Laying the Foundation for Regional Cooperation

Migration Policy and Institutional Capacity in Mexico and Central America

Andrew Selee
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MPI
MIGRATION POLICY INSTITUTE

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Executive Summary

The countries in the region that stretches from Panama northward to the United States are part of a major corridor for unauthorized migration. Today, most of this irregular migration comes from Guatemala, Honduras, and, to a lesser extent, El Salvador, and those who migrate are generally headed to the United States. But there are also significant numbers of people who come from outside the immediate region and transit through Central America on their way to the U.S.-Mexico border. Notably, an increasing number of migrants have been settling down in Mexico, Costa Rica, and Panama, often seeking asylum, as it has become harder to get to and enter the United States.

Today, these countries face an unprecedented opportunity to lay the foundation necessary to build a regional migration system that privileges safe, orderly, and legal migration by adopting four shared strategies:

- developing legal, employment-based migration pathways;
- creating humanitarian protection mechanisms as close as possible to where people in need of protection live;
- professionalizing border and immigration enforcement throughout the region; and
- investing strategically in development, sustainability, and rule of law.

Understanding the institutional capacities, legal frameworks, and existing policies of countries in the region is an important starting point for building this long-term regional cooperation. While previous work by the Migration Policy Institute on regional migration has focused on the policies, institutions, and capacities of the U.S. government,[1] this report examines these facets of migration management in Mexico and Central American countries, including Guatemala, Honduras, El Salvador, Costa Rica, and Panama.[2] Building on interviews with more than 75 stakeholders from across the region, this research focuses not only on how governments operate, but also how civil-society organizations contribute to regional migration management within and among these countries.

Understanding the institutional capacities, legal frameworks, and existing policies of countries in the region is an important starting point for building this long-term regional cooperation.

Countries in the region have developed significant new capacities to manage migration over the past five years, but these have often been fragile, *ad hoc*, and weakly institutionalized. In addition, these developments have often been overly weighted toward border and immigration enforcement priorities, at the expense of other equally important challenges. Other than Costa Rica, no government has managed to

1 This includes recent work by the Migration Policy Institute (MPI) as part of the Rethinking U.S. Immigration Policy initiative. See MPI, "Rethinking U.S. Immigration Policy: Building a Responsive, Effective Immigration System," accessed March 4, 2021.

2 This study does not address Nicaragua because, at present, the potential for including the Nicaraguan government in regional cooperation arrangements seems distant.

create a clear, sustainable process for developing migration policy or for coordinating among the agencies involved in migration and integration issues, despite emerging attempts. And in most governments, agencies' responsibility for different aspects of migration management is often poorly defined and overlapping in ways that have led to confusion and uneven implementation.

Among the most notable advances—and some key limitations—in the region are:

- growing attention to and resourcing of migration functions within governments;
- enhanced capacity for border and immigration enforcement, although the responsibilities of different agencies remain unclear in most countries, and there is a need for more transparent and clear policies and protocols to ensure compliance with national and international laws;
- increased investment in asylum agencies' institutional and operating capacities in most countries, though these have been eclipsed by sharp increases in demand for protection in Mexico and Costa Rica, and humanitarian protection mechanisms are still poorly institutionalized elsewhere;
- incipient legal frameworks for addressing internal displacement and protection needs in Mexico and El Salvador, although some elements of these still need to be put into practice, and civil-society organizations continue to lead the majority of efforts on the ground;
- some increasing attention to labor migration policies and practices, with a vetted pipeline of potential workers for seasonal migration programs in Guatemala and streamlined processes for the recruitment of agricultural workers in Costa Rica, but most countries have yet to fully leverage the potential of legal migration pathways; and
- limited but tailored investments in programs to support the return and reintegration of migrants in Mexico, Guatemala, El Salvador, and Honduras, though the bulk of these efforts continue to be run by civil-society organizations.

Across the region, international organizations, especially the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), have played an important role in supporting the development of capacity in different areas of migration management. They have also been instrumental in creating regional conversations among migration agencies and government leaders on these issues. In all countries, civil-society organizations play an important role in expanding migrants' access to protection and reintegration mechanisms, but these are often divorced from government initiatives and only occasionally supported by governments.

These recent institutional and policy changes pave the way for the critical further development of institutional capacity among these countries, so that they can be part of a regional migration system based on co-responsibility. These efforts will require governments to establish sustainable decision-making processes; rebalance priorities to include not only enforcement but also protection, labor migration, and return and reintegration; and find ways of building communication across government agencies and with nongovernmental actors. The U.S. government can play an important role as a partner in building a

holistic approach to regional migration cooperation and helping improve migration management, but the driving force for these changes will have to come from the countries themselves, with governments actively engaging international organizations, civil society, and each other in this process.

1 Introduction

In recent years, the region that includes Central America, Mexico, and the United States has seen large-scale unauthorized migration. Most of these migrants originate in Guatemala, Honduras, and, to a lesser extent, El Salvador and are headed to the United States. But there is also movement from Mexico northward, and notable numbers of migrants come from countries outside the immediate region, including Haiti, Cuba, and countries in South America, Africa, and Asia. And increasingly, many of those who are trying to get to the United States are settling down elsewhere, often in Mexico, Costa Rica, or Panama.

This report looks at how Central American countries and Mexico, in cooperation with the United States and other partners, can better manage migration in the region they share, so that large movements of unauthorized migrants give way over time to more predictable legal migration. In particular, the report looks at the institutional capacities, legal frameworks, and existing policies of countries in the region that can serve as building blocks for greater regional cooperation. While much of the focus is on what governments do, this analysis also takes into account the reality that nongovernmental organizations (NGOs) also play a vital role in addressing migration-related challenges all of these countries. Among other sources, it draws on more than 75 interviews with policymakers, civil-society leaders, and other stakeholders from across the region, a full list of whom can be found in the appendix of this report.[3]

Experience has taught us that enforcement-only approaches to managing migration are unlikely on their own to deter unauthorized migration from countries where there is significant unemployment and underemployment; livelihoods are affected by both short-term climate events and long-term climate change; citizens face violence from gangs, organized crime groups, and the effects of political conflict; corruption undermines attempts to create sustainable institutions; and where people have ties to family and friends already living in the destination country.

As an alternative, it makes sense to take a multi-pronged approach to regional cooperation, one that includes at least the following four key elements that require a commitment to co-responsibility across all countries in the region:[4]

- **Developing legal pathways for seasonal work.** Such pathways open legal opportunities to move to and work in the United States and other countries within the region, removing some of the pressures to migrate through unauthorized channels.

3 Because of the COVID-19 pandemic, some interviews that would normally have been held in person were conducted virtually. Throughout the report, particular observations are not attributed to individual interviewees except where specific permission was granted to do so, given the sensitive nature of some of the topics explored and to encourage interviewees to speak openly about them.

4 For a more extensive discussion of these four elements of managing regional migration, see Andrew Selee and Ariel G. Ruiz Soto, *Building a New Regional Migration System: Redefining U.S. Cooperation with Mexico and Central America* (Washington, DC: MPI, 2020).

- **Creating humanitarian protection systems.** This entails helping to identify those in the greatest danger as close as possible to where they live, in addition to providing options for asylum in each country.
- **Professionalizing immigration and border enforcement.** Efforts to do so much be consistent with rule of law and appropriate for dealing with civilian populations, including those with protection needs and other vulnerabilities.
- **Investing in long-term development and rule of law.** In addition to providing local opportunities for people who may otherwise attempt an unauthorized journey abroad, this should include robust efforts to support the reintegration of migrants returning to their country of origin so that they can re-establish their lives there and contribute effectively to the development of their communities.

Over time, this kind of multi-pronged approach, coordinated among the countries in the region, could lead to more predictable, regular migration, but it will require ongoing focus, intentional cooperation, and necessary investments in institutional capacity. This report is particularly concerned with this final element—what capacities exist or may need to be strengthened in each country to allow them to participate fully in regional migration solutions.

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The body of this report is divided into the three sections, with the first focused on Mexico; the second on Guatemala, Honduras, and El Salvador; and the third on Costa Rica and Panama. Mexico continues to be a major source country for migration to the United States, though in recent years most of this migration has followed legal channels. It is also a major country of transit and, increasingly, a country of destination for migrants from other countries. The Mexican government has only recently begun to embrace its role as a transit and receiving country, and significant investments in strengthening asylum processes, professionalizing enforcement, and developing legal pathways—and in building up the institutions responsible for managing these portfolios—still need to be made, and a clearer structure for migration decision-making needs to be created.

Costa Rica and Panama have similarly become destinations for migrants from various countries, especially Nicaragua and Venezuela in the case of Costa Rica, and Venezuela and Colombia in the case of Panama. They have also seen significant transit migration from outside the region, and a growing number of migrants headed south from El Salvador and Honduras as well. Costa Rica has robust institutions for managing migration and asylum, and a sophisticated interagency process for making decisions, but its resources and capacities have been stretched by the sheer volume of arrivals in the past few years. Panama is only now building its institutional capacity for setting policy and managing migration, but the direction of this structural change is still unclear.

Guatemala, Honduras, and El Salvador are the largest countries for out-migration in the region, but they are also major countries of return and transit. They have only recently started to invest in their institutions, laws, and policies for managing migration, and most of these areas remain significantly underdeveloped. They have also established incipient capacities to help returning migrants adjust to life in their origin country, but these efforts lack institutionalization.

The report's final section draws critical conclusions related to the state of institutional capacities, legal frameworks, and polices in the region and their ability to serve as the foundation for future regional cooperation. There are huge opportunities to build on existing structures and policies, but the way forward is not necessarily easy or clear in some cases. Significant investments will need to be made in both public and nongovernmental institutions to make regional cooperation around migration management possible. Understanding the starting point is critical for any effort to build up a shared regional migration system and make it sustainable going forward.

2 Mexico: Rewiring Institutional Capacity and Mandates to Meet New Migration Challenges[5]

The intersection of diverse migration flows to and through Mexico since 2015 has left a lasting impression on the country's demographic makeup and challenged its identity as primarily a country of emigration.[6] It has also challenged its institutions to respond quickly and creatively to new migration dynamics. Unequipped to address increasingly diverse and mixed migration, Mexico's primary migration agencies—the National Institute of Migration (INM) and the Commission for Refugee Assistance (COMAR)—have resorted to reactive measures and relied on the support of auxiliary agencies.

A. Migration Trends Shifting Mexico's Identity

Long a country of emigration, Mexico has in recent years also become a transit country and destination for migrants from other countries. As Mexican migration to the United States slowed and more Mexican migrants returned home, both voluntarily and involuntarily,[7] unauthorized migration from Central America increased rapidly. Starting in 2014 and through 2015, an elevated number of unaccompanied children from Guatemala, El Salvador, and Honduras entered and transited through Mexico, seeking to reach the United States. This trend challenged Mexico's migration management system, which had historically focused on apprehending, detaining, and returning Central

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5 This section was researched and written primarily by Ariel G. Ruiz Soto and Andrea Tanco, with additional input from the report's other authors.

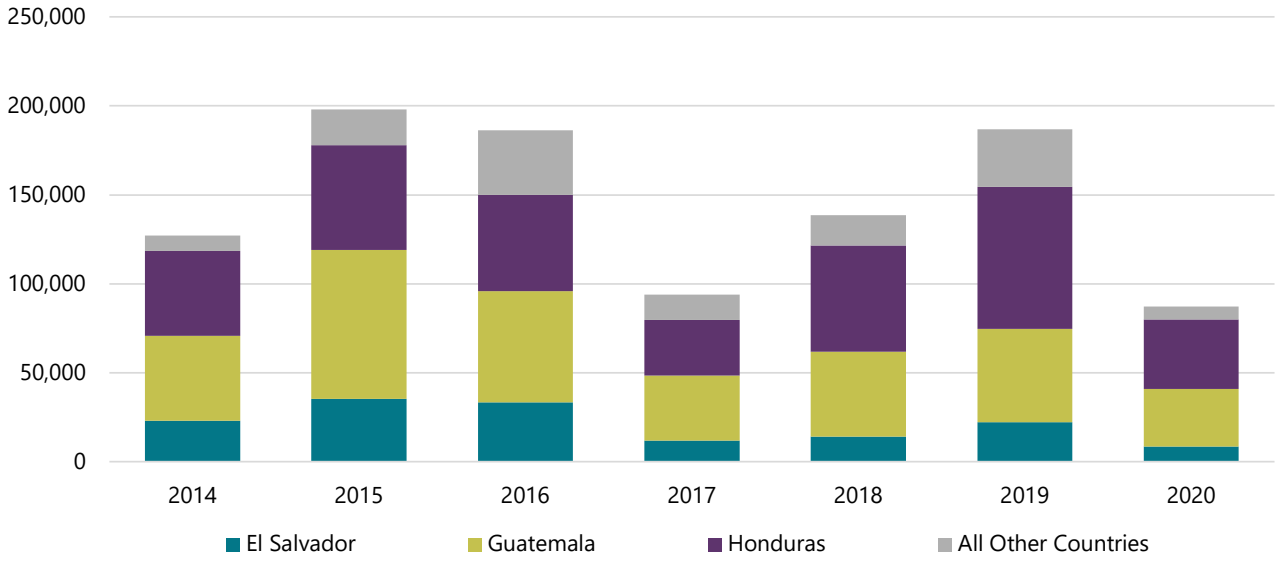
6 For background on shifting migration trends from Mexico, see Ariel G. Ruiz Soto and Andrew Selee, *A Profile of Highly Skilled Mexican Immigrants in Texas and the United States* (Washington, DC: MPI, 2019). See also Andrew Selee, Silvia E. Giorguli-Saucedo, Ariel G. Ruiz Soto, and Claudia Masferrer, *Investing in the Neighborhood: Changing Mexico-U.S. Migration Patterns and Opportunities for Sustainable Cooperation* (Washington, DC: MPI, 2019).

7 Ana Gonzalez-Barrera, *More Mexicans Leaving Than Coming to the U.S.* (Washington, DC: Pew Research Center, 2015).

American adult migrants. Established in June 2014 with U.S. assistance, Mexico's Southern Border Program (Programa Frontera Sur) strengthened migration control measures along the Mexico-Guatemala border and sought to improve detention center conditions and expand services for migrants. As the program's border security and migration management measures were implemented, migrant apprehensions ballooned from 127,000 in 2014 to a record 198,000 in 2015 (see Figure 1).

FIGURE 1

Migrant Apprehensions by Mexican Authorities, by Country of Birth, 2014–20



Source: Mexican Interior Ministry (SEGOB), "Boletín Mensual de Estadísticas Migratorias, 2014-2020," accessed February 23, 2021.

In 2016, an increasing number of Central American migrant families, as well as migrants from the Caribbean, travelled through Mexico, resulting in sustained high levels of apprehensions. That year, the number of apprehensions of Central American migrant children travelling with family members (21,000) surpassed the number of those who were unaccompanied (17,000). Meanwhile, apprehensions of Caribbean migrants—primarily from Haiti and Cuba—more than doubled, rising from 10,000 in 2015 to 21,000 to 2016.[8] Then, largely in response to migrants' perception of changes in U.S. policy following the start of the Trump administration, migration and migrant apprehensions fell across the board in 2017.

The most notable trend since 2018 has been the increasing frequency, size, and visibility of Central American migration, with migrants often traveling in caravans and seeking humanitarian protection in Mexico or the United States. A constellation of factors—including high unemployment, prolonged droughts, increasing hunger, persistent violence, and political corruption—have manifested differently in Guatemala, El Salvador, and Honduras and led to high emigration rates.[9] Family ties and better employment

8 Mexican Interior Ministry (SEGOB), "Boletín Mensual de Estadísticas Migratorias, 2016," accessed March 15, 2021.

9 Randy Capps, Doris Meissner, Ariel G. Ruiz Soto, Jessica Bolter, and Sarah Pierce, *From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement* (Washington, DC: MPI, 2019); Reuters, "Hunger in Central America Skyrockets, U.N., Agency Says," Reuters, February 23, 2021.

and livelihood opportunities in the United States, as well as the perception that U.S. migration policies favor children and families, have also played a role in incentivizing migration.[10]

Migrant apprehensions by Mexican authorities escalated significantly in 2019 and, though they did not surpass the level seen in 2015, these included large numbers of families and children. Of the 187,000 apprehensions in 2019, 54,000 were of children and about 75 percent of those were of children traveling with an adult.[11] In response to the sharp increase in migration, the United States implemented an interlocking set of policies at the U.S.-Mexico border to stem unauthorized migration and narrow access to asylum, including the Migrant Protection Protocols (MPP, also known as "Remain in Mexico") that allowed U.S. authorities to return asylum seekers to Mexico while their cases were adjudicated.[12]

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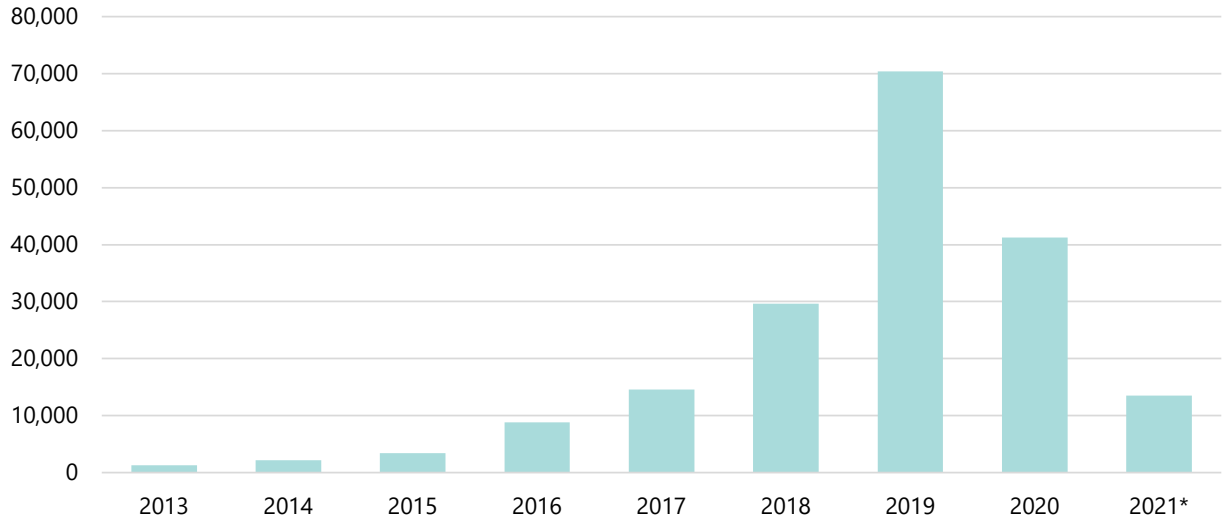
Although requests for humanitarian protection in Mexico began to increase gradually around 2014, requests rose sharply in 2019 as possibilities to seek asylum in the United States narrowed. COMAR received 70,000 asylum requests in 2019, more than double the 30,000 requests in 2018 and more than four times as many as the 15,000 received in 2017 (see Figure 2). Honduran asylum seekers accounted for 43 percent of all requests in 2019, followed by those from El Salvador (13 percent), Cuba (12 percent), Venezuela (11 percent), and Haiti (8 percent).[13] In fact, Hondurans have filed the majority of asylum applications in Mexico over the last five years, while the proportions of requests made by asylum seekers from the other four countries have fluctuated.

The upward trend in the number of protection requests reversed in April 2020 as Mexico implemented mobility restrictions due to the COVID-19 pandemic. However, monthly requests increased gradually in the fall and returned to 2019 levels by December, prompted in part by two hurricanes that caused heavy damage in Honduras and Guatemala in October and November 2020. Mexico received a total of 41,000 asylum requests in 2020. Notably, the upward trend appears to have continued into 2021, with about 14,000 requests submitted to COMAR in January and February 2021—a 14 percent increase compared to the same two-month period in 2020.[14]

10 Capps, Meissner, Ruiz Soto, Bolter, and Pierce, *From Control to Crisis*.
11 SEGOB, "Boletín Mensual de Estadísticas Migratorias, 2019," accessed March 15, 2021.
12 Ariel G. Ruiz Soto, *One Year after the U.S.-Mexico Agreement: Reshaping Mexico's Migration Policies* (Washington, DC: MPI, 2020).
13 Mexico's Commission for Refugee Assistance (COMAR), "Solicitudes de Refugio al Cierre de Febrero 2021," accessed March 15, 2021.
14 COMAR, "Solicitudes de Refugio al Cierre de Febrero 2021."

FIGURE 2

Humanitarian Protection Requests Submitted to Mexican Authorities, 2013–21*



* Data for 2021 are through February.
Note: The humanitarian protection requests in this figure are applications for refugee status, which are processed by Mexico's Commission for Refugee Assistance (COMAR), but not those for political asylum, which is granted by the Foreign Ministry. In this report, the authors use the terms "applications for asylum" or "for humanitarian protection" interchangeably, following the English usage, to refer to what the Mexican government would call "applications for refuge."
Source: COMAR, "Solicitudes de Refugio al Cierre de Febrero 2021," accessed March 15, 2021.

In addition to these trends in transit migration and asylum requests, voluntary returns and deportations of Mexicans have shaped the country's migration landscape and policy debates, and required increased attention from Mexico's government institutions. U.S. immigration authorities have made approximately 200,000 returns of Mexicans on average each year since 2015.[15] Reflecting the traditional profile of Mexican migration, each year most returnees are adult men while smaller shares are women (10 percent) and children (6 percent).[16] Many of these returnees are migrants recently apprehended at the U.S.-Mexico border; a smaller share are returned from the U.S. interior after longer stays in the country, some potentially returning to Mexico with U.S.-born children.

While immigrants from the United States made up two-thirds of the overall immigrant population in Mexico in 2020 ... this U.S.-born immigrant population has grown more slowly than other groups since 2015.

The intersection of these various migration patterns has directly contributed to the profile of Mexico's growing immigrant population.[17] Between 2015 and 2020, the immigrant population in Mexico grew by 20 percent, from 1 million to 1.2 million (see Table 1), to account for 1 percent of the country's population. While immigrants from the United States made up two-thirds of the overall immigrant population in

15 In August 2019, Mexico started to document migrant returns by Canadian immigration authorities via air. Returns from Canada, however, have remained significantly lower than returns from the United States: 12 Mexican migrants were returned from Canada in 2019 and 175 were returned in 2020, compared to 211,000 and 184,000, respectively, from the United States. SEGOB, "Boletín Mensual de Estadísticas Migratorias, 2015-2020," accessed March 15, 2021.
16 SEGOB, "Boletín Mensual de Estadísticas Migratorias, 2015-2020."
17 Andrea Tanco, Ariel G. Ruiz Soto, and Ana Paulina Ornelas Cruz, *Navigating Mexico's New Reality: Challenges Faced by Immigrants and Returnees* (Washington DC: MPI, forthcoming).

Mexico in 2020—partially due to large numbers of U.S.-born children of Mexican migrants settling in the country when their parents return—this U.S.-born immigrant population has grown more slowly than other groups since 2015.[18] Latin American immigrant groups, primarily from countries with high rates of asylum requests, have grown more quickly. For example, the number of immigrants from Venezuela and Honduras grew by 216 percent and 128 percent, respectively. During this period, the gender breakdown of the immigrant population remained nearly the same.

Children make up a large segment of Mexico's immigrant population, with U.S.-born immigrant children alone accounting for 44 percent of all immigrants in the country as of 2020. The total number of immigrant children has remained relatively steady at 584,000, though their share of the total immigrant population decreased from 58 percent in 2015 to 48 percent in 2020. As some of these children have grown up or left the country, the population of U.S.-born children in Mexico has decreased somewhat—from 551,000 in 2015 to 528,000 in 2020—meaning that young immigrants from other countries (predominately from Latin America) have offset what would otherwise have been a decline in the immigrant child population.[19]

TABLE 1

Demographics of the Immigrant Population in Mexico, 2015 and 2020

	2015		2020	
	Estimate	% of Total	Estimate	% of Total
Total Immigrant Population	**1,009,000**	**100%**	**1,212,000**	**100%**
Top Countries of Birth				
United States	739,000	73%	797,000	66%
Guatemala	43,000	4%	57,000	5%
Venezuela	17,000	2%	53,000	4%
Colombia	19,000	2%	36,000	3%
Honduras	15,000	1%	5,000	3%
All others	177,000	18%	234,000	19%
Age				
Under 18	584,000	58%	584,000	48%
Gender				
Female	503,000	50%	594,000	49%

Sources: Migration Policy Institute (MPI) analyses of microdata from Mexico's National Institute of Statistics, Geography, and Informatics (INEGI), "Censo de Población y Vivienda 2020," accessed February 12, 2021; Mexico's 2015 Intercensal Survey, the data for which are available via IPUMS International, "IPUMS Online Data Analysis System – Single-Sample Datasets – Mexico 2015," accessed February 12, 2021.

One year into the pandemic, mobility restrictions have contributed to a sharp decline in migration throughout the region.[20] Early signs in 2021 indicate, however, that migration levels could be rising again.

18 Selee, Giorguli-Saucedo, Ruiz Soto, and Masferrer, *Investing in the Neighborhood*.

19 MPI analyses of microdata from Mexico's National Institute of Statistics, Geography, and Informatics (INEGI), "Censo de Población y Vivienda 2020," accessed February 12, 2021; Mexico's 2015 Intercensal Survey, the data for which are available via IPUMS International, "IPUMS Online Data Analysis System – Single-Sample Datasets – Mexico 2015," accessed February 12, 2021.

20 Though migration decreased across the region, the demand for human smugglers appears to have remained constant due to the increase in migration controls and health measures that made mobility more difficult. See International Organization for Migration (IOM), *El Tráfico Ilícito de Migrantes en América Central y México en el Contexto de la COVID-19* (San José, Costa Rica: IOM, 2020).

Still, these restrictions have halted many transit migrants' journey through Mexico, increasing the likelihood that some settle temporarily or permanently in the country.

In light of recent migration trends, it will be important for government institutions to leverage the information available about the characteristics of Mexico's growing immigrant population to plan, restructure, and tailor their limited capacity. As will be presented in the subsections that follow, strengthening operational and institutional capacity in key functions would be an important step toward addressing the most immediate needs of Mexico's immigrants, temporary and transit migrants, and returnees as well as the communities in which they live.

B. A New Paradigm: Policy Changes and Institutional Mandates

Mexico's legal framework on migration and its institutions responsible for enforcement and humanitarian protection have evolved over the last five years, primarily in reaction to the irregular and mixed migration trends discussed above, and with the aim of promoting safe, legal, and orderly migration. The framework establishes the INM and COMAR—both under the authority of the Interior Ministry (SEGOB)—as the frontline actors in its migration system. The legal framework also authorizes the recently created National Guard and other auxiliary agencies, including the National System for Integral Family Development (DIF), to support INM and COMAR in carrying out their migration management and humanitarian protection duties.[21] Consequently, these four institutions spearhead the implementation of migration policy on the ground.

Under the administration of President Andrés Manuel López Obrador, however, policy changes and mandates have shifted the institutional landscape, restructured interinstitutional coordination, and directly affected Mexico's capability to manage migration. The four major policy changes and mandates that have resulted in the greatest institutional change thus far are: the deployment of the National Guard to assist INM in migration control operations; a decree shifting primary oversight of migration policies and management from SEGOB to the Foreign Ministry (SRE); the signing of collaboration agreements between SEGOB and the United Nations High Commissioner for Refugees (UNHCR) to support asylum processing in Mexico; and the implementation of legal reforms to end the detention of migrant children and their families.

Following escalating U.S. pressure to contain irregular migration, the López Obrador administration signed a migration cooperation agreement with the U.S. government in June 2019.[22] Under terms negotiated between SRE and U.S. authorities, Mexico agreed to increase migration controls, deploy the National Guard to assist in INM operations, and accept the return of non-Mexican asylum seekers from the United States under MPP, the implementation of which had begun earlier that year. Notably, the agreement marked a departure from the approach to migration taken earlier in the López Obrador administration—a relatively open-doors policy stance focused on issuing humanitarian visas to temporarily adjust the immigration status of irregular migrants in transit—and toward an enforcement-first approach across Mexican territory.

21 Ana Paulina Ornelas Cruz and María Jesús Mora, "Institutional and Legal Migratory Framework of the United Mexican States" (working paper, MPI, Washington, DC, prepared February 2021).

22 U.S. Department of State, "Joint Declaration and Supplementary Agreement between the United States and Mexico" (declaration, Washington, DC, June 7, 2019). For the Spanish version of the declaration, see Government of Mexico, "Declaración Conjunta México Estados Unidos" (declaration, Washington, DC, June 7, 2019).

In addition, INM operational capacity increased significantly as a result of the deployment of the National Guard.

In September 2019, as SRE continued to take a key role shaping migration policy, the administration enacted a decree temporarily shifting the responsibilities for managing migration and formulating policy responses from SEGOB to the Interagency Commission for Comprehensive Assistance in Migration Affairs (Comisión Intersecretarial de Atención Integral en Materia Migratoria), chaired by SRE.[23] The commission is intended as a mechanism to monitor migration in Mexico, particularly those in transit to the United States in light of the U.S.-Mexico agreement. But the shifting of migration responsibilities to the commission ran counter to the legal framework established by Mexico's *Migration Law of 2011*, which assigned responsibility for the design, implementation, and oversight of the country's migration policies to SEGOB.[24] Previously, SEGOB relied on the Advisory Council on Migration Policy (Consejo Consultivo de Política Migratoria), which was created by law in 2012, to "gather requests and consolidate the positionings of various actors to be considered for determining the country's immigration policy."[25] The new commission is comprised of representatives of 16 government agencies,[26] including SEGOB, and its central objective is to ensure the coordination across federal agencies of the design and implementation of policies, programs, and actions related to migration, with a mandate through September 2024.[27] To enact its charter, it has six working groups focused on: the northern border, the southern border, immigrant integration, extracontinental migration, interinstitutional coordination, and unaccompanied children.[28]

During this same period, the López Obrador administration has, through a series of cooperation agreements between SEGOB and UNHCR, presented a new strategy for strengthening humanitarian protection in Mexico. The signing of collaboration agreements in April 2019 and October 2020 opened new channels for UNHCR to provide COMAR direct financial assistance, personnel, and infrastructure, as well as technical training—resources that are helping to build up the asylum agency's institutional capacity.[29] This marks a change from previous cooperation between the Mexican government and UNHCR, which was more limited and less focused on institution building.

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23 SEGOB, "Decreto por el que se crea la Comisión Intersecretarial de Atención Integral en Materia Migratoria," *Diario Oficial de la Federación*, September 9, 2019.

24 Government of Mexico, *Ley de Migración,* enacted May 25, 2011 and updated January 7, 2021, Article 18.

25 SEGOB, "Acuerdo por el que se crea el Consejo Consultivo de Política Migratoria de la Secretaría de Gobernación," *Diario Oficial de la Federación*, October 26, 2012.

26 According to a September 2019 executive decree, the ministries and agencies that comprise the commission are: SEGOB, the Foreign Ministry (SRE), the Ministry of Security and Citizen Protection, the Ministry of Finance and Public Credit, the Ministry of Welfare, the Ministry of Health, the Ministry of Labor and Social Security, the Ministry of Tourism, the Mexican Agency for International Development Cooperation, COMAR, the Institute for Administration and Valuation of National Assets, the National Institute of Migration (INM), the Tax Administration Service, the National Institute for Women, the Institute for the Administration of Property and Assets, and the National System for Integral Family Development (DIF). It is worth noting that the Ministry of Education is not among these actors, though it is the authority responsible for providing access to education to Mexican returnees and immigrants in Mexico. See SEGOB, "Decreto por el que se crea la Comisión Intersecretarial de Atención Integral en Materia Migratoria."

27 SEGOB, "Decreto por el que se crea la Comisión Intersecretarial de Atención Integral en Materia Migratoria."

28 Author interview with a senior government official, August 10, 2020.

29 SEGOB, *2 Informe de Labores* (Mexico City: SEGOB, 2020); SEGOB, COMAR, and the United Nations High Commissioner for Refugees (UNHCR), "Convenio Específico de Cooperación entre la Secretaría de Gobernación de los Estado Unidos Mexicanos y la Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados para el Fortalecimiento Institucional de la Coordinación General de la Comisión Mexicana de Ayuda a Refugiados," October 9, 2020.

In September 2020, after years of advocacy from civil-society organizations, the Mexican Congress prohibited the detention of migrant children and their adult companions by migration agencies.

Another significant institutional development with important implications for Mexico's humanitarian protection landscape was the passage of a series of hallmark legislative reforms to the country's migration and asylum laws. In September 2020, after years of advocacy from civil-society organizations,[30] the Mexican Congress prohibited the detention of migrant children and their adult companions by migration agencies.[31] Since the law entered force on January 11, 2021, when INM encounters migrant children, it must immediately notify the branch of the Federal Prosecutor's Office for the Protection of Children and Adolescents (PPNA) in the state where the encounter occurred and transfer the children and any accompanying adults to the state's DIF delegation until the PPNA determines what is in the best interest of the child.[32]

The implementation of these reforms has brought additional administrative requirements for INM and significant new responsibilities for DIF and its state delegations. INM must contact the consulate of the minor's country of origin, suspend deportation processes for any adults caring for the child, and issue a provisional humanitarian visa for them, which allows them access to basic services until a determination is made in the child's case.[33] Meanwhile, DIF state delegations have become responsible for conducting intake evaluations, providing housing and social assistance to migrant children and accompanying adults, and coordinating with civil-society organizations working to protect their human rights.

Combined, these four key policy changes and mandates had already set a new migration paradigm in place within the first two years of the López Obrador administration's six-year tenure. With relatively little opposition, but not without controversy (as will be discussed in Section 2.D.), the administration has defended and presented these changes as means to promote safe, legal, and orderly migration.

C. Assessing the Capacity of Mexican Migration Institutions

At the institutional level, these changes under the López Obrador administration have laid bare the capacity and limitations of Mexico's four main agencies involved in migration enforcement and humanitarian protection. The effects of these policies and mandates have manifested differently across these institutions and led to increases in operational capacity for some more than others. To identify areas where further

30 Human Rights Watch, "Puertas cerradas: El fracaso de México en la protección de niños refugiados y migrantes de América Central," updated March 31, 2016.

31 Though the reforms were passed in September, they were published in the federal register in November to take effect in January 2021. See SEGOB, "Decreto por el que se reforman diversos artículos de la Ley de Migración y de la Ley sobre Refugiados, Protección Complementaria y Asilo Político, en materia de Infancia Migrante," *Diario Oficial de la Federación*, November 11, 2020.

32 Asylum Access Mexico, Center for Gender and Refugee Studies, Kids in Need of Defense, Latin America Working Group, Women Refugee Commission, Instituto para las Mujeres en la Migración, and International Detention Coalition, "Implementation of the Mexican Legal Reforms that Prohibit Detention of Accompanied and Unaccompanied Migrant Children," updated March 2021; DIF, "Sistema Nacional DIF ¿Qué hacemos?," accessed February 15, 2021.

33 SEGOB, "Decreto por el que se reforman diversos artículos de la Ley de Migración y de la Ley sobre Refugiados, Protección Complementaria y Asilo Político, en materia de Infancia Migrante."

expansions of capacity may be merited, the following subsection assesses the existing capacity of INM, the National Guard, COMAR, and DIF.

The National Institute of Migration

Policy changes under the López Obrador administration have left perhaps the most significant imprint on the capacity and responsibilities of INM, the primary government agency responsible for migration management, control, and services. It managed 65 detention centers and temporary shelters with capacity to house approximately 9,000 migrants as of April 2020, and it employed approximately 4,000 active agents as of October 2019.[34] The INM annual budget had been falling steadily until 2020, when it was raised in light of the increase in mixed migration (see Table 2). For 2021, budget allocations for INM again increased moderately, to 1.6 billion Mexican pesos, but this is still below the levels seen prior to 2018—including in 2014–15, the previous period of heightened migration enforcement.

TABLE 2

Budget of Mexico's National Institute of Migration, 2014–21

Year	National Institute of Migration Budget
2014	MX $2,102,000,000
2015	MX $1,979,000,000
2016	MX $1,810,000,000
2017	MX $1,743,000,000
2018	MX $1,732,000,000
2019	MX $1,331,000,000
2020	MX $1,487,000,000
2021	MX $1,603,000,000

Note: Budget amounts are shown in unadjusted Mexican pesos.
Source: MPI analysis of 2014–21 data from the Mexican Ministry of Finance and Public Credit, "Presupuesto de egresos de la federación: Resumen en clasificación económica por unidad responsable, funcional y programas presupuestarios" (national budget documents, multiple years).

The majority of INM detention centers were constructed between 2000 and 2010, and they range in holding capacity from less than 20 to more than 1,000 migrants each, according to Mexico's National Human Rights Commission (CNDH).[35] From July through December 2019, INM invested 336 million pesos to rehabilitate the 15 detention centers that housed the largest migrant populations, as part of broader efforts to remodel these premises.[36]

Further steps to raise INM institutional capacity were taken in August 2020, when SEGOB announced a multistep initiative to modernize INM infrastructure and reduce corruption.[37] Among the most important objectives, the initiative seeks to upgrade the agency's processing system to enable it to conduct the majority of its migration services digitally, including storage of applicants' biometric information, and to reduce customer wait times to one day for select documentation services. It also aims to integrate different record systems to create a National Migration Registry to track operations and requests by migrants, immigrants, and Mexican citizens.

34 For the latest estimate of detention center capacity, see SEGOB, "Actúa INM con responsabilidad ante la contingencia por COVID-19" (press release, April 26, 2020). Note that 78 percent of the 4,100 active INM agents had passed their confidence exams as of October 2019; see Ministry of Security and Citizen Protection and Executive Secretariat of the National Public Security System, *Consejo Nacional de Seguridad Pública XLV Sesión Ordinaria: Informe de Actividades, 2º Semestre 2019* (Mexico City: Executive Secretariat of the National Public Security System, 2019).

35 Mexico's National Human Rights Commission (CNDH), "Informe especial: Situación de las estaciones migratorias en México, hacia un nuevo modelo alternativo a la detención" (executive summary, CNDH, Mexico City, 2019).

36 In December 2019, Mexico's Agency for International Development Cooperation (AMEXCID) also supported the rehabilitation of ten detention centers using funds from the Infrastructure Fund for Mesoamerican Countries and the Caribbean. See INM, "Invierte INM 336 millones de pesos para rehabilitar las 15 estaciones y estancias migratorias de mayor flujo de personas" (press release, December 9, 2019); Alberto Pradilla, "Gasto en cooperación con Centroamérica fue para rehabilitar centros de detención y trasladar migrantes: ASF," Animal Político, February 22, 2021.

37 SEGOB, "Supervisa secretaria de Gobernación modernización administrativa del INM" (press release, August 14, 2020).

The same initiative also seeks to reduce corruption at INM, amplifying ongoing efforts to identify and terminate staff and agents found to collaborate with human smugglers, among other offenses. At the same time, INM has created institutional professionalization efforts and invested in agents' capacity, including through trainings and courses that reach several hundred agents each year.[38]

Facing heightened migration levels with limited resources, INM has leveraged interinstitutional efforts to increase its operational capacity. In July 2019, INM launched a temporary voluntary return program for migrants who were enrolled in MPP and were waiting in Ciudad Juárez, Chihuahua, and who wanted to return to Guatemala, El Salvador, or Honduras via bus. The program, which is intended to expand to Tijuana and Mexicali, Baja California, was established with the support of the Foreign Ministry, IOM, Grupos Beta (INM-run groups of government officials who provide assistance to migrants and defend their human rights),[39] and Casa del Migrante (a civil-society shelter).[40]

Yet, the single most important effort to increase INM operational capacity over the last five years has been the authority in gained in 2019 to request support from the newly created National Guard to assist in migration operations. Since then, National Guard support has significantly bolstered INM operational capacity in the field, especially following a period of heightened enforcement in the summer of 2019.

The single most important effort to increase INM operational capacity over the last five years has been the authority in gained in 2019 to request support from the newly created National Guard.

With assistance from the National Guard, INM established 50 migration checkpoints in northern and southern Mexico in August 2019 alone and increased its presence to 90 checkpoints by January 2020. These checkpoints have led to more than 25,000 apprehensions of irregular migrants.[41] Between September 2019 and August 2020, INM also received custody support from the National Guard in nearly 2,500 instances, primarily to transfer irregular migrants between detention centers and to assist with returns. INM also conducted 150 enforcement operations along train routes and stations during the same period with the support of the National Guard, establishing checkpoints to inspect trains and verify migrants' immigration status.[42]

Increases in operational capacity and the support now provided by the National Guard have equipped INM to respond more quickly to unauthorized migration, including containing the movement of migrant caravans during the pandemic. For instance, following reports in October 2020 of a large number of Honduran and Guatemalan migrants planning to travel through the country, INM utilized drones to monitor known migration routes along the Mexico-Guatemala border.[43] INM also deployed 500 agents across the same border in preparation for the arrival of another migrant caravan in January 2021 to verify that only

38 Between September 2019 and July 2020, this included four iterations of the Program for Federal Migration agents and 22 capacity-building courses on migrant children and adolescents. See SEGOB, *2 Informe de Labores*.
39 For more information on Grupos Bega, see INM, "Grupos Beta de Protección a Migrantes," updated August 27, 2019.
40 INM, "Inicia Instituto Nacional de Migración Programa Temporal de Retorno Voluntario" (press release, July 2, 2019).
41 SEGOB, *2 Informe de Labores*.
42 *El Universal*, "Viajar en el lomo de 'la bestia' dejó de ser opción," *El Universal*, July 7, 2019; *Excelsior*, "Guardia Nacional asegura a 30 migrantes tras operativo en 'La Bestia'," *Excelsior*, July 7, 2019; SEGOB, *2 Informe de Labores*.
43 Agencia EFE, "México opta por drones para vigilar frontera sur con caravana partida," Agencia EFE, October 5, 2020.

those with proper documentation entered the country.[44] In the Mexican interior, INM conducted more than 50 enforcement operations along train routes and stations in January and February 2021 alone, resulting in more than 1,000 migrant apprehensions, 30 percent of which were of children.[45]

The National Guard

While its primary function is to oversee public order and safety, the National Guard was given at its inception in March 2019 the authority to serve as an auxiliary agency to support INM. It cannot perform any immigration control, verification, or review functions independently.[46] But at the explicit request of INM, the National Guard can inspect migration entry and exit documents, guard detention centers and detained migrants, transport migrants, and conduct border and immigration controls.[47] With this authority, the National Guard has played a crucial role in supporting INM enforcement and migration control operations.[48]

Shortly after the United States and Mexico signed the U.S.-Mexico Joint Declaration on migration cooperation in June 2019,[49] the Mexican government deployed 6,500 National Guard troops to the border with Guatemala[50] and an additional 14,000 troops (combined with Army and Navy forces) to the U.S.-Mexico border.[51] Since the summer of 2019, the National Guard has been deployed on numerous occasions to different border crossings to manage influxes of mixed migration, primarily Central American migrants traveling in caravans. By February 2021, there were approximately 7,000 National Guard troops stationed permanently at the Mexico-Guatemala border.[52] It has also conducted migration control operations in the interior, including the southern cities of Ciudad Hidalgo and Tapachula in Chiapas and the northern cities of Piedras Negras in Coahuila and Tijuana in Baja California.

The National Guard's financial and operational capacity has expanded significantly over the last two years. Compared to other government institutions whose budgets have been reduced sharply by austerity measures under the López Obrador administration, funding for the National Guard has increased dramatically: from 6 billion pesos in 2020 to 64 billion pesos in 2021.[53] Although it was intended to be composed of civilian police officers, as of December 2020, 70 percent of the National Guard's approximately 100,000 members had been transferred from the armed forces.[54] Reflecting its leaders' experience in the

44 Elio Henríquez, "Despliega Inami 500 agentes en frontera sur ante avance de migrantes," *La Jornada*, January 14, 2021; INM, "Mantiene INM vigilancia en la frontera sur" (press release, January 14, 2021).
45 INM, "Rescata INM a personas migrantes en operativos a trenes de carga" (press release, February 16, 2021).
46 Government of Mexico, *Ley de Migración*, Articles 18 and 96.
47 SEGOB, "Decreto por el que se expide la Ley de la Guardia Nacional," *Diario Oficial de la Federación*, May 05, 2019.
48 The National Guard was established to replace Mexico's Federal Police Force, and it is part of the Ministry of Security and Citizen Protection. For more information, see SEGOB, "Decreto por el que se expide la Ley de la Guardia Nacional."
49 Ruiz Soto, *One Year after the U.S.-Mexico Agreement*.
50 Dave Graham, "México despliega 15,000 efectivos en norte del país, mientras busca frenar migración a EEUU," Reuters, June 24, 2019.
51 Anthony Esposito, "Mexico's New National Guard Was Created to Fight Crime, but Now It's in a Face-Off with Migrants," Reuters, July 7, 2019.
52 Jacobo García, "México militariza la frontera sur ante la llegada de la primera caravana de la era Biden," *El Pais*, January 18, 2021.
53 The figures cover the budget allocated to the structure and operations of the National Guard. For more details, see Ministry of Finance and Public Credit, "Presupuesto de Egresos de la Federación 2020" (budget tables, January 2020); Ministry of Finance and Public Credit, "Presupuesto de Egresos de la Federación 2021" (budget tables, January 2021).
54 Mary Beth Sheridan, "Losing Control: As Mexico's Security Deteriorates, the Power of the Military Grows," *Washington Post*, December 17, 2020.

Army and Navy, trainings and workshops primarily draw from models set by these two branches of the military.[55]

Mexico's Commission for Refugee Assistance

In addition to increasing its enforcement capabilities, the Mexican government has also focused on strengthening COMAR. The agency, which is responsible for receiving and processing requests for humanitarian protection, has seen its capacity quickly expand since 2019. In reaction to a sharp increase in the number of asylum requests that overwhelmed its operational capacity throughout 2019, the López Obrador administration more than doubled COMAR's budget, from 20.8 million pesos in 2019 to 47.4 million pesos in 2020 (see Table 3). Furthermore, the administration intends to integrate Mexico's Southern Border Commission (Comisión de Frontera Sur) into COMAR in 2021, raising COMAR's allocated budget from 44.4 million pesos to 97.4 million pesos once the commission's funds are transferred over. Technical and financial support from UNHCR Mexico has also added significant capacity and training at COMAR, with these resources made available following the signing of collaboration agreements between SEGOB and UNHCR.[56]

TABLE 3

Budget of Mexico's Commission for Refugee Assistance, 2014–21

Year	COMAR Budget
2014	MX $24,800,000
2015	MX $26,000,000
2016	MX $22,500,000
2017	MX $25,400,000
2018	MX $25,800,000
2019	MX $20,800,000
2020	MX $47,400,000
2021*	MX $97,400,000

* COMAR's budget for 2021 includes 53 million pesos transferred from Mexico's Southern Border Commission.
Note: Budget amounts are shown in unadjusted Mexican pesos.
Source: MPI analysis of 2014–21 data from the Mexican Ministry of Finance and Public Credit, "Presupuesto de egresos de la federación."

These significant increases to COMAR's budget, complemented by UNHCR assistance, have magnified its geographical presence and operational capacity. By January 2020, COMAR had increased its presence from four to seven offices across strategic migrant hubs in Mexico: Tapachula and Palenque, Chiapas; Tenosique, Tabasco; Acayucan, Veracruz; Mexico City; and the northern cities of Tijuana, Baja California and Monterrey, Nuevo León.[57] It also added a registration center in Tapachula to augment its intake capacity by 120 requests per day and to provide applicants with a same-day receipt they could use to apply for a temporary humanitarian visa at INM offices while awaiting the resolution of their request for humanitarian protection.[58] COMAR also intends to open two additional offices in Guadalajara, Jalisco and Saltillo, Coahuila in 2021.[59]

COMAR operations have continued during the pandemic, adopting health precautions and new institutional measures to accept and process asylum requests. However, in April 2020 it suspended its 45-day timeline

55 Sheridan, "Losing Control."
56 SEGOB, *2 Informe de Labores*.
57 COMAR offices were temporarily established in Palenque, Chiapas; Tijuana, Baja California; and Monterrey, Nuevo León in 2019. By February 2021, the offices in Palenque and Tijuana had become permanent. See SEGOB, "AVISO por el que se da a conocer el domicilio oficial de la Oficina de Representación en Palenque, Chiapas, de la Coordinación General de la Comisión Mexicana de Ayuda a Refugiados," *Diario Oficial de la Federación*, February 10, 2021; SEGOB, "AVISO por el que se da a conocer el domicilio oficial de la Oficina de Representación en Tijuana, Baja California, de la Coordinación General de la Comisión Mexicana de Ayuda a Refugiados," *Diario Oficial de la Federación*, February 10, 2021; COMAR, "COMAR: oficinas, presencia y acciones," updated January 10, 2020.
58 SEGOB, *2 Informe de Labores*.
59 Author interview with Andrés Alfonso Ramírez Silva, COMAR General Coordinator, March 1, 2021.

for returning a decision on protection requests until further notice, given limited processing capacity. The agency also paused its requirement that asylum seekers provide weekly in-person signatures to certify they remain in the state where they submitted their application.[60]

To reduce growing processing delays and expedite protection determinations, COMAR has also amplified its hiring efforts, with significant UNHCR assistance. In 2021, COMAR intends to employ 175 agents itself, and UNHCR has pledged financial support to help the agency hire nearly 200 additional temporary agents. While hiring remains in progress and could be delayed by the ongoing pandemic, as of March 2021, COMAR employed approximately 140 agents. This is a stark contrast to the 48 agents it employed in 2019.[61]

The López Obrador administration has also invested in efforts to develop internal technical capacity at COMAR. Under the National Plan of Technical Capacity, COMAR offers agents trainings on protection standards, and through the Regional Asylum Capacity Building Initiative, COMAR staff exchange best practices with counterparts from the United States and Canada.[62] Unfortunately, evaluations of these trainings are not publicly available, making it difficult to ascertain their progress.

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The National System for Integral Family Development

DIF is a decentralized public institution responsible for coordinating public assistance efforts among the three government branches, public institutions, and public and private organizations involved in the provision of social assistance services to families.[63] At the national level, DIF coordinates and establishes the operation guidelines to be followed by DIF state and municipal systems.

Even though the federal government allocates annual funds to DIF's national system, some of these funds are channeled to specific national programs or are used to cover a portion of overhead costs at the state and local levels.[64] However, as much as 97 percent of DIF funding comes from state and municipal government budgets.[65]

DIF state and local branches provide essential support services, including educational instruction; day care; legal, psychological, social, and health services; and employment workshops and trainings. They also provide permanent shelter for minors and temporary shelter for elders. The range of services provided by local and state DIF branches, as well as the size of the shelters DIF runs, vary from municipality to municipality. DIF has a presence in all 32 states and in 1,500 of the 2,414 municipalities in Mexico.[66] DIF services are available to all families in the country, including migrants.

60 Ruiz Soto, *One Year after the U.S.-Mexico Agreement.*
61 Author interview with Andrés Alfonso Ramírez Silva, COMAR General Coordinator, March 1, 2021. See also Ruiz Soto, *One Year after the U.S.-Mexico Agreement.*
62 SEGOB, *1 Informe de Labores* (Mexico City: SEGOB, 2019).
63 DIF, "Sistema Nacional DIF ¿Qué hacemos?"
64 Ministry of Finance and Public Credit, "Analíticos del Presupuesto de Egresos de la Federación 2021: Análisis por Unidad Responsable," accessed February 15, 2021.
65 Elieth Blázquez Bonilla, "La asistencia social en México: Una mirada desde el SNDIF," *Ánfora* 24, no. 43 (2017): 189–212; Author interview with Yamileth Herrera Díaz, Director of the Welfare Agency, DIF Municipal Office, Veracruz, February 20, 2021.
66 Blázquez Bonilla, "La asistencia social en México."

D. The Implications of Policy Changes and Gaps to Be Addressed

Despite efforts by the López Obrador administration to address the immediate pressures on the Mexican migration system, and some notable expansions in capacity, the policy changes highlighted above have also created a patchwork of institutional mandates marked by both gaps and areas of overlap. In some areas, recent changes have also prioritized coordination with other agencies or international actors over the development of longer-term, sustainable growth strategies and the enhancement of the in-house capacity of the institutions in the lead on implementing migration policy.

One of the biggest challenges is the lack of clarity of which institution is in charge of formulating migration policy and what the standard process is for doing so. It is unclear how SRE's Interagency Commission for Comprehensive Assistance in Migration and SEGOB's Advisory Council on Migration Policy are to divide policymaking responsibilities, and what the difference is between their mandates in practice.[67] It is similarly unclear how agreements reached during meetings held by SRE's interagency commission translate into budget allocations to execute policy.[68] Another drawback of this new institutional landscape is that SRE's interagency commission excludes representatives from Congress and from federal agencies that are essential to the design and execution of migration policies and programs for different groups of migrants and Mexican returnees.[69] As a result of these overlaps and gaps, there is no single interagency mechanism for setting comprehensive migration policy at the federal level. This, in turn, translates to disjointed and *ad hoc* policy responses by different government entities when external pressures arise.

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The fragmented and reactive nature of migration policymaking at the federal level has a cascade effect on how migration policy is being implemented throughout the country. Since the beginning of its tenure, the López Obrador administration has provided minimal financial and leadership coordination to many existent federal programs, such as the We Are Mexican (Somos Mexicanos) program that provides reception and reintegration support services to returnees. The federal government has also been mostly absent from efforts to coordinate a response plan to support state and local governments on the front lines of managing the influx of migrants that has resulted from U.S. metering policies[70] and MPP. As a result, federal as well as state and local government institutions have been left to address the needs of migrants, receiving communities, and returning Mexican nationals with little federal guidance and budget support.

67 Alexandra Haas Paciuc, Elena Sánchez-Montijano, and Roberto Zedillo Ortega, coordinators, *Cohesión Social: Hacia una política de integración de personas en situación de movilidad en México* (Mexico City: Centro de Investigación y Docencia Económicas, 2020).

68 Haas Paciuc, Sánchez-Montijano, and Zedillo Ortega, *Cohesión Social*.

69 Some of the ministries that are not included in SRE's interagency commission are: the Attorney General's Office (FGR); the Ministry of Education; the National Council to Prevent Discrimination; and the National System for the Integral Protection of Children and Adolescents (SIPINNA). See Haas Paciuc, Sánchez-Montijano, and Zedillo Ortega, *Cohesión Social*.

70 "Metering" refers to the practice of limiting the number of asylum seekers who can present themselves at U.S. ports of entry to file a protection claim each day, which has resulted in many waiting in Mexico for days or months for a chance to do so. See Ruiz Soto, *One Year after the U.S.-Mexico Agreement*, 9.

In the absence of robust government support, Mexican returnees generally rely on their own communities, families, and friends to obtain information and access employment and financial support. However, responsibility for providing shelter and basic services to returning Mexicans who lack social networks, as well as to many non-Mexican migrants traveling through the country, falls mostly on a strained network of civil-society organizations. In recent years, the influx of asylum seekers and transit migrants—combined with pandemic-related restrictions—have raised additional hurdles for civil-society organizations in Mexico. The large demand for services has put pressure on their limited financial and material resources, while social-distancing measures have made it more difficult for shelters to deliver in-person services. To address these gaps, international humanitarian and development organizations such as HIAS and Save the Children have expanded their presence in the country.

Beyond fragmented policymaking, the core institutions that oversee the implementation of migration policy face significant challenges enforcing the policies that the administration has enacted in the past two years. Despite the government's push to modernize INM and invest in agents' technical training, INM continues to have capacity limitations on the ground. In certain locations along the U.S.-Mexico border, the agency lacks the required equipment to guard border checkpoints or the necessary staff to process the return of Mexican citizens and other migrants who are expelled by U.S. authorities at the border. Local authorities provide their own resources to support INM operations, even though these tasks are not under their jurisdiction.[71] In addition, interviews with government leaders suggest that staff turnover and shortages are also affecting the quality of the services INM provides. INM agents in regional offices, for instance, are reportedly sometimes unfamiliar with processing or documentation requirements and provide incomplete information to migrants.

Albeit not new, the two central issues that INM faces in addition to capacity constraints are corruption and human right abuses. From the start of the López Obrador administration in December 2018 through September 2020, INM terminated more than 1,000 staff due to complaints and corruption, including 600 migration agents.[72] Furthermore, the CNDH registered more than 1,000 complaints of human rights violations against the agency in 2020. Since 2009, the CNDH has issued more than 34 recommendations to INM, primarily focused on providing migrants with medical and psychological attention, information about migration processes, due process, food and hygiene supplies, and access to means of communication.[73] The most recently registered human rights violations were related to two migrant deaths in INM detention centers, as well as to overcrowding in these centers during the early stages of the pandemic. Almost all migrants were later released from detention centers to mitigate the risk of the virus spreading in crowded facilities while authorities reviewed the centers' conditions, before resuming migrant detentions in late 2020.[74]

The involvement of the National Guard in supporting INM on migration control operations was meant to free up some of the agency's capacity, but since this involvement, allegations of human rights abuses

71 Author interview with local government official, July 2020.

72 Of the 600 INM migration agents, nearly 400 were terminated through anticorruption and confidence measures by December 2019. See *La Razón*, "Entran al país 179 mil migrantes en el año... y a 99.8% lo deportan," *La Razón*, December 30, 2019; SEGOB, "Causan baja del INM mil 48 personas servidoras públicas durante la Cuarta Transformación" (press release, September 20, 2020).

73 Maritza Pérez, "Contra el INM, 1,044 quejas por violación a derechos humanos," *El Economista*, February 11, 2021. For a list of CNDH recommendations for INM and the outcomes, see INM, "Recomendaciones Dirigidas al INM," updated February 11, 2021.

74 SEGOB, "Actúa INM con responsabilidad ante la contingencia por COVID-19," updated April 26, 2020.

have increased substantially. Advocacy organizations, academics, and representatives of international organizations in the summer of 2019 voiced concerns about a military-trained force assisting in migration-control activities—most notably, the risks associated with National Guard personnel's lack of training and skills on how to assist vulnerable populations.[75] From June to November 2019 alone, the CNDH recorded 32 allegations of human rights abuses committed against migrants by the National Guard, including the use of lethal force against migrant children and women.[76] In October 2020, the CNDH issued its first recommendations to the National Guard over how to address human rights violations and the use of lethal force against migrants traveling in a caravan in January 2020.[77] The recommendations called for the development of an action protocol that prioritizes safeguarding human rights, a continuum to clarify when the use of force is justified, as well as oversight mechanisms to ensure accountability. As it is likely that the National Guard will continue to play a pivotal role in migration enforcement in the years to come, it is essential that policymakers carefully consider such recommendations and work to establish mechanisms that ensure government agents abide by the rule of law and due process while protecting migrants' human rights.

Several stakeholders have also raised concerns that INM's implementation of documentation policies to manage transit and irregular migration has been inconsistent.[78] In some instances, immigration authorities are reportedly issuing exit permits to detained migrants when they are unable to return them to their countries of origin due to a lack of repatriation agreements.[79] In other cases, however, INM is granting them humanitarian visas[80] or using instruments of international protection such as recognition of an individual's statelessness, particularly when dealing with African migrants, without their knowledge or informed consent.[81] These uneven practices are a result of both gaps in the legal framework and negligence on the part of authorities, and they illustrate the mismatch between the legal mechanisms available and the types of migration Mexico is experiencing. As the profile of migrants has become more complex, policymakers must develop a repertoire of policies and guidance that allows immigration authorities to enforce the rule of law and manage migration while respecting migrants' human rights.

75 Isabella Gonzalez, "Alertan por uso de GN en temas migrantes," INM, July 3, 2019.
76 Animal Político, "CNDH registra 32 quejas contra Guardia Nacional por presuntas violaciones de derechos," Animal Político, January 9, 2020.
77 Infobae, "CNDH emitió una recomendación a la Guardia Nacional y al INAI por agresiones a personas migrantes en Chiapas," Infobae, October 30, 2020.
78 Author interviews with five nongovernmental experts, July and August 2020.
79 Previously, exit permits issued by INM allowed migrants to exit through any port of entry, but this policy changed after migrants used these permits to attempt to enter the United States. Now, these permits state that the individual must exit through the same border through which they entered.
80 The Visitor Card for Humanitarian Reasons (also known as a humanitarian visa) is granted to foreigners who are victims, aggrieved subjects (passive subjects of criminal behavior), or witnesses of a crime committed in national territory; migrant children and their adult companions, as established under the 2021 reforms on child protection; and those who request political asylum, refugee status, or complementary protection. SEGOB can also grant this status to foreigners who are not part of these categories if they deem there is humanitarian cause or if it is of public interest. Humanitarian causes, per the law, are: when the individuals' life or health is at risk and they must remain in the country; when individuals have custody of a family member for whom they must make medical decisions or tend their corps; or when individuals must look after a family member who is in the country and has a serious medical condition. Foreigners who are visitors for humanitarian reasons may request to renew their migration document as many times as needed until the process has concluded or until the conditions that necessitated their protection status no longer exist. Foreigners under this status are allowed to apply for work authorization. The migration document that grants this status will allow holders multiple entries and exits from Mexican territory. See Government of Mexico, *Ley de Migración*, Article 52.
81 For regional responses to extracontinental migration and their implications, see Jessica Bolter and Caitlyn Yates, *African Migration through Central America* (Washington, DC: MPI, forthcoming).

Looking at the protection landscape in Mexico, COMAR faces two main challenges: one is the need to address procedural bottlenecks, and the other is the need to develop a long-term strategy for strengthening the institution. In recent years, COMAR has expanded its footprint across the country and improved the quality of its services. Yet, case processing is still surpassing the 45-day timeline established in law. Persistent processing delays are putting at risk asylum seekers who are forced to remain in the state where they submitted their claims, often in southern Mexico where they may face difficult security and socioeconomic conditions. As the number of asylum applications continues to increase, it will be imperative for the agency to speed up the adjudication of claims without compromising the quality of the process. To do so, the agency will require additional resources, including staff, new equipment, and funding to sustain its growth.

COMAR faces two main challenges: one is the need to address procedural bottlenecks, and the other is the need to develop a long-term strategy for strengthening the institution.

Increases in COMAR's funding and technical capacity over the last two years have depended significantly on UNHCR support, with a more limited focus on making the institution self-sustaining in the long term. UNHCR's infrastructure and logistical support, additional personnel, and technical trainings have been vital resources for COMAR, but over-reliance on such external resources is neither sustainable over the long term nor does it a make an organization resilient in the short term. For example, in early 2021, the Mexican Senate is discussing granting protection to internally displaced people (IDPs), a move that would create an additional portfolio of work for COMAR by making it responsible for coordinating interagency efforts and processing IDPs' claims.[82] The challenge for Mexican policymakers and other stakeholders is how to build a resilient protection system that is not overly dependent on humanitarian actors such as UNCHR, and one that will be able to adapt if the government continues to expand its mandate.

Perhaps no other recent example demonstrates more clearly the capacity gaps in Mexico's migration system than the implementation of the 2021 reforms to provide shelter and protection for migrant children and their families, rather than to detain them. Although these reforms are still being rolled out, early signs suggest there is a dearth of coordination among state and local representatives of the PPNA, DIF, and INM delegates. In a February 2021 interview, the head of a local DIF branch in Veracruz mentioned that no working meetings had been held among the three government entities despite multiple requests.[83] Representatives from other states have faced similar hurdles and, as a result, some children and their families have not been channeled appropriately to the protection system.[84]

More broadly, DIF's institutional design and financial structure vis-à-vis its state and local branches raise serious questions about the agency's capacity to carry out its new responsibilities under the 2021 reforms. DIF local branches already operate shelters with limited capacity and provide services based on budget availability, and the expansion of the migrant child and family populations they are to serve requires additional capacity and tailored services. Considering the majority of funding for DIF's state and local

82 Mexican Congress, Chamber of Deputies, "Minuta Proyecto de Decreto por el que se expide la ley general para prevenir, atender y reparar integralmente el desplazamiento forzado interno" (draft decree, September 29, 2020).
83 Author interview with Yamileth Herrera Díaz, Director of the Welfare Agency, DIF Municipal Office, Veracruz, February 20, 2021.
84 César Martínez, "Ignoran a familias migrantes," Reforma, February 14, 2021.

branches is allocated by state and municipal governments, not the federal government, this will significantly affect the demands placed not only on DIF's budget, but also on those of municipal and state governments.

Besides operational and capacity hurdles, there are also major procedural gaps that remain unresolved. For instance, it is unclear what the security protocol is, if any, to verify the relationship between child migrants and their adult companions. There is also no explicit guidance on whether DIF will be the sole entity responsible for the care and custody of unaccompanied child migrants, or if the PPNA is to determine whether conditions in a child's country of origin would allow for safe return.

E. Moving beyond Reactive Policymaking

The reactive nature of Mexico's migration policymaking raises serious questions about the capacity of the government to promote safe, legal, and orderly migration over the long term. A mix of forward-looking reforms and *ad hoc* policies have resulted in a patchwork of overlapping mandates that prioritize coordination—for example, in SRE's interagency commission, between INM and the National Guard, and with other actors such as COMAR's work with UNHCR—over sustainable institutional capacity-building efforts. The lack of long-term, sustainable efforts to strengthen the institutions that are supposed to oversee policy changes is having a significant effect on Mexico's migration policy landscape.

As a country of origin, reception, and transit migration, Mexico has an opportunity to reimagine its role as a key actor in regional migration management. Its success in seizing this opportunity will largely depend on its ability to systematize migration policymaking efforts and develop robust and resilient institutions that can make the overall migration system more sustainable.

3 Guatemala, Honduras, and El Salvador: Emerging Institutions and Critical Partnerships[85]

While Mexico has become a major transit and destination country for migrants headed northward, the three countries in the northern part of Central America—Guatemala, Honduras, and El Salvador—often called the "Northern Triangle," have increasingly become the principal source countries for emigration in the region. Most of these migrants want to reach the United States, but some are settling in Mexico, and there is a much smaller number heading south to Costa Rica and Panama as well.

Each of these three Central American countries is also becoming a major transit country. This is most notable in the case of Guatemala, the country that migrants from Honduras and El Salvador must cross to travel north, but all three are transit countries for migrants from outside the region, including those from Haiti, Cuba, and countries in South America, Africa, and Asia, who pass through Central America on their way north. And there are small numbers of citizens from other Central American countries (Guatemala,

85 This section was researched and written primarily by Luis Argueta and Andrew Selee, with additional input from the report's other authors.

El Salvador, Honduras, and Nicaragua) who have chosen to settle just across the border in neighboring countries, creating a still very small immigrant and asylum seeker population in each country.

Finally, all three countries are dealing with substantial returns, sometimes voluntary and often through deportation, of their nationals from the United States and Mexico. This raises issues of reception and reintegration for each of these countries, including how to take advantage of the human capital of those who have lived for long periods abroad.

A. *Migration Patterns Shifting Priorities in Central America*

Migration to the United States from the Central American countries of Guatemala, Honduras, and El Salvador is hardly new, but it has gone through noticeable changes in recent years. In 2020, the Migration Policy Institute estimates that there were approximately 1.7 million immigrants from El Salvador living in the United States, up from 1.3 million in 2013. During this same period, the number of immigrants from Guatemala rose from 902,000 to an estimated 1.3 million, and the number from Honduras rose from 534,000 to an estimated 940,000 (see Table 4).

El Salvador has the longest and most extensive history of migration to the United States, and Salvadorans account for the largest Central American immigrant group in the United States. Indeed, Salvadorans in the United States make up more than one-fifth of all people born in El Salvador.[86] However, the Guatemalan and

TABLE 4

Immigrants from El Salvador, Guatemala, and Honduras in the United States, 2013 and 2020*

Country	2013	2020*	Percent Change
El Salvador	1,252,000	1,710,000	37%
Guatemala	902,000	1,330,000	47%
Honduras	534,000	940,000	76%

* While data for 2013 are drawn from the U.S. Census Bureau's American Community Survey (ACS), 2020 ACS data are not yet available and MPI has drawn on multiple sources, cited below, to produce these up-to-date estimates.

Sources: Data for 2013 are from the ACS, presented in Jie Zong and Jeanne Batalova, "Central American Immigrants in the United States in 2013," *Migration Information Source*, September 2, 2015. Figures for 2020 are the result of MPI calculations based on population data from the ACS, pooled for 2014–18, and from the 2008 Survey of Income and Program Participation (SIPP), weighted to 2018 unauthorized immigrant population estimates provided by Jennifer Van Hook of The Pennsylvania State University, Population Research Institute; data on emigration from the United States provided by Van Hook; immigration admissions data for FY 2019–21 from U.S. Department of State (DOS), "Table III: Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth) Fiscal Year 2019" (data tables, n.d.) and DOS, "Monthly Immigrant Visa Issuance Statistics" (data tables, n.d.); refugee arrivals data for FY 2019 from the U.S. Department of Homeland Security (DHS), Office of Immigration Statistics (OIS), "Table 14. Refugee Arrivals by Region and Country of Nationality: Fiscal Years 2017 to 2019," *Yearbook of Immigration Statistics 2019,* updated October 28, 2020; data on U.S.-Mexico border encounters with no confirmed departure (i.e., remaining in United States) for FY 2019 and the first half of FY 2020 from DHS, OIS, "Enforcement Lifecycle Reports: 2020 Enforcement Lifecycle Report—Detailed Appendix Tables" (data tables, December 22, 2020); data on U.S. apprehensions of nationals from El Salvador, Guatemala, and Honduras from U.S. Border Patrol, "U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector," updated January 2020, and U.S. Customs and Border Protection, "U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2020," updated November 19, 2020; data on removals from the U.S. interior from U.S. Immigration and Customs Enforcement (ICE), *U.S. Immigration and Customs Enforcement Fiscal Year 2019 Enforcement and Removal Operations Report* (Washington, DC: ICE, 2019) and ICE, *U.S. Immigration and Customs Enforcement Fiscal Year 2020 Enforcement and Removal Operations Report* (Washington, DC: ICE, 2020); data on Migrant Protection Protocol (MPP) participants for FYs 2019–20 from TRAC Immigration, "Details on MPP (Remain in Mexico) Deportation Proceedings," updated February 2021.

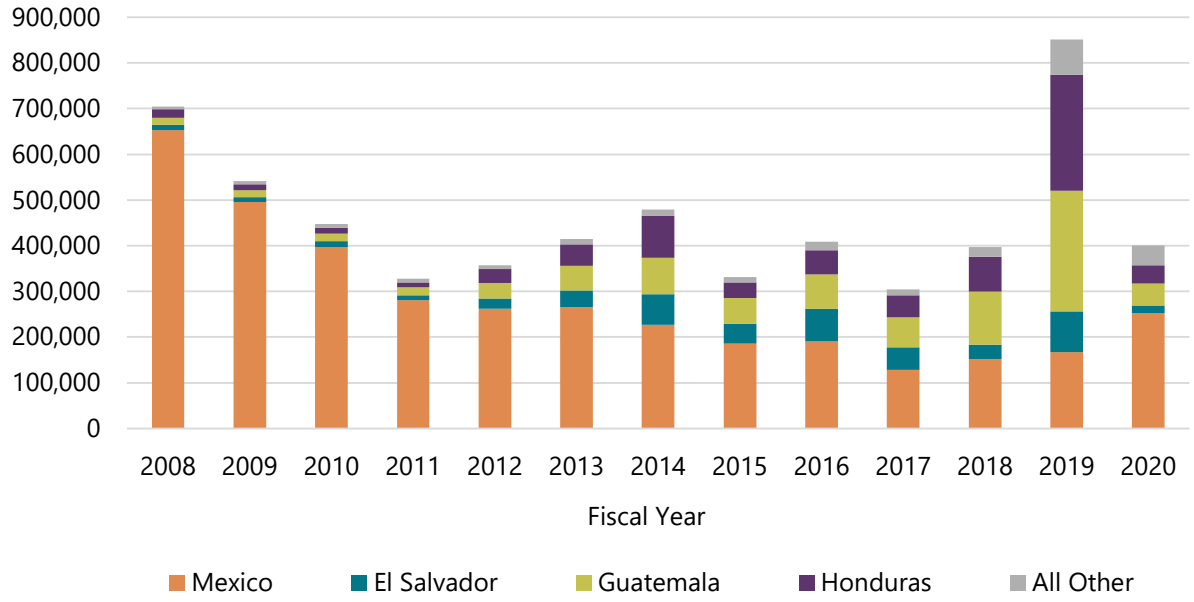
86 The population of El Salvador is around 6.4 million people. There are communities of Salvadoran nationals in several other countries, including Canada, Mexico, Spain, Italy, and Belgium, that number from a few thousands to a few tens of thousands, so the total number of Salvadoran-born persons is likely somewhere around 8.2 million, of whom 1.7 million were in the United States in 2020. On the number of Salvadorans in Canada, see Statistics Canada, "NHS Profile, Canada, 2011," updated November 27, 2015. On Spain, see Spanish Labor Force Survey (Encuesta de población activa), "Salvadoreños en España. Padrón municipal 2019, cifras de población," accessed March 1, 2021.

Honduran immigrant populations in the United States have grown at a much faster rate in recent years, as Salvadoran migration has slowed and Guatemalan and Honduran migration has increased dramatically, especially since 2018.

While many immigrants from these countries come to the United States through regular migration channels, they also make up large shares of irregular and mixed migrant arrivals at the U.S. southwest border. In fact, U.S. Customs and Border Protection data show that while Mexicans long accounted for the largest number of apprehensions at the U.S.-Mexico border, they were overtaken by migrants from Honduras, Guatemala, and El Salvador in U.S. fiscal year (FY) 2014 and then again from FY 2016 to FY 2019. Among migrants from these three countries, those from Guatemala and Honduras have each accounted for more apprehensions than those from El Salvador in most years since FY 2008—and considerably more since FY 2018.

FIGURE 3

U.S. Southwest Border Migrant Apprehensions, by Nationality, Fiscal Year 2008–20



Note: These data are for U.S. federal government fiscal years, which run from October 1 through September 30.
Source: MPI calculations based on U.S. Border Patrol, "U.S. Border Patrol Apprehensions Nationwide by Citizenship and Sector, FY2007-2019," updated January 2020; U.S. Customs and Border Protection, "U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2020," updated November 19, 2020.

As all three of these Central American countries have become major countries of emigration, they have developed more robust policies and institutional structures for engaging with their diasporas. This is most developed in El Salvador, given its long history of migration and the highly organized nature of its diaspora, but such policies and structures are growing in Guatemala and Honduras as well.

While many migrants from these three countries stay abroad—mostly in the United States—others return to their countries of origin, many as deportees. There is thus a need for services to support their reintegration. A 2020 report by the U.S. Department of Homeland Security notes that of all apprehensions of Central America nationals from 2014 through 2019, 28 percent resulted in the migrants' repatriation to their countries of origin.[87] Considering that there were more than 1.5 million apprehensions of migrants from these three countries in that period, this suggests these countries have received more than 400,000 deported migrants, a significant number to receive and reintegrate. These figures do not include those deported from the interior of the United States, who have often been living abroad for longer periods of time and face more difficult prospects for reintegrating into countries from which they have been absent for many years.

Finally, all three countries have become transit countries for migrants heading north through Central America. Guatemala is the most visible case, since almost all Honduran and Salvadoran migrants headed north travel through its territory. Nonetheless, all three experience transit migration coming from further south, as more migrants from the Caribbean, South America, Africa, and Asia have in recent years sought to reach the United States by coming through the Central American isthmus. In FY 2018, U.S. authorities made approximately 21,000 apprehensions at the U.S.-Mexico border of migrants from countries other than Mexico, Guatemala, Honduras, and El Salvador (see Figure 3 above), representing 5 percent of total apprehensions that year. These apprehensions increased significantly to 77,000 in FY 2019, accounting for more than 9 percent of total apprehensions, and though such apprehensions decreased to 44,000 in FY 2020, they were 11 percent of that year's total. While some of these migrants may have arrived directly in Mexico before traveling to the border,[88] the vast majority likely transited through Central America on their way north. These transit migrants rarely stay for long in El Salvador, Guatemala, or Honduras, sometimes stopping in shelters on their way but rarely setting down roots. Still, their presence constitutes another important part of the changing migration landscape in Central America.

All three experience transit migration coming from further south, as more migrants from the Caribbean, South America, Africa, and Asia have in recent years sought to reach the United States by coming through the Central American isthmus.

87 This also means that 72 percent were not repatriated, which suggests that almost three-quarters of Central American migrants apprehended at the border from 2014 to 2019 likely remained in the United States. For further data analysis, see Marc R. Rosenblum and Hongwei Zhang, *Fiscal Year 2020 Enforcement Lifecycle Report* (Washington, DC: U.S. Department of Homeland Security, Office of Immigration Statistics, 2020).

88 There appear to be smuggling networks for Chinese, South Asian, and, to a much smaller degree, Venezuelan migrants that fly people directly to Mexico with a valid tourist visa. Author interviews with multiple current and past Mexican government officials, shelter staff, and nongovernmental organization leaders, July to September 2020.

B. Migration Management Structures: Incipient and Yet to Be Fully Institutionalized

Each of the three countries—Guatemala, Honduras, and El Salvador—has made investments in managing migration, but these are significantly underdeveloped compared to what is needed to address migration through, from, and to each country. Particularly, migration policymaking systems are not fully built out and are subject to change as circumstances shift; migration institutes and agencies are only weakly institutionalized; enforcement has largely been left to the national police and/or military, which have little training in dealing with migrant populations and perform these functions on an *ad hoc* basis; asylum systems remain extremely weak, despite recent attention given to them; labor mobility pathways remain weakly institutionalized; and systems for addressing the reception and reintegration of returning migrants are severely underinvested and uneven across the three countries. Given these weaknesses, nongovernmental and international organizations have stepped in to provide many services for return migrants and for those fleeing violence and persecution, though these organizations are also underfunded.

There are enormous opportunities to develop a more coherent set of institutions both inside and outside of government to address migration.

There are enormous opportunities to develop a more coherent set of institutions both inside and outside of government to address migration within these three countries, but the effort to do so has only started. Coordination within governments and among them remains another challenge. In different ways, IOM, UNHCR, and the Central American Integration System (SICA) have each played a role in trying to address this gap, but this too remains a work in progress.

Institutions for Migration Policymaking

None of the three countries has yet developed effective interagency processes for policymaking on migration.[89] The Guatemalan government has the National Migration Authority (ANM), which meets every three months with a range of cabinet-level actors, convened by the president or vice president, but it does not appear to be the real channel for decision-making on migration policy.[90]

The Honduran government has an interagency task force on migration that is run by the first lady and that was created following the large-scale emigration of unaccompanied minors in 2014. The government has sought to establish a formal migration policymaking system and has consulted extensively within the government and with civil-society and international organizations on this process, but prospects remain uncertain.

89 Analyses of legal framework and interagency structure for policymaking are based on in-depth mapping of migration institutions and laws in each country. See María Sol Pikielny, Ana Paulina Ornelas Cruz, and María Jesús Mora, "Institutional and Legal Migratory Framework of the Republic of Guatemala" (working paper, MPI, Washington, DC, prepared February 2021); María Sol Pikielny and María Jesús Mora, "Institutional and Legal Migratory Framework of the Republic of Honduras" (working paper, MPI, Washington, DC, prepared February 2021); María Sol Pikielny and María Jesús Mora, "Institutional and Legal Migratory Framework of the Republic of El Salvador" (working paper, MPI, Washington, DC, prepared February 2021).

90 Author interviews with two Guatemalan government officials and one nongovernmental expert, July and August 2020.

During the past two or three years, foreign ministries in these countries have taken on much of migration policymaking, according to government officials and nongovernmental experts interviewed for this study. In large part, this has occurred because the primary focus was responding to demands from the U.S. government. In Guatemala, the Interior Ministry played a major role during the prior administration under President Jimmy Morales, while in El Salvador it is the Office of the President that leads migration policymaking in the current Bukele administration. However, in all three countries, foreign ministries have assumed greater direct policymaking roles due to the international nature of agreements around migration, and the need to respond diplomatically. Foreign ministries already had a large role in diaspora relations and in the coordination of migrant returns in most of these countries, especially in El Salvador, which has a long history of engagement with its diaspora. By comparison, the influence of foreign ministries on decision-making around enforcement and asylum appears to be relatively more recent and to have emerged as a response to changes in these countries' relationship with the U.S. government.

Institutions for Migration Management

Both the Guatemalan and Honduran governments have created autonomous migration institutions to manage migration. In response to growing awareness of the number of unaccompanied minors heading to the United States, Honduras established by presidential decree the National Institute of Migration (INM) in 2014. The Institute replaced a general directorate in the Interior Ministry, and it resulted in significant staff turnover and required the creation of new procedures, protocols, and structures to deal with everything from the production of passports to the issuance of visas.[91]

The Guatemalan Migration Institute (IGM) was only recently set up, in August 2020, based on a migration code published in 2017, and it is still in the process of consolidating its role as an autonomous agency.[92] Governmental and nongovernmental stakeholders interviewed for this study agreed that the IGM's creation was a step in the right direction, but also recognized that it is only now beginning to develop its institutional structure.[93] Unlike the INM in Honduras, which appears to have a broader profile *de facto* in setting policy, the IGM still plays a primarily operational role in migration management at this point in its development, with Guatemala's Interior Ministry and Foreign Ministry taking the lead in setting migration policy.

Instead of an autonomous migration institute, El Salvador has a General Directorate of Migration and Immigration, which works under the Ministry of Justice and Public Security. It is a wholly operational agency and sits fully within the broader ministry, unlike the autonomous institutes in the other two countries (and in Mexico). It is the only migration agency in these three Central American countries that has its own Border Patrol, discussed in the next subsection, which is specifically focused on monitoring irregular crossing points.

91 *El Heraldo*, "Gobierno de Honduras crea el Instituto Nacional de Migración," *El Heraldo*, June 30, 2014.
92 Guatemalan Interior Ministry, "Instituto Guatemalteco de Migración inicia funciones después de culminar proceso de transición," updated August 3, 2020.
93 Author interviews with three government officials and one nongovernmental expert, July and August 2020.

Border Control and Immigration Enforcement Agencies

The migration agencies in Guatemala and Honduras and the General Directorate of Migration and Immigration in El Salvador have responsibility for controlling and verifying legal entries at official border crossing points. Under the Central American Agreement for Free Mobility (CA-4), citizens from these three countries plus Nicaragua only need to show a legal identification document, not a passport or a visa, to enter the other participating countries. The abolition of visa requirements for citizens of CA-4 countries and the facilitation of transit through expedited documentation both resulted from discussions held by Central American Commission of Migration Directors (OCAM).[94] The Presidential Agreement on CA-4, signed by the presidents of these four countries, set the stage for these developments, but subsequent agreements have created the conditions for more fluid mobility among the countries.

However, as a result of the COVID-19 pandemic, all four CA-4 governments have imposed significant restrictions on border crossings; for example, Guatemala requires migrants to present negative results on a test for the virus at ports of entry. This pandemic-related tightening of borders has also allowed the governments of Guatemala, Honduras, and El Salvador to take a more active role in stopping the movement of large groups of irregular migrants, often traveling in caravans.[95] In the case of Guatemala, the border measures have allowed authorities to return those migrants who entered the country without proof of a negative test result to the country from which they came, where they can reapply for legal entry once they have passed a credible test.[96] This means that the Guatemalan government is not processing these migrants for deportation, but rather is offering them voluntary return. In practice, this is similar to U.S. expulsions under Title 42—the pandemic-response policy that allows U.S. authorities to rapidly expel migrants who arrive at U.S. borders without authorization to enter, including asylum seekers—even if in the Guatemalan context migrants are officially given the choice between voluntary return and deportation.

All three countries have also significantly reinforced their border controls between ports of entry during this period.

All three countries have also significantly reinforced their border controls between ports of entry during this period. In the case of El Salvador, the new Border Patrol, created within the General Directorate of Migration and Immigration in September 2019, has this specific mandate. It brings together staff of the General Directorate along with elements of the Border Police, who operate under the National Police, to patrol *puntos ciegos* (irregular crossing points) along the borders with Honduras and Guatemala. U.S. State Department funding, through the Bureau of International Narcotics and Law Enforcement Affairs (INL), contributed to launching this effort, which involves several hundred officers, but is still a work in progress.[97]

94 On the CA-4 agreement, see IOM Northern Triangle of Central America, "Regional Integration," accessed March 1, 2021. This is an informative website that offers background on both the Central American Commission of Migration Directors (OCAM) and the CA-4 agreement.

95 The Guatemalan government's plan to manage the Honduran migrant caravan of January 15, 2021, allowed adult citizens of Honduras, El Salvador, and Nicaragua to enter Guatemala with an identification document (as per the CA-4 agreement) but also required a polymerase chain reaction (PCR) or negative antigen test for the coronavirus. Minors had to present a passport and be accompanied by their parents. On these events, see Kevin Sieff, "US-Bound Caravan Thwarted in Guatemala as Pressures against Migrants Continues," *Washington Post*, January 19, 2021.

96 Based on author communication with a senior Guatemalan government official, February 2020.

97 Nelson Rauda Zablah and John Washington, "El Salvador lanza su Patrulla Fronteriza," *El Faro*, September 15, 2019.

El Salvador is the only one of these three countries with a specific Border Police (separate from the Border Patrol) that is responsible for legal as well as irregular border crossings and that functions as a unit within the larger National Police. In Guatemala and Honduras, enforcement functions have increasingly fallen to the National Police and the military. This is most noticeable in Guatemala, which sees the largest transit migration and where police and military units have been deployed to deter irregular movements both at the borders and inside the country. IGM agents accompany these efforts, but they do not appear to have the lead in operational decision-making.

The Honduran government has an interinstitutional law enforcement body, known as the National Interinstitutional Force for Security (FUSINA),[98] that operates under the direction of the Honduran Army and has been used at times along the borders to conduct immigration and border enforcement. Created in 2014, FUSINA is comprised of members of the National Police, Army, Attorney General's Office, and intelligence agencies. Although its mission is to fight organized crime and drug trafficking, FUSINA also conducts immigration control operations at border crossings.[99] Additionally, reports suggest FUSINA collects fingerprints and photographs at border crossings as part of the Biometric Data Sharing Program Agreement between the Honduran and U.S. governments.[100] The two countries signed this biometrics agreement on September 27, 2019, two days after signing an Asylum Cooperation Agreement (discussed in the next subsection), as part of a series of negotiated agreements.

These measures for immigration and border enforcement, however, have been *ad hoc* responses to date. The migration agencies involved have limited personnel and/or resources to conduct enforcement operations, while the national police and army are being deployed to take on responsibilities that generally fall outside their mandates. Even FUSINA's involvement represents the expansion of the mission of an interinstitutional group primarily focused on organized crime.

Ensuring that responsibility for border control and immigration enforcement rests with an appropriate and adequately resourced authority will be an important consideration in the future. Achieving this aim is vital both for the effectiveness of these efforts and for ensuring respect for rule of law and humane treatment of civilian populations, including migrant children. And even in El Salvador, the one country that has responded to this challenge by creating a dedicated force to specialize in immigration enforcement, it will be critical to observe whether this force develops both the capacity and the institutional

Ensuring that responsibility for border control and immigration enforcement rests with an appropriate and adequately resourced authority will be an important consideration in the future.

98 The Honduran National Interinstitutional Force for Security (FUSINA) "maintains a strong and consistent presence in 115 communities with high levels of gang-related crime. It conducts motorized and foot patrols to identify and capture members of these groups" and "has launched an educational program in schools in order to train children and young people not to get involved with gangs." See Adam Isacson and Sarah Kinosian, "¿Cuáles unidades militares y policiales de Centroamérica reciben la mayor asistencia por parte de Estados Unidos?" Washington Office on Latin America, April 15, 2016.

99 Honduran Ministry of National Defense, "Zonas fronterizas bajo permanente resguardo y protección de FUSINA," updated May 7, 2020.

100 Author interview with Honduran academic, September 2020; U.S. Department of Homeland Security, "DHS Agreements with Guatemala, Honduras, and El Salvador" (fact sheet, U.S. Department of Homeland Security, Washington, DC, 2019).

structure to perform its responsibilities effectively and according to the standards required by national and international law.

Asylum and Humanitarian Protection Systems

All three countries have been participating in efforts to strengthen their asylum and refugee protection systems through the UNHCR-sponsored Comprehensive Regional Protection and Solutions Framework (MIRPS) for the Americas.[101] However, none of these countries has a sophisticated or well-developed humanitarian protection system yet.[102]

Each country receives a very small number of asylum applications each year, usually from nationals of neighboring countries. Between July and September 2019, the U.S. government signed Asylum Cooperation Agreements (ACA) with the governments of Guatemala, Honduras, and El Salvador. Under these agreements, the U.S. government could transfer nationals of other countries to these countries, where their asylum claims would be processed through the recipient country's protection system. U.S. authorities sent less than a thousand asylum seekers—579 from Honduras and 360 from El Salvador—to Guatemala under the ACA with that country's government, before such transfers were paused in March 2020 due to the onset of the pandemic.[103] The U.S. government's implementation of Title 42 expulsions (see the border control subsection above) has made it unnecessary to continue using the ACA, since it became easier and less expensive to expel irregular migrants to Mexico. In addition, Guatemalan government officials had expressed considerable reservations in private about the agreement.[104] Meanwhile, the agreements with El Salvador and Honduras were never implemented.

On February 6, 2021, the U.S. State Department announced that it was suspending and terminating the ACAs with the governments of El Salvador, Guatemala, and Honduras.[105] According to the Guatemalan government, only 20 migrants transferred to Guatemala under the ACA had applied for asylum, and none had received it as of the agreement's termination.[106]

While never fully implemented, the agreements shone a spotlight on the weak asylum systems in these three countries and led to renewed attention to developing them further. Interviews suggest that the violence and insecurity that exists in all three countries may make it difficult for migrants in need of

101 Honduras and Guatemala joined in 2017, while El Salvador joined in 2019. For additional information, see UNHCR, "Global Compact on Refugees Digital Platform – About the MIRPS," accessed February 24, 2021.

102 Analyses of humanitarian protection systems is based on in-depth mapping of migration institutions and laws in each country, including Pikielny, Ornelas Cruz, and Mora, "Institutional and Legal Migratory Framework of the Republic of Guatemala"; Pikielny and Mora, "Institutional and Legal Migratory Framework of the Republic of Honduras"; Pikielny and Mora, "Institutional and Legal Migratory Framework of the Republic of El Salvador."

103 José de Córdoba and Michelle Hackman, "Biden Withdraws from Trump Agreements to Send Asylum Seekers to Central America," *Wall Street Journal*, February 6, 2021; Sofia Menchu, "Guatemala Suspends Deportation, Asylum Flights from U.S.," Reuters, March 17, 2020.

104 Author interviews with U.S. and Guatemalan government officials, July and August 2020.

105 U.S. Department of State, "Suspending and Terminating the Asylum Cooperative Agreements with the Governments El Salvador, Guatemala, and Honduras" (press release, February 6, 2021),

106 de Córdoba and Hackman, "Biden Withdraws." On January 18, 2021, the U.S. Senate Foreign Relations Committee released a report commissioned by incoming Committee Chairman Bob Menendez (D-N.J.) on the U.S. Asylum Cooperation Agreements with Guatemala, Honduras, and El Salvador. The report said that not a single asylum seeker transferred from the United States had received asylum in Guatemala and called on the Biden administration to terminate the agreements immediately on assuming office. See U.S. Senate Committee on Foreign Relations, "Menendez Publishes New Report Documenting Cruelty, Coercion, and Legal Contortions in Trump Administration's Asylum Agreements" (press release, January 18, 2021).

protection to consider any of them a safe country of asylum.[107] However, some nationals of other Central American countries do seek protection in these countries, including a small but noticeable influx of Nicaraguan asylum seekers in 2018 and 2019 as that country cracked down on protests. Historically, all three countries have received anywhere from a few dozen to a couple hundred asylum applications per year.[108]

There have been some notable efforts to develop alternate measures for humanitarian protection. Since 2016, UNHCR with logistical support from IOM has operated the Protection Transfer Arrangement (PTA) in these three Central American countries. This has led to the identification of more than 2,000 persons facing persecution and allowed nearly 1,000 of them to be resettled as refugees to other countries (others are awaiting resettlement, some in third countries for their safety in the meantime). This innovative pathway seeks to identify those in the greatest danger and enable them to receive protection without resorting to a potentially dangerous irregular journey through the region to seek asylum.[109]

Several NGOs have also created *ad hoc* protection measures within their own countries. One such effort, led by the San Salvador-based NGO Cristosal, provides relocation and support for those whose lives are in imminent danger in El Salvador and Honduras but who can still safely live elsewhere within the country.[110]

Government agencies charged with asylum have also taken steps to improve their functioning, even if they still have a way to go in each country. In Guatemala, UNHCR and IGM have collaborated to set up the Field Office in Petén (FOPET) to strengthen the presence of protection mechanisms along the migratory route in the departments of Izabal and Petén, used mainly by Honduran migrants.[111] And in February 2021, the IGM created the Department of Recognition of Refugee Status (DRER) to support the work of the National Refugee Commission (CONARE).[112] Due to the pandemic, asylum applicants must request appointments, but they are promised a response within 15 days.[113] To support the newly created DRER, UNHCR has hired and trained for it a professional team of more than 15 psychologists, lawyers, and social workers.[114]

In 2020, the Guatemalan government also launched a new Refugee Identity Card that can be used as proof of work authorization. Originally, this card was issued by the IGM, and cardholders reported difficulties opening a bank account or obtaining a driver's license. Now it is issued by the National Registry of People (RENAP) and is equivalent to the Personal Identity Card (DPI) that citizens have, which is the universally

107 Author interviews with four government officials and two nongovernmental experts across the three countries, July and August 2020.

108 In the case of Guatemala, the numbers oscillated between 220 and 280 in the years between 2016 and 2019. See Marco Integral Regional para la Proteccion y Soluciones (MIRPS), *II Informe Anual del Marco Integral Regional para la Protección y Soluciones (MIRPS) 2019* (Geneva and Washington, DC: UNHCR and Organization of American States, 2019), 84. The numbers were below 100 in both El Salvador and Honduras in 2018 and 2019. See UNHCR, *Ampliar las operaciones en Centroamérica 2019* (Geneva: UNHCR, 2019), 9.

109 UNHCR, "Protection Transfer Arrangement," updated June 2020; Author interviews with current and former government officials and international organization representatives, July to September 2020. For an evaluation of the Protection Transfer Agreement between September 2016 and March 2018, see Emmanuelle Diehl, *Evaluation of Effectiveness of the Protection Transfer Arrangement in Central America* (Geneva: UNHCR, 2018).

110 See Cristosal, "Victim Accompaniment," accessed March 1, 2021; Author interviews with nongovernmental organization and international organization leaders, September 2020.

111 UNHCR, "Guatemala" (fact sheet, February 2017).

112 UNHCR, "UNHCR Welcomes Expansion of Guatemala's Asylum Capacity" (press release, February 10, 2021).

113 José Mazariegos, "Guatemala fortalece atención y protección," *Diario de Centro América*, February 10, 2021.

114 This training included learning about the Migration Code (Decree 44-2016 of the Congress of the Republic), the Guatemalan Migration Institute (IGM), and the essential work of the Department of Recognition of Refugee Status (DRER). See IGM, "Profesionales Fueron Capacitados Para Atender A Solicitantes De Refugio Y Población Refugiada Reconocida En Guatemala" (press release, January 4, 2021).

accepted and required identification document. The introduction of the Refugee Identity Card was part of the UNHCR campaign "Guatemala opens the door to a new beginning," which seeks to create awareness about refugees in Guatemala.[115]

Similarly, El Salvador has recently taken important steps towards enhancing protection mechanisms, especially in terms of its legal framework and policies for protecting IDPs and other individuals who are forced to flee their homes. An important step was the approval in January 2020 by the Salvadoran Assembly of the *Special Law for the Care and Integral Protection of Victims of Violence in Conditions of Forced Displacement*.[116] The law, which was drafted with technical support from UNHCR, establishes a comprehensive national system that brings together several state institutions to collaborate in the response to and prevention of forced displacement, including the identification and protection of victims.[117] The government is currently putting together the operational mechanisms to implement the law. With proper funding, oversight, and civil-society support, this could have a sizable impact on internal displacement, a precursor of displacement across borders. In one profiling exercise, the Salvadoran government estimated that nearly 72,000 people were displaced within the country between 2006 and 2016, and the actual figure, including the years since 2016, is almost certainly far greater.[118]

El Salvador has recently taken important steps towards enhancing protection mechanisms, especially in terms of its legal framework and policies for protecting IDPs.

In Honduras, where an estimated 247,000 people have been displaced within the country by violence,[119] the National Congress is considering legislation similar to the law passed in El Salvador in 2020.

Labor Certification and Support Services for Work Abroad

One opportunity that has emerged over the past two years is the possibility of citizens of the three Central American countries accessing legal employment opportunities abroad, mostly in seasonal work. Creating legal pathways for people to move to work may be one of the only effective ways to turn irregular migration into legal movement,[120] and government leaders in the region have started to seize on the possibilities. Among the series of agreements made between the three Central American governments and the United States in 2019 that included the ACAs were a pair of agreements seeking to facilitate legal pathways to temporarily work in the United States; the agreement with Guatemala focused on H-2A visas for agricultural workers, while the agreement with Honduras included both H-2A and H-2B (non-agricultural worker) visas, and both aim to harmonize standards and develop transparent recruitment pipelines to safeguard workers

115 UNHCR, "Guatemala abre la puerta a un nuevo comienzo," accessed March 1, 2021.
116 Norma Gutierrez, "El Salvador: Legislative Assembly Passes New Law Protecting Internally Displaced People," U.S. Library of Congress, January 29, 2020.
117 Merlin Delcid, "Aprueban ley para proteger a víctimas de desplazamiento forzado en El Salvador," CNN Español, January 9, 2020.
118 UNHCR, "El Salvador" (fact sheet, January 2021).
119 Joint IDP Profiling Service (JIPS), *Estudio de caracterización de desplazamiento interno en honduras 2004-2018* (Geneva: JIPS, 2019).
120 Selee and Ruiz Soto, *Building a New Regional Migration System*.

against exploitation.[121] In a separate agreement between the U.S. Department of Labor and El Salvador's Foreign Ministry in February 2020, both governments committed to increase the participation of Salvadoran workers in the H-2A and H-2B visa programs.[122] The Trump administration also briefly expanded the H-2B cap in 2020, with the requirement that 10,000 of the additional visas be granted to nationals of these three Central American countries.[123] However, the H-2B program was later halted in the face of the pandemic-induced economic recession.[124]

Beyond creating the legal framework for labor mobility, another challenge is incentivizing employers to recruit from this expanded pool of workers. The Guatemalan and Salvadoran governments have been exploring ways to attract employer interest in recruiting seasonal workers from their countries. The Guatemalan government has created a database of 34,000 vetted potential agricultural workers and reached out to key employer associations, while the Salvadoran labor minister has met with employers and employer organizations in the United States to promote this possibility.[125]

The Guatemalan government has also been trying to figure out how to help Guatemalan workers obtain the necessary documents to access Mexico's Regional Worker Visa (TVTF), which requires apostilled documentation of an authenticated birth certificate. Currently, the apostilled documentation can be done online but all applicants must travel to Guatemala City to get their birth certificate authenticated. The government hopes to open a new office in Tecún Umán, a Guatemalan city near the Mexican border, as soon as 2021 that can process these requests to lower expenses for those who want to work seasonally in Mexico.[126]

Efforts to Manage Return Migration and Support Reintegration

Since the unaccompanied minors crisis in 2014, all three countries have invested, to varying degrees, in efforts focused on the return and reintegration of migrants.[127] These efforts have created a more organized way to receive migrants who are deported from the United States and Mexico, offering basic reception services. However, these countries have yet to develop appropriate reintegration services. In all three, official government efforts are supplemented by robust, but underfunded, initiatives from civil-society and international organizations that provide more targeted assistance to returning migrants.

121 For the Guatemala H-2A agreement, see Governments of Guatemala and the United States, "Agreement between the United States of America and the Republic of Guatemala concerning a Temporary Agricultural Workers Program," June 30, 2019. For the Honduras H-2A and H-2B agreements, see Governments of Honduras and the United States, "Agreement Concerning the Temporary Agricultural and Non-Agricultural Workers Programs," September 27, 2019. See also U.S. Department of Homeland Security, "DHS Agreements with Guatemala, Honduras, and El Salvador."

122 For the U.S.-El Salvador agreement on H-2A and H-2B visas, see U.S. Embassy in El Salvador, "The United States and El Salvador Sign MOU on Temporary Workers Program" (press release, February 6, 2020).

123 Michelle Hackman, "Trump Administration to Make 35,000 Additional Seasonal Worker Visas Available," *Wall Street Journal*, March 5, 2020.

124 Michael D. Shear and Miriam Jordan, "Trump Suspends Visas Allowing Hundreds of Thousands of Foreigners to Work in the United States," *New York Times*, June 23, 2020.

125 Author interviews with senior Guatemalan and Salvadoran government officials, February 2021 and December 2020, respectively.

126 Author interview with senior Guatemalan government official, August 2020.

127 Ariel G. Ruiz Soto, Rodrigo Dominguez-Villegas, Luis Argueta, and Randy Capps, *Sustainable Reintegration: Strategies to Support Migrants Returning to Mexico and Central America* (Washington, DC: MPI, 2019). See also Michael Clemens, "The Missing Piece in Biden's Plan for Central America: Bilateral Labor Agreements," Center for Global Development, February 9, 2021.

Notably, the Guatemalan government has an autonomous agency, the National Council for Migrant Affairs (CONAMIGUA), that oversees services for returnees and their families in Guatemala. Created in 2007 by law, CONAMIGUA's executive secretary and deputy secretary are elected directly by Congress for three-year terms.[128] However, the council does not have budget autonomy and depends on the Guatemalan Foreign Ministry for its resources.[129]

CONAMIGUA has had difficulty fulfilling its mandate. Since its beginnings, it has been criticized as a political institution serving a few members of Congress and one that was made redundant by the 2020 creation of IGM, which covers much of its mandate. Diaspora organizations in the United States feel particularly ignored because the institution has no authorization to spend funds outside the country. At the end of April 2020, Congress removed the then executive secretary of CONAMIGUA due to "mismanagement, having no plans to carry out its mandate, and lack of attention to fellow citizens during the COVID-19 health emergency."[130] However, during the nine subsequent months, from May 2020 to February 2021, CONAMIGUA has demonstrated its capacity to effectively meet the needs of returning migrants. With special government funds to address the health crisis, CONAMIGUA negotiated with government institutions and international organizations to establish a reception protocol for returnees that includes the provision of shelter, food, supplies, medical attention, and transportation. It also produced a public awareness campaign, in Spanish and three Maya languages, to combat the stigmatization of returning migrants believed to be infected with the coronavirus. A new executive secretary was elected by Congress in January 2021 and, even with this recent progress, he has said that he will "need to start from scratch."[131]

Additional efforts to institutionalize CONAMIGUA include recommendations to reform the law that created it in 2007. Proposed by a civil-society organization in October 2020, two suggested modifications are to increase CONAMIGUA's budget and include it as a line item in the national budget, making it independent of the Foreign Ministry, and to allow it to incur expenditures outside Guatemala.[132]

In El Salvador, the National Council for the Protection and Development of Migrants and Their Families (CONMIGRANTES) is an autonomous institution of the Foreign Ministry. It was created in 2011 by legislative decree as a new space to include the voice of Salvadoran migrants in the development of policies focused on migrants and their families. CONMIGRANTES is also intended to promote compliance with the law and human rights, coordination, and empowerment of Salvadoran communities abroad at the national level.[133]

Among the key achievements of COMIGRANTES during the past four years have been the establishment of the National Policy for the Protection of Salvadoran Migrants; the increased visibility of CONMIGRANTES among Salvadorans abroad and clarification via national and international media of the institution's role; and the establishment of cooperation and support agreements to find missing migrants in Mexico and

128 The National Council for Migrant Affairs (CONAMIGUA) was created through Congressional Decree 46-2007, promulgated by Government Agreement 106–2009 of the Executive Branch, and it began functions on October 1, 2008. See CONAMIGUA, "Ley del Consejo Nacional de Atención al Migrante," accessesd March 15, 2021.

129 Author interview with senior Guatemalan government official, August 2020.

130 *La Hora*, "Congreso destituye a Carlos Narez de CONAMIGUA," *La Hora*, April 30, 2020.

131 Sergio Morales Rodas, "Secretario de Conamigua: 'Empezaremos desde cero'," *Prensa Libre*, February 19, 2021.

132 CONAMIGUA, "Ley del Consejo Nacional de Atención al Migrante."

133 Salvadoran Legislative Assembly, *Ley Especial para la Protección y Desarrollo de la Persona Migrante Salvadoreña y su Familia,* enacted March 17, 2011.

the United States.[134] CONMIGRANTES has also worked to strengthen the reception and reintegration of returnees and to establish municipal offices for the care of migrants and their families. Looking ahead, CONMIGRANTES faces the challenge of establishing itself as the autonomous entity it is mandated to be by law. A new executive secretary of CONMIGRANTES was elected in early 2021, and she will preside over the council for a period of four years.[135]

Even before the creation of CONMIGRANTES, El Salvador was the first country in Central America to implement a reception program for returning migrants. The Welcome Home program started in 1998 to provide basic reception services and evolved into the El Salvador is Your Home program in 2017, with expanded services across municipal offices.[136] In its latest iteration, the program's goal is to establish a "mechanism for information and coordination with different actors to provide comprehensive psychosocial care and employment, academic and entrepreneurial opportunities." The program's main challenge is connecting returnees to reintegration services.[137] Using the Single National Immigration Information System—a registration form that allows the government to analyze the demographic profiles and needs of returning migrants—the program was able to register 74,000 returning migrants between November 2015 and March 2018. However, over the same period, the program was only able to connect 5,000 returnees to reintegration services across its six offices, including entrepreneurship opportunities, labor certification, educational programs, and medical attention.

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In Honduras, as a response to the large-scale movements of unaccompanied children in 2014, the president declared a humanitarian emergency and created the Migrant Child Joint Task Force.[138] Since then, the task force has evolved and is now the coordinating and decision-making body for issues related to the protection of and assistance to all Honduran migrants. It is made up of 20 official and nongovernmental institutions, including the Directorate for Children, Adolescents, and Family (DINAF).[139] DINAF's mandate is to serve the most vulnerable, including returning migrant children, through its migration program.[140]

Also in 2014, Honduras implemented a new *Law for the Protection of Honduran Migrants and their Families*, with the objective of protecting Honduran migrants abroad and returnees, thereby laying the framework for existing migrant services.[141] To protect Honduran migrants' rights, the law seeks to coordinate interinstitutional and international efforts on migration policymaking and support civil-society organizations for Honduran returnees, among other aims. The law also established an annual Fund of

134 Author interviews with a nongovernmental expert, July 2020.
135 Some migrant leaders questioned this election. See Denni Portillo, "Acusan al Gobierno de manipular elección en CONMIGRANTES," *La Prensa Gráfica*, January 12, 2021.
136 Salvadoran Foreign Ministry, "El Salvador es tu casa: Sistema de Servicios Integrales para la Población Salvadoreña Retornada" (presentation, Foreign Ministry, San Salvador, June 14, 2018).
137 Salvadoran Foreign Ministry, "El Salvador es tu casa."
138 Honduran Presidency, "Fuerza de tarea para la niñez migrante," accessed March 1, 2021.
139 National Center for Social Sector Information, "Migrantes Retornados," accessed March 1, 2021.
140 Government of Honduras, "Dirección de Niñez, Adolescencia y Familia," accessed March 1, 2021.
141 Government of Honduras, *Ley de Protección de los Hondureños Migrantes y sus Familiares,* enacted February 15, 2014.

Solidarity with Honduran Migrants (FOSMIH) to pay for social and employment reintegration programs, as well as to strengthen consular services abroad.[142]

Honduras' National Center for Social Sector Information (CENISS) oversees the Comprehensive System of Assistance for Returned Migrants (SIAMIR), a database with statistical information collected through the Comprehensive File for Returned Migrants (FIM). Using this information, the government identifies the needs of Honduran returnees and presents to them employment possibilities, available trainings, and other forms of support. Returnees complete the FIM at three Centers for Returned Migrant Care (CAMRs) located at the San Pedro Sula airport, in the port city of Omoa, and in the Palmerola Air Base near Comayagua, and at a Center for Adolescent and Family Migrants (CANFM-Belén) in San Pedro Sula, which provide comprehensive assistance to Honduran migrants returned by air, land, or sea.[143]

In addition, there are Municipal Units for the Returnee Care (UMARs) located in the 15 Honduran communities with the highest rates of out-migration. Drawing on data collected about returnees upon their reception, the UMARs seek to provide assistance and follow-up services to returnees, with the goal of supporting their economic and social reintegration into their communities of origin.[144] The success of UMARs in connecting returnees with available services, however, is unclear due to the lack of government data on the outcomes of these efforts.

In all three countries, civil-society organizations—some of them independent and many others tied to the Catholic, Mennonite, or Lutheran Church—fill the gaps left by government in attending to return migrants and helping them reintegrate into local communities.[145] Some of these organizations, such as the Salvadoran Institute of the Migrant (INSAMI) and the Jesuit Network, are well established and offer a range of reintegration supports, including assistance in obtaining needed documents and sometimes referrals for employment. Several organizations have also worked to influence policy discussions, including developing strategies for the financial inclusion of return migrants in the case of INSAMI.[146]

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Diaspora organizations are another important resource for returning Central American migrants, and some have demonstrated a desire to work together and share experiences. In 2017, the National Commission

142 Government of Honduras, *Reglamento para la Administración del Fondo de Solidaridad con el Migrante Hondureño,* enacted February 3, 2018.

143 The Center for Returned Migrant Care (CAMR) in San Pedro Sula receives and serves migrant adults returned by air from anywhere in the world, while the one in Omoa does the same for adults returned by land from Guatemala and Mexico and by sea from Belize. The CAMR-Belén receives and serves families and unaccompanied children returned via air and land. In exceptional cases, the Comayagua CAMR, located at the Palmerola Air Base, receives migrants returned from the United States, including unaccompanied children, adults, and families. See Government of Honduras, "Contribuciones del Estado de Honduras para el Informe sobre los Derechos Humanos de los Migrantes," accessed March 1, 2021.

144 Foro Social de Deuda Externa y Desarrollo de Honduras, *Características Fundamentales para una Reinserción Efectiva de hondureños "TPS" Retornando a Honduras: Recomendaciones de Políticas Públicas* (Washington, DC: Wilson Center, 2019).

145 Author interview with civil-society leaders, July to September 2020. See also Federación Luterana Mundial, "Continua apoyo a migrantes retornados en Olancho" (news release, April 6, 2017).

146 Salvadoran Institute of the Migrant, "Los retornados una población con potencial," accessed March 15, 2021.

to Support Returnees with Disabilities (CONAMIREDIS) in Honduras, the Alliance for Salvadoran Returnees (ALSARE), and the Association of Guatemalan Returnees (ARG) formed the Regional Alliance of Returned Migrants.[147]

Employment assistance is a central focus of many reintegration programs. For example, Guatemala has programs run by not-for-profit organizations and government institutions—including the Fundación Avina, Te Conecta, and the National Institute of Technical and Professional Formation—to certify the skills of returning migrants, provide training, and help them find work. The nonprofit Te Conecta, for instance, offers counseling, work orientation, computer training, and helps returnees connect with employers, often call centers.[148] The large international aid organization Catholic Relief Services (CRS) also offers labor-market-focused programs and services across the region, including vocational and technical training, seed capital, and programs to develop interpersonal and life skills. In addition, CRS has developed initiatives to combat youth employment and promote social entrepreneurship, including a one-year program that provides job training and mentorship for youth and helps them find employment after graduating from the program.[149] Such initiatives not only help migrants find their feet after return, they also help ensure that local communities benefit from skills returning migrants may have gained abroad.

Some reintegration programs include a focus on entrepreneurship. Examples include the Program to Support Migrants run by the Mennonite Social Action Commission (CASM), which helps youth deported to Honduras learn job skills or how to start a small business. Lutheran World Federation's World Service also has a program that, among other things, aims to help migrants returned to the country launch small businesses.[150]

One limitation of this patchwork of initiatives is that job training and skill-building programs are mainly based in urban areas, while many returning migrants come from rural communities where few such programs exist. There are, however, some examples of successful efforts to provide technical training in rural communities, such as the Guatemalan government's Quédate (Stay) training center in Santa María Visitación, a small community in the Western Highlands.[151] This type of program often targets not only returnees but also at-risk youth who may consider migrating, such as a six-year nutritional and food security program (SEGAMIL) that provides certification in agricultural employment and microloans for entreprenurial projects.[152] Other factors that have limited the growth and reach of reintegration initiatives include limited

147 Nyzelle Juliana Donde and Tuíla Botega, "Migrantes retornados con discapacidad y sus luchas por reconocimiento: una mirada desde la Pastoral de Movilidad Humana de Honduras," *REMHU: Revista Interdisciplinar da Mobilidade Humana* 28, no. 60 (2020): 263–70. See also Diario Co Latino, "Migrantes retornados centroamericanos crean Alianza Regional," updated April 26, 2018.

148 Te Conecta, "Quienes Somos," accessed March 9, 2020. See also Ruiz Soto, Dominguez-Villegas, Argueta, and Capps, *Sustainable Reintegration*, 19.

149 Catholic Relief Services, "Lo Que Hacemos," accessed March 15, 2021.

150 Federación Luterana Mundial, "Continua apoyo a migrantes retornados en Olancho."

151 Guatemalan Ministry of Social Welfare (SBS), "Centros de Formación 'Quédate'," accessed March 9, 2020. See also Ruiz Soto, Dominguez-Villegas, Argueta, and Capps, *Sustainable Reintegration*, 18.

152 Guatemalan Ministry of Nutritional and Food Security, "Programa SEGAMIL certificó a 126 promotores agropecuarios comunitarios en Totonicapán," updated August 13, 2018. See also Catholic Relief Services, "La decisión de quedarse hizo una diferencia," accessed March 15, 2021.

human resources,[153] a lack of public awareness of available services and, in some cases, a lack of public confidence in the government and its programs.[154]

Finally, while existing reintegration efforts are oriented mainly toward labor market reintegration, a more holistic approach is needed—one that attends to the family, community, education, and psychosocial support of returnees. Returning migrants are often stigmatized as "criminals," and this has reached new levels during the pandemic amid fears that they may be carrying the virus.[155] Returned immigrants may also experience self-stigmatization, and some express desires "to be invisible," refrain from telling others they have lived in the United States, or even that they speak English.[156] The process of developing a sense of belonging takes time, as well as personal and community support. Given these challenges, reintegration programs in these countries that are especially successful often have a strong focus on mental health.[157]

While existing reintegration efforts are oriented mainly toward labor market reintegration, a more holistic approach is needed.

C. *The Importance of Interagency Coordination and International Cooperation*

As has been suggested above, one of the missing pieces of a more effective, consolidated migration system in each country is coordination among different parts of government. Policymaking has remained *ad hoc* in most of these Central American countries, shifting between the foreign and interior ministries, migration agencies, and the presidency, depending on the moment and the external pressures that force action. These three countries have yet to develop a sustainable decision-making system that allows stakeholders across the institutional landscape to weigh in on policy and plan for the future.

The one partial exception is Guatemala, which has the ANM, though it does not appear at present to be the primary vehicle for migration discussions or decisions within the government. One careful observer of migration policy in the region noted in an interview that migration institutions and governance structures

153 General Directorate for the Protection of Honduran Migrants, "Avances Y Desafíos De La Institucionalidad Alrededor Del Bienestar Del Migrante Hondureño," accessed March 1, 2021.

154 In Honduras, a 2020 public opinion poll found that 83 percent of the population had no confidence in the central government; eight out of ten citizens said they thought corruption was spreading in the central government and that society had more confidence in the church than in state authorities. See Reflection, Research, and Communication Team of the Society of Jesus, "Sondeo de Opinión Publica 2020," accessed March 1, 2021.

155 Juan Montes and Michelle Hackman, "Latin America, Wary of Exported Coronavirus, Voices Concern over U.S. Deportations," *Wall Street Journal,* April 24, 2020; Camille Le Coz and Kathleen Newland, *Rewiring Migrant Returns and Reintegration after the COVID-19 Shock* (Washington, DC: MPI, 2020).

156 Author interview with member of migrant returnee association, September 2020.

157 See Ruiz Soto, Dominguez-Villegas, Argueta, and Capps, *Sustainable Reintegration*. The Salvadoran Institute of the Migrant (INSAMI) has a protocol that starts with the intake interview and is followed up at the medical clinic. The protocol includes referrals to the national health system, as needed. In Guatemala, the Casa del Migrante has a psychologist at the Center for Returnees at the Air Force Terminal for emergency situations and referral for follow-up with in-house psychologists at the Casa del Migrante headquarters. La Red Kat – DESGUA (Desarrollo Sostenible para Guatemala) has a 12-step reintegration program in Quetzaltenango, Guatemala, with limited capacity. SBS children's shelters at both the Air Force Reception Center (where families arrive) and the regular airport reception center (where unaccompanied children arrive), as well as in the two Nuestras Raíces shelters (one in Quetzaltenango and one in Guatemala City), all have psychologists to evaluate new arrivals.

are "niches that are occupied by the governments in power at their convenience," which prevents their consolidation.[158]

Many migration decisions are also interdependent in the region, which makes finding mechanisms for cooperation among the three governments and with the governments of Mexico and the United States crucial. There appears to be fluid communication on a daily, operational level among the migration institutes in these three Central American countries and with INM in Mexico and the Department of Homeland Security in the United States, especially to sharing information about migrants who may have outstanding warrants or present a threat to national security. However, other aspects of cooperation are still a work in progress.

One opening for broader regional cooperation is on investments to address the root causes of migration. Designed by the Economic Commission for Latin America and the Caribbean (ECLAC), the Comprehensive Development Plan (PDI) for El Salvador, Guatemala, Honduras, and Mexico seeks to overcome structural causes of migration by investing 45 billion dollars over five years in economic development, social well-being, and environmental sustainability.[159] Mexican President López Obrador has committed to providing funds for the three Central American countries to establish two social and employment programs with the goal of curbing irregular migration.[160]

The conference of migration authorities, convened by SICA (a coordinating body among Central American governments), presents one forum where migration institution leaders meet. The Regional Migration Conference, which also includes the United States, Canada, Costa Rica, Panama, and the Dominican Republic and is managed by IOM, constitutes another mechanism that can facilitate reciprocal learning and initial coordinated steps in some areas such as addressing trafficking. Similarly, the MIRPS, managed by UNHCR, is an important framework for developing standards and basic processes to improve humanitarian protection in these countries, though there is a long way to go on this.

IOM and UNHCR, in particular, play large roles in advising governments individually on migration policy and humanitarian protection, respectively, as well as providing resources to help national migration actors carry out their missions. There is even more room for future collaboration through these two UN agencies as El Salvador, Guatemala, and Honduras work to develop more robust institutions for migration policymaking, migration management, enforcement, asylum and protection, legal labor mobility, and support for returning migrants.

158 Author interview with a nongovernmental expert, July 2020.

159 Economic Commission for Latin America and the Caribbean (ECLAC), "El Plan de Desarrollo Integral es la llave para atender las causas estructurales de la migración con un enfoque de crecimiento, igualdad y sostenibilidad ambiental," updated September 23, 2020. See also ECLAC, *Hacia un nuevo estilo de desarrollo: Plan de Desarrollo Integral El Salvador-Guatemala-Honduras-Mexico* (Mexico City: ECLAC, 2019).

160 These two programs are: Sowing Life (Sembrando Vida) to provide subsidies and technical training for agricultural workers and tree planters, and Youth Building the Future (Jóvenes Construyendo el Futuro) to provide a work stipend and professional training for youth. The latest reports indicate the Mexican government had invested 886 billion pesos (approximately 43 million dollars) for these programs in El Salvador and Honduras, with more than 11,000 beneficiaries. Because of the presidential elections and the pandemic, Guatemala had yet to receive this investment as of February 2021. See Enrique Hernández, "México beca a 11,184 jóvenes y sembradores de Honduras y El Salvador," *Forbes Centroamérica*, February 8, 2021.

4 Costa Rica and Panama: A Study in Institutional Contrasts for Managing Migration[161]

Unlike in Mexico or other countries in Central America, immigrants make up substantial shares of the population in both Costa Rica and Panama. That proportion is somewhere between 13 percent and 15 percent in Costa Rica, the highest in Latin America and much closer to the figure for the United States (14 percent) than to that of other countries in the region.[162] In Panama, meanwhile, around 4 percent of the population was born abroad.[163] In both cases, these foreign-born populations include a mix of well-off immigrants who have chosen to do business or retire in these countries; a substantial number of refugees and other forced migrants, some of whom have asylum applications pending; and low-skilled migrants in irregular status. Both countries have faced mass migration in recent years because of the political and economic crises in Venezuela and Nicaragua, which have driven large numbers of people to seek refuge in neighboring countries.

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In institutional terms, Costa Rica and Panama are a study in contrasts. Panama's migration institutions were largely dismantled when the country's security institutions were restructured in the 1990s after the fall of the regime built by one-time strongman General Manuel Noriega, but they were never fully rebuilt. Meanwhile, Costa Rica has some of the most sophisticated migration and humanitarian protection institutions anywhere in the Americas. However, these institutions have come under increasing pressure as the number of migrants and asylum seekers from Nicaragua, Venezuela, Cuba, and, increasingly, El Salvador and Honduras have overwhelmed their capacity.

At the same time, both Panama and Costa Rica are contending with a significant increase in transit migrants from other countries, including Haiti, Cameroon, Congo, Bangladesh, India, and several others, who are trying to reach the United States. They have built an incipient capacity to manage these transit movements, including shelters and systems coordinated with the U.S. government to provide background checks for those passing through, but they are also facing significant numbers of transit migrants who want to skirt these controls, the growing influence of smugglers, and weak capacity to return migrants to their countries

161 This section was researched and written primarily by Andrew Selee and Jessica Bolter, with additional input from the report's other authors. MPI consultant María Jesús Mora provided additional research, some of it from her ongoing research on immigration and integration policies in Costa Rica with Diego Chaves, which will be published as: Diego Chaves and María Jesús Mora, *Costa Rican Migration Policy* (Washington, DC: MPI, forthcoming).

162 The Costa Rican government estimated in 2011 that its foreign-born population was 8.9 percent of the total population. Further estimates by the government, in the National Integration Plan published in 2017, suggest that the foreign-born share of the population rose to 13 percent in 2017. Starting in 2018, an additional 80,000 to 100,000 Nicaraguans (or more) migrated to Costa Rica, as will be discussed below, along with migrants from Venezuela, the United States, Colombia, the European Union, and elsewhere, which would suggest that today's foreign-born share of the population is probably more than 14 percent and perhaps closer to 15 percent. For the 2017 and 2011 numbers, see Costa Rican General Directorate of Migration and Immigration, *Plan Nacional de Integración para Costa Rica, 2018-2022* (San José, Costa Rica: General Directorate of Migration and Immigration, 2017), 11–14.

163 United Nations Department of Economic and Social Affairs, Population Division, "International Migrant Stock 2019: Country Profiles," accessed February 15, 2021.

of origin. The COVID-19 pandemic has further strained efforts to address these issues and created an entirely new set of challenges for migration management.

A. Changing Immigration and Asylum Trends

In another difference from other countries in Central America, Costa Rica and Panama have relatively few nationals living abroad. There were only 101,000 Panamanians and 94,000 Costa Ricans living in the United States, the principal destination for migrants from both countries, in 2019.[164] In contrast, both countries have large numbers of immigrants relative to the size of their populations; in 2019, Panama had roughly 185,000 immigrants compared to a total national population of 4.2 million, and Costa Rica had 418,000 immigrants and a total population of 5.0 million.[165]

In another difference from other countries in Central America, Costa Rica and Panama have relatively few nationals living abroad.

In the case of Costa Rica, there have been three major sources of immigration. By far the largest, constituting more than three-quarters of all immigrants in Costa Rica, are Nicaraguans, who initially arrived in three major periods: in the 1970s, responding to the repression of the Somoza regime in that country; in the 1980s during the civil war; and in the 1990s during an economic crisis.[166] In addition, there has been ongoing low-level migration between the two countries, some of it seasonal, as Nicaraguans find employment in agriculture, construction, domestic work, and other areas of the Costa Rican economy. Since April 2018, when the government of President Daniel Ortega in Nicaragua began repressing peaceful protests, a new influx of Nicaraguan asylum seekers and migrants has fled to Costa Rica, which is usually estimated to be between 80,000 and 100,000.[167]

Costa Rica has also become a destination of choice for nationals of other countries pursuing a better life or seeking refuge, including, in the 1990s and early 2000s, many Colombians, and more recently, Venezuelans. The Costa Rican government calculated that there were about 27,000 Colombian-born persons in the country in 2017.[168] Meanwhile, international estimates suggest that there are almost 30,000 Venezuelans living in Costa Rica, most of whom have arrived since 2015 and especially since 2017.[169]

164 See MPI Migration Data Hub, "Countries of Birth for U.S. Immigrants, 1960-Present," accessed March 12, 2021. The Costa Rican government estimates that 60 percent of Costa Ricans abroad live in the United States, although they put the overall figure of Costa Ricans abroad at 210,000, a slightly higher figure, but still quite a low number compared to some other emigrant populations. See Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017* ((San José, Costa Rica: General Directorate of Migration and Immigration and IOM, 2017).

165 The World Bank, "Population, Total," accessed March 12, 2021.

166 Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017*, 13.

167 Andrew Selee and Jessica Bolter, *An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration* (Washington, DC: MPI, 2020), 1.

168 Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017*, 16.

169 The official international estimate is 29,800 as of February 2021, according to the R4V Coordination Platform for Refugees and Migrants from Venezuela, "Response for Venezuelans – RMRP 2020 Dashboard," accessed February 15, 2021. However, a 2020 report by the Organization of American States (OAS) puts the number at more than 40,000. See David Smolansky, *Situación de los Migrantes y Refugiados Venezolanos en Costa Rica* (Washington, DC: OAS, 2020).

Among the well-off migrants from all over the world who come to live in Costa Rica, a large number are U.S. born. Indeed, U.S.-born immigrants are among the top four foreign-born groups in the country, with an estimated 24,000 U.S.-born persons living in Costa Rica in 2017.[170] Many of them are retirees, entrepreneurs, or employees in international businesses. The country also hosts a significant number of immigrants from the European Union, about 20,000 in 2017.[171]

While Nicaraguan migrants, refugees, and asylum seekers tend to be less well off, many nationals of other countries—including asylum seekers and refugees from Venezuela and Colombia—often come from more educated and sometimes affluent backgrounds. A study of Costa Rica's migration landscape in 2017 notes that while only 7 percent of Nicaraguan immigrants had higher education, compared to 18 percent of the Costa Rican-born population, 53 percent of immigrants from other countries had higher education.[172] However, the most recently arrived Nicaraguans are more well educated than those who arrived in prior periods, including as they do many students and professionals who were involved in the protest movement. One study, published in 2019, estimated that 53 percent of Nicaraguans who arrived since 2018 had at least some college education.[173] Similarly, recent asylum applicants are more educated compared to previous cohorts.[174]

Panama also has a long history as a country of migrants. Indeed, most Panamanians can trace at least some, if not most, of their family roots to one of the many migrations that shaped the country in the 20th century. These include the influx of English-speaking Caribbean immigrants, mostly of African descent, in the early 20th century to build the Panama Canal; immigrants from Europe and Latin America; and, at different points in the last century, large numbers of immigrants from China and the Middle East. Panama's central role in commerce and finance—initially because of the canal but later because of its strategic geographical location and financial laws—has made it a natural crossroads for people from all over the world. During the period when the Panama Canal Zone remained an unincorporated U.S. territory, from 1903 to 1979, thousands of U.S. citizens were drawn to Panama and settled there. In recent years, Panama has also become a preferred destination for U.S. retirees who often buy property and move there.[175]

Estimates of the immigrant population in Panama put it at around 4 percent to 5 percent of the country's 3.9 million people.[176] Slightly more than half of all immigrants are from Colombia and Venezuela,[177] and the remainder come from a variety of other countries, including particularly large numbers from China, the United States, and Nicaragua. Like Costa Rica, Panama has both high- and upper-middle-income labor migrants and retirees, as well as a large number of asylum seekers and low-income labor migrants.

170 Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017*, 16.
171 Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017*, 16.
172 Costa Rican General Directorate of Migration and Immigration, *Diagnóstico del Contexto Migratorio de Costa Rica 2017*, 24.
173 Elvira Cuadra Lira and Roberto Samcam Ruiz, *De la Represión al Exilio: Nicaragüenses en Costa Rica* (San José, Costa Rica: Fundación Arias para la Paz y Progreso Humano, 2019), 10.
174 Petra Petry and Carlos Salas L., *Estudio sobre el mercado laboral para personas refugiadas y solicitantes de refugio en el Valle Central (San José, Alajuela, Heredia y Cartago), Upala y Los Chiles, Costa Rica* (San José, Costa Rica: HIAS and Escuela de Adminisración de Negocios, 2020), 76.
175 See David Dixon, Julie Murray, and Julia Gelatt, "America's Emigrants: U.S. Retirement Migration to Mexico and Panama," *Migration Information Source*, September 1, 2006.
176 United Nations Department of Economic and Social Affairs, Population Division, "International Migrant Stock 2019."
177 Venezuelans and Colombians together make up 54 percent of the total foreign-born population. Author calculations based on data from the United Nations Department of Economic and Social Affairs, Population Division, "International Migrant Stock 2020 – Destination and Origin," accessed February 15, 2021.

As in Panama, Colombian migrants arrived in large numbers in the 1990s and early 2000s, and because of family ties and the shared border, some continue to arrive today. The largest recent influx of immigrants, however, has been of Venezuelans. More than 120,000 now live in Panama, making it the country that has received the seventh largest number of Venezuelan migrants and refugees.[178] The number of Nicaraguan migrants who have arrived in Panama has also increased since the crackdown on protests began in 2018, with more than 6,000 applications for asylum as of October 2019.[179]

B. Migration Laws and Institutions

Migration institutions and policies have been evolving in both countries as immigration has increased in recent years. In the case of Costa Rica, these changes build on a solid foundation of laws, policies, and institutions that have been developed over many decades, while Panama is building its capacity to manage migration on less well-established foundations.

Costa Rica

Costa Rica's institutional system for managing migration has developed over the years as the country has attracted migration from around the world. Officially, the National Migration Council helps the president set migration policies and includes a wide range of ministers and agency directors whose portfolios touch on migration issues. In reality, the Governance Ministry and the Foreign Ministry play particularly important roles in day-to-day policymaking, with the vice minister of governance as the main point person for migration affairs in the country.[180]

The General Directorate of Migration and Immigration, part of the Governance Ministry, oversees the day-to-day operations of migration management. It is responsible for issuing visas within Costa Rica, while the Consular Service, within the Foreign Ministry, is responsible for the issuance of visas at embassies and consulates abroad.

Within the General Directorate, the Professional Migration Police is tasked with border and interior enforcement, including staffing official border crossing points, managing transit migration, and investigating and dismantling smuggling networks. The Migration Police has its own police academy and career path separate from the National Police.

The General Directorate also includes the Unit of Refugee, Consular, and Restricted Visas, which oversees the asylum process and the issuance of visas to nationals of a specific set of countries from which the government has designated visa applications as requiring further review.[181] The unit staffs the Commission

178 For regularly updated figures on Venezuelan nationals living abroad, see R4V Coordination Platform for Refugees and Migrants from Venezuela, "Response for Venezuelans."

179 OAS, "CIDH y su MESENI realizan visita a Panamá para monitorear la situación de personas migrantes y refugiadas nicaragüenses" (press release, October 25, 2019).

180 Analysis of legal framework is based on in-depth mapping of migration institutions and laws in Costa Rica; see María Sol Pikielny and María Jesús Mora, "Institutional and Legal Migratory Framework of the Republic of Costa Rica" (working paper, MPI, Washington, DC, prepared February 2021). See also IOM, *Perfil de gobernanza sobre migración* (Geneva: IOM, 2019).

181 Government of Costa Rica, President of the Republic and Minister of Government and Police and Public Safety, "Reglamento para el otorgamiento de visas restringidas Nº 32245," February 22, 2005.

on Restricted Visas and Refuge, which makes determinations on asylum applications and which includes representatives of the Ministries of Labor, Foreign Affairs, and Governance and Public Security.

Costa Rica also has an Administrative Tribunal of Immigration, an autonomous body made up of three interdisciplinary regular judges and three alternate ones appointed for six-year periods who receive and decide on appeals to asylum and visa decisions. The tribunal is located in and staffed by the Governance Ministry, but its decisions are made by the judges—a model that could hold promise for other countries (re)designing their asylum systems. The tribunal's decisions are the final step in the administrative appeals process, though applicants can appeal tribunal decisions to courts in the judicial system.[182] This is a pioneering system in Latin America as it is the first one designed to solve appeals administratively.[183]

Several other ministries also deal with migration issues, including the Ministries of Labor, Health, and Education and the Costa Rican Social Security Fund. Each of these has designated vice ministers or general directors responsible for coordinating on migration issues.

Throughout the 20th century, the Costa Rican state developed relatively strong institutional structures, laws, and policies.

Costa Rica is one of the few countries in Latin America that has a history of investing in its migration institutions. This is partly because of Costa Rica's long-standing role as a recipient of immigrants and refugees, but it also reflects the greater institutionalization of the state in Costa Rica overall compared to other countries in the region.[184] Throughout the 20th century, the Costa Rican state developed relatively strong institutional structures, laws, and policies, and this process accelerated after the abolition of the military in 1948.

However, today these institutions are under severe stress because of the rapid arrival of around 80,000 to 100,000 Nicaraguans and almost 30,000 Venezuelans, as well as growing numbers of migrants from Cuba, El Salvador, and Honduras, in only a few years. An analysis of government finances suggests that the overall budget of the migration-related agencies went up slightly from 2017 to 2019 but then experienced significant cuts in 2020 and 2021, due to budget tightening measures and then the pandemic-related economic downturn, leaving these agencies considerably less resourced than in recent years.[185] So, while the demand for services, including asylum applications, has expanded substantially, the actual resources available to meet this demand have not kept pace.

182 Costa Rican Administrative Tribunal of Immigration, "Legal Nature and Characteristics of the Tribunal," accessed March 3, 2021.

183 Author interviews with Costa Rican government official, August 2019.

184 On the institutionalization of the Costa Rican state in the 20th century, see Jeffery M. Paige, *Coffee and Power: Revolution and the Rise of Democracy in Central America* (Cambridge, MA: Harvard University Press, 1998). See also Hector Perez-Brignoli, *A Brief History of Central America* (Berkeley, CA: University of California Press, 1989).

185 In particular, the budget of the General Directorate of Migration and Immigration decreased from 35 billion colones (roughly USD 58 million) in 2020 to 20.7 billion colones (USD 34 million) in 2021, therefore showing a 41 percent decrease from last year. The Governance Ministry had a decline in resources too, from 61 billion colones (USD 100 million) in 2020 to 43.8 billion colones (USD 72 million) in 2021. The Administrative Tribunal and the Social Migration Fund, which reinvests part of the fees generated by visas and other administrative processes related to migration back into the migration agencies and integration efforts, also saw decreases in funding. Based on figures available from Costa Rica's Treasury Ministry and data shared by the Governance Ministry with MPI in February 2021. See Costa Rican Treasury Ministry, "Ley de Presupuesto 2020," accessed February 15, 2021; Costa Rican Treasury Ministry, "Ley de Presupuesto 2021," accessed February, 2021. There was also a 24 percent decreased in appropriations from 2019 to 2020. See Costa Rican Ministry of the Interior and Police, "Mociones al presupuesto 2021 afectarían servicios al usuario y operatividad del MGP" (news reléase, October 19, 2020).

The vast majority of asylum applications come from Nicaraguans and Venezuelans who, respectively, constituted 83 percent and 10 percent of all asylum applications in 2018, 80 percent and 6 percent in 2019, and 78 percent and 1 percent in 2020. Meanwhile, the number of asylum applications filed by Hondurans and Salvadorans increased between 2018 and 2019, by 32 percent and 8 percent, respectively.[186]

An overall increase in asylum applications from less than 1,000 in 2013 to 6,000 in 2017 and then further to 28,000 in 2018 and 39,000 in 2019 has made it difficult for the Costa Rican asylum system to process new applications, and it is often taking several months to get applicants the work authorization[187] they can apply for 90 days after filing their application.[188] Moreover, the length of time it takes to get a decision on an asylum application has increased under the heavy caseload, and it now can take as long as two to three years to get an initial decision, and another year or two on appeals.[189] This extended wait period has created incentives for some migrants to submit asylum applications as a way to stay legally in the country for this period, making the asylum process a *de facto* form of temporary status.

An overall increase in asylum applications from less than 1,000 in 2013 to 6,000 in 2017 and then further to 28,000 in 2018 and 39,000 in 2019 has made it difficult for the Costa Rican asylum system to process new applications.

Historically, approval rates have been low for asylum in Costa Rica, and asylum decisions have been based on the five grounds laid out in the 1951 Refugee Convention.[190] However, these rates have increased in recent years, especially in late 2019 and in 2020, rising from less than 10 percent in 2018 to 21 percent in 2019 and almost 50 percent in 2020,[191] with particularly high approval rates for Nicaraguan and Venezuelan nationals. This change appears to reflect, in part, the growing number of Venezuelan and especially Nicaraguan asylum cases under consideration, as these applicants may have stronger cases for protection. The change may also reflect a deliberate policy shift, perhaps influenced by a 2019 decision by the Administrative Tribunal of Immigration which suggested that the Commission on Restricted Visas and Refuge could take into account the Cartagena Declaration, an agreement among Latin American countries to expand the refugee standard to include those fleeing generalized violence and the breakdown of public order. The refugee standard of the Cartagena Declaration has not been incorporated into Costa Rican law, as it has in some other countries, but the tribunal found that it provides a well-established standard for protection in the region, even if not legally binding under Costa Rican law.[192]

186 Author calculations based on official statistics shared by the Costa Rican Governance Ministry with MPI, January 2019 through December 2020.

187 Alvaro Botero, *Costa Rica: caracterización y análisis de las políticas en materia de migración internacional y refugiados* (Washington, DC: OAS, 2021), with asylum numbers by year shown on page 29. See also Inter-American Commission on Human Rights (CIDH) and OAS, *Migración forzada de personas nicaragüenses a Costa Rica* (San José, Costa Rica: CIDH and OAS, 2019).

188 Costa Rican Governance Ministry, "Reglamento de Personas Refugiadas," *La Gaceta* Nº 36831-G (November 1, 2011): Article 54.

189 Author interviews with five government officials and nongovernmental experts, July to August 2020. See also Botero, *Costa Rica*.

190 The Costa Rican government is a signatory to the Cartagena Declaration on Refugees, which expands the grounds for the recognition of refugees in the Americas, but unlike most other signatories, it has not incorporated the declaration into its own laws. See Feline Freier and Nicolas Parent, "The Regional Response to Venezuelan Exodus," *Current History* 118, no. 805 (February 2019): 56.

191 MPI calculations based on data provided by the Refugee Unit in December 2020.

192 CIDH and OAS, *Migración forzada de personas nicaragüenses a Costa Rica*, 106; Author interview with a government official, July 2020.

In October 2020, the Costa Rican presidency issued a resolution making eligible for complementary protection nationals of Cuba, Nicaragua, and Venezuela whose asylum cases are denied. Under this resolution, those granted complementary protection may remain in the country for a renewable period of two years.[193] In doing so, the presidency cited the general protection needs of nationals of those countries, regardless of the validity of their specific asylum claims.

Like the asylum system, the system for issuing seasonal agricultural visas, which primarily exist to facilitate the legal hiring of Nicaraguan workers during peak periods of need for agricultural labor, is facing backlogs. Visits by the Migration Police to large farms during the early months of the pandemic to examine health conditions there unearthed the fact that few employers were using the visas, and that many preferred hiring unauthorized migrants from Nicaragua instead. Subsequently, the government created a process to expedite and decrease the cost of these visas, and officials report a significant expansion in their use since then.[194]

The processing of visas in other categories appears to be working well, according to stakeholders interviewed in this study. However, other integration issues that go beyond the acquisition of legal status remain a challenge. Access to health care, for example, has proved problematic for certain groups of immigrants. While it is universal for all citizens and legal residents, who pay into the Costa Rican Social Security Fund (CCSS), this is not the case for asylum seekers and irregular migrants. UNHCR has reached an agreement to cover some asylum seekers' contributions to CCSS and facilitate their access to care—6,000 in 2020[195] and 10,000 in 2021, prioritizing those with special needs—this number is a fraction of those waiting for asylum decisions.[196] CCSS does, however, cover emergency costs for all people living in the country, regardless of immigration status, as well as the medical costs of all people who are pregnant or under the age of 5. In addition, students between the ages of 6 and 18 can access care through the CCSS as a result of their student status.[197]

In the area of education, there appear to be relatively few issues with registering foreign-born children, compared to the challenges faced in some other countries in the region. Immigrant children are entitled to take part in the country's universal education system, and Costa Rica is one of the few countries in Latin America that specifically waives the requirement that students seeking to enroll must present their prior education credentials for asylum seekers and refugees. It has also issued legislation providing guidelines on how to integrate asylum seekers into the education system.[198]

193 General Directorate of Migration and Immigration, "Resolución N° DJUR-0164-10-2020-JM," *La Gaceta – Diario Oficial,* November 12, 2020.

194 Author interviews with two government officials and two nongovernmental experts, July to August 2020; Author interview with a government official, January 2021.

195 Selee and Bolter, *An Uneven Welcome*, 42.

196 Author interviews with a representative of an international organization and a senior government official, August 2020. See also Diego Coto Ramírez, "CCSS y ACNUR firman convenio para asegurar a 10 000 personas solicitantes de refugio o refugiadas," CCSS Noticias, February 11, 2021.

197 Selee and Bolter, *An Uneven Welcome*, 42. See also Alberto Cortés Ramos and Adriana Fernández Calderón, *Universal Coverage? Barriers to Access to Health Care for the Nicaraguan Refugee Population in Costa Rica* (San José, Costa Rica: Universidad de Costa Rica, Centro de Investigación y Estudios Políticos, 2020).

198 IOM, *Perfil de gobernanza sobre*, 9; Costa Rican Ministry of Public Education, "Directriz N° DM- 45-08-2018-MEP" (decree, August 22, 2018).

Nonetheless, there are larger issues of discrimination against many immigrants, refugees, and asylum seekers in Costa Rica, particularly those from Nicaragua, who are often stigmatized for their origins. Although the most recent arrivals from Nicaragua have higher levels of education, on average, than the Costa Rican population (as discussed in Section 4.A.), the perception of Nicaraguans as less educated and less skilled persists. This type of stigma can become a social mobility barrier, making it harder for immigrants to access jobs in the professional sector.[199] In some cases, discrimination might also result in denial of access health or education, and other forms of employment.[200] The gap this creates between the generous normative framework and the on-the-ground experiences of different groups of immigrants is compounded by a lack of communication between high-ranking officials and the government personnel who directly interact with migrants and refugees but may not be aware of their rights.[201]

Panama

Panama's experience with immigration and asylum has been quite different. The prior immigration structure, which was closely tied to the government's public security apparatus, was dismantled following the removal of the Noriega regime in 1989, and a new structure never fully replaced it.[202] In recent years, the country has started strengthening its institutional framework for migration management, but this remains woefully deficient in the eyes of most officials and observers.[203]

Officially, the Public Security Ministry proposes migration policy to the president, and the public security minister presides over an Advisory Council on Migration that includes counterparts from other ministries. In practice, the Public Security Ministry appears to set policy independently, and it then delegates implementation to the National Migration Service. The Public Security Ministry also oversees a separate Border Agency, which has responsibility for the country's land borders and is the primary implementer of policies on transit migration. The National Office for Refugee Assistance (ONPAR), Panama's asylum agency, is located in the Governance Ministry, and the National Commission for the Protection of Refugees (CONARE), an interagency body, makes the final decision in asylum cases, for implementation by ONPAR.[204]

In practice, Panamanian migration law is somewhat confusing and deficient compared to the growing number of migrants and asylum seekers in the country. The visa and asylum systems appear to be particularly sclerotic. In the nearly two decades between 1990 and 2019, only 2,467 people received asylum in Panama. This reflects, in part, high denial rates. For example, while 603 requests for asylum were made between January and August 2020,[205] 121 applications were approved[206] and 2,483 applications were denied. The asylum system also faces a considerable backlog. From 2014 to 2019, 28,366 asylum

199 See María Jesús Mora, "Upwardly Mobile: Nicaraguans Faring with Stigma in Costa Rica," in *Inquiry: A Journal of Undergraduate Research* XXIV (2020): 54.
200 Chaves and Mora, *Costa Rican Migration Policy*.
201 Chaves and Mora, *Costa Rican Migration Policy*.
202 Author interviews with two government officials and one nongovernmental expert, July and August 2020.
203 This point and some of the following analysis is based on seven interviews with current and former government leaders and experts from international organizations and nongovernmental organizations, as well as a review of other sources cited in this section.
204 Analysis of legal framework is based on in-depth mapping of migration institutions and laws in Panama; see María Sol Pikielny, "Institutional and Legal Migratory Framework of the Republic of Panama" (working paper, MPI, Washington, DC, prepared February 2021).
205 Government of Panama, National Office for Attention to Refugees, "Solicitudes de la Condición de Refugiados 2020," accessed March 1, 2021.
206 Government of Panama, National Office for Attention to Refugees, "Proveído," accessed March 1, 2021.

applications were filed, and 17,048 remained pending at the end of 2019, according to a study by UNHCR and the Norwegian Refugee Council.[207]

Almost as many immigrants gained residency through extraordinary measures as through regular visas during this period.

Between 2010 and 2019, the Panamanian government issued 170,609 resident visas, just slightly less than 19,000 per year on average. At the same time, the Panamanian government has used periodic "extraordinary" legalization measures to provide legal status to irregular migrants. From 2010 to 2019, 138,058 people received temporary or permanent residency through these extraordinary measures, coming out to slightly more than 15,000 per year on average. Venezuelans (51,897) were the largest group to receive legal status through such measures, followed by Colombians (41,000) and Nicaraguans (23,551), and several hundred immigrants each from China, the United States, and Spain.[208] In other words, almost as many immigrants gained residency through extraordinary measures as through regular visas during this period.

These extraordinary measures have historically been used as a work-around for offering legal residency in the absence of ordinary channels for doing so that are common in other countries.[209] The Cortizo administration has tried to limit the use of extraordinary measures and to institutionalize the migration system, and the number of extraordinary visas issued has declined since the administration took office in mid-2019. However, this also presents challenges for those unauthorized migrants still in the country.

Unlike other countries in Latin America, foreign-born individuals in Panama are prohibited from taking part in more than 50 professions in 15 economic sectors,[210] including architecture, engineering, nursing, medicine, law, and pharmacy, prohibitions that have been periodically enacted in legislation since the 1950s. In addition, the labor code stipulates that an employer's workforce can only be at most 15 percent foreign born, and that, officially, employers can only hire foreign-born workers for five years.[211]

Some global companies that operate in Panama under a special fiscal regime, called the SEM (Sede de Empresas Multinacionales, or Headquarters for Multinational Companies), are exempt from these rules and can hire foreign-born talent on both a permanent and temporary basis. Permanent staff hired under this regime can also bring family members with them to Panama and obtain permanent residency after five years (and they are permitted a temporary stay of six months if they terminate their employment before the

207 UNHCR and Norwegian Refugee Council (NRC), *Monitoreo de Protección: Panama, Junio – Diciembre 2019* (Geneva and Oslo: UNHCR and NRC, 2020), 3.

208 See the data tables for residency permits and extraordinary regularization processes available on the Panamanian migration statistics website, with breakouts of data for the period 2010–18, 2019, 2020, and January 2021. See National Migration Service of Panama, "Estadísticas," accessed February 15, 2021.

209 This is something that was echoed in author interviews with both current and former officials and nongovernmental experts, July to September 2020.

210 *Forbes*, "Empresarios de Panamá piden abrir mercado laboral a extranjeros calificados," *Forbes*, February 9, 2020. See also Rafael Carles, "Leyes que promueven la mediocridad," *La Estrella de Panamá*, June 16, 2019.

211 Ministry of Labor and Employment Development of the Republic of Panama, "Código de Trabajo No.252" (cabinet decree no. 252, December 30, 1971, amended August 12, 1995).

five years).[212] Reflecting the popularity of this route, the top subcategory for residency application approvals in 2019 was "multinational company employee."[213]

While Panamanian immigration law, via the SEM category, makes it easy for multinational companies to hire foreign-born personnel, most migrant professionals who do not arrive holding a contract with one of these companies find it difficult to pursue their chosen profession in Panama. As a result, the country has a large number of high-skilled migrants, especially from Venezuela and Colombia, who work in non-professional occupations.[214]

The Cortizo administration and National Assembly had been discussing a modernization of the country's legal architecture on migration in 2019 and early 2020, but this appears to have been derailed by the pandemic, which has shifted policy priorities to dealing with the public-health and economic crises.

C. *Addressing Transit Migration*

Since 2015, the number of migrants passing through the Darién Gap, a vast section of rain forest betweenColombia and Panama, to cross Central America and Mexico and reach the United States has increased, thereby also increasing transit migration through Panama and Costa Rica.[215] Data suggest that Cubans and Haitians have used this route the most since 2015: the 36,000 apprehensions of Haitians and the 31,000 apprehensions of Cubans by Panamanian authorities together made up 65 percent of all apprehensions of migrants crossing through the Darién irregularly between January 2015 and October 2020.[216] Rounding out the top ten migrant groups apprehended are nationals of three Asian countries (Nepal, India, and Bangladesh) and five African countries (Cameroon, the Democratic Republic of Congo, Eritrea, Ghana, and Angola).

Since 2015, the number of migrants passing through the Darién Gap ... to cross Central America and Mexico and reach the United States has increased.

This increase in transit migration can be attributed to a range of factors, depending on migrants' nationality. The number of Cubans taking this route spiked between 2014 and 2016 in anticipation of the end of the U.S. policy that put Cubans on a path to permanent residence once they reached U.S. territory.[217] That population tapered off between 2017 and 2019, when adverse economic conditions in Cuba pushed more people to emigrate. Haitian migrants using this route, meanwhile, are mostly engaging in secondary

212 See Government of Panama, Sedes de Empresas Multinacionales, "Beneficios," accessed March 1, 2021. According to the official government information availability, "Law No. 41 of 2007, modified by Law 45 of August 10, 2012, establishes several tax incentives, both for the company with a multinational company headquarters license and for the upper-middle-level foreign personnel working in the same."

213 Government of Panama, Migration Panama, "Cuadro No. 4: Permisos de Residencia Según Categoría por Condición, Año 2019,"accessed March 1, 2021.

214 Author interviews with two nongovernmental experts and one government official, July and August 2020.

215 Government of Panama, Migration Panama, "Irregulares Darien 2010-2018," accessed March 1, 2021; Migration Panama, "Irregulares por Darien Diciembre 2019," accessed March 1, 2021; Government of Panama, Migration Panama, "Irregulares por Darien 2020," accessed March 1, 2021.

216 Author calculations based on data from Government of Panama, Migration Panama, "Irregulares Darien 2010-2018"; Government of Panama, Migration Panama, "Irregulares por Darien Diciembre 2019"; Government of Panama, Migration Panama, "Irregulares por Darien 2020."

217 Jessica Bolter, "The Evolving and Diversifying Nature of Migration to the U.S.-Mexico Border," *Migration Information Source*, February 16, 2017.

migration after initially moving to countries in South America, mainly Brazil and Chile, in the wake of the 2010 earthquake in Haiti. In Brazil, these migrants benefited from the high demand for labor during the construction boom leading up to the 2014 World Cup and the 2016 Olympics. But as those jobs dried up, starting in 2016, Haitians increasingly looked elsewhere and began moving north to the United States.[218]

The reasons for the increases in African and Asian migration through the region are less cut-and-dry. However, the closing off of irregular migration routes to Europe and the desire to join family already living in the United States appear to play a role.[219] These migrants often fly in to Brazil or Ecuador before proceeding north, and research suggests that many Africans do not initially have the United States in mind as a destination but rather migrate north after struggling economically and experiencing racism in Brazil.[220] Notably, increasing transit migration through Panama and Costa Rica in 2018 and 2019 appears to have coincided with the spike in Central American migration in that period, suggesting that word of it being a good time to migrate may have been spreading through the region.

Those who have serious criminal histories or otherwise pose serious security risks, as determined in collaboration with the U.S. government, are detained and expelled.

The movement of migrants between the Darién Gap and the southern border of Costa Rica is tightly managed. Migrants who survive the dangerous passage through the Darién are funneled into a process run by the Panamanian government and coordinated with Costa Rica to facilitate transit migration, known as "controlled flow."[221] Migrants are taken to the nearest Panamanian village, where they receive medical exams and vaccinations. They are also subject to biometric security checks that are run through both U.S. and international databases, the results of which are shared with the U.S. Department of Homeland Security.[222] The Panamanian government rarely deports African and Asian migrants, due to the costs and the logistical and political complexities of deporting someone whose country of origin does not have diplomatic representation in Panama.[223] However, those who have serious criminal histories or otherwise pose serious security risks, as determined in collaboration with the U.S. government, are detained and expelled.[224]

After security checks have been completed, migrants can then pay to be transported by charter bus to the northern border with Costa Rica, which admits 100 migrants per day. In both the south and the north of the country, Panama has constructed camps where migrants live temporarily while they wait to be shuttled to the next phase of their journeys.

Once migrants arrive in Costa Rica, they are again subject to security checks and, if they have a serious criminal record, deportation, though this is uncommon because Panama would typically have deported

218 Bolter, "Migration to the U.S.-Mexico Border."
219 Bolter and Yates, *African Migration through Central America*.
220 Bolter and Yates, *African Migration through Central America*.
221 Caitlyn Yates, "As More Migrants from Africa and Asia Arrive in Latin America, Governments Seek Orderly and Controlled Pathways," *Migration Information Source*, October 22, 2019. For more on the dangers encountered in the Darién, see El CLIP, "Darién, cuando la muerte es una opción de libertad para los migrantes" (video, YouTube, May 28, 2020).
222 Yates, "As More Migrants from Africa and Asia Arrive."
223 Author interview with a Panamanian government official, July 2020.
224 Author interview with a Panamanian government official, July 2020; Author interview with an expert from an international organization, February 2021.

such migrants before they could reach Costa Rica, demonstrating the linearity of this route.[225] Following these checks, transit migrants are provided with a special status and released to make their way to the north of the country—about a two-day walk.[226] The country manages two migrant stations, similar to shelters, where migrants can stop to rest and receive services—one in the south and one in the north of the country. These stations, called Temporary Assistance Centers for Migrants (Centros de Atención Temporal para Personas Migrantes, or CATEMs) provide access to basic medical attention, three meals a day, and psychological support.[227] They are meant for stays of up to a couple weeks.

Migrants do not typically need to hire smugglers to pass through Panama and Costa Rica, though they do generally hire them to make their way through the Darién. This is because, once they have made it through the jungle, they do not need to take clandestine routes in either Panama or Costa Rica to avoid authorities or criminal groups. In both countries, this migration generally occurs through the recognized legal channels discussed above. However, some migrants do revert to hiring smugglers once they have passed through the CATEMs in the south of Costa Rica to take them further in their journey, including facilitating their passage through Costa Rica and on into Nicaragua.[228]

D. The Challenge Ahead

Both Costa Rica and Panama occupy a strategic location in the regional migratory system. On the one hand, they are gateways into the Central American isthmus for many transit migrants from outside the region, including those from Haiti and from African and Asian countries. On the other hand, they are also the chosen destination for many migrants from Nicaragua, Venezuela, Colombia, Cuba, and other countries outside Central America who are seeking refuge, as well as a small but growing number of Salvadorans and Hondurans from inside the region.

The Costa Rican government has long played a major role in providing humanitarian protection in Latin America, taking in asylum seekers from throughout the hemisphere. It is well-placed to continue to enhance these efforts during a period of significant displacement and migration in the region, provided sufficient investments are made in expanding the government's capacity to do so. Panama has less well-developed policies and institutions, but it has also long been a magnet for migrants from around the world, even if the policies to receive them have been *ad hoc*. Today, Panama and Costa Rica will have to be part of any coordinated regional approach that seeks to address humanitarian protection and extracontinental migration in the region.

5 Conclusions and Opportunities for the Future

There is some evidence of increasing capacity to manage migration in Mexico and Central America over the last five years. Many of these governments were previously unaccustomed to managing migration in a systematic way (with the notable exception of Costa Rica and, to a lesser extent, Mexico and Panama), so

225 Author interview with an expert from an international organization, January 2021.
226 Author interview with an expert from an international organization, January 2021.
227 Author interview with an expert from an international organization, January 2021.
228 Author conversations with professional migration police on a visit to the Temporary Assistance Centers for Migrants (CATEM) in La Cruz, Costa Rica, August 9, 2019.

these developments are no small feat. In all of these countries, civil-society and international organizations also play a vital role in managing migration, sometimes advising and supporting the government and at other times filling important gaps not addressed by government efforts.

The greater focus on migration management has come about in part as a reaction to changing realities on the ground, with all of these countries facing significantly larger-scale and more complex migration than in the past. The shift has also been the result of increasing pressure from the U.S. government to do more on regional migration management and some targeted investments made through international organizations, especially IOM and UNHCR, to support this work.

However, despite recent efforts to build institutional capacity, create legal frameworks, and develop policy, the landscape of accomplishments remains uneven across the region. Some governments, such as those in Mexico and Costa Rica, have leveraged their existing migration institutions to improve operational capacity, while other countries, including Guatemala, Honduras, El Salvador, and Panama, remain at earlier stages in this process, with incipient capacity-building efforts.

In many cases, the changes also appear to be misaligned with needs on the ground. The greatest investments have been made in border and immigration enforcement in most countries (although these, too, remain largely *ad hoc* and poorly institutionalized), while many of the greatest needs lie in building legal migration pathways, strengthening mechanisms for humanitarian protection, developing return and reintegration strategies, and building the capacity to make policy decisions in a clear, consistent, and coordinated way. Placing the need to improve enforcement capabilities within the larger framework of strengthening institutional capacity is likely to lead to more sustainable outcomes over time.

In this sense, U.S. pressure has often been a double-edged sword, both getting governments to make needed investments in migration management, but also pushing them to prioritize *ad hoc* responses over long-term institution-building as well as enforcement alone over other needs for capacity development. The opportunity moving forward is to take this newfound focus on migration and channel it into long-term institution-building efforts across the range of policy areas that will enable countries to engage in coordinated regional migration management. In this, U.S. government support for building institution capacity, directly and through international organizations, especially IOM and UNHCR, can play a vital role. Enforcement will, of course, remain a central area of concern, but it needs to be institutionalized and professionalized and set within the broader context of the migration management challenges these countries face.

The migration trends and governance developments explored in this report point to the following opportunities for building institutional capacity in the future:

- **Governments need to develop clear policymaking and decision-making processes to ensure long-term thinking around migration policy.** Increasingly, decisions on migration policy have shifted to the foreign ministries or presidential offices in most of these countries because these issues are seen as being part-and-parcel of the relationship with the U.S. government. However, to build long-term capacity for setting policy and making decisions, governments will need to develop their

own institutionalized processes that include the range of government agencies that have a stake in migration management. These processes will need to be stable over time to make them sustainable and allow them the capacity to operate independent of changes in government administrations. Designing clear channels for interinstitutional coordination is also critical. In Mexico, for instance, overlapping interinstitutional coordination efforts have produced confusion over institutional responsibilities and, in some cases, widened communication and implementation gaps at the local level. Setting clearly defined responsibilities across agencies thus also remains a crucial task.

- **Governments need to professionalize border and immigration enforcement by deciding which agencies have primary responsibility and then creating transparent policies and protocols for the performance of their duties.** To date, most countries in this region have conducted border and immigration enforcement through *ad hoc* responses, usually coordinated by the national police or the military, with migration agencies playing a supporting function (Costa Rica is again, an exception to this, as is Panama to some extent). The long-term opportunity is to build clear, transparent, and accountable mechanisms for border and immigration enforcement, where the roles and responsibilities of each agency are spelled out in law and/or written policy and publicly discussed. In some countries it may make sense to charge migration institutions with responsibility for border and immigration enforcement; in others, it may make more sense for the national police to assume or continue in this role. But in either case, these responsibilities should be clearly spelled out. The agency or agencies responsible for border and immigration enforcement will need to develop clear policies and training on how to deal with civilian populations, and especially with families and children and with vulnerable groups of migrants, to ensure proper adherence to national and international laws.

- **All countries in the region need to make additional investments in their asylum systems, and most in internal protection mechanisms as well.** Some of the governments in the region have already made investments in strengthening their asylum systems, with the Mexican and Costa Rican governments in particular working to develop robust capacity to handle substantially larger numbers of applicants. However, these systems need to be developed much further in each country, with additional investments and professionalization of the relevant agencies. Across the region, UNCHR has played an important role, both directly with each government and through the MIRPS, in professionalizing asylum systems, but much more needs to happen. In addition, Mexico and El Salvador have legal frameworks for addressing internal displacement, and Honduras has been debating the creation of a similar framework. Much of the work of addressing internal displacement has been carried out by civil-society organizations in each of these countries, but there are huge opportunities to build synergies between emerging government efforts to protect displaced residents and those already developed by civil-society groups. Since many people with humanitarian protection needs move first within their own country before turning to international migration, finding strategies to protect those who do not want to leave their country should be a priority. There are also innovative examples of how governments, civil-society organizations, and international actors can identify those in danger within their countries of origin and in need of international protection before they migrate. These efforts include the Protection Transfer Arrangement, managed by UNHCR; the Central American Minors (CAM) Program; and partnerships between the U.S. government and the asylum systems in Costa Rica, Panama, and Mexico to resettle some people who may be best protected further away from their country of origin.

- **All countries in the region need to develop greater capacity for managing legal migration.** If part of the goal of a regional migration strategy is to turn unauthorized movements into legal ones, considerable capacity for managing legal migration will need to be developed. The Guatemalan government, for example, is already working to create a recruitment pipeline and vetting process for workers who wish to take up seasonal job opportunities abroad, while the Costa Rican government has improved its processes for issuing visas to seasonal agricultural workers. These experiences could provide ideas for future efforts in these and other countries that would benefit from either receiving a well-organized seasonal workforce or from having designated opportunities for resident workers who wish to engage in seasonal work abroad. The IOM has particular expertise in supporting these kinds of labor migration efforts and could be a key partner in developing such opportunities.
- **The governments in Guatemala, Honduras, El Salvador, and Mexico have huge opportunities to invest further in return and reintegration programs.** There is enormous demand for comprehensive services that help returning migrants get needed forms of documentation, receive physical and mental health care, access employment opportunities, and re-establish themselves within their communities. To date, all of these countries have made some efforts to do this, but the bulk of these initiatives are still run by NGOs. Expanding on these initiatives should be considered an integral part of regional migration cooperation that allows those who are repatriated or return voluntarily to begin life anew with opportunities for sustainable local reintegration and, over time, reduce at least some pressures for them to migrate again.

As governments in the region have been confronted with changing migration trends—including increases in mixed and transit migration—developing institutional capacity to manage these movements has understandably been a largely internal process, focused on identifying opportunities to address immediate enforcement and humanitarian protection needs. But building a regional migration system that is sustainable, proactive, flexible, and resilient requires an outward-looking approach to bolstering capacity and cross-border collaboration. In spite of the institutional limitations governments in the region face, there appears to be potential to come together and share migration's challenges and opportunities. By taking advantage of this moment, not only can regional governments significantly improve their ability to address current migration issues, they can also better equip themselves to proactively respond to future changes—including by harmonizing investments in efforts to address rule of law, governance, development, and climate-change issues that drive emigration. The U.S. government, alongside its partners in Central America and Mexico, has a strong stake in supporting these developments as part of a new approach to shared responsibility for migration across the region.

By taking advantage of this moment, not only can regional governments significantly improve their ability to address current migration issues, they can also better equip themselves to proactively respond to future changes.

Appendix. List of National and Regional Stakeholders Interviewed

Mexico

Ana Saiz, Director, Sin Fronteras

Andrés Alfonso Ramírez Silva, General Coordinator, Mexican Commission for Refugee Assistance (COMAR)

Felipe Sánchez Nájera, Coordinator, Human Rights Center at the Ibero-American University

Gretchen Kuhner, Director, Institute for Women in Migration (Instituto para las Mujeres en la Migración)

Hannah Töpler, Founder and Director, INTRARE – La Incubadora de Trabajo para Refugiados y Retornados

Héctor Menchaca, Advisor to the Municipal President of Piedras Negras, Coahuila

Héctor Padilla, Professor at the Autonomous University of Ciudad Juarez and Former Delegate of Migration

Javier Contreras Arriaga, Former Director, Jalisco Institute for Migrants

Jill Anderson, Co-Founder, Otros Dreams en Acción

Kristin Riis Halvorsen, Director, United Nations High Commissioner for Migration (UNHCR) in Tapachula

Mary Galván, Director, Centro Madre Asunta, Tijuana, Baja California

Miguel Ángel Virgilio Aguilar Dorado, Coordinator, Center for Migration Studies at the Migration Policy Unit, Mexican Interior Ministry (SEGOB)

Nadia Troncoso Arriaga, Executive Director, Institute for the Assistance of Priority Populations (IAPP) of the Ministry for Inclusion and Social Welfare, Government of Mexico City

Paulina Olvera Cánez, Director and Founder, Espacio Migrante, Tijuana, Baja California

Salim Ali Modad, Former Coordinator of the Intersectoral Migration Commission, Mexican Foreign Ministry (SRE)

Salva Lacruz, Director of Advocacy, Centro de Derechos Humanos Fray Matías de Córdova A.C., Tapachula, Chiapas

Savitri Arvey, Fellow at the Central America and Mexico Policy Initiative, Robert Strauss Center for International Security and Law, University of Texas at Austin

Yamileth Herrera Díaz, Director of the Welfare Agency, National System for Integral Family Development (DIF) Municipal Office, Veracruz

Guatemala

Alfonso Quiñónez, Guatemalan Ambassador to the United States

Anaeli Torres, Director of Protection, Secretariat of Social Welfare (SBS)

Carlos Eduardo Woltke Martínez, Ombudsman for Migrants, Human Rights Ombudsman's Office (PDH)

Dirk Bornschein, Coordinator of the Migration and Development Program, Latin American Faculty of Social Sciences (FLACSO) Guatemala

Edgar Villanueva, Co-Executive Director, U.S.-Guatemala Business Council

Eduardo Hernández Recinos, Guatemalan Vice Minister of Foreign Relations

Ely María Zea Wellman, Director of Social Services, Ministry of Social Work of the President's Wife (SOSEP)

Estuardo Sanchez, Protection Officer, United Nations Children's Fund (UNICEF) Guatemala

Guillermo Díaz, General Director, Guatemalan Migration Institute (IGM)

Iván Martínez, Consultant, Fundación Avina

John Briggs, Head of Programming, Catholic Relief Services (CRS) Guatemala

Jonathan Menkos, Executive Director, Central American Institute for Fiscal Studies (ICEFI)

José Andrés Ordóñez, Director and Co-Founder, Te Conecta

José Luis González Miranda, Coordinator, Red Jesuita con Migrantes

Juan Luis Carbajal Tejeda, Executive Secretary of the Human Mobility Pastoral, Episcopal Conference of Guatemala

Julia González Deras, Executive Coordinator, National Roundtable for Migration in Guatemala (MENAMIG)

Justo Solórzano, Chief Child Protection Officer, UNICEF Guatemala

Kelvin Aguilar, Director of Employment, Guatemalan Labor Ministry

Ligia Iveth Hernández Gómez, Congresswoman, Member of the Migrant Commission of the Guatemalan Congress

Oscar Adolfo Padilla Lam, Consul General of Guatemala in Phoenix, Arizona

Paul Townsend, Representative for Guatemala and Mexico, CRS

Pedro Pablo Solares, Columnist and Independent Advisor on Migration Topics

Rita María Elizondo Hernández, Former Deputy Secretary, National Council for Migrant Affairs (CONAMIGUA)

Salvador Juan Ortega Herrera, Board Member, Genesis Empresarial Microfinance

Silvia Raquec, Coordinator of Migration Program, Asociación Pop No'j

El Salvador

César Moisés Rivera Perez, Migration Control Manager, General Directorate of Migration and Immigration

César Ríos, Executive Director, Salvadoran Institute of the Migrant (INSAMI)

Héctor Aquiles Magaña, Former Executive Secretary, National Council for the Protection and Development of Migrants and Their Families (CONMIGRANTES)

Mauricio Gaborit, Professor, Central American University

Mauricio Quijano, Director, Community Development Program, Cristosal

Mauro Verzeletti, Director, Casa del Migrante (El Salvador and Guatemala)

Pedro Antonio Argumedo Matamoros, Economist, Fundación Salvadoreña para el Desarrollo Económico y Social (FUSADES)

Honduras

Amelia Frank-Vitale, Doctoral Candidate and Specialist in Latin American Migration, University of Michigan

Carolina Menjivar, Executive Director, Honduran National Institute of Migration

Julia García, Director of Planning and Local Governance, Ministry of the Interior, Justice, and Decentralization

Nyzelle Juliana Dondé, Coordinator, National Human Mobility Pastoral

Sally Valladares, Coordinator, Honduran Observatory of International Migration

Costa Rica

Alberto Cortés Ramos, Professor, University of Costa Rica

Alonso Soto, Deputy Director, Professional Migration Police

Carlos Torres Salas, Vice Minister of the Interior and Police

Felipe Rivera-Vargas, Senior Project Assistant, International Organization for Migration (IOM) Costa Rica

Gabriela Richard, President of the Migratory Administrative Tribunal

Harold Villegas-Román, Commissioner, Commission on Restricted Visas and Refuge

Melissa Salas Brenes, Director of Migration and Refuge Clinic, University of Costa Rica

Natalia Álvarez, Vice Minister of Labor and Social Security

Panama

Adriana Rincón, Director, Activados Panamá Foundation

Daniela Arias, Director of International Relations, National Migration Service

Isabel de Saint Malo, Former Vice President of Panama

Jonathan del Rosario, Former Secretary of Public Security

Santiago Paz Noboa, Chief of Mission for Panama, IOM

Regional

Daisy Corrales, Director, Inter-American Centre for Social Security Studies

Elisabeth Burgess Choi, Product Marketing Manager for Latin America and the Caribbean, Remitly

Gaye Burpee, Former Agriculture Chief, CRS

Giovanni Bassu, Regional Representative for Central America and Cuba, UNHCR

Jorge Peraza, Chief of Mission for El Salvador, Guatemala, and Honduras, IOM

Mabel Guevara, Technical Advisor for Central America and the Caribbean, CRS

Nat Robinson, Co-Founder and CEO, Leaf Global Fintech

Paulo Murad Saad, Director of the Latin American and Caribbean Demographic Center, Economic Commission for Latin America and the Caribbean (ECLAC)

Rick Jones, Former Migration Adviser, CRS

Tori Samples, Co-Founder and CTO, Leaf Global Fintech

About the Authors

ANDREW SELEE @SeleeAndrew

Andrew Selee is President of the Migration Policy Institute (MPI). His research focuses on migration globally, with a special emphasis on Latin America and the United States. He is the author and editor of several books, including *Vanishing Frontiers: The Forces Driving Mexico and the United States Together* (PublicAffairs, 2018).

Selee previously worked at the Wilson Center, where he was Director of the Mexico Institute, Vice President for Programs, and Executive Vice President. He also worked on migration and development programs in Tijuana, Mexico for several years and in the U.S. House of Representatives. He received his PhD in policy studies from the University of Maryland; his MA in Latin American studies from the University of California, San Diego; and his BA from Washington University in St. Louis.

ARIEL G. RUIZ SOTO @ruizags

Ariel G. Ruiz Soto is a Policy Analyst at MPI, where he works with the U.S. Immigration Policy Program and manages the Institute's internship program. His research focuses on the impact of U.S. immigration policies on immigrants and other populations, and the interaction between U.S., Mexican, and Central American migration policies. He also analyzes methodological approaches to estimate sociodemographic trends of the unauthorized immigrant population in the United States.

Mr. Ruiz Soto holds a master's degree from the University of Chicago's School of Social Service Administration with an emphasis on immigration policy and service provision, and a bachelor's degree in sociology from Whitman College.

ANDREA TANCO @andreatanco

Andrea Tanco is Strategic Advisor to the President and an Associate Policy Analyst at MPI. In her role as Strategic Advisor, she supports the President on MPI's strategic positioning, institution building, stakeholder engagement, and development of new initiatives. As an Associate Policy Analyst, her research centers on Latin American migration policy, with a special focus on Mexico.

Ms. Tanco joined MPI from the Wilson Center's Mexico Institute, where she developed strategic projects to inform policymakers and the public on the importance of the U.S.-Mexico relationship. She holds a bachelor's degree in government from Smith College and is an alumna of United World Colleges.

LUIS ARGUETA

Luis Argueta is an award-winning Guatemalan American filmmaker known for his multinational immigrant narratives. His coming-of-age film, *The Silence of Neto* (1994), was Guatemala's first Oscar submission. His series of immigration documentaries includes *abUSed: The Postville Raid* (2010), *ABRAZOS* (2014), *The U Turn* (2017), and *Ausencia* (forthcoming). Mr. Argueta has also lectured and served as a consultant and researcher on immigration-related issues.

Mr. Argueta is the only filmmaker to receive the Order of the Quetzal, Guatemala's highest honor, and *The Guardian* has listed him as one of Guatemala's National Living Icons. In 2019, he received the Harris Wofford Global Citizen Award from the National Peace Corps Association, and he has been named 2021–22 Lund-Gill Chair at Dominican University.

JESSICA BOLTER @jessicabolter

Jessica Bolter is an Associate Policy Analyst with the U.S. Immigration Policy Program at MPI. Her research focuses on migration patterns at the U.S.-Mexico border, immigration enforcement, and asylum and refugee issues. She also conducts research on Latin American migration policy, particularly on regional responses to Venezuelan migration and extracontinental migration.

She has interned with MPI, the Capital Area Immigrants' Rights Coalition, the Ohio Commission on Hispanic and Latino Affairs, and the Center for Democracy in the Americas. Ms. Bolter holds a bachelor's degree in American studies and Spanish area studies from Kenyon College, where she focused on relations between the United States and Latin America.

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1400 16th St NW, Suite 300, Washington, DC 20036
202-266-1940