



Elements to understand the challenges of migration

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Migration in Mexico: complexities and challenges

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Abstract

Mexico has one of the most complex migratory contexts in the world, one that is marked by high levels of emigration and increasingly large numbers of forcibly deported returnees, people in transit, migrants, asylum seekers, refugees and internally displaced people. Although these flows are increasing, Mexico still lacks a coordinated policy to fully integrate new arrivals into the daily life of the country. Given this context, this paper reviews the recent history of migration in the country, with a special emphasis on the policy responses that have emerged in recent years. It does so by conducting an exhaustive analysis of the available primary and secondary data, drawing on local and federal legal and public policy frameworks, various studies and analyses by academics or civil society organizations and public opinion on the subject. The text argues that although the current context in Mexico might be considered favourable to migration, the lack of a coherent, coordinated migration and integration policy is generating conditions that favour the exclusion of those attempting to settle in the country or transit through it. This jeopardizes social cohesion and increases the vulnerabilities of the population in movement. The paper concludes with a series of recommendations.

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Migration in Mexico: complexities and challenges

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1. Introduction

Mexico is facing unprecedented migration flows of a mixed nature. Until the end of the 20th Century, the country was almost exclusively a place from which people emigrated, mainly Mexicans who moved to the United States. This has since changed, especially since the start of the 21st Century. Today, Mexico must respond to a multidimensional migration context, one in which growing numbers of people in movement transit through the country, return to it and settle. While it is true that the various government agencies responsible for addressing migration have acknowledged the scale of emigration from Mexico, much less attention has been paid to other types of migration. In short, the few federal initiatives that have been implemented in response to these new migration patterns have been superficial and scattered (Bertelsmann Stiftung, 2020; Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Márquez, Contreras and Ponce, 2018).

Despite this, migration is extremely significant for Mexico. Several aspects of the country's current migration profile are recent: the arrival of asylum seekers, the increased numbers of people in transit who are settling in the country and the fact that regular migrants account for a tiny share of the total—less than 1 percent, according to United Nations data (United Nations, 2020). All the same, there are various reasons why authorities at different levels of government, civil society and academic establishments should not and must not ignore this state of affairs.

The first of these is the change in the types of migration flows that Mexico has experienced. As will be explored in detail in the next section, the country's migration profile has undergone major transformations in recent decades: between 2000 and 2020, the foreign-born population residing regularly in the country grew by 123 percent (United Nations, 2020). Likewise, between 2018 and 2021, the number of asylum applications increased by 667 percent (Comisión Mexicana de Ayuda a Refugiados, 2022). The different levels of government urgently need to respond to this situation, especially given the limited reaction of the federal Government, which contrasts with the progress made by some states or federal districts, such as Mexico City (Vázquez, 2018).

Second, Mexico plays a critical role in migration management in the Americas. Mexico shares a border with the United States and often carries out a surveillance function through what has been described as the “externalization of borders”, targeting migrants and people seeking international protection (Díaz Carnero, 2020). At the same time, Mexico is now the country through which virtually all transit migration to the United States and Canada passes and in which many people are encouraged or forced to stay (Canales Cerón and Rojas Wiesner, 2018). This is the case for a variety of reasons that include increasingly restrictive border control and asylum policies in the United States (París Pombo et al., 2021). One clear example of this situation is the creation of Migrant Protection Protocols in 2019, which force people seeking asylum in the United States to wait outside the country (generally in Mexico) until a decision on their application is reached. Another is Title 42, which allowed US federal authorities to completely prevent the entry of foreigners during the Covid-19 pandemic, supposedly to prevent the spread of the virus. Given this, Mexico plays a vital geostrategic role in migration in the Americas.

Finally, Mexico must abide by its constitutional and international obligations regarding the human rights of migrants. Mexico is a signatory to all of the international agreements on migrants reached at the United Nations (De la Flor Patiño, 2014) and also recognizes and guarantees the rights of migrants in its own legislation, including the Political Constitution of the United Mexican States, (Calderón, 2014; Castilla Juárez, 2014).

In this context, the objective of this paper is to review migration and asylum in Mexico, with an emphasis on the political responses that make up the country's migration policy today. In short, it aims to present a brief but accurate overview of the regulatory framework and state of affairs faced by the migrant population in Mexico, which has gone from being almost exclusively a source of emigration to being a country that all manner of migrants and people seeking

international protection transit through and settle in. Throughout the text, whenever possible, we have attempted to differentiate between the various types of migrants in the country. In other words, we distinguish between those whose migration status is regular and are therefore staying in the country permanently, irregular migrants (who may or may not be in transit) and people seeking international protection (asylum seekers and refugees).³

Given the complexity of migration and the different issues addressed in the document, we have drawn on both primary and secondary data sources. The primary data was collected as part of a study entitled *Cohesión social: hacia una política de integración de personas en situación de movilidad en México* [Social cohesion: towards an integration policy for people in movement in Mexico].⁴ This study contains data obtained through 21 in-depth interviews with some of the main stakeholders responsible for migration policy in Mexico (federal authorities, civil society organizations, and representatives from academic establishments, international organizations and the business sector), and data from a nationally representative omnibus survey conducted in July 2020 to learn more about the Mexican population's opinions on foreigners and migration.⁵

We also conducted two systematic reviews of secondary data to locate, select and summarize policy developments and the main publications on migration in Mexico (Denyer and Tranfield, 2009). The first of these reviews focused on the regulatory and legal framework, drawing on legislative texts ranging from the Political Constitution of the United Mexican States to circulars issued by various ministries. We searched for this material online using the Google search engine and the websites of various national ministries in the process of conducting the study mentioned above (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020). A total of 123 documents were reviewed. The second systematic review focused on relevant literature, including both academic publications and information produced by government agencies and other institutions (grey literature). We conducted this search using Google Scholar and Scopus (an abstract and citation database for the social sciences), using keywords. Finally, to provide an overview of the current state of migration in Mexico, we consulted the main quantitative data sources published by institutions such as the National Institute of Statistics and Geography (INEGI), the Mexican Commission for Refugee Assistance (COMAR), the Unit for Migration Policy, Registration and Personal Identity (UPMRIP) or the National Migration Institute (INM).

The text presented here is divided as follows. Section 2 contains a review of the main migration movements that have taken place in Mexico in the last 20 years, according to the available data. Specifically, it examines the size of the foreign population residing in the country, the main types of migration (regular and irregular) and the most significant development in recent years: people seeking international protection. It also contains data on the integration of regular migrants into the labour market or the education system compared to the native-born population. Section 3 reviews two important aspects of migration today: how migrants contribute to society as a whole and how the Mexican population perceive migration, which is analysed based on the results of various national surveys. Section 4 analyses how migration policies have evolved since 2011, when the Migration Act and the current Law on Refugees, Complementary Protection and Political Asylum were passed, with a particular focus on the strategies that are currently in place. This section distinguishes between policies that manage regular migration, those that manage international protection, and those that deal with irregular or transit migration. The emphasis of section 5 is on political decentralization around migration and the capacities that subnational levels of government have developed to address it. Finally, section 6 puts forward some conclusions that seek to summarize the main challenges Mexico faces in this area, and presents a series of policy recommendations.

³ We have not included the emigrant population in our analysis (that is, Mexicans residing abroad), for two reasons. First, the focus of the text is to review the Mexican Government's integration policies targeting foreigners residing in the country. Second, many other publications have already provided valuable analyses of Mexican emigration, especially to the United States—a new exploration of this topic would not contribute significantly to what has already been described in these studies.

⁴ The survey was coordinated by the authors and Alexandra Haas Paciuc (see Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020).

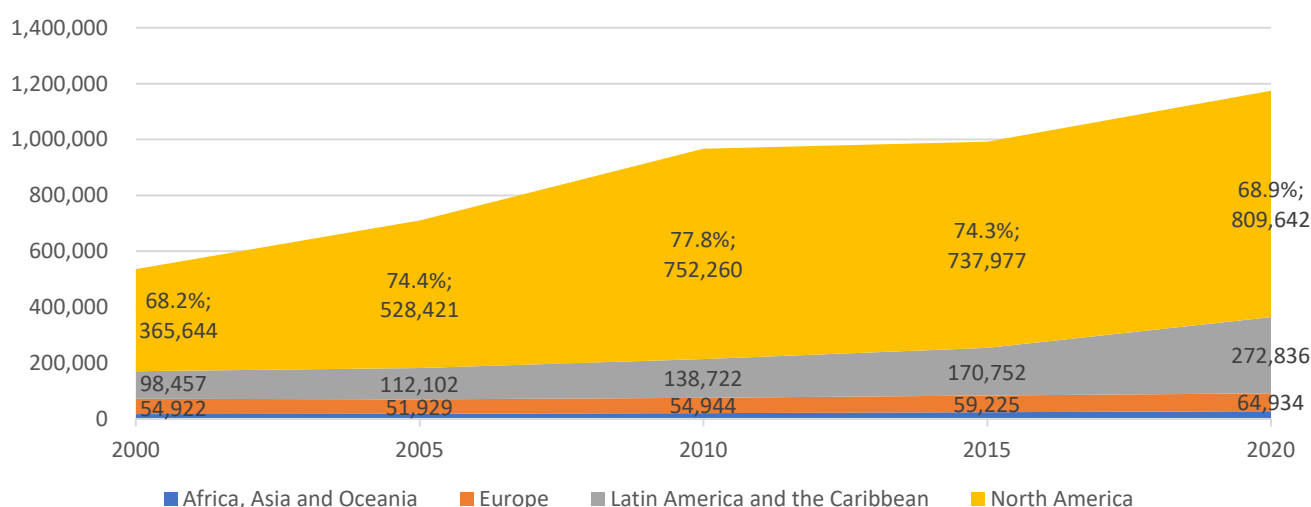
⁵ More information on the data collected in the interviews and the survey can be found in the methodological annex to this paper.

2. Migration: stock, flows and refugees

Although significant progress has been made on generating detailed, reliable data on migration in Mexico, it remains hard to provide a complete picture of the situation, given the complexity of the phenomenon in question. The data on migration in Mexico is incomplete since a large number of people in movement within the country have not been registered by any institution (especially those who enter or stay in the country irregularly).⁶ In this sense, it is hard to ascertain the specific number of migrants and refugees in the country and their circumstances or status (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Bertelsmann Stiftung, 2020).

However, according to data from the United Nations Population Division, in 2020 almost 1.2 million foreigners were residing regularly in Mexico—about 1 percent of the total population (United Nations, 2020). Although this is a comparatively small number, this population has grown by as much as 123 percent in the last 20 years: in 2000, there were only 538,051 foreigners residing in Mexico, a number that increased to 969,710 in 2010 and 1,197,624 in 2020 (figure 1). The majority of these foreign residents whose migration status is regular are from North America, particularly the United States, which accounts for 68.9 percent of the total (809,642). Migration flows from the rest of Latin America and the Caribbean have increased significantly. While in 2000 they constituted 18.3 percent of total resident migrants, that share had increased to 22.8 percent by 2020.

Figure 1. International migrants residing regularly in Mexico, by region of origin (number of people), 2000–2020



Source: Compiled by the authors based on data from United Nations (2020).

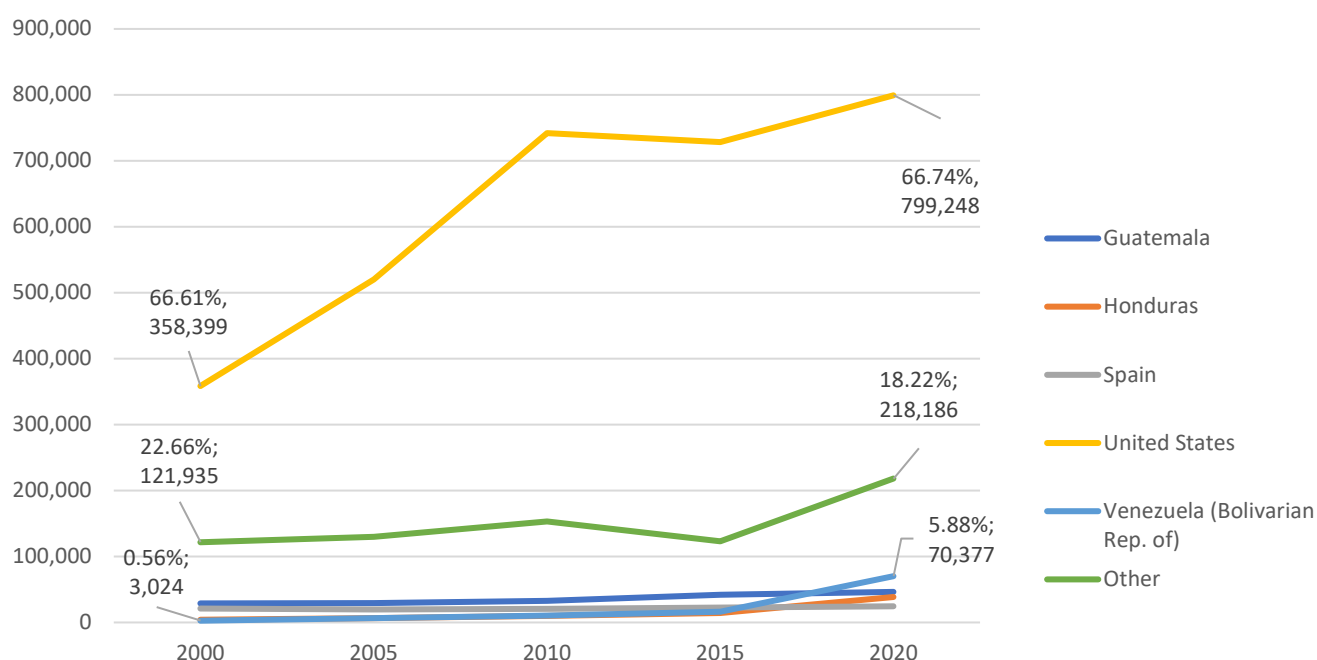
When this data is disaggregated by sex and age, two features are revealed. First, the last 20 years have not brought changes in the gender distribution of foreigners residing in Mexico, which remains balanced (50 percent women and 50 percent men). Second, the resident migrant population in Mexico is very young. In fact, 60.7 percent of foreigners residing in the country are under the age of 20, and the average age of settled migrants is 14.4, according to United Nations data. Finally, most foreigners settle in major cities such as Mexico City or Guadalajara; border states, such as Baja California or Chihuahua, and in the Central-Bajío area, including Querétaro, the State of México or Puebla,

⁶ Significant work has been carried out in this area by the Statistics Department of the Migration Studies Center at the Migration Policy, Registration and Identity Unit of the Ministry of the Interior (Secretaría de Gobernación, SEGOB), which compiles all the available data on human movement and migration flows in Mexico into monthly and yearly statistical bulletins, based on administrative records. More information on the Statistics Department is available at portales.segob.gob.mx/es/Politica-Migratoria/Direccion_de_Estadistica.

according to data provided by the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, 2020). These areas all tend to act as magnets for the labour force because of their economic significance.

The low age of foreigners residing in Mexico is consistent with the fact that the vast majority come from North America—specifically, the United States (66.7 percent)—according to data from the United Nations (2020) (see figure 2). This state of affairs is mainly explained by the large number of Mexican nationals who have returned to the country, either voluntarily or forcibly, and who have brought their US-born children with them (Aguilar and Jacobo, 2018). The second most significant source of migrants is Latin America, mainly Central America: in the last 20 years, the 10 most common migrant nationalities in Mexico have included Guatemalans, Hondurans and Salvadorans. The Venezuelan population has become particularly significant in recent years as a result of the humanitarian crisis in their country of origin: in 2000, there were just 3,024 Venezuelan migrants in Mexico (0.6 percent of the total migrant population), but this figure increased to 16,491 in 2015 (1.7 percent) and reached 70,377 in 2020 (5.9 percent). Finally, the third-largest group of foreigners residing in Mexico are of European origin: Spanish and French nationals are among the top 10 nationalities residing in the country on a documented basis. The number of French nationals in Mexico has almost doubled over the last 20 years, going from 5,723 people in 2000 to 10,569 people in 2020. This is partly due to Mexico being an attractive labour market for highly skilled workers (Mendoza Pérez, 2018). In contrast, the number of Spanish residents has remained stable in absolute terms, going from 21,334 in 2000 (4 percent of the migrant population) to 24,732 in 2020 (barely 2 percent), as can be seen in figure 2.

Figure 2. International migrants residing regularly in Mexico, by top five countries of origin (number of people), 2000–2020

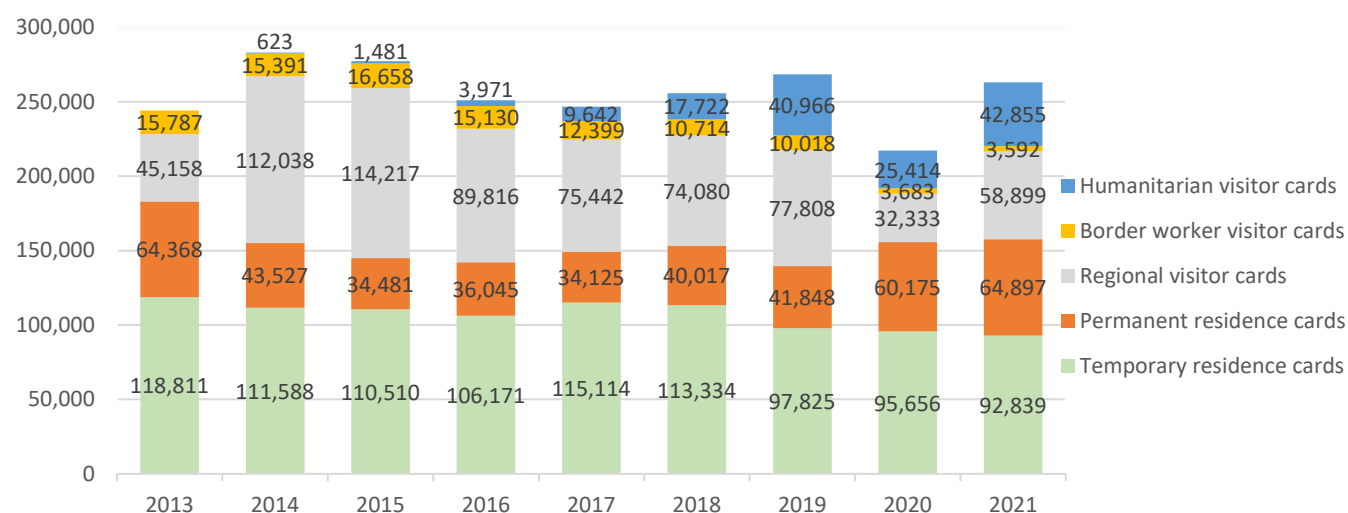


Source: Compiled by the authors based on data from United Nations (2020).

The analysis of gender-disaggregated data (United Nations, 2020) reveals some interesting differences between countries. There are proportionally more women among migrants from the Bolivarian Republic of Venezuela (57.7 percent), Honduras (55.4 percent), and Guatemala (52.8 percent), which seems to be a reflection of the fact that migration from these countries is often due to forced displacement in response to violence or conflict. In other words, many of these individuals may qualify for international protection.

However, according to information from the UPMRIP, the number of migration procedures that are filed in Mexico remained stable between 2013 and 2021 (around 250,000 people annually), with a slight decrease in 2020 due to the Covid-19 pandemic (see figure 3). Data from these migration procedures shed light on some features of migration in Mexico. First, there has been a slight increase in the number of permanent residence cards issued in recent years, which seems to indicate that many of those who come to Mexico do so to stay on and settle in the country. As will be seen in section 4, permanent residence cards are mainly issued to people who have resided in the country for at least four years and to people under international protection. In fact, this trend is consistent with the grounds on which immigration authorities grant residence cards: family reunification, work and, in recent years, refugee status. Second, the number of humanitarian visitor cards being issued soared from 623 in 2014 to 42,855 in 2021 (an increase of 6,788 percent). This card is the approach the Mexican Government has adopted to temporarily regularize the status of tens of thousands of people who are seeking international protection in the country while their applications for permanent residence are being processed, most notably arrivals from the Bolivarian Republic of Venezuela. Third, there appears to be a significant decline in the favourable treatment granted by the Mexican Government to people from Belize and Guatemala for the purposes of both transit through the country and work, as can be seen in figure 3. This may be due to both the direct effect of the COVID-19 pandemic and the overall tightening of the border and increased immigration enforcement by federal authorities.

Figure 3. Number of immigration procedures by type in Mexico, 2013–2021

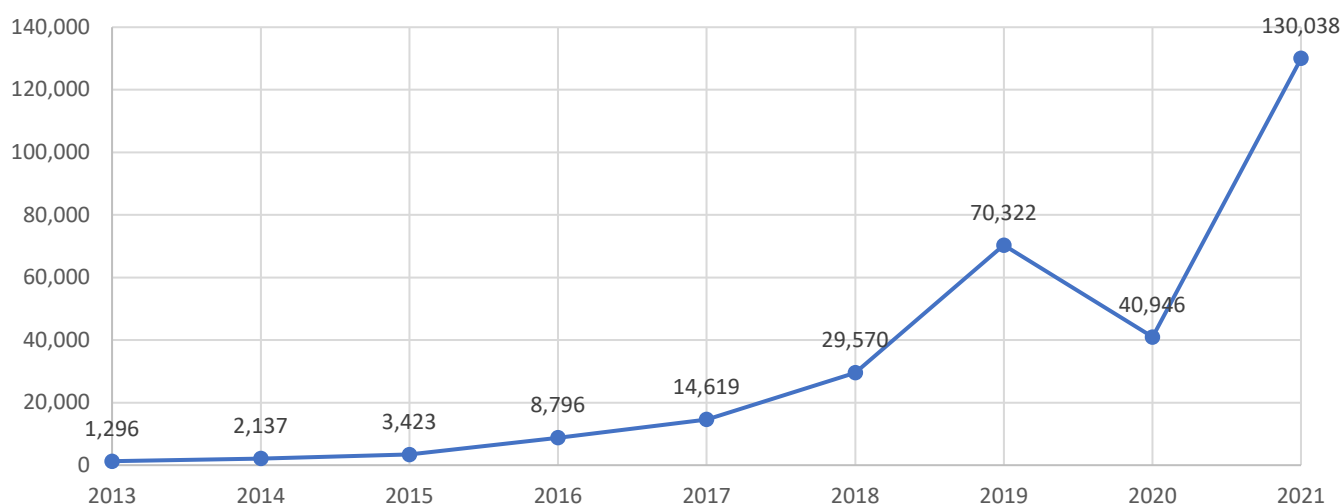


Source: Compiled by the authors based on data from Unidad de Política Migratoria, Registro e Identidad de Personas (2013–2021).

Note: The period analysed begins in 2013, when the new nomenclature for immigration procedures was established. Cards for regional visitors (three days) and cross-border workers (one year) are issued exclusively to Belizean and Guatemalan nationals. The data on temporary and permanent residence cards shown in the figure is for the number of cards issued and renewed.

In the last two years, there has been a notable increase in people seeking refugee status in Mexico: this is undoubtedly the type of migration that has increased most in the country. According to COMAR data, the number of applications has increased exponentially: from 1,296 in 2013, the first year for which records are available, to 130,038 in 2021. The figures show how the effect that different political, social, or economic crises in the region have had on requests for asylum in Mexico (see figure 4). There are several explanations for this development over the last two years: the humanitarian crisis in the Bolivarian Republic of Venezuela; the hurricanes constantly striking Central America; the violence and political and humanitarian crises in countries such as Haiti or in the Northern Triangle; the closing of borders in the United States and, of course, the health crisis caused by Covid-19, which is reflected in the decrease recorded in 2020 but also in the increase in 2021. Against this backdrop, most refugees in 2021 came from Haiti (39.4 percent of the total), Honduras (27.7 percent), Cuba (6.3 percent), Chile (5.3 percent, mostly children of Haitian nationals, according to COMAR) and the Bolivarian Republic of Venezuela (4.7 percent).

Figure 4. Number of applications for refugee status in Mexico, 2013–2021



Source: Compiled by the authors based on data from Comisión Mexicana de Ayuda a Refugiados (2022).

Additional data showing the complexity of the current state of migration in Mexico was taken from the Migration Policy, Registration and Identity Unit (Unidad de Política Migratoria, Registro e Identidad de Personas, 2021). In 2021, some 225,955 Mexican nationals were repatriated by US authorities.⁷ As table 1 shows, the number of repatriated Mexican nationals has varied little over time, with no significant declines even during the two years of the Covid-19 pandemic, such that total annual repatriations have hovered at around the 200,000 mark. Many of these repatriations, mostly of men, entail the return of the entire family (as mentioned above, this includes children born in the United States who hold US citizenship).

The significant growth in migration movements in Latin America and the Caribbean is reflected in the increase in the number of people brought before Mexican immigration authorities. The pandemic had a visible effect on these numbers in 2020, when they decreased significantly. In 2021, some 307,679 people were brought before the federal immigration authority, a large number of whom were from Central American countries (285,310), specifically

⁷ We cannot be sure that the data point in question refers to 255,955 different individuals. Although it reflects different cases of repatriation, it is possible that the same person may have been registered after having entered and attempted to remain in the territory irregularly on more than one occasion, leading to multiple records for the same individual.

Honduras and Guatemala (see table 1). While the data on people brought before the authorities could be an initial proxy for irregular migration flows, the numbers appear to fall far short. According to Rodríguez Chávez (2020), during the first migrant caravans (2005 and 2014–2016), the number of Central Americans in irregular transit in Mexico hovered around 400,000, a figure that increased to over 800,000 during the 2019 caravan.

Table 1. Number of Mexican nationals repatriated from the United States and foreign nationals appearing before Mexican immigration authorities, 2013–2021

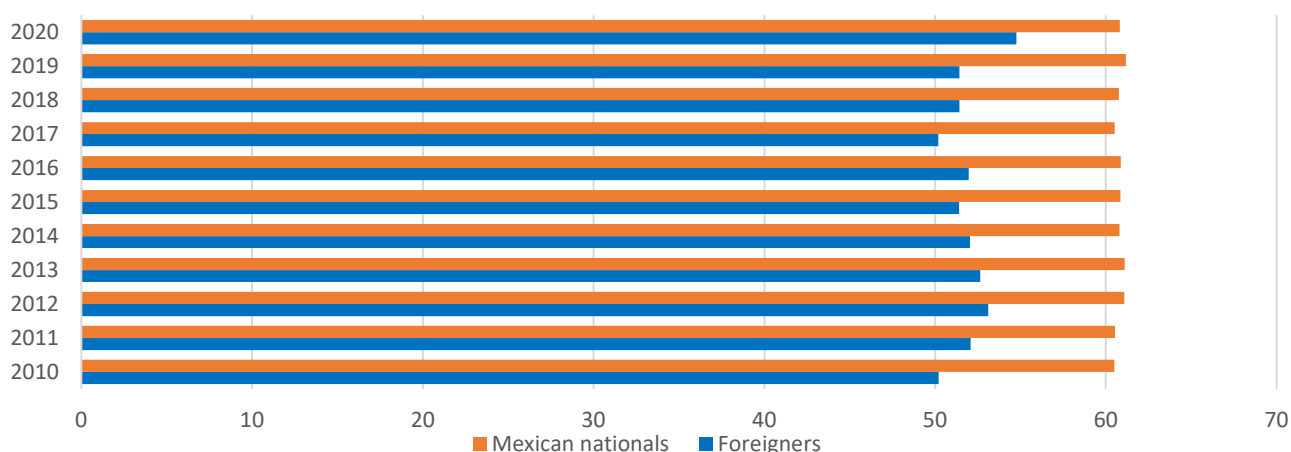
	2013	2014	2015	2016	2017	2018	2019	2020	2021
Repatriated Mexican nationals	332,865	243,196	207,398	219,905	167,064	203,669	211,241	184,402	225,955
Foreign nationals appearing before Mexican immigration authorities	86,298	127,149	198,141	186,216	93,846	131,445	182,940	82,379	307,679
Central Americans	80,757	119,714	179,618	151,429	80,599	117,141	155,302	76,295	248,310

Source: Compiled by the authors based on data from Unidad de Política Migratoria, Registro e Identidad de Personas (2013–2021).

This section concludes with a brief review of some of the data from INEGI’s National Occupation and Employment Survey (ENOE), which provides an overview of the integration status of regular migrants in Mexico.⁸ The labour market data shows that the percentage of Mexican nationals who are economically active is higher than the share of migrants for whom this is the case (a difference of approximately 10 percent), although ENOE is not representative of the migrant population per se (see figure 5). The data confirms that foreigners’ experiences in the labour market are relatively less favourable, in that they experience higher levels of inactivity than the native-born population, as is the case in many countries around the world (Organisation for Economic Co-operation and Development and European Union, 2015). These differences between the foreign and local populations remain when the data is disaggregated by sex.

⁸ At least two factors bias the results obtained from the data on integration. First, although the survey ascertains whether a respondent is a foreigner by asking them where they were born, it does not provide information on whether they are temporary or permanent residents. Second, the sample size of foreigners is very small: while the total number of Mexican nationals included is between 300,000 and 400,000, the number of foreigners is less than 2,500.

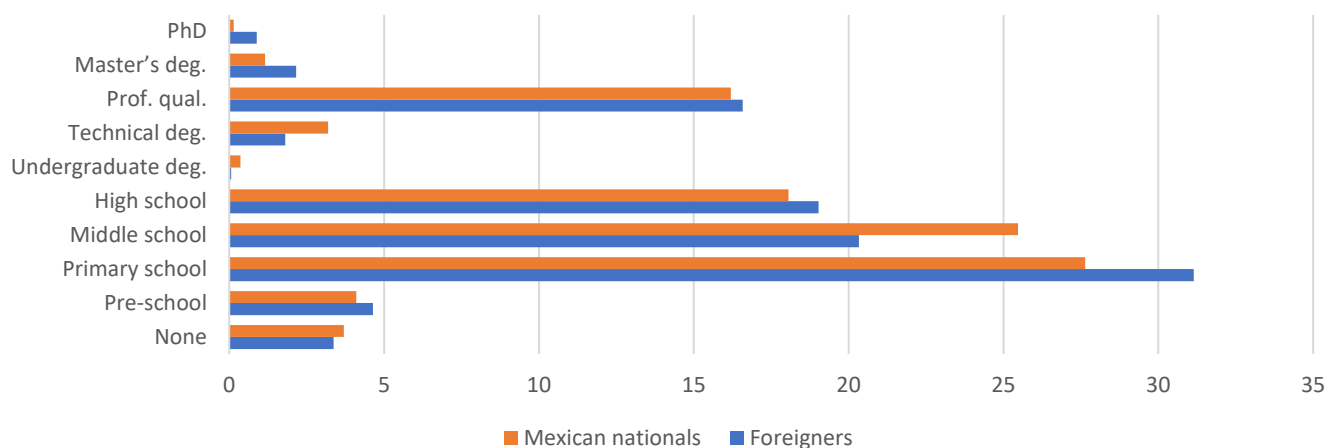
Figure 5. Economically active native-born and foreign population (in percentages) in Mexico, 2010–2020



Source: Compiled by the authors based on data from the National Institute of Statistics and Geography, National Occupation and Employment Survey (ENOE) 2010–2020, INEGI, Mexico City.

However, the labour market is not the only area where there are differences in terms of integration. With regard to education, the ENOE data gives a clear overview of the migrant population residing regularly in Mexico. Taking 2020 as the benchmark year, figure 6 shows that foreigners have either only completed primary education (the foreign population from Central America) or have postgraduate qualifications, master’s degrees and PhDs (the foreign population from the United States, Europe or the Southern Cone of Latin America). In other words, differences in education levels between foreigners and Mexican nationals are observed in the less educated and the more educated strata of the population. This is because the migrant population largely falls into two groups: they either have low education levels or are very highly qualified. These differences between the education levels of the native-born and foreign populations remain constant over time, and disaggregating the data by sex does not change them.

Figure 6. Highest education level achieved by the native-born and foreign population (in percentages) in Mexico, 2020



Source: Compiled by the authors based on data from the Instituto Nacional de Estadística y Geografía (2010–2020).

In any case, although the instruments and methodologies used to measure the complexity of migration have improved in recent decades, there is still significant room for improvement (Rodríguez Chávez, 2018). This is particularly true in relation to irregular migration flows (including both people in transit and those who have settled) and the integration of migrants. In this sense, to ensure that data sources are representative, it would be important to include a sufficiently large sample of the foreign-born population in national surveys such as the ENOE or the National Household Income and Expenditure Survey (ENIGH), both of which are conducted by INEGI. Progress also needs to be made on the collection of data at both the federal and subnational levels, to help implement policies that respond to the needs of the migrant community in each state, as well as those of society as a whole.

3. How migration contributes to Mexican society and citizens' opinions on international migration

Much of the international literature justifies hosting migrant populations on the grounds of their contributions to the host country. Many studies have analysed how migrants contribute to the labour market, tax systems and the public coffers or social security systems (Borjas, 2003 and 2017). However, their contributions extend beyond the economic sphere (contributions to the labour market or the tax system) and include social and cultural factors. Although this has been studied in depth in the United States or European countries, research of this sort is only just beginning to emerge in Mexico and the rest of Latin America.

Some historical analyses have been conducted on the contributions that international migration makes to social, economic and cultural life in Mexico. For example, there are studies on the contributions that foreigners (particularly Europeans) have made to science and technology in the country throughout the 20th Century (Izquierdo, 2015; Rutsch, 2014). Furthermore, there is no shortage of research supporting the claim that it would be overly simplistic to describe Mexico as having a single national culture: instead, it should be seen as a culture that has been enriched by many others (Ibarra, 2015). However, despite the influence of such studies, most of which focus on the mid- and late 20th Century, few analyses assess the contributions made by migrants today.

Much of the literature on how migrants contribute to the economy has focused on case studies of some regions of Mexico. Noteworthy examples of these include studies on the temporary labour force of Central American origin in southern Mexico (Castillo Ramírez and Zapata, 2018), which satisfies a major demand for labour and diversifies the regional labour market while also expanding the tertiary sector (Organización Internacional para las Migraciones, Organización Internacional del Trabajo, El Colegio de la Frontera Norte and Unidad de Política Migratoria, Registro e Identidad de Personas, 2020; Ángeles, 2010), and also contribute to the development of economic clusters (Coraza and Arriola, 2020). Other studies in this field focus on northern Mexico, especially the border with the United States. The migrant population makes a particularly significant contribution to the maquila industry, one of the largest in Mexico. Many of these migrants wait near the border to cross into the United States. As Peña Muñoz (2018) noted, migrants who settle in this region on a temporary or long-term basis contribute to local economies by using and consuming both public and private services. Indeed, they have played an essential role in the development of many border cities, including the reorganization of production in some.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has recently published research on the economic contributions of refugees who took part in its relocation, employment and local integration programme in Mexico (Economic Commission for Latin America and the Caribbean and Office of the United Nations High Commissioner for Refugees, 2022). According to the data presented in this study, 63 percent of the 10,000 people who joined the programme before June 2021 are now part of the economically active population. This study estimates

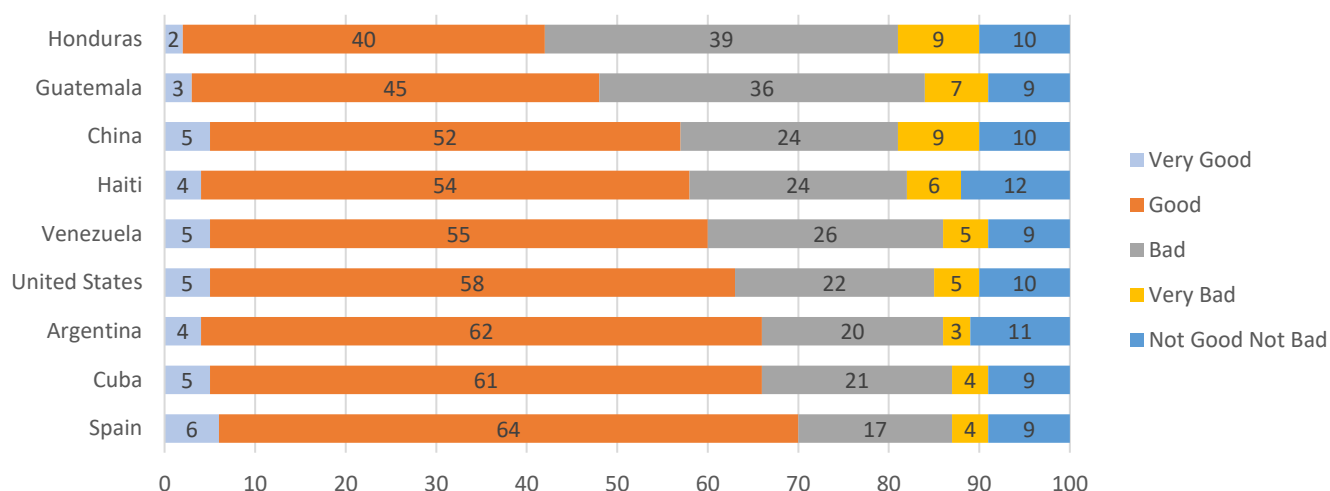
that the contribution that these individuals make to the public coffers is approximately MXN69.5 million in the form of taxes and direct contributions to the tax system.

In parallel with this evidence on how foreigners contribute to the country, it is important to consider how the Mexican population perceives migrants that have come to the country. If, as argued above, migrants' contributions extend beyond the economic sphere, the collective and cultural imaginary around international migration is also significant.

On this point, the available data confirms that generally speaking, the vast majority of Mexican society has a positive opinion of the foreign population. In representative surveys that have been carried out since 2010 by the Mexico, the Americas and the World project, the majority of the native-born population have expressed that they have a high or very high opinion of foreigners living in the country—in 2018, this percentage stood at 72 percent (Maldonado et al., 2020). In the omnibus survey carried out as part of the Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020) study, the figure (which was equally representative) reached 67 percent, while only 17 percent of the population said they had a low or very low opinion of foreigners.

However, positive opinions of foreign migration vary depending on migrants' countries of origin. The omnibus survey in Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020) found relatively more favourable opinions of people from Argentina, Cuba, Spain and the United States, despite Mexicans' long-standing aversion to people of the latter two nationalities, which were deemed "undesirable" (Yankelevich, 2003). In contrast, people of Guatemalan, Chinese or Haitian origin are looked on in a less positive light (see figure 7). This is consistent with the 2018 data gathered by Maldonado et al. (2020), except in relation to Chinese nationals: negative opinions of this group were relatively higher in 2020—33 percent, compared to 18 percent in the 2018 data collected by Maldonado et al. (2020)—a possible legacy of the Covid-19 pandemic.⁹ It is worth noting that even at that time, 60 percent of the Mexican population reported having an unfavourable opinion of Central American migration to Mexico.

Figure 7. Opinion on foreigners living in Mexico by origin (in percentages), 2020



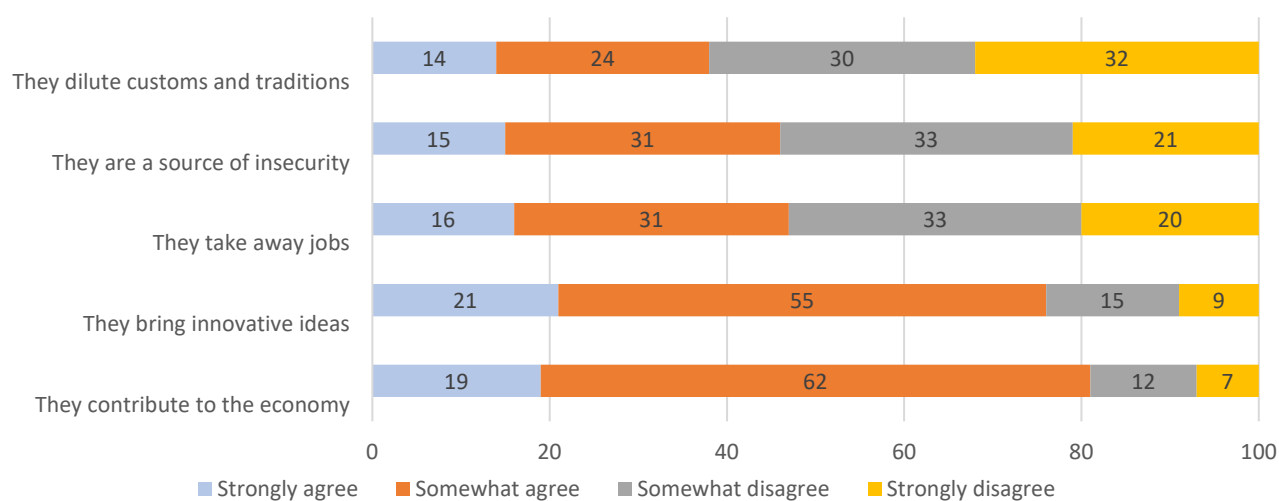
Source: Compiled by the authors based on data in Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020).

⁹ It is possible that in the survey analyzed by Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020), conducted in July 2020, opinions of the population of Chinese origin were influenced by the health crisis, given the spike in xenophobia that was recorded in the country at the time (Consejo Nacional para Prevenir la Discriminación, 2020).

This suggests that the population reacts more positively towards migrants that it perceives as being better educated or coming from more developed countries. In fact, in the data from the Mexico, the Americas and the World project, an overwhelming majority of the population stated that for foreigners to be allowed to live in Mexico, it was important for them to have a profession that was needed in the country (83 percent) and to be well educated (75 percent) (Maldonado et al., 2020).

With regard to how the population perceives migrants and their contribution to Mexico, there tends to be consensus around the idea that foreigners make a positive contribution to society. In the study by Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020), 81 percent of respondents stated that migrants contribute favourably to the economy, and 76 percent said that they bring innovative ideas. Conversely, although the consensus was not absolute, most respondents disagreed with statements alleging that migrants' contributions were negative. For example, 53 percent disagreed with the idea that migrants take away jobs, 54 percent did not think that they create insecurity and 62 percent disagreed with the statement that they dilute Mexican customs or traditions. It should also be noted that the percentage of those who “strongly agree” with these statements is low (see figure 8).

Figure 8. Perceptions of foreigners and their contributions to Mexico (in percentages), 2020



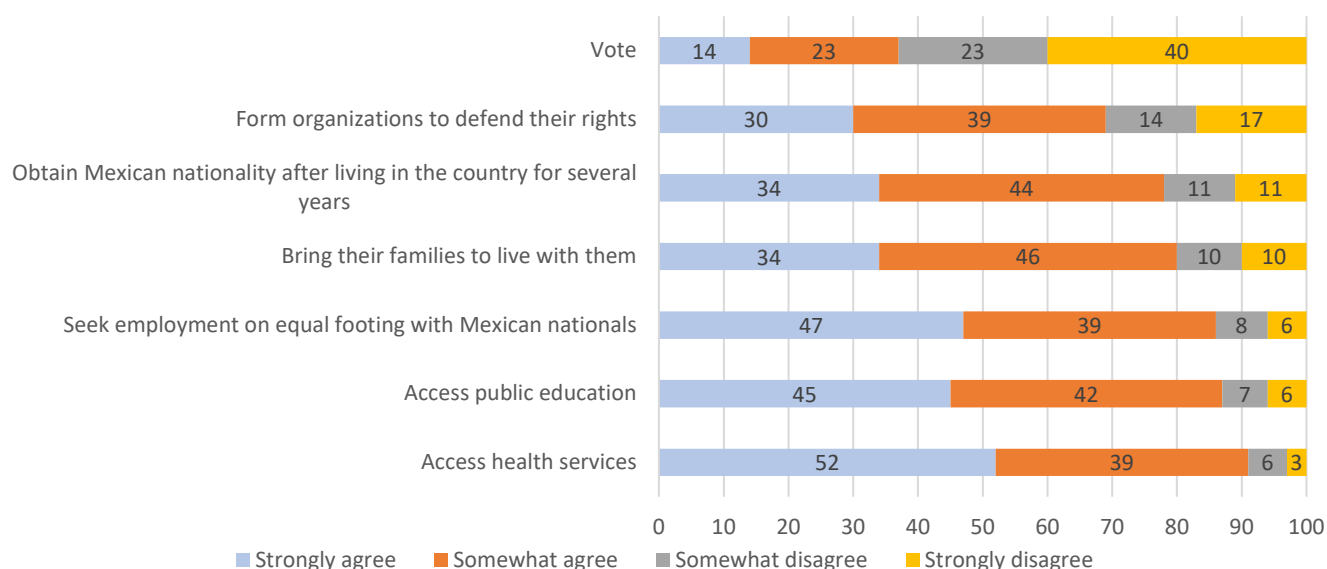
Source: Source: Compiled by the authors based on data in Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020).

The opinions reflected in the above data are more favourable than those gathered in earlier surveys. For example, the 2018 World Values Survey found that 25 percent of the country’s population said that “immigrants” have a negative impact on Mexican development, 29 percent disagreed with the idea that the migrant population strengthened cultural diversity and 39 percent associated migration with higher crime rates (Haerpfer, 2022).

On the matter of rights, the Mexican population considers that the freedoms of the migrant population in Mexico should be respected. Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020) found that 9 out of 10 people surveyed were in favour of guaranteeing migrants access to health care (91 percent agreed or strongly agreed with this opinion), education (87 percent) and work (86 percent) on equal footing with non-migrants, as can be seen in figure 9. Furthermore, 8 out of 10 people surveyed were in favour of the migrant population being able to reunite with their families (80 percent) or gain access to citizenship after residing in Mexico for several years

(78 percent). This is consistent with the responses to similar questions in exercises such as the 2017 National Survey on Discrimination (ENADIS) carried out by the National Council to Prevent Discrimination (CONAPRED) or the 2018 World Values Survey, in which just one-fifth of the population (a not insignificant share) considered that foreigners people should be denied access to jobs if unemployment is prevalent (Consejo Nacional para Prevenir la Discriminación, 2018; Haerpfer, 2022).

Figure 9. Preferences regarding foreign nationals’ access to various rights (in percentages), 2020



Source: Compiled by the authors based on data consulted in Haas Paciuc, Sánchez-Montijano and Ortega (2020).

In addition to the basic rights considered above, there are others that relate to civic life and social harmony. According to the nationwide survey in Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020), one-third of respondents disagreed with migrants forming organizations and 61 percent were against them exercising the right to vote. However, in the 2017 ENADIS survey, 47 percent said that they were even against Mexicans born outside the country being allowed to run for president (*Consejo Nacional para Prevenir la Discriminación, 2018*). These stances are in keeping with the Mexican tradition of limiting foreigners’ participation in national politics, which is even stated in the Mexican Constitution. Furthermore, according to the 2017 ENADIS survey, 4 out of 10 people even stated that they would not rent a room in their home to foreign nationals, particularly in the states of the Gulf of Mexico, such as Veracruz, Tabasco, Campeche and Yucatán, as well as in several southern states, such as Chiapas and Oaxaca (*Consejo Nacional para Prevenir la Discriminación, 2018*).

Another significant aspect is unfavourable perceptions of irregular migration. Maldonado et al. (2020) claim that, in 2018, 7 out of 10 people in the country agreed that the Government should increase border controls around “undocumented immigrants”, and 64 percent were in favour of “deporting them”. However, 70 percent were in favour of implementing temporary employment programmes. More broadly, the 2018 World Values Survey found that 30 percent of Mexicans thought the country should put strict limits on the number of foreigners crossing its borders (Haerpfer, 2022).

The data described above clearly reveals that the migrants make a substantial contribution to Mexican society and that Mexican citizens acknowledge this. Despite some scaremongering in the media and some xenophobic discourses,¹⁰ the Mexican population generally perceives foreigners as contributing to the country's development, probably because migration is a fairly recent phenomenon that has yet to have much of a social impact. In addition, they think that foreigners should enjoy basic rights on equal footing with the native-born population, an opinion that is being increasingly taken up in Mexico's legal and constitutional framework (as will be explored in more detail below). However, the greatest resistance is concentrated around irregular migrants and those from Central America, who are considered less desirable and are viewed in a less positive light. As a result, the country should prioritize combating the exclusionary narratives that circulate around Central Americans who enter the country (or seek asylum) irregularly. As is detailed in the following section, it is Central American migrants who experience the most precarious conditions and the greatest insecurity.

4. Migration policy at the federal level

Historically, migration policy in Mexico was oriented towards keeping foreigners out (Yankelevich, 2020). Throughout the 20th Century, the Government established and observed selection criteria that privileged the entry of nationals of countries that were considered "close" to Mexican culture, as part of a logic of cultural assimilation (González Navarro, 1993; Morales Meléndez and López Figueroa, 1999; Martínez Assad, 2008; Yankelevich, 2011 and 2015). Only in certain exceptional circumstances were facilities granted to enable the entry of other specific groups of asylum seekers and people experiencing political persecution. However, this did not lead to profound or structural changes in the regulatory framework for migration (Rojas Mira, 2016; Somohano and Yankelevich, 2011; Yankelevich, 2002 and 2009; Salazar, 2006; Imaz, 1995).

This section analyses how Mexico currently regulates entry into its territory and describes the mechanisms it has implemented to integrate foreigners into the different spheres of Mexican social life. This overview will be organized around what are known as the "three doors" to migration: the "front door" (regular migration), the "side door" (asylum-seeking) and the "back door" (irregular migration) (Zolberg, 2006).

Generally speaking, although recent years have brought progress on legislation and planning, migration policy still focuses on controlling human mobility and restricting irregular migration but lacks coherent, articulated actions to promote full integration and the exercise of human rights without discrimination (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Bertelsmann Stiftung, 2020; Sin Fronteras IAP, 2014).

4.1 Regular migration

In 2011, the country's Migration Act was enacted, in parallel with the reform of the Mexican Constitution—which included the human rights recognized in international treaties at the same level as the rights listed in the Constitution itself. This was part of a widespread attempt to expand and recognize the individual rights of both the foreign and native-born populations. The new law established the main channels that currently facilitate regular entry into Mexican territory by recognizing two main types of stay: temporary and permanent residence.¹¹ Despite

¹⁰ During the 2018 Honduran migrant caravan, some of the ideas expressed against migrants took up old arguments like "they'll take jobs away from Mexicans", "the government should be worrying about Mexicans not about foreigners", "they are criminals", "there are already a lot of poor people in Mexico" or "they'll destroy Mexican culture" (Arana, 2018).

¹¹ The law also recognizes other temporary visit or residence statuses for regular migrants, which contemplate particular situations such as entry for cross-border work or purposes other than paid employment and temporary residence for students. In addition, as is the case in many other migrant-receiving countries, Mexico has implemented up to ten extraordinary regularization processes for the migrant population. However, the data suggests that these programs have had limited results and that mere hundreds of people took advantage of them (Organización Internacional para las Migraciones, 2021).

this attempt to establish a channel through which foreigners can regularize their stay in the country, the fact is that the provisions of the law have hindered regular migration for people without socioeconomic privilege or who lack an existing connection with the country, as evidenced by the grounds on which migrants can regularize their status:

i. Temporary residence of up to four years is granted to those who are part of scientific research or sample collection projects in Mexican territory or waters; those who have been offered employment in Mexico and have the means to cover their accommodation and living expenses during their stay; those who own real estate in Mexico with a value greater than 40,000 days of the current general minimum wage¹²; those with investments in Mexico¹³ or those who receive an invitation to perform unpaid activities at public or private organizations or institutions, provided they cover their own travel and living expenses or that whoever invites them has the means to do so.

ii. Permanent residence is indefinite in duration and is granted to those who have resided in the country with a temporary residence permit for four years; those who have children that are Mexican by birth; those who are ascendants or descendants of a person who is Mexican by birth; those who are victims of human trafficking in Mexico and retirees or pensioners with sufficient means of their own to live in Mexico. Although in theory permanent residence can also be granted through a point system that is regulated by the Ministry of the Interior, this has not been implemented since the enactment of the Migration Act.¹⁴

In view of these difficulties in gaining regular access to the country and thus obtaining residence rights, it should be noted that the Migration Act recognizes the right to family reunification. As a consequence, those who are granted temporary or permanent residence may request the entry of their spouse, common-law spouse, parents¹⁵ or children.¹⁶

Once in Mexico, people born in another country can acquire Mexican nationality.¹⁷ One way of doing so is to marry a Mexican national while also residing legally in Mexico. Another is to request the issuance of a letter of naturalization from the Ministry of Foreign Affairs by going through an application process and sitting an exam to demonstrate knowledge of Mexican history and culture and the Spanish language. Applicants need to have lived in Mexico for at least the previous five years (which implies having had a residence permit), although there are exceptions, some of which entail positive discrimination.¹⁸

In terms of socioeconomic integration, the regulatory framework establishes that migrants must be able to exercise their rights freely and without discrimination. In this regard, the Constitution prohibits unjustified denials of rights and recognizes the right of all people to work, education and health care, while establishing the right

¹² In 2022, this amount was equivalent to MXN5,668,000.

¹³ "Investments in Mexico" means owning capital stock in Mexican corporations worth more than 20,000 days of the current general minimum wage; owning personal property or fixed assets that are used for economic or business purposes or engaging in economic or business activities that generate three or more formal jobs in Mexico.

¹⁴ Congress has questioned the Ministry of the Interior regarding its noncompliance in this matter. See, for example, the opinion on the matter issued by the Standing Committee of Congress on July 18, 2017, available at http://sil.gobernacion.gob.mx/Archivos/Documentos/2017/07/asun_3555755_20170719_1500485307.pdf.

¹⁵ The law refers to "father" and "mother" in the singular, reflecting an assumption that whoever receives authorization for permanent or temporary residence comes from a heteroparental family.

¹⁶ They may be children of the resident or their spouse or common-law spouse. Children are authorized residence provided that they are minors, are not married and are under the guardianship or custody of the resident and their spouse or common-law spouse.

¹⁷ To acquire Mexican nationality, applications must renounce any other nationality and "any right granted to aliens by international treaties or conventions." See Article 17 of the Migration Act.

¹⁸ Specifically, people whose children are Mexicans by birth, people married to a Mexican national, people who have rendered services to the country or performed deeds that benefit of the country (at the discretion of the Ministry of Foreign Affairs) and Latin American, Spanish or Portuguese nationals need only prove two years' residence.

of every family to decent, dignified housing. These provisions are reinforced in various laws in a similar spirit (e.g. the Federal Labour Act or the General Education Act). Once an individual obtains temporary or permanent residence, the INM must include a Unique Population Registry Code (CURP) in their documents to enable them to access government programmes and public and private services (Registro Nacional de Población, 2021). Various institutions such as the Ministry of Health, the Attorney General's Office, the National System for Integral Family Development (SNDIF) and the National Institute for Women (INMUJERES) provide care, guidance, counselling, prevention and social assistance services for the migrant population.

In policy terms, the federal Government has also progressively recognized the rights of migrants. Under the current Administration, one of the objectives of the 2019–2024 National Development Plan is to promote the possibility of “foreigners transiting safely through the national territory or settling in it” (*Secretaría de Gobernación, 2019d*). The Ministry of the Interior has indicated that its New Migration Policy would provide migrants with tools “to make their rights enforceable”, and would foster “actions related to solidarity, non-discrimination, and the eradication of xenophobia [...] in host societies” (*Secretaría de Gobernación, 2019c*). Through the Inter-institutional Strategy for the Comprehensive Care of Repatriated and Returning Mexican Families, the Ministry of Foreign Affairs provides assistance for family reunification and the return of migrants from abroad. In turn, the Ministry of the Interior (working mainly through the INM) must provide them with assistance and guidance upon their arrival in Mexican territory to enable them to obtain a CURP (if they do not have one) and access health services, shelter, employment, food and social policy (*Secretaría de Gobernación, 2021b*).¹⁹ The 2021–2024 CONAPRED National Programme for Equality and Non-Discrimination includes actions to eradicate discriminatory practices in health, education, social security, employment, security and justice. Similarly, some lines of action (the implementation of which will have to be assessed with hindsight at a later date) specifically aim to eliminate obstacles affecting migrants (*Secretaría de Gobernación, 2021c*).

Despite the progress that has been made, countless gaps prevent regular migrants from fully integrating into Mexican society (even if they are returnees or hold dual nationality). De la Flor Patiño (2014) and Guevara (2014) emphasize that several pieces of secondary legislation fall short of international standards regarding the rights of migrants and may even be considered unconstitutional. Calderón (2014) and Castilla Juárez (2014) make similar observations regarding the regulatory level of some standards (for example, the points system for acquiring permanent residence established by the Migration Act may be discriminatory to the detriment of people with limited financial resources). Furthermore, a body of research has highlighted the prevalence of informal, precarious work among foreigners, in conditions that violate human rights,²⁰. Other aspects that have been highlighted include discrimination, lack of recognition of official documentation and “culture shock”, which lead to exclusion in education and health²¹.

- i. The next section looks at some emblematic examples of the barriers that currently persist against integration, drawn directly from the in-depth interviews²² and the documentary analysis conducted as part of the study by Haas Paciuc, Sánchez-Montijano and Zedillo Ortega (2020):
- ii. The Federal Labour Act prohibits foreigners accounting for more than 10 percent of total staff at any Mexican workplace, with the exception of “directors, administrators and general managers”.
- iii. Various laws (including the Constitution) prohibit people born outside of Mexico from holding numerous public

¹⁹ This strategy follows one implemented by the previous administration, *Somos Mexicanos*, which entailed largely similar actions that were implemented in coordination with State authorities through federal Government delegations in each federal district (*Secretaría de Gobernación, 2016*).

²⁰ See Aguilar (2020), Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres and Instituto para las Mujeres en la Migración (2015a and 2015b) and Hernández (2015).

²¹ See Fernández Casanueva et al. (2012), Choy Gómez (2012) and Pérez García and Roldán Dávila (2011).

²² The interviewees are listed in the methodological appendix.

offices, even if they are Mexican by birth or acquire Mexican nationality (these offices include the presidency of the country, federal representatives to Congress, state governorships or the head of the Mexican Social Security Institute or the National Human Rights Commission).

iv. The Constitution allows only Mexican citizens—that is, Mexican nationals of legal age who pursue “an honest way of life”—to vote and be voted for, to associate with one another to take part in the political affairs of the country, to be appointed to public service, to vote in referendums and to join political parties, among other rights.

v. Despite stating that all people without social security should receive free public health services under conditions of equality and non-discrimination, the General Health Act requires foreigners who “enter the country with the main intention of making use” of such health services to be charged in full for these. In practice, this criterion is left to the discretion of health care centres, as confirmed by one of the experts interviewed.

vi. Educational institutions, especially at higher education levels, arbitrarily apply criteria that hinder the inclusion of asylum seekers or returnees (for example, by making it mandatory for documents to carry an apostille from the country of origin or for certified translations of these documents to be presented), as reported by civil society representatives that were interviewed.

vii. The National Housing Fund for Workers Institute lacks instruments, tools or programmes that target the migrant population.

viii. Despite claiming to be universal, the operating rules of various federal and state social programmes (for example, old-age pensions) only allow Mexican nationals to benefit from these.

ix. Although the provisions relating to financial access have been reformed and mechanisms have been created to facilitate the reception of remittances from other countries,²³ in practice, several Mexican banking institutions maintain obsolete requirements that make it difficult for foreign nationals to open an account in the country, as some of the interviewees pointed out.

x. Many procedures and formalities do not take religious diversity into account (for example, those applying for a Mexican passport must be photographed with “the head uncovered and without garments or objects that partially or totally cover the face”, which prevents those who practice Islam or Sikhism from wearing veils or turbans), as pointed out by a representative of the Mexican Government.

Consequently, people who enter the country regularly face difficulties in exercising their rights in various areas of daily life. This is true even in the case of returnees who are not foreign nationals.

4.2 International protection and refuge

In 2011, Congress enacted the Refugees, Complementary Protection and Political Asylum Act. This law establishes that Mexico will grant refugee status to those who fear persecution in their country of origin, those who have fled their country of origin or those who consider that their life, safety or freedom are under threat there because of their religion, nationality, race or gender, as well as widespread violence, internal conflicts or massive human rights

²³ One example of this is the strategy announced by the Ministry of Finance and Public Credit, the Bank of Mexico, the National Banking and Securities Commission, the Welfare Bank, the Ministry of Foreign Affairs and the Association of Banks of Mexico to facilitate the provision of banking services to both the Mexican migrant population in the United States and their families in Mexico (Banco del Bienestar, 2021).

violations.²⁴ Mexico may also provide political asylum to those facing persecution for “political reasons or crimes of a political nature or for common-law offences that are connected to political motives” (art. 2, para. i, of the Refugees, Complementary Protection and Political Asylum Act). One guiding principle of both procedures is family unity: the Government may authorize the entry of spouses, common-law spouses, descendants and other relatives and it must ensure that families seeking asylum remain at the same migration centres. It should be noted that on these grounds, Mexico includes, under these assumptions, the expanded definition of international protection set out in the 1984 Cartagena Declaration on Refugees,²⁵ which goes beyond the 1951 Geneva Convention and its 1967 Protocol.

Two units are responsible for managing the flow of people in these cases. First, COMAR is responsible for the entire refugee process, from the reception of applications to decisions on these, as well as the registration process and issuing certificates. Second, the Ministry of Foreign Affairs rules on the recognition of refugee status and decides whether or not to grant political asylum to a person. It may also grant permanent residence for reasons of political asylum, refuge, statelessness or complementary protection.

However, like regular migrants, those seeking international protection in Mexico face numerous obstacles. In principle, the law contains provisions for COMAR to assist refugees through integration plans and to work with the Ministry of Foreign Affairs to promote and coordinate “public actions, strategies and programmes” aimed at protecting and assisting asylum seekers; to promote solutions to the problems they face; and to formulate, coordinate, evaluate and publicize criteria and programmes to assist them. However, there are currently no assistance mechanisms, “lasting solutions” or coherent policies that enable asylum seekers or refugees to fully exercise their rights (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Pérez García and Martínez Medrano, 2011). During the interviews, Government and civil society representatives pointed out that these groups face the same restrictions that afflict the regular and returned migrant population. These barriers include legal prohibitions on labour and political participation; difficulties and arbitrary provisions that limit the use of health, education and banking services and a general lack of knowledge (even on the part of civil servants) regarding the documentation that demonstrates their status.

In addition to the obstacles faced by regular migrants, those seeking international protection face specific structural obstacles. These include shortfalls in authorities’ budgets for providing services: for example, accommodation for those seeking refuge or asylum is not usually provided by the Government during this process but is instead managed by international organizations and civil society. Likewise, several agencies lack offices nationwide (e.g. COMAR or CONAPRED) and sufficient personnel. These shortfalls often slow these procedures down or may even make them inaccessible (e.g. there are no interpreters for languages other than English or French to assist those seeking refuge), as Government representatives pointed out during interviews. Furthermore, those requesting assistance must remain in the same Mexican state or federal district, and the temporary CURP they receive is usually valid for a shorter period than it takes to process their application. As a result, those seeking refuge or asylum tend to find it hard to get jobs and earn the means to access housing, food or education. Finally, the vast majority of public services, assistance and other programmes entail requirements that are almost impossible for this population to meet. For example, according to various civil society representatives that were interviewed, they require proof of address, registration with the tax authorities or identity documents and other official documents that migrants often do not have (such as passports or voter registration documents). The impossibility of meeting these requirements severely limits the resources of this migrant population and increases their vulnerability.

²⁴ The Refugees, Complementary Protection and Political Asylum Act includes an expanded definition of international protection as per the 1984 Cartagena Declaration, which extends the cases of protection contemplated in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

²⁵ Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held in Cartagena de Indias, Colombia, from 19 to 22 November 1984, www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html.

The UNHCR and civil society organizations play a noteworthy role in responding to this situation in Mexico. While the federal Government allocates only limited resources to respond to the arrival of people seeking international protection, the UNHCR, for example, has taken on a key role in assisting them, as confirmed by several of the stakeholders interviewed. In response to the reduction of COMAR's overall budget and taking into consideration the increase in the number of people it serves (García, 2021), UNHCR has stepped up its presence in terms of personnel and financial resources. The UNHCR also implements projects for receiving people in movement, such as relocating refugees, which in addition to providing legal support, offers "temporary housing, cultural guidance, vocational training, and assistance with school enrolment and finding employment"²⁶.

4.3 Transit and irregular migration

Finally, there are even more restrictions and inconsistencies in the legislation when it comes to irregular migration. Although the 1974 General Population Act lists irregular entry into Mexico and irregular permanence in the country as crimes, these were decriminalized in 2008 (Morales Sánchez, 2008). Despite this, in recent years, federal authorities have sought to promote "safe, orderly and regular migration", within the framework of the Global Compact for Safe, Orderly and Regular Migration held in 2018 under the auspices of the United Nations. In fact, article 100 of the 2011 Migration Act had already established that people who enter the country irregularly and are detected in this situation could be brought before the immigration authority and housed in migration stations or temporary holding centres, along with those who cannot demonstrate that their stay is regular (Organización Internacional para las Migraciones, 2021). The INM currently conducts "rescue" operations on a daily basis—these are essentially raids and searches that have led to the detention of thousands of people.²⁷ It also implements actions to deport people who transit through Mexican territory irregularly,²⁸ intercepting them even on-board buses and trains (Pradilla, 2021). As a result of pressure from the US Government to contain transit to the US, the INM has increasingly relied on support from the National Guard, a security force made up of members of the Armed Forces (Secretaría de Gobernación, 2020a). This has strengthened migration control operations substantially (Selee et al., 2021; Secretaría de Gobernación, 2019b).

Generally speaking, in addition to the barriers to the exercise of the rights associated with any type of migration (as described in the previous sections), those who move irregularly even experience difficulties in proving their identity. Several legislative reforms were published in 2020 to enable minors to be provided with a temporary visitor's document on humanitarian grounds. The INM then refers them to SNDIF (instead of bringing them before migration stations) and the Ministry of the Interior issues them a CURP (Secretaría de Gobernación, 2020b). However, any other person must prove their identity before the INM or COMAR to obtain a CURP, which means that most of those who are in Mexico in an irregular situation are unable to access public or even private services, procedures or social support.²⁹ This situation is compounded by the fact that the migrant population is usually unaware of existing programmes or services, and in any case avoids approaching public institutions or providing personal data for fear of jeopardizing their stay in the country. This is particularly concerning in a context marked by frequent violations of rights, organized crime and a health crisis (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Red de Documentación de las Organizaciones Defensoras de Migrantes, 2020).

²⁶ Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados (2022), "Más de 20.000 reubicaciones como parte de los esfuerzos de integración de personas refugiadas en México", 25 May, www.acnur.org/noticias/press/2022/5/628e4b524/mas-de-20000-reubicaciones-como-parte-de-los-esfuerzos-de-integracion-de.html.

²⁷ One example is the case of 334 migrants "rescued" by the INM in Veracruz on 22 October 2021 (Instituto Nacional de Migración, 2021).

²⁸ In late 2021, several cases involving Haitian nationals were made public, include the return of 129 people on 6 October 2021 (Secretaría de Gobernación, 2021).

²⁹ Indeed, SEGOB itself explicitly acknowledges this exclusion on its website, through the National Population Registry (RENAPO) (Registro Nacional de Población, 2019).

4.4 Concluding remarks on federal migration policy in Mexico

As the data presented above shows, Mexico limits and persecutes irregular migration, does not provide effective international protection and favours “like-minded” nationalities and privileged sociodemographic profiles for regular migration. Meanwhile, in terms of guaranteeing rights, “Mexican integration policy remains weak to non-existent” (Bertelsmann Stiftung, 2020). In other words, despite recent advances, numerous legal, regulatory and planning provisions favour the exclusion of those who migrate to the country. This is exacerbated by xenophobia and a lack of knowledge among public and private stakeholders regarding migration documents, and by shortfalls in the State’s capacity to address migration.

The possibility of reversing these trends is hampered by the hollowing out of ordinary institutional processes, according to which the development of migration policy should be led by the Ministry of the Interior and implemented through coordination between different levels and areas of government. Civil society should also be involved. Under the López Obrador Administration, decision-making on this matter is managed centrally by an interministerial commission created by presidential decree and headed by the Ministry of Foreign Affairs. The commission excludes numerous agencies, such as the Ministry of Public Education, the Attorney General’s Office, CONAPRED, the legislative branch, subnational governments and civil society, as has been pointed out by many of the stakeholders interviewed (Selee et al., 2021; Haas Paciuć, Sánchez-Montijano and Zedillo Ortega, 2020; Secretaría de Gobernación, 2019b).

5. Migration management at the subnational level: states and municipalities

Given that Mexico is a federal republic, state and municipal governments play a major role in managing migration, especially because they have powers in a number of areas that affect people’s daily lives, such as health, education, employment and security. Moreover, given that subnational authorities have a closer understanding of the realities of life in specific communities and given the lack of a national integration policy, they are the first to respond when it comes to managing migration flows. This section briefly examines the progress that has been achieved through local migration policies, and the headway that subnational governments have made on guaranteeing foreigners’ rights. Although progress in each state or federal district varies (with Mexico City playing a prominent role), generally speaking, the achievements to date have mainly been of a regulatory nature: few states have been able to translate this into building institutions or concrete policies that favour the integration of migrants into Mexico society.

Most local governments have enacted their own legislation on migration-related issues, and have even created secretariats, institutes or departments responsible for assisting the migrant population. However, almost all norms and institutions of this nature focus on migration from Mexico to elsewhere. In other words, the emphasis falls on services targeting the local population living in other locations, especially outside the country, above all in the United States (Ortega Ramírez and Garrido de la Calleja, 2019; Márquez, Contreras and Ponce, 2018; Bobes León and Pardo Montaña, 2016). Several states or districts have liaison offices abroad, but few have enacted legislation for migrants transiting through or settling in their territory. Two exceptions to this are Chiapas, which has a local law on internal displacement and some municipal offices that respond to migrants and refugees, and Mexico City, whose Constitution includes the obligation to guarantee the rights of migrants. Mexico City also passed its Law on Interculturality, Migrant Assistance and Human Mobility in 2011.

State governments also have an anti-discrimination legal framework that directly seeks to benefit migrants. All states or districts have enacted anti-discrimination laws, designated a local agency, area or institution as being responsible for the matter, and (in most cases) made discrimination a crime (Consejo Nacional para

Prevenir la Discriminación, n.d.; Vela Barba, 2017). Unfortunately, however, this has not resulted in the eradication of xenophobia, nor has the violation of people's rights ceased. Even in areas that experience high levels of movement, be it regular or irregular (such as Mexico City or the border areas of Chiapas or Baja California), there continue to be cases of unfavourable treatment, stigmatizing acts and unequal access to rights such as work or health (Rojas, 2013), even though the local population is used to the presence of foreigners and perceives this as an everyday occurrence. Complaints also continue to be brought before local human rights commissions for violations of the rights to equality and non-discrimination, legal security, personal integrity and due process (Núñez Varela, 2018). Some of these cases have even involved the authorities themselves. One example is the emblematic case that gave rise to Recommendation 17/2018 of the Baja California State Human Rights Commission. This was addressed to the municipal president of Tijuana in response to his call to expel the migrant caravan that arrived in the city in November 2018 from the country, and whose presence had to be managed at the local level (Comisión Estatal de los Derechos Humanos de Baja California, 2018).

In terms of programmes targeting migrants, most subnational initiatives have been limited to implementing federal programmes, such as the erstwhile Migrant Support Fund and the 3x1 Programme (Márquez, Contreras and Ponce, 2018). Mexico City is exceptional for having implemented its own migrant support programmes and for having worked with international organizations to overhaul the rules of universal programmes it was already running to facilitate the inclusion of the migrant population. In 2017, Mexico City even declared itself a sanctuary city and opened a shelter for people from Central America (Vázquez, 2018). Currently, the city currently operates the Hospital City and Human Mobility Programme, which distributes local government resources for migrants and financial support to enable them to access various services, such as translations of official records and documents, mental health services, labour skills certifications or transportation to return to their places of origin (*Secretaría de Inclusión y Bienestar Social*, 2020). Other states or districts have offices or technical bodies that specialize in migration issues as part of their human rights commissions (Márquez, Contreras and Ponce, 2018), or provide certain services or facilities to the migrant population, such as free driving licence renewals (Ortega Ramírez and Garrido de la Calleja, 2019).

However, generally speaking, there is relatively little creation of comprehensive local migration policies. As Ortega Ramírez and Garrido de la Calleja (2019) state in connection with Puebla and Veracruz, promoting migration policy initiatives “would require greater legislative, planning and budgetary resources” than currently exist. In this sense, there are few “appropriate mechanisms enabling [the migrant population] to effectively exercise their economic, social and political rights” (Bobes León and Pardo Montaña, 2016). Furthermore, as is the case with federal resources, migrants are often unaware of the local resources available for this purpose or are reluctant to use them out of fear of jeopardizing their stay in the country, in cases where this is irregular (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020; Bobes León and Pardo Montaña, 2016; Instituto de Estudios y Divulgación sobre Migración, 2012). Another relatively common occurrence is for local officials to prevent the inclusion of migrants into state programmes or services even when regulations allow this, either because of their own biases or because they are unaware of the regulations, as one government representative explained.

6. Challenges around migration policy and future lines of action

In conclusion, the available data and research to date confirm that increasing numbers of migrants are arriving and settling in Mexico. The economic, social and cultural contributions that migrants make to the country are evident, especially in regions where they have a sizeable presence. Furthermore, the data confirms that generally speaking, Mexican society is not particularly xenophobic (although it does tend to be selective). It also shows that the majority of the population understands that migrants should enjoy certain rights (especially the rights to health, education and employment). Likewise, the data reveals that Mexican society is aware of the positive contributions that the migrant population make to the country, a vision that could be reinforced and leveraged. There is also a constitutional and international framework that would allow an inclusive migration policy to be implemented. However, as a result of the lack of coordinated regulatory and institutional strengthening (at both the federal and local levels) and the persistence of numerous barriers to integration, not only is Mexico not taking advantage of the potential of migration, but it also promotes a system of exclusion and neglect that generates tensions, precariousness, human rights violations and conflicts that erode social cohesion.

In this context, a proactive, coherent and coordinated policy to address migration (i.e. migration flows) and integration is urgently needed. Without a migration flow policy that allows free transit, accurate data collection and policies enabling the regularization and integration of people arriving in the country (as opposed to persecution), tens of thousands of people will continue to be excluded from basic rights such as health, housing or education, leaving them in an extremely vulnerable position. Deepening some current practices such as the strategic relocation of migrants and refugees in different areas of the country could alleviate the situation in the states experiencing the greatest migratory pressures. Initiatives of this sort have been very successful in European Union countries. For example, this strategy was implemented at the regional level in response to the arrival of migrants from Syria in 2015, in order to alleviate the pressures faced by the border countries of the European Union, such as Spain, Greece or Italy. Along similar lines, it would be desirable to expand the border worker visitor card programme that Mexico already has in place for migrants from Guatemala and Belize, which allows for labour mobility in response to Mexico's employment needs. Strengthening this programme would consolidate a path for safe, orderly and regular migration, in keeping with the goals of the Global Compact for Safe, Orderly and Regular Migration.

Actions also need to be implemented to facilitate the access of the migrant population to the formal labour market, in order to make the most of how migration can contribute to the economy, boost Mexico's productivity and growth and contribute to the tax system. Good examples of this are the agreements that UNHCR and COMAR have implemented with private companies to give those seeking refugee status access to the labour market. Another similar experience is the Integrate Strategy promoted by the UNDP in alliance with Nacional Monte de Piedad, which provides support for migrants and connects them with some 20 companies, as well as with training programmes, workshops, courses and government support. Practices of this sort are commonplace in countries that have historically received migrant populations, such as Canada, Finland and Sweden. As part of their reception and integration programmes, all of these countries immediately issue asylum seekers with work permits and provide support and assistance with getting their academic qualifications recognized or accessing vocational training courses.

However, current strategies against discrimination and xenophobia need to be strengthened to maintain overall levels of acceptance of migration, reduce prejudice against specific nationalities and irregular migration and guarantee political rights. Some good examples of mechanisms that need to be strengthened (including in budget terms) include CONAPRED's awareness-raising campaigns and the complaints procedures that it and some local agencies have established to reverse alleged discriminatory practices. All the same, other initiatives that have been implemented in various countries with a history of migration could be drawn on to deepen Mexico's commitment to the fight

against discrimination and xenophobia. These include establishing specialist migration courts and creating training strategies and permanent awareness-raising activities for civil servants at all levels and in all areas of government—as was noted above, civil servants are often one of the main obstacles faced by migrants when attempting to access public services.

Finally, two other essential aspects are strengthening coordination between the different levels of government and ensuring that academics and civil society representatives take part in the current federal Administration's decision-making spaces. This would make it possible to define each authority's specific remit and manage the arrival of migrants in the country effectively, while fully guaranteeing their rights and even managing their relocation according to the situation on the ground in each state and municipality and their needs. Even highly decentralized countries such as Germany and Spain have sector-specific working groups that coordinate everything from the migrant flows that each state, province or district will receive to the integration policies to be implemented in each case. This type of coordination is difficult to achieve if decision-making is fragmented and hermetic, particularly on the part of the federal Government.

Annex 1

Methodological annex

This annex describes the survey and the interviews conducted as part of the study entitled *Cohesión social: hacia una política de integración de personas en situación de movilidad en México* [Social cohesion: towards an integration policy for people in movement in Mexico] (Haas Paciuc, Sánchez-Montijano and Zedillo Ortega, 2020), the findings of which are presented in this document.

First, the omnibus survey was conducted between 2 and 23 July 2020. Its purpose was to understand and assess Mexican public opinion of foreigners and migration at the time of the survey. Specifically, respondents were asked 12 questions on 3 issues: their opinions on foreigners; second, their perception of the effects of the presence of foreigners in the country; and third, their opinions on foreigners' rights and the implementation of policies to guarantee these. The data was collected by telephone, as the survey was conducted during the health emergency triggered by the COVID-19 pandemic. The sample included people over 18 years of age with Mexican citizenship who resided within the national territory. A total of 1,023 nationally representative responses were recorded, and the margin of error was +/-3, with a confidence level of 95 percent. Two frames of reference were used to construct the sample: landline numbers and cell phone numbers. The numbers to be dialled were drawn at random.

The project also included 21 in-depth interviews with the main stakeholders responsible for generating an integration framework for migrants in Mexico. These interviews allowed us to undertake a historical review of Mexican migration policy and to get to know the stakeholders currently involved in this process, identify the challenges they face and gather information on the most critical obstacles that migrants face to exercising their rights in the country. Five types of stakeholders were included, as shown in table A1.1: i) representatives of civil society; ii) members of the federal public administration; iii) experts and academics; iv) representatives of international organizations; and v) representatives of the business sector. Most of the interviews were conducted online between September and November 2020, and almost all (20) were recorded with the prior consent of the interviewee. Respondents answered questions about the general context of migration in Mexico; the process of formulating integration policies; the implementation and effects of the actions in question; legislation on the subject; and the impact of migration policy on citizenship.

Table A1.1. Stakeholders interviewed

Name	Position and institution	Stakeholder
Gretchen Kuhner	Director of the Institute for Women in Migration (IMUMI)	Civil society
Andrés Ramírez	Director of the Mexican Commission for Refugee Assistance (COMAR)	Government
Ana Saiz	Director of the NGO Sin Fronteras	Civil society
Guillermo Voguel	Vice-Chair of the Board of Directors of Tenaris	Private enterprise
Cecilia Bilesio	Secretary of the Board of Directors of Tenaris	Private enterprise
Jill Anderson	Director of Otros Dreams en Acción (ODA)	Civil society
Mark Manly	Representative in Mexico of the Office of the United Nations High Commissioner for Refugees (UNHCR)	International organization
Alejandro Encinas	Deputy Minister for Human Rights, Population and Migration, Ministry of the Interior	Government
Alethia Fernández de la Reguera	Professor, National Autonomous University of Mexico (UNAM)	Academic, expert
Alexandra Delano	Professor, New School	Academic, expert
Luciana Gandini	Professor, National Autonomous University of Mexico (UNAM)	Academic, expert
Hugo López-Gatell	Deputy Minister for Prevention and Health Promotion, Ministry of Health	Government
Thania de la Garza	Independent consultant	Academic, expert
Rocío González	Director General, Migration Policy, Registration and Identity Unit (UPMRIP)	Government
Miguel Ángel Aguilar	Deputy Director General, Migration Policy, Registration and Identity Unit (UPMRIP)	Government
Marath Baruch Bolaños	Deputy Minister for Employment and Labour Productivity, Ministry of Labour and Social Security	Government
Leticia Calderón	Professor, Mora Institute	Academic, expert
Ignacio Cuevas	Adviser on religious matters to the National Council for the Prevention of Discrimination (CONAPRED)	Government
Ricardo Bucio	Executive Secretary of the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA)	Government
Alejandro Celorio	Legal Adviser to the Ministry of Foreign Affairs (SRE)	Government
Maximiliano Reyes	Deputy Minister for Latin America and the Caribbean at the Ministry of Foreign Affairs (SRE)	Government

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