



# The Migrant Caravan: From Honduras to Tijuana

An Analysis by the Center for U.S.-Mexican Studies Fellows  
(2018-2019)



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## *Introduction*

The following report was written by Fellows at the UC San Diego Center for U.S.-Mexican Studies (USMEX) who were in residence when the Honduran Migrant Caravan arrived in Tijuana during the month of November 2018. The arrival of close to seven thousand migrants mostly from Honduras to the U.S.-Mexico border was by far the immigration-related event with the most media coverage in decades. USMEX fellows, research assistants and staff analyzed many aspects of the caravan: group composition, safety, vulnerability, root causes, history of other caravans and responses from civil society and the three branches of government. The goal of this report is to share our observations and analysis of a highly politicized migrant movement.

During the caravan's stay, the authors of this report visited Tijuana individually and as a group. As scholars specializing in Mexico or U.S.-Mexico relations, we had numerous conversations about the caravan, resulting in the creation of this report with our different academic perspectives. President Donald Trump made xenophobic remarks and warned of an immigrant invasion in order to inflame his base during the U.S. midterm elections that took place on November 6, 2018. This report goes beyond soundbites and hopes to shed light through an academic lens on some key characteristics of the caravan.

Every year, USMEX hosts around twenty fellows from a variety of academic backgrounds and stages in their careers. To date, the center has hosted more than 700 fellows. The group that created this report was made up of two anthropologists, two political scientists, one economist, one sociologist, and one public policy student.

This report is made up of six essays. The first one is by James Daria on *The Northern Triangle of Central America: Violence, Displacement, and Refuge*. His analysis highlights how violence in the region disproportionately affects vulnerable populations such as children, women, African-descendant, indigenous, and LGBTI communities. Expanding on the theories of Salvadoran scholar Luis Miguel Cruz, Daria argues that the Northern Triangle countries underwent unsuccessful political transitions from authoritarian rule.

The second article is by Daniela Barba-Sánchez, *On Crossing Deserts and Hostile Territories: Sources of Vulnerability for Central American Immigrants in Mexico*. The author analyzes what she calls extreme vulnerability of migrants in their trajectory throughout the Mexican territory and how harsher migratory controls increase human rights abuses. Daniela uncovers a trap: the lack of human rights accountability predisposes violations against migrants.

The third article is by James Daria, Carolina Valdivia and Abigail Thornton on *The Response of Civil Society on Both Sides of the U.S.-Mexican Border*. These authors highlight the hardships experienced by the members of the caravan and the response of civil society on both sides of the border to its stay in Tijuana. In San Diego, the authors highlight the reaction by the San Diego Rapid Response Network (SDRRN) when the Department of Homeland Security eliminated the safe release policy and started dumping asylum seeking families who were waiting to see an

immigration judge in the streets. In Tijuana, the authors explain the formation of new groups to help caravans, such as The Otay Mesa Detention Resistance (OMD) and the role played by more traditional migrant shelters such as Casa Migrante, established by the Scalabrini order in 1987.

The fourth piece is by Abigail Thornton on *The History of Caravans as a Strategic Response*. The author argues the steady deterrence of migrants in transit in Mexican territory and along the US-Mexico border has resulted in a new grassroots response: caravans. Nevertheless, Thornton traces back the roots of caravans to the 1980s, when Guatemala and El Salvador waged civil wars. Back then, some caravans were formed to travel north so members could apply for asylum in the U.S.

The fifth article is by Lynn Stephen and Teresita Rocha on *The Path to Legal Safety: A Mismatch between the Law and the Practice*. The authors aim to offer a formal definition of asylum and the many obstacles to obtaining it in the United States through an example of an indigenous woman from Guatemala seeking asylum, an analysis of how the US government is discouraging asylum seekers and an interview with U.S. lawyer Nicole Ramos on the challenges in the process.

The final piece is by Rafael Fernández de Castro, Savitri Arvey and Guillermo Yrizar Barbosa on *The Mexican Government's Reaction to the Migrant Caravan*. The authors analyze the reaction by the Federal government, two state governments overseeing territory crossed by the caravan (Mexico City and Jalisco) and a state and municipal government overseeing territory where the caravan stayed at the border (Baja California and the city of Tijuana). They argue the federal government acted mostly as an observer of the caravan, limiting its action to monitoring the safety of the big group traveling across Mexican territory.

# ***The Northern Triangle of Central America: Violence, Displacement, and Refuge***

*By James Daria*

## ***Introduction***

According to data obtained by the Colegio de la Frontera Norte (Colef 2018), the majority of the migrants traveling to the U.S. border in the so-called “migrant caravans” originate in the Northern Triangle of Central America (NTCA). The Northern Triangle is comprised of three countries: Guatemala, Honduras, and El Salvador. As a whole, the region is suffering an extraordinary epidemic of violence with homicide rates among the highest in the world. On a regional level, increasing levels of violence since the 1980s are linked to globalization, neoliberal policies, economic crises, and a rollback in the power of the state (Carey Jr. and Torres 2010). Levels of violence have spiraled out of control and are a leading factor for NTCA citizens to flee their country of origin. When NTCA citizens flee violence at home through international migration, they also encounter new forms of violence in countries of transit as well as in countries of asylum, such as Mexico and the United States.

Violence in NTCA countries is of two types, direct and structural. Structural violence is linked to a number of socioeconomic factors that include lack of education, health care, and housing as well as high incidences of extreme poverty and inequality. As a whole, women and indigenous people, as well as those from rural areas, suffer greater rates of poverty and lack of access to basic services (IDMC 2018b). Physical violence is committed by a number of state and non-state actors, including drug cartels, organized crime groups, gangs, paramilitary organizations, and police and military forces. This violence includes disappearances, femicides, forced recruitment into gangs, state repression, and politically motivated assassinations of activists and human rights defenders, as well as various forms and levels of threats, intimidation, and extortion. In most NTCA countries, the perpetrators of this violence enjoy widespread and flagrant impunity (IDMC 2015). Although data is scarce, there also exists evidence of widespread forced internal displacement within NTCA countries. The Internal Displacement Monitoring Centre (IDMC 2018a) estimated there were at least 432,000 internally displaced people inside NTCA countries in 2017.

Those disproportionately affected by violence include vulnerable populations such as women and children and indigenous, African-descendant, lesbian, gay, bisexual, transgender, and intersex (LGBTI) people. Sexual- and gender-based violence is common and normalized with few prosecutions and includes multiple forms of physical and sexual violence (including domestic violence) as well as the sexual exploitation of women and children. Femicide, the gender-related killing of women and girls, is at alarmingly epidemic proportions. According to data from the UN Office on Drugs and Crime, in 2015 El Salvador ranked first for rates of female homicides globally, whereas Guatemala placed third and Honduras sixth. The result has been sharp increases in the number of women crossing the US border as well as fleeing to neighboring countries such as Belize, Costa Rica, Nicaragua, and Panama (UNHCR 2015). Since 2011, there also has been a dramatic rise in unaccompanied and separated minors arriving at the U.S. border—the majority from NTCA countries. These children face violence in the home, in the community due to gangs

and organized crime, and even that of state actors. Children are also victims of structural violence such as extreme poverty and deprivation (UNHCR 2014). Due to their sexual orientation and/or gender identity, LGBTI people, especially gay men and trans women, suffer high incidences of discrimination, exclusion, physical and sexual violence, and homicide in their countries of origin. These dangers only increase when forced to flee their country of origin to find refuge elsewhere (Amnesty International 2007).

Cruz (2011) argues that those NTCA countries, unlike other Central American countries, suffered incomplete and unsuccessful political transitions from authoritarian regimes since the 1990s. While these countries sought to transition to a more democratic rule of law, the security institutions were largely left intact, thus creating continuities in how the security apparatus functioned in post-conflict situations. State institutions continue to reproduce and sponsor criminal violence and a turn to more heavy-handed (“mano dura”) forms of zero-tolerance policing have only exacerbated the problems. Despite geographical, economic, cultural, and political commonalities, violence in individual NTCA countries must be examined as both historically and culturally specific. What follows are specific country profiles that address the situation in each nation.

### ***Honduras***

Unlike El Salvador and Guatemala, Honduras was able to avoid armed conflicts in preceding decades. Although relatively stable, political crisis gripped Honduras in 2009 when President Manuel Zelaya was deposed from office in a military coup. The United States, at the behest of President Barack Obama’s Secretary of State Hillary Clinton, chose not to oppose the coup and opened diplomatic relations with the new government (Frank 2018). With Zelaya deposed and the military in control of the country, Porfirio “Pepe” Lobo won the presidential elections in November of that same year. In 2013, President Lobo’s National Party assured subsequent victory to its candidate, Juan Orlando Hernández, despite intense opposition from the newly formed LIBRE party headed by Xiomara Castro, Zelaya’s wife. Given the fact that the National Party controlled the elections and counted the votes, civil society organizations called the results invalid due to corruption, intimidation, and fraud (Frank 2018). With the end of his presidency nearing, Hernández spurred constitutional changes allowing for presidential reelection, until then unconstitutional in Honduras. These elections in 2017 were marked by allegations of fraud and supposed technological glitches. While he first trailed in the vote count against his main opponent, Salvador Nasralla of the LIBRE party and the electoral coalition Alliance against the Dictatorship, Hernández won reelection in 2017 by a slim margin. The United States recognized the elections as legitimate. Opponents decried the Hernández regime as a U.S.-backed dictatorship. Massive numbers of Hondurans continued to flee the country to seek refuge in Mexico and the United States (Frank 2018).

San Pedro Sula has repeatedly ranked as the world’s most violent city while the country’s capital, Tegucigalpa, has not been far behind. This violence is related to gangs such as the Mara Salvatrucha (MS-13) and Barrio 18 (M-18), drug cartels, and political violence from state security forces and paramilitary organizations (Insight Crime 2016). Complicity of the state with organized

crime and drug trafficking is evidenced by the arrest of Juan Antonio Hernández, the brother of the Honduran president, in Miami, Florida, accused of being a “large-scale drug trafficker” who for years funneled South American cocaine into the United States through Central America (Ernst and Malkin 2018). Chayes (2016) argues that Honduras is the emblematic definition of a kleptocracy—where “corruption is the operating system of sophisticated networks that link together public and private sectors and out-and-out criminals—including killers—and whose main objective is maximizing returns for network members.”

Neoliberal structural reforms in the post-coup period privatized wide swaths of the nation’s economy; this involved pension reforms and massive public sector layoffs, dramatically increasing poverty in the country. Unemployment and underemployment, 35.5% in 2008, the year before the coup, increased dramatically to 56% by 2013. Despite regressive fiscal policies, the Honduran government received unconditional financial support from the International Monetary Fund and the World Bank (Lefebvre 2015). Other economic indicators demonstrated the failed policies of the post-coup governments that brought about widespread poverty. Before the coup, the country averaged 3.8% annual per capita GDP growth; however, from 2010 to 2017 this decreased considerably to 1.8%. Whereas Honduras averaged about a 58.1% poverty index in 2009 before the coup, the figure grew to 66.5% in 2012 and leveled off at 60.9% by 2016. Levels of unemployment, underemployment, and extreme poverty are higher in the post-coup era than previously. As well, minimum wage increases have fallen in the post-coup period and social spending – on education and health, for example – has significantly decreased as well (Wilson and Johnston 2017).

Other vulnerable populations in Honduras include environmentalists, journalists, and labor unionists (IACHR 2015). Twenty-five journalists were killed in Honduras between 2014 and 2016, with the vast majority of such crimes going unpunished (HRW 2017). Extractivist development policies have undermined African-descendant and indigenous sovereignty through resource extraction and land disentanglement that displaced rural communities. The most dramatic case was the assassination of Berta Cáceres, the Lenca indigenous rights and environmental activist, in 2016 (Loperena 2017). Despite facing such overwhelming violence, a national resistance movement is seeking the ouster of Hernández and a return to democratic order.

## ***Guatemala***

Guatemala in the early 20th century was led by a series of dictatorships that form the historical origins of much of today’s violent context (Carey Jr. and Torres 2010). After the Central Intelligence Agency orchestrated a coup in 1954 of democratically elected President Jacobo Arbenz, the political situation spiraled out of control and civil war erupted in 1960, lasting until peace accords were signed in 1996. The civil war decimated Guatemala’s indigenous majority population through scorched-earth campaigns and multiple acts of genocide. Over 250,000 lives were lost and up to 1.5 million people displaced during the civil war. Democratization and political stability followed the peace agreement but violence is still rampant and displacement a common occurrence (Brett 2016; McAllister and Nelson 2013). By the middle of the first decade of the 21st century, Mexico’s large organized crime groups began to openly operate in



Guatemala, conducting drug and human trafficking there.

A very conservative estimate is that as of 2017 there were approximately 250,000 internally displaced persons in Guatemala (IDMC 2018b). The IDMC argues that forced displacement in Guatemala has two major sources: the state and organized criminal groups. Violence committed by the state is largely carried out through campaigns of political repression as well as forced evictions due to development projects. Guatemala's pattern of violence caused by organized criminal groups is similar to that in Honduras and El Salvador. All this does not diminish, however, the importance of other forms of violence, such as domestic violence or discrimination against LGBTI people. Direct violence in contemporary Guatemala is a product of heterogeneous factors that combine to create a general climate of insecurity; these include activities of gangs and criminal groups, "social cleansing" campaigns by state and non-state actors, political repression by state actors, kidnappings, femicides, domestic violence, and homicides (IDMC 2018b). Sexual and domestic violence are seen as a common and normal part of relationships in male-dominated Guatemala. Given rampant impunity, violence against women in Guatemala is "state sanctioned, socially accepted, and quotidian" (Carey Jr. and Torres 2010: 144). It is therefore not possible to separate state and non-state actors as well as public and private violence (Stephen 2019).

In recent years, displacement from "megaprojects," or large-scale development projects aimed at increasing levels of development in historically marginalized areas, is also increasing. In these cases, national and transnational corporations extract key natural resources, such as gold, from rural areas with little benefit to local inhabitants (IDMC 2018b). Thus, in its investigation into violent displacement in Guatemala, the IDMC argues that the majority of violence exercised against the population is not random. The IDMC (2018b: 6) "concludes that most current population movements within Guatemala are the result not of direct forms of violence, but rather of 'structural violence,' a term used to describe social mechanisms, state institutions and cultural norms and practices that prevent people from meeting their basic needs."

### ***El Salvador***

Between 1979 and 1992, civil war gripped El Salvador, the Northern Triangle's smallest and least-populated country. The Salvadoran government's counterinsurgency campaign was financed with over \$6 billion in economic and military aid provided by the U.S. government. El Salvador's civil war brought a lasting toll and included scorched-earth campaigns, death squads, and massacres. In the end, over 75,000 people lost their lives in the conflict. A million people were displaced and nearly 20% of the country's population was forced to find refuge outside its borders (Moodie 2010). After the peace accords were signed between the government and the Farabundo Martí National Liberation Front (FMLN), a protracted process of demobilization ensued that paved the way for an end to armed conflict and the support of both sides for electoral democracy and institutional reform. Ensuing decades saw a bipartisan sharing of power between the Republican Nationalist Alliance (ARENA) party on the right and the FMLN on the left.

This process of democratic transformation was structurally embedded, however, in global processes of neoliberal economic reform that undermined the economic and social policies



championed by the revolutionary movement in previous decades. Poverty, social immobility, inequality, and postwar trauma hindered the construction of economic prosperity and social peace (Sprenkels 2018).

Post-conflict El Salvador suffers similar forms of direct and structural violence that affect fellow NTCA countries. These factors include poverty, inequality, deprivation, discrimination, and lack of education and employment opportunities. Although displacement in El Salvador is multicausal, the most important factor is criminal violence. Cruz (2011; 2015) argues that despite the democratic transition in the post-conflict era, the public and private security forces during the previous authoritarian regimes became the police and military forces after the civil war. With the police and military in the hands of the same actors responsible for previous decades of autocratic violence, there has been no concrete democratization or reform of the state's security apparatus. Given this situation, the state's response to organized criminal groups has been one of heavy use of force.

This strategy of repression has largely backfired as it has only exacerbated violent conflict between criminal groups and security forces as well as members of civil society. While the state concentrates on repressing criminal groups, it has done little to recognize and combat forced displacement due to crime and violence (IDMC 2018c). Criminal groups include transnational crime organizations such as drug cartels and local gangs, or mara. Two of the most infamous criminal gangs, the Mara Salvatrucha (MS-13) and Barrio 18, have their origins in the United States, especially among Salvadoran communities in Los Angeles that had arisen due to large influxes of migrant refugees during the 1980s. Salvadoran migrants with criminal convictions began to be deported in the 1990s and thus criminal groups such as the MS-13 were in effect exported to El Salvador, where they took root (UNODC 2012). They also have a strong presence in urban Guatemala. Women and young girls are particularly susceptible to violence committed by criminal groups. Gangs commit sexual exploitation, rape, and sexual abuse and women routinely form a smaller but important percentage of gang membership. Given widespread impunity for sexual and gender-based violence, femicides are common and female suicide rates are high (IDMC 2018c).

## ***Conclusion***

The so-called "migrant caravans" fleeing the Northern Triangle of Central America are a direct consequence of the endemic violence that plagues the region. More than homicides and gang violence portrayed in the media, the violence lived on a daily basis by men, women, and children is above all a result of specific political and economic structures that work to perpetuate environments of extreme and chronic violence of all types. "For thousands of poor and young Central Americans, the deterioration in security conditions, coupled with a systemic lack of opportunities for development, left emigration as the only way to prosperity, if not mere survival," according to Cruz (2015: 48). Noting that the U.S. and Central America are tied together by previous waves of immigration from the region due to past episodes of conflict, Cruz describes how the only viable way to escape the current violence is to flee. "They and their families turned to the matured and dense migrant networks," Cruz continues, "deciding that they preferred

facing the perils of an uncertain journey, and the complications of undocumented work in the United States, to dealing with the certainty of violence and poverty at home.”

In an attempt to stop the flow of refuge-seeking migrants from the region, the U.S. government, in partnership with El Salvador, Guatemala, and Honduras, established the “Alliance for Prosperity in the Northern Triangle.” This alliance seeks to address the root cause of why record numbers of Central Americans flee their countries of origin and seek international protection. For fiscal year 2016 this aid package totaled \$750 million (UNHCR 2017). These efforts are not enough and do not thoroughly address the political, economic, and social causes of poverty, violence, and insecurity. Instead, they perpetuate failed policies such as militarized zero-tolerance security measures and fund state security forces linked to the use of excessive violence in all three NTCA countries as well as the military dictatorship in Honduras. Until these root causes are addressed, Central Americans will continue to flee their homes individually or in groups and will devise increasingly novel ways to find safety, security, and refuge in receiving countries such as Mexico and the United States.

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## ***On Crossing Deserts and Hostile Territories: Sources of Vulnerability for Central American Immigrants in Mexico***

*By Daniela Barba-Sánchez*

Although immigrants in Central America have organized in caravans to make the journey to the U.S. border for more than two decades, the caravan that departed from Honduras in the fall of 2018 was particularly under the spotlight. The increased attention to the most recent caravans (including the one that departed in January 2019) is due in large part to the attention they received from President Donald Trump. Trump’s discourse of “stranger danger” is a textbook example of how politicians, for their own personal, political gain, mobilize racialized narratives to build up the idea of an external threat. Indeed, the president’s public expressions about the last two caravans, which launched from the Northern Triangle in Central America to the U.S.-Mexico border, overlapped with the end of the campaign for the U.S. midterm elections and with the government shutdown over funding for the construction of a wall on the southern U.S. border.

The last two caravans have been portrayed histrionically as a horde of “murderous thugs who will kill us all”<sup>1</sup> and as “gang members and some very bad people” who would invade the southern border. The xenophobic nature of these declarations against undocumented immigrants from Mexico and Central America was noticeable even to pro-Trump media. Fox News refused to air a campaign ad that warned voters against voting for Democrats since this would entail allowing criminals—represented by images of the caravan and a Mexican convicted murderer—into the U.S.<sup>2</sup> The images of a convicted prisoner starkly contrasted with the footage of young men, women, and children walking in an orderly manner, in many cases barefoot, across some Mexican highway. Trump saw the numbers in the caravan as a sign of an organized invasion. In fact, as Abigail Thornton explains in this report, caravans have provided Central American immigrants fleeing poverty, violence, and/or repressive political regimes with relative safety in numbers. Without it, they face indescribable dangers and abuses in their path up north. The president’s proposal for ever harsher immigration policies “is not compassionate” and will not “put ruthless coyotes, cartels, drug dealers, and human traffickers out of business,”<sup>3</sup> as he suggested in his second State of the Union address in February 2019. Instead, harsher enforcement strategies that criminalize migration and neglect protection of all migrants would result in an increase in due-process and human-rights violations against immigrants and refugees.

In the following pages I seek to accomplish two objectives. The first is to describe the conditions that make Central American immigrants in Mexico a population in extreme vulnerability and

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<sup>1</sup> Jeremy W. Peters. “How Trump-Fed Conspiracy Theories About Migrant Caravan Intersect With Deadly Hatred.” *The New York Times*. Oct. 29, 2018.

<sup>2</sup> Michael M. Grynbaum and Niraj Chokshi. “Even Fox News Stops Running Trump Caravan Ad Criticized as Racist.” *The New York Times*. Nov. 5, 2018.

<sup>3</sup> Politico. “Trump’s State of the Union address.” Politico. Feb. 8, 2019.

illustrate the risks they expose themselves to in their search for survival and safety. The second is to explain how harsher migratory controls increase violations of due process and human rights.

### ***The Ascription of Vulnerability to Central American Undocumented Immigrants in Mexico***

#### *Being Dark-Skinned, Indigenous, Poor, and Young in Mexico*

The first source of vulnerability that migrants from Honduras, Guatemala, and El Salvador deal with in Mexico is discrimination based on their skin color. This can be amplified if they are perceived to be indigenous as a result of their language, dress, and cultural habits. Among Mexicans, discrimination on the basis of skin color and indigeneity remains a reality. Recent studies in Mexico compare the opportunities available for people of different skin color but otherwise similar relevant characteristics—that is, similar age, education, skills, income, etc. When compared with lighter-skinned people, those with darker skin are more likely to live in poverty and have lower occupational status (Villarreal 2010), less likely to be hired by private companies (Arceo-Gómez and Campos-Vázquez 2014), less likely to have access to clean water, more likely to have lower educational attainment (Trejo and Altamirano 2016), and more likely to experience downward social mobility (Campos-Vázquez and Medina-Cortina 2019).

#### *Discrimination by Mexican Security Forces*

The Mexican justice system has long discriminated against the most underprivileged. The Office of the United Nations Human Rights Commission found in a study in Oaxaca, Mexico, in 2005 that indigenous inmates were less likely to have access to a lawyer and more likely to suffer ill-treatment and torture than non-indigenous inmates (UNHRC 2007). Another study found that urban traffic police officers are more likely to demand a bribe from drivers whose skin is darker and who appear to be from an underprivileged background than from whiter and more privileged-appearing violators (Fried et al. 2010). Thus color and perceived ethnicity and economic status matter in everyday interactions with police and justice officials.

Mexico's iron-fist enforcement strategy against organized crime since December 2006, which has largely increased the participation of the armed forces in enforcement operations, has also resulted in a context of elevated violence and human rights abuses. Young men have borne the brunt of this war, contributing to the major part of the body count. While improved social and health policy can be associated with an increase in the life expectancy of infants and children, the Mexican war on drugs has pushed mortality in the opposite direction. Dramatically increased homicide rates for men between ages 15 and 49 have been so great that average life expectancy dropped in most states between 2005 and 2010 (Aburto, Riffe and Canudas-Romo 2018).

#### *Recruitment by Organized Crime Groups and Subsequent Detention*

Young, dark-skinned, and poor men are targets of recruitment for criminal organizations, which use varying degrees of force. In a survey by federal electoral authorities in 2012, an estimated 13.5% of children between 13 and 15 years of age had received invitations to join organized crime (IAHRC, 2015). Young men are thus targeted for detention and ill-treatment by Mexican security forces. In 2015, men ages 18 to 29 were more than a quarter of the people processed in the justice system (Amnesty International 2017) and around 28.8% of the total prison population

(World Justice Project 2018). A large percentage of women entering prison at the federal level have also been incarcerated for drug-related crimes.<sup>4</sup> Women incarcerated for drug-related crimes tend to come from marginalized backgrounds but have a lower average educational attainment than men (Giacomello and Blas Guillén 2016).

#### *Being an Undocumented Immigrant in Mexico: An Additional Burden*

The discriminatory treatment described above received by young, dark-skinned, indigenous, and poor men and women is compounded if they are undocumented. Undocumented Central American immigrants face additional discrimination as foreigners. Their undocumented status exposes them to dangers related to the clandestine status that Mexican immigration enforcement policies have pushed onto them.

The first source of vulnerability for immigrants is their condition as foreigners, through which the state legitimizes a distinction between foreigners and nationals. This legal distinction, in turn, becomes in the social context a power differential (Bustamante 2002). What I observe in the immigration policies by the Mexican government is that they increase this power differential or fail to stop its growth. By persecuting migration and failing to protect immigrants' human rights, the Mexican state has failed in its responsibility as a sovereign nation in the international system and has left immigrants in a state of powerlessness.

With regard to social attitudes, a series of surveys from 2010 to 2016 has found that the Mexican population's attitudes toward foreigners are on average favorable toward citizens of certain countries, such as the U.S. and Spain. In contrast, only between 33% and 36% of respondents reported having a good or very good opinion about citizens from Guatemala (Maldonado et al. 2018). These attitudes likely make for an unwelcoming environment against Central American immigrants, at least in their encounters with a sector of the population. However, the main factor that has increased the risks to which they are exposed is enforcement measures taken by immigration authorities, which emphasized detentions until recently.

#### ***Adding Fuel to the Fire: Immigration Enforcement Policies and Human Rights Violations***

##### *Higher Risks, Greater Secrecy, More Gain for Criminal Actors, and More Vulnerability for Migrants*

The relationship between immigration and security has been present in Mexican law at least since the 19th century. In particular, the regulatory framework has been restrictive of immigration by allowing the verification of the status of immigrants since 1974. The cooperation of the security apparatus with the National Institute of Migration has been provided for by law at least since 1930 (Guevara and Bermúdez 2014; Treviño 2016).

The Mexican border with Central America has been historically porous, permitting the use of cheap labor and the unchecked abuses of workers on the Mexican side. This pattern changed somewhat in the 1980s when migratory controls intensified (Casillas 2011). Since that time, shelters and policy-oriented civil society organizations have questioned the conditions under

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<sup>4</sup> This was 53% in 2013.



which detentions of undocumented immigrants occur. One of the main concerns has been that immigrant detentions, while being legally administrative, are de facto treated as criminal detentions. Excessive use of force, detention centers that are similar to jails, the insufficiency of protocols to treat especially vulnerable immigrants, and lack of information about the processes followed upon detention are among the deficiencies or violations identified. Furthermore, whereas the larger centers have seen improvements, the smaller the locality where detentions centers are placed, the worse the conditions seem to be (Barja Coria 2016).

The migration routes and the routes used by organized crime to traffic drugs to the U.S. started to look more similar to each other at the start of the 21<sup>st</sup> century (Benítez Manaut, 2011). París et al. (2015) show how the migration routes through Veracruz and Zacatecas in 2015 coincided with the zones of control of the Zetas and the Gulf Cartel. At the same time, the northward route followed by Guatemalan immigrants going from Guadalajara to Sonora coincides with zones controlled by the Sinaloa Cartel. This factor has been key in the spiral of serious human rights violations against immigrants since the middle of the first decade of the century.

However, by looking at the numbers of immigrants detained by the National Institute of Migration (INM, for its Spanish initials), we cannot say that the enforcement of immigration controls across the country was a priority as part of the war on drugs launched by the federal government in December 2006. Indeed, from 2006 to 2007 there was a 72% decrease (from 182,705 to 51,700) in detentions (Barja Coria 2016, based on INM data). Between 2007 and 2013, the National Institute of Migration's detentions ranged between a low of 51,700 in 2007 and a high of 94,723 in 2008 (Barja Coria 2016).

The porosity of Mexico's southern border and the fact that most controls are closer to the northern U.S.-Mexico border left an open space for criminal organizations to extract resources in several ways from immigrants. Forced migrant labor as drug mules or farmers in poppy and marijuana fields, prostitution, trafficking, kidnapping, and extortion have become important sources of income for criminal organizations (Benítez Manaut 2011; IAHCR 2013; París et al. 2015). In just a six-month period between 2008 and 2009, the National Human Rights Commission found that 9,758 undocumented immigrants had been kidnapped (CNDH 2009).

Criminal organizations appear to have very good control of the logistics and transit of immigrants and coyotes, and as a result of the organizations' presence and expansion, they have increased the fees they charge to human trafficking networks as well as to the immigrants they directly extort (París et al. 2015). At the same time, the perpetrators of criminal activities in many cases include members of different parts of the Mexican security apparatus. According to the Survey on Aggression and Abuse against Immigrants (conducted in 2012 by researchers from the Colegio de La Frontera Norte, or Colef, with immigrants who had been returned by US migratory authorities), 12.3% of respondents were reportedly victimized in some way during their journey through Mexico. These violations include extortion, physical aggression, threats, and kidnapping, but do not include the cases of sexual violence that might have occurred. The perpetrators were reportedly gangs or organized crime in 34% of cases, military and police in 31% of cases, and

immigration authorities in almost 9% of cases (Calva et al. 2015). According to the Redodem<sup>5</sup> network of shelters, in 2014 authorities participated in one out of every five crimes (20.2%) that the network documented against migrants (Knippen et al. 2015).

Moreover, an investigation on immigrant kidnappings by Mexico's National Human Rights Commission in 2009 found that state and/or municipal police officers had also participated in many of the kidnappings (CNDH 2009). A report and analysis of the 2010 massacre of 72 migrants (primarily Central American) in San Fernando, Tamaulipas, found that the killings occurred in the context of the almost complete control by organized crime over certain regions of Tamaulipas and Coahuila. However, the investigation also found that complicity of state agents, or in some cases neglect of their duties, allowed these violations to happen (Aguayo 2016).

Despite this violence, and given the conditions that these immigrants and refugees flee from in their countries of origin, as explained by James Daria in this report, immigrants have continued to seek survival and safety in the U.S. Yearly estimations of immigrants crossing through Chiapas range from 150,000 to 400,000 immigrants (IOM 2014). Their gender and age characteristics make them particularly vulnerable. Redodem has found an increase over time of the migration of women, even if their proportion relative to men is low (Redodem 2018). As for children, a 2016 report estimated that beginning in 2008, at least 20,000 unaccompanied children had entered the southern border every year (HRW 2016). Of the children who were detained, one in four were girls (París, Peláez and Zenteno 2013). As recently as 2017, among the immigrants received in the shelters that are part of Redodem, 46% of children traveled alone. Among girls, 72% traveled alone (Redodem 2018).

Given the vulnerability of immigrants in Mexico, the state has been repeatedly called upon to increase its protective measures by national and international human rights organizations and other international groups. Instead, the policy emphasis has been put on detentions and migratory control, which, as explained below, has increased the risks faced and the violations suffered by immigrants and expanded the gains available for criminal organizations and corrupt officials.

The enforcement of immigration controls has been intensified at several points, notably after the Sept. 11, 2001, terrorist attacks and as a result of the crisis involving unaccompanied minors in 2014. President Vicente Fox's Plan Sur (2001-2003) included intensifying immigration controls and checkpoints as well as drug control operations, in coordination with the Federal Police. However, an evaluation coordinated by the INM found that the plan's implementation not only was difficult due to the insufficient cooperation between ministries and with municipal authorities but also because it increased human rights violations. The plan was then suspended (París et al. 2015)

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<sup>5</sup> Redodem stands for Red de Documentación de las Organizaciones Defensoras de Migrantes, or Immigrant Advocacy Organizations' Documentation Network.

Although the *Programa Frontera Sur* (PFS) that President Enrique Peña Nieto launched in July 2014 had among its purposes the protection of human rights, its emphasis has been on migration enforcement measures. Under the PFS, detentions intensified, putting migrants at extreme risk. The PFS was implemented in the context of another enforcement strategy, the war against organized crime, in which violence and human rights violations have exploded.

The increased efforts in enforcement were not accompanied by a comparable effort in human rights protection. By 2017, the expenditure of the Commission for Aid to Refugees (COMAR) was 277 times smaller than the expenditure of the INM (Knippen 2018). These spending patterns are along the same lines as the priorities evident in U.S. assistance to Mexican immigration enforcement, which have included support to the INM, the navy, the army, and the federal police (Isaacson, Meyer and Smith 2015).

The PFS also involved an increase in the participation of the security apparatus—the federal police, army, and attorney general’s office—in migration control operations (Knippen et al. 2015). At the same time, although municipal and state police are not formally assigned to take part, they have also taken on migration control activities (París et al. 2015).

The PFS program has prevented immigrants from using the cargo trains known as *La Bestia* as a means of transportation. In addition, its implementation has signified a dramatic increase in detentions (París et al. 2015; Knippen et al. 2015). The detentions from July 2014 to June 2015 increased by 73% when compared with the previous year (Knippen et al. 2015). In the case of unaccompanied minors, the increase in detentions went from 23,000 in 2014 to 36,000 in 2015.

The increased migration controls on immigrants in the PFS, particularly involving *La Bestia*, have coincided with the already increased harassment they suffered at the hands of criminal organizations. As a result, there has been a larger diversification in the routes immigrants follow, since they have diverged from their somewhat regular tracks and continued their journeys on different paths, sometimes on foot. The diversification in their routes has made their circumstances more precarious for two reasons. First, they have been forced to avoid the shelters run by organized civil society, in particular by the clergy; this at the same time prevents the reporting of violations against them (Knippen et al. 2015; París et al. 2015). This pattern has intensified over the years (Redodem 2018).

Second, since the new routes are more clandestine and the risk of detention is higher, coyotes, criminal organizations, and corrupt authorities can extract more resources in extortion fees from migrants. According to some estimates, coyotes’ fees have swiftly increased over time (Rosales Sandoval 2013). Recent figures range between \$7,000 for men and \$9,000 for women and children (París et al. 2015). According to Lynn Stephen,<sup>6</sup> in 2018, coyotes in Huehuetenango, Guatemala, were charging about \$9,000 per person to the U.S. border. Similarly, Redodem estimated that in 2016 migrants were charged around \$100 in extortion fees by policemen in

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<sup>6</sup> I thank Lynn Stephen for her comments to the first draft of this piece, as well as for the evidence that I include in this paragraph, which she found in her own field work and kindly shared with me.

exchange for their freedom.<sup>7</sup> People interviewed by París and her colleagues (2015) said they had to pay extortion fees to Mexican authorities more than five times while traveling by bus. Similarly, the survey on immigrant victimization conducted by Colef in 2012 found that extortion was the most reported form of abuse of authority (Calva et al. 2015). Recent interviews by Stephen with migrants who have come through detention in San Diego and traveled through Mexico indicate that tractor-trailers are being used by coyotes to move people through Veracruz to the border or from Puebla or Tlaxcala to the California border with Mexico.

Thus, immigration enforcement actually feeds with huge amounts of money an illegal economy where criminal organizations and corrupt officials participate. Moreover, it increases the exposure to violations of a population group that is already in extreme vulnerability.

*Caught in a Vicious Circle: Lack of Human Rights Accountability for Violations against Immigrants*  
In response to the situation explained above, instead of a framework that would protect immigrants from violations and would make those responsible for them accountable, the migrants face increasing obstacles to report and find restitution and justice. Although the creation of COMAR in 1980 brought some improvements, particularly to women and unaccompanied minors (Barja Coria 2016), refugee protection has not been the priority, as is apparent in the commission's budget and in a policy that has emphasized enforcement through the security apparatus.

In terms of the possibility of finding justice once they have suffered violations, undocumented immigrants tend to underreport these transgressions. Impunity is a condition that Central American immigrants suffer along with Mexican citizens since in Mexico around 95% of the homicides go unsolved. However, in the case of immigrants, there is an added degree of vulnerability as described above, which explains their fear of authorities and their lack of confidence in the possibility of an investigation. Moreover, their mobility and the secrecy with which they have been forced to move make it very difficult for them to present legal complaints (Calva et al. 2015; Suárez et al. 2017). As a result, only a very small percentage try to file a report— 2.6% of those who suffered a violation in 2012, according to Colef's victimization survey (Calva et al. 2015). This is the first obstacle to accountability for violations, and ultimately, to their decrease.

With regard to institutional efforts to restore immigrants' rights, the National Human Rights Commission has increased its monitoring activities of the detention centers in recent years (Barja Coria 2016) and has made systematic reports on major issues that have raised and indirectly promoted policy changes (París et al. 2015). However, from its creation in 2005 and until 2017, the unit in charge of overseeing the respect of immigrants' human rights had made only 17 recommendations involving violations against immigrants. Only three of those were made before 2014, when Edgar Corzo took over as head of the commission's migrants' rights division. Furthermore, the response of authorities to whom these recommendations were addressed

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<sup>7</sup> *Proceso*. "Denuncian infiltración del crimen organizado en albergues para migrantes de la CDMX." *Proceso*. April 26, 2018.

tended to be insufficient or nonexistent, particularly in the case of state-level authorities (CNDH 2018).

Finally, there have been efforts to create specialized prosecutor offices to investigate crimes against immigrants at the state and federal level. However, there remain large issues of coordination between state authorities, given that immigrants' fear prevents them from making a complaint in the same state where they were victims of violations. Sanctions against criminal groups, police officers, and INM agents that have committed violations remain rare. Between 2014 and 2016, of 5,824 crimes reported in five states and at the federal level, there was evidence of only 49 sentencings, according to official records (Knippen et al. 2015; Suárez et al. 2017).

### **Conclusion**

As seen above, the available evidence shows that Central American immigrants are extremely vulnerable as they cross through Mexico. They face the risks that Mexican dark-skinned, young men are exposed to in the context of the rise in organized crime and the so-called war on drugs. In addition, migratory enforcement policies until recently pushed immigrants into greater secrecy and onto more dangerous paths, increasing their vulnerability to abuses by criminal organizations and corrupt authorities. The lack of effective mechanisms to make violators accountable for their abuses only solidifies practices within the security apparatus. This is the context in which immigrants have organized in caravans in order to cross, quite literally, deserts and hostile territories.

An immigration policy that continues to criminalize migration is not an act of compassion that will deter immigrants from fleeing circumstances that threaten their livelihoods and lives. Instead, such a policy increases violations and in such a way that it breaks the agreement democratic nations have made to protect human dignity in all circumstances.

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## ***The Response of Civil Society on Both Sides of the U.S.-Mexican Border***

*By James Daria, Carolina Valdivia, and Abigail Thornton*

Following the inauguration of the Trump administration, undocumented and mixed-status families in San Diego County experienced heightened levels of fear, anxiety, and stress. Their fear was not unfounded. San Diego was among the top five counties where ICE arrests concentrated between October 2017 and May 2018 (ICE agents arrested more than 4,000 immigrants in San Diego County during these months) (<https://trac.syr.edu/immigration/reports/533/>). The expansion of immigration enforcement at the local level has not only increased the number of detentions and deportations, but it has also created a culture of fear. Several studies have demonstrated that the fear of deportation is deeply embedded in spaces of social reproduction within immigrant communities (Coleman 2012; Garcia 2014; Valdivia 2019). As a consequence, undocumented and mixed-status families often feel worried or stressed when performing otherwise mundane activities, such as driving, walking, or going to public spaces, (e.g. hospitals, the DMV, and Mexican grocery stores) for fear that these activities might place them at risk of being apprehended.

Organizers in San Diego are keenly aware of the devastating effects of anti-immigration policies and enforcement efforts, especially on community members who live along the U.S.-Mexico border. They have responded by organizing even more Know Your Rights informational sessions, DACA workshops, and anti-deportation campaigns. San Diego community leaders also mobilized to create the San Diego Rapid Response Network (SDRRN). Core partners include members of the American Civil Liberties Union of San Diego and Imperial Counties, the San Diego Organizing Project, the SEIU 221, and the Jewish Family Service. One of the SDRRN's first initiatives entailed a 24-hour hotline with dispatchers who could help families experiencing immigration-related crises, such as deportations and raids. On average, the hotline receives about 50 calls per week.

On November 2018, the SDRRN began to receive a greater number of calls alerting them about immigration agents dropping off Central American women and children in streets and by the trolley, without any information about where to go or seek help with their asylum cases. The network took action and organized to provide temporary shelter, food, access to legal services, and other necessities (e.g. clothes, rides to the airport or court appointments, medical assessments) to these families. Since then, the network has helped over 5,000 migrants.

The arrival to Tijuana of caravans associated with the “exodus” of migrants and refugees from the northern triangle of Central America brought an increase of transnational organizing across the U.S./Mexican border. Since the early 2000s, Pueblos Sin Fronteras (PSF) formed to highlighting the plight of migrants and refugees as well as build infrastructure such as shelters along the migrant path through Mexico. In April of 2018, with the help of PSF, a group, migrants from the northern triangle of Central America organized a caravan called the “Migrant Way of the Cross” culminating in their arrival to Tijuana during the Christian Holy Week to ask for asylum

in the United States. The religious overtones of the name called attention to the forms of persecution, violence, and repression suffered by the migrants in their home countries. The Otay Mesa Detention Resistance (OMDR) began in May of that year shortly after the arrival of this caravan. Originally a committee of Pueblo Sin Fronteras (PSF), shortly thereafter it became an independent organization. The mission of the OMDR, according to its members, is that “As long as migrants and refugees are subject to state oppression, we will work alongside them to honor and raise up their dignity, humanity, and agency.” The organization does not recognize borders, instead believing that “the only thing that the border between the United States and Mexico has created is death and suffering.”

OMDR organizes solidarity work both inside and outside of migrant detention centers working closely with former detainees and supporting organizing efforts inside detention centers. It also seeks to politically empower migrant and refugee communities as well as other civil society organizations in order to unjust detainment and horrible conditions inside detention centers. In conjunction with other organizations, the group helped found the Migrant and Refugee Solidarity Coalition in the greater San Diego/Tijuana area. The Coalition organized a campaign of international solidarity for November 25, 2018 with a bi-national march to the U.S.-Mexican border to bring light to the plight of the Central American migrants and their rights under international law to seek asylum. During this march, a contingent of the migrants on the Tijuana side that included women and children rushed the border and were violently pushed back by a militarized U.S. Customs and Border Protection Agency using tear gas and rubber bullets. Further protests were held in the first months of 2019, this time without major incidents, and are likely to continue.

The efforts of the Coalition also garnered widespread international media attention when in late 2018 a two-month long campaign drive at the Centro Cultural de la Raza received thousands of items of food, clothing, children’s toys, and medical supplies to be distributed to the members of various caravans that arrived in Tijuana. Truckloads of supplies arrived from as far away as northern California and Texas. In this effort, over 200 volunteers took donations from the Centro Cultural de la Raza to shelters in Tijuana, often only to have Mexican authorities intercept, confiscate donations, and fine individuals for transporting the material across the border. Otay Mesa Detention Resistance argues that both U.S. and Mexican authorities have made efforts to aid migrants difficult. Besides bureaucratic impediments, volunteers are often fined anywhere from 100 Mexican pesos to 300 U.S. dollars for crossing humanitarian aid across the border into Mexico.

Confiscated aid and some aid donated to official organizations never reach the migrants. The OMDR argues that in such a highly politicized situation, humanitarian aid and support to migrants and refugees has been criminalized on both sides of the border. Many of their volunteer activists have been interrogated on the border by both the U.S. and Mexican authorities, their laptops and cell phones have been confiscated, and death threats have been received from anti-immigrant and xenophobic groups on both sides of the border – many of them echoing the call of U.S. president Donald Trump to build a wall across the international boundary. As the members of OMDR, the Centro Cultural de la Raza and the other groups comprising the Migrant

and Refugee Solidarity Coalition are all-volunteer, unpaid, donation-based, and staffed by individuals who work full time and have families, stress and burnout are issues volunteers face in their efforts at providing humanitarian aid and legal support.

While binational networks of support continue to expand between San Diego and Tijuana as a critical response to global migration, there is also a long history of civil society support for migrants in Tijuana dating back decades to when those arriving in the city were coming from southern Mexico states to cross to the U.S. for work. One of the first shelters in Mexico aiming to accompany migrants along their journey by providing temporary housing and food was the Casa del Migrante de Tijuana, founded in 1987 by the Scalabrinians, a Catholic order founded in 1895 in Italy as a response to European mass migration (Who We Are, 2018). For the first several years, this shelter provided short-term assistance to northward traveling Mexicans who would make their last stop in Tijuana before heading across the border.

However, since the early 2000s there was a discernible shift as the machinery of mass deportation in the United States took hold, and increasingly the shelter was receiving people being returned from the north. Since then, there have also been waves of southern migration in recent years, including the 2016 arrival of thousands of Haitians in Tijuana and most recently with the increasingly frequent caravans from mostly NTCA (Dibble, 2016; McDermott, 2018). Thus for over thirty years if not more, the civil society of Tijuana has found itself at the crossroads of U.S. immigration policy, as more shelters have been founded and different networks and coalitions have formed within the city and also across the border into San Diego in order to increase support for those who find themselves forced into the limbo on the Mexican side of this border.

According to Esmeralda Siu, the executive coordinator for the Coalición Pro Defensa del Migrante for Tijuana and Mexicali which includes the Casa del Migrante as one of its member organizations, when the caravan arrived there were immediate challenges that needed to be addressed. “Our coalition, along with the American Friends Service Committee for Latin America in San Diego, implemented an emergency program for those who had arrived from the Central American exodus who initially were housed at the Benito Juárez Sports Complex. Together we provided psychological and legal support along with our social workers in order to detect any urgent needs. We also provided assistance with getting photographs or other documentation to help them acquire (Mexican) humanitarian visas. The most important thing was to provide information, because we realized that in many ways they did not have correct or adequate information on how to apply for asylum in the United States, which was something most of them were interested in. There was a lot of confusing and contradictory information at the start, including a lack of understanding of how to sign into the book for those who take a number to request a credible fear interview at the border. So it was challenging at the beginning, but we also provided information about area shelters where they could go, especially the women and children, to get out of the rain that was beginning to soak the shelter.”

According to Cecy Ortiz, a former volunteer at Benito Juárez, “The first day I arrived at Benito Juárez, it really shook me to see literally hundreds of people running after cars bringing donations of food to them. It made me sad to see entire families sleeping on the street, seeing children with

no shoes or socks, reporters focusing on stories to get readers more than stories really telling the truth of what was happening.” Amidst all the chaos and challenges, however, there was solidarity. “I was really surprised by the negative reactions by some in the city, and I think for many others of us that work on these issues. However one thing I am also certain of is that this type of crisis serves to really bring people together. So as I felt powerless hearing of the reaction of some, but even more I was inspired by the motivation, solidarity and support of many others.”

According to Ivette Carrasco, former social worker at the Casa del Migrante, “In Tijuana there are many civil society organizations and institutions that have consistently strived to cover the necessities of migrants arriving in the city, from providing a place to stay to providing food, to providing legal assistance, medical attention, and psychological support. This humanistic community by and large has focused on the needs of men who have been on the move migrating through Tijuana for the past several years, who have been forcibly displaced, both deportees and foreigners, which has been a significant challenge, because also entire families, single mothers, children, unaccompanied youth, all have arrived. This has left the city of Tijuana with the crucial task of determining the most important services they require and it has been a constant struggle to find ways to support all of them at once.”

These challenges have led to the creation of this vast network of associations, churches, humanitarian aid groups, etc. throughout this region which also includes connections to the academic community most notably through the COLEF, or Colegio de la Frontera Norte, which focuses its research on international migration and Mexico’s place or more specifically Tijuana’s, within these global movements of people.

Following recommendations from the COLEF’s report after surveying 1,030 migrants at the Benito Juárez shelter, a plan of action was developed urging local government officials to act in order to guarantee the health and safety of caravan members (COLEF, 2018). In sum, it highlighted the need to create a shelter that could adequately accommodate all who were arriving, and beyond included ways that migrants could be supported if they chose to stay in Tijuana in terms of job creation and settlement. Thus many from the fall caravan went on to the second temporary shelter at El Barretal, where the Coalición maintained a presence providing information, hoping to help provide critical information not only to those who would apply for U.S. asylum, but also to those who would choose to stay in Mexico and apply for a humanitarian visa and begin to settle alternatively on this side of the border.

When the director of the Casa Migrante in Tijuana Father Patrick Murphy was asked what will happen if the city becomes the de facto place for asylum applicants to wait for processing and admittance into the United States, “Disaster is the only word that comes to me. We are already living in such a tenuous situation now.” Given that Tijuana’s shelters have a capacity of no more than 700 at any given time, and the amount of asylum seekers that could be potentially returned to Mexico while awaiting the outcome of their cases, the lack of infrastructure is alarming. Given the minimal support from government, this strong civil society in Tijuana has grown to rely even more on its partners across the border, as the importance of these transnational alliances becomes crucial in applying pressure in order to get things done amidst this growing

humanitarian crisis on the Mexican side of the border.

Furthermore with the announcement in December of 2018 of the Migration Protection Protocols to begin returning asylum applicants in the U.S. to Mexico to await their court hearings, the lack of infrastructure to support them as they wait even longer in limbo is only adding to the crisis (Department of Homeland Security Memorandum, 2019).

According to Tonatiuh Guillén, former head of the National Migration Institute in Mexico, “We don’t have the operational structure nor the legal authority for the return” of the asylum seekers to Mexico. All in all, Mexico is not prepared to accommodate what it is likely to face in the coming months as more caravans of Central Americans flee their homes in search of a better life and a sense of safety that even a city like Tijuana is likely unable to fully provide.

Yet according to Ms. Carrasco, the history of support within this community is ultimately what shapes its response today and will continue despite the difficulties the border region now faces and the lack of governmental vision. “There are many people who approach our different foundations and institutions that support migrants in order to provide donations and other means of support, and through social media we have also received humanitarian assistance to the same extent in recent years that we have traditionally garnered support from religious institutions that have been unwavering in supporting migrants in Tijuana.”

When thinking about the future, Ms. Carrasco has some illuminating words. “There are many expectations, doubts and many challenges right now facing civil society here in Tijuana, but despite all of this we are a city that is used to this type of challenge, and we know how to provide for the basic necessities for people in need. We therefore will always be ready for who or whatever comes next and with the ways we can most help along the journeys of migrants in need.” She argues the strength and resilience of a community that will continue to grow despite the obstacles often put in its path.

Organizations working on both sides of the international frontier highlight the need to stop the militarization of the border and the criminalization of migration and asylum. Despite their efforts, these organizations are overwhelmed by the needs of the migrants and seek further support to meet the food, shelter, clothing, medicine, legal, and psychological necessities of the migrants. With enough effort by concerned members of cross-border civil society organizations, migrants and refugees can be successfully integrated into local society as they await their immigration and asylum proceedings. Despite clear messages of racism, hate, and fear emanating from both the White House and certain sectors of both U.S. and Mexican society, the overwhelming support and solidarity demonstrated by the majority of communities along the border emphasize more than ever the willingness to meet the humanitarian needs of the migrants with respect, generosity, and hospitality, even in the face of an either hostile or absent governmental response.

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## ***The History of Caravans as a Strategic Response***

*By Abigail Thornton*

### ***Increased Enforcement and a Need for a New Response from the Grassroots***

While the Migration Act of 2011 that decriminalized migration through Mexico's territories became the new law of the land arguably to increase protection for migrants, the legislation invariably had the effect of providing minimal protection in practice to those who were trying to move freely through the country. As immigration officials oriented themselves more toward enforcement, in particular with migrants traveling atop trains, much of the movement northward became dispersed throughout the country in attempts to evade capture from both National Institute of Migration (INM) officials and criminal organizations, the latter also seeking to take advantage of a highly vulnerable and further invisibilized group that ironically had increased legislative protections while at the same time experienced a drop in the security that migrating together previously provided (Leutert, 2018).

While in 2014 the Plan Frontera Sur or the Southern Border Plan, an attempt by President Enrique Peña Nieto's administration to further curtail northward migration, was never fully implemented, the subsequent increase in migration enforcement throughout the country had a chilling effect on movement, further sending migrants to the margins and into occasional headlines that detailed the human rights abuses migrants disproportionately faced in their travels through Mexico. This dispersal essentially led to compounding the issue of insecurity migrants faced and further complicated efforts of migrant shelters and other migrant rights activists, who were located primarily along train routes, to serve the migrants.

Prior to these changes in enforcement strategy, many of the existing migrant shelters were strategically located near railroad tracks in order to provide assistance when migrants disembark from atop the trains. One frequently cited example is Las Patronas, a group of women in Veracruz who for years have thrown food to migrants traveling atop La Bestia as it moved northward. Yet as migrants began to find different ways to move that did not necessarily involve traveling on top of the trains, new and more creative ways to reach them came more clearly into focus. Furthermore, it became apparent to human rights activists that alternatives were essential for protecting migrants from the flagrant and unabating abuse and mistreatment they experienced along these arduous journeys.

### ***History of Caravans as Protective Strategy***

The well-publicized migrant caravan of the fall of 2018 may be the most well-known, but it was not the first of its kind. For several years there have been caravans through Mexico, consisting of mothers of disappeared migrants or smaller groups of migrants traveling mostly from Central American countries northward to reach the U.S.-Mexico border (Frank-Vitale, 2019). Some



caravans of Central Americans to the U.S. even began as early as the 1980s when civil wars in Guatemala and El Salvador caused thousands to flee north and helped propel the creation of the Sanctuary Movement in the United States, as many religious leaders and other activists attempted to help the migrants apply for asylum in the U.S. (Cunningham, 1998).

For the last decade and a half, Pueblo Sin Fronteras has been organizing and accompanying migrants in caravans across Mexico. Mirroring the Viacrucis every spring during Holy Week, migrants and migrant rights activists began the Viacrucis Migrante, or Walk of the Cross, to symbolically bring attention to the plight of Central American migrants. Typically these processions would take place farther south along the Mexico-Guatemala border, oftentimes arriving in Mexico City as their final destination. The goal was to shed light on the incredible dangers migrants faced traveling north, and hinted at a new approach that would provide safety in numbers, and therefore increased protection from the perils migrants faced when journeying alone.

During their initial years, caravans often came and went with little attention outside of the circles of migrant rights activists. This was likely due in part to caravans being limited to Mexico and ending far from U.S. ports of entry. This changed, however, in the late spring of 2017 when Pueblo Sin Fronteras accompanied a group of 200 asylum seekers to Tijuana. The caravan culminated with a televised livestream on Facebook when 78 migrants presented themselves at the San Ysidro Port of Entry to claim asylum. Organizers said that day was a great success, as all 78 were accepted by U.S. immigration officials. In hindsight, it is also arguably at this moment that an almost indiscernible shift occurred.

In late April of 2018 another caravan with Pueblo Sin Fronteras arrived in Tijuana, this time with approximately 400 Central American asylum seekers from what at one point had been a caravan of 1,700 in Mexico. This was also the first time that these caravans of accompaniment received international attention, as U.S. President Donald Trump took the opportunity to further his xenophobic and nationalistic campaign by targeting their efforts with his tweets. This time, immigration officials at the San Ysidro Port of Entry took the opportunity to turn away the first 50 from the group to present themselves for asylum. It seemed a bold act, as more stories of asylum seekers being illegally turned away began to surface.

Six months later, rumblings of a new caravan were being heard in San Pedro Sula in Honduras as late at night, 160 people chose to leave their lives behind and embark on a journey toward the United States. Within less than a week, that group of 160 had grown tenfold to approximately 1,600 as the largest caravan to date arrived at the Guatemalan border. By the time it reached Tijuana, the best estimates had members of the caravan to be just under 7,000, as groups arrived over several days by mid-November (Colef 2018). As the strategy of hypervisibility that caravans provide for migrants traveling along the dangerous journey through Mexico demonstrated its most successful showing yet, there was also a severe lack of response from municipal, state, and federal authorities; Tijuana struggled to find a way to house thousands of people. It was here that civil society again stepped into the void, attempting to provide shelter, food, and informational support to caravan members as they arrived in Tijuana and began the process of

deciding what to do next. It is also where the power of the collective, arriving as a caravan, became directly challenged as every possible step forward at this point would require members to separate and apply for asylum as individuals, be moved to shelters as individuals, and this arguably is where their power as a sustained, mass movement of highly visible people from Honduras to Tijuana began to be compromised.

### ***A Shift from Strategy to Movement***

For some, 2011 marked the first that a caravan of this kind traveled through Mexican territory carrying Central Americans. Thus, within approximately eight years, caravans were transformed from what could be termed as symbolic action and protest into what some are beginning to contend is a burgeoning social movement. As questions over who funds or leads these caravans continue to bubble up, narratives from journalists and ethnographers embedded within these spaces have suggested that a shift has occurred as migrants organize themselves into a mass mobilization and in resistance to a global order that has not been interested in their protection. Several caravaneros report this is not their first caravan, as they seek to provide support to others like them who need safety in numbers along the dangerous journey north. Several more say their narrative of resistance is essential as they are forced to leave their homes and seek out new places where their lives are not constantly under threat. As civil disobedience grows to an international scale as a direct response to the injustices of sustained undocumented lives that are relegated to certain terrains as unauthorized, the U.S. role in this regional disaster also becomes central to its resolution.

### ***How to Move Forward?***

Many of the thousands of caravan migrants who found themselves in Tijuana in November have now dispersed throughout the city, along the U.S.-Mexico border, or been repatriated back to their country of origin. While Mexico grapples with how to assimilate migrants who seek to stay in the country on a visitor's visa, it also faces the daunting task of housing those who seek asylum in the United States under the terms of a U.S. unilateral policy move referred to as the Migration Protection Protocols, which requires petitioners to remain in Mexico pending their hearing with a U.S. immigration judge. Meanwhile, as the rhetoric of the Trump administration further criminalizes Central American migrants to exacerbate a growing xenophobia in the United States and one that arguably now even exists in Mexico along the border, migrants face formidable obstacles. Yet despite these growing challenges, the history of citizens coming together in Tijuana, and now increasingly together with its sister border city of San Diego, is potentially powerful enough to create the essential counter-narrative to the one currently disseminated by those who would attempt to criminalize people's movement and their need to find a better life. With the continued construction of this powerful cross-border civil society to parallel and potentially outpace the construction of its new walls, it is likely that the migrant rights movement will find itself in good company as unjust immigration policies in both Mexico and the United States continue to be challenged directly by social actors located in arguably the most visible and starkly contrasted border region in the world.

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# ***The Path to Legal Safety: A Mismatch between the Law and the Practice***

*By Lynn Stephen and Teresita Rocha Jiménez*

In this article we bring together four primary points in relation to the difficulties refugees and immigrants often have in accessing asylum. First, we define asylum and what the law says about the right to ask for asylum. Second, we introduce the case of an indigenous Guatemalan woman fleeing violence as an example of the kinds of obstacles faced by those seeking asylum. Third, we outline some of the current strategies being used by the U.S. government to discourage access to asylum. Fourth, we offer an interview with a lawyer who offers support to migrants and refugees seeking asylum at the U.S.-Mexican border.

## ***What is Asylum?***

Asylum can be granted to an applicant in the United States if the applicant can demonstrate he or she has been persecuted in the past or has a well-founded fear of persecution in his or her country of origin on five grounds: 1) membership in a particular social group, 2) religion, 3) race, 4) nationality, or 5) political opinion. Asylum permits those receiving it to apply for legal permanent residence and ultimately citizenship as well as to receive work authorization. The United States is bound to recognize valid claims for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (UNCRSR) and its 1967 Protocol Relating to the Status of Refugees.

If asylum is not granted, there are two other legal options for preventing deportation.

1. Withholding of removal, called “non-refoulement,” which under the UNCRSR prohibits the U.S. government from returning someone “in any manner whatsoever to any country where he or she would be at risk of persecution” (Goodwin Gill 2008). To receive withholding of removal, applicants need to demonstrate that they are refugees, that there is a clear probability of persecution by a government or by a group of people that a government cannot control, that they have been persecuted in the past, and that they would be highly likely to be persecuted again in their country of origin. Withholding of removal provides a narrower scope of relief than asylum.
2. Relief under the Convention Against Torture Act requires applicants and their attorneys to bear the burden of demonstrating that it is more likely than not that a person filing will be tortured if removed to his or her country of origin. The Board of Immigration Appeals has found that torture “must be an extreme form of cruel and inhuman punishment” that “must cause severe pain or suffering” (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984).

Accessing asylum in the U.S. first requires that people become aware of the existence of this legal tool. Some people, if they haven’t found out about the existence of asylum from family and community networks, learn about it from other people while they are being held in detention

after presenting themselves at the border or after being detained while crossing.

There are two forms of asylum, affirmative and defensive. The website of the United States Citizenship and Immigration Services (USCIS) says the following: To obtain asylum through the affirmative asylum process a person must be physically present in the United States. A person may apply for asylum status regardless of how he or she arrived in the United States or his or her current immigration status. A person must apply for asylum within one year of the date of their last arrival in the United States. Defensive application for asylum occurs when a person requests asylum as a defense against removal from the U.S. For asylum processing to be defensive, a person must be in removal proceedings in immigration court with the Executive Office for Immigration Review.

Currently in San Diego, from 60-140 people per day, including many children and families, are being released from detention at a shelter sponsored by the Rapid Response Network. Most have presented themselves somewhere on the border and hope to receive asylum. In the shelter they are processed, offered medical care, a shower, a place to sleep, and food, while volunteers work to connect them with family members or other sponsors. Most spend one to three days and nights at the shelter and then get on buses or planes to destinations all over the U.S. where they will have their first immigration hearing to determine if they can pass a credible-fear interview. Most have little to no information about the asylum process or access to legal counsel. A majority of these families are from Honduras, El Salvador, and Guatemala. Like most who come into the U.S. to seek asylum, they did not arrive with a caravan, but are fleeing for some of the same reasons that motivated people to join caravans. Below we share one person's narrative of why she fled her country and is seeking asylum.

***María: An Asylum Seeker Fleeing Gendered Violence in Guatemala and the Difficulties She Encounters***

María grew up in a very small, rural hamlet high in the mountains in Huehuetenango, Guatemala. She is Mam and speaks only the Mam language, understanding a little bit of Spanish. She became a single mother at a young age and was kicked out of her parent's home. She went to live in a larger town where she lived with an aunt. There, members of a local gang who had attempted to assault her previously raped her while she was on the way home from her job at a restaurant. "One of them raped me, but the others were there. I was able to escape. I did a lot of stuff to the one who raped me to try to get away. I bit him several times and then I ran and fell into a ditch. They didn't see me, but they started shouting out to me. 'If you go to the police to denounce us and file a complaint, then we will kill you.' I waited a long time until one in the morning until they were gone and ran to my aunt's house. I told her everything that happened."

After the rape María was afraid to leave the house so she didn't go back to work. María was too scared to even report the rape to the police. She cited a previous experience with reporting a violent crime to local authorities where the perpetrator was released. She believed local police would most likely just release the gang member who raped her because the gang could pay them off.

María used family resources to pay a coyote to take her over the border to Mexico from Huehuetenango to La Mesilla. Once she was in Mexico another coyote took her up to the U.S. border where she was told to climb over the border wall. As she was doing that, she was picked up by the U.S. Border Patrol. She was detained. “I didn’t understand anything they said to me,” she reported. María has filed an application for asylum as she was deemed to have credible fear in her conversation with an asylum officer. She is waiting for a date in immigration court to have her case heard before a judge. There are at least 800,000 backlogged immigration court cases, including a great many asylum cases such as María’s.

People like María have the right to talk with a Customs and Border Protection (CPB) official to tell them that they fear persecution, death, or great harm upon returning to their country and that they wish to apply for asylum. They should then be offered a credible-fear interview conducted by an asylum officer in the USCIS (United States Citizenship and Immigration Services). But for many, accessing asylum isn’t easy.

For refugees who are indigenous and do not speak Spanish, their ability to communicate their story to a border official or even to get a credible-fear hearing is often dependent on someone else partially translating for them. For example, there are few to no interpreters of Guatemala’s indigenous languages available to people in detention. People like María fleeing from Guatemala who are encountered by or present themselves to a U.S. official near the border are subject to expedited removal. This is a process whereby the Department of Homeland Security can perform rapid deportations.

If refugees have no knowledge of the possibility of asylum and they need to request a credible-fear hearing, they may be put into deportation proceedings and mass courtroom hearings of up to 70 people associated with a policy begun in 2005 called Operation Streamline. In this process, those caught in the act of crossing the U.S. border without authorization can be detained and made subject to criminal prosecution. The first time someone is caught crossing without authorization they can be charged with misdemeanor illegal entry and sentenced to up to six months in prison. If a person has been officially deported and is caught reentering the U.S. without authorization, they can be charged with felony reentry and sentenced to two years in prison.

If a refugee like María is able to apply for asylum, gets a credible-fear hearing with an asylum officer and her asylum application is accepted, she will most likely try to get a family member or other person to pay her bail (which can be as little as nothing up to \$15,000) and send her a bus or plane ticket. Beginning in the fall of 2018, women and children as well as men have simply been released by Immigration and Customs Enforcement (ICE) in front of bus stations with no resources or ways to connect with people who might help them. In some cities, local organizations have organized shelters and relief for people dropped off by ICE. In other places, people have to fend for themselves. Beginning in January 2019, the Trump administration announced the Migrant Protection Protocols popularly known as “Remain in Mexico,” whereby from 10 to 30 people who have been waiting for the opportunity to request asylum in Mexico

are escorted into the U.S., have their interview, and then are returned to Mexico. The program was initiated at the San Ysidro Port of Entry in San Diego. Begun with single men, it now includes families with young children also being returned.

If someone enters the country without presenting himself or herself at the border or being detained, they can initiate an affirmative asylum application within one year of entering the U.S. Often refugees fleeing gendered or other violence who successfully enter the country undetected will find out about the possibility of seeking asylum from others in their community or family in the U.S. Then the primary obstacle to initiating an asylum process is usually financial. While there are some lawyers and clinics that do pro-bono cases, most people initiating asylum cases are lawyers who get paid by clients. Obtaining financial support from a relative in the U.S. can be crucial for initiating a case.

Once a person finds a lawyer to represent her, and often accompanying children, she begins a process of crafting her declaration (story of what happened to her that suggests the kind of persecution she has suffered, type of violence, gendered or other), locating identification documents (birth certificate, national identity card, marriage certificate if available), and working with relatives, neighbors, or others who have witnessed or have knowledge of the kind of violence she has suffered. If violence involves local gangs or organized crime and/or domestic violence, she may have difficulty convincing others to supply affidavits documenting the violence she suffered because of threats by the perpetrators. Soliciting such affidavits can expose those providing them and the survivor of violence to further threats of violence from within the U.S. or in Guatemala.

### ***Strategies of the U.S. Government to Discourage Refugees from Seeking Asylum***

Even in cases when the asylum process falls into compliance, there are several strategies implemented by the United States government, sometimes with the collaboration of the Mexican government, to strongly discourage refugees from seeking asylum in the United States:

- **Metering:** Turnbacks and waiting list system at the different ports of entry at the United States-Mexico border. In 2016, U.S. Customs and Border Protection (CBP) officers along the U.S.-Mexico border began preventing asylum seekers from making claims in U.S. territory, and at points of entry along the border, turning the asylum seekers back to Mexico (“turnbacks”). This shift changed both the admission dynamics at the ports of entry and created a backlog of asylum seekers in Mexico. In response, Mexican government officials and civil society organizations created informal waiting list systems to coordinate these asylum seekers. CBP officers increased their presence throughout the ports of entry to check crossers’ immigration documents and to check for available space and alert the asylum seekers if there is no space.

These new border control practices are part of CBP’s “metering,” which refers to both turnbacks and the entire process of limiting the number of asylum seekers entering into U.S. territory. The border turnbacks violate the Immigration and Nationality Act, the

Administrative Procedures Act, and due process under the Constitution's Fifth Amendment.

- Intimidating asylum seekers: While U.S. Secretary of Homeland Security Kirstjen Nielsen claimed that limiting access for asylum seekers was due to a lack of processing space and that CPB officers alerted asylum seekers to that fact, an Immigration Policy Center Report says CBP officers also “used lies, threats, intimidation, coercion, verbal abuse, and physical force to block their access to U.S. ports of entry.” This information was taken from the December 2018 report “Asylum Processing and Waitlists at the U.S-Mexico Border.” See <http://www.migrationpolicycentre.eu/new-report-asylum-processing-and-waitlists-at-the-us-mexico-border/>
- Releasing asylum seekers in different U.S. border cities: Organizations in various border cities such as the San Diego Rapid Response Network have been documenting how U.S. Immigration and Customs Enforcement is releasing thousands of asylum seekers from detention centers into U.S. cities in the middle of the night, without notice or assistance. Asylum seekers who are being released are waiting for their cases to be resolved. Local nonprofit organizations throughout the border region have been organizing to provide shelter, meals, and other resources but assistance from the federal, state, county, and local authorities has been limited. Asylum seekers who are being released are facing multiple challenges such as health issues (e.g., malnutrition, chickenpox, limited medicines for chronic diseases), mental health issues (e.g., trauma), language barriers, and poor access to health and social services. On Jan 22, 2019, California Governor Gavin Newsom proposed that \$20 million be allocated to migrant services and to fund nonprofit groups that are helping asylum seekers as they arrive at California's border. For more information see <http://www.rapidresponsesd.org/>; <https://www.kpbs.org/news/2018/dec/19/atkins-calls-for-increased-support-of-migrants/>; <https://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-nearly-50-million-in-the-california-1497576640-htlmstory.html>; <https://www.elpasotimes.com/story/news/2018/12/31/ice-release-immigrants-el-paso-bus-station-mistake-city-officials-told/2436286002/>
- Militarization and performance at the border: There have been multiple strategies that the government has implemented using the media and other resources (e.g., tear gas) to discourage and intimidate asylum seekers at the border. These tactics are used to emphasize militarization and securitization of the border. Central American asylum seekers began arriving by the thousands in caravan to the San Diego-Tijuana border in early November 2018, prompting the US federal government to deploy military personnel to the border and reinforce existing fencing with jersey barricades and concertina wire in an attempt to prevent illegal border crossings. Later that month, the CBP closed the border crossing in both directions and fired tear gas to push migrants from the border fence. The image of migrants trying to get to the border and running from tear gas near the border was widely broadcast as proof that further militarization and a border wall is needed. U.S. agents fired tear gas again at the beginning of 2019. In late January 2019, a



“practice” operation for shutting down the border involving hundreds of officers, practice flares, tear gas, and weapons was carried out in the Otay Mesa area of San Diego. San Diego news stations received an invitation to witness and broadcast the event, which several did. News coverage of the U.S. government deploying troops to the border to assist the CBP with the migrant “crisis” and “drug trafficking” at the border is part of the intimidation tactics to discourage migrants from asking for asylum and to bolster the president’s arguments for why we need a wall. For more information see <https://www.nytimes.com/2018/11/25/world/americas/tijuana-mexico-border.html?module=inline>; <https://www.nytimes.com/2019/01/01/world/americas/migrants-border-tear-gas.html>; <https://krcrtv.com/news/nation-world/pentagon-defends-trump-troop-deployments-at-border>; [https://www.kusi.com/u-s-customs-and-border-protection-officers-conduct-readiness-exercise/?fbclid=IwAR1uQk0klvJICTWxnrA\\_4OJE5ipQBFDM9ydu5u5NG-7T4YMFhzbMH\\_XKPP4](https://www.kusi.com/u-s-customs-and-border-protection-officers-conduct-readiness-exercise/?fbclid=IwAR1uQk0klvJICTWxnrA_4OJE5ipQBFDM9ydu5u5NG-7T4YMFhzbMH_XKPP4)

***Interview with Nicole Ramos, refugee program director, Al Otro Lado (By Teresita Rocha Jiménez and José R. Bucheli)***

This interview helps to illustrate the obstacles faced by refugees attempting to act within the law to seek asylum, their treatment inside of U.S. detention facilities, and the long waits they endure. The interview questions are in italics and the responses by Nicole Ramos follow in plain script.

*What are the challenges faced by refugees when applying for asylum at the border? Are U.S. authorities following established procedures?*

Under U.S. federal law and international law, an individual has a right to seek asylum at the port of entry where they present themselves to a U.S. immigration officer and claim a fear of return to their country. They are to be taken into custody, processed, and referred for an interview with an asylum officer while in immigration detention. Authorities have the option to grant them a humanitarian parole, which is a humanitarian release into the country during which they fit them with a GPS ankle monitor and give them notice to appear before an ICE officer as a check-in appointment at a later date and a court hearing at a later date. That is not happening—people who attempt to present themselves to U.S. authorities at the port of entry are turned away, told that they must first speak with Mexican officials and get their name placed on a wait list, which is a joint project of the U.S. and Mexican governments through intense collaboration and coordination, which we believe is illegal.

*Is this happening all over the border, or especially here (Tijuana/San Diego)?*

It’s most pronounced here, but it’s happening all across the southern border.

*Once the asylum seekers are taken into U.S. custody, what has been the process followed?*

People remain in CBP custody now for as long as two to three weeks in places called the hieleras,

which are freezing cold, the lights are kept on all the time, people are caged, there's insufficient food, there's almost no medical attention, people are not given the opportunity to shower—sometimes people are maybe only able to get a shower once a week, if that, and that includes children—so people become very desperate, very hungry, very cold, and very sick during the time they are in CBP custody. From there, they are transferred to immigration detention, and from immigration detention is where they will have their interview with an asylum officer. However, in immigration detention they are subject to a whole other range of abuses, particularly those who are in private facilities—run by private corporations that have a financial incentive in all of this—where they are forced to work for \$1 or less a day in order to meet some of their most basic needs.

*How long has it been taking asylum seekers from being detained to receiving a final decision on their asylum cases?*

That will depend on the speed of the docket at the facility [in] which they are being detained, but cases can be heard anywhere between four months to nine months or a year. However, if you appeal a negative decision, people could be detained indefinitely. There are some people who have been detained for years and are still fighting their cases. They remain detained. If they are eligible for release on parole or bond, frequently we see those amounts being set at rates which are prohibitively high, and the asylum seeker is unable to pay, so it's the same as not having any bond at all.

*We've been reading that they are releasing people in San Diego or in other communities of the U.S. border cities or in the middle of the night. Once they are released, their cases are still in process?*

Yes, their cases are still in process. They're going to be expected to show up for their appointments with an ICE officer to show that they are complying with their requirements of supervision; they're still going to be required to appear in court, so it really is puzzling why the government would release people in the middle of the night under unsafe circumstances with no resources because they are creating situations where people are not going to be able to meet the expectations or their obligations under the conditions of their release.

*What happens if they do not comply?*

They will be subject to re-detention. After their final case is heard, some people are not able to withstand the conditions of detention such as family separation, anxiety, depression, among others—because they are so severe—and will sign for their removal simply to be able to leave detention.

*Which health issues have you seen in the hieleras and immigration detention centers?*

Refusal to provide people with medication, whether ... they have some kind of upper respiratory infection, or ... their HIV medications that they come in with, or their diabetes medications or

insulin—that’s a huge issue—pregnant women not receiving any prenatal care, especially in the first trimester of pregnancy, pregnant women miscarrying, and immigration authorities then denying the pregnancy ever existed in the first place, physical abuses against migrants and asylum seekers by CBP officers, Border Patrol officers, and then later ICE officers; sexual assaults, a whole range of physical abuses and also significant mental health deterioration, particularly in cases of trans women where they are either detained with men or they are detained in solitary confinement, they tend to deteriorate really quickly. If they do express their trauma in any [outward] way, CBP officers meet them with derision, “We didn’t invite you here. Go back to your country.” We’ve had several people, including children, in the past few years die in custody at the border or shortly after being transferred to ICE detention. So they are creating conditions which are life-threatening.

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## ***The Mexican Government's Reaction to the Migrant Caravan***

*By Rafael Fernández de Castro, Savitri Arvey, and  
Guillermo Yrizar Barbosa*

This piece aims to explain the reaction of the three levels of Mexican government to the largest migrant caravan in history—which reached 7,000 people at its height—that began its trek from Honduras on October 2018 and arrived in Tijuana in mid-November. The first section details the actions of the federal government and the second looks at the reactions of the state governments of Mexico City, Jalisco and Baja California and the municipal government of Tijuana.

### ***Federal level***

A confidant of former President Enrique Peña Nieto noted that U.S. Secretary of State Mike Pompeo was visiting Los Pinos when the migrant caravan arrived at Mexico's southern border, and that the Mexican president watched on TV with Pompeo as the first caravan members crossed into Chiapas. This anecdote illustrates the position of Mexico's federal government to the caravan as a mere observer.

This piece argues that the government had a narrow margin to act, given that it was difficult to prevent almost 7,000 people from continuing their journey north or to alter their destination from the farthest point on the U.S.-Mexican border: Tijuana, Baja California.

There were three reasons the federal government could not drastically intervene the caravan's route. First, the political transition in Mexico created a political vacuum. Second, U.S. President Donald Trump politicized the caravan through the midterm campaign, practically tying the hands of the outgoing Peña Nieto administration and the incoming government of Andrés Manuel López Obrador. Finally, the federal government knew a heavy hand would further portray migrants in transit as the frequent victims of human rights abuse at the hands of corrupt police and public servants.

This transition-inflicted paralysis was demonstrated during U.S. Secretary of Homeland Security Kirstjen Nielsen's visit to the San Diego-Tijuana border on November 20. Mexico did not send a cabinet member to meet her. The rumor had been that Mexico's incoming foreign minister, Marcelo Ebrard, would be there, but in the end Nielsen spoke with low-level officials from Mexico's Interior Ministry. The Peña Nieto administration hoped that incoming officials would take the lead, but they did not yet have the know-how to make such decisions. While the government transition took place without major hiccups, the incoming administration's replacement of top-ranking officials created a power vacuum.

Trump politicized the caravan, which made immigration an electoral issue once again during the midterms, as it had been in the 2016 presidential campaign. The head of state utilized the caravan to exploit his electoral base's fear and rejection of immigrants. He mentioned time and time again

that the caravan had been infiltrated by terrorists and members from violent gangs such as the Mara Salvatrucha (MS-13). He sent close to 5,000 active troops from the National Guard to the border, deploying more than 2,000 to the San Diego region alone.

Trump's politically motivated attacks made the Mexican government's job very difficult. It became clear that while Peña Nieto and López Obrador decided to strategically dodge Trump's attacks, they also ignored his unrelenting calls for Mexico to stop the caravan in its tracks.

Trump's repeated attacks against the migrant caravan made headlines across the world. Dozens of international media outlets provided detailed reporting of the caravan, making it the migratory event with the most coverage in several decades. When the caravan arrived in Tijuana, media outlets across the political spectrum—ranging from Fox News to CNN and The New York Times—sent teams of reporters to the border for weeks on end to closely follow the situation as it was developing.

Finally, the rise in the phenomenon of caravans as a method to cross Mexican territory is related to the daily abuses that migrants in transit have faced in the last few decades, violations that have been covered in the domestic and international press. By traveling in large groups, migrants can look out for each other and avoid these risks. The Mexican government has been negligent in protecting migrants in transit from such human rights abuses, and this bad reputation made it difficult for authorities to establish a dialogue with the caravan.

The three levels of Mexico's government—federal, state and local—did not sit idly by. The first step taken by the federal government was to attempt to prevent caravan members from crossing the southern border. According to the Washington Office on Latin America, the government sent 500 federal police officers to the border with Guatemala. On October 19, the caravan members tried to force their way into Mexican territory. The authorities initially responded with force and tear gas but ultimately ceded in order to avoid a violent breakout. Once the caravan crossed into Mexican territory, the government warned that it would deport caravan members who did not register with the authorities or request asylum. In the following days, more than 1,000 members of the caravan requested asylum, putting pressure on Mexico's already backed-up asylum system.

In the end, the federal government could not prevent the caravan from advancing and instead put into place a number of security measures to protect caravan members. Members of the Federal Police and the Mexican Navy escorted the caravan until it arrived in Tijuana, and during the first few days of its stay in the Benito Juárez Sports Complex, Navy marines patrolled the surrounding area. The government also tried to persuade caravan members to remain in Mexican territory, at least temporarily. To facilitate this, it established agreements with the private sector that made it easier to hire migrants, and handed out temporary visitor visas that allowed caravan members to work legally. Finally, the government successfully delayed the caravan's arrival at the border after the November 6 U.S. midterm elections.

Mexico handled diplomatic relations very skillfully. Its communication with the governments of

the Northern Triangle of Central America—Honduras, El Salvador, and Guatemala—was very fluid, said Ambassador Luis Alfonso de Alba, Mexico’s Latin America undersecretary at the time. It was clear that the caravan’s origins had an anti-government slant against the administration of Honduran President Juan Orlando Hernández, whose reelection in 2017 was widely criticized. In addition, Mexican authorities maintained close and frequent communication with the U.S. federal government; this particularly involved the Mexican Consulate in San Diego and the U.S. Consulate in Tijuana.

### ***State and Municipal Level***

The state governments of Mexico City, Jalisco, and Baja California responded to the caravan with varying degrees. Officials knew that the eyes of the world would be on their state when the caravan arrived so reacting effectively would gain praise in national and international media. However, they were constrained by limited budgets that had not included provisions for supporting large groups of migrants, and Mexico City and Jalisco were going through a government transition.

Despite this, Mexico City and Jalisco knew that the caravan’s stay was temporary and the more effectively they responded the faster the caravan would be on its way. Aware that the caravan had its sights on Tijuana as its final destination, the government of Baja California had more time to prepare than other states. However, it prepared less. As the caravan advanced, it began getting access to buses and was able to move faster. It arrived at the border sooner than expected.

The governments of Baja California and Tijuana justified their initial inaction by depicting themselves as victims of an international dispute between the Trump administration and Mexican federal government. Eventually, once the caravan arrived, the local government of Tijuana was forced to improvise a shelter, until the federal government finally stepped in.

### ***Mexico City***

Mexico City was the first place where many of the caravan members stayed in a shelter since leaving San Pedro Sula and stands out as the least contentious stopover during the caravan’s trek through 13 Mexican states. The capital had two advantages over other states to facilitate this: the concentration of civil society resources and the political will of both the outgoing and incoming transition teams.

Mexico City had a high level of political will on all sides to deal with the situation. The outgoing city government had created a pro-migrant discourse over the past few administrations with former Mayor Miguel Mancera even designating the capital “a sanctuary city” for migrants affected by Trump’s policies. The incoming mayor Claudia Sheinbaum also supported preparations and coordination efforts.

Before the caravan arrived, the outgoing city government created a humanitarian brigade with 16 municipal governments, the incoming mayor’s transition team, and numerous civil society organizations operating in the capital. The brigade came up with a plan to provide

accommodations, services, security, sanitation, and healthcare for the caravan. The capital's government set up a temporary shelter for the caravan in the Jesús Martínez Palillo Stadium, where roughly 5,500 caravan members stayed from November 4-10, and coordinated with consulates from the Northern Triangle countries.

Due to the political will and abundant resources, the caravan stayed in the city longer than any other stop on its way to Tijuana. It left the capital city without causing any major incident.

### *Jalisco*

The government of Jalisco was perhaps the most prepared government for the caravan's arrival, having learned from its experience hosting another caravan the year before. However, after its arrival in Guadalajara, the caravan quickly became a political problem and it changed the priority from hosting the caravan to making sure it left the state as quickly as possible.

Weeks before the caravan's arrival, the state government formed a committee that created a multifaceted plan that included sanitation and security in the weeks prior to its arrival. To avoid problems with residents, the municipal government set up a shelter in the Benito Juárez Auditorium, on the northern outskirts of the city. Almost a thousand volunteers turned out to support the nearly 6,000 migrants who arrived.

Yet the day after the caravan arrived, there were reports of several incidents with caravan members such as the selling and consumption of drugs, theft, and confrontations with locals. The governor made a quick decision to close down the shelter. To encourage the caravan to leave the city, the state government promised to transport the caravan in dozens of buses to the border with the state of Nayarit. The government didn't live up to its promise and the buses left the migrants 38 miles away from the Nayarit border, leaving civil society to pick up the tab for its transportation out of the state. Jalisco passed on the responsibility to the next transit state.

### *Baja California*

State officials in Mexicali and Tijuana had known since mid-October that the caravan was headed their way. The governor had numerous meetings with local and international stakeholders. However, the Baja California government's response was practically non-existent, even though the caravan stayed there for longer than in any other state.

In the weeks before the caravan's arrival, several state officials including Governor Francisco Arturo "Kiko" Vega de la Madrid stated that the government had created a task force and was prepared to handle the caravan. He met with U.S. officials from the Department of State and the Department of Homeland Security to discuss coordination, and even President Hernández of Honduras to discuss incentives to encourage migrants to return home.

However, as the caravan approached the border, Vega said that the caravan was a matter of national security and strictly a federal issue, and the state lacked the necessary resources to respond. He asked President Peña Nieto's help to face the "crisis" by providing 100 million pesos to support the caravan members for five months. The governor also asked other Mexican states to accept migrants and to block the flow of people into the state.

In the end, the caravan arrived and the state government did not lift a finger.

In spite of Baja California's initial promises to act and with the eyes of the world on Tijuana, it ultimately left the responsibility to the federal and municipal government, as well as civil society organizations.

### *Tijuana*

Following the state's contradictory discourse and erratic course of action, the municipal government of Tijuana also expressed concerns about the lack of resources and leadership from the Peña Nieto's administration. However, the caravan arrived to the city with demands, such as having all of its members staying together in a single location. The first night, members slept on Playas de Tijuana, a better off neighborhood within the city, which led to a conflict with the residents that made international headlines. The next day, the municipal government set up the first temporary migrant shelter in the Benito Juárez Sports Center to host over 6,000 migrants during the following two weeks.

Over the next few days, Tijuana Mayor Juan Manuel Gastélum starting publicly stating his negative views of the caravan members, which he called a threat to the city's public safety. He also called on the federal government and international agencies such as the United Nations to act. A small xenophobic protest against the caravan made international headlines.

Sanitary conditions in the shelter financed by the municipal government worsened due to several storms, and by the end of the month, the federal government set up a new migrant shelter located 10 miles from the San Ysidro border crossing.

### ***Conclusion***

This piece highlights the different levels of the Mexican government's response to the massive migrant caravan on the federal, state and local level. The lack of coordination between the federal and state governments during the caravan's trajectory through Mexico is partially explained by the presidential transition in early December. The state governments also did not feel the same pressure as the federal government experienced from President Trump who blamed Mexico for not stopping the caravan from reaching the U.S.-Mexico border.



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