3 Migration from Mexico and Central America to the United States: Human Insecurities and Paths for Change

Gustavo Verduzco and María Isabel de Lozano

3.1 Introduction[1]

Globalization has created new service activities, novel technologies and consumption preferences. In the most economically advanced countries labour demands have shifted patterns and opened up new opportunities for less privileged inhabitants in regions of the South. The necessary legal, social and political instruments to protect migrant workers' rights nonetheless do not (yet) exist. This has led to an increase in human insecurity, especially among those who have dared to take the chance and emigrate from one country to another outside institutional frameworks. The main dilemma that potential migrants confront is between scarcity or low quality of jobs at home and better opportunities in a foreign country but with unknown or unforeseen danger, insecurities and exploitation. How and why have these contradictions come about? How has a protection system for people become a menace and even a dangerous element for many of them? What processes or changes have been taking place in some countries to offset these trends?

This chapter takes a more hermeneutical note and asks: how is it that geographical mobility leads some groups of migrants to illegality while other groups remain protected by law? Could one say that a system for protecting people has become a selective one? Why is it that a protection system seems undemocratic? Answering some aspects these questions would require looking into the several specific changes which have taken place in Mexico, Central America and the United States towards the end of the last century. Still, a Gramscian perspective would also suggest that a protection system is not necessarily planned for or suited to subaltern groups. To provide a reading of the situation that combines both perspectives, the specific circumstance that both Mexicans and Central American migrants experience when travelling to the US will be sketched, and some related policy dimensions more fully discussed. The focus here is on how policy affects the situations of 'in-transit' migrants, or the hundreds of thousands of Mexicans and Central Americans travelling every year towards the border between the US and Mexico with the intent of crossing it.

To gain insight on the important aspects of their experiences as 'in-transit' migrants a survey was made of migrant minors and adult women in two Mexican cities on the country's northern border (Nogales and Ciudad Juárez) at the end of 2006. A series of in-depth interviews were also conducted with a variety of those involved: migrants of various age groups; public officials in charge of border control in Mexico; priests, and representatives of human rights groups. The interviews took place in the two border cities cited and in Mexico City. The idea was to reveal new dimensions of the phenomenon of 'transmigration' characterized by mixed flows, using two lenses: 1) the intensification of South-North emigrations, and 2) restrictive migration policies in the US and Mexico. The main objective is to bring to light the dimensions and degree of human insecurity experienced by migrants who cross through Mexico and arrive at the northern border. This is contrasted with government and civic responses to their difficulties.[2]

---

1 Part of this chapter was rewritten while on a sabbatical at the Instituto Tecnológico de Estudios Superiores in EGAP, Monterrey, México. The authors are grateful for the collaboration of Nadia Nehls and they appreciate the translation by Susan Beth Kapilian. The chapter was written prior to introduction of the new immigration law in Arizona at the end of April 2010, which would make the failure to carry immigration documents a crime and give the police broad power to detain anyone suspected of being in the country illegally.

T.-D. Truong and D. Gasper (eds.), *Transnational Migration and Human Security*, Hexagon Series on Human and Environmental Security and Peace 6, DOI 10.1007/978-3-642-12757-1_3, © Springer-Verlag Berlin Heidelberg 2011

3.2 US Immigration Policy and Migratory Flows from Mexico

Hundreds of thousands of Mexicans now travel each year to the US in search of better job opportunities. This has turned Mexico into one of the countries with the highest emigration rates. More than 11 million people born in Mexico currently reside in the US and of these roughly six million live there illegally (Passel/D'Vera 2009). Alongside Mexican emigrants there are many people from Central and South America (especially the former) who cross this country to reach the border with the US. Thus, every year, besides the Mexicans who try to enter the US hundreds of thousands of non-Mexican nationals also enter Mexico and travel the entire length of the country in their journey to the US. A majority of these migrants lack the documentation required to enter either Mexico or the US. The position of Mexico as country of origin and transit, and the large number of Mexican and in-transit migrants, affect the social, economic and political conditions of the places from which people move, as well as those places where they 'manage' their 'in-transit' existence.

During the past 15 years the US government has allocated a considerable amount of public funds both for surveillance along its border with Mexico and for constructing barriers along the most highly trafficked areas of this border.[3] In addition, US cities have enacted legislation to curtail provision of social services to undocumented migrants, in spite of the reality that many of them have been working for more than the last two decades in the US without adequate channels for becoming legalized. While measures for fighting what is termed as unauthorized migration failed to reduce the flow significantly, the US demand for workers rose. Especially from 1990 through to 2000 there was an intensification of migration flows from Mexico, reaching an average net entry into the US of 500,000 to 600,000 people per year, most of them undocumented (Passel 2003; Passel/D'Vera 2009).

Although these legislative measures have effectively slowed down the mechanisms of Mexican circular migration,[4] they also led to an increase of the duration of stay among undocumented migrants in the US. In other words, undocumented migrants have become essentially trapped in the US for long periods. One of the consequences has been an increase of the emigration rate of the family members of undocumented migrants, who had remained in their place of origin thus far. First, the women migrated then later one could observe the presence of minors who travelled to reunite with their parents.[5]

Increased border control mechanisms in the fight against unauthorized migration along the US southern border meant a growth in the number of Border Patrol agents. The US Border Patrol had 4,026 agents in 1992; by 2005 there were 11,106, nearly 90 per cent of them patrolling the US southern border.[6] After the attack on the US on 11 September 2001 the Government introduced new policy measures. In 2002 Congress approved the Homeland Security Act to restructure the *Immigration and Naturalization Service* (INS). With this restructuring the Border Patrol became part of the US *Customs and Border Protection* (CBP)[7] under the Department of Homeland Security. In late 2006 Congress approved the Secure Fence Act, authorizing the construction of another 700 miles (1,125 kilometres) of fence along the border with Mexico. In July 2007 the Congress also approved the Homeland Security Appropriations Act for the recruiting and training of 23,000 agents for the US Border Patrol, the installation of fences along another 400-plus miles (more than 700 km) and 105 radar equipment and photographic towers along a roughly

2 This work was done partly with the support of the project "Human (In)Security in the Networks of Global Cities," directed by Prof. Kinhide Mushakoji and coordinated by the Centre for Human Security Studies of the University of Chubu, Japan, with the support of the Japanese Ministry of Culture. This project has been coordinated by Prof. Yoichi Mine and Prof. Tatsuo Harada with the support of Kenji Kimura.

3 Wayne Cornelius (2006) reveals that the United States government spent more than 20 billion dollars during the 1993–2006 periods to reinforce control and surveillance of its border with Mexico.

4 See at: <http://deepblue.lib.umich.edu/bitstream/2027.42/50920/1/145.pdf>, (21 April 2010). The term is defined as follows: "Circular migration takes a social unit to a destination set of arrangements, which returns it to the origin after a well-defined interval" (Tilly 1976: 7). Mexican 'circular migration' to the US fits this definition (particularly undocumented seasonal work, a phenomenon that had existed until the early 1990's when control measures were introduced).

5 See at: López/Villaseñor (2001); at: <http://www.comminit.com/es/node/170290> (2 April 2010).

6 See at: <http://trac.syr.edu/immigration/reports/143> (26 May 2010).

7 CBP [United States Customs and Border Protection], 2008: "Securing America's Borders"; at: <www.cbp.gov/xp/cgov/about/mission> (2 April 2010).

190 mile stretch (some 300 km) of the border (DHS 2008).

It is hard to ascertain the number of people who cross the border without documentation; only indirect sources of information exist. The most important sources are: 1) the Border Patrol records on the detention of migrants; 2) records of the Mexican *Instituto Nacional de Migración* (INM) [National Immigration Institute] on repatriation of undocumented Mexicans detained in the US; 3) Mexico's "Survey on Migration along the Northern Border" (*Encuesta sobre Migración de la Frontera Norte*, or EMIF). Although none of these records report the total number of crossings of undocumented persons they give an idea of the amount of movement across the border, as well as trends through the years.

The Department of Homeland Security reported that, during the period from 1986 to 2006, the US authorities had detained an average of 1.3 million migrants having no valid documentation per year (DHS 2006: 91). Mexican migrants represent a very large proportion of those detained by the US Border Patrol. In 2006 was reported that 1,057,253 undocumented Mexicans were detained,[8] which is a little more than 80 per cent of the total number of detainees that year. El Salvadoran migrants are the next numerous among the migrants detained in the US: 46,329 in 2006. 33,365 Hondurans and 25,135 Guatemalans were also detained (DHS 2006: 92).

The information from Mexico's Survey on Migration along the Northern Border (COLEF 2006) tells something about the mobility strategies that migrants use in the face of the stricter control measures at the border. In 1993 the crossing points preferred by undocumented migrants were located in the area of the coastal city Tijuana, at the extreme north-west point of Mexico; approximately half of all undocumented migrants reportedly crossed there. After Tijuana were the crossing points close to the cities of Nogales (on the border with Arizona), Ciudad Juárez (across the border-river from El Paso, Texas), and then Matamoros (the city closest to the Gulf of Mexico on the Rio Grande estuary).

US policies have also stimulated a shift in the routes of illegal traffic across its border with Mexico, from traditional urban zones to less populated and more rural and barren areas, an assumption being that this would discourage undocumented migration (Núñez-Neto 2005: 10). Anguiano and Trejo's analysis (2007) noted that migrants' strategies varied according to their particular migration experiences. In 1993 the less experienced migrants from new emigration regions preferred to cross the border at Matamoros. By 2003 they had also started to cross the Sonora Desert into Arizona. Migrants from populations with a migratory tradition rejected the Sonoran route and preferred the urban alternatives (Ciudad Juárez, Tijuana and Matamoros). In other words the more experienced migrants continued using traditional sites while newcomers to the venture chose the more difficult and less trodden paths because their perceptions of risk differed (Anguiano/Trejo 2007: 8–9). The knowledge and experience of individual migrants (regarding not only the difficulties in crossing the border but also the means of contact with people who can facilitate such crossings) are dissimilar. Crossing at traditional points requires less help from *polleros* – people who aid migrants for a fee. During fieldwork conducted at the border zones close to Nogales and Ciudad Juárez it was observed that in these new regions, where a greater number cross over, migrants are continually finding and using new crossing points. Once US authorities become aware of a new crossing point surveillance of that place is reinforced, obliging migrants to look again for an alternative. Statistics collected by the Beta Groups confirm an increase in the number of crossings far from Ciudad Juárez – such as Anapra (nearly 20 miles distant) and Palomas (84 miles distant).[9]

Although the social and economic conditions prevailing in Central America and Mexico help explain the increase in their movement, the recent border control policies also appears to have played a significant role. A rise in women and minors in migration flows in the first two years this decade has been reported (COLEF 2002). Stricter border control measures mean that migrants encounter greater difficulties in returning to their country of origin, therefore wives and children seek to reunite with their husbands/fathers. Data on Mexican women repatriated from 2004 to 2007 show an annual average of 82,000 – accounting for between 15 per cent and 16 per cent of all repatriation (INM 2007: 5).

Interviews conducted along Mexico's northern border reveal that the increase of migrant minors

8 This figure does not necessarily coincide with the number of repatriated Mexicans reported by the Mexican National Immigration Institute.

9 The Beta Groups were founded by the INM in 1990 to provide protection for migrants' safety (physical wellbeing and property) when they travel along the Mexican borders.

through Mexico's northern border zone became apparent in the mid-1980's and numbers rose further during the 1990's. It is impossible to obtain reliable figures for those years because the INM did not begin to distinguish repatriated migrants by age until 2003. Available data in the period 2003 to 2007 show an average of 38,000 minors were repatriated every year, being between seven and nine per cent of all cases of repatriation (INM 2009). It is important to note here that migration is generally not an individual affair. The method of 'headcount' and control of individual entry fails to account for the fact that migrants and their movements are often linked to their communal and social responsibilities. Seeing the individuals within the particular communal and familial structures can provide better understanding and improve policy for migrants and their families.

3.3 Mexico's Policies and 'In-Transit' Migrants

Like other countries with in-transit migrants which pursue a mixture of control practices, either due to their proximity to the destination country or to their function as a place from which these migrants hope to reach their intended destination, Mexico's geopolitical situation plays an important additional role. Located next to the US, a hegemonic country in this region, Mexico is one of the members of the *North American Free Trade Agreement* (NAFTA) since 1994 (including Canada and the U.S). Mexico has generally implemented measures for controlling the entrance of foreigners directly in line with requirements of the US government.

Prior to NAFTA Mexico already initiated migration policy measures on its southern border in the 1980's. As the situation was then, neither the Mexican government nor the inhabitants of Mexico's southern region were concerned with clarifying territorial limits or taking border control measures. The Southern border was a 'forgotten frontier' (as it was called for many years). People travelled and crossed freely without much requirement regarding identification. The armed conflicts that arose between some Central American countries in the late 1970's had repercussions in Mexico and began to change the situation. During the early years of these hostilities between 380,000 and 500,000 persons from El Salvador, Honduras and Guatemala became displaced from their communities.[10] The Mexican Government, through the Mexican *Commission for Aid to Refugees* (COMAR) in coordination with the *United Nations High Commissioner for Refugees* (UNHCR), granted refuge and material aid to foreigners who requested it – being mainly those from Guatemala. Those conflicts and the migrations they caused had other effects in the region.

Two additional factors particularly affected the situation on Mexico's southern border. On more than one occasion the Guatemalan army conducted raids into Mexican territory with the excuse that they were chasing Guatemalan guerrillas, and in the framework of the Cold War the US was concerned that such guerrilla movement would spread into Mexico. The Mexican Government therefore set in motion operations on its southern border imposing military and public security forces there to control movements across the border. Those events imprinted something of a military character on the way the Mexican government originally conceived its actions in respect of migrants, something that may also explain the current abuse of the undocumented population (Casillas 2006: 58). Militarization of Mexico's southern region intensified further because of the Zapatista uprising in the Chiapas state in 1994. In addition, measures undertaken to control drug trafficking have also influenced migration policy. In the 1980's the US requested Mexico's cooperation to combat drug trafficking. This intensified in the 1990's and then became a strategic problem of national security. In 1999 the Mexican government established the 'Sealing the Borders' programme by means of which a military-police blockade was established to detect, pursue and confiscate drug shipments from South America (Casillas 2006: 58). During the Mexican President Vicente Fox's Administration (2000–2006) funds were increased for border control measures aimed at stopping unauthorized migration from Central America, drug trafficking, and other types of smuggling. The Mexican government signed bilateral agreements with Guatemala, Belize, El Salvador and Honduras to this effect.

Following the anti-terrorist paranoia of the G.W. Bush Administration in 2002, bilateral agreements between the US, Canada and Mexico concerning 'Smart Borders' were signed. The agreement with Mexico included commitments for cooperation among defence, security, intelligence, migration, and judicial institutions. In June of that year Mexico and Guatemala

10 See at: Tirado (2005) <http://www.inm.gob.mx/estudios/foros/documentos%20basicos/4%20frontera%20sur%20y%20seguridad%20nacional.pdf> (23 April 2010).

signed the Agreement for the Creation of the High-Level Group for Border Security (GASEF).[11] In 2003 a project was begun in Mexico called "Strengthening of the Regional Delegations of the Southern Border" which would increase the number of migration stations[12] from 25 to 52 through the country. In addition, the governments of Mexico, Canada, and the US signed the Security and Prosperity Partnership of North America (SPPNA) on 23 March 2005.[13] This proposed developing and implementing compatible migration security measures including requirements for admission and duration of stay, policy standards for persons with visas and surveillance standards. All three governments pledged to develop mechanisms for exchanging information on programmes for monitoring travellers lacking a visa and to conduct joint assessments of border crossings. SPPNA proposals include strengthening cooperation protocols and creating new mechanisms to secure common borders while facilitating legitimate travel and trade in the North American region. One proposed mechanism is 'preclearance' – which has long been in place at airports but is now extended to the land border. Under this inspection scheme US officials would be stationed in a NAFTA member state to intercept illegitimate cargos (including possibly human cargo) before they reach the US border.[14]

The Mexican General Population Law (*Ley General de la Población*) regulates migration affairs but does not deal with current situations in a satisfactory way; there are contradictions and gaps. The Law makes no mention of the rights of migrants. It does, however, contain rules in the realm of criminal law – specifying human trafficking and use of false documents as crimes, sanctioning inquisitive conduct on the part of authorities, and laying down penalties for unauthorized entry and residence.[15] The Law stipulates that the Mexican *National Migration Institute* (INM) is charged with the control of migration and empowers the *Federal Preventive Police* (PFP) to support the Institute in surveillance activities. In 2005 the National Institute of Migration became integrated into the *Sistema de Seguridad Nacional de Mexico* or the National Security System of Mexico (Diario Oficial de la Federación, 2005). The focus on security by policing measures buttresses a policy of repression and containment of migration through Mexico, especially via its southern border. This limits Mexico's policy to the apprehension, detention and deportation of those without valid documents, reinforcing the representation of migrants as a threat to national security.

Under these regulations the Mexican government treats Central Americans entering the country (legally and with documentation) far worse than how any of the Central American governments treat Mexicans entering their countries. Migrants from Central America and some South American countries face requirements similar to those set by the US government to enter its territory: visas have become more expensive, processing times longer and bureaucracy more hindering. These actions are in line with the commitment Mexico took through the SPPNA with the US and Canada to create programmes for monitoring travellers lacking a visa (Kimball 2007: 13, 16).

According to Kimball, one result of the Mexican policies towards movements of migrants from the south was to intensify control mechanisms in-land which has led to a paradoxical situation: while the border with Guatemala and Belize continues to be relatively free from controls, checkpoints have appeared along Mexico's major highways. An agent of the INM interviewed by Kimball summed it up as follows, "Crossing the border is no problem; the problem is trying to cross through Mexico" (Kimball 2007: 64). In August 2005 there was a daily average of 32 INM officials patrolling the entire southern border and another 226 INM officials assigned to inland highways in the southern region (Kimball 2007: 83). The mission of the International Federation of Human Rights (IFHR) told of "the porosity of the borderline and the ease with which undocumented workers cross the

11 In Mexico the *Centre for Research and National Security* (CISEN) serves as Technical Secretary for this agreement.

12 A migration station is responsible for recording arrival and departure at the various ports of entry to Mexico. The different categories used in classifying the data correspond largely to those identified explicitly in Mexican legislation (Ley General de Populacion, 1974); some categories lack definitions.

13 See at: SPPNA (2005); at: <http://www.spp.gov/report_to_leaders/index.asp?dName=report_to_leaders> (29 April 2010).

14 See at: <http://www.fas.org/sgp/crs/row/RS22701.pdf>, (5 April, 2010).

15 Sanctions stipulated in Articles 117, 118, 119, 120, 122, 123, 124, 125, 126, and 127 of the General Law on Population. See at: <http://www2.ohchr.org/english/bodies/cmw/docs/fmigraciones_en.pdf> (21 April 2010). Foreigners who violate the terms of their visa may be sentenced to up to six years in prison (Articles 119, 120 and 121). Foreigners who misrepresent the terms of their visa while in Mexico (such as working with out a permit) can also be imprisoned.

border between Guatemala and Mexico" and added, "The numerous interceptions of migrants are, in fact, made inland in Mexican territory and not at the border" (IFHR 2008: 19). The persistence of corruption and human rights violations against migrants in transit through Mexico seems actually to serve as a means of dissuasion similar to the walls the US constructed along its own southern border. "While it is true that our country has not built barriers to stop Central American migration, another invisible, painful wall has been erected in our country: that of the abuses and violations committed against the fundamental rights of migrants whose status is irregular" (IFHR 2008: 15).

Criticism directed at the gap between the Mexican government's efforts to promote and protect the human rights of its citizens living abroad, and the absence of corresponding domestic actions to protect the human rights of migrant workers in its territory has led to some change.[16] The INM had formulated, and presented, a Proposal for a Comprehensive Migration Policy regarding Mexico's Southern Border in 2005. It included a strategy for the protection of migrants' human rights and was a significant step forward (INM 2005c). Other items included the suggestions to disseminate knowledge on migrants' human rights, to supervise procedures involved in non-criminal apprehensions, to promote a culture for reporting abuses, and to widen cooperation networks among government entities, civic organizations and international agencies in order to protect migrants. The INM also proposed to extend the documentation to Guatemalan temporary workers who come annually to the southern part of the country. This policy of documenting and registering temporary workers from Guatemala is new; it is not applicable to all temporary migrant workers in the region. Visas would also be granted to visitors coming from neighbouring countries to the south.

Acknowledging that a migrant status should not affect the inalienability of the human rights of a person is important for promoting further change. Progress in this direction included an initiative in April 2007 by Mexico's Chamber of Deputies seeking to modify certain articles of the General Population Law towards the decriminalization of undocumented migration, in particular Articles 119 and 120.[17] A year later the Mexican Senate ratified that reform. The expectation is that this will ameliorate the situation for in-transit migrants.

3.4 Confluence at the Borders: Risks and Migrants' Vulnerability

Mexico's southern border is one of the most dynamic on the continent. "[I]t acts as a port of communication with Central and South America, as an artery that joins the rest of the continent to its northern section. In the past five years there has been spectacular growth of irregular migration flows across this border, particularly of Central Americans" (Artola 2005: 2). It is known that every year thousands of Central American migrants attempt to enter the US through Mexico without any documentation – only to be detained by the US Border Patrol; and that in some places the number of foreign migrants staying in the shelters for migrants is greater than the recorded number detained by Mexican authorities.

The INM estimates that in 2004 more than 1.8 million persons entered the country by the southern border; approximately 17 percent of them did not carry proper documentation. The number of persons entering the country without proper documentation had nearly tripled between 2001 and 2004 (INM 2007). Data on foreigners detained and deported to their countries of origin because they lack the valid documents can be obtained from the INM and the Survey on Migration along the Guatemala-Mexico Border (COLEF 2004). The INM figures refer to the number of non-criminal apprehensions and actual deportations, not to the number of times an individual person is apprehended and/or deported; some migrants may be deported several times over the course of a single year. The official figures therefore must be treated critically. During the 1990s the authorities conducted an annual average of 115,000 deportations of foreigners without valid documentation. From 2000 to 2007 the average annual number of such deportations rose to 189,084.[18] Whether the increase in detentions is the result of a strengthening of opera-

16 Partido de la Revolución Democrática (PRD), 2006: "Parliamentary Group of the Chamber of Deputies", in: *Press Conference No. 0445*, Mexico (September 3).

17 Partido de la Revolución Democrática (PRD), 2006: "Parliamentary Group of the Chamber of Deputies", in: *Press Conference No. 0445*, Mexico (September 3).

18 See at: <http://www.migrationinformation.org/feature/display.cfm?ID=389> (10 April 2010). This number is an indirect measurement, recording those who failed to cross on their way to the United States. Since Mexico records apprehension and deportation events, it is possible that the same person was deported multiple times.

tional capabilities – with more material and human resources assigned to the control and expulsion of foreigners – or the result of a rise in number of (attempted) border crossings cannot be discerned from these figures (Casillas 2007). There is no actual figure of the average frequency a given migrant is deported but Casillas' research (2007) indicates that most migrants make several attempts. Other indicators show that despite the intensification of policing operations thousands of migrants manage to elude controls.

Arámbula and Santos (2007) compare data from the INM's state delegation in Veracruz during the year 2004 with records from the "Father Ricardo Zapata's Migrants' Home" in Río Blanco. The delegation detained 14,000 migrants; the Migrants' Home reported having attended to more than 31,000 migrants that same year. Most foreigners detained in Mexico for having entered the country without the proper documentation (90 per cent) come from Central American countries. Of those, Guatemalans still represent the majority (between 44 per cent and 51 per cent) but in the early 2000's the influx of Hondurans increased, while of El Salvadorans decreased. The number of migrants from other countries (mainly Cuba and Ecuador) also rose.

The foreign workers entering Mexico via the country's southern border for temporary jobs are mostly Guatemalans who travel to work in the coffee plantations in the region of Soconusco, in southern Chiapas. Mexico initially attempted to control this movement by granting collective permits to employers to use Guatemalan workers. In the 1970's the number of foreign workers began to surpass that of the native Mexican population in that region. Increasing occurrence of labour conflicts led to the introduction of the Agricultural Visitor's Migration Form in 1997, as a first step in a procedure to document all Guatemalan workers employed in the plantations of Chiapas. Some 40,000 temporary permits are now granted each year to foreign workers. This figure underestimates the actual number of people arriving and leaving. When workers' family members are included estimates of increase are put at something like 100,000 per year.[19] This number of migrant workers also covers foreigners currently working in Quintana Roo, a tourist area on the Caribbean Sea (INM 2005b: 3; ICHR 2003).

The dynamic nature of the populace of Mexico's southern border region has stimulated the growth of cities such as Tapachula, Ciudad Hidalgo and Tuxtla Gutiérrez in Chiapas. It has also increased demand for foreign workers (Guatemalans, Hondurans and El Salvadorans) in the sectors of construction and services – particularly for women in domestic service and the hotel industry (INM 2005b). Temporary labour migration in Mexico is not necessarily circular as is the case in Quintana Roo; foreigners find opportunities for more permanent work in the service sector and the informal economy, and also it is generally the case that Central American migrants working in southern Mexico are doing so with the intention of saving enough money to continue migrating north to the US rather than returning home (INM 2005b: 12).

In areas near the US-Mexican border there now is a confluence of Mexican and non-Mexican migrants trying to enter the US. Aside from persons of diverse nationalities travelling through Mexico to its northern border to enter the US there are also the Mexican migrants doing the same from different places within Mexico. Undocumented migrants are more vulnerable to all kinds of risk and abuse than are Mexican nationals and foreigners with a legal status. There are situations and persons that threaten completion of their migration projects.[20] One convincing conclusion derived from the extensive research in Mexico is that border control strategies have had a bearing on the increase in risks for migrants. Father Ademar Barilli reports on how Central American migrants face a series of threats (extortion, assault, theft, rape, murder) by gangs and individuals and quite often by those in uniform (police, soldiers, immigration officers and security guards), plus accidents which cause loss of life or physical damage. In his words: "To arrive at the southern border of Mexico is to arrive at the beginning of the nightmare of the American dream."[21]

3.4.1 Risky Routes and Death

The intensification of surveillance has made the trip to the north more expensive, traffic of undocumented migrants has increased, and migrants are therefore looking for alternative paths to reach their goal; some

19 Castillo (2001); at: <http://alhim.revues.org/index603.html> (2 April 2010).

20 Ruiz, Olivia, 2003: *La migración centroamericana en la frontera sur: Un perfil del riesgo en la migración indocumentada internacional* (USA: Center for US-Mexican Studies, 10 June); at: <http://repositories. cdlib. org/usmex/ruiz> (10 April 2010).

21 See "Migration Through Mexico: The Perils Facing Central Americans", in: *Mesoamerica*, 25,6 (June 2006); at: <http://www.mesoamericaonline.net/MES0_ARCHIVES/Features/FEAJUN06.pdf> (1 April 2010).

of these involve major risks. Along Mexico's southern border migration points and routes have also shifted towards places more dangerous for migrants. New routes have opened up through mountainous and relatively unpopulated wooded areas. Transit by sea – previously ruled out because of the dangers posed – is now increasingly common as migrants try to avoid checkpoints. Migrants make the sea crossing in unsafe boats overloaded with passengers. At the northern border the greatest flow of migrants is now recorded as passing through the Altar Desert in Sonora.

The growing number of migrants who die while attempting to cross Mexico's borders is the most serious result of stringent border control. Any effort to document the cases of accidents and deaths of migrants faces a systematic lack of information; but the impression gained is that more attention has been paid to documenting deaths of migrants at the country's northern border – particularly on the US side – than at Mexico's southern border.

The non-governmental organization California Rural Legal Assistance Foundation (CRLAF) has been registering the deaths of migrants in the US border zone since 1995.[22] Apparently every border control implemented by the US government is correlated with an increase in the number of migrant deaths. The data provided by the Foundation tallies with other research which estimates that between 1993 and 2006 approximately 4,000 people died attempting to cross into the US (Anguiano/Trejo 2007: 4). The principal causes of migrant deaths in the region are hypothermia/sunstroke and drowning. On the Mexican side of the border from 1999 to 2003, reportedly 159 migrants died (Pérez 2005: 157). Between 2004 and 2007 143 migrants died while in that region of the country.[23]

In recent years it is Mexico's southern border that has become the most difficult and dangerous crossing area for undocumented migrants. Records of deaths of migrants in this region and in their transit through Mexican territory are deficient, according to INM. It is known that 67 migrants died during 2004, 72 during 2005, 54 in 2006, and 34 in 2007.[24] Other sources provide information which contrasts with that put out by the INM. The Rapporteurship of the ICHR mentions learning from human rights organizations that 120 Central Americans perished in the vicinity of Mexico's southern border during the year 2000 (ICHR 2003). The IFHR report notes that the Honduran Government informed it that 168 migrants from their country died in Mexico's southern border region during 2006, and that in the first quarter of 2007 ninety-one Hondurans had met their death (IFHR 2008: 22).

Accidents among migrants in the border zones of Guatemala, Mexico and the US are practically a daily occurrence, according to reports. In the three-year period from 2005 to 2007 in Mexico alone, members of the Beta Groups rescued 20,105 migrants (mostly Mexicans and Central Americans) – the majority in the areas of Mexico's northern border. During the same period the Beta Groups attended to 2,807 wounded or injured migrants. On the southern border the cause of most serious accidents involving migrants (primarily Central Americans) was the so-called 'train of death'. The Beta Groups reported that 96 migrants were physically damaged in 2005, 74 in 2006, and 39 in 2007; three of those cases occurred in the Coahuila northern Mexico – the rest took place in the country's south-eastern region, very possibly associated with train accidents (INM 2009). In April 2000, two hundred Central American migrants were rescued after being trapped in a railcar near Palenque in Chiapas. Five of them died.[25]

3.4.2 Abuse by State Agents and Third Parties

Lack of legal protection for unregistered migrants leaves this population vulnerable to abuses and human rights violations by the authorities and third parties. Yet, due to their status, undocumented migrants rarely seek support services. Despite the near total lack of formal complaints lodged by the affected migrants, human rights violations against migrants in Mexico have been widely documented and denounced by Special Rapporteurs of the United Nations, the Organization of American States, the Mexican National Human Rights Commission, and civil society organizations.

Numerous research studies, news articles and documentaries have been published on the subject. These show that rather than protecting migrants, policies focusing on security and border control have favoured a climate in which the source of insecurity of one group becomes a gainful opportunity for another. In-transit

22 California Rural Legal Assistance Foundation, at: <www.stopgatekeeper.org> (10 April 2010).

23 Data provided by the Director of Information of the National Immigration Institute in a telephone interview in March 2008.

24 Data provided verbally over the telephone by the Director of Information of the National Immigration Institute.

25 *La Jornada*, 13 April 2001.

migrants are unfamiliar with the social and cultural aspects of the areas through which they travel; they are ignorant of local legislation and cannot identify the authorities or distinguish their jurisdictions; but they do make every effort to remain inconspicuous and to be seen as natives. "From the time migrants leave their places of origin, there are people who seek them out to take advantage of them in one way or another" (testimony of the Coordinator of the Southern Tapachula Beta Group, cited by Ruiz 2003: 13).[26] As foreseen in a document of the IOM (International Organization for Migration) presented in 1997:

> Although regulatory measures clearly constitute a key component of national migration strategies, those measures per se cannot achieve lasting, humanitarian solutions to the problems of irregular migration and trafficking. In fact, in an unexpected way, they may contribute to the growth of such practices (IOM 1997: 3).

In Mexico it is difficult to determine whether authorities or private parties abuse migrants most frequently; studies come up with numerous incidents of both. The migrants themselves tell of municipal, state and federal authorities as well as traffickers and gangs of common criminals. The kinds of abuses they suffer are robbery, extortion, criminal deception, arbitrary detention, physical and sexual assault (Castilla 2006, 2007). The migrants do not file formal complaints against these abuses; very few cases are presented to the Mexican National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, or CNDH) – the agency to which private parties may reports abuses by authorities. In 2005 the Commission passed on 391 complaints to the INM and in 2006, 278. Records kept by civic organizations attending to migrants and involved in human rights protection are an essential source of information.

In 2004 the Centre for Migrants' Human Rights in Ciudad Juárez on the northern border attended to more than 350 injured persons, 56 per cent of whom reported having been a victim of crime and violation of their human rights. From a sample of 1,000 Central Americans interviewed by the civic association *Frontera con Justicia* (Justice at the Border) in Saltillo in northern Mexico, between April 2005 and March 2006, came report of 1,558 incidents of aggression: beatings, assaults, threats, gunshots fired into the air, and pursuit were the most frequent. Guatamala's Federal Attorney General's Office for Human Rights reported that 25 per cent of the Guatemalan migrants deported back to their country stated they had been victims of abuse. Roughly one in four of those abuses had occurred in Guatemala; three out of four in Mexico. Close on half the cases occurring in Mexico were allegedly perpetrated by agents of the National Immigration Institute – the Mexican governmental agency in charge of migration control.

One of the main reasons for the increase in abuse by authorities is the plain fact that the amount of migrant movement has reached a level beyond the capacity of authorities to handle the situation according to established minimal standards to be observed for migrants' physical well being and the protection of their property. Despite the increased number of migration stations across the country, some states in Mexico have no facilities for holding migrants, or the capacity they have is insufficient. Mexico's human rights organizations are constantly denouncing the practice of taking detained foreigners (including minors) to municipal jails – in most cases facing charges of petty crimes.[27] The detention may continue for many months without explanation or legal justification. In some cases military officials also become involved along with the police (Díaz/Kuhner 2007).

In February 2008 the press reported a riot at the migration station in Tenosique, Tabasco (southern Mexico); 159 foreigners apprehended by the INM were living in a space for only 80 persons.[28] The same source tells that in some stations conditions are unhygienic, there is a lack of drinking water or food and local officials abuse the migrants verbally and physically. In 2006, as a result of 73 complaints filed by the Mexican National Human Rights Commission against the Mexican National Immigration Institute, 187 civil servants were reprimanded for violating the human rights of Central American migrants through physical maltreatment, lack of provision of food and the generally poor conditions in which they were held.

When representatives of the IFHR visited the southern Mexican states they left with the impression that detention is rarely pursued to the point of extraditing the migrants to their countries of origin, but is rather just the means for subjecting them to extortion. Nearly all the Central American migrants without valid travel documents interviewed in Mexico had been subject to extortion at least once by municipal,

26 See Ruiz (2003); at: <http://repositories.cdlib.org/ usmex/ruiz>; (14 June 2009).

27 Entre Redes (ER), 2000: *Informative bulletin of civil organizations in Central America and Mexico on aspects related to migration*, No. 2.

28 López, René Alberto, 2008: "Deportan a migrantes amotinados en Tabasco", in: *La Jornada*, 24 February.

state or federal officials, as well as by criminals. Threats, beatings, sexual harassment or rape of women and, in some cases, extrajudicial executions, have been reported. Both police and private security forces commonly use violence to a disproportionate degree (IFHR 2008).

Violations by private parties are common for those hiring the services of a *pollero*. The migrants who hire *polleros* do so either because of their unfamiliarity with the situation involved in crossing a border, or because they want to reduce the degree of insecurity along the route and ensure success in arriving at their destination. To save money, some migrants do not use the services of a *pollero*; they cross the border on their own, or in small groups accompanied by experienced migrants. As new obstacles to migration arise migrants must implement different strategies and forge new paths. This generates increased demand for people traffickers, greater specialization of their networks, and higher costs for their services. In 1994 *polleros* charged between US $500 and 1,500 dollars for crossing the northern border from one city to another.[29] The fee to be smuggled across the border into California had risen to between US $2,000 and US $2,500 in 2004.[30] Today to cross over from some place in Sonora to Phoenix, Arizona *polleros* charge US $3,000.[31] Along Mexico's southern border *polleros* offer to take migrants to US territory for between US $7,000 and $14,000 dollars per person (Casillas 2006; Anguiano/Trejo 2007).

Some *polleros* still work independently, practising what they call 'ant trafficking' because it is less expensive, but individuals are increasingly hiring out to larger trafficking networks (Casillas 2006). These networks are more likely to succeed because of their collaborative structure based on the direct and indirect participation of public agents and private parties. In the research that Casillas conducted in Tapachula on Mexico's southern border, *polleros* are the only visible agent in a broad, diverse, multi-sectoral participation structure with different types of complicity from private parties linked to the goods and services sector (sales clerks, prostitutes, waitresses, domestic workers, nightclub staff, vendors, hotel employees, transportation workers, and lawyers) to public agents (municipal police, military, local judicial and migration agents), to name a few (Casillas 2006: 26). The clandestine nature of migrant trafficking allows *polleros* the room for manoeuvre to abuse migrants: they fail to provide agreed upon services; they abandon migrants in transit; they cheat, trick, rob and abuse them sexually. In both border regions trafficking networks sometimes use underage persons as *polleros* because the authorities are less likely to arrest and charge them.

3.4.3 Women and Minors

The research done by Díaz and Kuhner (2007) among foreign women detained at the migration-station in Mexico City illustrates the delicate situation of women migrants in transit through Mexico's southern border region. They interviewed 90 foreign women in Mexico City who had been detained by immigration authorities and who showed some of the characteristics of migrants traversing Mexico on their way to the US. More than eighty were from a Latin American country: mostly Guatemala, Honduras and El Salvador. A majority were young, aged 18 to 24; fourteen of them were minors. Two out of five of them had extant husbands, the other three were either single, divorced or widows. Most had children, only twelve of whom had them with them; the rest had left them in their places of origins. Most of the women were employed before they migrated; but wanted to find a better-paying job. "Although the migrants interviewed were reluctant to speak about physical or sexual violence experienced during the journey, 26 per cent (of a total of 90 women interviewed) acknowledged having suffered such violence" (Díaz/Kuhner 2007). In the majority of cases the person who perpetrated the violence was an official, although the women also identified traffickers, railroad guards and other civilians. Sexual violence often occurred as 'payment' for transport or in exchange for not being detained by the authorities. Some women, aware of the high probability of rape, had gone so far as to receive contraceptive injections prior to making the trip.

No fewer that 2 out of 5 women interviewed by Díaz and Kuhner (2007) said they had been the victims of extortion in Mexico; they could be the object

29 See Gustavo LoÏpez Castro, 1998: "Factors that Influence Migration: Coyotes and Alien Smuggling"; at: <http://www.utexas.edu/lbj/uscir/binpapers/v3a-6lopez.pdf> (16 April, 2010)

30 Ewing, Walter A., no date: *Sabotaging National Security: The Paradox of US Border-Enforcement and Immigration Policies* (New York: Immigration Policy Center); at: <www.immigrationpolicy.org>; and at: <http://research.utep.edu/Portals/379/035.pdf> (16 April, 2010).

31 Apostolopoulos, Sonmez, Kronenfeld, Castillo, McLendon, and Smith, (2008: 292); at: <http://www.uncg.edu/phe/STI%20HIV%20Risks%20for%20Migrant%20Mexican%20Laborers.pdf> (16 April 2010).

of such abuse up to even twenty times as part of the process of being detained. The principal perpetrators of these acts were highway patrol officers, municipal police and INM agents; among the private agents taxi and bus drivers were also cited. Aside from violence these agents threaten denouncement to the authorities. When money is the currency instead of sex, the sums demanded from women migrants range from US $10 to $100 per incident (Díaz/Kuhner 2007).

The help of a trafficker may mean greater probability of success in crossing the border, but it involves significant risk for women migrant. Substantial risks are: travelling in unsafe conditions in boats, trucks, trailers and train compartments; being abandoned in unpopulated areas; being detained in some unidentified place while the traffickers extort more money from the migrants' family in the US. Some women reported that during the attempts to avoid checkpoints while they tried to cross the borders the traffickers separated them from their children.

Fieldwork conducted by the authors in two border regions between Mexico and the US gained information on migrant minors. Of seventy minors (both male and female) interviewed two out of five had already begun to work in their places of origin (despite being underage). Thirty-three of them were intending to look for a job in the US. Two out of five of the interviewees travelled with a relative; others went with a friend or acquaintance but no fewer than one in five travelled alone and did not know any of the people they met along the way. Some migrants face a long and hazardous trip to reach Mexico's northern border: six out of seventy minors interviewed had left their place of origin no more than 30 days before the day on which they were interviewed; eleven of the seventy reported they had started their journey more than a year previously.

3.4.4 Migration and Crime: Impact of a Conflation

In Mexico's southern border region a situation prevails favouring the execution and cover-up of many illicit activities affecting migrants. Trafficking in people is not an isolated phenomenon, and as it becomes more specialized it relies on structures using drug traffickers and people dealing in other illegal merchandise (Artola 2005: 2). The increased presence of women and children in the migration flow instigated an increase in illegal trafficking for the purposes of involuntary exploitation, trickery and deception. In his report on the study of Tapachula and some neighbouring localities, Casillas tells of small groups in charge of migrant trafficking having links with trade in people for the purpose of sexual exploitation (Casillas 2005). He found indications of the operation of both national and trans-national networks dealing in this illegal trade. Although it is undeniable that borders are gateways not only for migrants but also for illegal trade in trafficking people, drugs, vehicles and other products[32], media coverage has combined with a paucity of objective studies on crime and its relation to migration to confuse (or/and exaggerate) some aspects; this hinders a comprehensive analysis of the human insecurity of migrants.

After the criminal gangs, known as the *Mara Salvatrucha 13* (MS13) and *Barrio 18*, had entered Mexico's southern border region at the end of 2004, "this topic became front-page news; it brought about several statements by decision-makers regarding its dimensions, as well as the implementation of programs that pointed to the *Maras* as a threat to the country's public security" (Balmaceda 2007: 14). These gangs emerged during the 1980's in certain California cities with large Central American refugee communities. Trained by El Salvadorans and Guatemalans who had some military experience these criminal gangs adopted guerrilla-style tactics. When the armed conflicts in Guatemala and El Salvador had ended in the 1990s the US deported the *MS13* and *Barrio 18* members to their countries of origin – thereby transporting their criminal enterprises to Central America and eventually Mexico. By 2005 Mexican youths were taking part in these gangs who operated in 15 of Mexico's states but with greater influence in the southeastern region, especially Chiapas.

The violent nature of these gangs and their organization created an attitude of apprehension towards them in the media, and Government departments now tend to associate these gangs with all sorts of criminal activities – not only the trafficking of people and drugs but also, even, terrorism. Some scholars associate these groups with "transnational criminal organizations" (Iñiguez 2005); others argue that the transnational nature of the *Maras* is limited to the reproduction of their identity and the dynamics of violence at the local level (Balmaceda 2007: 103). The point of greatest agreement is that this type of juvenile delinquency cannot be considered a problem of national security (Valenzuela 2005). In some places,

32 Artola (2005: 3) contends that "the routes used for the people trafficking are the same as those utilized in the traffic of other goods and services, be they legal or not".

though, it may represent a problem of public security that affects migrants in transit – particularly those who travel on the freight trains through Chiapas.

Along the US Mexican border national security discourse created an especially anti-migrant sentiment after 9/11. A disturbing increase in paramilitary groups patrolling to stop Latino workers from entering the country unauthorized has been observed. These often racist and xenophobic vigilantes detain the migrants they find and hand them over to the border patrol. Some migrants testify of rough and sometimes threatening treatment by these groups. Within Mexico members of non-governmental organizations have reported in the media that they have been victims of harassment and anonymous threats because they have taken steps to defend the migrants. The press has indeed reported a series of accusations, regarding detention and harassment of, and threatening behaviour against, persons who offer food, medical attention and lodging to Central American migrants by officials of the Federal Bureau of Investigation and the Immigration authority – accusing them of being people traffickers. Cases of such criminalization of humanitarian aid have been filed in the states of Chiapas, Querétaro, Oaxaca and Veracruz.[33]

Summing up, border control strategies have serious consequences for the safety of in-transit undocumented migrants, both in terms of the crossing points along the border (southern as well as northern) and the routes taken. Lack of legal protection plus the clandestine nature of movements also leave this population vulnerable to abuses and human rights violations by the authorities and third parties without recourse to justice.

3.5 Support for In-Transit Migrants

The increase in border control by the US during the 1990's brought about numerous programmes and institutions supporting migrants. Early efforts to address the problems migrants experience while in transit concentrated on places with the greatest flow and the greatest risks. Thus, these initiatives concentrated in the area of Tijuana. Subsequently, programmes and institutions for attending to migrants extended to other border cities and have adjusted their orientation owing to changes in the composition and behaviour of migrants. This research has identified different institutionalized patterns for attending to migrants in transit in Mexico: 1) Government institutions and programmes; 2) civil society organizations, many of them linked to the Roman Catholic Church or to other churches; 3) Sin Fronteras (No Borders), a civil society organization headquartered in Mexico City and which, due to its nature, stands out among social organizations.

3.5.1 Government Programmes

Prior to 1993 the Mexican and US governments had no defined guidelines for conducting repatriation processes. Repatriation was often carried out without the US government notifying the Mexican authorities *a priori*, nor even with any assurance that the repatriated persons were Mexican citizens. In 1993 the Collaboration Agreement on the Problem of Minors at the Border came into effect (INM 2009). From then on both governments established further agreements on procedures to effect sure and orderly repatriation of Mexican citizens – having respect for the migrants' human rights and, especially, the protection of minors.

The INM is the Mexican authority in charge of receiving Mexicans repatriated from the US but the Mexican consulates (there in the US) must also participate. US migration authorities are required to notify the staff at Mexican consulates of border cities in the US at least two hours in advance of making the repatriation, whereupon Consular staff should arrive and identify the Mexicans and notify INM agents (who should also come there to get declarations of nationality from the migrants). US Border Patrol agents should then, finally, hand over the repatriated persons to the Mexican authorities (Secretaría de Relaciones Exteriores 2004).

A fieldwork visit by the authors to Nogales ascertained that the US immigration authorities do not always comply with its agreement with Mexico as regards the repatriation of minors. Border patrol agents often separate minors from their adult relatives as a tactic for discouraging future border crossings. The only thing they actually achieve is to oblige those parents to visit all the region's shelters to find their children who must remain in those shelters until claimed by a family member. It was also noted that the repatriation of minors sometimes takes place without the presence of a representative of the Mexican consulate – although the corresponding INM authority is present in effect. In Chihuahua and Sonora, in the north, repatriations of adults often occur without no-

33 CDHMAP (2006); at: <http://centroprodh.org.mx/2008> (26 May 2010).

tifying any Mexican authority: the border police simply take the detainees to the borderline and make them cross over to the Mexican side.

In addition, to avoid further paperwork and expense, the US border police commonly ignore the fact that some migrants are citizens of a Central American country. Citizens from countries other than Mexico who are without documents often end up on the streets in northern Mexico because the US Border Patrol agents have repatriated them into Mexico and not to their home country, and without the consent of the Mexican authorities. Some legal provisions on repatriation have not functioned perfectly, but there is progress towards establishing better-regulated, increasingly reliable conduct from both authorities. For the process of deportation of foreign migrants detained in Mexican territory, the Mexican government has signed bilateral repatriation agreements with the governments of Guatemala, Honduras and El Salvador. These agreements are essentially logistical: they set the schedule and locations at which deportations will be effected, plus the schedule and places for reception of the migrants. Some social organizations have nonetheless denounced the fact that the Mexican government continues to conduct massive deportations, which violate the terms set down in international legal instruments. These require every detainee to be identified and registered during the deportation process, and each case to be investigated to ensure that the deported migrants are not in danger for their life or physical well-being when returned to their country of origin.

For deportation of Central American minors travelling alone there are no clear regulations in force for conducting repatriations such as shall guarantee their safety, security and respect for their human rights. The IFHR mission report expresses concern for unaccompanied Central American minors detained in Mexico and deported to their countries of origin. They are handed over at border sites to agents of their home government; but in many instances there are no clear measures for delivering them to their parents or other relatives. Minors from Honduras and El Salvador are sometimes taken to their places of origin along with adults (IFHR 2008: 39).

The initiative for creating Beta Groups for the protection of migrants in Mexico was a government response to complaints made by civic organizations regarding increased abuse against migrants in Mexico. These were founded within the INM to protect migrants' physical well-being and property. The first Beta Group was set up in Tijuana in 1990. In 1994 the Beta Group of Nogales was established, and in 1995 those of Tecate (in the State of Baja California) and Matamoros (in the State of Tamaulipas) began operations. At present there are sixteen groups along both Mexico's borders. These Beta Groups attend to migrants in transit regardless of their nationality and document status. The groups perform many tasks. They offer guidance to migrants about dangers involved (through signs and distribution of pamphlets); patrol areas representing risks for migrants; effect rescue operations and provide first aid; protect migrants against criminals; channel migrants to shelters where they can receive social assistance, and channel complaints of abuses committed by either government agents or by private parties. These groups recently gained in strength with more members and better training. This work is important to help generate a more favourable climate towards undocumented migrants and to offer them security while in transit. The IFHR acknowledged that they are "a public entity of humanitarian aid that is unique in the world" (IFHR 2008: 20).

In 1996 the Inter-Institutional Programme for Attention to Border Minors began to function within the Mexican Government's programme of cooperation with the United Nations Children's Fund (UNICEF). The DIF (Mexican National System for Integral Family Development) coordinates the programme; the INM (National Migration Institute of the Ministry of the Interior) and the Ministry of Foreign Affairs participate. Under this programme "temporary shelter is provided to repatriated minors and to minors undergoing migration processes towards the US without the protection of any family member" (Aranda 2004: 61). In both cases they remain under the protection of the DIF while procedures are being conducted for reuniting them with their family or, when necessary, transferring them to their place of origin.

This inter-institutional programme currently has a network of twenty temporary shelters in six border states – all five of the states along Mexico's northern border and one of the four along its southern border (in Tapachula, Chiapas). The state and municipal systems of the DIF operate eight shelters; NGOs run 12 others (INM 2009). In 1998, the first year for which information was recorded, the programme's network attended to 8,560 minors. In the early years of the programme Sonora and Baja California states had the largest number of minors passing through the system. In 2007 the programme helped 21,366 boys and girls. The exact number of minors who travel alone or who

are repatriated without family members being involved is unclear.

Table 3.1: Boys and girls attended to by the Inter-institutional Program's network of shelters. **Source:** DIF; Deputy Director's Office for Sectoral and Regional Programs; *Statistical Yearbooks.*

	Total	Boys	Girls
1998	8 560		
1999	8 045		
2000	8 768		
2001	7 620		
2002	6 708	4 688	2 020
2003	7 194	5 173	2 021
2004	10 920	7 735	3 185
2005	18 392	13 262	5 130
2006	20 516	16 101	4 405
2007	21 366	16 997	4 369

Nearly all migrant minors attended to by this programme have been repatriated by the US authority (97.6 per cent) and only 2.4 per cent are not repatriated.[34] Almost all of them are Mexicans. 372 non-Mexican minors were sheltered in 2005. The 2005 records also show that of those who were sheltered 883 were between one and five years of age (4.8 per cent); 2,429 between six and twelve years of age (13.2 per cent); 15,069 between 13 and 17 years of age (81.9 per cent of the total) (DIF 2007). Individual shelters have a small operating budget; they are unable to pay for transport and living conditions have their shortcomings. The INM supports the state and municipal DIF offices in the transfer of minors to shelters – given available staff and vehicles at the disposal of the INM delegation. The INM also covers the costs of transporting these minors to their home areas. Some of the shelters participating in the network are civic associations with limited funds.

In 2005 the National Employment Service (or SNE in Spanish) of the Ministry of Labour and Social Welfare (or STPS in Spanish) began a "Repatriates Working" programme in various northern border cities. Repatriated adult Mexicans received by the INM are channelled, upon request, to the offices of the SNE. There they receive two types of support: 1) funds to stay in the city and either look for a job or apply for a possible scholarship for necessary training; 2) money (2,000 Mexican pesos) to cover transport, food and lodging to return to their place of origin. The governments of some border municipalities have also implemented measures to provide economic support to repatriated persons – either to pay for a shelter run by a civic association or for travel and food expenses covering return to their places of residence. In some border states the INM has made agreements with companies rendering services such as out-of-town transport so that repatriated persons who desire to return to their place of origin may obtain a 50 per cent discount on their tickets (INM 2009).

In April 2008 the Ministry of the Interior had begun a pilot programme called "Human Repatriation" to provide Mexicans who are repatriated via Tijuana with shelter and food for up to two weeks, opportunities to contact their families and support to find temporary work in Tijuana or to return home. It is possible that this programme will eventually replace the STPS programme and include town council-run programmes; intentions are similar to those of the Inter-Institutional Programme for Attention to Border Minors, which involves federal, state and municipal agencies and civic organizations.

The Mexican National Human Rights Commission and the State Commissions of that agency have place on the Advisory Board of the Inter-Institutional Programme for Attention to Border Minors and are the official channel for migrants to lodge complaints about abuse by authorities. Staffs from these commissions visit areas where migrants congregate – such as crossing points, shelters, bus stations or migration stations, to offer their services. In cases where Mexican migrants claim abuse on the part of the US authorities they may receive repatriation support through the Mexican consulate; in cases where private parties in Mexican territory perpetrate the abuse the migrants need to go to the Federal Attorney General's Office of Mexico to lodge a complaint. A major challenge is how to inform the migrants effectively about these procedures and channels for their access to rights.

3.5.2 Civic Organizations

Pioneers in the work of setting up shelters for migrants were the Scalabrinian Missionaries – a Catholic religious congregation which since the 19th century had become expert in handling this problem throughout the world. In the early 1990's the Missionaries of

34 Outgoing migrants, who have not yet crossed the border, usually do not require this service because they prefer not to call attention to themselves.

San Carlos Scalabriniani had opened a Migrants' Home in Ciudad Juárez; Dominican priests took the home over in 2006. In 1993 a Migrants' Home was set up in Guatemala City; in 1995 one was established in Tecún Umán, Guatemala; another in 1997 at Tapachula, Chiapas, and in Agua Prieta, Sonora. The last Scalabriniani Home was set up in Nuevo Laredo, Tamaulipas in 2003. Since then migrants' homes have opened in locations far from the border – places such as Arriaga, Chiapas and Río Blanco, Veracruz. These shelters offer food, lodging, spiritual support, guidance, first-level medical care, and the defence and promotion of migrants' human rights – including for deported migrants and refugees.

In 1999 the Network of Scalabrinian Migrants' Homes established an organizational structure of the homes enabling joint effort with other non-governmental organizations or churches, promoting human, cultural, social and spiritual aspects among the migrant population. This project was established as a Civic Association with a Board of Patrons through which the necessary funds for operation are obtained and the volunteer work is coordinated. The tasks performed by this network go beyond providing direct services to migrants in the shelters; it has also planned and carried out actions aimed at creating awareness among the citizenry through marches, celebrations, commemorations, calls to solidarity and similar motions. Although this is only the beginning, the network, with the support of human rights organizations, has begun programmes for protecting migrants' human rights specifically in education and promotion of awareness, legal advice and social benefit.

In line with the work done by the Scalabrinians, other humanitarian organizations are involved in providing services to migrants while in transit. These efforts have expanded and diversified according to migrants' movement. At first they concentrated their attention near the northern border, and then later some shelters were opened in the southern border region. At first they were only for men since males were in the greater majority, but subsequently places opened up for women and minors. In recent years some shelters have adapted areas to receive women, but the scarcity of funds is a hindrance and there remain few shelters for women. In Ciudad Juárez there is no women's shelter. In Nogales the DIF maintains the Women Migrants Home.

In the case of minors, prior to the operation of the government's Inter-Institutional Programme, the Young Men's/Women's Christian Association (YM/WCA) of Mexico and the US created the YMCA Border Initiative to establish a chain of shelters called YMCA Homes for Migrant Minors in cities with large numbers in transit in Mexico's northern border region. The first YMCA shelter for minors in Tijuana was set up in 1992; in 1995 it opened another one in Ciudad Juárez; then one in Piedras Negras, Coahuila; and then Agua Prieta, Sonora. Before the Inter-Institutional Programme began INM agents in those cities took repatriated minors to the YMCA Homes who took over responsibility for them. These homes have now become part of the network of shelters run by the Inter-Institutional Programme and continue to offer migrant minors of both sexes a free provisional home; the difference is that the minors are now under the guardianship of the Mexican government through the DIF.

The efforts made by different organizations to attend to the problems of these in-transit migrants are invaluable, yet are still insufficient to meet all the needs. In the case of minors the DIF with the support of non-governmental organizations manage to provide food and lodging to all those minors repatriated by the US; the major task of attending to the minors who travel in Mexico's southern border region is still pending to date. Lodging provisions for adults come mainly from civic organizations, but there are indications that this is still insufficient – especially for women migrants.

Finally, among civic organizations active in providing support to migrants, *Sin Fronteras* (No Border) plays a unique role. A non-profit organization located in Mexico City and founded in December 1995 by a group of social activists and academics, *Sin Fronteras* is legally constituted as a Private Assistance Institution and attends to migrants and refugees from any country in the world – though they are mainly from other Latin American countries – transiting Mexico on their journey to the US. Support from Mexican volunteers has been fundamental; in 2005 *Sin Fronteras* had 800 volunteers from churches, civil society networks and university students doing their period of social service. Its orientation is very different from the organizations mentioned in the previous section in that it also participated actively in the establishment of more suitable migration policies and programmes. *Sin Fronteras* is practically the only non-governmental organization dealing with migration policy and defence of migrants' rights in Mexico. Its work is so relevant that, at present, organizations such as the COMAR and the INM refer numerous migrants to it.

3.6 Concluding Remarks

The data presented in this chapter show the complexity of migration processes from Mexico and Central America towards the US. This movement increased during the latter decades of the 20th century when the global and regional economies began to restructure. One of the effects has been the division of workers into two new categories: those organized institutionally – at least as regards documentation for employment – and those not covered or protected by any institution, despite the fact that both types of workers respond to the same forces of global demand. This contradiction occurs to a heightened extent in contexts of greater (economic) contact between countries, such as is the case with the *North American Free Trade Agreement* (NAFTA) between Canada, the US and Mexico. In this region all the factors of production are subject to free exchange – except labour.

The people who are referred to as 'migrants' from Mexico and Central America have often stated (both when interviewed individually and through spokespersons of their organizations) that they should not have to be treated as criminals but rather, what they are, simple workers seeking to earn an honest living. Nevertheless, lately they have also endured harassment (by local officials) at their workplaces far from Mexico's border. It is now become common for Mexican and Central American workers who have been living with their families in the US for many years to be thrown out of the country all of a sudden – no account being taken of their family situation. At present there are nearly 5.5 million children in the US whose parents are unauthorized migrants (Fortuny/Capps/Simms/Chaudry 2009). This has contributed to the tension sometimes felt among unauthorized migrants in the US but also in the Mexican border cities which have become the places where these exiled workers come together 'out of necessity' along with those waiting for an opportunity to enter the US.

Over the years the Mexican authorities have come to wield control over migrants from Central American countries – not so much through investments in technology as in the US but rather by extorting money from the migrants they are sworn to safeguard within their jurisdictions. The new security policies of the US have pressured the Mexican government to change its foreign policies with sister countries in Latin America. This casts a shadow over the positive actions conducted by the Mexican government not only for Guatemalan refugees in the 1980's but for refugees from Spain, Argentina, Chile and Brazil in different periods of the 20th century. Mexico was previously always an example of solidarity in its practices towards the citizens of other countries; now the government has had to forget its 'good practice'. This is only one example of how a hegemonic country exercises power over less powerful and dependent countries.

This chapter also endeavoured to present some positive efforts made by civil society and church congregations to help protect migrants in their journey northwards. These actions restore human solidarity because groups and persons of all kinds and national origins take part in them. It is evident that society is undergoing an unresolved transition between the local and the global, between standardization and diversity. Perhaps this is a prelude to the rise of a new universal citizenry only now being forged thanks to the drive of these migrants – women and men, boys and girls – who resolutely face the conditions of a world they want to improve.