

# Struggling to Survive: the Situation of Asylum Seekers in Tapachula, Mexico

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RESEARCH  
REPORT



Advocacy for Human Rights in the Americas

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# KEY FINDINGS

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- **Migrants and asylum seekers arriving in Tapachula—the city in southern Mexico where the vast majority of asylum claims are made—face what service providers repeatedly described to us as a “system to wear people down” (*política de desgaste*).** This refers not to a written policy, but rather to the combined effects of a series of government actions and omissions that leave people struggling to survive and vulnerable to abuse and arbitrary treatment as they navigate multiple backlogged legal processes. These conditions do not contribute to addressing forced migration to or through Mexico; rather, they increase the suffering and risks faced by people on the move.
- **Skyrocketing asylum claims in Mexico reflect growing forced displacement and protection needs in the region and worldwide. They also reflect a failure to respond adequately to the different needs of the migrant population, including people who migrate in search of economic opportunities or for other reasons that fall outside the recognized grounds for seeking asylum.** Asylum claims in Mexico have grown a hundredfold since 2013 to reach over 130,000 in 2021. Mexico’s asylum system is overwhelmed and under-resourced, with prolonged delays in case processing times. In addition to large numbers of people in need of international protection, Mexican migration authorities’ reticence to facilitate access to other legal pathways has the effect of channeling people into Mexico’s asylum system as though it were the only option to seek a documented status in the country, creating an even more acute situation.
- **Those needing protection are almost never able to request it at ports of entry. This puts people at further risk and constitutes an undue barrier to seeking asylum.** People displaced from their homes by violence, repression, or other threats to their survival arrive at Mexico’s border with protection needs, generally after additional violence and trauma on the journey north. Yet even if they are prepared to claim asylum, protection-seeking families and individuals have found themselves blocked from doing so at ports of entry, where agents of the National Migration Institute (*Instituto Nacional de Migración*, INM) may instead tell them that this is not the right place to seek asylum or instruct them to cross between ports of entry without documentation. Migrants who are able to request asylum at ports of entry will generally be detained by the INM and held for at least a few days for processing. As a result, asylum seekers are often forced to cross between ports and try to reach the offices of Mexico’s refugee agency (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) to claim asylum without being



detained by enforcement authorities or victimized by criminals.

- **While trapped in Tapachula, asylum seekers struggle to survive. Mexican authorities' efforts to contain them there are both arbitrary and untenable.** Mexican asylum law requires asylum seekers to wait out their cases in the state where they made their claim. In reality, security forces generally block them from leaving Tapachula itself. Asylum seekers in Tapachula face scarce employment opportunities, obstacles to healthcare, and a dearth of affordable housing, with government, United Nations, and civil society support programs insufficient to meet overwhelming levels of demand. Tapachula's close proximity to Central America puts some people at risk of encounters with their persecutors. Asylum seekers also face abuses by authorities ranging from arbitrary detention to extortion to other forms of violence. Women and Afro-descendant migrants face particular situations of risk and discrimination. All of these factors point to the need to end Mexico's containment policy for asylum seekers.
- **Deterrence-based tactics that only serve to put more suffering and danger in migrants' paths will not decrease forced migration to and through Mexico.** Closing off legal paths to migration forces the displaced population into hiding along dangerous migratory routes, while the growing list of visa restrictions for South American countries that prevent people from flying into Mexico force more people to cross north by land. These inescapable realities highlight the need to prioritize access to protection in regional migration management, alleviating the human suffering in places like Tapachula, and developing sustainable solutions for the migrant population.
- **Initiatives to support migrants' and asylum seekers' integration into other parts of Mexico, such as those currently led by the UN Refugee Agency (UNHCR), are crucial to preventing humanitarian crises in Tapachula and providing solutions and stability to the migrant population.** As desperation, overcrowding, and marches by migrants increased over 2021, the INM sporadically transported migrants and asylum seekers to other states, but it did so without clear criteria or coordination with other institutions. A regularized relocation system, more resources for Mexico's refugee agency, and additional efforts to provide legal status to migrants seeking better opportunities would be important measures to address the growing number of migrants arriving at Mexico's southern border.

# Introduction and acknowledgements



*WOLA staff and partners at the Mexico-Guatemala border in Ciudad Hidalgo, a crossing point for many asylum seekers bound for Tapachula*

This report is based on a visit by WOLA staff to Mexico City and Tapachula, Chiapas state, in late February and early March 2022.

As part of WOLA's work on regional migration patterns, access to asylum, and the impact of border enforcement measures, in recent years we have closely monitored and [visited](#) the city of Tapachula on Mexico's southern border, a crucial crossing point where the vast majority of Mexico's asylum requests are filed. Tapachula provides both a relevant snapshot of northward migration trends and a paradigmatic example of the [consequences](#) of containment policies on asylum seekers. The present report fits within our [reporting](#) from the Mexico-Guatemala border over the past decade and our overall analysis of the impacts of U.S. and regional migration policies on the movement and rights of migrants throughout the hemisphere.

On this occasion, the WOLA delegation met with asylum seekers, government officials, UN agencies, and civil society partners providing services to people on the move in southern Mexico. We particularly acknowledge the support of the Fray Matías de Córdova Human Rights Center, a 2020 WOLA Human Rights Award recipient organization, whose staff generously helped us to convene meetings with civil society organizations and asylum seekers, as well as providing information on the trends and practices they are documenting in their day-to-day work with the asylum-seeking population. We are also especially grateful to the three asylum seekers who agreed to be interviewed on video by the WOLA team so that their stories could be quoted in this report and shown in the videos that accompany it.

During our visit, we also met with officials of the Tapachula and national offices of Mexico's refugee agency, the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR); the Tapachula and national offices of the UN Refugee Agency

(UNHCR); the Tapachula office of Mexico's Welfare Ministry (*Secretaría de Bienestar*); and the U.S. Embassy in Mexico City. We spoke with representatives of legal service providers and civil society organizations including *Formación y Capacitación* (FOCA), American Friends Service Committee (AFSC), the Migration Program (*Programa de Asuntos Migratorios*, Prami) of the Universidad Iberoamericana Mexico City, *Una Mano Amiga en la Lucha contra el SIDA*, *Iniciativas para el Desarrollo Humano*, Coalition for Humane Immigrant Rights (CHIRLA), Jesuit Refugee Service, and the Institute for Women in Migration (*Instituto para las Mujeres en la Migración*, IMUMI). Most of these organizations form part of the Southeast Mexico Human Rights Observation and Monitoring Collective (*Colectivo de Observación y Monitoreo de Derechos Humanos en el Sureste Mexicano*), which documents human rights abuses against migrants and asylum seekers. Despite our attempts to obtain a meeting with the National Migration Institute (*Instituto Nacional de Migración*, INM), we were unable to meet with representatives of this agency.

The information provided in these meetings, our observations in different parts of Tapachula and at the Mexico-Guatemala border, as well as our ongoing written research and monitoring have led to the present report, which aims to present an updated window into the situation of asylum seekers arriving and seeking protection in Tapachula. Our analysis leads us to set out recommendations for the Mexican and U.S. governments, focusing both on domestic policies and regional collaboration to respond to forced migration.



# BACKGROUND ON MEXICO'S ASYLUM SYSTEM

## *Legal and institutional framework*

In 2000, Mexico became a party to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, the cornerstone United Nations (UN) agreements that provide for the right to seek asylum from persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Mexico's Law on Refugees, Complementary Protection and Political Asylum ([\*Ley Sobre Refugiados, Protección Complementaria y Asilo Político\*](#), "Law on Refugees") incorporates this protection framework as well as gender-based persecution. It further incorporates additional grounds for protection outlined in the [\*Cartagena Declaration\*](#).<sup>1</sup> Thus, Mexican law recognizes refugee status for people who have fled their country of origin "because their lives, security, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive human rights violations, or other circumstances that have seriously disturbed public order[.]"<sup>2</sup>



*Mural near the Mexico-Guatemala border*

Mexico's refugee law also provides for "complementary protection" to people who are not recognized as refugees but whose life would be in danger or who would be at risk of torture or ill treatment if returned to another country.<sup>3</sup> Complementary protection applies to the person who requested protection, but it is not extended to their family members. These different forms of protection do not cover all people forcibly displaced from their countries of origin: in particular, disasters provoked by climate change and other environmental factors are increasingly relevant drivers of forced migration, but families and individuals displaced by [climate disasters](#) were not understood to be refugees at the time the aforementioned international and national legal instruments were drafted. However, Mexico's legal framework protects a decidedly broader class of refugees than U.S. law does.



The Mexican Commission for Refugee Assistance (COMAR), housed within the Ministry of the Interior (*Secretaría de Gobernación*, SEGOB) is the government agency charged with processing asylum claims. COMAR has central offices in Mexico City, as well as offices in the south and north of the country (two in Chiapas and one each in the states of Tabasco, Veracruz, Coahuila, Nuevo León, Baja California, and the central state of Jalisco).

The National Migration Institute (INM), also within SEGOB, is in charge of overseeing migrant arrivals at ports of entry, granting visas and legal residency, and migration enforcement. One of the INM's functions as outlined by the Law on Refugees' implementing regulations is to detect individuals in need of international protection and assist and coordinate with COMAR in facilitating their access to the asylum system.<sup>4</sup>

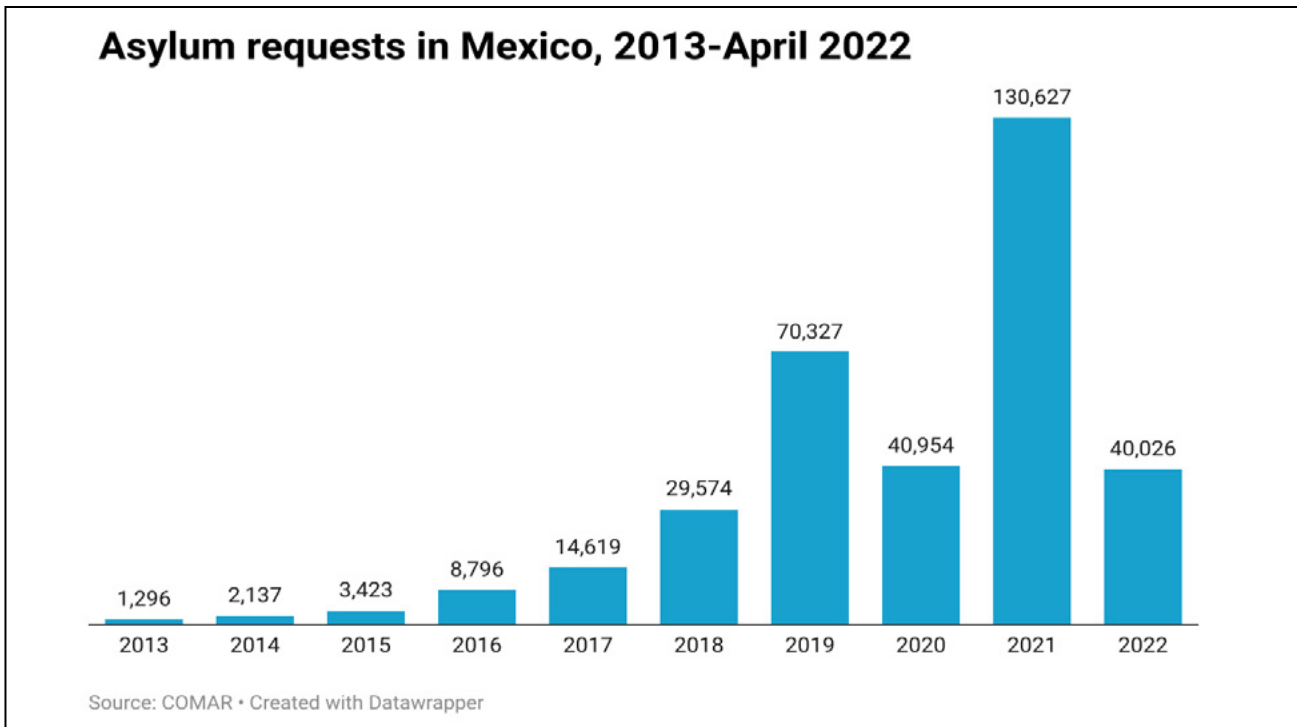
Families and individuals seeking asylum must submit their application no later than 30 business days after entering the country.<sup>5</sup> After the application has been received, COMAR issues a document (*constancia*) that serves as proof of an open asylum case. Once someone has requested refugee protection, legally they cannot be returned back to their country of origin during the processing of their case.<sup>6</sup>

With their *constancia* from COMAR, asylum seekers can apply with the INM to receive a humanitarian visa, known as a Visitor Card for Humanitarian Reasons (*Tarjeta de Visitante por Razones Humanitarias*, TVRH), which confers legal permission for people to live and work in Mexico for a year.

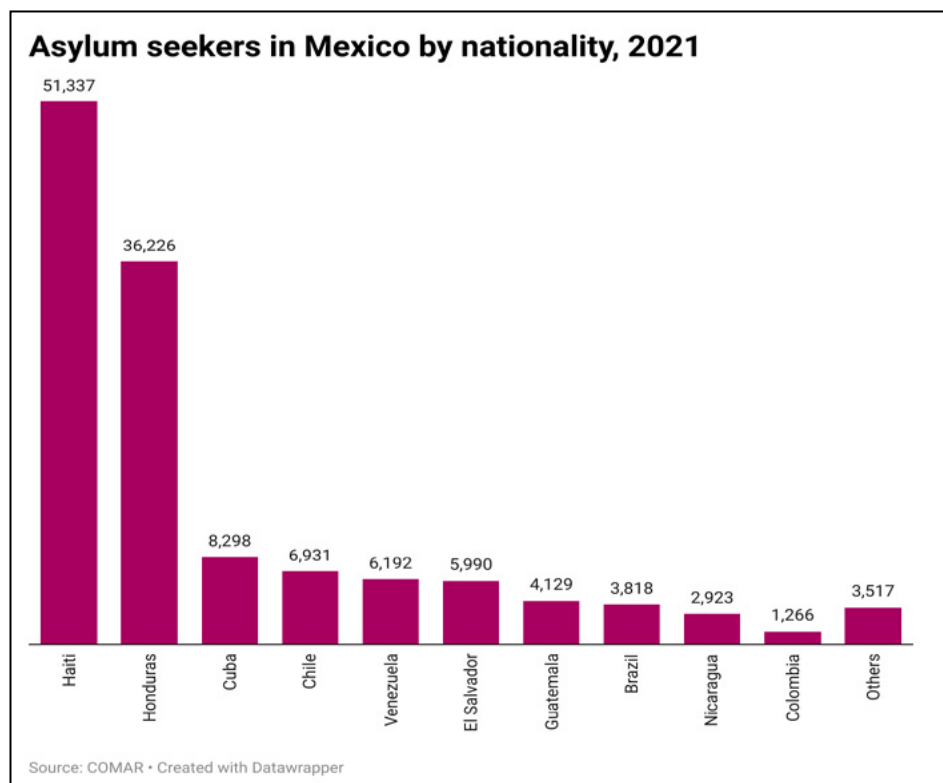
To determine refugee status, COMAR will interview applicants about the reason for leaving their country (with the participation of interpreters when an asylum seeker does not speak Spanish).<sup>7</sup> By law, COMAR has 45 business days to process applications, which may be extended up to 90 days.<sup>8</sup> These limits are not currently observed, as will be discussed below. Crucially, while a claim is being processed, asylum seekers are required by the Law on Refugees' current regulations to remain in the state where they filed their asylum request,<sup>9</sup> unless they receive special permission to relocate and continue their case from a different state.<sup>10</sup>

### ***Trends in asylum claims and approvals***

In 2021 Mexico received a record-breaking 130,627 asylum requests, more than 100 times the number received just eight years ago in 2013.<sup>11</sup> The top three nationalities that applied for asylum in Mexico in 2021 were Haitians, Hondurans, and Cubans. The number of Haitian asylum seekers saw the most dramatic increase from 2020 to 2021, from 5,917 to 51,337. Children born to Haitian parents also accounted for a large percentage of 2021 asylum seekers from Chile and Brazil, who increased from a combined total of 1,170 in 2020 to 10,749 in 2021.



In 2021, COMAR resolved 38,054 asylum cases, with an overall asylum grant rate of 72 percent (74 percent counting complementary protection), considerably higher than the average U.S. asylum approval rate of roughly 37 percent in FY2021. There were significant disparities in approval rates for applicants of different nationalities. The major nationalities that saw the highest percentage of approval rates last year were Venezuelans (97 percent), Hondurans (85 percent), and Salvadorans (85 percent). COMAR regularly evaluates applications from nationals of these countries under the broader criteria of the Cartagena Declaration. Of the top asylum-seeking nationalities, Haitians had the lowest approval rate at 23 percent.



Asylum claims in Mexico continue to rise and may be on track to break new records, with 40,026 requests filed in the first four months of 2022—the highest number in the January–April period in the past three years.

### ***Migration enforcement role of the armed forces, including the National Guard***

While not officially responsible for the asylum process, Mexico’s armed forces currently play a leading role in migration enforcement, bringing them into direct contact with arriving families and individuals, with consequences that can impact people’s access to asylum. As of late April 2022, 28,542 military troops were deployed in a migration enforcement role at Mexico’s borders. Available data suggest that military forces, in particular the army and the National Guard,<sup>12</sup> carry out or collaborate in the majority of migratory detentions in Mexico, depriving hundreds of thousands of migrants of their liberty in recent years.

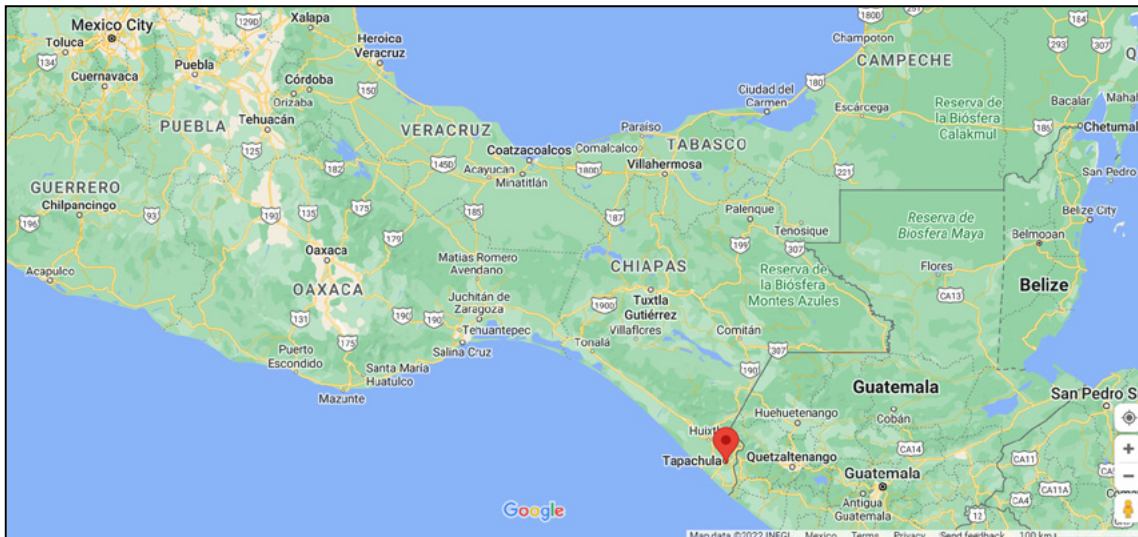
Military troops are primarily trained to combat enemy forces, a background that raises obvious concerns when assigning troops to be potential first contact points for migrant and asylum-seeking families, children, and adults. The deployment of the armed forces to intercept migrants is a clear example of an official response that treats migration—including forced migration and those seeking protection—as though it were a national security threat rather than a movement of people who have disproportionately high levels of vulnerability, trauma, and humanitarian needs. Concerns regarding militarization of border and migration tasks in Mexico are not just theoretical: in 2021, army and National Guard troops shot and killed two migrants in separate incidents in Chiapas, while the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) has issued recommendations finding National Guard troops responsible for other violations against migrants at Mexico’s southern border. In 2021, the CNDH received complaints against the National Guard in Chiapas for cruel and inhumane treatment, arbitrary detention, and torture.

While a detailed analysis of border militarization is beyond the scope of this report, this remains one of the most concerning aspects of the armed forces’ multiplying roles in Mexico. It is also an area in which the U.S. government has negatively influenced migrant rights and access to protection in Mexico in recent years by pressuring Mexican authorities to crack down on northward migration, including through the threat of tariffs on Mexican exports during the Trump administration and by praising Mexico’s efforts to stop migrant caravans, which translates into the deployment of military troops.

### ***The role of Tapachula in the asylum process***

Due to its location just inland of the Mexico–Guatemala border, size, and connectivity to main highways from Central America, Tapachula is the main point of arrival for a significant portion of migrants and asylum seekers coming by land to Mexico. A large majority of asylum claims—89,613 in 2021—were filed in COMAR’s Tapachula office, creating an enormous strain on this office and prolonged delays in case processing, stretching into wait times of many months for asylum applicants.

Map showing Tapachula/southern border



Since asylum seekers are generally required to wait out their cases in the state where they file their claims, tens of thousands of asylum seekers are currently expected to live in Chiapas, the southern border state where Tapachula is located (and Mexico's poorest state, with a [poverty rate](#) of 75.5 percent in 2020). In practice, Mexican authorities seek to confine these families and individuals not just to Chiapas state, but to the city of Tapachula itself. For this reason, Tapachula is known as the "[prison city](#)" (*ciudad cárcel*) for asylum seekers. As we will discuss below, this containment policy has led to a series of negative consequences including lack of access to basic services and the means to survive, pushing asylum seekers to try to find ways to leave the city.



Bicentennial Park in Tapachula, where migrants and asylum seekers without a place to stay often spend the night



# FINDINGS FROM WOLA'S 2022 VISIT TO TAPACHULA

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## ***Lack of immediate access to asylum at Mexico's southern border puts families and individuals at risk***

While Mexico continues to experience mixed migration flows, a large number of people arriving in Tapachula have international protection needs after fleeing life-threatening circumstances in their home countries.

Migrants and asylum seekers generally arrive in Mexico after living through different forms of violence, trauma, and exploitation during their journey north. As numerous people told us, every step along the migratory route to Mexico costs money, whether due to criminal extortion, bribes demanded by authorities, fees to secure guides, or other payments necessary to move from one place to another with as little violence as possible. Even those able to muster resources through their family and social networks are still vulnerable to violence and repeated criminal attacks, including kidnapping and rape, while people forced to flee their homes with little prior notice are likely to travel with even fewer resources and thus have even less of an opportunity to fend off detention and violent attacks. Regardless of their circumstances, arriving migrants and asylum seekers in Tapachula, especially those in a heightened situation of vulnerability such as children, are likely to arrive in need of physical, psychological, and other humanitarian attention after their journey, as well as with the right to request international protection or to pursue other pathways for temporary or permanent legal status.

**“It’s impossible to live in Honduras. It’s so dangerous now. The gangs see 12-year-olds, 13-year-olds, and they already want to recruit them... I have a 10-year-old daughter and a 14-year-old daughter, that’s why I had to leave my country, leave my family and everything behind, because the gangs came... they said they were going to recruit my daughters... and that if I didn’t let them, they were going to kill us all, my children and me...”**

**-“Maria,” Honduran asylum seeker**

Families and individuals face severe obstacles in requesting asylum when they arrive at Mexico's border because COMAR does not have a regular presence at ports of entry, which are instead manned by INM agents. Despite the INM's legal mandate to assist and collaborate with COMAR, according to multiple service providers in Tapachula, INM agents at ports of entry are known to tell asylum seekers that they cannot seek asylum at the border and cannot enter Mexico without documents.

Paradoxically, rather than seeking truly to block the path of asylum seekers into Mexico, the

INM agents themselves may also instruct people to cross between ports of entry in order to make their way to COMAR's Tapachula office to claim asylum. Only in certain cases, such as when a service-providing organization has contacted authorities to request entry for an asylum-seeking person or group, are there greater guarantees of asylum seekers' being able to cross at a port of entry and to avoid detention in the INM's migration stations (detention centers) while their paperwork is being processed.



*The Suchiate River, which divides Tecún Umán, Guatemala from Ciudad Hidalgo, Mexico*

The result of this approach by the INM is that many asylum-seeking families and individuals must cross Mexico's border in hiding and try to make it from the border to the COMAR office or an NGO or other service provider without documentation that authorizes their presence in Mexico. These journeys put asylum seekers at risk of attacks and extortion by criminal groups who prey on migrants and of detention or extortion by INM agents, state and local police, and military forces.

**“When you’re an immigrant and you’re on the move... the authorities, instead of helping you because they’re authorities, no, what they do is take what little you have... even if you have children, they don’t care, they take their papers, and it’s, ‘either give me what you have or I’ll send you back or I’ll imprison you...’ As a migrant, you’re afraid, so you agree to whatever they ask of you... you just say, ‘yes.’”**

**–“Maria,” Honduran asylum seeker**

WOLA staff heard accounts of detentions and abuses by the INM, police agents, and the military even against migrants with official permission to be in Mexican territory; for arriving asylum seekers with no documentation who are forced to cross irregularly into the country.

the risks are even higher. According to [data](#) collected from 2,742 asylum seekers in Tapachula between October 2020 and October 2021 by the Danish Refugee Council (DRC) and the Jesuit Refugee Service Mexico (JRS), 98.3 percent of respondents affirmed having entered Mexico irregularly, and 34.3 percent of these respondents “describe incidents of extortion, violence, threats, and other abuses, compared with only 9.1% of respondents who indicate having entered the country regularly.”

Detention by authorities may lead to extortion and/or temporary imprisonment in the INM's detention centers. According to international standards and guidelines, detention of asylum seekers should be [exceptional](#) and based on an evaluation of the specific need for detention in each case. In Mexico, such detention tends to respond to few criteria other than migratory status and may be prolonged for months. While an alternatives-to-detention program exists in Mexico, which releases asylum seekers from detention and refers them to shelters in coordination with COMAR and support from the [UN Refugee Agency](#), the INM has [curtailed](#) its use in recent years. Interviews conducted during our visit and reporting from organizations working with asylum seekers suggest that the INM has become less responsive to requests for migrants to be released from detention.

Once detained, many asylum seekers are told that if they make a protection claim, they will remain locked up while their case moves forward. This factor alone makes it much more difficult for people to prepare their asylum case, as they face obstacles such as inadequate access to information, legal assistance, and healthcare, overcrowding, or safety issues. This leads some people with protection needs to desist from their claims in order to be released from detention.

A 2020 [reform](#) to Mexico's migration and refugee framework established that children (unaccompanied and those with their families) should not be held in detention by the INM.<sup>13</sup> Children and their families should instead be referred to the National System for Integral Family Development (*Sistema Nacional para el Desarrollo Integral de la Familia*, DIF). However, service providers told WOLA that this sometimes [amounts](#) to little more than a change of detention setting for [individuals](#) and [families](#) sent to DIF shelters. Civil society counterparts also told WOLA of the INM's practice of [separating](#) families, for instance by detaining a father in a migration station and sending a mother and children to a DIF facility.

**“At the first checkpoint... [the authorities] took me; they brought me to the Siglo XXI migrant detention center... I was scared when I got there, I’ve never been detained... after three and a half months, I couldn’t stand it there anymore... I decided not to continue [with that asylum request], because I wasn’t sleeping, I wasn’t eating well by then... it got to the point where I would talk to myself...”**

**-Nelson, Nicaraguan asylum seeker**

### ***Diverse factors have caused drastic increases in asylum claims, overwhelming COMAR***

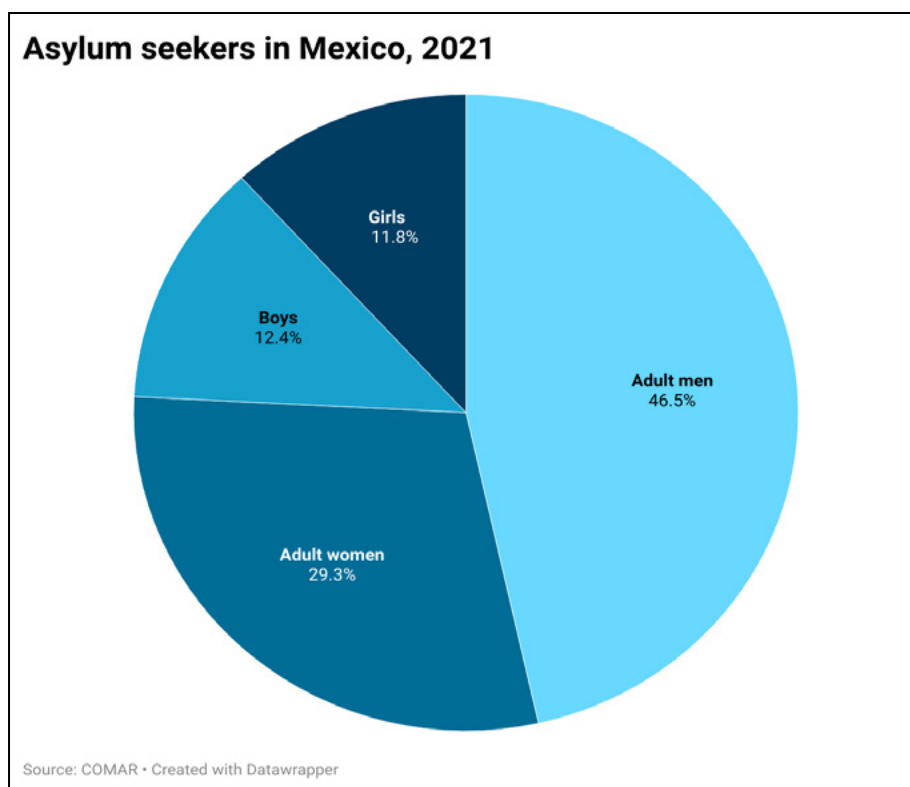
Mirroring global trends, there has been a dramatic increase in people displaced from their homes throughout the Western Hemisphere. Mexico, which in 2021 became the [third country](#)

worldwide in the number of asylum requests received, has become a significant destination country for a growing number of people.

Latin America has witnessed an increase in human mobility in recent years as both long-standing and emerging causes of displacement force more people to flee their homes. Latin American and Caribbean countries consistently lead the world in homicide rates, with gang violence in Central America and organized crime in Mexico continuing to be significant causes of displacement. Repression and political and humanitarian crises, exemplified in different forms in countries such as Venezuela, Nicaragua, and Cuba, add to forced displacement. The devastation caused by Hurricanes Eta and Iota in Central America in 2020 highlighted the increasing percentage of people on the move who can be considered climate refugees. Violence, poverty, and other already life-threatening crises have now been aggravated by the Covid-19 pandemic.

In addition to people fleeing directly from their countries of origin, a large percentage of 2021 asylum requests in Mexico came from people of Haitian origin who had previously fled Haiti following its devastating 2010 earthquake, resettled for a time in South American countries (notably Brazil and Chile), but once again found themselves on the move due to shrinking visa availability, scant labor opportunities, and racism and discrimination in South America, with fewer possibilities than ever of returning to Haiti as gang violence, political crises, and natural disasters engulfed the country in 2021.

In this context, the modern face of northward migration through Latin America includes a significant percentage of women and children, with many families migrating and seeking asylum together.



In addition to these trends, both authorities and civil society counterparts agree that people on the move are currently funneled into Mexico's asylum system even though Mexican law has some other paths available to those seeking a legalized status in the country. In particular, while



Mexican law makes TVRH humanitarian visas available to migrants who have been victims of or witnessed a crime in Mexico, children, or for other humanitarian purposes or public interest reasons,<sup>14</sup> in practice these visas have not been made widely available to migrants. Even asylum seekers face steep obstacles in obtaining a TVRH. In 2021, the INM issued 87,174 TVRHs. However, only 35,397 were provided to asylum seekers, contributing to the obstacles WOLA staff witnessed in Tapachula with asylum seekers unable to access employment because they lacked this visa. At the same time, the fact that more than half (48,611) of these visas were issued for humanitarian reasons, including 30,057 to Haitians (and another 6,547 to Brazilians and Chileans, many of whom are likely children of Haitians born in these countries), illustrates that in the context of high levels of forced migration and significant pressure as a result of the tens of thousands of migrants and asylum seekers trapped in Tapachula in the fall of 2021, the Mexican government more broadly used TVRHs as a tool to provide temporary status in Mexico. In contrast, the INM issued only 25,414 TVRHs in 2020, with less than a thousand, 862, provided for humanitarian reasons.

Given the INM's reticence to offer alternatives to migrants arriving at Mexico's southern border, seeking asylum is seen as the necessary route to obtain a TVRH for most arriving migrants, contributing to COMAR's increased caseload. This also means that an unknown number of people who intend to reach the United States to reunite with family or for other reasons find themselves channeled into applying for asylum in Mexico to regularize their presence in the country, even though Mexico is not their final destination.

Finally, with the U.S. border closed to many arriving asylum seekers under Title 42 since March 2020, some asylum seekers may have requested protection from COMAR even if they do not feel safe in Mexico, following expulsion or being blocked at U.S. ports of entry. If the Title 42 policy is lifted, part of this population will likely move to the U.S. border in the hope of being able to request asylum in the United States. These asylum seekers would join a growing number of other foreign nationals who have been bottled up along the U.S.-Mexico border awaiting their chance to approach a port of entry and request asylum in the United States, with U.S. authorities estimating this number could be around 25,000.

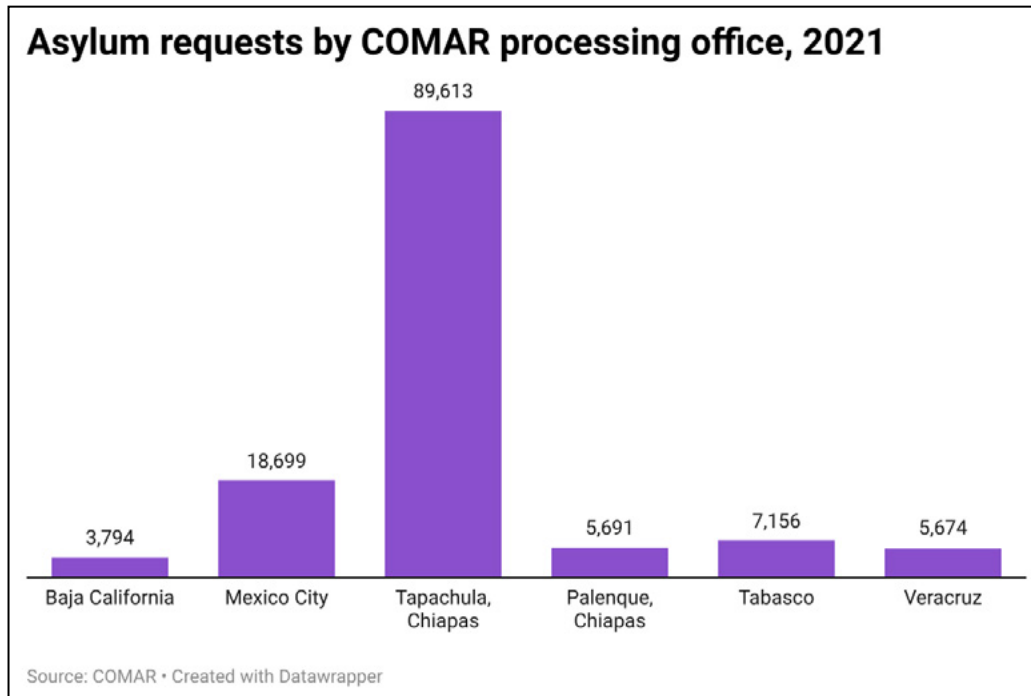
The record-breaking rise in asylum requests in Mexico has meant that those arriving find themselves navigating an asylum system that is overwhelmed, under-resourced, and severely backlogged. Nowhere is this reality more evident than in Tapachula.

**“I came here, not because I had some American dream, but because I was fleeing so that [the authorities] wouldn't hurt my family, first of all, and secondly to protect my own life...”**

**[This has been] an emotional and economic change that hit me hard, believe me... I don't wish this on anyone. That's what I can tell you: I don't wish this on anyone.”**

**-Nelson, Nicaraguan asylum seeker**

As has been evident in the images of hundreds of asylum seekers waiting outside of COMAR's offices in Tapachula, the agency has yet to secure enough resources to process current caseloads. In response to rising numbers of claims, COMAR has expanded in recent years with support from the UN Refugee Agency; today, COMAR has nine offices throughout the country and plans to open more, including a coordinating office in Chiapas state to oversee the work of the multiple Chiapas COMAR offices. With UNHCR support, COMAR increased its processing capacity by 116 percent between 2020 and 2021, and has gone from 20,466 case determinations in 2019 to 38,054 in 2021. In December 2021, COMAR signed a new agreement with UNHCR that will allow COMAR to directly hire 230 staff members (under Mexican law, government officers must be the ones to make asylum determinations; that is, staff directly paid by UNHCR cannot substitute COMAR in this role).



However, even with this additional support, the resources afforded to COMAR are still far from sufficient to enable prompt processing of incoming asylum requests, with the agency's overall domestic budget remaining essentially stable from 2021 to 2022 despite skyrocketing levels of asylum claims.<sup>15</sup>

### COMAR's annual budget in U.S. dollars (to the nearest thousand)



Source: Secretaría de Hacienda y Crédito Público • Created with Datawrapper

### Asylum seekers' and institutions' responses, 2021-2022

As mentioned, delays of many months in refugee determinations, coupled with Mexico's containment policy, have effectively trapped tens of thousands of foreign nationals in

untenable conditions in Tapachula. As this situation reached crisis levels in 2021, lack of access to job opportunities, housing, healthcare, and other necessities in Tapachula; safety concerns; discrimination; and desperation at seemingly never-ending legal processes led large groups of asylum seekers to try to leave the city.

In perhaps the best-known [example](#), hundreds of foreign nationals sought to leave Tapachula by marching north together in “caravans” in the second half of 2021, particularly beginning at the end of August. However, the caravans met with blockades, detention, and sometimes violent [repression](#) from [INM agents](#) and the National Guard. Since then, multiple [caravans](#) have left Tapachula, with some reaching other states, though none remaining intact beyond the center of the country.



*Mexican immigration agents detain a Haitian migrant in Escuintla, Chiapas state, Mexico in September 2021 (AP Photo/Marco Ugarte)*

For its part, COMAR’s Tapachula office tried several strategies throughout 2021 to increase its capacity to process asylum claims. At the beginning of the year, unable to keep up with case intake, the office began issuing appointment notices (*citatorios*), which stipulate a later date for the formalization of a family’s or individual’s asylum application. In mid-2021, COMAR set up an [online](#) platform for use in Tapachula to request asylum appointments. However, WOLA staff was told, the system received tens of thousands of online requests in a single week, grew to include people who had not yet arrived in Mexico, and led to large numbers of case inquiries. Service providers pointed out that the online system also created [challenges](#) for asylum seekers unfamiliar with navigating the internet or unable to access the online platform.

Changing tactics, from late September to late November COMAR [convened](#) asylum seekers to come in person to Tapachula’s stadium to confirm their appointment requests, in an unprecedented strategy in which [UN agencies](#) and other Mexican institutions collaborated. Approximately [55,000](#) asylum seekers participated, allowing COMAR to reorganize and open up appointment times.

These efforts were disrupted, however, by the INM's own parallel response strategies. As growing numbers of desperate asylum seekers sought to leave Tapachula on foot, producing high-level news coverage including images of caravans and repression, the INM began offering caravan participants or would-be participants humanitarian visas and relocation by bus to a series of other Mexican states. In this context, the INM announced that it too would use Tapachula's stadium at the end of November 2021 to program transportation to other states. INM's announcement prompted families and individuals to abandon jobs, housing, and other activities in Tapachula to camp out around the stadium, awaiting what they believed would be their turn to leave. Given Tapachula's extremely hot conditions, the situation for families and children in particular was often unbearable according to service providers who sought to assist asylum seekers at the time.

Not everyone waiting at the stadium received transportation, however. In December, the INM began issuing QR codes to migrants and asylum seekers, instructing them to pay their own way to one of a list of different states (determined in each case by the QR code) and then report to an INM office within 30 days to regularize their status. It is estimated that some 35,000 people were relocated to 17 central and northern Mexican cities through the INM programs. The long list of states in which the INM issued over 1,000 humanitarian visas in December 2021 (44,425 TVRHs in total) is one indicator of the application of this program.

While the initiative to move people out of Tapachula points to recognition of the failure of the containment policy, the INM has implemented this plan in a piecemeal and reactive manner, and it is not permanently or universally available. The main criterion for busing seems to be a desire to break up caravans, deactivate protests, and diminish the crisis of overcrowding in Tapachula.

The INM also failed to adequately coordinate its busing project with COMAR, and asylum seekers were sometimes unwittingly considered to have abandoned their claims by virtue of no longer being able to show up at Tapachula's COMAR office. Some, having struggled to leave Tapachula, even found themselves returning there once they realized they could not follow up on their cases from other states. WOLA was told that the INM eventually began providing more complete data to COMAR on which asylum seekers were transported to what destinations, which would allow COMAR to re-open their cases. However, it is unclear what will happen to many of the transported migrants who wish to pursue their asylum claims.

**“Abuses by authorities, corruption, and impunity are very severe problems... and they’re aggravated when the victim is a person who isn’t perceived as a person... they’re perceived as the other.”**

**-Brenda Ochoa, Director of the Fray Matías de Córdova Human Rights Center**



## ***The importance of resettlement and integration support to stabilize forced migration***

Stakeholders interviewed by WOLA emphasized that the extent to which resettlement and integration is available and supported in Mexico, giving refugees access to services and the ability to live and work throughout the country, influences the number of people who will opt to resettle in Mexico and the stability of that resettlement. In this vein, while many counterparts spoke of the need to facilitate immediate humanitarian visas to asylum seekers and other migrants who qualify for them, several also signaled the need to think beyond short-term solutions and to recognize that without permanent resident status, people on the move will live in a more vulnerable situation in which they must constantly renew their documentation.

Positive examples of integration support exist and can provide guidance for expanding such efforts. In particular, UNHCR has led an integration program (Local Integration Program, *Programa de Integración Local*, PIL) that has helped more than 10,000 refugees relocate within Mexico and start their lives in their new communities since 2016. The program has helped move refugees from the southern part of the country to eight cities in the center and north of Mexico. A UN study demonstrates the success of the program: while in southern Mexico, only 10 percent of refugees were employed and 17 percent had sporadic informal jobs, but after their relocation, 92 percent were in formal employment with earnings that were on average 60 percent higher than in the south.

In December 2021, the International Organization for Migration (IOM) and UNHCR presented a pilot project that aims to support the stabilization and integration of Haitians in Mexico. The program will allow Haitian families who have not applied for asylum to participate in the PIL program. It will be important to monitor the success of this new initiative, including the extent to which it is able to facilitate access to work for women as well as men.

Initiatives such as this one fit within the overall, recognized need for countries to expand legal pathways to resettlement for people who need to leave their homes. For example, UNHCR has emphasized the importance of complementary pathways, or safe and regulated avenues that complement refugee resettlement, which offer alternatives to resorting to irregular and dangerous movement and facilitate the acquisition of a sustainable and durable migration status. Complementary pathways for admission are diverse and can include humanitarian visas, family reunification, and education and labor opportunities, among others.

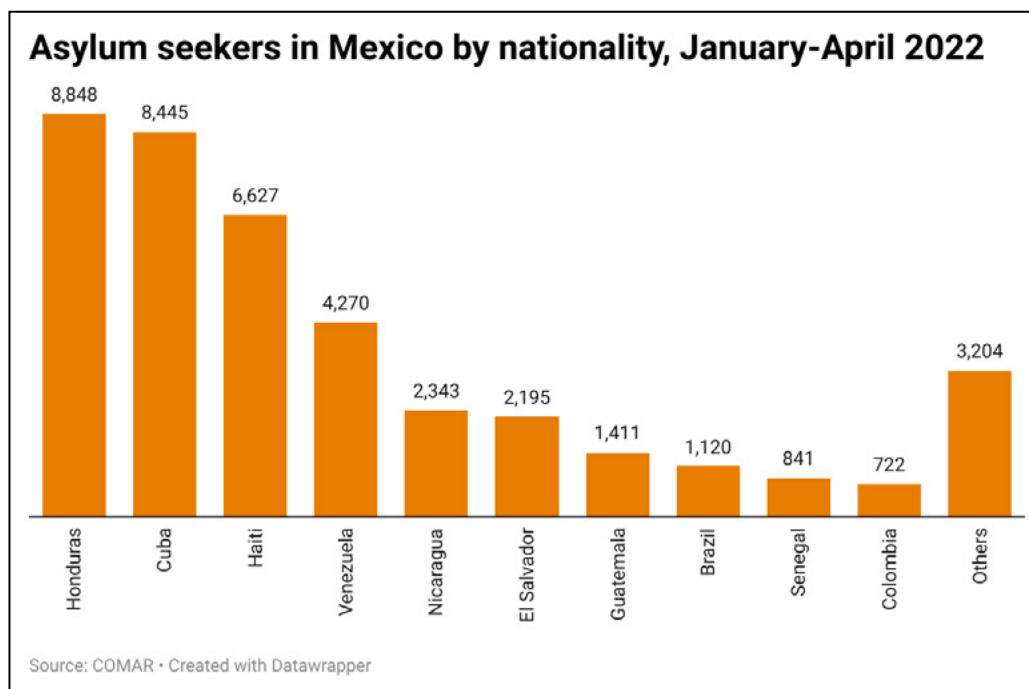
## ***Asylum intake patterns in 2022***

During our visit, COMAR's Tapachula offices were intaking some 250 asylum seekers per day, although that number is sometimes several times higher on Mondays. Stakeholders were unanimous in telling us of an increase in the number of Venezuelans, Cubans, and Nicaraguans arriving by land this year. They also noted an increase in extra-continental migrants and asylum seekers, largely from African countries.

In part, these movements reflect trends apparent in 2021, which saw significant increases in the number of Venezuelans, Cubans, and Nicaraguans requesting asylum in Mexico and detained in Mexico (a total of 26,705 people of these nationalities were apprehended by Mexican authorities in 2021, a more than tenfold increase from the 2,204 Venezuelans, Cubans,

and Nicaraguans detained in [2020](#)). However, more recent reported upticks in the number of Venezuelans arriving in Tapachula in particular would seem also to be a [consequence](#) of Mexico's new visa requirements for Venezuelans, imposed in January 2022 following [reported requests](#) from the United States, which block air travel to many Venezuelan migrants and hence drive more Venezuelans to migrate north by land through Central America and Mexico. Mexico similarly imposed visa requirements on nationals of [Brazil](#) and [Ecuador](#) in 2021 in response to increasing arrivals from those countries at the U.S. southern border.

More Cubans are also arriving in Mexico, in part due to Nicaragua's [lifting](#) of visa requirements for Cubans in November 2021, enabling them to fly to Nicaragua to continue their journey north. COMAR's [asylum applications](#) reflect these shifts in nationalities, with more Cubans requesting asylum in Mexico in the first four months of 2022 (8,445) than in all of 2021 (8,298), while 4,270 Venezuelans requested protection in this same period, as compared to 6,192 in all of 2021. In the first four months of 2022, 841 people from Senegal also requested protection in Mexico.



The land route from South America to Mexico passes through the notorious [Darién Gap](#) that connects Colombia to Panama, a migratory corridor known for extreme levels of lawlessness and violence (including rape), robbery and extortion, deaths from exposure to extreme conditions, and other life-threatening and trauma-inducing conditions. In November 2021, Doctors without Borders [reported](#) that since April of that year they had attended 288 victims of sexual violence in the Darién Gap in their reception centers and with the Panamanian Ministry of Health, estimating that this represented only a quarter of the actual cases. U.S., Mexican, or other regional migration policies that channel larger numbers of people through this route thus will necessarily have extremely severe negative effects on the lives of migrants and asylum seekers.

**“In our group [of migrants crossing the Darién Gap], one man fell... I don’t know how he managed to grab onto something, because if he had fallen to the bottom there, he would have died. [...] [On the path] you see things, you see dead bodies, you see everything people have left behind, because you get to a point where even your own clothes weigh you down from the sweat. [...] At a certain point, I couldn’t breathe... I said, ‘go on ahead, I’m going to stay here a while...’ [...] And when I woke up, there were only two people there... they said they hadn’t left because they saw that I was still breathing. Because I had lost consciousness completely. [...] We walked and walked and walked and walked and walked and walked...”**

**-Frantz, Haitian asylum seeker**

Finally, we note that COMAR may acquire a large new portfolio of work stemming from a proposed General Law on Forced Displacement that has passed in Mexico’s House of Representatives and is now under consideration in the Senate. This law would recognize and create a system for attending to Mexico’s own large population of internally displaced people (IDPs), with tens of thousands of people displaced in large-scale movements in 2021 alone and potentially hundreds of thousands displaced in total in recent years. Under the proposed legislation, COMAR will become the institution in charge of implementing the law and supporting the IDP population. However, WOLA was told that the agency’s plan is to keep its refugee and IDP functions as separate as possible, ensuring separate structures and budgets to cover both. It remains to be seen if the law passes in its current form and how implementation and funding of the law will play out in practice. The Mexican Senate ended its normal legislative session in late April 2022 without moving forward with the legislation.

### ***The “prison city”: migrants and asylum seekers caught between a rock and a hard place***

Recalling that Chiapas is Mexico’s poorest state and Tapachula is a city of some 350,000 residents, it is unsurprising that foreign nationals’ need for jobs surpass Tapachula’s labor market. As was described to us repeatedly during our visit, migrants and asylum seekers in Tapachula also tend to face obstacles to accessing healthcare, education, and housing, as well as experiencing racial discrimination and abuses by authorities, including arbitrary detention. Language barriers and racism faced by Haitian and other Afro-descendant and indigenous migrants have further impeded their access to public services. WOLA staff conversations with a Spanish-speaking Haitian asylum seeker also made clear that language barriers impact Haitians’ ability to access and understand Mexico’s asylum system, as has been documented by several civil society organizations. These circumstances make clear that, as thousands of people continue to arrive and ask for protection, authorities must remove existing obstacles to dignified living conditions in the city, improve access to services for non-Spanish-speaking

migrants, address institutional racism, and reform the containment policy so that Tapachula is no longer a prison city for people on the move.

A migrant or asylum seeker's stay in Tapachula is marked by arbitrary rules and long wait times that leave them in a constant state of uncertainty. INM agents and the National Guard operate fixed and moving checkpoints in and around the city, as well as conducting raids, particularly at night, in which they detain migrants for alleged failure to demonstrate their permission to be in Mexico. In reality, detentions have swept up people with legal permission to be in Mexico, including asylum seekers. Service providers told us that security forces will target a certain park or hotel to raid, and sometimes ask to see even bystanders' identifications; we heard accounts of such authorities destroying asylum seekers' documents that proved that they were lawfully present or had ongoing cases.

**“In the raids [to detain migrants], authorities commit serious abuses, there is a lot of violence even against women, girls, boys, adolescents...”**

**-Brenda Ochoa, Director of the Fray Matías de Córdova Human Rights Center**

Those detained may be imprisoned for weeks or more in INM detention centers, where, according to civil society investigations, INM agents regularly pressure asylum seekers to abandon their cases—and some, desperate to be released from detention, opt to do so. As mentioned, an alternatives-to-detention program, albeit an imperfect one, has existed since 2016, but the INM has greatly curtailed access to the program since 2020. Detention of asylum seekers deprives them of a wide variety of rights, separates families, exacerbates trauma, and makes it much more difficult for them to continue their asylum cases with due process.

Even the many asylum seekers who are able to avoid detention and live in Tapachula face safety risks that include extortion by authorities and attacks by criminals. Tapachula's close proximity to Guatemala means that gang members can easily show up there, and service providers told us of cases in which asylum seekers had been found by members of the Central American gangs from which they had fled in the first place. Although a request can be made for COMAR to transfer cases to a COMAR office in another state for security reasons, it is a cumbersome process requiring the asylum seeker to present detailed documentation of the risk.

Beyond safety concerns, day to day living conditions are often untenable, aggravated by the bureaucracy of the processes required to regularize one's migratory status. Desperation was palpable the day that members of WOLA and the Fray Matías Center visited the overflowing line of migrants waiting all day in direct sunlight and sweltering heat outside an INM office for a chance at an appointment, a pattern often repeated day after day.





*Migrants and asylum seekers waiting for appointments outside the National Migration Institute*

Most asylum seekers need income to survive. However, existing employment opportunities in the formal sector are insufficient and require that people have documentation showing their permission to work in Mexico—though employers may balk at hiring migrants even when presented with humanitarian visas. Some asylum seekers set up stands or other informal businesses to provide goods and services to the population, but municipal authorities sometimes clear them out of certain parks or areas, making it harder for them to earn income.



*Sign that prohibits migrants from selling their wares in a plaza in Tapachula*

Mexico's Welfare Ministry (*Secretaría de Bienestar*) runs a program for asylum seekers and other migrants seeking regularization in which it provides them with cash support in exchange for several hours of volunteer work through its Social Emergency Program (*Programa de Emergencia Social*). Participating migrants take part in construction, planting, cleaning, translating, and other jobs. Officials in charge of the program in Tapachula told WOLA that enrolled migrants generally remain in Tapachula throughout the duration of their regularization processes. However, the program does not have the capacity to include all the asylum seekers and migrants who seek to participate: we were told in March 2022 that it covered approximately 1,400 people in Tapachula. The day of our visit, a crowd of people was lined up at the door of the program's headquarters, seeking to enroll.

Asylum seekers face steep obstacles in access to housing. Shelters in Tapachula lack the capacity to house the arriving population, and local landlords have taken advantage of increased migration levels to charge usurious rates to rent apartments or rooms, including charging per person for renting shared rooms between groups of people.

Healthcare is another right that many migrants and asylum seekers are prevented from accessing. Service providers and asylum seekers told WOLA that hospitals and other healthcare providers require identification and ask for documentation that asylum seekers may not have, especially if they have arrived recently. Service providers expressed particular concern for the situation of women, including pregnant women and non-Spanish speakers. Those who require care unavailable in Tapachula face difficulties in accessing it; partners told us that it is complicated to obtain permission to bring a migrant even as far as the capital city of Chiapas state. In addition to physical ailments or injuries, migrants and asylum seekers frequently need psychological healthcare after surviving trauma along the migratory route.

**“My 6-year-old daughter had an accident... Here at the hospital, they didn’t want to perform surgery on her; they said that they couldn’t send her to a different hospital because I was an immigrant...”**

**–“Maria,” Honduran asylum seeker**

To help address asylum seekers' need for services in Tapachula, UNHCR provides direct assistance to them after an initial interview to identify their needs, a process facilitated by the opening in March 2021 of the Center to Support Refugees (*Centro de Atención a Refugiados*, CAR), which operates next to COMAR's registration center. However, the scope of this program depends on the availability of resources, which are currently insufficient. UNHCR seeks to support asylum seekers with school inscription, protection against threats to their safety, psychosocial attention, access to healthcare and medicines, and orientation about available migrant shelters and other support mechanisms.

Certain migrant and asylum-seeking groups face particularly acute situations, especially as migrants have become more visible and vulnerable to local xenophobia. It is not uncommon for longstanding Tapachula residents to reject the presence of migrants in the city because of the perception that they are taking jobs from the local people.

There is an insufficient offer of adapted public services for migrants who do not speak Spanish. In the case of families from countries where Spanish is not a common language, women are especially likely to face language barriers that further reduce their access to services. This leads to patterns in which women's access to services is dependent on male relatives' liaising with authorities.

As mentioned, Haitian migrants and asylum seekers face anti-Black discrimination as well as frequent language barriers. An investigation by the Center for Gender and Refugee Studies, IMUMI, and Haitian Bridge Alliance found that “[f]ew to none of the immigration officials or non-governmental service providers in Tapachula speak Kreyol, and as a result, Haitian migrants have difficulty understanding the immigration system and how to access the networks of legal and humanitarian services available to them.” By December 2021, COMAR's Tapachula office had increased its number of Haitian Creole interpreters from two to eight, but concerns persist about how Haitian cases are processed. Legal service providers signal that the notably low rates of asylum grants for Haitians bely insufficient analysis of their cases, especially given the high rates of approvals for other nationalities whose countries of origin suffer from generalized violence or crises. Beyond the asylum process itself, Haitian migrants report experiencing racism from both authorities and the local population.

During WOLA's visit, we were struck by the fact that multiple institutional actors expressed that asylum seekers of Haitian nationality or descent were unlikely to qualify for asylum. While we understand that they were referencing a pattern of secondary movements by Haitians who had previously migrated to South American countries (which differs from a 'typical' asylum case in which a person flees directly from their country of persecution), we recall that domestic and international asylum law require an individualized evaluation of each person's case. We also note that growing numbers of Haitians are now arriving directly from Haiti following that country's 2021 security, political, and natural crises. Furthermore, unlike asylum claims from Honduras, Venezuela, and El Salvador, which are generally processed using the standards outlined in the Cartagena Declaration, COMAR has not designated Haiti as a country whose nationals have access to this differentiated asylum procedure.

Given all of the conditions described above, migrants and asylum seekers in Tapachula increasingly protest in a variety of ways to call for permission to leave Tapachula and regularize their migratory status; the caravans attempting to leave the city are one clear expression of this. In order to bring attention to the desperate situation they are facing, migrants have sewn their lips together, gone on hunger strikes, chained themselves, and marched with crosses. On March 11, 2022, during president Andrés Manuel López Obrador's visit to Tapachula, migrants protested outside a military base where the president held his daily news conference. Those 150 migrants were told they would receive humanitarian visas by the end of the day, in addition to approximately 800 migrants who were given documents in the days leading up to the president's visit, according to immigration authorities. These numbers are just a small fraction of the tens of thousands of foreign nationals waiting in Tapachula.

**“The paperwork... they keep you going round in circles to see if you get tired.”**

**-Frantz, Haitian asylum seeker**



Asylum seekers and migrants defend their rights not just by protesting, but also by providing direct assistance to other asylum seekers and migrants and by advocating with relevant authorities. As always, non-governmental organizations and migrant shelters also continue to be on the front lines of providing migrants with legal representation and humanitarian assistance, as well as documenting abuses against them. Throughout 2020 and 2021, the organizations that form part of the [Southeast Mexico Human Rights Observation and Monitoring Collective](#) have been documenting abuses against migrants and asylum seekers throughout the region and monitoring INM and National Guard actions during caravans and other moments of mass movements of migrants.

**“[The police] arrived, they broke open the door, and they said, ‘down,’ pointing at us with guns, anti-gang police they’re called here... They took us to an empty lot and they started beating us... and asking us what gang we belonged to, what cartel, what organization...”**

**-Nelson, Nicaraguan asylum seeker**

The inspiring work done by partners on the ground in Tapachula and elsewhere in Chiapas, and the tireless struggle of migrants and asylum seekers themselves, have led to growing recognition of the crisis caused by Mexico’s attempts to contain tens of thousands of vulnerable people at its southern border. Until reforms are made, however, asylum seekers in Tapachula will continue to face what multiple interviewees described to us as a “system to wear people down” (*política de desgaste*)—a combination of norms, arbitrary actions, inefficiencies, and lack of capacity that traps people in a prolonged limbo of uncertainty, risk, and precarious conditions. This situation represents the worst of all worlds: it increases the suffering and vulnerability of asylum seekers while doing nothing to sustainably or constructively manage migratory flows or advance a regionally shared plan to provide protection to those who need it.



*Patio of the Fray Matías de Córdova Human Rights Center*



“I went to the park and I could identify the people who didn’t speak Spanish. And I said to them, ‘what do you need?’ Like one patient asking another patient, ‘what do you need?’ And one says, ‘I don’t understand the paperwork,’ because sometimes [the authorities] give you a document and you have to read it and you don’t understand. ‘Oh, no? I’ll translate for you.’ Pretty soon, I had 20, 30 people waiting for me to translate for them... So, I started helping people... [...] And soon, every day I would get up... and go to the park... to Fray Matías [Human Rights Center]... to COMAR... Sometimes I would lose my voice by the time I got home. Because I was so hoarse from the work that we had done.”

-Frantz, Haitian asylum seeker

# U.S. GOVERNMENT ENGAGEMENT WITH MEXICO ON ACCESS TO PROTECTION FOR REFUGEES

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U.S. influence on people's access to protection in Mexico stems from both U.S. support for Mexico's asylum system and overall U.S. migration policy—two frameworks that do not necessarily align with one another.

## *U.S. government support to Mexico's asylum system and efforts to address root causes*

The State Department's Bureau of Population, Refugees, and Migration (PRM) manages U.S. [support](#) for access to asylum in Mexico and Central America, focusing on humanitarian assistance, capacity-building, and diplomatic engagement.<sup>16</sup> The U.S. government is the largest financial supporter of UNHCR activities in Mexico: in 2021, UNHCR Mexico reported a U.S. contribution of [\\$38,715,766](#), which constituted 77 percent of total UNHCR contributions earmarked for Mexico in 2021. In turn, UNHCR funds a large share of COMAR's work, enabling it to operate with significantly more staff than it could with its domestic budget.

While such U.S. support has been ongoing over a number of years, the U.S. Congress has recently reinforced the need to invest in Mexico's asylum processing capacity in the face of its overwhelming caseload, including language linked to U.S. foreign assistance specifying the need to support COMAR and INM "to improve intake facilities and asylum case management and processing."<sup>17</sup>

In a [letter](#) sent to Secretary of State Antony Blinken in March 2021, 19 members of Congress stated that Mexico's asylum system "merits priority attention":

While Mexico's refugee agency, Comisión Mexicana de Ayuda a Refugiados (COMAR), has improved its processing capacity, asylum seekers continue to face inadequate screening for protection concerns by migration enforcement officials, poor conditions in detention centers, and long processing times. [...] U.S.-Mexico cooperation should seek to improve access to protection in Mexico, in coordination with the United Nations High Commissioner for Refugees (UNHCR) and civil society organizations, by increasing COMAR's presence throughout the country, supporting alternatives to detention for asylum seekers, and further improving COMAR's capacity.

In July 2021, the White House published its [Collaborative Migration Management Strategy](#) (CMMS), which lays out eight lines of action through which the U.S. government seeks a comprehensive regional approach to migration. One of these is "Expand Access to International Protection," an area in which the Biden administration specifically cites cooperation with Mexico, stating:

The United States will support regional government efforts to strengthen and expand their asylum systems to provide vulnerable individuals with

protection... [...] For example, since 2016, the Mexican Commission for Refugee Assistance has expanded dramatically with U.S. support, opening new field offices and tripling its annual case processing capacity. The United States will continue to work with Mexico to build on this success and with other regional governments to help expand their asylum systems.

The CMMS also points to Mexico as an example of the need for strong internal relocation and resettlement programs:

The United States will support inclusion and integration programs that ensure individuals can access livelihood opportunities, services, healthcare, and education, and can develop roots in their new communities. The United States will look to expand successful ongoing integration efforts, such as a program that relocates protection recipients from southern Mexico to industrial belt municipalities in Mexico with labor needs.

In line with the CMMS, U.S. embassy officials in Mexico City told WOLA that the embassy, led by U.S. Ambassador Ken Salazar, advocates with Mexican authorities for migration management that includes, among other components, addressing the root causes of migration, attending to the displaced population, effective asylum processing, and modernized border infrastructure.

The Biden administration has made especially clear that it seeks to address the root causes of forced migration, particularly from Central America. The White House published its multifaceted [Root Causes Strategy](#) along with the CMMS in July 2021. For its part, Mexico's federal government is implementing social programs in northern Central America through its international development agency, AMEXCID (*Agencia Mexicana de Cooperación Internacional para el Desarrollo*). These programs largely replicate the Mexican government's signature domestic social programs "Sowing Life" (*Sembrando Vida*, a program that pays participants to plant trees) and Youth Constructing the Future (*Jóvenes Construyendo el Futuro*, a paid internship program for young people). AMEXCID [reports](#) that its programs dramatically decrease Central American participants' plans to emigrate, although [investigations](#) have denounced [irregularities](#) in the implementation of these programs in [Mexico](#). USAID and AMEXCID are coordinating certain assistance in Honduras, Guatemala, and El Salvador within a framework known as ["Sowing Opportunities"](#) (*Sembrando Oportunidades*).

Beyond the actions described above, there is a need to improve U.S.-Mexico collaboration to protect specific groups of people who arrive in Mexico with protection needs but whose safe and sustainable resettlement warrants relocation to the United States. This is the case, for example, of unaccompanied asylum-seeking children trying to reunite with U.S.-based family members. Such children should not be forced either to seek asylum in Mexico or to migrate north in hiding when it is clearly in their best interest to join their relatives in the United States. In other cases, families or individuals may have compelling safety reasons to seek protection in the United States rather than in Mexico. Identifying such cases and facilitating a pathway to request protection in the United States would avoid the need for these groups to be processed by Mexico's asylum system when ultimately Mexico will not be a viable destination for them.

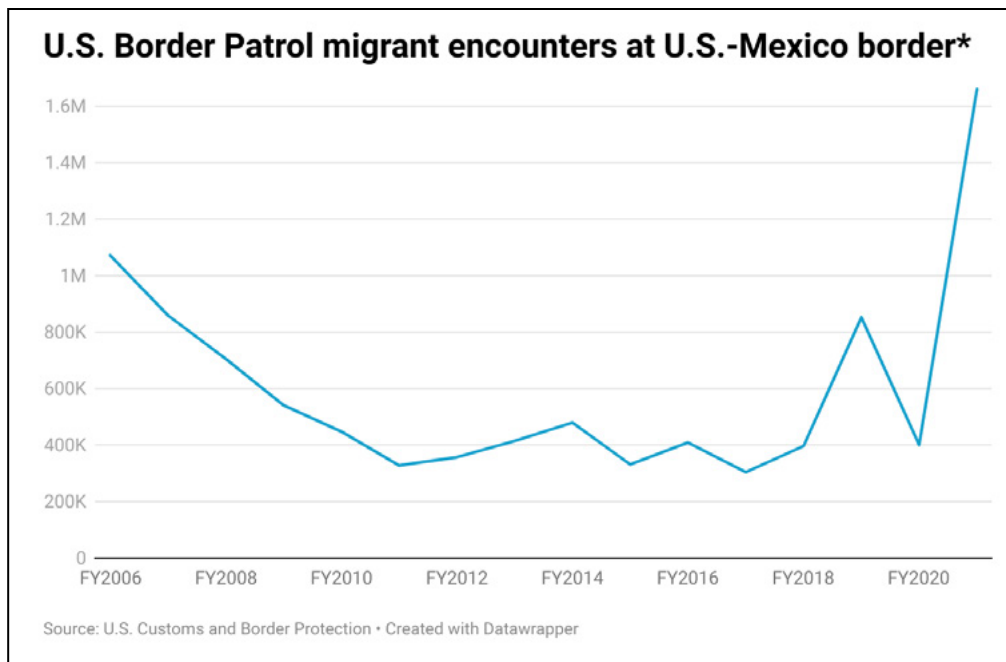
## ***U.S. migration policies and Mexico: a failed attempt to deter largely forced migration***

Despite its financial support for Mexico's asylum system, overall U.S. migration policy under the Biden administration has followed that of previous administrations and prioritized reducing the number of migrants and asylum seekers crossing the Mexico-U.S. border. U.S. actions have included prolonging [Title 42](#), the Trump-era anti-asylum policy that blocks or expels asylum seekers back into Mexico without a chance to request protection; asking Mexican authorities to [crack down](#) on northward-bound migration through Mexico; and [requesting](#) Mexico to implement increased visa requirements for other nationalities. This overall context helps to explain Mexico's harsh and arbitrary enforcement of its asylum seeker containment policy in Tapachula, failure to facilitate a greater number of humanitarian visas to migrants, large numbers of migrant detentions (with a record [307,679](#) in 2021), and continued militarization of migration enforcement along its borders.

Such U.S. strategies are not new. As WOLA has [reported previously](#), in response to the surge of unaccompanied minors from Central America in 2014 (during the administration of president Barack Obama), the U.S. government backed Mexico's [Southern Border Program](#), which increased apprehensions and deportations of migrants traveling through Mexico's southern border region. In 2019, when migrant arrivals increased at the U.S. border once more, then-president Trump [threatened](#) to impose tariffs on Mexican goods if Mexican authorities did not tighten migration enforcement, which resulted in the Mexican government's agreement to deploy the National Guard at its borders to crack down on migration (a policy in place in Mexico today). In addition to this [containment role](#) centered on blocking migrants' paths through Mexico, Mexico's federal government under López Obrador has accepted unlawful and counterproductive U.S. anti-asylum programs in its territory, including Title 42 expulsions and the [Remain in Mexico](#) program, which forces select U.S.-bound asylum seekers to wait in Mexico for their immigration hearings. The Biden administration even flew Central American nationals on [expulsion flights](#) to Tapachula and Villahermosa, Tabasco state during several months in 2021, where Mexican immigration agents and National Guard troops forced them to cross into Guatemala without the opportunity to request asylum in Mexico, violating international law and placing people in danger of what the UN has termed "[chain refoulement](#)."

These sorts of policies increase risks to asylum seekers and create obstacles and delays in their access to protection in either Mexico or the United States. What they do not do is end forced migration. As shown by WOLA's [analysis](#) of trends in U.S. Customs and Border Protection (CBP) southwest border encounters over the past decade, crackdowns do not lead to sustainable reductions in migration. As pointed out by the [American Immigration Council](#), U.S. government strategies centered on deterrence, blocking, family separation, and detention of migrants and asylum seekers follow a cyclical pattern in which they have "temporarily suppressed arrivals, but the push factors in home countries and drivers of migration have remained. Within a few years of each punitive policy's implementation, there was another increase in people coming to the border."





*\*Note that FY2020 and FY2021 data, in particular, overestimate total migrants encountered. This occurs due to increased repeat crossings prompted by Title 42 border expulsions. For instance, the total number of individuals encountered in FY2021 is likely just over one million. Source of FY2021 data: <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.*

*Source of FY2006-FY2020 data: <https://www.cbp.gov/newsroom/media-resources/stats>.*

During our visit to Tapachula, numerous counterparts stated that Mexican authorities' reluctance to expand access to legal migration pathways outside the asylum system, such as visas for humanitarian or public interest reasons, has stemmed in part from opposition by the U.S. government, as temporary legal status for migrants in Mexico has been viewed as a factor that would increase arrivals at the U.S. border. Ironically, however, to the extent that current practices make it difficult to obtain legal status in Mexico (and hence to resettle in Mexico with access to work, school, and other services), migrants who otherwise would seek to make their lives in Mexico may instead be pushed to continue north to the United States. At the same time, migrants and asylum seekers determined to set out for the United States due to family connections or other needs will continue to do so both on their own and through the networks of smugglers who fill this demand.

Against this backdrop, it is urgent for the U.S. and Mexican governments, as well as other governments of the region, to recognize the counterproductive nature of deterrence and containment policies as responses to forced migration—and especially as responses to families and individuals fleeing life-threatening conditions in their home countries.

A concrete opportunity to do so will occur shortly after the publication of this report at the Ninth Summit of the Americas, hosted by the U.S. government in June 2022 in Los Angeles. While not one of the Summit's official themes, regional cooperation on migration will be one of the focus issues of the Summit, which comes after Biden administration officials' participation in ministerial meetings on regional migration management in Colombia in October 2021 and Panama in April 2022, as well as numerous bilateral meetings with Mexican and other officials, including the signing of bilateral arrangements on migration and protection with Panama and Costa Rica. Ahead of the Summit, a coalition of civil society organizations, including WOLA, have laid out a set of guiding principles for regional migration cooperation, centering human rights, access to protection, and sustainable solutions to forced displacement.

# CONCLUSIONS

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Like regional forced migration in general, migration to and through Tapachula will not diminish anytime soon, and certainly will not decrease through deterrence-based tactics that only serve to put more suffering and danger in migrants' and asylum seekers' paths. On the contrary, policies designed to block migration through Mexico, such as the growing list of visa restrictions for South American countries that prevent people from flying into Mexico, force more people from these countries to cross north by land through treacherous routes. This inescapable reality highlights the need to make good on government pledges to prioritize access to protection in regional migration management, alleviating the human suffering in places like Tapachula and developing sustainable solutions for the migrant population.

In the case of Tapachula, guaranteeing access to asylum requires ensuring that arriving families and individuals can safely and immediately file their asylum claims and that authorities in charge of border crossing points, intake, and processing are from appropriate agencies and attend to the needs of this population as required by Mexican and international law. It also requires diversifying responses to the migrant population, recognizing that arriving people have different needs and that Mexican law provides for regularization for a number of reasons—not just due to filing an asylum claim.

Mexican authorities must take decisive steps to end abuses and discrimination by authorities against the asylum-seeking and migrant population. This includes curbing arbitrary detentions by the INM and the military, investigating allegations of abuse against migrants and asylum seekers and sanctioning those agents found responsible, and ensuring access to basic services. Finally, in addition to taking needed steps to promptly resolve asylum claims, the Mexican government should cease holding asylum seekers in Tapachula and reform its state-based containment policy to allow asylum seekers to access work and dignified living conditions in other parts of Mexico.

# RECOMMENDATIONS

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## *To the Mexican government:*

- **Guarantee that asylum-seeking families, children, and adults arriving at Mexico's southern border can request protection at official ports of entry.** This could be done by stationing COMAR personnel at ports of entry to register asylum claims. To the extent that ports of entry continue to be manned by INM agents, these agents should be instructed to admit asylum seekers and facilitate their access to COMAR without automatic detention, and mechanisms should be established to monitor and guarantee compliance with these obligations. Arriving asylum seekers should immediately receive documents indicating that they have permission to be in Mexico, avoiding scenarios in which people are forced to cross irregularly and make their way to COMAR.
- **End the practice of containing asylum seekers in Tapachula.** It is illegal and untenable to forcibly contain tens of thousands of asylum seekers in a single city for months or years, much less one that is ill-equipped to provide them with adequate public services and employment opportunities. The federal government should reform the official state-based containment policy currently established in administrative regulations, promptly allowing asylum seekers to move to different states in order to find work, reunite with family, and otherwise begin integration processes. COMAR should strengthen its ability to transfer asylum cases between its offices.
- **End detention of asylum seekers** except where compelling reasons exist for such a measure, as foreseen in international law. Detention should be exceptional and based only on an analysis of the need for such a measure in the individual case. Unnecessary detention dissuades asylum claims, causes people to desist from existing requests, makes it more difficult to pursue ongoing cases, and causes needless suffering, economic impacts, and health consequences for the detained people and their family members. (We define "detention" as housing people inside government or other facilities from which they are not free to leave, regardless of the institution in charge of such facilities or the terms used under Mexican law to describe such deprivation of liberty.)
- **Provide humanitarian and other visas as foreseen in Mexican law.** The National Migration Institute should make available humanitarian and other visas to those who qualify for them based on any of the grounds set out in domestic law. Asylum seekers who have submitted their claim before COMAR should be promptly provided with a humanitarian visa (TVRH).
- **Develop a coordinated system amongst Mexican agencies for the asylum process.** Instead of pursuing legal processes before COMAR and the INM, asylum seekers should only have to provide their information once. Since applying for asylum entitles the applicant to a TVRH, this should automatically be processed and issued based on the asylum application filed with COMAR.
- **Ensure access to healthcare, schools, and other basic services.** Authorities in these sectors should receive all necessary guidelines on guaranteeing registration and access of migrant children, families, and adults to vital services, and officials should promptly investigate reports of exclusion from such services and implement corrective measures. In particular,

accusations of discrimination by Mexican officials against women, Afro-descendant, indigenous, or other migrants should be investigated and adequately addressed.

- **Maximize integration and resettlement programs.** This crucial component of the migration and refugee process is the subject of ongoing and pilot programs coordinated by UNHCR. Mexican authorities should continue to collaborate with these efforts as well as strengthening their domestic inter-agency coordination and programming to ensure that growing numbers of asylum seekers, refugees, and other migrants are able not only to relocate, but also to integrate into a range of Mexican cities and states, providing a sustainable response to forced migration.
- **Increase government funding and support for COMAR.** Mexico received the third highest number of asylum requests worldwide for 2021. In spite of this, COMAR's 2022 budget remains essentially unchanged. While UNHCR provides crucial support and resources for COMAR, the Mexican government must also do its part. Insufficient resources contribute to long processing times, overworked staff, a lack of interpreters to support asylum seekers who speak indigenous languages and Haitian Creole, and limits on COMAR's presence along Mexico's southern border.
- **Hold Mexican migration agents and security forces accountable for abuses against migrants and asylum seekers.** Mexican and international civil society organizations have documented widespread abuses against migrants and asylum seekers in southern Mexico by INM agents, members of the military and National Guard, and police forces, as has the CNDH in a growing number of cases. Afro-descendant migrants, particularly Haitian migrants, have also faced racism and discrimination by Mexican authorities. The failure to hold agents accountable for their actions facilitates the perpetration of further abuses.

#### *To the U.S. government:*

- **Ensure that migration cooperation with Mexico and other countries prioritizes access to protection and solutions for the forcibly displaced population, rather than a counterproductive focus on blocking the paths of migrants and asylum seekers.** Measures such as border militarization, increases in detentions, and visa requirements produce changes in migration patterns, but a sustainable reduction in forced migration is not one of these changes. Approaches centered on deterrence and detention push migrants and asylum seekers to dangerous and hidden routes, increase demand and profits for human smugglers, and increase suffering and loss of life among people on the move. Families, children, and adults will continue to be displaced and to migrate as long as violence, extreme poverty, climate disasters, and other factors leave them no realistic path to safety and survival at home. Only by offering options for short- and long-term resettlement can the governments of the region stabilize the crisis of forced displacement, bring migrants and asylum seekers out of hiding, cut profits to organized criminal groups, and ensure protection for vulnerable families and individuals.
- **Work with Mexican authorities to identify and facilitate access to the United States for unaccompanied children seeking to reunite with U.S.-based family members and for people who cannot resettle in Mexico due to risks deriving from their concrete situation.** Even with improvements to its asylum system, Mexico is not a logical destination for all individuals. People arriving in Mexico who identify the United States as their destination



and who have compelling reasons to seek protection there, such as reunification with adult family members, should be supported in doing so.

- **Continue to provide robust funding to support access to protection in Mexico, while upholding national and international law on the ability to access asylum in the United States.** The United States continues to be the largest donor for UNHCR in Mexico, providing almost \$39 million in assistance in 2021. Additional support to COMAR and international organizations operating in Mexico has been provided through the State Department's Bureau of Population, Refugees and Migration.

# ENDNOTES

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- 1 The Cartagena Declaration is a regional agreement on refugees specific to Latin America. It delineates broader grounds for refugee status that include threats of generalized violence and disturbance of public order.
- 2 Law on Refugees, art. 13.II.
- 3 Law on Refugees, art. 28.
- 4 Regulations of the Law on Refugees, art. 16.
- 5 Law on Refugees, art. 18.
- 6 Law on Refugees, art. 7; Regulations of the Law on Refugees, art. 22.
- 7 Law on Refugees, art. 23.
- 8 Law on Refugees, art. 24.
- 9 Regulations of the Law on Refugees, art. 38.
- 10 Regulations of the Law on Refugees, art. 23.
- 11 These and all asylum statistics quoted subsequently come from COMAR's monthly information bulletin, as updated through May 1, 2022, at: [https://www.gob.mx/cms/uploads/attachment/file/722490/Cierre\\_Abril-2022\\_\\_1-Mayo\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/722490/Cierre_Abril-2022__1-Mayo_.pdf), except for data on women and children, which are updated as of February 2022 and are available here: [https://www.gob.mx/cms/uploads/attachment/file/707121/02\\_MUJERES\\_NNA\\_Febrero-2022.pdf](https://www.gob.mx/cms/uploads/attachment/file/707121/02_MUJERES_NNA_Febrero-2022.pdf) and here: [https://www.gob.mx/cms/uploads/attachment/file/706715/Cierre\\_Febrero-2022\\_\\_1-Marzo\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/706715/Cierre_Febrero-2022__1-Marzo_.pdf).
- 12 The National Guard is a militarized security force proposed by Mexican president Andrés Manuel López Obrador and created by law in 2019. It replaced the Federal Police and was announced as a new force to prevent crime and maintain public security, formally housed within the Ministry of Security and Citizen Protection (*Secretaría de Seguridad y Protección Ciudadana*, SSPC). Despite formally belonging to a civilian ministry, the National Guard is under the operational control of the Ministry of Defense (*Secretaría de la Defensa Nacional*, SEDENA) and is composed primarily of members of the armed forces. President López Obrador has announced that he will propose the formal incorporation of the National Guard into SEDENA, which would constitute the final step in the militarization of federal policing tasks in Mexico. The deployment of the National Guard to Mexico's border with Guatemala began in 2019, as part of the Mexican government's June 2019 agreement with the Trump administration to increase immigration enforcement.
- 13 See, for example, Law on Refugees, art. 20.
- 14 Migration Law (*Ley de Migración*), art. 52.V.
- 15 COMAR's annual budget can be viewed at line N00 of the Ministry of the Interior's annual budget, available at: [https://www.pef.hacienda.gob.mx/work/models/aVbnZty0/PEF2022/kgp8l9cM/docs/04/r04\\_aae.pdf](https://www.pef.hacienda.gob.mx/work/models/aVbnZty0/PEF2022/kgp8l9cM/docs/04/r04_aae.pdf) (2022) and [https://www.pef.hacienda.gob.mx/work/models/PEF2021/docs/04/r04\\_aae.pdf](https://www.pef.hacienda.gob.mx/work/models/PEF2021/docs/04/r04_aae.pdf) (2021).
- 16 According to the PRM website: "PRM support in the region aims to address the humanitarian needs of vulnerable migrants, internally displaced persons, asylum seekers, and refugees, in support of national government responses. PRM funding supports programming in the following sectors: protection (including child protection and GBV prevention and response); emergency and cash based initiatives; shelter; water, health, and sanitation; and livelihood programming. The Bureau funds its traditional partners, including the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), and NGOs (in limited locations)."
- 17 The joint explanatory statement accompanying the FY2022 omnibus appropriations legislation incorporates these instructions set out on page 119 of House Report 117-84. The same document notes troubling reports "that agents in Mexico's National Migration Agency have committed human rights violations and have not been held accountable." Ibid.

## **ABOUT WOLA**

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights, recognize human dignity, and where justice overcomes violence.

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