

The Great Evasion: Human Mobility & Organized Crime in Mexico & Its Borders

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Translated from Spanish by Sandra Sepúlveda

Mexico finds itself at the epicenter of unprecedented migration flows. Governments, international organizations, and civil society institutions, however, choose to ignore the current weight of organized crime in the matter. I shape the central thesis of this essay through an account of the phenomenon's evolution, starting in the 1970s. I conclude by analyzing the ongoing migration issue along Mexico's borders with Central America and the United States, while offering recommendations to improve conditions of a migratory problematic made worse by the denial of its existence.

In June 2022, leaders from twenty countries in attendance at the Summit of the Americas in Los Angeles endorsed a “Declaration on Migration and Protection.” In this document, they pledged to fight for the “safe” and “dignified” transit of migrants, and promised to combat “those who abuse” them and “violate [their] human rights.”¹

Despite their good intentions, they failed to address a central topic: the importance of organized crime in the reality of human mobility. Organized crime is only mentioned twice, in passing, in the Declaration. In stark contrast, the 2021 Global Organized Crime Index, funded by the United States and the European Union, concluded that human trafficking is the most lucrative activity for organized crime in the world. After comparing 193 countries, this index ranked Mexico fourth in levels of criminal presence worldwide.²

Therefore, I argue that governments, international organizations, and civil society organizations (CSOs) are only focusing on the symptoms of this problem: Governments believe they control their borders, international organizations apply criteria of international human rights law, and CSOs help people on the move and denounce the abuses they are subjected to. But they forget about the impact of organized crime on the equation.

Expanding on this statement, I first summarize some important events in North and Central America between 1979 and 2000. Then, I turn the focus to circumstances along the two Mexican borders during the twenty-first century in more detail, in order to recommend how we might address and improve the conditions of those locations in particular.

Migration in the Twentieth Century

Along both the northern and southern borders of Mexico, policies have been modified in response to profound shifts in the political systems and institutional framework of the territories between Panama and the United States. I mention some of the main changes in the region between 1979 and 2000 below.

In 1979, the Sandinista Revolution triumphed in Nicaragua, and the resulting turmoil spread to the rest of Central America. Although Mexico was supportive of the winds of change, Washington tried to stifle them in the belief that the international communist movement, represented by Cuba and the Soviet Union, lurked behind the insurgencies. The conflict was regionalized and bogged down for a decade.

In Mexico, the murder of U.S. Drug Enforcement Administration agent Enrique Camarena in 1985 led to the dissolution of Mexico's Federal Security Directorate in 1986. Its absence contributed to the empowerment of the drug cartels in the country. The political system was weakened further in 1994. In January of that year, the indigenous Zapatistas began their rebellion in Chiapas. In March, Luis Donaldo Colosio, the PRI (Institutional Revolutionary Party) candidate for the presidency, was assassinated. And in December, a terrible financial crisis devastated the Mexican economy.

Meanwhile, cocaine's popularity in the United States had increased exponentially. While President Richard Nixon declared the War on Drugs in 1971, President Ronald Reagan made it a centerpiece of his administration in the 1980s. Domestically, Reagan prioritized criminalization and punitiveness. In Latin America, Reagan focused primarily on the powerful Colombian cartels, which suffered a severe setback when, in December 1993, Pablo Escobar Gaviria, the leader of the Medellín Cartel, was executed on a rooftop in Medellín.

In 1989, the Berlin Wall was torn down, symbolically ending the Cold War. No longer worried about intercontinental missiles coming from the Soviet Union, the Pentagon reoriented its ROTHAR (Relocatable Over-the-Horizon Radar); they were now charged with stopping Colombian cocaine coming through the Caribbean Basin. But consumers in North America would not settle for a disruption in their supply of cocaine, and the flow was redirected through Central America and Mexico, further strengthening the Mexican cartels.

In 1994, a new era began in the region with the North American Free Trade Agreement (NAFTA), which opened the borders to the exchange of goods. Car-

los Salinas, president of Mexico at the time, predicted that Mexico would export goods, not people. The country, however, began shipping out both. Exports from Mexico to the United States went from \$51 billion in 1994 to \$384 billion in 2021.³ Between 1990 and 2009, the number of people born in Mexico residing in the United States almost tripled, from 4.5 million to 12.6 million.

A demographic revolution was brewing. In the 1980s, two events marked a radical change in the United States' admissions policy for countries in the Caribbean Basin. In 1980, Cuban President Fidel Castro played on a unique immigration policy resulting from the U.S. Cuban Adjustment Act of 1966 and shipped 125,000 Cuban people to the United States through the port of Mariel. And throughout that decade, the Central American revolutions displaced between two million and three million people, many of whom made their way to the United States through Mexican soil.

Human mobility is a part of Mexican identity. Currently, the Mexican diaspora in the United States is around thirty-six million first- and second-generation Mexicans, accounting for approximately 10.8 percent of the total U.S. population. These affluences created strong social and institutional fabrics to help migrants cross the border and defend their rights, as well as political and social infrastructure aimed at facilitating, promoting, and investing their "remesas" (remittances) into their communities of origin. People from Central America trying to reach the United States took advantage of these migratory networks built by Mexicans over decades.

The voyage was simpler then. Until the early 1990s, the border was not a real obstacle for those with relatively modest amounts of money. There was room for innovation, too. For example, one contribution of the Central American wars was the creation of an "underground railway" that carried politically persecuted people from Central America to a network of churches in the United States providing sanctuary for migrants and refugees.

But the age of open borders was coming to an end. In the 1990s, the United States began erecting physical, as well as bureaucratic, barriers on its southern border in an attempt to stop the flow of migrants and drugs coming into the country. At the same time, however, NAFTA continued to increase the flow of people and goods between countries.

Migration in the Twenty-First Century

At the dawn of the new century, the Mexican cartels had extended their power and attached themselves inextricably to state and social bodies in Central and North America. All the pieces were in place for them to take over segments of the Mexican borders.

Rodolfo Casillas, a researcher at the Latin American Faculty of Social Sciences in Mexico, did pioneering research on how the cartels began to control human

mobility in the country. The Zetas, a cartel created in the early 2000s by deserters of elite troops based in Tamaulipas, were the first to tap into it. Enforcing their military logic that territories should be controlled integrally, in 2004, they began to charge migrants who passed through their territory a fee. They – and their counterparts in other states – had discovered a gold mine.

That same year, the U.S. government declined to renew the ten-year ban on the sale of assault weapons signed into law by Bill Clinton in 1994. Hundreds of thousands of these military-grade weapons began to flow illegally into Mexico from the United States. In 2022, the Mexican Foreign Ministry estimated that 500,000 to 850,000 weapons are sent from the United States to Mexico every year. These weapons are used to arm the legions of “sicarios” – hired assassins – fighting each other for territories, called “plazas.” Deaths and forced disappearances swelled in the country, as well as the risks for people on the move.

Between 2010 and 2012, the San Fernando and Cadereyta massacres took place in Mexico. Dozens of migrants, most of them Central Americans, but also from South American countries, were kidnapped and murdered at the hands of organized crime in the north. These massacres, widely reported by the media, finally put the issue of human mobility on the public agenda and raised awareness about the dangerous travel conditions of people crossing Mexico. Three key events took place in 2014, 2019, and 2020.

2014: *Unaccompanied Minors*

In 2014, President Barack Obama called the arrival at the U.S. border of tens of thousands of unaccompanied children and adolescents a “humanitarian crisis.”⁴ The infrastructure for housing families, children, and adolescents detained near the border with Mexico all but collapsed. The real crisis, however, was not in the north, but in Central America, where violence and inequalities were forcing people to emigrate. The United Nations High Commissioner for Refugees (UNHCR) and some academics and journalists documented this crisis with studies published in 2013 and 2014.⁵

The United States and Mexico focused on controlling and stopping migration by detaining migrants along their journey, and then deporting them back to their countries of origin. However, this strategy ignored the fact that large numbers of people on the move from Central America have international protection needs, which means that deportation to their home country would put their lives in danger. At the same time, both countries tried to dissuade these people from leaving their countries of origin in the first place by allocating some resources to address the economic causes of migration. But these efforts failed. Between 2014 and 2019, there was a steady increase in the number of immigrant detentions in Mexico, while asylum applications have grown apace.

The share of people in need of international protection within the mixed movements has also diversified. This led to the creation of support networks: churches, mainly Catholic; civil society organizations specialized in legal assistance; and international organizations such as the UNHCR, United Nations International Children's Emergency Fund (UNICEF), and International Organization for Migration (IOM), as well as some Mexican agencies such as the Mexican Commission for Refugee Assistance.

2019: Migrant "Caravans" and the Mexican Response

The obstacles put in place by Mexico and the United States did little to deter migrants from their purpose. Starting in 2018, they organized so-called caravans made up of thousands of people traveling from Central America to the United States. This attracted the attention of the media, and though the newly inaugurated President of Mexico, Andrés Manuel López Obrador, claimed a commitment to human rights, it put the new administration in a bind.

At the beginning, the López Obrador administration adopted a more humane policy: it granted visitor cards for humanitarian reasons that allowed foreigners to regularize their situation in Mexico, find a job, and travel through Mexican territory without being detained. But in 2019, the Trump administration gave Mexico a peremptory deadline to start detaining migrants, or else the U.S. federal government would impose tariffs on Mexican exports to the United States. Mexico was forced to give in and accept Trump's request to deploy 28,000 members of its National Guard to stop migrants from traveling to its northern neighbor.

Since then, Mexico has tightened its border policies and created various new obstacles to deter people from trying to get into the country. As the Mexican government's attitude toward migrants changed, the media began to broadcast images of Mexican police and military chasing down and throwing tear gas at men, women, and children attempting to cross the border.

2020: The COVID-19 Pause

The COVID-19 pandemic momentarily reduced population movements along the migratory networks created throughout Central America, Mexico, and the United States. At the same time, however, the pandemic aggravated already frail conditions in migrants' and refugees' countries of origin. Thus, when the most acute phase of the pandemic passed, these population movements surged again.

In 2021, Mexico reached a historic figure: It was host to more than one hundred thirty thousand asylum seekers, becoming one of the three countries with the most asylum requests in the world (the others were Germany and the United States). That same year, more than three hundred thousand people were detained

and deported from Mexico. Human mobility returned to prepandemic levels with an upward trend.⁶

The Standpoint of the Key Players in 2023

Mexico and its borders have become a territory of uncertainty and hope, a country trapped between two tsunamis. On one hand, domestic and international forces are advocating for greater migratory control, and on the other, there are demands for the humane treatment of migrants in accordance with international human rights standards. The positions adopted by the key players are described below.

People on the Move

Migrants and refugees will continue to arrive at the Mexican border because they suffer from criminal and political violence, persecution, poverty, inequalities, unemployment, and the devastating consequences of climate change in their countries of origin.⁷ Their influx will continue to grow and diversify. A clear indicator of this is the increase in the number of people from different nationalities arriving to the Mexican southern border. In addition to migrants and refugees from traditional countries of origin – Honduras, El Salvador, and Guatemala – they are now coming from Haiti, Cuba, Nicaragua, and, more recently, Venezuela and some African countries.

Their desired destination, however, has changed. While it is true that most migrants and refugees continue to dream of reaching the United States, Mexico has now become an attractive country of destination, too. The reasons behind this shift are manifold: the strengthening of the asylum system in Mexico, more opportunities of integration in cities in the center and north of the country, the difficulties and dangers of reaching the United States, the high cost of guides and extortions along the journey, and the strengthening of the social networks of refugees and migrants who have established themselves in Mexico, and now call to their family and friends to join them.

Governments

Reacting to Washington's pressures, the Mexican government seeks to stop these migratory populations using a range of deterrents and detention and deportation measures. The Mexican southern border is a gigantic bottleneck. There are large concentrations of people in Chiapas and Tabasco waiting for administrative procedures of various kinds: visitor cards for humanitarian reasons, refugee status determination processes, and other alternatives for migratory regularization. According to official sources, 78 percent of asylum applications in Mexico in 2021 were made in those two states.⁸

The Mexican law on refugees, protection, and political asylum requires asylum seekers not to leave the state where they began their asylum procedures. If they do, their procedures will be considered abandoned and, therefore, they may be detained by the immigration authorities and put at risk of being deported.

Administrative procedures take a long time, and there is no clear criterion on the application of Article 52 of the Migration Law, which benefits bona fide asylum seekers because it grants the Ministry of the Interior power to authorize work permits.⁹ However, people are obliged to wait for several months in southern cities, the most impoverished region of Mexico, before obtaining a resolution.

During these long wait times, they require humanitarian attention at various levels, which has generated pressure on the services provided by local governments and, above all, by the humanitarian actors, mainly civil society organizations, faith-based shelters, and international organizations.

The demographic pressure exerted by the presence of thousands of people waiting for their administrative resolutions to be able to travel to other states of the country has generated tensions in the host communities, which are of particular concern due to the outbreaks of xenophobia, racism, and discrimination in southern cities such as Palenque, Tenosique, and Tapachula.¹⁰

The situation on the northern border is similar, although some of the actors and laws are different. Until very recently, asylum seekers and migrants were trapped in a legal limbo created by restrictive immigration measures such as the Migrant Protection Protocols (MPP) and the implementation of Title 42, a policy the U.S. government established to limit the access of people by land by invoking the health emergency caused by the pandemic.¹¹

These measures generated significant demographic pressure in some northern towns, because people who wanted to apply for asylum in the United States had to wait in Mexico for their status to be resolved. Some estimates state that, since the establishment of these procedures, more than seventy thousand people have waited in Mexico in a legal limbo. According to different organizations, this policy is contrary to international human rights and refugee law, because thousands of people are forced to live in contexts of violence and insecurity for an indefinite period of time.¹²

Moreover, migrants and asylum seekers at the Mexican northern border were forced to wait in a difficult situation. There is no adequate supply of health care for medical conditions or psychosocial care, no adequate referral to address cases of gender-based violence, no adequate assistance for unaccompanied children, and no adequate integration opportunities for the population. Furthermore, northern cities such as Matamoros, Tijuana, and Ciudad Juárez are rife with violence and insecurity. The constant influx of vulnerable people in irregular situations made for an explosive cocktail with disproportionate impacts on the protection of migrants, refugees, and asylum seekers with specific needs, such as children and adolescents, the elderly, and people with disabilities or chronic illnesses.

The Mexican government set up some shelters in these cities. However, as with the southern border, the bulk of the humanitarian services mentioned above is borne by civil society organizations, faith-based institutions, and international organizations.

In 2019, the change in administration in the United States brought with it an attempt to eliminate the MPP. It was reinstated by court order in December 2021 after the state of Texas sued the Biden administration, but in August 2022, the U.S. Supreme Court finally shut it down, putting an end to an unlawful practice that affected thousands of asylum seekers.

Criminals

Governments have prioritized migrant control, while minimizing the effect of criminal groups that have proliferated in Mexico, even though they have a constant and pervasive presence in the migration process.

This oversight results in tragedies, primarily caused by the inhumane conditions smuggling networks cause.¹³ In 2021, more than fifty Central American migrants lost their lives after the overcrowded trailer in which they were traveling suffered an accident in Chiapas, Mexico. In June 2022, U.S. authorities discovered an abandoned trailer with the packed bodies of fifty-three migrants in San Antonio. According to Mexico's Immigration Commissioner, those migrants boarded the trailer in U.S. territory. If so, it would confirm that criminal gangs also operate in the United States. In any case, tragedies like these abound.¹⁴

Nonetheless, there has not been a significant number of arrests of people involved in human trafficking, nor is there comprehensive intelligence work to deal with this scourge. Although it is true that, in recent years, there have been joint pronouncements and regional commitments to attack human smuggling, the truth is that, at implementation levels, criminal networks continue to operate freely all over Mexico.

Without a doubt, people on the move are a gold mine for criminal bands. Some reports estimate that, depending on where their trip begins, each person pays on average more than USD 7,000 to try to reach the border with the United States.¹⁵ While it is impossible to establish exactly how many people employ smugglers for their journey, there are some indicators, like the number of people detained on the southern border of the United States or throughout Mexico.

In 2021, there were more than 1,300,000 southwest land border encounters by the U.S. Border Patrol.¹⁶ In Mexico, during the same period, the National Migration Institute detained 300,000 people. This means that more than one million people managed to slip through Mexican filters. According to the United Nations Office on Drugs and Crime, "it is estimated that two of the principal smuggling routes – leading from East, North, and West Africa to Europe and from South

America to North America – generate about \$6.75 billion a year for criminals. The global figure is likely to be much higher.”¹⁷ It goes without saying that Mexico’s porosity requires the complacency of Mexican authorities of different levels.

International Organizations and Organized Society

International officials and members of CSOs focus on humanitarian attention, but are unable to offer structural solutions. Theirs is a fundamental work on immediate attention, but they have a meager capacity to influence government policies or contain criminal activities.

Despite their limitations, the humanitarian operations of nonstate actors (non-governmental and international organizations mainly) play a key role in migrant and refugee protection. They fill in many of the gaps left in place by the state, making it possible for refugees, migrants, and displaced persons to access services such as water, food, and shelter. Their presence also limits the exploitation and hardships imposed on them by criminals and corrupt officials throughout their journey. Moreover, they provide support in their dealings with Mexican authorities. In the United States, some international organizations also provide them with counseling.

In addition, these organizations transmit information to the international community. Thanks to them, we are becoming increasingly aware of a situation stated tactfully by the UNHCR: “given an increasing number of obstacles to access safety, asylum-seekers are often compelled to resort to smugglers.”¹⁸

Recommendations for the Future

In the way of a preamble, I mention some of the factors I believe will remain stable in the coming years.

A perfect storm is brewing at the Mexican borders. On one hand, conditions in countries of origin – Venezuela, Nicaragua, Cuba, Haiti – are erupting in violence, crime, and the degradation of the environment. On the other hand, sociologists studying human mobility to the United States and Mexico found that social networks and the presence of civil society organizations and international organizations give those in transit hope that they will find safe haven. In short, Mexico will continue to be a magnet for migrants and refugees trying to reach the United States, or Mexico itself.

Conditions in the United States make it impossible to return to the open-borders era. Migrants and refugees are “pawns” in societies devastated and polarized by the culture wars. The Mexican government has chosen to collaborate with Washington in stopping migrants before they reach the United States.

Criminal networks will continue to profit from human mobility. The United Nations Office on Drugs and Crime is extensively reporting on the issue, because

human smuggling in Mexico is growing rapidly. In other words, more people with international protection needs mean more money to criminal structures. Expanding on this thinking, I believe this suggests that criminal groups are not only increasingly benefiting from migratory movements, but are also driving them.

Based on these constants, what would be the most viable policies to reduce the human costs paid by migrants, refugees, and asylum seekers? Mexico and the United States have the resources to enact a more humanitarian policy. With this in mind, the challenge is to make thoughtful recommendations for the 2024 presidential campaigns in Mexico and the United States. This is a propitious moment to propose major adjustments to these countries' migratory and asylum policies.

Recommendation 1

Those of us who wish to alleviate this humanitarian tragedy believe that insecurity caused by criminal gangs is a point of consensus between the right and the left in the United States and Mexico. This understanding must become the lever to prioritize the fight against criminals who benefit from exploiting people on the move. Liberating migrants from organized criminal enterprises would fulfill the goal of respecting human rights while attacking the power of illegal gangs.

Recommendation 2

In recent years, the Mexican Commission for Refugee Assistance has increased and improved its processing capacity in localities in the south of the country, especially in Chiapas. However, other migration regularization alternatives should be explored for all people who do not necessarily have international protection needs, yet want to remain in Mexico. Toward the end of 2021, after his visit to Mexico, the United Nations High Commissioner for Refugees, Filippo Grandi, "stressed the importance of finding migratory alternatives for people who do not require international protection."¹⁹ Therefore, comprehensive solutions must take into account the current regulatory frameworks and operational capacities of a large number of state institutions and humanitarian actors on the ground.

The backlog in the issuance of migratory documentation must be reduced so that migrants, refugees, and asylum seekers can leave the southern states of Mexico quickly without fear of detention and deportation. Otherwise, they will continue to use smuggling networks or venture to move around the Mexican territory without valid documentation. In other words, I propose administrative reforms to allow people both to start their procedures in southern cities and conclude these procedures in the center and north of the country, which are the main objective points of the vast majority of people who access Mexico by land and envision this country as their final destination.

This would depressurize the region in demographic and socioeconomic terms, and alleviate the tension of frontline humanitarian services. Likewise, it could ease the integration of refugees and asylum seekers in Mexico, lessening the profits for smuggling networks.

Recommendation 3

Acknowledging that Mexico is and will be a country of destination highlights the need to know how many migrants Mexico is prepared to welcome, and what resources it will need to do so. In other words, we need to know where the country's receiving capacity stands.

Recommendation 4

Knowledge about the role of organized crime must be incorporated in the study of the migratory phenomenon in the twenty-first century. For example, a risk map with the protection of migrants and refugees in mind would be very useful, considering the presence of cartels along migratory corridors. We must use humanitarian intelligence to better inform and guide populations in mobility as they travel, especially related to the threats of organized crime.

Recommendation 5

Mexico and the United States have the capacity to initiate the intellectual and institutional efforts to update the agenda around the migratory phenomenon in the Caribbean Basin. Evading the presence and impact of organized crime within the phenomenon is useless. In order to neutralize a threat, we have to understand it.

In short, international experience suggests that a balance could be found, on one hand, by respecting and strengthening border security, and on the other, by respecting the human rights of people on the move, in particular, by deploying large-scale humanitarian responses that can alleviate the suffering of thousands of people who leave their country of origin in search of a better future.

AUTHOR'S NOTE

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ENDNOTES

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