

# COMPENDIUM

ON

MIGRANT POPULATION  
IN CONDITIONS  
OF VULNERABILITY



**Photograph:** Nina Frías Valle, from National Migration Institute, with two Haitian children on board the Usumacinta ship of the Mexican Secretariat of Navy, during the humanitarian relocation mission to our country in 2010

# COMPENDIUM on Migrant Populations



in Conditions of Vulnerability

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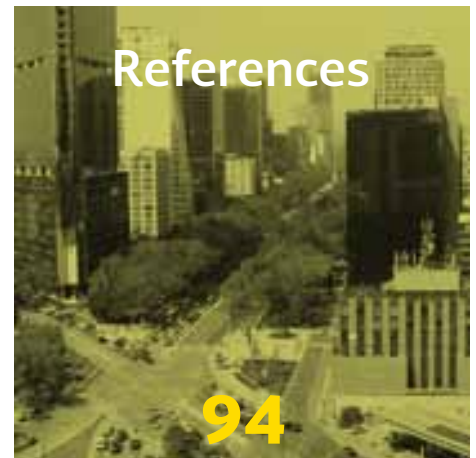
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# CONTENT



# FOREWORD

In recent decades, the migratory phenomenon has grown increasingly complex in regard to the patterns identified during the past century, a situation that compels a rethinking of the traditional systems of location and analysis of migrants, as well as the sources of information through which understanding of their dynamics and characteristics is sought.

In Central America, structural factors of great impact on societies can now be observed. Such conditions transgress the social composition and reconfigure in one way or another human mobility patterns, which in many cases leads to forced displacements

While political and social conflicts, as well as natural disasters, are also cause of this, generalized violence is considered as one of the main causes of displacement in the region, its maximum expression being the increase of homicides and aggressions that lead to people whose lives are threatened to safeguard them, even across borders.

These adverse circumstances are also present in some countries of South America, Asia and Africa. The political and social conflicts in these regions have triggered a series of mobilizations of different population groups seeking international protection, primarily in Europe and North America.

However, in this last region, stands out the tightening of immigration policy in the United States, which has have tangible repercussions on that expectation, leaving thousands of migrants unwittingly stranded on the northern border of Mexico, in a *legal limbo* and in uncertainty regarding the planning and implementation of a life plan.


The cross-border migration corridor between the countries of Central America, Mexico and the United States is one of the busiest in the world and is comprised of migrants with diverse profiles, which makes their attention highly complex, especially since most of these transit flows travel in an undocumented way, trying to go unnoticed in order to avoid being returned or deported to their countries of origin, which they are fleeing for various reasons.

Experience has shown that attempting to stop undocumented migration through punitive or palliative actions is not the best way to deal with the issue, but rather this phenomenon must be addressed from the root, that is, attacking the major structural problems that, unfortunately, prevail in Central America, such as violence, poverty, inequality, lack of opportunities, discrimination and impunity, just to name a few.

States' actions to address this phenomenon require greater effectiveness and cooperation. In this sense, a series of initiatives and strategies have emerged from countries and international organizations to deal with the problem, unfortunately it has been increasing at a rate faster than it is possible for the resolution of difficulties and with a differentiated impact on the distinct population groups.

In Mexico, human rights organizations have played a very active role in demanding that the government guarantee the rights of migrants who are in transit through the country, especially in the cases of migrants rescued while traveling irregularly in freight transports or who have been placed in stash houses, for whom the minimum measures that should





be procured consist, basically, of providing them with medical and psychosocial care, as well as legal advice to access justice and avoid potential revictimization.

For the Mexican government, the main challenge is guaranteeing the respect of the rights of all persons who transit through the country, regardless of their immigration status. Additionally, there are other challenges such as difficulties to generate information and to diagnose flows that do not want to be detected by national authorities; because by trying to be invisible they are hard to understand and analyze as a phenomenon that must be addressed more efficiently with effective solutions proposed.

This complexity makes it necessary not only to broaden the theoretical-conceptual perspective of the migratory issue, but also data collection, in order to have a greater number of sources of information to deepen their study. In particular, it is necessary to look at the migratory statistics constructed from the administrative records of the governmental instances directly or indirectly linked to international mobility and migration of people.

Therefore, the purpose of this *Compendium* is to provide reliable and current information regarding a part of the flows of migrants seeking international protection, either in Mexico or the United States, or that are in transit through Mexican territory, to provide elements of analysis that facilitate their understanding for decision making and design of corresponding public policy.

It should be emphasized that it is only a part of the flow, since the population in an irregular migratory situation can hardly be known, located and fully quantified.

The document consists of three chapters: the first provides an overview of the movements in the world with deeper attention on movements in the Central American region, due to the impact they entail for the migratory flows of destination and transit through Mexico. In addition, as a frame of reference the main international instruments that protect the rights of migrants and refugees are reviewed, and a conceptualization of *vulnerability* is proposed, defined as a condition that migrants experience during their migratory process and that can be left behind once that stage is over

The second chapter presents information on some migration flows in transit through Mexico, as well as a characterization of them, in order to propose a diagnosis that contributes to the formulation of concrete and focused actions. The study distinguishes some groups of migrants who, in recent years, have attracted the attention of public opinion and the government due to their characteristics and the priority that their needs merit.

Finally, chapter three is devoted to the analysis of the recognition of refugee status in Mexico based on the identification of those who are applicants and people who have already obtained such status, in addition to the disaggregation of some population groups of special interest in the study of this subject.



**Photograph:** Usumacinta's ship crew of the Secretariat of Navy of our country, accomplishing the humanitarian relocation mission, bringing Haitians citizens to the Mexican Republic.

# 1 Displacement in the contexts of forced migration and exposure to vulnerability situations

This chapter consists of four sections. In the first one, the concepts and definitions that will be used throughout this publication are specified; followed by a brief theoretical section, as well as a general overview of forced displacements in order to contextualize this phenomenon at a global level and the effect that such movements imply for destination and transit migratory flows, with particular attention to their implications in selected countries of Latin America and the Caribbean. With regard to this international dynamic, it should be noted that special emphasis has been placed on the analysis of the movements resulting from armed conflicts, generalized violence and massive violation of human rights.<sup>1</sup> Likewise, displacements caused by environmental reasons have been preeminently considered.<sup>2</sup>

Subsequently, the main international instruments for protecting migrants and refugees rights are reviewed as the basis from which any action or policy of attention to these groups should be conceived. From this perspective, the 2011 constitutional reform on human rights cannot be ignored as the main Mexican legal system transformation, which, among other groups, also benefits the migrant population.

Finally, as a frame of reference to understand the concept of *vulnerability* addressed in this document, a brief analysis is made based on its relation with international migration

<sup>1</sup> Main causes of threat to the life, security and freedom of people, listed in the Cartagena Declaration on Refugees, adopted on November 22, 1984 in Cartagena de Indias, Colombia.

<sup>2</sup> To know more about this topic consult the Nansen Initiative publications and works, such as the *Agenda for the protection of cross-border displaced persons in the context of disasters and climate change*, intergovernmental process in which Mexico is part of the steering group. Likewise, in the context of the Global Humanitarian Summit, held in May 2016, Germany introduced the Disaster Displacement Platform (PDD), in order to follow up on the Nansen Initiative and support the States in the implementation of the Protection Agenda.

## 1.1 CONCEPTUAL DEFINITIONS

For this section purposes, the definition of displacement proposed by the International Organization for Migration (IOM, 2006), understood as “the involuntary movements or forced relocation of a person from their home or country due, generally, to armed conflicts or natural disasters,”<sup>3</sup> is adopted. It is worth noting that forced or compulsory displacement generally occurs internally if vulnerability situations have not spread throughout the country or if people find livelihoods in their own countries.

In this sense, it is worth highlighting the elements of coercion and threats to the life, liberty or security of people<sup>4</sup> involved in these movements, with the preservation of life being, more than any other reasons, the primary factor of expulsion. On the other hand, to better understand this phenomenon it is important to consider the systematics dimensions, magnitude, location, time, causes and specific reasons for flight of displaced persons. Finally, it should be specified that, conceptually, displacement is confined to the broad label of forced migration,<sup>5</sup> adopting at international level irregular, insecure and disorderly schemes.<sup>6</sup> Together, all these elements help to understand the needs of people forcibly displaced and, thus, strengthen, modify or formulate responses to public policy challenges of vital relevance to the countries.

Regarding the initiatives that the States have established to deal with displacements, national, regional and international regulations on the subject can mention. In some cases the

acceptance, adoption and implementation of this regulations are consolidated, while in others they are in the process of consolidation (non-consolidated protection framework).

Among the protection frameworks already consolidated, those relating to people with international protection needs, many of them legally binding, which roots that exhibit a deep humanitarian concern about atrocious historical events aroused in the years before 1950, stand out; in them, the principles of international solidarity and hospitality were the foundations. Such is the case of the instruments for the protection of asylum seekers, refugees and stateless persons, among others. The application of these instruments is virtually universal and has led to important conventions that respond to the specific realities of different regions of the world.

On the other hand, there are typically non-binding general frameworks or care guidelines, created recently and without generalized acceptance, which are focused on the challenges posed by international displacements and migrations caused by the adverse effects of climate change and environmental degradation. These frameworks or guidelines are rooted in the 1970s, although they have taken relevance and captured States’ attention, mainly since 2010. Due to its relative novelty, currently there is an important debate on the subject but, in broad terms, these attention schemes share the objective of helping the people migrating due to environmental reasons.<sup>7</sup>

However, it should be noted that despite the differences that may exist between consolidated regulatory frameworks and those in construction process or in processes of establishment, recognition or consolidation (that is, in process of conformation), the transversal principles to respect human rights, international cooperation and protection for humanitarian reasons are constant and essential elements to help migrants in conditions of vulnerability and with international protection needs.

<sup>3</sup> There is a theoretical debate about the voluntary or involuntary nature of the forced displacement phenomenon. While authors such as Malgesini & Giménez (2000) characterize forced displacement by its involuntary nature, Turton (2003) argues that when trying to conceptualize the term, language implications as well as people’s dignity must be considered in order to avoid dehumanizing them with labels such as forced migrant, displaced or refugee. In this sense, authors like Gibney (2014) have expanded the debate around forced migration to disciplines such as political theory and ethics.

<sup>4</sup> See the American Declaration of the Rights and Duties of Man (1948) and the American Convention on Human Rights (1959).

<sup>5</sup> There is no accepted definition of the term *forced migration*: while the International Association for the Study of Forced Migration (IASFM) defines it as “a general term that refers to movements of refugees and internally displaced persons (those displaced by conflict), as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects” (FMO, 2012), the IOM (2006) conceives it as a “generic term used to describe a movement of people in which coercion is observed, including the threat to life and its subsistence, whether by natural or human causes.”

<sup>6</sup> See the report of the Secretary General of the United Nations (UN) entitled *In safety and dignity: addressing large movements of refugees and migrants*, from May 9, 2016.

<sup>7</sup> *Migrants for environmental reasons* have been defined as those “persons or groups of people who, for reasons of sudden or progressive changes in the environment that negatively affect their lives or living conditions, are forced to abandon their habitual homes, or decide to do so, either temporarily or permanently, and that move, either in their territory or abroad” (IOM, 2006). It is important to add that currently there is no internationally accepted definition of the generic term of *environmental migration*. This lack of consensus has led to a series of terminologies that complicate the formulation of a concise determination. Thus, for example, alternative concepts such as *environmental displaced*, *environmental refugees*, *environmental migrants*, *migration induced by climate change*, *migrants due to climate change*, *migrants forced for environmental reasons*, *climate refugees*, *environmental refugees* and *migrants for environmental reasons* have emerged to delimit this migratory phenomenon. See Dun and Gemene (in Ochoa Lupián, 2015).

To prevent the omission of conceptual elements, this section concludes by emphasizing that there is an important debate about the apparent connection between Internally Displaced Persons (IDPs) and other broad classifications of protection that would correspond to the context of forced migration.

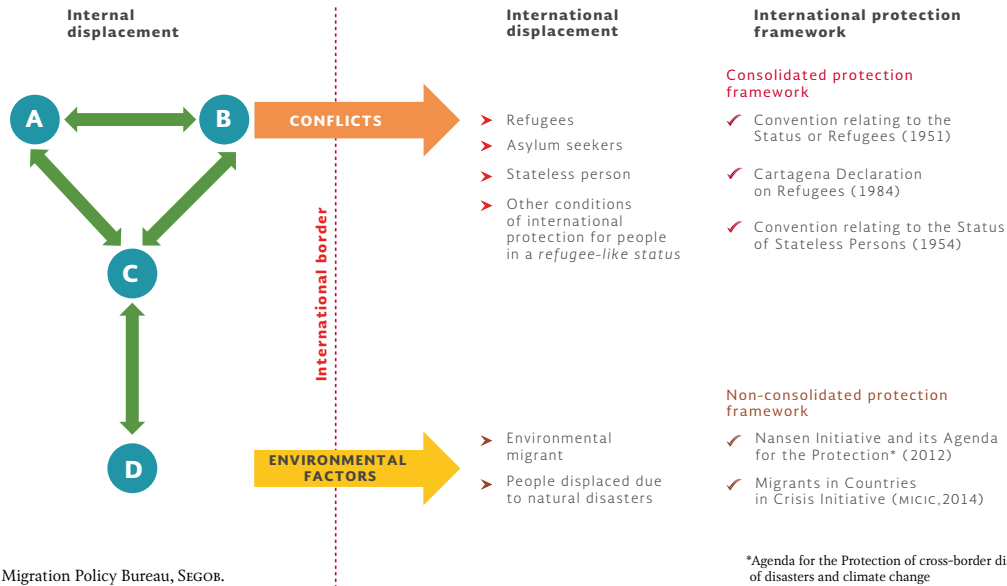
In this sense, the displacements caused by armed conflicts, generalized violence and massive violation of human rights, by acquiring an international dimension, could become in important flows of asylum seekers, refugees and stateless persons, as well as migrants in search of protection due to humanitarian reasons,<sup>8</sup> among other migratory situations.

An example of this is that 6 of the 10 countries that generated the largest number of refugees worldwide in 2016 (Afghanistan, Colombia, the Democratic Republic of the Congo, South Sudan, Sudan and Syria) are also among the 10 countries with the highest number of IDPs for that year (Internal Displacement Monitoring Centre [IDCM], 2017). This

link, however, is difficult to differentiate in cases of forced displacement in contexts of climate change and natural disasters, especially since there is no internationally accepted standard for documenting migrants for environmental reasons.

People forced to migrate because of the adverse effects of climate change, environmental degradation and natural disasters pose challenges for States, since protection needs are difficult to identify in a specific international protection scheme. In the worst case scenario, people may not identify themselves as environmental migrants and be confused with economic migrants.<sup>9</sup> As a conclusion, the theoretical content of this section is summarized with the following conceptual map (figure 1.1):

**FIGURE 1.1**  
CONCEPTUAL MAP OF FORCED MIGRATION



Source: Migration Policy Bureau, SEGOB.

<sup>8</sup> Examples of these cases refer to migrations derived from famine or other reasons that are not circumscribed within a specific migratory regulatory framework, such as transboundary displacements derived from natural disasters. Mexico, for example, implemented administrative measures in immigration matters to allow the regularization of Haitian citizens affected by the 7.3-magnitude earthquake that occurred on January 12, 2010. This was done independently of the fact that the figure of the *environmental displaced person* is not typified in the national legislation.

<sup>9</sup> In the case of transboundary movements in contexts of climate change and its slow and progressive effects, such as droughts, it is possible that migrants do not recognize themselves as environmental displaced persons, but rather expresses indirect economic causes, linked to productive processes, that motivated their displacement, but which was possibly a consequence of climate change or environmental reasons.

## 1.2 SYSTEMIC CRISIS IN THE INTERNATIONAL SPHERE AND ITS IMPACT ON MIGRATION

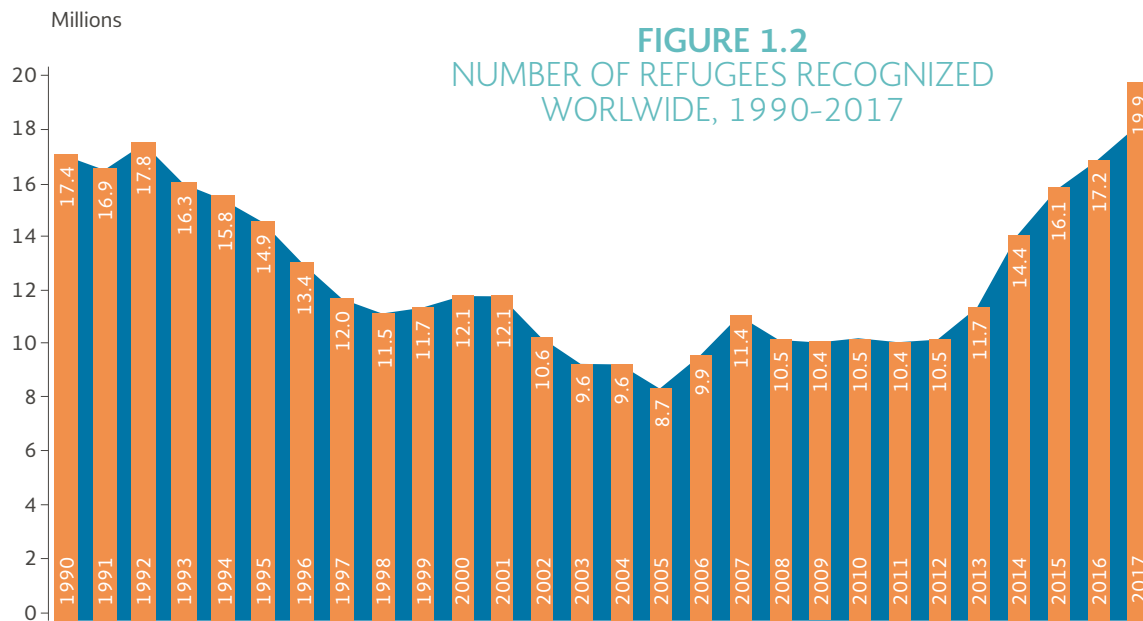
In this section the flows of asylum seekers and refugees worldwide are analyzed in order to provide a broad picture of forced movements. In particular, the flows of refugees from Cuba, El Salvador, Guatemala, Haiti, Honduras and Venezuela, as well as the implications that these entail for transit and destination migration toward Mexico.

Secondly, and considering the scarcity of statistical sources on people displaced by environmental reasons worldwide,

the number of IDPs due to natural disasters is analyzed based on information from the Internal Displacement Monitoring Centre (IDMC), lead provider of data and analysis in the matter, in order to size this phenomenon. Of these cases, attention will be focused on Latin American and the Caribbean countries most affected by natural disasters in recent years.

To begin with, according to statistics from the Office of the United Nations High Commissioner for Refugees (UNHCR), currently there is an unprecedented number of refugees in the world. After a peak of 17.8 million reached in 1992, a downward trend was observed during the period from 1993 to 2005, at which point reached its lowest level with 8.7 million refugees (see figure 1.2).

This trend reversed in 2006 and 2007, when there was a slight increase followed by a stable period from 2008 to 2012; later, there was a growing trend in the number of refugees in the world, reaching a total of 19.9 million in 2017.



Since 2007, UNHCR has included people in a *refugee-like status* within the refugee population.

Source: Migration Policy Bureau, SEGOB, based on data from the Office of United Nations High Commissioner for Refugees (UNHCR), 1990-2017. At: <http://popstats.unhcr.org/en/overview>, accessed on June 22, 2018.

Faced with this panorama, on September 19, 2016, the United Nations General Assembly (UNGA) dedicated, for the very first time, a summit to address the large movements of migrants and refugees. On that occasion, Mexico proposed seven points to provide answers and solutions on the subject, which were:

1. Maintain a human rights approach that establishes the obligations of States towards migrants;
2. A vision of co-responsibility between countries of origin, transit, destination and return of migrants;
3. A recognition of the contributions of migrants to economic and social development;
4. A social inclusion approach that contributes to eradicate intolerance, prejudice and racism;
5. A governance framework for migration that offers alternatives for the safe and orderly management of migratory flows;
6. Greater international cooperation to strengthen the capacities of States in comprehensive attention to migration, and
7. The consideration of climate change and natural phenomena as causes of migration (Presidency of the Republic, 2016).

This summit culminated with the adoption of the New York Declaration for Refugees and Migrants, which initiated a process of intergovernmental consultations and negotiations with the objective of adopting in 2018 a Global Compact for a Safe, Regular and Orderly Migration and a Global Compact on Refugees. This topic will be deepened in the following subchapter.

In recent years, it has become clear that despite international efforts to address the flows of displaced people in search of protection, crisis situations are advancing at a faster rate, forcing countries to make emergency decisions.

In this contingency scenario, during the period from 2012 to 2017 it was observed that global trends are replicated at the national level, at least in the cases of El Salvador, Guatemala, Haiti, Honduras and Venezuela, countries selected for an analysis of the region of Latin America and the Caribbean due to their implications for transit migration and destination to Mexico.

It is important to make some clarifications before proceeding with the analysis of the trends of this group of countries: the source of this information is the UNHCR office's database, whose information may differ from official national sources due, among other reasons, to its use of general statistical parameters, conceptual definitions, temporality and legal categorizations different from those used by the agencies or systems of refuge or asylum of each country. In this context, the data reported by the UNHCR tend to show a general nature and may not necessarily be in harmony with the data reported officially at country level.

An example of this is that, since 2007, UNHCR has included in the same category data on refugees and persons that this office considers in a broad classification called *refugee-like status*, which contains groups of people who are outside their territory or country of origin and face similar risks to those of refugees, but whose status has not been recognized for practical or other reasons (UNHCR, 2014, p. 48). This is especially important when comparing time series with national refugee sources, since a condition recognized in international, regional and specific instruments on international refugee law<sup>10</sup> is linked to a general concept that contains various legal definitions about other temporary protection categories that do not necessarily result in the recognition of refuge.

The aforementioned gives results in UNHCR figures being higher than the official figures handled at country level, since they include several situations that could be framed in the need for international protection, but not precisely in refugee status. In the specific case of Mexico, the difference between figures becomes evident with the information presented in chapter 3 of this work.

That said, figure 1.3 shows that since 2012 the number of people seeking some type of international protection from El Salvador, Guatemala, Haiti, Honduras and Venezuela has increased considerably.<sup>11</sup> This trend is generalized in all the selected countries, but is more evident in the cases of El Salvador and Venezuela as of 2015. The initial number of people who left El Salvador in search of refuge increased from 1,648 in 2012

<sup>10</sup> For more information, see the "Protection framework" section in this chapter.

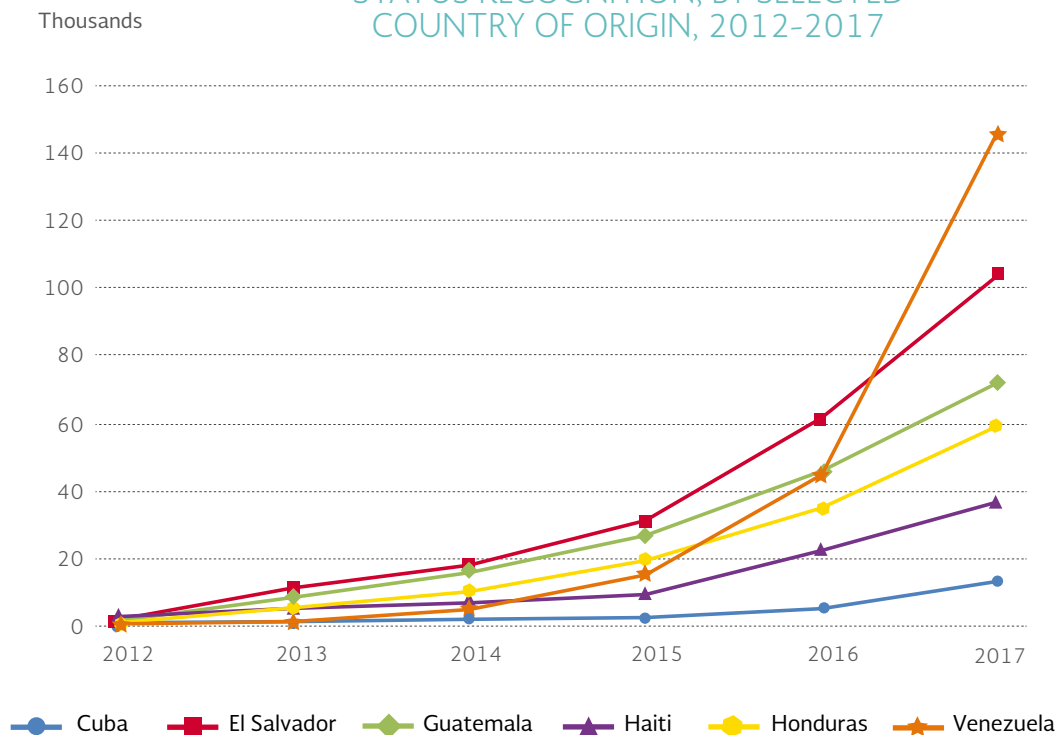
<sup>11</sup> For statistical purposes, UNHCR defines *asylum seekers* as persons who have requested international protection and whose refugee claims have not yet been determined, regardless of the date they were submitted (UNHCR, 2018).

to 140,892 in 2017, while the number of asylum seekers originating in Venezuela increased from 499 to 147,954 in the same period.

Different patterns of destination of the recognized refugees from the selected countries of Latin America and the Caribbean are observed during the period 2012 to 2017. For example, figure 1.4 shows that the North American region, conformed by Canada, The United States of America (USA) and Mexico receive 94% or more of the refugees from El Salvador, Guatemala and Honduras, which together make up the so-called Northern Triangle of Central America (NTCA).<sup>12</sup>

During 2012, the United States and Canada were the first and second destination of refugees from the NTCA, respectively, with Mexico holding a smaller share as a host country. In contrast, by 2017, Mexico was the second destination for refugees, ahead of Canada. This confirms that Mexico recently went from being a country of transit for refugees from the NTCA toward the USA or Canada to a country of destination for these flows. It is noteworthy, however, that the majority of refugees prefer the USA as country of destination.

**FIGURE 1.3**  
NUMBER OF PEOPLE REQUESTING THE REFUGEE STATUS RECOGNITION, BY SELECTED COUNTRY OF ORIGIN, 2012-2017



UNHCR includes among asylum seekers, persons who have requested some type of international protection and whose applications have not yet been determined, regardless of the date they were submitted.

Source: Migration Policy Bureau, SEGOB, based on data from the Office of United Nations High Commissioner for Refugees (UNHCR), 2012-2017. At: [http://popstats.unhcr.org/en/time\\_series](http://popstats.unhcr.org/en/time_series), accessed on June 22, 2018.

<sup>12</sup> It is important to gauge the use of this term in reference to Guatemala, Honduras and El Salvador, because although it has been systematically used in literature on the movements of people from these countries, it widely holds a strong connotation of security in the face of threats from crime and organized crime, whose roots can be traced to the military regimes of these countries during the 1970s and 1980s. Therefore, reflection on the accuracy and use of this term is pertinent.



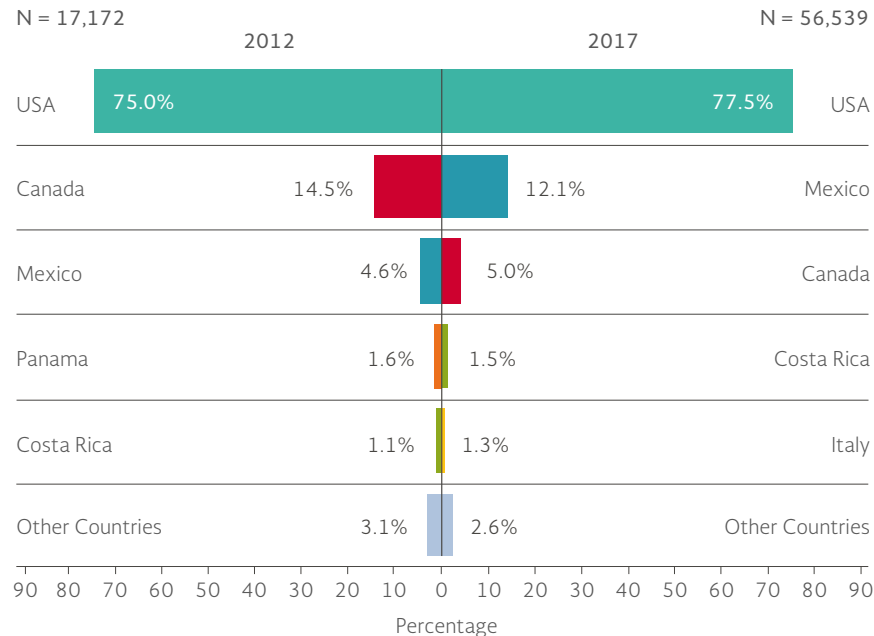
The United States of America and Canada welcomed close to 95% of refugees from Venezuela in 2012 and, although Mexico was not among the first five options that year, in 2017 it ranked third in the countries of destination of the Venezuelan refugees, almost equaling Canada, although most of them are still received by the USA (see figure 1.5).

Similar to the observed patterns observed in the countries of the TNCA and Venezuela, for the refugees from Haiti the United States of America and Canada were also the main options, since from 2012 to 2017 together they account for, on average, 86% of the total (see figure 1.6). The main difference with the TNCA countries and Venezuela is the percentage of Haitian refugees

relocating on a host country outside the American continent (which represented up to 12.3% in 2017): France, nation with which Haiti maintains important historical, linguistic and cultural ties.

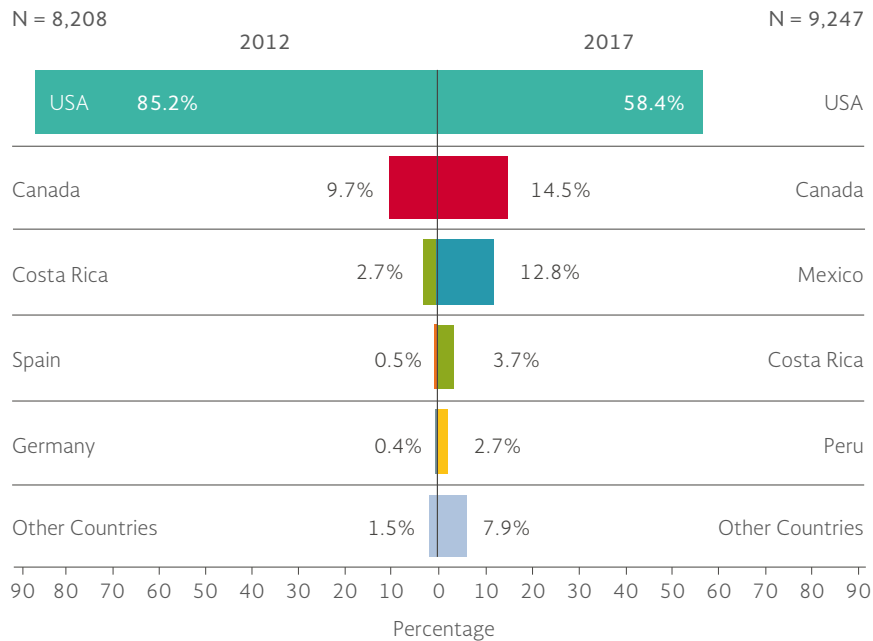
Note also that despite the geographical proximity to the neighboring country of the Dominican Republic, this is not a preponderant destination for Haitian refugees and, that although Mexico does not represent a significant percentage, it ranks fifth among the destinations of these refugees during 2012 and 2017, demonstrating solidarity and a genuine willingness of supporting people ravaged, among other reasons, by natural disasters.

**FIGURE 1.4**  
PARTICIPATION OF MAIN COUNTRIES OF REFUGEE  
FOR COUNTRIES OF THE NORTHERN TRIANGLE  
OF CENTRAL AMERICA, 2012 AND 2017



UNHCR includes within the refugee population people who are in a similar situation (*refugee-like status*).

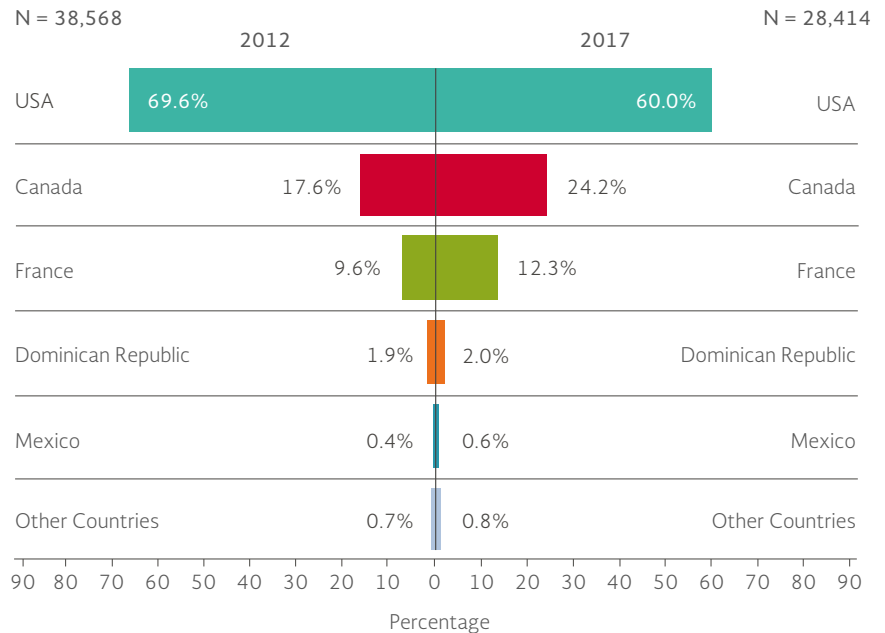
Source: Migration Policy Bureau, SEGOB, based on data from the Office of United Nations High Commissioner for Refugees (UNHCR), 2012. At: [http://popstats.unhcr.org/en/time\\_series](http://popstats.unhcr.org/en/time_series), accessed on June 22, 2018.



**FIGURE 1.5**  
PARTICIPATION OF THE  
MAIN COUNTRIES OF  
REFUGE, FOR VENEZUELA  
2012 AND 2017

UNHCR includes within the refugee population people who are in a similar situation (*refugee-like status*).  
Source: Migration Policy Bureau, SEGOB, based on data from the Office of United Nations High Commissioner for Refugees (UNHCR), 2012. At: [http://popstats.unhcr.org/en/time\\_series](http://popstats.unhcr.org/en/time_series), accessed on June 22, 2018.

**FIGURE 1.6**  
PARTICIPATION OF THE  
MAIN COUNTRIES OF  
REFUGE, FOR HAITI  
2012 AND 2017



UNHCR includes within the refugee population people who are in a similar situation (*refugee-like status*).  
Source: Migration Policy Bureau, SEGOB, based on data from the Office of United Nations High Commissioner for Refugees (UNHCR), 2012. At: [http://popstats.unhcr.org/en/time\\_series](http://popstats.unhcr.org/en/time_series), accessed on June 22, 2018.

### 1.2.1 ENVIROMENTAL MIGRATION. A NEW TREND?

Displacements for environmental reasons is a phenomenon that has just begun being quantified in recent years. For this reason, data on this type of international movements are scarce and the existing ones are mainly concentrated on records of IDPs due to natural disasters worldwide. In an attempt to measure this phenomenon the IDPs number is used based on statistical data from the IDMC, which classifies the impact caused in the population in the following way:

1. “Very high”: when the effects caused by a single natural disaster shift between 1 million up to 3 million people;
2. “High”: when they displace between 100,000 and 1 million people, and
3. “Medium and low”: when an event displaces less than 100,000 people (IDMC 2017).

Although this indicator only addresses the internal problem, it is important to review it to have elements that allow raising the issue in the international context, because as will be appreciated later, either due to natural disasters or for climate change, people displacement could transcend the geographical limits of countries.

To analyze this section, the main countries of Latin America and the Caribbean that have been affected by natural disasters during the period from 2012 to 2017 were identified: two from the Caribbean region (Cuba and Haiti), six from South America (Bolivia, Brazil, Chile, Ecuador, Paraguay and Peru) and one from North America (Mexico), as shown in figure 1.7. Also, as mentioned down below, due to their geographical conditions some of them have been exposed to the same natural disasters, which at some point complicates the protection needs identification between neighboring countries when their populations are affected at the same time.

Among the nations with the largest impact are Cuba and Haiti, two of the most affected by natural disasters in the Caribbean during this period; storms and floods being two of the main types of natural disasters affecting these countries., Hurricane *Matthew* stands out as an example due to the damage

it caused to the population, having displaced approximately 1.1 million Cubans and around 200,000 Haitians in 2016. In the case of Haiti it is difficult to discern whether these high-impact natural phenomena have influenced migratory flows to other countries in the region. However, it is important to note that Haiti is one of the countries where international migration for environmental reasons cases has been documented, mainly as a result of the earthquake that occurred in 2010.

Despite the effect that natural phenomena can have in terms of human and material losses, it is important to assess the response capacity of the States to recover the economic activity of the affected communities and prevent such situations from becoming systemic and humanitarian crises in the short or medium term, forcing its residents to emigrate, circumstance currently faced by Small Island Developing States (SIDS)<sup>13</sup> that are particularly susceptible to these types of natural disasters.

It is worth mentioning that especially in the southern border of Mexico this type of internal displacement caused by natural disasters has been recorded. Storms, earthquakes, landslides, volcanic activity and floods have displaced more than 400,000 people. Of these phenomena, the most damaging were hurricanes *Stan*, in 2005, *Ingrid* and *Manuel*, during 2013, and *Patricia*, in 2015.

In this sense, it is worth highlighting the role that Mexico has played in embracing the protection guidelines in the framework of the Migrants in Countries in Crisis Initiative (MICIC), which focuses on the assistance of migrants in emergency situations, such as those that occur during conflicts or natural disasters. The objective of the MICIC is to reduce the vulnerability of migrants due to lack of information or in an irregular migratory situation, among other factors that may affect their attention during natural disasters (UPM, n.d.).

On the other hand, with respect to the countries of South America, Bolivia, Brazil, Chile, Ecuador, Paraguay and Peru, together they represent 46.9% of the displacements due to natural disasters in Latin America of the selected nations for the period 2012-2017. Chile, in particular, has been the most affected country in South America, particularly due to the earthquakes and tsunamis in the Iquique and Illapel cities in 2014 and 2015, respectively (see figure 1.7). These two events displaced a little more than two million Chileans in those years.

<sup>13</sup> Group of countries from the Caribbean, Atlantic, Indian Ocean, Mediterranean, South China Sea (AIMS), and the Pacific, made up of Islands. The SIDS include 37 UN member states and 20 associate members of regional commissions.

Similarly, on April 16, 2016, an earthquake took place in Ecuador that displaced nearly 260,000 people.

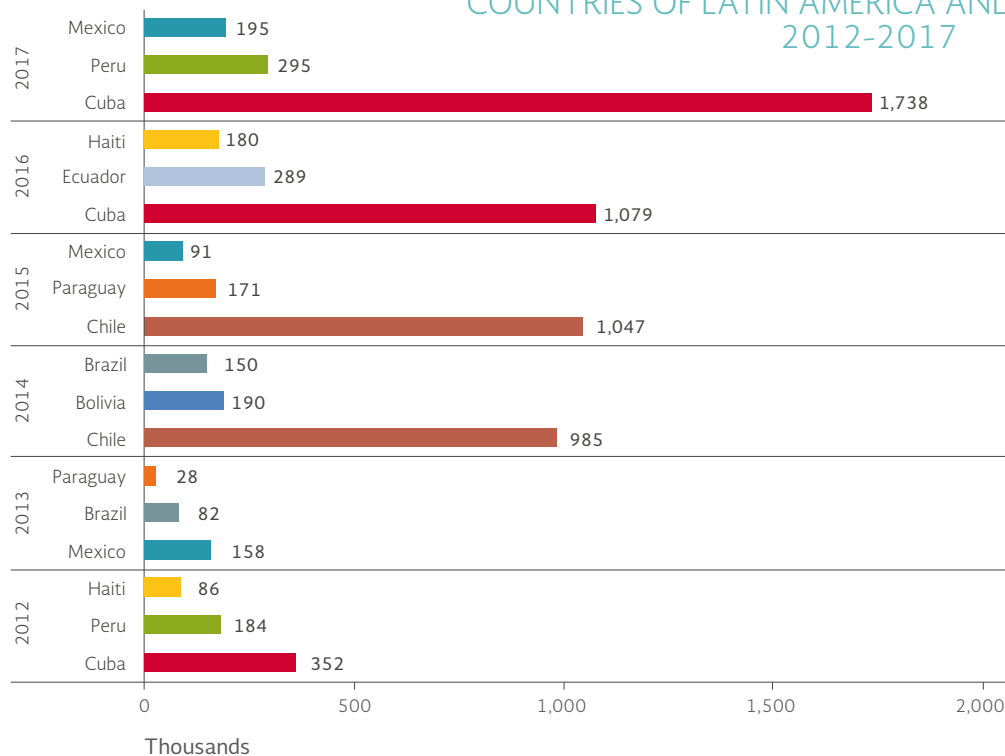
Finally, it is important to highlight the floods caused mainly by the *Niño coastal* phenomenon, which occurred in Peru at the end of 2017, characterized by an anomalous warming of marine currents that caused heavy rains that displaced nearly 295,000 Peruvians.

Returning to the arguments made at the beginning of this section and based on the information presented here, it is considered important to begin quantifying the international displacements that occur as a result of high impact natural disasters in Latin America. In the case of the common migration systems that have emerged in South America to regularize

citizens of member States of regional integration processes, such as the cases of the Southern Common Market (MERCOSUR, for its Spanish acronym), and the Union of South American Nations (USAN), it is important to verify to what extent the countries of Latin America and the Caribbean are prepared to face the challenges that migration for environmental reasons will pose in the medium and long term.

By way of conclusion, it is appropriate to point out that although in fact the majority of IDPs due to natural disasters remain in their countries of origin (IDMC 2017), there is a possibility that a variable percentage may opt for international migration, either voluntary or forced, especially when these events are of very high impact, which is more evident in deve-

**FIGURE 1.7**  
NUMBER OF INTERNALLY DISPLACED PEOPLE DUE TO  
NATURAL DISASTERS ACCORDING TO THE MAIN  
COUNTRIES OF LATIN AMERICA AND THE CARIBBEAN,  
2012-2017



Source: Migration Policy Bureau, SEGOB, based on Internal Displacement Monitoring Center data (IDMC), 2012-2017. At <http://internal-displacement.org>, accessed June 22, 2018.

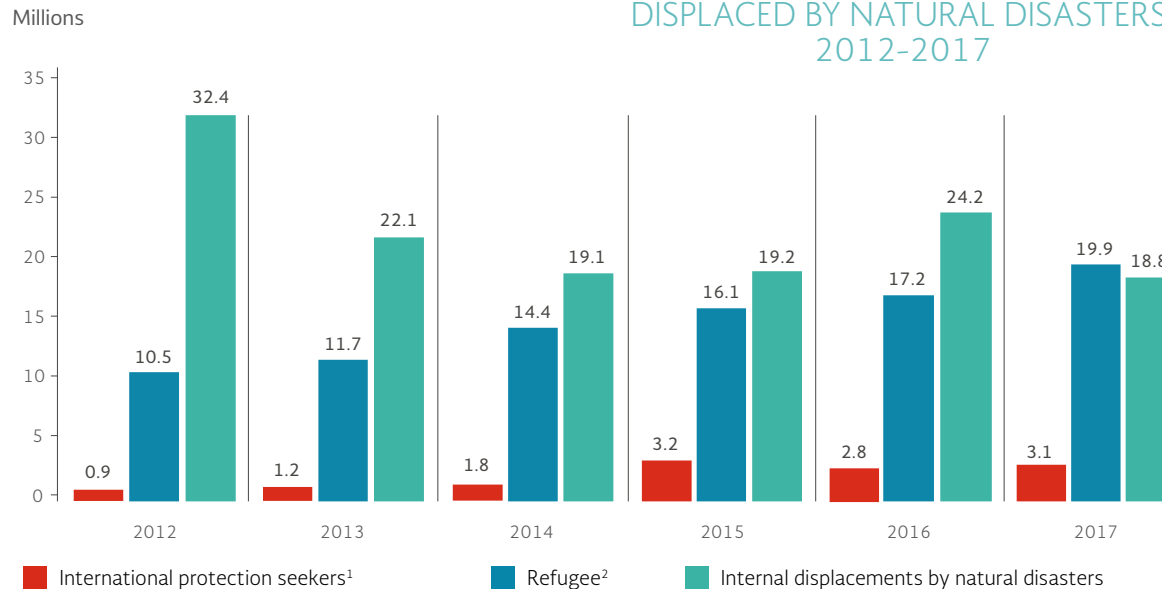
loping countries that typically lack strategies to prevent, respond and manage the adverse effects of medium or high impact natural disasters. Proof of this is that while the earthquake in Chile in 2014 was more severe than the one in Haiti in 2010, the damage was much lower in the first country.

Secondly, it is important to mention that in comparison with the numbers of people awaiting a resolution due to their refugee status recognition request and the already recognized as refugees during the period from 2012 to 2017, the amounts of IDPs due to natural disasters exceed them by wide margins, at least up to 2016 (see figure 1.8). However, in 2017, for the first time, the number of refugees surpasses idps due to natural disasters. In this sense, we should consider climate change and natural pheno-

mena as causes of migration and develop methods to measure these displacements in order to assess their impact on international migration.

Finally, it should be pointed out that, due to their nature, environmental disasters do not affect all countries uniformly and that some are more vulnerable to these catastrophes than others due to their geographical conditions. Hence the need for an environmental perspective of migration in the countries of origin, transit and destination that provides for the specific protection needs of both migrants for environmental reasons and of all visiting foreigners and national residents when emergencies arise due to natural disasters.

**FIGURE 1.8**  
NUMBER OF PEOPLE SEEKING INTERNATIONAL PROTECTION, REFUGEES AND INTERNALLY DISPLACED BY NATURAL DISASTERS, 2012-2017



<sup>1</sup> UNHCR includes among those applying for international protection, people seeking asylum and whose applications have not yet been determined, regardless of the date this applications were submitted.

<sup>2</sup> UNHCR includes people with *refugee-like status* within the refugee population.

**Fuente:** Migration Policy Bureau, SEGOB, based on the Office of United Nations High Commissioner for Refugees (UNHCR), data for refugees and asylum seekers and the Internal Displacement Monitoring Center (IDMC), for international displacements due to natural disasters, 2012-2017. At: <http://popstats.unhcr.org/en/overview> and <http://internal-displacement.org>, accessed on June 22, 2018.

## 1.3 PROTECTION FRAMEWORK

At present, there is an international framework that not only protects the rights of migrant and refugee populations, but also pursues to establish concrete actions among countries to serve these populations. Many of these protection instruments have emerged as part of international commitments and agreements assumed by the governments involved in addressing these issues; at the national level, this has been formalized with the adoption of instruments and the creation of laws that respond to Mexico's role as a country of origin, transit, destination and return of migrants, as well as home of thousands of refugees throughout history. This legal framework has evolved in accordance with the transformations of the migratory phenomenon in its different aspects and the protection needs of migrants and refugees.

The objective of this section is to make a briefly review of the extensive background that supports the protection of the human rights of refugees and migrants, as well as the various compacts and signed agreements to comply with the established regulations.

### 1.3.1 THE INTERNATIONAL CONTEXT

The Convention relating to the Status of Refugees of 1951 (here in after Convention), issued in Geneva, Switzerland, is the first international instrument for the specific protection of this population and, together with the 1967 Protocol Relating to the Status of Refugees (here in after Protocol), held in New York, United States of America, constitute the starting point of the current system of international protection of asylum seekers and refugees.

The Convention defines who is a *refugee*, their rights and obligations, and takes up the principle of *non-refoulement*<sup>14</sup> as an indispensable element in terms of protection. It is, in essen-

ce, the first international instrument that covers the most important aspects of a refugee's life; it explains in detail a series of fundamental human rights and recognizes the international scope of the refugee problem and the need for international cooperation for its solution, highlighting the importance of sharing responsibility among States (UNHCR, 2017b).

One of the relevant aspects of the Protocol in legal terms, in addition to expanding the scope of the Convention,<sup>15</sup> is that it makes it obligatory for States Parties to apply practically the entire content of the 1951 Convention, even if they are not part of it. In other words, by means of referral, through the Protocol, the States that ratify it automatically assume the commitments contained in the Convention (IOM, 2005).

Although gaps in terms of protection are not completely resolved with the 1951 Convention, it is an international treaty that, according to Feller (2001), establishes a basis in the definition of norms related to the treatment of refugees, directly or necessarily through interpretation, in addition to incorporating the fundamental concepts of the refugee protection regime that are as relevant in the current context as they were in 1951.

Decades later, in 1984, the "Colloquium on International Protection for Refugees and Displaced Persons in Central America, Mexico and Panama: Legal and Humanitarian Problems" was held in Cartagena, Colombia, in response to the refugee crisis that arose at that time. At the end of that meeting, a statement was issued on the humanitarian and legal problems affecting displaced persons, mainly due to the violence in Central America, a first step in developing a harmonized regional regulatory framework for the protection of refugees in the region in the context of humanitarian crises, in addition to the 1951 Convention. The Cartagena Declaration on Refugees had broad implications in 14 national legislations, including Mexican legislation -referred to under article 13, section II, of the Law on Refugees, Complementary Protection and Political Asylum (LSRPCAP, for its acronym in Spanish) of 2011 (Ríos, 2018).

Afterwards, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted in 1990, is the only human rights treaty that contains the objective of protecting a group of individuals who are often in situations of vulnerability because they

<sup>14</sup> No Contracting State may, by expulsion or refoulement, place in any way a refugee at the borders of the territories where their life or liberty is endangered because of race, religion, nationality, their membership of a particular social group, or political opinion (article 33).

<sup>15</sup> Initially, the Convention was aimed at protecting only Europeans who became refugees before January 1, 1951, reason why it had geographical and temporal limitations.

are outside their State of origin. This Convention is clearly a treaty on human rights and not on migration management or the fight against crime. It reiterates some fundamental rights applicable to migrant workers and members of their families, included in the main international human rights treaties, such as civil and political, economic, social and cultural rights, as well as the fight against racism and torture (Grange, 2005).

In its first article, it states that it is applicable, unless otherwise specified, to all migrant workers and their families without any distinction based on sex, race, color, language, religion or belief, political opinion or any other, national origin, ethnic or social origin, nationality, age, economic situation, patri-mony, marital status, birth or any other condition.

Both the 1951 Refugee Convention and the 1990 Convention regarding Migrant Workers are very important instruments for the protection of populations in contexts of mobility and a reference for the States Parties in the implementation of administrative and legislative measures to comply with the provisions contained therein. Gradually, its guidelines have been integrated into national legal frameworks and mechanisms for the protection of populations in contexts of mobility, offering an opportunity for openness and transformation in terms of respect and protection of the human rights of migrants and refugees.

In this context of international commitments, the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America were adopted in Mexico City by 20 governments in 2004. In this sense, such documents constitute the regional procedure to provide protection to the victims of forced displacement through a comprehensive approach to reach everlasting solutions. The Plan of Action of Mexico aimed to increase the capacities of the countries of the region in terms of international protection through research and development, the institutional strengthening of asylum systems and the training of their officials, as well as the strengthening of the national protection networks in Latin America.<sup>16</sup>

In Mexico's Plan of Action the advances in the incorporation of high standards of international protection in national legislation are recognized, as is the importance of continuing to advance in this area. The situation of the borders was also considered as a problem with little institutional presence and, based on this, a series of measures were designed to address the specific situation of these areas through the Solidarity Borders

program, with the purpose of consolidating border areas and safe transit through the timely identification of asylum seekers and other people with protection needs, respect for the principle of non-refoulement, proper care of these people through their immediate referral to national protection institutions and the satisfaction of their differentiated protection needs (UNHCR, 2014).

A decade later, the commemoration of the thirtieth anniversary of the Cartagena Declaration (Cartagena +30) was carried out through four sub-regional consultations held during 2014 in Buenos Aires, Quito, Managua and Grand Cayman, which allowed a broad debate between representatives of the governments of more than 30 countries of the region, observer nations, more than 150 civil society organizations, ombudspersons and the main international organizations competent in this area. As a result of this consultation process -including others held in Geneva- a series of solutions and recommendations were adopted that served as a reference at the end of 2014 for the Brazil Declaration and Plan of Action, a Common Road Map to Strengthen the Protect and Promote Sustainable Solutions for Refugees, Displaced Persons and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity.<sup>17</sup>

The first chapter of the Brazil Declaration is dedicated to the "Situation of refugees, displaced persons and stateless persons in Latin America and the Caribbean". It presents the challenges that remain in force 30 years after the Declaration, beginning with the application of the highest human rights standards to guarantee the protection of these people. This chapter also recognizes that since 2004 there has been an increase in the number of refugees in the Andean countries; while Guatemala, Honduras and El Salvador have recorded flows of displaced people leaving their countries in search of international protection, after being forced to escape from their communities of origin due to the presence of transnational organized crime gangs.

In a first review of the progress made in the implementation of the agreements reached in the Brazil Declaration, carried out in our country by the Mexican Working Group (part of the Regional Working Group for the Brazil Plan of Action), stand out the advances and challenges that the Mexican government still faces to comply with the effec-

<sup>16</sup> See: <http://www.acnur.org/pam/#>, accessed on May 17, 2018.

<sup>17</sup> The Brazil Plan of Action contemplates a series of measures to address the issues of attention through different programs: Quality Asylum; Solidary and Safe Borders; Voluntary Repatriation; Local Integration; Solidary resettlement; Labor Mobility; Observatory of Human Rights for Displacement; Prevention and Dignified and Safe Transit. Likewise, the Plan includes specific topics such as Regional Solidarity with the Caribbean for an Integral Response to International Protection and Lasting Solutions; the eradication of statelessness; Regional Cooperation and the dissemination, promotion, evaluation and monitoring of this Action Plan. See <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2014/9867>, accessed June 21, 2018.

tive protection of groups in situation of vulnerability, such as refugee claimants. Except for some details of analysis and differentiation between the actions related to internal and international displacement, it is important to recognize that the Mexican government is implementing measures such as the attention of children and adolescents (NNA, Girls, Boys and Adolescents for its Spanish acronym) from State or civil society shelters while their refugee request is resolved, which is conditioned by the operational capacity that is currently available, but it is clear that the challenges are greater and that alternatives must be sought. In short, regulatory advances are recognized but areas of opportunity are also identified.

For example, they emphasize the need to create an inter-agency dialogue to “...develop proposals that improve attention to the refugee population and allow detecting areas for improvement and strengthening of procedures from the identification of applicants to the integration processes” (Mexican Working Group, 2018, p 57). In this regard, it is important to highlight the activation in March 2018 of the Inter-agency Working Group on Refuge and Complementary Protection, whose objective is to consolidate the efforts and commitments of the Mexican State to seek help, protection and legality in refuge matters and complementary protection.

Up to this point, the interference of international frameworks to assist and protect people who, for different reasons, move between territories of different countries has been highlighted; however, the sovereignty of States is the maximum principle to administer the admission or expulsion of non-national population in its borders. Despite the international consensus that even the most sovereign migration policy is conditioned by certain obligations of international law -which includes the protection of human rights (García, 2012) and the responsibility for compliance (OC 18-03, Inter-American Court of Human Rights)-, the State still remains the maximum entity that regulates migration and who is in charge of protecting the human rights of the migrant and refugee population.

Under this premise, migratory regulation -linked to the sovereignty of the State- has generally been conducted unilaterally

despite its international nature. From this perspective, more than one State or regions can be involved, which has led to the lack of an international migratory regulation system.

There are agreements, treaties and conventions -sustained in universal principles and guidelines dictated by international law- that support different legal frameworks that protect certain populations in mobility contexts, or particularize on some aspects of migration; Noteworthy in this regard is the creation of instruments that, although not normative, are a guide of actions required to provide adequate care and protection for people who move, whether for work, family or in search of international protection.

In this context, a set of global objectives was adopted in 2015 to eradicate poverty, protect the planet and ensure prosperity for all as part of a new agenda for development, through the Sustainable Development Goals (SDGs). Each SDG has specific goals that must be achieved within the 15 years following its adoption. To achieve this, everyone has to do their part: governments, the private sector, civil society and each individual person (UN n.d.).

From these SDGs derive some commitments for the governance of migration,<sup>18</sup> which are reflected in the design of specific actions for the attention of both populations: migrants and refugees, through the Global Compact for Safe, Regular and Orderly Migration, and the Global Compact on Refugees, which will be conformed and adopted in 2018.

In September 2016, the General Assembly of the United Nations called on Heads of State and Government to discuss issues related to migration and refuge. This High Level Meeting resulted in the adoption of the New York Declaration for Refugees and Migrants, in which the 193 member countries of the UN recognized the need to comprehensively address human mobility, as well as strengthening cooperation at the global level through the creation of mechanisms that protect migrant populations (IOM, n. d.).

To this end, a series of commitments were adopted for the protection of refugees and migrants, which include:

<sup>18</sup> See: <https://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible/>, accessed in June 21, 2018.



- Protection of human rights and fundamental freedoms of these populations in mobility contexts, either during the journey or in the country of destination, regardless of their migratory status;
- Strengthen the global governance of migration, and
- Adopt an approach that addresses the determining factors and causes of the large displacements of these groups of refugees and migrants in the countries of origin.

The New York Declaration also includes concrete plans regarding how to consolidate these commitments (UN, 2018a); for instance:

- Initiate negotiations that lead to an international conference and, therefore, to the approval in 2018 of a Global Compact for a Safe, Regular and Orderly Migration. If we move towards this integral framework, the agreement is transcendental and implies that migration, like other spheres of international relations, will be guided by a set of common principles and approaches.
- Prepare guidelines on the treatment of migrants in situations of vulnerability. These guidelines will be of particular importance for the special protection of the growing number of unaccompanied NNA in transit migration.
- Achieve a more equitable distribution of the burden and responsibility to host and support the world's refugees through the approval in 2018 of a Global Compact on Refugees, among others.

The Comprehensive Response Framework for Refugees (CRRF) is another of the actions that emerge from the Declaration of New York and the basis of the latter Compact. Its objectives are to: a) alleviate the pressures on countries that host a large number of refugees; b) foster refugee self-sufficiency; c) expand access to solutions in third countries; and d) bolster conditions in the countries of origin to enable a return in secure and dignified conditions of. All of the above is not

only to respond to the humanitarian crises of recent years, but also to find long-term solutions that allow refugees to enjoy their most basic rights (UNHCR 2017a).

Similarly, the Declaration of New York adopted a set of commitments to achieve safe, orderly and regular migration throughout the migratory cycle, including its implementation, monitoring and review, through 23 objectives, among which are: a) collect accurate and disaggregated data as a basis for evidence-based policies; b) provide adequate and timely information at all stages of migration; c) address and reduce vulnerabilities in migration; d) empower migrants and societies to achieve full inclusion and social cohesion; and e) create conditions for migrants to contribute fully to sustainable development in all countries, among others (UN, 2018b).

### 1.3.2 NATIONAL FRAMEWORK: THE CONSTITUTIONAL REFORM ON HUMAN RIGHTS

The 2011 constitutional reform on human rights is the most important transformation of the Mexican legal system in recent history. With this reform, 11 articles of the Political Constitution of the United Mexican States (CPEUM for its Spanish acronym) were modified, through a high standard of protection whose core is undoubtedly the *human person*.

These modifications constitute a change in the way of understanding the relations between authorities and society, since, for the first time, the person was placed as the center of all government actions (SEGOB, 2017).

Perhaps the most transcendental change derived from the reform is related to the first constitutional article, which in its initial paragraph states that:

In the United Mexican States, all persons shall enjoy the human rights recognized in this Constitution and in the international treaties of which the Mexican State is party, as well as the guarantees for their protection, execution of which may not be restricted or suspended, except in the cases and under the conditions that this Constitution establishes.

This leaves behind the concept of guarantees, which only alluded to the mechanisms through which rights could be enforced and recognizes that all *people enjoy human rights*.

In addition, the second and third paragraphs were added to this first article of the Constitution. The second incorporates the interpretation of human rights norms under the *pro persona* principle, entailing that when there are different possible interpretations of a legal norm, the one that provides the broadest protection should be chosen. The norms relating to human rights shall be interpreted in accordance with the CPEUM and with international treaties on the matter, favoring at all times the person with the broadest protection.

For its part, the third paragraph establishes the obligations of all authorities to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and progressivity. Consequently, the State must prevent, investigate, sanction and repair violations of human rights, in terms established by the applicable regulations.

Likewise, in consistency with Mexico's active role in the international community as part of numerous conventions and treaties, therefore acquires human rights obligations that are enforced as just another of the reforms, which consists in raising to a constitutional range status all the international treaties that the Mexican State has ratified in this matter, which is known as the *constitutional bloc* (Constitution - international treaties).

Among other reforms in accord with the theme of this publication, stand out the one of article four, which adds the principle of the *best interests of children*, and the one of article 73, which empowers the Congress of the Union to issue laws on the rights of children and adolescents (CNDH, 2015).

Article 33 was amended to incorporate the term person to define foreigners, and to add a second paragraph to recog-

nize the right of *prior hearing* in case of expulsion, which will be carried out through an administrative process that will be regulated exclusively through a law (Correa, n.d.).

Later, in 2016, the amendment to constitutional article 11 was finalized, it ensures the right to mobility in Mexican territory and the right to pursue and receive asylum, adjusting the term *every man for every person*. This reform is consistent with the spirit of solidarity of the people and their rulers, as well as the role that has characterized Mexico throughout history for its hospitality tradition of hosting different population groups that have been in the necessity to flee from their countries of origin for political and social reasons, as is the case of the Spanish refugees after their civil war (1936-1939) and, in America, the victims of persecution for civil wars, dictatorships and displacements due to armed conflicts like the Guatemala case, just to giving an example (1960-1996).

In short, the constitutional reform laid the foundations for including the human rights approach as the guiding point and principle of all public policies aimed at the population, regardless of their immigration status. The article 1 reform has a transverse effect to the jurisdictional and non-jurisdictional protection of human rights and, in general, to the entire Mexican legal system (Castilla, 2011).

From this reform, every State body must recognize and respect human rights, and fully comply with the virtue of this new constitutional paradigm, especially towards those who most need the protection of their rights for being in conditions of vulnerability, as is the case of migrants and asylum seekers.

The reform was the opportunity to rethink a new panorama based on protection, guarantee and defense of human rights; nowadays there is a great normative framework in which these principles are established, therefore is our obligation and the responsibility to ensure their validity at all time and for any person.

### Applicable legislation

The impact of this great normative platform, both on the national level as well as on the international commitments that Mexico has assumed, is reflected in our country in a

framework of guaranteed protection enshrined in the Mexican Constitution in terms of recognition of rights of these migrant and refugee populations.

Since 2011 Mexico has a Migration Law, its approval marked a watershed related to the guarantee of migrants rights, regardless of their migratory situation. Under this perspective, the law has undergone changes in its provisions in order to facilitate the entry and regular transit of migrants in the country.

However, among the human rights specialists community, reference has been made to the unconstitutionality of this law, starting with the undetermined compatibility of its norms with the constitutional block of human rights (Constitution-international treaties) secondly, its effectiveness in terms of respect and protection of the migrants human rights is questioned. Even so, the important advances to fully achieve these guarantees, including its reforms to improve the protection of NNA who are in the context of migration are also recognized (Castilla, 2014).

These issues will definitely be the subjects of amendments on Migration Law due to their importance and the commitment shown by the Mexican government in this matter. No doubt this law constitutes an important advance towards an adequate migratory management, not omitting this law's potential for improvement in light of the new realities of migratory dynamics.

In the same sense, the National Development Plan (PND for its Spanish acronym) 2013-2018, for the very first time in the history of the country, emphasizes attention for the different migratory flows and includes two objectives focused on ensuring the rights of these populations: Objective 5.4, consists on *looking after the interests of Mexicans abroad and protecting foreigners' rights in the national territory*, while Objective 5.5 establishes the resolve to *guarantee the rights of migrants, asylum seekers, refugees and beneficiaries of complementary protection*.

The PND was the framework to implement the programmatic instrument of the Mexican State migratory policy: Special Migration Program (PEM for its Spanish acronym) 2014-2018, which includes a series of actions to comprehensively address the dimensions of migration (origin, transit,

destination and return). With the PEM, the migratory issue is formalized in the national agenda through five objectives that establish structural aspects of migration with perspective on human security, comprehensive attention and adequate governance of the different dimensions of migration in Mexico. To achieve these objectives, transparency and accountability must be reinforced, in addition to strengthening inter-institutional coordination (Ramos *et al.*, 2017).

The PEM's action lines directly affect the attention of the migrant population, refugees and complementary protection beneficiaries. Some of these entail guaranteeing the right to identity; improving migratory procedures and services; creating mechanisms and protocols for psychological and psychiatric care; creating mechanisms for social and cultural integration; incentives for hiring; protection and attention protocols with differentiated criteria; specialized attention for children and adolescents, among others.

By raising to the constitutional rank the right of every person to seek and receive asylum, as well as the international treaties on the matter ratified by Mexico, the recognition of refugee status and the granting of complementary protection and asylum are carried out as part of a solidarity policy in accordance with the best practices and international standards of human rights and in harmony with the national legal framework.

*Refugees and complementary protection beneficiaries*, unlike migrants, involuntarily leave their country of origin or their habitual residence due to persecution or situations that place their life, security or freedom at risk, they are forced to leave their home and therefore they are forced to seek, in another country, the protection that their government cannot provide. As a result, they flee their country without the necessary documentation to travel in a regular basis, and usually join mixed migratory movements, so that they transit, like many migrants, irregularly. The great challenge is to detect them within these migratory flows in order to give them access to the protection to which they are entitled.

The Law on Refugees, Complementary Protection and Political Asylum (LSRPCAP for its Spanish acronym) was enacted in 2011 and is the main legislative instrument in Mexico regarding

refugees' protection. This law establishes a comprehensive refugee definition and grants complementary protection to persons who do not meet all the criteria to be recognized as such, but who have well-founded reasons to believe that their life would be in danger or that they risk being subjected to torture or other cruel, inhuman or degrading treatment or punishment if returned to their countries (LRCPPA, 2011).

The LRCPPA differentiates the refugee condition figure from the migratory status and gives the Mexican Commission for Refugee Assistance (COMAR for its Spanish acronym) power to resolve the requests of refuge recognition and grant the benefit of complementary protection. Among its main contributions stand out those that regulate the actions of the Mexican State in terms of international protection; for this, it resumes the principles of non-discrimination, non-refoulement, and no sanction for irregular entry, family unity and confidentiality.

As every norm or regulation, the LRCPPA has its challenges and perhaps the main one consists precisely in the application of international refugee law to a mixed migratory flow in conditions and needs of protection, particularly in terms of identification, admission and access to the application procedure of refugee status (Rea, 2016), especially considering the high growth in the number of requests received in recent years, which undoubtedly requires the institutional strengthening of COMAR.

Among its multiple scopes, the 2011 constitutional reform led to the creation of the General Law on the Rights of Children and Adolescents (LGDNNA for its Spanish acronym), with the great contribution of recognizing them as holders of rights and guaranteeing their full exercise. This law was enacted in 2014 and in its article 13, section XIX, recognizes the rights of NNA migrants. The LGDNNA is a small platform of the rights of these population groups (childhood and adolescence) and is the first step towards the conformation of an institutional and cultural structure of respect for their human rights that guarantees their superior interest. The challenge for this law is to materialize the rights on it contained and achieve adequate legislative harmonization (CNDH, 2015).

Finally, it is important to reiterate that for the implementation of this normative framework and of national and international instruments for adequate regulation of international migration and protection of the rights of the migrant and refugee population or asylum seeker, regional and international cooperation is necessary and fundamental, as is States co-responsibility. This is the spirit of migration governance, in the understanding that no government by itself, is capable of resolving and addressing the migration issue; therefore, it is essential to foster international cooperation when addressing the rights and obligations of the elements involved.

## 1.4 SOME APPROACHES TO DEFINE THE VULNERABILITY CONDITION

For the study proposed in this publication regarding the migrant populations that are in Mexico and their greater exposure to situations of *vulnerability*, it is fundamental to define this concept, as well as to explain what makes migrants vulnerable. In this sense is the content of this section guided.

The Royal Spanish Academy defines the word *vulnerable* as “that can be injured or receive physical and moral injury” (RAE for its Spanish acronym, 2018). In theoretical terms, such a condition may have implications in various disciplines and processes; therefore, it is a relative, dynamic, multifactorial and multidimensional concept (IFRC, 2018).

For the purpose of this document, a first delimitation attempt consists of placing the definition as *vulnerability in social terms*, that is, under the broad concept of social *vulnerability*,

understood as the diminished capacity of a person or group of people to anticipate, cope with and resist the effects of a danger or risk (IFRC, 2018; CNDH, 2013).

In one hand, this definition implies the individuals or groups' inability to use mechanisms (material, institutional, legal, so forth) to face or adapt to the negative effects resulting from risks exposure in their living conditions and, on the other hand, a state of defenselessness that acts in detriment of their well-being (IFRC, 2018).

It is important to point out that not all individuals or groups are vulnerable or defenseless *per se* just for being part or sharing attributes -such as age, sex, ethnicity, gender, disability, identity, language, social status, religion-, but that because a particular condition they face an environment that restricts or prevents the development of one or several aspects of their life, affecting their well-being (Lara, 2013).

Therefore, *social groups in a situation of vulnerability* are identified instead of vulnerable people or groups (IFRC, 2018). In this sense, an alternative term would be *situations or conditions of vulnerability for individuals or groups* (Paris *et al.*, 2016). Additionally, due to the situations of vulnerability that people face, they can suffer acts of discrimination that hinder, restrict, impede, undermine or annul the recognition, enjoyment or exercise of their human rights and freedoms (LFPED for its Spanish acronym, 2003).

For this reason, *vulnerability* can be defined as the condition of certain persons or groups for which they are more exposed to the risk of suffering violations to their human rights (Lara, 2013).

In Mexico, the General Law of Social Development of 2004 defines in its article 5, fraction VI, social groups in situation of vulnerability:

As those population centers and people who for different factors or a combination of them, face situations of risk or discrimination that prevent them from reaching better standards of living and, therefore, require government attention and investment to achieve their well-being.

This legal definition includes the main components of the concept of social *vulnerability* and, furthermore, indicates that due to the discrimination component experienced by these groups, the effective protection of their human rights is fundamental. In fact, such actions must meet their immediate and specific needs, including access to basic services such as medical and psychosocial assistance (UNHCR, 2017c).

The multi-faceted and dynamic nature of addressing, explaining and addressing the aspect of social vulnerability in its different manifestations is reiterated. In order to diagnose the situation of migrant populations living in vulnerable contexts in Mexico, it is important to emphasize the risk analysis and the inability to face its effects, which consequently places migrants in a state of helplessness and possible violation of their rights.

In this context, it can be asserted that not all migrants are vulnerable or defenseless *per se*, but rather the particular conditions they face in their country of origin, in transit to their destination, at the place of destination or during the return, exposes them to risks that, together with a diminished capacity to make use of aid mechanisms, can be detrimental to their well-being and the enjoyment of their rights.

It should also be noted that due to the conditions inherent to migratory flows, there is a complex demographic combination when studying groups of migrants in vulnerable situations. That is to say, when analyzing migratory flows it is possible to identify population centers typified as social groups in a vulnerable condition and, therefore, subject to assistance by the Mexican State, without these attributes being mutually exclusive (children, adolescents, women, indigenous people, seniors, people with some type of disability, victims of crime, lesbian, gay, bisexual, transgender or intersex persons), so the degree of vulnerability based on their different needs and intersectionality must be considered (Paris *et al.*, 2016).

### 1.4.1 WHAT SITUATIONS MAKE MIGRANTS VULNERABLE?

As mentioned in previous paragraphs, not all migrants are vulnerable per se. In the words of the special rapporteur on the human rights of migrants, François Crépeau:

Although some migrants, such as children, seniors, women traveling alone and migrants with disabilities, are vulnerable, most are not so intrinsically. On the contrary, they are almost always incredibly resilient and courageous and often make decisions that change their lives (UNHCR, 2017c).

In this understanding, it is necessary to define some conditions that cause vulnerability in migrants. Mexico is a state in which multiple migratory flows converge, whether as a country of origin, transit, destination and return. For the purposes of this document, we will focus on migrants in irregular transit through the country and applicants for refugee status recognition, as well as the already recognized refugees or with international protection granted by COMAR.

To try to answer the question, *what makes migrants vulnerable?* It is pertinent to identify if the person moving is in a regular or irregular situation, which in many cases implies a greater exposure to risks.

The Office of UNHCR (2017c) establishes two categories to identify the conditions that make migrants vulnerable. The first refers to *situational vulnerability*, that is, circumstances during the route or in the countries of destination that place migrants at risk. Situational vulnerability is exacerbated when migration takes place through irregular routes, exposing migrants to greater risks of exploitation and abuse by migrant smugglers, risks of death trying to cross borders unnoticed, either due to weather conditions in the deserts or to travel aboard ships not suitable for navigation, as well as for the lack of legal documentation, among several others.

Other factors of situational vulnerability, that can also be added, refer to aspects such as access to social networks and links. In other words, greater vulnerability derives from the lack of

assimilation to the society of origin, transit, destination or return. The second category refers to *individual vulnerability*, which relates to certain characteristics and personal circumstances, such as disability, chronic illness or trauma survival during displacement. These individual conditions relate to the category of social groups in a situation of vulnerability. Additionally, a suggested third category relates to the conditions that precede the departure of a person from their country of origin, such as economic deprivation or lack of access to basic human rights (Wu and Sheehan, as cited in Paris *et al.*, 2016).

This last scenario is strongly linked to structural patterns of poverty and marginalization of individuals or social groups before the migratory movement is elicited (IFRC, 2018). Thus, for example, the case of a migrant woman who transits irregularly through Mexican territory and who additionally lacks social or family ties to help during her journey turns out to be very different from that of a foreign woman who transits on a regular basis through Mexican territory and who also has social or family ties that support her during the journey. This hypothetical example should also be analyzed bearing in mind the transversal and multiple factors that affect the migrant, such as race, religion, national origin, language, age, sex, sexual orientation, gender identity, disability, economic position, among others.

As previously mentioned, within the migratory flows that originate, transit, arrive and return to Mexico, there is an enormous demographic diversity, as well as a great complexity with respect to the needs of international protection, in addition to the social groups that are traditionally in a position of vulnerability. Risks that give rise to a real need for international protection stem from persecution, armed conflicts that pose a life threat, serious public disorder or generalized violence (UNHCR, 2017d).

Therefore, people in need of international protection are those individuals or groups exposed to risks of famine, natural disasters and stateless persons (UNHCR, 2017d). In a succinct and non-restrictive way, in Mexico, people who need international protection include:

- i. Asylum seekers;
- ii. People seeking recognition of refugee status;
- iii. Stateless people, and
- iv. Migrants seeking protection for humanitarian reasons (i.e. hunger and natural disasters).

In conclusion, it can be assumed that the diversity of risk situations that migrants potentially face during their transit through Mexico results in a complex process to define, analyze and diagnose their reality. However, it is important to use precise terms to assist groups of migrants in situations of vulnerability with a perspective of legality and human rights (SEGOB, 2014).

The importance of identifying within the migratory flows the social groups in a situation of vulnerability, as well as the people who need international protection, categories that are not mutually exclusive and that often overlap each other, must be reiterated.

This leads us to rethink the current way in which institutional care is provided to social groups in situations of vulnerability. This is relevant because the current legal framework segments attention to these groups (for example: seniors; women and girls, boys and adolescents), bolstering the existence of a series of specific legal instruments for their protection against adverse social situations or actions (such as discrimination; violence or cruel, inhuman or degrading treatment or punishment). Having specific schemes for each population nucleus is an effective way of strengthening the legal foundations as basis for the institutions' actions; however, effective implementation in everyday life still faces great challenges in terms of comprehensive coordination, especially in relation to migrants traveling irregularly and those seeking international protection.

In this regard, it is appropriate to review the recommendations of the National Council for the Evaluation of Social Development Policy (CONEVAL, for its Spanish acronym) provided in its *2018 Report*,<sup>19</sup> which consist of clearly establishing which agency is responsible for the attention of the

discriminated population, since transversality dilutes both responsibility and attention.

For this reason, the formulation of a protocol of action for the attention of migrants in situations of vulnerability it is proposed; which will allow the establishment of specific procedures to favor an adequate institutional attention. In the judicial sphere, there is a *Protocol of action for those who provide justice in cases involving migrants and people subject to international protection*, under the Supreme Court of Justice of the Nation (SCJN, for its Spanish acronym), which can serve as an input for the creation of the proposed Protocol.

The efforts for this formulation can be based on the synergies among the institutions legally empowered to do so, such as the National Council to Prevent Discrimination (CONAPRED) and the National Commission for Human Rights (CNDH), as well as in state or municipal organizations and academic or civil society agents.

It is necessary to ensure that the circumstances that motivate the people forced displacement, the violation of their human rights and the conditions of marginalization they experience in their places of origin, do not carry on beyond borders. Migratory flows pose great challenges that are difficult to assign in single categories, due to a constant overexposure to situations that leaves them vulnerable. Thus, Mexico would provide a new beginning to these populations.

<sup>19</sup> See the Evaluation Report on Social Development Policy at: <https://www.coneval.org.mx/Evaluacion/IEPSM/IEPSM/Paginas/IEPDS-2018.aspx>, accessed on 8 August, 2018.



## 2. Migration in transit through Mexico: characteristics and priority actions

This chapter presents information on transit migration from 2012 through 2017,<sup>20</sup> in order to understand the profiles of migrants in this flow and provide analytical elements on their impact in Mexico. In the first section, the study is approached through administrative records of the National Institute of Migration (INM for its Spanish acronym): first, the events of foreigners referred to the migratory authority are shown;<sup>21</sup> then, the events corresponding to those that have been returned to their countries of origin and, finally, the alternatives to being returned for those foreigners who have been subject to this procedure.

The second section offers a characterization of the flows in irregular transit irregular or not documented drawn from the Survey on Migration in the Southern Border of Mexico (EMIF SUR for its Spanish acronym). In order to do so migrants coming from Guatemala, Honduras and El Salvador, whose final destination was the United States (U.S.) and were returned to their countries of origin by the Mexican or U.S. migratory authorities were chosen.<sup>22</sup> In order to optimize the analysis of this information, the two flows (Central American migrants returned by the Mexican authorities and those returned by U.S. migratory authorities) were added together, as long as their variables were equivalent.

<sup>20</sup> This time frame was chosen to compare the end of the last two sexennial periods in Mexico.

<sup>21</sup> *Events* refers that a person may be subject to this procedure on more than one occasion. Generally, the administrative records that exist in regard to migration in transit correspond to those who have been detected by migratory controls, who after their detention may request some of the conditions of stay under the status of the figure of migratory regularization for their permanence in the national territory, in the understanding that in the latter case they stop being transit migrants because they are already looking to stay in Mexico.

<sup>22</sup> Of the Central American population flow returned by U.S. authorities, those who remained in the United States at the most one year at the time of the arrest were selected.



Due to the particularities and importance of the children and adolescents (NNA; Girls, Boys and Adolescents for its Spanish acronym), who are in transit through Mexico, a special section is dedicated to this group, in order to provide some elements of analysis that help to detect appropriate measures for their attention.

Likewise, facing the emerging situations in the context of transit migration through Mexico, we dive deeper into one of these emblematic flows of recent times: Haitian migration. First, in 2010 an earthquake devastated Haiti, leaving hundreds of thousands of people dead and causing forced displacements due to the natural disaster. Later, in 2016, while struggling to recover, the country was affected by Hurricane Matthew, which claim more lives and caused the displacement of thousands of others. Part of this population arrived in Mexico requesting the refugee status; however, among the legal assumptions or conditions established in the Law on Refugees, Complementary Protection and Political Asylum of 2011, the displacement due to natural disasters is not considered as a reason to grant this benefit. Therefore the Mexican government granted humanitarian visas to the waves of Haitian migrants who arrived in the country. This topic is developed by the researchers of El Colegio de México, Schwarz Coulange Méroné, Ph.D. in Population Studies, and

Professor Manuel Ángel Castillo García, whose contribution to this work is part of a wider investigation in which both authors have worked lately.

For the purposes of this document, transit migration is understood as that one which is carried out in an irregular way, without valid migratory documentation for internment or transit through a country for the purpose of reaching a third country (Berumen *et al.*, 2012, p. 93). Without intending to enter into conceptual discussions regarding the definition of transit migration, it is important to establish these parameters because the estimation obtained from the data sources and selected variables depends on it.

In this respect, it is also convenient to specify the three components that in other studies have been used to estimate irregular transit through Mexico: i) Central American migrants (CAMS) referred to the National Institute of Migration; ii) CAMS detained by the U.S. Border Patrol. Southwest Sector and iii) CAMS that managed to reach the United States and passed through Mexico.<sup>23</sup>

However, in this paper only a part of the information of these components is presented, since the purpose of this chapter is to show the profiles of migrants in transit –rather than their magnitude– and, from this, to establish some links with the possible conditions of vulnerability that they experience during this process.

<sup>23</sup> See Rodríguez *et al.* (2011) and Berumen *et al.* (2012).

## 2.1 INVOLUNTARY DISPLACEMENTS: IRREGULAR TRANSIT MIGRATION THROUGH MEXICO

Nowadays, the characteristics of forced displacements are associated with situations of humanitarian crises in the world. During the last two decades of the 20th century and the first years of this century, migration in Latin America responded basically to economic and labor reasons, as a way to improve living conditions; however, currently migration is mainly due to the desire to survive different circumstances, which gives it the character of *involuntary or forced*, although, migration for economic issues still persists to some extent.

Due to its strategic geographical location adjoining to the north with the main pulling country for immigrants, Mexico has ceased to be only an emigrant country. For years it has been an important country of arrival and transit for thousands of migrants, with the Central American flows taking an increasing participation, which imposes an additional challenge on the Mexican State to guarantee secure conditions to all the population that is in international mobility, especially considering that some of the flows have the need to stay invisible because of their irregular nature.

In this context, the complexity to deal with movements or forced displacements due to a perceptible risk is highlighted. Such flows have characterized the *humanitarian crisis* of present times, since they have their origin in different emergency situations such as catastrophic natural events, internal conflicts in countries of expulsion caused by adverse economic and socio-political contexts, as well as levels of

violence that lead many people to abandon their places of habitual residence.

Because of these displacements, there are various responsibilities and actions to be considered for the countries of origin, transit and destination involved in the gestation of these highly complex migratory procedure caused by multiple causes.

There are also other aspects from which the phenomenon should be made visible, since the way in which people migrate has repercussions on their exposure to different degrees of vulnerability. Doing this in a regular or irregular way causes specific implications for the safety and living conditions of migrants (Rivera and Martínez, 2016, p. 10).

Irregular transit migration for Central America has its antecedents decades ago. The armed conflicts that took place in the 1970s and 1980s, especially in Nicaragua, El Salvador and Guatemala, caused the first waves of forced migration characterized by massiveness, the internationalization of displacements and the long or permanent residence in the countries of destination. At that time, this three countries were assigned a destination and a particular migratory condition: migrants from Nicaragua took refuge in Costa Rica; for those from El Salvador, the United States served as a refuge country and irregular migration, and for those from Guatemala, Mexico was their country of refuge (Berumen *et al.*, 2012, p. 90).

In the following decade (1980-1990), Central American migration to the United States, Canada and Mexico consolidated as an undocumented transit flow corridor for its diaspora, and the profile of the Central American migrant changed from forced displacement person to refugee and from cross-border migrant to undocumented transit migrant (Martínez *et al.*, 2015, pp. 130-131).

These displacements reconfigured the migratory pattern known until then, characterized by the search for job opportunities and the temporality of migration (Castillo and Nájera, 2016, p. 72).

With the beginning of this century there has been a new stage for undocumented transit migration, which has been distinguished by the complexity of its components: border security, climatic phenomena, economic and political crises, gangs and organized crime, as well as a greater visibility and proximity of violence (Martínez *et al.*, 2015, p. 132).

In this understanding, in recent years Central American migration in irregular transit through Mexico has been the consequence of several factors. Despite the variation in the volume of flows, the trend has been to increase, particularly in 2014, year in which both the United States and Mexico recorded the highest volumes of events of unaccompanied girls, boys and adolescents in the same composition of migratory flows destined for the American Union.

In the case of the United States, 68,547 children were detained by the Border Patrol as of September 30, 2014,<sup>24</sup> which led to the so-called *humanitarian crisis* that set the complexity of international migration and the conditioning of human security under the primacy of national security (Anguiano and Cruz, 2016).

This complexity has, at least, two directions: one that has to do with the challenge for countries in terms of responsibilities in addressing the issue and, the other, related to the impact of the personal profile of migrants.

Forced displacement and irregular transit migration can have extremely dramatic consequences for the lives of migrants, since both conditions make them vulnerable both in physical and emotional stability, as they are associated with the sense of uprooting; the loss of links and support networks; the lack of food and services; the constant risk they face during the process; the uncertainty regarding the destination of the migration, and the continuous change to their life project in the medium and long terms, to mention some aspects. The context of each person, their stage of life, as well as their sociodemographic and economic characteristics, can mark relevant differences in protection needs.

In this regard, Villaseñor and Coria (2017) talk about the urgency of adopting measures to identify the protection needs of migrants and offer them timely and effective access to means of legal defense, as well as the measures for the local integration of these populations ensuring the full exercise of their rights. The authors acknowledge that in the formulation of public policies it is essential to have the sociodemographic profile of people seeking protection, and exemplify that those arriving in Mexico from El Salvador, Guatemala and Honduras usually have a low socioeconomic profile and studies, and

generally, lack information about their right to be recognized as refugee or how to request it, which increases their vulnerability and how long they face hardships. These authors conclude that the lack of information about their immigration status is an impediment for these people to identify their protection needs.

Also, the uncertainty that migrants experience when they are unaware of the destination of their migration procedure, including the inability to properly identify the reasons that led them to make the decision to migrate, are factors that hinder the authorities to ensure adequate protection measures.

## 2.2 RECENT TRENDS IN TRANSIT MIGRATION

Non-documented transit migration is one of the more complex dimensions to measure in the international migration realm, given its own dynamics, with scarce or null temporal and spatial association; that is, it refers to migrants who are not established in a place of residence in a habitual way and, generally, without a time frame in which they plan to traverse the place where they transit.

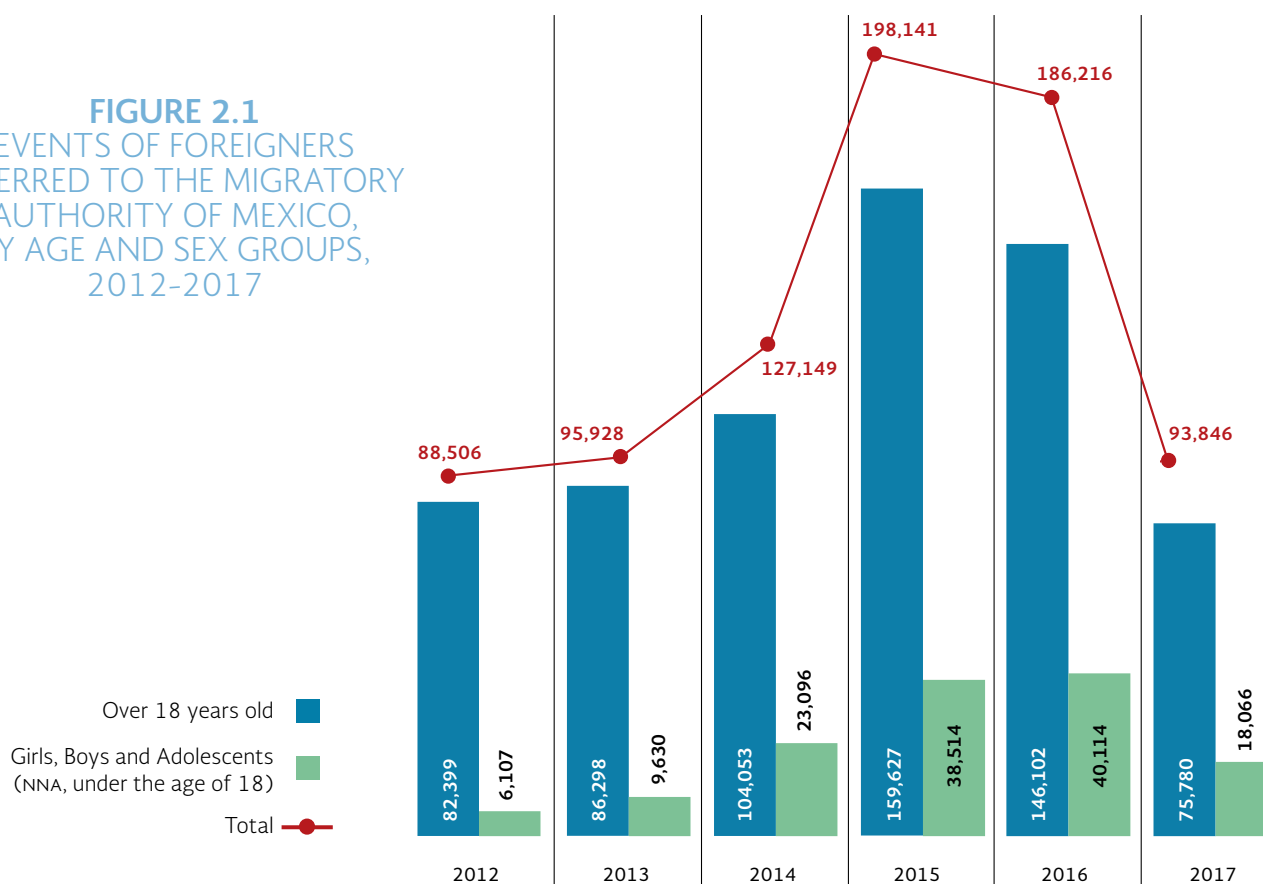
Migratory irregularity and high spatial mobility are two conditions that lead to greater vulnerability and risks to the migrant population. Combined with the lack of a temporary definition regarding the condition of transit (Berumen *et al.*, 2012, p. 96), such circumstances lead to a prolonged uncertainty that diminishes the self-managing capacities of the migrant population. Given this situation, questions arise about the future of these populations in transit, since the public policies implemented are often exceeded due to the fact that there are no clear definitions regarding the migration destination.

<sup>24</sup> Rodríguez and Ramos (2015) point out that from 2013 to 2014 the migratory volume of children and adolescents showed a notable increase, as did the detentions of that group (240%) by migration authorities.

Despite the difficulties in dimensioning and characterizing these irregular flows, the events associated with displacements allow for an approximation of the detentions or repatriations of these migrants to their places of origin. For this, this section presents information from the administrative records of the INM, from which it is possible to have an element for the estimation of undocumented transit migration in Mexico; however, it is important to emphasize that these data only show a part of this flow.

In terms of the Migration Law (DOF 2018) “referring migrants to the migratory authority” is the measure dictated by the INM through which migrant’s information is recorded and the temporary accommodation of foreigners who does not prove their migratory status is agreed on, either for the regularization of their stay or *assistance for the return*.<sup>25</sup> As part of the procedure of control and verification, foreigners who do not accredit their regular situation in the country are subject to an administrative procedure by the INM for the conducive effects

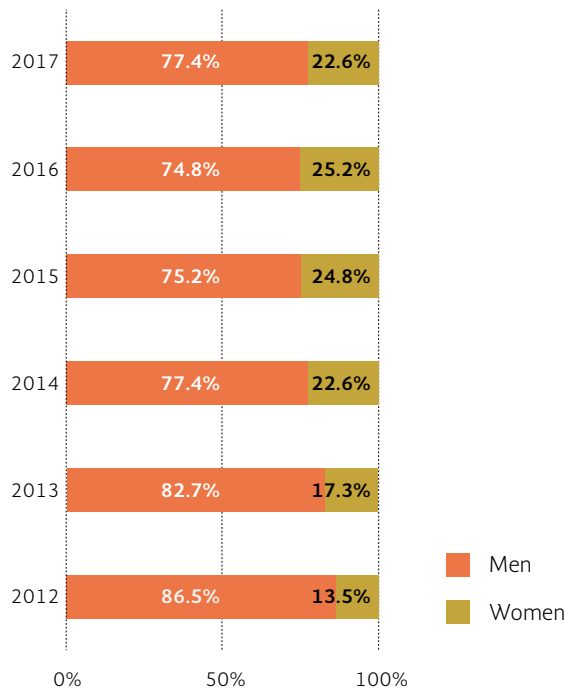
**FIGURE 2.1**  
EVENTS OF FOREIGNERS  
REFERRED TO THE MIGRATORY  
AUTHORITY OF MEXICO,  
BY AGE AND SEX GROUPS,  
2012-2017



<sup>25</sup> From a human rights perspective, this term is questionable since it violates the personal freedom of foreign migrants who are in national territory, and refers to the detention of migrants in an irregular situation, despite this circumstance not constituting a crime.

based on the provisions of the law and its regulation. During the development of this procedure and while their situation is resolved, the foreign population that is “referred to the Mexican migratory authorities” can be considered part of the flow of irregular migration in transit.

Mention should be made about the increase in the events of foreign people referred to migratory authorities between the years 2012 and 2015. In these, not only the upward trend but also changes in the composition of this flow stand out:



Source: Migration Policy Bureau, SEGOB, based on *Monthly Bulletin of Migratory Statistics 2012-2017*.

women increased their relative weight among migrants that transited our country, from 13.5 in 2012 to 25.2% in 2016, the highest observed in the period (see figure 2.1).

As mentioned in the previous section, another important change in the composition of the flows that transit through our country is the presence of NNA. Between 2014 and 2015, there was a notable increase of 97.0% among unaccompanied NNA aged 12 to 17 years, and 72.1% of accompanied NNA aged 0 to 11 years, as will be seen in section 2.4 of this chapter. In the case of this last group, it is important to highlight its link with the increase in women who were referred to the Mexican migratory authorities since, from this finding, it is possible to relate the mobility of mothers and children in the context of transit migration.

Before the so-called *humanitarian crisis* triggered by the detention of tens of thousands of children by immigration authorities of the United States, this group was characterized by those who were travelling unaccompanied, who accounted for more than 50% of the total of NNA. In some cases, their goal was to reunite with relatives, while in others they did so as part of family strategies to obtain resources through remittances; that is, to join a paid activity in the United States despite their young age. This was partly due to the fact that the composition of households in the places of origin was polarized by the effect of migration - where mainly NNA and elderly people are found. However, this trend was reversed in the following years and continued until 2017. Later on, there is a specific section dedicated to delving deeper into this population.

Coming back to the total foreign population, it should be noted that the changes observed have been influenced by various external factors and in different measures; in fact, atypical trends have been reported in some nationalities in the last three years. Figure 2.2 presents information corresponding to the foreign population events referred to the INM between 2012 and 2017. Here you can see some of these changes, but the first thing that draws attention is that the group of migrants from Central America is the majority. The number of migrants from the Caribbean Islands increased during 2014 and 2016, while those from Asia increased gradually during the period.

**FIGURE 2.2**  
EVENTS OF FOREIGNERS  
THAT WERE REFERRED  
TO THE MIGRATORY AUTHORITY  
OF MEXICO, BY CONTINENT  
OR REGION OF NATIONALITY,  
2012-2017

(-) Without record.  
Source: Migration Policy Bureau, SEGOB,  
based on *Monthly Bulletin of Migratory  
Statistics* 2012-2017.

Continent or region of nationality	Year					
	2012	2013	2014	2015	2016	2017
<b>Total</b>	<b>88,506</b>	<b>86,298</b>	<b>127,149</b>	<b>198,141</b>	<b>186,216</b>	<b>93,846</b>
America	87,760	84,681	125,102	193,666	177,242	86,318
North America	951	914	1,277	2,460	2,348	2,305
Central America	82,161	80,757	119,714	179,618	151,429	80,599
South America	1,183	1,486	1,781	1,706	1,970	1,326
Caribbean Islands	3,465	1,524	2,330	9,882	21,495	2,088
Europe	117	177	211	163	231	168
Asia	303	894	1,046	2,224	4,832	5,170
Africa	323	545	785	2,078	3,910	2,178
Oceania	3	1	5	1	1	8
Stateless persons	-	-	-	9	-	4

From this information, it is worth analyzing some specific cases. For instance, figure 2.3 presents the events of the Cuban population that was referred to the INM during that same period. The exponential increase between 2015 and 2016 stands out, fact linked to the resumption of bilateral relations between Cuba and the United States at the end of 2014, which is probably a reaction of fear to the conclusion of the benefits of the policy of “dry foot, wet foot”.

This situation triggered the departure of thousands of Cubans in search of this benefit and forced different governments in the region, from Panama to Mexico, to take emergency international cooperation measures to assist the island’s nationals who were stranded in these countries. Some of them were recipients to humanitarian visas and transferred to the northern border of Mexico to seek the benefit of U.S. policy, a situation that precluded applying them an administrative migratory procedure; however, in other transit countries, Cuban migrants had fewer opportunities, when they were detected the administrative procedure was initiated to return them to their country of origin.

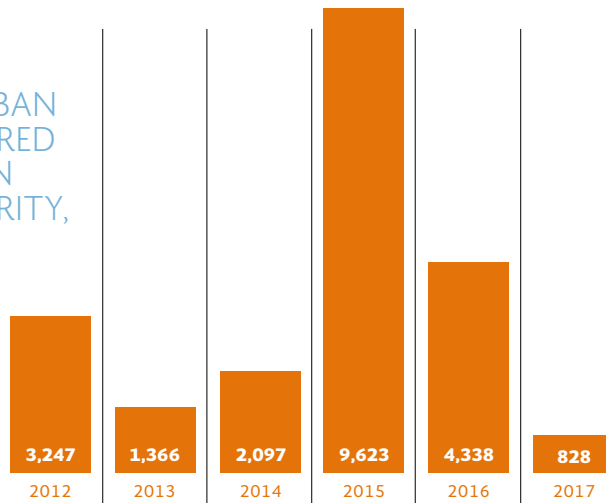
As a result, the maximum flow of Cuban migrants reached in Mexico was in 2015, with 9,623 events, while for the following year this figure dropped by almost 55 percent.

In this same respect, the U.S. Customs and Border Protection, in its report for the fiscal year 2016,<sup>26</sup> show an increase of inadmissible Cuban nationals in the southern border of the United States, which is four times larger than the one reported by Mexico the previous year (see figure 2.4).

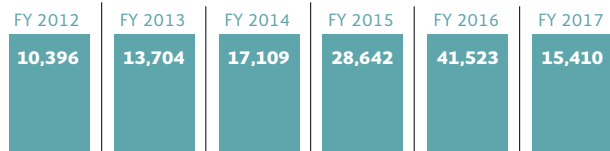
However, for the following U.S. fiscal year (2017), the registered number of Cuban migrant events fell by 62%, which can be attributed to the decision to permanently eliminate the “wet foot, dry foot” policy, and opened the possibility that Cuban migrants were returned to their country of origin for entering the United States without documents, like any other foreigner in the same situation. Because of this, it can be assumed that the decrease in the flow will continue in the following years, since the special protection status unique to Cuban migrants was revoked on January 12, 2017, there for they could now be looking for new countries of destination.

<sup>26</sup> The fiscal year (FY) was from October 1st, 2015 to September 30th, 2016. Although temporarily the figures are not in strict sense comparable, the growth of the flow between both years is denoted.

**FIGURE 2.3**  
EVENTS OF THE CUBAN  
POPULATION REFERRED  
TO THE MEXICAN  
MIGRATORY AUTHORITY,  
2012-2017



Source: Migration Policy Bureau, SEGOB, based on *Monthly Bulletin of Migratory Statistics* 2012-2017.



**FIGURE 2.4**  
EVENTS OF THE CUBAN  
POPULATION DETECTED  
IN THE SOUTHERN BORDER  
OF THE UNITED STATES,  
2012-2017 (FISCAL YEARS)

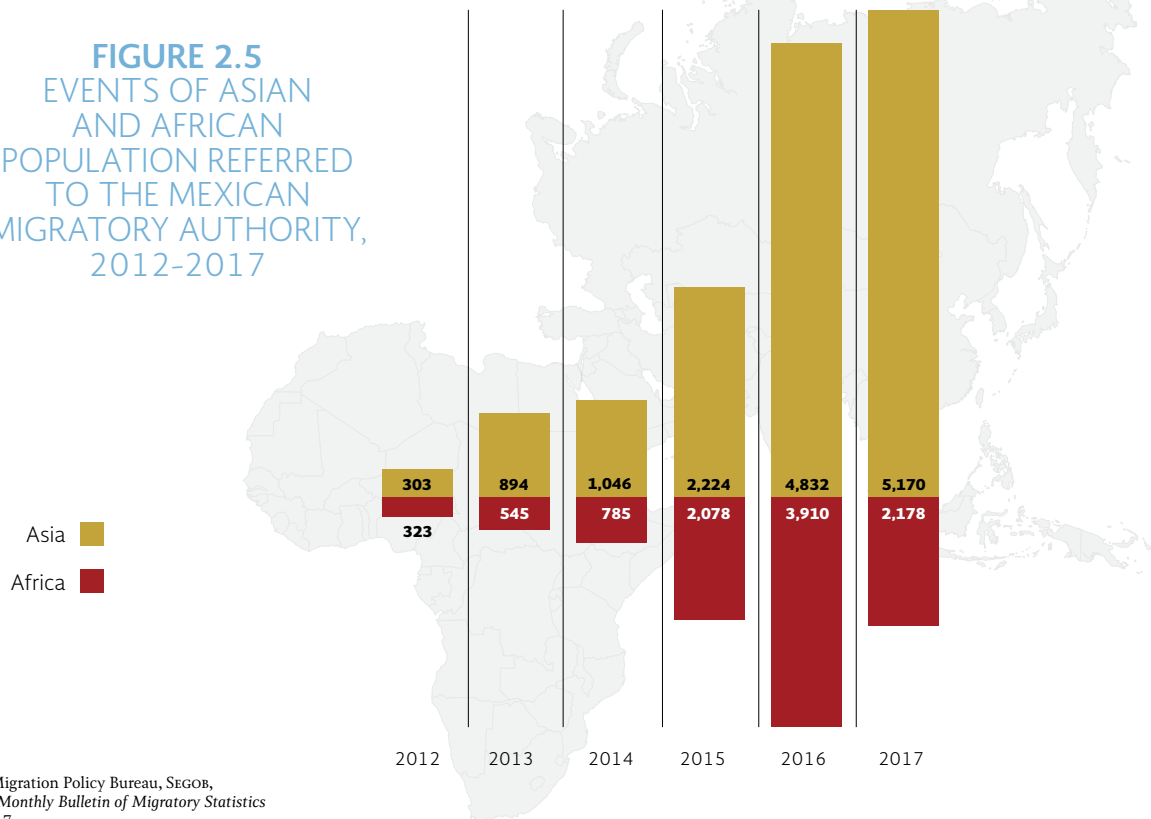
FY: Fiscal Year comprises from October of the prior year to September of the reference year.  
Source: Migration Policy Bureau, SEGOB, based in U.S. Customs and Border Protection, FY 2012-2017.

Other flows that in recent years have gained some relevance in the countries that are part of the Regional Conference on Migration (RCM)<sup>27</sup> are the so-called extra-regional flows,<sup>28</sup> basically composed by migrants from Africa and Asia, for whom, according to the *Human Development Report 2016* (HDR, 2016), movements are given as survival strategies for

escaping from decades long armed conflicts and political and economic crises that take place in their countries of origin.

Even though most of the displacements from these regions occur mainly towards neighboring countries and Europe, some of them intend to reach the United States through Mexican territory, a figure that shows an increase since 2014 (see figure 2.5).

**FIGURE 2.5**  
EVENTS OF ASIAN  
AND AFRICAN  
POPULATION REFERRED  
TO THE MEXICAN  
MIGRATORY AUTHORITY,  
2012-2017



<sup>27</sup> Belize; Canada; Costa Rica; El Salvador; Dominican Republic; Guatemala; Honduras; Mexico; Nicaragua; Panama and the United States of America.

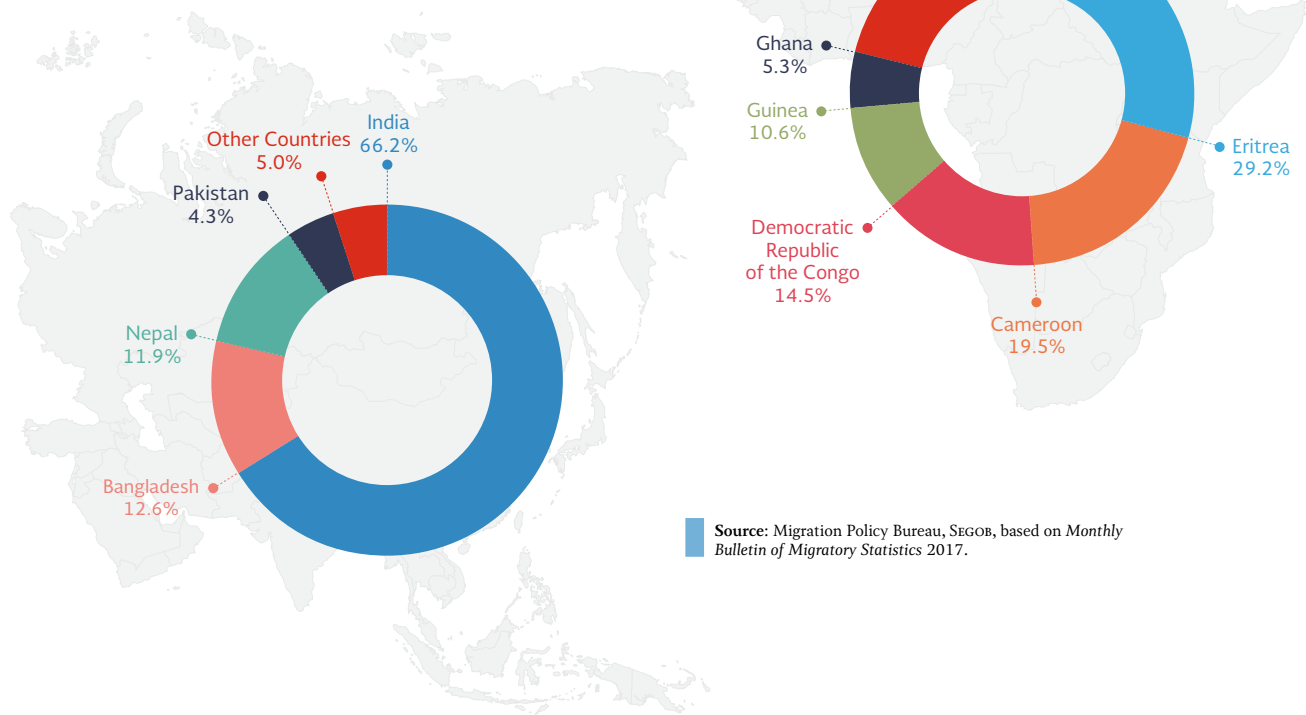
<sup>28</sup> Understood as the international mobility of people from a country or region different from the destination, previously defined. These displacements can be regular or irregular, regardless of their characteristics and protection needs.



In 2017 the main countries of origin of Asian migrants were India (66.2%), Bangladesh (12.6%) and Nepal (11.9%), while the main African countries were Eritrea (29.2%), Cameroon (19.5%), Democratic Republic of the Congo (14.5%) and Guinea (10.6%, see figure 2.6). According to the

United Nations High Commissioner for Refugees (UNHCR), conflict and violence keep generating new displacements in such nations and impede the return of the population (UNHCR, 2017).

**FIGURE 2.6**  
EVENTS OF ASIAN AND  
AFRICAN POPULATION  
REFERRED TO THE MEXICAN  
MIGRATORY AUTHORITY,  
BY COUNTRY OF ORIGIN,  
2017 (PERCENTAGES)



Source: Migration Policy Bureau, SEGOB, based on *Monthly Bulletin of Migratory Statistics* 2017.

While the flows of extra-regional migrants do not present the dimensions of those coming from the Northern Triangle of Central America (Guatemala, Honduras and El Salvador), their increase represents important attention challenges. The main one to be mentioned is the language, key tool to understand their needs and advance in the integration process in the countries of destination.

A complementary topic to detentions and administrative procedures in migratory matters, is linked to the migrant's decision to return to his or her country of origin after failing to attest their regular situation in the country, according to the provisions contained in the Migration Law (2011) and its Regulation, consequently they are returned. In this regard, it should be noted that most flows from countries of Africa and some from Asia are issued an order to leave Mexico, as they are protected by UNHCR, procedure that is not available for nationals of other countries.

In this context, figure 2.7 presents information on events of foreigners that were returned between 2012 and 2017 by country of nationality. Guatemala, Honduras and El Salvador, in that order, are the main expellers of migrants who were in Mexico without the required documentation for their stay or transit, which is reflected in a greater number of return events<sup>29</sup>

for these three countries that, together, account for more than 95% of returns. Guatemala alone, represented around 2 out of every 5 returns in that period.

This can be partially explained by the opportunity presented to its population by the bordering location of Guatemala with Mexico and, in terms of a migratory procedure, it is relatively simpler, at least in terms of expenses and travelling time, besides, implies not crossing through other countries and, therefore, the ease of experiencing a greater number of crossing attempts to achieve their objective, although this also corresponds to a greater number of returns. The same thing happens, though in a lesser extent, for nationals of Honduras and El Salvador, who also have to cross Guatemala, which conveys greater expenditures and time to achieve their purpose.

In general, the increase in returns registered up to 2015 in the countries that are broken down in figure 2.7 is worth mentioning, a trend that has been seen since 2012 but which begins its drop in 2016, consolidating in 2017, which can be interpreted as a consequence of the exacerbated message about border control that the president of the United States, Donald Trump, has expressed constantly about hindering the entry into the American Union through a selective migratory reform.

**FIGURE 2.7**  
EVENTS OF FOREIGNERS  
RETURNED BY THE MEXICAN  
MIGRATORY AUTHORITY,  
BY MAIN COUNTRIES  
OF NATIONALITY,  
2012-2017 (PERCENTAGES)

País de nacionalidad	2012	2013	2014	2015	2016	2017
Absolutos	79,643	80,902	107,814	181,163	159,872	82,237
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Guatemala	44.1%	37.4%	39.7%	45.6%	39.0%	43.6%
Honduras	36.6%	40.9%	38.6%	31.9%	33.7%	36.4%
El Salvador	16.0%	18.0%	18.4%	19.2%	20.9%	14.2%
Estados Unidos	0.8%	0.9%	0.9%	1.3%	1.4%	2.6%
Nicaragua	0.8%	1.0%	0.9%	0.8%	0.8%	0.9%
Cuba	0.4%	0.3%	0.2%	0.3%	2.3%	0.7%
Ecuador	0.6%	0.9%	0.7%	0.4%	0.5%	0.2%
Venezuela	0.0%	0.0%	0.1%	0.0%	0.1%	0.1%
Haiti	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Otros países	0.5%	0.6%	0.5%	0.5%	1.4%	1.1%

The information includes both: Deported foreigners and assisted return foreigners, both under and over 18 years of age. *Deportation events*: Refers to migrants that were returned to their country of origin that did not observed the provisions contained in the Migration Law (articles 111, 115 and 122) and its Regulation (articles 242 and 243), once the administrative procedure of being referred to the Mexican migratory authority is done, as established in article 99 of the same law. *Assisted return events*: Refers to events of migrants over 18 years old who requested the benefit of assisted return to get back to their country of origin, as provided in the Migration Law (articles 111, 115, 118 and 119) and its Regulation (article 193), once the administrative procedure of being referred to the Mexican migratory authority is done, as established in article 99 of the same law. *Events of assisted return for children under 18 years old*: Refers to the events of girls, boys and adolescent migrants that were returned to their country of origin, as provided in the Mexican Migration Law (articles 111, 112, 115 and 120) and in its Regulation (article 193). Figures may differ from those published in both government and work reports due to the procedure of validating the information.

**Source:** Migration Policy Bureau, SEGOB, based on information registered in migratory stations, headquarters and local offices of the National Institute of Migration (INM), 2012-2017.

<sup>29</sup> Return events to their countries of origin correspond to the understanding that a person can be returned on more than one occasion in the same reference year.

In addition to this discouraging effect that the U.S. migratory policy might generate, along with the increase in risks transit through third countries brings, other factors that contribute to explain this downward trend in the number of foreigners returned must also be considered. In this sense, the alternatives to the return contained in the Regulation of the Mexican Migration Law stand out, which foresee a series of procedures for the issuance of an official document for leaving the migratory station to foreign persons housed there, who meet the criteria of the cases of articles 133 and 134 of the aforementioned law, which establish the requirements to regularize their stay in the national territory (DOF, 2012).

In recent years there has been an increase in the percentage of foreigners who prefer access to an alternatives to exit a migratory station, avoiding the return to their country of origin. The figure 2.8 presents information corresponding to the alternatives to being returned, by getting the issuance of an official document for migratory regularization, which are also part of the explanation of the decrease registered recently in the returns, as well as by the issuance of an official document to leave, both issued in 2017.<sup>30</sup> In that year, official documents for migratory regularization were issued to foreign

population mainly from the American continent (47.1%) and the Asian continent (38.9%), while the official documents to leave were issued, in greater proportions, for populations who came from the Asian continent (54.9%) and the African continent (28.0%).

The complexity of the undocumented transit flows through Mexico highlights the need for a greater amount of data that contributes not only to the measurement of this dimension of international mobility, but also to its characterization; that is, collecting data that allows deepening its study and provide elements for proper attention.

The estimation presented in this section, based on administrative records of the INM, is complemented with information from the EMIF SUR that was used for the analysis of the following section, to obtain sociodemographic profiles with a greater breakdown in the characteristics of the population that is in irregular transit, as well as some trends of these flows in recent years.

Continent or region of nationality	Total	Alternative for leaving	
		Official documents for migratory regularization	Official documents for leaving
Absolutes	11,010	6,997	4,013
Total	100.0%	100.0%	100.0%
America	35.6%	47.1%	15.5%
North America	1.2%	0.9%	1.7%
Central America	16.4%	21.3%	7.8%
South America	3.2%	2.5%	4.4%
Caribbean Islands	14.8%	22.4%	1.5%
Europe	0.6%	0.1%	1.5%
Asia	44.7%	38.9%	54.9%
Africa	19.0%	13.8%	28.0%
Oceania	0.0%	-	0.1%
Stateless persons	0.0%	0.0%	0.0%

**FIGURE 2.8**  
EVENTS OF FOREIGNERS NOT SUBJECT TO RETURN, BY CONTINENT OR REGION OF NATIONALITY ACCORDING TO THE ALTERNATIVES TO LEAVE, 2017 (PERCENTAGES)

The information refers to events of foreign migrants who were issued a “leaving option” other than deportation, assisted return or expulsion, in accordance with article 111 of the Migration Law and 240 of its Regulation. Figures may differ from those published in both government and work reports due to the procedure of validating the information.  
(-) Without record.

**Source:** Migration Policy Bureau, SEGOB, based on information registered in migratory stations, headquarters and local offices of the National Institute of Migration (INM), 2017.

<sup>30</sup> The Regulation of the Mexican Migration Law defines an *official document to leave the migratory station* as the resolution that allows the foreign person to leave a migratory station to initiate the regularization proceedings, within the established deadline by the migratory authority; or by the normative hypothesis of the last paragraph of article 111 of the law. On the other hand, the issuance of an *official document to leave the country* can be understood as the resolution issued by the migration authority of the place assigned for the international transit of persons, it authorizes the foreign person in an irregular migratory situation to leave the national territory within the established deadline (DOF, 2012).

Socio-demographic characteristics	2012	2013	2014	2015	2016	2017
<b>Absolutes</b>	<b>114,482</b>	<b>138,624</b>	<b>163,281</b>	<b>145,828</b>	<b>146,062</b>	<b>89,388</b>
<b>Sexo</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Men	89.9%	86.7%	81.8%	82.2%	82.4%	85.9%
Women	10.1%	13.3%	18.2%	17.8%	17.6%	14.1%
<b>Age Groups</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
15 to 19 years old	12.5%	12.0%	12.6%	14.5%	13.3%	12.1%
20 to 29 years old	56.5%	57.1%	55.5%	52.6%	55.6%	56.9%
30 to 39 years old	24.7%	22.7%	23.9%	24.2%	22.3%	23.2%
40 to 49 years old	5.3%	6.8%	6.3%	7.1%	7.1%	5.9%
Over 50 years old	0.9%	1.3%	1.6%	1.6%	1.7%	1.8%
Not specified	0.0%	0.1%	0.0%	-	0.0%	0.2%
<b>Indigenous language speaker condition</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Speaker	11.3%	10.9%	8.6%	10.8%	11.7%	11.3%
Non-speaker	88.7%	89.1%	91.4%	89.2%	88.3%	88.7%
Not specified	-	0.0%	0.0%	-	0.0%	-
<b>English language speaker condition</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Speaker	5.5%	5.6%	6.3%	4.3%	5.6%	8.5%
Non-speaker	94.5%	94.4%	93.7%	95.7%	94.3%	91.5%
Not-specified	-	0.0%	-	-	0.0%	0.0%
<b>Literacy condition</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Can read and write	95.3%	95.5%	93.4%	93.2%	93.7%	94.8%
Cannot read and write	4.7%	4.5%	6.6%	6.8%	5.9%	5.2%
Not specified	-	-	-	-	0.4%	-
<b>Scholar level (by instructional year groups)</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
None	5.8%	5.4%	7.2%	7.2%	5.2%	4.5%
1 to 5 years	19.2%	17.6%	20.1%	18.7%	17.6%	14.1%
6 years	32.6%	27.5%	23.5%	25.1%	20.8%	25.1%
7 to 9 years	25.5%	27.8%	26.2%	26.0%	29.5%	28.4%
10 to 12 years	15.8%	19.9%	20.6%	21.1%	24.8%	25.2%
Over 13 years	1.1%	1.7%	2.3%	2.0%	2.2%	2.8%
No especificado	0.2%	0.1%	0.1%	-	0.0%	-
<b>Marital status</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
United <sup>1</sup>	42.3%	44.5%	43.3%	41.1%	40.0%	37.2%
Not united <sup>2</sup>	57.7%	55.5%	56.7%	58.9%	60.0%	62.8%
Not specified	-	-	0.0%	-	0.0%	-
<b>Kinship</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Head of household	44.2%	45.0%	45.1%	42.5%	42.0%	42.4%
Spouse	2.4%	2.6%	4.2%	5.5%	6.6%	4.3%
Children	48.2%	46.8%	44.8%	48.9%	48.9%	50.3%
Other kinship <sup>3</sup>	5.2%	5.7%	5.9%	3.1%	2.5%	3.1%
Not specified	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

**FIGURE 2.9**  
**FLOW OF CENTRAL**  
**AMERICAN MIGRANTS**  
**RETURNED BY**  
**MEXICANS AND U.S.**  
**AUTHORITIES,**  
**BY SOCIO-DEMOGRAPHIC**  
**CHARACTERISTICS,**  
**2012-2017 (PERCENTAGES)**

<sup>1</sup> The “united” category includes married couples and in common law cohabitation.  
<sup>2</sup> “Not united” category includes singles, widowed, divorcees and separated.  
<sup>3</sup> “Other kinship” includes other relatives as grandparents, uncle, aunt, niece, nephew, cousin and other kinship, besides those whom does not have a kinship relationship (-) Without record.  
**Source:** Migration Policy Bureau, SEGOB, based on information from the Migration Policy Bureau National Population Council, National Council for the Prevention of Discrimination, Secretariat of Foreign Affairs, Secretariat of Social Development, Secretariat of Labor and Welfare and The Northern Border College, Survey on Migration in the Southern Border of Mexico (which acronyms -in Spanish- farther in the document appear as: UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS Y EL COLEF, respectively). Survey on Migration in the Southern Border of Mexico (EMIF SUR for its Spanish acronym), 2012-2017. Questionnaires of Migrants returned by authorities of Mexico or u.s. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

## 2.3 PROFILES OF THE TRANSIT UNDOCUMENTED MIGRANT POPULATION

Another element of the study of transit migration through Mexico that is part of this work is the approach to the profiles of the population that shape these flows. It is in this section where relevant characteristics of Central American migrants returned by the U.S. and Mexican migratory authorities are featured. For this purpose, the Survey on Migration in the Southern Border of Mexico (EMIF SUR) was used, which has gathered information on Guatemalan, Honduran and Salvadoran migrants with 15 years of age or older who represent the main groups of foreigners that were referred to and returned by the Mexican migratory authorities<sup>31</sup>—as seen in the previous section—. It is worthwhile remembering that for the purpose of this document the flow of migrants from these three countries to the United States is taken into account, as mentioned at the beginning of the chapter.

**FIGURE 2.10**  
FLOW OF CENTRAL AMERICAN MIGRANTS RETURNED BY MEXICAN AND U.S. AUTHORITIES, BY CHARACTERISTICS OF THE PLACE OF RESIDENCE, 2012–2017 (PERCENTAGES)

Place of residence	2012	2013	2014	2015	2016	2017
Absolutes	114,482	138,624	163,281	145,828	146,062	89,388
Country of residence	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Honduras	43.5%	40.6%	40.4%	37.3%	37.5%	41.3%
Guatemala	36.1%	38.7%	34.2%	33.5%	35.5%	38.3%
El Salvador	18.3%	19.3%	24.3%	28.2%	26.3%	19.2%
United States of America	2.0%	1.2%	0.9%	0.8%	0.6%	1.1%
Not specified	0.1%	0.3%	0.2%	0.1%	0.1%	0.1%
Type of location of residence	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Urban <sup>1</sup>	67.1%	66.6%	47.9%	32.5%	37.4%	32.0%
Non urban <sup>2</sup>	30.8%	29.6%	44.2%	53.9%	49.0%	41.7%
Not specified <sup>3</sup>	2.1%	3.8%	7.9%	13.7%	13.6%	26.3%

<sup>1</sup> Urban location: 15,000 inhabitants or more

<sup>2</sup> Non-urban location: Less than 15,000 inhabitants.

<sup>3</sup> The unspecified include those who declared to reside in the United States or did not specify their country of residence.

Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS Y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2012–2017. Questionnaires of Migrants returned by authorities of Mexico or U.S. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

<sup>31</sup> In this section, unlike the previous one, the flow of Central American population from these three countries includes all those migrants returned not only by Mexican but also U.S. authorities, which increases the amounts; therefore, the figures do not coincide with the previous section, which only include the population returned by Mexican authorities.

In addition to sociodemographic variables, based on this information, the travel, residence and stay conditions in their transit through our country, as well as their migratory experience both in Mexico and the United States, among other aspects, can be known.

This flow consists of mostly male migrants: 85.9% in 2017. Women made up 14.1% in the same year; however, in previous years they reached a greater participation reaching up to 18.2% in 2014 (see figure 2.9).

Regarding age structure, the flow of these returned Central American migrants is relatively young, since in 2017 92.2% was between 15 and 39 years of age. In that same year, 11.3% of migrants spoke some indigenous language and 8.5% reported being able to express themselves in English; regarding kinship, 42.4% declared themselves as head of household and half were classified as son or daughter (50.3%, see figure 2.9).

While in 2012 the origin of flows had a predominantly urban origin (67.1%), the situation reverses practically every year until reaching 32.0% in 2017, which could be related to the violence perpetrated by gangs and paramilitary groups in these areas; leading to the departure of the population with aim of safeguarding their lives (see figure 2.10).

The use of documents to cross the border –either Guatemala–Mexico or Mexico–United States– is practically non-existent; being 2015 the year in which this percentage reached its highest representation, with just 1.0% (see figure 2.11).

Regarding travel conditions, it is important to highlight the changes that have happened during the period relating to certain indicators, such as the means of transportation used to cross the border toward Mexico or the United States, as can be seen in figure 2.11.

Tires inner tubes are no longer used by many migrants: the corresponding percentage fell significantly between 2012 and 2017 from 29.9 to 8.3%, respectively. The same thing happens with the use of boats or vessels in the sea, whose proportion practically disappeared (from 2.0% in 2012 to 0.8% in 2017); although to a lesser extent, the percentage of people who walked to cross the border was also reduced by almost half (from 15.4 to 8.9%, respectively, for the reference years, see figure 2.11).

This has led to an increase in more modern means of transportation that require less physical effort (their own or from others), such as the bus or truck –the ones mainly used–, which use increased from 45.8 to 51.3% between 2012 and 2017, as did the automobile, the motorcycle, the freight truck or cargo transport, which percentage tripled (from 5.9% in 2012 to 20.8% in 2017, see figure 2.11).

In relation to the length of stay in Mexico, it is worth noting that more than half of the survey respondents declared in 2017 to have stayed up to a week in the country; another important proportion indicated staying for more than a week and up to one month (36.7% in 2017, see figure 2.11).

In fact, in 93.5% of cases, transit through Mexico was less than one month of stay, a relatively short period, so it could be thought that most of the flow attempts to make the trip in the shortest possible time to minimize costs and reduce exposure to risks in Mexican territory (even, in 2012, the journey took less than one month in 98.5% of cases, see figure 2.11). Although the percentage of events in this flow that declared staying in Mexico more than one month up to a year is low, it should not be forgotten that it increased almost one percentage point during the last year observed (from 2.2% in 2016 to 3.1% in 2017).

Another aspect that accounts for the travel conditions is the hiring of a *pollero* to transit through Mexican territory or to cross the border into the United States, which remains an option for many migrants. Between 2012 and 2017, the use of *pollero* increased from 34.7 to 46.2% (see figure 2.12); that is, almost half of the migrants used a *pollero* to transit through Mexico or cross into the United States, which could be an indicator of the limitations existing in terms of support networks during the travel and crossing borders.

The vast majority of migrants that form this flow declared that they do not count with prior labor migration experience in Mexico; that is, they had not emigrated for work reasons before this time (95.4% in 2017, see figure 2.12). Although the proportion of migrants intending to retry crossing the border once returned to their country of origin is , this percentage has decreased during the period by almost nine percentage points: from 62.9% in 2012 to 57.8% in 2017. This indicator could be affected by the uneasiness experienced after being returned, but it is likely that, once involved in the daily life of their countries, many of these migrants decide to undertake the journey again in search of better luck.

In 2017, migrants from the three Central American countries (Guatemala, Honduras and El Salvador) increased in percentage –with respect to 2012– of those who had previous migratory experience in the United States, being that year the Guatemalan migrants higher proportion (97.3%), while in 2012 the highest flow was Salvadoran migrants (43.8%, see figure 2.13).

Likewise, Salvadoran migrants who declared their intention to try to travel again to the United States in the few days after their deportation represented a higher percentage in 2012 (17.3%); however, this proportion reduced in 2017 (11.3%). The percentage of Guatemalans is the same, while the Hondurans with the same intention has remained at 14.7% during 2012 and 2017 (see figure 2.13). It should be noted the high percentage of not specified cases for this variable in the last year; that is to say, they have not made a decision about returning to the American Union, most common among Guatemalans.

**FIGURE 2.11**  
**FLOW OF CENTRAL AMERICAN MIGRANTS**  
**RETURNED BY MEXICAN AND U.S. AUTHORITIES,**  
**BY TRAVEL CONDITIONS, 2012-2017 (PERCENTAGES)**

Travel conditions	2012	2013	2014	2015	2016	2017
<b>Absolutes</b>	<b>114,482</b>	<b>138,624</b>	<b>163,281</b>	<b>145,828</b>	<b>146,062</b>	<b>89,388</b>
<b>Documents condition to cross the border (to Mexico to u.s.)</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
With migratory document	0.6%	0.3%	0.7%	1.0%	0.5%	0.4%
Without migratory document	99.4%	99.7%	98.9%	98.8%	99.3%	99.2%
Not specified	0.0%	0.0%	0.5%	0.2%	0.2%	0.3%
<b>Means of transport to cross the border (to Mexico to u.s.)<sup>1</sup></b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
None (walking)	15.4%	13.3%	10.3%	16.8%	11.1%	8.9%
Inner tubes or swimming	29.9%	23.1%	12.0%	8.9%	7.5%	8.3%
Boat or speedboat	2.0%	3.6%	4.6%	0.9%	0.7%	0.8%
Bus or truck	45.8%	56.7%	71.0%	57.7%	59.6%	51.3%
Automobile, motorcycle, trailers or load trucks	5.9%	2.4%	0.8%	9.6%	13.6%	20.8%
Other mean of transportation	0.6%	0.7%	1.3%	5.7%	7.3%	9.5%
Not specified	0.5%	0.2%	0.0%	0.4%	0.2%	0.5%
<b>Amount of time spent in Mexico</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Up to 24 hours	7.4 %	6.0%	7.4%	5.1%	4.2%	6.9%
More than 1 day up to 1 week	57.3%	52.1%	48.6%	47.4%	42.1%	49.9%
More than 1 week up to 1 month	33.8%	40.2%	41.6%	42.6%	47.4%	36.7%
Over 1 month	0.6%	1.2%	1.7%	2.8%	2.8%	3.2%
Not specified	0.8%	0.5%	0.7%	2.2%	3.6%	3.4%
<b>Guatemalan city of crossing into Mexico</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Tecún Umán (San Marcos)	33.0%	31.0%	31.6%	30.1%	32.7%	28.4%
El Carmen (San Marcos)	20.8%	16.0%	4.3%	4.4%	3.7%	3.1%
La Mesilla (Huehuetenango)	12.6%	12.0%	17.7%	21.0%	19.0%	19.7%
Gracias a Dios (Huehuetenango)	5.0%	5.8%	5.8%	7.2%	8.4%	9.4%
Bethel (El Petén)	11.2%	10.2%	0.3%	0.3%	0.5%	0.4%
El Ceibo (El Petén)	10.2%	10.7%	4.8%	7.6%	8.6%	8.0%
Other city	5.2%	10.4%	29.0%	24.7%	22.4%	26.3%
Entered Mexico by air or by sea	0.3%	0.1%	0.2%	0.3%	0.0%	0.0%
Not specified	1.8%	3.9%	6.3%	4.4%	4.7%	4.8%

<sup>1</sup> From 2015, the question about the means of transportation used to cross the border ceased to be global and was broken down into a series of individual questions for each mean of transportation.

Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAFO, CONAPRED, SRE, SEDESOL, STPS y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2012-2017. Questionnaires of Migrants returned by authorities of Mexico or u.s. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

**FIGURE 2.12**  
FLOW OF  
CENTRAL AMERICAN  
MIGRANTS RETURNED  
BY MEXICAN AND U.S.  
AUTHORITIES, BY MIGRATORY  
EXPERIENCE, 2012-2017  
(PERCENTAGES)

Migratory experience	2012	2013	2014	2015	2016	2017
Absolutes	114,482	138,624	163,281	145,828	146,062	89,388
Migratory work experience prior to Mexico	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
With migratory experience	1.1%	0.9%	1.5%	0.8%	0.9%	1.1%
Without migratory experience	98.4%	98.6%	98.0%	97.2%	95.6%	95.4%
Not specified	0.5%	0.5%	0.5%	2.0%	3.5%	3.5%
Hiring <i>pollero</i> to transit through Mexico or cross the border to the u.s.	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
A <i>pollero</i> was hired <sup>1</sup>	34.4%	46.0%	43.0%	32.5%	39.7%	46.2%
A <i>pollero</i> was not hired	65.5%	53.7%	56.6%	66.9%	59.6%	52.8%
Not specified	0.0%	0.3%	0.4%	0.6%	0.8%	1.0%
Reattempted the border-crossing (to Mexico or the u.s.)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Attempted the border-crossing	62.9%	60.7%	56.5%	60.6%	57.7%	57.8%
Do not reattempted the border-crossing	34.3%	37.5%	40.7%	32.1%	30.7%	30.7%
Not specified	2.8%	1.8%	2.8%	7.3%	11.6%	11.5%
Place where they were encountered by migratory authorities (Mexicans or American)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Street or road	55.9%	61.6%	70.7%	81.6%	75.0%	60.8%
Crossing the river or the borderline	14.1%	11.4%	10.6%	3.7%	3.4%	11.6%
Desert or mountain	18.1%	16.9%	9.8%	5.9%	6.9%	14.4%
Place of residence	0.7%	1.0%	1.4%	0.8%	1.7%	0.6%
Place of work	0.2%	0.2%	0.6%	0.6%	0.5%	0.2%
Other place	10.4%	8.3%	6.3%	5.3%	8.3%	9.3%
Not specified	0.7%	0.6%	0.6%	2.1%	4.3%	3.2%

<sup>1</sup> Use of *pollero* refers to the hiring of a person who “assist” to cross or travel through Mexico with the intention of reaching United States.

Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS Y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2012-2017. Questionnaires of Migrants returned by authorities of Mexico or u.s. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

**FIGURE 2.13**  
FLOW OF CENTRAL AMERICAN MIGRANTS RETURNED BY U.S. AUTHORITIES,  
BY MIGRATORY EXPERIENCE IN THAT COUNTRY, BY NATIONALITY,  
2012 AND 2017 (PERCENTAGES)

Selected characteristics	2012				2017			
	Total	Guatemala	Honduras	El Salvador	Total	Guatemala	Honduras	El Salvador
Absolutes	65,744	29,522	25,058	11,164	51,197	21,518	19,025	10,654
Previous migratory experience in the u.s.	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
With experience	38.3%	33.0%	42.2%	43.8%	95.7%	97.3%	95.4%	93.1%
Without experience	61.4%	66.7%	57.7%	55.9%	4.0%	2.5%	4.3%	6.9%
Not specified	0.2%	0.3%	0.1%	0.3%	0.2%	0.2%	0.3%	-
Reattempt of border-crossing to u.s.	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Will return in next days	15.2%	14.8%	14.7%	17.3%	11.1%	7.9%	14.7%	11.3%
Will return someday	37.8%	31.9%	48.2%	29.9%	35.9%	20.7%	49.8%	41.7%
Will not attempted border-crossing	42.5%	45.2%	37.1%	47.5%	39.6%	46.2%	28.3%	46.5%
Not specified	4.5%	8.1%	-	5.3%	13.4%	25.2%	7.2%	0.5%

(-) Without record.

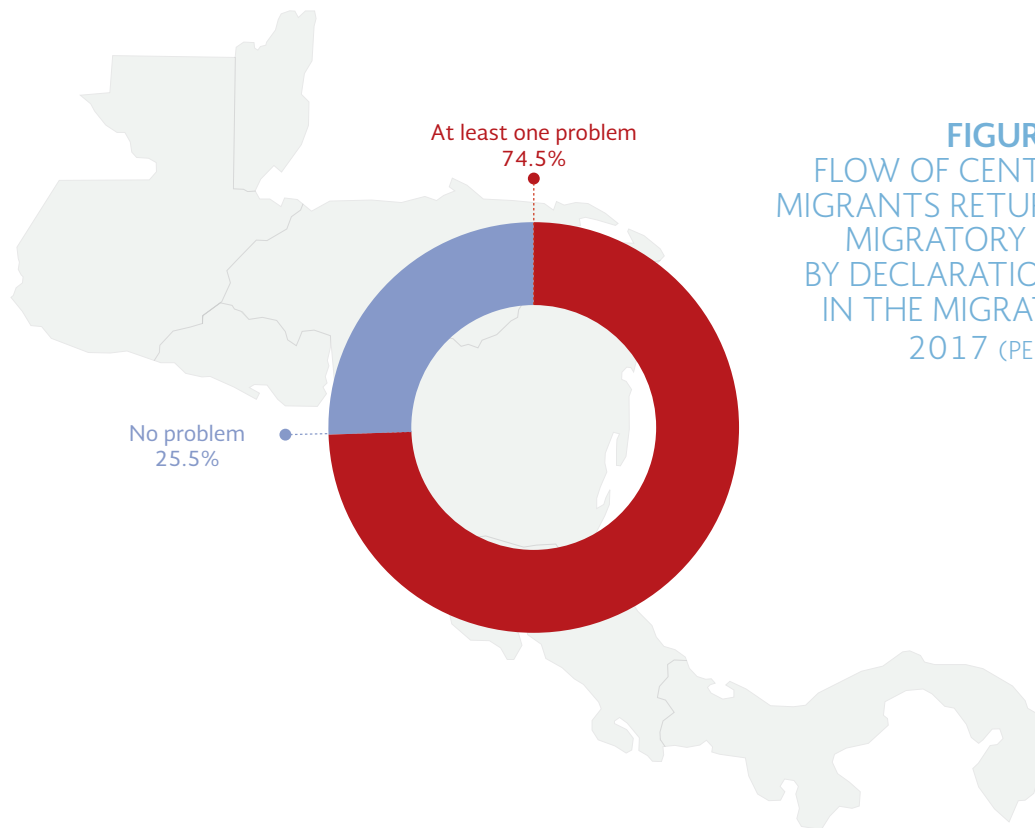
Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS Y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2012 y 2017. Questionnaires of Migrants returned by authorities of Mexico or u.s. to Guatemala, Honduras and El Salvador (preliminary information, 2017).



Lastly, other relevant indicators of the EMIF SUR to get closer to analyzing transit migration conditions through Mexico are migrants perception regarding the treatment received from the migratory authorities during their transit and at the place of destination, as well as the presence of conflicting situations at the migratory station or provisional migratory facility, aspects that add to the migrants vulnerability. To this end, the flow of Central American migrants that were returned by the Mexican authorities is observed separately from the flow of migrants returned by the U.S. authorities, as each item is investigated independently in the EMIF SUR.

It is important to note that the survey questionnaires for each of these two migrant flows do not contain the same information; for this reason, in this document it was decided to include the variables of each questionnaire in order to allow an approximation to the topic of interest, although they do not necessarily concur.

The 2017 information shows that in three quarters of the flow of migrants returned by the Mexican migratory authorities, at the very least one problem was identified in the migratory station (see figure 2.14).



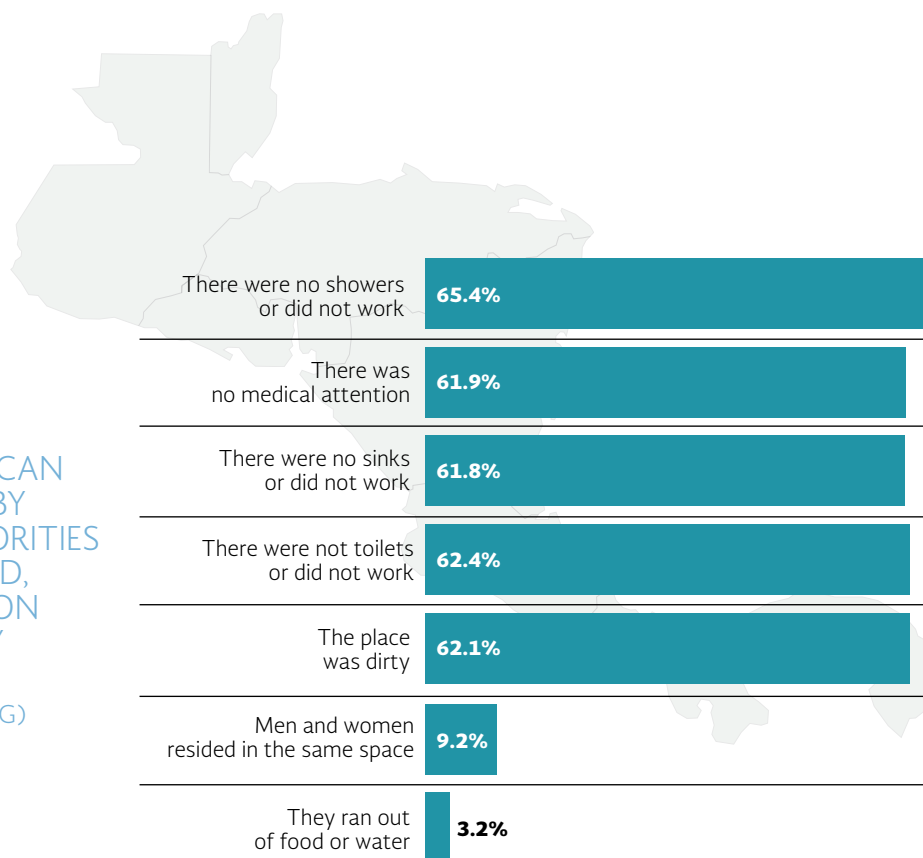
**FIGURE 2.14**  
FLOW OF CENTRAL AMERICAN  
MIGRANTS RETURNED BY MEXICAN  
MIGRATORY AUTHORITIES  
BY DECLARATION OF PROBLEMS  
IN THE MIGRATORY STATION,  
2017 (PERCENTAGES)

Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2017. Questionnaires of Migrants returned by authorities of Mexico or U.S. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

The main problems at the detention place, be it migratory station or provisional migratory facility, have to do with the lack of refurbishment and hygiene. In more than 60% of the cases –

non-exclusive- it was pointed out that the space was dirty, that there were no toilets, sinks, showers, or these did not work, and there was no medical service (see figure 2.15).

**Source:** Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS y El COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2017. Questionnaires of Migrants returned by authorities of Mexico or U.S. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

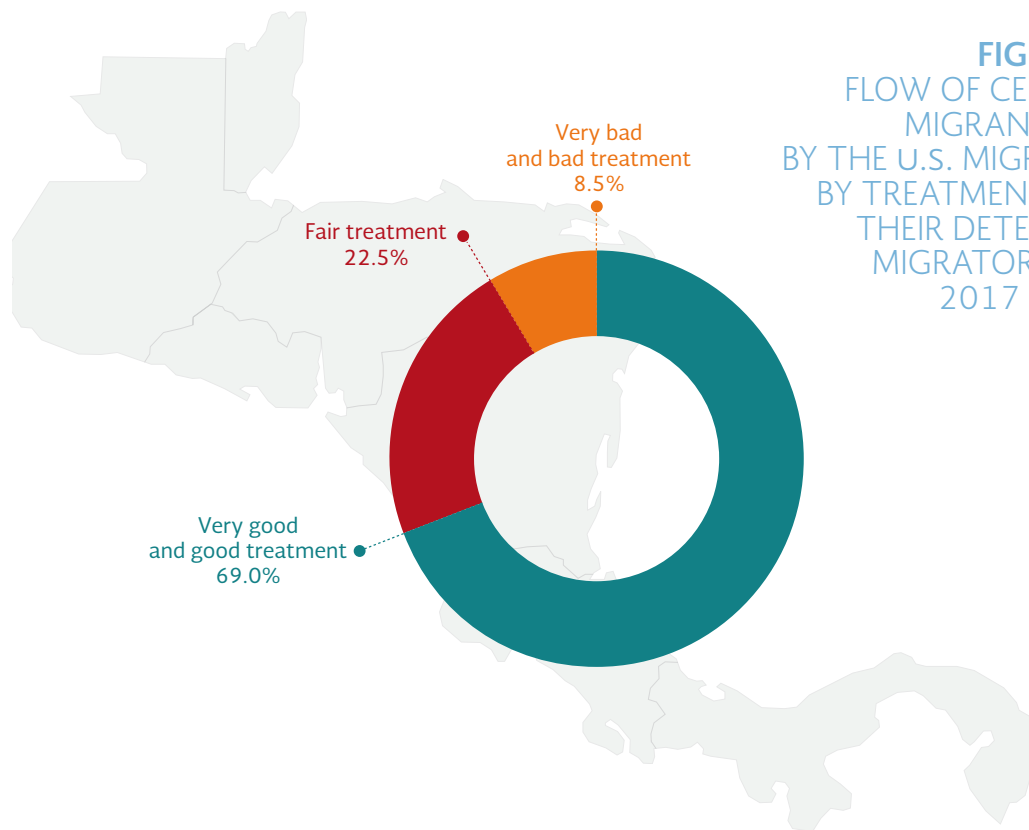


**FIGURE 2.15**  
FLOW OF CENTRAL AMERICAN  
MIGRANTS RETURNED BY  
THE U.S. MIGRATORY AUTHORITIES  
BY TREATMENT RECEIVED,  
DURING THEIR DETENTION  
BY THOSE MIGRATORY  
AUTHORITIES, 2017  
(PERCENTAGES, NOT EXCLUDING)

Regarding the flow of Central American migrants returned by the immigration authorities of the United States, in 7 out of 10 records there is a perception of having received “Good treatment” or “Very good treatment” from the authorities and a “Regular treatment” in 22.5 % of events; a lower percentage declared they received “Bad treatment” or “Very bad treatment” (8.5%, see figure 2.16).

There is no doubt that a perception involves subjective judgments or opinions, in this case from migrants, but it is useful as a

reference parameter when intending to evaluate these variables. In the case of Mexico, this information is useful if the conditions in the migratory stations are sought to be improved, since it is worrying that more than half of the perceptions reported in the flow of Central American migrants that were returned did not have the means to satisfy basic necessities.



**FIGURE 2.16**  
FLOW OF CENTRAL AMERICAN  
MIGRANTS RETURNED  
BY THE U.S. MIGRATORY AUTHORITIES,  
BY TREATMENT RECEIVED DURING  
THEIR DETENTION BY THOSE  
MIGRATORY AUTHORITIES,  
2017 (PERCENTAGES)

Source: Migration Policy Bureau, SEGOB, based on information from UPM, CONAPO, CONAPRED, SRE, SEDESOL, STPS y EL COLEF, Survey on Migration in the Southern Border of Mexico (EMIF SUR), 2017. Questionnaires of Migrants returned by authorities of Mexico or U.S. to Guatemala, Honduras and El Salvador (preliminary information, 2017).

## 2.4 PRESENCE OF CHILDREN, ADOLESCENTS (NNA, GIRLS, BOYS AND ADOLESCENTS) IN TRANSIT MIGRATION

In the context of international migration, the NNA constitute a population group constantly subject to greater attention by governments, international organizations and other sectors involved in the migratory issue, given their multiplicity of exposure to situations of vulnerability inherent to their age and the characteristics of the migratory contexts in which

most of them developed, such as conditions of poverty and social exclusion, different types of violence (social, physical, economic and sexual) and delinquency, among other structural factors, as well as family separation situations (UPM, 2017).

As mentioned in section 2.2, it is worth remembering that the so-called *humanitarian crisis* in the current migration is associated with the great wave of NNA who were detained by U.S. migratory authorities in fiscal years 2014 and 2015. This trend was reflected in Mexico: in 2014 there were 23,096 events of NNA referred to the Mexican migratory authority, and the increase was maintained until 2016, the year in which 40,114 events were registered. This trend was previously documented in a study by the Migration Policy Bureau of the Secretariat of Government. In addition, the report from the Washington Office for Latin America (WOLA) on the southern border of Mexico warned that in 2016 U.S. authorities detained more children and families than during the “wave” of 2014 (Isacson *et al.*, 2017, p. 21).

**FIGURE 2.17**  
EVENTS OF FOREIGN CHILDREN AND ADOLESCENTS (NNA) REFERRED TO THE MIGRATION AUTHORITY OF MEXICO BY AGE GROUPS, CONDITION OF ACCOMPANY IN THE TRIP, REGION OF NATIONALITY AND SEX, 2012-2017

Groups of age, travel condition and region of nationality	2012			2013		
	Total	M	W	Total	M	W
<b>Total</b>	<b>6,107</b>	<b>4,567</b>	<b>1,540</b>	<b>9,630</b>	<b>6,968</b>	<b>2,662</b>
Accompanied	2,786	1,829	957	4,034	2,500	1,534
Unaccompanied	3,321	2,738	583	5,596	4,468	1,128
From 0 to 11 years old	1,152	656	496	1,879	994	885
Accompanied	946	523	423	1,580	833	747
Unaccompanied	206	133	73	299	161	138
From 12 to 17 years old	4,955	3,911	1,044	7,751	5,974	1,777
Accompanied	1,840	1,306	534	2,454	1,667	787
Unaccompanied	3,115	2,605	510	5,297	4,307	990
<b>Total</b>	<b>6,107</b>	<b>4,567</b>	<b>1,540</b>	<b>9,630</b>	<b>6,968</b>	<b>2,662</b>
America	6,093	4,559	1,534	9,558	6,913	2,645
North America	107	59	48	61	32	29
Central America	5,805	4,397	1,408	9,272	6,735	2,537
South America	121	74	47	186	125	61
Caribbean Islands	60	29	31	39	21	18
Other countries	14	8	6	72	55	17

M: Men; W: Women.

The information refers to the events of migrants admitted in immigration stations of the INM under the administrative procedure of being sent to the immigration authorities for failing to attest their immigration status in Mexico, according to the provisions of articles 99, 112 and 113 of the Migration Law and in article 222 of its Regulation.

Source: Migration Policy Bureau, SEGOB, based on information registered in migratory stations, headquarters and local offices of the National Institute of Migration (INM), 2012-2017.

The composition by sex in the flow of NNA referred to the migration authority of Mexico corresponds mainly to men. This is observed in the two age groups in which the flow is divided, and in both conditions: accompanied and unaccompanied.

At greater age the accompanying condition<sup>32</sup> decreases during the migratory process (group of 12 to 17 years old). On the other hand, the proportion of girls and boys under the age of 11 traveling accompanied increased throughout the period, which could indicate a reconfiguration of migratory flows towards a family-type composition (see figure 2.17).

This was also documented in the recently cited WOLE report: unlike in 2014, in 2016 family units surpassed unaccompanied children in the total number of migrants detained by u.s. authorities (Isacson *et al.*, 2017, p. 21).

In addition to the conditions inherent to their ages, the vulnerability of the group of in transit through Mexico is accentuated when they travel without documents and without the

company of a blood relative in the first degree (father, mother or guardian), since these situations lead to a greater exposure to peril.

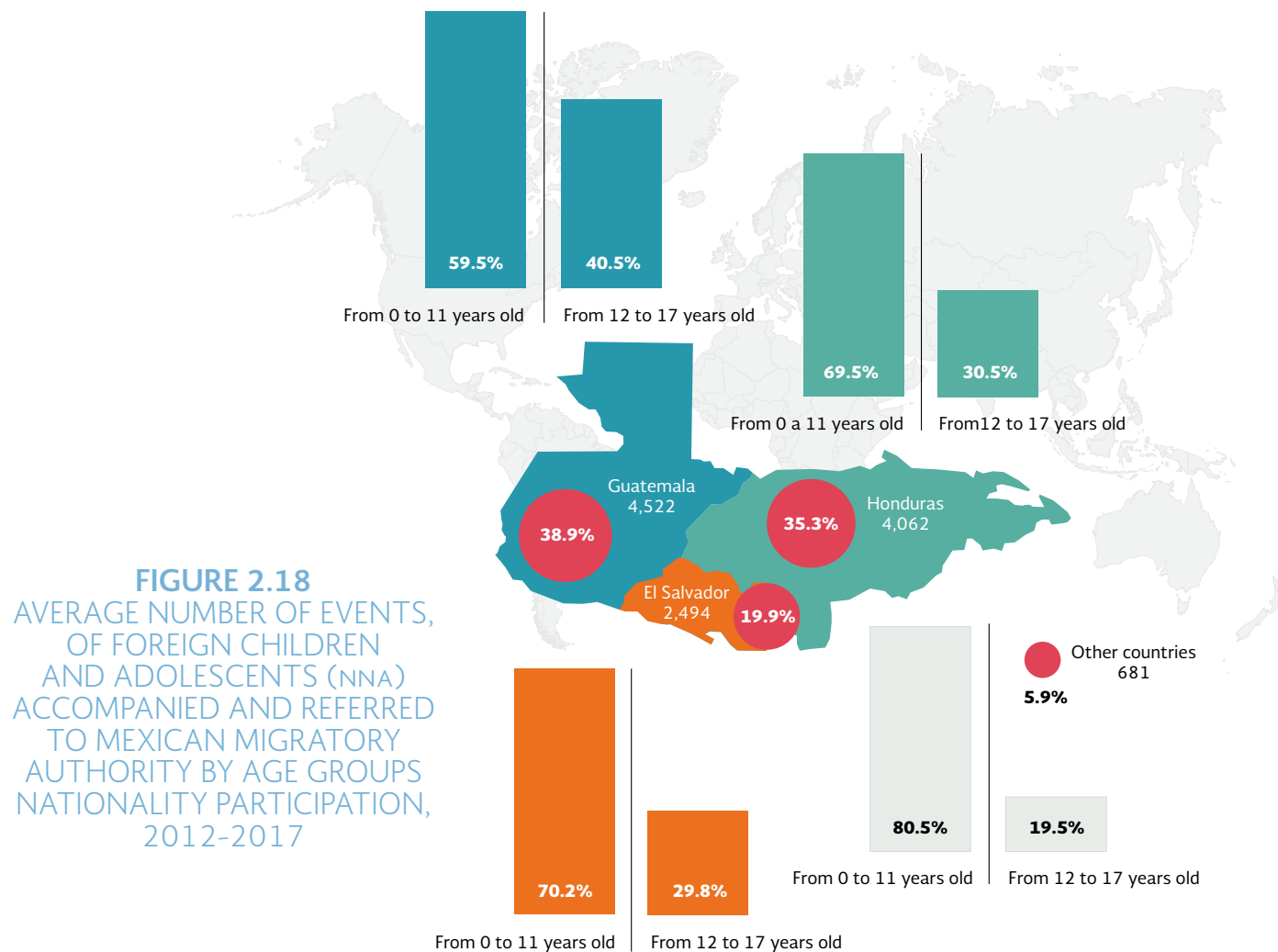
Figures 2.18 and 2.19 show the average number of NNA events referred to the Mexican migratory authority by country of origin, according to accompaniment level and age groups, for the period 2012-2017. Both figures show that Guatemala is the main country from which the NNA that conform the migratory flow in transit through Mexico come from, followed by Honduras and El Salvador, in that order.

Girls and boys up to 11 years old travel accompanied in higher percentage, especially Salvadorans (70.2%) and Hondurans (69.5%; see figure 2.18). However, in the group of 12 to 17 years old it is more frequent that they travel unaccompanied and this is reflected in the greater proportion of from Guatemala (96.4%; see figure 2.19).

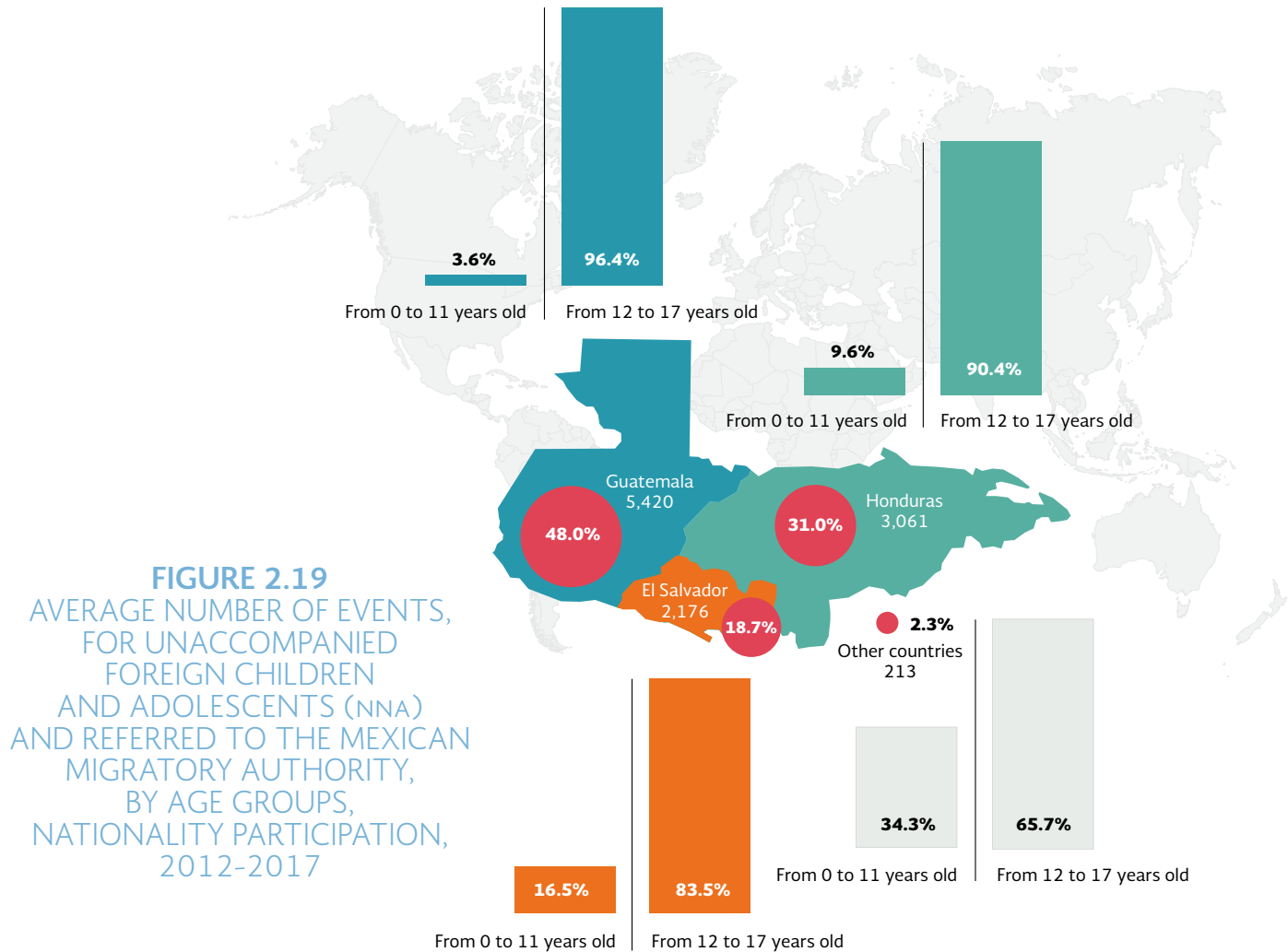
The needs for protection are reinforced in the special case of NNA who are in the context of transit migration. The age group,

2014			2015			2016			2017		
Total	M	W	Total	M	W	Total	M	W	Total	M	W
23,096	14,868	8,228	38,514	24,572	13,942	40,114	25,936	14,178	18,066	11,644	6,422
12,153	6,980	5,173	18,146	9,877	8,269	22,557	12,892	9,665	10,740	6,021	4,719
10,943	7,888	3,055	20,368	14,695	5,673	17,557	13,044	4,513	7,326	5,623	1,703
8,941	4,828	4,113	14,657	7,612	7,045	17,619	9,633	7,986	7,824	4,138	3,686
7,088	3,809	3,279	12,200	6,257	5,943	15,443	8,343	7,100	7,334	3,850	3,484
1,853	1,019	834	2,457	1,355	1,102	2,176	1,290	886	490	288	202
14,155	10,040	4,115	23,857	16,960	6,897	22,495	16,303	6,192	10,242	7,506	2,736
5,065	3,171	1,894	5,946	3,620	2,326	7,114	4,549	2,565	3,406	2,171	1,235
9,090	6,869	2,221	17,911	13,340	4,571	15,381	11,754	3,627	6,836	5,335	1,501
23,096	14,868	8,228	38,514	24,572	13,942	40,114	25,936	14,178	18,066	11,644	6,422
23,071	14,850	8,221	38,451	24,517	13,934	39,777	25,669	14,108	17,847	11,519	6,328
155	78	77	240	122	118	168	88	80	254	126	128
22,654	14,609	8,045	37,548	24,028	13,520	38,066	24,701	13,365	17,378	11,272	6,106
205	130	75	120	77	43	413	230	183	150	77	73
57	33	24	543	290	253	1,130	650	480	65	44	21
25	18	7	63	55	8	337	267	70	219	125	94

<sup>32</sup> The accompanying condition refers to the fact that they travel without the company of a consanguineous family member in the first degree, that is, mother, father or guardian.



Source: Migration Policy Bureau, SEGOB, based on *Monthly Bulletin of Migratory Statistics* 2012-2017.



Source: Migration Policy Bureau, SEGOB, based on *Monthly Bulletin of Migratory Statistics* 2012-2017.

the accompanying condition, the country of origin, the family and social context and, above all, the reason for the migration, among others, are factors of great importance when proposing measures to support/assist this group. Any measure to assist or support NNA must consider the best interests of the child, as well as their specific conditions.

Some other aspects of this population group will be reviewed in the next chapter and a wide overview of those who have requested to our country the condition of refuge in recent years will be presented.

## 2.5 RECENT WAVE OF HAITIANS TO MEXICO: EXTENDED TRANSIT OR CONFIGURATION OF A NEW MIGRATORY DESTINATION?<sup>33</sup>

Although the transit of migrants through the national territory is not a new issue in Mexico, the participation of a wave of Haitians in this type of flow during 2016 caught the attention of various social sectors of the country for its novelty and, above all, for the humanitarian crisis consequence of the blockade of part of these people in Tijuana and Mexicali cities. Unofficial sources estimated at 4,000 the number of Haitians who were stranded in these cities during the most critical moment of the situation (Camacho Servín, 2017). Although the intended destiny of these immigrants was the United States, the hardened migratory policy of that country, has lead them to considered other options; some clearly transitory, while others show evidence that the idea of settling down in Mexico has spread. This section presents a reflection on the place that Mexico plays in the migration plans of Haitians currently located at Tijuana and Mexicali, based on field work materials carried out in those cities in December 2017.<sup>34</sup> But

first, the topic of the recent wave of Haitians arriving to Mexico should be contextualized.

### 2.5.1 THE RECENT HAITIAN MIGRATION WAVE TO MEXICO: CONTEXT

Despite the fact that the deep roots of the transit and blockade of Haitians on the u.s. -Mexico border are, largely due to the adverse structural and conjunctural conditions prevailing in Haiti (Lundhal, 2011; Dorvillier, 2008), the migratory policies implemented in different countries of the continent regarding the Haitian population during the last decade cannot be discard, as well as a set of circumstances that took place in some of those nations. As a result of the 2010 earthquake in Haiti, several countries in South America decided to open their borders to Haitians who wish to emigrate as part of international solidarity with the devastated Caribbean nation (Borda, 2014, Metzner, 2014). This stance resulted in the granting of humanitarian visas, the regularization of Haitian nationals who before the earthquake were in their territory in irregular situations and the facilitation of family reunification, among other measures. A significant number of Haitians took advantage of these conciliatory provisions to emigrate to different countries of the South American subcontinent.<sup>35</sup> In the context of the organization of the 2014 World Cup and the Olympic Games in 2016, Brazil acted as the main attraction pole for this migration, although countries such as Chile, Ecuador and Peru also received a significant number of Haitian citizens (Fernandes and Carvalho Ribeiro, 2014). However, with the end of the construction of infrastructures for sporting events, as well as the outbreak of the economic crisis in that country, Haitians faced an unsatisfactory socio-labor context, characterized by high rates of unemployment, as well as recurring social and political movements. Faced with this situation, they began looking for new migratory alternatives within the region -mainly looking to Chile- or outside of it.

Meanwhile, after the earthquake of 2010 and other disasters in Haiti, the United States relaxed its migratory policy for Haitians (Wasem, 2011).<sup>36</sup> Thus, when the crisis broke out in Brazil, many Haitians decided to set out towards the u.s., crossing different countries of the continent, being Mexico the

<sup>33</sup> This section authorship on the wave of Haitians in Mexico corresponds to El Colegio de México researchers, Ph. D. in Population Studies Schwarz Coulange Méroné and Professor Manuel Ángel Castillo García, to whom we deeply thank for their valuable contribution and willingness for enriching this document.

<sup>34</sup> Work carried out within the framework of a broader research entitled "Haitian Immigrants in Mexico: Challenges and Pathways to Integration", developed by El Colegio de México, by the authors of this very section, supported by Kellogg Foundation. The statistical information used was provided by the Migration Policy Bureau, Secretariat of Government, based on) official administrative records of the National Institute of Migration (INM).

<sup>35</sup> Authors such as da Silva (2013) and Fernandes and Carvalho Ribeiro (2014) estimated that in 2013 more than 20,000 Haitians entered Brazil. The same authors estimated that this figure would rise to 50,000 in 2014.



penultimate stage. Due to the varying policies, among the countries in the region, regarding the transit of migrants through their territory, Haitians did most of the journey by land, seeking to pass unnoticed in some places; exposing themselves to risks related to their human rights, as well as their physical and moral integrity. However, many of them managed to enter U.S. territory through its border with Mexico, especially through the Tijuana and Mexicali cities. Nevertheless, in September 2016, the U.S. government changed its policy for Haitians and began deporting to Haiti those who entered its territory irregularly, with some cases garnering exceptions, such as pregnant women and those accompanying minors, though not in a generalized way. This situation led to what some called a *humanitarian crisis*, which is how the situation experienced at the Mexican border cities mentioned above was denominated.

Thus, a large part of the Haitians of the recent wave do not come directly from Haiti, but from a previous migration to Brazil and other South American countries; for most of them, arriving to Mexico took crossing the borders of at least 10 countries. All this implies that this population went through multiple processes of selection. It is not surprising, then, that the majority are men, are in average 33 years old and their conjugal status be “not united” (see figure 2.21). The difficult travel conditions and the higher rate of admission into the United States of pregnant women or minors caused that most of the remaining population consists primarily of men.

According to the structure of the educational system in Mexico,<sup>37</sup> and as shown in figure 2.22, referring to the profile of recently arrived Haitian immigrants, 45.4% have a basic education level that includes primary education completed or not completed, and secondary education completed or not completed; 14.7% of this population has a higher secondary education (high school) level, which includes baccalaureate, technical or commercial career, completed or not. It should be noted that there is a group of this population that count with professional studies, a characteristic that makes them less subject to vulnerability contexts, since, in this sense, they have a human capital that can contribute to higher levels of integration.

### 2.5.2 MEXICO: PROLONGED TRANSIT OR FORMATION OF A NEW MIGRATORY DESTINATION?

As mentioned before, the initial project of the Haitians when abandoning their residence in the countries of South America was to reach the United States. Now, after two years stranded in Mexico, it is pertinent to ask what this country has become for them. Is Mexico the place of a prolonged transit or is rather a new destination? A first analysis of the field material indicates that this question does not have a simple answer. On the one hand, within this population there are different discourses and strategies about the new situation. On the other, the ties that a part of them are building with Mexican society seem to indicate the existence of the formation of a new destination.

During the period in which field work was carried out in Tijuana and Mexicali, the majority of Haitians, with whom we had coexistence and whom were interviewed, considered the change in U.S. policy a “nightmare” that forced them to stay in a country –Mexico– that they had considered as one more place of transit in their journey. The feeling of defeat, of “having made a bad decision”, of “having taken the risks [of the trip to the U.S.] for nothing” was recurrent in the speeches, both in private and in public. The fact of being so close to the projected destination and knowing that entering it means an almost certain repatriation, generated a frustration that was expressed openly and repeatedly. Many of them “held out hope” in an eventual flexibilization in U.S. immigration policy that will allow them to cross the border. Others raised the option of trying other strategies, such as paying coyotes, securing their situation in Mexico to maximize the chances of getting a U.S. visa, or, in the cases of women, intending to get pregnant and take advantage of such situation to make a safe crossing. For this group of people it seems clear that the permanence in Mexico represents an *involuntary prolonged transit*.

On the other hand, there are those who, although they see their blockade in Mexico as an unexpected event, have expressed their intention to settle down in this country and turn it into their new destination. Mostly, they are people who are attracted by the opportunities of employment and education that they believe Mexico offers. Some of them

<sup>36</sup> From 2010, the United States government decided to grant the Temporary Protected Status (TPS) to Haitian immigrants who had entered the country before the earthquake and decided to not deport those who entered irregularly between 2010 and 2016.

<sup>37</sup> The information was reclassified in equivalence with the Mexican educational system based on the information declared by the foreigners at the time of processing before the National Institute of Migration.

**FIGURE 2.20**  
SELECTED SOCIODEMOGRAPHIC CHARACTERISTICS OF HAITIAN IMMIGRANTS  
FROM THE RECENT WAVE IN MEXICO, BY SEX, 2017 (PERCENTAGES)

Selected characteristics	Sex		
	Total	Men	Women
Total of population	2,552	1,937	615
Sex	100.0%	75.9%	24.1%
Age average (in years)	33	33	32
Population 15 years old or over	2,450	1,859	591
Marital status	100.0%	100.0%	100.0%
Single	62.2%	63.3%	58.9%
United	32.8%	31.4%	37.1%
Others	5.0%	5.3%	4.0%

Only Haitian nationals to whom the INM issued Visitor Cards for Humanitarian Reasons (in 2017 there were 2 552 in total) were contemplated, whom we consider as belonging to the recent wave of Haitians, since that was the type of document issued to Haitians from countries in South America. As the resolutions were issued in 2017, they were counted for this year, although most of these people arrived in Mexico in 2016.

These data have some limitations, such as the fact that they only contain information about people who went to the Institute for their regularization and whose cases were favorably resolved, nonetheless they allow for a schema of characteristics of the population in question to be presented (see Martínez Caballero, 2012).

**Source:** Calculations by the author based on data from the Migration Policy Bureau of the Segob based on the database of foreigners residing in Mexico.

**FIGURE 2.21**  
LEVEL OF STUDIES  
OF HAITIAN IMMIGRANTS  
OF RECENT WAVE IN MEXICO,  
2017 (PERCENTAGES)

Level of education	Porcentaje
Total	100.0%
None	0.51%
Up to secondary school (concluded or not)	45.35%
Up to high school degree, with pre-university study or technical college (concluded or not)	14.67%
Up to university (not concluded)	2.30%
Up to university (concluded)	3.65%
Up to postgraduate (concluded or not)	0.04%
Not specified	33.46%

Due to how the information is captured, the “not specified” cases represent a very high percentage; therefore, they are presented according to their proportion in the distribution of the variable.

**Source:** Migration Policy Bureau of the Secretariat of Government based on the database of residing foreigners in Mexico.

have their own business (especially small Haitian restaurants, selling beauty products or other items) while others enroll to Mexican universities, or are planning to do so. Also the acquisition of material goods, especially automobiles, seem to indicate that they do not have the intention of leaving Mexico in the short term. Likewise, others have established strong ties with Mexican citizens, particularly, forming families and having children with their Mexican partners. However, even among this category, there is dissatisfaction regarding the difficulties to enter the labor market,<sup>38</sup> working conditions, wages levels to which they have access, as well as their purchasing power.

In short, there is the possibility that Mexico will become a new migratory destination for a part of the Haitians stranded on their northern border and, therefore, for their families. However, given the unavoidable and persistent attractions of the American society, the general conditions of the labor market and the barriers that affect them due to their condition as migrants in Mexico, this may not be the case, even for those who most openly express their willingness to integrate in the Mexican society.

## 2.6 SHARED RESPONSABILITIES IN RESPONSE TO FORCED MIGRATION

Forced migration due to survival or a necessity for international protection is part of the development of conflicts that can have various origins -economic, social or political-. The international community has recently recognized climate change and natural disasters as other triggers of forced displacement in international migration contexts. Which makes necessary that Mexico incorporates these new aspects in its migration legislation.

The way in which countries deal with or solve their crises determine in a certain extent the dynamics and temporality of these forced displacements. Once stability is restored and the policy and economy of the affected countries is normalized, it is possible that a large part of its population will return or be integrated into the receiving country. In the latter case, the situation turns into a manpower loss and talent-drain that slows down the expelling countries' recovery.

In the development of a crisis, forced displacements become a problem with an impact on the countries through which these migratory flows transit, and the situation is complicated due to the power that each State holds to determine its migratory policy: even though human rights principles of respect and guarantee limit them, it is common that in practice there is a gap in the harmonization between these two aspects. In this regard, it is important to mention that the Mexican State migratory policy has been characterized over the years for its solidarity and hospitality for people who have been affected by various conflicts.

With regard to forced displacement, coordinated efforts are being made in the Latin American region to strengthen the countries' response capacity in terms of migrant protection, such as improvements to asylum systems and protection mechanisms for NNA, taking into account gender and diversity approaches. The implementation of visas as alternative protection measures is also noteworthy. Such is the case of the visas granted by the Common Market of the South (MERCOSUR for its Spanish acronym)<sup>39</sup> and the Union of South American Nations (UNASUR for its Spanish acronym)<sup>40</sup> (Grandi, 2017).

In the case of MERCOSUR, the mechanisms implemented since 2009 facilitate the free movement of people between member countries through the right to obtain legal residence in the territory of another member State. The consular or migratory authority of the receiving country may grant temporary residence for up to two years, under equality of civil rights and social, cultural and economic freedoms with nationals of the receiving country, as well as the right to work; right of petition before the authorities; right of entry and exit of the territory, and freedom of worship. These benefits are currently in force for Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay (MERCOSUR, n.d.). The instruments launched by UNASUR work in a

<sup>38</sup> One of those difficulties is linked to the status of visitor for humanitarian reasons, which restricts work options. Another difficulty is the limited command of the Spanish language.

<sup>39</sup> Regional integration process initially instituted by Argentina, Brazil, Paraguay and Uruguay, in which at later phases Venezuela (now suspended from the process) has been incorporated and Bolivia, the latter in the process of accession. Since its creation, its main objective was to promote a common space that would generate commercial and investment opportunities through the competitive integration of national economies into the international market (MERCOSUR, without date).

<sup>40</sup> International organization conformed by the 12 countries of the South American region: Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. It was established in 2008 with the aim of building a space for cultural, economic, social and political integration.

similar way; however, they have the main purpose of regularizing the migratory situation of nationals (from member countries) of the South American member countries.<sup>41</sup>

Another good practice of regional cooperation was the adoption of Brazil's Declaration and Plan of Action –as reviewed in the first chapter–, the purpose of which is to promote access to justice and asylum, reinforce protection measures and devise solutions to improve the difficult situation experienced by the migrants in need. Specifically, in the North of Central America, commitments were established in a series of measures in accordance with the Declaration of San Jose, in 2016, and the Comprehensive Regional Protection and Solutions Framework (CRPSF), in which primary causes of displacement will be detailed in search of reinforcing the protection and the solutions for the people affected, besides that it will serve as base for the conformation of the Global Compact on Refugees 2018 (Grandi, 2017).

However, there are initiatives that have been contested and understood as contrary to the facilitation and security of migratory mobility, such as the Initiative for Prosperity of the Northern Triangle of Central America, which has a marked business and border security bias. Specifically, in regard of Mexico, the Southern Border Program is contested because it has not managed to stop the Central American migratory flow; however, from its launch, the number of migrants referred to the migratory authorities and returned to their countries of origin has increased (Villafuerte, 2016).

When identifying responsibilities in matter of migrants' protection, several factors must be taken into account, beginning with the role that governments of countries of origin, transit and destination must assume. In this sense, a transversal and priority issue in all the countries of the region is the eradication of corruption, linked to the weakening of other mafias such as organized crime, impunity and abuse of authority upon the migrant population.

Additionally, the comprehensive international protection framework that Mexico has ratified must be respected, as well as the existing mandates at the national level on human rights. This may seem obvious; however, in practice, one of the main problems faced by current migrant populations is when their rights are not ensured.

Another aspect that should be assure is the implementation of long-range responses and not only palliative measures. In this sense, it is necessary to provide the grounds for all actions in regard of the migratory phenomenon with medium and far-reaching schemes and the interlocution among all government levels, civil society, as well as public and private sectors.

Following-up the growing concern about cross-border movements in contexts of climate change and natural disasters, the Regional Conference on Migration (RCM) introduced in 2016 a *Guide to effective practices for RCM member countries: protection for persons moving across borders in the context of disasters*.<sup>42</sup> This guide compiles the good practices implemented in this matter and its fundamental purpose is to support the effective and consistent use of existing laws, policies and practices to ensure the adequate response to protection needs of people displaced by climate change and natural disasters, aspects that were reviewed in chapter 1 of this document. It should be noted that the guide is linked to the work carried out by the Nansen Initiative, an intergovernmental process to address the challenges of this complex phenomenon, where the Mexican state is part of the steering group.

For any option of protection of migrants or regulation of migration, it is important to conceive it as a human right, safeguarding it as a pillar of the public policy in the matter, and stop seeing those who exercise this right as a danger or threat to national stability (Castilla, 2014), paying special attention to forced displacement cases.

In this regard and aware of the magnitude that the migratory topic represents today, any protection criterion, as negligible as it may seem, is a contribution toward solving the issue, without neglecting the strategic, regional and far-reaching vision required.

Within the migratory flows that originate, transit, arrive and return to Mexico, there is an enormous demographic complexity that includes –in addition to social groups in conditions of vulnerability (pregnant women, minors and adolescents separated from parents or unaccompanied, seniors, indigenous population and crime victims)– people in need of international protection. In this regard, Mexico has strengthened its normative, programmatic and institutional frameworks, therefore the enforcement

<sup>41</sup> Due to the indefinite exit of six UNASUR member countries, in April 2018, namely: Argentina, Brazil, Chile, Colombia, Paraguay and Peru, it is unclear if the visa mechanism is still valid.

<sup>42</sup> The Guide was created from a Regional Consultation of the Nansen Initiative on Central America in 2013, which culminated in the Agenda for the Protection of Cross-border Displaced Persons in the Context of Disasters and Climate Change –Protection Agenda– (Käelin and Cantor, 2017, p. 58).

of all these instruments regarding the identification of their necessities is a priority.

The implementation of an Inter-institutional Roundtable on Refuge and Complementary Protection during March 2018 exemplifies the Mexican State's efforts to strengthen an open policy for the protection of displaced persons, who arrive in the country seeking asylum. The purpose of this presentation and discussion space is to consolidate the efforts and commitments of the Mexican State in ensuring help, protection and legality in matters of refuge and complementary protection.

Above all, it has been agreed to keep the inter-agency efforts of the Roundtable from 2018 until 2020, the deadline given to achieve the objectives of the Comprehensive Regional Protection and Solutions Framework (CRPSF), United Nations (UN) pilot program for refugees, in which 12 countries participate as a contribution for the preparation process of the Global Compact on Refugees (COMAR, 2018).

Furthermore, considering that the most vulnerable population with international protection needs requires differentiated spaces, the Mexican State has implemented alternatives to migratory detention and has increased governmental services for institutional assistance of people requesting refugee status, besides ensuring their integration into the country dynamics once being recognized as refugees or under the complementary protection scheme.

Thanks to these actions, progress has been made towards a comprehensive protection framework for refugees. Nonetheless, it is important to consider some significant long-term challenges:

- a) Expand the operational capacity of the Mexican Commission for Refugee Assistance (COMAR) and provide it with more human, economic and technical resources, in order to streamline the procedure for recognition of refugee status. (Isacson *et al.*, 2017).
- b) Strengthen the capacities of the authorities that have contact with migrants to identify the international protection needs, through specialized training, in order to disseminate and guarantee the access of vulnerable populations to the refuge request procedure in Mexico.
- c) Create an internal affairs unit within the INM, or strengthen the existing INM internal oversight body by providing it with human, economic and technical resources to improve accountability. (Isacson *et al.*, 2017).
- d) Emphasize the shared responsibility of migrant-expelling States in order that they address the underlying causes of migration through international cooperation mechanisms among regional actors.
- e) Strengthen and generate more spaces of alternatives to detention, especially in cases of NNA.




# 3. Refugees, asylum seekers and complementary protection

In recent years, the entire world has been involved -for various reasons and in different dimensions- in the so-called *humanitarian crisis*,<sup>43</sup> which has generated a new paradigm under which people mobility and migration is analyzed and understood, both in internal contexts of each country or region as well as in a wider perspective at the international level.

Migration flows have changed from migration for economic reasons to a scheme of mixed flows, in which such motivation is just one of the various reasons why populations are moving between territories, taking prominence other reasons such as violence.

<sup>43</sup> By using this term we adopt the definition suggested by Martin *et al.* (2014) on the concept of *humanitarian crisis*: those situations in which there is a generalized threat to life, physical or psychological integrity or survival, beyond the ability of people and their communities to cope with them

A photograph of two women sitting together. The woman on the left is smiling and wearing glasses and a light-colored t-shirt. The woman on the right has a serious expression and is wearing a dark, patterned top. They are sitting in front of a wall with a warm, orange-brown hue. The lighting is soft and directional, coming from the left, creating shadows on the wall behind them.

In order to publicize the implications of this paradigm shift in Mexico, this chapter presents a brief analysis of the people who request refugee status recognition in Mexico based on administrative records of the Mexican Commission for Refugee Assistance (COMAR) and from the migratory statistics of the *permanent residents recognized as refugees*, which may allow the reader to understand the process and context of this international protection component in our country.

The chapter is divided into four sections. The first one shows a general overview of people who request the *recognition of refugee* status at the national and international levels. The second section focuses on those who obtained their Permanent Resident Card in Mexico, once they were recognized as *refugees* or under the *complementary protection* scheme; that is, those people who concluded the administrative process called *condition of stay* choosing this nation as their country of residence. In the following sections, two case studies on populations that have played a central role in the international protection issue in recent years are addressed; on the one hand, children and adolescents (NNA; Girls, Boys and Adolescents for its Spanish acronym) and, on the other, Venezuelans fleeing the social and political crisis that has affected their lives in their country of origin.

### 3.1 GENERAL CONTEXT OF POPULATION REQUESTING THE REFUGEE STATUS

For various reasons and under the figure of *international protection*, Mexico has harbored groups of foreigners who are at risk in their countries of origin due to unsafe conditions, whether due to civil wars, natural disasters or socio-political crises. This is reflected, for example, in the cases of Spanish refugees who arrived during Lázaro Cárdenas' presidential tenure (1939-1942); Argentines, Brazilians, Chileans and Uruguayans who arrived in the 1970s, and Guatemalans who arrived in the 1980s (Cobo and Fuerte, 2012).

In the second half of this decade, once again the wave of displaced people who came to Mexico seeking refuge was originated in Central American countries during the so-called *humanitarian crisis*, characterized by climate of insecurity, violence and economic instability in that region. As we reviewed in the first chapter of this *Compendium*, there is a comprehensive normative framework for respecting human rights and the international protection of migrants and refugees; however, in some cases not all normative instruments are ratified by all the countries or, well, their implementation in the nations has been partial.

In the specific case of Mexico, the commitments acquired at the international sphere for the protection of migrant flows displaced by the Guatemalan civil war, which occurred in the late 1970s and early 1980s, led to the generation of a specific legal framework for this population, since until that moment there was no regulatory legislation capable of dealing with the displacement of people to safeguard their lives (Imaz, 1995; Cobo and Fuerte, 2012). Among the impacts of this regulation is the extension of the definition of *refugee*, foreseen in the 1951 Convention to protect persons who did not meet

the criteria established there, but who were likewise subject to international protection (Ríos, 2018, p. 11), mainly in cases where there was a motivation due to generalized violence, internal conflicts and massive violation of human rights.

Another major impact was the creation of the Law on Refugees, Complementary Protection and Political Asylum (LSRPCAP, for its Spanish acronym) that currently regulates the process of Refugee status recognition and of Political Asylum process, in our country (LSRPCAP, 2011).

On the other hand, Mexico recently adopted the Brazil Declaration and Plan of Action, with the commitment to maintain the highest standards of protection for people seeking refuge. According to the Ríos report, as well as the Mexican Working Group (2018, p. 12),<sup>44</sup> the Mexican State committed itself to, among other things, strengthen the capabilities of COMAR, through greater human and technical resources, as well as facilities, to accelerate the responses to applications for refugee status recognition; to guarantee the appropriate refugee status recognition procedure for vulnerable groups such as NNA; adopt alternative measures to detention and look for intergovernmental mechanisms to guarantee the enjoyment of economic, social, cultural and labor rights that facilitate the integration of the refugee population in Mexico.

Although actions have been initiated to respond to such commitments, reality in many cases exceeds the government agencies structure and its installed capacity for their attention. Such is the case of COMAR, which is being strengthened to better respond to the challenges involved in the increase demand for applications. Furthermore, damages suffered in its headquarters after the earthquake of September 19, 2017 reduced its capacity to attend applicants; however, work continues to respond, as soon as possible, to all the acquired commitments.

In the global context, according to a report from the United Nations High Commissioner for Refugees (UNHCR, 2017f), at the end of 2016 the situation of violence prevailing in countries such as Colombia, El Salvador, Guatemala, Honduras, Nigeria, Central African Republic, Syria, Somalia, South Sudan and Yemen have caused 65.6 million people to leave their home in search of protection elsewhere, either on their own territory or outside it. The same report highlights that 22.5 million were refugees and 2.8 million were still asylum seekers.

<sup>44</sup> The Mexico Working Group is comprised of several national civil society organizations focused on promoting compliance and evaluation of the Brazil Plan of Action in Mexico, and is part of the Regional Working Group for the Brazil Plan of Action. (GAR-PAB).



While the most of the population in need of international protection displaced in Africa and Asia does not necessarily arrive to Mexico to request refugee status, this situation must not be ignored since the situation of vulnerability and the instability in which they are may generate displacements toward new destinations. The above is worth noting since current migratory flows are characterized by being mixed, that is, they are made up of people who move for economic reasons in search of better opportunities and people who are forced to leave their place of residence in the face of a latent risk that may endanger their life or safety; for example, within the contingent of people who move between countries, there are those who migrate to get a job that allows them to access a better quality of life; there are those who do it for family reunification in a third country [these flows consist mainly of women and girls, children and adolescents (NNA)] and, finally, those who flee in search of protection in another nation due to situations faced in their countries.

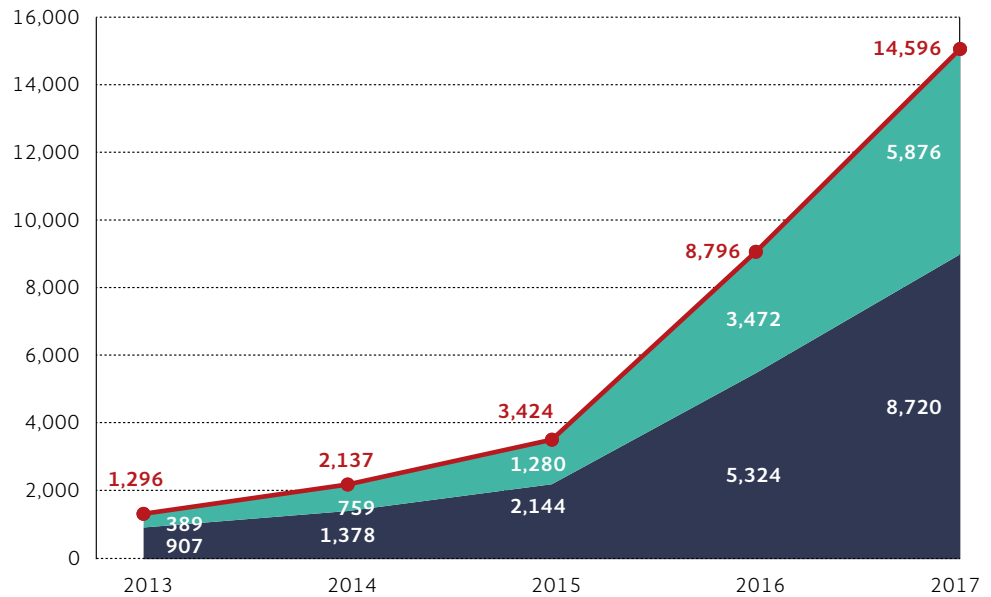
Even though in recent years Mexico has seen an increase in the number of applications for refugee status recognition,

it does not compare with that received annually by the United States.<sup>45</sup> In our country, applications for refugee status increased from 1,296 to 14,596 between 2013 and 2017 (see figure 3.1). Among the main places of origin of applicants are El Salvador, Honduras and, recently, Venezuela. The first two have a history of violence since the 1980s; in addition, due to various factors, they have not achieved structural improvements to guarantee the safety of their compatriots. In the case of Venezuelans there has been an economic, social and political crisis aggravated since 2016.

The trend shows that the percentage of women applying for refugee status recognition grew 10 percentage points between 2013 and 2017, reaching 40.3% of the total in this last year.

Another important aspect to be highlighted is the number of applications in which a family or dependence link can be assumed, since between 2015 and 2016 these requests reached on average 40% of the total and an increase of 187.5%. It was in this couple of years when the displacements of Hondurans and Salvadorans due to violence increased, and also the

**FIGURE 3.1**  
PEOPLE REQUESTING  
REFUGEE STATUS  
RECOGNITION  
IN MEXICO, BY SEX  
AND YEAR OF THE  
APPLICATION,  
2013-2017



Source: Migration Policy Bureau, SEGOB, based on the administrative records of the Mexican Commission for Refugee Assistance (COMAR).

■ Man    ■ Woman    ● Total

<sup>45</sup> According to figures from the United Nations High Commissioner for Refugees (UNHCR), in 2013 the United States received just over 68,000 asylum (refuge) applications; in 2014, almost 136,000 and, at the close of 2016, just over 204,000 applications, all of them added to those that entered in the previous year, respectively, with pending resolutions. See at: [http://popstats.unhcr.org/en/time\\_series](http://popstats.unhcr.org/en/time_series), accessed on June 22, 2018.

crisis in Venezuela began to impact Mexico in different ways, including refugee status requests.

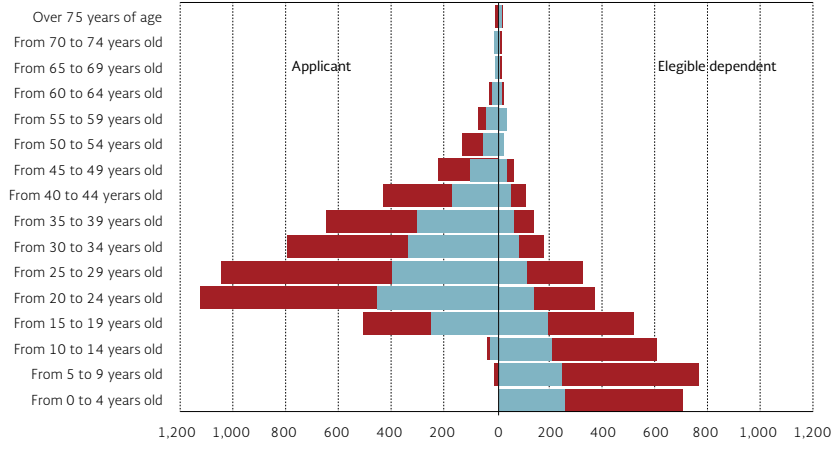
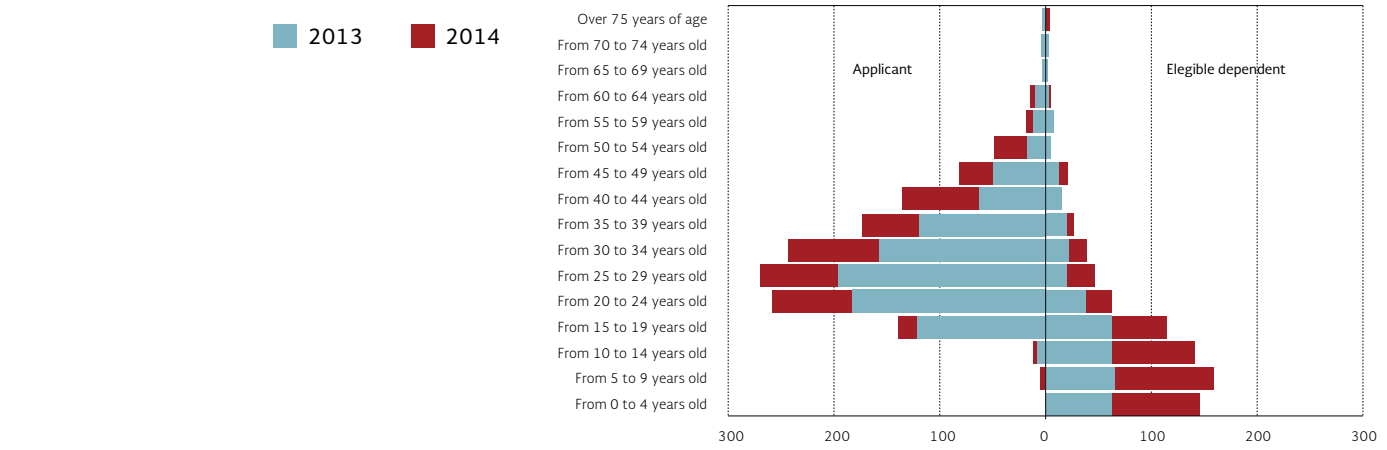
Among the people who request refugee status recognition, the applicants can be distinguished from the eligible dependents, between these groups there is a difference by sex that is maintained throughout the period (2013-2017): in this last year more than 65% of the applicants are men and among the eligible dependents slightly more than half are women (see figure 3.2). A possible hypothesis based on this data could be that in the violence contexts of Central American countries, men are more susceptible to life threatening risks and extor-

tions from criminal gangs, while women are more likely to be companions and, therefore, they are eligible dependents, during the application refugee status recognition process.

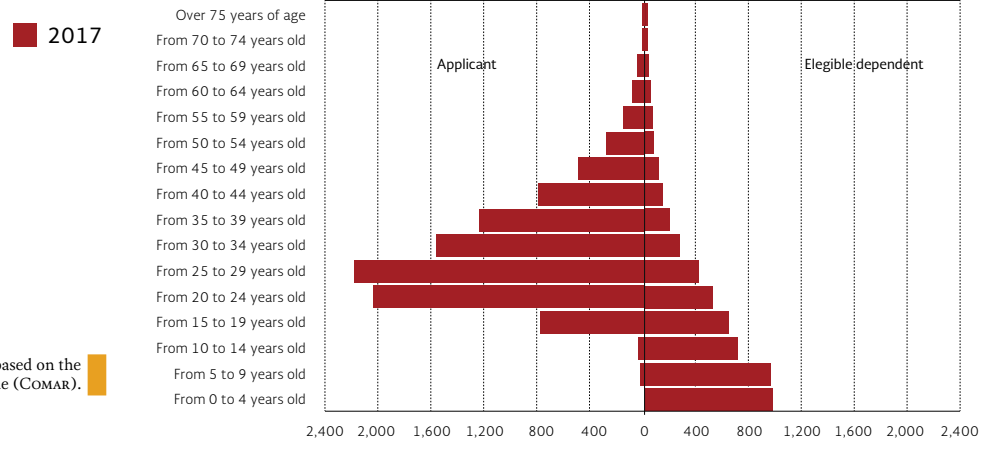
On the other hand, observing figure 3.3, reaffirms the hypothesis of increased displacement of nuclear families throughout the period of analysis (2013-2017). The structures by age show that the most of the people requesting refugee status recognition declared as eligible dependents is concentrated in the age groups of those under 19 years old, mainly in the group from 0 to 9 years old, which in 2017 represented 38.5% among the total of eligible dependents applications.

**FIGURE 3.2**  
PEOPLE REQUESTING REFUGEE STATUS BY SEX AND CONDITION  
AS APPLICANT OR ELEGIBLE DEPENDENT,  
2013-2017 (PERCENTAGES)





**FIGURE 3.3**  
 PEOPLE REQUESTING REFUGEE STATUS RECOGNITION, BY AGE GROUP AND CONDITION AS APPLICANT OR ELIGIBLE DEPENDENT, 2013-2017



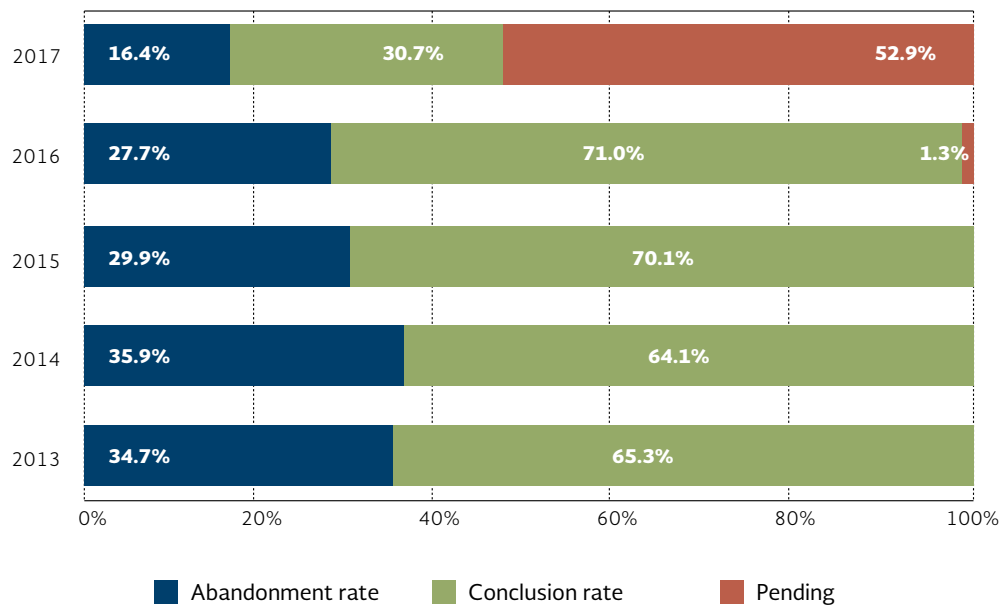
Source: Migration Policy Bureau, SEGOB, based on the administrative records of the (COMAR).

In contrast, among applicants, the group of 25 to 29 years concentrated, on average, 20.3% of request between 2013 and 2014 and the group of 20 to 24 years around 21.9% in 2015-2016. From the structures presented in figures 3.3 y 3.2, a masculine flow in productive age is outlined, that is, it not only has protection needs but also requires access to sources of employment, due to the fact that most have eligible dependents whose welfare must be ensured.

In addition to the data on people with refugee status recognition, there is a migrants group strongly linked to this issue: undocumented migrants in transit. In the particular case of Mexico, which identifies as a country through which migrants cross to the United States, this has led to civil society organizations arguing that all the people who make up this flow are subject to protection. The truth is that one thing is certain, the Law is specific regarding the reasons why the recognition as refugee and complementary protection is granted.

In this sense, it is essential to identify the basic or main reason for requesting refugee status recognition and the orientation that migrants receive in this regard, since most of the flows that transit through our country seek to reach the United States or Canada; staying in Mexico and applying for refugee status is not their first option, therefore, far from contributing to maximize the efforts of the COMAR, there is an overload of work that affects the adequate attention and urgent resolution to requests with a real need of protection in our country.

According to estimates from the Migration Policy Bureau based on COMAR's administrative records data, the Abandonment rate of the refugee status recognition application process has developed favorably from 34.7 to 27.7% between 2013 and 2016 (see figure 3.4). For 2017, the rate was estimated at 16.4%, but this year is atypical due to the various factors previously mentioned that significantly affected the operation



**FIGURE 3.4**  
STATUS OF APPLICATIONS  
TO REFUGEE STATUS  
RECOGNITION,  
2013-2017  
(PERCENTAGES)

The information corresponding to 2017 includes the procedures received and resolved in that year, for comparative purposes the resolutions made in 2018 are omitted.  
**Source:** Migration Policy Bureau, SEGOB, based on the Mexican Commission for Refugee Assistance administrative records (COMAR).

of this governmental agency, which was reflected mainly in the rate of pending cases to be resolved.

On the other hand, it is necessary to determine the causes for the abandonment of applications. Some civil society organizations argue that this is mainly due to the prolonged time of resolution, which is why foreigners tire of waiting. It should be noted that this prolonged wait not only causes the withdrawal of the procedure, but also is perceived as an obstacle to deciding to apply for refugee status recognition, a circumstance that unaccompanied NNA refer to.

According to the survey of the National Population Council (Lorenzen, 2016, pp. 182-183), conducted in 2016 on unaccompanied NNA in shelters and modules of the National System for the Integral Development of the Family (DIF, for its Spanish acronym), 74.0% do not want to request refuge in Mexico; of these, 44.2% wanted to return to their country of origin, 36.4% wanted to make another attempt to cross in the hope of not being stopped by the Mexican immigration authorities and 31.2% did not want to wait for the duration of the process.

Despite the high rates of applications conclusion (see figure 3.4), it is evident that the actual percentage of protection between 2016 and 2017 -the two years of greatest demand- did not improve substantially, and this is partly due to the fact that in the resolutions no causal link can be identified in accordance to the criteria established in the Law on Refugees, Complementary Protection and Political Asylum. Thus, on this period's average, 62.6% obtained international protection in those two years (see figure 3.5), either through the recognition of refugee status or complementary protection.

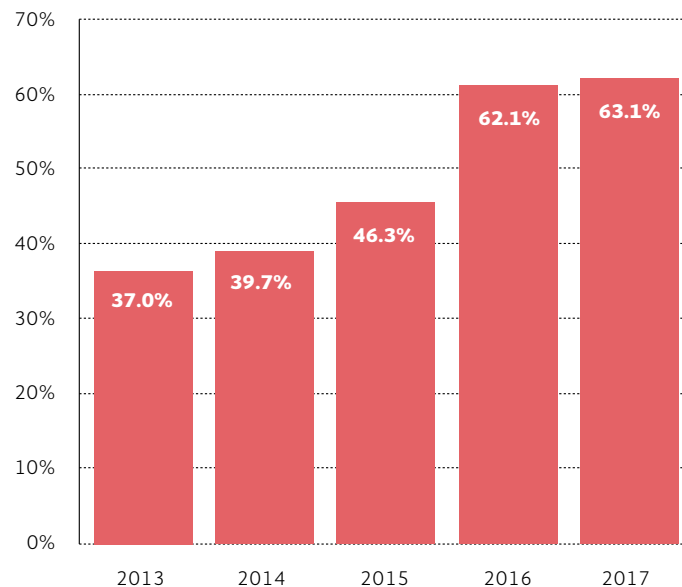
Of the total of foreigners who obtained a favorable resolution to their refugee application during the observed period (2013-2016), on average, 83.8% were granted refuge and 16.2% complementary protection.

It is important to specify that the recognition of refugee status does not automatically grant the migratory status in Mexico. This procedure must be carried out once the recognition of protection issued by the COMAR has been obtained, and with this, obtaining residency in our country.

Finally, it is appropriate to mention that the problems experienced in nations in conflict and which motivate the

displacement of their inhabitants towards others are not generalized, but are concentrated in some areas; therefore, not all migrants from these countries need international protection. To illustrate the above, the following section offers a geographical approximation of the places of origin of permanent residents in Mexico with international protection, as well as the context for which they requested this condition, in order to contribute to the identification of persons with real needs.

**FIGURE 3.5**  
RATE OF PROTECTION  
GRANTE IN MEXICO,  
2013-2017  
(PERCENTAGES)



The information corresponding to 2017 includes the procedures received and resolved in that year, for comparative purposes the resolutions made in 2018 are omitted.

Source: Migration Policy Bureau, SEGOB, based on the Mexican Commission for Refugee Assistance administrative records. (COMAR).

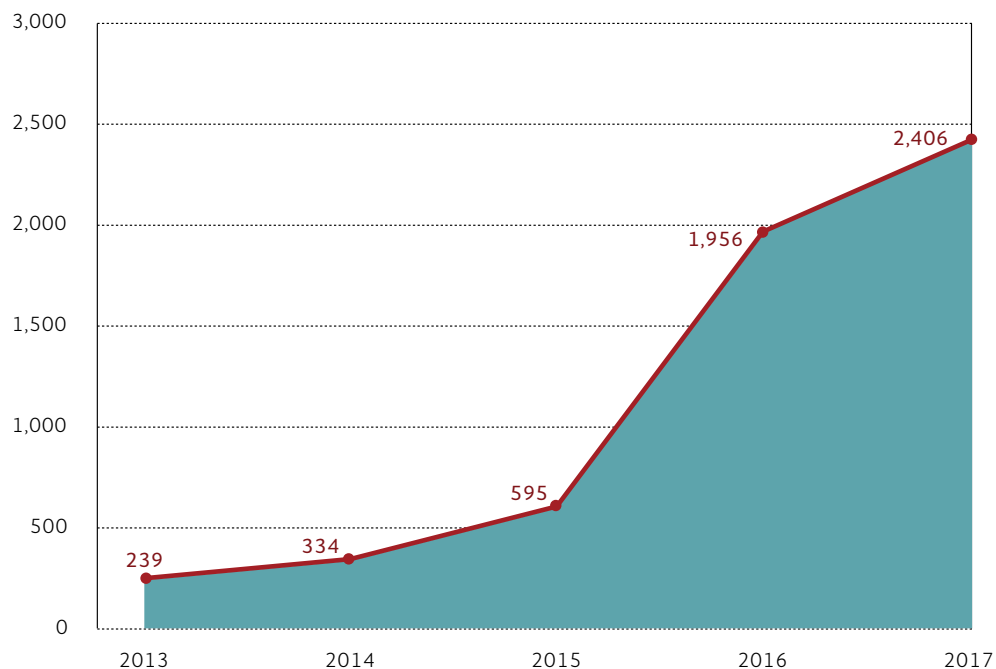
## 3.2 CHARACTERISTICS OR THE REFUGEE POPULATION RESIDENT IN MEXICO

Perhaps the most important step to be taken after obtaining recognition of refugee status or complementary protection is to complete the process to receive the Permanent Resident Card, to which the persons recognized as refugees in Mexico are entitled to since 2011. The Permanent Resident Card not only

proves their migratory status, it is also required by employers and necessary to get the jobs offered. Although in recent years actions have been taken to ensure that foreigners recognized with the refugee status or complementary protection have access to education or social programs, regarding employment sources, hiring requirements are in the hands of employers.

Below we analyze some statistics of those who have obtained their migration document. As shown in figure 3.6, the number of people who have processed their Permanent Resident Card once they obtained recognition as a refugee or with complementary protection was minimal until 2015, but thereafter there was an increase of 78.1% compared to the previous year (2014). The growth continued in the following years until reaching a maximum in 2017. This trend is related to the number of applications and recognitions granted by COMAR in those years; however, there is no correspondence between the volumes of both processes, that is, the

**FIGURE 3.6**  
TOTAL REFUGEES  
WITH A MIGRATORY  
DOCUMENT FOR  
RESIDENCE IN MEXICO,  
2013-2017



From 2013, the figures correspond to foreigners documented in accordance with articles 52 and 54, section I of the Migration Law, and in article 139, section I of its Regulations, as well as the *Guidelines for administrative processing and procedures on migration*.

Source: Migration Policy Bureau, SEGOB, based on data from the *Monthly Bulletin of Migratory Statistics 2013-2017*.

relationship between foreign persons recognized with some international protection scheme and those from this group who process and obtain permanent residence in Mexico. In 2016, this ratio was 50.5% (3,876 recognized by the COMAR, versus 1,956 that processed their permanent residence in that same year).

Between 2013 and 2017 the rate of persons recognized as refugees or with the complementary protection scheme who obtained their permanent residence amounted to 69.6% on average. Although it is not low, it does not reflect in its totality a full intention to reside in our country, which leads us to question what happens with the almost third remaining part (30.4%). Are they still in Mexico, but have not made the migratory administrative procedure to obtain the Permanent Resident Card? Have they left Mexico after crossing the border with the United States? There is also the possibility that a percentage of these people may not know the procedure to obtain permanent residency, which requires legal accompaniment and follow-up on the integration measures. So far, the only thing that can be mentioned about them is that it has been noted that in 2016 the laggard documentation rate<sup>46</sup> was 11.2%, while in 2017 it was 23.3 percent.

To answer the previous questions there is no definitive answer; however, it is a subject that deserves a detailed analysis, since when it comes to the integration of people with international protection it is important and necessary to know where they are and what their situation is, as well as the problems they face, in order to make assertive public policy decisions.

From the migratory statistics it is possible to count on basic elements to understand the figures beyond their volume; for example, the country of origin of this group of people. According to nationality, in the 2013–2015 period the percentage of Hondurans rose to 52.4% of the total number of refugees residing in Mexico, followed by Salvadorans, with 35.9%. In absolute terms, the number of Honduran nationals increased from 92 to 276 refugees in that period.

Figures 3.7 and 3.8 show that between 2016 and 2017, the origin of residents in Mexico due to refuge recognition or under the complementary protection scheme was extended to other nations. In 2016, the main countries of origin were Honduras (702 cases) and El Salvador (676), followed by

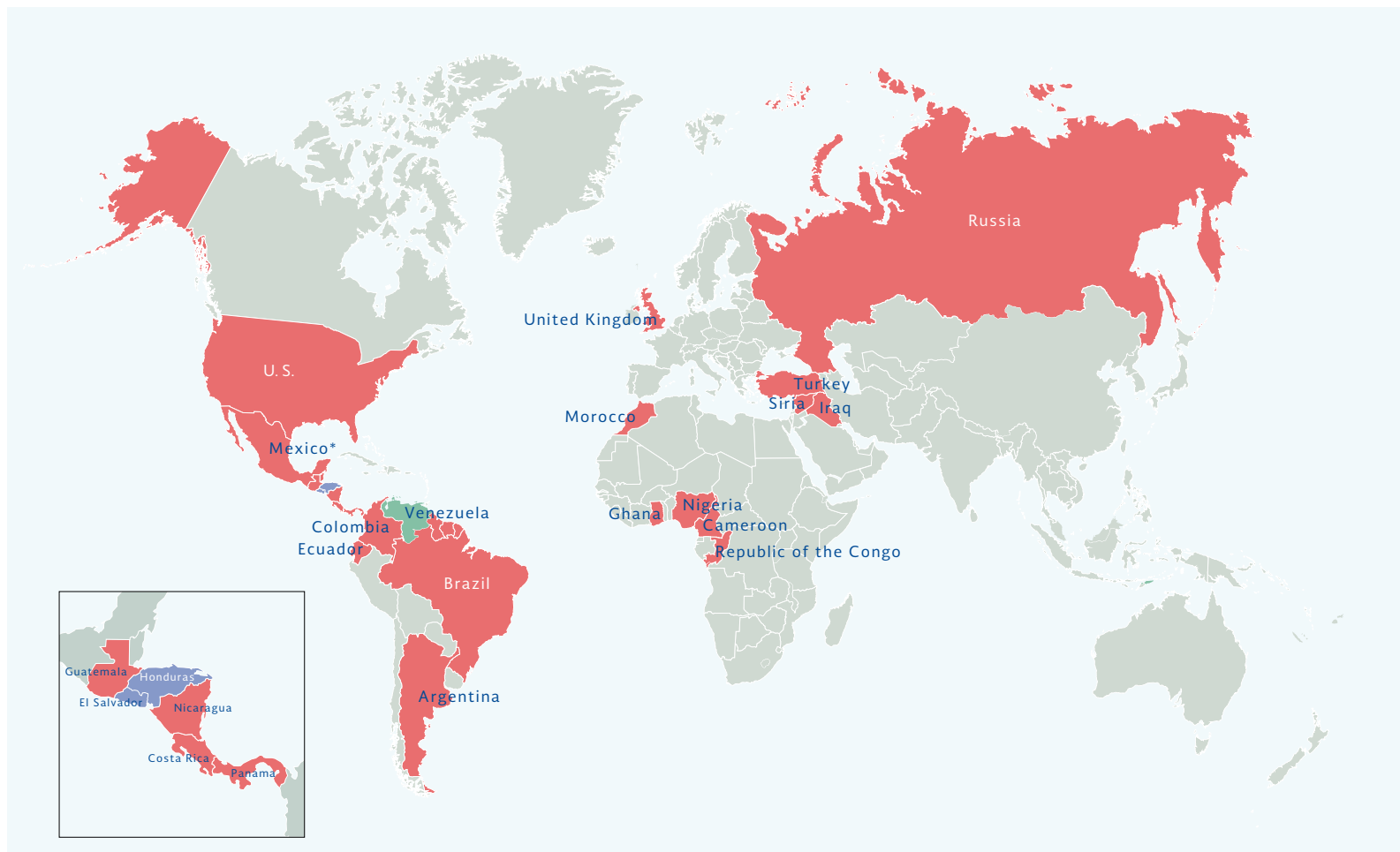
Venezuela (115) and Guatemala (52), while the lowest figures were from Middle Eastern countries (Iraq and Syria) and Africa (Cameroon, Ghana, Morocco and Nigeria).

In addition, a group of countries that, despite not being places of origin are places of previous residence, are identified, as is the case of Brazil, Costa Rica, Ecuador, Panama, United Kingdom, Turkey and, even, Mexico, which, together, they represented 2.2% that same year (2016).

In 2017, trends persisted among the main countries of origin of people recognized as refugees or with complementary protection, although a change of order was noted, being as follows: El Salvador (911 cases), Venezuela (682) and Honduras (663), and new ones appeared, such as Saudi Arabia, Guinea, Peru and the Democratic Republic of the Congo, which, as a whole, represented 2.4%. Some of these countries share a border with others in conflict, which may indicate that the crisis has already reached them, or that they are no longer able to offer the required security to their inhabitants and, therefore, they move in search of refuge in other nations. In this case, it is evident that those who arrived to Mexico in years previous to the crises befallen in recent times in their countries of origin, have preferred to apply for refuge recently and to strengthen their residence in our country.

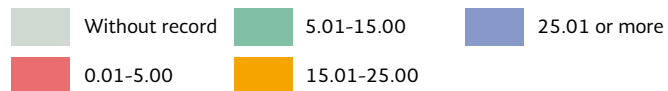
<sup>46</sup> Refers to the percentage of foreigners who obtained their migration residence in the cut-off information year, but who were recognized that year or in previous years.

**FIGURE 3.7**  
 PERMANENT RESIDENT WHO WERE GRANTED INTERNATIONAL PROTECTION  
 IN MEXICO, BY COUNTRY OF ORIGIN, 2016 (PERCENTAGES)



Total 1,601

Percentage of refugees



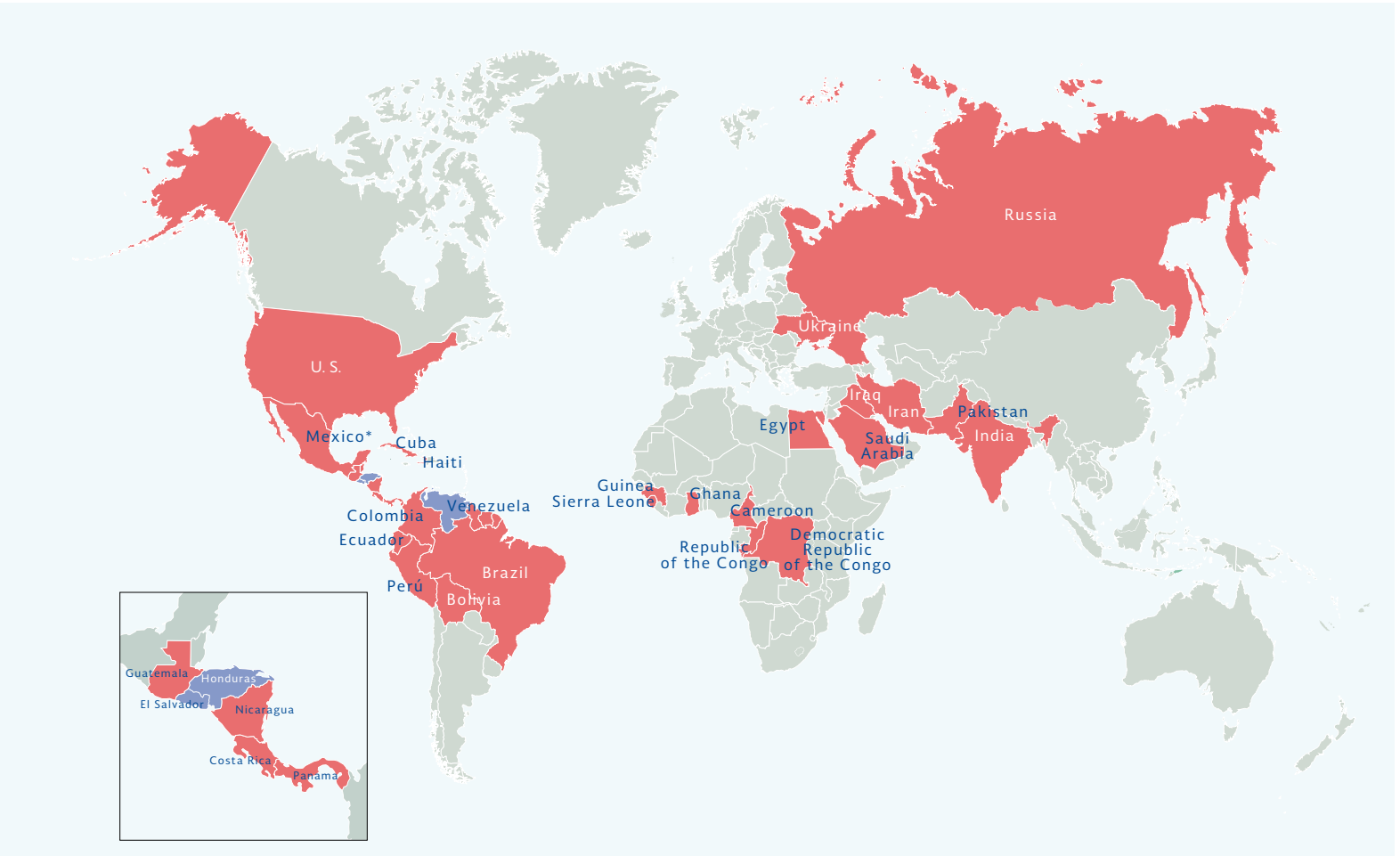
People with international protection, identified in Brazil, Costa Rica, Ecuador, Mexico, Panama, the United Kingdom and Turkey, are not nationals of these countries.

\* Data from Mexico refers to foreigners who resided in the country and who requested refugee recognition status and were recognized.

Source: Migration Policy Bureau, SEGOB, based on the database of foreigners residing in Mexico, 2016.



**FIGURE 3.8**  
 PERMANENT RESIDENTS WHO WERE GARANTED WITH INTERNATIONAL PROTECTION  
 IN MEXICO, BY COUNTRY OF ORIGIN, 2017 (PERCENTAGES)



People with international protection, identified in Saudi Arabia, Brazil, Costa Rica, Ecuador, Guinea, Mexico, Panama, Peru and Democratic Republic of the Congo, are not nationals of these countries.  
 \* Data from Mexico refers to foreigners who resided in the country and who requested refugee recognition status and were recognized.

Source: Migration Policy Bureau, SEGOB, based on the database of foreigners residing in Mexico, 2016.

Total 2,439

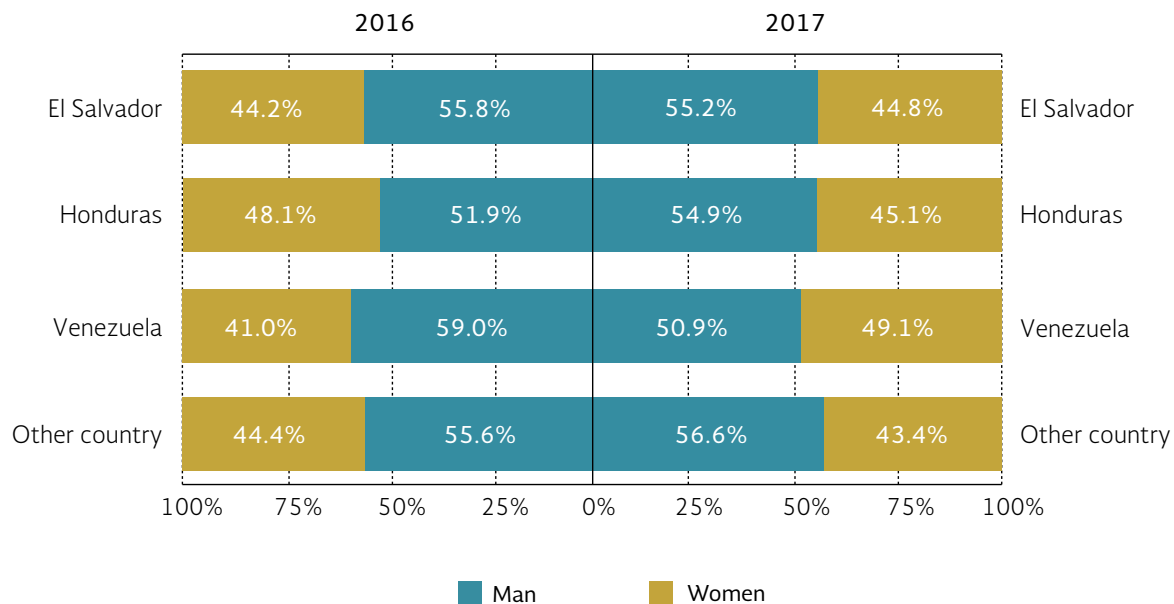
Percentage of refugees

25.01 or more	<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span>	5.01-15.00	<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span>	Without record	<span style="display:inline-block; width:15px; height:15px; background-color:grey; border:1px solid black;"></span>
		15.01-25.00	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	0.01-5.00	<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span>

Regarding the composition by sex, in 2013 Nigeria showed a strong masculine component due to the fact that around 79% of those documented were men, which may indicate that moving from countries of origin to Mexico usually involves greater risk for women than for men, especially on longer distances. This makes sense when analyzing the structures of the countries with the greatest presence in terms of permanent residents with international protection, as in the case of Honduras, whose percentage of women has remained at around 48% since 2015, while in El Salvador women represented 44.8% in 2017 (see figure 3.9).

Venezuela stands out in particular, because its female component went from 41.0% to 49.1% between 2016 and 2017. Unlike other continents, in Central American countries and in Venezuela, sex does not determine the decision to seek refuge in another country. It seems that the relative closeness to Mexico implies lower risks and makes the displacement of men, women and NNA more feasible, the main factor being the need to flee or move away from the elements that affect their lives in contexts of instability.

**FIGURE 3.9**  
PERMANENT RESIDENT FOREIGNERS IN MEXICO WITH REFUGEES STATUS  
RECOGNITION OR UNDER THE COMPLEMENTARY PROTECTION SCHEME,  
ACCORDING TO THE MAIN COUNTRIES OF NATIONALITY AND SEX,  
2016 AND 2017 (PERCENTAGES)



Source: Migration Policy Bureau, SEGOB, from foreigners residing in Mexico database, 2016 and 2017.

To better understand the configuration of migrant flows in search of international protection, whether in Mexico or another country, it is important to locate residence conditions from a geographical scope and people's context, since situations experienced in each nation are diverse and, therefore, affect men, women or NNA in different ways.

In the case of Central American countries, conditions of social and economic instability have their origins in the civil war that took place in the 1980s, which caused displacement of people mainly toward the United States and, in turn, led to the conformation of *criminal cells* that, at present, are the main problem both in El Salvador and in Honduras.

According to the UNHCR report on forced displacement, the number of people fleeing violence in Central America increased to levels not observed since the 1980s; in this context, the United States continued to be the country that received the most requests for asylum (UNHCR, 2017d, p. 40).

For its part, El Salvador was the main nation of origin of permanent residents with international protection. Violence placed it first in the world in 2015, with 6,657 homicides and a rate of 102.9 murders per 100,000 inhabitants (Civil Society Committee against Forced Displacement for Violence and Organized Crime in El Salvador, 2016, p. 10).

In the same sense, the International Crisis Group report highlights that between 2015 and 2016 there was a 53% increase in the homicide rate, compared to the 2013–2014 period. The results of the study conducted in 2013 by Córdova *et al.*, cited in that report, indicate that “more than half of the people killed from 2009 to 2012 were between 15 and 34 years old; around 80% of the victims were men” (International Crisis Group, 2017, p. 12), which helps to understand the composition of the age structure of migrants in transit and asylum seekers.

While not all people affected by violence leave their country, some have chosen to move toward international territory. According to the aforementioned report of the UNHCR (2017d), in 2016 asylum requests of Salvadoran nationals in the United States reached 33,600, almost double the number registered in 2015 (18,900); meanwhile, in Mexico the figure went from 1,476 to 3,493 from 2015 to 2016, and remained roughly stable in 2017.

In this sense, it is not surprising that between 2016 and 2017 the San Salvador Department was the main municipality of origin of the population in search of international protection that obtained its residence in Mexico, since it shows the highest rates of homicides and violence (Civil Society Committee against Forced Displacement for Violence and Organized Crime in El Salvador, 2016).

As shown in figure 3.10, between 2016 and 2017 the number of municipalities of origin of Salvadorans residents in Mexico under the complementary protection scheme went from 89 to 112 municipalities, being San Salvador the main department, followed by San Miguel and Santa Ana, which have increased their participation as places of origin, since together with the capital, were classified as the most violent places. According to the International Crisis Group report.

It is particularly interesting that in both 2016 and 2017 the municipalities bordering with Honduras were not identified as places of origin, especially when violence has spread between both countries. According to the International Crisis Group report (2017, p. 25), such Salvadoran border municipalities registered a low homicide rate at least until 2016, which could explain the absence of permanent residents from this region. But perhaps the most important finding of the report is that these municipalities have “strong social and community ties that have experienced a much smaller expansion of gangs and... suggest a significant relationship with the insurgency during the civil war.” That is, the bonds of unity originated during the civil war, more than three decades ago, have served as a shield against violence for the inhabitants of these municipalities.

Conversely, municipalities of origin of residents in Mexico with international protection have high homicide rates, according to the same report.

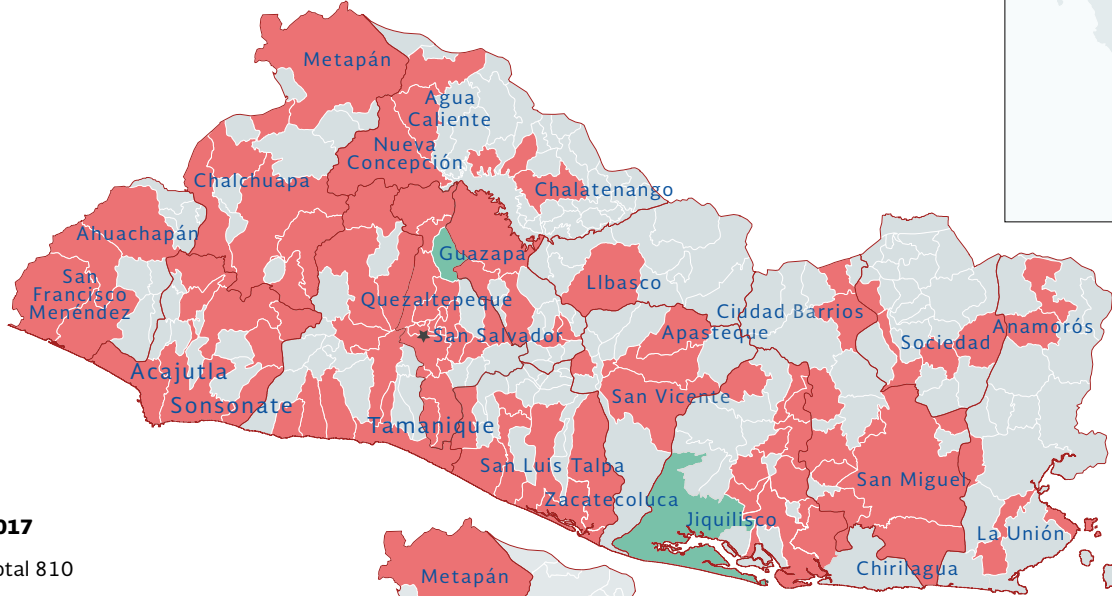
Another country with a strong presence of refugees in Mexico is Honduras. Like the El Salvador case, it also has a history of forced displacement due to violence and high homicide rates. However, unlike El Salvador, reports of violence in Honduras do not identify a strong link between gang activity and violence in the country, although they do not rule out its influence on the issue.

**FIGURE 3.10**  
 PERMANENT RESIDENT FOREIGNERS IN MEXICO  
 GRANTED REFUGEE STATUS RECOGNITION  
 OR UNDER THE COMPLEMENTARY PROTECTION  
 SCHEME, BY MUNICIPALITY OF ORIGIN FROM  
 EL SALVADOR, 2016 Y 2017 (PERCENTAGES)

**2016**

Total 613

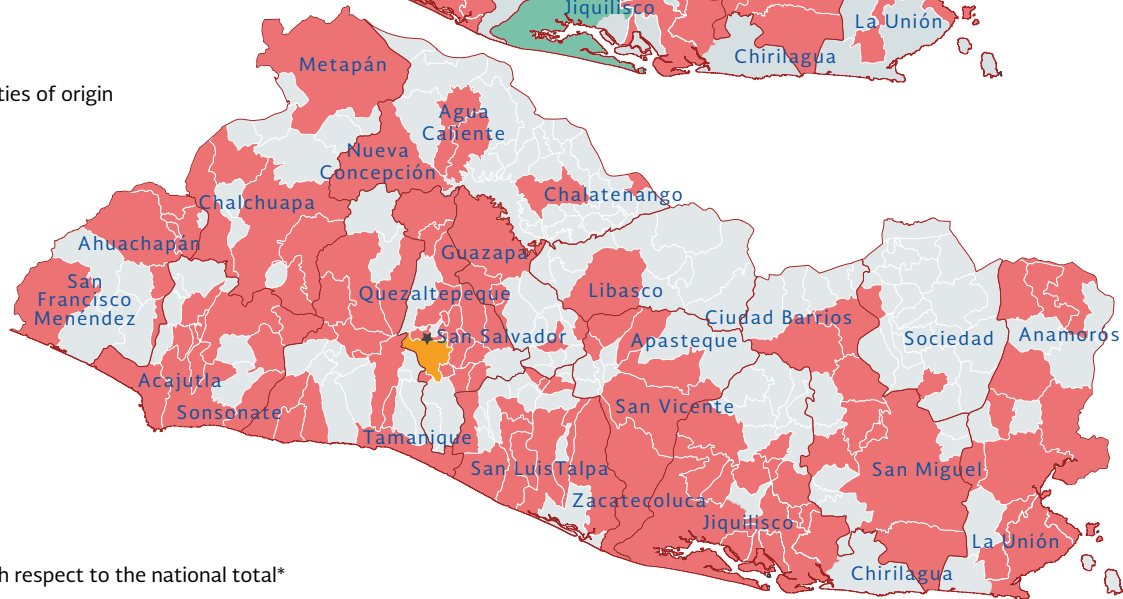
99 municipalities of origin



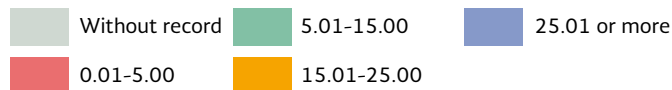
**2017**

Total 810

112 municipalities of origin



Percentage with respect to the national total\*



\* The data of the not-specified is not considered for the distribution.  
 Source: Migration Policy Bureau, SEGOB, from foreigners residing in Mexico database, 2016 and 2017.

In what those who have devoted themselves to the analysis and observation of violence tendencies at the Central American region do coincide, is that there is a correspondence with the presence of gangs, which affect countries differently; while in some cases violence is perpetrated directly on the population, in others it is generalized by regions or territories.

The border region between Honduras and El Salvador presents the lowest records of displaced population residing in Mexico with refugee status recognition or complementary protection of the zones of origin detected between 2016 and 2017. The same situation is reflected in the border with Nicaragua (see figure 3.11).

The opposite scenario is observed in west and north Honduras, on its border with Guatemala and its coastal strip. The main area of origin for migrants who took refuge in our country ranges from Tegucigalpa (Central District) to the north of the country. Both InSight Crime and International Crisis Group agree that San Pedro Sula, Tegucigalpa and La Ceiba are the most violent cities in Honduras. According to the InSight Crime report (2015, p. 4), in 2014, San Pedro Sula had a homicide rate of 142 per 100,000 inhabitants, while in Tegucigalpa it was 81 and in La Ceiba 95 homicides per 100,000 inhabitants.

In this sense, the Observatory of Violence of the National Autonomous University of Honduras documents the perception of citizenship on this issue and identifies violence by robberies, extortion and violence against NNA in the municipalities that appear as origin of residents with refugee status recognition in Mexico.

Violence in Central American countries has been documented as the main displacement trigger, that is why it is important to mention factors linked to it that also result in people displacement; among which stand out the closure of employment sources due to constant extortion by criminal groups demanding the payment of “user rights” (payments extorted by criminals to allow business owners to maintain their business open and keep working, but mainly for their physical integrity), as well as death threats receive after refusing to join a gang or to commit a crime for them. People with the means and possibilities to survive these circumstances move to other areas within the same country, but in the most extreme cases, when the way of life is seriously affected,

people decide to move to other countries, being the United States, par excellence, the main destination.

With this, a brief reference of the places of origin for the permanent residents with refugee status recognition in Mexico is given. But visualization of these populations does not end there, since the reasons why they fled their countries have an impact on their very lives and on the mechanisms of integration into our society, being the election of their place of residence the main one.

In this context, according to the information gathered about the place of residence of the newly documented due to refugee status recognition or under the complementary protection scheme, it is worth noting that in 2014 and 2015 this migrant group chose to settle down in some municipalities located at the Mexican northern border, as well as in Yucatan and Quintana Roo; however, the city of Tapachula, Chiapas, remains main municipality of residence. It is notable that between 2013 and 2015 the Ecatepec municipality, located at the State of Mexico, was no longer considered as one of the options of residence for new refugees, probably due to the high insecurity indexes registered by this municipality.

Mexico City has become the undeniable center of residence for foreigners with international protection, particularly the demarcations (now municipalities) of Álvaro Obregón, Benito Juárez, Coyoacán, Cuauhtémoc, Gustavo A. Madero and Miguel Hidalgo. On the contrary, the border municipalities in the north of the country ceased to be a destination of residence between 2013 and 2015, which may be due to the conditions of insecurity that have prevailed in recent years in their respective states.

This residence pattern is explained by necessity of moving away from more violence prone places, situation from which they are fleeing to settle down in spaces that presents them with development opportunities and employment sources. Regardless of this, the Mexican government has the enormous and difficult task of integrating these and other populations of foreigners into a society that bears its own challengers in terms of security and personal and economic development guarantee.



### 3.3 GIRLS, BOYS AND ADOLESCENTS (NNA) WITH INTERNATIONAL PROTECTION NEEDS

As insisted on throughout this document, one of the groups to which special attention is paid in migratory studies is unaccompanied NNA because it implies a greater exposure to situations of vulnerability, both for their travel condition as well as per their age. Just like adult migrants, the flow of NNA seeking refuge is part of the transit migration through Mexico that travels to the United States and is primarily made up of nationals from Guatemala, Honduras and El Salvador.

The composition of this flow has changed in recent years; until 2013, more than 50% were unaccompanied NNA, a trend that reversed subsequently, reaching the lowest figure in 2017 (40.6%). This change is important to take into account in order to focus actions aimed at the population that requires a higher level of international protection.

Between 2013 and 2016 there was an increase in the number of applications for refugee status recognition submitted to COMAR by unaccompanied NNA, although not in the same growth rates as the total trend; on average, the percentage of those who complete the procedure in that period was 65.7% and, of these, 33.0% were denied some type of international protection (refugee status recognition or complementary protection scheme, see figure 3.12). It is worth mentioning that the 2017 information was excluded because COMAR operation was atypical (as priorly mentioned), so the figures for that year are difficult to compare with other annual periods.

Both the low number of applications submitted and the number of responses in favor of granting the requested protection could be explained in light of the data provided by the study carried out by the National Population Council (Lorenzen, 2016), in which the reasons for the migration of

unaccompanied NNA from the Northern Triangle of Central America (NTAC) are explored; among which, economic and family reunification stand out (80% of the cases). This is a possible explanation for the reduced number of requests for refugee status recognition that COMAR has received in recent years from this group; since its primary intention is not to stay in Mexico but to continue their journey in search of achieving their objective.

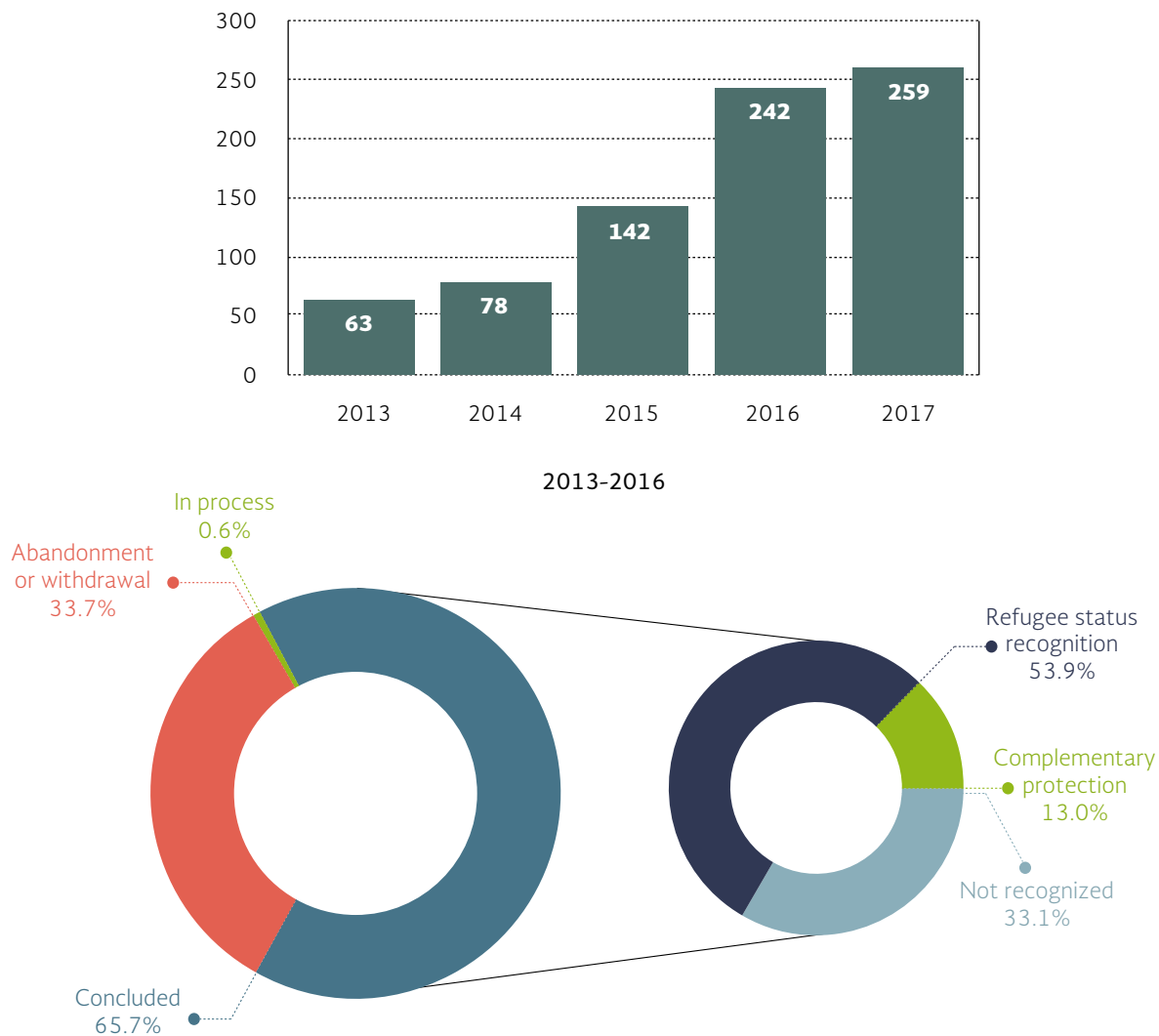
In 2013, the group of unaccompanied NNA applicants for refugee status recognition in Mexico had a minimal participation (1.3%) of the total referred to the National Institute of Migration (INM for its Spanish acronym). This amount has subtly increased, reaching 3.3% of the total number of NNA in 2017, showing changes in the trend by nationality (see figure 3.13). However, it remains that the vast majority of them do not request refuge in Mexico.

Based on these data, some civil society organizations argue that an adequate diagnosis or identification of protection needs is not being guaranteed; nevertheless, it is necessary to take into account the time frames established to give resolution. In addition, in Lorenzen's study (2016) it is estimated that around 74.0% of NNA who expressed the risk of returning to their place of origin did not want to apply for refugee status recognition in Mexico.

Although the survey was carried out in only one group of NNA, the sample offers a panorama that deserves an in depth analysis in order to have elements to discuss the necessary actions to guarantee protection of this population group, be it through the figure of refuge, the complementary protection scheme or some other protection alternative, especially considering that due to their reasons of moving they may have as country of destination one different from Mexico.

Going by the results of this survey, it can be assumed that the same reasons identified of why NNA of the NTCA and Nicaragua, choose not to seek refugee status recognition in Mexico also, in large part, explain the rates of abandonment of applications, as well as of withdrawals of initiated procedures. As shown in figure 3.14, the conclusion rate of Honduras and El Salvador, the two main countries of origin of applying NNA, was on average 60.5% and 68.2%, respectively, between 2013 and 2016, while among the group of NNA from Guatemala, the conclusion rate has varied significantly; however, the

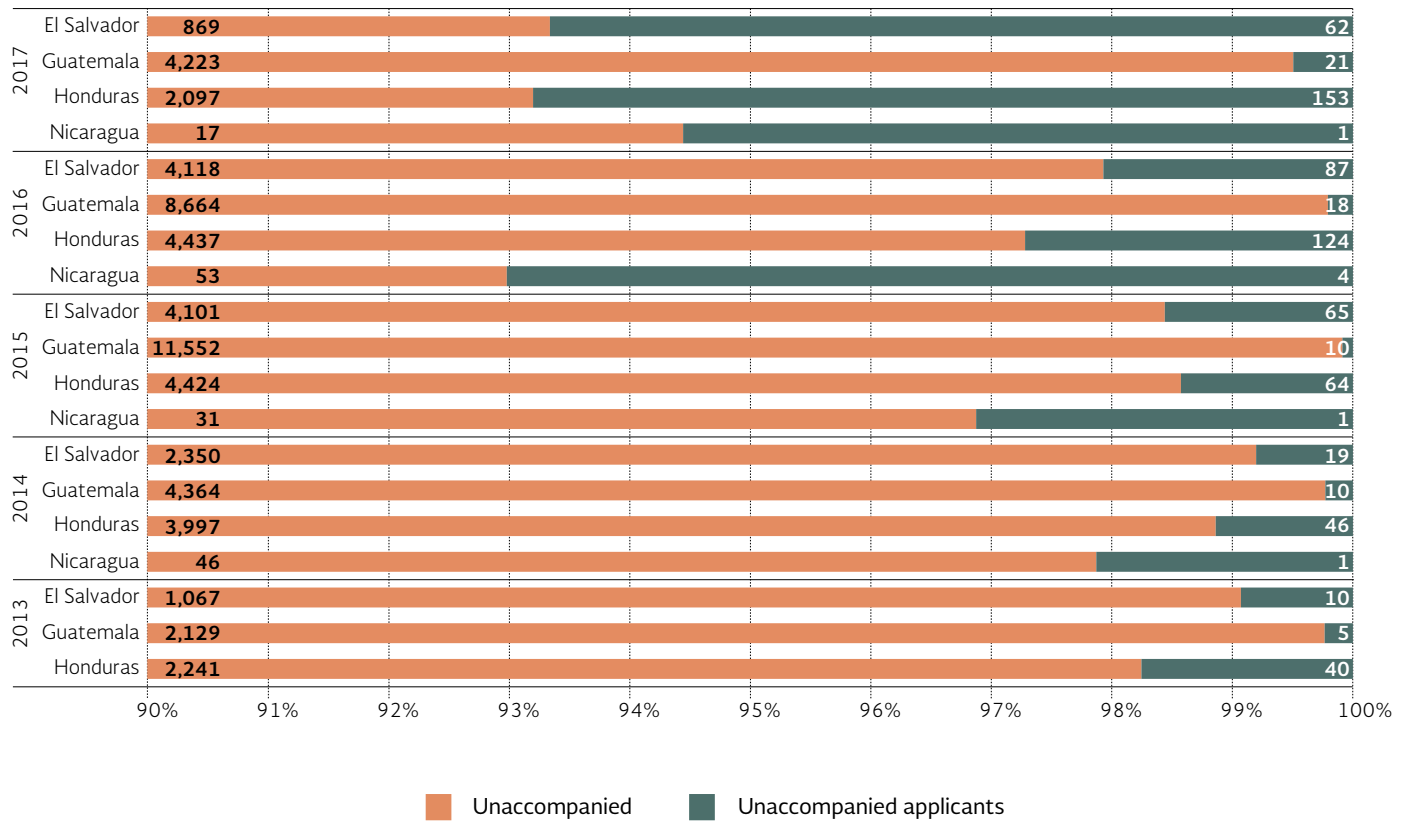
**FIGURE 3.12**  
TOTAL APPLICATIONS FOR REFUGEE STATUS RECOGNITION IN MEXICO FOR UNACCOMPANIED CHILDREN AND ADOLESCENTS (NNA), BY YEAR OF APPLICATION, STATUS AND TYPE OF RESOLUTION FROM THE PROCEDURE, 2013-2017



The information corresponding to 2017 includes applications received and resolved in that year, for comparative purposes the resolutions made in 2018 are omitted.  
Source: Unidad de Política Migratoria, SEGOB, based on COMAR administrative records.



**FIGURE 3.13**  
**UNACCOMPANIED CHILDREN AND ADOLESCENTS (NNA) REFERRED TO THE AUTHORITY AND APPLICANTS FOR REFUGEE STATUS RECOGNITION IN MEXICO, BY SELECTED CENTRAL AMERICAN COUNTRIES, 2013-2017 (ABSOLUTES AND PERCENTAES)**



Source: Migration Policy Bureau, SEGOB, based on data from the *Monthly Bulletin of Migratory Statistics* 2013-2017, and the Mexican Commission for Refugee Assistance (COMAR) administrative records.

number of unaccompanied NNA who request the refugee status recognition has remained small. It should be noted that at the close of 2016 and 2017 there were still pending procedures.<sup>47</sup>

It is important to mention that the withdrawals of the group of unaccompanied NNA from refugee status recognition procedure, should not necessarily be seen as a negative factor in the international protection context, since in some cases might express the legitimate desire of no continuing with an administrative procedure and, in this sense, exercise the right to be heard and taken into account in decisions that affect their *best interests*. This is why it is important and essential to know in detail the specific needs of each of them.

In this context it is crucial for authorities involved in NNA protection especially of those seeking asylum and unac-

companied to strengthen their institutional capacities to dictate the course of action that meets children's best interests in case of withdrawal from the procedure, as well as an effective, immediate, comprehensive attention and follow-up, to ensure that their rights are not infringed.

Another relevant element in this context is the protection rate, that is, the percentage of those who are granted refugee status recognition or complementary protection out of the total of those who completed their procedure. In this regard, between 2013 and 2016 notable cases include that of Honduras, one of the countries with the highest level of displacement due to 82.6% in 2016, and El Salvador, whose rate has varied between

**FIGURE 3.14**  
UNACCOMPANIED CHILDREN AND ADOLESCENTS (NNA), APPLICANTS OF THE REFUGEE STATUS RECOGNITION IN MEXICO, BY SELECTED CENTRAL AMERICAN COUNTRIES AND STATUS OF THE PROCESS, 2013-2017

Year	Country	Processing status					Conclusion rate
		Total	Abandoned	Withdrawn	In process	Concluded	
2013	El Salvador	10	-	3	-	7	70.0%
	Guatemala	5	-	-	-	5	100.0%
	Honduras	40	6	14	-	20	50.0%
2014	El Salvador	19	1	6	-	12	63.2%
	Guatemala	10	2	4	-	4	40.0%
	Honduras	46	10	9	-	27	58.7%
	Nicaragua	1	-	-	-	1	100.0%
2015	El Salvador	65	5	17	-	43	66.2%
	Guatemala	10	3	1	-	6	60.0%
	Honduras	64	14	9	-	41	64.1%
	Nicaragua	1	-	-	-	1	100.0%
2016	El Salvador	87	17	5	1	64	73.6%
	Guatemala	18	3	2	-	13	72.2%
	Honduras	124	28	9	1	86	69.4%
	Nicaragua	4	-	-	-	4	100.0%
2017	El Salvador	62	4	1	28	29	46.8%
	Guatemala	21	1	-	7	13	61.9%
	Honduras	153	17	8	74	54	35.3%
	Nicaragua	1	-	-	-	1	100.0%

(-) Without record.

Source: Migration Policy Bureau, SEGOB, based on COMAR administrative records.

<sup>47</sup> The pending procedures of 2016 were resolved in 2017, and those from 2017 have continued their process in 2018.

50.0% and 100.0%, being 2016 the year in which the highest number of applicants was registered resulting in a 76.6% refugee recognition rate; a situation similar to that presented by Guatemala (see figure 3.15).

In spite of not having information that allows us to know the reason for the refusal to grant international protection to unaccompanied NNA, this being one of the groups exposed to greater situations of vulnerability, it is possible to identify a correspondence with their reasons for not requesting refuge in Mexico, according to the results of the survey conducted in the special shelters of the National System for the Integral Development of the Family (DIF), which are:

- a) Not wanting to wait the time that the process last (31.2%),
- b) Not wishing to apply for refugee status recognition for not considering it worth it (2.6%),
- c) Wanting to return to their country and home (44.2%),
- d) Planning to try migrating again without being referred to the migratory authorities (36.4 percent).

These results motivate us to consider other scenarios, for example, regarding the perception of NNA of initiating the refugee status recognition procedure in Mexico and the convenience/advisability of doing so, since, apparently, submitting the request does not necessarily imply the granting of international protection, since it may or may not be granted; and being transferred to Social Welfare Centers as an alternative lodging to Migratory Stations act as deterrents to request the refugee status recognition. At least, that is a one possible reading of the Lorenzen (2016) data, by reporting that 36.4% of unaccompanied NNA said they do not want to apply for refuge in Mexico because they intend to try migrating again, hopping they can avoid being referred to the migratory authorities this time. In short, this raises a series of challenges and problems for migratory policy that surpasses the existing regulatory frame in the matter.

**FIGURE 3.15**  
UNACCOMPANIED CHILDREN AND ADOLESCENTS (NNA) WHO COMPLETED THE REFUGEE STATUS RECOGNITION PROCEDURE, BY SELECTED COUNTRIES OF ORIGIN AND TYPE OF RESOLUTION, 2013-2017

Year	Country	Type of resolution				Protection rate
		Total	Refugee status recognition	Complementary protection	Not recognized	
2013	El Salvador	7	7	-	-	100.0%
	Guatemala	5	2	-	3	40.0%
	Honduras	20	9	-	11	45.0%
2014	El Salvador	12	5	1	6	50.0%
	Guatemala	4	4	-	-	100.0%
	Honduras	27	13	2	12	55.6%
	Nicaragua	1	-	-	1	-
2015	El Salvador	43	20	2	21	51.2%
	Guatemala	6	3	2	1	83.3%
	Honduras	41	21	9	11	73.2%
	Nicaragua	1	-	1	-	100.0%
2016	El Salvador	64	41	8	15	76.6%
	Guatemala	13	7	2	4	69.2%
	Honduras	86	54	17	15	82.6%
	Nicaragua	4	-	1	3	25.0%
2017	El Salvador	29	17	4	8	72.4%
	Guatemala	13	2	2	9	30.8%
	Honduras	54	12	8	34	37.0%
	Nicaragua	1	-	1	-	100.0%

(-) Without record.

Source: Migration Policy Bureau, SEGOB, based on COMAR administrative records.

### 3.4 THE CRISIS IN VENEZUELA AND THE GREAT WAVES ON MIGRATION: CONTEXT

Another representative case of forced displacement is Venezuela, where the Rule of Law has been at risk since the presidential elections of 2013 after the death of then President Hugo Chávez. The political conflicts broke out when the election to choose the successor was extremely close with each aspiring candidate, Nicolás Maduro and Henrique Capriles, practically winning 50% of the vote. From this challenged victory, Nicolás Maduro was declared winner, which led to a series of demonstrations and protests by the Venezuelan people.

Currently the country is experiencing an unprecedented economic and social crisis that has arisen in the last four years, causing political destabilization coupled with a marked deterioration in the economy, with high levels of inflation, crime, corruption and human rights violations, with scarce guarantee for its inhabitants to have access to the basic livelihood, such as health and nutrition, to unsustainable extremes and with little or no hope of a solution in the short term.

The enfeeblement of human rights guarantees and the exacerbated accumulation of power have allowed the government in that country to intimidate, censure and prosecute its critics and opponents, both national and international. Censorship of the press and of human rights defenders, abuse of police force and impunity are features of this crisis that cause concerns at international level (HRW, 2018). Although the vision regarding the Venezuelan economy is polarized thanks to the empathy of some nations with this government, there is simply no better outlook for the country in the immediate future, which implies the continuation of a politicized migratory flow.

Therefore, the Venezuelans displacement is currently one of the main migration challenges for the Latin American region. The International Organization for Migration (IOM) dedicates the report *National Migratory Trends in South America* to highlight the changes in Venezuela's migratory processes; it documents that between 2015 and 2017, in South America, more than 300,000 residence permits (temporary and permanent) have been granted to persons of Venezuelan nationality through ordinary and extraordinary migratory instruments (IOM, 2018).

In several countries of the region, specific legislation has been approved for the benefit of the Venezuelan migrant population: Argentina applies the Residency Agreement for Nationals of the States Parties and Associates of the Southern Common Market (MERCOSUR); even, the Ministry of Education of that country resolved to simplify the revalidation procedures of university studies completed in Venezuelan institutions. Uruguay, for its part, already granted temporary and permanent legal residence to Venezuelans, and since 2014 grants permanent residence permits to MERCOSUR nationals (IOM, 2018).

In another context, through the Ecuador-Venezuela Migratory Statute, Ecuador grants temporary residence to those who show economic solvency and, through the Visa of the Union of South American Nations, also known by its Spanish acronym UNASUR (2017), nationals of the block can access a two years temporary residence. For its part, Peru has the Temporary Permit of Permanence (TPP) for people of Venezuelan nationality who entered the country before February 2017. Currently, the deadline was extended to all of 2018 and since its implementation more than 27,000 TPP have been granted (IOM, 2018).

Colombia has been one of the most important destinations for displaced Venezuelans; for this reason, it has implemented various measures such as the Border Mobility Card (BMC) to facilitate the mobility of citizens who reside in the border area and routinely move between the two countries, as well as the Special Permit of Permanence (SPP), that allows them to undertake any activity or legal occupation not regulated in the country, including those that implicate a labor or

contractual link. Migration Colombia estimates that around 600,000 Venezuelans were in the country in 2017. Similarly, IOM Colombia heads the coordination of the Interagency Border Group of the United Nations System in collaboration with other international organizations (Ministry of Foreign Affairs of Colombia, 2017).

The IOM report on migration trends in Venezuela also points out that in the Crisis Work Group created by the Brazilian government –another of the most important destinations for Venezuelans–, IOM, UNHCR, the United Nations Population Fund (UNFPA) alongside other UN agencies provide, among other actions, technical assistance and training activities, shelter management and guidance support for regularization. In addition, in the state of Roraima, Brazil, the Displacement Monitoring Matrix has been implemented, a system created by the IOM to track and monitor the displacement and mobility of populations, which in this case is applied to better understand the Venezuelan population that is moving through the Latin American region (Brazil, Colombia and Peru are already implementing the matrix in some of their cities).

The results of the matrix show the professional and young profile of the Venezuelan migrant: between 18 and 35 years of age and mostly singles (Ministry of Foreign Affairs of Colombia, 2017). Despite the efforts of the South American countries to welcome Venezuelans, the increasingly difficult conditions of this displacement have generated new problems, such as the one concerning public health of primarily the border populations with Colombia, Brazil and Guyana where, according to a report by the International Crisis Group (2018), malaria is one of the diseases that spreads between these countries.

In the case of other South American countries, residences are granted to Venezuelan migrants only through regular channels of regularization, as is the case of Chile, which granted more than 120,000 residence permits (permanent stays and temporary visas). Other countries in Latin America and the Caribbean, such as Costa Rica, Mexico, Panama and the Dominican Republic, as well as other Caribbean Islands, have registered a significant increase in arrivals and departures of Venezuelans. Some of these countries are

issuing temporary or permanent residence cards (Ministry of Foreign Affairs of Colombia, 2017).

### 3.4.1 THE VENEZUELAN EXODUS AND ITS IMPACT IN MEXICO

Venezuelan migration to Mexico, as in most countries in the region, has increased significantly in recent years. According to the report (2018), in just two years the number of Venezuelans residing in our country doubled, from 16,000 in 2015 to 32,600 in 2017.

These figures explain what is happening now, since until recently most immigration to Mexico came mainly from countries such as the United States, Cuba, Colombia and Spain. Now the flow of Venezuelans has become relevant occupying the third place among temporary residences, and second place among permanent residents.

Due to the reality of their country, the lives of Venezuelan population face imminent peril; therefore in pursue of their survival the displacement is massive and in different directions, mainly towards the South American region, the United States, Spain and Italy, among other nations.

In this scenario, it is not surprising that between 2016 and 2017 the municipalities of origin of Venezuelan refugees in Mexico increased from 29 to 88 municipalities from one year to the other. While in 2016 the municipalities of Caracas (Capital City), Guaicaipuro, Iribarren, Maracaibo and Valencia were the main places of origin, in 2017 two municipalities concentrate 33% of the residents granted refugee status recognition in Mexico: Caracas, with 20%, and Maracaibo with 13%. Nevertheless, there has been an expansion from other municipalities in states such as Amazonas, Bolívar and Anzoátegui, located in the south and east of the country, undoubtedly though, it is in the northern zone –where Venezuela’s greatest economic activity is located– where the most affected by this crisis are detected (see figure 3.16).

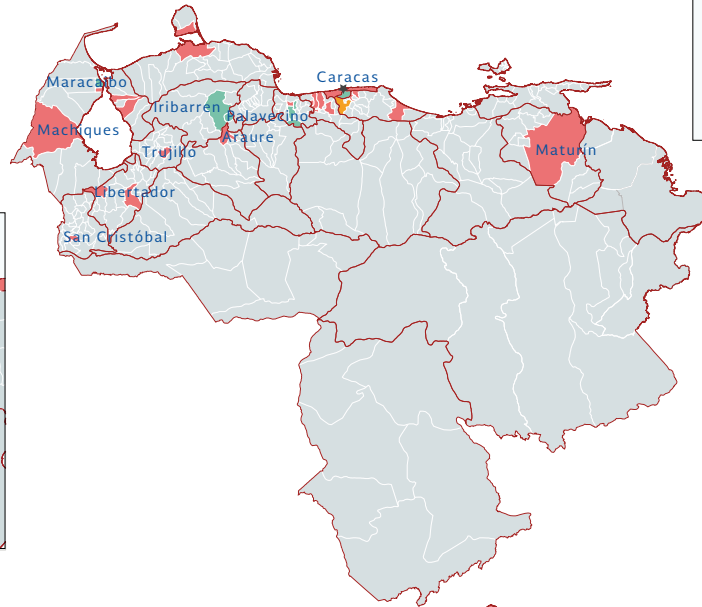
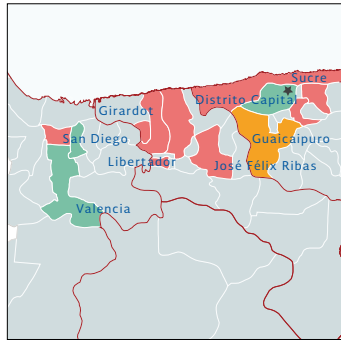
**FIGURE 3.16**  
 PERMANENT RESIDENT FOREIGNERS IN MEXICO  
 GRANTED REFUGEE STATUS RECOGNITION  
 OR UNDER THE COMPLEMENTARY PROTECTION  
 SCHEME, BY MUNICIPALITY OF ORIGIN FROM  
 VENEZUELA, 2016 Y 2017 (PERCENTAGES)



**2016**

Total 115

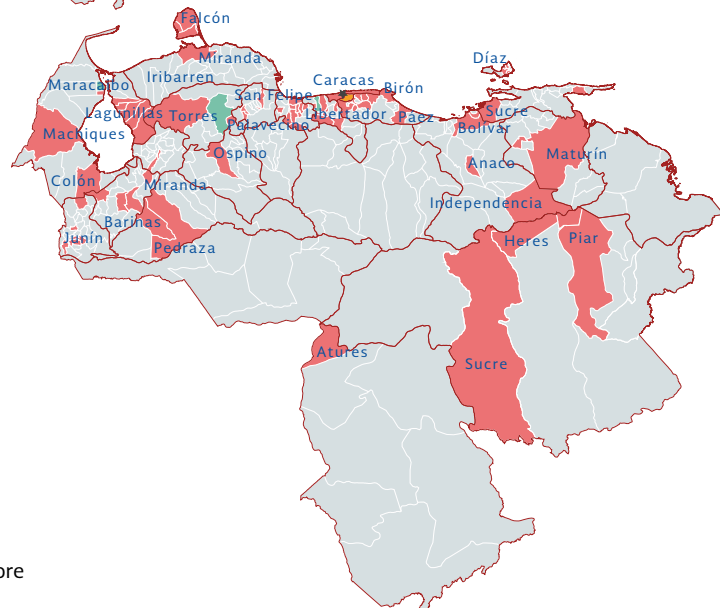
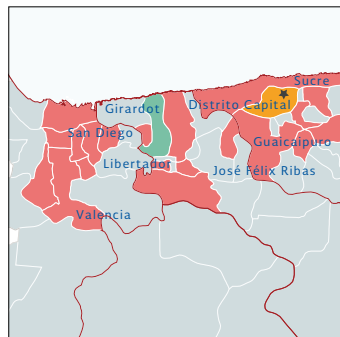
29 Municipalities of origin



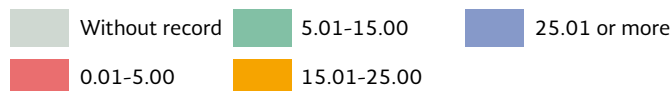
**2017**

Total 659

88 Municipalities of origin



Percentage with respect to the national total\*



\* The data of the not-specified is not considered for the distribution.  
 Source: Migration Policy Bureau, SEGOB, from foreigners residing in Mexico database, 2016 and 2017.

Unlike the Central American or Haitian migration that has arrived in Mexico in recent years, Venezuelans flows do not necessarily seek visas for humanitarian reasons<sup>48</sup> as a measure of protection, since in general terms they have a different profile of migrant. Until just a couple of years ago most Venezuelan migrants used to enter Mexico as tourists or business persons, with employment offers or with family bonds, but in 2017 the situation changed with a greater proportion of them applying for refugee status recognition.

Due to this dynamic and the profile of Venezuelan migrants, since 2014 the number of temporary residence documents issued has increased significantly, reaching a total of 4,912 in 2016, while 5,991 were issued in 2017. Additionally, permanent residences have had a similar behavior and in these same years 2,537 and 3,383 documents were issued respectively. These figures are important because in the last two years alone 16,823 residence documents have been issued, which reflects the Mexico's openness and solidarity towards Venezuelan nationals.

Regarding the requests of refugee status recognition the situation has changed radically; from one application received in 2013, there was a gradual growth reaching 342 in 2016. In 2017 an unprecedented growth was identified since 4,042 applications were received, of which 912 cases had been completed by the end of the year and 907 refugees were recognized, that is, a 99.5% rate. It is important to highlight that 90.2% of those recognized as refugees or under the

complementary protection scheme, obtained their permanent residence that same year (818 cases).

### 3.4.2 CHARACTERISTICS OF VENEZUELAN COMMUNITY IN MEXICO

Regarding the characteristics that describe the situation of Venezuelan communities in Mexico, it should be noted that, in general, they are well integrated in Mexican society, whose distribution is identified in different cities; for instance, those who did the paperwork proceeding to get their residence in 2017, were concentrated in several delegations in Mexico City, Monterrey and Cancun, cities with high employment potential.

Among Venezuelans documented in 2017, it stands out that of the 818 permanent residents with the refugee status recognition or under the complementary protection scheme, 50.9% corresponded to men and 49.1% to women, a trend that is not seen in the other migratory conditions where the proportion of women is higher than that of men. For example, in the same year, 5,991 Venezuelans were documented (see figure 3.17) with a Temporary Resident Card (47.4% corresponded to men and 52.6% to women); 6,450 opted for the renewal of their temporary residence document (46.6% men and 53.4% women), and, 3 383 obtained permanent residence (45.3% men and 54.7% women).

**FIGURE 3.17**  
TYPE OF RESIDENCE  
CONDITION ISSUED  
TO THE VENEZUELAN  
POPULATION, BY SEX, 2017

Residence condition	Sex		
	Total	Men	Women
Temporary residence (issuance)	5,991	2,842	3,149
Temporary residence (renovation)	6,450	3,007	3,443
Permanent residence (issuance)	3,383	1,531	1,852
Permant residence with:			
Refugee status recognition	817	415	402
Complementary protection	1	1	-

(-) Without record.  
Source: Migration Policy Bureau, SEGOB,  
from the foreigners residing in Mexico  
database, 2017.

<sup>48</sup> In Mexico, the visa for humanitarian reasons is issued to foreign population that is a victim of natural catastrophe or violence, whose life or integrity is in danger or that enters to carry out rescue or relief efforts in emergency situations in the country or look after a family member facing a serious health condition. See at: <https://www.gob.mx/tramites/ficha/visa-por-razones-humanitarias/INM74>

With respect to marital status, a strong family component was observed, since among those who obtained a temporary residence, 48.5% were in the category “united”, a percentage that increased to 56.1% among permanent residents (see figure 3.18), who may have wider and better ties since they have formed mixed families, that is, Mexican spouse and children. However, this trend is reversed among permanent residents recognized as refugees, as there is a preponderance of single people (53.5%). While in the rest of the categories the differences are not revealing, the percentage of people “united” predominates.

Another characteristic of the Venezuelan people who have obtained their residence in our country to be highlighted, is the level of education they have. When observing the distribution according to the type of residence in Mexico, for all the categories, the percentage of those with a concluded university career stands out, which amounts to 43.8% of the population with temporary residence, to 51.4% of those who renewed this same type of residence, and 34.6% among permanent residents. Likewise, of the people who were granted refugee status recognition, 33.6% count with a university

career. Also, the percentage of population with postgraduate studies (completed or not) in all the types of residence condition (see figure 3.19) is worth emphasizing.

The level of education that Venezuelans have in Mexico is a tool that favors approaching conditions that may lead to a full life; however, it is important to consider that a pending issue is the revalidation of studies so they can exercise their profession in Mexico, a subject that is already reviewed at the Inter-agency Working Group on Refuge and Complementary Protection, in order to attend the most vulnerable foreign population, in this case, the refugees, with actions tending to contribute to their integration into Mexican society.<sup>49</sup>

In this context, it is more likely that for some Venezuelan migrants Mexico will be a temporary country of destination rather than permanent, since in the logic of improving living conditions, and given the average level of education they have, they could opt for nations with a higher development level. In any case, we must observe the trend that this important group follows in our country’s migratory dynamic, in order to take the necessary measures in domestic policy and enhance their characteristics so they achieve an adequate integration.

**FIGURE 3.18**  
TYPE OF RESIDENCE CONDITION ISSUED TO THE 15 YEARS OLD  
VENEZUELAN POPULATION, BY MARITAL STATUS, 2017 (PERCENTAGES)

Residence condition	Marital Status			
	Total	Single	“United”	Other condition
Temporary resident (issuance)	100.0%	38.0%	48.5%	13.5%
Temporary resident (renovations)	100.0%	40.8%	44.6%	14.6%
Permanent resident (issuance)	100.0%	30.6%	56.1%	13.3%
Permanent resident with				
Refugee status recognition	100.0%	53.5%	40.6%	5.9%
Complementary protection	100.0%	-	100.0%	-

The “united” category includes married couples and in common law cohabitation; the “other condition” category includes singles, widowers, divorced and separated, as well as any other non-specified cases.

(-) Without record.

Source: Migration Policy Bureau, SEGOB, from foreigners residing in Mexico database, 2017.

<sup>49</sup> Despite here referencing those with refugee status recognition, or those under the complementary protection scheme, the issue of integration is part of the actions committed in the Special Migration Program for foreigners in general.



**FIGURE 3.19**  
TYPE OF RESIDENCE CONDITION ISSUED TO THE 15 YEARS OLD VENEZUELAN,  
POPULATION, BY LEVEL OF SCHOOLING, 2017 (PERCENTAGES)

Level of education	Residence condition				
	Temporary resident (issuance)	Temporary resident (renovations)	Permanent resident (issuance)	Permanent resident with refugee status recognition	Permanent resident with complementary protection
Total	100.0%	100.0%	100.0%	100.0%	100.0%
None	0.8%	1.1%	1.1%	0.9%	-
Up to secondary school (concluded or not)	3.7%	3.2%	8.1%	9.3%	-
Up to high school degree, with pre-university study or technical college (concluded or not)	18.1%	16.8%	22.4%	30.0%	-
Up to university (not concluded)	6.7%	6.7%	6.8%	10.5%	100.0%
Up to university (concluded)	43.8%	51.4%	34.6%	33.6%	-
Up to postgraduate degree (concluded or not)	8.3%	11.0%	7.5%	4.0%	-
Not specified	18.7%	9.8%	19.5%	11.7%	-

Due to how the information is captured, the “not specified” cases represent a very high percentage; therefore, they are presented according to their proportion in the distribution of the variable.  
(-) Without record.

Source: Migration Policy Bureau, SEGOB, from foreigners residing in Mexico database, 2017.

# FINAL CONSIDERATIONS: PROPOSAL WITH REGIONAL PERSPECTIVE

Three of the main issues in the global migratory agenda were addressed in this document: forced displacements, transit migration and international protection for migrants. It is noteworthy that the context in which forced displacements currently take place in the Latin American region has exacerbated violence, poverty, economic and political crises as constants, with natural disasters seen increasingly in recent years.

Indubitably, these aspects have intensified human mobility, testing the response capacity of the various migration corridor governments, especially when providing security conditions for migrants in transit, in order to identify their protection needs and provide it to those who request it and meet the requirements to obtain it.

Nowadays, talking about migration policy requires a broad reflection on combating these structural problems at a regional level, since their implications on forced displacement have led to social decomposition in the countries of origin, in addition to the problems described in this publication.

Mexico's commitments in regard to international protection are captured in the Declaration of Action of San Jose (2016), among which stand out the aspects related to strengthening the protection system due to the increase in the number of applications for the status of refugee, in addition to reinforcing the quality and effectiveness of the system to determine that condition. Also, in this Declaration some elements contained in the Brazil Declaration and Plan of Action were taken up, from the perspective of shared responsibility and the coope-

**Photograph:** In the trains' yard of Saltillo, Coahuila, moments before leaving toward Mexico's northern border.

ration of the States. These aspects are aimed at achieving well-defined purposes: improve eligibility procedures, strengthen institutional capacities and optimize administrative management considering alternatives to detention.

Likewise, the guidelines of the Plan of the Alliance for Prosperity in the Northern Triangle of Central America were established as indispensable for the creation of economic and social conditions in favor of employment and better life opportunities in the countries involved (Guatemala, Honduras and El Salvador), through medium-term priority actions that allow the population to settle in their place of origin.

The Alliance for Prosperity recognizes that the development challenges faced in the Northern Triangle of Central America (NTCA) are particular to each nation; however, there are strategic lines that would allow facing them from a regional perspective. This requires a greater economies growth, which is why it is necessary to attract private investment -national or foreign-, promote productive sectors and focus activities in strategic geographical areas.

All of the above will be possible if: a) energy costs are reduced to facilitate industrial development; b) the coverage and quality of the multimodal transport infrastructure are improved; c) quality and inclusive labor opportunities are created, and d) technical and vocational work training is strengthened, so that they become a sustainable mechanism for poverty reduction.

Another aspect to prioritize as part of the challenges is the fight against drug trafficking and organized crime, by stren-

gthening the police forces' management capabilities, their professionalization and equipment, to mention some of the pending issues.<sup>50</sup>

In terms of global challenges, the Global Compact for Secure, Ordered and Regular Migration was promoted by the United Nations (UN) to manage the migratory phenomenon under a comprehensive approach based on respect for the human rights of migrants. This is the first attempt at international cooperation on this level and will be adopted in December 2018, in Morocco, after a series of negotiations between the UN member States -with the exception of the United States of America- and from which results a large list of commitments aimed at facilitating regular migration and migrants' protection.

In this context, it is worth noting Mexico's role as venue for the assessment meeting that took place in December 2017 in Puerto Vallarta, Jalisco, where more than 600 delegates from the UN member States participated, as well as representatives of international organizations, civil society organizations and other relevant actors, including groups of migrants. The purpose of the meeting was to review the results of the thematic consultations held throughout that year and discuss the means of implementation, follow-up mechanisms and revision of the Compact.<sup>51</sup> The event was jointly chaired by Mexico and Switzerland, nations that served as facilitators and gave timely follow-up to the subsequent meetings of the process, as well as to the integration of the information provided by the States.

<sup>50</sup> See guidelines at: <http://webcache.googleusercontent.com/search?q=cache:Nf8SLgPKZOJ:programaimpactos.org/web2.0/dmsdocument/19+&cd=1&hl=es&ct=clnk&gl=mx>, accessed on August 8, 2018.

<sup>51</sup> See at: <https://www.gob.mx/sre/prensa/avanzan-positivamente-las-discusiones-para-adopar-un-pacto-mundial-de-migracion-en-la-onu>, accessed on August 16, 2018.

It should be noted that despite of the Compact's non-binding nature –since nations' sovereignty to impose their policies on the matter prevails–, it represents a huge advance in the current context of migratory crisis.

Likewise, the United Nations High Commissioner for Refugees (UNHCR) will present a Global Compact on Refugees in its annual report of the General Assembly 2018, which foresees at least two complementary parts: 1) the Comprehensive Response Framework for Refugees, agreed by the Member States in the Declaration of New York, and 2) an Action Program that supports the Framework and contains feasible measures to ensure its full implementation.<sup>52</sup> The preparation of this document includes official consultations with Member States and other interested parties.

On the understanding that there is already a series of agreements of such magnitude, the following are some specific proposals based on the issues developed in this *Compendium* (in accordance with the commitments assumed by Mexico):

First, the Mexican refuge system must be strengthened to expand the attention capacities to identify people with international protection needs, differentiating groups in situations of special vulnerability; likewise, the channeling of migrants to institutions and authorities in the local, state and federal spheres should be made more efficient, in order to provide them adequate advice about their right to seek refuge recognition status when their life is in danger in their country of origin.

This implies the possibility of opening new regional offices in key locations to strengthen the presence of the Mexican Commission for Refugee Assistance (COMAR) at the national level, with the aim of consolidating an institution of vital importance for the Mexican State, at a period of growing demand for applications. All this will undoubtedly require substantive actions in the legislative sphere, especially in the allocations of more resources –economic, technical and personnel– for that institution in the Expenditures Budget of the Federation.

On the other hand, in terms of law enforcement and administration of refugee status recognition requests in Mexico, it is considered necessary to cooperate with civil society with pro

bono legal advice through public defenders. An adequate legal representation during the refugee status application process is part of the recognition of this population's human rights.

In a broader perspective, it is recommended the implementation of a model of migration management based on good practices of effective models, such as the figure of an immigration judge, since the specialization of the authorities in the subject is necessary for the delivery of Justice, in addition to being a contribution to resolve disputes that may arise in the face of a declination of refugee status recognition, among other complex aspects of migration that occur in the country.

In particular, with regard to transit migration, it is considered necessary to analyze it in the context of the southern border of Mexico, because this cross-border territory maintains deep ties with Guatemala and has generated a highly dynamic labor market, which, nevertheless, remains precarious. In this area, the economic aspect has been a preponderant factor in the mobility of flows, although at the moment there are other factors that accelerate them, such as economic crises, natural phenomena and the increase in violence. Given this it is important to consider the southern border as an area of possibilities, seeking an agreement that considers an orderly labor migration between both nations, as well as investment schemes for the generation of productive activities that promote regional development and consolidates the roots of the population of these countries.

It is essential to promote regional development as a generator of economic agents of empowered people who can find in their territory the necessary conditions to have a full life. This, in turn, will reduce poverty and social inequality. For this, the following actions are proposed in co-responsibility of the governments:

- Encourage the establishment of preventive measures in premigratory stages, through the early identification of localities with high rates of marginalization and with a migratory tradition, as well as establishing programs focused on employment and social investment.

<sup>52</sup> See at: <https://refugeesmigrants.un.org/es/pacto-mundial-sobre-los-refugiados-0>, accessed on August 14, 2018.

- Encourage the early intervention of programs that promote school education, training and professionalization.

For its part, in the case of forced displacements due to the perpetration of violence, the implementation of measures that guarantee the effectiveness of the justice systems in the countries of origin is crucial as part of the responsibility they have to provide conditions for return and stay. To the same extent, actions for the prevention of violence as a generator of displacement become an indispensable part of the migration agenda. In this regard, it is necessary to reinforce States' intervention as guarantors of the power they have to promote optimal living conditions for society, through the strengthening of national institutions of security and law enforcement, with a focus on human rights and of co-responsibility between expelling, receiving and transit nations.

In order to consolidate international cooperation, the creation of a warning plan in cases of migratory crises within the framework of the available regional mechanisms, such as the Regional Conference on Migration (RCM) is proposed. This contingency plan would mitigate, at least to some extent, the adverse effects of migratory movements in their different magnitudes and, as countries, be better prepared for eventualities of that nature.

The construction of alliances also includes a vision of environmental sustainability. Migration for environmental reasons, today as in the past, is a worrisome fact that will require the formulation of specific protection instruments. The struggle for natural resources and displacement due to environmental damage will represent an important challenge for the governance of migration towards the new decade. In this sense, environmental migration will have to be recognized and typified in international regulatory frameworks.

In this regard, it is necessary to consider the environmental perspective in the strategic decisions and precepts contained in the different programs, norms and actions that make up the Mexican migration policy. This implies the recognition of climate change and natural disasters as another reason for migration, which could be done by integrating this perspecti-

ve into existing mechanisms in Mexico and in the applicable legislation.

With the implementation of the National System of Climate Change, at the end of 2014, the Mexican State strengthened its institutional framework by creating a permanent mechanism of concurrence, communication, collaboration, coordination and consensus on the national climate change policy. In this sense, it is opportune that the Mexican migration policy incorporates, once there is solid statistics, ordinary admittance mechanisms that document migrants for environmental reasons. This entails an important challenge because it implies the typification of the figure of *environmental migrant* in our legislation, which, without doubt, would place the Mexican State as a pioneer in the subject.

In short, it is necessary to guarantee the conditions of security and well-being so that all migrant populations have the opportunity to return to their home, if they wish to, by choice and without pressure. Of course, one more component of the migratory dynamics that should be considered is the monitoring of the return dimension, along with the questions: What happens with these populations that are forcibly displaced? What about their families? How, as their life schemes are modified, other changes that impact the societies of the countries involved are reproduced, and how does this affect global dynamics?

Last but not least, it is important to emphasize the need to generate solid statistics that allow us to approach and deepen the study of the different dimensions of migration, as indispensable tools for the investigation and documentation of this phenomenon.

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