

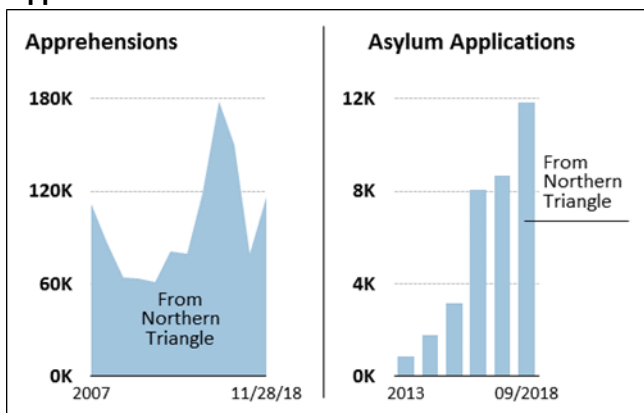


Mexico’s Immigration Control Efforts

Background

Since 2014, Mexico has helped the United States manage a surge in unauthorized migration from the “northern triangle” of Central America (El Salvador, Guatemala, and Honduras). Collectively, those countries have overtaken Mexico as the primary source for migrants apprehended at the U.S.-Mexico border. From 2015 to November 2018, Mexico reported apprehending almost 524,000 migrants and asylum seekers from the northern triangle. As U.S. asylum policies have tightened, Mexico also has absorbed more Central Americans in need of humanitarian protection (see **Figure 1**). President Andrés Manuel López Obrador has thus far been willing to shelter some U.S.-bound Central American migrants, but he urged the U.S. government to invest in southern Mexico and Central America to prevent future unauthorized migration.

Figure 1. Mexico: Reported Apprehensions from Northern Triangle Countries and Asylum Applications



Source: Created by CRS with information from Mexico’s Secretary of the Interior.

Mexico has received U.S. assistance for its immigration control efforts through the Mérida Initiative, a bilateral partnership for which Congress has appropriated nearly \$2.9 billion since FY2008. Mexico has received support for its humanitarian protection efforts through global U.S. Migration and Refugee Assistance (MRA) implemented by the U.N. High Commissioner for Refugees (UNHCR) and others. Some U.S. policymakers have praised Mexico’s management of these migration flows, whereas others have questioned Mexico’s ability to protect migrants from abuse and to provide asylum to those in need of protection.

Immigration Control

Since 2014, Mexico has established 12 naval bases on the country’s rivers, three security cordons stretching more than 100 miles north of the Mexico-Guatemala and Mexico-Belize borders, and a drone surveillance program. Mexico does not have a border police; instead, its National Institute of Migration (INM) is the only agency with legal authority

to detain migrants, with some assistance from the federal police. These unarmed agents have worked to increase immigration control along known migrant routes, including on northbound trains and at bus stations. INM has improved the infrastructure at border crossings and created numerous mobile highway checkpoints. It also has increased the number of cases it refers to prosecutors for crimes against migrants. With U.S. support (discussed below), INM is seeking to professionalize its workforce and to improve coordination and communication with the federal police, navy, army, and customs agencies.

In addition to increasing law enforcement, Mexico provides basic services for migrants, including medical care, and facilitates legal migration for tourists and laborers from Guatemala and Belize. Officials also have sought to register those already in Mexico without documentation.

Human Rights Concerns

The State Department’s 2018 *Trafficking in Persons* report documents that migrants traveling through Mexico are vulnerable to human rights abuses and human trafficking. According to human rights activists, the increase in checkpoints and raids on northbound trains pushed many migrants to take more dangerous routes and rely on smugglers. Recently, some migrants have joined in groups or “caravans” to make the journey together as a way to share resources, avoid the cost of smugglers, and gain protection by the safety offered in numbers.

Many human rights groups have expressed concerns that Mexico has yet to address corruption among police and migration officials. Mexico has made some efforts to improve accountability and integrity among immigration enforcement personnel by dismissing corrupt INM agents, yet internal controls over the INM and security forces remain weak. In 2015, Mexico established a federal special prosecutor to investigate crimes involving migrants; some states also have prosecutors for crimes against migrants. Serious challenges remain, however. A fraction of crimes against migrants have been prosecuted effectively.

Humanitarian Protection

Studies by UNHCR and others have found that half of all children and a sizable proportion of women fleeing the northern triangle may need international protection.

Mexico has a broader definition of *refugee* than the United States. Mexico’s 2011 refugee law recognizes a right to asylum based on “generalized violence; foreign aggression; internal conflicts; massive violations of human rights; and other circumstances leading to a serious disturbance of public order.” Migrants’ rights activists have claimed that INM agents have informed few migrants of the right to request asylum, which is required by law and would enable them to stay in Mexico permanently.

Despite UNHCR support, Mexico's Commission for the Aid of Refugees (COMAR) has had insufficient capacity to process asylum claims. COMAR granted refugee status to 1,426 individuals from northern triangle countries in 2017, up from 880 in 2015. The agency processed 30% of the asylum applications it received, and 48% of approved asylum claims were for Venezuelans. In cases where a migrant has an asylum application in process or is a witness to, or victim of, a crime in Mexico (as has happened with many Central American migrants), he or she can receive a humanitarian visa. That visa is valid for one year, and the migrant could face deportation once it expires. The López Obrador government has proposed budget cuts for COMAR for 2019.

The Mexican government has faced pressure from the United States to help contain and disperse recent caravans of Central American migrants transiting the country; humanitarian groups, by contrast, have urged it to assist the migrants. In fall 2018, Mexican citizens, aid groups, and local, state, and federal entities provided migrants with food, shelter, and emergency aid. As of early December 2018, UNHCR reported that 3,300 members of migrant caravans had applied for asylum in Mexico. At the same time, more than 3,000 people had accepted voluntary repatriation to their countries of origin. With U.S. ports of entry limiting the number of migrants accepted each day for asylum screening, border cities may have to shelter thousands of migrants for many months.

Development to Prevent Migration

The Mexican government has long maintained that the best way to stop illegal immigration from Central America is to address the insecurity and lack of opportunities there. It has cohosted two conferences with the Trump Administration on boosting investment in Central America. In December 2018, President López Obrador announced a plan to invest some \$25 billion in southern Mexico, including jobs for Central American migrants.

U.S. Foreign Assistance

The State Department has allocated over \$100 million in Mérida Initiative funding to support Mexico's immigration control efforts, including through nonintrusive inspection equipment, mobile kiosks, canine teams, vehicles, and training in immigration enforcement. U.S. funds have helped build a secure communications network for Mexican agencies in the southern border region, which just became operational. By 2019, U.S. funds aim to help Mexico collect biometric information that can interface with U.S. databases at all of its migration stations. The State Department also has provided MRA funding to UNHCR, the International Organization for Migration, and others to improve access to asylum, give legal assistance to asylum seekers, provide alternatives to detention to asylum seekers, and increase the processing capacity at COMAR.

Bilateral Efforts

Bilateral cooperation on migration issues has continued, despite Mexico's opposition to the Trump Administration's proposed border wall. On December 18, 2018, the two governments made a joint announcement in support of economic development in Mexico and the northern triangle.

The U.S. government said it would "actively support the goal of leveraging public and private investment," including \$4.8 billion in potential U.S. investments in infrastructure projects in southern Mexico. The governments had been negotiating an agreement that would have required U.S.-bound asylum seekers who could not demonstrate that they faced imminent danger in Mexico to remain there as their U.S. asylum claims were processed.

On December 20, 2018, the U.S. Department of Homeland Security (DHS) notified Mexico that it was implementing a new policy under Section 235(b)(2)(C) of the Immigration and Nationality Act to return some non-Mexican asylum seekers (excluding unaccompanied minors) to Mexico to await their immigration court decisions. This policy is expected to face legal challenges. It remains unclear when DHS will seek to put the new policy into effect.

Mexico issued a statement on the same day stating that, although it has the right to admit or reject foreigners arriving in its territory, it would provide humanitarian visas and work permits to non-Mexicans awaiting U.S. immigration proceedings. Concerns over the costs to local governments of sheltering migrants, and the safety of migrants, could make this policy difficult to maintain. Mexico also stated that although it would offer individuals the ability to apply for asylum in Mexico, it did not agree to a "safe third country" agreement with the United States, which could require migrants who transit Mexico to apply for asylum there rather than in the United States.

Congressional Action

The 116th Congress may grapple with how to respond to unauthorized migration from Central America, including funding and oversight of U.S. migration-related assistance to Mexico. The Trump Administration's FY2019 budget request included \$76.3 million for the Mérida Initiative but did not request funding for migration management in Mexico. Congress has yet to enact a full-year FY2019 appropriations measure, and a continuing resolution that funded foreign assistance programs at the FY2018 level expired on December 22, 2018.

Legislation to fund foreign aid programs for the remainder of FY2019 could incorporate provisions from the State, Foreign Operations, and Related Programs appropriations measures that the House and Senate Appropriations Committees approved during the 115th Congress. H.Rept. 115-829, accompanying the House committee bill H.R. 6385, recommended providing \$120 million in Mérida Initiative aid. S.Rept. 115-282, accompanying the Senate committee bill S. 3108, recommended \$163 million. S. 3108 stipulated that \$18 million of the funds provided should be merged with MRA funds to help process asylum applications of Central Americans in Mexico.

See also CRS Report R42917, *Mexico: Background and U.S. Relations*; CRS In Focus IF10578, *Mexico: Evolution of the Mérida Initiative, 2007-2019*.

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