

# “Does my story matter?”

## Seeking Asylum at Mexico’s Southern Border

### Introduction

In the summer of 2014, former U.S. President Obama deemed the increased flow of unaccompanied children and families arriving at the U.S. southern border, many seeking protection, an “urgent humanitarian situation.”<sup>1</sup> As the number of apprehensions of children and families, primarily from the Northern Triangle countries of Central America—Guatemala, Honduras, and El Salvador—hit record highs, the number of asylum applications also skyrocketed. However, this trend was not limited to the United States. Throughout the region, including in Belize, Costa Rica, and Nicaragua, asylum applications also increased twelve-fold between 2008 and 2014.<sup>2</sup>

Fast forward three years and in the United States, apprehensions of individuals and families at the U.S.-Mexico border have dropped in the first few months of 2017 compared to figures for the same period in 2016.<sup>3</sup> However, it is too early to tell whether this is a trend that will continue and meanwhile, the conditions in Central America driving this migration remain largely unchanged—the high levels of gang violence, corruption, and impunity remain some of the worst in the world. According to one study, in both 2015 and 2016 El Salvador was the world’s most violent country, and its capital, San Salvador, was the most murderous city.<sup>4</sup> The three Northern Triangle countries had a combined total of 14,870 homicides in 2016 and individually were still well above the minimum of 10 homicides per 100,000 inhabitants identified by the United Nations to constitute an epidemic of violence—with El Salvador at 81 murders, Honduras at 58, and Guatemala at 27 per every 100,000 inhabitants.<sup>5</sup> NGO reports from early 2017 demonstrate sustained generalized

violence perpetrated by gangs and security forces resulting in forced displacement, extortion, sexual and gender-based violence, severe limitations on access to education for children, and internal displacement due to the construction of megaprojects.<sup>6</sup> It is not surprising then that asylum applications from the Northern Triangle countries of Central America have remained steady through 2016.<sup>7</sup>

Mexico, on the other hand, closed 2016 with a record total of 8,788 asylum applications, more than double compared to 2015 and quadruple compared to 2014. Over 90 percent of these were from Guatemala, Honduras, and El Salvador. Asylum applications from the end of 2016 through March 2017 demonstrate a continued increase, with 150 percent increase

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## Executive Summary

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Mexico closed 2016 with a record total of 8,788 asylum applications, more than double compared to 2015. Over 90 percent of these were from Central America, which reflects the flow of families and children from the Northern Triangle countries of Guatemala, Honduras, and El Salvador seeking protection not only in the United States but also across the region. This year, asylum applications continue to grow. According to preliminary government figures, between January and March 2017 Mexico received 3,543 asylum applications, more than it did in all of 2015.

In the United States, apprehensions of individuals and families at the U.S.-Mexico border have dropped in the first few months of 2017 compared to figures for the same period in 2016. However, the conditions in Central America driving this migration remain largely unchanged—the high levels of gang violence, corruption, and impunity remain some of the worst in the world. According to one study, in both 2015 and 2016 El Salvador was the world's most violent country, and its capital, San Salvador, was the most murderous city. The three Northern Triangle countries had a combined total of 14,870 homicides in 2016 and individually were still well above the minimum of 10 homicides per 100,000 inhabitants identified by the United Nations to constitute an epidemic of violence—with El Salvador at 81 murders, Honduras at 58, and Guatemala at 27 per every 100,000 inhabitants. NGO reports from early 2017 demonstrate sustained generalized violence perpetrated by gangs and security forces resulting in forced displacement, extortion, sexual and gender-based violence, severe limitations on access to education for children, and internal displacement due to the construction of megaprojects.

Latin America Working Group Education Fund (LAWGEF) staff traveled to Tenosique and Tapachula in southern Mexico during the second half of 2016 in order to understand the dynamics of Central American asylum-seeking families and children crossing Mexico's southern border, the degree to which they had access to protections, and how they were impacted by migration enforcement operations. We concluded that, three years after the implementation of Mexico's Southern Border Plan, harsh migration enforcement tactics continue to violate the rights of not only migrants but also of Mexican border communities. We found that the routes inland from the border near Tenosique and Tapachula remain full of danger for migrants and asylum seekers. Violence is perpetuated by organized crime, smaller criminal groups, and often in collusion with Mexican migration enforcement agents and local police.

Access to asylum in Mexico is still the exception rather than the rule. The process remains difficult and frustrating. Obtaining international protection in Mexico is largely dependent on access to legal counsel, case accompaniment, and proximity to Mexico's Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) offices to complete the process. Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM) often discourages migrants from applying for asylum as opposed to effectively screening individuals and channeling them to COMAR. Far too few children have a chance to access asylum in Mexico and are not channeled to COMAR from Mexico's National System for Integral Development of the Family (*Sistema Nacional para el Desarrollo Integral de la Familia*, DIF) or INM facilities. We confirmed that efforts to house asylum seekers outside of detention facilities, or alternatives to detention initiatives, are being implemented on an ad-hoc basis and are far from fully institutionalized across the country. At the same time, this report confirms a growing interest among asylum seekers in staying in Mexico, if they have access to services and jobs. We found that even after receiving asylum, refugees have limited opportunities to lead a normal life along Mexico's southern border because of a lack of opportunities and safety concerns.

Despite all of these challenges, it is important to note that Mexico has taken some steps forward to strengthen its asylum system and address abuses against migrants since our trip. However, it is a mixed bag. While there has been progress, there have also been some steps backwards. These



problems demonstrate that Mexico's asylum system must still be strengthened by increasing COMAR's resources to expand staffing and coverage across Mexico, expanding alternatives to detention programs for asylum seekers, and ensuring adequate screening and identification of all those in need of protection, including unaccompanied migrant children. U.S. support for improving Mexico's asylum system should be an integral part of its cooperation with Mexico.

## Key Recommendations

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### Mexican Government

- Substantially increase funding to COMAR for 2018.

#### COMAR

- Incorporate required training on how to determine the “best interest of the child” and UNHCR guidelines for new and existing asylum adjudication officers, including on the context of sexual and gender-based violence.
- Conduct all interviews of asylum seekers in person and maintain regular mobile teams to areas lacking offices.
- Work with civil society organizations, UNHCR, university legal aid clinics, and other organizations and individuals that provide pro bono legal counsel to establish processes for improving legal representation for asylum seekers.
- Coordinate with the UNHCR, civil society organizations, and the Ministries of Education, Housing, Social Development, Health, and Labor to develop a comprehensive integration policy for refugees.

#### INM

- Incorporate mandatory and recurring training on screening and identification of asylum seekers and alternatives to detention for all new and existing agents.
- Expand the alternatives to detention program together with civil society organizations and the UNHCR to end the detention of asylum seekers.
- Allow civil society and UNHCR greater access to immigration detention centers to provide legal counsel to all migrants and asylum seekers who request it.

### United States Government

#### Department of State

- Increase U.S. support for strengthening Mexico's asylum system, including the work of the UNHCR in Mexico and Central America.
- U.S. support should prioritize internal oversight mechanisms for Mexico's INM, including the implementation of an internal affairs unit and human rights trainings, such as on screening for international protection needs.
- U.S. support should advance the investigation and prosecution of crimes against migrants.
- U.S. support for migration enforcement at Mexico's southern border should be transparent, comport with the principles of protection under international law and require progress in addressing corruption and rights violations against migrants and asylum seekers, and in holding abusive units accountable.

#### Department of Homeland Security

- Ensure full access to asylum and due process for those seeking protection in the United States and at the U.S.-Mexico border. If the United States does not respect access to asylum, it cannot encourage Mexico to do the same.
- Cooperation between the U.S. Customs and Border Protection (CBP) and Mexican INM should not impede migrants from accessing asylum or expressing fear of return to their home countries. All training provided to Mexican migration officials should emphasize improving accountability and transparency and comport with the principles of protection under international law.



from the same period in the previous year.<sup>8</sup> According to preliminary government figures, between January and March 2017 Mexico received 3,543 asylum applications, more than it did in all of 2015.<sup>9</sup> Like the United States, apprehensions and deportations of migrants in early 2017 have also dropped slightly compared to figures from the same months in 2016. As a country of both transit and destination for migrants, Mexico plays a crucial role in addressing displacement from Guatemala, Honduras, and El Salvador, and could become even more important as opportunities to access protection in the United States become more difficult.

For the past few years, the typical experience of Central American migrants arriving and traveling through Mexico has been one of violence and abuses by Mexican migration agents, police, and organized crime. In 2014, the Mexican government implemented its Southern Border Program (*Plan Frontera Sur*), ramping up enforcement along its southern border with Guatemala and increasing apprehensions and deportations of Central Americans. As more families and children arrived seeking protection from the violence in their home countries, the Mexican government's efforts to ensure access to asylum in accordance with its own laws and international law has not matched its priorities to apprehend and deport, resulting in cases of returning families and children back to danger.

Latin America Working Group Education Fund (LAWGEF) staff traveled to Tenosique and Tapachula in southern Mexico during the second half of 2016 in order to understand the dynamics of Central American asylum-seeking families and children crossing Mexico's southern border, the degree to which they had access to protections, and how they were impacted by migration enforcement operations. Accompanied by partners on the ground, including the Centro de Derechos Humanos Fray Matías de Córdova and the La 72 Hogar Refugio para Personas Migrantes, LAWGEF met with authorities of Mexico's Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) and Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM), staff at migrant shelters, NGOs,

researchers, a Central American consul, field representatives of the United Nations Refugee Agency, United Nations High Commissioner for Refugees (UNHCR), and individuals and families seeking asylum.

This report summarizes our observations from visiting the paths migrants take to cross the Mexico-Guatemala border and the shelters and organizations that receive and assist them with their asylum applications. It includes direct testimonies of the asylum-seeking families and children that we encountered in our journey and the obstacles they faced in seeking protection along Mexico's southern border, including from organized crime and Mexican authorities. All of their names have been changed to protect their privacy.

Though the observations are from the end of 2016, this report provides updates from the situation on the ground and changes at the policy level in Mexico and the United States through the time of its publication.

## U.S. Cooperation with Mexico on Migration Enforcement & Asylum

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The obstacles faced by Central American migrants at points along Mexico's southern border such as Tenosique and Tapachula should be analyzed within the framework of past and ongoing U.S. cooperation with Mexico on migration enforcement and asylum proceedings. U.S. resources and political pressure have supported the significant ramping up of militarized enforcement in Mexico; however, its support and training to improve accountability and human rights practices, such as screening for fear as the first step of the asylum process, has been limited.

### Southern Border Program / *Programa Frontera Sur*

U.S. support to Mexico for strengthening border security under the U.S. security assistance package, the Merida Initiative, is not new. Under this package, an estimated total of \$2.6

billion have been provided to Mexico between 2008 and 2016.<sup>10</sup> Since 2014, however, assistance designated under the third pillar of the Merida Initiative, “Create a 21st century border structure,” has been re-directed to focus on cooperation not just on the U.S.-Mexico border but also on Mexico’s southern border with Guatemala through International Narcotics Control and Law Enforcement (INCLE) funds. The support has included training to Mexico’s INM, but also infrastructure and equipment support to Mexico’s customs agency, navy, army, and federal police.<sup>11</sup>

The 2014 spike in unaccompanied minors and families arriving at the U.S.-Mexico border spurred the shift in focus to Mexico’s southern border by high-level U.S. officials, including former President Obama.<sup>12</sup> U.S. pressure encouraged Mexico’s implementation of its own Southern Border Program (*Programa Frontera Sur*) in July 2014. Members of the U.S. Congress and officials from the State Department and Department of Homeland Security maintained support for strengthening Mexico’s southern border enforcement through the end of the Obama Administration in 2016.<sup>13</sup> Advocates noted how the implementation of the plan coincided with an increase in rights violations against migrants in Mexico in areas along Mexico’s southern border and along the routes of the Bestia freight train, forcing Central Americans to take more isolated and dangerous routes to cross Mexico.

### Previous U.S. Cooperation with Mexico on Asylum Processing

At the same time, the Obama Administration took some positive steps to support the Mexican government in strengthening its asylum system at the end of 2016.

In fiscal year 2016, the U.S. Department of State’s Bureau of Population, Refugees, and Migration (PRM) provided more than \$6 million to support the UNHCR appeal for the Northern Triangle of Central America. This included funds for UNHCR’s work with civil society organizations and Mexico’s COMAR to strengthen the asylum system in Mexico and international protection screening for those



Mural, La 72 migrant shelter, Tenosique

displaced in Central America.<sup>14</sup> In fiscal year 2017, PRM provided support to the region as a part of its global contributions, though not specifically to the UNHCR appeal for the Northern Triangle or Mexico.<sup>15</sup>

This funding support was accompanied by some limited attention to the issue of strengthening Mexico’s access to asylum in high-level dialogues between the United States and Mexico. For example, as a part of dialogue between former U.S. President Obama and current Mexican President Enrique Peña Nieto in July 2016, both countries committed to developing a training program with the UNHCR to improve the capacity of Mexico’s INM to identify and screen individuals with protection needs in Mexico.<sup>16</sup> This announcement coincided with the timing of additional U.S. efforts to expand refugee processing in Central America.<sup>17</sup> There have also been inter-institutional efforts between the asylum agencies of Mexico, the United States, and Canada to exchange best practices around asylum processing for Central Americans since 2016.<sup>18</sup> Cooperation to address challenges faced by migrants and asylum seekers formed a part of bilateral human rights dialogues between Mexico and the United States in 2016, as the government and public debate about migration enforcement continued.<sup>19</sup>

Under the Obama Administration, there was also some recognition of rights violations



against migrants and asylum-seekers. U.S. State Department's **2015 human rights report on Mexico** included NGO concerns regarding failures to screen and identify migrants with needs of protection.<sup>20</sup> The **2016 report** noted the increase in asylum applications in Mexico and continuing rights violations against migrants, but also highlighted several incipient steps the government had taken to improve access to asylum for individuals in Mexico.<sup>21</sup>

### Future U.S. Policy Signals on Mexican Migration Enforcement

While it is too early to know how the Trump Administration will change this support to Mexico, early signs reveal an interest in maintaining U.S. cooperation for Mexico's southern border migration enforcement and security initiatives.

Before the 2016 U.S. elections, then-candidate Mr. Trump and Mexican President Enrique Peña Nieto **shared their interest** in working on Central American migration and on securing Mexico's southern border.<sup>22</sup> In early January 2017, during the **confirmation hearings** for Secretary of Homeland Security, General John Kelly stated that the defense of the U.S. southwest border should begin "1,500 miles south, as far south as Peru," reiterating his support and interest in partnering with Mexico and other Latin American countries to attack drug production and the need to have "better partnerships, giving them [Mexico and other countries] more."<sup>23</sup>

One of the first meetings between the new U.S. administration and Mexican officials, which included U.S. military officials and U.S. Ambassador to Mexico Roberta Jacobson, occurred at the end of January 2017 in the city of Tapachula on Mexico's southern border. Although the **trip** may have been planned before President Trump assumed power, it nevertheless highlighted continued U.S. attention to Mexico's southern border.<sup>24</sup>

Migration was also a key point of discussion in the first meetings between U.S. Secretary of State Rex Tillerson, Secretary of Homeland Security John Kelly, and Mexican officials.

Representatives from the two governments spoke about the **significance of border cooperation** to address migration from Central America to the United States, including the need to cooperate beyond migration enforcement and also work together to address the root causes in Central America.<sup>25</sup>

Throughout the first 100 days of Mr. Trump's presidency, Secretary Kelly repeatedly emphasized his interest in expanding international cooperation with Mexico on "countering threats to U.S. national security and regional stability." This suggested collaboration includes issues such as "**illegal immigration, transnational crime, human smuggling and trafficking, and terrorism.**"<sup>26</sup> In an April 2017 Senate Homeland Security and Governmental Affairs Committee hearing, Secretary Kelly indicated that he is receiving "huge cooperation from the Mexicans, both on their southern border where they stopped 160,000 illegal immigrants from Central America last year, all the way up to the Northern border."<sup>27</sup>

President Trump's proposed **fiscal year 2018 budget** points to a 6.7 percent increase in funding for the Department of Homeland Security, a nine percent increase to the Department of Defense, and more than 30 percent overall decrease in funding to the Department of State.<sup>28</sup> At the time of this report's publication, the proposed budget was still under debate.

At the same time, the results of a U.S.-Mexico co-hosted "**Conference on Prosperity and Security in Central America**" held in June 2017 point to the possibility of agreements between the governments of Mexico, the United States, and Central America to strengthen land and maritime border security in the region through cross-border cooperation targeting drug trafficking and human smuggling networks.<sup>29</sup>

These proposals, combined with early statements by Secretary of Homeland Security Kelly, point to the likelihood that the United States could maintain or even increase cooperation with Mexico on migration enforcement along its southern border via the Department of Homeland Security or



Department of State. They also indicate less of a focus in rhetoric and political support from the United States to encourage Mexico to strengthen its asylum system.

## Crossing Mexico's Southern Border— The Paths to Tenosique & Tapachula

### Tenosique: Anything but Paradise in the Jungle

“Bienvenido al Eden de México” (“Welcome to Mexico’s Eden/Paradise”) read the signs welcoming visitors to the Mexican state of Tabasco, along the eastern part of Mexico’s border with Guatemala. The government’s official tourist slogan references the beautiful flowers and fauna that are so common throughout the tropical state.

**What migrants encounter in their transit from Central America through Tabasco’s countryside to Tenosique, however, is anything but paradise.** Tenosique is about a four-hour drive from the state capital of Villahermosa and an hour drive from the border. **During our visit, LAWGEF confirmed that the route remains full of danger, violence, and uncertainty for migrants.**

Until recently, the small city of Tenosique, with a total population of about 59,000, has not been a major crossing point for migrants.<sup>30</sup> The flow has picked up in the last few years, bringing changes including the presence of the UNHCR, NGOs, and increasing challenges for the work of the only migrant shelter in town, La 72 Hogar Refugio para Migrantes (or La 72). According to official **Mexican government statistics**, the numbers of migrants apprehended in the state of Tabasco doubled from 2013 to 2014 and increased by another 35 percent from 2014 to 2015.<sup>31</sup> In 2016 total apprehension figures for the state decreased by a mere six percent, but **2017 figures for January through February** are at roughly the same level compared to the same months in 2016.<sup>32</sup> Most migrants that cross into Mexico this way come with the intention of stopping at the La 72 shelter or taking the train, which departs from nearby the shelter. From Tenosique, the cargo

train infamously known as “La Bestia” runs toward the eastern state of Veracruz and on toward Mexico City.

The length of time needed to get to this point of Mexico’s southern border varies depending on where migrants are coming from. Due to geographic proximity with the eastern part of the Honduran border, the majority of migrants that La 72 migrant shelter receives are from Honduras,



EMMA BUCKHOUT

Entrance mural, La 72 migrant shelter, Tenosique



DANIELLA BURGI-PALOMINO

Entrance, La 72 migrant shelter, Tenosique



EMMA BUCKHOUT

Basketball court, La 72 migrant shelter, Tenosique

DANIELLA BURGI-PALOMINO



UNHCR Office, Tenosique

although there were also some Salvadorans, Guatemalans, and a few migrants from more distant countries there during our visit.

For Hondurans departing from the city of San Pedro Sula or the country's Atlantic coastline (closer to the border with Guatemala), the journey can be a matter of days, possibly just one day, depending on the transportation taken. Most migrants take cheap buses or walk for segments to cross Guatemala until they arrive closer to the border with Mexico. In theory, migrants should be able to pass this part of the route without much risk of apprehension, due to an agreement between Central American countries called the "CA4" that allows the citizens of Guatemala, El Salvador, Honduras, and Nicaragua to transit freely within the region without visa requirements.



Location of Tenosique and Tapachula along Mexico-Guatemala border

### "El Ceibo" Border Crossing

The border area near Tenosique represents a different kind of danger than what families and individuals face in their home countries. The northeastern part of Guatemala, the Petén department that borders Mexico, is full of tropical vegetation and protected bio-reserves with rough and isolated terrain. It is a "No Man's Land" controlled by organized crime.

The official border point of entry closest to Tenosique is "El Ceibo." To reach El Ceibo, many migrants take vans from border communities in nearby El Naranjo in Guatemala for a few pesos, largely without reported problems.

The official El Ceibo port of entry is a relatively quiet border crossing point. On the Mexican side, the checkpoint facility that was built in 2009 is made up of two modern buildings representing the INM base and a barbed wire-lined walkway into Guatemala. Just a handful of INM agents stood directly by the entrance casually chatting during our visit. On the Guatemalan side of the checkpoint, there are a few small stores and markets and a few *bici-taxis* lined up and waiting to cross travelers back and forth. There wasn't much activity when we were there—a handful of people walked from Guatemala to Mexico through the official walkway and no vehicles crossed over.

During our trip, we visited a small community perched on one of the hills that runs adjacent to the official point of entry. Concealed by thick tropical vegetation, the town is the perfect hidden crossing point for not only migrants but also ranchers and tradesmen shuttling merchandise and animals back and forth across the border, away from the eyes of Mexican and Guatemalan government officials, though most are aware of this flow. Despite the lack of activity at the official crossing point, we could see several merchants hunched over with their packs of goods to sell, making their way along a path down the hill from the crossing point, and in the other direction, riders on horseback passed along a rocky path up the hill.





EMMA BUCKHOUT



*El Ceibo crossing, Mexico-Guatemala border*

We spoke with several community members who offer assistance to migrants in the town. They reported that most migrants were coming in groups of between 15 and 20 people and the recent trend had been families. Besides the work of a few individuals, however, there is no official organization providing assistance to migrants along this crossing point in El Ceibo.

Community members also explained to us that there had been consistent phases of violence perpetuated by *bandas*, or small factions of criminal cartels or gangs, operating in the area. It might stop for a short period, as it had recently with the capture of the head of one of the groups, but would likely start up again. La 72 shelter staff had documented twenty-five cases of sexual violence from August through December 2015. In mid-2016, community members had again heard of criminal groups attacking and raping women in particular. Their crimes were evidenced in the women's clothing left on the ground.

**Risks along the Road to Tenosique for Migrants & Communities**

After crossing El Ceibo, the trip to Tenosique continues with further risks for migrants—**this time largely from INM patrols but also from the same local criminal *bandas*.**



EMMA BUCKHOUT

*El Ceibo, View of Mexico beyond the fence*



EMMA BUCKHOUT

*El Ceibo, uphill path, Mexico-Guatemala border*



## Don Miguel\*

### *El Ceibo, Mexico-Guatemala Border*

Don Miguel continues the work his father started—helping migrants who pass through the small, rural town of El Ceibo where he lives right next to the Mexico-Guatemala border checkpoint.

For any migrants who arrive outside his door, Don Miguel offers what help he can from the one room, dirt floor, tin roof store attached to his house that he runs with his wife and toddler.

A map depicting migrant shelters and organizations along the routes through Mexico is posted outside his store, but besides that, there is no official sign. In front of the store, only a dirt trail of rocky terrain and bushes leads up the hill and along the wall into Mexico. Not all migrants stop to ask for help, but those who do are tired, scared, and hungry. Don Miguel said that there are an increasing number of families with children and pregnant women.



*El Ceibo town, Mexico-Guatemala border*

EMMA BUCKHOUT



*Fencing crossing El Ceibo town, path used by migrants*

EMMA BUCKHOUT



*Don Miguel's store front, map depicting migrant shelters and routes*

EMMA BUCKHOUT



For groups too large to stay in his small space, Don Miguel partners with his friend and neighbor Margarita. Yet as more migrants arrive, there are limits to what they can do. Migrants arrive at all hours of the day and night, and he cannot stay up for twenty-four hours while still running his business. Don Miguel took us away from his store and down to the end of the row of houses next to his church where, after raising their own funds, he and community members had built a bathroom with a toilet and shower specifically for migrants to use. He showed us the new plumbing and door they had built to withstand the weather. That is where he offers migrants some rest and simple food before they cross into Mexico.

With the help of La 72 staff, Don Miguel began keeping records of the numbers of migrants who come to him seeking help. In July 2016, he had documented several family units of up to ten to fifteen members arriving at a time. Several migrants recently had come to him with their identification documents, wanting to present themselves at the border checkpoint to seek protection. In cases like that, Don Miguel takes them down to the border checkpoint and speaks with INM agents to attempt to have those individuals and families brought directly to the La 72 shelter, instead of to detention facilities. In the few incidents he has tried, Don Miguel is met with aggressive responses from INM agents. Yet for those migrants who arrive at his store, “I try to help them with what they ask me,” Don Miguel said.

Most members of the community are scared of helping the migrants and prefer not to get involved. “Why do you do this work?” we asked Margarita. She responded, “Well you see them crossing here with their backpacks and not much else, it’s what anyone would do.” Don Miguel has heard of stories of what happened to migrants not too far from his store on the Mexican side. There was a small gang controlling the area for some time, he told us. People from the community found women’s clothing and blood on the ground along the path where migrants crossed into Mexico.

*\*Names have been changed to protect privacy*

We had reached El Ceibo by driving along the stretch of highway with the same name, the only paved and direct route leading there from Tenosique. The hour drive by car covers about 40 miles. On our way there in the morning we only saw one migrant walking next to the highway, but on the way back we saw a group of about six Garifuna men and encountered two young boys in a small community we stopped at. Shortly thereafter we saw INM patrols on the highway. Our colleagues from La 72 told us that most migrants walk through the sugarcane fields in the hot Tabasco sun, instead of along the highway to avoid being seen and apprehended by INM agents, who have increased their patrolling of the narrow two-lane highway over the last few years since the implementation of the Plan Frontera Sur.

The vegetation in the fields is thick and unwelcoming—many migrants are hurt walking through it. The heat is unbearable in the middle of the day and frequently migrants do not have water and are tired from crossing earlier

terrain to get there. This walk to the center of Tenosique where the train departs and the La 72 shelter is located can take a day, but it is extremely strenuous and shelter staff have heard of it taking up to two days for larger groups or families with children.

Though the highway is mostly surrounded by sugarcane fields, it runs through a few rural communities with clusters of simple homes. These communities have first contact with



View from highway from El Ceibo border, sugarcane fields

EMMA BUCKHOUT



EMMA BUCKHOUT

Sample UNHCR poster in Spanish

migrants as they enter Mexico. **Many of them also suffer violence from local *bandas* that prey on migrants along this route.** Largely thanks to the educational outreach work of La 72, some brave individuals, mostly women with limited resources who live along this stretch, have begun to offer migrants food, clothing, water, or simply a welcome space to rest. Several women we spoke with testified that, in doing this work, they have had to stand up to personal attacks and verbal abuse by INM agents; yet, they continue helping “*los de las mochilas*” (those with the backpacks). They reaffirmed to us that the majority of migrants passing through at the time were families. UNHCR posters informing people of their right to seek asylum in Mexico are posted in several of these communities. However, most communities in the area are too scared to stand up to authorities and fear that they might expose themselves to the criminal groups if they help migrants.

### Doña America\*

#### **Community along the El Ceibo highway near Tenosique, Mexico**

Doña America’s house is located close to the border in the first small community on the Mexican side, just off the El Ceibo highway on a dirt road that winds uphill. La 72 staff donates clothing to her for migrants on a regular basis. This is part of the work the La 72 staff does with the brave community members who help migrants along the route that stretches from the border to the city of Tenosique. Migrants find their way to Doña America’s house desperate for whatever she can offer, be it a tortilla or a fresh, if used, change of clothes.

### Señora Julieta\*

#### **Community along the El Ceibo highway near Tenosique, Mexico**

Señora Julieta owns a small restaurant along the highway of El Ceibo between Tenosique and the Mexico-Guatemala border. Just a few homes on the either side of the highway make up the small town. Her family and several other women join her in providing some help to “*los de las mochilas*” (those with the backpacks), or migrants, who have commonly passed through the town for years. They provide them with water, even though water is scarce, or a tortilla and some shelter as they pass through. She said more have been coming recently. “The migrants come at all hours of the day or night,” she said. Often they are hungry, tired, scared, or hurt. That day they had given food to two boys traveling alone, barely teenagers.

Though they have offered help to migrants for years, the women said that thanks to the outreach from staff at La 72, they now know their rights to be able to do so. For their bravery, they are often intimidated by INM agents who call them “*coyotes*” or “*polleras*” or smugglers, but these women defend their work. One woman said that the day before she had actually yelled at a migration official who tried to pursue a girl into the church where she was seeking shelter.

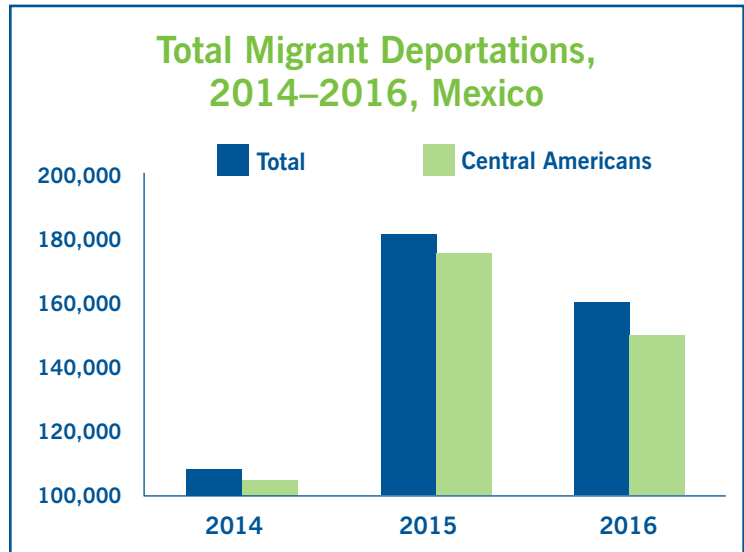
\*Names have been changed to protect privacy



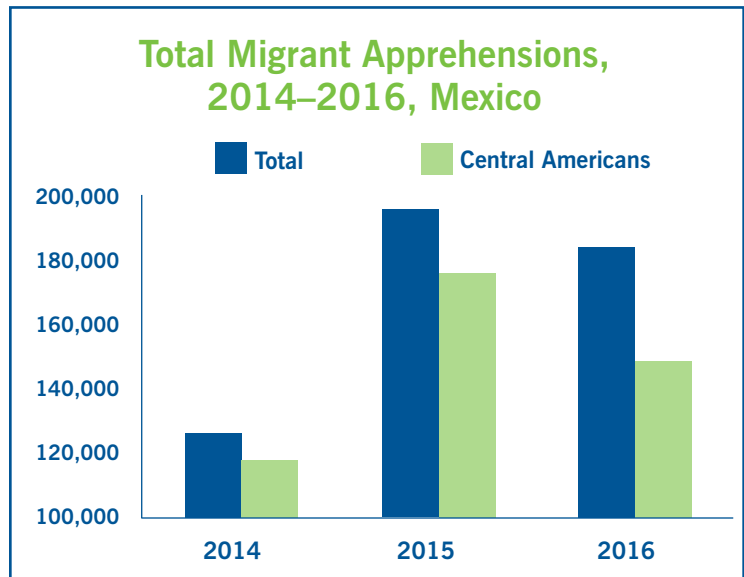
**The violence that migrants suffer along this stretch of the El Ceibo highway and in the surrounding highways near Tenosique has not ceased since our trip.** In October 2016, La 72 denounced attacks carried out against groups of women and adolescents by criminal groups, including cases of torture and deprivation of liberty for several hours at a time.<sup>33</sup> The shelter has also consistently documented the involvement of municipal and federal police in migrant kidnappings in nearby cities such as Villahermosa and Cardenas. These cases include migrant testimonies of extortion, torture, and sexual violence by organized crime after they were handed over by municipal police.<sup>34</sup> Besides this violence against migrants, the shelter staff also works in a constant state of tension and danger as the only shelter in the city. Their location next to the train exposes them to aggressions by INM and criminal groups seeking to profit off of migrants. La 72 has documented collusion between municipal police and INM agents to stop migrants from taking the train near the shelter.<sup>35</sup> La 72 shelter staff has received numerous threats, particularly when denouncing crimes against migrants by organized crime and local authorities.

**Tapachula: Same Open Border Crossing, More Interior Militarization**

In comparison to Tenosique, the border area near the city of Tapachula near the Pacific coast in the Mexican state of Chiapas is a much more established crossing point for migrants. For years, the state of Chiapas has consistently ranked first in the official number of Central American migrant apprehensions. And numbers have only continued to increase; the number of Central Americans apprehended almost doubled from 2014 to 2015. Total apprehensions for 2016 dropped by nine percent compared to 2015. Through February 2017, migrant apprehensions in the state decreased slightly in comparison to January and February in 2016.<sup>36</sup> The decrease in the number of apprehensions has been influenced by strikes and blockades on local highways due to local social conflicts in the state. Not coincidentally, Tapachula is the home of Mexico's largest migrant detention center, Estación Modelo, Siglo XXI.



Source: Boletines de Estadísticas Migratorias 2014-2016, Unidad de Política Migratoria, SEGOB



Source: Boletines de Estadísticas Migratorias 2014-2016, Unidad de Política Migratoria, SEGOB

The city is also a well-recognized commercial hub for many businesses. The *Bestia* train stopped running through Tapachula between 2005 and 2015 due to damage caused by Hurricane Stan, reopening again in November 2016. Thus, in the summer of 2016, migrants still frequently passed through Tapachula en route to catch the train in the town of Arriaga a little farther north. The city receives migrants from all three Northern Triangle countries since it can be reached quickly and at a low cost with multiple options of vans and buses. Tapachula is often the entry point for Caribbean and extra-continental migrants as well.



International migration affects other aspects of life in Tapachula. The entire region of the Soconusco, which the city belongs to, hosts a significant population of seasonal Guatemalan workers. Mostly female domestic workers, but also agricultural workers, have long come to work in the city and surrounding areas for a few months at a time and then return home to their communities. Though the wave of migrants in transit to the north has increased dramatically, this circular migration is long-established and integral to the local economy. On the Sunday we arrived, a sizeable group of women congregated in the main town plaza where they often gather on their day off.

Colleagues from Fray Matias told us the flow has remained constant, though the normal pattern of temporal migration is being affected by Mexico's hardening border policies, particularly for the domestic workers. While the demand for labor has not decreased, the hardening of Mexico's interior enforcement has increased fear, making it more difficult for the young women to go back and forth across the border, and forcing many to remain clandestine.

In Tapachula, like Tenosique, **the changing demographics of more migrants arriving from Central America, increasingly with protection needs, have forced well-established civil society organizations working for many**

**years to adapt their work to include more comprehensive humanitarian responses for asylum seekers and refugees.**

Whereas La 72 is the only shelter in Tenosique, Tapachula and the surrounding region is home to several shelters, including El Buen Pastor, El Belén, the Albergue Esperanza, and another specifically meant to serve for minors. Other religious institutions have expanded or adapted their services for the new flows of families, offering them clothes and other direct services to respond to their urgent needs.

### Ciudad Hidalgo & Talismán Border Crossings

There are two official points of entry along this part of Mexico's southern border near Tapachula: one at Ciudad Hidalgo in the Mexican municipality of Suchiate, which lies on the River Suchiate across from Tecún Umán in Guatemala's municipality of Ayutla; and Talismán in the Mexican municipality of Tuxtla Chico, another point further north along the same river but across from El Carmen, Guatemala. Both are less than an hour's drive to Tapachula.

Talismán is the more remote of the two crossing points. A two-lane road makes its way to the border from Mexico. Various forms of



DANIELLA BURGI-PALOMINO

Tapachula city main plaza

taxis, tricycle taxis, vans, and trucks line the street several hundred yards from the Mexican side of the border, waiting for clients to cross. There is a separate INM building and then a regulatory building that you must walk or drive by to access the bridge, known as “Casa Roja” (Red House). Several hundred feet below the bridge, we saw several people making their way along a clear footpath that wound along the riverbank. We could also see an inner-tube raft underneath waiting to ferry people across the river.

The two-lane road continues on the Guatemala side of the bridge, overflowing with vendors, signs for documents or money changers, and small hotels. Numerous cheap hotels and nightlife locales give it a distinctly busier and more commercial feeling than the jungle crossing of Tenosique, though they represent similar threats of trafficking and clandestine abuse.

By comparison, Ciudad Hidalgo is a heavily-trafficked border town with a central town square and lively markets. In the main square, which was quiet in the early afternoon, UNHCR posters about “When You Flee” are posted in English, Spanish, and French on the wall outside the office of the municipal state prosecutor for crimes against migrants.

A short walk from the town square sits the official port of entry, a covered bridge crossing a wide portion of the Suchiate River. Another short walk down the riverbank, in view of the official bridge, several rafts ferry people across the river in both directions. Here again was visible evidence of the everyday informal circular migration. We were told it costs 20 pesos to hop on a raft and be punted across. Crossing the river continues without much interference from Mexican officials. **Lining the walls facing the river were murals welcoming migrants and informing them of their rights, in sharp contrast to what they had likely seen along their route so far, or would see after.**

### Increased checkpoints and threats to migrants en route to Tapachula

While Mexican migration authorities are present at the official border crossings, more



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*Talismán border crossing*

of their enforcement is carried out by inland checkpoints and roving patrols along the highways and roads leading into the city of Tapachula. Enforcement is carried out by INM, the Mexican *gendarmería* or a division of the federal police created under the Southern Border Plan, as well as other federal, state, and municipal police. While enforcement has always been present along this part of the route, it has been strengthened under the implementation of Mexico's Southern Border Plan in 2014 and the presence of the *gendarmería* is ongoing since then as well.

In our trip between these border crossing points, we observed INM agents at different points, standing on the road and stopping vehicles randomly. We saw only a few migrants walking directly alongside the roads. Our Fray Matias colleagues told us that few take *combis* (small buses) on their own from Ciudad Hidalgo to avoid being stopped and apprehended. The increased enforcement presence forces other migrants to walk away from the highways leading to Tapachula and into dense forest terrain, making them easy prey for various perpetrators. We heard that



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UNHCR Posters, Ciudad Hidalgo, Mexico-Guatemala border



EMMA BUCKHOUT

Suchiate River rafts ("balsas"), Ciudad Hidalgo, Mexico-Guatemala border



EMMA BUCKHOUT

Murals alongside Suchiate River, Ciudad Hidalgo, Mexico-Guatemala border

migration enforcement has also been stepped up beyond the city of Tapachula, on the route northwards towards Tuxtla Gutierrez and Mexico City, largely due to the opening of one of the Mexican joint multi-agency facilities that house Mexican military, police, customs, and migration agencies. This facility and those like it, are called "CAITFs" (*Centros de Atención Integral al Tránsito Fronterizo*). This one is located in the town of Huixtla, about 25 miles north of Tapachula, and is also a result of the Plan Frontera Sur.

**Official enforcement efforts have increased not only along this route but also in the main city square of Tapachula, where there had been an increase in the presence of INM agents patrolling and even removing migrants from public locations in 2016.**<sup>37</sup> In another city along Mexico's southern border in the state of Chiapas, Frontera Comalapa, colleagues shared with us that there had recently been joint operations between INM, the military, and local police to apprehend groups of migrants in the center of town.<sup>38</sup>

Beyond official enforcement efforts, the attacks from organized crime, corrupt state actors, or both, have also increased in Chiapas. In 2015, Chiapas registered the highest numbers of reported crimes against migrants according to a report by migrant shelters.<sup>39</sup> Official government figures represent a similar trend. In 2016, the Chiapas state prosecutor's office received more cases of crimes against migrants than 2013 and 2014 combined.<sup>40</sup> In Tapachula, we heard individual stories of migrants who had suffered violence in the areas near Ciudad Hidalgo and El Talisman after crossing the river into Mexico.

### Maritime Routes to Tapachula

While it is evident that many migrants continue to take land routes near or farther from the Hidalgo and Talisman crossings to enter Mexico, there is another option increasingly being used by Central American migrants to get to Tapachula: the sea. Migrants have historically turned to the ocean to skirt the border with Mexico, but as the demographics shift to include more families and young children,



and Mexico simultaneously increases its enforcement, reports of dangers and casualties along this route have also increased.

In July 2016, a six-year-old boy's body was found on the beach in nearby Mazatlán, about an hour away from Tapachula. He was from El Salvador and had made the journey on a small boat with his father and other migrants, including other children from Honduras. The Salvadoran Consul in Tapachula told us that they were in the process of repatriating the body back to El Salvador and confirmed that this was becoming a more popular route for migrants and drug traffickers as Mexican border security hardened. The movements along this maritime route are difficult to track; few statistics and **documentation** exist about its use by migrants and smugglers beyond what local fishing communities along the coast might know.<sup>41</sup> Civil society organizations have also had difficulty in monitoring these routes, as they are more dispersed and isolated from their locations.

## Seeking Protection: More Obstacles than Access

Once migrants have crossed into Mexico, there are a few ways they can request protection from Mexican migration and refugee authorities. Our visits to Tenosique and Tapachula offered different insights into how Central American migrants find out about the possibility of seeking protection, though many of the obstacles to accessing asylum and complementary protection were the similar in both locations.

**COMAR's lack of resources to deal with the growing number of asylum applications in Mexico is one of the key challenges to ensuring protection for all seeking it.** COMAR has only three offices in Mexico: Mexico City; Tapachula, Chiapas; and Acayucan, Veracruz. In January 2017, it **increased** its staff by twenty-nine personnel to be posted in these locations, as well as in two new locations in the state of Tabasco through an agreement with the UNHCR and with the support of the U.S. government. This represented an increase of over 100

percent to the previously low number of fifteen to twenty total staff for the entire country.<sup>42</sup> However, not all of these new staff are asylum adjudicators.

**Collaboration between the UNHCR and civil society organizations, including migrant shelter staff, in the last year has greatly facilitated sharing information on the asylum process with migrants in detention centers or shelters outside of these cities. However, in Mexico, obtaining protection is still largely dependent on access to legal counsel, case accompaniment, and distance to government offices to complete the process.** In certain settings these factors are complicated, and sometimes nearly impossible, influencing a migrant's prospects and motivation to complete the process.

Lack of adequate training for Mexico's INM agents on how to identify the protection needs of asylum seekers and provide access to complementary protection is another major obstacle. Migrants who are apprehended by INM officials can express fear (i.e., fear of returning to their homes due to persecution) from Mexico's DIF children's shelters or INM detention facilities, but then they often remain in detention for the duration of their asylum process. Often, INM agents actively discourage them from completing the process or are unwilling to assist them, deporting them instead.



Created by Emma Buckhout



Finally, migrants can also report directly to one of the three COMAR offices to request asylum. However, since we only visited two locations along Mexico's southern border and only one of them has a COMAR office, we only observed this method in Tapachula.

### Locked Up & Afraid

The head of Mexico's INM has **recognized** the significant increase of migrants from Central America within its custody.<sup>43</sup> INM officials in Tapachula at the Estación Modelo Siglo XXI detention center shared that there had been a 300 percent increase in Central American asylum seekers in early 2016. Though the center technically has space for 970 individuals, it has been well over capacity, holding over 1,000 people on a regular basis. They even went as far to say that the situation to hold these asylum seekers was "uncomfortable" for them, seeming to recognize the challenges this population posed to their work. Asylum seekers can only leave detention facilities once they obtain an asylum seeker certification, but INM officials admitted to us that they often had to stay there for up to five months or more because of the backlog in COMAR asylum proceedings.

**Though the Mexican government has made commitments to improve practices of effectively screening individuals, families, and children and ensuring access to seek protection with COMAR or DIF outside of detention facilities, this practice is not yet fully institutionalized and implemented across the country.**

INM authorities at the Siglo XXI detention center in Tapachula said they had protocols in place to ensure that any individual, child, or family unit that they apprehended who expressed fear to an agent was released from their custody to migrant shelters or NGOs and that they notified COMAR officials immediately about these cases. They also said that deportations had decreased and that the majority of returns were "assisted returns," a legal category that differentiates itself from a deportation under Mexican Migration Law because, in those cases, migrants "voluntarily" request and sign forms to be returned to their home country. Though

official government **statistics** throughout 2016 do point to the numbers of "assisted returns" of Central Americans being higher than the numbers of deportations, this does not mean that migrants who signed forms to be returned did so voluntarily or with the full knowledge that they had a chance to seek protection.<sup>44</sup> We heard that migrants often have no other option and that they are pressured into signing forms for their "voluntary" returns. When they sign, they are barred from trying to seek entry again which forces them into greater danger as they have to seek other routes.

**In fact, during our visit, we heard multiple testimonies that contradicted these alleged INM policies and that instead indicated arbitrary, prolonged detention of asylum seekers, including children, in poor conditions.**

Under Mexico's National Migration Law, no individual should be held longer than fifteen days in an INM detention center. Moreover, according to the regulations of Mexico's **National Child Rights Law**, the detention of children, whether unaccompanied or accompanied, is also prohibited.<sup>45</sup> Yet there are multiple examples of how both of these laws continue to be violated in practice. We heard of migrants being held in the smaller INM detention center in Tenosique that has a capacity for about sixty individuals for up to three months, including individuals and families who had expressed fears of returning to their country. In Tapachula, we heard of migrants languishing in the Siglo XXI center for more than a year. This is due to certain legal provisions under Mexico's migration law, which can extend the duration of a migrant's detention in certain cases for an indefinite amount of time if a legal challenge is presented against a deportation order.

The Salvadoran consul in Tapachula told us that the levels of deportations to Central America remained high, whether they were assisted returns or not. He observed between three to four buses with up to fifty individuals leaving Tapachula for Guatemala on a daily basis. A priest in Tapachula told us that INM "doesn't care at all" about Central American migrants' protection needs.



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Outside of Estación Modelo, Siglo XXI, INM Detention Center, Tapachula

In Tenosique, we heard instances of local INM agents continuing to discourage migrants from seeking asylum with COMAR and telling migrants they would be better off being deported and trying to enter Mexico again. We heard of at least three cases of families and children that La 72 documented as having serious protection needs being detained and then deported back, violating the international principle of *non-refoulement* (right to not be returned to danger). At the end of 2016, Fray Matias documented the detention of three Salvadoran children in the Siglo XXI center alone with unrelated adults for close to a month despite the fact that their mother had already proven family ties and begun the family's asylum proceeding with COMAR.<sup>46</sup> NGO reports and, recently, Mexico's National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, CNDH) have documented the case of children only being referred to DIF and COMAR in the minority of cases, as opposed to the majority as mandated under the law.<sup>47</sup>

These examples demonstrate that despite some incipient efforts to implement improved screening practices, Mexico's INM continues to employ an ineffective deterrence policy of returning individuals, families, and children back to their countries without properly considering their claims of fear, only prompting them to try again. The system is a dangerous revolving door under which migrants receive no

protections and, rather than be deterred, they are forced to try to find another route to safety or pass through the same risks if they seek entry again, facing dangers and lacking access to protection time and time again.

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“The system is a dangerous revolving door under which migrants...[are] facing dangers and lacking access to protection time and time again”

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UNHCR representatives visit INM detention facilities a few times a week to inform migrants of their right to seek protection. Despite this, migrants still may not come forward due to the recurrent inability to share their case with a trusted legal representative. Civil society organizations continue to have limited access to enter detention centers and provide legal counsel to asylum seekers. Furthermore, the general conditions in INM detention centers do little to facilitate access, offer safety or privacy for a migrant to express fear of returning, and exacerbate the trauma that migrants have already suffered in their home country or in transit.

In Tapachula, we heard of cases of extortion of migrants being carried out from within the Siglo XXI detention center, of unaccompanied children staying in cells with non-family member adults,



and of the infiltration of gang members or smugglers—often the very people families and children were fleeing from—within Siglo XXI. Tapachula INM officials themselves shared their concern about the presence of smugglers.

Though INM officials explained to us that they had a doctor and psychologist on site 24 hours a day, there have been two **documented** migrant deaths in the Siglo XXI since the end of 2015, with an additional third one occurring in the Comitán migrant detention center.<sup>48</sup> When we asked INM officials in Tapachula about the suicide of a Salvadoran man that occurred shortly before our trip, they only said that he already had a mental health condition before being sent to the center.<sup>49</sup> Similarly, in Tenosique’s detention center a few months before our visit, a three-year-old child who had been seeking asylum with his mother had died because of medical negligence to his deteriorating health during detention, despite pleas from advocates to have him released.

**When presented with the possibility to seek protection and await their proceedings in detention under these conditions, it is no wonder that migrants would “choose” to be returned and try to enter Mexico again to undergo their asylum proceedings in conditions outside of detention.** However, the cases of prolonged detention of individuals, families, and children in Siglo XXI and Tenosique’s INM detention center also point to another reality: **increasingly, migrants are willing to suffer even these horrible conditions to have a chance at obtaining refuge in Mexico because their fear of returning home is so great.**

### Getting Released from Detention

The Mexican government has demonstrated some initial steps to release asylum seekers from detention in the last year thanks to agreements with the UNHCR, but they have been limited in scope. In Mexico City in **2015**, the government, in collaboration with civil society organizations and the INM’s Citizen Council, implemented a community placement pilot program to provide alternatives to detention for migrant and asylum-seeking children.<sup>50</sup> The goal of the program was for

the INM to transfer a small number of migrant children from detention facilities to community-based care arrangements when it was not possible to place them in a DIF shelter.

COMAR officials in Mexico City shared with us different examples of how these were operating along Mexico’s southern border. However, the numbers of such cases are still small when compared to the overall tally of asylum seekers Mexico receives. By mid-2016, between 50 and 70 adults had been taken out of migrant detention centers in Mexico City and placed in shelters, and migrants were also being transferred from Tenosique detention facilities to Mexico City.<sup>51</sup> During our visit, the La 72 shelter had just received a group of about 40 individuals who had been released from INM custody and transferred out of the detention facility to the shelter under these types of efforts. Upon release, asylum seekers receive temporary authorization to stay in Mexico for the duration of their asylum proceedings. INM officials in the Siglo XXI detention center also made reference to this pilot program of transferring asylum seekers from Tapachula to Mexico City based on the individual or family’s “degree of vulnerability.”<sup>52</sup> Additional criteria or details for selection and the process of transferring the individuals and families were not clear. The process seemed ad-hoc and a long way from being fully institutionalized.

### Seeking Refuge at Shelters & with NGOs

Due to the increased risks from migration enforcement operations, organized crime, and other non-state actors, many migrants **are no longer** arriving in many of the shelters that were common stopping points along the route of the train.<sup>53</sup> Asylum-seeking individuals, families, and children that do not come in contact with a shelter in their transit through Mexico will likely also not receive information on asylum proceedings or have access to legal counsel to seek protection. It is even harder for unaccompanied children to get to shelters, further limiting their chances to seek asylum.

Migrant shelters across Mexico have historically played an important role for the flow of migrants in transit from Central America. They are often

the only actors along some points of the route who provide them with food, shelter, and some limited services and protection from the dangers on the route. **In 2016, many migrant shelters together with the UNHCR played a crucial role in providing information on how to seek protection and, in some cases, legal counsel to migrants.** As in the United States, asylum seekers are not entitled to public defenders to assist them with their cases.

In Tenosique and Tapachula, we found that migrants arrived at shelters either on their own or were transferred there after having been released from INM detention facilities. As more migrants have protection needs and come fleeing for their lives, we heard testimonies of many arriving with knowledge of the specific names of shelters that they should look for immediately after crossing into Mexico. In Tenosique for example, we heard stories that families were coming with the numbers “72” written on pieces of paper and word-of-mouth information to go straight there.

While NGOs have provided information to migrants on where to find shelters in Mexico by distributing maps for a long time, **this heightened awareness of which shelters or NGOs to approach for support once entering Mexico also reflects the increasing desperation with which migrants are coming from Central America.**

### Learning about the Asylum Process

When we visited the La 72 shelter, it was at full capacity with over 200 migrants sleeping there most nights, including family units, mothers alone with young children, and even several pregnant women. In 2016, La 72 received more family units than ever, including ones with multiple generations such as grandparents or elderly relatives. There were also several groups of Afro-Honduran Garifuna young men and families during our visit. In the last year, due to the changing demographics of the migrants it has received, La 72 has adapted its space by building separate sleeping spaces for women and children, unaccompanied youth, and LGBTI individuals. Despite this, they still receive cases that test their capacity; on one of the last nights



Outside of Buen Pastor Migrant Shelter, Tapachula

EMMA BUCKHOUT

we were there, the shelter staff was figuring out how to house a father who had come alone with his young daughter. Though there were several groups of children who had come with their parents or other relatives, there was only a small room with six to eight unaccompanied children in the entire shelter during our visit.

Upon their arrival to the shelter, La 72 staff first ask migrants why they left their country and then ask them whether they want to seek asylum or not. “We do what they tell us but make sure they are aware of all of the options,” staff told us. The La 72 shelter has volunteers, a staff lawyer, and additional Asylum Access Mexico lawyers who interview migrants in a private space within the shelter. They are supported by the UNHCR and recognized as accredited legal representatives before COMAR. Asylum Access Mexico lawyers, shelter staff, and local UNHCR staff also provide weekly informational sessions to migrants in the shelter outlining the process for seeking protection in Mexico and offering their support. Doctors without Borders medical personnel check migrants for any medical issues upon arriving.

In 2016, ten percent of Mexico’s total asylum claims came from migrants at the La 72 shelter. During the first six months of 2016, La 72 received double the amount of asylum seekers that it received in all of 2015. As 2016 closed, La 72 received a total of 13,805 individuals at



DANIELLA BURGI-PALOMINO



*La 72 migrant shelter at full capacity, Tenosique*

its shelter of whom 752 requested asylum—almost **nine percent** of the total requests Mexico received in 2016.<sup>54</sup> Of these, only **two percent** were **unaccompanied children**, 17 percent were family units, 25 percent were accompanied children, and the remaining were mostly individual women and men of adult age.<sup>55</sup>

In Tapachula, we also heard of migrant shelters being overwhelmed with the influx of Central American migrants. Shelters were increasingly not being seen as a viable option for migrants; not only because shelters in Tapachula only allow migrants to stay for three days when the asylum process can take at least three months, but also because of the growing presence of gang members in the shelters, a concern particularly for families who feared their safety from the very people from whom they had fled. In comparison with Tenosique, the shelters in Tapachula have much smaller capacity and only some have lawyers on site, though that is increasing with UNHCR support. The benefit in Tapachula is the presence of COMAR offices and so, even without the support of lawyers, migrants hear about the possibility to seek protection from each other and UNHCR informational sessions. This facilitates the ability of migrants to make their way to COMAR offices alone. However, without the possibility of staying at a shelter, options for where to stay while carrying out asylum proceedings are extremely limited in Tapachula.

EMMA BUCKHOUT



*Migrants waiting inside La 72 shelter, Tenosique*

**Marcos\******Honduran migrant******La 72 Hogar Refugio para Personas Migrantes, Tenosique, Mexico***

Asked why he left his country, Marcos said, “Because of the situation in my country—the conditions that we all know by now.” This was his second time crossing into Mexico. Several years ago, the *maras*, or gangs, that controlled his urban neighborhood killed his older brother. The house next to theirs was used by the *maras* to kill people. Every day he tried to avoid gang members forcing him to join. “I never wanted to join,” he said. The situation was so nerve-wracking that he got uncontrollable facial spasms for weeks at one point. When the stress of living amidst such violence got to be too much, Marcos and his mother fled. They made it to Mexico City where they were caught and deported back to Honduras. He made the trip alone this time—it was too much for his middle-aged mom—but he was worried about the family he had left behind.

This time, he had crossed from Guatemala into the state of Tabasco, Mexico through a small community along the border called El Pedregal. There, he took one of the vans that local communities offer to cross migrants over to Mexico. From there, he walked to Tenosique and survived the trek without running into INM agents.

When asked if he was going to apply for asylum in Mexico, he just said, “Sure, *lo que Dios quiera* (God willing).” He would attend the next information session held at the shelter on the process but wondered aloud, “Does my story matter for that [getting asylum]?” He wasn’t clear on the process.

One day he would like to be reunited with his family and be a businessman. He had heard of what happened to migrants when they took the Bestia and was scared of it. “*Aquí estoy tranquilo*, for now, I’m calm here [at the shelter],” he said.

*\*Name has been changed to protect identity*

**Getting Access to COMAR Officials**

In contrast to Tapachula where there is a COMAR office, the closest office to Tenosique is in the city of Acayucán, Veracruz over 270 miles away. Because of this, COMAR interviews with asylum seekers in Tenosique have been conducted by phone out of the INM office, as is the common practice in areas across Mexico where COMAR lacks a presence. Shelter staff who accompanied asylum seekers to present their claims in the INM Tenosique office reported multiple problems with this model: a complete lack of privacy for asylum seekers to share their case, disruptions by INM agents, poor phone connections, and inability to feel comfortable within INM offices.

During our visit in mid-2016, COMAR had just modified its practice to bring staff brigades to Tenosique to conduct interviews in person. Two

COMAR officials from Mexico City had come for four days to process the applications the shelter had received during the entire month. While this was a positive change from the way in which previous processing had been handled, reviewing all of the cases accumulated throughout the month during just four days seemed to be extremely taxing for asylum adjudicators and to increase the possibility for human error. La 72 reported that COMAR brigades continued to come to the shelter for the next few months.

This practice of COMAR brigades was new but not yet implemented on a national level. We heard that in other locations along Mexico’s southern border, such as Frontera Comalapa, COMAR was still doing interviews with asylum-seekers over the phone from INM offices due to their limited capacity.

We observed a growing number of migrants making their way to COMAR and UNHCR offices on their own in Tapachula, thanks to efforts to increase information on how and where to seek protection in detention centers, shelters, and on the route. NGOs like Fray Matias have taken advantage of the spaces outside the Tapachula COMAR office to distribute information to migrants on the legal support they offer. Approaching COMAR offices on their own, however, still means that they risk being apprehended by INM agents on the way inland from the border or exposed to the dangers of criminal groups. Under Mexico's Migration Law, migrants that present themselves to INM agents at ports of entry at the border are supposed to

be apprehended so expressing fear of returning to their home country directly at the border without apprehension is not a possibility.

On one weekday in Tapachula, we observed over fifty migrants lined up outside the COMAR office, even before the offices opened in the early morning.<sup>56</sup> Our NGO colleagues told us that on some days up to three hundred people could be seen outside waiting. Processes are slow because, even though COMAR has an office in Tapachula, there were only five asylum adjudicators during our visit. During that time, we heard testimonies from asylum seekers that they did not feel comfortable waiting outside of the COMAR office, as increasingly there was the presence of “*halcones*” or gang lookouts. Often migrants also seek support from the UNHCR office. When we visited the UNHCR in Tapachula, there were about twenty people waiting outside in the hot afternoon sun with their applications in hand.

**Migrants' efforts to approach COMAR or UNHCR offices and shelters directly are a positive reflection that information seems to be spreading regarding how and where to seek protection along Mexico's southern border.**

However, they also evidence the ongoing and increasing need for access to protection. As the first hurdle of better informing migrants about the possibilities for protection has been overcome in some locations, **institutionalizing improved screening processes and ending the prolonged detention of asylum seekers across the country remain serious challenges for the future.**

### The Asylum Process: “Un Rompecabezas” (A Puzzle)

The number of asylum applications in Mexico has skyrocketed, more than doubling in the last two years, and is on track to increase substantially again in 2017. According to official COMAR figures, in 2015 it received a total of 3,423 asylum applications; of those, about 70 percent completed the process and 31 percent were recognized as refugees or received complementary protection. In comparison,



EMMA BUCKHOUT

Outside of UNHCR Office, Tapachula



EMMA BUCKHOUT

Waiting outside of old COMAR offices, Tapachula





...the process to seek protection in Mexico is confusing, daunting, and exhausting – “*un rompecabezas*” (a puzzle)

in 2016, out of the total 8,788 applications received, 55 percent were registered as having completed the process and 34 percent were recognized as refugees or received complementary protection. Only two percent of the overall applications received in 2016 were from unaccompanied children, and of those, only 124 children qualified for refugee or complementary protection that year.<sup>57</sup> According to preliminary government figures, between January and March 2017 Mexico received 3,543 asylum applications, more than it did in all of 2015.<sup>58</sup> By June 2017, five percent of those had received complementary protection or had been granted asylum.

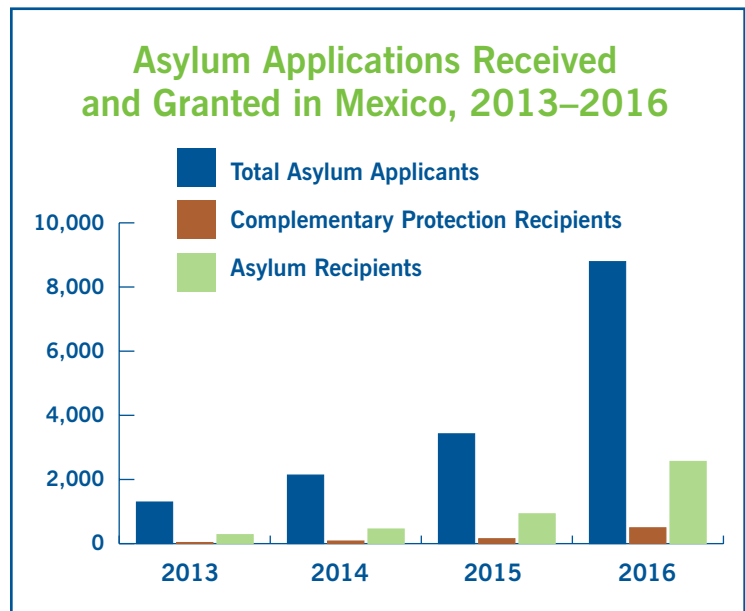
Once migrants receive information on how to seek protection in Mexico from INM detention centers, shelters, civil society organizations, or the UNHCR, they continue to face numerous challenges throughout the actual process. For those who are granted refugee status, opportunities to live a normal life in cities along Mexico’s southern border are extremely limited. UNHCR has instituted humanitarian assistance programs in some locations to help with costs of rent and food, but besides these small programs, there are no government programs assisting refugees with their integration into Mexican society.

We heard from asylum seekers that the process to seek protection in Mexico is confusing, daunting, and exhausting—“*un rompecabezas*” (“a puzzle”), one woman called it. Several of their testimonies noted COMAR’s lack of awareness of how current country conditions in the Northern Triangle of Central America could merit international protection under Mexico’s refugee law. Families and individuals reflected that the obstacles to completing the asylum process successfully could influence their

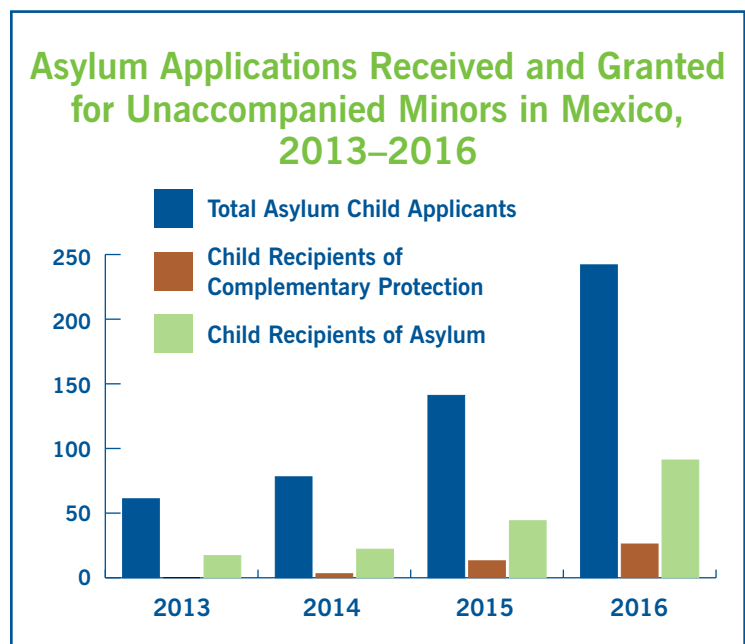
decision to abandon their case or move on from border cities, as could the lack of services and institutional support for maintaining livelihoods throughout the process.

**“Apostándole al Desgaste” / “Betting on Exhaustion”**

Once they know about the possibility and choose to begin asylum proceedings in Mexico, asylum seekers face the challenge of a

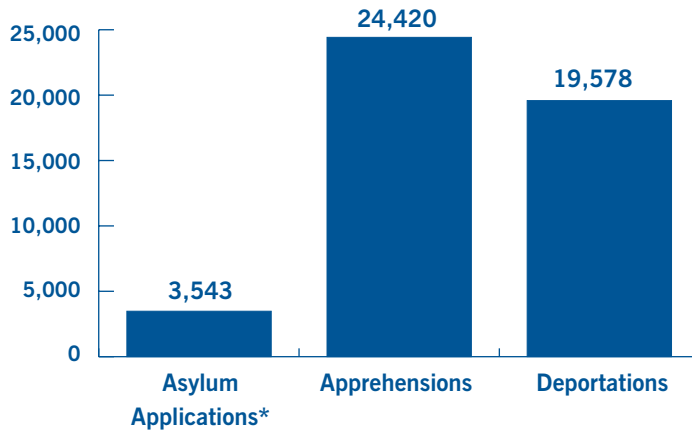


Source: Estadística 2013-2016, COMAR, Secretaría de Gobernación



Source: Estadística 2013-2016, COMAR, Secretaría de Gobernación

### Asylum Applications Received, Apprehensions and Deportations January–March 2017, Mexico



\*Source: *Estadística preliminar, enero-marzo 2017, COMAR & Boletín Mensual de Estadísticas Migratorias 2017, SEGOB*

lengthy and complicated process. **The various testimonies we received from asylum seekers, NGOs, and shelters suggested that without legal counsel and NGO accompaniment, success is nearly impossible.**

Under Mexico's refugee law, an individual has 30 business days upon entry into Mexico to claim a fear of returning to their country and to request protection. Thereafter, COMAR should take no more than 45 business days—or approximately nine weeks—to review the application, conduct an interview, and provide a response. In the quickest scenario, an individual could receive a resolution to their case in three

months. However, the average time we heard during our trip was around four months. Shelter staff in Tenosique told us that it was common for migrants to stay in the shelter for at least two months. Moreover, the process can be further extended if the asylum case is denied and then the individual, child, or family decides to file an appeal. The administrative appeal (*recurso de revisión*) must be presented within 15 business days and then it can take at least 90 days for the case to be re-assessed—an additional three months.

The first step in the asylum process is for asylum seekers to complete a long, detailed written form which is particularly difficult for children or the illiterate to complete. COMAR officials use this form to evaluate the applicant's credible fear claim more so than the actual interview, civil society organizations shared with us. Moreover, the interview is often held at the end of the 45-day processing period, sometimes one to two days before the deadline, giving the impression that the decision on a person's claim has already been made. Asylum seekers must transport themselves to INM or COMAR offices numerous times throughout the 45 business days to obtain signatures from authorities and for the actual interview, normally every week if they are not in a detention center. Shelter staff told us the process seems to “*apostarle al desgaste*,” or “bet that people will get tired and give up.” The emotional toll and fatigue is even worse for asylum seekers carrying out their process from within detention centers.

This also means that even migrants who are not detained are required to stay in the same location for the duration of this months-long process. For individuals and families pursuing asylum outside of detention facilities, we observed a lack of access to housing and resources in the cities along Mexico's southern border and a lack of governmental programs to offer this support. Except with shelters that are willing to house migrants for the duration of their proceedings, like La 72 in Tenosique, migrants have to seek out housing or a place to stay on their own.

Shelters in Tapachula generally are not built to accommodate families. We did visit one shelter in Tapachula that had recently added an entire



DANIELLA BURGHI-PALOMINO

Mexican Asylum Process, UNHCR poster hanging in La 72 migrant shelter

section, with UNHCR support, of small studios where family units could live, but the space was very limited. Without any family connections or networks, this means searching for some sort of affordable housing on the outskirts of town. Migrants risk falling prey to fraudulent or exorbitant offers from landlords, as well as the presence of smugglers and gang members. For families with children and individuals who have

had to flee their homes with limited resources, and who likely still live in fear, finding a safe space to live in throughout the process can be overwhelming.

The UNHCR field offices in Tenosique and Tapachula shared with us that they were beginning to provide some asylum seekers, especially families, with financial support for

### Lisa\*

#### **Honduran migrant** **Fray Matías, Tapachula, Mexico**

Lisa spent some time in the migrant shelters in Tapachula upon first arriving from Honduras. The conditions were bad; often food or water was denied to those staying there, and sometimes families and kids were told that they should go back to where they come from because they didn't deserve anything.

Lisa was awaiting her asylum decision from COMAR. She worried because the entire group of Hondurans that she came with were denied asylum. She had already gone to the COMAR office in Tapachula multiple times. She had been interviewed by a COMAR official from Mexico City. COMAR officials used aggressive interview tactics. “The interview is like a *rompecabezas* (a puzzle); they try to confuse you on purpose. They don't have any understanding of country context,” she said. Lisa was living with other Hondurans that she came with, but she had no more money to support herself while her asylum proceedings continued. “Why do they reject cases?” she asked the Fray Matías staff. She does have some family in the United States. “What is the asylum process like in the U.S.?” she asked.

### Jose\*

#### **Nicaraguan migrant** **Fray Matías, Tapachula, Mexico**

Jose left his children at home. He crossed the River Suchiate from Guatemala into Mexico on rafts and the same “*balceros*” (raft pullers) took him to an empty house not too far from the border. The people at the house asked him if he wanted to keep his life or to be hurt. They hit his knee over and over with a hammer until he managed to escape. “*Yo soy hombre* (I'm a man), so if they do this to me, imagine what they do to women,” he reflected. When he made it to a shelter, he received little information on how to seek asylum. He found out how to approach COMAR through contact with other migrants at the shelter. He had seen people coming out of the COMAR office crying, including men and many families. “It's obviously because of the treatment by officials.” He is illiterate, so the paperwork was hard for him and the uncertainty of the process was disheartening. “*If the answer is going to be no, they should just tell us right away. We can't wait for three or four months to hear 'no.'*” He heard of someone who was deported back to El Salvador and killed the day they arrived.

As he waited for his answer from COMAR, he found the obstacles to survive in Tapachula frustrating. He is a painter, and took a job painting a house. At the end of the job, the employer refused to pay him. Jose said discrimination is everywhere in Tapachula.

\*Names have been changed to protect privacy



rent and food expenses for up to four months at a time under their humanitarian assistance program.<sup>59</sup> Several asylum-seeking families and individuals spoke positively about the assistance they had received under this program. However, this incipient initiative was not yet accessible to all or available across Mexico. The beneficiaries with whom we spoke had been made aware about the possibility of obtaining this assistance from COMAR, shelters, or word of mouth.

### Victoria\*

#### **Salvadoran migrant Fray Matías, Tapachula, Mexico**

Victoria, her husband, and their two teenage daughters were denied asylum in Tapachula after fleeing El Salvador. They were appealing their case with the help of Fray Matías lawyers.

“We fled because they [gangs] were bothering my two girls. At first we tried to move from one block to another in our neighborhood, staying with friends and relatives, but soon it got to be too much. If we would have waited one more day, they would have buried us. There are 16 to 25 murders a day in our municipality and those nearby. We decided to come to Mexico and first stayed in a shelter in Tapachula, but we couldn’t leave our room because there were people watching us—people who knew where we were coming from.

“When I went to the asylum interview with COMAR, the official spent a long time drilling me on my upbringing, my background, where I lived in El Salvador, and only asked me at the end, when there was no time left, why I was scared and why we fled. It felt like they were trying to confuse me with my own information. I was so angry and depressed when they told me that my family wouldn’t qualify for asylum that I just walked out—I didn’t even sign the paper. We did get some temporary assistance from the UNHCR for food and living costs here, but we don’t know what to do now. We are still scared. We have a friend in another city in Mexico and were wondering if we can go there. *But we can’t go back, they’ll kill us.*”

*\*Names have been changed to protect privacy*

### **The Risk of Rejection— “I can’t go back, they’ll kill me”**

During our trip we identified several flaws in the way in which COMAR was conducting its review of asylum cases in Tenosique and Tapachula. Many practices only served to re-victimize families, individuals, and children. While these testimonies were limited to these two cities, they raise concerns about Mexico’s application of international refugee law and the **Cartagena Declaration** of which it is a signatory, which includes victims of gang violence as a category meriting international protection.<sup>60</sup>

In both Tenosique and Tapachula we heard from shelter staff, NGOs, and a Salvadoran consul that COMAR officials were not considering updated country context information or UNHCR eligibility guidelines in their assessments of the protection needs of Central American asylum seekers. Asylum seekers recounted how COMAR officials used outdated country context information to tell them that there were “safe” areas in their home countries that they could have moved to instead of coming to Mexico.

Some cases also seemed to be getting more recognition than others. **In particular, we heard that victims of sexual and gender-based violence from Central America received little recognition.** NGO staff told us there was no differential treatment of children in asylum interviews, and that in many cases, those interviews were completed more quickly despite the difficulty of the application for children. LGBTI cases, however, seemed to be granted protection more often. **COMAR’s criteria to grant protection seemed to differ so much on a case-by-case basis that several of the organizations and shelter staff we spoke with cited a lack of uniform criteria or guidance to approve cases.**

We also heard testimonies of “aggressive” interview tactics by COMAR. Some asylum seekers shared with us that the interview began with a series of background questions in an effort to confuse the person, and the question of why a person fled their country was asked last when time was running out. We

heard of rejections being based solely on one family member's experience, appearing to not capture the full range of protection concerns of all members of a unit, including children. In Tapachula, NGO lawyers stated that COMAR's common reasons for rejection of cases included not exhausting judicial mechanisms to denounce crimes, failing to move to alternative safe spaces in home countries, and failing to demonstrate that the fear expressed qualified as persecution under Mexican refugee law.

### No Plan B

The NGOs that provide legal support to asylum seekers confirmed that in the case of rejections, asylum seekers increasingly chose to appeal their cases. **We heard that people were much more willing to fight out their case, and that they felt that they didn't have a country to return to.** They were willing to seek out NGOs and legal help to appeal their case regardless of how long it would take.

In Tenosique, several cases that had been conducted over the phone with COMAR officials out of INM stations at the end of 2015 were in the process of being appealed throughout 2016. La 72 had a few cases of individuals staying in the shelter for up to a year during the process of the appeal. Whereas in the past asylum seekers would have chosen to give up after a rejection of their case, we found that asylum seekers were extremely worried about a possible rejection. They said that they could not under any circumstances return home, that if they did, they'd be killed. When we asked, almost no one we spoke with had a "Plan B" of what to do if their case was rejected. We heard from shelter staff and civil society organizations that because people were so scared of returning to their country, they appealed their case several times. Lower-level tribunal courts hearing appeal cases often do not have set response times, aggravating the appeal time and the length of time asylum seekers may have their process drawn out. While the asylum process is difficult enough to complete with legal support, administrative appeals are close to impossible.

At the local level, only **23 percent of asylum applications** submitted at the La 72 shelter

were granted refugee status in 2016.<sup>61</sup> In Tapachula, about 20 percent of the cases Fray Matías staff accompany receive recognition. However, when Fray Matías staff manage to accompany a case from the very beginning, recognition rates increase to about 50 percent. Fray Matías staff commented that the cases they were able to help with earlier in the process had a much greater rate of success. Yet, they still face challenges in getting access to potential asylum seekers, as well in staff capacity. Across the board, like the United States, legal support was a key factor in an asylum seeker's chance at winning their case and obtaining protection. Some that we spoke with found legal help too late and hoped it would help them in the appeal of their case.

### Life as a Refugee along Mexico's Southern Border

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In the few cases that we encountered of an individual or family that successfully obtained refugee status in Mexico after months of waiting, the possibility to lead a normal life and find a dignified way to make a living were very limited in cities across Mexico's southern border, including Tenosique and Tapachula. **Our trips also confirmed what a growing number of reports evidenced toward the end of 2016—that migrants are willing to consider Mexico as a place of destination, if they have access to housing, employment, and safety.**<sup>62</sup>

We heard testimonies from recently recognized Central American refugees in Tapachula who faced constant discrimination in their efforts to secure jobs or in daily tasks. Job opportunities were scarce across the board and amplified the desperation of figuring out how to survive there with such limited resources.

In Tapachula, security was a major concern. Many refugees reported being too scared to do daily tasks, walk around the main town plaza, or move too much around the city because of the presence of gangs or migration enforcement. Though asylum seekers technically should be exempt from apprehension with the official



paperwork on their open application from COMAR, some still feared being picked up by INM agents. Refugees feared being in the wrong place at the wrong time given the recent migration enforcement operations in the city.

### Sandra\*

#### *Honduran migrant Fray Matías, Tapachula, Mexico*

Sandra just received refugee status in Mexico, largely thanks to the help of Fray Matías lawyers who assisted with her case.

Sandra had her own business in Honduras. Gangs in her neighborhood began to charge her “*renta*,” or an extortion fee—up to 2,000 lempiras or roughly \$87—that she paid weekly until it got to be too much. One day, she had no money to give the gang who would come the next day, and, fearing for her life, she fled. Her father was a policeman in Honduras and had also told her to leave the country to be safe. She stopped at her parents’ house to leave her young boys with them, and fled the country the next day.

In Tapachula, Sandra received a short-term monthly stipend from the UNHCR to help cover her living and rent expenses during her asylum proceedings. In that process she came in contact with Fray Matías lawyers and got their assistance to help with her asylum case. After her interview with COMAR, she was granted asylum. However, since then she has had trouble finding jobs and building a stable life in the city. She is often scared to go to the main square in Tapachula after a series of recent INM raids targeting undocumented immigrants there, and she fears the INM might pick her up even though she has asylum. She has heard of others being picked up despite having approved status. Sandra had a job working at the ocean port of Tapachula but her employers never paid her. “The only work available in this city is in bars,” she said. The frustration echoed in her voice as she described the sons she had left behind and still could not support.

*\*Names have been changed to protect privacy*



*Mural, Centro de Derechos Humanos Fray Matías de Cordova*

In Tenosique, many asylum seekers stayed for as long as they could at the La 72 shelter. Even though they offer asylum seekers and migrants as many services as they can, **34 percent** of the asylum seekers they housed in 2016 abandoned the process.<sup>63</sup> This could be due to a variety of factors, including pressure from INM agents to give up on the process, seeing others have their request denied, the length of time the processing takes, and the few employment opportunities in Tenosique.<sup>64</sup> Even when some obtained refugee status, shelter staff told us that they would likely move on, due to the scarce job opportunities in the city.

**The testimonies we heard demonstrate that after fleeing their countries and obtaining refugee status in cities along Mexico’s southern border, for the vast majority of Central Americans, the journey to find a sustainable and secure living would not end there.** Some would likely try their luck in Mexico City or other cities in Mexico’s northern states. Another major challenge for the future will be the degree to which Mexico’s refugee agency works with social governmental agencies and state and municipal level governments to ensure the integration of Central American refugees into Mexico’s economy and society.

## Conclusions

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Our visit to Mexico's southern border concluded that three years after the implementation of Mexico's Southern Border Plan, harsh migration enforcement tactics continue to violate the rights of not only migrants but also of Mexican border communities. Furthermore, **access to asylum in Mexico is still the exception rather than the rule** as it should be under law.

**We evidenced that the routes inland from the ports of entry near Tenosique and Tapachula remain full of danger for migrants and asylum seekers.** Violence is perpetuated by organized crime, smaller criminal groups, and often in collusion with Mexican migration enforcement agents and local police. Our trip highlighted the positive efforts of border communities who, with the support of local civil society organizations and shelters, welcome migrants and provide them with various services without rejecting them as foreigners. However, they have extremely limited resources to do this work, lack support from the Mexican government, and also receive threats and intimidation from Mexican migration enforcement.

**We confirmed that obtaining international protection in Mexico is largely dependent on access to legal counsel, case accompaniment, and proximity to COMAR offices to complete the process.** To this end, civil society organizations and migrant shelters play a key role in providing migrants with information on how to access asylum, legal advice, medical and psychological assistance, and limited food and shelter throughout the application processing. Also in some cases, they are crucial to appealing rejections of asylum decisions for those who fear returning to their home countries. Collaboration between these groups and the UNHCR to offer safety outside of detention centers, strengthen shelter infrastructure—including building spaces for LGBTI individuals, unaccompanied children, and families—and expanding the services offered to asylum seekers have also been effective.

**Overall the process to access asylum in Mexico remains difficult and frustrating.** We confirmed that efforts to house asylum seekers outside of detention facilities, or alternatives to detention initiatives, are being implemented on an ad-hoc basis and are far from fully institutionalized across the country. Mexico's INM often discourages migrants from applying for asylum as opposed to effectively screening individuals and channeling them to COMAR. Far too few children have a chance to access asylum in Mexico and are not channeled to COMAR from DIF or INM facilities. DIF facilities are not ideal spaces as they do not provide adequate accompaniment for children and civil society organizations often have difficulty accessing them to provide support to unaccompanied children. Besides civil society migrant shelters, asylum seekers have limited opportunities to live in a safe place in the two locations we visited along Mexico's southern border, and there is limited UNHCR support for costs of living throughout the asylum application process. At the same time, this report confirms a growing interest among asylum seekers in staying in Mexico, if they have the chance. This interest could perhaps grow even further as the United States becomes more difficult to enter and a less viable destination country. **The UNHCR projects that Mexico will receive more than 20,000 asylum applications in 2017** based on the average monthly increase in applications received since 2015.<sup>65</sup>

**Despite all of these challenges, it is important to note that Mexico has taken some steps forward to strengthen its asylum system and address abuses against migrants since our trip.** The newly hired COMAR staff is undergoing training and preparing to be deployed to Mexico City and the cities of Tapachula, Acayucan, and Tenosique along the southern border.

The Mexican government also appears to be **making efforts** to follow through on the commitments it made at an international level to remove asylum seekers, including children, from detention



facilities.<sup>66</sup> Since July 2016, a reported 1,000 individuals who had applied for asylum carried out their proceedings outside the migration detention centers thanks to collaboration between the INM, COMAR, and the UNHCR.<sup>67</sup> In October 2016, with the assistance of the UNHCR under the auspices of the Mexican child welfare agency, DIF, it opened a center for unaccompanied girls, boys, and adolescent asylum seekers in the state of Tabasco—the first of its kind—in which Asylum Access Mexico lawyers provide legal representation and facilitate access to asylum for the children.<sup>68</sup> As a part of the implementation of its new Child Protection Law, the Mexican government created a new child protection system, including national and local level Procurates (*Sistema Nacional de Protección Integral de Niñas, Niños y Adolescentes* or *SIPINNAA* by its Spanish acronym) tasked with coordinating protection policies for all children, including migrant and refugee children, though their work is just beginning and they are largely under-resourced.

For the first time ever, in April 2017 Mexico's INM did not apprehend 11 individuals from El Salvador and Honduras who were accompanied by La 72 and Asylum Access Mexico staff, expressed a fear of returning to their countries, and sought asylum with INM agents at the El Ceibo border port of entry in Tenosique.<sup>69</sup> The asylum seekers were transferred to the La 72 migrant shelter without having to undergo their asylum proceedings from within detention facilities. This was an important precedent that points to the possibility of recognition of an individual's asylum claims without apprehension at Mexican border ports of entry.

A pilot employment program for asylum seekers is being implemented in Mexico's northern city of Saltillo in the state of Coahuila through collaboration between the UNHCR and local civil society organizations.<sup>70</sup> Finally, since 2016, the government has a working Unit for the Investigation of Crimes involving Migrants and a Mechanism for Mexican Foreign Support in the Search and Investigation of Crimes against Migrants under the Federal Attorney General's Office, though its work to document and investigate crimes against migrants in Mexico is just beginning.<sup>71</sup>

**Unfortunately, there have also been some steps backwards in the Mexican government's practices along Mexico's southern border.** In February 2017, the La 72 shelter denounced the absence of COMAR officials in Tenosique and a return to phone interviews for asylum seekers.<sup>72</sup> Reportedly due to lack of funding for agency officials to travel there, this setback was again delaying processing for asylum seekers and leaving them in a state of uncertainty. Since the beginning of the year, none of the 202 asylum applications that the La 72 shelter staff has accompanied have resulted in asylum protection, and only six have received complementary protection.<sup>73</sup> NGOs also reported efforts by COMAR officials to delay initiating processing and responses during the mandatory 45 business days for processing without any legal justification, as well as repeated errors in eligibility interviews and consistent lack of training in carrying out credible fear interviews. In March 2017, several Mexican civil society organizations denounced many obstacles in accessing asylum before Mexican government officials at an Inter-American Commission on Human Rights (IACHR) hearing; for example, the continuation of practices to dissuade asylum seekers from applying or an inability to use update country conditions information for Central American asylum seekers.<sup>74</sup> At this hearing, the Mexican government agreed to implement a Working Group between COMAR and civil society organizations, with the support of the IACHR, to ameliorate these issues.

These problems demonstrate that despite some developments, Mexico's asylum system must still be strengthened in several key areas. Institutionalization of these processes will be a major challenge for 2017. U.S. support for improving Mexico's asylum system should be an integral part of its cooperation with Mexico as well as its dialogue with governments of the region on how to address migration and displacement from Central America.



## Recommendations

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### Mexican Government

- Implement the agreed-upon Working Group between COMAR and civil society organizations with the accompaniment of the Inter-American Commission on Human Rights to serve as a central hub for collaboration to address the challenges in Mexico's asylum system.
- Substantially increase funding to COMAR for 2018 to allow it to have adequate coverage and staffing.

### COMAR

- Incorporate required training on best interest of the child determination (BID) and UNHCR eligibility guidelines for the three Northern Triangle countries for new and existing asylum adjudication officers, especially regarding the context of sexual and gender-based violence that particularly targets girls, women, and LGBTI individuals.
- Conduct all interviews of asylum seekers in person. Given limited resources for further office expansion, expand and maintain regular brigades to areas lacking a COMAR office.
- Work with civil society organizations, UNHCR, university legal aid clinics, and others who provide pro bono legal counsel to establish processes for improving accredited legal representation for asylum seekers and expanding the presence of lawyers at migrant shelters.
- Coordinate with the UNHCR, civil society organizations, and the Ministries of Education, Housing, Social Development, Health, and Labor to develop a comprehensive integration policy for refugees, including their integration into the labor market.
- Improve transparency and reporting of asylum applications in Mexico on official COMAR website.

### INM

- Incorporate mandatory and recurring training on screening and identification of asylum seekers and alternatives to detention for all new and existing agents.
- Allow civil society and UNHCR greater access to immigration detention centers to provide legal counsel to all migrants and asylum seekers who request it.
- Implement and expand a comprehensive alternative to detention program to end the detention of asylum seekers that includes integral accompaniment such as access to legal representation and medical services. Work with civil society organizations and the UNHCR to improve the logistics and resources to expand alternatives to detention for asylum seekers. Publish regular statistics on the criteria for selecting asylum seekers for alternatives to detention program and the numbers reached.
- Coordinate with COMAR, DIF, and the new child protection authority (SIPINNA) to ensure access to asylum processing for all unaccompanied migrant children in need of protection. Facilitate harmonization between Mexico's migration, refugee, and child protection laws.



## United States Government

### ► Department of State

- Increase U.S. support for strengthening Mexico's asylum system, including the work of the UNHCR in Mexico and Central America.
- U.S. support should prioritize internal oversight mechanisms for Mexico's INM, including the implementation of an internal affairs unit and human rights trainings, such as on screening for international protection needs.
- U.S. support should advance the investigation and prosecution of crimes against migrants.
- U.S. support for migration enforcement at Mexico's southern border should be transparent, comport with the principles of protection under international law and require progress in addressing corruption and rights violations against migrants and asylum seekers, and in holding abusive units accountable.

### ► Department of Homeland Security

- Ensure full access to asylum and due process for those seeking protection in the United States and at the U.S.-Mexico border. If the United States does not respect access to asylum, it cannot encourage Mexico to do the same.
- Cooperation between the U.S. Customs and Border Protection (CBP) and Mexican INM should not impede migrants from accessing asylum or expressing fear of return to their home countries. All training provided to Mexican migration officials should emphasize improving accountability and transparency and comport with the principles of protection under international law. Training for Mexico's INM on screening and identification of asylum-seekers should not be conducted by agencies like CBP or Immigration and Customs Enforcement (ICE) but rather by U.S. Citizenship and Immigration Services (USCIS), which has the responsibility of conducting credible fear interviews with asylum-seekers in the United States.

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## Acknowledgements

LAWGEF would like to thank the Ford Foundation for its generous support for this project. Daniella Burgi-Palomino, Senior Associate and Emma Buckhout, Program Associate for Mexico, Migrant Rights and Border Issues researched and wrote this report. It was reviewed and edited by Lisa Haugaard, Lily Folkerts, Sabrina Hernandez, Elizabeth Schwartz, and Caroline Kuritzkes. We would like to thank our civil society partners Rachel Dotson, Diego Lorente, Alejandra Macías Delgadillo, Tomás Gonzalez Castillo and Ramón Marquez for their invaluable feedback on this report. We thank the field staff of UNHCR in Tenosique and Tapachula for offering us their time during our visit as well as all the government officials and other civil society groups we met with. We thank the entire team of Centro de Derechos Humanos Fray Matías de Córdova and the La 72 Hogar Refugio para Personas Migrantes for their accompaniment and strong partnership without which this report would not have been possible. Their work to protect the rights of migrants and refugees in Mexico is crucial and we feel privileged to call them our allies.

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