

Mexico's Migration Policy and the Influence of the United States in its Implementation

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I. Introduction

Mexico's migration policy has always been focused on the protection of the human rights of the Mexican diaspora abroad. In the North American migration dynamic, the role of Mexico has always been of an exporter of Mexicans or of a "trampoline" for other migrants intending to cross to the United States and Canada: a transit country (Cornelius, 2018:1). However, in recent years, a radical increase in transit migration and migrants intending to become residents in Mexico have pushed the government to pay more attention to the migration trends of the region and to the way the country responds to them.

Migration continues to increase every year. According to the United Nations Department of Economic and Social Affairs (2020) between 1990 and 2020, migration globally has augmented 84%. In the case of Mexico, the Immigration Policy Unit (UPM) reported that between 2010 and 2017 there was an increase of 131% in cases of irregular migrants intercepted by immigration authorities (Unidad de Política Migratoria Registro e Identidad de Personas, 2019:14). The increase in the recurrence of encounters with migrants not only coincides with the trends of migration in the region but also with a change in the application of Mexico's migration strategy.

After the events of the 2010 San Fernando Massacre in the state of Tamaulipas and the following "migrant caravans" coming from Central America, international pressure has been placed over Mexico to implement measures that can guarantee the protection of the human rights of migrants within the national territory (Olga and Anaya Muñoz 2013:146). Mexico has responded positively by adopting and creating different instruments such as the 2011 Migration Law, the 2011 Law on Refugees, Complementary Protection and Political Asylum, and the 2014 General Law of the Rights of Girls, Boys, and Adolescents (López Torres, 2022).

However, the commitments agreed by the Mexican government to guarantee the protection of the human rights of migrants are very different from the reality migrants experience on a daily basis. The government has radically increased detentions and deportations and the current institutions in charge of protecting the rights of the migrant are working at full capacity with budgetary issues.

Mexico has always been recognized as an advocate for human rights, even being a founding signatory of important human rights instruments and a loyal participant in international treaties and conventions (Ghys, 2019:21). For example, during the presidency of Vicente Fox (2000-2006), important changes were done in human rights matters. Fox's administration represented the end of the one-party regime Mexico had for more than seventy years (Klesner 2001:107), and with this transition, a process of legitimization and credibility through democratization and adoption of liberal instruments begun. Fox's administration adopted several United Nations instruments and then introduced important reforms to the Political Constitution, creating and reframing domestic laws with a focus on human rights (Sotomayor 2016:41). One of the consequences of these reforms was the orientation of Mexico's migration policy towards the protection of the human rights of people on the move.

Although currently, the migration policy on paper states the intention of Mexico to become and advocate for the rights of migrants in the region, in practice the application of this policy has been inconsistent. The strategy of the Mexican government has become more repressive, focusing on the detection, apprehension and deportation of undocumented migrants. What is the reason for this shift? The change of security perceptions in North America, the following migrant crisis in the region and the influence of the United States over Mexico are all contributing factors.

II. The evolution of the U.S. pressure over Mexico

To talk about migration policy in Mexico, means to talk about national security in the United States, as the relationship between both countries in matters of security has always revolved around the topic of migration. The pressure coming from Washington is nothing new, however, in the last twenty years, the U.S. has changed the way it addresses the issue, influencing the way Mexico deals with it as well.

During the 90's, both countries had expressed their interest on establishing a joint migration strategy to guarantee a better treatment of the Mexican diaspora in U.S. territory, and in exchange, Mexico would guarantee the improvement in the control of migration in its southern border (Cornelius 2018:16). However, the 9/11 attacks changed the migration dynamic in North America: the United States intensified the security along its borders and securitized migration. The U.S. soon realized that even if its border was fortified, a lack of territorial security in Mexico meant a threat to its national security. In this sense, for Washington, guaranteeing national security meant an expansion of its border to the southern Mexican border.

In contrast to its neighbor, Mexico has a porous border with Central America. There is a lack of strict controls and infrastructure, and the budget destined to migration authorities has decreased by 222 million pesos in the last ten years (Ramos, 2019). The migration phenomenon keeps increasing and unfortunately, the answer of the Mexican government has been to decrease the budget for migration authorities but incentivize the use of military forces to counteract the increase of migrants. From 2015 to 2021, there has been a decrease of 37% on investment of homeland security in Mexico (Romero, 2022a) but investment in militarization has increased at least a 31.2% during that same period (Romero, 2022b). The current administration of López Obrador has deployed at least 28,000 military personnel to fulfill migration activities across the northern and southern border of Mexico (Forbes, 2021).

An analysis by Treviño-Rangel (2016:294,298), explains that none of Mexico's policies securitize the migration issue, on the other hand, the policies in place claim that the strategies for the protection of border security should always be focused on the protection of the migrant. Even Obrador's administration has acknowledged the benefits of migration recognizing the historical tradition of Mexico as a country of asylum and refuge (Presidencia de la República, 2019). The 2019-2024 National Development Plan (PND) states that guaranteeing safe transit through the territory and residence when applicable to migrants, is within the interest of the current administration (Presidencia de la República, 2019:12,32). Nevertheless, the reality that migrants face every day is far from what the government claims to advocate. Only in the first trimester of 2022, the UPM registered 77,626 encounters with migrants, an increase of 89.3% compared to the same trimester just one year before (UPM, 2022).

Drug trafficking and organized crime have always been the main priority for the national security agenda of Mexico. In the early 2000's the threat of organized crime forced the U.S. and Mexico to initiate an agreement in order to tackle this issue. Named the Merida Initiative, this initiative had the main objective of creating capacity programs for the exchange of information through military and technological assistance to Mexico in order to improve the operational capacity of Mexico's security forces (Estrada, 2012). After the implementation of this agreement, the economic assistance to Mexico increased. Since 2008, at least 2.3 billion dollars have been destined to the Merida Initiative, and the U.S. has shown interest in increasing the support for the investment on security across Mexico's southern border (Isacson, Meyer, and Morales 2014:5).

Another important change occurred because of the 2014 humanitarian crisis of unaccompanied children detained in the border between both countries. During this period, about 69,000 children were detained by the U.S. Border Patrol, almost all of them coming from the Northern Central American Triangle countries of El Salvador, Guatemala and Honduras (Ziebarth, 2015). As a consequence of this crisis, the Programa Frontera Sur (Southern Border Program) was created that same year, focusing on controlling the migration flows from Central America by intensifying the interception of migrants in Mexico (Lorenzen 2017:183). Since the creation of the Program, deportations of migrants by Mexican authorities have skyrocketed. From January to October of 2021, the UPM registered at least 82,627 deportations, the highest number in 15 years (Forbes, 2021). More than a fifth of the detained people in 2021 were children and between 2015 and 2021 there has been a 134% increase of children channeled to migration authorities in Mexico (Secretaría de Gobernación, 2015:2).

Finally, the Donald Trump administration contributed overwhelmingly to the pressure Mexico had been feeling from the U.S. An intense anti-immigration campaign and the constant threats to impose tariffs to Mexican goods in the U.S. market (BBC News, 2019) pushed Mexico to change the management of its migration policy by intensifying the interception and detention of migrants. In 2019, the Mexican government channeled 182,940 migrants, and while 2020 saw a decrease to 82,379 cases due to the effects of the pandemic, the current projections are on the rise, as in 2021 the authorities intercepted at least 307,679 people (Organización Internacional para las Migraciones, 2022:1).

In this sense, the U.S. pressure succeeded. Even though the protection framework established by Mexico is focused around guaranteeing the safety of people on the move, the implementation of the migration policy is potentially endangering the lives of migrants by deporting them back to the countries they flee from.

III. Conclusion

Although Mexico has adopted important human rights instruments, there is no point in calling itself an advocate for the human rights of the migrant if the implementation strategy differs from what is on paper. The detection, channeling and consequently the deportation of migrants offers no solution to the root causes of the problem. Many of the people arriving to Mexico and the U.S. are fleeing poverty, violence, climate change and hunger in their countries of origin.

The establishment of a stronger cooperation for the development of the Northern Central American Triangle countries could potentially address these root causes and help alleviate the influx of migrants in the North American region. In order to do this, more strategies such as the Sembrando Oportunidades (Sowing Opportunities) Initiative are needed (Gobierno de la República, 2021), as well as a stronger collaboration network between different migration agencies in the region.

The influence of the United States over Mexico will always be present in their dynamic due to the economic dependency Mexico has with the U.S. However, if Mexico yields to this pressure, it will take the role of the “migrant filter of North America” instead of that of a champion on the protection of human rights of the migrant. Mexico has to address the lack of consistency between the migration policy and its implementation. This process will not be easy. Demilitarization and proper assignation of a budget for the immigration authorities as well as transparency, cooperation among agencies and due process for each one of the migrants intercepted by the Mexican authorities will be needed.

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