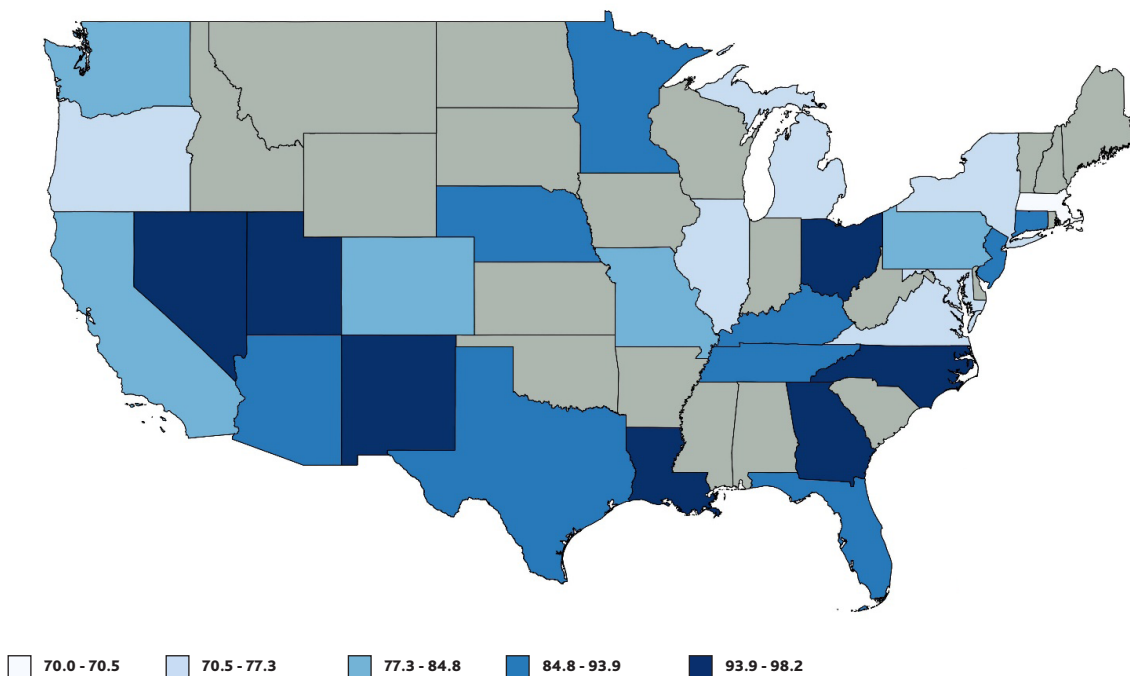
the protection of victims of internal displacement and forced migration and to see how that role might change given the current and future violence and insecurity faced by various regions in Mexico. In particular, what can be envisioned for the future of regions located close to conflict zones and cities along the Mexican northern border? Regions in which internal displacement and forced migration flows have joined the ranks of already existing international economic and labor-based migration flows, thus increasing demand for services, jobs, and others.<sup>6</sup>

## Scenarios

*To stay the course on security policy with no progress on acknowledging forced displacement, albeit stabilizing the situation of violence*

Neither Mexico's security policy nor that of the United States seem likely to change in the short term;

**Figure 4-3. Percentage of Mexican asylum cases rejected by U.S. immigration courts per state (2001 to 2020)**



**Source:** TRAC Immigration

**Note:** States shown in grey had no Mexican asylum cases

thus, violence and insecurity in Mexico and the region will continue to rise. Given the unlikelihood that Mexico's public security policies will change significantly with respect to the use of the Armed Forces to combat criminal groups, it might seem that the only alternative for reducing violence and insecurity is for criminal groups themselves to reach local and/or regional agreements. From the State perspective, maintaining the status quo not only seems somewhat cynical but also entails forgoing the country's own capacity for action and, of course, fails to present a lasting solution to violence in Mexico.

Despite the likely adoption of a General Law to Comprehensively Prevent, Address and Redress Internal Forced Displacement (*Ley General para Prevenir, Atender y Reparar Integralmente el Desplazamiento Forzado Interno*; LDFI Spanish abbrevi-

ation) in Mexico in the coming months, the programs for displaced persons derived from it will not receive funding until after approval in the Federal Expenditures Budget. Hence, actions that could be taken meanwhile by the institutions in charge—such as UPMRIP, COMAR, and CONAPO will be limited.<sup>7</sup> As such, short-term progress will depend on the efforts and will of public institutions and officials themselves as well as pressure from national and international social organizations and displaced persons.

If the restrictive U.S. asylum laws and system are maintained for Mexicans fleeing violence and insecurity, unauthorized border crossing attempts will continue, resulting in further vulnerability for people who have been forced to leave their places of origin and are invisible in the irregular migration statistics. The inaction of the United States government to of-

fer greater protection to Mexicans fleeing violence is due to several factors. One of those is its unwillingness to recognize that the Mexican government is unable to guarantee the security of its population within its borders due to various political and commercial interests. Another factor is the concern of various U.S. authorities that if violence and insecurity caused by criminal groups are accepted as grounds for asylum, then migrants from other regions of the world facing serious security problems and violence within their territories would also be drawn there.

***Deteriorating violence and insecurity without acknowledgement of forced displacement***

Maintaining the public security policy that favors armed confrontation, coupled with recent changes in international drug markets, that have led to further clashes between criminal groups over the control of synthetic drug precursors arriving in Mexico from Asia, and which are subsequently processed and shipped to the United States,<sup>8</sup> could have an impact on the increase in violence and insecurity in several regions of Mexico. Thus, far from criminal groups reaching regional or local agreements, violence could increase in the short and medium term, both in regions with a long history of growing opium poppy and marijuana and in new synthetic drug production regions and shipping routes, leading to new internal displacement and forced migration.

***Criminal investment and addressing forced displacement under binational cooperation and in national violence reduction programs***

Because the cause of the increase in internal displacement and forced migration is largely explained by the increase in violence and criminal insecurity inflicted by different criminal groups in recent years,

the governments of Mexico and the United States need to work together on controlling guns and international drug markets as well as on monitoring the money-laundering schemes of criminal groups to whitewash the proceeds of their illicit activities. These measures could reduce the financial and physical resources available to and used by criminal groups to exact violence in different regions of Mexico and other countries, and consequently reduce internal displacement and forced migration in Mexico.

To achieve this, the governments of Mexico and the United States would in principle need to accept responsibility for the growth of the drug and arms markets in the region. The United States is one of the primary drug-consuming countries in the world, on the one hand, where a large share of the drugs involved cross Mexico's land and sea borders using many different means of corruption.<sup>9</sup> The United States, on the other hand, is one of the main suppliers of illegal weapons entering Mexico, which increases the financial and arms power of criminal groups, thus enabling them to exert violence and control over territories for production, distribution, and sale of drugs.<sup>10</sup>

In addition to changes in security policies to reduce levels of violence, there are other possible solutions. The *General Law to Prevent and Address Forced Internal Displacement* is about to be enacted in Mexico, and it may have positive impacts making victims of forced displacement visible and able to be recipients of assistance.<sup>11</sup> The law would have to lead to institution of programs for defining and quantifying internally displaced persons in addition to programs to help and protect victims. If this were achieved, forced migration to the United States could also be reduced: Forced displaced persons would have other options within Mexico itself. Enactment of the LDFI could also have an unexpected negative impact on



forced migrants from Mexico: A higher percentage of asylum refusals if judges in the United States believe that the Mexican government can provide protection to its displaced population within its own borders.

Given the lack of financial resources earmarked for the LDFI, immediate efforts derived from it will focus solely on estimating internally displaced persons within and outside Mexico from various data sources, such as the 2020 Mexican Census, as well as on understanding the socioeconomic and demographic characteristics of displaced persons and identifying their places of origin and destination. In addition, the first assistance and protection programs could be developed although with objectives limited to providing financial resources and/or assisted resettlement to alleviate the effects of forced displacement.

On the flip side of that coin, it is difficult for reforms to asylum laws and changes to other protection programs to be made in the United States. They would require amending current laws, both in respect of the grounds for asylum and annual acceptance quotas reflected in the protection of Mexican migrants due to insecurity and violence, in addition to inclusion of Mexico in other types of protection, such as TPS.<sup>12</sup>

A partial solution toward increasing protections for forced migrants has been proposed by academics and officials from Mexico and the United States, who suggest granting temporary and renewable visas that allow forced migrants to live in the United States and have access to formal jobs as well as enabling permanent residence after a certain period of time. Increasing such visas and other types of protection would also benefit asylum seekers awaiting trial, who number in the hundreds of thousands. However, this potential partial remedy requires pressure from national and international organiza-

tions that protect forced migrants, and in particular, those fleeing violence in their countries of origin.

An example is Colombia where, despite not having the physical and financial resources of the United States, TPS for Venezuelan migrants fleeing the social and economic crisis was recently approved. According to local media, more than 1 million migrants have already been registered, and the protection is intended to cover the entirety of the 1.7 million Venezuelan migrants estimated to reside in Colombia. This protection will be valid for 10 years and will allow the migrants to have regular immigration status, after which they will be able to access a permanent resident visa.<sup>13</sup>

***Cooperation between public and private sectors for development of local programs to address the needs of forced migrants at places of destination***

Cities along the Mexico–U.S. border or cities of strategic importance for internal and international migration based on economic, labor, violence or other reasons face economic and social pressures. In view of these pressures, local, state, and federal governments can also open spaces and create conditions for collaboration between the public and private sectors who seek to remedy this situation. Public and private sector collaboration could inspire integration—at least temporary—of displaced persons at places of destination. An example of this was offered by *Iniciativa Juárez*, a strategy implemented in Ciudad Juárez, Chihuahua in 2019. It consisted of taking action to address the health, food, regulation, employment, and accommodation needs of international and internal migrants seeking to cross into the United States, as well as those of migrants who were sent back from the United States.



The program was funded and supported by enterprises, Mexican and international organizations, and by the three levels of government.<sup>14</sup>

Even though the impact of *Iniciativa Juárez* was limited—among other factors, by the lack of ties to other local actors and civil society, as well as by the impacts of the COVID-19 pandemic—the strategy can serve as an example to other cities and regions with migrants fleeing violence and insecurity. Faced with an adverse scenario stemming from increased violence in Mexico and forced displacements, in addition to U.S. migration policy that has increased wait times and barriers for asylum seekers, institution of joint programs that partner governments, entrepreneurs, and civil society would

constitute a real response aimed at easing the vulnerability and shortages faced by these individuals.

However, the development of comprehensive strategies at transit and/or destination points will depend on the specific economic, demographic, and social characteristics of those places. Consequently, despite not being able to institutionalize such local strategies, an open dialog among the actors involved can lead to the development of programs aligned with the realities of each place, which would allow them to integrate into local economies, generating economic growth and social welfare for the entire population, in addition to meeting the needs of migrants.

1. CMDPDH, *Desplazamiento interno forzado en México* (Mexico: CMDPDH, 2014), <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-desplazamiento-web.pdf>
2. Nelson Botello, Claudio Dávila-Cervantes, and Ana Pardo, "Necro-Spaces and Violent Homicides in Mexico", *International Journal of Conflict and Violence* 13, (January 1, 2019): 1–14, <https://doi.org/10.4119/UNIBI/ijcv.660>
3. Regions: Baja Peninsula (Baja California and Baja California Sur), Northwest (Chihuahua, Durango, Sinaloa, and Sonora), Northeast (Coahuila, Nuevo Leon, and Tamaulipas), West (Colima, Jalisco, and Nayarit), Pacific (Michoacán and Guerrero), Central-South (Mexico City, Mexico, and Morelos), Central-North (Aguascalientes, Guanajuato, Querétaro, San Luis Potosí, and Zacatecas), Central-East (Hidalgo, Puebla, and Tlaxcala), Yucatan Peninsula (Campeche, Quintana Roo, and Yucatán) and South (Chiapas, Oaxaca, and Veracruz).
4. Laura Rubio and Brenda Pérez, "Desplazados por violencia. La tragedia invisible," *Nexos*, January 1, 2016, <http://www.nexos.com.mx/?p=27278>; Viridiana Rios, "The Role of Drug-Related Violence and Extortion in Promoting Mexican Migration: Unexpected Consequences of a Drug War," *Latin American Research Review* 49, no. 3 (May 30, 2014): 199–217, <https://www.jstor.org/stable/43670200>; María Inés Barrios, *Movilidad Humana En Ciudad Juárez 2007-2012: Transitando de La Migración Laboral a La Emigración y Desplazamiento Forzado* (Tijuana: El Colegio de la Frontera Norte, 2016)
5. Oscar Rodríguez, "Efectos de la violencia sobre las tasas de emigración interna municipal en México: 1995-2015," *Migraciones Internacionales* 12 (2021): 1–25, <https://www.colef.mx/noticia/articulo-efectos-de-la-violencia-sobre-las-tasas-de-emigracion-interna-municipal-en-mexico-1995-2015/>; Douglas Massey, Jorge Durand, and Karen Pren, "Lethal Violence and Migration in Mexico: An Analysis of Internal and International Moves," *Migraciones Internacionales* 11 (2020): 1–20, <https://migracionesinternacionales.colef.mx/index.php/migracionesinternacionales/article/view/2282>
6. Laura Velazco, ed., *Analysis of Labor Market Incorporation and Residential Strategies of Migrant Populations in Northern Border Cities in México: The Cases of Tijuana and Ciudad Juárez* (Tijuana: El Colegio de la Frontera Norte, 2021), <https://www.colef.mx/wp-content/uploads/2021/05/documento-entre-la-espera-y-el-asentamiento-1.pdf>
7. "Proyecto de decreto por el que se expide la Ley General para Prevenir, Atender y Reparar Integralmente el Desplazamiento Forzado Interno", *Cámara de Diputados*, September 29, 2020, [https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2020-09-30-1/assets/documentos/CDP\\_Minuta\\_Desplazamiento\\_Forzado.pdf](https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2020-09-30-1/assets/documentos/CDP_Minuta_Desplazamiento_Forzado.pdf)

8. UNODC, "World Drug Report 2021" (Viena: UNODC, 2021), <https://www.unodc.org/unodc/en/data-and-analysis/wdr-2021-booklet-1.html>
9. UNODC, "World Drug Report 2021".
10. UNODC, "Global Study on Firearms Trafficking 2020" (Vienna: United Nations Office on Drugs and Crime, 2020), <https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>
11. "Proyecto de decreto por el que se expide la Ley General para Prevenir, Atender y Reparar Integralmente el Desplazamiento Forzado Interno", Cámara de Diputados, September 29, 2020, [https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2020-09-30-1/assets/documentos/CDP\\_Minuta\\_Desplazamiento\\_Forzado.pdf](https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2020-09-30-1/assets/documentos/CDP_Minuta_Desplazamiento_Forzado.pdf)
12. Designating a foreign country as TPS may be the result of temporary conditions of armed conflict, natural disasters, epidemics, or other extraordinary and temporary conditions. It allows people from these countries not to be deported and to obtain employment authorization without granting them legal permanent residence. Countries with TPS designation include El Salvador, Haiti, Honduras, Nicaragua, and Venezuela. Citizenship and Immigration Services. <https://www.uscis.gov/es/programas-humanitarios/estatus-de-proteccion-temporal>
13. Santiago Sema Duque, "Más de un millón de migrantes se ha registrado para recibir el Estatus de Protección Temporal en Colombia," AA, June 17, 2022, <https://www.aa.com.tr/es/mundo/más-de-un-millón-de-migrantes-se-ha-registrado-para-recibir-el-estatus-de-protección-temporal-en-colombia/2277466>
14. Laura Velazco, ed., *Analysis of Labor Market Incorporation and Residential Strategies of Migrant Populations in Northern Border Cities in México: The Cases of Tijuana and Ciudad Juárez*, (Tijuana: El Colegio de la Frontera Norte, 2021)

# 5

## **Institutional Displacement in Migration Management**

LUICY PEDROZA

Since 2019, the center of gravity of migration management has shifted. To the detriment of comprehensive migration policies, current management focuses on control policies to reduce the irregular transit of migrants, and institutions that could formally postulate comprehensive policies were dislodged.

---

The international context provides momentum for the Mexican government to resume a process for institution-building that is inclusive of civil society and with a view to developing an ambitious migration strategy in keeping with Mexico's interests and supported by an institutional architecture that facilitates implementation of the comprehensive approach called for by the Migration Law of 2011.

---

The institutional dislodging has the potential to be harnessed. If a process of institution-building were to succeed, this process could include a projection of the bureaucracy toward which migration management (SRE) has gravitated in bilateral, regional, and multilateral forums. In addition, the process would help to define sovereign migration policy proactively and to serve as a foothold in the face of changing situations both in the international (especially with respect of the United States and Central America) and domestic arenas.

With the publication of Migration and Refugee Laws in 2011, Mexico began to profoundly change its migration policies, adopting a state-of-the-art approach focused on human rights and the noncriminalization of migration. This legal development has continued under the current administration. Relevant international conventions have recently been incorporated, bridging gaps that had been identified with respect to migratory realities, such as returns and internal displacements, or the needs of vulnerable persons, such as children and adolescents. According to the 2011 Migration Law, the approach to migration management should be: “comprehensive [and] in keeping with the complexity of the international mobility of persons, addressing the various representations of migration in Mexico as a country of origin, transit, destination and return of migrants.”<sup>1</sup> Apart from the remaining task of adopting *integration* goals suitable to different migrant groups, there is not much left to improve in Mexico’s migration laws. Rather, it is their *enforcement* that stands to be improved. The recent shift in roles, responsibilities, and visibility among migration agencies has widened a gap between the existing legal framework and its enforcement. Too, another gap has arisen: a gap between the legal and institutional framework that threatens to hinder the advancement of Mexico’s interests in the short, medium, and long term.

Based on concepts of the comparative analysis of migration policies, in this section, I undertake to analyze the institutional displacement of migration management in Mexico and develop scenarios on what could be expected should it be or not be corrected. I suggest that the current administration has an exceptional opportunity to improve the in-

stitutional architecture of migration management. Mexico could use its advanced legal framework to achieve global positioning as an example of migration management if, paradoxically, it were to reduce the dominance of foreign policy over migration policy, such that the latter can treat the various dimensions of migration with the broad perspective for which it has a mandate, and take into account the diversity of migrants as well as Mexico’s interests.

### Why Displacement in Migration Policy Management Is a Problem

From a comparative point of view, not everything measured by migration policy rankings necessarily applies.<sup>2</sup> Even in highly industrialized democracies, there are some inconsistencies—or *implementation gaps*, to use public policy jargon—between the letter and practice of migration policies. However, some inconsistencies are more concerning than others. When institutions that have the legal mandate to manage migration in a country are not the same as those that actually carry it out, migration management becomes uncertain. Moreover, dialog with key actors for migration governance becomes cumbersome. These actors range from NGOs as front-line responders in the domestic realm, from the local to the national level, to international organizations and other state governments that would ideally need to work together from a view of shared responsibility at the international level. In Mexico, such inconsistencies are worrisome today not only because they exist between the letter and practice (i.e., between the adoption of laws and their implementation) as has long been the case, but because recently they have also trickled through to the very policy-adoption process, and between the legal and executive realms.

## **Institutional Architecture of Migration Management: Letter Versus Practice**

The new inconsistencies emanate from the displacement of attributions between agencies in the context of the crisis in migration management that peaked in mid-2019, when the then President of the United States exerted enormous pressure on the Mexican government to prevent the irregular passage of caravans of migrants to and through Mexico. Caused by external conditions, the crisis drove the Mexican government to a crossroads that prevented the bodies that formally dealt with migration policy from channeling an effective solution. Thus, the center of gravity in migration management was displaced to the SRE, which is traditionally responsible for matters where foreign policy and migration policy overlap. The problem is that since then, several migration management bodies have had their capacity to exercise their formal decision-making, coordination, and monitoring powers removed. As I note earlier, the inconsistency between the Mexican regulatory framework—progressive and favoring guarantees—and concrete actions is nothing new. However, since 2019, it widened visibly when agencies with the role of protection and regularization “on paper” had to shift their focus to searching for and detaining migrants, and when the government accepted the return of migrants to Mexico for humanitarian reasons under the MPP.

The change of administration in the United States opens a window of opportunity to correct those inconsistencies. There are spaces of possible convergence that give Mexico room to reorder its migration management architecture just as the United States is doing [see section 6].<sup>3</sup> Although Trump’s political blackmail was not the only cause of the inconsistencies, it was the most powerful.

With him no longer in office, the Mexican government can decide whether it wants to take on the roles of migration deterrence and containment as enduring pillars of its migration policy or define other goals. It is plausible that Mexico may want to bring order to its borders by facilitating regular entries and transit as a legitimate self-interest, but it would have to be just one of several interests set in keeping with regulatory framework, and provided with the administrative means and instruments warranted for their achievement. Fulfilling this administration’s initial promise to be “the most committed country of all” to the GCM requires a deep and wide-ranging strategy.<sup>4</sup> *But can the institutional design be strengthened based on the current situation?* Before daring to outline alternate scenarios, consider the existing conditions and the inertias that prevail.

## **Current Scenario and Predicaments of Abandoning Reactive Migration Policies**

Correcting the course taken in terms of containment and deterrence functions may seem difficult for some sections of the state apparatus due to both symbolic and substantive reasons. Would changing the course at the same time as the change of administration in the United States suggest that Mexican migration policy depends on the political winds prevailing in the United States? Can the course be changed in light of the fact that the last two years gave some agencies a stronger voice at the expense of others and generated some legal changes?

By presidential decree, the NC was given the authority to work with the INM on migration control, and a new government body presided by the SRE—CIAIMM—was created to coordinate migration policy. CIAIMM formalizes a structure that had been put to

the test in the midst of the summer 2019 crisis, when Trump tied immigration containment to tariffs. In that context, it was necessary to strengthen coordination among agencies that dealt with matters relevant to migration, although the same decree that created the CIAIMM narrowed both the purpose and the portion of migratory reality within its purview: “to contribute to the solution of the origin of mass migratory flows from [. . .] primarily Central America to the United States, which is the work of all public bodies that make up the Federal Public Administration within their respective powers.”<sup>5</sup> CIAIMM operates as an interagency coordinating body and is supported by various working groups specializing in migrant affairs, regions, and categories. However, by definition, it does not possess the powers to propose a comprehensive strategy for migration policy.<sup>6</sup> The agency formally assigned this attribution is UPMRIP, which is currently active in matters of documentation, compilation, and producing reports—tasks that are within its purview but fall well short of its full range of powers.<sup>7</sup>

In parallel with the creation of CIAIMM, the bodies that until 2019 had channeled the plural voice of governmental and nongovernmental agencies to the government in migration policy-making were blurred. This remark applies both to the domestic arena and to policy aimed at the Mexican diaspora: in the former case, the INM Citizens’ Council (CCINM) and the SEGOB Consultative Council on Migration Policy (CCPM) spaced out or ceased their sessions. In the latter, the Advisory Board for IME and the National Board for Mexican Communities Abroad had already disappeared by the former or at the start of the current administration. This time lag implies ruling out that the CIAIMM has dislodged all these bodies; their disappearance was more likely due to

the coinciding timelines of the Trump administration, its pressures, and the pandemic. In fact, only two of them had the coordinating authority that CIAIMM could have replaced; the other two (CCINM and CCIME) were for civil society consultation.

It is understandable that in 2019, all four advisory bodies have been neglected in order to simplify the management of migration policy and its ability to respond to crises. However, after overcoming those crises, strengthening migration policy management means the exact opposite: promoting appropriation, legitimization, and socialization of migration policy through a plural, horizontal, and flexible institutional framework in which advisory councils play a central role. Fortunately, a recently published agreement to reform the CCPM<sup>8</sup> suggests that the government was perhaps seeking to revive the body at least after reforming it. It appears to have been simplified in the sense that the number of sessions was reduced, and the working groups were eliminated (perhaps so as not to duplicate them given that now CIAIMM that operates on the basis of working groups). However, this new agreement has created a core of participants with voting power (joined by representatives of three agencies that previously did not belong to the CCPM) and a “periphery” of participants with a voice albeit no voting power. Representatives of civil society and academia remain in this new periphery. Although the CCPM has yet to be convened, the publication of the new agreement enables us to expect it to be convened under its new conformation. At this point, we must emphasize that even if it were not obvious to some of the officials interviewed—who in the interest of efficiency, seem to prefer direct channels for decision-making—shutting down the voice of civil society in migration management along with the absence of civil

society feedback foreshadows a situation that could soon become untenable. In the past two years, civil society has filled gaps in terms of migrant care, provision of basic services, and follow-up on specific cases and monitoring state action. At the same time, the formal channels they had to communicate with state agencies have disappeared.<sup>9</sup> There is no coordinating body that can replace these channels: CIAIMM does not include civil society organizations, other than by express invitation to *ad hoc* sessions. In a democracy, civil society consultation is important for socializing public policies, but in the astoundingly dynamic and challenging context of migration, it is particularly vital to give government agencies an accurate view of public policy needs.<sup>10</sup>

Another major current shortcoming in the management of migration policy is the lack of *multilevel* coordination: that is, the coordination required for central agencies to act in keeping with those at the state and municipal levels. Absent such coordination, enormous challenges—such as combating xenophobia—will remain unsolvable for the Mexican State. Although it seems that the INM has a structure that would allow such coordination, the truth is that its limitations—which I cannot go into detail about here, but which have been pointed out by others<sup>11</sup>—are of such significance that they block communication and managerial capacity along its authority chain. The absence of CCINM sessions aggravates this.

The current migration management scenario is not only rickety, but it hangs by a mere thread. Of course, the centralized migration policy and the reactive nature that made sense in 2019 could continue, but if nothing changes in the current institutional fabric of migration management and the other relevant factors remain constant, costs will

have to be paid. In the short term, it is expected that such limited dialog offered will restrict the potential for joint management with the variety of domestic and international actors specialized in various facets of the migration system and process. Although the current architecture may have been effective at managing the dismantling of some caravans, it could be short-sighted to detect other forms of migration timely (e.g., trickling migration or by sea) and be even less able to address more complex issues, such as the challenges of social cohesion forecasted in the medium term and brought on by the absence of integration policies for different migrant groups [see section 2].

As long as Mexico defers defining its own migration management objectives and adapting its institutional structure to pursue them, it will be impossible for our institutions to manage *regular*, *orderly*, and above all, *safe* migration. Restructuring migration management in Mexico is necessary both for external and internal reasons because although external events caused the migration management crisis in 2019, the events taking place in Mexico—such as the recent massacre of 19 migrants in Tamaulipas—are what have forced President López Obrador to take a position. The demographic realities of Mexico [see section 1] deprive it of the luxury that other countries might have to marginalize the issue. Quite to the contrary, they demand coherence and as clear and as daring a position as possible in the present climate.

## Plausible Scenarios

Mexico already has an avant-garde legal framework, but it has yet to develop a comprehensive migration policy strategy: that is, one that includes policies for (1) immigration (i.e., the admission of people

under different categories, from tourism and family reunification to the regularization of migrants with an irregular status; access to the country for those seeking humanitarian protection; and work visas for migrant workers); (2) integration (of both immigrants and returnees) and diaspora engagement (of Mexican emigrants and their descendants); and finally, (3) access to Mexican citizenship without distinctions.

In addition to the U.S. context, another important condition outlines a favorable scenario for Mexico to develop this strategy. Mexico can take advantage of its profile in terms of comparative geographies and migratory phenomena by positioning itself to benefit from facing them via clear policies. In this scenario, the current administration would not only regain its initial ambition to illustrate the implementation of the Global Compact for Safe, Orderly and Regular Migration, but from a comparative perspective, it would seize an extraordinary opportunity for international projection in the present world climate.

The reason for this is that Mexico is one of several “node” migration countries connecting the North and South, as are Morocco and Turkey. Lately, these countries are under pressure to subordinate their migration policies to those of more powerful countries (dubbed “externalization of migration” policies), often in return for remuneration (see EU-Turkey Pact). Fortunately, the Mexican government was able to preserve some measure of sovereignty in deciding the ways in which it would respond to the pressure exerted by the executive of the United States in 2019–2020 and setting certain limits, such as refusing to accept designation as a Safe Third Country. What was then criticized as a lack of cunning to require compensation, today could be advantageous

because key international organizations in global migration governance—UNHCR and IOM—are currently supporting the resistance of node countries to the externalization of migration policies.<sup>12</sup> Because it sets limits rather than negotiating retribution, Mexico could now lead this resistance. However, to do so, it must advance its own broad and ambitious strategy.

Recently, the government of Colombia—a node country in the recent exodus of people from Venezuela—made a decision that captured everyone’s attention, and not just in South America but in the entire world: It gave immigrants with an irregular status the chance to regularize and obtain a residence visa.<sup>13</sup> There is little talk, however, of the necessary condition for such a decision to be possible: namely, the institutional strengthening that was developed for many years<sup>14</sup> toward a national migration policy that would be capable in the medium term of meeting the challenge posed by “any migratory phenomenon.”<sup>15</sup> With a Migration Law akin to those in Colombia, this goal would be within Mexico’s reach.

Even if Mexico does refrain from emulating models (e.g., Colombia, or in Europe, Portugal), the current situation provides the government with an opportunity to reconfigure the capabilities and mandates of agencies responsible for the design, implementation, monitoring, consultation, and evaluation of migration policies. Mexican immigration laws enable us to reach for this goal. In addition, the commitments that the current administration made on migration policy in December 2018 (see note 4), which are now an encumbrance because of how distant they seem from implementation, could leverage such a reconfiguration and serve to reposition Mexico in the world. The 2011 Migration Law and the adjustments made to date harbor the regulatory prestige of a progressive position in an intensely controversial area of today’s world.



In the short term, the intersection of migration and foreign policies and their current large overlap can be used to professionalize foreign policy on migration issues, which due to the complexity of flows that characterize Mexico, has arrived to stay on the SRE agenda. However, squandering this *momentum* to strengthen migration management and to project an ambitious and independent view of migration to the outside could be costly if the external situation worsens in the medium and long terms. It is possible that the confluence of regional and international

factors that could enable Mexico to return to a prestigious path, projecting foreign policy through an immigration policy that is consistent with our laws and traditions of refuge<sup>16</sup> may not present itself again for decades. If this opportunity is squandered, both in a scenario in which the complex situation leading to emigration from Central America worsens, and in another scenario where Trumpism gains strength, Mexico would have an even weaker position in the medium term than it did in 2019.

1. Secretaría de Gobernación y Congreso de la Unión, "*Ley de Migración de 2011 (con reformas hasta 2018)*",
2. Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield, "Controlling immigration: The limits of government intervention", in *Controlling Immigration: A global perspective* (Stanford, CA: Stanford University Press, 2004).
3. The Biden administration has not only taken on migration as a priority, but it has also created several expert agencies to address some of the different dimensions of migration. Meanwhile, the Mexican government has simplified its institutional architecture, even within the SRE. In the context of austerity measures, this may all be due to budget-related matters and does not necessarily mean that there is a diminished capacity. On the contrary, it might symbolize the government's trust that the SRE's reputation and experience can offset a thinner structure. However, it does necessarily imply that the variety of agencies that constitute the institutional architecture for migration policy in the United States will not find parallel administrative bodies in Mexico, and this, in turn, might imply that the few existing Mexican interlocutors will be overwhelmed with the migration portfolio to the detriment of other foreign policy matters.
4. SRE, "*El Canciller participó en la Conferencia Intergubernamental para la adopción del Pacto Mundial para una Migración Segura, Ordenada y Regular*", press release, accessed July 5, 2021, <https://www.gob.mx/sre/prensa/el-canciller-marcelo-ebrard-participo-la-conferencia-intergubernamental-para-la-adopcion-del-pacto-mundial-para-una-migracion-segura-ordenada-y-regular-en-marrakech-marruecos#:~:text=Marcelo%20Ebrard%2C%20particip%C3%B3%20en%20la,Naciones%20Unidas%20en%20Marrakech%2C%20Marruecos>.
5. Secretaría de Gobernación, "*Decreto por el que se crea la Comisión Intersecretarial de Atención Integral en Materia Migratoria*", *Diario Oficial de la Federación*, September 19, 2019, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5572790&fecha=19/09/2019](http://www.dof.gob.mx/nota_detalle.php?codigo=5572790&fecha=19/09/2019)
6. Article 4, paragraph 1 of the Decree grants it the role of "Approving the migration coordination strategy, its goals and objectives, as well as its modification or updates." Emphasis added.
7. UPMRIP published a "New Migration Policy of the Mexican Government (2014-2018)" that promises to be so broad as to promote a "change of model in order to address migration matters from four different dimensions: origin, transit, destination and return; where it provides for safe, orderly and regular human mobility; placing migrants, social, cultural and economic development at the center." Although seven components of the policy are defined, they appear to be guiding principles rather than action areas: shared responsibility; safe, orderly, and regular international mobility and migration; specialized care for irregular migration; strengthening institutional capabilities; protection of Mexicans abroad; integration and reintegration of migrants, refugees, and Mexican returnees; and sustainable development in migrant communities. "Highlighted" is the fact that the new policy "is built on the basis of dialogue with key actors, who under this approach promote the design and development of proposals that guide strategies, programs and public actions towards significant changes" (Migration Policy Unit, Registry and Identity of Persons, 2021. <http://portales.segob.gob.mx/es/PoliticaMigratoria/UnidadDePoliticaMigratoria>). This "New Policy" is in keeping with the Migration Act of 2011, but in

general, it does not represent a clear strategy for implementation purposes; it does not identify public actions or concrete goals (elements that were included in the Special Migration Program, a product of the previous administration which implementation in any event is also debatable). Perhaps in an effort aimed at developing actions and goals, it was announced in 2019 that "the Special Program on Migration Policy will be integrated and implemented," but no timeframe was provided (UPMRIP, "New Migration Policy of the Government of Mexico (2018–2024). [http://portales.segob.gob.mx/es/PoliticaMigratoria/Nueva\\_Politica\\_Migratoria](http://portales.segob.gob.mx/es/PoliticaMigratoria/Nueva_Politica_Migratoria)".

8. Secretaría de Gobernación, "ACUERDO por el que se reforma y adiciona el diverso por el que se crea el Consejo Consultivo de Política Migratoria de la Secretaría de Gobernación", Pub. L. No. DOF: 09/07/2021, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5623427&fecha=09/07/2021](http://www.dof.gob.mx/nota_detalle.php?codigo=5623427&fecha=09/07/2021)
9. Luicy Pedroza, "La silenciosa desaparición de los consejos consultivos en la gestión migratoria", *Nexos Observatorio Migrante*, June 9, 2021, <https://migracion.nexos.com.mx/2021/06/la-silenciosa-desaparicion-de-los-consejos-consultivos-en-la-gestion-migratoria>
10. Apart from CIAIMM, the only new entity in the current institutional architecture is the Inter-institutional Meeting on Providing Comprehensive Assistance to Returning Mexican Families, another coordinating body that convenes the Secretariats of the Interior, Foreign Affairs, Economy, Public Education, Labor and Social Welfare, Health, Welfare and Economy, in addition to agencies such as IMSS, SAT, and the *Banco del Bienestar*, as well as the decentralized bodies INM and EMI, which act jointly as the Technical Secretariat to convene quarterly meetings.
11. Over the past 15 years, several external evaluations have made recommendations for reforming the INM, many of which have been echoed by interviewees in this study. These recommendations combine corrective and incentive approaches. On the side of incentives, they include recognizing the value of the work done by INM employees through rising their salaries, providing them with legal training and action protocols, decent working conditions, and creating a professional career service that enables them to build careers reliably and transparently. On the corrective side, they include limiting random appointments, reinforcing accountability measures, and streamlining the authority chain between SEGOB, INM, delegates and subdelegates. According to various interviewees, the INM's composition of staff trained mostly in security apparatus explains why the body has taken on a "securitist" view that favors control, detention, and punitive actions over actions associated with protection and with the lawful access to different visas, which are also formally within its purview. Some interviewees consider that in the absence of international organisations involved as advisors, any process of reform of the INM—be it through incentives or correctives—will be hopelessly insufficient to revert its "securitization." Moreover, some interviewees suggested that after several campaigns to combat corruption—that led to mass lay-offs—it might be more effective to create a new entity untarnished by the stigma of the INM. The report by Selee et al., "Laying the foundation for regional cooperation: Migration Policy and Institutional Capacity in Mexico and Central America", published in April 2021, agrees with several of the foregoing recommendations.
12. "IOM Calls for End to Pushbacks and Violence Against Migrants at EU External Borders", IOM, February 9, 2021, <https://www.iom.int/news/iom-calls-end-pushbacks-and-violence-against-migrants-eu-external-borders>; UNHCR, "UNHCR Warns against 'Exporting' Asylum, Calls for Responsibility Sharing for Refugees, Not Burden Shifting", UNHCR, accessed July 5, 2021, <https://www.unhcr.org/news/press/2021/5/60a2751813/unhcr-warns-against-exporting-asylum-calls-responsibility-sharing-refugees.html>.
13. Deutsche Welle, "Duque firma decreto para regularizar a migrantes venezolanos 01.03.2021", accessed July 5, 2021, <https://www.dw.com/es/duque-firma-decreto-para-regularizar-a-migrantes-venezolanos/a-56740567>
14. Sistema Nacional de Migraciones, Migración Colombia, "Sistema Integrado de Gestión" accessed on July 5, 2021, <https://www.migracioncolombia.gov.co/informacion-general/content/234-sistema-integrado-de-gestion>
15. Colprensa, "Congreso de la República estudiará Ley que daría la nueva política migratoria del país", *Asuntos Legales*, November 23, 2018, <https://www.asuntoslegales.com.co/actualidad/congreso-de-la-republica-estudiara-ley-que-daria-la-nueva-politica-migratoria-del-pais-2797437>
16. So states Art. 2 of the Migration Law in its most recent version published in the DOF on 04.05.2021.

# 6

## **Outlook on Migration Reform in the United States and Possible Multilevel Diplomatic Responses by Mexico: The Role of Consulates**

GUADALUPE GONZÁLEZ GONZÁLEZ

In the United States, it will take time and political capital to reverse the dense legacy of restrictive policies, rebuild the asylum system, and open avenues for regularization. Three scenarios are envisaged: partial reforms that are reversible through presidential channels, stable partial reforms through legislative channels, and a return to restrictive policies due to a boomerang effect.

---

Political conditions are not conducive to a comprehensive reform, but the Biden administration provides a window of opportunity—the first since 2014—to move toward the gradual and partial opening of the migration system. The horizon is promising, and yet the future is uncertain.

---

Biden's arrival opens space for Mexico to rethink its migration and border priorities, seek specific bilateral agreements, and support its migrants in the United States through its extensive consular network in view of the most promising changes, especially regarding DACA and agricultural and essential workers. Should an inertial attitude prevail—that is, reactive and of pragmatic accommodation—the opportunity to balance migration management and support the legitimate demands of Mexican migrants would be lost.

## Actors and Routes for Migration Reform in the United States: The Gap Between Desirable and Possible

From the first day of his term in office, President Biden established a priority to promote a different immigration policy than his predecessor's—through legislative reforms or presidential directives—to open and expand channels for regularization and legal entry, restore the asylum and refuge system, improve border control, strengthen labor protections, and address the causes of migration in countries of origin. These measures, if implemented, could benefit about 11 million people—51% of whom are Mexican<sup>1</sup>—who currently reside, with irregular status, in the United States and who for years have lived in a situation of fear, uncertainty, marginalization, and risk of family separation due to the tightening of restrictive policies and the sequels of detentions, deportations, limitations of rights, and reduced access to health, education, and housing services.

In this new scenario, the situation seems less oppressive, and expectations among the migrant population are wide-ranging. Nonetheless, uncertainty remains as the needs for relief among the most vulnerable groups are even greater due to the aftermath of the pandemic and the validation of nativist attitudes that occurred under Trump.

After 35 years of legislative impasse to open channels for regularization since passage of IRCA (1986) and 25 years of restrictive policies since IIRIRA (1996) that peaked under the Trump administration, the new Democrat government's migration plan has better prospects than previous attempts for several reasons. First, from the outset of his term, Biden has a migration plan and a roadmap, thus broadening the time horizon for advancing reforms. Migration is a priority on his agenda, and because it is not linked

exclusively to "hard" security and border issues but rather to "soft" priorities (regularization, ethnic equality, social welfare, economic recovery, development cooperation, and humanitarian assistance), there is space for multiparty agreements that can act as allies in the reform, and that are better organized and have greater visibility than they did before. In addition, the new trade and investment rules of the USMCA coupled with the pandemic-based disrupted value chains require greater bilateral coordination on matters of mobility and labor standards. Finally, demographic dynamics and the decline in population growth in the United States over the last decade<sup>2</sup> [see section 1], largely due to the slowdown in immigration since 2007, could serve to open spaces in the political arena.

The correlation of political forces, however, can significantly offset the favorable conditions: the Democrat/Republican draw in the U.S. Senate; the narrowing Democrat majority in the U.S. House of Representatives; Republican obstructionism; the mobilization of Trumpism; the opposition of state and local Republican authorities, especially in disputed states (Arizona, Texas, and Florida); political polarization; and the differences between the progressive and moderate wings of the Democratic party—all of which together make a comprehensive bipartisan agreement to enact an integral reform law unlikely in Congress during the first half of Biden's term of office.

Biden promptly fulfilled his campaign promise to propose the U.S. Citizenship Act of 2021,<sup>3</sup> which provides for an eight-year regularization path to citizenship. However, without bipartisan support to adopt it, actors in favor of this reform within and outside the administration are now more inclined to take a pragmatic approach of gradual change. This

time, the political process of immigration reform is not considered an all-or-nothing battle but rather an incremental opening of spaces to bring about partial changes that favor, temporarily or permanently, migrant segments in precarious or irregular situations. The challenge for Biden is to decisively and swiftly push reforms ahead of the 2022 mid-term elections without causing a boomerang effect from the Republicans that could derail them, but without allowing slowness to diminish credibility and support—a political balancing act that Obama was unable to perform.

At the federal level, three possible avenues for change are: (1) specific and partial legislative reforms to existing immigration laws and annual budgetary allocations to conditional or nonconditional immigration programs and agencies; (2) unilateral executive actions (executive orders, administrative changes, and new regulatory practices authorized by the U.S. Attorney General); and (3) judicial decisions by federal and supreme courts to settle immigration cases or interpret the constitutionality of legislative and executive actions. One finding of this research that gives credence to the view that there is a window of opportunity is the *high level of activity* on migration issues seen in each of these avenues during the first six months of the Biden administration.

### **Mexican Response: Challenges and Opportunities**

Mexico has responded in a deliberately cautious manner, limiting itself to welcoming the new U.S. migration agenda, recognizing the role of remittances as a family safety net and a source of economic recovery, and managing the terms of bilateral dialog with various U.S. authorities and counterparts on a case-by-case basis. In these dialogs, Mexico's objec-

tives have been to restore normalcy at the border, increase access to vaccines, support border infrastructure and migrant assistance centers, and facilitate of asylum and work migration processes.

However, for Mexico, this change in attitude and approach—whose symbolic indicator is the semantic substitution of the term “alien” for the term “non-citizen” in speeches and official documents<sup>4</sup>—implies a series of opportunities and challenges at the very center of the intersection between migration policy and foreign policy.

The first challenge is to make a realistic calculation of the possibilities that reforms to immigration laws, policies, and practices announced by the Biden administration are achievable in the current polarized political and health crisis climate. It would involve paying attention to and monitoring the changing configuration of actors and interests for and against, identifying how and when the expected changes might come, and above all, building bridges with relevant stakeholders that share Mexican preferences.

The second challenge is precisely to address the problems and take advantage of the spaces that different migration scenarios in the United States open to conduct bilateral relations from a multilevel diplomatic strategy in which consulates play a significant role. This would involve setting objectives and priorities at the highest level in addition to developing and coordinating guidelines on how consular representations could contribute to regularization processes, whether with information and legal and administrative advice to Mexican migrants or in some other capacity, such as political lobbying, strategic litigation, and public diplomacy. All this would require a prior diagnosis of the foreseeable impact of the new measures and initiatives on the situation of

Mexican migrants, and therefore, on the tasks, priorities and infrastructure, and budget and personnel requirements of the consular network.

As far as consular diplomacy is concerned, Mexican authorities have not introduced strategic nor operational changes.<sup>5</sup> In general, the numerous programs of the sophisticated system for consular assistance and protection built over decades in matters of documentation, civil, labor, legal, financial, education, health, and culture remain in full force.<sup>6</sup> The prevailing adaptive approach draws from the existing consular architecture and experience. It shows no signs of efforts to revise the strategy by accelerating and allocating resources to making the most of Biden's reformist turn so as to redirect bilateral agreements to the benefit of migrants.

Based on the historical observation that due to geopolitics and asymmetrical power Mexican migration policy has been primarily reactive [see section 7],<sup>7</sup> one possibility is that the current Mexican government will repeat the pattern of pragmatic accommodation to U.S. preferences with flexible and limited collaboration schemes and without a long-term broad approach. An alternative is to seize the moment to resume the initial nonrestrictive migration policy, which entails regional cooperation and aligns with the Global Compact for Safe, Orderly and Regular Migration, a policy that was cut short in 2019 by bilateral agreements that were forced upon Mexico by the Trump administration to control borders and return asylum seekers from third-party countries to Mexico.

Mexico would need to develop its own roadmap to modify the *status quo* set by those agreements and to negotiate the post-pandemic reopening of the United States border by seeking to strengthen its migratory management capabilities and expand

multilevel mechanisms for cross-border cooperation. It could lead to concrete initiatives to rebalance the immigration conversation with the United States, negotiate channels for legal access and regularization for Mexicans, and make its public and consular diplomacy more effective.

From a multilevel diplomatic strategy,<sup>8</sup> the key to stopping inertia would be to activate strategic and tactical alliances, which would be differentiated and focused on a topical basis (DACA, agricultural workers, essential workers, border infrastructure, unaccompanied minors, labor and social rights, and protocols for return, among others), with governmental and nongovernmental stakeholders at the federal, state, and local levels, acting through the consular network under the leadership of the SRE and the Mexican Embassy in Washington.<sup>9</sup> Despite the fact that the scope of the actions carried out by Mexican consulates is limited by U.S. law to foreign representations, the system of weights and balances and the fragmented decision-making process in that country open multiple access points to influence.

In truth, redirecting government policies and dynamics is prevented by other factors. On the U.S. side, the brakes are applied by the political twitching that surrounds migration, Republican anti-immigrant activism, restrictive local and judicial measures, bureaucratic and cultural inertia in immigration agencies, and backlogs in the migration system. The Mexican side is reigned in particularly by the high degree of neglect (or intermittent attention) to immigration and diplomatic matters; emphasis on the principle of nonintervention over and above the protection of human rights; lack of clarity and strategic definition regarding the objectives of the bilateral relationship; bureaucratic disputes and the lack of coordination due to federal administration

reforms, budgetary constraints, and the limited institutional capabilities of consulates; and the growing backlog in services they have provided since the COVID-19 pandemic.

## **Scenarios in the United States**

### ***Incremental changes through executive action and partial legislative reforms***

At the present juncture, even partial initiatives with some bipartisan support, as in the case of so-called Dreamers, require bold legislative tactics to take advantage of the narrow margins of action for their approval, which are limited to two options: (1) reaching agreements to limit or modify filibustering, which currently requires some Senate Republican support to collect at least 60 votes; and/or (2) making changes to the annual budget approval process ("budget reconciliation rule") with a simple Democrat majority. As of July 1, 2021, immigration initiatives and resolutions submitted during the current 117th legislature totaled 339 (171 Republican and 168 Democrat)<sup>10</sup> on the following topics: border security and infrastructure, DACA, agricultural workers, TPS, work in essential activities, processing and infrastructure for asylum, and caring for the needs of unaccompanied children.

Republican activism consists of an avalanche of bills to limit asylum and immigration and increase border security, although Republican congressmen from California and the northwestern states support the opening of agricultural and professional work visas as well as DACA. The future of these bills will depend largely on pressure, activism, and mobilization by interested social and economic actors. Although the legislative route is the most uncertain of all, the media battle is just as important. For this reason, a proactive strategy for public and parliamentary

diplomacy on the part of Mexico is particularly important to balance the information that reaches attentive U.S. audiences.

### ***Extension of the status quo with incremental changes by executive action without legislative changes***

In this scenario, incremental changes are based on presidential decrees and directives. In his first six months in the White House, Biden signed 27 migration-related executive orders and presidential directives, mostly to reverse restrictive Trump policies, such as the ban on entry to people from six Muslim-majority countries, the border wall, the exclusion of migrants with irregular status from the count on which electoral redistricting is based, cancellations to TPS, the expulsion of unaccompanied minors, the MPP with Mexico, and the Public Charge Rule. Other directives set out ways to strengthen the DACA program, accelerate family reunification, raise refugee quotas and work visas, open fast-track options to citizens for agricultural workers, and allocate resources to address the causes of migration. It is unclear how long these actions will take or how long it would take for migrants to receive their benefits, and this path could be hampered by unforeseen factors associated with the pandemic or the situation on the border with Mexico—and even stop if Democrats lose the majority in Congress in the 2022 mid-term elections.

### ***Quagmire due to mobilized anti-immigration actors and politicized migration agenda in contexts of health crisis or lack of border control***

The third scenario—in which progress would be even less—deals with the actions and reactions of different



internal actors in the United States that could block the process. This is the case of the reluctance within immigration agencies, such as ICE and of opposing legislative and judicial reactions advanced by state and local Republican governments—particularly in Arizona, Florida, and Texas—that could potentially stop or even reverse the implementation of presidential directives and administrative rules. The court's suspension of the presidential order for a 100 moratorium on deportations at the request of the Attorney General of Texas and the pressure to keep Title 42 in force are textbook examples: instead of pausing expulsions, they increased between January and April 2021.<sup>11</sup> Further, there is strong political pressure from Republicans against making border controls more flexible, and this has forced Biden to slow down and to prioritize containment measures over those on shelter, openness, and integration.

So far, the Biden administration has chosen to segment the decision-making process between the U.S. State Department and the Department of Homeland Security (DHS). The implications of the current approach to handling and managing migration issues at the federal level are still unclear, although overlaps and interbureaucratic conflicts are foreseeable. What is clear is that there are numerous points of potential veto in the political and decision-making process of the United States.

### **Scenarios for Mexico: Piecing Things Together**

In any of the aforementioned three scenarios, the consular network,<sup>12</sup> which is responsible for addressing the diversity of local dynamics affecting the Mexican population and influencing the design and practice of U.S. migration policy, becomes more relevant from strategic and operational standpoints. In the

U.S. west coast states, the pro-immigrant lobbying by economic and social actors is more intense than ever; in U.S. southern and border states, Republicans block reforms with restrictive measures and judicial remedies. This disparity represents a significant obstacle to finding balance and defining consular diplomacy approaches.

Interviews conducted for this study with decision-makers and social actors revealed the need to distinguish the impacts of the scenarios described in different types of consulates operating in disparate political contexts. To plan a multilevel diplomatic strategy, it would be useful to distinguish between four categories of consulates: those in state capitals (13), at the border (12), dealing with traditional immigration (14), and those dealing with emerging immigration (11). Urgent and pressing issues are often concentrated in border consulates, while the growing deficit between the demand for services and resources primarily affects consulates dealing with emerging migration. The strategic niches where fine weaving would be called for to establish permanent regularization solutions for Dreamers and agricultural and essential workers are mainly found in the state capital and traditional immigration consulates.

Another revealing fact from the interviews is that in a political system as open and decentralized as the one in the United States, Mexican consulates and the embassy in Washington are particularly active because of the multiple demands and pressures they face on the ground. Sometimes they function as the main agent of change when they work to build *ad hoc* alliances and achieve synergies with strategic governmental and nongovernmental<sup>13</sup> actors around specific causes and themes. Two recent cases illustrate this dynamic: the enactment of Arizona SB 1420 (March 2021), which recognizes consular regis-



tration after years of direct lobbying by the consulate in Phoenix; and the role of the embassy and the group of Mexican diplomats that in 2019 prepared, managed, and socialized—together with American lawyers and the Hispanic Caucus—Mexico's intervention as *Amicus Curiae* before the U.S. Supreme Court in the case against the termination of the DACA program. These two and other previous cases show that (1) lobbying is a legal, legitimate, and widespread practice in the United States, (2) Mexico has experience in the field, and (3) the chances of success are greater when the lobbying is undertaken not only with Mexican and Hispanic organizations but along broad U.S. associative movements that go beyond the lines of ethnicity or nationality, reducing the risk of "Mexicanizing" matters.

Internal factors add to the complexity of the prospects of change, such as modifications in Mexico to the internal structure of SRE, ambassador, and undersecretary, which slow down responsiveness, make it difficult to complete readjustments in migrant support programs,<sup>14</sup> and cause a lack of coordination. The decision to replace the Undersecretary for North America with a Unit Head with close ties to the Secretary of Foreign Affairs<sup>15</sup> has long-term consequences and is indicative of a greater centralization in decision-making that could dislodge the embassy in Washington from being the heart of decision-making and give rise to an asymmetry in the level of dialog with U.S. counterparts. Because these types of changes lack direction and disregard the systematicity of institutional memory, they waste the installed capacity in this agency.

As for the current concerns of the consular network, which faces a complex and unprecedented political context in the United States, there is a recurring theme of mixed consequences brought by

the pandemic. On the one hand, the forced closure of offices limited services and provision of regular assistance to the community, leaving many needs unaddressed and generating discontent. In 2020, the number of cases for consular assistance and protection in the United States plummeted from 195,161 in 2019 to 68,063. On the other hand, the pandemic led to the launch of innovative initiatives based on strategic and tactical alliances with United States actors, especially in the field of health, which had positive cross-border effects, such as the vaccination effort undertaken by the Consulate in San Diego and business organizations.<sup>16</sup>

Many consulates have been overwhelmed after closing offices and stopping activities during 2020, and the increased demand for services on account of the health crisis. All the consulates face two red alerts: (1) a serious backlog in documentation (as a result of the pandemic); and (2) increasing financial fragility due to the drop in consular revenues and funding cut-backs, due to austerity measures, for key legal aid programs such as PALE. Both problems will tend to worsen in all the forecasted scenarios: If closures remain, pressure on legal aid and strategic litigation services will increase; and if reforms move forward, there will be an avalanche of requests for information and documentation.

Even though Mexican foreign policy has little capacity to influence the U.S. internal immigration reform process, the 50 Mexican consulates in the United States have greater coverage than any other country due to the significant number of Mexicans residing there: 38.7 million people of Mexican origin, 10.9 million born in Mexico, and about 5.6 million Mexican immigrants with irregular status<sup>17</sup> [see [section 2](#)]. In this dynamic, consulates are *the main channel for conveying* information concerning

protection needs and on the situation in the United States given their direct and daily relationship with the numerous and heterogeneous Mexican diaspora. They are, therefore, a key and singular actor that distinguishes Mexican foreign policy from any other.

To conclude, everything seems to indicate that the task of redirecting migration and foreign policies in Mexico and the United States faces major obstacles, so if there are any changes, they will trickle in and require a heavy dose of high-level political attention. Although the current political climate in the United States with the Biden immigration plan encourages the enabling governmental and non-governmental actors in Mexico for a potential and eventual process to revise the dominant restrictive

migration policy and cautious foreign policy based on nonintervention, there is not much in the short term in the way of possible change because of the political tie between competing forces in the United States, nor in Mexico because of the absence of a defined strategy that has resulted from intermittent attention given the subject at the highest level, bureaucratic disputes, and institutional reorganization. Should this inertial scenario prevail, by the second half of the Biden administration, the possibilities for reform could disappear, and Mexican foreign policy could have missed the opportunity to forge a comprehensive bilateral understanding on migration while not having updated or strengthened one of its key instruments—consular diplomacy.

1. Emma Israel and Jeanne Batalova, "Mexican Immigrants in the United States", *Migration Policy Institute Spotlight*, November 5, 2020, <https://www.migrationpolicy.org/article/mexican-immigrants-united-states-2019>; "Migration Data Hub", Migration Policy Institute, accessed June 30, 2021, <https://www.migrationpolicy.org/programs/data-hub/charts/authorized-immigrant-populations-country-and-region-top-state-and-county>
2. Musaffar Chishti and Randy Capps, "Slowing U.S. Population Growth Could Prompt New Pressure for Immigration Reform", *Migration Policy Institute Policy Beat*, May 26, 2021, <https://www.migrationpolicy.org/article/slowng-us-population-growth-immigration-reform>
3. Bill H.R. 117 was introduced on February 18, 2021 with the co-sponsorship of 145 Democratic representatives. <https://www.congress.gov/117/bills/hr/1177/BILLS-117hr1177ih.pdf>
4. The change was announced in the U.S. Citizenship Act of 2021 to reiterate the view of the United States as a nation of immigrants. See Suzanne Monyak, "Under Biden, New Immigration Tone Takes Center Stage", *Roll Call*, February 28, 2021; The White House, "President Biden Sends Immigration Bill to Congress as part of his commitment to modernize our immigration system", January 20, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>
5. President López Obrador reiterated the idea of turning consulates into "ombuds-agencies for the defense of migrant human rights" although public policy guidelines have not been specified, and the practical realization would be left to the experience and at the discretion of the consuls.
6. Comprehensive Consular Protection System (SIPC), Center for Information and Assistance to Mexicans (CIAM), (TRICAMEX) Consulting Lawyers Program. See also *Unidad de Política Migratoria, Registro e Identidad de Personas, Compendio general con los programas, acciones y buenas prácticas de las Dependencias de la Administración Pública Federal, Órganos Desconcentrados y Organismos Autónomos del Gobierno de México, alineadas a los Objetivos del Pacto Mundial para una Migración Segura, Ordenada y Regular* (Mexico: SEGOB, September 18, 2020).
7. Jorge Durand, *Historia mínima de la migración México-Estados Unidos*, (Mexico: El Colegio de México, 2016); David FitzGerald, *A Nation of Emigrants: How Mexico Manages its Migration* (Berkley, CA: University of California Press, 2014).
8. Jorge A. Schiavon, "Las instituciones en la relación México-Estados Unidos y la diplomacia multinivel", *Este País*, June 4, 2021. [https://estepais.com/tendencias\\_y\\_opiniones/mexico-en-el-mundo/mexico-estados-unidos-y-la-diplomacia-multinivel/](https://estepais.com/tendencias_y_opiniones/mexico-en-el-mundo/mexico-estados-unidos-y-la-diplomacia-multinivel/)
9. In the interviews conducted, different plans and examples for coordination of consular diplomacy were presented. There is agreement

on the lack of efficacy and impossibility of centralized and personalized leadership in a single decision-making core (Secretary, ambassador or Undersecretary, now Head of Unit). Most interviewees favored a flexible multiactor management model that makes it possible to adapt to changing and differentiated contexts through channels of constant communication between the SRE and the Embassy, between the entities responsible within the SRE, between these entities and the consulates and between consulates themselves.

10. Information collected through Congress.gov, the official portal of the United States Congress database. Accessed July 1, 2021. <https://www.congress.gov/quick-search/legislation?wordsPhrases=immigration&wordVariants=on&congresses%5B%5D=117&legislationNumbers=&legislativeAction=100&sponsor=on&representative=&senator=>
11. Data from the Customs and Border Protection Service (CBP) can be found at <https://www.cbp.gov/newsroom/stats/south-west-land-border-encounters>
12. Alexandra Delano, *From Here and There: Diaspora Policies, Integration, and Social Rights Beyond Borders* (New York: Oxford University Press, 2028).
13. The range of potential "friends of Mexico" in the United States is wide: federal and state legislators, governors and local authorities, sanctuary cities, churches, Latin and Mexican-American organizations, law firms, legal advocacy groups, human rights organizations, universities, academics, colleges and community leaders, trade unions, employers, clinics, hometown clubs, immigrant associations, and local media.
14. The need to redirect assistance programs for Mexican communities abroad resulted from holding Advisory and Global Fora to gather proposals and redouble information efforts. *Second Work Report of the Secretariat for Foreign Affairs 2019-2020*.
15. *Reglamento Interior de la Secretaría de Relaciones Exteriores*, published in the DOF on June 14, 2021. [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5621170&fecha=14/06/2021](https://www.dof.gob.mx/nota_detalle.php?codigo=5621170&fecha=14/06/2021)
16. According to the digital monthly publication of the IME, 79,365 people had consular support in getting vaccinated by June 24. *Casa de Mexico*, (1, vol. 6), June 1, 2021.
17. "Migration Data Hub; Top 20 Diaspora Groups, 2019", Migration Policy Institute, accessed July 5, 2021, [https://www.migrationpolicy.org/sites/default/files/datahub/MPI-Data-Hub\\_Diasporas-in-US\\_2019.xlsx](https://www.migrationpolicy.org/sites/default/files/datahub/MPI-Data-Hub_Diasporas-in-US_2019.xlsx)

# 7

## "Foreign Migration Policy"

ANA COVARRUBIAS

The López Obrador administration seeks a stable relationship with the United States so that its internal project is not hindered.

---

Mexico's foreign policy became "migratized" when migration became a priority during Donald Trump's electoral campaign. The fact that foreign policy is limited almost exclusively to the migration phenomenon (or some other aspect of the bilateral relationship), however, has occurred several times in the past.

---

Mexico has had very little room for negotiation with the United States when faced with unilateral measures, such as the MPP or direct threats to other matters pertaining to their bilateral relationship. The López Obrador administration had to change its migration policy, which originally offered humanitarian treatment to migrants. This policy with a humanitarian approach also represented a strategy for countries in Central America to tackle the root causes of migration.

## Migration and Foreign Policy

The last few years, ever since Donald Trump joined the political scene in the United States, have once again demonstrated the extremely complex relationship between the migration phenomenon and foreign policy. To analyze this link, the assumption that migration policy is foreign policy is often quite rightly made, although bureaucratically speaking, migration policy is not—or should not be—in the purview of the SRE. The SEGOB and the INM design and implement migration policy. However, this does not release the SRE from having a fundamental role. Migration policy involves relationships with other countries, international organizations, and most notably, consular work. At the very least, one could expect the SRE to act as a coordinator among the multiple actors involved in migration and its management. Thus, as this report argues, at the origin lies an intersection between foreign policy and migration: an intersection that can take various forms and have positive or negative effects.

The study of Mexico's foreign policy has identified irregular migration as one of the conflicting issues in the Mexico-United States relationship. In this regard, there has been much discussion around the "compartmentalization" of the bilateral relationship: that is, preventing one of the divisive issues from "contaminating" others or the relationship as a whole, as one of the objectives shared by the two countries to better conduct their relations. This goal, however, has not always been achieved, and it may be worthwhile to wonder whether it is always desirable. Moreover, issues do not merely intersect: They can take priority and drive foreign policies, usually Mexico's, to "thematize." Thus, we have seen periods when Mexican policy *vis-à-vis* the United States has been centered on one issue, be it some regional problem, trade,

drug trafficking, or migration, to name a few. At the current juncture, and looking to the future, certain questions need to be answered. How much room for negotiation does Mexico have with the United States on migration? How does migration management influence foreign policy in general? What suits Mexico's interests better: "migratizing" or "de-migratizing" the bilateral agenda?

## Mexico Sitting between the United States and Central America: The Difficult Triangulation

The current scenario originated during Trump's presidential campaign, although its initial seeds are from Peña Nieto's term of office when the Southern Border Plan was implemented, and Barack Obama became the "Deporter-in-Chief." What changed when Trump became a candidate and later president was the intensity and type of pressure exerted by the United States on Mexico, forcing it to meet its interests, the aggressive narrative against Mexico and migration in general, and the critical role played by migration from Central America. Thus, and since then, the bilateral relationship and therefore Mexico's foreign policy has centered on two main themes: NAFTA and migration. In both cases, candidate Trump threatened the Mexican government: in the former, to withdraw the United States from NAFTA if it was not renegotiated under his terms; and in the latter, he repeatedly proposed the construction of a border wall to be financed by Mexico.<sup>1</sup> The renegotiation of NAFTA, although not easy, followed its path and ended with the signing and implementation of the USMCA in 2020, so the trade issue seems to have resumed its "normal" place in the bilateral relationship and has ceased to be the primary driving force of Mexico's foreign policy. Finding agreement on the topic of migration, however, has

been a more complex and visible process. Above all, it revealed Mexico's capacity and willingness to negotiate as well as the "migratization" of the foreign policy agenda. In this sense, it is often argued that Mexico's foreign policy today is, in fact, consular policy.

Faced with Trump's anti-immigrant narrative and the threat of withdrawing the United States from NAFTA, the Peña Nieto administration made attempts at rapprochement with the candidate but with little success and at high costs, such as internal criticism and weakening his position *vis-à-vis* candidate Hillary Clinton's team for having invited Trump to Mexico City. The most illustrative example of the little to nil margin to negotiate for Mexico, however, came about during the early years of the López Obrador administration. Since becoming president-elect, and in the face of the emerging phenomenon of the caravans of Central American migrants arriving in Mexico seeking to cross the border into the United States, López Obrador announced that his migration policy would take a humanitarian approach. As president, this approach produced an "open" policy, which consisted of allowing migrants to move through the country and granting them a humanitarian visa that was renewable for one year and would allow them to work and live legally in Mexico.<sup>2</sup> It bears remembering that the first major international event attended by Secretary Marcelo Ebrard was the signing of the GCM, of which Mexico had been one of the main promoters. However, a few months after taking office, and in the face of Trump's threats to close the Mexico-U.S. border<sup>3</sup> or impose tariffs on Mexican export products—challenging the "compartmentalization" formula—the López Obrador administration changed its policy, dramatically reducing the number of such visas granted and increasing the number of deportations. Moreover, when the U.S. government notified the Mexican

government of the application of section 235(b)(2)(c) of its Immigration and Nationality Act, whereby the United States returns foreigners to Mexico to wait for their asylum application process, the Mexican government reiterated its sovereign right to admit or reject the entry of foreigners into its territory. At the same time, it accepted, for humanitarian reasons, the entry of persons from the United States who had been apprehended at ports of entry, interviewed by U.S. immigration authorities, or who had been subpoenaed to come before a judge court. These people could remain in Mexico and would be entitled to multiple entries and exits from the country, in addition to a work permit.<sup>4</sup> Faced with a unilateral measure undertaken by the United States, the SRE insisted that Mexico's decision had been sovereign, clarifying that this was not a Safe Third Country agreement (which Trump also threatened to apply), which was then and is still now unacceptable to Mexico.<sup>5</sup> In this context, the last major change in López Obrador's policy was the containment of Central American migration on both borders instrumented by the National Guard. Ironically, Mexico has become the wall for migration from Central America and other countries whose nationals intend to travel through Mexico on their journey to the United States.

Asserting that Mexico's migration policy has essentially been reactive to U.S. positions is not far-fetched, even in the first few months of the Biden administration, which, notwithstanding a narrative that differs significantly from that of the Trump administration, still insists that migration should not reach the United States. However, it is essential to remember that part of López Obrador's initial migration policy envisaged the implementation of policies in southern Mexico and the countries in Northern Central America to address the causes of migration, a

goal shared by the Biden administration. This is how Central America can most firmly be incorporated into Mexican politics: with the support of ECLAC, and the consent of Guatemala, El Salvador, and Honduras, the CDP was designed to promote the development of these countries and of southern Mexico,<sup>6</sup> in addition to being offered the *Sembrando Vida* and *Jóvenes Construyendo el Futuro* programs. Although Mexico and the United States agree that the causes of migration need to be addressed at their root, their approaches differ. The United States is interested not only in Guatemalan, Honduran, and Salvadoran development but also in their democratic governability, which is beyond Mexico's reach given its principled foreign policy approach. Thus, the Mexico-United States-Central America political triangle, which if well managed, could be effective at better addressing the current migration situation,<sup>7</sup> is complicated by the fact that their programs are different and that Central American countries tend to respond directly to the United States and less so to Mexico.

### The "Migratization" of Foreign Policy and its Consequences

By decree, and in response to Trump's threat to impose tariffs on certain Mexican products unless Mexico controlled migration, López Obrador created in September 2019 the CIAIMM to be chaired by Marcelo Ebrard. In short, he had Ebrard and SRE handle migration policy, thus displacing the Secretariat of the Interior and the INM. With this decision, the overlap between foreign policy and migration policy became "foreign migration policy."

Even as a candidate, López Obrador never showed any interest in foreign policy. He stated only that it should be governed by constitutional principles, especially non-intervention and the self-deter-

mination of peoples and that it should be centered on Latin America. Since his administration became entangled in the crisis with the United States over NAFTA and migration from the very beginning of his term, and he was mainly interested in his internal project, stability in the relationship with our northern neighbor became an immediate foreign policy objective. That is, for López Obrador, it is very important that the relationship with the United States did not hinder his domestic policy; this can explain his willingness to renegotiate NAFTA under terms favorable to the United States and his shift on migration policy. Mexico did not have and perhaps did not want to have room for negotiation, and foreign policy was "migratized" in the hands of the SRE. Has foreign policy become impoverished because of that situation? Has the migration policy advanced by the SRE been effective?

In the absence of a foreign policy led by the president, the task fell to the Secretary of Foreign Affairs. As mentioned, migration was on the agenda since the beginning of the current administration, but there were other issues, such as the Venezuelan crisis, reviving CELAC, and Mexico's candidacy for the UN Security Council. Over time, other issues have come up, such as Evo Morales' exile in Mexico or the government's position on the situation in Nicaragua. The SRE has also been active in other multilateral fora where, for instance, gender equality (the government has qualified foreign policy as feminist) or sustainable development are discussed, and it has led the entire process for the acquisition of vaccines against SARS-COV-2. Hence at first glance, it seems that foreign policy has taken its course and that conducting migration policy, subordinated by foreign policy, has been successful insofar as it has achieved stability with the United States. One should note, however, that this has been a reactive and highly concentrated

policy in the United States. It is difficult to say, therefore, that the “migratization” of foreign policy has impoverished it given that López Obrador did not take office with a foreign policy project. The truth of the matter is nevertheless that it has been very close to a single-issue policy.

## Possible Scenarios

How can the Mexican government strengthen its foreign policy, even if it maintains “foreign migration policy”? Can it leave the issue of migration behind and take up a new project? I present some scenarios that look toward the future. All of them assume that the compartmentalization of the relationship with the United States is maintained because given Mexico’s vulnerability, it is unlikely to benefit from bridging issues. Similarly, some of them allow for variations from a shared minimum, which is the containment of migrants.

### ***From containment of migrants to far-reaching migration policy and a more plural foreign policy***

The first scenario is the current situation: Mexico recognizes that its role is to contain migration, so it continues to do so. The country thus avoids confrontation with the United States, implements internal programs such as *Sembrando Vida* and *Jóvenes Construyendo el Futuro* in Northern Central America, and does not express a position on the internal conditions of those countries that would be consistent with its principled policy. In other words, Mexico maintains two bilateral relations: one with the United States and one with Central America, and it does not participate in the Biden Plan. In terms of foreign policy beyond migration, Mexico is currently reacting to mainly regional events and maintains moderate multilateral activity. However, having stabilized the relationship with the

United States, Mexico has the opportunity to design and implement a more proactive policy, returning to the nonpoliticized agenda of CELAC, or presenting international cooperation initiatives in multilateral fora, riding on the background of the experience with vaccines against SARS-COV-2.

Another option is to collaborate with the Biden Plan, which would lead to a closer relationship with the United States and the countries in Northern Central America, or it could take on the role of a country that regulates migration, ensuring security at its borders as well as the protection of migrants throughout the country. If the United States were to insist on signing a Safe Third Country agreement, Mexico could negotiate some resolution that may be temporary for the issue of asylum in that country: It can accept the presence of asylum seekers within its borders, using United States government resources to install and improve shelters and migratory stays at the border. Should that be the case, the backing of international organizations such as the IOM and UNHCR would be most welcome.

Finally, a third option would entail advancing an ambitious project to address the causes of migration and improve the current situation of migrants. This would be a proposal similar to that made by the Vicente Fox administration but should now include the issue of asylum both in Mexico and in the United States as well as the situation at the border. Mexico would regain its human rights approach on the basis of the constitutional principle of human rights protection and defense as well as its support for the GCM. As in the past, the proposals would include extending different types of visas, temporary worker programs, promoting investment in Mexico and the countries of Northern Central America, and conditional regularization of unauthorized migrants



in the United States. This scenario involves significant work on the part of Mexican consulates in the United States—for which they would require resources and personnel—which could include lobbying (for which the Mexican government would need to recognize that lobbying does not constitute intervention). It also requires very active diplomacy with the countries of Northern Central America to commit to a common path, and for them not to make agreements directly with the United States. Consideration could be given to creating a high-level contact group for migration consisting of Mexico, the United States, Guatemala, Honduras, and El Salvador, and perhaps some international organizations.

#### ***The relationship with Central America in light of the Biden Plan***

The following scenario speaks of greater pressure exerted by the United States on the countries of Northern Central America, especially on issues of democratic governability, inducing a negative reaction and little cooperation on their part. In other words, in this scenario, the Biden Plan is not entirely successful. Hence Mexico could (1) continue to contain migration from Central America and implement *Sembrando Vida* and *Jóvenes Construyendo el Futuro*; or (2) continue to contain migration but be forced or decide, as a means of negotiating with the United States, to align with that country, which in turn would lead to a deterioration of relations with Guatemala, Honduras, and El Salvador. To be clear, the latter situation is unlikely as long as the Mexican government maintains its non-interventionist position.

Moreover, because the United States is well aware of Mexican sensitivity to intervention, it is unlikely to exert pressure on Mexico to take a position on the internal situation of those countries. What is more,

the possibility that the Biden Plan is not successfully implemented would provide an opportunity for Mexico to embark on a much more aggressive policy toward the countries of Northern Central America. This policy could include promoting the CDP with the support of the private sector. That is, Mexico would promote a public-private partnership of the four countries (Mexico, Guatemala, El Salvador, and Honduras), which could have the support of international financial institutions to seek investment in southern Mexico and Northern Central America in key sectors that create employment and infrastructure. The scenario would contribute to achieving an oft-mentioned, albeit never achieved, matter of national interest: an effective—and preferably enduring—policy toward Central America.

#### ***Migration at the top of the foreign policy agenda***

If Mexico were to set aside its principles of non-intervention and self-determination and regain those of respect for and defense of human rights, it could have a more complete outlook on migration as a whole. That outlook would of course include its cycles and manifestations (emigration, immigration, transit, return, refuge, etc.) as well as a view on issues such as poverty reduction, inequality, corruption, gender-based violence, child protection, and others. Thus, migration would become a major theme in foreign policy and not restricted to the relationships with Central America and the United States; it would be a “migration foreign policy” that would require very well-defined criteria for discussing the most urgent issues faced by migrants around the world. Mexico would once again take up and insist on promoting and defending the Global Compact for Safe, Orderly and Regular Migration. In other words, the Mexican government would identify migration as one of the major (and pressing) global issues.

**Foreign policy supports migration  
policy and diversifies its agenda**

Finally, the Mexican government could reassign migration policy to be conducted by the Secretariat of the Interior and the INM. As such, foreign policy—the SRE—would operate alongside those bodies in its rightful role, but it would have the freedom to design a more plural and propositive agenda. Even on migration, it would gain the autonomy to once again

focus on the GCM or to promote other instances with a far-reaching scope that include experiences from South America, Europe, Africa, and Asia, but without becoming the major theme of foreign policy. It could in turn be devoted to other issues on the international agenda that would position the country as a relevant actor (gender equality, climate change, 2030 agenda, international cooperation for development, disarmament, etc.).

1. Clare Ribando Seelke and Edward Y. Garcia, "Mexico: Background and U.S. Relations", Congressional Research Service Report, R42917, <https://sgp.fas.org/crs/row/R42917.pdf>
2. Jon Martín Cullel, "México triplica las deportaciones de migrantes centroamericanos con López Obrador. El nuevo Gobierno ha expulsado a más de 45.000 personas en cinco meses, casi 15.000 de ellas en abril", *El País*, May 9, 2019, [https://elpais.com/internacional/2019/05/08/actualidad/1557337692\\_116128.html](https://elpais.com/internacional/2019/05/08/actualidad/1557337692_116128.html)
3. Alberto Nájjar, "Cierre de frontera México-EEUU: AMLO responde a las amenazas de Trump de clausurar la frontera con 'amor y paz'", *BBC News Mundo*, April 3, 2019, <https://www.bbc.com/mundo/noticias-america-latina-47796427>
4. "Posicionamiento de México ante la decisión del Gobierno de EUA de implementar la sección 235(b)(2)(c) de su Ley de Inmigración y Nacionalidad. México reafirma su derecho soberano de admitir o rechazar el ingreso de extranjeros a su territorio, en ejercicio de su política migratoria", SRE, December 20, 2018, <https://www.gob.mx/sre/prensa/posicionamiento-de-mexico-ante-la-decision-delgobierno-de-eua-de-implementar-la-seccion-235-b-2-c-de-su-ley-de-inmigracion-y-nacionalidad>
5. "Conferencia de prensa que encabeza el Consultor Jurídico, Alejandro Alday González, sobre la relación bilateral con Estados Unidos", SRE, December 20, 2018, <https://www.gob.mx/sre/prensa/conferencia-de-prensa-que-encabeza-el-consultor-juridico-alejandro-alday-gonzalez-sobre-la-relacion-bilateral-con-estados-unidos?state=published>
6. "Declaración entre México y Estados Unidos sobre los Principios de Desarrollo y Cooperación en el sur de México y Centroamérica. México está comprometido en promover un fuerte crecimiento económico regional, empleos mejor remunerados y mayores oportunidades para todos nuestros ciudadanos", SRE, December 18, 2018, <https://www.gob.mx/sre/articulos/declaracion-entre-mexico-y-estados-unidos-sobre-los-principios-de-desarrollo-economico-y-cooperacion-en-el-sur-de-mexico-y-centroamerica-185399?idiom=es>
7. A triangle that, in the words of Castañeda, already exists in migratory terms: It is a system. Ernesto Castañeda, Michael Danielson, and Jayesh Rathod, "Fortress North America: Theorizing a Regional Approach to Migration Management." In *North America: Stagnation, Decline, or Renewal?*, Eric Hershberg and Tom Long (eds.) (Washington, DC: Georgetown University Press, forthcoming).



## **Mexico and its Relationship with Central America: Missed Opportunities and Possible Futures**

BEATRIZ ZEPEDA<sup>1</sup>

Since 2019, Mexico's foreign policy *vis-à-vis* Guatemala, Honduras, and El Salvador has been virtually subordinated to the migration containment policy of the United States, setting aside other fundamental issues on the bilateral and regional agendas. As a result, Mexico has lost the capacity for dialog and runs the risk of losing relevance as a major player in the region.

---

The effectiveness of the containment policy is also debatable. Given its enormous costs in human, economic, and political terms, the time has come to propose alternatives to containment as a central element of migration policy and pivotal backbone of Mexico-Central America relations.

---

The current international context presents new opportunities. Because of its strategic position between the center and north of the Americas and its history in regional diplomacy, Mexico is able to promote a dialog that underscores sharing responsibility among all the countries involved in the migration circuit. This in turn allows it to reestablish its relations with the countries of Northern Central America.

Mexico's foreign policy toward Central America is at a crossroads. As of 2019, it seems to have fully aligned with United States migration policy and operate fundamentally to contain irregular migratory flows before they reach and cross the southern border of the United States. Although this alignment may have been a strategy to keep the bilateral relationship afloat in the context of a particularly aggressive U.S. government, it remains in place today despite the fact that Joe Biden has taken office and the opening of options for dialog.

By reducing foreign policy toward Central America to a reactive policy of migration containment, Mexico misses out on a great opportunity to take on a leadership role in a matter of vital importance, such as acknowledging the joint responsibility of the countries involved in the migration system. It also wastes an opportunity to strengthen relations with its neighbors in Central America on the basis of respect and collaboration, harnessing their complementarities and the shared understanding of opportunities and challenges.

The options, however, have not been exhausted, and even if the room to maneuver appears narrow, there are openings to propose alternatives to containment as the key—and almost sole—element both of migration policy and foreign policy from Mexico toward Central America, and particularly Guatemala, El Salvador, and Honduras.

### **A Triangulated Relationship: Mexico's Foreign Policy *vis-à-vis* Central America in Light of United States Migration Policy**

Since at least the 1990s, due to the increase in migration flows from Central America, the issue of migration began to gain prominence on the

Mexico-United States agenda. However, it was after the terrorist attacks of 2001 that the United States government, which until then had appeared willing to negotiate a comprehensive migration agreement with Mexico, redirected its security policy and thus its migration policy, which became increasingly restrictive.

These changes not only restricted the migration of Mexicans to the United States but also involved new demands on the Mexican government and its management of the southern border. Between 2001 and 2014, successive Mexican governments made commitments through various security cooperation agreements to increase surveillance and to contain migration across the southern border, thus demonstrating Mexico's ever-increasing role in implementing United States migration policy.<sup>2</sup>

Donald Trump's arrival in the Oval Office in 2017 on an anti-immigration platform sharpened this process. The López Obrador administration, which took power in Mexico in December 2018 following a campaign in which opening to Central American migration and promoting development in Northern Central America were at the forefront, was quickly constrained by U.S. migration containment imperatives. Those imperatives stiffened after the arrival of migrant caravans at the end of 2018.

Faced with increasing demands by the United States to close the Mexico-Guatemala border, the Mexican government abandoned its policies on opening and instead doubled its containment efforts centered on deploying the newly created National Guard (NG) along the northern and southern borders. The foregoing was in addition to implementing MPP, a U.S. government program in force since January 2019 whereby Mexico agreed to receive asylum applicants crossing through the Mexico-United

States border and have them await the resolution of their proceedings in Mexico.

While discourse from President López Obrador's office continued to highlight respect for human rights and promoting development as the pillars of migration policy, the policy has actually increasingly focused on preventing migrants from entering under irregular conditions and has come to dominate the foreign policy agenda from Mexico toward Guatemala, El Salvador, and Honduras.

The alignment of Mexican migration policy with United States migration policy has had a two-fold effect. On the one hand, abandonment on the part of the Mexican government of a progressive and proactive agenda to address human mobility, and on the other hand, concentrating the foreign policy agenda toward the north of Central America on containing migration.

### **From the Other Triangle to the Mosaic**

The migration containment policy that the Trump administration transferred to Mexico was imbued with a conception that embodied the security interests of the United States and defined the region formed by Guatemala, Honduras, and El Salvador as the "Northern Triangle" of Central America. The notion of this triangle, which still prevails in U.S. political and journalism circles, is increasingly rejected because not only does it create and reproduce a predominantly negative image, but it also reduces the region's characterization to a single variable—violence—concealing the significant differences between the three countries (see Table 8-1).

Far from being a homogeneous region, the three countries of Northern Central America represent differentiated challenges for Mexico, the most important of which derives from the direct border

with Guatemala and the need to address the bilateral relationship. A central element of the latter is the cross-border life that characterizes much of the shared border.

Relations between Mexico and Guatemala have not always been easy; historically, they have been marked by the asymmetry and a certain mistrust generated by that condition. The territorial and border disputes, quarrels over management of shared river basins, and political differences owing to the orientation of the administrations in office at the time all form part of this bilateral relationship. Further, there is the Guatemalan notion that despite its proximity Mexico understands very little about Central America, particularly about Guatemala.

Commercially and despite geographical contiguity, only 10.7% of Guatemala's imports are from Mexico, while Mexico receives only 4.7% of the country's exports. Although Mexico accounts for 13.7% of direct foreign investment in Guatemala,<sup>3</sup> indicating still ample room for stronger economic and trade relations between the two countries. In particular, the Guatemalan export sector and authorities demand access to the Mexican market, which offers Mexico an opportunity to generate synergies with other areas of the agenda. In contrast to the relations between their national centers, significant cross-border integration revolves around the labor market [\[see section 9\]](#) and primarily informal trade that has been deeply affected by the increase in border controls and migration containment measures.<sup>4</sup>

The Trump administration did not merely transfer its immigration containment policy to Mexico. Despite the CA-4 Agreement, which establishes free mobility among Guatemala, Honduras, and El Salvador,<sup>5</sup> these countries were also forced to close their borders and

ban their crossing, even to their own populations. The COVID-19 pandemic made it easier to justify these measures for public health reasons. Thus, a manner of alignment was created among the policies of the United States, Mexico, and the three countries of Northern Central America, which is still in place.

In turn, because of this situation and notwithstanding the fact that their citizens are crossing through Mexican territory, the countries of Northern Central America negotiate directly with the United States on migration issues to the detriment of migrants who are increasingly part of the bilateral negotiation calculations, as some interviewees for this study noted. In this context, and because it does not offer an alternative to the containment policy imposed by the United States, Mexico risks losing relevance as an interlocutor in the region and of becoming—as one former official put it—part of an “important nonrelationship.”

## On the Dubious Effectiveness of Containment Measures

Between 2018 and 2019, when the NG was used to strengthen border and migration controls, detention<sup>6</sup> events of Central American people on Mexico's border with Guatemala increased by 30%; comparatively, in 2020, they accounted for only 50% of those recorded in the previous year. In contrast, during the first five months of 2021, apprehension events on the Mexican southern border have increased, and if they continue to increase at the same rate, they will have surpassed the 2019 record by year's end (see Figure 8-1).

However, when comparing the figures for events of apprehension of Northern Central American migrants across all of Mexico with those on the southern border of the United States (see Figure 8-2), the question arises as to the effectiveness of Mexico's efforts at containing migration to the United States.

**Table 8-1. Guatemala-Honduras-El Salvador 2020 comparison**

<b>Territory<sup>a</sup></b>	<b>Guatemala</b>	<b>Honduras</b>	<b>El Salvador</b>
	108,889 km <sup>2</sup>	112,090 km <sup>2</sup>	21,041 km <sup>2</sup>
<b>Population<sup>b</sup></b>	17.6 million	9.7 million	6.3 million
<b>GDP (millions USD)<sup>a</sup></b>	138,000	46,300	51,170
<b>GDP per capita (USD)<sup>a</sup></b>	8,200	5,600	8,000
<b>Exports (millions USD)<sup>a</sup></b>	11,120	8,675	4,662
<b>Imports (millions USD)<sup>a</sup></b>	17,110	11,320	9,499
<b>Remittances (GDP percentage)<sup>c</sup></b>	14.7	23.7	24.1
<b>Poverty 2014–2019 (percentage of population)<sup>d</sup></b>	59.3	48.3	29.2
<b>Homicides x 100,000 inhabitants<sup>e</sup></b>	23	39	52

**Sources:** <sup>a</sup>“The World Fact Book 2020”, CIA, <https://www.cia.gov/the-world-factbook/>

<sup>b</sup>“World Population Prospects, 2019 Revision”, United Nations, <https://population.un.org/wpp/>

<sup>c</sup>“Remesas de trabajadores y compensación de empleados recibidas (% del PIB)”, World Bank, <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS>

<sup>d</sup>“Multidimensional Poverty Index: Developing Countries”, UNDP, <https://hdr.undp.org/en/content/table-6-multidimensional-poverty-index-developing-countries>

<sup>e</sup>“Homicidios intencionales por cada 100 mil habitantes”, World Bank, <https://data.worldbank.org/indicator/VC.IHR.PSRC.P5>

Despite the progressive increase in both the number of NG personnel responsible for containment<sup>7</sup> and migration controls within the country, in fiscal year 2019 the U.S. authorities recorded 623,671 events involving the apprehension of people from Northern Central America who were interned in Mexico and crossed the country to reach the southern border of the United States, which is 400% more than the apprehension events that Mexico recorded that year throughout its entire territory. In 2020, there were 106,762 apprehensions (40% more than those recorded in Mexico); and in the first five months of 2021 alone, the figure was 375,191—more than one-half of the events that occurred throughout 2019 and 500% more than the number of apprehension events recorded in Mexico in that period.

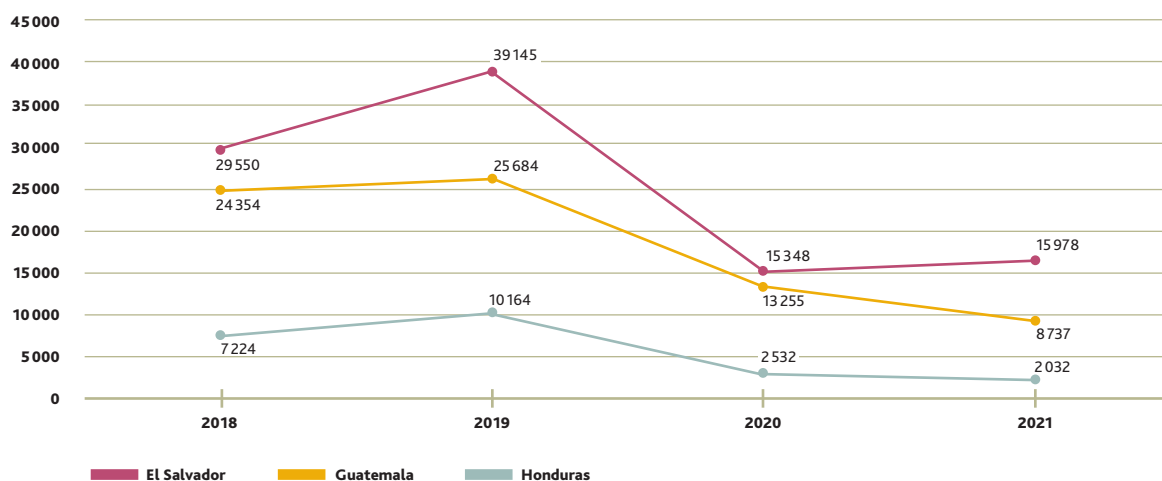
The significant difference between the numbers of apprehensions on the southern border of the United States and those across Mexico, which declined in 2020, suggests that the decline in apprehensions and presumably inflows could be attributed to the

COVID-19 pandemic and the general mobility restrictions involved. However, implementation of Title 42 coupled with the special containment measures [see section 3] of either government makes it difficult to interpret the figures. Attempted crossing patterns increased the possibility of multiple apprehensions, inflating counts of apprehension events.

One more factor is worth noting. Between 2018 and 2021, the country of origin for the most apprehension events on the southern border of the United States was Guatemala. This changed in 2021 when for the first time in the observed period, the apprehension events of Hondurans surpassed them. More than by a policy change, this is explained by the devastating effects of hurricanes Eta and Iota in October and November 2020, respectively, which resulted in hundreds of thousands of Hondurans going to the United States seeking a new life, regardless of the containment measures.

In short, the fluctuations of recent years in migratory flows from Northern Central America—as suggested by the figures on apprehensions—are not

**Figure 8-1.** Apprehensions from Guatemala, Honduras, and El Salvador on the southern border of Mexico 2018–2021 (May)



**Source:** Created by the author with data from UPMRIP

"Boletines Estadísticos", Unidad de Política Migratoria, [http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Boletines\\_Estadisticos](http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Boletines_Estadisticos)

explained exclusively by a containment policy. Given its debatable results and the human rights implications, as well as the enormous political cost that this policy has represented for the Mexican government, it is advisable to explore alternatives to migration containment as the pivotal backbone of Mexico's foreign policy toward Northern Central America.

## Scenarios

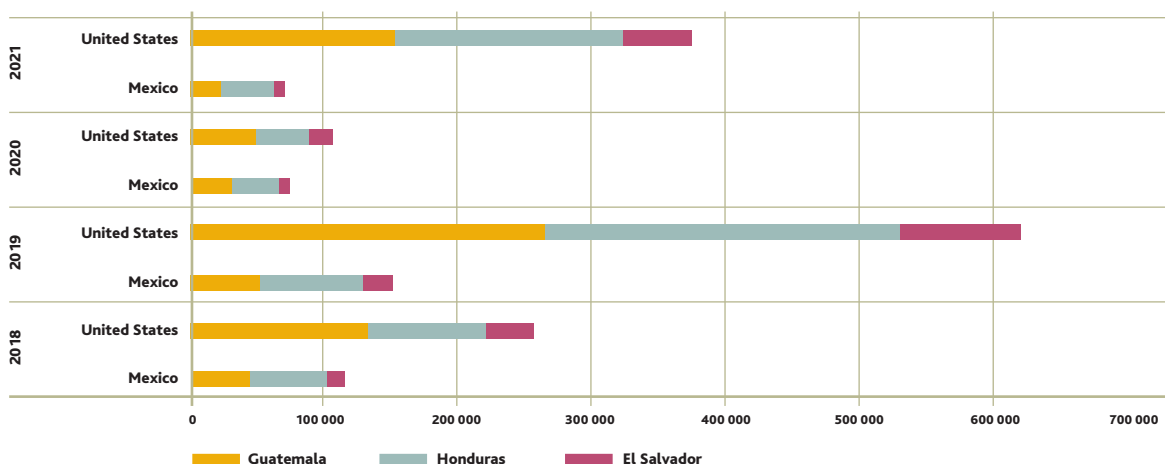
### *The current crossroads*

Joe Biden's assumption of the U.S. presidency in January 2021 opened a window of opportunity for negotiation on immigration, which is still open, albeit gradually closing. In this context, Mexico can continue along the path imposed on it—and that it accepted—in 2019 or take leadership at the regional level and promote a migrant-focused migration agenda. Such an agenda would emphasize the shared responsibility of all countries involved in the migration circuit, and by offering an alternative to

the containment policy implemented so far, would allow Mexico to rebuild its relations with Northern Central America and at the same time establish itself as a valid participant in the dialog with its neighbors to the north and south.

Were it to continue along the same path, Mexico will not only lose relevance at the regional level, but it will also be permanently restricted to adopting and implementing migration policy decisions taken in the United States. This may prevent autonomy of action on the part of Mexico in the face of increasing migratory flows across the southern border due to weather events (as was the case with the hurricanes of late 2020), political crises (Nicaragua, Cuba, and Haiti are currently experiencing conditions of instability that may cause emigration), and other less-predictable events. Limited to containment through the deployment of security forces, Mexico would have little choice other than investing more financial and human resources in the punitive strategy and shifting

**Figure 8-2.** Comparison of apprehensions from Guatemala, Honduras, and El Salvador in Mexico and the southern border of the United States 2018–2021 (May)



**Note:** As of March FY2020, U.S. Border Patrol and Office of Field Operations encounter statistics include arrests and inadmissible requests under Title 8 as well as expulsions under Title 42.

**Source:** Own calculations with data from the UPMRIP and CBP.

"Boletines Estadísticos", Unidad de Política Migratoria, [http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Boletines\\_Estadisticos](http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Boletines_Estadisticos)



the pressure of migration control toward Guatemala, overloading the institutional and budget constraints of that country and adding tension to the bilateral relationship.

### ***Greater autonomy in migration policy***

An alternative is for Mexico to act with greater autonomy in formulating and implementing its migration policy and, along with it, its policy toward Central America. Domestically, it is possible to redirect at least part of the resources currently invested in containment to strengthening asylum and shelter systems, and to contribute to local government finances, where the infrastructure and available services are pressured by the arrival and prolonged stay of considerable numbers of migrants and asylum-seekers [see section 3]. This is essential to address a problem that poses a greater risk in the medium and long term: the emergence of social tensions at the local level and outbursts of racism and xenophobia that have emerged recurrently in areas along the border and that are not equipped to care for such a large and fluctuating vulnerable population. Providing other routes for regular migration—the likes of family reunification and expansion of temporary work programs, especially in regions and sectors where labor is low at the national level—would also enable better management of migration flows without resorting to containment.

It is clear, however, that a majority of the Central American population who enter Mexico does not intend to remain in the country but rather has the ultimate goal of crossing to the United States. In light of this circumstance, which according to the interviews conducted for this study is known to all the governments in the region, any measure that Mexico or any other country may implement indi-

vidually will not suffice: hence, the importance of a regional approach that highlights the shared responsibility of all the countries involved along the entire migration circuit.

### ***Mexico resumes a position of importance in regional dialog***

Because of its important role in the migration system and as a country that connects North America with Central and South America, Mexico has an opportunity to take the initiative to generate dialog with the aim of finding shared solutions to the challenge posed by migration flows in the region. In the past, Mexico has deployed strong diplomacy to generate proposals on issues of importance at the regional and global levels. Its response to the Guatemalan refugee crisis in the early 1980s, its active participation in the peace processes in Central America in the 1990s, and its most recent push for the Global Compact for Safe, Orderly and Regular Migration, constitute experiences that can nurture a more autonomous and propulsive foreign policy.

The framework for regional dialog on migration should include Mexico's North American partners—Canada and the United States—as well as its southern neighbors, from Guatemala down to Panama. The northern countries should consider options such as refugee resettlement programs, temporary work programs, the extension of immigration quotas and other alternatives to irregular migration within this framework. Similarly, Central American countries could consider strategies and commitments to strengthen governance, combat corruption and insecurity, and generate opportunities for economic integration in the main points of origin for migration. Together, countries across the region could analyze their demographic trends to assess their

needs and take action in a manner that enhances their complementarities. Thus, acknowledgment of the shared responsibility among all the countries involved could lead to new policies that address the causes of migration and create alternatives to containment that not only address the present situation but also involve planning for the long term.

### ***Limits on promoting development***

It is not necessary to start from scratch in some of these areas. Several initiatives already exist to promote development in Northern Central America. The new U.S. administration launched the Biden Plan and committed USD \$4 billion to implement it.<sup>8</sup> From the onset of the López Obrador administration, the government of Mexico, supported by ECLAC, proposed the El Salvador-Guatemala-Honduras and Southern and Southeastern Mexico CDP.<sup>9</sup> The plan was relaunched in June 2019 with a much more limited approach given the absence of the funding required, covering things such as transferring the *Sembrando Vida* and *Jóvenes Construyendo el Futuro* programs<sup>10</sup> to El Salvador and Honduras. However, with this approach, the absence of proposals is not the problem. It is rather the diversity of approaches, which brings the risk of generating overlaps, duplicating efforts or even taking contradictory actions, which would end up diminishing the effectiveness of actions. A regional discussion on the scope and constraints of projects, and on their objectives and means to undertake them with the ensuing concrete commitments, would make it possible to identify convergences and possibly enhance the impact of

resources invested in promoting development and achieving safe, orderly, and regular migration.

Certainly, some factors could hinder regional dialog. On the one hand, Donald Trump's term of office left a legacy of social polarization in the United States revolving around the issue of migration and positioned that issue as a prominent component of the domestic policy agenda. In such a context, Joe Biden is left with little room to maneuver. On the other hand, several Central American governments are currently facing scrutiny and criticism from the international community due to corruption and/or the rise of authoritarianism.

### **Final Thoughts**

A complex scenario such as this one is precisely where multilateral approaches are most promising: They expand the negotiation agenda, promote the emergence of alternative leadership, and help dilute antagonisms within the framework of joint action.

The current situation represents an opportunity for Mexico to reframe the discussion on the issue of migration, involving all relevant actors in the region. By insisting on shared responsibility in a multilateral framework, Mexico would regain its voice as a relevant actor and dispel the emphasis on migration containment as the pivot for relations with its southern neighbors. This would open the way to strengthening relations with Guatemala, based on shared interests, and to recover a foreign policy agenda toward Honduras and El Salvador, one that transcends migration and emphasizes respect and cooperation.

1. I would like to thank Adriana Castañeda Hernández and Diana Robalo Rey for their valuable research assistance.
2. Beatriz Zepeda and Julieta-Fuentes Carrera, "La frontera México-Guatemala y el perímetro de seguridad de Estados Unidos 2000-2020", in *Entre lo político y lo espacial: representaciones geopolíticas de la región transfronteriza México-Guatemala*, coord. Julieta Fuentes-Carrera (Mexico: CentroGeo, 2020), 49–84.
3. CIA, *The World Fact Book*, (Washington DC: CIA, 2020); "Relación económica", *Embajada de México en Guatemala*, <https://embamex.>

[sre.gob.mx/guatemala/index.php/relacion-mexico-guatemala/relacion-economica](https://sre.gob.mx/guatemala/index.php/relacion-mexico-guatemala/relacion-economica)

4. Beatriz Zepeda, "Tapachula en el contexto de la emergencia migratoria", en *México y Centroamérica: encuentro postergado* (Mexico: Comexi, 2019), 85–90.
5. The fourth signatory country of CA-4 is Nicaragua.
6. Statistics record the number of detention events and not of detainees. This means that even if several apprehensions may involve the same person, they will be recorded individually, giving the impression of growing migration flows.
7. Alberto Pradilla, "En frontera sur, 2,400 elementos de la Guardia; no detendrán a migrantes, asegura el gobierno", *Animal Político*, June 17, 2019, <https://www.animalpolitico.com/2019/06/guardia-nacional-migrantes-frontera-sur/>; *Secretaría de la Defensa Nacional*, "Las Fuerzas Armadas y la Guardia Nacional despliegan más de 173,000 elementos en todo el territorio nacional", July 20, 2020. <https://www.gob.mx/sedena/prensa/las-fuerzas-armadas-y-la-guardia-nacional-despliegan-mas-de-173-000-elementos-en-todo-el-territorio-nacional>; Jorge Monroy, "Enviarán a más de mil elementos a reforzar la contención de migrantes", *El Economista*, April 12, 2021. <https://www.gob.mx/sedena/prensa/las-fuerzas-armadas-y-la-guardia-nacional-despliegan-mas-de-173-000-elementos-en-todo-el-territorio-nacional>
8. "The Biden Plan to Build Security and Prosperity in Partnership with the People of Central America", Democratic National Committee, <https://joebiden.com/centralamerica/>
9. *Comisión Económica para América Latina y El Caribe, Hacia un plan de desarrollo integral entre El Salvador, Guatemala, Honduras y México*, (LC/TS.2918/106), Santiago, December, 2018.
10. AMEXCID, *First Work Report of AMEXCID 2020. First semester* (Mexico: SRE, 2020), [https://infoamexcid.sre.gob.mx/consejo/media/documents/cLiUK\\_AMEXCID%20INFORME\\_2020\\_BAJARES.pdf](https://infoamexcid.sre.gob.mx/consejo/media/documents/cLiUK_AMEXCID%20INFORME_2020_BAJARES.pdf)

# 9

## **Labor Migration in the United States, Mexico, and Northern Central America: Context and Policy Scenarios**

ANTONIO YÚNEZ-NAUDE<sup>1</sup>

The general restrictions on entry into the United States and the limited legal avenues for labor migration from Mexico and the NCA countries, in addition to the structural differences among those countries' economies, are all phenomena that explain the presence of millions of irregular migrant workers in the United States.

---

Compared with the countries in the region, the government of the United States has greater financial capacity to overcome the recession caused by the COVID-19 pandemic and to do so sooner. This may encourage labor migration from NCA and Mexico.

---

President Biden's efforts to make changes to labor migration policy have not been fully instituted; the governments of Mexico and Guatemala continue to contain migrants. This situation is the basis of one of the three scenarios on unauthorized labor migration in the region that I delineate. The second scenario discusses the initiatives advanced by Biden and López Obrador to address the causes of emigration in NCA itself. Last, the third scenario proposes that Mexico cease to contain emigration and effectively promote development of NCA.

Understanding recent changes and the current situation in terms of international labor migration in both the United States and Mexico as well as in Guatemala, El Salvador, and Honduras (NCA) requires knowledge of the corresponding policies and their effects. It also requires facts on the dynamics of the flows as well as data related to their determining factors, including climate change and the COVID-19 pandemic. Despite important challenges to performing research of this nature, those challenges do not prevent us from approximating the current context of labor or economic migration in the region, of its corresponding policies and possible scenarios—the purpose of this section.

In this section, I propose that a major reason for emigration in this region is searching for work in the United States or Mexico. Moreover, a proportion of working-age refugees in the United States will sooner or later enter its labor market, even if it is more challenging for them to do so.<sup>2</sup>

## Problems and Challenges

Conditions of demand and supply in the labor market of the countries of origin and destination are key for motivating international labor migration. The countries receiving migrants require foreign workers, to whom they offer lower wages, albeit wages that are higher than what they would be paid in sending

countries. Additionally, migrant networks in destination countries facilitate migration and emigrants are able to send remittances home to their countries of origin. As demand and supply conditions prevail in the labor markets of the region, and in the absence of consistent legal channels for migration matched to those conditions, measures to restrict migration have not succeeded in curbing the search for better-paid work in the United States by the inhabitants of the NCA and Mexico, resulting in the entry of irregular migrant workers.

To find out how many people have tried to reach the United States irregularly, I use data on apprehension events (*apprehensions*, hereinafter) on the southern U.S. border. Table 9-1 shows that apprehensions increased between the periods 2005–2014 and 2015–2019 (Mexico was an exception) for the countries studied.

One of the structural phenomena that explains labor migration is the discrepancy among the economies of the region. The graph in Figure 9-1 shows the abysmal discrepancy that has remained unchanged for the last 30 years.

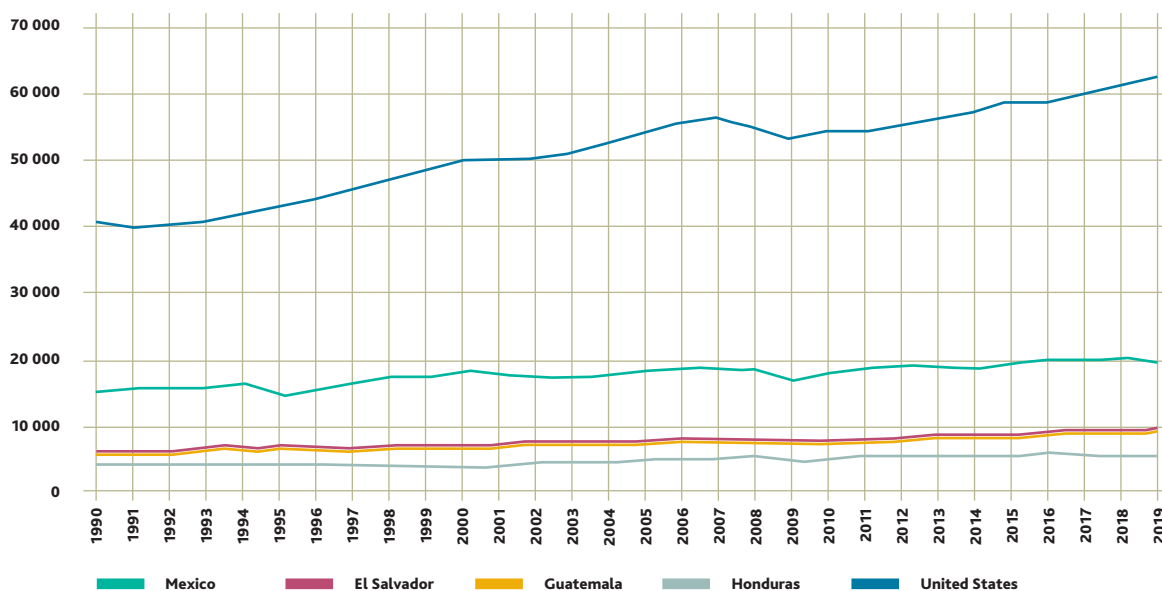
A series of phenomena, such as the structure of labor markets, demographic transitions [see section 1], the permanence of migrant networks, and even the different capacities to address the challenges brought by the pandemic and climate change, prevent us to

**Table 9-1** Number of apprehensions at the U.S. southern border (monthly averages by nationality)

Period	Salvadorans	Hondurans	Guatemalans	Mexicans
2005-2009	2 730	3 068	2 394	77 002
2010-2014	3 785	4 759	5 143	39 890
2015-2019	5 529	8 733	10 899	21 011

**Source:** Own calculations based on DHS, *Yearbook of Immigration Statistics* (Washington DC: DHS-Office of Immigration Statistics, v.a.), <https://www.dhs.gov/immigration-statistics/yearbook>

**Figure 9-1** Per capita GDP of Mexico, the United States, and the NCA (constant international dollars, 2017)



**Note:** GDP per capita measured in terms of the purchasing power parity of each country.

**Source:** Own calculations based on "World Development Indicators", World Bank, accessed June 29, 2021, <https://databank.bancomundial.org/reports.aspx?source=2&country=MEX>.

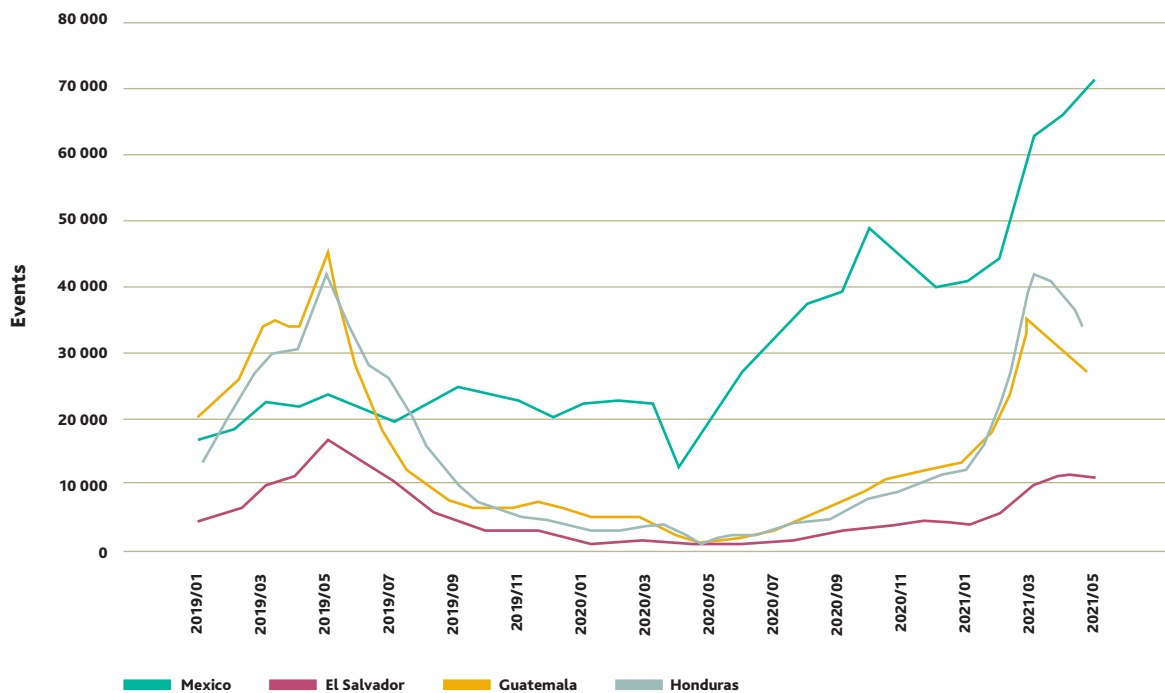
foresee that in the next two or three years, there will be no significant changes in the observed conditions that drive labor migration in the region. In the case of Mexico, its economy has not managed to converge with that of the United States (Figure 9-1), contrary to one of the official expectations following the signing of NAFTA. Likewise, the recession caused by COVID-19 may reverse the trend of reduction in the net migration rate of Mexicans to the United States, which started in the 2000s [see section 2].<sup>3</sup> The number of apprehensions on the U.S. southern border changed substantially between 2019 and 2020. The number corresponding to Mexican emigrants increased by 2.6%; however, Salvadorans, Hondurans, and Guatemalans decreased by 28%, 16%, and 19%, respectively. In contrast, in the first few months of 2021, the number of apprehensions rose again for both NCA and Mexican migrants (Figure 9-2).

Studying the effects of the COVID-19 pandemic

is a matter for further research. For example, how much have border controls and the ban on entry into the United States—for individuals who could be infected with COVID-19—increased the number of attempts to cross the southern border of the United States? In the absence of evidence, I believe that it is not appropriate to assert a migration crisis on the U.S. southern border; rather, the expected speed of economic recovery in the United States and the continuation of restrictive migration policies can lead to an increase in the number of irregular migrant workers.

As a result, there is a feedback loop whereby the United States restrictions to meeting its demand for foreign workers and insufficient economic growth and development in the other Mexico and the NCA, in turn, lead to the entry of irregular migrant workers to the United States. This partly explains why workers receive average wages less

**Figure 9-2** Monthly apprehensions at the U.S. southern Border, 2019–2021



**Source:** Own calculations based on CBP data, "Southwest Land Border Encounters", CBP, accessed July 14, 2021, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

than the rest of the workforce, in addition to the fact that the employers do not comply with the obligation to provide all workers with work benefits.<sup>4</sup>

However, although the number of immigrants in Mexico from NCA is much lower than the figure for immigrants coming from the United States, the number has steadily increased this century.<sup>5</sup> This is the case for Guatemalan workers in particular, some of whom obtain temporary work permits through Regional Visitor Cards (*Tarjetas de Visitante Regional*) or Border Worker Visitor Card (*Tarjeta de Visitante Trabajador Fronterizo*), although many others work without documents in southern Mexico or cross the border every day [see section 8].<sup>6</sup> A challenge for the Mexican government—shared with the United States—is to improve the regulation of labor migration and respond to employers' demand

for migrant labor while also ensuring that the labor rights of migrants are respected.

Faced with the current landscape and inertia in U.S. migration policy—especially if legal avenues are not broadened—it is foreseeable that incentives to migrate in the region will remain in the medium term, and one of the resulting effects will be the presence of irregular migrant workers in the United States. In light of this, I ask what the future scenarios in terms of labor migration in the region are, and how do they relate to proposals to promote the development of sending countries?

## Policy Scenarios

I propose the following three scenarios to fuel the discussion on migration and development policies in the region. See also sections 5, 7, and 8 for a discus-

sion of Mexico's migration and foreign policies, and [section 6](#) for a discussion about the prospects for U.S. migration policy change.

### ***Increased labor mobility in the region due to restrictions***

In this scenario, I believe that even if the Republicans in the United States Congress succeed in blocking Biden's and the Democrat Party's efforts to make changes in migration policy, a reform may still be approved. Meanwhile, there is no increase in the number of visas for Mexican temporary workers, nor is there an expansion whereby such visas could be granted to NCA workers, and a legalization program for residents in the United States is not implemented.

The scenario is also characterized by the extension of border controls on grounds that they are necessary to reduce public health risks due to COVID-19 and by increased stigmatization of immigration in the United States, as in the example of the sitting Governor Greg Abbott of Texas and his anti-immigrant rhetoric. In parallel, the effects of the pandemic on income are more profound in Mexico and NCA compared with the United States.<sup>7</sup> The situation further encourages migration from NCA and Mexico to the United States and culminates with the Biden administration continuing to exert pressure on Mexico and Guatemala to contain migration flows. Ultimately, the number of undocumented workers both in the United States and Mexico grows, including those who travel through the Mexico to get jobs in the United States.

### ***Implementation of several policy changes proposed by Biden and López Obrador***

In general, this scenario is characterized by the partial implementation of the changes in migration

policy proposed by President Biden, in addition to the objectives of President López Obrador, to contribute substantially to development of southern Mexico and increase temporary work permits for people from NCA, in addition to including them within the scope of protection provided by labor laws. On the one hand, in this scenario, Biden would promote regularization of the immigrant and undocumented workforce and expand the number of temporary work visas granted to Mexicans and migrants from NCA, taking into account the interests of entrepreneurs who require this type of workforce. On the other hand, the Mexican government would increase the number of work or temporary cards or temporary permits to Guatemalans, and include workers from El Salvador and Honduras. In addition, the Mexican government would improve its ability to manage these flows and comply with the labor law, which includes payment of fair wages and humanitarian treatment for all workers.

However, according to interviewees with expertise in U.S. immigration policies, the reforms Biden proposed to Congress are unlikely to succeed.<sup>8</sup> So far, signs seem to indicate that this administration will not change the containment approach to migration from NCA supported by measures on the part of the Mexican and Guatemalan governments on their borders. In this scenario, the approach shared by the governments of Biden and López Obrador—attacking the causes of emigration through development programs for NCA—would serve as the basis for the actions taken by the Mexican government aimed at promoting development in the country's southern regions.

Compared with the first scenario, the number of irregular migrant workers in the United States and Mexico would decrease in the short and medium



term as well as the number transiting through Mexico. A necessary condition for this to happen in the long term would be the development of the NCA countries and Mexico, which is the main theme of the next scenario.

### ***Policies for development***

This scenario would be characterized by the application of President Biden's original proposals on changes in migration policy, as well as those of President López Obrador as per the second scenario, with the exception that in this case, Mexico would stop its efforts to contain migration from NCA to the United States. In addition, development programs for NCA and southern Mexico would produce the expected effects above all in the medium and long term [see section 6] [see section 7].<sup>9</sup> In this scenario, the López Obrador administration would resume the direction envisioned for its migration policy at the beginning of its term, adopting a horizon of transformation, respecting the human rights of the entire workforce, and promoting development.<sup>10</sup>

Currently, the Mexican president has moved to launch two of his flagship programs aimed at promoting the development of Mexico in NCA: *Sembrando Vida* and *Jóvenes Construyendo el Futuro*. The first aims to increase sustainable productivity in vulnerable rural areas through the combined production of forest fruits and food crops (those of the so-called *milpa* in Mexico).<sup>11</sup> The second is a training program for young people who do not study or work. The idea is to link them with companies or other sources of work where they develop or strengthen work habits and gain technical skills that make them more employable.<sup>12</sup>

Added to the foregoing are the actions of President López Obrador and NADB in NCA, aimed at

encouraging families of migrants that receive remittances to save or invest in productive projects. On the one hand, the Mexican government uses the services of *Banco del Bienestar*, *Banco del Ahorro Nacional*, *Servicios Financieros* (or *Bansefi*), and the *Banco de México*. On the other hand, NADB is starting by creating a Migrant Savings Bond, inspired by the experiences of India and Israel where savings accounts are opened through a cell phone.<sup>13</sup> NADB expects these initiatives to promote migrant savings, reduce transaction costs when sending remittances, and increase credit for the use of these financial resources in productive investment projects in Mexico and the United States.

Should this be achieved, the scenario would have two outcomes. In the short and medium term, compared with the second scenario, the working conditions of migrants would be substantially improved, and the risks they face to achieve their goal of entering the United States via Mexico would be reduced. In the long term, the incentives for people with low levels of schooling to migrate to the United States and Mexico, and from the latter country to the former, would be reduced.

### **Final Thoughts**

The major challenges are to significantly reduce the number of irregular migrant workers, eliminate the abuse of the migrant workforce in the United States and Mexico, and address the structural causes that motivate unskilled labor migration from El Salvador, Honduras, Guatemala, and Mexico. Among other objectives, the first two challenges can be met through changes in the United States and Mexican migration policies, and the third, by implementing policies that promote the development of countries that are sending the workforce.

Several conditions must be met if these changes are to come to fruition. I stress the need to modify and implement migration and development policies, coupled with consensus, dialogs, and agreements with the governments of El Salvador, Honduras, and Guatemala, as well as including their specificities with respect to their economic, environmental, cultural, and social spheres. It also requires public awareness campaigns in the United States and Mexico on the benefits of work done by immigrants and

on how the international flow of workers has been a driving force for global economic growth.

For medium- and long-term expectations of development policies to be met, they must go hand in hand with the design and implementation of specific programs in the places of origin of unskilled migrants and other areas with migration potential, including the active participation of support subjects in the formulation and implementation of productive projects.<sup>14</sup>

1. I would like to thank Jhair López López for his substantial contribution to the study that led to the drafting of this section.
2. Courtney Brell, Christian Dustmann, and Ian Preston, "The Labor Market Integration of Refugee Migrants in High-Income Countries", *Journal of Economic Perspectives* 34, no.1 (2020): 94–121.
3. Nicole Denier and Claudia Masferrer, "Returning to a New Mexican Labor Market? Regional Variation in the Economic Incorporation of Return Migrants from the U.S. to Mexico", *Population Research and Policy Review* 39, no. 4, (2019): 617–641.
4. United States Census Bureau, "ACS 1-Year Estimates - Public Use Microdata Sample", accessed February 20, 2021, <https://data.census.gov/mdat/#/>
5. "Censo de Población y Vivienda 2020", INEGI, accessed July 12, 2021, <https://www.inegi.org.mx/programas/ccpv/2020/>
6. Tonatiuh Guillén-López, "Un paso adelante, tres atrás: La política migratoria en tiempos de AMLO y Trump", in *Balance Temprano: Desde la Izquierda Democrática*, coord. Ricardo Becerra and José Woldenberg (Mexico City: Books Grano de Sal, 2020), 111–127.
7. Alan Hernández-Solano, Jhair López López, Antonio Yúnez Naude, and Yatziry Govea Vargas, "Mexico. Socioeconomic Effects of Covid-19 and Policy Options: A Multisectoral Approach", *Documento de Trabajo* núm. IV (Mexico: *El Colegio de México*, 2021), <https://cee.colmex.mx/es/documentos-de-trabajo/2021>
8. "2021 Joseph R. Biden Jr. Executive Orders", Federal Register, accessed February 12, 2021,
9. Ideally, the Governments of the United States and Mexico should coordinate their measures to support development of NCA, but this seems unfeasible due to differences in approach.
10. Guillén-López, "Un paso adelante, tres atrás . . .", pp. 617–641.
11. "Programa Sembrando Vida", *Secretaría de Bienestar*, last modified November 6, 2020, <https://www.gob.mx/bienestar/acciones-y-programas/programa-sembrando-vida>
12. "Programa Jóvenes Contruyendo el Futuro", *Secretaría del Trabajo y Previsión Social*, last modified November 6, 2020, <https://jovenesconstruyendoelfuturo.stps.gob.mx>
13. "Remesas internacionales", *Banco del Bienestar*, last modified February 28, 2018, <https://www.gob.mx/bancodelbienestar/acciones-y-programas/remesas-64382>; North American Development Bank, <https://www.nadb.org/es>
14. In this regard, Julio Berdegué et al., "Territorios Productivos: un programa articulado para reducir la pobreza rural a través del incremento de la productividad, la producción y los ingresos, *Documento de Trabajo*. 131. (Santiago/Quito/Mexico: *Rimisp-Centro Latinoamericano para el Desarrollo Rural*, 2015), document successful experiences in Latin America when adopting this type of approach.

*The Intersection of Foreign Policy and Migration Policy in Mexico Today*

Copyediting and proofreading

Teresa Artman

Book design

Selva Hernández

Layout

Ricardo Mendiola

[libros.colmex.mx](http://libros.colmex.mx)

[video-comentarios de libros COLMEX](#)

February 2022

