

One Year after the U.S.-Mexico Agreement Reshaping Mexico's Migration Policies

JUNE 2020

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Executive Summary

In June 2019, following months of heightened Central American migration through Mexico to the U.S. border that strained relations between the two countries, the U.S. and Mexican governments signed a migration collaboration agreement. This agreement marked the beginning of a new era in the development of Mexico's immigration enforcement and humanitarian protection systems. To avert the imposition of tariffs on Mexican goods threatened by U.S. President Donald Trump, the administration of Andrés Manuel López Obrador agreed to deploy its recently created National Guard to combat irregular migration; accepted the expansion of the Migrant Protection Protocols (MPP, also known as Remain in Mexico) along the entirety of the U.S.-Mexico border; and pledged to increase collaboration with the United States to disrupt migrant-smuggling networks. In turn, the Trump administration agreed to expedite asylum processing for migrants waiting in Mexico under MPP and to address the conditions driving migration by investing in economic development efforts in southern Mexico and Central America.

Within 90 days of implementation, irregular migration at the U.S.-Mexico border and throughout Mexico sharply decreased, meeting the agreement's primary objective. By the end of September 2019, the Mexican government had reportedly deployed 25,000 National Guard troops to assist in migration

enforcement, apprehended 81,000 migrants, and returned 62,000 to their countries of origin. Mexican authorities also received 39,000 migrants from the United States under MPP, who would remain in Mexico pending the resolution of their U.S. asylum cases—more than four times the number transferred during the five months between the launch of MPP in January 2019 and the agreement's signing in June. Thus, while the López Obrador administration's initial focus upon taking office was on creating legal pathways to facilitate orderly migration, U.S. pressure to meet the terms of the agreement prompted an abrupt shift to an enforcement-first approach.

This agreement marked the beginning of a new era in the development of Mexico's immigration enforcement and humanitarian protection systems.

Heightened Mexican enforcement combined with U.S. unilateral policies designed to narrow access to asylum at the U.S.-Mexico border have increased demand for humanitarian protection within Mexico. Asylum requests more than doubled, from 30,000 in 2018 to 71,000 in 2019, with most filed in the summer months during the peak of enforcement actions. In response, the Mexican government doubled the operating budget of Mexico's Refugee Commission (COMAR) for 2020 and set the goal of tripling its staff by Fall 2020.

Increased enforcement and demand for asylum in Mexico has exposed significant weaknesses in the country's systems for managing migration and protecting vulnerable migrants. Numerous complaints have been filed of abuse by the National Guard, and detention centers have frequently experienced overcrowding. As returns from the United States to Mexico rise, growing numbers of migrants are living in precarious, makeshift camps and overstrained shelters in communities along the U.S.-Mexico border. Many struggle to access basic services, and some have become targets for smugglers and criminal groups due to a lack of government protection.

The COVID-19 pandemic that swept into the region approximately ten months after the implementation of U.S.-Mexico agreement has catalyzed further cooperation between the two countries. To reduce the spread of the virus, the governments agreed to temporarily restrict nonessential travel across their shared border, and the Mexican government agreed to receive Central American migrants denied entry to the United States. Without additional capacity and infrastructure, however, the return of large numbers of migrants may exacerbate the serious challenges Mexican border communities and migrants in crowded shelters and camps already face. The López Obrador administration has also enacted other coronavirus-response measures, including continuing to process asylum requests, though at reduced capacity, and after strong advocacy by human-rights organizations, releasing almost all migrants from detention centers to mitigate the risk of transmission within facilities.

The full effects of the U.S.-Mexico cooperation agreement on Mexican migration policies will take years to unfold. But over the course of one year, the Mexican government has demonstrated not only a willingness to cooperate with the United States on immigration enforcement and emerging challenges such as the pandemic, but also growing political interest in investing in Mexico's migration policy

framework in pursuit of its own public and security interests.

The success of efforts to modernize Mexico's migration system will ultimately depend on its ability to balance enforcement and humanitarian protection considerations in the face of future U.S. pressure.

By building on this momentum, the López Obrador administration has the chance to further advance its migration policies for its next four years in office. However, the success of efforts to modernize Mexico's migration system will ultimately depend on its ability to balance enforcement and humanitarian protection considerations in the face of future U.S. pressure, opening an opportunity to rethink U.S.-Mexico cooperation.

1 Introduction

Since the early 2000s, the Mexican immigration system has evolved in stages, largely in response to changing migration flows and pressure from the United States. When the number of Central American unaccompanied children moving through the country on their way to the United States rose sharply in 2014, for example, Mexico implemented the Southern Border Program (Programa Frontera Sur), bolstering migration enforcement and consolidating efforts to protect vulnerable migrants.¹

More recently, in the first few months after taking office in December 2018, President Andrés Manuel López Obrador's administration anchored Mexico's migration policy framework on two pillars, with the aim of promoting safe, orderly, and legal migration:

a focus on human rights that prioritized the creation of legal entry pathways for migrants, complemented by targeted economic investments to address the root causes of irregular migration in southern Mexico and Central America.² In response to large caravans of migrants traveling across Mexico, with an unprecedented number of families and children among them, the government issued more than 18,000 humanitarian visas by the end of February 2019 to promote migrants' safety and facilitate their access to basic services.³

However, as elevated levels of irregular migration continued through March 2019, overwhelming Mexico's institutional capacity to process new arrivals, and as the U.S. government exerted more pressure on the country to stem the flows, the López Obrador administration adopted a new approach that more heavily prioritized enforcement. This approach focused on containing migrants at Mexico's southern border with Guatemala and the nearby Isthmus of Tehuantepec—a choke point for migrants headed northward to the United States.⁴ Despite these efforts, irregular migration continued to grow in the months that followed, further straining the U.S.-Mexico relationship.

By May 2019, U.S. apprehensions of unauthorized migrants along the U.S.-Mexico border reached their highest levels in 13 years, and the Trump administration threatened to impose tariffs on Mexican goods, absent greater cooperation to reduce the flows.⁵ After three rounds of negotiations, the Mexican and U.S. governments signed a joint declaration on June 7, 2019, pledging to work together to manage and reduce irregular migration from Central America.⁶

This agreement set the stage for a new phase in the development of Mexico's enforcement and humanitarian protection systems. At the same time, U.S. asylum and detention policies that were not part of the agreement have also had an inextricable influence on Mexican migration policies. Key among them are

interlocking U.S. policies that narrow asylum eligibility at the U.S.-Mexico border and shift responsibility for processing protection claims to Mexico and other governments, notably through bilateral agreements signed with El Salvador, Guatemala, and Honduras in July through September 2019.⁷

The COVID-19 pandemic that hit the region in early 2020 has led to further agreements on mobility and migration between the two countries, with important implications for Mexico's migration policies and institutions. These have included restrictions on nonessential, legal border crossings and an agreement under which the U.S. government returns unauthorized Mexican and Central American migrants arriving at the border to Mexico through a substantially expedited process due to concerns about the spread of the coronavirus.

This policy brief looks at how the June 2019 U.S.-Mexico agreement on migration management and subsequent measures have reshaped Mexico's response to migration in the year since the agreement was signed. Compared to developments over the last decade, this marks an intense period of institutional change, driven not only by increased migration but also by constant and direct U.S. government pressure and the need to adapt to the rapidly changing environment at the countries' shared border.

2 The U.S.-Mexico Migration Cooperation Agreement

Following a May 2019 threat by U.S. President Donald Trump that the United States would impose a tariff of up to 25 percent on all Mexican imports, Mexican and U.S. negotiators met to discuss how to manage the surge in irregular migrant arrivals and asylum applications at the border.⁸ After three days of discussion, the U.S.-Mexico Joint Declaration

signed on June 7, 2019, contained five key commitments:⁹

- ▶ Mexico agreed to strengthen migration controls at the Mexico-Guatemala border and in the interior by deploying its recently created National Guard to buttress existing enforcement efforts by the National Institute of Migration (INM).¹⁰
- ▶ For humanitarian reasons and to meet its international obligations, Mexico agreed to accept more non-Mexican asylum seekers returned by United States as part of the expansion of the Migrant Protection Protocols (MPP, also known as Remain in Mexico) across the U.S.-Mexico border, making a commitment to give them access to employment, health care, and educational opportunities while they wait for their U.S. asylum cases to be resolved.
- ▶ The United States committed to expediting the processing of asylum cases and other removal proceedings under MPP.
- ▶ Mexico and the United States reiterated their commitment to cooperating to dismantle human-smuggling networks and their financing mechanisms.
- ▶ Both governments committed to addressing the root causes of migration through development investment in southern Mexico and Central America by coordinating efforts with regional and international partners, such as through the Comprehensive Development Plan (Plan de Desarrollo Integral).¹¹

In a supplemental agreement, Mexico and the United States agreed to pursue further measures should the main agreement not substantially reduce irregular migration, including potentially negotiating a safe third-country agreement that would require non-Mexican asylum seekers who transit Mexico to

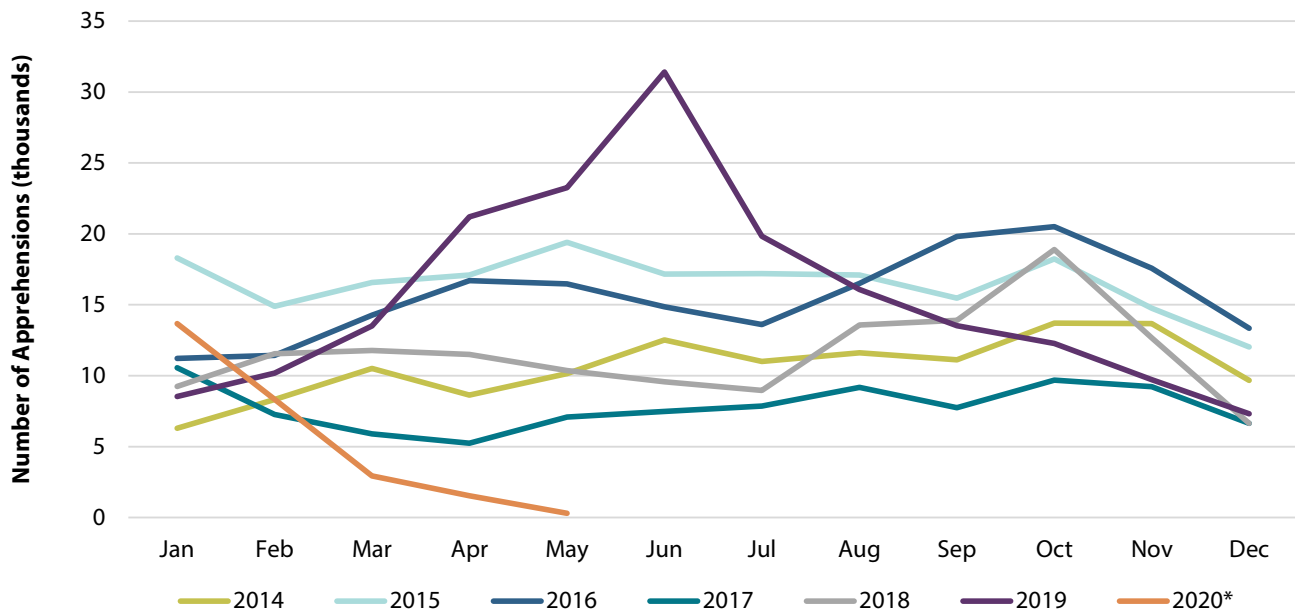
pursue their protection claims there. The governments agreed to evaluate the success of the main agreement 45 and 90 days from its implementation, after which the U.S. government could decide whether to pursue a safe third-country agreement.¹²

A. Stepped-Up Enforcement at Mexico's Borders and in Its Interior

The signing of the cooperation agreement marked a substantial shift in Mexico's migration enforcement, restructuring enforcement operations and priorities and institutional leadership.¹³ In the early months of the López Obrador administration, Mexican apprehensions of unauthorized migrants were at levels similar to those in previous years, despite rising arrivals at the U.S.-Mexico border. By April 2019, however, the number of apprehensions by Mexican authorities had begun to increase steadily, peaking around the time of the signing of the U.S.-Mexico migration cooperation agreement (see Figure 1). In June 2019, Mexican authorities made 31,000 apprehensions and 22,000 returns, the highest monthly figures on record since at least 2001.¹⁴ In Spring 2020, as the coronavirus pandemic hit the region, apprehensions dropped sharply (see Section 4).

Deploying the newly created National Guard to support INM enforcement operations expanded the limited operational capacity of Mexican authorities along both the northern and southern borders as well as in the country's interior. Per the cooperation agreement, the López Obrador administration initially committed to deploying 6,000 troops to bolster oversight of 68 crossing points along the Mexico-Guatemala border.¹⁵ Troops were also stationed at security checkpoints along traditional migrant routes in southern Mexico. By September 2019, roughly 10,000 National Guard troops patrolled the Mexico-Guatemala border and 15,000 the U.S.-Mexico border.¹⁶

FIGURE 1

Migrant Apprehensions by Mexican Authorities, by Month, 2014–20*

* Data for 2020 are through May.

Sources: Mexican Interior Ministry (SEGOB), “Boletín Mensual de Estadísticas Migratorias, 2014-2020,” accessed May 17, 2020; SEGOB, “Da Instituto Nacional de Migración seguimiento a medidas cautelares de la CNDH,” updated May 29, 2020.

Figures through September 2019, just weeks after the agreement’s 90-day review period, demonstrated a dramatic increase in enforcement. Mexican migration authorities apprehended 81,000 migrants from June through September—a 76-percent increase over the 46,000 migrants apprehended during the same four-month period in 2018. Migrant returns rose by 69 percent—from 37,000 to 62,000—between the same two periods.

Nonetheless, while enforcement activities increased in the summer of 2019, they did not surpass those in 2015, when Mexican authorities implemented the Southern Border Program. In all of 2019, Mexico made 187,000 apprehensions of migrants and 141,000 returns, compared to 198,000 apprehensions and 181,000 returns in 2015.

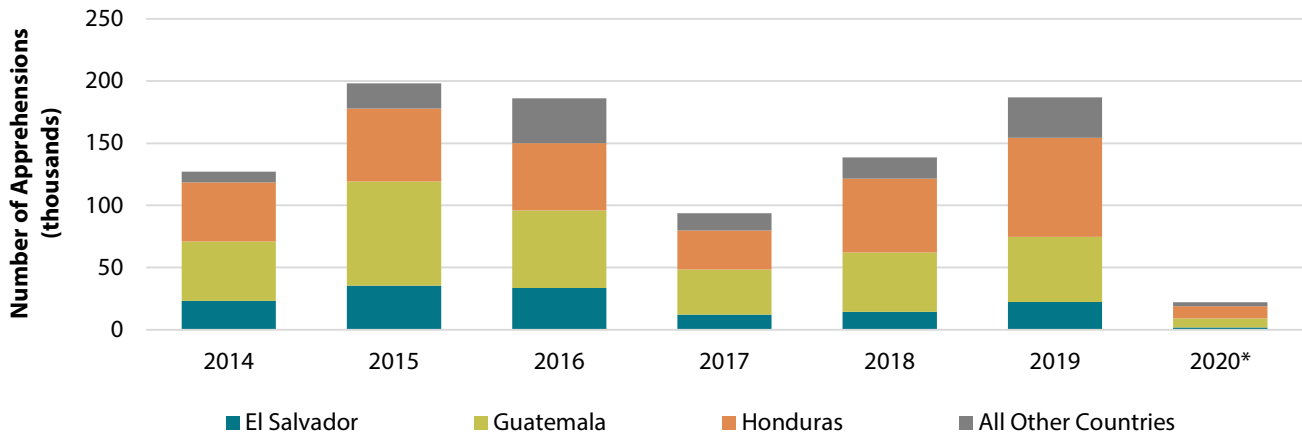
Reflecting the composition of migration flows in recent years, migrants from El Salvador, Guatemala,

and Honduras accounted for the vast majority of apprehensions and returns by Mexican authorities. Combined, they represented 87 percent of the 131,000 apprehensions in 2018 and 83 percent of the 187,000 apprehensions in 2019 (see Figure 2). Although apprehensions of migrants from all three countries increased, those of Guatemalans grew less quickly, explaining their decrease as a share of total apprehensions in recent years. Migrants from these three countries accounted for even a greater share of returns from Mexico, at 96 percent of all returns in 2018 and 2019 (see Figure 3).

Figures through September 2019, just weeks after the agreement’s 90-day review period, demonstrated a dramatic increase in enforcement.

FIGURE 2

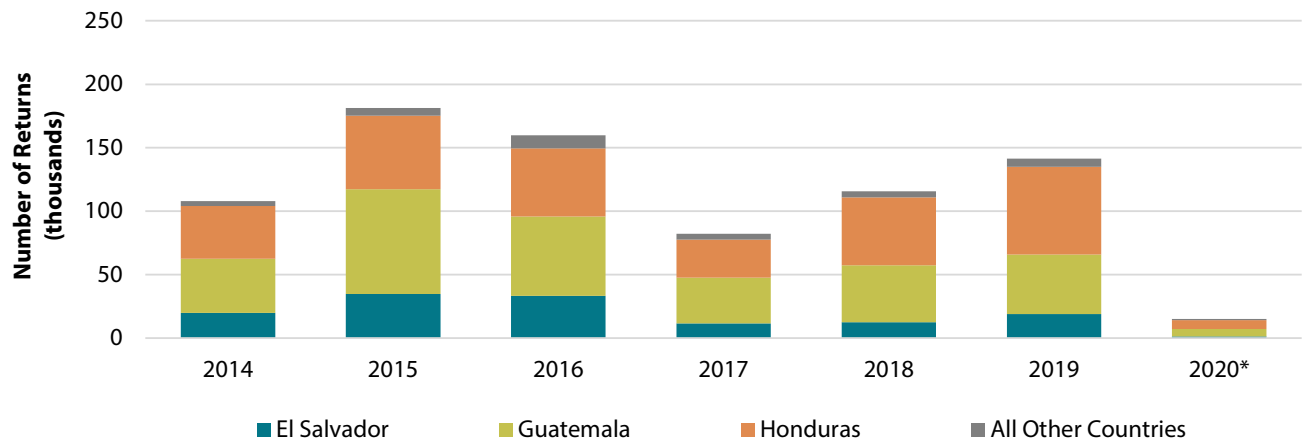
Migrant Apprehensions by Mexican Authorities, by Country of Nationality, 2014–20*



* Data for 2020 are through February.
 Source: SEGOB, “Boletín Mensual de Estadísticas Migratorias, 2014-2020.”

FIGURE 3

Migrant Returns by Mexican Authorities, by Country of Nationality, 2014–20*



* Data for 2020 are through February.
 Source: SEGOB, “Boletín Mensual de Estadísticas Migratorias, 2014-2020.”

Migrants from countries other than Guatemala, El Salvador, and Honduras accounted for 17 percent of apprehensions but only 4 percent of returns in 2019.¹⁷ Though not explicitly referenced in the June 2019 agreement, INM has over the past year prioritized the return of these migrants by seeking to establish repatriation agreements and coordinated returns with countries beyond Central America with some success, for instance with India.¹⁸ Mexico has

also tightened requirements on voluntary returns, requiring migrants to exit through the country’s southern border whereas before they were allowed to leave through any border, which essentially allowed third-country nationals to reach the U.S.-Mexico border unhindered.¹⁹

As the Mexican government has increased migration enforcement, however, it has faced detention

capacity limitations and its operations have been criticized for human rights violations. The volume of apprehensions has overwhelmed detention centers, which the government reports have the capacity for approximately 8,500 migrants but held more than 11,000 at one point in August 2019.²⁰ Migrants and advocates have reported numerous human rights abuses by National Guard troops and INM agents during enforcement actions.²¹ At times, confrontations between the National Guard and migrant caravans have prompted national and international pushback, such as during an encounter with more than 2,000 migrants seeking to cross Mexico's southern border illegally in January 2020.²²

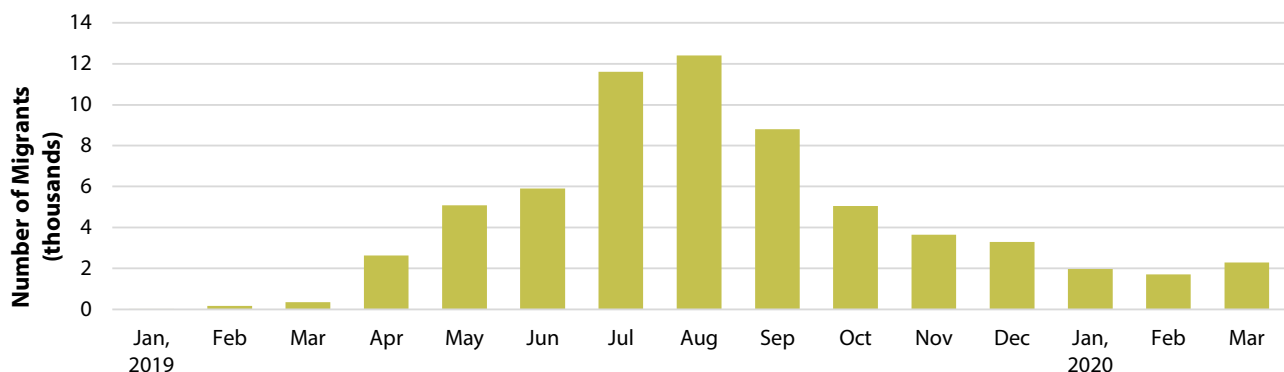
B. *Expansion of the Migrant Protection Protocols*

The second pillar in the U.S.-Mexico migration cooperation agreement involved the rapid expansion of Mexico's operational capability to receive more migrants returned under MPP. Launched on January 24, 2019, MPP allows U.S. authorities to transfer non-Mexican migrants and asylum seekers who enter the United States illegally or lack proper documentation to Mexico to await their U.S. immigration court hearings and final adjudication.²³ Prior to the

June agreement, MPP was operational at three ports of entry: San Ysidro-Tijuana, Calexico-Mexicali, and El Paso-Ciudad Juárez. Within the first 90 days of the agreement's signing, Mexican migration authorities increased their capacity to receive migrants sent back from the United States—from 100 to 500 daily in some locations—and agreed to the program's expansion to the Laredo-Nuevo Laredo and Brownsville-Matamoros ports of entry.²⁴ By November, MPP was also operational in Eagle Pass-Piedras Negras and Nogales-Nogales, allowing the program to cover nearly all sections of the shared border.²⁵ Mexican authorities also broaden the criteria for who it would receive. While MPP initially only applied to migrants from other Spanish-speaking countries, in January 2020 it was expanded to include Brazilians, most of whom speak Portuguese.²⁶

Following a similar pattern as migrant apprehensions and returns by Mexican authorities, the number of migrants U.S. authorities returned each month to Mexico under MPP increased sharply during the summer of 2019. MPP returns had already begun to rise in the spring, with approximately 8,000 migrants returned in the five-month period from January through May 2019, and nearly 6,000 migrants in June alone (see Figure 4). But as the scope of MPP expanded, Mexico received 12,000 migrants in July

FIGURE 4
Migrants Returned to Mexico by U.S. Authorities under the Migrant Protection Protocols, January 2019–March 2020



Source: Transactional Records Access Clearinghouse (TRAC), “[Details on MPP \(Remain in Mexico\) Deportation Proceedings](#),” accessed April 27, 2020.

and 13,000 in August. From June through September, just weeks after the agreement's 90-day evaluation period, Mexico had received approximately 39,000 migrants from U.S. authorities—more than four times the number received during the first five months of MPP. Migrant returns decreased starting in September 2019 as irregular migration through Mexico and apprehensions at the U.S.-Mexico border dramatically declined. By January 2020, one year after MPP was launched, Mexico had received a total of 61,000 migrants returned by U.S. authorities under the program.

Most of the responsibility for providing returned migrants with a place to stay and basic services falls on a strained network of civil-society shelters.

U.S. logistical and administrative issues in processing MPP cases and Mexico's limited shelter capacity have raised significant concerns about the dangerous conditions increasing numbers of migrants face while waiting in Mexico. Some migrants have found discrepancies in their notices to appear for their U.S. court hearings, while others have not been properly notified due to administrative errors, leading to longer wait times in Mexico.²⁷ And although the Mexican government established a migrant shelter in Ciudad Juárez in July 2019 and another in Tijuana in December 2019, most of the responsibility for providing returned migrants with a place to stay and basic services falls on a strained network of civil-society shelters with an estimated maximum capacity of 12,000 migrants.²⁸ In Mexican border communities with little or no shelter capacity, such as Matamoros, Tamaulipas, migrants have established precarious makeshift camps that are prone to flooding.²⁹ Multiple human rights organizations have documented these migrants' exposure to dangerous conditions: one study found that more than 20 percent of migrants were threatened with phys-

ical violence, while another tracked more than 800 public reports of murder, torture, rape, kidnapping, and other violent attacks against asylum seekers and other migrants returned to Mexico under MPP.³⁰

In early 2020, returns of migrants from the United States to Mexico under MPP remained relatively low, as irregular migration had slowed and other U.S. policies took on a more prominent role in managing arrivals at the U.S.-Mexico border (see Box 1). Perhaps the most important of these U.S. measures is the Transit-Country Asylum Ban, which makes migrants ineligible for asylum if they have crossed through a third country on the way to the United States and cannot prove that they applied for and were denied protection in that country. In practice, this means that all non-Mexican asylum seekers arriving at the U.S.-Mexico border are barred from applying for asylum in the United States unless they first apply for and are denied asylum by Mexico. Other unilateral U.S. policies aim to speed up the processing of asylum cases (e.g., Prompt Asylum Case Review and the Humanitarian Asylum Review Program) and to shift responsibility for cases to other countries through safe third-country agreements (e.g., the Asylum Cooperation Agreements signed with Guatemala, El Salvador, and Honduras).³¹

Although these other policies were not part of the U.S.-Mexico agreement, they have affected conditions at the countries' shared border. They have made MPP less central to the U.S. enforcement strategy by sharply curtailing access to asylum at the U.S.-Mexico border, thereby facilitating the rapid return of unauthorized migrants to their home countries and of some asylum seekers to other countries in the region. Coupled with measures initiated under the cooperation agreement, they have also played a key role in deterring would-be migrants, leading to substantial drops in apprehensions in both countries during Fall 2019.³²

BOX 1**Key U.S. Policies at the U.S.-Mexico Border**

- ▶ **Metering.** This policy, enacted during the Trump administration in mid-2018, limits the number of migrants who can make asylum claims each day at ports of entry, leading many to wait in Mexico for days or months.
- ▶ **Transit-Country Asylum Ban.** This regulation was enacted on July 16, 2019, and makes ineligible for asylum all non-Mexicans who have crossed through a third country (e.g., Mexico) on their way to the U.S.-Mexico border and who cannot present formal documentation that they applied for and were denied asylum in that country.
- ▶ **Prompt Asylum Case Review (PACR).** This case review process expedites the asylum adjudication of non-Mexican single adults and families with the goal of allowing those without valid claims to be removed within ten days. It was enacted on October 7, 2019.
- ▶ **Humanitarian Asylum Review Program (HARP).** Enacted at the same time as PACR, this review process expedites the asylum adjudication of Mexican single adults and families, with the goal of removal within ten days.
- ▶ **Asylum Cooperation Agreements (ACAs).** Also known as safe third-country agreements, these allow the United States to deport asylum seekers to a third country where they may seek asylum. Between July and September 2019, U.S. authorities signed ACAs with Guatemala, El Salvador, and Honduras, but thus far only the agreement with Guatemala has been implemented.

Source: Adapted from Muzaffar Chishti and Jessica Bolter, "Interlocking Set of Trump Administration Policies at the U.S.-Mexico Border Bars Virtually All from Asylum," *Migration Information Source*, February 27, 2020.

In September 2019, when it came time to review progress made under the agreement at the 90-day mark, both governments applauded the significant reduction in irregular migration, easing tensions in the bilateral relationship. The Trump administration commended Mexico's efforts and underscored its desire for additional cooperation, including information- and intelligence-sharing to help better target enforcement actions.³³ At the same time, the López Obrador administration announced that it would continue its high level of immigration enforcement, supported by the National Guard as a matter of national security and interest, and argued that the reduction in migration made a safe third-country agreement with the United States unnecessary.³⁴ The López Obrador administration also created the Interinstitutional Commission for Comprehensive Affairs on Migration Policy (Comisión Intersecretarial de Atención Integral en Materia Migratoria) headed by the Foreign Ministry to coordinate and prioritize

migration policies moving forward—notably shifting institutional leadership from the Interior Ministry, which was previously responsible for migration policy, to the Foreign Ministry, which negotiated the U.S.-Mexico agreement.³⁵

C. Other Elements of the Agreement

The agreement's other components—accelerated U.S. asylum processing, cooperation to combat smuggling, and increased development assistance—have yielded mixed results. It is unclear, for example, whether U.S. government efforts to expedite the processing of asylum cases and removal proceedings for migrants returned to Mexico under MPP have been successful.³⁶ Even before the COVID-19 pandemic prompted restrictions on nonessential movement across the border, migrants returned to

Mexico waited months for their U.S. immigration court hearings, and many of their cases required multiple hearings to resolve.³⁷ As of March 2020, 31 percent of the 65,000 cases under MPP were pending, and 12 percent had not yet had a first hearing.³⁸

There is somewhat more evidence of increased U.S.-Mexico cooperation to dismantle human-smuggling networks. For example, the Mexican National Guard and Federal Police have taken legal action against bus companies in Mexico involved in smuggling operations, though these efforts appear to be expanding only gradually.³⁹ Additionally, DHS committed in January 2020 to supporting advance training for the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative through which the governments coordinate investigations and prosecutions, and exchange expertise and case-based mentoring.⁴⁰

Finally, though both governments pledged to increase development assistance in southern Mexico and Central American countries to address the conditions driving irregular migration, their actual investments have been limited. In July 2019 the U.S. Overseas Private Investment Corporation (OPIC) pledged to contribute USD 800 million to support expanded access to capital for micro-, small, and medium-sized enterprises in southern Mexico.⁴¹ However, the Trump administration also withheld or reprogrammed U.S. Agency for International Development (USAID) funds for Central American countries in fiscal year (FY) 2017 and FY 2018 before resuming some targeted assistance in October 2019—four months after the U.S.-Mexico agreement was signed.⁴² Meanwhile, the Mexican government has led the region's Comprehensive Development Plan, but so far has only pledged USD 100 million to two programs in El Salvador, Guatemala, and Honduras: one focused on increasing agricultural jobs by planting trees, and the other on addressing youth employment.⁴³ It was unclear whether these funds have been disbursed.⁴⁴ Moreover, the U.S. and Mex-

ican governments appear to be operating with different priorities when making investments in Central America, without much coordination between them.

3 Challenging Mexico's Humanitarian Protection System

Despite the increased resources the Mexican government has dedicated to immigration enforcement, it has portrayed its response to migration as primarily humanitarian in nature.⁴⁵ In the year since the implementation of the June 2019 agreement, Mexico's humanitarian protection system has achieved some undeniable advances, but significant challenges remain in meeting protection needs.

As a signatory to the 1984 Cartagena Declaration on Refugees, Mexico provides humanitarian protection to migrants using more expansive criteria than the United States, including to those fleeing due to generalized violence and internal conflict (see Box 2). However, prior to investments in Mexico's Refugee Commission (COMAR) over the past year, limited institutional capacity had stymied its response to the rapid growth in asylum requests.

Demand for humanitarian protection in Mexico started to rise in 2016, when COMAR received about 9,000 asylum requests, more than the total received during the previous three years (see Figure 5). Asylum applications doubled each year since 2017, reaching approximately 71,000 in 2019. In the first three months of 2020, COMAR received 17,000 applications, representing a 34-percent increase over the same period in 2019 and already surpassing the number of applications submitted in all of 2017. In April 2020, however, COMAR received only about 950 asylum applications, representing a drop of 82 percent compared to March, as the COVID-19 pandemic intensified in Mexico and border closures throughout the region limited mobility.

BOX 2**Mexico's Humanitarian Protection System**

As a signatory to the 1984 Cartagena Declaration on Refugees, as well as the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, Mexico provides humanitarian protection using broad eligibility criteria. It provides three primary types of protection:

- ▶ **Refugee status.** Recipients have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group; or have fled their country because their lives were threatened by generalized violence, foreign aggression, internal conflicts, or massive violation of human rights.
- ▶ **Complementary protection.** Recipients are not eligible for refugee status, but their lives may be in danger if returned to their country of origin.
- ▶ **Political asylum.** Recipients have fled their country for reasons of political persecution, or their lives are at risk due for political reasons.

Refugee status and complementary protection are granted by Mexico's Refugee Agency (COMAR), whereas political asylum is granted by the Foreign Ministry.

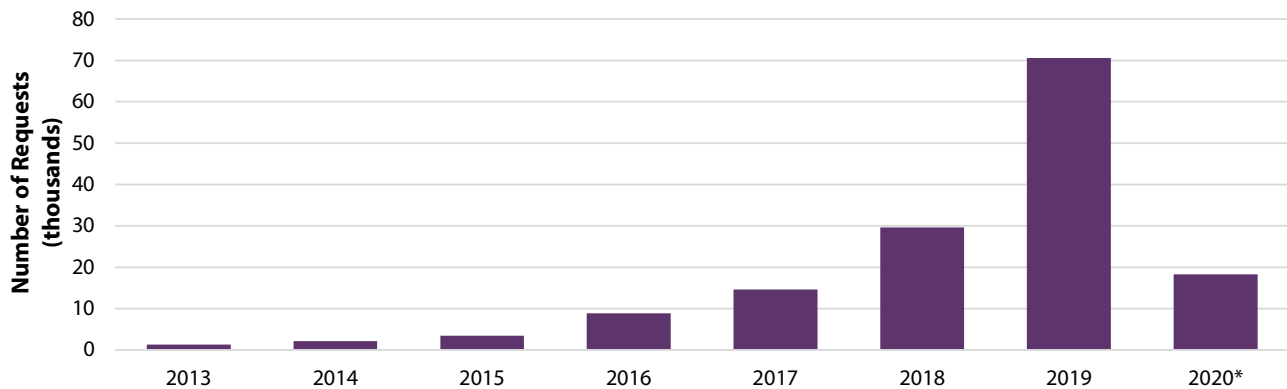
The process to apply for refugee status or complementary protection, which are far more common than political asylum, is as follows:

- 1 Migrants must apply for protection in person at any office of COMAR or the National Institute of Migration (INM) within 30 workdays of entering Mexico.
- 2 COMAR provides a receipt to applicants as proof that they have a pending case. The receipt also allows applicants to remain in Mexico legally, request a temporary identification number (CURP) to access public services, and apply for a humanitarian visa through INM that allows them to work while the application is processed.
- 3 Unless otherwise given permission to relocate, applicants must remain in the state where they submit their application and check in weekly at the local COMAR or INM office to confirm with a signature that they have not abandoned their protection claim.
- 4 At an interview with COMAR, applicants must explain their reasons for leaving their origin country and for not seeking to return. COMAR must provide an interpreter or translator for non-Spanish speakers.
- 5 COMAR must resolve applications within 45 workdays but may seek an extension for an additional 45 workdays in some cases. Outcomes must be communicated to applicants within ten days of a decision being made.
- 6 Successful applicants must apply for permanent residency at an INM office. Rejected applicants may appeal to COMAR within 15 workdays of being notified of the outcome. A second review can take up to 90 days, and applicants rejected again can appeal to a judge.

This brief uses the term "asylum" due to its familiarity internationally as a broad descriptor for this kind of humanitarian protection. However, Mexican law refers to "refugee status" (condición de refugiado) and reserves the term asylum (asilo político) for protection provided to individuals fleeing political persecution.

Sources: *Ley Sobre Refugiados, Protección Complementaria y Asilo Político*, enacted January 27, 2011 and reformed October 30, 2014; Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama, "Declaración de Cartagena Sobre Refugiados," November 22, 1984; United Nations High Commissioner for Refugees (UNHCR), "¿Cómo solicitar la condición de refugiado en México?," accessed April 28, 2020.

FIGURE 5

Humanitarian Protection Requests Submitted to Mexican Authorities, 2013–20*

* Data for 2020 are through April.

Note: The humanitarian protection requests in this figure include applications for refugee status, which are processed by Mexico's Refugee Agency (COMAR), but not political asylum which is granted by the Foreign Ministry.

Source: Mexican Refugee Commission (COMAR), "Solicitudes de Refugio al Cierre de Abril 2020," accessed May 15, 2020.

While migrants from Honduras, El Salvador, and Guatemala accounted for more than 60 percent of the 118,000 applications submitted to COMAR from January 2018 through April 2020, Venezuelan and Caribbean migrants also made up sizable shares. In fact, the top three nationalities of asylum seekers in Mexico during this period were: Honduran (42 percent), Salvadoran (14 percent), and Venezuelan (13 percent). Asylum seekers from Cuba and Haiti each accounted for nearly 10 percent, with growing shares in 2019 and 2020.

Whether applicants receive protection and the type of protection granted varies by nationality. In the 2013–2020 period, Venezuelan asylum seekers had the highest refugee-status grant rate of the seven most common nationalities among applicants, at 98 percent (see Table 1). Nicaraguans were the most likely to receive complementary protection, the outcome for 35 percent of their cases, while Haitians had the highest denial rate, at 84 percent. While protection grant rates for Guatemalan applicants have remained relatively unchanged (between 50 to 61 percent) over the last four years, since 2019 there has been a sizable increase in the percentage of Honduran and Salvadoran applicants who have

received either refugee status or complementary protection, to slightly more than 80 percent.⁴⁶

Several factors have contributed to the unprecedented number of asylum applications submitted to COMAR in recent years. As migration through the country has increased, more migrants have demonstrated an interest in staying in Mexico rather than continuing on to the United States. It is also possible that some who have sought asylum in the United States and been returned under MPP have decided to stay temporarily or permanently in Mexico if their U.S. asylum cases are delayed or appear likely to be denied. Finally, some may seek asylum in Mexico to use the temporary legal status granted to applicants to reach the United States, notwithstanding the Mexican government's efforts to enforce the requirement that asylum seekers remain in the state where they file their application or be subject to deportation.

Faced with capacity limitations and lengthy case processing times as application numbers rise, the Mexican government has increased funding for COMAR by leveraging support from international organizations. In November 2019, the Mexican Con-

TABLE 1

Humanitarian Protection Cases Resolved in Mexico, by Outcome and Selected Nationalities, 2013–20*

Applicant Nationality	Total Cases Resolved	Share Granted Refugee Status	Share Granted Complementary Protection	Share Denied
Honduras	17,235	52%	15%	34%
El Salvador	11,407	50%	21%	30%
Venezuela	10,505	98%	0%	2%
Cuba	2,342	17%	5%	78%
Guatemala	2,181	38%	17%	45%
Nicaragua	964	43%	35%	22%
Haiti	373	11%	5%	84%
All Others	1,027	42%	7%	50%
Total	46,034	59%	13%	29%

* Data for 2020 are through April.

Note: The humanitarian protection cases in this table include those that result in refugee status, complementary protection, or denial, as decided by COMAR, but not cases involving political asylum, which is granted by the Foreign Ministry.

Source: COMAR, "Solicitudes de Refugio al Cierre de Abril 2020."

gress assigned 47 million pesos (USD 2.4 million) to COMAR's 2020 budget—an increase of 127 percent compared to 2019.⁴⁷ Subsequent investment in the agency's infrastructure supported the opening of a second reception center in Tapachula and an additional office in Palenque—both in Chiapas, the state where most protection applications are filed. COMAR has also added offices in the northern cities of Monterrey, Nuevo León and Tijuana, Baja California. As a result, COMAR has extended its presence and outreach from four to seven locations as of April 2020.⁴⁸ Its expanded geographic coverage facilitates coordination with other government agencies and the United Nations High Commissioner for Refugees (UNHCR) to relocate refugees from southern to northern Mexico to promote their economic and social integration, with more than 5,000 relocated in 2019.⁴⁹

To further increase its capacity and reduce the processing delays that often lead applicants to abandon their cases, COMAR plans to expand its staff significantly in 2020, drawing on support received from national and international partners over the past

year. The agency plans to employ more than 170 agents by Fall 2020, adding 98 permanent positions, as the Southern Border Commission (Comisión de Frontera Sur), a special initiative within the Interior Ministry, is to be folded into COMAR. This will mark a dramatic expansion in capacity, given that COMAR employed only 48 officials authorized to resolve protection requests in Fall 2019.⁵⁰ Building on its commitment to provide technical assistance, UNHCR has pledged to provide an additional 131 temporary agents at no expense to COMAR.⁵¹ These investments in institutional capacity may still not be enough to keep up with asylum requests, but they have the potential to improve operations and increase vulnerable migrants' access to humanitarian protection across the country.

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4 Immigration Enforcement and Humanitarian Protection amid COVID-19

Approximately ten months after the signing of the U.S.-Mexico migration cooperation agreement, the COVID-19 pandemic triggered additional changes in U.S., Mexican, and bilateral migration policies. The most significant bilateral change has been a temporary restriction on nonessential travel at the U.S.-Mexico border, with “nonessential” defined as all travel except what is related to providing critical services such as food, fuel, health care, and life-saving medicines.⁵² This reciprocal agreement, which was signed on March 20, 2020, and is in effect through June 22, 2020, parallels a similar agreement negotiated between the U.S. and Canadian governments.⁵³

The most significant bilateral change has been a temporary restriction on nonessential travel at the U.S.-Mexico border.

Additionally, the Trump administration announced the same day that it would block the entry of all unauthorized migrants and asylum seekers at its land borders due to public health concerns, either by expelling them to the country through which they last transited (i.e., Mexico or Canada) or to their origin country under an expedited process. After negotiations between Mexican and U.S. officials, the López Obrador administration announced it would accept returns of non-Mexican migrants by U.S. authorities under similar guidelines as MPP.⁵⁴ Once in Mexico, returnees can stay there if they have a previously issued legal immigration status; if they do not, they

may request asylum or be returned to their country of origin.⁵⁵ As of March 31—just eleven days after the U.S. announcement—the United States had expelled more than 6,000 migrants, with most being returned to Mexico through this new procedure. By the end of April 2020, U.S. Border Patrol had expelled more than 20,000, and in May the Trump administration extended the policy indefinitely.⁵⁶

This new wave of returns adds to the already growing number of migrants waiting in Mexican border communities. Some have been returned under MPP, others are asylum seekers (including some Mexicans) waiting for their turn to file a claim with U.S. authorities under “metering” restrictions that allow only a limited number to apply each day, and still others are Mexican deportees seeking to re-enter the United States or waiting to return to their home communities. With many living in shelters, tents, and cramped tenements, there are widespread concerns about COVID-19 transmission among this vulnerable population. In Nuevo Laredo, Tamaulipas, for example, 15 migrants at a civil-society shelter tested positive after coming in contact with a Mexican deportee, leading the state governor to request that the federal government build a new migrant shelter equipped with enhanced safety measures to contain the spread of the virus to local communities.⁵⁷ Migrants living outside of shelters in precarious camps—such as the estimated 1,400 in Tamaulipas border towns—also face heightened exposure to the virus and may face harassment and stigmatization from locals.⁵⁸ Mexican communities along the border have limited resources, and like communities elsewhere, are facing new humanitarian and economic challenges as a result of the pandemic. The return of more migrants by U.S. authorities is straining the housing, service, and protection infrastructure in these border communities.

Border closures and mobility restrictions in Guatemala, El Salvador, and Honduras that were announced in March 2020 have significantly reduced

irregular migration in Mexico. Migrant apprehensions by Mexican authorities dropped from 8,000 in February to 3,000 in March, and further to less than 2,000 in April. Irregular migration had nearly come to a halt by May 2020, when INM apprehended less than 300 migrants. In total, from March through May 2020, INM apprehended 5,000 migrants compared to 58,000 over the same three-month period in 2019.⁵⁹

At the same time, border closures and mobility restrictions also delayed migrant returns to Central America.⁶⁰ In one instance, after Guatemalan migration authorities denied INM buses entry into the country, Mexican authorities released 480 Central Americans in a Chiapas border town, where they faced harassment from locals who feared the migrants had been exposed to the coronavirus. The migrants were later returned to the closest INM detention center.⁶¹ Such incidents prompted the Mexican and Central American governments to implement strict sanitary protocols to allow them to restart returns in April 2020.⁶²

Mounting health concerns regarding conditions in migrant detention centers have also complicated enforcement operations and strained institutional capacity. In April 2020, migrants in five INM detention centers publicly expressed fear of contracting COVID-19 due to overcrowding and poor sanitary precautions.⁶³ Seeking to be released, migrants in three centers organized hunger strikes and protests, and a group of migrants detained in Tenosique, Tabasco started a fire that injured more than a dozen detainees and led to the death of a Guatemalan asylum seeker.⁶⁴ Responding to numerous complaints by civil-society organizations, a federal district judge on April 17, 2020, ordered INM to release vulnerable migrants from detention centers and regularize their status, and to implement sanitation protocols at all INM detention centers, among other measures.⁶⁵ Shortly thereafter, INM announced plans to release all migrants from its detention centers and shelters,

with just 234 migrants remaining in detention as of May 27.⁶⁶

The pandemic has also affected Mexico's humanitarian protection system and delayed planned growth in its capacity. Considered an essential government agency, COMAR continues to accept and process asylum applications while operating at limited capacity. Hiring and training efforts intended to expedite case resolutions and reduce the application backlog have been put on hold until further notice.⁶⁷ To comply with national health guidelines, COMAR has temporarily suspended its 45-day processing timeline until further notice for cases submitted after March 24, 2020.⁶⁸ To avoid exposing applicants to the virus and to limit its spread, the agency also stopped requiring applicants to provide weekly, in-person signatures to certify that they remain in the state where they submitted their application.

For Mexico's network of migrant shelters, the pandemic has compounded existing resource limitations and amplified the risks that vulnerable migrants already face. Shelters managed by civil-society and faith groups across the country have temporarily closed or capped bed capacity to adhere to social distancing requirements, leaving many without accommodations and few options to meet other basic needs.⁶⁹

5 Conclusion

A year after its implementation, the U.S.-Mexico migration cooperation agreement has marked a new chapter in the development of Mexico's enforcement and protection systems, set against the backdrop of an incredibly challenging time for migration systems across the world. Recognized by both governments for successfully reducing irregular migration to the U.S.-Mexico border, the agreement also increased bilateral communication around migration, bolstered Mexico's enforcement and humanitarian protection

capacity, and helped identify significant institutional limitations.

The combination of increased Mexican enforcement efforts with the deterrent effect of MPP, a series of unilateral U.S. policy changes that narrow access to asylum, and the COVID-19 pandemic have had a significant impact on illegal border crossings. Migrant apprehensions have followed a downward trend since June 2019, and in April 2020 the U.S. Border Patrol apprehended 16,000 migrants at the U.S.-Mexico border, compared to 99,000 the prior year.⁷⁰

But even as Mexico plays a larger role in enforcement, it is less clear how much the Mexican government has invested in upgrading the institutional and operational capacity of INM. For example, in a survey, only 31 percent of Central American deportees reported that they were informed by INM about their right to request asylum in 2019, though this rate has increased since 2016.⁷¹ It is also unclear whether local and state governments are prepared to address the serious challenges of serving new and growing migrant populations in communities across Mexico, and particularly vulnerable populations along its northern border with the United States and southern border with Guatemala.

At the same time, as access to asylum at the U.S.-Mexico border has been vastly reduced, the burden of providing humanitarian protection to those in need has largely shifted to the Mexican government. However, local communities and civil-society organizations bear most of the responsibility for the day-to-day survival of asylum seekers and other migrants, and the resource and capacity challenges many face have only been exacerbated by the COVID-19 pandemic. Although the institutional capacity of Mexico's protection system has grown over the past year, it is unclear whether that system can meet the high level of demand without direct support and collaboration from the United States.

The immediate effects of the pandemic have posed significant challenges to Mexico's migration policy framework and will undoubtedly affect its future development. But by building on the momentum of the past year and viewing the pandemic as an opportunity to address both ongoing and unexpected challenges, the Mexican government can identify policy gaps and strengthen partnerships with international and civil-society organizations. Key opportunities include:

- 1 mapping federal, state, and municipal resources for immigration enforcement and humanitarian protection to better leverage and coordinate them;
- 2 building a deeper understanding of how returning migrants from the United States to Mexico through policies such as MPP are affecting the shelter infrastructure and public service capacity of Mexican border communities to inform future collaboration with the United States (the decision by the U.S. government to expel migrants back to Mexico during the COVID-19 pandemic adds to the urgency on this);
- 3 elevating successful migration-management and humanitarian protection policies and practices within INM and COMAR, and using them to inform reforms to the legal immigration framework;
- 4 analyzing recent increases in anti-immigrant sentiment among the Mexican public to identify misunderstandings and legitimate concerns that can be addressed through policy changes and educational campaigns;
- 5 adapting reintegration strategies developed over the past decade for Mexicans returned from the United States to help meet the integration needs of a growing and diverse population of migrants who are staying in

Mexico for extended periods and, in some cases, permanently;⁷² and

- 6 building on international investments to support development in southern Mexico and Central America through the Comprehensive Development Plan.

In the past year, the Mexican government has demonstrated its willingness to cooperate with the United States on immigration enforcement. Yet, it has also faced significant concerns about its ability to protect the growing population of migrants across its territory, with complaints of abuse filed against the National Guard, overcrowding in detention facilities, and asylum seekers and other migrants returned to Mexico living in squalid con-

ditions along the border. With four more years in leadership ahead and increasing political interest in investing in Mexico's migration policy framework, the López Obrador administration has an important opportunity to develop a modern Mexican migration system and shape regional cooperation to address unanticipated challenges, such as the ongoing pandemic, as well as changes in regional migration. However, the success of modernization efforts will ultimately depend on balancing migration enforcement with human rights and humanitarian protection considerations in the face of future U.S. pressure, opening an opportunity to rethink U.S.-Mexico cooperation.

The López Obrador administration has an important opportunity to develop a modern Mexican migration system and shape regional cooperation.

Endnotes

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Acknowledgments

This policy brief was made possible by support from the Ford Foundation and the Carnegie Corporation of New York for Migration Policy Institute (MPI) research on U.S.-Mexico migration policy.

This material is also based upon work supported by the U.S. Department of Homeland Security (DHS) under Grant Award Number 17STBTI00001-03-00 (formerly 2015-ST-061-BSH001). The views and conclusions contained in this document are those of the author and should not be interpreted as necessarily representing the official policies, either expressed or implied, of DHS.

Special thanks go to officials at the DHS Office of Policy and the U.S. Department of State Bureau of Western Hemisphere Affairs who provided expertise about U.S. policies and conditions in Mexico. The author also thanks MPI colleagues Andrew Selee, Randy Capps, Andrea Tanco, and Sarah Pierce for reviewing and providing feedback on this brief; Michelle Mittelstadt and Lauren Shaw for editing it; and Sara Staedicke for the brief's layout. Likewise, the author thanks Andrés Clarke Estrada for translating this brief.

This brief is also available in Spanish: www.migrationpolicy.org/research/un-ano-acuerdo-estados-unidos-mexico.

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Design and Layout: Sara Staedicke, MPI

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Suggested citation: Ruiz Soto, Ariel G. 2020. *One Year after the U.S.-Mexico Agreement: Reshaping Mexico's Migration Policies*. Washington, DC: Migration Policy Institute.



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