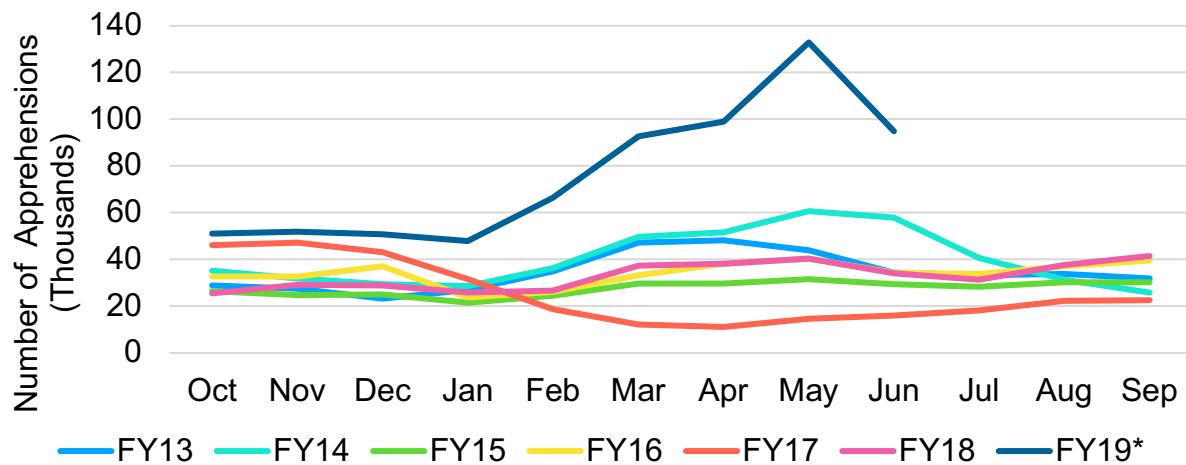


Strategic Solutions for the United States and Mexico to Manage the Migration Crisis

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Over the past six months, migration from Central America to both Mexico and the United States has surged, as have asylum applications in both countries. Driven largely by mixed migration flows of humanitarian and economic migrants from Guatemala, Honduras, and to a lesser extent El Salvador, apprehensions more than tripled at the U.S.-Mexico border in May compared to similar numbers a year previously (see Figure 1).

Figure 1. U.S. Border Patrol Southwest Border Apprehensions, FY 2013-19*



* The fiscal year (FY) 2019 data are for the first nine months of the year, through June.

Sources: Migration Policy Institute (MPI) compilation of monthly data from U.S. Customs and Border Protection (CBP), "Southwest Border Migration," accessed July 12, 2019

www.cbp.gov/newsroom/stats/sw-border-migration; CBP, "Total Illegal Alien Apprehensions by Month," accessed July 12, 2019, www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf.

On June 7, the U.S. and Mexican governments agreed to a series of measures to reduce irregular flows by:

- increasing enforcement in Mexico;
- conducting joint anti-smuggling operations;
- rapidly expanding the Migrant Protection Protocols (MPP, informally known as Remain in Mexico), a program that sends asylum seekers to Mexico while they await their U.S. asylum hearing; and
- committing to address root causes of migration through development investment in the Northern Triangle countries of Central America.

The two governments also agreed to consider negotiating a safe third-country agreement in the future that would require asylum seekers to apply in the first country they reach.

The Mexican government increased deportations [by more than 50 percent](#) from May to June (preliminary figures indicate an increase to approximately 22,000 from 14,000), by using the country's National Guard and military to support the National Immigration Institute (INM). Meanwhile, U.S. border apprehensions dropped 29 percent, [from 133,000 in May to 95,000 in June](#). Therefore, at first glance, it appears that the agreement is accomplishing what the two governments set out to do.

But how sustainable are these efforts?

We suspect they will be very difficult to maintain, given chronic institutional weaknesses and poorly thought-out policy structures in both countries. As a result, the flows are likely to creep up again if serious attention is not given to rethinking immigration policies and institutions in both countries. While the bilateral June agreement may well have decreased new migration, the medium- and long-term solutions will require a different set of tools.

Here we lay out five sets of recommendations for how the two countries could address migration in a way that could both be effective at dissuading illegal migration and still ensure fairness to those seeking protection. These ideas are drawn from a forthcoming report of a Study Group on U.S.-Mexico Migration convened by El Colegio de México and the Migration Policy Institute (MPI). While there is no single strategy that is likely to work alone, these strategies taken together could over the medium to long term set the conditions to ensure future migration patterns are legal, safe, orderly, and manageable.

Recommendation No. 1: Rethinking Asylum

There is little doubt that migration from Central America is a mixed flow of those fleeing violent conditions and others seeking better opportunities or family reunification, with many having a mixture of motivations. The asylum systems in the United States and Mexico have become sclerotic and unable to distinguish between those who need protection and those who do not, creating incentives for migration while offering little in the way of timely protection.

To date, the U.S. and Mexican governments have sought to address this by instituting MPP, which forces asylum seekers to wait in Mexico, and U.S. officials have pressed their Mexican counterparts to accept a safe third-country agreement that would force asylum seekers to make their claims in Mexico. (The [U.S. and Guatemalan governments](#) are discussing a similar agreement.)

However, MPP is extremely resource intensive to administer, since it involves providing transportation and notification across an international boundary, as well as the establishment of a separate asylum process for those in the program. Additionally, pending litigation in the U.S. courts could interrupt the program and its expansion across the U.S.-Mexico border.

While a safe third-country agreement may be easier to scale up from a U.S. standpoint, it faces enormous capacity issues in Mexico, given the tiny size of Mexico's asylum agency, and is likely to face similar legal challenges as MPP in the U.S. courts. A recent Migration Policy Institute (MPI) [analysis](#) shows that similar agreements around the world rarely produce the results expected because of logistical and legal difficulties in implementing them.

The U.S. government on July 15 took its most significant step yet to deter irregular migration flows by [restricting asylum eligibility](#), issuing [a rule](#) that requires migrants to seek, and be denied, asylum in their first country of transit before being able to request asylum in the United States. [Denounced by the UN High Commissioner for Refugees \(UNHCR\)](#) as an action that would endanger vulnerable people and complicate regional policy responses, the rule swiftly faced [legal challenge](#) in the United States.

An alternative, more effective approach that could be undertaken immediately would be to reform how asylum claims are adjudicated in both countries to ensure fair but faster processing—in a matter of months rather than years. In the United States, this could be done by [giving asylum officers the ability to make final decisions](#) on asylum, in addition to conducting credible-fear screenings, as a recent MPI report suggested.

This reform, which can be done with a rule change rather than legislation, would be far more fair to those with legitimate asylum claims, giving them a timely decision on their cases, and it would create a strong deterrent for those with weak or nonexistent protection claims, since they could be swiftly removed to their countries of origin.

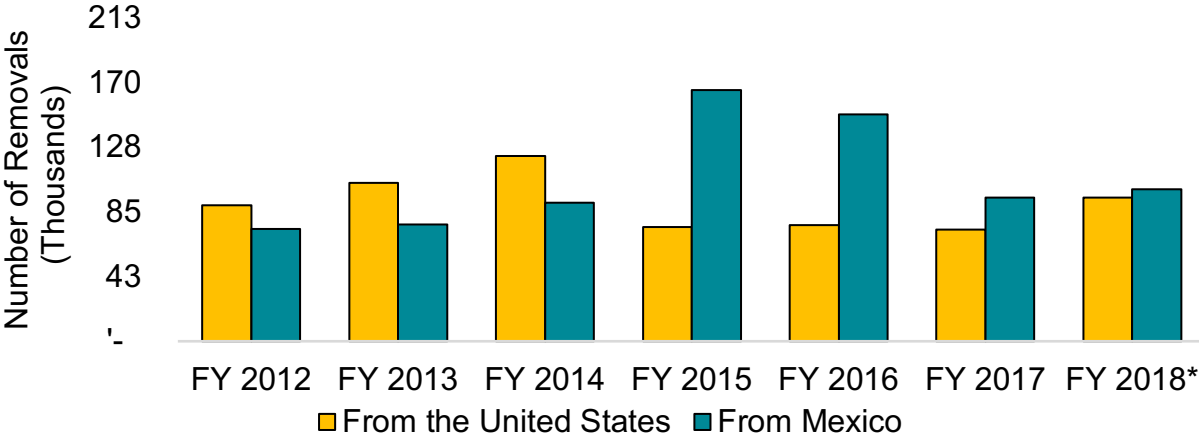
In Mexico, tripling or quadrupling the budget (currently around \$1.3 million) for its asylum agency, the Commission for Refugee Aid (COMAR), could greatly expand capacity to meet the exponential growth in the number of asylum requests, with a negligible effect on public finances. It might take a few years to reach full capacity and restructure operations, even with support from the UNHCR, but it is technically doable. Indeed, while most Central American migrants will likely prefer to seek asylum in the United States—both because it is safer and many have families there—some would prefer to apply in Mexico, which is closer to home and has a more expansive definition of protection.

These two changes would likely produce far greater—and quicker—results in terms of fairness and dissuasion than any of the bilateral asylum agreements under consideration. However, the two governments may also consider bilateral efforts as a complement to these unilateral systemic changes. Beyond MPP and a safe third-country agreement, the two countries have other options. Among them: Establishing in-country asylum processing within U.S. and Mexican consulates in Central America and creating a safe zone in southern Mexico for asylum applications, under UN auspices and with the participation of other regional governments that would agree to accept asylum seekers.

Recommendation No. 2: Strengthening Immigration Institutions

Since fiscal year (FY) 2015, the Mexican government has deported more Central Americans than has the United States (see Figure 2), and the current redoubled efforts to do so appear to be having a noticeable effect on the numbers of migrants reaching the U.S.-Mexico border. However, Mexico's immigration enforcement efforts have always been hampered by the poor institutionalization of INM and the ability of smugglers to subvert enforcement efforts by bribing or colluding with immigration agents. Supporting INM with elements of the National Guard, Federal Police, Army, and Navy is a stopgap rather than a long-term solution.

Figure 2. Removals from the United States and Mexico to the Northern Triangle, FY 2012-18



Notes: Mexico’s deportation data are reported by calendar year but have been rearranged to represent the U.S. fiscal year (FY) for comparison purposes. Figures for FY 2012 through FY 2017 do not include U.S. “returns,” which are considered voluntary requests by migrants to be returned, as opposed to removals, which are compulsory orders by U.S. immigration authorities. Pending the publication of consolidated removal data by the Department of Homeland Security (DHS) for FY 2018, MPI has approximated U.S. removals for that period based on data provided by U.S. Immigration and Customs Enforcement (ICE), which include a small number of returns and do not include the removals carried out by CBP.

Sources: MPI calculations using data from U.S. Department of Homeland Security (DHS), *Yearbook of Immigration Statistics, 2017*, updated April 9, 2019; ICE, *Fiscal Year 2018 ICE Enforcement and Removal Operations Report* (Washington, DC: ICE, 2018); Secretaría de Gobernación, SEGOB, “Boletín mensual de estadísticas migratorias, 2011–19,” accessed July 12, 2019, [www.politicamigratoria.gob.mx/es/SEGOB/Boletines Estadisticos](http://www.politicamigratoria.gob.mx/es/SEGOB/Boletines_Estadisticos).

The Mexican government needs to restructure its principal immigration agency to effectively address the range of immigration functions—enforcement, visa policy, and immigrant integration. Whether these functions can be done through INM alone, or through several remains an open question, but INM currently performs none of these functions particularly well nor has the Mexican government significantly invested in them. In the future, Mexico will need to create career paths for migration agents, with high international standards for recruitment, training, compensation, and career advancement, while investing in strong internal controls to prevent corruption. And it will have to invest in integration for both arriving immigrants and returning Mexican migrants, whether in the same agency or in a different one.

Investment of this scale is feasible since INM collects substantial revenues for the federal government through visa fees, and it is possible to slightly increase these fees and allow the agency to keep the additional revenue.

The current humanitarian crisis has also [highlighted the shortcomings](#) of U.S. immigration agencies’ border infrastructure, intended to deter single adults and now having to respond to a surge of families and unaccompanied minors. Redesigning

border detention facilities in ways that accommodate these new realities, and giving the key agencies—not only U.S. Customs and Border Protection (CBP) but also U.S. Immigration and Customs Enforcement (ICE) and the Office of Refugee Resettlement (ORR)—the resources to be able to handle families and minors should be a priority, given current unsafe holding conditions.

Both the United States and Mexico can also benefit from prioritizing predeparture reintegration planning for deportees. By working with government agencies and international organizations to connect deportees with reintegration programs and services, for example, ICE and INM can help anchor some deportees to their countries of origin and increase their livelihood opportunities, so they are less likely to try to migrate again.

Recommendation No. 3: Develop a Regional Approach to Address Smuggling Networks

The U.S. and Mexican governments have historically paid scant attention to migrant smuggling organizations, except for human traffickers and those who move migrants from special-interest countries, but the current migration surge has finally spotlighted the sophistication of these networks.

The governments need to begin sharing information and intelligence on these networks and develop a sophisticated mapping that allows them to target not the frontline smugglers, but the logistical and financial operations that support them, as well as their links to legal businesses such as bus companies and hotels. There have been some advances in addressing this in recent weeks, but the effort will require applying similar tools the two governments have used for transnational crime groups that traffic in illegal narcotics. Priority attention should focus on smuggling groups that engage in predatory practices or are linked to other organized crime groups. And the governments should, at all costs, avoid pursuing civil-society groups that are providing humanitarian assistance to migrants.

Ultimately this approach needs to be regional, engaging the governments of the key Central American countries as well as Brazil, Ecuador, Panama, and Costa Rica. Since October 2018, MPI estimates roughly 7 percent of migrants apprehended at the U.S.-Mexico border and 16 percent of those apprehended in Mexico have come from countries other than Mexico and the Northern Triangle. These include growing numbers of Asian and African migrants who come through Brazil and Ecuador and then up through the Central American isthmus, as well as Cubans (coming through Panama and Nicaragua).

Most of these governments, however, lack the ability to repatriate intercepted migrants since they do not have return agreements with their countries of origin. So it will be critical to find ways to thwart large numbers of migrants from starting a dangerous journey by disrupting smuggling networks. In this, the Mexican and U.S. governments have an opportunity to work together to engage partners in the hemisphere.

Recommendation No. 4: Create Legal Pathways for Migration

A substantial [body of evidence](#) suggests that providing legal migration pathways reduces illegal immigration. Even when demand exceeds the number of available visas, opening up opportunities for working legally abroad and family reunification may persuade many would-be migrants to wait their turn to get a visa rather than emigrate illegally.

Mexican President Andrés Manuel López Obrador has expressed the desire to create a temporary visa for Central Americans who want to work in Mexico. A first step would be to extend to Salvadorans and Hondurans the existing Border Worker Visitor Card that now applies to citizens of Guatemala and Belize, as well as expand the number of states in southern Mexico where they can work. These steps would reinforce an existing regional labor market between southern Mexico and the Northern Triangle.

However, the major labor shortages in Mexico lie further away, in the center and north of the country, particularly in the zones of industrial production and export-oriented agriculture. Mexico lacks an effective employment-based visa for lower-skilled workers or a mechanism for matching potential employees from Central America with employers in the formal economy. Designing a program of this nature requires significant know-how and planning, and may provide an area for cooperation between the U.S. and Mexican governments, as well as business, civic groups, and international organizations.

The United States currently has limited options for labor migration for Central Americans, particularly lower-skilled, other than the H-2B nonagricultural temporary worker program, which is capped, and the H-2A agricultural temporary worker program, which is not capped but has historically favored Mexican migrants. Since these programs are employer driven, there is no clear way to encourage businesses to develop recruitment networks in Central America, but this is an area worthy of further discussion among U.S. policymakers and essential to address in any attempt to change U.S. immigration laws.

Recommendation No. 5: Investing in Development and Public Security

Permanently reducing migration pressures in Central America will require changing the conditions on the ground so that people can have good livelihoods in their countries of origin and therefore are less likely to migrate. And while development initiatives take a long time to have an impact on migration, there are efforts that can help address some of the short-term drivers of migration by providing a degree of hope to those who otherwise might emigrate.

In Honduras and El Salvador, it is critical to support efforts aimed at improving public security, while investments in parts of Guatemala and Honduras that are facing drought, critical food shortages, and deep poverty might have shorter-term effect as well. While the primary responsibility for these efforts rests with these three countries, the U.S. and Mexican governments can play a role by partnering in a few areas. To do this, they first need a clear mapping of needs in the communities and regions that migrants are leaving.

The United States and Mexico can also play an important a role in supporting efforts aimed at addressing corruption and empowering Central Americans to hold their governments accountable. Indeed, history shows that some of the most powerful changes from past aid programs, such as the Marshall Plan or the EU Cohesion Funds, came precisely from the kind of structural changes required of recipients that helped [improve governance on the ground](#).

However, the suspension of U.S. aid to Central America has severely undermined the leverage that the U.S. government has in Guatemala and Honduras, and it has left the new government in El Salvador, which appears willing to address the root causes of migration proactively, without some critical tools it needs to do so. The Mexican government has stepped into the breach rhetorically with its Comprehensive Development Plan, but has yet to mobilize the kind of resources needed to make a difference.

In a period of limited possibilities for major development aid from either country, it will be even more critical to target resources effectively, tie them to governance reforms, and engage other global partners that can contribute assistance. There appears to be an openness from other potential aid donors, including the European Union and Canada, as well as the development banks, to be part of a coalition of countries investing in the future of the Northern Triangle. This is the moment to rethink aid in a way that while pared down is more targeted, has clear evaluation metrics, and addresses both specific local conditions and the larger structural issues that drive migration.

Towards a Long-Term Agenda on Migration

It is a positive step that Mexico and the United States are discussing migration together, but there is an urgent need to go beyond temporary migration-control measures and begin to design longer-term approaches that allow the two countries to shape a transition from irregular migration to legal migration in the region. Otherwise large-scale irregular flows are likely for the foreseeable future, even if the numbers rise and fall a bit. And current enforcement-only measures are likely to bring unintended consequences, such as strengthening the hand of smugglers and reinforcing their ties to other organized crime networks.

Moving towards long-term solutions will require deploying a different set of tools—changing asylum procedures, investing in migration agencies, tackling smuggling networks, creating legal pathways, and targeting development aid more smartly—instead of continuing the current short-term measures. To do this, the United States and Mexico must break the cycle of threats from the White House followed by short-term responses from the López Obrador administration, and instead begin to have a mature conversation between countries, recognizing that each has a stake in managing migration in a way that is intelligent, effective, humane, and, above all, fair.