



Building a New Regional Migration System

Redefining U.S. Cooperation with Mexico and Central America

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Executive Summary

One of the most important challenges the Biden administration will face when it takes office will be how to address regional cooperation around migration. While the COVID-19 pandemic has severely limited mobility through the region and beyond, and will likely demand much of the new administration's initial focus, migration is an enduring if ever-shifting regional phenomenon and demands intelligent management. Large-scale unauthorized migration from Central America and, to a lesser extent, Mexico is driven by a variety of forces, and migrants themselves have a range of humanitarian, economic, and other personal reasons for moving. An enforcement-only approach to migration management on the part of the United States, which in recent years has been centered on limiting access to asylum and forcing cooperation from other countries in the region, may work for short periods of time, but is unlikely to be sustainable.

Migration is an enduring if ever-shifting regional phenomenon and demands intelligent management.

Another approach is possible, one that focuses on trying to turn some of the region's unauthorized migration flows into legal ones, addressing protection needs closer to home, professionalizing enforcement, and making targeted investments to address some of the pressures that contribute to large-scale migration. This alternate approach is rooted in regional cooperation, and while it will not stop unauthorized migration entirely—an unrealistic if oft-cited policy aim—it stands a better chance of managing it effectively.

This approach has four key elements:

- 1 expanding opportunities for legal movement by extending seasonal work visas to nationals of countries in Central America that have the greatest migration pressures (Guatemala, Honduras, and El Salvador), which will require some persistence and ingenuity under current U.S. laws but is essential for creating opportunities for legal migration within the region;
- 2 reestablishing asylum at the U.S.-Mexico border with far more fair and efficient procedures, while also creating alternative ways to protect those facing persecution, including by identifying them closer to home and resettling some through refugee programs as part of a multilateral effort that involves Canada, Mexico, Costa Rica, and other countries and with close coordination with UN agencies;
- 3 professionalizing border enforcement in Mexico and the United States to make it both more effective and more humane, with a recognition that many of the migrants apprehended are families and unaccompanied minors; that some have protection, medical, or other assistance needs; and that most do not require long-term detention; and
- 4 making targeted investments with built-in evaluation measures in the principal countries of origin for unauthorized migrants in order to strengthen rule of law and spur development, providing confidence that circumstances could change in the short term and supporting real change over the long term, beginning with emergency support related to the two hurricanes that devastated Central America in November 2020.

Transitioning from the United States' current approach to regional migration policies, with its near-exclusive focus on enforcement, will not be easy but it is possible. It will require following a pragmatic approach that slowly transitions from one system to the other over a period of several months to avoid triggering a massive movement of Central Americans northward, especially in the middle of a global recession when migration pressures are likely to be quite high. Making rapid policy shifts that could incentivize unauthorized migration without having a more efficient and fair asylum system in place at the U.S.-Mexico border would be counterproductive, likely leading to mass expulsions or deportations at the border and public perceptions of a "border crisis" early in the new administration. Instead, it will be vital to consider how to carefully sequence policies to establish a new regional system that includes legal pathways, a variety of different protection mechanisms, and more humane enforcement procedures, as well as investments in Central America.

BOX 1

About the Rethinking U.S. Immigration Policy Project

This report is part of a multiyear Migration Policy Institute (MPI) project, Rethinking U.S. Immigration Policy. At a time when U.S. immigration realities are changing rapidly, this initiative aims to generate a big-picture, evidence-driven vision of the role immigration can and should play in America's future. It will provide research, analysis, and policy ideas and proposals—both administrative and legislative—that reflect these new realities and needs for immigration to better align with U.S. national interests.

To learn more about the project and read the other studies generated by the Rethinking U.S. Immigration Policy initiative, see bit.ly/RethinkingImmigration.

1 Rethinking Regional Strategies to Address Migration

Every year, hundreds of thousands of people move or try to move from the countries in the region nearest the United States—Mexico, Guatemala, Honduras, and El Salvador—to the United States. Many of them come through legal channels, including most Mexican nationals, but others from Mexico and Central America try to cross into the United States illegally through the Southwest border.

U.S. government efforts over the past few years have focused almost exclusively on using enhanced border controls and restrictions on access to asylum to dissuade unauthorized migration. The Trump administration has implemented a series of "interlocking measures" at the border to make it almost impossible to apply for asylum, hoping that will dissuade migration.¹ As part of these measures, the administration also created a rudimentary regional migration architecture, but one that was dictated almost solely by the desire to stop unauthorized migration. As the COVID-19 pandemic struck the region in early 2020, the administration went further by invoking special powers under a 1944 public-health statute to allow for the rapid expulsion of arriving migrants who lack authorization to enter (a policy also sometimes referred to as the "CDC order" because it is based on a determination by the Centers for Disease Control and Prevention).²

1 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.

2 Sarah Pierce and Jessica Bolter, *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency* (Washington, DC: Migration Policy Institute, 2020).

Border enforcement is an important element in managing migration, but it is bound to fail if it is the only or even the principal strategy.

But an enforcement-only approach is unlikely to be successful over the long term in deterring unauthorized migrants.³ In fact, recent history suggests that every two or three years, there is a new humanitarian crisis at the U.S.-Mexico border, as would-be immigrants find new ways to circumvent the latest enforcement measures.

Border enforcement is an important element in managing migration, but it is bound to fail if it is the only or even the principal strategy. And clearly, a regional migration architecture that only takes into account the interests of one country will be difficult to sustain in the long run.

There is another possible approach, one that would be much more effective as a deterrent for unauthorized migration and simultaneously allow the United States to live up to its ideals as a country of refuge for those fleeing persecution. Instead of trying to stop most migration, this approach seeks to manage migration intelligently through a mixture of legal pathways, protection mechanisms, enforcement efforts, and investments in addressing the forces driving people to leave their homes.

While there has to be professional enforcement at both the U.S. and Mexican borders, an intelligent management strategy also creates pathways for seasonal labor to manage migration pressures; restores humanitarian protection for those fleeing persecution, including creating paths to safety much closer to where people are most in need of it; and it builds a regional migration architecture not merely around enforcement but also around investments in human capital, productivity, and the rule of law.

This kind of multifaceted approach has much more of a chance of avoiding the repeated spikes in unauthorized migration that have taken place over the past few years, while also addressing the legitimate aspirations for safety and economic advancement that people in Central America and Mexico have. At the same time, this approach would also build a new regional migration architecture that considers the diverse needs of the countries in the region as partners working together to address shared migration challenges and seize opportunities for longer-term change.

This report looks first at the regional migration system that has emerged between the United States and Mexico, Guatemala, Honduras, and El Salvador, and how it has changed over time. It then examines four opportunities for policy change: creating temporary labor migration pathways, rebuilding humanitarian protection systems, strengthening transparent and rule-based enforcement systems, and investing in economic and institutional change in Central American countries. The final section addresses the crucial question of how to sequence these policy changes to avoid incentivizing unauthorized migration as the transition is made.

3 See Randy Capps et al., *From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement* (Washington, DC: Migration Policy Institute, 2019).

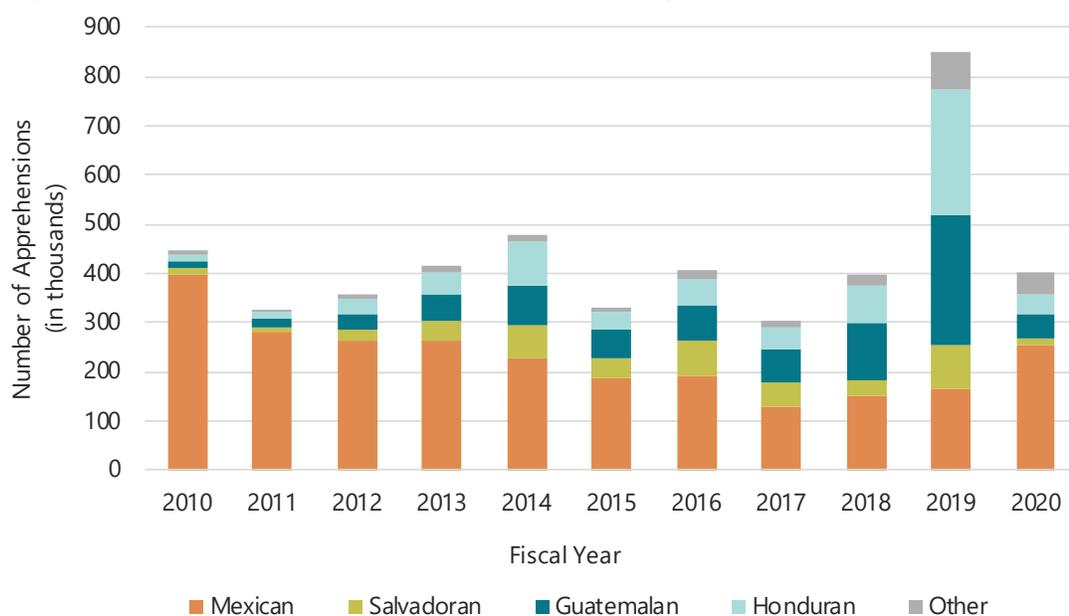
2 The Emergence of a Regional Migration System

In 2010, the Migration Policy Institute (MPI), together with the Wilson Center, created a high-level Regional Migration Study Group to explore what appeared to be an emerging regional migration system among the United States, Mexico, Guatemala, Honduras, and El Salvador.⁴ Unauthorized migration from Mexico to the United States had dropped considerably since 2007, but there were signs—still quite incipient—that unauthorized migration from Central America was increasing.

About a year after the Regional Migration Study Group’s final report was released in May 2013,⁵ the first humanitarian crisis at the U.S.-Mexico border brought this new regional migration system into public view. As several tens of thousands of unaccompanied minors from El Salvador, Guatemala, and Honduras arrived, U.S. and Mexican officials scrambled to contain the fallout from the perception that the border was out of control. There would be a new spike in arrivals of unaccompanied minors in 2016, although with more families mixed in among the arriving migrants, and later another humanitarian border crisis in 2018–19, mostly involving Honduran and Guatemalan migrant families, even as unauthorized migration from Mexico continued to decline.

FIGURE 1

Migrant Apprehensions at the U.S.-Mexico Border, by Citizenship, FY 2010–20



Sources: U.S. Department of Homeland Security (DHS), *Border Security Metrics Report* (Washington, DC: DHS, 2018), 46; U.S. Customs and Border Protection (CBP), “U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector,” accessed October 9, 2020; CBP, “U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2020,” accessed October 15, 2020.

4 For more information on this study group, see Migration Policy Institute (MPI), “Regional Migration Study Group,” accessed November 15, 2020.

5 Demetrios G. Papademetriou, Doris Meissner, and Eleanor Sohnen, *Thinking Regionally to Compete Globally: Leveraging Migration & Human Capital in the U.S., Mexico, and Central America* (Washington, DC: MPI, 2013).

The first element of the emerging regional migration system was the rise of Central American migration, which began in earnest in 2012, but garnered wider visibility after the unaccompanied children crisis in 2014. To be sure, migration to the United States from Guatemala, Honduras, and El Salvador has been part of a broader historical flow, especially during the civil wars in El Salvador and Guatemala, but never in such a concentrated and sustained way.

Several factors were behind the building migration pressures in these three Central American countries. They included both a slight growth in income, which made it possible for more families to hire a smuggler, and sustained poverty that made it impossible for them to imagine a better future in their home countries; significant demographic pressures, driven by a boom in the youth population (ages 15 to 24); rising violence and insecurity; and serious issues of governance. The lure of family reunification for those who had relatives in the United States was an additional factor for some.⁶

Central American unauthorized migration to the United States, both then and now, has two characteristics that are significantly different than earlier Mexican migration.⁷ First, it is a “mixed flow”—that is, it includes both migrants primarily seeking a better economic future and those who are fleeing persecution in some of the most violent countries in the world, with many migrants having a spectrum of reasons for moving. The nature of violence varies from country to country, but it includes violence driven by international organized crime tied to drug trafficking (primarily in Honduras and parts of Guatemala), the consolidation of powerful gangs (especially in El Salvador and Honduras), and political conflict (especially in Honduras and parts of Guatemala).

Central American unauthorized migration to the United States, both then and now, has two characteristics that are significantly different than earlier Mexican migration.

Since 2014, high homicide rates in the region have triggered perceptions of insecurity, compounding other migration factors. In 2015, the homicide rate in El Salvador reached a peak of 103 homicides per 100,000 inhabitants, while the rate in Honduras was 60 homicides per 100,000 inhabitants (see Figure 2). Though they remain among the highest homicide rates in the world, the homicide rates in El Salvador and Honduras fell between 2015 and 2019 (to 36 and 43 per 100,000 inhabitants, respectively).⁸ Guatemala’s homicide rate has remained consistently below that of El Salvador and Honduras. Meanwhile, in Mexico the homicide rate has increased gradually and is projected to reach historic levels in 2020, surpassing 29 homicides per 100,000 inhabitants; this is reflected in the rising number of Mexicans claiming violence as their primary motive for migrating.⁹

In addition to homicides, extortion in local communities, which appears to have remained at a relatively constant level in recent years, may provide another important reason for people to leave their homes.

⁶ Capps et al., *From Control to Crisis*.

⁷ For more on these two key differences, see Capps et al., *From Control to Crisis*.

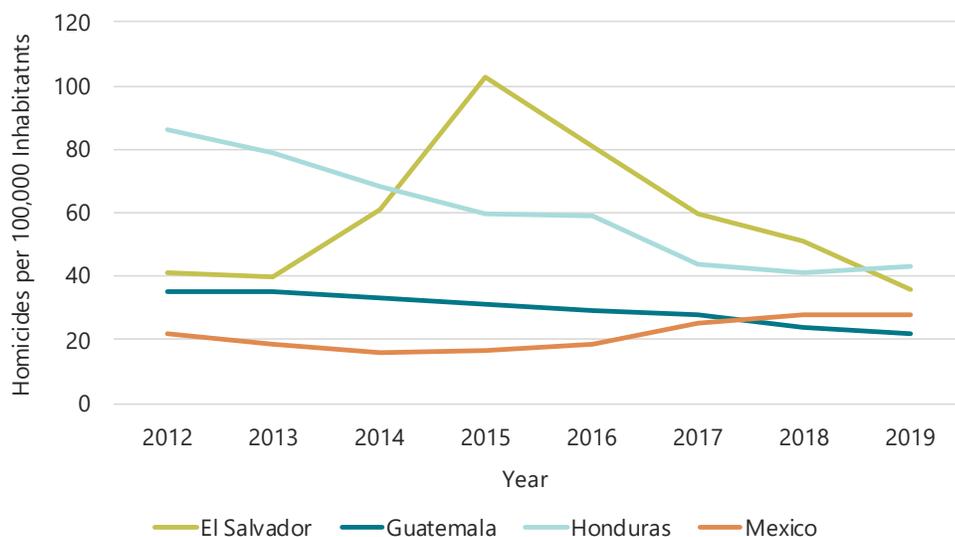
⁸ The average worldwide homicide rate dropped slightly over a similar period: It fell from 5.94 per 100,000 inhabitants in 2015 to 5.78 per 100,000 inhabitants in 2018, the latest year recorded by the UN Office on Drugs and Crime in the International Homicide Statistics database. See the World Bank, “[Intentional Homicides \(per 100,000 People\)](#),” accessed November 17, 2020.

⁹ *Forbes México*, “[Homicidios en México alcanzarían nuevo récord en 2020 pese al confinamiento, prevé gobierno](#),” *Forbes México*, September 2, 2020.

Indeed, extortion may be an even more powerful driver than a high homicide rate for many migrants since it affects more people directly.¹⁰

FIGURE 2

Homicide Rates in El Salvador, Guatemala, Honduras, and Mexico, 2012–20



Sources: Guatemalan Technical Secretariat of the National Security Council, *Reporte Estadístico* (Guatemala City: Guatemalan Technical Secretariat of the National Security Council, 2019); Observatorio de la Violencia, “Boletines Nacionales, 2012–18,” Universidad Nacional Autónoma de Honduras, Instituto Universitario en Democracia, Paz y Seguridad, accessed October 15, 2020; Europa Press, “La tasa de homicidios en Honduras aumenta por primera vez tras el declive iniciado en 2012,” Notimérica, December 27, 2019; National Civil Police of El Salvador, “Estas Razones Están Bajando Los Homicidios” (fact sheet, January 2019); UN Office on Drugs and Crime, “Victims of Intentional Homicide, 1990-2018,” accessed February 11, 2020; Arturo Angel, “Con 35 mil 588 asesinatos, 2019 es el año más violento del que se tenga registro,” Animal Político, January 20, 2020.

Central American migration flows are also much more likely to include unaccompanied minors and families with children, compared to earlier Mexican arrivals of predominantly single adults.¹¹ Both this and the mixed nature of movements through the region complicate migration management, requiring authorities to deal with vulnerable groups in need of special attention and to process the asylum cases of those claiming persecution in their home countries.

Compared to the first large-scale Central American movements of 2014, a key difference today is that Salvadoran migration has dropped as a percentage of overall flows while Guatemalan and Honduran migration remains strong. As shown in Table 1, the demographic profile of El Salvador is closer to that of Mexico than that of Guatemala and Honduras, with slower population growth, declining fertility, and a smaller share of its population under age 15. With younger populations and faster growth, more youth (ages 15 to 29) enter the labor force annually in Guatemala (194,000) and Honduras (95,000) than in El Salvador (72,000).¹² Too few new jobs are created each year in any of these three countries to meet the supply of youth entering the labor force, but having a smaller population eases the pressure for some youth to migrate. El Salvador is also the most industrialized and urbanized of the three Central American origin

10 For an online data visualization with estimates of extortion rates in El Salvador, Guatemala, and Honduras from 2007 to 2017, see InsightCrime, “Extortion—Mapping Extortion in the Northern Triangle,” accessed November 14, 2020.

11 Capps et al., *From Control to Crisis*.

12 Alicia Bárcena, “Diagnóstico, áreas de oportunidad y recomendaciones de la CEPAL” (presentation, Mexico City, May 20, 2019).

countries;¹³ has comparatively lower poverty rates; and has the most consolidated democratic political system, which allowed for a successful election in 2019 in which all sides agreed on the outcome.¹⁴

TABLE 1

Demographic and Development Indicators for El Salvador, Guatemala, Honduras, and Mexico, 2020*

	Population (in millions)	Annual Rate of Natural Increase	Total Fertility Rate (births per woman)	Share of Population under Age 15	Gross National Income per Capita*	Urban Share of Population
El Salvador	6.5	1.3%	2.1	26%	\$8,320	70%
Guatemala	18.1	1.7%	2.7	37%	\$8,500	51%
Honduras	9.9	1.4%	2.2	30%	\$5,350	55%
Mexico	127.8	1.2%	2.1	27%	\$19,870	73%

* All data are the most recent estimates as of 2020, except for the gross national income data, which are from 2018.

Notes: Population data are according to most recent census, official estimate, or analysis by regional organizations, Population Reference Bureau (PRB), UN Population Division, or International Programs of the U.S. Census Bureau. Rate of natural increase is birth rate minus the death rate, representing population growth excluding migration. Fertility rate is the average number of children a woman is expected to have during childbearing years (ages 15 to 49). Gross national income per capita is the gross national income in purchasing power parity divided by the mid-year population, as expressed in international dollars. Urban share of the population is the percentage of the total population living in areas termed “urban” by each UN country.

Source: PRB, “2020 World Population Data Sheet,” accessed November 17, 2020.

At the same time unauthorized migration from Central America was rising, unauthorized migration from Mexico to the United States continued to recede. Mexico has achieved a degree of development over the past three decades far beyond that of the three Central American countries, providing greater opportunities for people to stay in Mexico (see Table 1). In addition to income, these advances include increased educational attainment, access to health care, infrastructure, and access to credit.¹⁵ Global comparative studies indicate that when countries reach a certain level of development, migration tends to decrease.¹⁶ Demographic trends in Mexico also contributed to a decrease in emigration as the population aged and the birth rate decreased, consequently narrowing the size of the traditional migrant population of adults in prime working age.¹⁷

However, there were also key U.S. policy developments that shaped Mexican migration to the United States. Perhaps the most important was the gradual expansion of the H-2A and H-2B seasonal worker visa programs to incorporate more Mexican nationals, so that in fiscal year (FY) 2019 more than 260,000 of these visas were issued to Mexican nationals (see Figure 3). Though the increase in participation occurred mostly within the H-2A program, which allows farms to recruit agricultural workers from abroad for a period of months, Mexicans were also the recipients of 74 percent of H-2B visas issued (for nonagricultural

13 The World Bank, “El Salvador: Overview,” updated October 9, 2020.

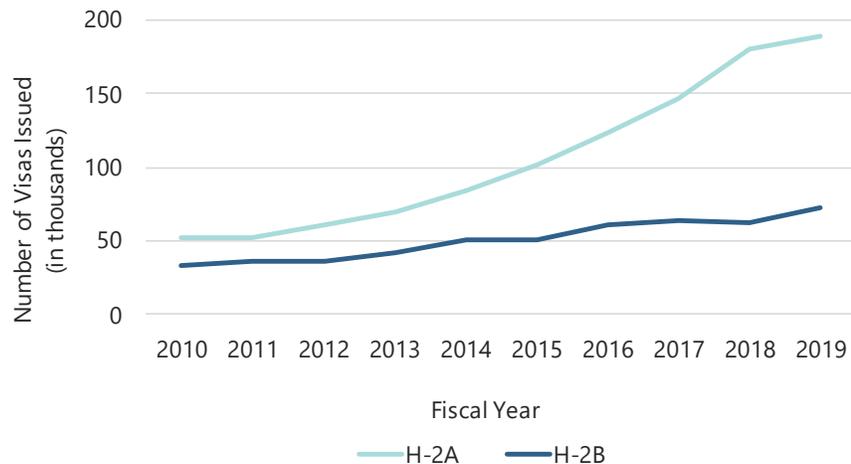
14 By comparison, Honduras had a highly questioned presidential election in 2017, while Guatemala saw several leading presidential candidates disqualified during its electoral process in 2019. On Honduras, see Elizabeth Malkin, “Honduran President Declared Winner, but O.A.S. Calls for New Election,” *New York Times*, December 17, 2017. On Guatemala, see Sandra Cuffe, “Guatemala Elects Right-Wing President amid Dismal Turnout,” *Washington Post*, August 12, 2019.

15 Andrew Selee, *Vanishing Frontiers: The Forces Driving Mexico and the United States Together* (New York: PublicAffairs, 2018), Chapter 2.

16 Michael Clemens, “The Emigration Life Cycle: How Development Shapes Emigration from Poor Countries” (working paper 540, Center for Global Development, Washington, DC, August 2020); Hein de Haas, “Turning the Tide? Why Development Will Not Stop Migration,” *Development and Change* 38, no. 5 (2007): 819–41.

17 Papademetriou, Meissner, and Sohnen, *Thinking Regionally to Compete Globally*.

FIGURE 3

Number of H-2A and H-2B Visas Issued to Mexican Nationals, FY 2010–19

Source: Migration Policy Institute (MPI) calculations based on data from the U.S. Department of State, “Nonimmigrant Visa Issuances by Visa Class and by Nationality,” accessed October 5, 2020.

seasonal workers) that year. This expansion of seasonal work opportunities for Mexican nationals created legal pathways for migration that undoubtedly reduced some migrants’ incentives to cross illegally into the United States.¹⁸

Reducing unauthorized migration from Mexico was not an explicit policy goal on the part of the U.S. government in expanding these visa programs. Rather, it was the product of

decisions made by private employers as they built up pipelines of workers in Mexico, with some agricultural employers turning to the H-2A program as the number of unauthorized immigrants already in the country and seeking work on farms declined.¹⁹ Thus, while the expansion of the H-2 visa programs may or may not have contributed to the initial drop in unauthorized migration, it certainly has provided legal alternatives for many of those who might otherwise attempt it.²⁰

Meanwhile, the decision by the U.S. Department of Homeland Security (DHS) to implement what it terms a “consequence enforcement system” that replaced voluntary return with increased penalties for migrants apprehended more than once at the U.S.-Mexico border has driven down the number who try to cross repeatedly.²¹ This system was essentially eliminated in March 2020 by the CDC order that allowed for summary expulsions of all arriving foreign nationals who lack authorization to enter, since repeat crossers are no longer subject to additional penalties. This change appears to have contributed to a rapid increase in the number of migrants making repeated attempts to enter the United States illegally. By one estimate in Summer 2020, the share of migrants being detained who had attempted to cross the U.S.-Mexico border more than once was more than 30 percent, up from 7 percent the year before.²²

Since FY 2015, Mexican migrants continue to be apprehended at the U.S.-Mexico border in significant numbers each year—roughly 165,000 apprehensions on average—but this is a fraction of the numbers seen from 1990 to 2006, when apprehensions were regularly close to 1 million each year (and often much

18 Michael Clemens and Kate Gough, “Can Regular Migration Channels Reduce Irregular Migration?” *Lessons from Europe and the United States* (brief, Center for Global Development, Washington, DC, February 2018).

19 Philip Martin, *Immigration and Farm Labor: From Unauthorized to H-2A for Some?* (Washington, DC: MPI, 2017).

20 For competing opinions on the cause and effect, see Martin, *Immigration and Farm Labor*; Clemens and Gough, “Can Regular Migration Channels Reduce Irregular Migration?”

21 Randy Capps, Faye Hipsman, and Doris Meissner, *Advances in U.S.-Mexico Border Enforcement: A Review of the Consequence Delivery System* (Washington, DC: MPI, 2017).

22 Nick Miroff, “As U.S. Expels Migrants, They Return, Again and Again, across Mexico Border,” *Washington Post*, August 9, 2020; Alicia A. Caldwell and Juan Montes, “Illegal U.S.-Mexico Border Crossings Are Rising Again, Driven by Single Adults,” *Wall Street Journal*, August 17, 2020.

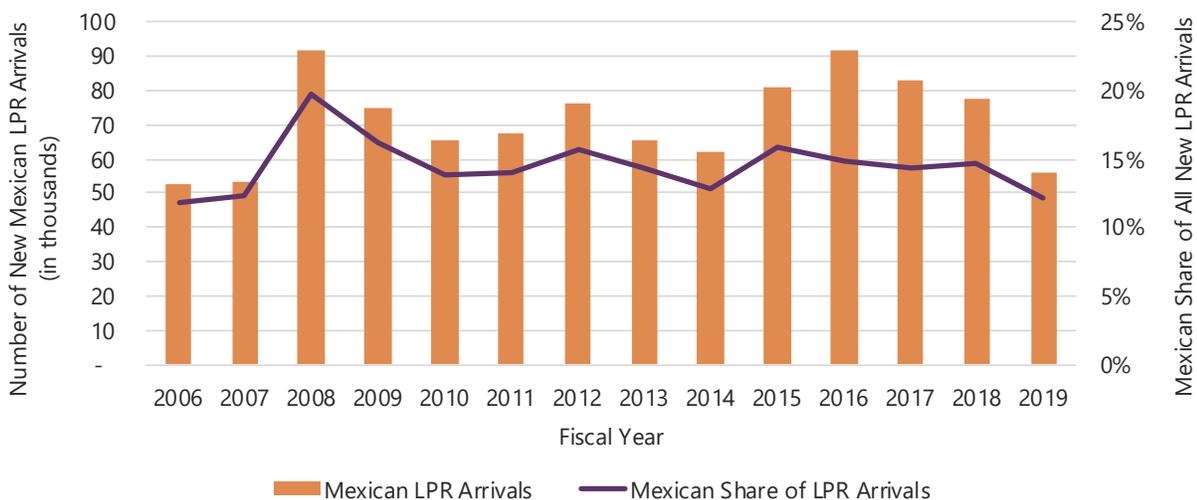
higher).²³ Differences in wage levels between the United States and Mexico continue to drive some of this migration, as well as rising levels of violence in Mexico, with the country recording its highest rate of homicides in 2019.²⁴ Whether unauthorized immigration from Mexico will again rise is worth monitoring,

In recent years, there have also been considerable legal migration flows from Mexico.

as economic conditions deteriorate in Mexico as a result of the worldwide pandemic, but so far the increase in repeat crossings appears to account for most, if not quite all, of the uptick in Mexican apprehensions at the U.S.-Mexico border in 2020.

In recent years, there have also been considerable legal migration flows from Mexico. In addition to the more than 260,000 seasonal worker visas extended to Mexicans in FY 2019, 56,000 Mexicans came to the United States as legal permanent residents (i.e., LPRs or green-card holders) that year, largely through petitions by U.S.-citizen or LPR family members already in the country. While the annual number of Mexicans obtaining U.S. legal permanent residence from abroad has fluctuated—reaching 92,000 in FY 2008 and FY 2016—they have represented a stable share of the total population of immigrants arriving in the United States as LPRs at about 14 percent on average since 2010 (see Figure 4). Furthermore, approximately 21,000 TN (NAFTA) visas for temporary professional workers and about 3,000 H-1B visas for temporary high-skilled workers were issued to Mexicans in FY 2019.²⁵

FIGURE 4
Number and Share of New Legal Permanent Resident Arrivals from Mexico, FY 2006–19



Note: “New arrivals” refers to immigrants whose petition to become a legal permanent resident (LPR also known as a green-card holder) is approved from abroad and who become LPRs when they are admitted at a U.S. port of entry. This is in comparison to those immigrants who adjust into LPR status within the United States.

Sources: DHS, “LPR Yearbook Tables 8 to 11 Expanded,” updated March 10, 2020; DHS, “Legal Immigration and Adjustment of Status Report Quarterly Data,” updated March 4, 2020.

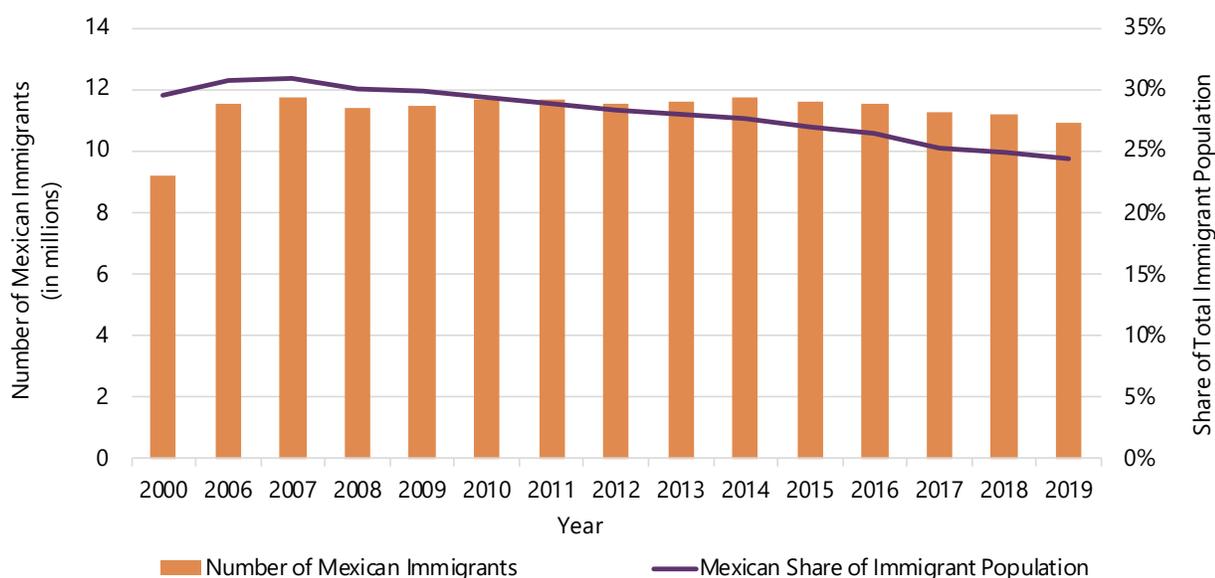
23 U.S. Border Patrol, “Southwest Border Sectors: Total Illegal Alien Apprehensions By Fiscal Year” (data table, March 2019).

24 Arturo Angel, “Con 35 mil 588 asesinatos, 2019 es el año más violento del que se tenga registro,” *Animal Político*, January 20, 2020.

25 Ryan Baugh, *U.S. Lawful Permanent Residents: 2018* (Washington, DC: U.S. Department of Homeland Security, 2020); U.S. Department of State, “Nonimmigrant Visa Issuances by Visa Class and by Nationality,” accessed October 3, 2020.

As the Mexican economy improved in the 2000s, many Mexicans living in the United States also chose to return to Mexico, motivated in part by family reunification.²⁶ The overall population of Mexican immigrants in the United States declined from 11.7 million to 10.9 million between 2010 and 2019, despite the significant number of Mexicans arriving with green cards and temporary visas.²⁷ While Mexicans remain the largest immigrant group in the country, they represent a narrowing share of the total immigrant population, decreasing from 29 percent in 2010 to 24 percent in 2019. Some of this change is attributable to the record numbers of deportations for several years, especially in the period from 2007 to 2014, but it appears to mostly reflect voluntary returns to Mexico.²⁸

FIGURE 5
Number of Mexican Immigrants and Mexican Share of All Immigrants in the United States, 2000–19



Source: MPI tabulation of data from the U.S. Census Bureau’s 2006 to 2019 American Community Survey (ACS) and 2000 Decennial Census.

The number of U.S. citizens living in Mexico has also grown in recent years, rising to more than 700,000 in 2015 and perhaps as many as 1.5 million by some estimates.²⁹ The largest share of this population is comprised of the U.S.-born spouses and children of Mexican nationals who have returned to Mexico, although a significant share are U.S. citizens who moved to Mexico for work, retirement, or other personal reasons.

Mexico has also seen increased immigration from other neighboring countries. As entering and seeking asylum in the United States has become harder and more unpredictable, and now with the added pandemic-related mobility restrictions in 2020, many Central Americans appear more willing to settle

²⁶ Ana Gonzalez-Barrera, *More Mexicans Leaving Than Coming to the U.S.* (Washington, DC: Pew Research Center, 2015).
²⁷ MPI tabulation of data from the U.S. Census Bureau’s 2006 to 2019 American Community Survey (ACS) and 2000 Decennial Census.
²⁸ Marc R. Rosenblum and Kristen McCabe, *Deportation and Discretion: Reviewing the Record and Options for Change* (Washington, DC: MPI, 2014).
²⁹ For a discussion of these estimates by Mexican and U.S. sources, see Andrew Selee, Silvia E. Giorguli-Saucedo, Ariel G. Ruiz Soto, and Claudia Masferrer, *Investing in the Neighborhood: Changing Mexico-U.S. Migration Patterns and Opportunities for Sustainable Cooperation* (Washington, DC: MPI, 2019), 11.

down in Mexico. And even prior to those policy changes, the population of immigrants from El Salvador, Guatemala, and Honduras residing in Mexico grew from approximately 51,000 in 2010 to 68,000 in 2015, representing a 34 percent increase.³⁰ While relatively small in number according to these latest data, the immigrant population from these countries is expected to have increased further since then, as reflected in a sharp increase in asylum applications in Mexico since 2015. From January 2019 through October 2020, approximately 60,000 migrants from Honduras, Guatemala, and El Salvador requested asylum in Mexico.³¹ Many of them, along with asylum seekers from other countries, are choosing to stay in Mexico—

Cities along Mexico's northern and southern borders, the industrial triangle in the central north, and some beach resort towns have begun to develop small but noticeable Central American communities.

at least until they can decide whether to return home or proceed on to the United States. Cities along Mexico's northern and southern borders, the industrial triangle in the central north, and some beach resort towns have begun to develop small but noticeable Central American communities.³² Migrants of other nationalities, including Haitians, Cubans, and Venezuelans, have also set down roots in Mexico, either because onward movement to the United States is restricted or because Mexico was their intended destination.³³

Central American migration has also affected other countries in the region—notably Costa Rica and, to a much lesser extent, Panama. More than 100,000 Nicaraguans migrated to Costa Rica between April 2018 and the end of 2019, roughly equivalent to 2 percent of each country's population.³⁴ A smaller but noticeable number of Salvadorans and Hondurans have also moved to Costa Rica. In 2019, Salvadoran, Honduran, and Guatemalan nationals submitted slightly more than 1,600 asylum applications in Costa Rica—part of a small but growing migration southward as the journey to the United States becomes harder and access to asylum there becomes more uncertain.³⁵

One final aspect of migration through the region also bears mentioning, which is the rise in the number of migrants from countries outside of Central America, often called “extracontinental migrants,” journeying through the isthmus seeking to reach the United States, especially since 2016. The largest number have been Haitian nationals, most of whom previously lived in South American countries before deciding to head

30 Claudia Masferrer León and Carla Pederzini Villareal, “Más allá de tránsito: perfiles diversos de la población del Triángulo Norte de Centroamérica residente en México,” *Coyuntura Demográfica* no. 12 (2017): 41–51.

31 Mexican Refugee Commission (COMAR), “Estadística Octubre 2020,” updated November 4, 2020.

32 Findings from extensive interviews and analysis of school enrollment data by MPI researchers suggest cities with small but increasing Central American immigrant populations include Monterrey, Nuevo León; Saltillo, Coahuila; Tapachula, Chiapas; Mexico City; and Cancún, Quintana Roo. See Andrea Tanco and Ariel G. Ruiz Soto, *Integration in Mexico* (Washington, DC: MPI, forthcoming).

33 For example, there were an estimated 101,648 Venezuelan migrants in Mexico as of December 2019 based on data compiled by the Mexican government, International Organization for Migration (IOM), and UN High Commissioner for Refugees and published on the R4V Coordination Platform for Refugees and Migrants from Venezuela, “Response for Venezuelans,” accessed November 18, 2020. This includes 42,763 Venezuelan nationals who have permanent or temporary residence permits (including those granted asylum) and another 8,510 with pending asylum claims, which suggests slightly more than 50,000 Venezuelans with legal status in Mexico and another similar number without legal status.

34 Andrew Selee and Jessica Bolter, *An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration* (Washington, DC: MPI, 2020).

35 In 2019, 1,622 Salvadorans, Hondurans, and Guatemalans sought asylum in Costa Rica, according to government statistics. See Sarah Meneses, *Costa Rica: Caracterización y análisis de las políticas en materia de migración internacional y refugiados* (Washington, DC: Organization of American States, 2020), 28.

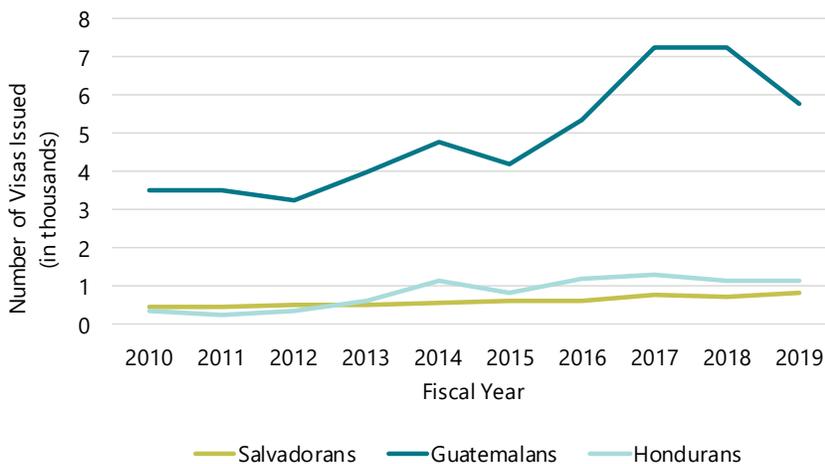
north. Increasing numbers of Cuban migrants and nationals of African and Asian countries have also taken migratory routes through Central America and Mexico on their way to the United States.³⁶ In FY 2019, these migrants from outside the region constituted 9 percent of those apprehended at the U.S.-Mexico border.³⁷

3 Creating Temporary Labor Migration Pathways

Over the past decade, a de facto legal pathway has developed for Mexican migrants to work as seasonal laborers in the United States. Undoubtedly, this has been one of the factors that has reduced unauthorized migration pressures from Mexico to the United States, since it provides some of those who want to spend a period of time earning money in the neighboring country a way to do so without the difficulties of a precarious, illegal crossing.³⁸

As noted above, this was less about an explicit policy choice than a series of gradual decisions by private employers, primarily in the agriculture sector, because the largest increase has been among H-2A visa holders. As it became harder to contract agricultural workers within the United States and unauthorized migration from Mexico dropped, agricultural employers increasingly came to rely on seasonal labor programs. It became a virtuous cycle as unauthorized migration continued to fall (initially because of the 2007–09 recession) and legal pathways expanded, thereby reducing pressures for unauthorized migration even further.

FIGURE 6
Number of H-2A and H-2B Visas Issued to Guatemalans, Hondurans, and Salvadorans, FY 2010–19



Source: MPI calculations based on data from the U.S. Department of State, “Nonimmigrant Visa Issuances by Visa Class and by Nationality,” accessed October 5, 2020.

However, the H-2A and H-2B visa programs have remained almost entirely out of reach for Central American nationals. About 8,000 H-2A and H-2B visas were issued to nationals of Guatemala, Honduras, and El Salvador in FY 2019, representing less than 3 percent of the combined total visas for these two programs (see Figure 6). In contrast, Mexicans received 261,000 of these visas in FY 2019, accounting for 92 percent of H-2A visas and 74 percent of H-2B visas.

In other words, while there is a de facto seasonal worker program for Mexican nationals who seek temporary employment in the

³⁶ Jessica Bolter and Caitlyn Yates, *Understanding African Migration through Central America* (Washington, DC: MPI, forthcoming).

³⁷ U.S. Customs and Border Protection (CBP), “U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector,” accessed October 9, 2020.

³⁸ Clemens and Gough, “Can Regular Migration Channels Reduce Irregular Migration?”

United States, there is no such program for Central Americans, including those from the three countries that have been the largest sources of unauthorized immigrants in recent years.

One of the strategies that has the best possibility of reducing pressure on people to migrate without authorization is to create legal pathways for seasonal work, but this is difficult to do under current U.S. legislation. The selection of workers under the H-2A and H-2B programs is employer driven, and employers make decisions largely around the pipelines for talent that they have already developed. There is no clear policy solution to extend these existing programs into Central America.

Yet, there may be ways to incentivize employers to recruit more workers in Central America.³⁹ The Trump administration sought to do this with a one-time increase in the number of H-2B visas in FY 2020, with 10,000 of these reserved for Guatemalan, Honduran, and Salvadoran nationals.⁴⁰ The increase was cancelled due to the pandemic and the associated recession, making it difficult to know if employers would have recruited new workers in Central America, but it is one strategy worth exploring. To test the potential of this approach, it would be vital to increase the number of visas reserved for Central Americans and extend this provision for at least four years, either through legislation or through executive action, so that employers have an incentive to develop talent pipelines in those countries. Exceptional one-year measures are less likely to create an incentive for developing new talent than long-term commitments to additional recruitment in Central America.

The U.S. government has also begun working with the Guatemalan, Salvadoran, and Honduran governments to streamline the process for certifying workers under the H-2A and H-2B programs, a necessary and important step in making it more attractive to recruit in these countries.⁴¹ The Guatemalan government, for example, has created a pipeline of vetted and available workers, with a process for bringing them to the U.S. consulate for processing as H-2A applicants.⁴² Reaching arrangements with airlines to ensure lower cost travel to their places of employment would be another important step toward promoting recruitment and engagement in Central America.

Developing on-the-ground monitoring capabilities to identify and report abuses is another critical element to ensuring transparency in the process.

Transparency in recruiting remains one of the most important challenges to the creation of new pipelines of workers, something that both U.S. employers and labor advocates emphasize. This requires national legislation to prohibit unethical recruitment practices, such as requiring that part of a worker's earnings be paid to the recruiter as a "bonus." Local government monitoring and vetting of the applicant pool, built through clear agreements with the

U.S. government, helps improve the transparency of the process. Developing on-the-ground monitoring capabilities to identify and report abuses is another critical element to ensuring transparency in the process.

39 The following suggestions are based on the authors' conversations with several employer and labor representatives who are knowledgeable about or involved in labor recruiting for the H-2 programs.

40 U.S. Department of Homeland Security (DHS), "DHS to Improve Integrity of Visa Program for Foreign Workers" (press release, March 5, 2020).

41 Author interviews with four government officials in Honduras and Guatemala, August and September 2020.

42 Author interviews with officials in Guatemala's Foreign and Interior Ministries, August and September 2020.

Investing in local nongovernmental organizations (NGOs) that can support monitoring efforts may also ensure compliance with legal requirements and safeguard against abuses. There are already examples in Mexico of monitoring mechanisms that could be built on and formalized in Central America, including those developed by the NGO ProDesc and by the Farm Labor Organizing Committee, an affiliate of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).⁴³

Another key question for creating an effective recruitment process in Central America will be how to identify potential workers who are from the regions within countries from which large numbers of unauthorized migrants emigrate.⁴⁴ This requires developing an infrastructure to advertise the U.S. job opportunities and proactively recruit from those regions, something that national governments are probably best placed to do, perhaps in partnership with civil-society organizations that have on-the-ground knowledge of these regions.

In the long term, the current seasonal visa programs could be improved as part of a reform of the U.S. legal immigration system. Seasonal visas should ideally be *portable*, so that workers can move from one employer to another if needed, since this would reduce the potential for exploitation. The visa levels should be *flexible*, rather than fixed by legislation (as is the case with H-2B visas), so that U.S. policymakers can adjust them to reflect changing economic circumstances. And these visas should include a pathway to permanency—similar to what MPI has proposed as a “provisional” or “bridge” visa⁴⁵—so that some temporary visa holders can eventually apply for permanent residence if they meet certain clear criteria after an extended period of work in the United States. Finally, these visas should be *preferential*, so that a specific number are set aside for applicants in the region, since that is where most migration pressures exist and will continue to come from in the near future.

Since Mexico also has significant labor market needs in specific industry sectors, it would be wise to work with the Mexican government to develop that country’s own seasonal work programs to identify and match market demands for migrant labor with a specialized supply of Central American workers. Doing so would provide further alternatives to unauthorized migration. The period of recovery after the pandemic-induced global recession would be an opportune moment to pilot this work program in Mexico, and it could then be fully implemented once the economic situation there has stabilized.

Mexico, too, has an existing program on which it could build. Focused on historical labor demands along its southern border, the Mexican government has a temporary border worker visa program for nationals of Guatemala and Belize that allows them to work for up to one year in Mexico’s four southernmost states.⁴⁶ However, a more comprehensive seasonal worker program would expand beyond these two migrant origin countries to include recruitment of workers from Honduras and El Salvador, as was proposed by Mexican

43 Author interview with Alejandra Ancheita, Eduardo Villarreal, and Paulina Montes de Oca of ProDesc, October 1, 2020; author interview with Jennifer Gordon, Professor of Law, Fordham University, September 21, 2020. See also Jennifer Gordon, *Roles for Workers and Unions in Regulating Labor Recruitment in Mexico* (Washington, DC: Solidarity Center, 2015).

44 The authors thank Stephanie Leutert, Director of the Mexico Security Initiative at the Robert S. Strauss Center for International Security and Law at the University of Texas, for raising this point.

45 Demetrios G. Papademetriou, Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption, *Aligning Temporary Immigration Visas with U.S. Labor Market Needs: The Case for a New System of Provisional Visas* (Washington, DC: MPI, 2009).

46 Mexico’s National Institute of Migration (INM), “Tarjeta de Trabajador Fronterizo,” updated March 12, 2020.

President Andrés Manuel López Obrador in 2018,⁴⁷ and would also include opportunities for targeted recruiting of foreign workers for specific industries in areas of greater economic dynamism in Mexico.

In fact, Mexico's 2011 migration law already provides the National Institute of Migration (INM) with the authority to establish a legal mechanism for migrant seasonal work and another for permanent work without geographical restrictions, but these mechanisms have yet to be implemented. A visitor visa authorizes migrants who have a job offer in Mexico to work for up to 180 days in seasonal work.⁴⁸ Based on a point system, the second mechanism (for permanent work) allows skilled migrants to become permanent residents and obtain employment authorization without having to meet the traditional requirement that they first complete four years as temporary residents. Though the criteria to be used in this point system are yet to be defined, the law prioritizes work experience, science and technology skills, international awards/honors, and capacity to conduct key tasks that benefit the country.⁴⁹

If Mexico were to expand its seasonal worker programs, certain regions and industries are promising targets. Export-oriented agriculture, centered in the western states of Sinaloa, Jalisco, and Nayarit, is one geographically concentrated area of high labor demand that has not been fully met by Mexican workers.⁵⁰ The industrial corridor of the central north, an area that stretches roughly from Querétaro to Monterrey, presents other opportunities, both within factories and in services that have had unmet labor market needs. In fact, this labor demand is central to the small but steady efforts by Mexico's Refugee Commission (COMAR) and the UN High Commissioner for Refugees (UNHCR) to resettle refugees in some parts of this region in partnership with local industry.⁵¹

The effects of the economic crisis caused by COVID-19 may delay some of the opportunities to build ambitious seasonal labor programs in both the United States and Mexico. It is possible, for example, to create an additional recruitment number outside the cap on H-2B visas, but this will have to be kept to a few thousand positions initially. The same is true of expanding labor pathways in Mexico. But this period allows for experimentation that can be built upon at a later time.

4 Rebuilding Humanitarian Protection Systems

Since 2018, the Trump administration has taken a series of measures to vastly limit access to the U.S. asylum system at the U.S.-Mexico border. These measures have included a transit-country asylum ban, a rule that disallows asylum applications from migrants who have passed through another country and not first sought and been denied asylum there. The administration put in place the Prompt Asylum Case Review (PACR) program for Salvadoran, Guatemalan, and Honduran applicants and the Humanitarian

47 Jorge Monroy, "AMLO promete visa y trabajo para migrantes centroamericanos," *El Economista*, October 17, 2018.

48 This type of visitor visa (*visa de visitante con permiso para realizar actividades remuneradas*) also provides employment authorization to migrants who have a job offer from an academic, artistic, sport, or cultural institution. See Government of Mexico, *Ley de Migración*, Chapter II, Article 52, Section II, reformed on April 13, 2020.

49 The law outlines the framework of the point system but charges the Interior Ministry with the responsibility for designing and implementing it and establishing a quota for beneficiaries. See Government of Mexico, *Ley de Migración*, Chapter II, Article 57.

50 Agustín Escobar, Philip Martin, and Omar Stabridis, *Farm Labor and Mexico's Export Produce Industry* (Washington, DC: Wilson Center, 2019).

51 Author interview with Andrés Ramírez, Director of COMAR, March 24, 2020; author interview with Mark Manley, UN High Commissioner for Refugees (UNHCR) Representative in Mexico, September 11, 2020.

Asylum Review Process (HARP) for Mexican applicants to determine quickly whether they pass the initial screening for asylum eligibility under the evolving rules. Additionally, the administration implemented the Migrant Protection Protocols (MPP, better known as “Remain in Mexico”), which require asylum seekers (and others with claims before a U.S. immigration court) to wait for their hearing in Mexico, and the partial implementation of Asylum Cooperation Agreements (ACAs), which allow the U.S. government to send most asylum seekers to a third country—Guatemala, Honduras, or El Salvador—to have their cases adjudicated by that country. This “interlocking set of policies” has made accessing asylum in the United States almost impossible for migrants arriving at the U.S.-Mexico border.⁵²

Most of these measures have been challenged in U.S. courts, with litigation contesting whether they contravene guarantees in the *Immigration and Nationality Act* (INA) of access to asylum at U.S. borders and the commitments the U.S. government has assumed in international agreements to which it is a signatory. However, these policies are likely to remain in place while these lawsuits move gradually through the court system, with the exception of the transit-country asylum ban, which has been enjoined.⁵³ In addition to these measures, the ongoing implementation of the March 2020 CDC order to expedite expulsions of any foreign national arriving at U.S. borders without permission to enter has added yet a new barrier to asylum.⁵⁴ All of these measures have had the intention of limiting, if not eliminating, access to asylum at the border, or in the case of MPP, of making it more difficult to pursue.⁵⁵

In the future, it will be vital to restore access to asylum at the U.S.-Mexico border. It is both a commitment within U.S. law and an obligation the government has assumed to help those persecuted abroad, which in turn is a major element of U.S. leadership in the international humanitarian system developed after World War II to ensure a more secure world order for all nations. But the asylum system needs to be streamlined so that decisions are both fair and timely.⁵⁶ Perhaps the easiest and most trustworthy way to do this is to allow asylum officers to make the final decision on these requests for protection (rather than just the initial credible-fear interview, after which they are transferred to the overburdened immigration court system). Simultaneously, policies should be put in place to offer legal counsel to asylum seekers and implement a case management system for those awaiting final decisions or appeals on their cases, as discussed in a recent policy brief by MPI Senior Fellow Doris Meissner.⁵⁷

The asylum system needs to be streamlined so that decisions are both fair and timely.

52 Chishti and Bolter, “Interlocking Set of Trump Administration Policies.”

53 On each of these measures, see Pierce and Bolter, *Dismantling and Reconstructing the U.S. Immigration System*.

54 U.S. Health and Human Services Department, “Control of Communicable Diseases; Foreign Quarantine: Suspension of Introduction of Persons into United States from Designated Foreign Countries or Places for Public Health Purposes,” *Federal Register* 85, no. 57 (March 24, 2020): 16559.

55 For an analysis of the Migrant Protection Protocols, see Stephanie Leutert et al., *Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico* (Austin, TX: University of Texas, Strauss Center for International Security and Law, 2020). For a DHS analysis, see DHS, “Assessment of the Migrant Protection Protocols (MPP)” (assessment, DHS, Washington, DC, October 28, 2019).

56 Doris Meissner, Faye Hipsman, and T. Alexander Aleinikoff, *The U.S. Asylum System in Crisis: Charting a Way Forward* (Washington, DC: MPI, 2018).

57 Doris Meissner, *Rethinking the U.S.-Mexico Border Immigration Enforcement System: A Policy Road Map* (Washington, DC: MPI, 2020).

However, developing the appropriate rules and assigning the necessary resources to implement a streamlined system is a process that will take several months at best. And even once that happens, asylum at the U.S.-Mexico border should be a last resort for helping people who are fleeing persecution and targeted violence, not the principal approach. Most of those who need protection should be able to find it closer to home, rather than after an arduous and dangerous journey through the region.

There are a set of options that would allow the U.S. government to work with regional partners to provide these alternatives and offer protection closer to where people live. Many of these could even be implemented in the short term while efforts are made to reform and restart the U.S. asylum system, but all should also be considered long-term rather than stopgap measures.

A. *Expanding In-Country Protection Systems*

Mexico has a small but extremely important in-country protection system for those who are in imminent danger, but who can relocate within the country. This Mechanism for the Protection of Human Rights Defenders and Journalists is managed by the Interior Ministry,⁵⁸ and its creation and strengthening has been a focus for media professionals and human rights advocates, with support from ProVoces, an NGO supported by the U.S. Agency for International Development (USAID). Several state governments also have their own local mechanisms for protection. These range from efforts to prosecute perpetrators to the provision of bodyguards or special housing in safe places to protect victims. Investments in strengthening these programs could ensure that the Mexican government can develop more robust protection capacity within the country, building on significant developments on this front in recent years.⁵⁹

In addition, the Mexican Congress has been debating a bill on internally displaced people (IDPs) that would recognize those who were forced to leave their homes because of violence. Under the terms of the bill, which was proposed by the executive branch, COMAR (the agency that currently oversees the asylum process) would also have responsibilities for IDPs, building a bridge between internal and international protection systems in Mexico.⁶⁰ If approved, the U.S. and Mexican governments could discuss avenues for supporting this new effort in a way that reduces pressures for IDPs in Mexico to migrate abroad.

The Salvadoran Assembly has been debating a bill to establish a system similar to Mexico's existing national mechanism, but in the meantime Cristosal, a local NGO, has created a civil-society-led protection model. With support from the Inter-American Foundation (and previously from USAID), Cristosal has led efforts in both El Salvador and Honduras to relocate people internally who are in imminent danger, working closely with other local NGO partners. Cristosal's efforts have involved both investing in communities with large numbers of IDPs and finding and relocating those in danger.⁶¹ This kind of effort deserves support as an

58 Government of Mexico, "[Mecanismo de Protección de Personas Defensoras de Derechos Humanos y Periodistas—Qué es el Mecanismo?](#)" updated October 18, 2018.

59 Author interview with the director and staff of ProVoces, September 23, 2020.

60 Based on author interviews with government officials and academics close to this process. See also Fernando Damián, "[Diputados aprueban Ley sobre Desplazamiento Forzado; es turnada al Senado](#)," Milenio, September 29, 2020.

61 Author interview with Noah Bullock, Executive Director of Cristosal, September 18, 2020. See also Cristosal, "[What We Do](#)," accessed November 17, 2020.

example of how civil-society responses can address persecution within countries so that people do not need to flee abroad.

B. Supporting Mexico's Asylum System and Resettlement Initiatives

Mexico received more than 70,000 applications for asylum in 2019,⁶² with relatively high protection approval rates for applications from nationals of El Salvador (86 percent) and Honduras (83 percent) and notable but slightly lower rates for those from Guatemalans (62 percent) adjudicated that year.⁶³ The Mexican government is in the process of doubling or perhaps tripling the budget and staffing of COMAR, which manages these applications, but the agency still faces significant bottlenecks and logistical needs as the caseload has increased more than tenfold since 2015.⁶⁴ The U.S. government has already increased support for COMAR indirectly by providing additional funding to the UNHCR, but it could provide even more support to help the agency process cases in an expedited and efficient way.

Moreover, in coordination with COMAR, INM, and the Ministry of Labor, UNHCR operates an ambitious program that in 2019 resettled more than 5,500 asylum recipients from southern Mexico to other localities within the country where there were greater labor needs. In these destination communities, UNHCR has partnerships with local business groups to provide employment options, and most of those resettled appear to stay. In 2020, the hope was to resettle more than 20,000 asylees, but COVID-19 restrictions have curtailed progress.⁶⁵ Nevertheless, this remains a major opportunity for cooperation with Mexico, via UNHCR, to help ensure that those who receive asylum can begin a new life successfully.

C. Strengthening Refugee Resettlement to the United States

Although the United States has up until recently been the world leader in refugee resettlement,⁶⁶ it has traditionally resettled very few refugees from Central America. Only about 3,000 refugees from Guatemala, El Salvador, and Honduras were resettled to the United States from FY 2017 through FY 2020, representing 3 percent of the 118,000 refugees resettled during the period.⁶⁷ There are at least three ways the U.S. government could assume greater co-responsibility for protection in the region by increasing the number of refugees it resettles.

The first is to work directly with the national asylum agencies of countries in the region and with UNHCR to channel some asylum seekers present in Mexico, Costa Rica, and Panama into the U.S. refugee resettlement program. For this to work effectively, it should be done in limited numbers and only with specific cases to avoid a magnet effect that encourages further unauthorized migration.

62 This report uses the term “asylum” to refer to the process of applying for humanitarian protection after reaching a country’s territory, but under Mexican law this is referred to as refugee protection, with asylum reserved only for those who have high-profile cases of political persecution (a process decided by the Foreign Ministry rather than COMAR).

63 Ariel G. Ruiz Soto, *One Year after the U.S.-Mexico Agreement: Reshaping Mexico’s Migration Policies* (Washington, DC: MPI, 2020).

64 Ruiz Soto, *One Year after the U.S.-Mexico Agreement*.

65 Author interview with Andres Ramirez, Director of COMAR, March 24, 2020; author interview with Mark Manley, UNHCR Representative in Mexico, September 11, 2020.

66 Jynnah Radford and Phillip Connor, “Canada Now Leads the World in Refugee Resettlement, Surpassing the U.S.,” Pew Research Center, June 19, 2019.

67 U.S. Department of State, Bureau of Population, Refugees, and Migration, Office of Admissions, “Admissions & Arrivals—Refugee Admissions Report,” updated October 31, 2020.

Developing clear criteria on who would qualify for consideration for refugee resettlement would be imperative, focusing on asylum seekers who are in imminent danger if they stay where they are and on those with particular vulnerabilities that mean they might not be safe there. Vulnerable populations might include, for example, those fleeing international crime groups with a presence in the country where they are applying for protection; those who have been preyed on by criminal groups since applying for asylum; and transgender applicants. They might also include unaccompanied minors with parents already living in the United States, although this would have to be done carefully to avoid creating incentives for people to use the protection system as a channel for family reunification.

A more ambitious effort would require a coordinated and high-level commitment to using the refugee program more actively to develop protection opportunities within the region.

Most of the cases would undoubtedly come from Mexico, which has the largest asylum caseload of countries in the region. Still, it would be helpful to include Costa Rica and Panama, which have also received some Salvadoran and Honduran asylum seekers, so as to avoid creating a magnet for further unauthorized migration to Mexico. Setting

up a consortium of countries, including Canada, for example, would help avoid any implicit guarantee of resettlement to the United States, which could otherwise be perceived as an incentive to move. Some of this already happens in practice, but the number of cases has been quite limited to date. A more ambitious effort would require a coordinated and high-level commitment to using the refugee program more actively to develop protection opportunities within the region, in cooperation with other governments and UNHCR.

The second approach, which also already exists but could be significantly enhanced, is to use the Protection Transfer Agreement administered by UNHCR with support from the International Organization for Migration (IOM). Under this program, those who are identified by regional governments, civil-society groups, and UN agencies as being in imminent danger within their countries are relocated to Costa Rica, where they are evaluated and vetted for resettlement in the United States, Canada, Brazil, or Uruguay. Several hundred cases are currently opened each year, and usually one to two hundred cases are processed; this channel could be further enhanced with additional funding and commitments from the United States and its partners.⁶⁸

The third approach is to relaunch the Central American Minors (CAM) Refugee and Parole Program,⁶⁹ which was implemented under the Obama administration and focused on resettling minors who faced danger in their home countries and already had parents living in the United States. The program allowed for both refugee resettlement for those who faced direct fear of persecution, as defined by refugee law, and, more often, for the parole into the United States of those who faced legitimate danger but might not otherwise meet the higher standard for refugee protection. Though its implementation was initially slow, the program created an alternate path to safety for children and youth in need of protection who might otherwise migrate through dangerous, unauthorized channels. Given this existing experience, the U.S. government could relaunch and streamline this program to provide a route to safety for a particularly vulnerable group.

68 UNHCR, *Opportunities for Durable Solutions: Protection Transfer Arrangement* (Geneva: UNHCR, 2020).

69 Faye Hipsman and Doris Meissner, *In-Country Processing in Central America: A Piece of the Puzzle* (Washington, DC: MPI, 2015).

None of these approaches is sufficient to provide protection closer to home, but implemented together they could help tens of thousands of people and lessen their need to travel to the U.S.-Mexico border to seek asylum. And in many cases, these efforts could be started even before the U.S. asylum system is revamped at the U.S.-Mexico border.

5 Ensuring Transparent and Rule-Based Border Enforcement

Enforcement of existing immigration laws will remain an important feature of regional migration management in the future, regardless of other measures that can be implemented to reduce the pressures driving unauthorized migration and ensure protection can be found closer to home. However, enforcement operations in the United States and other countries in the region should be brought into accordance with the highest standards of rule of law, professionalism, and transparency.

Enforcement operations in the United States and other countries in the region should be brought into accordance with the highest standards of rule of law, professionalism, and transparency.

There are significant alternatives to detention that could be implemented with immigrants who have been apprehended or are awaiting the conclusion of their U.S. court proceedings. Along with revamping the U.S. asylum system, this would help facilitate timely and fair decision-making while placing those involved in a less punitive and less expensive environment. Over time, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) detention centers could also be significantly transformed into multiagency reception centers to better reflect the mixed nature of migration at the border, as MPI has proposed elsewhere.⁷⁰ At these centers, staff would screen and refer apprehended migrants to the appropriate agency, and migrants would have access to a range of services, including legal counsel, family services, and medical assistance.

Looking at the region more broadly, the U.S. government could work closely with the Mexican government to enhance its capacity for border enforcement by strengthening and reimagining its institutional structure. This might include redesigning INM to better handle its dual responsibilities for border and migration management and for visa processing and immigrant integration. Professionalizing operations and stepping up efforts to prevent corruption within the agency are particularly important, as is upgrading and improving existing detention centers.⁷¹ In a particularly welcome development, the Mexican government implemented reforms of its migrations law in November 2020 to end the detention of migrant children.⁷² Finding alternatives for families and children is an early opportunity for collaboration between the U.S. and Mexican governments, in partnership with IOM and UNHCR.

⁷⁰ Meissner, *Rethinking the U.S.-Mexico Border Immigration Enforcement System*.

⁷¹ Selee, Giorguli-Saucedo, Ruiz Soto, and Masferrer, *Investing in the Neighborhood*.

⁷² Andrés Manuel López Obrador, "Decreto por el que se reforman diversos artículos de la Ley de Migración y de la Ley sobre Refugiados, Protección Complementaria y Asilo Político, en materia de Infancia Migrante," (presidential decree, September 19, 2019); Emily Green, "Migrant Children Will No Longer Be Held in Detention in Mexico," *Vice*, November 13, 2020.

In the short term, specific investments through UNHCR and IOM would help add surge capacity when there are especially large influxes in migration and could help INM triage the cases of arriving migrants to more quickly identify those with protection needs who should be referred to COMAR. Ideally, however, in the longer term, INM will develop the capacity to provide this information to all migrants who are detained so that they know they have access to asylum if needed.

In Guatemala, the government has recently created a semi-autonomous Guatemalan Migration Institute, similar to Mexico's INM. The Honduran government, which already has its own migration institute, is developing a broader government strategy on migration. These efforts also provide opportunities for early engagement on professionalizing migration management in Central America.⁷³

One of the pending challenges in the region is addressing large-scale smuggling networks and their ties to the legal economy.⁷⁴ While it makes little sense to go after front-line smugglers, who are often just cogs in a much larger machine, there are opportunities to map large networks and their financial and logistical structures in order to disrupt these systematically. This presents a major opportunity for cooperation across governments in the region, including those of Guatemala, Honduras, El Salvador, Mexico, and the United States.

In order to address the unauthorized migration of persons from outside the region, which is a smaller but well-established phenomenon at this point, it will be important for the United States to continue working with the governments of Ecuador and Brazil to discourage unintended use of their visa policies by migrants who would attempt a dangerous, months-long journey through the region to reach the United States. Similar efforts to date have helped limit these movements somewhat, but they need constant fine-tuning. Furthermore, there is a similar opportunity to continue working closely with the governments of Costa Rica and Panama on screening migrants who pass through those countries as part of their "controlled flow" process to detect potential threats.

6 Investing in Economic and Institutional Development

In many ways, Mexico has progressed significantly over the past 20 years, and even Central American countries have seen some gradual economic advances. But in one crucial area, rule of law, all these countries appear to be regressing dramatically. This is most noticeable in Honduras, where both political conflict and criminal activity undermine governance. And in all of these countries, civic organizations and journalists seeking to hold their governments accountable are under attack, rhetorically and often literally. This has the effect of eliminating counterweights to the abuse of authority, and it undermines gains that had been made in democratic governance and institutional capacity in the region.

73 Based on author interviews with governments officials and representatives of NGOs and international organizations in Central America. This will be the subject of a forthcoming MPI report.

74 For a detailed exploration of how smuggling patterns have changed, seen from the perspective of migrants, see María Rita Díaz Ferraro, María de los Ángeles Calderón San Martín, Juan Bermúdez Lobera, and Luis Arturo Cortés Rosas, *Caracterización de los flujos financieros asociados al tráfico ilícito de personas migrantes provenientes del Triángulo Norte de Centroamérica* (Mexico City: Centro de Estudios Migratorios, Unidad de Política Migratoria, Secretaría de Gobernación, 2020).

The elimination of international investigative bodies in Guatemala and Honduras, one supported by the United Nations and the other by the Organization of American States, dealt a major setback to efforts to strengthen the investigative and prosecutorial powers of attorneys general in those countries.⁷⁵ It may be possible to revive some version of these bodies, though with more circumscribed powers and a more explicit role in buttressing national prosecutors. The U.S. government might also wish to evaluate the potential of making significant investments in the protection of a free press and those civic organizations best placed to help hold government leaders accountable and to build greater institutional capacity.⁷⁶

The advances of organized crime groups—both those tied to international drug trafficking (transnational crime organizations) and those engaged in local criminal activities (gangs and other criminal syndicates)—also need priority attention. This requires continued investments in capacity-building for public security and judicial institutions, as well as close collaboration in intelligence-sharing and operations to disrupt criminal networks, including their financial and logistical structures. The nature of this relationship will have to be different from country to country, but it deserves careful consideration in all.⁷⁷

These and other conditions play a critical role in how residents of the region decide whether to remain where they are, move within a country, or attempt a longer and perhaps unauthorized journey abroad. One detailed study of migrants who left Guatemala, Honduras, and El Salvador in 2018–19 found that violence and economic stresses were the major drivers of migration, and that 60 municipalities from across the three countries contributed more than half of the region’s emigration. Family ties also play a role, but the study found them to be less important than economic and security challenges in people’s decision-making.⁷⁸

There is thus an urgent need to invest in economic development as well as in institution building. This includes helping small farmers adjust to persistent drought conditions, improve their productivity, and reach new markets with their products. It also entails supporting and sustaining microenterprises and small and medium-sized businesses in urban areas. Creating a sustainable environment for businesses—small and large—remains a major challenge in the face of conflicting regulation, extortion by criminal groups, and limited access to credit for all but the largest businesses.⁷⁹

One particular opportunity that has yet to be leveraged effectively is supporting remittances as an investment strategy. Governments, partnering with financial institutions and international development actors, could create incentives for migrants to invest a portion of their remittances in family businesses, in return for access to credit that expands the investment and brings these businesses into the formal market. There are several ways to structure this to help migrants turn remittances into productive investments that benefit communities and the country as a whole and not only their immediate family members. In countries

75 Charles T. Call, “International Anti-Impunity Missions in Guatemala and Honduras: What Lessons for El Salvador?” (working paper no. 21, American University, Center for Latino and Latin American Studies, Washington, DC, June 2019).

76 Eric L. Olson, *US Foreign Aid to the Northern Triangle 2014–2019: Promoting Success by Learning from the Past* (Washington, DC: Woodrow Wilson Center, Latin American Program, forthcoming).

77 Eric L. Olson, ed., *Crime and Violence in Central America’s Northern Triangle: How U.S. Policy Responses Are Helping, Hurting, and Can Be Improved* (Washington, DC: Wilson Center, 2015); Viridiana Ríos and Duncan Wood, eds., *The Missing Reform: Strengthening the Rule of Law in Mexico* (Washington, DC: Woodrow Wilson Center, 2018).

78 Creative Associates International, *Saliendo Adelante: Why Migrants Risk It All* (Washington, DC: Creative Associates International, 2020).

79 María Eugenia Brizuela de Ávila, Laura Chinchilla Miranda, María Fernanda Bozmoski, and Domingo Sadurní, *Central American Economic Reactivation in a COVID-19 World: Finding Sustainable Opportunities in Uncertain Times* (Washington, DC: Atlantic Council, 2020).

such as El Salvador and Honduras, in which remittances comprise more than one-fifth of GDP, this is a particularly urgent challenge.⁸⁰

The deep economic integration between the two countries also means that there are a range of other economic and human capital opportunities that deserve to be explored and pursued over time.

With Mexico, there may be an opportunity for the United States to support Mexican government efforts to expand economic development in the southern parts of the country, which is a priority for the López Obrador administration. However, the deep economic integration between the two

countries also means that there are a range of other economic and human capital opportunities that deserve to be explored and pursued over time. After all, Mexico and the United States are now each other's largest trading partner.⁸¹

One unexpected impact of the COVID-19 pandemic, as well as recent trade conflicts between the U.S. and Chinese governments, has been a new appreciation for keeping supply chains closer to home. This may facilitate even greater integration of manufacturing supply chains between the United States and Mexico, a key component supported by the U.S.-Mexico-Canada Agreement (USMCA) that entered into force in July 2020. Efforts to make the borders shared between these countries more agile for transit and commerce, using pre-inspection, trusted shipper programs, and the analysis of big data to secure commercial flows, would also go a long way toward improving economic integration and reducing transaction costs for joint manufacturing operations in Mexico and the United States.⁸²

Improving skills and credential recognition processes between Mexico and the United States is another opportunity, as professionals from both countries move between the two. A clear process that allows these skilled immigrants to work in their chosen professions more effectively in the other country is an opportunity recommended by the original Regional Migration Study Group, and it remains equally or even more important today.⁸³

This is but one example of a larger and vital point about integration between the two countries, and the region more broadly: that there are many opportunities to take better advantage of the human capital that migrants offer. Credential recognition is one way to do this and to reduce brain waste between the United States and Mexico.⁸⁴ But Central American countries and Mexico also have a clear opportunity when it comes to reintegrating returning migrants, since they often come back with skills and financial capital that could benefit the society as a whole. Previous research has indicated that administrative barriers upon return—such as difficulties accessing or getting identification credentials validated—limit returning migrants' access to essential services that they are both entitled to and that are necessary to engage in and

80 Manuel Orozco, *About the Economic Impact of the COVID-19 Crisis on the Region* (Washington, DC: Creative Associates International, 2020).

81 U.S. Census Bureau, "Foreign Trade—Top Trading Partners - August 2020," accessed October 14, 2020.

82 Christopher Wilson, "Tools of the 21st Century Border," in *The Anatomy of a Relationship: A Collection of Essays on the Evolution of U.S.-Mexico Cooperation on Border Management*, ed. Christopher Wilson (Washington, DC: Wilson Center, 2016).

83 Papademetriou, Meissner, and Sohnen, *Thinking Regionally to Compete Globally*.

84 See Ariel G. Ruiz Soto and Andrew Selee, *A Profile of Highly Skilled Mexican Immigrants in Texas and the United States* (Washington, DC: MPI, 2019). On "brain waste" more broadly, see Jeanne Batalova, Michael Fix, and James D. Bachmeier, *Untapped Talent: The Costs of Brain Waste among Highly Skilled Immigrants in the United States* (Washington, DC: MPI, 2016).

contribute to the formal labor market. For migrants who are returned involuntarily from the United States, implementing predeparture planning protocols with the support of consular networks while in U.S. custody would reduce misinformation and confusion upon arrival as well as facilitate access to services.⁸⁵

7 Towards a New Regional Migration System

Transitioning from a regional migration system whose top goal is to prevent unauthorized migration from Central America and Mexico by focusing primarily on enforcement to a system that ensures opportunities for orderly and measured legal movement and timely access to protection for those in need will not be an easy process. This will require the United States to keep migration at the top of the agenda with its regional partners, but with a different set of priorities and a different mix of policy tools. It will require working simultaneously on all four issue areas discussed in this report: forging legal pathways, rebuilding protection systems, modernizing enforcement efforts, and investing in addressing the root causes of migration. It will also require early conversations with partners in the region—especially Mexico, Guatemala, El Salvador, and Honduras, but also Canada, Costa Rica, and others—on how to move gradually towards a different approach to shared migration challenges and opportunities.

This transition cannot happen overnight. Reforming and restoring the U.S. asylum system at the Southwest border will take time, as will scaling up protection mechanisms closer to home for those who need them. Similarly, there is no simple or automatic way to create a pipeline for seasonal workers from Central America, nor to professionalize enforcement efforts at both the Mexico-Guatemala and U.S.-Mexico borders. And, of course, investments in the rule of law and development will take even longer to have any real, permanent effect, although there could be short-term impacts on public perception if these are seen as serious efforts.

However, it is worth assuming that when the Biden administration takes office in January 2021, it will face a situation in which mobility across the region remains severely limited due to pandemic-related restrictions on borders and transportation. The CDC order that mandates the rapid expulsion of unauthorized immigrants at the border will likely remain in place for several months at least, depending on how the pandemic continues to unfold. This will allow for a gradual implementation of new migration-management measures, including those for rebuilding the asylum system, implementing other protection mechanisms, gradually expanding temporary worker programs, and reimagining enforcement.

The next U.S. administration should seek to avoid sending policy signals that encourage large-scale unauthorized migration. That means not making sudden policy shifts at the border early on, but rather building out the key elements to manage regional migration while gradually reviewing existing policies and phasing out those that undermine access to asylum and orderly migration management. This will require careful sequencing and building quietly some components of a new institutional architecture in the region, such as protection mechanisms and pipelines for seasonal work, before announcing them publicly. Moreover, the smoothest and most efficient approach to fully restoring the U.S. asylum system at the border may be to do so once the necessary rule changes have been made and resources are in place to run a timely

⁸⁵ Ariel G. Ruiz Soto, Rodrigo Dominguez-Villegas, Luis Argueta, and Randy Capps, *Sustainable Reintegration: Strategies to Support Migrants Returning to Mexico and Central America* (Washington, DC: MPI, 2019).

and fair system, preferably with legal counsel available to those who need it and alternatives to detention in place.

It should be possible to rapidly process all remaining MPP cases. As of the end of September 2020, there were roughly 24,500 program participants whose cases were pending,⁸⁶ though some of them may have returned to their home countries or crossed into the United States unnoticed. The new administration should also evaluate whether to simply shelve or actually cancel MPP and abrogate the asylum cooperation agreements in this period, in return for an agreement from governments in the region on other forms of cooperation. However, the CDC order may well have to be the last part of the old institutional architecture to be replaced, allowing time for other strategies to take root. Otherwise, a sudden change in direction could trigger a significant spike in unauthorized migration throughout the region before the U.S. government and its partners have the capacity to handle it or to even approach it any differently than in the past. This would hamper efforts to strengthen the region's immigration systems, while also causing harm to those who migrate. There may be ways, nonetheless, of adjusting the CDC order along the way to make it more possible to seek asylum even while the overall order remains in place.

During this transition period, a new administration would hopefully be working on legislative efforts to provide long-term security to Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) recipients, and others currently in unauthorized status. It should also be looking to determine the right scope of interior enforcement that prioritizes noncitizens who have committed serious crimes, rather than immigrants who are productive members of U.S. society. These issues matter enormously for partners in Mexico and Central America, since U.S. policies in these areas will have the greatest effects on immigrants from the region—both while they are living in the United States and in some cases shaping whether and under what conditions they return to their origin countries. Maintaining orderly and manageable processes at the U.S.-Mexico border should also be a key element of a broader strategy that allows these other immigration measures to advance. As a result, it should provide an additional incentive for collaboration among the U.S., Mexican, and Central American governments.

Even with smart sequencing of the transition from an old U.S. system based on coercion and zero-tolerance for unauthorized migration to a new one that privileges cooperation and intelligent migration management, there is no guarantee that unexpected surges of unauthorized migration will not happen. The U.S. government should be prepared to adjust and adapt to them. But they will become much less likely if there is a system in place to address legitimate protection needs and economic pressures, and there is a sustainable and professional approach to enforcement and regional cooperation.

The pressures that motivate unauthorized migration from Central America and Mexico will likely decline over time if long-term investments in the rule of law, public security, and development are sustained and begin to take hold. However, in the short and medium term, unauthorized movements will continue to be a feature of the migration landscape in the region closest to the United States. To move the needle towards safer, more orderly, and legal migration, the United States will need to enhance collaboration across the region and, together with its partners, design and implement a multifaceted regional approach to this enduring regional phenomenon.

86 Transactional Records Access Clearinghouse (TRAC), "[Details on MPP \(Remain in Mexico\) Deportation Proceedings](#)," accessed November 5, 2020.

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