

# Mexico's policy response as an emerging destination for refugees, asylum-seekers, and persons in need of international protection

Background paper to the *World Development Report 2023: Migrants, Refugees, and Societies*

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## Abstract

Mexico is increasingly viewed not just as a transit country but as a final destination for refugees and migrants, as well as other populations in need of international protection. This case study considers the rapidly changing context of human mobility in Mexico, exploring how the government has instituted several policy shifts in recent years to address the rising number of forcibly displaced persons. The paper outlines the numerous reforms Mexico has made since 2011 to manage a surge in arrivals and meet legal obligations to provide protection and integration opportunities for refugees and asylum-seekers. It reflects on the numerous challenges Mexico faces in implementing these policy reforms, and suggest lessons learned in order to further strengthen the refugee response. A main takeaway is that a strong response requires a whole-of-government approach supported by regional and global partners that have a fundamental responsibility-sharing role to play in refugee-hosting countries.

*Keywords:* refugees, asylum-seekers, migration policy, Mexico.

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## Background

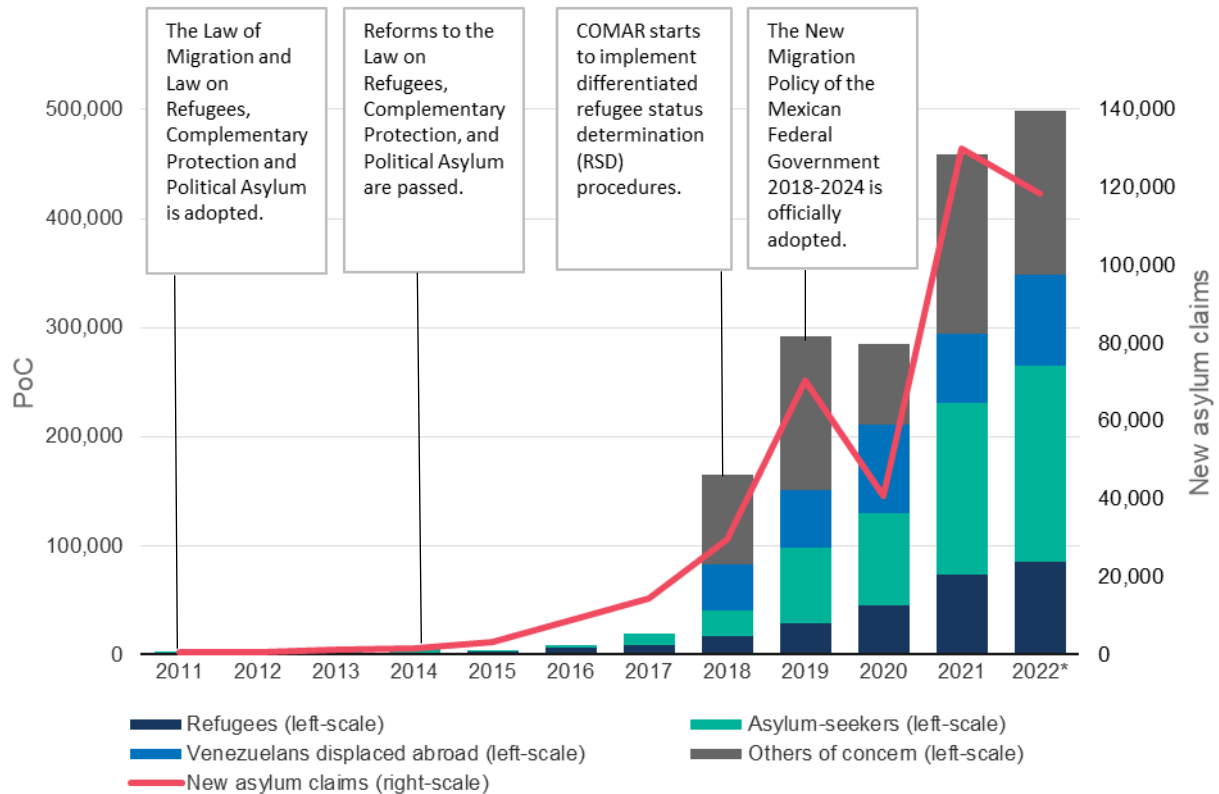
Cross-border mobility in Mexico has changed rapidly in recent times, in part due to—and with important consequences for—development processes. While traditionally Mexico has been a migrant-sending country to the North, Mexican emigration to the United States for labor purposes has peaked in recent decades, largely as a result of improved economic conditions in Mexico. This is reflected by the fact that the number of Mexicans with irregular migratory status in the United States had steadily declined in the decade before the COVID-19 pandemic, has only recently rebounded modestly, and has been surpassed by migrants from other countries (Passel and Cohn 2019). The inverse-U shaped pattern of Mexican emigration follows a long-established theory on the relationship between migration and development, coined the migration hump, where emigration increases with greater development and decreases once it surpasses a certain threshold of prosperity (see de Haas 2010; Clemens 2020).

At the same time, the number of Mexicans seeking international protection in the United States has increased significantly in recent years, largely driven by cartel violence and the lack of state protection in certain Mexican states. By mid-2022, Mexicans comprised the fifth largest nationality seeking asylum, with more than 107,000 Mexicans lodging asylum claims in the United States in the first six months of 2022 alone.<sup>1</sup> Whereas in the past, Mexican migration across the border was predominantly driven by economic factors, the composition of mixed migratory flows of Mexicans has changed as rising violence-related internal displacement has led to a notable increase in protection-related migration. Comparing these trends highlights how the dynamics of economic migration coexist alongside those related to forced displacement driven by violence and conflict.

Mexico is increasingly viewed as a destination, including for populations in need of international protection. The number of international migrants in Mexico has increased more than 120 percent over the last two decades, illustrating its importance as a destination country.<sup>2</sup> More recently and with respect to forced displacement, Mexico has witnessed an exponentially increasing number of individuals expressing their intention to remain and seek international protection, as reflected in population data collected by the United Nations High Commissioner for Refugees (UNHCR) (figure 1). Even though the number of asylum-seekers began to increase modestly in 2013, it was not until 2018 that the growth of new asylum claims began to change drastically. By mid-year 2022, Mexico was hosting 498,226 persons under UNHCR's mandate, including 84,594 refugees, 180,264 asylum-seekers, and 83,130 Venezuelans displaced abroad.<sup>3</sup> The considerable growth in this population is expected to continue, with the Mexican Commission for Refugee Assistance/Comision Mexicana de Ayuda a Refugidos (COMAR) reporting a record number of individuals (129,791) applying for asylum in 2021.<sup>4</sup> This trend in new asylum claims continued into 2022, with 118,478 new asylum applications registered by the end of the year. Globally, Mexico is the third largest recipient of new asylum claims, behind only the United States and Germany.

Looking closer at refugees, asylum-seekers, and persons with international protection needs, Mexico is a microcosm of a global trend reflecting not only the growing scale of the situation but also the growing complexity. In 2022, COMAR registered new asylum claims from 118 different countries of origin, which is the greatest degree of diversity seen in a single calendar year. The top 10 countries of origin among new asylum-seekers in 2022 spanned the Americas. The three largest groups were Hondurans, Cubans, and Haitians (figure 2). The number of Venezuelan claimants has increased considerably over the years, even though there is indication that many Venezuelan claimants intend to continue their journey to the United States. Beyond Latin America, there are also a considerable number of extra-continental populations arriving to Mexico, such as from Angola and Senegal, as well as more recently Ukraine. In addition, internal displacement due to violence and conflict has soared. As of 2021, an estimated 379,246 internally displaced persons (IDPs) have moved within the country because of violence and conflict. This number has increased by 134 percent over the past decade—and these numbers likely are considerable undercounts.<sup>5</sup>

**Figure 1. Persons of concern and new asylum claims in Mexico, 2011–22**



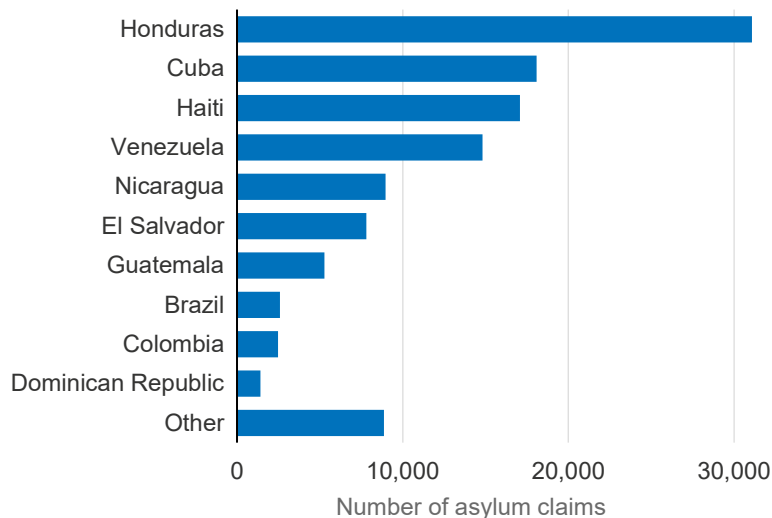
Source: UNHCR.

Note: See appendix A for more information on relevant legislative changes. COMAR = Mexican Commission for Refugee Assistance/Comision Mexicana de Ayuda a Refugidos; PoC = persons of concern.

a. Data for 2022 is the mid-year number of persons of concern.

**Figure 2. Asylum claims in Mexico, 2022**

Top 10 nationalities



Source: COMAR.

The southern border area receives the majority of new arrivals, putting pressure on host communities that are already lagging behind national averages. While Chiapas is Mexico’s poorest state and has the country’s lowest rate of economic growth, it also receives the vast majority of new asylum claims given its geographic location along the southern border (figure 3). In 2022, two locations within Chiapas—Tapachula and Palenque—accounted for three-fourths of all persons applying for asylum in Mexico, who by law are obliged to do so at their location of arrival and wait until their case is resolved before being allowed to move onwards. This concentration of asylum-seekers adds to the long-standing structural challenges in the southern part of Mexico, limiting the local economy and straining the provision of social services.

**Figure 3 Top states for asylum claims in Mexico, 2022**



Source: UNHCR.

A voluntary internal relocation program has been helping relieve the pressure on southern border communities that lack the economic conditions to fully integrate new arrivals. In 2016, UNHCR developed an internal relocation and integration strategy to transfer recognized refugees from the south to 11 destinations in the central and northern parts of the country that have better job prospects and social service provision, such as Saltillo and Guadalajara. The program’s objective is to achieve an efficient distribution of refugees at the national level, in accordance with the absorption capacity of local labor markets. As part of the program, more than 500 national and multinational companies employ refugees, who are generally selected based on the match between the participant’s profile and the needs of the firm. Other criteria taken into consideration are the participant’s family composition, as well as special needs they might have if they are single-headed households or have other specific vulnerabilities, such as health conditions and disabilities, and whether the local ecosystem of government-run programs, civil society organizations, and private sector initiatives is able to respond to those needs. Since the start of the program, about 30,000 individuals have participated, of which nearly 13,000 were relocated in 2022 alone. Participants are not only provided employment-based support, but also housing and cash-based assistance for a limited time to facilitate stabilization and local integration. It is estimated that participants of the program have contributed 117 million pesos to local economies through taxes and other state contributions.

In addition, the northern border area faces a growing migrant and asylum-seeking population unable to enter the United States. Since March 2020 and the beginning of the COVID-19 pandemic, the majority of people seeking to apply for asylum at the US southern border have been turned away under Title 42 (see discussion later in the paper). During nearly three years Title 42 has been invoked, about 2.5 million people have been expelled, according to the US Department of Homeland Security. This has stretched services and

increased concerns of violence in Mexico's northern states. UNHCR is implementing a contingency plan centered around protection activities in view of the increase in the number of arrivals across Mexico's northern border. According to UNHCR's US Southern Border Protection Monitoring Survey, which aims to gather information about the protection space at the US border and level of access to territory, 90 percent of respondents fear returning to their countries of origin because of violence there.

## Policies

Mexico has instituted several policy shifts in recent years to address the rising flow of displaced populations into the country. Growing violence, poverty, unemployment, and sudden onset climate events such as hurricanes in the Northern Triangle of Central America have caused an exponential increase in the number of asylum-seekers and refugees in Mexico and the United States since 2013, rendering foundational laws inadequate. The shift from management in principle to real-time response has been marked not only by efforts by the United States to externalize enforcement to Mexico, but also Mexico's push to assert competence and independence in its role as a transit and destination country. While there is more work to be done to strengthen refugee and asylum management and integration systems, many of the policy reforms have introduced much-needed improvements.

While Mexico is party to the 1951 Refugee Convention and its 1967 Protocol and has signed the 1984 Cartagena Declaration,<sup>6</sup> it was not until 2011 that domestic legislation concerning refugees and asylum was passed. The Law on Refugees, Complementary Protection, and Political Asylum legally formalizes Mexico's long history of providing refuge to victims of persecution and oppression. Adopting the regional definition of refugee from the Cartagena Declaration and adding gender as a convention ground, it also grants complementary protection to those not considered refugees under the Convention or the Cartagena Declaration definition, but whose lives have been threatened or are at risk of torture, ill treatment, or other forms of cruel or inhumane punishment (box 1) (UNHCR 2011). The law also incorporates the principles of non-refoulement, non-discrimination, confidentiality, and the best interest of the child. It guarantees refugees' rights to work, health care, education, and family reunification (Asylum Access 2019). Finally, the law provides the basis for the General Coordination of the Mexican Commission for Refugee Assistance (COMAR), a decentralized administrative entity under the Ministry of Interior, whose offices are responsible for processing asylum claims. This complemented the 2011 Law on Migration, which led to the creation of the National Institute of Migration (INM).

It was these laws that provided a foundation for the introduction of further policy instruments and programs to help to manage a surge of asylum-seekers beginning in 2013. While violence generated by transnational organized crime, gang violence, and drug cartels was a contributing factor to increased movement from Central America, Mexico also saw an influx from outside the region, and in particular an increase in unaccompanied children crossing into the country (UNHCR 2013).

The growing dichotomy between Mexico's legal obligations to provide protection and integration to refugees and political pressure from the United States concerning migration is evident here. Mexico had long been acutely aware of United States asylum and migration policy because of the effects on its own citizens: when the United States was more favorable to Mexican immigration into its territory, domestic rates of unemployment and underemployment decreased. Maintaining these border crossings was often a priority for the Mexican government, making it vulnerable to any policy requests from the United States related to asylum and migration. As more Central Americans arrived in the United States, news sources reported that US diplomats struck a deal with Mexican authorities to make a clear distinction between Mexican and Central American immigrants at the United States border in exchange for Mexico's limiting of Central Americans entering the United States (Minian 2022).

### **Box 1 Defining “Refugee” under Mexican Law**

The Law on Refugees, Complementary Protection and Political Asylum defines refugees as persons who:

- Are afraid of being persecuted for reasons of race, religion, nationality, gender, membership of particular social group, or political opinion;
- Are outside of their country of nationality and do not have the protection of their country;
- Have fled their country because their life, security, or liberties have been threatened by widespread violence, foreign aggression, internal conflicts, massive breach of human rights, or other circumstances that have severely disrupted the public order.

Refugees could have experienced directly, or feel they risk experiencing in the future, any of the following situation:

- Extortion, harassment, intimidation, physical or sexual violence from gangs or armed groups:
  - For refusing to cooperate or become a member
  - For refusing to pay war taxes or their dues
  - For refusing to become partners of people related to criminal groups;
- For being witness to a crime committed by these groups;
- Discrimination, threats, physical aggression on the basis of their religion or beliefs, political ideas, nationality, or race;
- Physical violence, harassment, sexual violence on the basis of their gender identity, sexual orientation, or gender expressions, for example, lesbian, gay, bisexual, transgender, or intersex persons from a collective (LGBTI);
- Bullying, threats, physical or sexual violence from their partners, former partner, family members, or others;
- Being victims of housing occupation dispossession of land or other property;
- Being forced into prostitution or marriage;
- Having their life, liberties, or security threatened due to armed conflicts, serious situations of violence, or insecurity.

*Source:* UNHCR (United Nations High Commissioner for Refugees), Ciudad de Mexico. “Who is Considered a Refugee?” <https://help.unhcr.org/mexico/en/quien-es-una-persona-refugiada/>.

Nonetheless, reforms to the Law on Refugees, Complementary Protection, and Political Asylum were passed in 2014 and 2016 to expand the role and responsibilities of Mexico in receiving refugees and asylum-seekers. In 2014, the reform provided refugees and applicants of refugee status access to necessary documentation, including civil registration, tax identification, and a temporary residency card to be renewed annually. Together, these documents provide access to the employment, health care, and education guaranteed by the law. In 2016, the Constitutional reform to Article 11 granted refugees and asylum claimants all rights accorded to citizens by the Mexican Constitution, which in effect harmonized the law with the 1951 Convention and other applicable treaties.

At the same time, Mexico also began implementing the Programa Frontera Sur (Southern Border Program). This program aims to fortify the southern border by tightening security at points of entry with both Guatemala and Belize and by increasing surveillance across common migration routes. To do so, the government mobilized both a military and police presence in southern border towns, establishing checkpoints, roadblocks, and detention centers in addition to carrying out increased raids and arrests. This was largely executed by the INM, whose primary focus is migration control. The program increased Mexican apprehension of migrants from Central America to numbers that exceeded even those of United



States immigration authorities. Many people apprehended were not informed of their legal right to seek asylum in Mexico. The United States contributed millions of dollars' worth of mobile security and surveillance equipment to this effort. Although the program contained certain human rights stipulations, analysis reveals that they were effectively ignored throughout the duration of the program (Minian 2022). This was a significant deviation from the aspirations enshrined by the 2011 law and its 2014 amendments. Yet the Southern Border Program did little to deter Central Americans from crossing into Mexico. Driven by worsening political and socioeconomic climates in their own countries, many were simply forced to seek more dangerous routes into Mexico. Together with the 2014 reforms to the Law on Refugees, Complementary Protection, and Political Asylum, the Southern Border Program corresponded with this increased flow of refugees and vulnerable migrants into Mexico.

Even so, Mexico reaffirmed its commitment to respond to the challenges posed by the international protection of internally displaced people, refugees, migrants, and returnees in 2017 by adopting the Comprehensive Regional Protection and Solutions Framework (MIRPS). The number of refugees and asylum-seekers had continued to rise into 2015 and 2016, with a particularly sharp increase in applicants after the inauguration of US President Donald Trump in January of 2017. Based on the principles of solidarity and responsibility-sharing, MIRPS is an agreement between Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and Panama to implement a series of commitments related to tackling the underlying causes of displacement, strengthening protection within countries of origin, and improving protection for refugees and asylum-seekers internationally (UNHCR and Global Compact on Refugees 2020). The focus areas of MIRPS include protection, jobs and livelihoods, social protection, education, and health. Mexico made 38 commitments under these focus areas in its MIRPS National Action Plan, emphasizing more efficient and simplified registration of asylum-seekers, protecting the best interests of children, financial inclusion, and the strengthening of public services in host communities in the south (table 1) (UNHCR and Global Compact on Refugees 2021). In particular, the commitments made under the protection focus area emphasized COMAR's collaboration with both the INM and UNHCR to streamline and improve procedures for processing asylum-seekers. Mexico made further commitments at the Global Refugee Forum in 2019, most notably the inclusion of refugees into the health system, as well as job matching for 10,000 refugees.

**Table 1. Mexico's commitments under the MIRPS National Action Plan**

Focus Area	Commitments	Example
Protection	19	Review and accelerate current procedures for the issuance of documents for asylum-seekers, refugees, and beneficiaries of complementary protection.
Jobs and Livelihoods	5	Promote the recruitment of asylum-seekers, refugees, and beneficiaries of complementary protection for job vacancies available in the National Employment Service.
Social Protection	9	Develop materials that describe and explain how to access the programs and services available to the populations of interest together with COMAR and UNHCR.
Education	1	Allow the formal inclusion of children seeking asylum, refugees, and beneficiaries of complementary protection to mandatory school education (preschool, primary, secondary, and preparatory), as well as access to educational programs nationwide.
Health	4	Carry out actions aimed at risk prevention and access to health services for asylum-seekers, refugees, and beneficiaries of complementary protection.

*Source:* UNHCR and Global Compact on Refugees 2021.

*Note:* COMAR = Comision Mexicana de Ayuda a Refugidos/Mexican Commission for Refugee Assistance; MIRPS = Comprehensive Regional Protection and Solutions Framework; UNHCR = United Nations High Commissioner for Refugees.

These pledges coincided with the election of current Mexican President Andrés Manuel López Obrador, whose administration released the New Migration Policy of the Mexican Federal Government 2018–2024. López Obrador promised to approach asylum and migration from a human rights perspective. As such, the policy lists administrative protocols that can be undertaken to address issues of asylum and migration, including treating it as a regional responsibility; establishing safe, orderly, and regular processes; strengthening institutions; integrating foreign nationals into Mexican society; and fostering sustainable development (Chavez and Voisine 2021). Citing the 2011 Law on Migration as well as the Law on Refugees, Complementary Protection, and Political Asylum, the Migration Policy prioritizes humanitarian protection.

Building on this framework, the López Obrador administration has instituted several practical changes in the application of refugee and asylum policy. In 2019, for example, asylum-seekers were included in the national population registry, enabling the government to issue population registry codes (CURP) to them, effectively giving them a legal identity and directly opening the way to access public services and formal employment. The unique code is included in several identification documents, including the tax registry. In collaboration with the INM, temporary codes were issued for a period of 180 or 365 days to foreigners who started the process to regularize their stay in Mexico. Once CURP holders are recognized as refugees, the temporary code is given permanent status.

Applications for both temporary and permanent residency permits were also digitized, reducing processing times from 9 to 12 months before digitization to 1 to 21 days. This digitalization process was implemented through INM with the support of the European Union. At this time, COMAR also began implementing differentiated procedures to determine refugee status. With the support of UNHCR, this included a simplified determination procedure for caseloads with a high degree of homogeneity, such as for asylum-seekers arriving from Honduras, El Salvador, and Venezuela. This was combined with a merged procedure in 2020 that was accelerated for those with a high probability of being granted refugee status, applying the expanded regional definition (Cartagena Declaration). Both policies were accompanied by budget increases to implement the new programs; however, funding was decreased in 2021. COMAR—with the support of UNHCR’s Quality Asylum Initiative (QAI) team—has been implementing differentiated case processing modalities, including refugee status determination (RSD) tools for simplified and accelerated procedures, since mid-2019. Legally mandated processing times within the Mexican administration were suspended as of March 2020 due to the pandemic; however, COMAR has continued to register and process asylum claims. Recognized refugees can apply to renew their temporary residency in the local INM office, without having to return to the place of the original application. Current asylum procedures are summarized in figure 4.

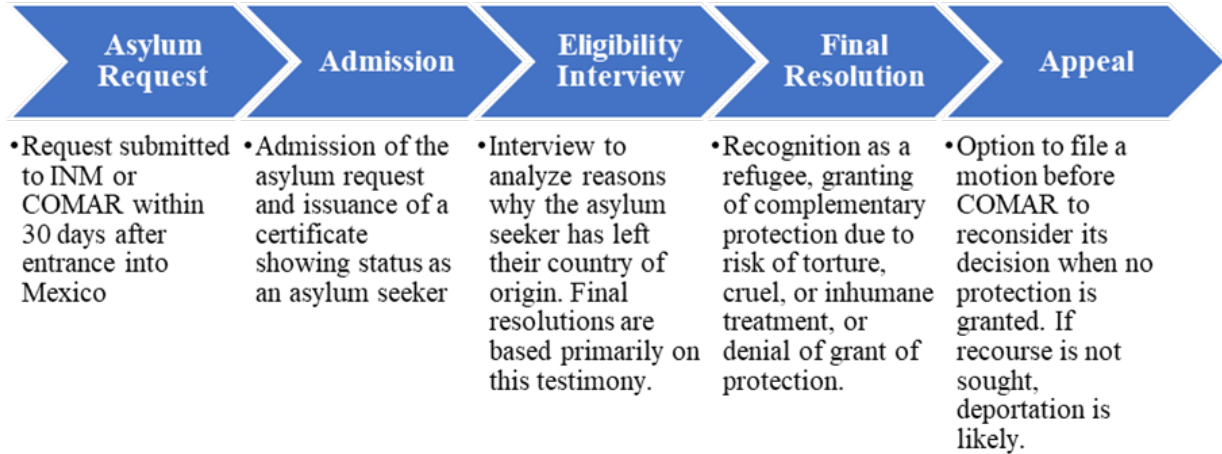
Despite these attempts at streamlining procedures, however, 2019 brought new challenges to the refugee response in Mexico. Amid another surge of arrivals from Central America to both Mexico and the United States, President Trump threatened to impose and progressively increase tariffs on Mexico unless action was taken to curb migration through its territory (Salam 2019). Although a trade war was averted, Mexico deployed the military to enforce immigration laws and entered into negotiations for the United States–Mexico migration cooperation agreement.

Primarily a military and police response to migration, the United States–Mexico migration cooperation agreement raised concern among critics. Mexico deployed thousands of National Guard members to both its northern and southern borders, increasing the number of detained migrants substantially. Opponents questioned whether the National Guard would be able to perform immigration functions and worried about potential human rights abuses resulting from detainment and deportation without proper training. Aid to unprepared border cities was also not considered as part of the deal, with shelters remaining overcrowded and many vulnerable populations facing dangerous conditions, such as outbreaks of disease. There were concerns stronger enforcement would also lead to increases in illegal crossings, particularly by smugglers.



Finally, Mexico agreed to expand the Migrant Protection Protocols, otherwise known as the “Remain in Mexico” policy. The protocols were originally implemented in January 2019 and require migrants seeking asylum in the United States to remain in Mexico until their immigration court date (Schmidtke 2019).

**Figure 4. Mexican asylum procedures**



*Source:* Chavez and Voisine 2021.

*Note:* COMAR = Comision Mexicana de Ayuda a Refugidos/Mexican Commission for Refugee Assistance; INM = National Institute of Migration.

This was only exacerbated by the invocation of Title 42 in the United States in March 2020. An obscure section of the United States Code dating from 1944, Title 42 allows federal health authorities to prohibit migrants from entering the country if it is determined that doing so could prevent the spread of contagious diseases (box 2). This gave US Border Patrol agents the authority to expel migrants trying to enter the United States, forcing them to return to their home country or most recent transit country, often Mexico (Gramlich 2022).

**Box 2. Title 42, Unites States Code Section 265**

**Suspension of entries and imports from designated places to prevent spread of communicable diseases**

Whenever the Surgeon General determines that by reasons of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with the regulation approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose.

(July 1, 1944, ch. 373, title III, § 362, 58 Stat. 704.)

*Source:* 42 U.S. Code § 265.

While the United States was able to exert a great deal of pressure on Mexican migration and asylum policies, Mexico also acted independently with the promise to spearhead the Comprehensive Development Plan. The Plan, which was released in 2019, once again takes a human rights–based approach to refugee and asylum issues, including collaborative resettlement plans and an emphasis on addressing the root causes of displacement and migration by improving socioeconomic conditions in El Salvador, Guatemala, and Honduras. In January 2019, the then-new López Obrador administration also sought to change the approach to caravans and the INM began a humanitarian visa program. The Emergent Program for the Granting of Visitor for Humanitarian Reasons Card provided a one-year stay to migrants and refugees with temporary mobility across the country, the right to leave and reenter, and work authorization. However, it ended just days after it began. The program proved too popular, overwhelming the infrastructure of the INM with more than 15,000 applications. It is worth noting that while the United States welcomed these changes, it did not commit to supporting them financially (Chavez and Voisine 2021).

The paradox between Mexico’s acquiescence to United States’ demands and its own push to apply the rights-based principles supported by the legal framework has remained evident in the years since the Migration Deal. Some policies have directly supported the integration of refugees into Mexican society. In 2019, for example, a legislative reform of the health system allowed asylum-seekers and refugees to access health services. Whereas before they were only granted services for a period of 90 days, this health coverage is now applicable universally to all persons residing and living in Mexican territory.

Reforms also took important steps to protect migrant and refugee children. In November 2020, new measures confirmed that no children, either accompanied or unaccompanied, would be held in immigration detention centers. Rather, they are to be referred to alternative accommodation. This reinforced Mexico’s mandate to preserve the best interests of children and made them eligible for temporary humanitarian visas. By the next year, refugees and asylum-seekers were also included in the back-to-school campaign launched by the Ministry of Education. Foreign children and adolescents can enroll in school at any time during the year and even without identity documents or diplomas. New guidance developed by the ministry also explicitly mentioned the enrollment of refugee children in school during and after the COVID-19 pandemic (UNHCR 2021).

Overall, Mexico’s response to growing inflows into its territory is often determined by regional politics as well as economic and security agreements with the United States. In November 2021, President Joe Biden officially announced its intention to reopen the southern border between the United States and Mexico, though pandemic-era restrictions on asylum and migration remain in effect. While the government continues to provide military support at the border, it is also prioritizing refugee protection and integration programs. However, these nonmilitarized programs receive less direct support from regional partners, including the United States, which is one of the major donors to humanitarian organizations and nongovernmental organizations (NGOs) involved in the asylum response, forcing a decentralized model to continue with insufficient funding. This lack of a national resettlement program places a significant burden on civil society organizations to assist with refugee integration without government support.

## Challenges and lessons learned

The various legislative, regulatory, and operational reforms in Mexico represent a positive example of how governments can proactively manage an increase of asylum applications, focusing on local integration to meet the needs of the local labor market and economy more generally. Building on the Global Compact for Refugees, several milestones have been achieved:

1. In 2018, asylum-seekers were included in the national population registry, paving the way for labor market inclusion.
2. In 2019, refugees and asylum-seekers were included in the national health system.
3. In 2020, Mexico streamlined the issuance of stay permits allowing asylum-seekers and refugees access to formal employment.
4. Also in 2020, the detention of children and youth seeking asylum was abolished, allowing families with children as well as unaccompanied and separated children to pursue their asylum process in liberty.
5. In 2021, Mexico streamlined the inclusion of asylum-seekers and refugees into its post-pandemic back-to-school campaign, facilitating access to education for thousands of children.

In addition, since 2016 Mexico has facilitated the relocation of nearly 30,000 refugees and asylum-seekers from border regions, where livelihood opportunities are limited, to major urban areas in the central part of the country, providing job placement and local integration support.

Although Mexico has taken important steps toward fulfilling the promises outlined by its legal framework, a number of challenges remain and there is more work to be done. A robust application of the law, further coordination between agencies, increased budgetary commitments, and the prioritization of a human rights approach separate from United States influence would better ensure the protection of refugees and asylum-seekers in Mexico.

An expansive definition of refugee is workable with streamlined processes for common profiles. The Mexican law's application of the Cartagena standards and extensive inclusion of different elements qualifying persons for refugee status is laudable. It includes innovative gender-specific considerations (for example, being forced to become the partner of a member of an illegal group, a common threat in northern Central America to teenage girls in gang-controlled areas) and reflects common threats in the region (such as forced land seizures.) This expansive coverage, along with differentiated procedures to streamline applications for common profiles, has resulted in greater protection for those fleeing generalized violence, conflict, and massive human rights violations.

That said, a gap exists between the principles espoused by the law and their implementation. Despite the *de jure* rights refugees and asylum-seekers benefit from in Mexico, *de facto* bottlenecks often restrict their access to fundamental services and ability to integrate into society. A main factor is the limited funding to the respective authorities, leading to reduced administrative capacity. As a result, the time needed for status determination is slower than stipulated by law, particularly in key points of arrival such as Tapachula, forcing claimants to remain in their place of application for an extended period and placing growing pressure on local communities. While UNHCR supports the authorities with staff where possible, the national system can be overwhelmed by surges in new arrivals.

There is little evidence that militarized approaches responding to migration and displacement stem the flow in the long term. Even with the heightened detentions and abuses applied in migration control, people continue to leave their communities and flee abroad. Their journeys are just more harrowing and difficult, making integration and socioeconomic support systems even more vital and challenging. In addition, an

overly militarized approach to migration can victimize the people displaced by conflict, fuel dangerous smuggling syndicates, and only worsen the management of large movements. A human-centered strategy based on immediate protection response, full inclusion, and complementary pathways is likely to be more beneficial as well as sustainable in the long term.

Information gaps and complicated procedures can undermine even the best protection schemes. Asylum-seekers and refugees do not always have the information necessary about the correct processes or available services to access, limiting the effectiveness of these processes and services. Government officials need to have the updated information or else can give confusing or contradictory instructions. Employers do not always know the rights of refugees and asylum-seekers to work. Smugglers sometimes give incorrect information in order to increase dependency on them. Accurate and persistent communication campaigns, targeting people coming from range of countries and educational levels, can help ensure the rights and benefits provided by law are realized by the target populations.

A strong response requires a whole-of-government approach supported by regional and global partners that have a fundamental responsibility-sharing role to play in refugee-hosting countries. Multilateral and bilateral support is essential to provide efficient and effective management of newly arriving vulnerable populations with clear protection needs. The integration of migrants, refugees, and asylum-seekers into the social and economic opportunities of a country allows them to contribute to the fiscal health of the country over time, but there are initial investments that should be supported through broader burden-sharing. A lack of support can have damaging consequences in terms of lower standards of living, strained services, and rising xenophobia against the arriving groups. Local civil society, including refugee-led groups, also have a strong role to play, particularly in identifying where policy falls short in addressing fundamental protection needs, and where further reform is necessary.

## Notes

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<sup>1</sup> UNHCR (United Nations High Commissioner for Refugees), Refugee Data Finder, [UNHCR - Refugee Statistics](#).

<sup>2</sup> UN DESA (United Nations Department of Economic and Social Affairs), Population Division, International Migrant Stock 2020, <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

<sup>3</sup> UNHCR, Refugee Data Finder, [UNHCR - Refugee Statistics](#).

<sup>4</sup> COMAR, <https://www.gob.mx/comar>.

<sup>5</sup> Internal Displacement Monitoring Centre (IDMC), Mexico, 2022, <https://www.internal-displacement.org/countries/mexico>.

<sup>6</sup> The Cartagena Declaration on Refugees is a nonbinding regional instrument for the protection of refugees and was adopted in 1984 by delegates from 10 Latin-American countries: Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Venezuela.

## Appendix A. Timeline of policy shifts in Mexican refugee and asylum law

Year	Description
1990	Refugee Convention and Cartagena Declaration are integrated into Mexican law.
2011	The Law of Migration is adopted.
2011	Law on Refugees, Complementary Protection, and Political Asylum is adopted.
2014	Reforms to the Law on Refugees, Complementary Protection, and Political Asylum are passed.
2014	Southern Border Program begins.
2017	Comprehensive Regional Protection and Solutions Framework (MIRPS) is implemented.
2018	Application for residence permits (both temporary and permanent) is digitalized.
2018	COMAR starts to implement differentiated refugee status determination (RSD) procedures.
2018	Asylum-seekers are included in the national population registry.
2019	The United States-Mexico migration cooperation agreement is signed.
2019	The Comprehensive Development Plan is implemented.
2019	The New Migration Policy of the Mexican Federal Government 2018–2024 is officially adopted.
2019	For a few days, cards are distributed in the INM Emergent Program for the Granting of Visitor for Humanitarian Reasons.
2019	Legislative reform of the health system allows asylum-seekers and refugees to access health services.
2020	The United States invokes Title 42 to prevent migrants from crossing the border for fear of spread of disease.
2020	Children, either accompanied or unaccompanied, are no longer held in immigration detention centers.
2021	The southern border of the United States is reopened, but pandemic-era restrictions on migrants remain in place.
2021	Refugees and asylum-seekers are explicitly included in the back-to-school campaign launched by the Ministry of Education.

Source: UNHCR.

Note: COMAR = Comision Mexicana de Ayuda a Refugidos/Mexican Commission for Refugee Assistance; INM = National Institute of Migration.

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