The study of migration in Mexico and the public policies related to it, as part of a Latin American regional study, shows a country with characteristics that are not similar to other countries of the same region; nonetheless, certain common problems and opportunities that migrants bring forward to governments, makes them both interested in developing bilateral or regional agreements and adopt similar positions before the international community, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, promoted and signed by Mexico in 1999.

To decant migration processes that take place in Mexico, the present study shows the specificity of the country’s migration dynamics and the policies that were developed and implemented to solve challenges and problems and fulfill international commitments.

1. Migration dynamics in Mexico

Mexico has 3,152 kilometers of border between Mexico and the United States, one of the most active ones in the world and 1,149 kilometers that separate it from Guatemala and Belize with similar populations and blurred tropical rainforest borders, there have been

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1 Refers to chapter IV of the book: Las Políticas Públicas sobre Migraciones y la Sociedad Civil en América Latina, Los casos de Argentina, Brasil, Colombia y México, Leonir M. Chiarello coord. SIMN 2011, NY pp-447-644, some parts of this text are taken from it.
historical relationships of exchange of people, goods and services, which have been economically, demographically and institutionally unequal between this neighboring countries. Marine frontiers, on both oceans, have not been particularly active for transit of migrants.

Because of its geographic position, territorial extension and level of development, Mexico has been an emigration country that rarely receives migrants. Transit migration, asylum, refuge and internal displacement have followed different courses. Anyways, Mexico currently, like almost all nations, has migrants leaving the country, entering it and/or transiting its territory.

Exploring migrations dynamics in Mexico, in Chapter IV of the above-mentioned book, Jorge Durand explains the consequences of North American migration policies in our country; if the doors of the Northern country open or close, the consequences in the flow of people from all parts of the world can be seen throughout the Mexican territory.

For over 160 years, Mexicans have emigrated to the US; starting from the secession of the Northern part of Mexico in 1848, according to data from the 2010 census of both countries. The number of Mexican emigrants has decreased due to multiple factor; however demographic ones have been decisive. In this sense, the rhythm of growth of the population has decreased noticeably and numerous families are no longer common. In the 1970s, Mexican families had approximately 7 children and could not support them. Migration was the solution. Currently, families have only two kids, migration is not the only choice or the wisest one.

Demographic pressure which used international migration as an escape valve has changed noticeably. Another structural factor is economic growth which should function in a parallel manner to low birth rates. In the last few decades Mexico has grown at an average rate of 2.7, meanwhile other countries in Latin America like Chile, Peru and Brazil have grown twofold. General conditions in Mexico have improved, although not as expected. The main problem has been the reduced capacity to generate jobs and the persistence of low wages. We cannot consider that the economic variable has played an important role in the general downward trend in the illegal migration phenomenon; however, when sustained economic growth is achieved, the impact on migration flows will be decisive. This process will

2 Durand, J. (op cit) in Chiarello, L. M. pp.458-482
take perhaps a decade, but the massive flow will be controlled. This is good news for Mexico because there is an important amount of remittances and the fact that social pressure has decreased for local governments regarding unemployment and low wages; however, the amount of remittances do not make up for the loss of economically active population although they do relieve some families’ basic needs and represent 2% of the GDP. Seen from this perspective, emigration steals population from Mexico.

On the other hand, the Southern border receives massive immigration from Central America due to Civil Wars in the 80’s; Mexico has become a country that receives refugees, which fits the political asylum tradition of the country since 19th century. Central American refugees totaled 43,000 in the 1980’s; nowadays, this number has decreased to 1,500 Caribbeans, Africans and Central Americans. Subsequently, changes in the economic development models led to the so-called lost decade for Latin American, along with massive natural disasters, like hurricane Mitch in Honduras in the 1980’s and the 2010 earthquake in Haiti, the constant social instability in Guatemala and the growth of organized crime, have spurred human mobilizations.

Immigration and people displacement are processes of lower volume in Mexico and have been addressed by the government in different periods. Immigration is not significantly large because Mexico does not have an attractive labor market. Regarding internal migration, the government’s interests has been focused on farmworkers. And forced displacement due to extended violence is a new phenomenon and we do not have enough information, except for media reports that state that population displacement represents 3% of the country’s municipalities.

Transmigration growth (approximately 240 000 people are repatriated each year by INM) has made government agencies be more alert. Historically, Guatemalans have the oldest ties with Mexico, followed recently by Hondurans and Salvadorans.

In the last ten years, to face new migration challenges in a context of restrictive migration policies –especially since 2001- and the hemispheric security strategy followed by the US in the region, Mexican governments have tried to face these challenges by amending legal frameworks, taking into account international organisms’ recommendations and implementing new public policies and programs to face challenges put forward by messy migration movements.
2. Legal framework of migration public policies

The legal framework of Mexican migration policies has been, besides the Political Constitution, the General Population Law (LGP) since the 1970’s; and since 2001 the Immigration and Refugee Law. The Interior Ministry’s Undersecretary for Population, Migration and Religious Affairs is in charge of designing and developing them and the National Institute of Migration (INM) is in charge of executing them; which was established in 1993 and has been an independent agency and at the same level as the current Immigration Law (article 19).

Mexican migration policies have had several goals, such as selective population at the beginning of the last century, political asylum for more than a century, immigration control in the 1970’s, protection of emigrants and acceptance of refugees since the 1980’s. These strategies have varied according to specific situations and interests such as retention of emigrants in some states of the country and lately some focused on control and regulation within a troubled framework of respect for migrants’ human rights and an insecure and violent situation in diverse regions of the country; this has affected tens of thousands of trans-migrants by the power of organized crime and sometimes public employees that work with them.

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3 The following documents were thoroughly checked: the body of federal laws; the database of the Ministry of Foreign Affairs of international treaties that have been signed by Mexico; the collection of treaties of the UN; the database of the Inter-American treaties of the Organization of American States and international regulations of work of the International Labor Organization; political constitutions of Chiapas and Zacatecas (The only states that included migrants’ rights into their legislations); migration laws of the Federal District, Durango, Hidalgo, Michoacán and Sonora; electoral legislation of the 31 states and the Federal District, to get information on their offices that take care of migrants; actions to face human trafficking in the 31 states and the Federal District; statistical bulletins of the National Institute of Migration (2005-2010); government and civil society reports on migration in Mexico (2010-2011); legislative work of the LXI Legislature: Congressional committee on population, borders and migration and the Committee on Northern Border Affairs, Southern Border Affairs, Foreign Affairs, Foreign Affairs of North America, and Population and Development of the Senate (2009-05/2011); the jurisprudence query system and isolated “IUS” theses of the Supreme Court of Justice of the Nation and the content of the 16 meetings of the Regional Conference on Migration. Results of the interviews done to 15 civil society organizations that work with immigrants; officials in charge of migration federal programs, consular representatives of Guatemala, Honduras, El Salvador and the Federal District are also included.

4 Mexican public federal administration is divided into centralized and public-sector. State Ministries are centralized agencies which delegate technical and operative functions to bodies or institutions or in administrative jargon independent ones; that is, with budgetary autonomy, but not patrimonial one. This is the case of the National Institute of Migration, dependent on the Ministry of the Interior.
The current migration legal framework highlights the importance of respecting human rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Nonetheless, an integrative perspective in public policies has not been achieved, this is one of the greatest challenges that Mexico faces with its new migration legislation, it tries to be integral.

Despite these efforts to address emigration, immigration, transit migration and return, the incorporation of all interrelated fields in said processes such as human rights, economy, commerce, security, environment, considerations on integration and development, promote inter-institutional coordination and efficiency in public policies, all of this has not been achieved.

To better understand what Mexico is going through in regards to migration, we need to consider three variables:

1. The inclusion of migration into the national agenda, since Mexico’s political transition of 2000, when single-party power ended. The fact that we have accepted our role as an emigration country promoted the attention of migrants by state and Federal governments and Congress. Consequently, some states included aspects related to transit migration and immigration into their public policies.

2. The strategy of hemispheric security, since 2001, and the creation of the Department of Homeland Security (DHS) in the US in 2003, the Mexican government works closely with them. In 2004, INM set The Comprehensive System of Migratory Operation (SIOM) into motion, a computerized system of control of entries and flows (and information on repatriations, residences, nationalizations and migration procedures). In May 2005, the Institute was included into the National Security System and their database and information systems became part of the National Information Network foreseen by the National Security Law. At the end of this year, the US government started to implement Secure Border Initiative, where fighting illegal migration reached a new level of priority.

3. Violent explosion of national and international organized crime and the war against it by Felipe Calderon’s government (2006-2012) have seriously affected (robberies, kidnappings, murders) a considerable part of Mexican society, as well as migrants that pass through routes of difficult access where organized crime acts with impunity.
The following charts illustrate the current regulations regarding migration issues, as well as institutions in charge of their management.

### Chart 1  
**Federal Regulations regarding migration issues**

<table>
<thead>
<tr>
<th>Federal Regulations regarding migration issues</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Code of Electoral Institutions and Procedures 14/02/2008</td>
<td>Includes vote of Mexicans abroad for presidential elections.</td>
</tr>
<tr>
<td>Law to Prevent, Suppress and Punish Trafficking in Persons 27/11/2007</td>
<td>Entails the protection, attention and reparaction of crime victims—national or foreigners— and punishment for the ones responsible.</td>
</tr>
<tr>
<td>General Law on Women’s Access to a Life Free of Violence 01/02/2007</td>
<td>Defines violence against women as any action or omission that causes psychological, physical, or patrimonial, sexual pain and suffering or risk of death. It includes protection orders, victim reparations and care refugees with specialized and free services.</td>
</tr>
<tr>
<td>National Security Law 31/01/2005</td>
<td>It does not consider migration as a threat; however, the National Institute of Migration is seen as National Security (18/05/2005) organism because of its database.</td>
</tr>
<tr>
<td>Federal Law for the Promotion of the Activities Conducted by Civil Society Organizations 09/02/2004</td>
<td>Promotes activities that civil society organizations carry out thanks to public aid and support. Organizations have the right to participate as participation and consultation instances, participate in social control mechanisms of offices and institutions that carry out these activities; cooperate with appropriate authorities that provide public services related to their activities; and plan, execute and monitor policies, programs, projects and processes carried out by offices and institutions related to their activities.</td>
</tr>
<tr>
<td>General Law of Social Development 20/01/2004</td>
<td>Establishes the basis and promotion of social participation, which is understood as the right people and organizations have to participate—individually or collectively—in the development, execution and evaluation of social development policies, programs and actions.</td>
</tr>
<tr>
<td>Federal Law to Prevent and Eliminate Discrimination 11/06/2003</td>
<td>Considers preventing access to education, health services, law enforcement and access to interpreters as discriminatory practices, as well as exploiting or giving abusive and degrading treatment and xenophobia.</td>
</tr>
<tr>
<td>Law on the Protection of the Rights of Children and Adolescents 29/05/2000</td>
<td>Establishes non-discrimination and equality regardless of nationality, birth circumstances or other conditions of minors’ ascendants or tutors. Emphasizes protection against acts or omissions that can affect minors’ physical or mental health such as abuse, exploitation, kidnapping, trafficking, refugee situations or displacement.</td>
</tr>
<tr>
<td>Nationality Law 23/01/1998</td>
<td>Establishes requirements so that foreigners can become Mexicans by naturalization and the conditions to lose this nationality.</td>
</tr>
<tr>
<td>Federal Act to Prevent and Punish Torture 27/12/1991</td>
<td>States that public employees commit torture crimes when they cause severe physical or psychological pain and suffering to obtain information or confession from a tortured person or a third party, punish someone for certain action or to stop or prevent them from carrying out a specific conduct.</td>
</tr>
</tbody>
</table>

Source: Developed by the author with information from articles 1, 3 and 11 of the Federal Act to Prevent and Punish Torture; article 2, 19-20 of the Nationality Law; article 3, 7, 16, 21 of The Law on the Protection of the Rights of Children and Adolescents; articles 1, 4, 9, 16, 45 and 58 of the Federal Law to Prevent and Eliminate Discrimination; article 1, 3, 62-63 of the General Law of Social Development; article 1, 5-6 of
In the last decade several legislation projects and programs have been developed to address problems that seriously affect the mobility of people that enter or leave national territory, such as massive illegal emigration, human trafficking, requests for refuge and asylum, all of these have resulted in similar legislations to international instruments. Most recent legislations include the Immigration and Refugee Protection Act, enacted in 2011.

The country’s current situation is similar to cutting-edge international perspectives on immigration and transmigration, within a control policy framework. Mexican migration legislation is subject to international regulations and is based on migration policies that privilege control and national security counterpoised by human rights.

Programs to attend repatriated ones, especially minors have been implemented; human trafficking has received attention, but without encouraging results; and the three levels of government incapacity to fight crime against trans-migrants and internally displaced persons because of violence has been exposed.

3. Institutional Framework and migration public policies

As mentioned earlier, most recent legislations in human mobility are the Refugee and Immigration Act of 2011. Congress has addressed more seriously migration issues, highlighting the situation of emigrants and most recently the condition of trans-migrants. The Judicial Power has a non-existent participation in migration topics. However, in the last decade the Supreme Court of Justice of the Nation and Collegiate Circuit Courts have passed some mandatory interpretative criteria that protect rights of migrants, particularly in labor topics, despite their migration condition.

The Migration Act established that institutions in charge of migration issues are Ministry of Interior, the National Migration Institute and the Ministry of Foreign Affairs. The auxiliary authorities are the Federal Police, the Attorney General’s Office, the Ministry of Health, and the National System for Integral Family Development, Ministry of Tourism and the National Women’s Institute.
Chart 2  
Institutions in charge of migration issues

<table>
<thead>
<tr>
<th>INSTITUTION</th>
<th>POWERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of the Interior</td>
<td>Develop and direct the country’s migration policy taking into account demands and positions of other powers of the union, federal state governments and civil society. Establish fees, records or regulations to issue visas and residence conditions for foreigners who perform paying activities. Determine which municipalities or states make up border regions and establish the appropriate validity of expedite stays in these regions by taking into account the opinion of the Ministry of Labor and Social Welfare and other authorities mentioned in this Regulations. Establish or suppress requirements for the entry of foreigners into national territory. Suspend or ban the entry of foreigners. Promote and sign international instruments regarding return of Mexicans and foreigners in coordination with the Ministry of Foreign Affairs. Establish and suppress places intended for international movement of people. Dictate readmission agreements.</td>
</tr>
<tr>
<td>National Institute of Migration</td>
<td>Implement migration policy. Monitor the entry and exit of people in national territory. Process and solve the admission, stay and departure of foreigners. Impose sanctions established in the Immigration Act. Manage and update the National Registry of Foreigners. Take foreigners to migration stations in accordance with the Immigration Act and respecting their human rights. Coordinate the operation of groups that take care of migrants in the country. Provide information to different national security institutions’ computer systems at their request.</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>Promote the signing of international instruments regarding assisted return of foreign migrants. Promote the signing of bilateral agreements to regulate migration flows. Process and solve the issuance of visas. Protect Mexicans through consular network.</td>
</tr>
</tbody>
</table>
### Chart 3
#### Auxiliary institutions regarding migration issues

<table>
<thead>
<tr>
<th>INSTITUTION</th>
<th>POWERS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal Police</strong></td>
<td>Aid the National Institute of Migration by examining the documents of people that want to enter or leave the country and monitor means of transportation.</td>
</tr>
<tr>
<td><strong>Attorney General’s Office</strong></td>
<td>Promote training of employees in regards to human rights. Provide migrants with information and advice on their care and protection. Provide institutions in charge of developing statistics information on the number of preliminary investigations and criminal proceedings that involve migrant victims. Sign cooperation and coordination agreements to achieve effective investigation and prosecution of migrant-related crimes. Know human trafficking crimes.</td>
</tr>
<tr>
<td><strong>Ministry of Health</strong></td>
<td>Promote health services regardless of foreigners’ migration situation. Establish health requirements to allow people to enter the country. Monitor health services in places intended for international transit in national, foreign, maritime, air and land transportation. Design and implement disease prevention and control campaigns in places intended for international transit of people.</td>
</tr>
<tr>
<td><strong>National System for Integral Family Development</strong></td>
<td>Provide social assistance for unaccompanied migrant girls, boys and adolescents that need protection. Provide places to house and ensure the protection of unaccompanied migrant girls, boys and adolescents while the National Institute of Migration solves their migration situation.</td>
</tr>
<tr>
<td><strong>Ministry of Tourism</strong></td>
<td>Provide official information in regards to necessary procedures and requirements for the admission, transit and regular entry or exit of foreigners.</td>
</tr>
<tr>
<td><strong>National Women’s Institute</strong></td>
<td>Promote actions to improve the social condition of migrant women’s situation and the eradication of discrimination. Provide training for migration authorities in gender equality, emphasizing respect and protection of migrants’ human rights.</td>
</tr>
</tbody>
</table>

Source: Developed by the author based on information from articles 18-21, 26-30 of the Migration Act and article 8 of the Law of the Federal Law.

Additionally, twelve government institutions have specific programs to take care of emigrants, internal migrants and trans-migrants. These are: Ministries of Public Education; Social Development, Labor and

Besides federal legislations, there are regulations in several states that address situations like social and political rights of migrants and fight human trafficking. In this context, the State of Chiapas stands out because it has Special Prosecutor for Crimes against Immigrants, and the Federal District which has the Intercultural Law, Care of Migrants and Human Mobility.

In electoral issues, three states have regulated the right emigrants have to vote and elect governors: the Federal District, Michoacán and Morelos. Zacatecas has a “migrant law” which grants bi-national residence and their émigrés can be elected for the State Congress and City Hall\(^5\).

Currently, 5 out of 32 states of the country (31 states and a Federal District) have migration legislations: Sonora (06/12/07), Durango (11/09/08), Hidalgo (07/03/11), Distrito Federal (07/04/11) and Michoacán (24/05/11). Michoacán seeks to care for and protect its emigrants; Sonora focuses on transit migrants –it does not specify if they are national or foreign–; meanwhile the Federal District\(^6\), Durango and Hidalgo take care of emigrants, trans-migrants and immigrants.

\(^5\) People from the Federal District, Michoacán and Morelos that live abroad can vote to elect head of the government and governor respectively (Article 12 of the Code of Electoral Institutions and Procedures of the Federal District; articles 283-304 of the Electoral code of the state of Michoacán; article 282 of the Electoral Code of the state of Morelos). In Zacatecas, its political constitution and Electoral Law recognize bi-national residence (“condition where a person simultaneously has a home address abroad and at the same time an address in this State’s territory with a home, family and interests”, article 5 of the Electoral Law and article 12 of the Constitution) and migrant candidacies to be deputies (articles 52-53 of the Constitution and 13 and 119 of the Electoral Law) or to hold office in City Hall (article 115 of the Constitution and article 15 of the Electoral Law).

\(^6\) The Federal District has the Intercultural Law, Care of Migrants and Human Mobility (article 2) recognizes guests as any person that comes from another state or another nation and migrants as any person that leaves the Federal District to live in another state or abroad. Despite the incongruence of these definitions which contradict the federal regulations, this law establishes a framework to decrease discriminatory practices because it promotes tolerance and coexistence with foreigners.
Emigrants have received more attention from the Offices that take care of Migrants and representation offices in the US. There are currently 29 offices that take care of migrant issues; they focus mostly on émigrés and a lot less on the families that are left behind. They offer different services such as official procedures; support and advise in case of detentions, deportations, misplacements, transportation of patients and human remains, deaths, alimony requests or compensation for work accidents abroad; advise on integrating migrants clubs and collection of donations. Not all of them hold the same level in government structure and do not have enough stability for institutional permanence.

In regards to human trafficking sixteen states have laws against it: Federal District (24/10/08), Chiapas (03/04/09), Tlaxcala (30/10/09), Tabasco (26/12/09), Nuevo León (30/07/10), Tamaulipas (19/10/10), Hidalgo (15/11/10), Puebla (03/12/10), Quintana Roo (10/12/10), Veracruz (05/11/10), San Luis Potosi (27/01/11), Sonora (10/03/11), Baja California (28/03/11), Yucatán (31/03/11), Nayarit (15/06/11) and Sinaloa (13/07/11). Nonetheless, this topic is still widely unknown and generates indifference, most of the time state and federal judges treat these crimes as rapes; thus, trials and sentences are laughable. In 2010 only 4 sentences were emitted.

This is also affected by the fact that the Attorney General’s Office (Procuraduría General de la República) investigates human trafficking crimes through the Special Prosecutor for Crimes against Women and Trafficking (FEVIMTRA) only if three or less suspects are involved and the Office for Special Investigations on Organized Crime (SIEDO) when three or more are involved. This delays cases because authorities waste time deciding which office has to be in charge or has the jurisdiction to solve them. In 2010, FEVIMTRA investigated 76 cases, initiated 47 procedures and 1 conviction; SIEDO did not convict anyone.

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7 Aguascalientes, Baja California, Chihuahua, Campeche, Chiapas, Coahuila, Colima, Federal District, Durango, State of México, Guerrero, Guanajuato, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán and Zacatecas. Retrieved from Website of the National Coordination Office for Attention to Migrants (CONOFAM), ¿Quiénes Somos?, www.conofam.org.mx/quienes.html on 04/01/11.

8 Each legislation can be found at: www.ordenjuridico.gob.mx

Most victims of human trafficking come from Chiapas, Veracruz, Puebla, Oaxaca and Tlaxcala, the latter is considered as the number one state where human trafficking for sexual exploitation begins. Child sex tourism has increased in Guerrero, Quintana Roo, Baja California and Chihuahua (which house the following tourist cities: Acapulco, Cancún, Tijuana and Ciudad Juárez). Foreign victims come from Guatemala, Honduras and El Salvador; and also from South America, the Caribbean, Eastern Europa, Asia and Africa. Identifying these victims has a low rate because mechanisms are inadequate. In 2010 only 259 victims were identified.

At a federal level, the government has spent 8.33 million pesos on 64 shelters and emergency centers for women who are victims of domestic or sexual violence or human trafficking. Men in these situations seldom get any attention. On the other hand, the National Human Rights Commission (CNDH) has created 13 regional committees to monitor the enforcement of the law, prevent crimes and take care of victims.

Bilateral agreements included the Bracero Program with the US (1942-1964). With Canada we still have the farmworkers agreements which started in the 1970’s. Regional agreements on human mobility have only been signed with Central America and do not include labor market, only sharing good practices, technical training and developing policies to defend migrants’ and refugees’ rights and to fight human and migrant trafficking. These countries also meet in a

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10 Civil society is trying to avoid sexual exploitation and child sex tourism in this city, one example is the Comprehensive Care Centre for Women and Children led by journalist Lydia Cacho who launched the “I am not for sale” ("Yo no estoy en venta") campaign (19/05/11), aimed at the following sectors: academic (include this subject into curricula), business (have ethical recruitment principles) and institutional (certify main tourism destinations, investigate and convict offenders). MILENIO, “Yo no estoy en venta, campaña contra trata de menores”, México, 05/19/2011, Police, e-version, www.milenio.com/cdb/doc/noticias2011/58c0b884bd6410700b50e0141178c761, Retrieved on: 07/05/11; Vargas, Claudia “Iniciará en escuelas campaña contra trata de personas”, Enfoque Radio Caribe, Mexico, 05/23/2011, Benito Juárez, e-version: enfoqueradio.com.mx/enfoque/2011/05/05/iniciara-en-escuelas-campana-%E2%80%9Cyo-no-%E2%80%9En-venta%E2%80%9D/, retrieved on 07/05/11.


12 These commities are in Aguascalientes, Baja California, Campeche and two of them in Chiapas, Chihuahua, State of Mexico, Jalisco, Sonora, Tabasco, Tamaulipas, Veracruz and Yucatán.

multilateral regional forum (Regional Conference on Migration), also known as the Puebla Process.

In 2010, the “Comprehensive Strategy for the Prevention and Eradication of Kidnapping of Migrants” (“Estrategia Integral para la Prevención y Combate al Secuestro de Migrantes”), which has four main goals: immediately address the kidnapping of migrants; strengthen the participation of the three orders of government in the fighting and prosecution of crimes and the attention of victims; join international and interinstitutional efforts to protect migrants’ human rights and strengthen civil society organizations and human rights commissions.

Up to this day, these goals have not been fulfilled; strategies to establish attention and support agreements for migrants that have been victims of crimes have not been carried out by any of the three levels of government; operations to eliminate organized crime gangs that work in migration routes have not been enough; procedures to arrest kidnappers and develop preliminary investigations have also not been enough; and mechanisms of comprehensive care with the help of civil society organizations and human rights’ commissions have not been created.

Prevention, information and awareness campaigns for the Mexican population, migrants and countries from where migrants come from have been promoted and training of migration, police and ministerial officers has become a priority. Mexican or foreign unaccompanied minors now receive special attention.

Ultimately, the war on drug trafficking seems to exceed State forces, there is great public concern about the strategies, efforts and resources used to fight drug-trafficking gangs and the other problems derived from this war can only be addressed collaterally.

4. Federal migration programs

Emigration is one of the migration processes that has had more interinstitutional coordination and most federal and state programs take it into account. It is important to note that transmigrant and immigrant programs are as important as the latter, but have only been recently created.

Government ministries and offices that create program for émigrés take into account economic, social and security situations. The Mi-
The Ministry of Foreign Affairs is the most active one and supports them through the consular network, especially in the US\textsuperscript{14} and programs created by the of Mexicans Abroad (IME) that cover the following topics: cultural, educational and sports areas; community organization, productive projects and remittances; health and housing. These programs are developed by various ministries and government offices and they are freely implemented in the US. IME has influenced the perception –negative at first- émigrés had on the government’s attitude towards them; as well as deploying a coordination strategy with émigrés in the development of migrant associations (nowadays there are more than 1,800). It has already celebrated its 25\textsuperscript{th} birthday and several Latin American countries follow its lead.

Another successful, but controversial, program has been the 3x1 developed by the Social Development Ministry. This program uses one dollar given by migrants in local works and the three levels of government triple it; this program works in states that have relatively solid migrant organizations, which gives leeway to new associations and is not impervious to the influence of governors. It has been so important that emigrant business organizations in California promote in the Caribbean.

Unlike the actions taken to take care of emigrants in the US, coordination of immigrant and transmigrant policies is still not enough due to the fact that they are minor population groups; in the case of transmigrants, they are of recent impact and difficult to access because of their clandestine situation.

Immigration and transmigration are taken care of by the National Institute of Migration and the Mexican Commission for the Aid of Refugees, both under the authority of the Ministry of the Interior. Return of emigrants is handled by the Ministry of Interior, Work and Health and unaccompanied minors by the National System for Integral Family Development. It is important to mention that the current First Lady, Margarita Zavala, has devoted some of her time to take care unaccompanied migrant children, Mexican or foreign, during repatriations and their stay in shelters throughout the country. She has also participated actively in the national migration weeks (carried out every October) and fight against human trafficking.

\textsuperscript{14} The General Directorate for Consular Affairs and Protection of this Ministry has 145 consular representations around the world; fifty of them are located in the US.
The Ministry of Labor is in charge of internal labor mobility; however, it pays little attention to migrations topics, except repatriation of Mexicans in the last couple of years. It enforces the law’s regulations on the recruitment of migrant workers in Canada, but not in the US because it does not participate in these negotiations. In regards to immigrant workers in the Southern states, its boards of conciliation and arbitration have almost no participation.

The National Institute of Migration is in charge of the country’s migration affairs and has developed the following programs in the last twenty years.
## Chart 5  
Programs del instituto nacional de migración

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>GOALS</th>
<th>STARTED ON</th>
<th>RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child Protection Officers (OPI)</strong></td>
<td>Safeguard the rights of unaccompanied migrant minors – Mexican or foreigners, carry out consular notification, identify trafficking victims, value the needs of international protection, channel to adequate institutions to take care of minors and accompany them to their places of origin during repatriation.</td>
<td>2010</td>
<td>368 officers. Well received and replicated in Central American and the Dominican Republic.</td>
</tr>
<tr>
<td><strong>Repatriation Program</strong></td>
<td>Improve repatriation conditions of Mexicans returned by the US’ Border Patrol: food, shelter, health care, communications with family members, transportation to their communities of origin, information on temp job offers, training and certification in labor competences.</td>
<td>2008</td>
<td>9 repatriation offices in Baja California, Chihuahua, Sonora, Coahuila and Tamaulipas. In 2010; 267,317 People were part of this program.</td>
</tr>
<tr>
<td><strong>Local Visitor Immigration Form</strong></td>
<td>Make the entry of Guatemalans that wish to visit border states such as Chiapas, Tabasco and Campeche for up to three days easier.</td>
<td>2008</td>
<td>In 2010; 92,482 forms were filled. It intends to be implemented all over the country. See Appendix.</td>
</tr>
<tr>
<td><strong>Border Worker Migration Form</strong></td>
<td>Facilitate the placement of Guatemalans – over 16- as temp workers in Chiapas, Tabasco, Campeche and Quintana Roo. Valid for one year.</td>
<td>2008</td>
<td>In 2010; 28,544 forms were issued. See Appendix.</td>
</tr>
<tr>
<td><strong>Immigration Regulation Program</strong></td>
<td>Facilitate and promote legal stay of foreigners that live in an irregular fashion in the country; without arresting those who are interested in fixing their situation.</td>
<td>2002 (Last valid version 11/2008-05/2011)</td>
<td>Up to 9/2009-06/2010; 2,991 foreigners were nationalized; 61% of them came from Guatemala, Honduras and El Salvador.</td>
</tr>
</tbody>
</table>
### PROGRAM

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>GOALS</th>
<th>STARTED ON</th>
<th>RESULTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Migrant Protection Groups, Beta Groups</td>
<td>Protect and defend human rights, as well as physical and patrimonial integrity of migrants, regardless of their nationality and migration situation.</td>
<td>1990</td>
<td>163 agents in 21 groups in Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, Veracruz, Tabasco and Chiapas; 5 of them are in the process of coordinating with local authorities. See appendix.</td>
</tr>
<tr>
<td>Paisano Program</td>
<td>Improve the quality of service provided to fellow countrymen that live abroad, enter and exit the country and reduce abuse.</td>
<td>1989</td>
<td>In 2010; 1,834,505 countrymen were taken care of.</td>
</tr>
</tbody>
</table>

* For foreigners that entered the country before January 1st 2007 and had proof of having stayed for at least a year and a half; had a legal job; have a blood relationship, be spouse or have a common-law marriage with a Mexican person or legally established foreigner.

Source: developed by the author based on information from the Ministry of Foreign Affairs (SRE), Mexico’s Second report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Mexico, 2010. p. 18, 24-25. Retrieved from the website of the Programa Paisano, antecedents www.paisano.gob.mx/index.php?option=com_content&view=article&id=18&Itemid=3, on 03/14/11; SEGOB, Cuarto Informe de labores, Mexico, 2010, p. 106-107, 110; Diario Oficial de la Federación, “Acuerdo que tiene por objeto establecer los criterios conforme a los cuales, los extranjeros de cualquier nacionalidad que se encuentren de manera irregular en territorio nacional y manifiesten su interés de residir en el mismo, puedan promover la obtención de su documentación migratoria en la calidad de inmigrante con las características de profesional, cargo de confianza, científico, técnico, familiares, artistas o deportistas o bien, en la característica de asimilado en los casos que de manera excepcional se establecen en el presente”, First section, 11/11/2008, pp. 2-3, 7; Presidency of the Republic, Cuarto Informe de Gobierno, Mexico, 2010, p. 702; article 137 of the Regulation of the General Law on Population; INM website, programs, Beta groups, Beta groups’ directory, regional delegations www.inami.gob.mx/index.php/page/Grupo_Beta retrieved on 03/17/11; Diario Oficial de la Federación, “Acuerdo que tiene por objeto establecer las reglas conforme a las cuales se otorgarán facilidades migratorias a los visitantes locales guatemaltecos”, First Section, Mexico, 03/12/08, p.3; INM Boletín Mensual de Estadísticas Migratorias 2010, Mexico, 2010, p. 168; Diario Oficial de la Federación, “Acuerdo que tiene por objeto establecer facilidades en la internación de nacionales guatemaltecos y beliceños que pretendan desempeñarse como trabajadores fronterizos temporales en las entidades federativas de Chiapas, Quintana Roo, Tabasco y Campeche de los Estados Unidos Mexicanos”, First Section, Mexico, 03/12/08, p. 6.
Migration control is taken care of in traditional entry points like airports, ports and entry points. The Mexican government has limited infrastructure, resources and mechanisms to verify and control migration throughout the country. Most operations are carried out in roads and railways, mobile points used to detain and return the largest possible number of migrants to their countries of origin. These detention operations have forces transmigrants to search for other routes of difficult access, once they have traveled obligated ones, which cross through drug lords’ territories which nowadays also kidnap and control human trafficking; this has increased the vulnerability of those who flip a coin to avoid being hurt. Despite these dangerous risks, irregular flows have not been deterred or eliminated.

Nowadays, well-organized migration control is favored throughout the country; the Southern border maintains an intense life between similar populations on both sides, besides it is extremely porous and rivers and rainforests make it almost impossible to carry out control and verification labors. Simultaneously, in accordance with the above-mentioned legal regulations, the strengthening of actions and regulations to protect the human rights of those migrants and the improvement of detention and return conditions is emphasized.15

Migrants intercepted by migration officers and Federal Police are detained in the so called migration stations. INM has 47 of them in 23 states of the country which can house approximately 4 thousand foreigners.

As to refugees, the Mexican Commission for the Aid of Refugees (COMAR) under the authority of the Ministry of the Interior since 198016, its goals include determining the condition of refugees and give aid to applicants and those recognized as refugees and work with other government agencies, international organizations, civil society organizations and academic institutions.17

15 Ernesto Rodríguez, et. al. (2011). “Migración centroamericana de tránsito irregular por México. Estimaciones y características generales”, Apuntes sobre Migración, No.1. Mexico: Centro de Estudios Migratorios del INM.
16 Article 1 of the agreement that created the permanent Interministry commission to study the needs of foreign refugees in national territory, known as the the Mexican Commission for the Aid of Refugees.
17 COMAR website, ¿Quiénes somos?, Misión y visión, www.comar.gob.mx/?page=mision-y-vision, retrieved on 03/31/11.
According to information from the National Institute of Migration, only 752 people have refugee status\(^\text{18}\) and new legislation makes them permanent residents.

In regards to political or diplomatic asylum, Mexico still has this Latin American legal entity that was born during the wars of independence and was used until the 20\(^{th}\) century. This practice will surely fall out of practice and refuge will be established as a universal entity. Currently only 18 people belong to this category in this country.

Paradoxically, insecurity and violence experienced by the Mexican society have increased the number of Mexican people who ask for refuge or asylum (although it is not always justified) especially in Canada -17 thousand applications-, the US -40 thousand- and Euro- pean countries.

The National Human Rights Commission (CNDH) and civil society organizations have had an essential role while monitoring the efficiency of migration public policies. CNDH was created in 1990 and it has been an important element for the country’s democratic development. The importance of addressing problems related to illegal migration spurred the creation of the Fifth Inspectorate in 2005 so as to promote the necessary defense to respect the human rights of migrants, journalists, human rights’ defenders and human traffic victims\(^\text{19}\).

The Commission has documented the situation of emigrants and immigrants through their special reports in the Northern and Southern borders of the country. On February 2011 the Commission released its Second Special Report regarding Migrant Kidnapping; it stated that violence against migrants had not decreased and that criminal gangs had become specialized. From April to September 2010, the Commission gathered 178 testimonies regarding migrant kidnapping; 15.7% came from women. 86% of the testimonies came from direct victims and 14% of the remaining narratives were offered by eyewitnesses. A total of 214 events were documented, 11 333 victims, which represents an increase; the First Report stated there were 9758 victims (06/2009).

This Report highlighted several elements: some Central Americans participated in the kidnapping of immigrants; kidnappers entered


\(^{19}\) CNDH Website: Estructura, 5ª Visitaduría, www.cndh.org.mx/lacndh/estruct/estorg.htm, retrieved on 04/18/11.
some shelters to find survivors or new victims; migrants were tortured to obtain information about their relatives in their countries of origin or the US; kidnappers collected fees for letting guides travel through their territories, people who did not pay were murdered and sometimes the migrants that accompanied them too; some victims stated that authorities and trains’ private security elements participated in these crimes.\textsuperscript{20}

Lastly, migration bi-lateral, regional and global agreements give birth to public policies; in 2001 and 2008 there were national security and economic crises with forced governments to secure their borders. Since September 2001, agreements with the US have been on border security, health, return conditions and the Merida initiative (03/2007) (security along with Southern border development) which only covers technical assistance in migration issues, that is, provision of telecommunications, search and rescue equipment.

In the international arena, Mexico as a member of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families presented periodical reports in 2006 and 2011 before The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families. Civil society organizations and the aforementioned committee admit there has been progress, especially in legislative matters and specific government actions; however, the government still has to address topics such as migrant discrimination; migration verification done by unauthorized authorities; inadequate conditions of migration stations; the vulnerability of migrant women working as household workers, temporary agricultural workers and unaccompanied migrant minors; the fact that foreigners cannot be part of a union’s board and violence and aggressions against migrants.\textsuperscript{21}


Conclusions

Once migration policies have been developed, their control depends on a pyramid of decisions; public administration and public employees are two of the greatest areas that are flawed. The inadequate relationship between government departments in charge of migration management leaves migrant population defenseless; and practice for due process and compensation for damage are not yet present.

In regards to programs for diverse migration processes, there are no monitoring and evaluation mechanisms, except in health and care for children programs; therefore, results cannot be accurately known. This lack of transparency makes academic and civil society organizations not be interested in actively participating in the development, planning and monitoring of said programs.

Current migration regulations eliminate discretionarily in law enforcement; however, it is well known that legal regulations are not automatically implemented. The habit of discretionary practices includes discrimination against the most vulnerable ones –especially their human rights--; Mexican society has a weak understanding and poor attention. In addition to a culture that does not legitimize laws. There is low bureaucratic efficiency, educational precariousness and low wages for public employees as well as a violent and insecure context that has permeated the social and political environment of most of the country. In addition to a more violent and insecure situation in most of Central America; from where most migrants that cross Mexico’s southern border come from.

According to the law, migrants are not criminals, they enjoy human rights; however, the implementation of security policies has failed, the Ministry of the Interior has not been able to install a permanent mechanism to protect migrants and the ones that defend them and stop criminal attacks.

Civil society organizations, international agencies, public employees and academics have to propose mechanisms to give certainty to the rule that leads to actions destined to reduce the vulnerability of migrants, force the judicial power to monitor public employees’ flaws and negligence and the efficiency of public policies.
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