

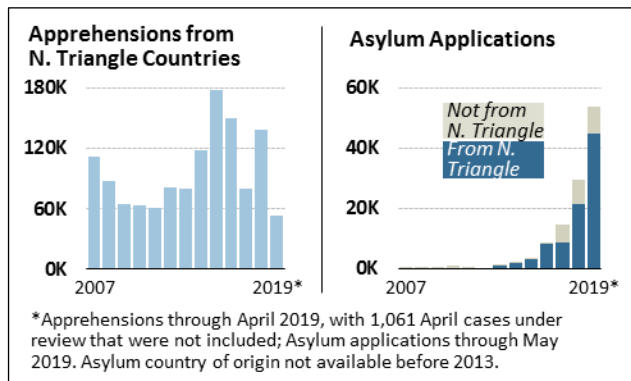


Mexico's Immigration Control Efforts

Background

Mexico, along with the United States, is experiencing a surge in unauthorized migration from the “Northern Triangle” of Central America (El Salvador, Guatemala, and Honduras). U.S. and Mexican officials are struggling to deal with high numbers of family units and unaccompanied minors, many of whom are seeking asylum. As the Trump Administration has tightened migrant access to the asylum system, Mexico has absorbed increasing numbers of Central Americans and others in need of humanitarian protection (see **Figure 1**). To avoid U.S. tariffs, the Mexican government agreed on June 7, 2019, to remove (deport) more migrants and allow more asylum seekers to await their U.S. asylum proceedings in Mexico. (See CRS Insight IN11130, *President Trump's Possible Tariffs on Mexican Goods: Potential Economic Effects*.)

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



Source: CRS. Information from Mexico's Secretary of the Interior.

Immigration Control

In 2014, then-President Enrique Peña Nieto implemented a Southern Border Plan that established naval bases on Mexico's rivers, security cordons north of the country's borders with Guatemala and Belize, and a drone surveillance program. Unarmed agents from the National Migration Institute (INM), the only Mexican agency with authority to detain migrants, increased operations along train routes and at bus stations. INM improved the infrastructure at border crossings and created mobile highway checkpoints. With U.S. support, INM sought to professionalize its workforce and improve coordination with Mexican federal police, navy, army, and customs agencies.

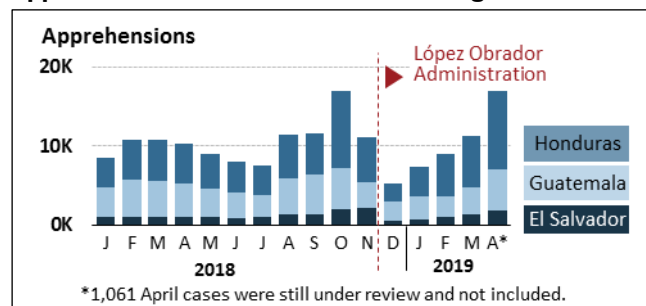
The State Department's *Country Report on Human Rights Practices* and *Trafficking in Persons* report document how migrants in Mexico are vulnerable to human rights abuses and human trafficking. Human rights groups argued that Peña Nieto's Southern Border Plan pushed migrants to take

more dangerous routes that increased their reliance on smugglers. These groups expressed concern that Mexico did not adequately address corruption among police and migration officials or increase its prosecutions for crimes against migrants. By 2018, increasing numbers of migrants began to travel in groups (caravans) as a way to share resources and gain protection.

In December 2018, President Andrés Manuel López Obrador took office, promising to offer humanitarian assistance to Central American migrants in Mexico and protect their rights. López Obrador announced a plan to invest \$25 billion in southern Mexico that would create jobs for migrants. He has also pledged \$30 million to support a U.N. regional development plan for Central America; Mexico and others have long maintained that the best way to stop illegal immigration from Central America is to address the insecurity and lack of opportunities there.

At the same time, López Obrador endorsed a principle of government austerity and did not increase funding for INM or for Mexico's backlogged Commission for the Aid of Refugees (COMAR). Under pressure from the United States to reduce unauthorized migration and with its detention facilities at well over capacity, the Mexican government suspended provision of one-year humanitarian visas in southern Mexico as of February 2019. Mexico's apprehensions of migrants from Northern Triangle countries also have increased (see **Figure 2**). Similarly, although many Mexicans provided support to migrant caravans in 2018, a majority of Mexicans polled in 2019 oppose Central American migration.

Figure 2. Mexico: Recent Trends in Reported Apprehensions of Central American Migrants



Source: CRS. Data from Mexico's Secretary of the Interior.

Humanitarian Protection

The U.N. High Commissioner for Refugees (UNHCR) and other international organizations report that half of all children and a sizable proportion of women fleeing the Northern Triangle may need international assistance and protection, even if they do not qualify as refugees under the 1951 Refugee Convention. Mexico has a broader definition of *refugee* than the United States and the 1951 Refugee

Convention; it recognizes a right to asylum based on “generalized violence; foreign aggression; internal conflicts; massive violations of human rights; and other circumstances leading to a serious disturbance of public order.” As a result, some of the migrants arriving in Mexico could qualify as refugees. In the past, activists claimed that INM agents did not inform migrants of the right to request asylum. Recently, asylum requests have surged. The numbers have grown from 15,650 in 2013-2016 to 14,619 in 2017 and 29,647 in 2018. According to COMAR, Mexico may receive 60,000 asylum requests in 2019.

Despite UNHCR support, COMAR reportedly does not have sufficient budget or staff to process pending asylum claims. COMAR granted refugee status to 1,014 individuals from Northern Triangle countries in 2018. It granted “complementary protection” (relief from deportation but not permanent residency) to 1,155 individuals who failed to qualify for asylum. On average, in 2018, COMAR granted asylum or complementary protection to 50.1% of applicants from Northern Triangle countries.

U.S. Foreign Assistance

Since FY2014, the State Department has allocated over \$100 million in Mérida Initiative funding to support Mexico's immigration control efforts. U.S. funds have provided nonintrusive inspection equipment, mobile kiosks, canine teams, and vehicles, as well as training in immigration enforcement. U.S. support helped build a secure communications network for Mexican agencies in the southern border area and are helping Mexico collect biometric information that interfaces with U.S. databases. The State Department also provided \$7 million in FY2018 and \$32 million thus far in FY2019 through the Migration and Refugee Assistance (MRA) account to UNHCR to improve access to asylum in Mexico, provide legal assistance and alternatives to detention for asylum seekers, and increase COMAR's asylum processing capacity.

U.S. Migrant Protection Protocols

In December 2018, President López Obrador decided to allow Central American asylum seekers to be returned to Mexico under the U.S. Migrant Protection Protocols (MPP) announced in December 2018 by the U.S. Department of Homeland Security (DHS). DHS implemented the new policy (“Remain in Mexico”) under Section 235(b)(2)(C) of the Immigration and Nationality Act, which allows the United States to return some non-Mexican migrants who are in immigration court proceedings (excluding unaccompanied minors) to Mexico to await their immigration court decisions. The policy is facing legal challenges, but court orders currently in effect allow DHS to continue implementing it. INM asserts that 15,000 migrants had been returned to Mexico as of June 24, 2019. (See CRS Legal Sidebar LSB10251, “*Migrant Protection Protocols*”: *Legal Issues Related to DHS's Plan to Require Arriving Asylum Seekers to Wait in Mexico.*)

López Obrador's decision to allow Central American migrants to be returned to Mexico has put pressure on local governments and aid organizations assisting migrants. With U.S. border officials limiting the number of migrants accepted daily for asylum screening at U.S. ports of entry,

Mexican border cities, some of which have high rates of violent crime, are now sheltering thousands of migrants with little support from either federal government.

Bilateral Immigration Agreement?

In recent months, President Trump has vowed to close the U.S.-Mexico border if Mexico does not stop U.S.-bound unauthorized migration. In late May 2019, the President threatened to impose escalating tariffs on Mexican motor vehicle exports if the Mexican government did not significantly increase its efforts to stop U.S.-bound migrants. On June 7, 2019, the governments reached an agreement to avert the tariffs for at least the next 90 days.

According to the U.S.-Mexico Joint Declaration, Mexico agreed to deploy its newly created National Guard to the southern border, dismantle human smuggling networks, and accept the expansion of the MPP across the entire border. Mexico also agreed to provide jobs and social services to asylum seekers returned from the United States. Both countries reiterated their commitment to a December 18, 2018, joint announcement in support of economic development in Mexico and the Northern Triangle. The June statement also states that both governments will continue discussing other measures to reduce migration. On June 10, 2019, Mexican Foreign Minister Marcelo Ebrard said those discussions have involved establishing a cooperative agreement that could require certain migrants who transit Mexico to apply for asylum in Mexico rather than in the United States.

While many business groups praised the agreement for averting U.S. tariffs, human rights groups criticized it for lack of clarity on how it will be funded and implemented effectively and fairly. Critics fear that using a militarized force such as Mexico's National Guard for migration management may lead to additional human rights abuses. Humanitarian experts have warned about the agreement's impact on Mexico's overcrowded detention facilities in the south and on shelters in the north.

Congressional Action

The 116th Congress continues to fund and oversee U.S. migration-related assistance to Mexico provided through the Mérida Initiative and the MRA account. The amount of such funding the State Department may provide to Mexico for FY2019 is unclear, since P.L. 116-6 did not specify how much Mérida Initiative or MRA funds to allocate for migration management in Mexico. The House-passed FY2020 minibus, H.R. 2740 (Division D covers foreign operations appropriations and references H.Rept. 116-78 to H.R. 2839) would provide \$126.8 million for the Mérida Initiative overall (not just migration) and an unspecified amount of MRA funding to support COMAR. The House-passed version of the FY2020 border supplemental measure (H.R. 3401) would require the DHS Secretary to establish policies related to the MPP; the Senate-passed border supplemental bill does not mention MPP (S. 1900). Legislation also has been introduced to prohibit funding for the MPP (H.R. 2662).

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