



Observatorio de Legislación y Política Migratoria

On Illegal Expulsions of Migrants to Mexico



**El Colegio
de la Frontera
Norte**



Observatorio
de Legislación y Política Migratoria



UC DAVIS
Global Migration
Center

ON ILLEGAL EXPULSIONS OF MIGRANTS TO MEXICO

María Dolores París-Pombo, El Colef

Translated in collaboration with Robert McKee Irwin

On March 20 of 2020, arguing COVID-19 mitigation efforts, the administration of then President Donald Trump imposed a policy of immediate expulsions to Mexico of undocumented migrants apprehended by the U.S. Border Patrol. Since then, migrants from Mexico and various parts of Latin America and the Caribbean have been expelled to Mexico after rapid processing, without being given information and without the opportunity to apply for asylum. In other parts of the world, these are known as “hot expulsions”. In the United States, they are called “expulsions under Title 42,” a reference to the U.S. Health Care Act. In this way, a health argument is used to justify a punitive immigration policy that circumvents governments’ commitments to migrants’ human rights.

On March 21, 2020, in response to the order issued by the U.S. government, the Mexican Ministry of Foreign Affairs (SRE) issued an official notice stating that: “the regular internment of some citizens from El Salvador, Honduras and Guatemala who are presented to Mexican immigration authorities is being evaluated, in order to minimize crowding at U.S. Border Patrol stations”. ([View link](#)) So far, the Mexican government has not provided any information on the legal basis to admit into Mexico third country citizens expelled by the United States. Migrants arrive in unidentified regions in northern Mexico, without family support networks and without minimal resources to survive. In addition, their migratory status in this country exacerbates



their precariousness: they are often irregular and when they are received by the National Migration Institute (INM) they obtain a multiple migratory form (FMM) that does not allow them to work in this country or access social services.

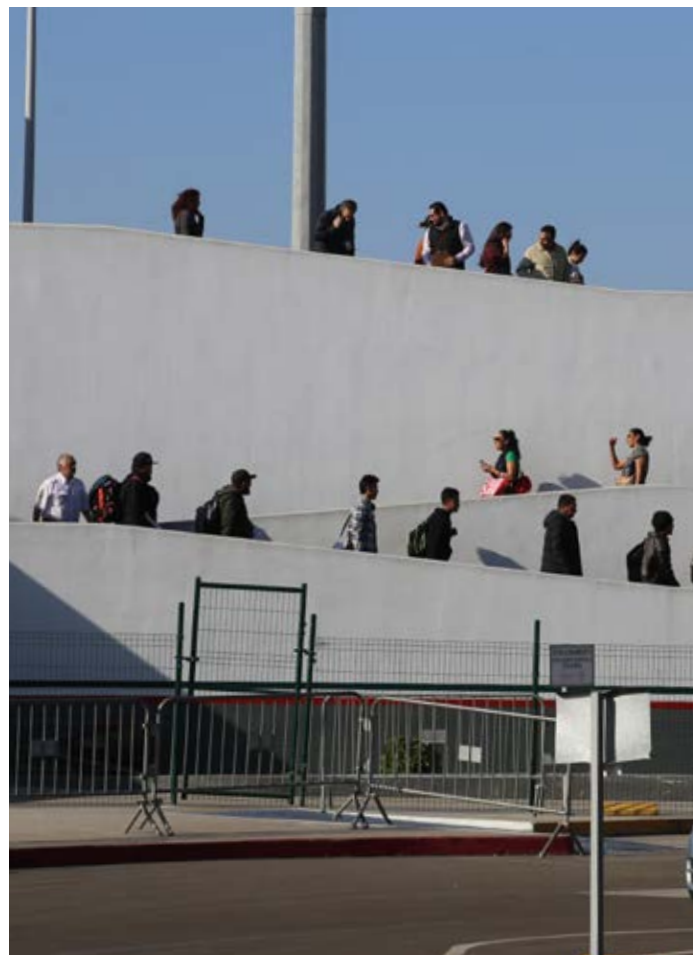
The Mexican government has only objected to the return of families with children to the dangerous border cities of Tamaulipas, in the northeast Mexico, considering the lack of shelters and social services for this population. In this regard, migrant families apprehended in South Texas have been sent by plane more than eight hundred miles away from their crossing point, to be returned via Ciudad Juarez. ([View link](#))

Although in January 2021, President Joseph Biden came to power announcing a comprehensive reform to its immigration system and the reinstatement of the asylum system in the United States, he has continued and even expanded the illegal policy of migrants' expulsions to Mexico. Between March 2020 and July 2021, one year and three months after the implementation of Title 42, the U.S. immigration authorities have carried out more than one million expulsions ([View link](#)). More than half correspond to Mexican migrants, nearly 200,000 to Central Americans, and the rest of the expulsions correspond to Ecuadorians, Colombians, Venezuelan, Cubans, Haitians and Brazilians ([View link](#)).

The majority of migrants and asylum seekers are expelled within a few hours of apprehension, at any time of day or night, and at any point along Mexico's northern border, without respecting the criteria established in the Memorandum of Understanding between the Mexican Ministry of Foreign Affairs and the Department of Homeland Security of the United States "on the safe, orderly, dignified and humane repatriation of Mexican nationals", signed on February 20, 2004.

An increasing number of migrants are being expelled thousands of miles away from the place where they were apprehended. As noted above, civil society organizations have repeatedly denounced the expulsion to Ciudad Juarez of migrant families who crossed the border between Tamaulipas and South Texas. Some people interviewed by Human Rights First report being detained for hours or days in overcrowded facilities before being transported by land and air on journeys lasting several hours ([View link](#)).

In September 2020, the National Human Rights Commission in Mexico – or CNDH – denounced the arrival of repatriation flights of nationals at the airports of Mexico City, Puebla, Querétaro, Michoacán, Tabasco and Jalisco, "in conditions that violate migrants' rights, contributing to their stigmatization and rejection, exposing them to being victims of organized crime and hindering their return to their communities of origin." The CNDH noted that migrants arrived handcuffed, with clothing, footwear and bracelets that stigmatize them, without being able to keep healthy distance in the face of the pandemic. They generally landed far from their places of origin, without receiving information about their legal process or about their rights ([View link](#)).



In July 2021, after the U.S. government reported an extraordinary number of apprehensions at its border with Mexico, officials from both governments met to agree on partnership policies to reduce migratory flows. The Biden administration announced the intention to accelerate Title 42 expulsions, without taking into account the evidence that demonstrates the inefficiency of this punitive policy to deter undocumented migratory flows and the masquerade of the health argument. From the very moment of its launch and until recently, hundreds of physicians and scientists have denounced that these expulsions have no basis in public health; therefore, medical discourse is used to mask a policy of blocking, expelling and returning migrants to extremely dangerous places ([View link](#)).

Despite calls from experts to stop this policy, the immigration authorities of both countries have escalated expulsions under Title 42. Since the beginning of August 2021, U.S. authorities have been sending flights with migrants of various nationalities, departing from South Texas and landing in cities near the southern border of Mexico, particularly Tapachula, Chiapas and Villahermosa, Tabasco. In the first city, the Colectivo de Observación y Monitoreo de Derechos Humanos en el Sureste Mexicano (COMDHSM), documented the arrival of a daily flight from McAllen, Texas, United States, which transports Guatemalans, Hondurans and Salvadorans expelled under Title 42. The member organizations of this collective denounce that migrant families and asylum seekers were transferred by the National Institute of Migration to the border with Guatemala, where they were abandoned ([View link](#)).

So far, there is total opacity about the agreements between Mexico and the United States that have led to these expulsions. The Mexican government has not clarified the legal basis for the admission into Mexico of persons of other nationalities expelled by the U.S. government. By returning individuals without giving them the opportunity to express a well-founded fear of persecution or violence against them and their families, this policy violates the principle of non-refoulement set forth in the 1951 Convention Relating to the Status of Refugees, to which both governments are signatories. The Mexican government violates the duty to respect and the duty to safety established in the American Convention on Human Rights, since it not only acts without competence but also omits a plan of care for people in conditions of great vulnerability. Furthermore, considering the prevailing insecurity in Mexico, this policy violates the human rights to personal security, physical integrity, and life ([View link](#)).

Joseph Biden's administration has failed to pass the much-announced comprehensive reform of the immigration system. Nor has it restored the right to asylum at the border with Mexico. Instead, it has increased the number of illegal expulsions to this country. With the consent and collaboration of its Mexican counterpart, it puts migrants, asylum seekers and families with children in grave danger on a daily basis, expelled at different times of the night, through distant, lonely and extremely dangerous places.

AUTOR

Maria Dolores Paris Pombo PhD in Social Science Research specializing in Political Studies from FLACSO. She is co-coordinator of the Observatory for Migration Legislation and Policy and a professor-researcher at El Colef.

PHOTOGRAPHS: Alfonso Caraveo, Archivo Colef.

Published on 19 Aug 2021