

CENTRAL AMERICAN TRANSIT MIGRATION THROUGH MEXICO TO THE UNITED STATES

DIAGNOSIS AND RECOMMENDATIONS

TOWARDS A COMPREHENSIVE REGIONAL VISION AND SHARED RESPONSIBILITY

UNITED STATES
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UNITED STATES: DIAGNOSIS AND RECOMMENDATIONS**

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RESPONSIBILITY**

ITAM

**CENTRAL AMERICAN TRANSIT MIGRATION THROUGH MEXICO TO THE
UNITED STATES:**

DIAGNOSIS AND RECOMMENDATIONS

Towards a Comprehensive Regional Vision and Shared Responsibility

Executive report

Project:

**Migration Processes in Mexico and Central America: Regional Diagnosis and
Proposals**

December 2014

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1. Dynamics of Central American Migratory Flows. Mexico City, March 2012.
2. Risks and Protection Practices for Migrants in Transit San Salvador, May 2012.
3. Borders and Migration. Guatemala City, October 2012.
4. Migrant Security in a Context of Regional Insecurity. Mexico City, March 2013.
5. Recommendations for Addressing Transit Migration. Mexico City, June 2013.

In addition, this report is based on four diagnoses that were developed specifically for this project:

“Recent Trends of Central American Irregular Transit Migration through Mexico to the United States. Volumes of Flow and Main Characteristics.”
Ernesto Rodríguez, Instituto Tecnológico Autónomo de México.

“The Migration of Some and the Insecurity of All. Analysis and Recommendations to Move from Fiction to Humane Treatment.”
Rodolfo Casillas, Facultad Latinoamericana de Ciencias Sociales. Mexico.

“Risks of Irregular Transit Migration and Best Practices for Protecting Transmigrants in Mexico”
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Acronyms

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ACS	American Community Survey
CBP	Customs and Border Protection
CEM	Center for Migration Studies, Mexico (Centro de Estudios Migratorios)
CIESAS	Center for Research and Higher Studies in Social Anthropology, Mexico (Centro de Investigaciones y Estudios Superiores en Antropología Social)
CNDH	National Human Rights Commission, Mexico (Comisión Nacional de Derechos Humanos)
COLEF	El Colegio de la Frontera Norte, Mexico
CONAMIGUA	National Council for Guatemalan Migrants (Consejo Nacional de Atención al Migrante de Guatemala)
CONAPO	National Population Council, Mexico (Consejo Nacional de Población)
CONMIGRANTES	National Council for the Protection and Development of Migrants and their Families, El Salvador (Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia)
COPAREM	Regional Parliamentary Council on Migrations, Central America (Consejo Parlamentario Regional sobre las Migraciones)
CPS	Current Population Survey
CRM	Regional Conference on Migration (Conferencia Regional sobre Migración)
DHS	Department of Homeland Security
DNI	Non-Immigrant Fee (Derecho de No Inmigrante)
ECOSUR	El Colegio de la Frontera Sur
EMIF SUR	Survey on Migration on the Southern Border of Mexico (Encuesta sobre migración en la frontera sur de México)
FLACSO	Latin American School of Social Sciences (Facultad Latinoamericana de Ciencias Sociales)
FMTF	Border Worker Migration Form (Forma Migratoria de Trabajador Fronterizo)
FMVA	Visiting Agricultural Worker Migration Form (Forma Migratoria de Visitante Agrícola)
FMVL	Local Visitor Migration Form (Forma Migratoria de Visitante Local)
IMUMI	Institute for Women in Migration, Mexico (Instituto para las Mujeres en la Migración)
INCEDES	Central American Institute for Social and Development Studies (Instituto Centroamericano de Estudios Sociales y Desarrollo)
INM	National Institute of Migration, Mexico (Instituto Nacional de Migración)
ITAM	Autonomous Technological Institute of Mexico (Instituto Tecnológico Autónomo de México)
LEPINA	Law for the Comprehensive Protection of Children and Adolescents, El Salvador (Ley de protección integral de niñez y adolescencia)
MENAMIG	National Forum on Migration in Guatemala (Mesa Nacional para las Migraciones en Guatemala)
NNA	Children and adolescents (Niños, niñas y adolescentes)
OAS	Organization of American States
OCAM	Central American Commission of Migration Directors (Comisión Centroamericana de Directores de Migración)
OECD	Organization for Economic Cooperation and Development
OPIS	Child Protection Officers, Mexico (Oficiales de Protección a la Infancia)
RROCM	Regional Network of Civil Organizations for Migration (Red Regional de Organizaciones Civiles para las Migraciones)
SEGOB	Ministry of the Interior, Mexico (Secretaría de Gobernación)
SICA	Central American Integration System (Sistema de Integración Centroamericana)
SRE	Ministry of Foreign Affairs, Mexico (Secretaría de Relaciones Exteriores)
STPS	Ministry of Labor and Social Welfare, Mexico (Secretaría de Trabajo y Previsión Social)
TVR	Regional Visitor's Card (Tarjeta de Visitante Regional)
UEPME	Special Unit for the Protection of Minors, Costa Rica (Unidad Especial de Protección de Personas Menores de Edad)
UNDP	United Nations Development Programme
UPM	Migration Policy Unit, Mexico (Unidad de Política Migratoria)
US	United States of America

INTRODUCTION

The project Migration Processes in Mexico and Central America: Regional Diagnosis and Proposals is part of a short and medium term strategy that ITAM initiated in March 2012, in coordination with various social, academic and government institutions in Mexico and Central America. The project was designed to increase dialogue and trust between a variety of actors involved in Central American migration in irregular transit through Mexico to the United States, and to promote the construction of a regional vision of shared responsibility, as well as the creation of more flexible and dynamic cooperation mechanisms that could help address the issue in its various manifestations. Additionally, it tries to influence public policy, academic research and social action in order to reduce the risks migrants face on their journey.

The nucleus of the project was the creation of forums that cultivated collective discussions between officials, legislators, academics and members of civil society from Mexico and Central America, including a few academics from the United States. This allowed for the analysis of trends, challenges and recommendations on specific aspects of Central American migration in irregular transit.

The project has contributed to shaping a unique forum for dynamic dialogue between the various actors, with their diverse arguments and positions, in the topics discussed. The plurality of opinions and perspectives of analysis has been crucial in deepening the understanding of the phenomenon and making the diagnosis and the recommendations presented here.

The achievements of this initiative lie not only in the findings and recommendations produced, but also in the links and trust generated between participants in each working session and in the search for points of convergence between specific projects of the participating institutions.

The Project opened a less formal dialogue opportunity and sent a message to the governments on the need to strengthen bilateral, trilateral and multilateral discussions that genuinely promote cooperation between governmental and non-governmental actors from countries involved in the flow of Central American migrants in transit through Mexico to the United States.

During the course of the project, four meetings were held on specific subjects of Central American migration in irregular transit through Mexico that served as a framework for developing the diagnosis. A fifth meeting allowed for consolidation and commitment in seeking consensus on the many recommendations proposed in the previous forums.

1. Dynamics of Central American Migratory Flows. Mexico City, March 2012.
2. Risks and Protection Practices for Migrants in Transit. San Salvador, May 2012.
3. Borders and Migration. Guatemala City, October 2012.
4. Migrant Security in a Context of Regional Insecurity. Mexico City, March 2013.
5. Recommendations for Addressing Transit Migration. Mexico City, June 2013.

During these sessions a total of 35 papers were presented, and 284 people participated during the course of the working sessions. Participants represented 43 government agencies, 41 civil society organizations, 33 academic institutions, 11 international organizations and general public from ten countries: Mexico, Belize, Costa Rica, the Dominican Republic, Guatemala, El Salvador, Honduras, Nicaragua, Panama, and the United States.

This document is an executive report of the main findings of the diagnostic and the recommendations, that have emerged from the project.

The diagnostic is divided into four sections:

1. Trends of Central American Migration in Irregular Transit through Mexico;
2. Insecurity of Migrants in Transit;
3. Risks of Transit Migration;
4. Border Management in Southern Mexico and Policy towards Migrants in Transit

The recommendations are addressed to all actors involved in the attention to these migratory flows, aiming to influence the formulation of public policies, migration management, academic research and the work of civil society organizations. These recommendations have been grouped into five strategic lines:

1. Strengthen or include the issue of transit migration on national agendas and in regional and global discussion forums.
2. Improve regulations concerning migrants in transit.
3. Create greater transparency through increased and improved exchange of information and communication, and through the monitoring of government actions related to migrants in transit.
4. Improve governance, building capacity and trust in institutions, and strengthening cooperation and coordination.
5. Expand migrant documentation processes, and strengthen the protection and assistance provided to migrants in transit.

I. DIAGNOSTIC

What is behind transnational migration ?

The south-to-north mobility of people from Central America to the United States, undocumented or irregular, is a transnational phenomenon, which has gained importance in the region in recent decades. Most of these movements are by land and respond to a variety of causes; prominent among these are opportunities for employment, insecurity and violence, family reunification and in the case of some communities, a tradition of migration.

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At the beginning of the 1990s despite the end of armed conflict in Central America the emigration continued to accelerate, triggered by job insecurity, poverty, violence, and in some countries, political instability. These issues have been exacerbated by fundamentally economic problems, derived from the effects of the drop in world coffee prices and the impact of natural disasters in the region, such as Hurricane Mitch in 1998, the earthquake in El Salvador in 2001, and Hurricane Stan in 2005. These push factors are combined with other factors of migratory dynamics, such as the consolidation of migrant communities from these countries in the United States and the strengthening of their transnational networks.

The movements of Guatemalans, Salvadorans, Hondurans and Nicaraguans through Mexico attempting to reach the United States has marked the migration dynamics of Mesoamerica and Mexico's relations with the Central American Northern Triangle (Guatemala, Honduras and El Salvador) for over 30 years. These flows of irregular migrants in transit have numerically dominated other movements of Central Americans to Mexico, such as border workers, refugees, or citizens of these countries that remain in Mexico as temporary or permanent residents.

In the last decade, these irregular migration movements to the United States have occurred in a context of escalating insecurity, and therefore of heightened vulnerability of migrants from threats of extortion, assault, rape, kidnapping and even murder, among others. This situation has been exacerbated and aggravated by the intensification of violence in Mexico, Honduras, El Salvador and Guatemala, as well as the accelerated hardening of the southern border of the United States, and by the continuing detentions of undocumented migrants by the Mexican government throughout the country.

This increase in risks, particularly involving violence, as well as the constant violations of the rights of migrants and of migration control policies, constitute most of the work of governments, civil society and academics from Mexico and Central America, as well as international agencies, regarding migration in transit through Mexico (CNDH, 2009 and 2011; Belén, Posada del Migrante et al., 2009 and 2010; United Nations, 2009; Amnesty International, 2010; Meyer, 2010; Gobierno Federal, 2010; I(dh)eas, 2011; IACHR, 2011; Sin Fronteras, 2011; Red de Documentación, 2013a).

Despite the importance of migration in irregular transit and the magnitude of its humanitarian impact, this subject has yet to become established as a field of study; that is to say, its inclusion in theoretical developments and research methodologies is still incipient (Papadopolou, 2008; Berumen et al., 2012). Until recently, the approaches that have prevailed in the study of international migration have tended to focus on the origin and

destination of migrants, and not the processes themselves of the movement of people.

1. Trends of Central American Migration in Irregular Transit through Mexico

Sources of information

Mexico has undertaken significant research efforts in order to understand the conditions that give rise to Central American migration in irregular transit. The results of these studies have increased the visibility of the problem, triggering a more informed debate on violations of human rights of migrants, their vulnerability, and the lack of security on transit routes (Casillas, 1997, 2007, 2008 and 2011; Ruiz, 2001 and 2005; Castillo, 2000; Anguiano and Trejo, 2007; Benítez, 2011; Anaya and Díaz de León, 2012). Similar studies have been performed in Central America (Caballeros, 2007, 2011; Bezares, 2007; MENAMIG, 2010; Venet and Palma, 2011). Also noteworthy are studies designed to acquire empirical evidence on the size and composition of these flows (EMIF SUR, 2013; Red de Documentación, 2013), as well as those that have initiated attempts to estimate annual volumes (Rodríguez et al., 2011; Berumen et al., 2012).

Nevertheless, in the Mesoamerican region there are few systematized statistics on the volume and characteristics of transit migration flows. While there are several publications concentrating on the violence and abuses these migrants face, empirical information lacks, needed to carry out deeper analyses. This lack of consistent and serial statistics negatively impacts the capacity of governmental decision-making, and it hinders constructive dialogue between the government and civil society.

Although governments, organizations and academics in the region recognize the importance of generating reliable data, the political will to develop specialized instruments and programs to generate more quantitative information has yet to evolve.

Appertaining to a population in transit that migrates through Mexico, and given migrants' irregular condition, it is not possible to use traditional methodologies that measure international migration in countries of origin or destination—such as population censuses, household surveys, list of inhabitants registered by local governments or administrative records of residence permits granted to foreigners. Therefore, the construction of specific tools and methodologies, as well as the integration of a variety of information sources, are required to approximate the dimensions of these flows.

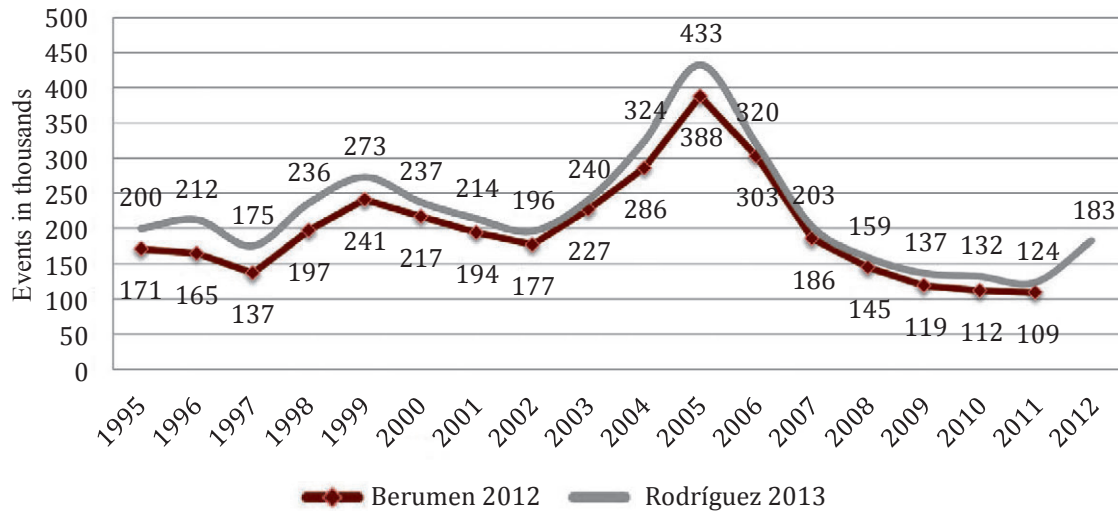
Despite these limitations, and the complexity of estimating the annual volume and characteristics of irregular transit migration, it is possible to further understand and gauge these flows by drawing on available information from various Mexican and U.S. sources.

Volumes and Trends

The analysis of the obtained data and information indicates that the volume of the flow of Central American migrants in irregular transit through Mexico to the United States demonstrated an increasing trend from the mid-1990s until 2005, when it reached a historical peak, with a volume of between 390 thousand and 430 thousand migrants. Between 2006 and 2009 there was a significant drop of about 70 percent, while in 2010 and

2011 a stabilization in flows can be observed. Preliminary estimates for 2012 show a rise in flows by at least 40 percent (See Figure 1).

Figure 1. Estimate of Central American Migrants in Irregular Transit Through Mexico to the U.S. , 1997-2012



Sources: Estimates from Rodríguez, et al. 2011 and 2013; Berumen, et al. 2012, based on SEGOB, Boletín de Estadísticas Migratorias de México; DHS, Yearbook of Immigration Statistics; U.S. Customs and Border Protection (CBP), Border Patrol Statistics; U.S. Census Bureau, American Community Survey (ACS) and Current Population Survey (CPS).

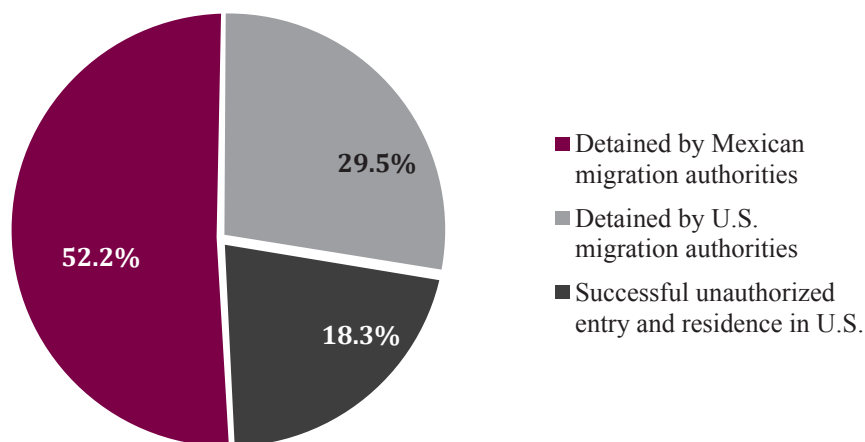
The methodology used to estimate the magnitude of these movements of migrants integrates indicators from different statistical sources, with the year as the unit of time. These indicators are derived from the trajectory that irregular migrants follow, and from the effects of policies of detainment imposed by the United States and Mexico; they also include, migrants who managed to achieve their goal and establish themselves with irregular status in the United States.

The annual volume of migrant flow in irregular transit includes: 1) Central Americans apprehended by Mexican migration authorities throughout the country; 2) Central Americans who manage to cross over Mexican territory but were apprehended by U.S migration authorities on the border¹ with Mexico; and 3) those who were not detained by either the Mexican or the U.S. authorities, and succeeded in entering and living in the United States² for a period of time (See Figure 2).

¹ The same person could have been detained on more than one occasion during one year by the Mexican or U.S. migration authorities. Although this indicates that the detentions are events, each is quantified as one migrant since it seeks to measure the total volume of transit flow. Thus the real volume of people would be less, and can be estimated according to number of detentions of one person for the year; the information can be obtained from the EMIF SUR from the questionnaires of migrants' returned to Guatemala, Honduras and El Salvador by U.S. and Mexican immigration authorities. In the case of those detained by Mexico, not all were destined for the United States, so there may be an overestimate in this indicator. The estimate executed by Berumen et al. 2012, discounts those whose destination was Mexico against the expansion of target data reported by the EMIF SUR.

² This third indicator is estimated by the residual resulting from the population born in Central America who came to the United States, during the last year according to data from the ACS, and subtracting from this figure those individuals of the same nationality arriving in the United States, during the period but documented as permanent residents (*New Arrivals*), according to the DHS. Here there could be an overestimate due to the inability to discount those who arrived that same year to stay in an undocumented status without entering through Mexico, as is the case of some tourists.

Figure 2. Estimated Annual Volume of Central American Migrants in Irregular Transit through Mexico to the U.S., by Percentage of each Indicator, 2007-2011



Source: Based on estimates provided by Rodríguez, 2013.

Annual data for each of the indicators that comprise the structure of estimated volumes of these flows signals that the dominant indicators of the total annual volume of Central Americans in irregular transit through Mexico in the last decade are migrants detained in both the interior of Mexican territory, and in the northern borderland just south of the United States. However, the proportion of migrants held by either Mexico or the United States may vary each year due to changes in policies or procedures in migration control, the availability of staff and resources, or administrative deficiencies within a specific official agency, not necessarily due to changes in the volume of migrants in transit (Casillas, 2012). In order to achieve consistency in the estimates of the magnitude of these migration flows, it is imperative to see the sum of the three indicators identified above for each year, and not separately. Methodological adjustments that could be made for the specific estimate of any of the three indicators can lead to variations in annual volume, but not in the trends of the period analyzed.

Over the past five years, citizens from Guatemala, Honduras and El Salvador constituted between 91 and 93 percent of all events of people detained by migration authorities in Mexico. Of those arrested by U.S. authorities on the border with Mexico, these nationalities represented between 84 and 91 percent of non-Mexicans or Other-Than-Mexicans (OTMs), denominated by the U.S. Border Patrol. However, if Mexican migrants are included among those detained by the U.S. Border Patrol, Central Americans do not exceed 12 percent until 2011, although this proportion increases to approximately 20 percent in 2012, due to a decrease in the flow of Mexicans and the new increase in the flow of Central Americans.

The decreased flow of migrants in transit between 2006 and 2011 is related to two basic processes: a lower annual exit rate of new migrants from the countries of the Central American Northern Triangle and the reduction of circular migration to the United States. Both processes are the result of the interplay of diverse factors that had a deterring effect

on migratory movements during those years, despite the continuing force of push factors in the countries of origin. These factors include:

- A decreased demand for workers by the U.S. economy, especially in construction, as a result of the economic crisis of 2007-2009 and the weak recovery of the crisis;
- Stronger migration control of the U.S. southern border, with the increased budget for technology and personnel. This explains a reduction in the chances of a successful unauthorized crossing and the concomitant need to pay higher amounts to smugglers;
- The substantially increased risks in crossing Mexican territory and the border with the United States irregularly, caused by the increased involvement of criminal organizations in extortion, smuggling, kidnapping and even murder of migrants;
- An increased perception of uncertainty by migrants, given the increased possibility of being deported from the United States for any minor offense or being caught in a raid or in migration verification processes within the country;
- The Customs and Border Protection (CBP) program penalizes re-apprehended migrants, previously returned and deported from the United States, with mandatory jail sentences, discouraging the repeated attempts of irregular crossings.
- The influence of family and social networks in the transmission of information on the risks and costs associated with irregular migration, as well as on the uncertainty of the chances of finding a job in the United States.

The high volume of Central American migrants in irregular transit through Mexico, even during years of reduced flow— 151,000 on average between 2007 and 2011—and the new increase observed in 2012 under conditions of high insecurity and heightened migration control, alerts us to the weight of the push factors in the countries of origin on the decision to migrate and the continuity of irregular migration with higher risks and costs for migrants.

Socio-Demographic, Labor and Movement Profiles

The available data on Guatemalans, Hondurans and Salvadorans repatriated by authorities in Mexico and the United States from 2009 to 2012 provides us with a consistent picture of the socio-demographic, labor, and movement characteristics of Central American migrants in irregular transit through Mexico.³ Those who have been repatriated⁴ constitute at least 80 percent of the estimated annual total of this migratory flow.

On average this population group predominantly consists of (85 percent), in which those aged 15 to 29 years represent 70 percent of the total. From the total, 66 percent come

³ This information can be obtained from the Survey on Migration on the Southern Border of Mexico (EMIF SUR), which has collected, since mid-2008, a representative sample of all migrants returned to Guatemala, Honduras and El Salvador by authorities in Mexico and United States, among other flows. For Guatemalans, this information is available from 2004. The Survey is undertaken throughout the year, at the migrants' points of return in their countries of origin. The project is currently coordinated by COLEF, INM, CONAPO, UPM, SEGOB, STPS and SRE, and is supported by FLACSO Guatemala.

⁴ Among migrants returned by U.S. authorities, only those with less than one year of residence are considered. This is done so that the characteristics of the longer-standing migrants, who have experienced increased deportation rates in recent years, do not affect the estimate of the annual flow pattern.

from urban areas, 9 percent attained between 6 and 12 grades of schooling, and 9 percent of them do not speak English. Also, it is noteworthy that 6 percent were employed in their country of residence and of these, 6 percent worked in agricultural, service or construction activities.

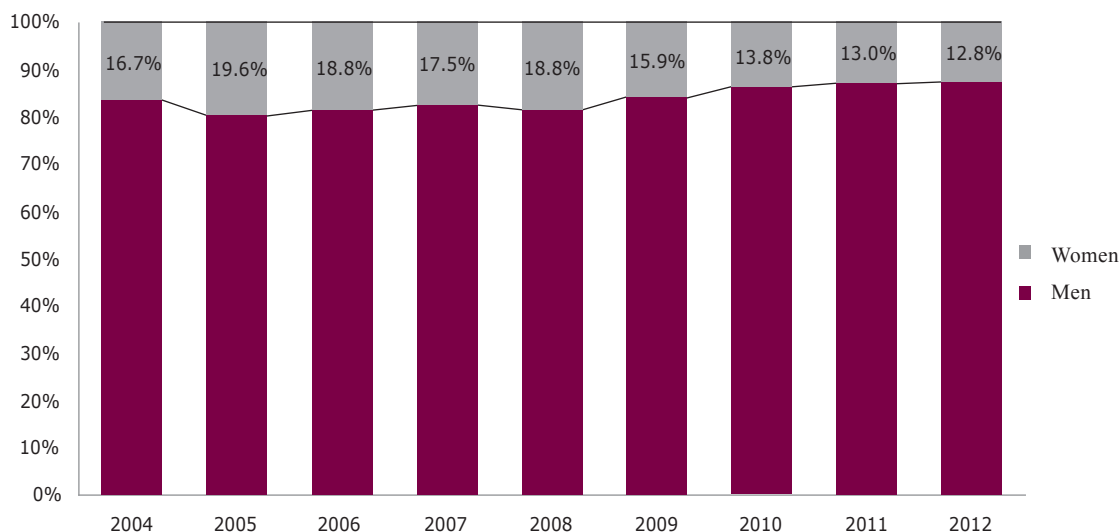
Considering the overall average, those who succeeded in crossing Mexico's northern border and were captured and returned by U.S. authorities tend to be older, were residents of urban areas, had a lower level of educational attainment, a greater rate of employment in their home country, and greater migration experience in the United States. The percentage differences oscillate between 3 and 6 percentage points.

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With regards to the migration of women, over the past four years women represented an average of 13 percent of the Central American migration flows in transit through Mexico, using as a reference those returned by Mexico and the United States. Salvadorian women, in particular, demonstrate a greater participation rate, at 18 percent on average. In general the proportion of women might be higher if we could disaggregate information by gender of those who succeeded in living in the United States. In this period the circularity of women between origin and destination has gradually diminished, more intensely among those deported from the United States: going from 21.7 percent in 2009 to 8.3 percent in 2012. This decline can be explained by the greater difficulty and costs of crossing through Mexico to the United States.

Similarly, women who were returned by Mexican authorities decreased from 19.6 percent in 2005 to 12.8 percent in 2012 (See Figure 3).

Figure 3. Central Americans Repatriated by Mexico, by Gender, 2007-2012

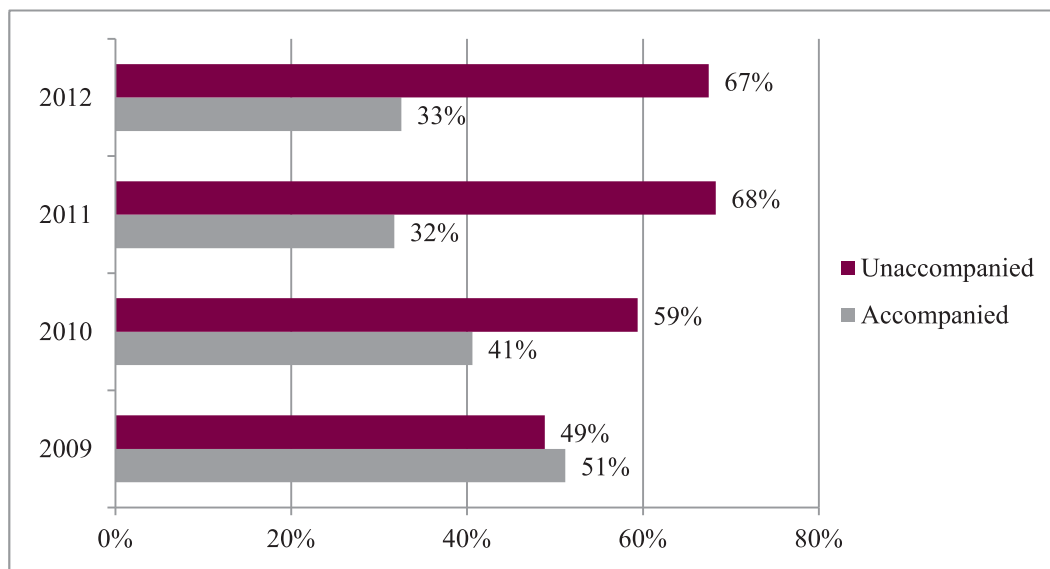


Source: Ernesto Rodríguez based on information from the Federal Delegations of INM. From 2009 to 2012 data is included from all records. From 2004 to 2008 data is estimated and includes partial information.

Meanwhile, the proportion of minors under 18 years has maintained between 6.7 percent annually, among those returned by the Mexican migration authorities. This represents some 4,000 to 5,000 minors repatriated per year. However, there has been an increase of those between 12-17 years old traveling without the company of an adult (See Figure 4). In the

case of Salvadorans, the proportion of minors is greater than the average, reaching some 9-10 percent of the total.

Figure 4. Central Americans Aged under 18 Repatriated by Mexico, by Accompaniment, 2009-2012



Sources: *Boletín de estadísticas migratorias de México*, SEGOB. Guatemala, Honduras and El Salvador are included.

This increase in the proportion of unaccompanied minors, mainly adolescents, is related to the increased presence of people without previous migratory experience, the declining trend of circular migration among their parents or relatives, and the great amount of pressure experienced by this population due to the high level of violence prevalent in many of their areas of origin.

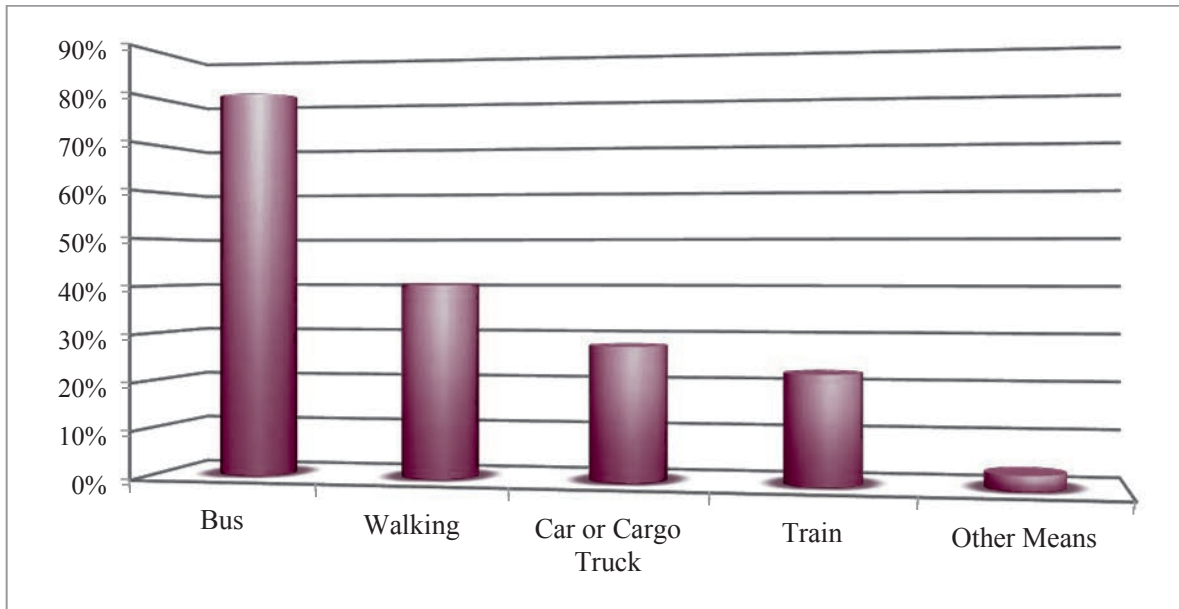
With respect to the movements through Mexico and their border-crossings into the United States, the EMIF SUR data indicates that migrants attempt to undertake the journey in the shortest time possible. One in three migrants remains in Mexico for less than one week, and two of every three migrants remain between one week and one month; this means, that in 99 percent of the cases the transit journey through Mexico lasts less than a month. Before crossing to the United States, 74 percent of transmigrants stay at least one week in a Mexican border town. The majority cross the border through the state of Tamaulipas (60 percent), and then reside in Texas for the greater portion of their time. Second following Tamaulipas, and in much smaller volumes, migrants cross through Sonora. (24 percent).

Also during their journey towards the United States, 98 percent did not work in Mexico and did not have previous work experience in Mexico (96 percent), or in the United States (86 percent).

Among the most popular modes of transportation through Mexico, buses are the principal means utilized, not trains. Of the Central Americans returned by the United States, 80 percent used a bus as one of the two main means of transportation throughout their transit across Mexico, and 40 percent walked part of the way; in contrast, only 22.5 percent used a train as one of their principal means of transportation (See Figure 5).

In particular, Hondurans use railroads at much higher rates than Central American on average, with 56.8 percent reporting travel by train.

Figure 5. Principal Means of Transportation Used by Central American Migrants to Cross Mexico, Averages 2009-2012



Note: *Other Means* includes boats, airplanes and unspecified.

Source: Ernesto Rodríguez and Luis F. Ramos, based on the EMIF SUR 2009-2012. Questionnaire for Migrants Returned by U.S. Authorities in Airports in Guatemala, Honduras and El Salvador.

Hiring of smugglers to travel through Mexican territory is more common among Central Americans who successfully arrived to the U.S. border with Mexico (41 percent). Also, the use of smugglers to cross the U.S.-Mexico border increases to more than half (54 percent).

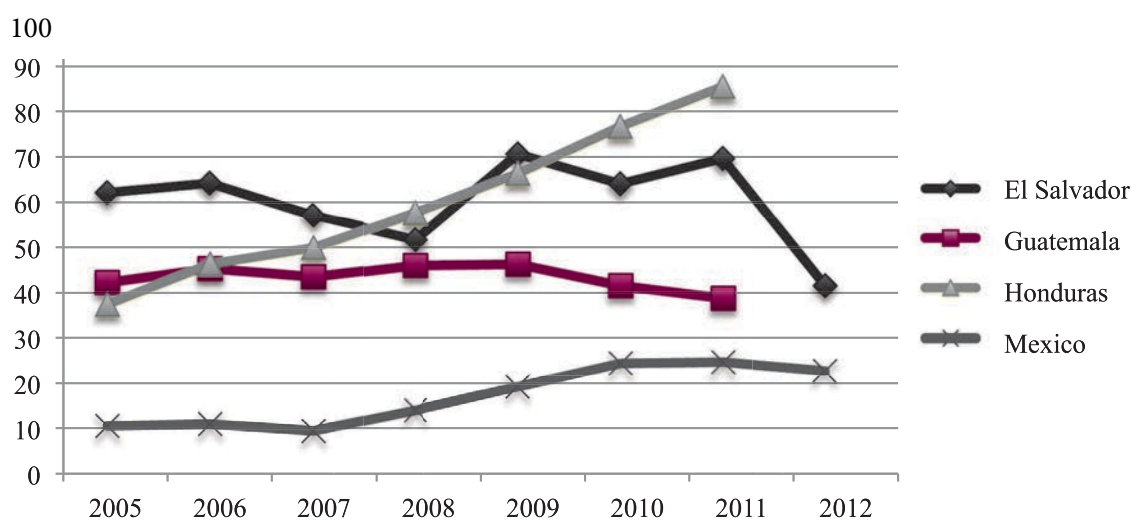
Among migrants returned by the United States, most have relatively strong social networks that support their crossing and insertion into the labor force in the destination country: nine of every ten migrants have relatives in that country.

Depending on the country of origin demographic, social, labor and movement characteristics differ. In general, diverse variables indicate that Salvadorians are have the most migration experience, and Hondurans the least.

2. Insecurity of Migrants in Transit

The state of insecurity in Mexico and Central America has intensified over the last decade. In Mexico, homicide rates grew significantly from 2008 to 2010, and have now stabilized in the last few years. Trends of Homicidal violence in the Central American Northern Triangle countries mark the sub-region as one of the most unsafe in the world. Honduras holds the highest murder rate in the world per 100,000 inhabitants, while in Guatemala and El Salvador the trends in the last two years have tended towards stabilization or decline. (See Figure 6 .

Figure 6. Homicide Rates per 100,000 Inhabitants in the Central American Northern Triangle and Mexico, 2005-2012



Source: Citizen Security with a Human Face: Evidence and Proposals for Latin America. Human Development Report for Latin America 2013-2014. United Nations Development Programme (UNDP), p.47. Mexico data for 2011 and 2012, INEGI, *Press Bulletin 288/13*, July 30, 2013.

The increase in crime and violence in Mexico and Central America is the result of diverse factors and historical processes, all of which present different manifestations in each country. The United Nations Development Programme's (UNDP) *2013-2014 Human Development Report* identifies four groups of variables that help explain the intensification of violence in the region:

1. Socio-economic structure: Although Central America and Mexico have demonstrated economic growth and significant reduction of unemployment, these have not been sufficient; there still exists a significant level of inequality and job insecurity combined with higher aspirations for greater access to consumer goods.
2. Changes in communities and the family structure: the accelerated and chaotic growth of cities, the high rates of dropping-out of school and low-quality education, have generated greater vulnerability for youth, especially those in single-parent households with scarce economic resources.

3. Presence and trade of violence-enable products, many of which are illicit: weapons, alcohol and drugs. It is important to note that the offensive against organized crime and drug trafficking undertaken by the government of President Felipe Calderón had a series of unexpected impacts, such as the increase of conflict among different cartels and the subsequent escalation of homicide rates (Guerrero, 2013).
4. Lack of the rule of law and the capacity of the State, including police forces, judges, prosecutors and prisons. This weakness helps explain the levels of impunity and resulting insecurity that prevail in Mexico and Central America (UNDP, 2013).

Mexico's Spiral of Violence

In recent years violence against migrants in transit through Mexico to the United States has reached unprecedented levels; kidnapping and murder were the gravest expressions of violence, but not the only ones. Moreover, there is sufficient evidence indicating that criminal links in Mexico have spread and connected with other groups in some Central American and U.S. regions affecting both Central American migrants and other nationalities in international transit Mexican migrants.

The massacre of 72 migrants—mostly Central Americans—in San Fernando, Tamaulipas, in August 2010, and the discovery of other mass graves with more migrants, including Mexicans, between 2011 and 2012, testify to a "tsunami" of violence affecting migrants.

There are manifold causes that could explain the configuration of this scenario, both historical and recent. For many years, there have been social expressions of abuse, marginalization and discrimination towards Central American migrants in the area of Mexico's southern border with Guatemala, ranging from overcharging commodity prices, payment of lower wages and extortion by some members of the authorities (Casillas, 2007).

In a broader conceptual dimension, there are two factors affecting the Mexican government's attention towards transit migration. First, historically, Mexican authorities have paid greater attention to the migration of Mexicans to the United States, which means that other flows have received secondary attention (including in academic research). Second, most studies have focused on the logics of origin and destination of migration, paying less attention to processes of transit migration.

The historic absence of security and migration authorities in some of the major transit corridors, and over the last decade, their partial or periodic retreat from railroads and major highways (Casillas, 2012), at the same time as criminal organizations, have expanded considerably, has allowed these places to be occupied by criminal actors, with the certainty that they could commit crimes with low probability of being impeded, and much less, detained by the authorities. That is, both common and organized crime have taken advantage of these unprotected spaces to create a new crime niche of transit migration. This process has also been facilitated by corruption and complicity of some members of a various local and federal security agencies, as well as of migration authorities.

The insecurity and abuses against migrants in transit is also related to the lack of coordination and capacities in the operations of diverse authorities (INSYDE, 2013). There is no regulatory synchronization between the different branches, nor do these have the capabilities to fulfill their mandate and the possibility to work in a coordinated manner. This occurs especially between police, intelligence and migration authorities.

Additionally, diverse issues in Mexico impede the procurement of justice for migrants in transit: there is a very low rate of reporting abuses committed against them, difficulties in integrating previous investigations and in the diversity of judicial criteria use to classify and punish crimes. As reference point, it is striking to note that some 80 percent of crimes committed in Mexico are not reported to authorities (NHRC, 2011). In the case of migrants in transit, the figure is much higher because they avoid contact with the authorities during their journey, they are unaware of their rights and, ultimately, they do not know whom to contact in the event of abuse committed against them.

Criminal Networks and Migrants in Transit

For a long time, the knowledge accumulated by generations of migrants in transit has been useful to new migrants. The humanitarian support that migrant shelters and homes provide along migration routes is part of the social capital of migrants in transit. However, these experiences have been put to the test by organized crime since 2007, when the most violent criminal organizations, such as the Zetas, began to venture into smuggling, kidnapping and extortion of migrants and when possible use the migrant networks to achieve their goals.

To achieve their profit-making objectives, these criminal groups have been taking advantage of the modus operandi of undocumented international migration, and have added to it the experiences of trafficking and other criminal practices, including the possibility of corrupting some government authorities.

Organized crime has analyzed migrants in transit: their movements, how they are grouped, where they go, and how they get there. They have even infiltrated them, which makes kidnapping and extortion easier. Central Americans also participate in these criminal chains, either by coercion, through convincing or because they were already involved in criminal activities. This explains why there is a high recurrence among migrants' and informants' testimonies about Central Americans being those who perform the tasks of detection, sorting, grouping, accompaniment and handing over of migrants to the armed criminal groups, in charge of carrying out the kidnapping. Central Americans have also been found among the mid-level leaders in Mexican criminal organizations, or even leaders in local groups (Casillas, 2011a).

These criminal groups also extort or demand payments from human traffickers. They charge traffickers for allowing them to pass through with migrants, under penalty of the kidnapping or execution of the migrants themselves. Faced with the strength of groups like the Zetas, guides and coyotes have yielded and come to agreements on the payments. In the case of the most sophisticated human trafficking organizations, top leadership agreements have been established. This has allowed for the intertwining and coalition in recent years of trafficking networks of Central American migrants, with those of Cubans, Asians and Afracans (Casillas, 2011a).

The Zetas or other criminal groups have also learned that it is possible to reach some members of strategic government offices in order to "facilitate" the movement of undocumented Central American migrants, such as local police and migration authorities. Organized crime seduces, blackmails, or threatens them, in order to achieve their goals.

The deepening of organized criminal practices against Central American migrants presents significant challenges for governmental and social organizations in Mexico and Central America. Their efforts should lead to improved personal safety of migrants in transit:

- Align the regulations and the migration policies of the governments involved to facilitate the international mobility of people in an orderly and save manner.
- Strengthen migration coordination and public security within Mexico and also with Central American countries, including diplomatic and consular arrangements that are less formal and more operational.
- Identify the different types of harm suffered by migrants (physical, emotional, economic or otherwise).
- Ensure the reparation of harm to migrant victims of crime.
- Create statistical systems to quantify the harm done to migrants and provide a profile of the affected population;
- Expand humanitarian assistance mechanisms;
- Strengthen actions against migrant smuggling networks, which have now mostly been subordinated to organized crime networks.
- Create the necessary conditions to allow the provision of specialized treatment to children, adolescents, and other vulnerable groups.

3. Risks of Transit Migration

The growing number of migrants in transit that have been affected by violence and rights violations, perpetrated by various actors, as well as by accidents during the journey or while trying to evade migration control operatives, are today a fundamental concern.

On their journey migrants are increasingly exposed to greater risks, meaning the possibility that they can suffer physical, emotional or financial loss to varying degrees of intensity. The vulnerability of migrants in irregular transit arises not only from these increased risks of exposure to dangers and threats of various kinds, but also from their reduced legal and social capacity to address them (Ruiz, 2001a).

In terms of the identification of risk, it is important to develop a catalog and analyze the principal dangers and threats that affect these migrants in their transit through Mexico and in crossing the southern border of the United States. But it is also imperative to know and recognize the vulnerabilities of migrants themselves, their families and of the civil organizations and governmental institutions linked to their care and protection; that is, the existing strengths and weaknesses to confront the identified threats and to recover from harm. Among these weaknesses, the poor cooperation and low levels of shared responsibility.

Among the countries involved must be recognized and transformed.

Risks have diverse origins and affect individuals or groups on varying levels, in diverse ways and with different intensities (Busso, 2001). At the same time, a risk is a process, and as such it changes according to the specific contexts in which it occurs. In this sense, the State must be prepared to change and adapt actions undertaken to decrease risks in response to the changing environment.

Risks for Central Americans in their process of migration to the United States can begin in the place of origin where they are also exposed to local dangers. Nevertheless, the biggest concern is the alarming increase in the intensity of dangers that migrants face in their transit through Mexico. The probability of being victimized is very high, since the capacity to avoid, resist, or confront threats and overcome possible harm is very limited. However, this lack of a capacity to respond cannot be conceived as the exclusive responsibility of migrants; on the contrary, this project reveals that it is the responsibility of governments to undertake measures that can reduce migrants' vulnerability, as outlined in the Constitution of the United States of Mexico, the Law on Migration, and other legal instruments governing the rights of people. It is imperative for governments to assign specific financial and human resources to directly address this situation.

The risks of migrants in irregular transit were also present in the 1980s and early 1990s. There exist contemporary reports that acknowledge the abuses and human rights violations of Central Americans who were fleeing the wars in the region and attempting to reach the United States by crossing through Mexico (CBDH 1989; Frelick 1991). Furthermore, they referred to the effects of actions of containment in Mexico. However, what this report highlights is that the dimensions of the current risks are unprecedented.

The irregular situation of Central Americans in transit and the policies designed to contain them through migration control and verification—reinforced since the latter half of the 1990s and after September 2001, by both the United States and Mexico—increase the risks to which these migrants are exposed:

First, because of their irregular condition, they tend to travel through the most difficult-to-access roads in order to avoid detection by migration authorities, or they travel in unsafe means of transportation such as cargo trains or trucks, posing great danger to their wellbeing.

Second, the journey through these difficult-to-access roads and travel on unauthorized means of transportation are conducive to actions by criminal groups that traffic weapons, goods or smuggle people, or even by common criminals.

Third, migrants are a target of extortion or abuse by authorities, employers, or the general population that take advantage of migrants' disadvantaged legal status.

Fourth, the ability of migrants to exercise their rights is limited by inconsistencies in Mexican regulations, or by deficiencies in the procurement of justice and in the performance of authorities that provide access to other rights.

Fifth, in some cases there is little or no social acceptance of these migrants. There are examples in Mexico of how communities are pushing for the closure of migrant shelters and reject people with irregular migration status, including minors.

Additionally, the vulnerability of Central American migrants in irregular transit is exacerbated by the increasing number of people joining these flows without previous migration experience, social networks, and financial resources necessary to support their journey to the United States. Honduras experience the greatest impact of this situation (EMIF SUR 2013, Red de Documentación, 2013), and more generally in cases of migrants who leave goods, or even relatives, in their communities of origin as a “guarantee of payment” to cover their debt.

The permanent change in the ways and means of movement used by migrants in transit through Mexico, seeking to pass unnoticed by both criminal networks and the authorities, poses new challenges to civilian organizations and authorities that provide some form of support to these migrants, such as shelters, consulates, and Beta Groups.⁵ Agents of protection will require additional resources and more experience in order to meet the needs of these migrants in non-traditional places of transit.

A growing number of reports and documents testify to the vulnerability of the migrants in the region’s countries of transit, especially since the mid- 2000s, when dangers escalated in Mexico and became more pervasive in Guatemala. Protective efforts have been insufficient in the improvement of migrant security and the reparation of the harm to victims of aggressions.

While all migrants are exposed to risks, it is important to highlight the case of women and underage migrants, particularly unaccompanied children: their probability of being affected by violence is greater within the context of irregular migratory flows. One of the greatest dangers is sexual assault or rape. Perpetrators use these forms of violence as a means to break the wills of women, and also of the men who accompany them (Ruiz, 2004).

According to the analysis of Díaz and Kuhner (2008), women adopt even more clandestine forms to travel than men, and thus their exposure to risk is differentiated depending on the routes and means used for transit. It is also important to identify the stereotypes and social representations that can interfere with actions designed to protect women migrants in transit (Kuhner, 2012).

Table 1 presents a non-exhaustive list of the risks to which migrants in irregular transit in general are exposed, but that affect women and minors with greater intensity:

⁵ Beta Groups report to Mexico's National Migration Institute. They have as their mission the protection of the person and property of migrants, and the defense of their rights, regardless of nationality and migration status. They are not armed. The Groups' main functions are the conduct of rescue activities and the provision of assistance to migrants at risk, including giving legal advice and social assistance, receiving and addressing complaints, and channeling these complaints to the appropriate authorities. However, they have no power to monitor migrants' complaints or criminal allegations against governmental or civilian authorities. They were originally created for the protection of Mexican migrants in 1990 in the north, particularly in the Tijuana, Baja California, area.

Table 1. Risks to Women and Children as Migrants in Irregular Transit

- Exposure to possible physical, sexually, and psychological abuse, with consequent damage to physical and mental health and exposure to other risks (STDs, HIV-AIDS, unwanted pregnancies);
- Danger of being deceived, becoming a victim of assault and robbery;
- Danger of being kidnapped, smuggled or trafficked;
- Exposure to dying , ending up being crippled or disabled;
- Lack of attention in the case of an accident;
- Lack of health care services in the case of becoming ill;
- Family separation, from children or relatives;
- Being denied due process;
- Being denied access to justice;
- Being denied reparations for harm;
- Being victims of other human rights violations.

Source: Authors' elaboration based on Rojas (2011), Venet and Palma (2011) and Kuhner (2012).

Studies show that Central American women who make the decision to migrate are usually young, single mothers, separated or divorced, who must leave their children in the place of origin. Their decision is explained by their search for work to support themselves and their children, or by family reunification (Díaz and Kuhner 2008).

Meanwhile, Central American children and adolescents who participate in migration flows through Mexico to the United States are associated with the limited horizon of opportunities they face in their home country. Other factors involved in their decision to migrate are violence and social exclusion; family reunification; abuse and domestic violence; and even a tradition of migration, since they often belong to families and communities with a history of migration.

Among under-age migrants, those who are unaccompanied and in an irregular situation experience the highest level of risks. These children and adolescents who migrate alone are affected by the policies of containment of undocumented migrants by both Mexico and the United States. These policies make them more vulnerable to victimization by human traffickers and smugglers, as well as of drug trafficking cartels and the associated parallel organizations of “hitmen”.

The report “Child Migration: The Detention and Repatriation of Unaccompanied Central American Children from Mexico” (CRS, 2010) underscores the risks and abuses faced by minors during the different stages of their journey. Some 42 percent of child and adolescent respondents reported having suffered at least one incident of abuse from the time they left home until their deportation. Of the total of those who suffered some abuse, 29 percent reported having experienced some form of abuse while in transit, 18 percent at the time of apprehension, 14 percent during detention and 3 percent during the process of deportation and repatriation.

In the case of Guatemalans, the final destination of migrant children and adolescents is not limited only to the United States; Mexico is also a country of destination (CRS, 2010; Girón, 2010; Caballeros, 2011 and Ceriani, 2013). The 2010 Casa Nuestras Raíces report reveals that of the 1,220 underage migrants returned by Mexican authorities to Guatemala,

53 percent were heading to destinations in southern Mexico and the remaining 47 percent to the United States (Secretaría de Bienestar Social, 2010). Data from a 2011 survey of underage migrants by the Guatemalan *Pastoral de la Movilidad Humana* showed that of 130 cases of children and adolescents, 82 (63 percent) were bound for the United States and 48 (37 percent) for Mexico.

This situation demands recognition of the need to provide differential treatment to migrant children and adolescents that travel to Mexico, since many arrive to the country for temporary work; many do not travel farther than the border state of Chiapas.

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In brief, reducing the risks that affect migrants in irregular transit through Mexico implies decreasing the threats they face, as well as attending to and reducing their condition of vulnerability. That is, the State must act more effectively against actors that commit abuses against migrants, together with the strengthening of the capacity of migrants and their defenders to confront or avoid the threats or dangers that affect them.

Protection of Migrants in Transit

In Central America and Mexico several initiatives have been launched for the protection of transmigrants. Nevertheless, these have proven insufficient for the prevailing situation.

Since 1996, Beta Groups, charged with migrant protection, have been gradually increasing their activities in southern Mexico. They have proven to be an important support for at-risk transit migrants and for the organizations that provide attention to, and defense of, these migrants' rights. Central American countries recognize these positive efforts, although their material resources and capacities are still limited in relation to migrant vulnerabilities and the demand of protection from threats that migrants face in transit through Mexico.

Although there has been substantial improvement in the housing and care conditions for detained migrants in the majority of detention stations since 2005, poor administrative practices and migration agents' lack of training and awareness of regulations still hinder migrants' access to their rights, including due process (Sin Fronteras, 2011; I(dh)eas, 2011; Centro de Derechos Humanos Fray Matías, 2013; INSYDE, 2013).

Another example of good practice achieved is the Memorandum of Understanding signed between the governments of Mexico, Guatemala, Honduras, El Salvador and Nicaragua for dignified, orderly, efficient, and safe repatriation (2006), and its associated Procedures Manual (2009). These mechanisms have permitted advances in the return processes of Central American nationals to their countries of origin, respecting migrants' rights, and in coordination between the countries involved.

With respect to the kidnapping of migrants, since 2010 Mexico has promoted a comprehensive strategy to prevent and combat this crime, without achieving the expected results. The strategy includes assistance to victims with the collaboration of federal and state institutions, including human rights, migration, and security officials and the justice system. It also includes mechanisms for cooperation with Central American countries in the

exchange of information, professionalization of migration authorities, and the prosecution of criminal networks. The little available information on the progress in investigations and convictions for crimes of kidnapping, smuggling and trafficking of migrants hinder the an improved assessment of this strategy (CNDH, 2011, Cordova, 2012).

Over the past few years in Mexico, especially in 2011, there has been notable legal progress regarding the human rights of migrants with the approval of the Law on Migration, the Law on Refugees and Complementary Protection, and the accompanying constitutional reforms. This new perspective, that without a doubt benefits undocumented migrants in transit, is evidenced above all in “principles” and in “recitals”. However, there are still errors and omissions evident in the writing of some articles and in sub-government regulations; for example the Law on Migration provides the migration status of "visitor" for humanitarian reasons to foreign victims of crime, among other causes, but does not establish the corresponding visa for those who wish to apply for this status from outside of the country. Also, while an informal partnership, termed "concubinato", is allowed as grounds for migratory regularization, "free union", which is the term generally used by other countries, is not.

In addition, there are other barriers to the effectiveness of the new laws. One issue is the capacity of the State to make new provisions known among its officers; another is to demand coherence in their implementation at the federal, state and local levels. In practice, some provisions do not function because they are not applied consistently or are only applied on a discretionary basis. To be successful, many governmental actors must change their vision, their practices, or acquire new competencies. Finally, another issue is related to the lack of alignment of rights and norms between specific federal and state laws.

In one way or another, the measures undertaken by the Mexican government to protect migrants in irregular transit have been overshadowed by the prevalence of migration containment measures throughout the country, as well as by the expansion of actions taken by criminal organizations against migrants, with the State's incapacity to confront organized crime. These measure have also been limited, by administrative malpractices in diverse migration processes; the lack of training or omissions in the application of the law; or by the corruption of some members of different authorities.

Central American countries have made progress in the care and protection of migrants, both in normative and concrete actions. In Guatemala, the National Council for Guatemalan Migrants (CONAMIGUA) was created in 2007, and in recent years migrant shelters have expanded; in El Salvador, the Special Law for the Protection and Development of Migrants and their Families was passed in 2011, establishing a National Council (CONMIGRANTES) for this purpose; the Working Group on migration with international institutions and civil organizations was constituted also in 2011 in Honduras; and since 1999, there has been success in the incorporation of civil society organizations in the discussions of the Central American Commission of Migration Directors (OCAM).

In 2012, the governments of El Salvador, Guatemala, Honduras, Nicaragua and the Dominican Republic signed a Memorandum of Understanding for the establishment in Mexico of a network for consular protection and humanitarian assistance. Through this agreement, these States have pledged to provide these services to nationals of the five aforementioned countries during their transit and stay in Mexico, thus extending

protection capabilities with fewer resources. During the previous two years, El Salvador and Guatemala had already opened three joint consular offices in the Mexican states of Chiapas and Veracruz, for the same purpose.

The major regional and national efforts to improving attention to transmigrants are made visible, in particular, in the case of children and adolescents. Examples include the 2009 Regional Guidelines for the Care of Unaccompanied Migrant Children and Adolescents in the Case of Repatriation, approved under the Regional Conference on Migration (CRM) and the implementation of Child Protection Officers (OPIS) program since 2007 by Mexico's INM,⁶ and the formation of the Special Unit for the Protection of Minors (UEPME) in Costa Rica in 2011. In turn, the concept of "the superior interests of the child and adolescent" is included in Mexico's 2011 Law on Migration, although its definition is not clearly stated, and the development of more specific rules continues to progress.

In El Salvador, the Law for the Comprehensive Protection of Children and Adolescents (LEPINA) was passed in 2009, and in the same year, Guatemala included differential treatment of children and adolescents in the CONAMIGUA Regulation. In 2011, Honduras created an inter-institutional discussion table for attention to children and adolescents migrants and Costa Rica passed specific regulations for the implementation of the Law on Migration for minors, and developed protocols designed to meet the particular migratory regularization and family separation situations of foreign minors.⁷

Nevertheless, some aspects of the laws and their enabling institutional procedures need to be revised, such as those dealing with the deprivation of liberty, where the age of migrants is not differentiated in their being detained. In general, minors are currently taken to migrant holding centers, although in the case of Mexico there are alternatives provided in the Law on Migration (IDC, 2013). It is also necessary to promote, by various means, the systematic on-site verification of the implementation of these provisions and their related procedures, in order to measure progress and improvement.

Diverse social organizations and networks have emphasized the urgent need for migrant protection with a holistic and human rights approach. Several shelters and civic organizations dedicated to assisting migrants in transit have engaged in efforts that go beyond "welfarism", such as by providing counseling and legal defense (I(dh)eas and Sin Fronteras). In recent years, civil society organizations have also begun to document cases of abuse, file complaints with authorities, and advocate locally, nationally and internationally. To different degrees, government institutions also contribute to this work. Nonetheless,

⁶ The OPIS were formalized in 2010 and their current functions include to safeguard the physical and mental integrity of children and adolescents; immediately provide basic health services, food, clothing and rest; facilitate contact with their families through free phone calls; maintain them informed on their migration status in age-appropriate ways, and accompany them during their repatriation process. This model has been promoted by Mexico in Guatemala, El Salvador, Honduras and the Dominican Republic.

⁷ Between 2011 and 2012 three protocols were developed: 1. Protocol to regularize the stay of under-age foreigners, under the protection of the National Children's Trust; 2. Protocol for the care of under-age foreigners whose parents, relatives or other responsible persons are subject to removal proceedings, and 3. Protocol for the care and protection of under-age foreigners who are unaccompanied or separated from their family outside of their country of origin.

these efforts require more commitment, coordination, and inter-institutional work, as well as collaboration between governments with civil society organizations.

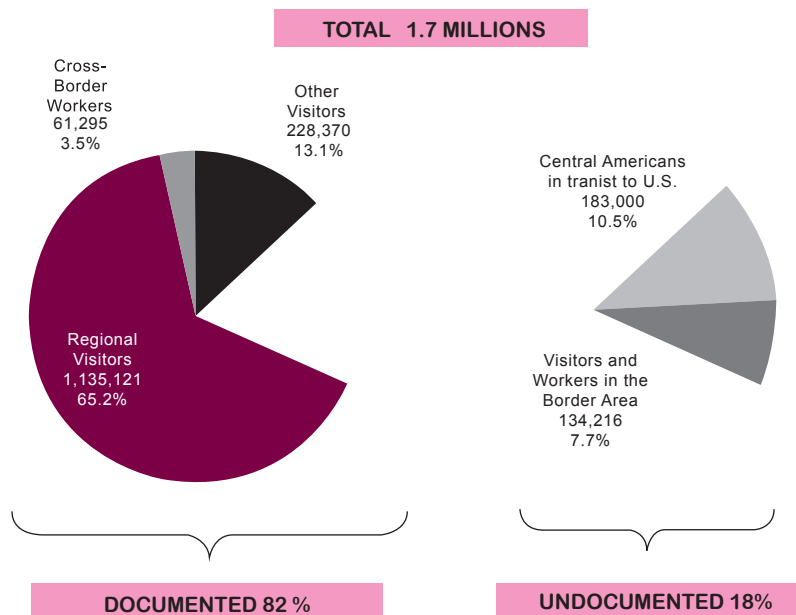
Although there are international instruments that frame the obligation of States to protect migrants, responsibilities of issues of protection must also be shared by countries of origin, transit and destination. To improve protection it is necessary to both disseminate and make visible the problems faced by migrants.

4. Border Management in Southern Mexico and the Policy towards Migrants in Transit

The vast majority of Central American migrants in transit through Mexico to the United States enter across Mexico's southern border with Guatemala. In this southern area of Mexico, migrants in transit converge with a strong transborder culture, characterized by the movement of Guatemalan visitors and cross-border workers. These movements have occurred for over one hundred years in both formal and informal—documented and undocumented—ways.

During 2012, there were an estimated 2.3 million crossings along Mexico's southern border, including both documented and undocumented entries. Of these entries, 1.7 million were made across the Mexico-Guatemala border. Of all the entries across the Mexico-Guatemala border, 82 percent were documented and 18 percent were undocumented, or irregular. Of the undocumented migrant flows, 10.5 percent were migrants in irregular transit to the United States and the remaining 7.7 percent were local visitors and cross-border workers en route to areas close to the border (See Figure 7). These estimates do not include the hundreds of daily informal crossings that occur along the Suchiate River banks as a result of local trade, since these crossings do not necessarily lead to the entry past Mexico's border zone.

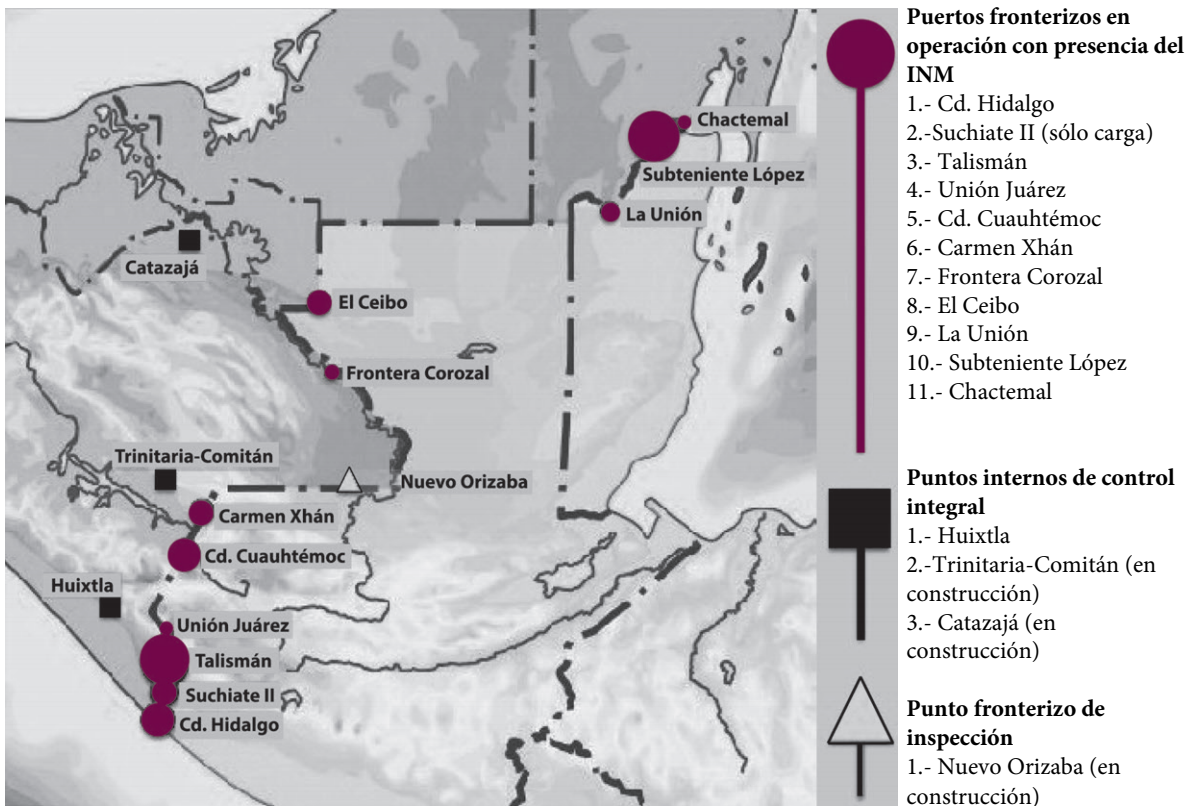
Figure 7. Estimate of Foreigners Entering Across the Mexico-Guatemala Border, 2012



Source: Ernesto Rodríguez based on the Migration Statistics Bulletin (*Boletín de Estadísticas Migratorias*) SEGOB, on the estimates made for the volume of migration in irregular transit (Figure 1), and on the *EMIF SUR*, questionnaire for people crossing from Guatemala to Mexico.

Currently, Mexico's border with Guatemala and Belize has eleven formal admission points, in contrast to the dozens of informal mountain and river crossing points, where there is a significant movement of people, goods, and vehicles. Despite this porosity and the apparent ease of access, the complex topography along Mexico's southern border (fast-flowing rivers, mountains and thick jungle) and dangerous wildlife, makes crossing a permanent risk, especially for undocumented migrants who usually move along the least accessible roads in order to avoid detection by Mexican migration authorities.

Map 1. Mexico's Southern Border: Border Ports by Volume of Entries in 2012, and Internal Control Points (migration, customs, and phytosanitary)



Source: Authors' elaboration based on information from Mexico's National Institute of Migration.

Overall both the Mexican and Guatemalan governments' ability to address the international mobility of people across their shared border is limited. This is in large part due to the insufficient allocation of resources for infrastructure, technology and personnel. Associated with this situation is the prevalent regional condition of economic underdevelopment, with high rates of poverty and inequality, evident on both sides of the border.

The continuous crossing of people and goods through unauthorized points, including those close to formal points of entry, results in the permissibility of various types of crime, a high perception of impunity, and a culture of lawlessness in the area. This situation eventually affects the most vulnerable population: undocumented migrants in transit that cross into Mexico along this border. Therefore, it is essential to make advances in the reorganization of the border in ways beyond infrastructural investments that have been made in recent years.

While Mexico's institutional and legal mechanisms are insufficient for handling the entries of visitors and migrants along the southern border in a timely manner, there has been progress in providing documentation for some types of flows. This documentation aims to channel the cross-border flows through regular pathways, and particularly applies to Guatemalans and Belizeans, who enter to visit family members, and/or for educational, cultural, tourism, health, or business reasons (Regional Visitor)⁸ or as cross-border workers (Borderland Work Visitor).⁹ To aid in compliance, visitors do not require a passport to obtain these migration documents, which are also provided free of charge.

The current policy of facilitating migration documents in this border area is the result of a process that began in the late nineties, in which the conception of the geographical area and the sectors of the economy gradually expanded. This process was consolidated in 2011, when these migration documents evolved the affairs of administrative arrangements, to being explicitly included in the Law on Migration. Its foundation is the acceptance of a significant and historic migration dynamic between Guatemala and Mexico and between Belize and Mexico; it also stems from taking into account the relative ease of crossing from one country to another, the proximity of human settlements on both sides of the border, and the existence of social, cultural, and commercial ties as well as an integrated labor market between Mexico and Guatemala.

The pertinence of creating specific facilitated migration documents for visitors and workers from Honduras and El Salvador to areas in southern Mexico has yet to be analyzed. This must be done with the understanding that the trade, employment and population mobility relationship in southern Mexico is not only with neighboring Guatemala and Belize, but that it also extends subregionally to Honduras and El Salvador, keeping in mind that proportions will vary.

Nevertheless, it has not been possible to extend this policy of documentation to migrants in transit traveling to the United States. From the 1990s until now the dominant approach, reinforced after September 2001, has been one of restriction through a variety of migration control measures, imposed in a phased manner throughout the entire country. This is in

⁸ "Regional Visitor" is the Migratory status provided to residents of neighboring countries permitted access to border regions of southern Mexico, entitling the bearer to multiple entries and exists and stays that do not exceed three days, and without permission to receive remuneration in the country (Art. 52, fracc III of the Law on Migration, and Art. 136 of Rules). Currently, the Regional Visitors Card (TVR) is provided directly at the border points of entry, and applies to citizens of Guatemala and Belize. It is valid for five years, and allows free access in an area encompassing up to approximately 100 km from the land border. The TRV replaced and extended the benefits of the Local Visitor Migration Form (FMVL), which was provided to Guatemalans from some border towns since 1997. In 2008 the FMVL was expanded to all the border departments and others nearby with the possibility to enter Mexico up to 100km from the border. Also, the FMVL was issued to all Belizeans since 2000.

⁹ The status of Borderland Work Visitor is currently given directly at the point of entry at Mexico's southern border and applies to citizens of Guatemala and Belize. It is valid for work in states of Chiapas, Tabasco, Campeche and Quintana Roo, for whatever employment activity is offered, with the right of residence of up to one year, and multiple entries and exits from Mexico (Art.52, fracc. III of the Law on Migration, and Art. 136 of Rules). Its immediate predecessor was the Visiting Agricultural Worker Migration Form (FMVA), which was awarded between 1997 and 2008 to Guatemalans for labor only in Chiapas limited to agriculture-related activities. In 2008 the FMVA was replaced by the Border Worker Migration Form (FMTF), which extended the benefits to Belizeans and expanded the possibility to working in all sectors of the economy and included states of the Tabasco, Campeche and Quintana Roo, with condition of having a job offer.

strong contrast with the policies adopted by the United States, focused on gaining control over the country's southern border and its surrounding areas.

At the same time, the Mexican policy of enforcing migratory control on railroads and highways produces a state of constant tension with the government's activities of protecting these same irregular transit migrants, undertaken by the Beta Groups. Although these activities are operated by different personnel than those working on migratory control operations, both of these operations are under the Federal Delegations of the INM's command. An institutional restructuring should be sought to avoid a possible conflict of interest between the policies of protection and migration control by the same authority. Thus, Beta Groups should be awarded full operational independence from any security or migration authorities.

The current situation of insecurity and abuses against migrants in irregular transit through Mexico requires evaluating alternative policies that can contribute to regular transit flows, and can create improvements in documenting cross-border movements in southern Mexico. It is urgent for Mexico to determine the type of southern border that it wants, as well as expand institutional capacities — migratory, customs, human security, and justice, among others.

The objective should be to advance the free movement of documented people in the region; although, current conditions make it difficult to reach this goal in the short term. The formulation and implementation of new policies towards Central American transit migration will have to be part of a gradual and comprehensive process, both within Mexico and beyond, through regional coordination. It is essential to overcome the current insufficient attention, coordination and regional analysis capacity in Mexico-Central America.

Finally, at the same time it is necessary to improve and strengthen the capacity of civil society organizations that support migrants, particularly in the Central American countries of origin and in Mexico's migration corridors.

II. RECOMMENDATIONS

As a result of the sustained dialogue between governmental and non-governmental actors on issues relating to Central American migrants in irregular transit to the United States held during the project's various activities, the report has developed a broad set of recommendations. In general, these recommendations seek to improve the overall protection of migrants, as well as secure their access to rights, especially for the most vulnerable among them.

These recommendations favor a regional and multidimensional approach. In particular, they seek to reduce the insecurity faced by these migrants, and to reorient the flows into safer and well regulated channels. Additionally, they aim to promote the highest standards of performance by all the diverse authorities involved in regulating migration processes or in assuring migrants' access to their rights. In support of these activities, the recommendations aim to simultaneously deepen the understanding and widen the dissemination of the various manifestations of migratory phenomenon in order to promote interagency coordination and cooperation both within and between the countries involved.

The recommendations are directed to decision makers in governments' executive branch and legislators at the national and local levels, members of the judiciary, human rights commissions, civil and religious organizations, academics and the business sector in Mexico, Guatemala, Honduras, El Salvador and Belize, as well as international organizations.

These recommendations have been grouped into five strategic axes:

1. Strengthen or include the issue of transit migration on national agendas and in regional and global discussion forums.
2. Improve regulations concerning migrants in transit.
3. Create greater transparency through increased and improved exchange of information and communication, and through the monitoring of government actions related to migrants in transit.
4. Improve governance, building capacity and trust in their institutions, and strengthening cooperation and coordination.
5. Expand migration documentation processes, and strengthen the protection and assistance provided to migrants in transit.

1. Strengthen or include the issue of transit migration on national agendas and in regional and global discussion forums

- Position the topic of transit migration on the national public agenda, seeking agreements between the three levels of government, especially between the border, migration and security authorities, and with civil society organizations.
- Position the topic of transit migration on the regional agenda, through increased cooperation and a shared agreement between the governments and civil society.

- Conduct a high-level regional meeting between the States involved in the migration of Central Americans in undocumented transit, to discuss policy options that can address the issues of migrant vulnerabilities, incorporating a focus on human rights and the promotion of alternatives to facilitate documented migration.

Priority must be given to assuring that placing the issue on the agenda results in concrete public policy changes that contain a focus on the analysis of human risk in all its dimensions—human security, gender, ethnicity and generation seeking a balance between human rights and internal security. In this sense, it is necessary for governments to clearly define the criteria for human security, national security and public safety, and when changing their regulations and policies on migration, they fully consider the historic cultural, social, economic and environmental integration processes that their border areas are undergoing.

Undocumented transit migration is a transnational phenomenon that involves both sending countries—El Salvador, Honduras, Guatemala and Nicaragua, transit countries—Mexico and, at times, Guatemala, and destination countries— the United States. Thus, it must be an integral part of the international policy issues that require regional attention through cooperation and shared responsibility between all of the countries concerned. At the same time, it must be recognized that this issue has effects across a wide range of policy areas, affecting social, family, security, and financial systems.

It is necessary to assure the inclusion of the issue of transit migration in regional and global mechanisms, such as the Central American Integration System (SICA), the Tuxtla Mechanism for Dialogue and Consultation (between Central America and Mexico) and the United Nations' Post 2015 Development Agenda. Furthermore, subject should be strengthened in forums where the topic is already discussed, such as the Regional Conference on Migration (CRM). All of these regional mechanisms should promote the creation of agreements and protocols that can contribute to the gradual development of comprehensive and regional migration policies and programs.

2. Improve regulations concerning migrants in transit

- Develop a comparative diagnosis of current regulations, policies, and practices that includes access to rights of migrants, the situation of underaged migrants, and the attention devoted to crimes committed against migrants in transit.
- Make the necessary changes to the laws and regulations of each country to ensure migrants' access to rights and justice, seeking regional alignment.

The commitment should be to ensure basic rights—to health, education, civil registration, and justice, and to establish regional protocols that regulate: the best interests of unaccompanied children; the attention provide for emergency medical care for victims of violence or accidents; and the protection of migrants and their advocates. The prosecution of sexual and labor exploitation crimes must be strengthened, and comparative legal studies on detention and deportation according to the laws of the countries in the region should be developed.

3. Create greater transparency through increased and improved exchange of information and communication, and through the monitoring of government actions related to migrants in transit

Information:

- Promote the generation and regular publication of official and non-governmental statistics on the diverse manifestations of migration processes in Central America. This can begin with the systemization and integration of various data sources already available from governments (e.g., the United States, Mexico), multilateral organizations (e.g., OECD, OAS), and surveys (e.g., EMIF SUR). Additional data should include information from other governmental and civil institutions such as national health systems.

This improved data will be used to update estimates in order to better understand trends, and to develop more accurate characterizations of Central American migrants who transit through Mexico to the United States without the proper documentation.

In particular, consistent and regular statistics must be generated on cases of assault, robbery, extortion, abuse of authority, illegal imprisonment, kidnapping, rape, or murder committed against migrants or the defenders of their rights. This should be achieved by integrating data collected by different actors and instruments: persecutors, judiciary and migration authorities, shelters, and specialized surveys.

Countries of origin should collect and systematize information through the use of homogeneous categories and indicators on the situation of their nationals who transit through Mexico in order to complement existing information. In the case of unaccompanied underage migrants, a single coordinated system of information must be created that enables countries of origin to learn what kinds of intervention have been provided by which actors—all while ensuring the protection of personal data in the process.

Having timely and reliable statistical information will enable governments to take preventive actions and provide proper care to migrants, as well as support their decision-making mechanisms.

The information generated should be disseminated by all relevant official means. It should also be included on online platforms discussing subjects of migration, to ensure greater public access.

Communication:

- Provide practical, easily accessible, information to undocumented migrants in transit on their rights and on any support available en route: emergency telephone numbers, information on consular protection and shelters and their rights as citizens of CA4, information for different routes that includes distances in kilometers, travel times, the right to public health services, and the importance of carrying identification and migration documents.

- Also, migrants should know how Mexico's revisions to migratory laws function, the checkpoints and migration stations, and the process of assisted return or deportation. It is important for migrants to be aware of their rights, such as of their ability to request procedures with the INM, and to receive a migration document if they have been either a victim of or witness to a crime. In these sense, a culture must be promoted among migrants of filing a complaint whenever they have been affected, either by crime or by violations of the law.

Cultural events and campaigns, directed in migrants' communities of origin, transit, and destination, must be created and maintained. These campaigns would warn of the risks and consequences of migrating internationally without the required documents, as well as advise of ways to achieve or maintain regular status according to the law; educate migrants on the economic and social realities they can expect in the countries of transit and destination; and inform migrants against rumors or false expectations caused by any proposed immigration reform in the United States.

Guaranteeing information involves using the right tools to communicate with users—in this case, migrants. Therefore, it is advisable to update and disseminate the regional directory of support and care services for migrants and make it available in migrants' holding centers and shelters, bus stations, and other likely places.

In order to promote a more tolerant climate and a more receptive attitude towards migrants in transit, constant information on migration issues in areas such as health, security, human rights, should be maintained in the existing media.

Monitoring:

- Increase government and citizen monitoring regarding rights and access to justice for migrants in order to assure compliance with laws and international agreements.

Indicators must be established that measure the performance efficiency and effectiveness of the authorities in the region who provide migration services, or who ensures access to migrants' rights. This is particularly important for the states of southern Mexico.

Specific monitoring is required on the budget allocated to the entirety of migration management and to migrants' access to their rights. This monitoring should include the quality of migrants' access to rights during control procedures, housing, and assisted return or deportation, as well as their access to rights such as health, justice, and civil registry, among others. Monitoring should also include audits that ensure the governments' accountability.

In the case of Mexico's migration detention centers, the National Human Rights Commission (CNDH) should be charged with improving or establishing systematic monitoring programs. In the case of migration raids, the authorities themselves should use of videotaping and other monitoring methods, with the objective of documenting the proper application of the law.

Finally, the capacity of civil society organizations should be strengthened in order to monitor the implementation of regulations and policies, as well as governmental resource utilization, in the protection of undocumented migrants in transit.

4. Improve governance, building capacity and trust in institutions, and strengthening cooperation and coordination

Trust:

- Strengthen the mechanisms that contribute to eliminating abuse, discriminatory practices and the stigmatization of migrants, and combat the corruption and impunity of all authorities involved in the migration process.
- Strengthen the mechanisms to achieve credibility and confidence in the INM, recovering its positive work and the good performance of its officials. Similarly, it is necessary to strengthen the credibility and confidence in migration authorities of Guatemala, Honduras and El Salvador.

Additionally, it is necessary for all of the forces engaged in public security to fully assume their obligations in the prosecution of crimes against migrants and their advocates. This can be achieved in part by clearly delineating the administrative and operational responsibilities of migration and law enforcement authorities.

Moreover, it is recommendable for the migration authorities of the countries in the region to make various processes of their management more efficient such that migrants have expeditious and effective care.

Training:

- Make more effective the professionalization programs for migration officials and agents, justice authorities, and law enforcement, with a human rights perspective, to help improve the safety of migrants.

In the case of Mexican migration authorities, the professionalization process should include recruitment, selection, training and promotion, as provided in the 2011 Law on Migration, since these agents have the greatest contact with migrants. The comprehensive training of officials serving in points of entry and border areas should also be enhanced.

It is especially important to sensitize those authorities that impart and procure justice (judges, prosecutors and police), as well as the consular corps on the reality of the risks to which undocumented migrants in transit are exposed.

Prosecutors and judges need to be aware of the fact that sexual violence is as much a health issue and as a legal one, and they should be able to understand the importance of assuring urgent health and psychological care for victims.

Resources:

- Improve, expand and create new points of entry on the southern border of Mexico in order to facilitate the international mobility of people between Central America and Mexico in a regulated and safe manner.

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From this perspective, highway and communication access to points of entry should be expanded. In turn, these areas should have differentiated strategies, depending on the kinds of flows of people and the conditions of each area, and the distribution of space for pedestrian traffic, vehicles and customs processes will need to be improved. The creation of shared border facilities (juxtaposed borders) has provided very positive results in other regions, which when achieved, should help take advantage of the infrastructure resources, personnel, and technology of each country, thus streamlining the flow of documentation, people, and goods in both directions.

Similarly, the creation of a system to expeditiously document and review frequently crossing passenger vehicles, and the elimination or reduction of taxes and tolls, are other measures that will help facilitate and expedite international mobility between Mexico and Central America.

- Expand the human resources of the appropriate authorities for the protection of migrants.

The presence of authorities that fight criminals that prey on migrants should be guaranteed in the high-risk areas through which undocumented migrants transit. In addition, it is urgent for public security agencies that investigate crimes and / or assaults against these migrants and their advocates in Central America and Mexico to be strengthened. At the same time, it is crucial to expand the capacity of specialized institutions could meet the needs of all unaccompanied underage migrants, and to improve the coordination mechanisms between migration and consular authorities, in order to ensure their orderly and safe transfer to and from these institutions.

- Create national and regional funds that can finance protection, care and assistance measures to undocumented migrants in transit, seeking cooperation with the United States as the principal migrant destination.

In particular, the mechanisms regulating the availability of resources generated by the INM should be improved, and the proportion of resources from the Visitor Free (previously the DNI) allocated to the protection of migrants should be increased. Some of these additional resources could also be transferred to health institutions in the states with the largest emergency medical impact from undocumented migrants in transit.

Coordination and Cooperation:

- Design and implement strategies that improve the coordination between the various federal agencies and local governments, in efforts against extortion, kidnapping, robbery, rape, and other attacks against migrants and their advocates.

Attention to migrants in transit to the United States does not fall on one sole authority, but rather involves migration, security, health, and justice administration and enforcement authorities, among others. These include the three levels of government, as well as civil society. This requires to the improvement in coordination between authorities.

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- Improve cooperation and dialogue between Mexico, Central American countries and the United States.

Increasing the exchange of information, training, and technology transfers are crucial to combating criminals and countering extortion, kidnapping, robbery, rape, and other attacks against migrants and their advocates. Cooperation among countries must be promoted to improve enforcement of and access to justice, with increased indictments and sentences for crimes committed against migrants and their advocates. It is also necessary to establish or improve mechanisms for locating forcefully disappeared persons and identifying dead migrants, to be operated between the governments of Central America, Mexico and the United States.

The dialogue and cooperation between civil society and governments should be strengthened, at both the national and regional levels, through institutional arrangements. This coordination will help to ensure the full protection of the human rights of migrants, their families and their advocates. These spaces for dialogue and coordination should include Mexican state governments and U.S. authorities.

5. Expand migration documentation processes, and strengthen the protection and assistance provided to migrants in transit

Migration Documentation:

- Expand the capacity of Mexican migration documentation to Central Americans, in consulates, points of entry, and INM offices to encourage the movement of migrants through safer routes. This may require reviewing, updating and / or enhancing existing standards.

The proposed actions to improve and expand migration documentation, and to facilitate the international mobility of people between Mexico and Central America, should be a multi-phased process that is consistent with the realities of the countries involved. This will allow for advancement on firm foundations and reduce potential unintended effects.

Protection and Assistance:

- Submittal of severe cases of human rights violations of migrants to the appropriate courts, so that the rule of law is strengthened, and so that the case can affect

the modification of national legislation, the definition of legal criteria, and the determination of public policy, etc.

It is also imperative to ensure that migrants who are victims of violence have access to due process, including: 1) access to psychological and economic support, 2) regularization of their migration status, 3) protection from having to submit evidence or provide a statement at the same time as their aggressor, 4) an expeditious legal process (and sanctions for undue delays), 5) assurance of the reparation of harm; as well as the increase of social and government capacities push for and support charges of crimes committed against migrants and their advocates.

In addition to the above, and considering the grave humanitarian impact of the risks that migrants face in their transit to the United States, work must continue on specific suggestions for their protection, such as: the development of a study that contributes practical alternatives to reduce the risks faced by undocumented migrants transit; the issuance of instructions by federal and state health authorities to provide and facilitate migrants' access to these services; the regional implementation of entry and exit controls of unaccompanied minors, or of those accompanied by third parties, in order to significantly reduce risks of smuggling and trafficking.

The INM should provide special attention to the case of migrants presented to them by other authorities, in order to receive only those migrants who have been retained by other authorities in compliance with their duties, and not as the result of direct actions to control and check migration status;

It is also important for Central American governments to provide their citizens with the necessary identification through their consulates according to international standards for migration, legal or civil proceedings abroad. These national governments must also develop policies that promote the reintegration of returned migrants, particularly those who have been deported and underage migrants.

- Create agreements that set basic standards of protection and assistance to vulnerable migrants or, ensure their compliance, that are integrated into the various national or regional policy instruments.

The Central American countries' consular networks with representation in the region, Mexico and the United States, must be strengthened and expanded, if these countries are to provide an effective level of defense, protection and assistance to their citizens. This will provide their nationals with adequate security and assistance in courts or other official proceedings.

Governments must support the improvement, or support for the establishment, of adequate shelters for migrants, especially for vulnerable migrants, in border areas, of high traffic undocumented transit, or higher risk areas in Mexico and Central America. Support can be requested to the organizations that provide migrants with health care, such as Doctors without Borders, Doctors of the World, and the Red Cross. Finally, it is indispensable to strengthen civil society organizations that contribute to so much of the protection of the rights of undocumented migrants in transit.

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