



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**BEYOND THE BORDER: THE IMPACT OF FLAWED
MIGRATION STRATEGIES IN SOUTH AND
CENTRAL AMERICA ON U.S. IMMIGRATION**

by

Bobby Garcia

September 2023

Co-Advisors:

Carolyn C. Halladay
Ben Rohrbaugh (NPS)

Approved for public release. Distribution is unlimited.

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC, 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE September 2023	3. REPORT TYPE AND DATES COVERED Master's thesis	
4. TITLE AND SUBTITLE BEYOND THE BORDER: THE IMPACT OF FLAWED MIGRATION STRATEGIES IN SOUTH AND CENTRAL AMERICA ON U.S. IMMIGRATION			5. FUNDING NUMBERS	
6. AUTHOR(S) Bobby Garcia				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release. Distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) Irregular migration has reached unprecedented levels at the southwest border of the United States, presenting significant challenges for government resources. This thesis analyzes the underlying factors driving these heightened irregular migration flows, focusing on the minimal efforts of South and Central American countries and their ineffective migration policies. Using qualitative research, this study involved reviewing available literature and conducting interviews with two subject-matter experts in migration through Mexico. Findings from the research highlight that South and Central American nations have taken insufficient action to address irregular migration, that these governments are vulnerable to dynamics that spur this phenomenon, and that the U.S. immigration system is susceptible to exploitation. These findings underscore the need to hold South and Central American countries accountable in managing irregular migration, as demonstrated by Mexico's efforts. Furthermore, it emphasizes that the United States must address vulnerabilities within its own immigration system and implement reforms to effectively deter and respond to irregular migration flows. By highlighting the causes influencing irregular migration, this thesis offers valuable insights and recommendations for policymakers, urging both regional cooperation and domestic reforms to address the challenges posed by irregular migration and promote a more sustainable, secure immigration system.				
14. SUBJECT TERMS migration			15. NUMBER OF PAGES 121	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. Z39-18

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release. Distribution is unlimited.

**BEYOND THE BORDER: THE IMPACT OF FLAWED MIGRATION
STRATEGIES IN SOUTH AND CENTRAL AMERICA ON U.S. IMMIGRATION**

Bobby Garcia
DHS Attache, Department of Homeland Security
BS, Champlain College, 2021

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
September 2023**

Approved by: Carolyn C. Halladay
Co-Advisor

Ben Rohrbaugh
Co-Advisor

Erik J. Dahl
Associate Professor, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

Irregular migration has reached unprecedented levels at the southwest border of the United States, presenting significant challenges for government resources. This thesis analyzes the underlying factors driving these heightened irregular migration flows, focusing on the minimal efforts of South and Central American countries and their ineffective migration policies. Using qualitative research, this study involved reviewing available literature and conducting interviews with two subject-matter experts in migration through Mexico. Findings from the research highlight that South and Central American nations have taken insufficient action to address irregular migration, that these governments are vulnerable to dynamics that spur this phenomenon, and that the U.S. immigration system is susceptible to exploitation. These findings underscore the need to hold South and Central American countries accountable in managing irregular migration, as demonstrated by Mexico's efforts. Furthermore, it emphasizes that the United States must address vulnerabilities within its own immigration system and implement reforms to effectively deter and respond to irregular migration flows. By highlighting the causes influencing irregular migration, this thesis offers valuable insights and recommendations for policymakers, urging both regional cooperation and domestic reforms to address the challenges posed by irregular migration and promote a more sustainable, secure immigration system.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	RESEARCH QUESTION	3
B.	LITERATURE REVIEW	4
C.	RESEARCH DESIGN	8
D.	THESIS OVERVIEW	9
II.	IRREGULAR MIGRATION FROM CENTRAL AND SOUTH AMERICA.....	11
A.	WHO ARE THE IRREGULAR MIGRANTS?	11
B.	THE GEOGRAPHY OF IRREGULAR MIGRATION	15
C.	MODALITIES OF MIGRATION	22
D.	THE MEXICAN CONNECTION	23
E.	CONCLUSION	26
III.	U.S. POLICY DECISIONS.....	29
A.	POLICY, PIECEMEAL SOLUTIONS, AND THE ANTIQUATED IMMIGRATION SYSTEM	31
B.	TITLE 42	32
C.	ALTERNATIVE PATHWAYS	34
D.	ASYLUM—NOT SO CRYSTAL CLEAR FOR MANY	35
E.	MIGRATION POLICY INFLUENCES MIGRATION	39
IV.	THE IMPACT OF IRREGULAR MIGRATION ON MEXICO.....	41
A.	MEXICAN LEGISLATION RELATED TO MINORS AND ITS UNINTENDED CONSEQUENCES	41
B.	DESPITE NO REPATRIATION MECHANISM, U.S. PRESSURE PERSISTS.....	50
C.	CONCLUSION	57
V.	CONCLUSION	61
A.	ALTERNATIVE PATHWAYS	63
B.	FINDINGS	65
C.	RECOMMENDATIONS.....	67
1.	Repatriation.....	68
2.	Unified Consequences for Human Smuggling.....	69
3.	Holding Countries Accountable	71

4.	Regularization	75
D.	CONCLUSION	78
LIST OF REFERENCES		81
INITIAL DISTRIBUTION LIST		99

LIST OF FIGURES

Figure 1.	Map of Predominant Migration Routes.	17
Figure 2.	Migration Routes from Central America to Mexico.....	20
Figure 3.	Migrant Routes through Mexico to the Shared Border.....	24
Figure 4.	Adjudicated Asylum Claims in the United States, 1990–2020.....	37
Figure 5.	Fiscal Year Asylum Backlog.	38
Figure 6.	Primary Migrant Routes from South America into Central America.	73

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF TABLES

Table 1.	Asylum Applicant and Custody Status of Individuals.....	38
----------	---	----

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF ACRONYMS AND ABBREVIATIONS

AMLO	Andrés Manuel López Obrador
CBP	Customs and Border Protection
CDC	Centers for Disease Control and Prevention
DHS	Department of Homeland Security
ICE	Immigration and Customs Enforcement
INM	Instituto Nacional de Migración (National Migration Institute)
SNDIF	Sistema Nacional para el Desarrollo Integral de la Familia (National System for Integral Family Development)

THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTIVE SUMMARY

The rising volume of irregular migrants poses a significant challenge for the U.S. government. Although irregular migrants were once composed predominantly of Mexican and Central American nationals, the makeup of contemporary migrant flows has become significantly more diverse.¹ Increasingly, migrants, particularly families and unaccompanied minors, are challenging the capacities of the U.S. immigration system.² To tackle ongoing irregular migration challenges, the United States must intensify its diplomatic engagement with South and Central American nations, encouraging them to proactively manage and redirect migratory flows instead of merely passing them onward. Concurrently, the United States must overhaul its current immigration framework, shifting from antiquated policies and legislation to a U.S. immigration system attuned to present-day migration challenges.

The poor diplomatic relationships that Venezuela, Cuba, and Nicaragua have with the United States further complicate the irregular migrant situation. Except for inconsequential returns to Haiti, the United States' inability to repatriate migrants from these countries creates a pull factor drawing thousands of non-citizens to the U.S. border. Immigration facilities are over capacity, and increased encounters with familial groups introduce additional strains on the U.S. immigration infrastructure, which result in a significant number of migrants being released from U.S. custody or not detained whatsoever. Thus, more irregular migrants are drawn to the United States in pursuit of the American dream, whether for economic motivations or family reunification.

¹ Robbie Gramer, "Venezuela's Forgotten Refugee Crisis Rivals Ukraine's," *Foreign Policy*, September 1, 2022, <https://foreignpolicy.com/2022/09/01/venezuela-refugee-crisis-rivals-ukraine-humanitarian-response/>.

² Diana Villiers Negroponte, "The Surge in Unaccompanied Children from Central America: A Humanitarian Crisis at Our Border," Brookings Institution, July 2, 2014, <https://www.brookings.edu/articles/the-surge-in-unaccompanied-children-from-central-america-a-humanitarian-crisis-at-our-border/>.

South and Central America's lackadaisical approach to irregular migration facilitates the current migratory situation at the U.S. border.³ This inadequate approach results in thousands of migrants traveling through Colombia into Panama daily and subsequently through Mexico to reach the U.S. border.⁴ Human-smuggling networks in the region have exploited regional governments' laissez-faire requirements to fly into the countries, insufficient enforcement strategies, and agreements facilitating easy travel across the region, such as the Central American–4 border control agreement.⁵ Traditional smuggling methods have evolved, and the current trend entails migrants' surrendering to U.S. authorities upon reaching the border to exploit the U.S. asylum claim process.⁶ This strategy aims to apply pressure on the already strained U.S. immigration infrastructure to release immigrants rather than detain them.

Irregular migration has remained a significant political issue in the United States, often intensifying during presidential terms and creating considerable divides in the political arena.⁷ The Trump administration focused heavily on curbing illegal migration and enhancing border security, culminating in several controversial immigration policies, including the migrant protection protocols and the zero-tolerance policy, which resulted in

³ Piotr Plewa, "Migration Trends through Panama's Darien Gap and What They Mean for Regional Cooperation," Duke Center for International and Global Studies, March 4, 2021, <https://igs.duke.edu/news/migration-trends-through-panamas-darien-gap-and-what-they-mean-regional-cooperation>.

⁴ Carolina Baigts Franco and Lillian Zenteno Valdivieso, *Addressing the Darien Gap Migration Crisis and Its Impact on Neighboring Countries* (New York: United Nations Department of Economic and Social Affairs, 2023), <https://www.cap.edu.mx/pasmun.org/back/DESA.pdf>.

⁵ Franco and Valdivieso, *Addressing the Darien Gap Migration Crisis*; Nick Miroff, "U.S. Arrests along Mexico Border Top 2 Million a Year for First Time," *Washington Post*, September 19, 2022, <https://www.washingtonpost.com/national-security/2022/09/19/us-border-patrol-arrests/>.

⁶ Jasper Gilardi, "Ally or Exploiter? The Smuggler–Migrant Relationship Is a Complex One," Migration Policy Institute, February 4, 2020, <https://www.migrationpolicy.org/article/ally-or-exploiter-smuggler-migrant-relationship-complex-one>; Peter Meyer, *Central America's Northern Triangle: Challenges for U.S. Policymakers in 2021*, CRS Report No. IN11603 (Washington, DC: Congressional Research Service, 2021), <https://crsreports.congress.gov/product/pdf/IN/IN11603>.

⁷ Katya Palacios, "Presidential Rhetoric about Immigration from Ronald Reagan to Donald Trump" (undergraduate thesis, Dominican University, 2021), <https://doi.org/10.33015/dominican.edu/2021.POL.ST.02>.

reduced encounters with Central Americans.⁸ Conversely, the Biden administration, with its more liberal policies, is grappling with historic migrant flows and criticism for releasing thousands of migrants into U.S. communities.⁹ The decrease in irregular flows during the Trump administration and the increase during the Biden administration underscore the impact that a change in migration policy has, suggesting its importance as a consideration for prospective immigrants.

Since 2014, Mexico has emerged as a pivotal partner in managing irregular migration, devoting substantial resources to bolstering border control along its southern border. Mexico's efforts have resulted in the detention and repatriation of large numbers of migrants bound for the United States, a commitment that continues to this day. Moreover, Mexico has shifted its role from simply a transit country to a partner that supports the United States. This transformation has required Mexico to allocate extensive resources, underscoring its determination in assisting the United States with the issue of irregular migration.

Immigration policies designed to remedy problematic areas can have unintended consequences. In late 2020, Mexico instituted new legislation concerning migrant minors, which prohibited their detention and limited the capacity of Mexican migration authorities to detain them and any accompanying adults.¹⁰ This legislation stipulates that adults accompanying minors cannot be deported or repatriated and must receive a humanitarian visa. Although intended to protect the rights of children, this legislation inadvertently created a loophole for adult migrants to exploit and intensified the volume of migrant familial groups encountered.

⁸ Ediberto Román and Ernesto Sagas, "A Domestic Reign of Terror: Donald Trump's Family Separation Policy," *Harvard Latinx Law Review* 24 (2021), https://ecollections.law.fiu.edu/faculty_publications/459; Mark Hoekstra and Sandra Orozco-Aleman, "Illegal Immigration: The Trump Effect" (working paper, National Bureau of Economic Research, June 2021), <https://doi.org/10.3386/w28909>.

⁹ Dan Runde et al., *An Alliance for Prosperity 2.0* (Washington, DC: Center for Strategic and International Studies, 2021), <https://www.jstor.org/stable/resrep28764>.

¹⁰ Andrea Tanco, Maria Jesus Mora, and Daniela Hall, "Strengthening Mexico's Protection Landscape for Migrant Children: Challenges and Opportunities Ahead," Georgetown Collaborative on Global Children's Issues, April 19, 2022, <https://globalchildren.georgetown.edu/responses/strengthening-mexico-s-protection-landscape-for-migrant-children-challenges-and-opportunities-ahead>.

The significant flow of migrants from Colombia into Central America raises questions about the effectiveness of U.S. financial aid aimed to improve conditions in these countries and curtail irregular migration.¹¹ Despite the substantial aid that the United States has extended to these countries, the number of migrants attempting to reach the U.S. border remains high. A change in strategy is needed—one that attaches obligations to recipient countries to address the problem of irregular migration, requires routine analysis to assess the return on investment, and imposes consequences for these countries if they do not address irregular migration despite accepting financial support.

Irregular migration is complex, and the existing immigration system is ill-equipped to handle these current challenges. A substantial shift in discourse, policy, and infrastructure is required to address the changing realities of irregular migration. Revising the foreign labor program, regularizing the illegal population already in the United States, holding countries accountable for addressing irregular migration, and reforming legal migration would remove inefficiencies. The solution to this challenging issue is an immigration system that addresses contemporary immigration realities.

¹¹ Meyer, *Central America's Northern Triangle*.

ACKNOWLEDGMENTS

My heartfelt gratitude goes to my family, whose patience, encouragement, and unwavering faith were the pillars supporting my journey through this thesis. To my sons, I am deeply thankful for your understanding during the many moments I couldn't indulge in our cherished quality time, which I value more than you'll ever realize. Above all, a special acknowledgment goes to my wife, whose remarkable support has been the beacon during this intense period. As I was consumed with a demanding work schedule, research, and coursework, she effortlessly managed our household, a feat all the more commendable considering our overseas residence, far from the familiarity and support of close family. Her sacrifices, coupled with an enduring love and boundless spirit, have not only paved the way for this thesis, but have also been a daily reminder of the true essence of commitment and tenacity.

This thesis transcends being merely an academic milestone—it's a testament that anything can be accomplished provided you demonstrate unwavering determination. I feel a profound sense of accomplishment in completing this program during a time when my professional commitments peaked. Juggling ceaseless work hours while navigating the intricacies of border security and continuous engagements with the Mexican government showcased some of the most challenging moments of my career—a consequential but taxing overseas assignment. But it was during these demanding times that my resolve was tested and fortified. I'd like to thank every individual who stood steadfastly by me throughout this chapter; your unwavering faith has been my driving force.

THIS PAGE INTENTIONALLY LEFT BLANK

I. INTRODUCTION

Irregular migration—which pertains to economically driven migration, family reunification, and individuals migrating to claim asylum or other protections—continues to surge across the southwest border and is taxing the governments of the United States and Mexico.¹ The displacement of 6.8 million Venezuelans since 2015, due to dire economic conditions and the ongoing political situation, represents the largest diaspora of displaced migrants in the Western Hemisphere, equaling the number of persons displaced by the war in Ukraine, and has contributed significantly to this change in demographics.² This migrant population constitutes a substantial flow traversing daily through Colombia and Panama, though these governments do little to curb these movements.³ Instead, upon arrival at the Northern Triangle region of Central America, Venezuelan migrants join with Cubans, Nicaraguans, and Northern Central Americans to travel well-worn paths to the shared border with Mexico—to the tune of thousands of irregular migrants illegally entering the Mexican states of Chiapas or Tabasco daily.⁴ Thus far, the states through which these masses of irregular migrants transit on their way to North America have proven unwilling or unable to implement strategies to lessen irregular migration flows.

Venezuelan, Nicaraguan, and Cuban citizens represent populations that the United States cannot repatriate to their countries of citizenship.⁵ Due to the United States' strained diplomatic relationships with these states, these governments will not authorize the return

¹ Russell King and Daniela DeBono, “Irregular Migration and the ‘Southern European Model’ of Migration,” *Journal of Mediterranean Studies* 22, no. 1 (2013): 1–31.

² Robbie Gramer, “Venezuela’s Forgotten Refugee Crisis Rivals Ukraine’s,” *Foreign Policy*, September 1, 2022, <https://foreignpolicy.com/2022/09/01/venezuela-refugee-crisis-rivals-ukraine-humanitarian-response/>.

³ Lizabelt Avila and Maureen Meyer, “Beyond the U.S.–Mexico Border: Migration Trends in the Americas, Explained,” Washington Office on Latin America, May 26, 2022, <https://www.wola.org/analysis/beyond-the-u-s-mexico-border-migration-trends-in-the-americas-explained/>.

⁴ Natalie Tines, *Getting It Together: Extra-Regional Migration in South, Central and North America and the Need for More Coordinated Responses* (Vienna: Migrant Research Centre, 2021), https://mixedmigration.org/wp-content/uploads/2021/12/204_Getting_It_Together_Research_Report_EN.pdf.

⁵ Joshua Klein, *International Migration Trends in the Western Hemisphere*, CRS Report No. R47182 (Washington, DC: Congressional Research Service, 2022), <https://crsreports.congress.gov/product/pdf/R/R47182>.

of their citizens.⁶ Furthermore, as Mexico cannot repatriate or detain migrants in the long term, Mexican migration releases thousands from its facilities every day. The United States faces similar challenges and cannot return these migrants for the same reasons. This circumstance results in thousands of migrants being released from custody and turned over to either non-governmental organizations or a family member already residing in the United States.⁷ The inability to repatriate migrants to their home countries or detain them creates a pull factor that draws hundreds of thousands of non-citizens to the U.S. border every month, intensifying the need for countries of origin to establish policies or strategies to lessen irregular migration.

At the same time, sophisticated criminal networks exploit increased migrant flows crossing South and Central America; in fiscal year 2022, they contributed to transporting more than two million migrants, breaking any record captured previously by Customs and Border Protection (CBP).⁸ These smuggling organizations recognize that Mexico and the United States cannot manage this volume of migrants, so they continue to overwhelm immigration institutions. Detaining migrants who cannot be removed has oversaturated detention space, burned through government budgets, strained the Department of Homeland Security (DHS)'s resources at the border, and taxed both governments.⁹

Irregular migration represents a long-standing and pervasive global challenge that significantly strains government resources due to its scale and complexity. It is a complex phenomenon driven by a multitude of factors, compelling individuals to make the difficult decision to leave their home countries, regardless of the nature of their motivations.

⁶ Damià Bonmatí and Belisa Morillo, "Venezuelans Say Deportations Biden Denounced under Trump Still Taking Place," NBC News, February 1, 2022, <https://www.nbcnews.com/news/latino/venezuelans-say-deportations-biden-denounced-trump-still-taking-place-rcna13947>.

⁷ Dennis Stinchcomb and Eric Hershberg, *Unaccompanied Migrant Children from Central America: Context, Causes, and Responses* (Rochester, NY: Center for Latin American and Latino Studies, 2014), <https://papers.ssrn.com/abstract=2524001>.

⁸ Camilo Montoya-Galvez, "Annual U.S. Border Arrivals Top 2 Million, Fueled by Record Migration from Venezuela, Cuba and Nicaragua," CBS News, September 20, 2022, <https://www.cbsnews.com/news/annual-u-s-border-arrests-top-2-million-fueled-by-record-migration-from-venezuela-cuba-and-nicaragua/>.

⁹ "Grassley: Human Smugglers Exploit Lax Immigration Enforcement," Official website of Senator Chuck Grassley, June 26, 2018, <https://www.grassley.senate.gov/news/news-releases/grassley-human-smugglers-exploit-lax-immigration-enforcement>.

Governments around the world face the ongoing challenge of managing irregular migration flows effectively, as they grapple with allocating sufficient resources to border control, humanitarian assistance, and migration management. Migrants across the globe decide to leave their home countries for a variety of reasons—economic motivations, family reunification, or, in some cases, fear of persecution. They embark on often-dangerous journeys that regrettably claim thousands of lives every year.¹⁰

The situation calls for comprehensive policies and strategies aimed at reducing irregular migration flows, establishing efficient repatriation mechanisms, and collaborating with transit countries to mitigate the pressure on the border. The dramatic demographic shifts in migration, particularly increases from Venezuela, Nicaragua, and Cuba, coupled with an inability to effectively repatriate migrants back to these countries, have generated an unsustainable situation at the U.S. border. Mexico has proven to be a cooperative partner in managing irregular migration flows but finds itself similarly stretched, thus underscoring the importance of comprehensive policy reforms and significant diplomatic engagement. The surge in irregular migration across the southwest border of the United States has escalated to critical levels, straining U.S. resources and overwhelming migration detention facilities. Consequently, the need for Central and South American governments to take decisive action in curbing irregular migration and establishing effective repatriation mechanisms to lessen border pressures has never been more urgent. This situation requires significant U.S. diplomacy and a rethinking of existing immigration policies, presenting a formidable challenge, not just for the United States but for Mexico, too, with the objective of establishing a more sustainable, orderly immigration system.

A. RESEARCH QUESTION

Amid the historically high influx of migrants, how might the U.S. government mitigate the inaction of Central and South American governments and achieve a more orderly and sustainable immigration system at the southern border and in the region?

¹⁰ Judith Sunderland, *The Mediterranean Migration Crisis: Why People Flee, What the EU Should Do* (New York: Human Rights Watch, 2015), <https://www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu-should-do>.

B. LITERATURE REVIEW

Government policy toward mitigating irregular migration emphasizes enforcement measures; similarly, proposed actions to address the problem primarily emphasize increased enforcement.¹¹ Bah et al. assert that as irregular migration continues to trend in the wrong direction, receiving governments respond by allocating resources to control their borders. Policy decisions often reinforce immigration enforcement for those who irregularly migrate to the respective country; border agencies detain migrants pending removal proceedings or deport them back to their countries of origin. Although the United States exerts influence in Central America and Mexico with the aim of curbing irregular migration and U.S. policies have historically focused on immigration enforcement, irregular migration from Central America to Mexico has increased since 2010.¹²

Scholars comment on the failure of messaging campaigns to stem irregular migration. For example, Nieuwenhuys and Pécoud maintain that public messaging initiatives or information campaigns designed to target irregular migration often lack focus or strategic objectives.¹³ They further assert that such information campaigns seek to “raise” awareness of the perilous journey often associated with illegal migration, aiming to dissuade migrants from embarking on the journey. Despite national efforts to control the border, irregular migration from a global perspective continues to reach unprecedented levels.¹⁴ Cappi and Musaro posit that despite a lack of evidence to demonstrate information campaign effectiveness, international organizations reportedly direct these efforts and even

¹¹ Tijan Bah et al., “Three Interventions to Reduce Irregular Migration and Promote Alternatives: An Experiment in The Gambia,” *Finance & PSD Impact*, no. 60 (September 2022): 1–2, <http://hdl.handle.net/10986/37968>.

¹² Laurent Faret, María Eugenia Anguiano Téllez, and Luz Helena Rodríguez-Tapia, “Migration Management and Changes in Mobility Patterns in the North and Central American Region,” *Journal on Migration and Human Security* 9, no. 2 (June 2021): 63–79, <https://doi.org/10.1177/23315024211008096>.

¹³ Céline Nieuwenhuys and Antoine Pécoud, “Human Trafficking, Information Campaigns, and Strategies of Migration Control,” *American Behavioral Scientist* 50, no. 12 (August 2007): 1674–95, <https://doi.org/10.1177/0002764207302474>.

¹⁴ Katharine M. Donato and Douglas S. Massey, “Twenty-First-Century Globalization and Illegal Migration,” *Annals of the American Academy of Political and Social Science* 666, no. 1 (July 2016): 7–26, <https://doi.org/10.1177/0002716216653563>.

offer guidance under the pretense of improving the expected outcomes.¹⁵ Despite lacking validation of these programs' efficacy, governments are increasingly launching information campaigns to deter irregular migration.¹⁶ Furthermore, citing research on this issue, Brändle contends that "migrants are well aware of the risks of their journey and even a lack of information about the presence of camps and detention centres would not have kept them from migrating."¹⁷ According to Brändle, migrants understand the dangers of migration and the potential of being detained because of immigration enforcement, but they decide to migrate anyway.¹⁸ Valentine et al. point out that research on the efficacy of dissuasive messaging would be ineffective as it would be impossible to gauge the number of individuals migrating.¹⁹ There has, however, been some academic research in this area based on surveys of intending migrants. In sum, research does not support the notion that informational messaging campaigns deter irregular migration.

Scholars also criticize the lack of creative thinking applied to irregular migration crises. Ozcurumez and Yetkin highlight the limitations of public policy in addressing irregular migration adequately.²⁰ Their argument centers on the government's approach to managing migration, which relies on stringent border control measures that often ignore new solutions. Thus, the standard strategy to address migration rests in implementing immigration enforcement mechanisms, penalizing companies for hiring undocumented workers, and advocating regularization. Instead, Bah et al. recommend identifying

¹⁵ Valentina Cappi and Pierluigi Musarò, "Awareness Campaigns to Deter Migrants: A Neoliberal Industry for Symbolic Bordering," in *Refugee Externalisation Policies: Responsibility, Legitimacy, and Accountability*, ed. Azadeh Dastyari, Amy Nethery, and Asher Hirsch (New York: Routledge, 2022).

¹⁶ Verena K. Brändle, "Claiming Authority over 'Truths' and 'Facts': Information Risk Campaigns to Prevent Irregular Migration," in *Europe in the Age of Post-Truth Politics: Populism, Disinformation and the Public Sphere*, ed. Maximilian Conrad et al. (Cham, Switzerland: Springer International Publishing, 2023), 151–76, https://doi.org/10.1007/978-3-031-13694-8_8.

¹⁷ Brändle, 154.

¹⁸ Brändle.

¹⁹ Valentine Robert et al., "Politiques migratoires et cinéma. Entretien" [Migration policies and cinema. Interview], *Décadrajes. Cinéma, à travers champs* [Deframings. Cinema, across fields], no. 14 (2009): 51–65, <https://doi.org/10.4000/decadrages.329>.

²⁰ Saime Ozcurumez and Deniz Yetkin, "Limits to Regulating Irregular Migration in Turkey: What Constrains Public Policy and Why?," *Turkish Studies* 15, no. 3 (2014): 442–57, <https://doi.org/10.1080/14683849.2014.954746>.

alternative solutions to prevent migrants from leaving their native countries altogether, including vocational training to help citizens obtain employment in their home countries.²¹ Despite major efforts to control the borders and significant investments in technology, personnel, and infrastructure, higher volumes continue to challenge migration enforcement strategies.²² Freeman posits that U.S. policy actions and public sentiment reflect opposing views on migration, with more restrictive measures enacted since the 1990s.²³ States have established legislative actions representing extreme policies without a concerted effort for middle-ground solutions.²⁴

Slack et al. argue that stringent immigration controls displace migrants routes, forcing their migratory trajectories into more dangerous terrain and increasing their vulnerability to exploitation and even death.²⁵ They assert that militarization and resource surges at the border have caused migrants to move out of urban areas into more desolate stretches of the border that pose inherent risks to migrants.²⁶ To this end, Bissonnette and Vallet recommend that civil society become more involved in helping migrants already in the United States through a program known as Acompañamiento Internacional (International Accompaniment).²⁷ Although Bissonnette and Vallet suggest that civil society already supports migrants in the United States, this recommendation does not address the underlying issue of irregular migration's reaching historical levels and creating an untenable situation at the shared U.S.–Mexico border.²⁸ In this regard, academic

²¹ Bah et al., “Three Interventions to Reduce Irregular Migration.”

²² Andréanne Bissonnette and Élisabeth Vallet, eds., *Borders and Border Walls: In-security, Symbolism, Vulnerabilities* (London: Routledge, 2020), <https://doi.org/10.4324/9780429352508>.

²³ Gary Freeman, “Political Science and Comparative Immigration Politics” (Austin: University of Texas, 2005), https://www.researchgate.net/publication/267778929_Political_Science_and_Comparative_Immigration_Politics.

²⁴ Landon Tyler Maxwell, “Criminalizing the Undocumented: Examining the Punitive Turn towards Undocumented Migrants and the Resulting Constitutional Rights Violations” (undergraduate thesis, University of Arizona, 2017), <https://repository.arizona.edu/handle/10150/625085>.

²⁵ Jeremy Slack et al., “The Geography of Border Militarization: Violence, Death and Health in Mexico and the United States,” *Journal of Latin American Geography* 15, no. 1 (2016): 7–32.

²⁶ Slack et al., “The Geography of Border Militarization.”

²⁷ Bissonnette and Vallet, *Borders and Border Walls*.

²⁸ Bissonnette and Vallet.

research has not addressed the causal effect of origin and transit countries' inaction, resulting in challenging situations for Mexican and U.S. border authorities.

One standard solution for irregular migration involves increasing amnesty and providing migrants that have entered the country illegally with a pathway to legalization. In this regard, advocates argue that blanket amnesty for all non-citizens within a given country will eliminate irregular migration.²⁹ To this end, in 1986, the United States implemented the nation's largest amnesty program, known as the Immigration Control and Reform Act, granting amnesty to about three million migrants who had entered the United States illegally.³⁰ According to data obtained following this effort, there was an initial drop in border crossings after its passage. Still, irregular migration increased shortly after that and returned to pre-amnesty levels.³¹

Since 2014, Mexican migration's enforcement strategies have resulted in less irregular migration and diminished flows reaching the shared U.S.–Mexico border. Flores's study examines Mexico's southern border plan, which directed considerable personnel toward dealing with migration flows through additional checkpoints and repatriation efforts.³² Mexico's immigration containment strategy reduced encounters with Mexican nationals at the border, increased detentions, and facilitated removals of Central Americans entering Mexico. Thus, the arrest and repatriation of migrants in Mexico prevented many migrants from reaching the shared U.S.–Mexico border. Mexico's efforts have produced an overall reduction in irregular migration. In this regard, Mexico's southern border plan discouraged upwards of 60 percent of would-be migrants from

²⁹ Ozcurumez and Yetkin, "Limits to Regulating Irregular Migration in Turkey."

³⁰ Pamela D. Nichols, "United States Immigration Reform and Control Act of 1986: A Critical Perspective," *Northwestern Journal of International Law & Business* 8, no. 2 (Fall 1987): 503–24.

³¹ Pia M. Orrenius and Madeline Zavodny, "Do Amnesty Programs Reduce Undocumented Immigration? Evidence from Irca," *Demography* 40, no. 3 (2003): 437–50, <https://doi.org/10.1353/dem.2003.0028>.

³² Fernanda Martínez Flores, "The Effects of Enhanced Enforcement at Mexico's Southern Border: Evidence from Central American Deportees," *Demography* 57, no. 5 (2020): 1597–1623, <https://doi.org/10.1007/s13524-020-00914-3>.

making the journey to Mexico or the United States.³³ When foreign governments enforce immigration laws, improve the likelihood of apprehension, and intensify efforts toward returning individuals to their home countries, they discourage irregular migration.

Mexico's southern border strategy demonstrates that foreign governments can implement practical immigration mitigation strategies that prevent migrants from reaching the shared U.S.–Mexico border. Scholarly research also shows that amnesty addresses irregular migration in the short term but fails to address long-term objectives to change its course. The importance of repatriation in the immigration system and the causal effects from the inability to repatriate non-citizens have received less attention in the research. Furthermore, studies are needed to gauge the importance of transit countries' creating or changing policies to mitigate irregular migration. If the United States cannot detain or repatriate Venezuelans, Cubans, or Nicaraguans, who currently represent most irregular migrants to the United States, countries of origin and transit countries must address irregular migration and play an active role in stemming the flow to the shared U.S.–Mexico border. Mitigating irregular migration collaboratively across the region can address resource constraints in destination countries, as well as reduce the risk to migrants along migratory paths.

C. RESEARCH DESIGN

This research employed a multi-pronged approach toward analyzing the contributing factors driving the current irregular migration landscape. One of the areas of focus was the role of Central and South American countries, particularly Colombia and Panama, in influencing this phenomenon. Utilizing both quantitative data on migration patterns and a qualitative analysis of policy responses, I evaluated the efficacy of Central and South American governments' irregular migration strategies alongside international migration policies and their influence on the overall migration landscape.

³³ Jeremy Doran, "America's Second Southern Border? Mexico's 2014 Programa Frontera Sur and the Widening of North American Immigration Cooperation" (master's thesis, University of Texas at Austin, 2019), 49, fig. 2.6, <https://doi.org/10.26153/tsw/1914>.

Additionally, this research investigated how the U.S. domestic immigration policy influences irregular migration patterns. A comparative analysis of liberal versus conservative stances on irregular migration was conducted to understand the polarization in U.S. political institutions and society. Primary research in the form of expert interviews with two seasoned professionals—former government officials with extensive experience with Mexican migration issues—helped to validate the findings. These ground-level perspectives supplemented the secondary data from policy documents, migration reports, and academic literature. The Institutional Review Board reviewed the interview questions and determined that they did not constitute human subject research.³⁴

D. THESIS OVERVIEW

Chapter II provides an overview of irregular migrant routes and trends from Central and South America through Mexico to the shared border with the United States. This chapter also describes how the change in migrant demographics puts increased pressure on the U.S. immigration system. Chapter III explores international immigration policy and its influence on irregular migration. Chapter IV highlights the conundrum of not detaining migrants even when repatriation is not an option, highlighting how recalcitrant countries place additional strain on U.S. immigration infrastructure. Finally, Chapter V offers findings, recommendations, and a conclusion.

³⁴ Institutional Review Board Determination number NPS.2023.0111-DD-N

THIS PAGE INTENTIONALLY LEFT BLANK

II. IRREGULAR MIGRATION FROM CENTRAL AND SOUTH AMERICA

Given the significant transformation of migration to the United States—characterized by changes to the nationalities and demographics of migrants and the arduous routes they undertake—the challenges facing U.S. border authorities in managing the influx of irregular migrants are harder to ignore. Consequently, the United States is grappling with a migration landscape that starkly contrasts historical trends. This chapter explores the nationalities of migrants and their complex and diverse motivations for migrating. It also examines the peculiarities of migratory journeys in the Americas, as the terrain, to say nothing of the political circumstances, affects the migration situation at the U.S. southern border. Because Mexico is literally and figuratively caught in the middle, this chapter also devotes some attention to the situation in that country. However, Mexico has grappled with substantial challenges of its own, including porous borders, criminal activity, and the logistics of handling a significant influx of migrants. Following Mexican legislation enacted in 2021, policy restrictions concerning the treatment of minors, both accompanied and unaccompanied, further complicate the situation.

A. WHO ARE THE IRREGULAR MIGRANTS?

The United States is facing a diverse range of migrants with different motivations, expectations, and legal protection claims. The country has seen an increasingly diverse group of migrants, each carrying unique motivations and expectations, including those fleeing economic deprivation and political unrest. There has been a clear shift from predominantly Mexican migration to significant numbers from Central and South America, the Caribbean, and other regions—with an increasing trend of migrants actively seeking contact with immigration authorities, instead of evading them, intending to claim asylum. For instance, in September 2021, over 15,000 Haitian migrants were detained by border authorities in one massive group under a bridge in Del Rio, Texas.³⁵ For days, these

³⁵ Matthew Ingber, Conner Muth, and Nathanael Hall, “The Migrant Crisis at the U.S. Southern Border” (Kennesaw, GA: Kennesaw State University, 2022, <https://digitalcommons.kennesaw.edu/immigrationscholarship/6>).

migrants were held in deplorable conditions, in a makeshift encampment that clearly was not designed to detain human beings. To address this surge of Haitians, U.S. border authorities conducted multiple repatriation flights that expelled over 2,000 single adult males from the very conditions these migrants had so desperately tried escaping in Haiti.

In fiscal year 2022, U.S. immigration authorities contended with the highest volume of encounters ever recorded, reaching a staggering 2,766,582, according to official government records.³⁶ In a notable departure from past trends, non-Mexican and non-Central American nationals constituted nearly half of these encounters, making up 48.82 percent, or 1,350,566 of the total encounters. Moreover, migrants from the Northern Triangle nations of El Salvador, Guatemala, and Honduras were the source of a significant 19.73 percent of these encounters, amounting to 545,833 individuals. Collectively, these groups originating from countries other than Mexico formed a majority, accounting for an overwhelming 68.55 percent, equivalent to 1,896,399 of the total encounters, emphasizing the marked shift in migration patterns during this period. It is important to raise this point because most irregular migration does not originate in Mexico; rather, it predominantly originates from other countries and transits through Mexico. Irregular migration reaches Mexico because of inaction along the migratory routes across numerous countries.

Natural disasters, government instability, the global pandemic, and economic distress formed the migratory shift that began taking shape in 2014 with elevated irregular Central American flows. Historically, irregular migration known to U.S. immigration authorities was largely driven by Mexican citizens and had remained this way for decades but started to decline by the mid-aughts.³⁷ By 2014, illegal migration was characterized less by adult Mexican nationals and more by Central Americans, mainly familial groups and unaccompanied children.³⁸ Then, in 2016, a significant number of Haitians left their

³⁶ “Southwest Land Border Encounters,” Customs and Border Protection, August 18, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

³⁷ Andrés Villarreal, “Explaining the Decline in Mexico–U.S. Migration: The Effect of the Great Recession,” *Demography* 51, no. 6 (2014): 2203–28, <https://doi.org/10.1007/s13524-014-0351-4>.

³⁸ Alejandra Baron, “The Creation of the Border Crisis: How the Media Influenced the Situation at the U.S./Mexico Border in 2014” (master’s thesis, University of Texas, El Paso, 2017), https://scholarworks.utep.edu/open_etd/406.

country—some of whom settled in South America—due to several natural disasters, insecurity, and economic struggles.³⁹ This shift was further compounded by the 2015–2019 Venezuelan crisis, when an estimated seven million Venezuelans fled the country, representing the largest diaspora ever recorded for Latin America.⁴⁰ Then, as employment declined because of the pandemic-induced downturn, Venezuelans and Haitians began making their way north through Colombia and Panama to Central America. These migrants were joined along the route by Nicaraguans and other Central Americans transiting Mexico to the United States border.⁴¹ U.S. immigration authorities transitioned from an era of chasing individuals who evaded capture to an era of migrants reporting directly to the authorities at a port of entry or in the open desert to make asylum claims.⁴² This behavioral shift in migrants was the result of limited capacity in the United States, the appearance of an overwhelmed system, and the perceived likelihood of being released from custody.⁴³

In addition to the migrants transiting Central America, irregular migration originating from Central America has resulted in a significant number of migrants seeking refuge, employment, and a better life by embarking on dangerous journeys across international borders.⁴⁴ As of this writing, Nicaragua, El Salvador, Honduras, and Guatemala serve as major source countries for irregular migrants as do Venezuela, Cuba,

³⁹ Ingber, Muth, and Hall, “The Migrant Crisis at the U.S. Southern Border.”

⁴⁰ Muzaffar Chishti and Kathleen Bush-Joseph, “Amid Record Venezuelan Arrivals, Biden Administration Embraces Border Expulsions Policy,” Migration Policy Institute, October 27, 2022, <https://www.migrationpolicy.org/article/venezuelan-expulsions-policy-biden>; Inter-American Development Bank and Organization for Economic Cooperation and Development, *Migration Flows in Latin America and the Caribbean: Statistics on Permits for Migrants* (Washington, DC: Inter-American Development Bank, 2021), <https://doi.org/10.18235/0003665>.

⁴¹ Inter-American Development Bank and Organization for Economic Cooperation and Development, *Migration Flows in Latin America and the Caribbean*.

⁴² Jasper Gilardi, “Ally or Exploiter? The Smuggler–Migrant Relationship Is a Complex One,” Migration Policy Institute, February 4, 2020, <https://www.migrationpolicy.org/article/ally-or-exploiter-smuggler-migrant-relationship-complex-one>.

⁴³ Lois Ann Lorentzen, ed., *Hidden Lives and Human Rights in the United States: Understanding the Controversies and Tragedies of Undocumented Immigration*, 3 vols. (Santa Barbara, CA: Praeger, 2014), <http://publisher.abc-clio.com/9781440828485>; David J. Bier, “What Makes Crossing the Border Illegal? DHS Does,” Cato Institute, December 16, 2022, <https://www.cato.org/blog/what-makes-crossing-border-illegal-dhs-does>.

⁴⁴ María Cristina García, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* (Berkeley: University of California Press, 2006).

Ecuador, Colombia, and Haiti, and European, Asian, African, and Middle Eastern countries. From this standpoint, the level of complexity at the border is amplified because the United States and Mexico can neither return many of these migrants to their countries of citizenship nor detain them in perpetuity while U.S. authorities wait for these governments to accept the return of their own citizens. The inability to return these migrants forces the United States and Mexico to release thousands from custody every week and leads to a significant pull factor by attracting thousands more migrants.

The U.S. immigration system of the 21st century adheres to laws that have not changed since the 1990 Immigration Act.⁴⁵ This antiquated system was not designed to address contemporary U.S. immigration challenges. For one, most U.S. immigration laws were largely designed to address irregular adult Mexican migrants, who no longer represent most CBP detainees. Migrant demographics have shifted, starting with Central American families in 2014 and further complicated by the surge of unaccompanied children mainly from the Northern Triangle countries of Guatemala, Honduras, and El Salvador.⁴⁶ While addressing unaccompanied children has still been challenging for CBP, this problem has been exacerbated by a rise in detentions of migrant familial groups.

The other challenging situation for the United States and Mexico is dealing with recalcitrant countries that will not authorize the return of their own citizens.⁴⁷ For repatriation to occur, the receiving government must first affirm that the detained individual is a citizen of its country. Next, the government must issue travel documents for both the migrant and the accompanying U.S. official. These travel documents, which facilitate the deportation process, act as an acknowledgment from the foreign government that it is prepared to accept the migrant back into the country.

⁴⁵ Elaine Kamarck and Christine Stenglein, “Can Immigration Reform Happen? A Look Back,” Brookings Institution, February 11, 2019, <https://www.brookings.edu/articles/can-immigration-reform-happen-a-look-back/>.

⁴⁶ Dinorah Azpuru, Violeta Hernández, and Gerhard Wahlers, “Migration in Central America: Magnitude, Causes and Proposed Solutions,” in *Migration and Refugees* (Bonn, German: Konrad Adenauer Stiftung, 2015), 72–95, <https://www.jstor.org/stable/resrep10111.8>.

⁴⁷ Erlend Paasche, “Recalcitrant and Uncooperative: Why Some Countries Refuse to Accept Return of Their Deportees,” Migration Policy Institute, December 20, 2022, <https://www.migrationpolicy.org/article/recalcitrant-uncooperative-countries-refuse-deportation>.

The second factor obstructing repatriation is the often bureaucratic and tedious process maintained by the receiving countries.⁴⁸ These foreign governments may not respond to a request, might take excessive time to issue travel documents verifying the individual's citizenship, or could establish a nearly insurmountable process to confirm nationality. Delays may be attributed to the limitations of administrative functions or antiquated national registries, such as handwritten entries that are difficult to locate and verify. These obstacles might seem like stalling tactics. Any one of these circumstances could lead to the indefinite or prolonged detention of migrants who have been slated for deportation or removal.

The challenges posed by the inability to repatriate migrants to their countries of origin are significant, as neither Mexican nor U.S. immigration officials can legally detain migrants in perpetuity. Extended detention violates existing policies and exposes institutions to allegations of civil rights violations. This situation often results in hundreds, if not thousands, of migrants being released from Mexican detention centers daily under the assumption they will return independently to their countries of origin. However, the truth is these migrants have no desire to return to their countries, with their ultimate objective being reaching the U.S.–Mexico border to gain entry into the United States.

B. THE GEOGRAPHY OF IRREGULAR MIGRATION

To mitigate the spread of the global pandemic, South and Central American countries shut down their borders to international travel in 2020.⁴⁹ International border closures meant that irregular migrants could not travel by air from South America to Central America or beyond but would have to make the journey by land. Closing the borders in 2020 and 2021 created a monumental shift in migratory travel patterns. Thus, migrants forged a predominant land route from South America—from Colombia to

⁴⁸ Paasche.

⁴⁹ María Eugenia Cardinale, “La cuestión fronteriza y la crisis epidemiológica en Europa y América del Sur: Una mirada desde las Relaciones Internacionales” [The border issue and the epidemiological crisis in Europe and South America: A look from international relations], *Revista de Relaciones Internacionales, Estrategia y Seguridad* [Magazine of international relations, strategy and security] 16, no. 1 (2021): 179–96, <https://doi.org/10.18359/ries.5100>.

Panama—facilitating travel for thousands of migrants. To this end, since 2020, migrants have arrived in Colombia and camped along its coastal cities, capturing the attention of media and non-governmental organizations. Civil and government organizations launched a number of humanitarian efforts to address the Venezuelan migrants crossing into Colombia but fell short, with as many as 1,000 Venezuelans sleeping on the streets of the border city of Cúcuta—where an estimated 48 percent of Venezuelans cross into the country.⁵⁰

Venezuelans, Haitians, and Cubans fleeing their native countries represent the largest flow of migrants through Colombia via the Darien jungle to cross into Panama. This migratory route represents the only land border path connecting South America to Central America, utilized daily by thousands of non-Central American migrants seeking entry to Central America.⁵¹ The Darien jungle represents treacherous terrain, characterized by dense vegetation, that spans approximately 66 miles and serves as a bridge connecting South America to Panama, making it a critical point for irregular migration (see Figure 1).

⁵⁰ Benjamin J. Roth, “Temporary Shelter: Venezuelan Migrants and the Uncertainty of Waiting in Colombia,” *Journal of Immigrant & Refugee Studies* (2021): 1–13, <https://doi.org/10.1080/15562948.2021.1974147>.

⁵¹ Nelson Agudelo Higueta et al., “U.S. Bound Journey of Migrant Peoples InTransit across Dante’s Inferno and Purgatory in the Americas,” *Travel Medicine and Infectious Disease* 47 (May–June 2022): 102317, <https://doi.org/10.1016/j.tmaid.2022.102317>.



Figure 1. Map of Predominant Migration Routes.⁵²

The Darien jungle region has emerged as one of the predominant land routes used by human-smuggling networks to connect migrants traversing from South America to Panama. Reporting from government sources highlights that this region has become one of the most prevalent smuggling corridors for migrants.⁵³ Migrants successfully traverse this region because Colombia’s enforcement strategy inadequately addresses this traffic through the Darien jungle and lacks the capacity to control its borders.⁵⁴ At best, Colombian efforts help record the volume of migrants transiting Darien.

⁵² Source: Dayra Carvajal, “As Colombia Emerges from Decades of War, Migration Challenges Mount,” Migration Policy Institute, April 12, 2017, <https://www.migrationpolicy.org/article/colombia-emerges-decades-war-migration-challenges-mount>.

⁵³ Carolina Baigts Franco and Lillian Zenteno Valdivieso, *Addressing the Darien Gap Migration Crisis and Its Impact on Neighboring Countries* (New York: United Nations Department of Economic and Social Affairs, 2023), <https://www.cap.edu.mx/pasmun.org/back/DESA.pdf>.

⁵⁴ Barbora Bütörövä, “Fraternity with Benefits: The Colombian Response to the Venezuelan Refugee Crisis” (master’s thesis, Masaiyk University, 2022), https://is.muni.cz/th/fel55/Fraternity_with_Benefits_The_Colombian_Response_to_the_Venezuelan_Refugee_Crisis_Butorova_Barbora_Archive.pdf.

After maneuvering through the Darien jungle, migrants traveling from Colombia enter Central America by crossing into Panama. To this end, irregular migration traversing Central America represents two distinct categories of irregular migrants. First, a significant volume of non–Central American migrants enter Panama from the Darien region. Second, migrants originating from Central America represent a significant volume of irregular migrants enroute to the United States. Irregular migration from Central America is largely associated with the Northern Triangle region that encompasses El Salvador, Guatemala, and Honduras.⁵⁵ For years, Guatemalan and Honduran nationals have been the leading migrant populations from Central America. Most recently, irregular migration from Nicaragua has also resulted in elevated migration flows representing thousands of monthly encounters for U.S. authorities.

The problem of irregular migrants traveling through Central America is complicated for two reasons. First, Central American governments do very little to address irregular migration. For instance, in the case of Nicaragua, the government’s lack of visa requirements permits irregular migrants’ entry into Central America from South America or afar. This population of migrants exploits Nicaragua’s lack of visa requirements to fly into the country and subsequently reach the U.S. border. Second, governments in the region reached an agreement in 2006 intended to facilitate the movement of Central Americans. Citizens from El Salvador, Guatemala, Honduras, and Nicaragua may traverse Central America with relative ease because of the Central American 4’s border control agreement.⁵⁶ The objective of this agreement is to facilitate the movement of citizens from signatory countries by not requiring a passport or visa. Instead, individuals of these countries may stay as long as 90 days throughout the region if they possess a valid identification document issued by their country.⁵⁷ Such unimpeded travel throughout the region makes immigration enforcement challenging. By not appropriately addressing

⁵⁵ Peter Meyer, *Central America’s Northern Triangle: Challenges for U.S. Policymakers in 2021*, CRS Report No. IN11603 (Washington, DC: Congressional Research Service, 2021), <https://crsreports.congress.gov/product/pdf/IN/IN11603>.

⁵⁶ Faret, Anguiano Téllez, and Rodríguez-Tapia, “Migration Management.”

⁵⁷ Faret, Anguiano Téllez, and Rodríguez-Tapia.

irregular migration and then creating a region of unimpeded travel, Central America has created a thoroughfare for migrants making their way from Central America to Mexico.

Nicaragua represents a challenge for American interests because of its weak diplomatic relationship with the U.S. government. For instance, Nicaragua permits air travel into the country from Cuba, Mauritania, and other regions without requiring a travel visa—instead migrants can pay for a travel visa on arrival. This process offers migrants the opportunity to enter Central America without a visa requirement, exploiting legitimate air infrastructure to reach Central America with the objective of entering Mexico to reach the United States. In addition to other migrant populations flying into the country, the number of Nicaraguan nationals migrating to the United States has also risen significantly over the last couple of years and resulted in thousands of monthly encounters with U.S. border authorities. This trend also presents challenges because the United States struggles with repatriating Nicaraguans back to their country of citizenship due to the limited diplomatic relationship with the government there.

Migrants travel from Nicaragua into Honduras largely into the town of Trojes. From Trojes, migrants travel via bus to the capital of Tegucigalpa or continue directly to the border with Guatemala.⁵⁸ Travel for migrants in Honduras has been facilitated by the government since August 2022, when the government eliminated a \$230 transit pass and provided migrants with five days to travel through the country without fear of government detention.⁵⁹ From El Salvador, migrants congregate into larger groups near the bus terminals in San Salvador, or move about in smaller groups to attract less attention on their way to Guatemala. From El Salvador and Honduras, migrants walk a portion of the route, use private transportation, or utilize commercial conveyances to reach Guatemala. Migrants travel to Guatemala City because it provides access to private buses that migrants

⁵⁸ Jeff Ernst, “Central America Sees Economic Boon as Migrants Flow through on Way to US,” *Guardian*, December 13, 2022, <https://www.theguardian.com/global-development/2022/dec/13/central-america-migration-transformation-honduras-guatemala-nicaragua>.

⁵⁹ Ernst.

can utilize to reach Guatemala's shared border with Mexico, where they can take the major highway headed west (see Figure 2).⁶⁰



Figure 2. Migration Routes from Central America to Mexico.⁶¹

⁶⁰ Robert N. Thomas and Charles M. Croner, "Migrant Paths to Tegucigalpa and San Pedro Sula, Honduras: The Role of Accessibility," *Social and Economic Studies* 24, no. 4 (1975): 445–57.

⁶¹ Source: Marisol Quintero and Christopher Tidey, *Uprooted in Central America and Mexico: Migrant and Refugee Children Face a Vicious Cycle of Hardship and Danger* (New York: UNICEF, 2018), https://www.unicef.org/media/47701/file/UNICEF_Child_Alert_2018_Central_America_and_Mexico-ENG.pdf.

Central Americans seeking entry into Mexico's southern border follow one of three routes. The Pacific coast route leads Central Americans to enter the Soconusco region, which includes Tapachula, Huixtla, and Arriaga, Chiapas. The second route, the central corridor, includes the areas of Comitán and San Cristóbal, Chiapas. The third route traverses more-remote entry points, including the jungle region of Tenosique, Tabasco, and Palenque, Chiapas, in Mexico.⁶² All three border crossings are characterized by a porous border along a remote stretch that divides Mexico from Central America. Every day, irregular migrants enter illegally along Mexico's southern border, and while there is a demarcation between Mexico and Guatemala, there is little enforcement. Mexican migration has a small presence along the border crossing, which results in migrants pouring across the border with little resistance.

The border between Guatemala and Mexico is a porous border that sees thousands of migrants wading across the river or transported in rafts in a scene that is all too common to residents on both sides of the border.⁶³ The Tecún Umán and Ciudad Hidalgo border crossing is the predominant route utilized by migrants entering from Guatemala to the Mexican state of Chiapas. This stretch of the border is characterized by many informal border crossings with little presence of migration officials patrolling the riverbanks.⁶⁴ Río Suchiate, the river dividing both countries, carries rafts up and down the river transporting commercial goods from Mexico to Guatemala and migrants from Guatemala to Mexico. Most irregular migrants enter Mexico through Guatemala's San Marcos *departamento* (province).

Guatemala's shared border with Mexico extends approximately 600 miles and includes over 200 irregular border crossing points that are staffed with minimal security

⁶² Adam Isacson, Maureen Meyer, and Gabriela Morales, *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America* (Washington, DC: Washington Office on Latin America, 2014), <https://www.wola.org/sites/default/files/Mexico%27s%20Other%20Border%20PDF.pdf>.

⁶³ Carmen Fernández-Casanueva, "Those Who 'Don't Move' Dynamics of Mobility at Two Crossing Points on the Guatemala-Mexico Borderland, from the Experience of Workers Who Vitalize the Region," *Land* 10, no. 1 (January 2021): 19, <https://doi.org/10.3390/land10010019>.

⁶⁴ Fernández-Casanueva.

forces.⁶⁵ Migrants pay local residents a nominal fee to be ferried across the Suchiate River in makeshift rafts and enter Mexico illegally near Tapachula, Chiapas.⁶⁶ The shared border represents a sparsely populated region with minimal security and infrastructure on both sides. This area is affected by heavy criminal activity that compels migrants to deal with smugglers or pay bribes to corrupt officials to allow them to advance north.⁶⁷

C. MODALITIES OF MIGRATION

In this context, human-smuggling networks have emerged as influential actors, facilitating and organizing the clandestine movement of migrants across borders. The common theme among these populations of Central Americans is that they utilize human-smuggling networks to travel from their native countries to Mexico. Human-smuggling networks in Central America exploit vulnerable migrants seeking to migrate to the United States to pursue the American dream and reunite with family already in the United States.⁶⁸ Migrants employ human smugglers because they are deemed the most effective mechanism to maneuver the inherent dangers along the migratory route in Central America and once in Mexico.⁶⁹

The traditional human-smuggling scheme has evolved with the smuggling market. Traditionally, smugglers were responsible for helping migrants cross into the United States undetected and evading apprehension by U.S. authorities. Now, familial groups and minors simply turn themselves in to the U.S. authorities, as migrants have taxed U.S. governmental resources with the aim of being released from custody with immigration hearings

⁶⁵ Steven Boraz, “Case Study: The Guatemala-Chiapas Border,” in *Ungoverned Territories: Understanding and Reducing Terrorism Risks* (Santa Monica, CA: RAND Corporation, 2007), 277–306, <https://www.jstor.org/stable/10.7249/mg561af.21>.

⁶⁶ María Dolores París-Pombo, “Trayectos Peligrosos: Inseguridad y Movilidad Humana En México” [Dangerous journeys: Insecurity and human mobility in Mexico], *Papeles de Población* [Population papers] 22, no. 90 (2016): 145–72, <http://dx.doi.org/10.22185/24487147.2016.90.037>.

⁶⁷ Boraz, “The Guatemala-Chiapas Border.”

⁶⁸ Victoria A. Greenfield et al., *Human Smuggling and Associated Revenues: What Do or Can We Know about Routes from Central America to the United States?* (Santa Monica, CA: RAND Corporation, 2019), https://www.rand.org/pubs/research_reports/RR2852.html.

⁶⁹ Gilardi, “Ally or Exploiter?”

scheduled years down the road. Therefore, some human smugglers have adjusted to this new reality and are simply getting migrants from Central America to the U.S. border.

Another irregular migration trend initiated in October 2018 has involved the formation of large groups of migrants, commonly referred to as migrant caravans.⁷⁰ A caravan of over 1,000 migrants formed in Honduras, and the group continued to swell throughout the journey through Central America. Other nationalities joined until the group comprised thousands of migrants, and such formation of large migrant groups still takes place today. The strategy of this migration trend is to succeed in sheer volume and attract visibility from media outlets to gain public support and protection.⁷¹ Migrants opt to form these large groups to protect themselves; avoid civil rights abuses and violent crimes, including rape or assaults, perpetrated by criminal networks; and circumvent having to pay bribes or being extorted by corrupt officials.⁷²

D. THE MEXICAN CONNECTION

Thousands of migrants enter Mexico illegally from Central America and saturate border communities along Mexico's southern border. The volume of migrants entering Mexico taxes government agencies and negatively impacts communities along Mexico's migratory routes on the southern border.⁷³ Many of the migrants entering Mexico are populations that Mexico cannot return to their native countries, which presents significant challenges for the Mexican government. Indeed, in recent years, Mexican migration facilities in Tapachula, Chiapas, had to close for several weeks due to the volume of migrants who overwhelmed their capacity. Migrants seek humanitarian visas and other forms of migration relief, allowing them to advance through Mexican territory to reach the

⁷⁰ Maria De Lourdes Rosas-Lopez, Vincent Guilamo-Ramos, and Jorge Mora-Rivera, "Joining a Migrant Caravan: Herd Behaviour and Structural Factors," *Third World Quarterly* (2023): 1–18, <https://doi.org/10.1080/01436597.2023.2176299>.

⁷¹ Heather M. Wurtz, "A Movement in Motion: Collective Mobility and Embodied Practice in the Central American Migrant Caravan," *Mobilities* 15, no. 6 (2021): 930–44, <https://doi.org/10.1080/17450101.2020.1806511>.

⁷² Lourdes Rosas-Lopez, Guilamo-Ramos, and Mora-Rivera, "Joining a Migrant Caravan."

⁷³ Gloria Inés Ospina, "The Illegal Migration Flows to the United States of America," *UNISCI Journal* 17, no. 50 (May 2019): 169–89, <https://doi.org/10.31439/UNISCI-54>.

U.S. border.⁷⁴ Unable to repatriate these migrants, Mexico has needed to allocate shelters, feed thousands of migrants, provide medical services, and integrate migrants who wish to stay in Mexico.

From the Mexican state of Chiapas or Tabasco, irregular migrants have several options to proceed to Mexico's border with the United States (see Figure 3).



Figure 3. Migrant Routes through Mexico to the Shared Border.⁷⁵

Migrants can select the more traditional smuggling method and be transported through Mexico by way of commercial tractor-trailer, passenger vehicle, or commercial bus. Another option is for migrants to maneuver through Mexico without an experienced smuggler and attempt to reach the border on their own. Once in Mexico, migrants can utilize domestic air travel to reach Mexico's northern border and streamline travel to the

⁷⁴ Ospina.

⁷⁵ Source: París-Pombo, "Trayectos Peligrosos."

U.S. border.⁷⁶ For example, migrants utilize domestic air to travel from Mexico City to such border cities as Matamoros.⁷⁷ In this way, migrants can avoid being detained at Mexican migration checkpoints along the migratory land route and reach Mexico's shared border with the United States much more quickly.

From Mexico's southern border, migrants must traverse approximately 125 miles of terrain that is monitored by Mexican migration authorities and the Mexican military.⁷⁸ To be successful, migrants must pass through or circumvent multiple Mexican security belts concentrated heavily along Mexico's southern border.⁷⁹ To increase their chances of success and mitigate some of the dangers along the path, migrants might resort to using human-smuggling networks.⁸⁰ Migrants continue onward in public conveyances or passenger cars until reaching Mexico's northern border. Once staged along Mexico's northern border, sophisticated human-smuggling networks gather migrants in hotels, residences, or shelters. Irregular migrants enter the United States predominantly by crossing the Rio Grande, where they encounter CBP officials. Regrettably, the water has been abnormally high and the currents heavy; in 2022, more than 50 migrants were swept by the current, and regrettably, nine migrants lost their lives in pursuit of the American dream.⁸¹

⁷⁶ Elliot Spagat, "Para muchos migrantes, un vuelo a México es su boleto a Estados Unidos" [For many migrants, a flight to Mexico is their ticket to the United States], *Los Angeles Times*, February 11, 2022, <https://www.latimes.com/espanol/eeuu/articulo/2022-02-10/para-muchos-migrantes-un-vuelo-a-mexico-es-su-boleto-a-eeuu>.

⁷⁷ Andreas E. Feldmann et al., eds., *The Routledge History of Modern Latin American Migration* (New York: Routledge, 2022), <https://doi.org/10.4324/9781003118923>.

⁷⁸ International Organization for Migration, *Displacement Tracking Matrix: Monitoring of Migration Flows in Tapachula and Tenosique, Mexico: Round 2, Protection of Migrants in Vulnerable Situations* (Mexico City: International Organization for Migration, National Office for Mexico, 2022), <https://dtm.iom.int/reports/mexico-flow-monitoring-migrants-tapachula-and-tenosique-round-2-april-2022>.

⁷⁹ Isacson, Meyer, and Morales, *Mexico's Other Border*.

⁸⁰ Eduardo Torre Cantalapiedra and Carlos Manuel Hernández Campos, "El Coyotaje y Sus Discursos Contrapuestos: El Rol Del Coyote En Los Robos a y Abandonos de Migrantes" [The coyote trade and its contradictory discourses: The role of the coyote in the robberies of and abandonment of migrants], *Sociológica* 36, no. 104 (September 2021): 109–44.

⁸¹ David Montgomery and Miriam Jordan, "Nine Migrants Drown as Dozens Are Swept Down Rio Grande," *New York Times*, September 3, 2022, <https://www.nytimes.com/2022/09/02/us/migrants-rio-grande-texas.html>.

Additionally, Mexican migration authorities cannot detain adults traveling with minors, even if they are not actually related, as Mexican legislation does not require a familial relationship. Mexican migration law prohibits the repatriation of minors without a final decision from the federal prosecutor's office.⁸² The federal prosecutor's office is responsible for placing the child with the Sistema Nacional para el Desarrollo Integral de la Familia (National System for Integral Family Development; SNDIF), Mexico's equivalent of child protective services, and issuing a best-interest determination for the child. The best-interest determination delineates whether the child will be repatriated to the country of origin or be allowed to remain in Mexico pending an asylum claim or other form of immigration relief.

E. CONCLUSION

The multifaceted nature of contemporary migration to the United States, as portrayed in this chapter, presents significant complexities and challenges. The shifting demographics and motivations of migrants, their increasingly dangerous journeys, and the intricacies of irregular migration, facilitated by irresponsible responses by regional government, create an extremely demanding situation. This challenge is further amplified by an evolution in migrant behavior, with many now seeking to engage rather than evade immigration authorities, largely due to the perception of an overwhelmed system. Mexico, positioned as a critical intermediary, faces its own unique hurdles, such as porous borders and criminal activity. The geopolitical implications are further strained by nations unwilling to take back their citizens, making repatriation a complex and bureaucratic process. The geographical transformation of migration routes, forced by global events like the pandemic, has also caused significant shifts in migratory patterns, adding to the plight of migrants and presenting additional challenges to migration control.

For the first time in the history of the U.S. immigration system, non-Central Americans represent approximately 60 percent of irregular migrants encountered by DHS

⁸² Ley General de los Derechos de Niñas, Niños y Adolescentes [General law on the rights of girls, boys and adolescents], Diario Oficial de la Federación [Official Journal of the Federation (DOF)] 26-05-2023, última reforma publicada DOF 26-05-2023 (Mex.), <http://www.gob.mx/sipinna/documentos/ley-general-de-los-derechos-de-ninas-ninos-y-adolescentes-reformada-20-junio-2018>.

officials at the southwest border.⁸³ December 2022 saw an average of 7,000-plus migrant encounters and fiscal year 2022 more than 2.7 million, the highest recorded in U.S. history.⁸⁴ The U.S. immigration system was not designed to deal migrants outside those from Mexico or Central America and does not have the infrastructure or resources to deal with this volume of migrants.

⁸³ “Southwest Land Border Encounters (by Component),” Customs and Border Protection, August 18, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>.

⁸⁴ “Congressman Guest Highlights Important Details of Border Reinforcement Act,” Official website of Congressman Michael Guest, April 28, 2023, <http://guest.house.gov/media/press-releases/congressman-guest-highlights-important-details-border-reinforcement-act>.

THIS PAGE INTENTIONALLY LEFT BLANK

III. U.S. POLICY DECISIONS

This chapter compares some key differences related to immigration policy during President Biden’s administration and President Trump’s administration. Migration policy has become a divisive partisan issue, making the path to substantial change steep and strenuous. Presidential administrations blame the problem on congressional inaction and often resort to unilateral measures, utilizing the executive power vested in the presidency.⁸⁵ There exists a prevailing trend among incoming presidents to deploy this authority early on, exemplified by the flurry of executive orders typically seen within the first 100 days of a new administration.⁸⁶ This approach, largely driven by a desire to outdo their predecessors, results in little substantive change.

There is a correlation between policy change and increasing irregular migration. This chapter discusses the implications of legislative change as it pertains to irregular migration and identifies solutions designed and negotiated—in which this author was directly involved—with the government of Mexico to better manage irregular migrant flows. This chapter also aims to describe the nuances related to asylum law, explaining who does and does not qualify for asylum.

President Trump’s administration focused heavily on addressing illegal migration and border security, implementing a series of highly controversial immigration policies—including the zero-tolerance policy—that resulted in the widespread separation of families. Under this policy, children were forcibly separated from their parents at the border, and by June 2018, an alarming 2,342 children had been separated from their parents.⁸⁷ The public response to this practice was overwhelmingly critical, prompting intense scrutiny and

⁸⁵ Andrew Rudalevige, *By Executive Order: Bureaucratic Management and the Limits of Presidential Power* (Princeton, NJ: Princeton University Press, 2021).

⁸⁶ Kennedy Aikey, Kennedy Cook, and Hailey Trimpey, “Examining Executive Orders and Joe Biden’s Use of Them in His First Month,” *Critical Questions* (2021), https://digitalcommons.onu.edu/critical_questions/8.

⁸⁷ Ediberto Román and Ernesto Sagas, “A Domestic Reign of Terror: Donald Trump’s Family Separation Policy,” *Harvard Latinx Law Review* 24 (2021), https://ecollections.law.fiu.edu/faculty_publications/459.

widespread condemnation. As a result, the courts intervened and issued an injunction, ordering the immediate cessation of this practice. The administration was further compelled to reunite the children with their parents, acknowledging the urgent need for a resolution to this humanitarian crisis.

Migrants interpreted this policy change as something negative for them, so there were fewer illegal entries at the southwest border. In particular, available data highlight a reduction of Central Americans apprehended at the border during Trump's first year in office.⁸⁸ Meanwhile, fewer Central Americans who would have been destined for the United States entered Mexico. Overall, this information suggests a reduction in detentions at the border and fewer migrants entering Mexico from Central America on their way to the U.S. border.

Conversely, President Biden's administration instituted a less-restrictive approach to immigration policy.⁸⁹ Part of the changes meant reversing Trump-era immigration policies. This approach has resulted in the Biden administration's being scrutinized for what the opposition characterizes as more liberal border policies that have drawn more illegal migrants to the border.⁹⁰ For instance, on January 12, 2023, the Biden administration implemented a program for migrants to schedule an appointment with CBP at one of eight ports of entry utilizing a mobile application to be exempted from the Centers for Disease Control and Prevention (CDC)'s immediate expulsion order in effect at the time and be paroled into the country for humanitarian purposes.⁹¹ Then, on May 12, 2023, following the termination of the CDC's Title 42 authority, DHS announced that migrants could continue to schedule appointments with CBP to file a claim for protection, and since

⁸⁸ Mark Hoekstra and Sandra Orozco-Aleman, "Illegal Immigration: The Trump Effect" (working paper, National Bureau of Economic Research, June 2021), <https://doi.org/10.3386/w28909>.

⁸⁹ Dan Runde et al., *An Alliance for Prosperity 2.0* (Washington, DC: Center for Strategic and International Studies, 2021), <https://www.jstor.org/stable/resrep28764>.

⁹⁰ Anna Bartnik, "The US–Mexican Border and Contemporary American Immigration Policy," *Politeja* 19, no. 6(81) (2023): 235–52, <https://doi.org/10.12797/Politeja.19.2022.81.12>.

⁹¹ "CBP One: An Overview," American Immigration Council, December 9, 2021, <https://www.americanimmigrationcouncil.org/research/cbp-one-overview>.

then, CBP has processed approximately 1,450 migrants every day and allowed them to enter the United States.⁹²

The interpretation of these policy reversals and Biden's position of a more-permissive approach have been reflected in migrant encounters at the border. During Biden's first year in office, migrant encounters surged to 1.73 million encounters between U.S. ports of entry. This figure represents more than double the number of encounters in 2019 and more than triple the encounters in 2020.⁹³ These data suggest correlations between policy change during the Biden administration and migratory surges and between the Trump administration's detention policy and decreases in irregular encounters.

A. POLICY, PIECEMEAL SOLUTIONS, AND THE ANTIQUATED IMMIGRATION SYSTEM

During President Biden's first month in office, he reversed many of President Trump's immigration policies, including eight executive orders, and issued two new executive orders related to migration enforcement.⁹⁴ Even before taking office, the Biden administration had issued a moratorium on the deportation of migrants.⁹⁵ It also reversed the national emergency declared at the southern border, redirected funds that had gone toward border wall construction, terminated the travel ban on citizens of certain Muslim-majority countries, and stopped enrollments for the migrant protection protocols program, often referred to as the "Remain in Mexico" program.⁹⁶

⁹² Adam Isacson, "Weekly U.S.–Mexico Border Update: July Migration Increase, Texas Separating Families, 2024 Budget," Washington Office on Latin America, August 4, 2023, <https://www.wola.org/2023/08/weekly-u-s-mexico-border-update-july-migration-increase-texas-separating-families-2024-budget/>.

⁹³ Monica Vereá, "Biden's 'De-Trumpization' of Migration Policy: The López Obrador Response," *Voices of Mexico*, no. 116 (Spring 2022), <http://www.revistascisan.unam.mx/Voices/pdfs/11609.pdf>.

⁹⁴ Aikey, Cook, and Trimpey, "Examining Executive Orders."

⁹⁵ Vereá, "Biden's 'De-Trumpization' of Migration Policy."

⁹⁶ "Biden Administration Reverses Trump Administration Policies on Immigration and Asylum," *American Journal of International Law* 115, no. 2 (April 2021): 340–47, <https://doi.org/10.1017/ajil.2021.15>; Jaclyn Diaz, "Biden Suspends Deportations, Stops 'Remain in Mexico' Policy," NPR, January 21, 2021, <https://www.npr.org/sections/president-biden-takes-office/2021/01/21/959074750/biden-suspends-deportations-stops-remain-in-mexico-policy>.

These government actions have bred the perception that migration enforcement or the lack thereof tilts in the migrant's favor and a strong-rooted belief among migrant communities that the U.S. border is open.⁹⁷ Mistakenly, many migrants tend to believe that those who approach ports of entry or the border between them will be allowed to enter the United States. This belief that the border is open is connected to how migrants interpret information related to the border, what they learn from within migration populations, what they hear from family members already in the United States, and what criminal organizations that smuggle irregular migrants tell them. In the last instance, human-smuggling organizations are culpable, lying to migrants to exploit them and reaping billions in profit from smuggling them across the border.⁹⁸

B. TITLE 42

Under an emergency authority granted by the CDC through 42 U.S.C. § 265—commonly referred to as Title 42—to CBP, border authorities could refuse the entry of foreign individuals into the United States and immediately expel them to mitigate public contagion during the pandemic.⁹⁹ This mandate from the Trump administration allowed border authorities to expel migrants to Mexico or the country from which they last entered. From March 2020 through May 11, 2023, CBP personnel expelled over 2.5 million irregular migrants encountered at the border using this authority.¹⁰⁰ A controversial authority granted to U.S. border officials, Title 42 had never been used before in U.S. history to enforce irregular migration. Some critics contend that President Trump compelled the CDC to grant public emergency powers to CBP, enabling U.S. agencies to promptly return migrants to Mexico. Title 42 was repeatedly challenged by governmental

⁹⁷ Mark Morgan, “The Disaster at Our Southern Border,” *Imprimis* 50, no. 8 (August 2021), <https://imprimis.hillisdale.edu/disaster-southern-border/>.

⁹⁸ Miriam Jordan, “Smuggling Migrants at the Border Now a Billion-Dollar Business,” *New York Times*, July 25, 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

⁹⁹ Lawrence O. Gostin and Eric A. Friedman, “Title 42 Exclusions of Asylum Seekers—A Misuse of Public Health Powers,” *JAMA Health Forum* 4, no. 1 (2023): e230078, <https://doi.org/10.1001/jamahealthforum.2023.0078>.

¹⁰⁰ Anne Beckett et al., “Misusing Public Health as a Pretext to End Asylum,” *New England Journal of Medicine* 386, no. 16 (2022): 1–3, <https://doi.org/10.1056/NEJMp2200274>.

and non-governmental organizations alike.¹⁰¹ The target of class-action lawsuits, Title 42 was ordered to be terminated by district courts, a decision ultimately upheld by the Supreme Court in December 2022.¹⁰² Critics argue that Title 42 skirts refoulement protections and deprives migrants of their legal right to present their cases before an immigration judge because, after arriving at the border, migrants were immediately expelled to Mexico.¹⁰³ Separately, despite the Title 42 authority's being applied to mitigate the spread of COVID-19, U.S. health authorities repeatedly indicated that no medical evidence validated the notion that expelling migrants immediately at the border would help reduce the spread of the contagion.¹⁰⁴

From the spring of 2020 to the spring of 2023, U.S. border authorities utilized Title 42 to contain an untenable situation at the U.S. border; in December 2022 alone, 8,382 migrants were detained daily.¹⁰⁵ Every day, thousands of irregular migrants encountered by border authorities were immediately returned to Mexico, and to date, at least 2.5 million migrants were returned. Rather than return home after making the long and dangerous journey, many of these migrants remained near the border, looking for the next opportunity, legal or otherwise, to enter the country. Title 42 continued to increase irregular migrant recidivism rates, meaning that migrants who were returned across the border repeatedly attempted to enter the country through what might best be described as a revolving door.¹⁰⁶ As a result, thousands of migrants amassed at the shared border with Mexico. Potential

¹⁰¹ "Title 42 Challenges," Center for Gender and Refugee Studies, accessed March 26, 2023, <https://cgrs.uchastings.edu/our-work/title-42-challenges>.

¹⁰² Application for Stay Pending Certiorari, *Arizona v. Mayorkas*, No. 22A544 (U.S. May 18, 2023), https://www.supremecourt.gov/DocketPDF/22/22A544/250328/20221219140309326_Title%2042%20-%20Emergency%20Application%20for%20Stay%20File%20Version.pdf.

¹⁰³ Center for Gender and Refugee Studies, "Title 42 Challenges."

¹⁰⁴ Center for Gender and Refugee Studies.

¹⁰⁵ "CBP Releases December 2022 Monthly Operational Update," Customs and Border Protection, January 20, 2023, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-december-2022-monthly-operational-update>.

¹⁰⁶ Daina Beth Solomon, "Try, Try Again: For Some Central Americans, U.S. Policy Opens Revolving Door," Reuters, May 21, 2021, <https://www.reuters.com/article/us-usa-immigration-border-idUSKCN2D210P>.

migrants knew of Title 42’s revolving door effect and lack of consequences for those who attempted multiple entries, a situation that continued to drive irregular migration.¹⁰⁷

C. ALTERNATIVE PATHWAYS

In October 2022, the Biden administration announced an initiative modeled on the program for Ukrainians to parole up to 24,000 Venezuelans into the United States, whereby migrants with U.S. sponsors would be allowed to fly into the United States and remain in the country for two years.¹⁰⁸ Migrants would need to be sponsored by someone in the United States who agreed to provide housing or other support as needed, to pass some form of vetting, and to pay for their airfare to the United States. The objective of the program was to disincentivize migrants from making the land journey to the U.S. southwest border and create a legal mechanism for them to apply from their countries of origin rather than at the shared border with Mexico. This parole program saw a decrease in daily Venezuelan encounters from 1,100 to only 86—a 92 percent reduction.

On January 9, 2023, the Biden administration announced that it would update the Venezuelan parole program to include Cubans, Haitians, and Nicaraguans, too. It would also increase the initial 24,000 authorized paroles to 30,000 per month, equaling 1,000 daily paroles or 360,000 paroles per year.¹⁰⁹ Like the October 2022 Venezuelan parole program, applicants under the expanded program from Cuba, Venezuela, Nicaragua, and Haiti would need to secure sponsorship in the United States, including housing and other support. Migrants would need to pass vetting checks and purchase their airfare to the United States. Additionally, migrants from Cuba, Venezuela, Nicaragua, and Haiti who opted to enter the United States illegally and not participate in the parole program were immediately expelled to Mexico under Title 42. This stipulation was added to incentivize

¹⁰⁷ Solomon.

¹⁰⁸ Chishti and Bush-Joseph, “Record Venezuelan Arrivals”; Implementation of a Parole Process for Venezuelans,” 87 Fed. Reg. 63507 (October 19, 2022), <https://www.federalregister.gov/documents/2022/10/19/2022-22739/implementation-of-a-parole-process-for-venezuelans>.

¹⁰⁹ Implementation of Changes to the Parole Process for Venezuelans, 88 Fed. Reg. 1279 (January 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00253/implementation-of-changes-to-the-parole-process-for-venezuelans>.

migrants to enroll in the parole program and not irregularly cross the shared land border with Mexico.¹¹⁰

D. ASYLUM—NOT SO CRYSTAL CLEAR FOR MANY

The U.S. immigration system adheres to laws that have not changed since the 1990 Immigration Act. It is an antiquated system that was not designed to address contemporary U.S. immigration challenges. For example, these laws address irregular migrants from Mexico, but this demographic no longer represents the majority of CBP detainees. As of this writing, CBP encounters migrants predominantly from Venezuela, Cuba, Nicaragua, Haiti, Colombia, and Russia, among others. For years, politicians, private citizens, and non-governmental organizations have argued that the immigration system needs a complete overhaul, which would require congressional action.¹¹¹ In particular, few people are familiar with immigration law relating to the U.S. asylum system and likely assume that the thousands of individuals attempting to enter the country daily apply for or automatically qualify for U.S. asylum. The reality is that U.S. asylum applies only to a small population of migrants who are detained or present themselves before U.S. immigration authorities.

Current asylum legislation—comprising the 1951 United Nations Refugee Convention and amended by the 1967 Protocol, which the United States adopted—dictates that “a person outside his or her country of nationality who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” may apply for asylum.¹¹² Applicants seeking asylum face the burden of proof that persecution in their countries of citizenship or residence is reasonably

¹¹⁰ Implementation of Changes to the Parole Process for Venezuelans.

¹¹¹ Pia M. Orrenius and Madeline Zavodny, “The Economics of U.S. Immigration Policy: Point/Counterpoint,” *Journal of Policy Analysis and Management* 31, no. 4 (September 2012): 948–56, <https://doi.org/10.1002/pam.21653>.

¹¹² “Refugees and Asylees,” Department of Homeland Security, August 21, 2023, <https://www.dhs.gov/immigration-statistics/refugees-asylees>. See also Marie Renee Cita, “U.S. Asylum Eligibility: Citizenship in the Dominican Republic,” *Harvard Civil Rights–Civil Liberties Law Review* 50 (2015): 255–87.

possible and that the fear of persecution is credible. There are two types of asylum claim: affirmative or defensive. Affirmative cases refer to individuals who are already present in the United States and apply for asylum with DHS within one year of admission to the country. Defensive cases refer to individuals who are detained by immigration authorities before they apply for asylum.

Two primary criteria affect whether an asylum claim is favorable or unfavorable (i.e., denied). The first deals with whether the applicant's country of citizenship is a known abuser of human rights—which is the case for asylum petitioners from China, Venezuela, or Burma. The next determinant pertains to the credibility of the applicant's claim and corroborating information validating a claim related to fear of persecution. The year 2014 marked a significant increase in asylum claims that correlates with increased irregular migrant flows of Central Americans. An elevated volume of asylum claims strains the U.S. immigration system twofold. First, asylum proceedings call for mandatory detention, and the U.S. immigration infrastructure is not designed to hold the volume of migrants being detained. Second, elevated asylum claims create a significant backlog of asylum hearings. In fact, in 2018, the backlog of asylum cases reached approximately 700,000.¹¹³ With elevated migrant flows, migration infrastructure already over capacity, and a substantial backlog of asylum cases, migrants requesting an asylum hearing are given a date before an immigration judge that is years down the road.

By and large, most migrants being detained by U.S. border authorities are pursuing a better way of life and migrating primarily for economic reasons; therefore, they are unlikely to claim asylum successfully.¹¹⁴ The fact remains that many migrants arriving at the U.S. border are ineligible for asylum because they do not fall into the categories protected under asylum law. Available data reveal that the number of individuals granted asylum from 2019 to 2020 decreased by 32 percent—from 46,130 to 31,429 (see Figure 4).

¹¹³ Michael A. Coon, Abigail R. Hall, and Cassie A. Bricker, "The Unintended Consequences of U.S. Asylum Policy," *Peace Review* 32, no. 2 (2020): 158–65, <https://doi.org/10.1080/10402659.2020.1836306>.

¹¹⁴ William Deane Stanley, "Economic Migrants or Refugees from Violence?: A Time-Series Analysis of Salvadoran Migration to the United States," *Latin American Research Review* 22, no. 1 (1987): 132–54, <https://doi.org/10.1017/S0023879100016459>.

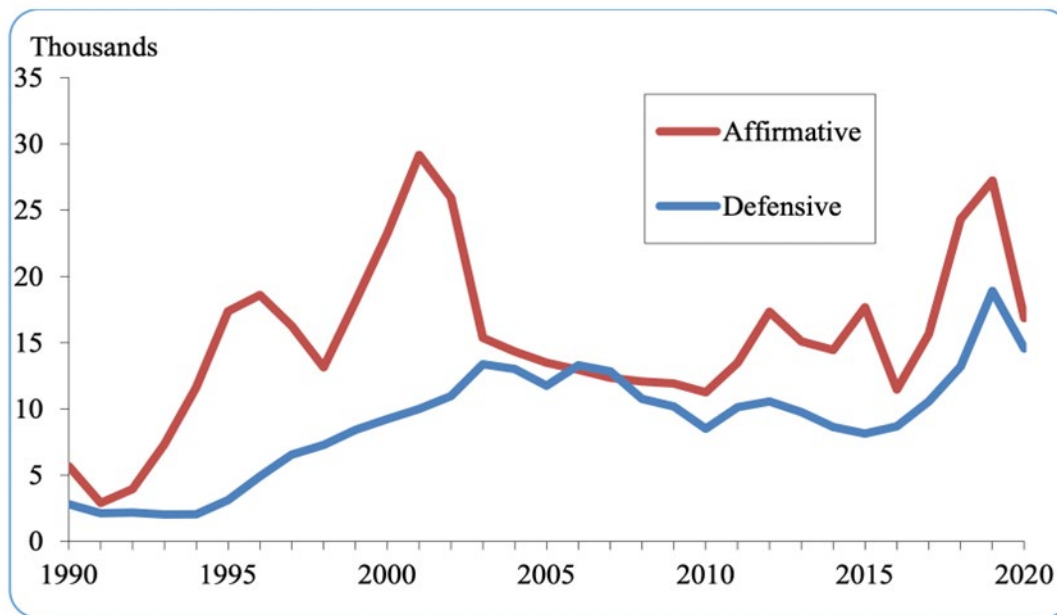


Figure 4. Adjudicated Asylum Claims in the United States, 1990–2020.¹¹⁵

Irregular migrants have a legal right to apply for asylum and over the years have increasingly done so despite the clear parameters established in asylum law. The burden of adjudicating the increasing volume of asylum claims ultimately falls on the U.S. government. The sheer volume of asylum applications has overwhelmed the existing immigration system, creating an asylum backlog of 787,882 cases (see Figure 5), causing hearings to be scheduled years down the road.¹¹⁶ In fact, of these cases currently in backlog, only 2,076 asylum claimants are detained in custody even though mandatory detention is part of the asylum process. Simply stated, the U.S. immigration system cannot detain the volume of migrants requesting asylum, so many of them—more than 785,000 individuals—were either never detained or released into the United States pending immigration proceedings (see Table 1). This circumstance incentivizes migrants with a

¹¹⁵ Source: Ryan Baugh, *Fiscal Year 2020 Refugees and Asylees Annual Flow Report* (Washington, DC: Department of Homeland Security, 2022), https://www.dhs.gov/sites/default/files/2022-03/22_0308_plcy_refugees_and_asylees_fy2020_1.pdf.

¹¹⁶ “A Sober Assessment of the Growing U.S. Asylum Backlog,” TRAC Immigration, December 22, 2022, <https://trac.syr.edu/reports/705/>.

non-credible or weak claim to file for asylum knowing that it will be years before they have to prove their case.¹¹⁷

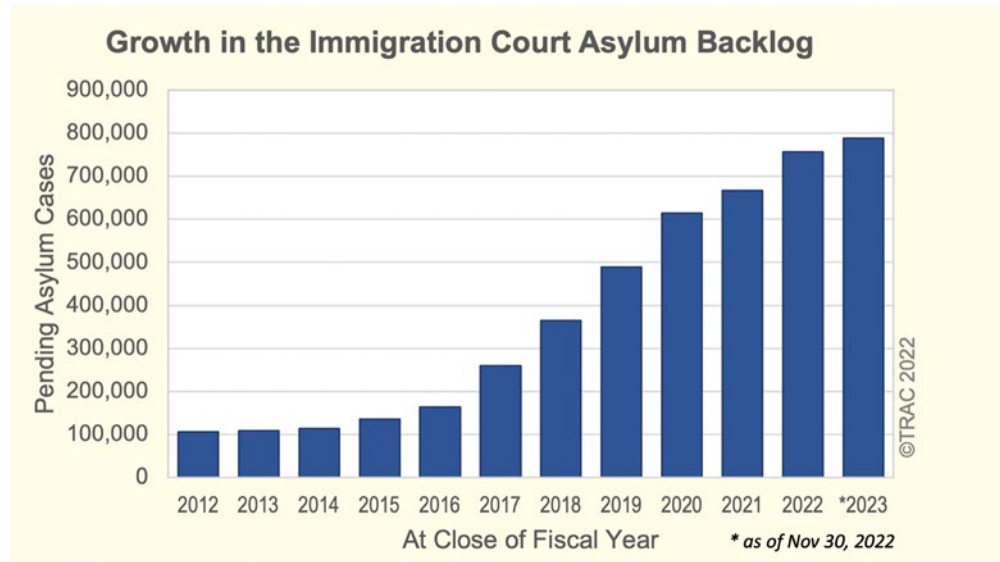


Figure 5. Fiscal Year Asylum Backlog.¹¹⁸

Table 1. Asylum Applicant and Custody Status of Individuals.¹¹⁹

Fiscal Year End*	All Pending Cases	Detained	Never Detained**	Released	Percent Detained
2014	114,603	1,852	80,701	32,048	1.6%
2015	136,145	2,710	95,536	37,868	2.0%
2016	163,451	3,085	111,750	48,585	1.9%
2017	259,871	3,595	176,870	79,376	1.4%
2018	364,990	3,348	259,338	102,273	0.9%
2019	489,003	4,825	360,169	123,932	1.0%
2020	614,751	7,069	460,311	147,296	1.1%
2021	667,229	1,175	504,100	161,882	0.2%
2022	756,690	2,177	594,542	159,908	0.3%
*2023	787,882	2,076	624,768	160,975	0.3%

¹¹⁷ Camilo Montoya-Galvez, “Migrants Hoping to Seek U.S. Asylum Face Years-Long Legal Limbo in Overwhelmed System,” CBS News, November 10, 2022, <https://www.cbsnews.com/news/immigration-migrants-us-asylum-process-legal-limbo/>.

¹¹⁸ Source: TRAC Immigration, “A Sober Assessment.”

¹¹⁹ Source: TRAC Immigration.

E. MIGRATION POLICY INFLUENCES MIGRATION

Policy decisions in migration matters have significant consequences. For instance, the Trump administration's approach was characterized as having a hard stance on irregular migration and getting other countries to do their part to stem the flow of migrants—or deal with the United States' shutting down the border or the like.¹²⁰ The Trump administration was also criticized for controversial programs, such as the Remain in Mexico program, which returned migrants to Mexico while they waited for their immigration claims to be adjudicated despite criticism of reportedly preventing migrants from applying for asylum. Controversy aside, from June 2019 through January 2020, encounters with irregular migrants dropped dramatically over eight consecutive months, marking the longest stretch of monthly reductions since 2008.¹²¹ The Trump administration also pushed Mexico and Central America to address irregular migration, including breaking up the largest migrant caravan ever recorded in 2018.¹²²

Conversely, the Biden administration operates under different immigration policies that are not as stringent as other administrations.¹²³ The Biden administration's more “humane” immigration policies started even before taking office with the decision to suspend deportations for the first 100 days.¹²⁴ Upon taking office, President Biden

¹²⁰ Yeganeh Torbati and Jeff Mason, “Trump Threatens to Shut U.S.–Mexico Border,” Reuters, March 29, 2019, <https://www.reuters.com/graphics/USA-IMMIGRATION-TRUMP/0100919N1TG/index.html>.

¹²¹ Sarah Pierce and Jessica Bolter, *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency* (Washington, DC: Migration Policy Institute, 2020), https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

¹²² Sarah Pierce, Jessica Bolter, and Andrew Selee, *U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts* (Washington, DC: Transatlantic Council on Migration, 2018), https://government.report/Resources/Whitepapers/c2673a0f-5adc-4b74-94e1-58b87f6e98d9_TCM-Trump-Spring-2018-FINAL.pdf.

¹²³ Steven A. Camarota and Karen Zeigler, *Estimating the Illegal Immigrant Population Using the Current Population Survey* (Washington, DC: Center for Immigration Studies, 2022), <https://cis.org/Report/Estimating-Illegal-Immigrant-Population-Using-Current-Population-Survey>.

¹²⁴ Diaz, “Biden Suspends Deportations.”

reversed several of his predecessor's more stringent immigration policies.¹²⁵ These decisions were interpreted in a way that favored migration.¹²⁶ These migration policy decisions correlate with increased volumes of irregular migration. The flow of irregular migration has reached an all-time high and consists of migrant populations that the United States and Mexico cannot return to their native countries. This trend has resulted in thousands of migrants being released from Mexico detention centers, subsequently encountered by U.S. border authorities, and ultimately released into communities across the United States.

Last, asylum is a legal protection that migrants can seek, but it serves only a specific category of migrants. Asylum is not meant for migrants coming to the United States for economic reasons or chasing the American dream. Migrants who come to the United States solely to obtain work are not eligible for asylum. In recent years, the number of asylum claims have increased exponentially, starting with Central American familial groups in 2014.¹²⁷ With the rise of asylum applications, U.S. Citizenship and Immigration Services has also granted a higher number of employment authorization documents for individuals released pending asylum hearings.¹²⁸ Therefore, increased asylum claims since 2014 and a correlation with an increasing volume of employment authorization documents could suggest that migrants understand the asylum process well and are exploiting the system by filing frivolous claims, thus allowing thousands of migrants to be released. Doing so leads to an authorization to work in the United States pending an asylum hearing and grants protection from removal by U.S. authorities.

¹²⁵ Monica Vereá, "Immigration Policy in Biden's First 100 Days," *Voices of Mexico* 52, no. 206 (July–September 2021), https://ru.micisan.unam.mx/bitstream/handle/123456789/344/VOM_2021_0114_0011.pdf?sequence=1.

¹²⁶ Vereá.

¹²⁷ Doris Meissner, Faye Hipsman, and Alexander Aleinikoff, *The U.S. Asylum System in Crisis: Charting a Way Forward* (Washington, DC: Migration Policy Institute, 2018), <https://www.migrationpolicy.org/sites/default/files/publications/MPI-AsylumSystemInCrisis-Final.pdf>.

¹²⁸ Meissner, Hipsman, and Aleinikoff.

IV. THE IMPACT OF IRREGULAR MIGRATION ON MEXICO

This chapter delves into the impacts that irregular migration has on the Mexican government, along with the intricacies of repatriations, shedding light on the inherent complexities that surround this endeavor. Specifically, the analysis centers on two key aspects: the impacts from irregular migration on the Mexican government and the hurdles posed by recalcitrant countries. Regarding the former, this chapter examines the ineffective nature of increased enforcement measures, exploring the legal and logistical challenges faced by Mexico and the resulting political implications for the country. As for the latter, this chapter identifies the bureaucratic obstacles encountered during the repatriation process, the stringent requirements imposed by recalcitrant countries, and the interplay between political will and the stark realities on the ground. The aim in unpacking these issues is to provide a comprehensive understanding of the intricate dynamics at play, offering insights into the complexities that hinder the expeditious and effective repatriation of irregular migrants and analyzing why detaining more while having no avenue to repatriate or detain them in perpetuity exacerbates these issues.

A. MEXICAN LEGISLATION RELATED TO MINORS AND ITS UNINTENDED CONSEQUENCES

For years, human rights advocates voiced concerns about the detention of migrant minors by Mexican migration officials at migration facilities.¹²⁹ In late 2020, the Mexican government established changes to its immigration policies that prohibited the detention of unaccompanied minors or minors accompanied by adults, regardless of familial relationship.¹³⁰ This challenge, as it relates to accompanied or unaccompanied migrant children, has become even more complicated in Mexico and has severely limited Mexican

¹²⁹ Institute for Women in Migration, *Implementation of the Mexican Legal Reforms That Prohibit Detention of Accompanied and Unaccompanied Migrant Children* (Mexico City: Institute for Women in Migration, 2021), <https://imumi.org/wp-content/uploads/2021/03/Asylum-migrant-children-march-2021.pdf>.

¹³⁰ Andrea Tanco, Maria Jesus Mora, and Daniela Hall, “Strengthening Mexico’s Protection Landscape for Migrant Children: Challenges and Opportunities Ahead,” Georgetown Collaborative on Global Children’s Issues, April 19, 2022, <https://globalchildren.georgetown.edu/responses/strengthening-mexico-s-protection-landscape-for-migrant-children-challenges-and-opportunities-ahead>.

migration's role in addressing migrant children and accompanying adults.¹³¹ Mexican legislation dictates that accompanied or unaccompanied children cannot be held at Mexican migration stations or in any sort of detention center but can be held only at a location determined suitable by the SNDIF.¹³² These suitable locations are all shelters with open-door policies, so the migrants have no obligation to remain at the shelter awaiting their immigration adjudication process.

This new legislation established that upon encountering a minor migrant, whether accompanied or unaccompanied, Mexican migration must immediately notify the federal prosecutor's office assigned to the protection of children and adolescents.¹³³ This agency is the sole Mexican authority charged with determining the best interests of the minor. Mexican migration must also coordinate with the SNDIF so that the latter can place the minor migrant in a public shelter or private institution while awaiting the immigration claim process in Mexico.¹³⁴

The new legislation also dictates that Mexican migration suspend any sort of deportation or repatriation efforts for any accompanying adult regardless of relationship with the minor. Based on this new legislation, minors and adults cannot be returned to their native countries, and Mexican migration must issue them humanitarian visas.¹³⁵ In essence, this legislation grants both the adults and minors unfettered access to anywhere in Mexico and affords them the same rights as any Mexican citizen.

¹³¹ Ley General de los Derechos de Niñas, Niños y Adolescentes, DOF 4-12-2024, última reforma publicada DOF 28-04-2022 (Mex.), https://www.cndh.org.mx/sites/default/files/documentos/2022-08/Ley_GDNNA.pdf.

¹³² Institute for Women in Migration, *Implementation of the Mexican Legal Reforms*.

¹³³ Tanco, Mora, and Hall, "Strengthening Mexico's Protection Landscape."

¹³⁴ Gustavo Guerra, "Mexico: Migration Law Amendment Requires Placing Undocumented Children in Shelters, Not Detention Centers," Library of Congress, February 26, 2021, <https://www.loc.gov/item/global-legal-monitor/2021-02-26/mexico-migration-law-amendment-requires-placing-undocumented-children-in-shelters-not-detention-centers/>.

¹³⁵ Tanco, Mora, and Hall, "Strengthening Mexico's Protection Landscape."

Despite government intentions to best support children, the new legislation has created an even more challenging situation for the Mexican government.¹³⁶ First, migration officials' encounters with minor migrants increased exponentially.¹³⁷ For instance, from January through April 2021, the number of migrant minors encountered by Mexican migration represented an 821 percent increase from the previous year, and that upward trajectory continued.¹³⁸ This development stretched government resources and strained public and private shelter facilities. Next, this legislation created a loophole for smuggling organizations to exploit and capitalize on the limitations placed on Mexican migration. The migrant minor legislation dictates that accompanying adults traveling with minors cannot be legally removed by Mexican authorities but are automatically granted humanitarian visas. This legislation permits adults traveling with minors to traverse Mexico with unrestricted access to the shared border with the United States—a huge incentive for adult migrants. Previously, adult migrants who were encountered by migration but not in possession of legal documents allowing them to remain in Mexico would have been detained pending removal.

The fact remains that this legislation benefits accompanying adult migrants because it prevents detention and grants migrants the right to a humanitarian visa.¹³⁹ Currently, adult migrants traveling with minors can travel anywhere in Mexico with the issued humanitarian visa, and Mexican migration can do little to stem the flow of these irregular

¹³⁶ Sergio Ortiz Borbolla, "Migrant Children and Adolescents Are at Risk as Mexico and the United States Fail to Provide Protections," Washington Office on Latin America, April 13, 2023, <https://www.wola.org/analysis/migrant-children-adolescents-risk-mexico-united-states-fail-protections/>.

¹³⁷ Save the Children, "Mexico: Rising Number of Migrant Children Pushing Shelters to Capacity," ReliefWeb, April 16, 2021, <https://reliefweb.int/report/mexico/mexico-rising-number-migrant-children-pushing-shelters-capacity-save-children>.

¹³⁸ Laurent Duveillier and Rocío Nuñez, "Nine Times More Migrant Children in Mexico over the Past Three Months," UNICEF, April 19, 2021, <https://www.unicef.org/press-releases/nine-times-more-migrant-children-mexico-over-past-three-months-unicef>.

¹³⁹ "Estos son los cambios la ley mexicana de migración para menores de edad" [These are the changes in the Mexican immigration law for minors], InfoDigna, October 17, 2022, <https://www.infodigna.org/es/articles/1500002400701>.

migrants from traveling to the U.S. border.¹⁴⁰ By contrast, the number of unaccompanied minors encountered at the U.S. border has risen drastically—which is puzzling, because Mexico is reportedly encountering fewer unaccompanied minors. CBP’s reporting reveals that 2022 marked the highest number of unaccompanied minor encounters ever recorded at 152,880.¹⁴¹ In comparison, in 2022, Mexican migration encountered 746,695 migrants, of whom 636,461 were adults and 110,234 were minors traveling with adults. In 2022, Mexican migration encountered 14,270 unaccompanied minors after encountering 77,608 in 2021.¹⁴² The difference represents an 81.61 percent reduction in apprehensions of unaccompanied minors from 2021 to 2022. These trends—a higher volume of apprehensions of accompanied minors with such a significant reduction in apprehensions of unaccompanied minors—illustrate that Mexican legislation is being exploited to take advantage of the non-detention policy for adults traveling with minors, and the issuance of humanitarian visas facilitates unconstrained access to the border.

Mexico continues to face significant operational challenges with elevated irregular flows entering the country’s southern border from Central America, coupled with political pressure from the United States to stem the flow of irregular migration, all of which feed political rhetoric. The Mexican government at large faces internal political pressure from some of its constituents for doing the dirty work for the United States.¹⁴³ It is worth remembering that, institutionally and culturally, Mexico does not view irregular migration

¹⁴⁰ 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 [Decree amending various articles of the migration law and the law on refugees, complementary protection and political asylum, in matters of migrant children], DOF 11–11-2020 (Mex.), https://www.diputados.gob.mx/LeyesBiblio/ref/lmigra/LMigra_ref11_11nov20.pdf.

¹⁴¹ “Nationwide Encounters,” Customs and Border Protection, accessed March 12, 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

¹⁴² Instituto Nacional de Migración, “Información Migratoria” [Migration information] (Mexico City: Secretaría de Gobernación, 2022), <https://www.inm.gob.mx/gobmx/word/wp-content/uploads/2022/12/Tarjeta-Migratoria-311222.pdf>; Secretaría de Gobernación, *Ninas, niños, y adolescentes migrantes en situación migratoria irregular, desde y en tránsito por México* [Migrant girls, boys, and adolescents in an irregular migratory situation, from and in transit through Mexico] (Mexico City: Unidad de Política Migratoria Registro e Identidad de Personas, 2022), http://portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Estadistica/NNA/NNYA_S%C3%ADntesis_ene-dic_2021.pdf.

¹⁴³ Wendy Vogt, “Dirty Work, Dangerous Others: The Politics of Outsourced Immigration Enforcement in Mexico,” *Migration and Society* 3, no. 1 (2020): 50–63, <https://doi.org/10.3167/arms.2020.111404>.

as a crime. Migration in the region is seen primarily as a humanitarian issue while the U.S. system views illegal migration as a federal crime.¹⁴⁴ For example, when former Mexican Migration Director of Operation Seguisundo Doguin was asked, “*América Latina ve la inmigración como un delito?*” (Does Latin America view migration as a crime?), he reflected this attitude:

No, they definitely do not see it as a crime. Legally, they do not see it as a crime for two reasons. Look, Mexico is a country of transit; Guatemala is a country of transit. For example, Panama is a place of transit. For these countries, it is not a crime. Because among other things they think migrants are passing by. Now those from human rights groups talk about migrants having the right to go wherever they want. They see it as a phenomenon that has a permanent trend, which is why in some places, such as the Mexican state, they see it as an administrative fault. It is such an administrative fault that now the containment is more difficult. Because you can't hold migrants for more than 36 hours. Since it is not a crime in the Mexican laws, you cannot detain more than 36 hours. Imagine you detain migrants in Tijuana, and you tell me that you are going to deport them by land, you will not have enough time. At minimum, Mexico does not see it as a crime, it sees it as an administrative offense.¹⁴⁵

In this regard, Andrés Manuel López Obrador (AMLO)'s administration addressed irregular migration by offering migrants food, shelter, and humanitarian visas to remain or work in Mexico.¹⁴⁶ Additionally, deemed national heroes by AMLO, Mexican citizens who live in the United States and send remittances to Mexico are responsible for sending billions of U.S. dollars annually back to their home country.¹⁴⁷ AMLO's posture suggests that instead of discouraging irregular migration, he encourages migration as a means of seeking an economically better way of life.

¹⁴⁴ Peter Andreas, *Border Games: The Politics of Policing the U.S.–Mexico Divide* (New York: Cornell University Press, 2022), <https://muse.jhu.edu/book/99858>; Pablo Ceriani Cernadas, *Migration Policies and Human Rights in Latin America. Progressive Practices, Old Challenges, Worrying Setbacks and New Threats* (Venice: Global Campus of Human Rights, 2018).

¹⁴⁵ Seguismundo Doguin, former Mexican migration director of operations, interview with author, June 1, 2023, Mexico City, Mexico. This interview was conducted in Spanish and translated into English by this author.

¹⁴⁶ Daniel Vega, “Recent Immigration Policies in Mexico: The Failures of a Hardening Approach toward Irregular Migrant Flows,” *Nationalism and Ethnic Politics* 27, no. 3 (2021): 405–18, <https://doi.org/10.1080/13537113.2021.1932272>.

¹⁴⁷ María Rosa García-Acevedo, “Politics across Borders: Mexico's Policies toward Mexicans in the United States,” *Journal of the Southwest* 45, no. 4 (2003): 533–55.

Mexico's approach to irregular migration has been to contain migrants along its southern border and return Central Americans to their countries of citizenship through *retorno asistido*—assisted returns, a euphemism used by the Mexican government over the years.¹⁴⁸ While the Mexican government denies deporting Central Americans back to their countries of citizenship, the country does deport migrants, despite claiming to be champions of migrant rights. Mexican migration also detains irregular migrants at elevated levels, in detention stations well over capacity, and for years has been criticized by public watch groups for violating civil rights.

Mexico detains thousands of migrants every day and has removed hundreds of Central and South Americans every week since at least 2013.¹⁴⁹ Mexico has returned a considerable number of migrants via air and bus to Guatemala, Honduras, El Salvador, Haiti, and other countries. Faced with a situation in which Mexico is detaining more migrants than it can return, Mexican migration detains migrants in conditions that have not improved over the years—but have worsened.¹⁵⁰ Because of the conditions of these facilities, Mexican migration has routinely been the subject of migrant protests at their migration stations—many of which have turned violent. For instance, on March 31, 2020, a protest inside a migration station in the state of Tabasco led to migrants setting mattresses ablaze; the fire claimed the life of a Guatemalan migrant in custody.¹⁵¹ Additionally, the latest incident occurred in Ciudad Juarez on March 27, 2023, where migrants set mattresses ablaze and destroyed the facility. Forty detained migrants perished and dozens more were

¹⁴⁸ Amalia Campos-Delgado, “Euphemistic Rhetoric and Dysphemistic Practices: Governing Migration in Mexico,” *Geopolitics* (2023): 1–26, <https://doi.org/10.1080/14650045.2023.2185513>.

¹⁴⁹ Consejo Ciudadano del Instituto Nacional de Migración, *Personas en detención migratoria en México: Misión de Monitoreo de Estaciones Migratorias y Estancias Provisionales del Instituto Nacional de Migración* [People in immigration detention in Mexico: Mission to monitor immigration stations and provisional stays of the National Institute of Migration] (Consejo Ciudadano del Instituto Nacional de Migración, July 2017), <https://www.corteidh.or.cr/tablas/33328.pdf>.

¹⁵⁰ Campos-Delgado, “Euphemistic Rhetoric and Dysphemistic Practices.”

¹⁵¹ Pablo Baisotti and Pierfrancesco Moscuzza, *Reframing Globalization after COVID-19: Pandemic Diplomacy amid the Failure of Multilateral Cooperation* (Liverpool: Liverpool University Press, 2022).

injured.¹⁵² A former DHS attaché to Mexico stated the following regarding the incident in Juarez:

Venezuelan flows through the Darien jungle have overwhelmed Mexico and U.S. resources, first through the Chiapas to Coahuila route in Mexico, a route that led to dozens of drownings in the Rio Grande during September 2022, resulting in increased enforcement that forced flows to Ciudad Juarez, where last April, 40 migrants lost their lives in one of the many fires started by migrants in Mexico's National Migration Institute [Instituto Nacional de Migración (INM)] facilities since 2015, in an effort to have INM release them. The inadequate response by INM officials during the March 27, 2023, fire, regrettably exposed the agency's lack of operational capacity to address the volume of irregular migration flows imposed upon Mexico by U.S. conflicting policies.¹⁵³

Despite Mexico's unprecedented efforts to contain irregular migration, the approach by the U.S. government has been to pressure Mexico to detain more migrants.¹⁵⁴ In response, Mexico has done more to stem the flow of irregular migrants, starting with the Central American surge in 2014. This shift to an enforcement-designed approach was initiated in 2014, when Mexico launched its Programa Frontera Sur (Southern Border Program), designed to stem the flow of Central Americans to the U.S. border; protect migrants; and improve interagency coordination, border security, regional coordination, and economic development and safety.¹⁵⁵ To increase apprehensions along Mexico's southern border, the Mexican government increased checkpoints and Mexican Navy facilities and increased Mexican migration along the southern border. To train and equip Mexican personnel, the United States donated over \$100 million in resources to support

¹⁵² Emily Olson, Bill Chappell, and Rachel Treisman, "39 Migrants Are Dead, 29 Injured after a Fire at an Immigration Facility in Mexico," NPR, March 28, 2023, <https://www.npr.org/2023/03/28/1166429686/fire-migrant-mexico-ciudad-juarez>.

¹⁵³ Edgar Ramirez, former DHS attaché assigned to Mexico City, interview with author, July 1, 2023, Mexico City, Mexico.

¹⁵⁴ Karen Musalo and Eunice Lee, "Seeking a Rational Approach to a Regional Refugee Crisis: Lessons from the Summer 2014 'Surge' of Central American Women and Children at the US–Mexico Border," *Journal on Migration and Human Security* 5, no. 1 (March 2017): 137–79, <https://doi.org/10.1177/233150241700500108>.

¹⁵⁵ Stephanie Leutert, *Andrés Manuel López Obrador's Migratory Policy in Mexico* (Austin: Strauss Center, University of Austin, 2020), <https://doi.org/10.26153/tsw/8581>.

Mexico's southern border program.¹⁵⁶ To accomplish these objectives, Mexico established more checkpoints, created three security rings to contain the flow of irregular migration along its southern border, added military as an armed entity, and increased migration staffing along its southern border. Mexico's southern border program proved effective and increased migrant detentions by 85 percent. Deportation figures increased considerably, mitigating the flow of predominantly Central American migration to the U.S. border.¹⁵⁷

An effective enforcement strategy requires more than detaining more individuals. An effective strategy involves increasing detention capacity and prosecuting individuals responsible for these elevated migrant flows to dissuade others from migrating illegally. Arresting more individuals is ineffective without means to detain or repatriate them. As stated by former DHS attaché Ramirez,

Thus, each country can decide which type of behavior it disincentivizes among migrants, by making such behavior punishable by repatriation. Additionally, when correctly applied, it serves as a significant deterrent to irregular migration. Basically, if repatriation is highly likely, spending money on smugglers is not as viable an option; however, repatriation has to be swift and certain for it to sway would-be migrants and sponsors.¹⁵⁸

In terms of overcrowded detention facilities, more challenges arose for Mexico in 2019 as the country detained thousands of irregular migrants at its southern border and addressed migrant caravans.¹⁵⁹ Accustomed to serving almost exclusively as a transit country, Mexico had not focused on detention capacity, social services, infrastructure to house migrants, and certain protections including the ability to apply for asylum or another legal status. Mexico was ill-equipped to deal with these secondary effects related to detaining migrants and simply detained more. It was only in 2014 that Mexico devised a plan to

¹⁵⁶ Leutert.

¹⁵⁷ Leutert.

¹⁵⁸ Ramirez, interview with author.

¹⁵⁹ Julia Manek, Andrea Galán-Santamarina, and Pau Pérez-Sales, "Torturing Environments and Multiple Injuries in Mexican Migration Detention," *Humanities and Social Sciences Communications* 9, no. 1 (2022): 1–16, <https://doi.org/10.1057/s41599-022-01252-y>.

adjust the immigration status for non–Central American migrants who decided to remain in Mexico at least for the short term.¹⁶⁰

These changes from a country traditionally viewed as a transit country to the United States have had a political cost. The current Mexican administration has created an opportunity for the opposing political party to attack it for acquiescing to pressure from the United States to do more on migration. Mexico has allotted a significant number of resources to address irregular migration, including assigning more than 25,000 soldiers to support what is known as Mexico’s migration containment plan.¹⁶¹ This plan has led to the government’s establishing hundreds of checkpoints throughout the country, scrutinizing passengers arriving in Mexico via international flights to identify mala fide passengers, and detaining thousands of migrants entering the country’s southern border from Central America.¹⁶²

From a resource perspective, Mexico has also had to establish temporary holding facilities to detain thousands more migrants than these facilities were designed for. Mexico has also contained thousands of migrants along its southern border to slow the flow arriving to the United States, absorbed significant scrutiny from non-governmental and governmental organizations for civil rights violations, and issued thousands of humanitarian visas to familial groups and vulnerable migrants.

The U.S. and Mexican immigration system continues to be regularly tested. Both governments are detaining more migrants than at any other time in their histories. Even so, neither government has a mechanism to repatriate migrants from Venezuela, Cuba, and Nicaragua, and they can repatriate only an insignificant volume to Haiti. This fact forces the governments to release thousands of migrants from detention, which has created a

¹⁶⁰ Ester Serra Mingot and Carlos Alberto González Zepeda, “Transnational Social Protection Infrastructures: African Migrants in Mexico,” *International Migration* (2022): 1–13, <https://doi.org/10.1111/imig.13029>.

¹⁶¹ “México envió 25,500 militares a sus fronteras para controlar migración, reconoce Sedena” [Mexico sent 25,500 soldiers to its borders to control migration, acknowledges Sedena], *Noroeste*, June 24, 2019, <https://www.noroeste.com.mx/nacional/mexico-envio-25-500-militares-a-sus-fronteras-para-controlar-migracion-reconoce-sedena-EVNO1167056>.

¹⁶² Martínez Flores, “The Effects of Enhanced Enforcement.”

significant pull factor. The human-smuggling networks have recognized a loophole they can exploit, so they continue to smuggle thousands of migrants weekly. The most practical solution for both governments is to seek a diplomatic solution—one that would enable the repatriation of these migrants to their home countries.

B. DESPITE NO REPATRIATION MECHANISM, U.S. PRESSURE PERSISTS

The U.S. government continues to press Mexico to detain more irregular migrants despite Mexican migrants no longer representing the majority of detainees at the U.S. border.¹⁶³ Most migrants traversing Mexico are South and Central American. In Mexico's defense, Mexican authorities have detained more migrants and allocated more resources to address irregular migration than at any other time in Mexico's history. For example, in 2022, Mexican migration detained 756,088 migrants—this figure is the highest ever recorded. Data published by Mexico's Ministry of the Interior revealed that from 2019 through May 2021, Mexican migration deported 245,735 migrants.¹⁶⁴ This figure also represents the greatest volume of deportations that Mexican migration has every recorded. The strategy of more migrant detentions with no mechanism to repatriate the migrants makes the process ineffective, forcing Mexico to release migrants from detention who subsequently make their illegal entry into the United States and are detained by CBP personnel.

In 2019, Mexico's standard practice was to detain irregular migrants while it either attempted to repatriate them or was forced to release them utilizing an *oficio de salida* (exit permit), with written instructions notifying the migrants they had 30 days to leave the country on their own accord.¹⁶⁵ During this time, Mexican migration detained an increased

¹⁶³ Jeffrey S. Passel and D'Vera Cohn, "Mexicans Decline to Less than Half the U.S. Unauthorized Immigrant Population for the First Time," Pew Research Center, June 12, 2019, <https://www.pewresearch.org/short-reads/2019/06/12/us-unauthorized-immigrant-population-2017/>.

¹⁶⁴ "Tema Migratorio 210921" [Immigration theme 210921], Instituto Nacional de Migracion, September 20, 2021, <https://www.inm.gob.mx/gobmx/word/index.php/tema-migratorio-210921/>.

¹⁶⁵ Amalia Campos-Delgado, "Bordering through Exemption: Extracontinental Migration Flows in Mexico," *International Journal for Crime, Justice and Social Democracy* 10, no. 3 (2021): 30–40, <https://doi.org/10.5204/ijcjsd.2039>.

volume of African migrants. These detentions became problematic for Mexico because either there was no repatriation agreement with these countries or it was too expensive to deport these individuals. Therefore, African migrants were detained for a short period and subsequently released with an exit permit.¹⁶⁶ The exit permit allowed these migrants to transit Mexico without government impedance and travel to the U.S. border, where they were detained. As more non–Central American migrants arrived at the southwest border, the U.S. government pressured the Mexican government to stop issuing exit permits to irregular migrants traveling northward.¹⁶⁷

Mexico stopped issuing exit permits to non–Central American migrants in the summer of 2019, which resulted in large populations being contained along the southern Mexican state of Chiapas for months.¹⁶⁸ The emphasis in 2019, designed to prevent Central Americans and Africans from reaching the U.S. border, resulted in migrant protests, reported civil rights violations, scrutiny from human rights groups, and reports of intimidation and persecution of migrant advocates.¹⁶⁹ According to former DHS attaché Edgar Ramirez,

At the time, the joint challenge involved the increase of unaccompanied children, mainly from northern Central America. However, Mexico’s efforts regarding enforcement to reduce irregular migration continued, even though such efforts involved high political costs, as Mexico increased the deployment of Federal Police and military staff to increase highway enforcement efforts; such deployments were later supported by National Guard staff. Further, during 2021, Mexico agreed to prevent Haitian irregular migrants from leaving Chiapas, a matter that exerted a high political cost upon Mexico given tens of thousands of Haitian nationals

¹⁶⁶ Claire R. Thomas, “The So-Called Stateless: Firm Resettlement, African Migrants, and Human Rights Violations in Mexico,” *Boston University Public Interest Law Journal* 32, no. 1 (2023): 1–84.

¹⁶⁷ Mingot and González Zepeda, “Transnational Social Protection Infrastructures.”

¹⁶⁸ “Mexican Authorities’ Abuse of Haitian Asylum Seekers Must Stop; U.S. Must Welcome Haitians Seeking Safety,” Center for Gender and Refugee Studies, September 3, 2021, <https://cgrs.uchastings.edu/news/mexican-authorities%E2%80%99-abuse-haitian-asylum-seekers-must-stop-us-must-welcome-haitians-seeking>.

¹⁶⁹ Campos-Delgado, “Bordering through Exemption,” 30–40.

remained in an area with infrastructure designed to support no more than 2,000 migrants.¹⁷⁰

Mexico has the largest migrant detention capacity in Latin America. Under pressure from the United States, Mexico has utilized this infrastructure to detain a considerable volume of irregular migrants over the last decade. Anecdotal reporting reveals that Mexico detained over 180,000 irregular migrants in 2019 alone.¹⁷¹ A number of factors came together to change the landscape of migration detention in Mexico. As a result of the global pandemic, Mexican migration was placed under scrutiny by human rights watch groups that claimed the detention centers were over capacity, presented health concerns, and held migrants in inhumane conditions.¹⁷² Despite having the infrastructure to detain a significant volume of migrants, Mexican migration was forced to significantly reduce its detained migrant population to under 50 percent of its detention capacity. This reduction resulted in thousands of migrants being released from migration stations. Shortly thereafter, a Mexican judge's court order directed Mexican migration to transfer all minors to state-run or private shelters and release migrants considered vulnerable.¹⁷³ Moreover, in March 2023, the Mexican Supreme Court ruled that Mexican migrants must make a determination regarding the immigration status of irregular migrants and cannot detain migrants for more than 36 hours.¹⁷⁴ Currently, the INM has to make the same determination within 15 business days, thus representing a significant shift in migratory policy.

To compound the already restrictive detention measures, in November 2020, Mexico introduced legislative changes to its immigration law that prohibited the detention

¹⁷⁰ Ramirez, interview with author.

¹⁷¹ Global Detention Project, *Immigration Detention in Mexico: Between the United States and Central America* (Geneva: Global Detention Project, 2021), 6, <https://www.globaldetentionproject.org/wp-content/uploads/2021/02/Immigration-Detention-in-Mexico-2021-GDP.pdf>.

¹⁷² "Mexico: Free Detained Migrants amid Pandemic," Human Rights Watch, April 14, 2020, <https://www.hrw.org/news/2020/04/14/mexico-free-detained-migrants-amid-pandemic>.

¹⁷³ Kathryn Libal et al., "Human Rights of Forced Migrants during the COVID-19 Pandemic: An Opportunity for Mobilization and Solidarity," *Journal of Human Rights and Social Work* 6, no. 2 (2021): 148–60, <https://doi.org/10.1007/s41134-021-00162-4>.

¹⁷⁴ Abel Domínguez, "INM no podrá detener a los migrantes por más de 36 horas" [INM will not be able to detain migrants for more than 36 hours], *Conexión Migrante* [Migrant connection], March 17, 2023, <https://conexionmigrante.com/2023-/03-/16/inm-no-podra-detener-a-los-migrantes-por-mas-de-36-horas/>.

of minors, both accompanied and unaccompanied.¹⁷⁵ Under this change, Mexican migration is no longer responsible for making best-interest determinations for minors. Such determinations are made by Mexican federal prosecutors, leading to some form of regularization for the minors, so they can remain legally in Mexico or be repatriated if it is deemed in the minors' best interest. Additionally, the legislative change prohibits the detainment or repatriation of accompanying adults. Essentially, no action can be taken until the minor's best-interest determination is made.¹⁷⁶ Moreover, Mexican migration is prohibited from detaining minors and accompanying adults at Mexican migration stations. Mexican migration must turn minors over to the Mexican equivalent of child protective services, known as SNDIF, whose facilities are private or state-run shelters designed not to detain migrants and operating under an open-door policy. Last, minors and accompanying adults are automatically eligible to receive humanitarian visas that afford them the ability to traverse Mexico without governmental interference. These visas grant irregular migrants the same rights as anyone with legal documentation to be in Mexico.¹⁷⁷

In addition to the above restrictions, recent legislative rulings dictate that Mexican migration cannot detain migrants longer than 36 hours and must make a determination of immigration status within this time. These actions have resulted in Mexican migration continually releasing thousands of migrants from detention. These significant administrative constraints have hindered Mexico's ability to stem the flow of irregular migration to the United States.

Since at least 2014, Mexico has imposed a migration enforcement strategy largely designed to keep Central American adults and familial groups from reaching its shared border with the United States.¹⁷⁸ This strategy came to fruition because of pressure from the Obama administration to stop the migrant crisis that brought thousands of Central

¹⁷⁵ Ley de Migración y de la Ley sobre Refugiados.

¹⁷⁶ Secretaria de Gobernación, *Ninas, Niños, y Adolescentes Migrantes*.

¹⁷⁷ Tanco, Mora, and Hall, "Strengthening Mexico's Protection Landscape."

¹⁷⁸ Campos-Delgado, "Bordering through Exemption."

American minors to U.S. border authorities.¹⁷⁹ Since enforcing this irregular migration policy, Mexico has faced a situation unlike anything it has before. These challenges have resulted in political losses for the Mexican government. Immigration enforcement has resulted in Mexico's expending significant resources to provide shelter and feed tens of thousands of migrants who remain in Mexico waiting for an opportunity to be processed under one of the United States' legal pathways.¹⁸⁰

Not only is Mexico detaining more migrants than ever before, but it is also accepting the immediate expulsion of Central Americans, Venezuelans, Cubans, Nicaraguans, and Haitians that have illegally entered the United States at or between ports of entry.¹⁸¹ This burden has added to an already elevated population of migrants staged along the shared border with the United States waiting for an opportunity to be processed for parole by CBP or enter the country illegally. This situation has resulted in migrant shelters running out of space and migrants staying in encampments along the border and in abandoned buildings, waiting for an opportunity to cross into the United States.¹⁸²

Thousands of migrants remain along Mexico's northern border while they apply for the parole program announced in January 2023 by the Biden administration.¹⁸³ Impatient migrants who have waited weeks or longer to be processed have formed large groups that regularly attempt to rush the port of entry. When such attempts are made, CBP responds by shutting down the ports of entry until they are deemed safe to reopen. Shutting down ports of entry places a strain on the local economy and expands tension related to the

¹⁷⁹ Bill Frelick, "We Pay Mexico to Catch Refugees. Kids Suffer," Human Rights Watch, April 20, 2016, <https://www.hrw.org/news/2016/04/20/we-pay-mexico-catch-refugees-kids-suffer>.

¹⁸⁰ Miriam Jordan and Edgar Sandoval, "U.S. Border Policies Have Created a Volatile Logjam in Mexico," *New York Times*, March 28, 2023, <https://www.nytimes.com/2023/03/28/us/mexico-border-migrants-shelters.html>.

¹⁸¹ Elliot Spagat, "Illegal Border Crossings Plunge among Cubans, Nicaraguans," AP News, January 25, 2023, <https://apnews.com/article/politics-texas-haiti-cuba-514ddaa9bc804844568727f76a931a12>.

¹⁸² Jasmine Aguilera, "Shelters from Reynosa to Tijuana Are at Capacity and Scrambling for Resources as the U.S. Continues to Expel Migrants," *Time*, May 20, 2021, <https://time.com/6012808/us-expel-migrants-mexico-shelters/>.

¹⁸³ "Processes for Cubans, Haitians, Nicaraguans, and Venezuelans," U.S. Citizenship and Immigration Services, July 12, 2023, <https://www.uscis.gov/CHNV>.

migrant situation.¹⁸⁴ All of these matters result in political consequences for the government of Mexico.

The U.S. government's political pressure on Mexico to detain more migrants is an ineffective strategy for two reasons. First, Mexico cannot legally detain migrants for longer than 15 days while migration authorities resolve their migratory situation. The pandemic has placed further restrictions on Mexican migration, reducing detention timeframes from 15 days to 5 days. Mexico also lacks infrastructure equal to the volume of irregular migrants being detained daily—much like the problem the United States faces. Second, many migrants detained by Mexican migration are from countries that have no repatriation agreements with Mexico or whose repatriation expenses would be too costly for Mexico.¹⁸⁵

One of the critical aspects of an effective immigration enforcement strategy is the ability to repatriate migrants.¹⁸⁶ In this vein, it is important to distinguish deportation from removal as the two represent different things. The former occurs when an immigration judge orders that a migrant be deported from the United States following immigration proceedings. Formal deportations address a small percentage of migrants compared to the numbers encountered daily. For example, during fiscal year 2021, Immigration and Customs Enforcement (ICE) removed 59,011 non-citizens vis-à-vis the 1.72 million encounters realized by CBP. Removals do not require a final order by an immigration judge, so they are conducted in much greater volumes. In 2022, DHS removed 117,213 under Title 42 expulsions.¹⁸⁷ Either term connotes strict immigration enforcement. In reality, however, neither addresses the volume of migrants detained or the refusal of countries to accept the return of their citizens or to issue documents in a timely manner.

¹⁸⁴ Associated Press, “Fatal Fire Complicates Border City’s Tensions with Migrants,” Spectrum News, April 1, 2023, <https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2023/04/01/fatal-fire-complicates-border-city-s-tensions-with-migrants>.

¹⁸⁵ Mingot and González Zepeda, “Transnational Social Protection Infrastructures.”

¹⁸⁶ Paasche, “Recalcitrant and Uncooperative.”

¹⁸⁷ Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2022* (Washington, DC: Immigration and Customs Enforcement, 2022), <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

Unfortunately, most migrants at Mexico's southern border and the U.S. southwest border cannot be repatriated. Except for Guatemala and Honduras, and El Salvador, to a lesser extent, the remaining countries either will not authorize the immediate repatriation of their own citizens or make the process so cumbersome it would require prolonged detention. No explanation exists on why a country will not take their own citizens back, but the practice (or non-practice) is widespread. Even countries with which the United States has strong political channels cannot repatriate migrants at a level commensurate to irregular migrant flows.¹⁸⁸ The other challenging situation for the United States and Mexico is dealing with recalcitrant countries that will not authorize the return of their own citizens.¹⁸⁹ First, the receiving government must recognize that the detained migrant is a citizen and then issue travel documents for the migrant and the authorities accompanying him or her during removal. Travel documents to conduct the deportation serve as an agreement that the foreign government will accept a migrant back into the migrant's country of citizenship. However, without recognition from the country that the individual is a citizen, immigration authorities cannot effectuate the removal.

The second aspect inhibiting repatriation is a receiving country's often bureaucratic and cumbersome process.¹⁹⁰ The receiving country could simply not respond to a request. The receiving government might take too long to generate travel documents affirming that the individual is a citizen of the respective country. The receiving government could also establish such a difficult road to verify nationality that it would be almost impossible to prove the irregular migrant was a national of that country. A country could blame delays on a lack of administrative bandwidth or antiquated national registries, such as handwritten entries that are too difficult to locate and produce. These stalling tactics lead to the indefinite or prolonged detention of migrants who have been ordered deported or removed.

¹⁸⁸ Ariel G. Ruiz Soto, "Record-Breaking Migrant Encounters at the U.S.–Mexico Border Overlook the Bigger Story," Migration Policy Institute, October 16, 2022, <https://www.migrationpolicy.org/news/2022-record-migrant-encounters-us-mexico-border>.

¹⁸⁹ Paasche, "Recalcitrant and Uncooperative."

¹⁹⁰ Paasche.

The inability to repatriate migrants to their country of citizenship presents significant challenges because neither Mexican nor U.S. immigration officials can detain migrants for extended periods. Such detention would violate existing policies and leave institutions susceptible to accusations of civil rights violations.¹⁹¹ This situation results in hundreds, if not thousands, of migrants being released from Mexican detention centers daily under the premise that they will return of their own accord to their countries of citizenship. However, the reality is that these migrants have no desire to return.

The inability to detain, hold, or repatriate irregular migrants creates an immigration cycle that wastes valuable resources and political capital. This cycle has created significant challenges for the U.S. and Mexican governments. Another complication with repatriation can arise if the relationship between the United States or Mexico and the receiving countries is so ruptured that repatriation is not possible, as in the case of Venezuela, Cuba, Nicaragua, and Russia. The inability to repatriate places a strain on Mexican and U.S. immigration systems, causing migrants to be released from Mexican and U.S. custody alike—in some cases, with removal hearings scheduled for years down the road.

Releasing migrants from U.S. custody creates a significant pull factor for other intending migrants. The act of releasing migrants from detention incentivizes irregular migration because the news of their release quickly circulates within migrant communities, alerting family, friends, and others, thereby stimulating further migration attempts. Non-detention or release from immigration detention generates that glimmer of hope that migrants are looking for and swings the pendulum in their decision-making process.

C. CONCLUSION

Mexico's 2019 migrant containment plan is similar to the southern border program established in 2014. Much like the prior southern border deployment, Mexico characterizes its efforts utilizing four security belts to contain irregular migration. Mexico has deployed over 15,000 soldiers to its shared border with the United States to augment Mexican

¹⁹¹ Lindsay Muir Harris, "Contemporary Family Detention and Legal Advocacy," *Harvard Latinx Law Review* 21 (Spring 2018): 135, Hein Online.

migration authorities in what Mexico describes as its containment strategy.¹⁹² Its enforcement focus is centered heavily along the Isthmus of Tehuantepec, a narrow stretch that traverses southeastern Mexico across 118 kilometers and connects the Pacific to the Gulf of Mexico. Along its southern border, Mexico has an additional 10,500 soldiers to augment migration enforcement actions, such as conducting checkpoint operations, clearing freight trains transporting migrants, and providing a law enforcement arm for Mexican migration, which by all accounts is considered an administrative agency that cannot carry weapons.

Currently, Mexico is operating more than 240 checkpoints throughout the republic along prevalent migratory routes. This system results in Mexican migration's "rescuing" an average of 4,000 migrants daily, predominantly from South and Central America. Additionally, as it pertains to migrants exploiting a lack of visa requirements, Mexican migration is addressing mala fide travelers attempting entry into Mexico's international airports under the guise of tourism. The effort of scrutinizing passengers arriving in Mexico via international travelers commenced in 2019 with a significant influx of Brazilians flying into Mexico City. Since then, several other nationalities have flown into Mexico due to the lack of Mexican visa requirements.

Since at least 2014, Mexico has demonstrated the political will to work with the United States to curb irregular migration. Mexico continues to be a strong partner that responds to calls from the U.S. government. The AMLO administration's willingness to take these calls is undoubtedly the reason the United States continues to lean on Mexico to do more to contain irregular migration. However, this lopsided approach is unsustainable and unfair to the Mexican government. Mexico continues to assign resources to deal with this challenging issue while governments along the primary migratory route do little. Even after being challenged by judicial rulings, pressure from human rights groups, restrictions imposed by new legislation, and strong opposition from other Latin American countries and its own citizenry, the Mexican government continues to support the United States.

¹⁹² Noroeste, "México envió 25,500 militares a sus fronteras."

Upon taking office, AMLO initially expressed support for migrants' rights and vowed not to stigmatize or persecute them, but subsequent actions tell a different story. For instance, during the 2018 migrant caravan, the Mexican government granted temporary humanitarian permits granting thousands of migrants an opportunity to stay in Mexico.¹⁹³ However, subsequent caravans and irregular flows in general have been addressed using enforcement and removal. Despite criticism of how the previous administration addressed migration, the AMLO administration resorted to doing much of the same. For instance, Mexico's current deployment along the southern border mirrors the prior administration's southern border program. Additionally, the Mexican government has deployed significant personnel to its southern border to contain irregular migration, indicating a more restrictive approach. This contradiction suggests a shift in the government's stance toward irregular migration, particularly migrants from Central America, under pressure from the United States.¹⁹⁴

This chapter has emphasized that simply increasing enforcement measures is an ineffective solution without a return mechanism commensurate to migrant encounters. Moreover, it has underscored Mexico's political loss as it grapples with irregular migration and highlighted Mexico's legal and logistical obstacles. Additionally, this chapter has identified the difficulties posed by recalcitrant countries, revealing the bureaucratic hurdles and stringent repatriation requirements they present, as well as the crucial disparity between political will and the practical realities of repatriation. Collectively, these elements paint a comprehensive picture of the intricacies involved in repatriation, necessitating regional approaches and collaborative efforts to address this complex issue effectively.

¹⁹³ Rosario de la Luz Rizzo Lara, "Managing Irregularized Migration in Mexico: Rhetoric of a Renewed Approach," *Journal of Borderlands Studies* (2022): 1–22, <https://doi.org/10.1080/08865655.2022.2115391>.

¹⁹⁴ Andreas, *Border Games*.

THIS PAGE INTENTIONALLY LEFT BLANK

V. CONCLUSION

The discourse concerning irregular migration takes two shapes.¹⁹⁵ Opinions of migration have created a wedge between U.S. society and its political parties.¹⁹⁶ An intensified media focus on political rhetoric has amplified structural racism and continued to breed further division among the U.S. population.¹⁹⁷ Simply stated, illegal immigration splits society into the far right of opposition or the far left of acceptance, leaving no middle ground. U.S. immigration as an issue has become politicized over the years and been spun to appeal to the respective party's constituency. The political frame concerning migration can be cataloged as either libertarian, which deals with the humanitarian aspect, or conservative, which associates migration within the confines of border security.¹⁹⁸

Presidential nominees from both political parties often debate on migration, and their campaigns are carefully crafted to appeal to their constituents.¹⁹⁹ Migration has reached the pinnacle of politics, making its way to presidential campaigns that by design capture votes related to the nominee's position on the issue, and has morphed into a political hot button over the last several decades. Specific to U.S. politics, the common political approach is discourse related to a broken immigration system.²⁰⁰ In general terms, this statement relates to the legislative bodies' inability to create legal pathways, address

¹⁹⁵ Jessica Bolter, "Immigration Has Been a Defining, Often Contentious, Element throughout U.S. History," Migration Policy Institute, December 29, 2021, <https://www.migrationpolicy.org/article/immigration-shaped-united-states-history>.

¹⁹⁶ James G. Gimpel, "From Wedge Issue to Partisan Divide: The Development of Immigration Policy Opinion after 2016," *Forum* 17, no. 3 (2019): 467–86, <https://doi.org/10.1515/for-2019-0024>.

¹⁹⁷ Charles Kamasaki, "US Immigration Policy: A Classic, Unappreciated Example of Structural Racism," Brookings Institution, March 26, 2021, <https://www.brookings.edu/articles/us-immigration-policy-a-classic-unappreciated-example-of-structural-racism/>.

¹⁹⁸ Sanja Hajdinjak, Marcella H. Morris, and Tyler Amos, "Migration Policy Framing in Political Discourse: Evidence from Canada and the USA," in *Computational Conflict Research*, ed. Emanuel Deutschmann et al. (Cham, Switzerland: Springer International Publishing, 2020), 83–111, https://doi.org/10.1007/978-3-030-29333-8_5.

¹⁹⁹ Katya Palacios, "Presidential Rhetoric about Immigration from Ronald Reagan to Donald Trump" (undergraduate thesis, Dominican University, 2021), <https://doi.org/10.33015/dominican.edu/2021.POL.ST.02>.

²⁰⁰ Geoffrey A. Hoffman, "What Should Immigration Law Become?" (working paper, University of Houston Law Center, 2020), <https://papers.ssrn.com/abstract=3680813>.

the ineffective asylum process, or pursue immigration reform, leaving immigration authorities to operate with an antiquated immigration system that does not fit the current immigration phenomenon. Among presidential campaigns, the respective political party pledges that its presidential nominee will remedy the opposing party's non-legislative action—or policy inaction.

On the one hand, the political narrative for the conservative party is that the shared border with Mexico is out of control. On the other exists a narrative from the liberal party that the United States was founded on irregular migration. Thousands of individuals around the world flee their countries due to extreme crime, poverty, or political regression, opting to leave everything behind to migrate to the greatest country in the world.²⁰¹ In this regard, the humanitarian approach is to allow thousands of migrants to resettle in the United States. The opposing view is to prevent these migrants from entering the country. Even so, the U.S. migration system has remained largely intact, and little if anything has been done to change existing immigration law despite promises on the campaign trail to make a change. In fact, the last major immigration reform occurred in 1990, when Congress reformed provisions of the immigration law under the Immigration Act.²⁰²

The United States is a country with a rich history of migration. Every year millions of migrants from all over the world travel to the United States legally. In contrast, millions more make the journey to the United States to attempt illegal entry in pursuit of the American dream. The year 2022 was a historic one for U.S. border authorities, reaching the highest encounter figure ever recorded with over 2.76 million migrants.²⁰³ It is worth noting that this figure represents what U.S. border authorities knew about. To this point, available estimates reveal that upwards of 50 percent of undocumented migrants residing in the United States entered the country illegally, emphasizing the point that significant

²⁰¹ J. Baxter Oliphant and Andy Cerda, "Republicans and Democrats Have Different Top Priorities for U.S. Immigration Policy," Pew Research Center, September 8, 2022, <https://www.pewresearch.org/fact-tank/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>.

²⁰² "Historical Overview of Immigration Policy," Center for Immigration Studies, accessed August 29, 2023, <https://cis.org/Historical-Overview-Immigration-Policy>.

²⁰³ "CBP Enforcement Statistics Fiscal Year 2023," Customs and Border Protection, accessed February 26, 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

volumes of migrants successfully enter the United States undetected.²⁰⁴ Migrants who successfully make it into the United States represent the glimmer of hope that intending migrants are searching for. Even a minimal chance to enter the United States undetected draws hundreds of thousands of migrants to make the attempt.

Migrant demographics have continued to change with a significant increase in the detention of non–Central American migrants.²⁰⁵ Specifically, their increase started with the rise of Brazilian detentions in 2019. This flow continued through 2021 and then substantially decreased after the government of Mexico agreed to implement visa requirements. This rise in non–Central American detentions was followed by a significant increase in detentions of Ecuadorians—a trend also tempered after the introduction of visa requirements by the Mexican government. Relatedly, since at least 2019, a massive Venezuelan diaspora started making their way through South and Central America to Mexico and, through the end of 2022, represented the bulk of irregular migrants encountered by U.S. authorities.²⁰⁶ In addition to Venezuelans, 2022 also saw significant increases in the detention of Cubans, Nicaraguans, Colombians, and Russian nationals, which hold true today.

A. ALTERNATIVE PATHWAYS

Recognizing the volatile situation taking shape at the southwest border, I directly engaged the government of Mexico to support a program that I sought to pursue with U.S. leadership. The objective was to establish an alternative pathway for irregular migrants because the United States and Mexico had been detaining predominantly Venezuelan migrants and had no means to repatriate them. Additionally, neither country has had sufficient infrastructure to detain the volume of migrants being encountered at the

²⁰⁴ “Modes of Entry for the Unauthorized Migrant Population,” Pew Research Center, May 22, 2006, <https://www.pewresearch.org/hispanic/2006/05/22/modes-of-entry-for-the-unauthorized-migrant-population/>.

²⁰⁵ Mark Hugo Lopez, Jeffrey S. Passel, and D’Vera Cohn, “Key Facts about the Changing U.S. Unauthorized Immigrant Population,” Pew Research Center, April 13, 2021, <https://www.pewresearch.org/short-reads/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>.

²⁰⁶ Chishti and Bush-Joseph, “Record Venezuelan Arrivals.”

border.²⁰⁷ Further, I recognized that Mexico’s containment strategy along its southern border was not sustainable. The government of Mexico had been detaining thousands of migrants over what these temporary detention facilities were designed to hold. Asking Mexico to detain more migrants than it could hold, or repatriate, was an ineffective strategy.

Therefore, I pursued the option of processing migrants from Venezuela through U.S. ports of entry as an “exception” to the current CDC authority. For the program to be effective, there had to be some form of consequence for migrants who chose not to take advantage of this alternative pathway. That consequence involved the government of Mexico accepting the immediate return of any Venezuelan encountered by U.S. authorities who chose to enter the United States illegally and not participate in the alternative pathway. The objective was for Venezuelan migrants to follow this alternative pathway and persuade others not to cross illegally. Migrants observing or learning of other migrants being processed into the country using this legal pathway would be incentivized to follow the process.

The United States government agreed with the recommendation and established a parole program for Venezuelans to be exempted from Title 42 processing.²⁰⁸ This program was established as the “least-worse” option—meaning there was no better option since the United States and Mexico could not repatriate Venezuelans and neither government had the capacity to hold the volume of migrants being apprehended by immigration authorities. Therefore, developing this unorthodox strategy was the most practical solution. Under this framework, Venezuelan migrants would be processed into the country utilizing temporary parole for humanitarian purposes. This program sought to incentivize migrants to follow this alternative process by offering them an opportunity to be issued a work permit and reside legally in the United States for a period of two years.

This parole program was designed specifically to address a substantial volume of Venezuelan migrants and stipulated that Venezuelans taking advantage of the program

²⁰⁷ Implementation of Changes to the Parole Process for Venezuelans.

²⁰⁸ Implementation of a Parole Process for Venezuelans.

could not enter the United States via a land border crossing.²⁰⁹ The general objective was to keep migrants from saturating the southwest land border already experiencing extreme pressure. Next, migrants participating in the program would have to enter the United States via an international airport by purchasing their own airfare, and they needed a U.S. sponsor who agreed to support them financially, so the applicants would not pose a public burden on the government.²¹⁰ The benefit for the United States was that it allowed the government to better manage the flow of irregular Venezuelan migrants and helped depressurize the southwest land border. The program was established in October 2022 and resulted in a 90 percent reduction of Venezuelan encounters at the southwest border.²¹¹

This parole program was so successful that I was asked to conduct a second negotiation with the government of Mexico to expand it. The objective was to expand the program to incorporate Cubans, Haitians, and Nicaraguans as the United States and Mexico could not repatriate migrants from these countries. To advance this effort, the Mexican government would need to accept the immediate return of up to 1,000 migrants daily from these countries if they opted to cross illegally instead of participating in the parole program. The Mexican government agreed to accept the immediate return of these nationalities with a daily cap of 1,000 migrants, and the alternative parole program for Cubans, Haitians, Nicaraguans, and Venezuelans was established on January 12, 2023.²¹²

B. FINDINGS

The United States does not have the immigration infrastructure or resources to deal with the volume of migrants being detained.²¹³ From an immigration enforcement

²⁰⁹ “DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes,” Department of Homeland Security, January 5, 2023, <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

²¹⁰ “Explainer: Venezuela Parole Program and Title 42 Expansion,” National Immigration Forum, October 21, 2022, <https://immigrationforum.org/article/explainer-venezuela-parole-program-and-title-42-expansion/>.

²¹¹ Department of Homeland Security, “DHS Continues to Prepare for End of Title 42.”

²¹² Department of Homeland Security.

²¹³ “Fact Sheet: Immigration Detention in the United States,” National Immigration Forum, January 27, 2021, <https://immigrationforum.org/article/fact-sheet-immigration-detention-in-the-united-states/>.

perspective, the current practice of immigration's falling squarely on the shoulders of the United States and, to a lesser extent, Mexico is not an effective or sustainable strategy. Irregular migration is almost exclusively an American and Mexican issue to address because the remaining countries in the hemisphere allocate little to no resources to address the matter. These countries do not address irregular migration, repatriate migrants that are detained, or attempt to create diplomatic channels to establish repatriation agreements, and in some cases, they facilitate irregular migration by either transporting migrants or allowing them to move freely from one country to the next.²¹⁴ This lopsided approach to immigration enforcement has strained the relationship between the United States and Mexico and failed to acknowledge that immigration enforcement is not an exclusively American problem.

Fitting a round peg into a square hole is an apt metaphor for the antiquated immigration system in place today. The current U.S. immigration system was not designed to address the immigration challenges currently faced, as it has not had a major overhaul since 1990. Although attempts have been made to seek change, reform has simply not reached fruition.²¹⁵ It bears repeating that the U.S. immigration system was designed to deal largely with Mexican irregular migrants, who represented the most significant challenge for the United States in 1990. While irregular migration by Mexican citizens still holds today, Mexicans are not the bulk of irregular migrants encountered by U.S. authorities or among the nationalities representing the greatest challenge. Additionally, the immigration system in place was designed to deal mainly with single adult migrants. The challenge for immigration authorities today involves the detention of significant volumes of familial groups due to policy decisions that made detaining them for any extended period quite challenging. The other part of this challenge has been the lack of adequate facilities to detain familial groups.

²¹⁴ Elida Moreno, "Panama, Colombia Reach Deal to Manage Migration over Shared Border," Reuters, August 12, 2021, <https://www.reuters.com/world/americas/panama-colombia-reach-deal-manage-migration-over-shared-border-2021-08-12/>.

²¹⁵ Kamarck and Stenglein, "Can Immigration Reform Happen?"

The mid-1990s into the aughts saw a transformation at the border. Congress provided a substantial increase in funding to secure the border, which included a significant addition of personnel, technology, and infrastructure. Urban areas that had been overwhelmed with irregular migrants crossing into the United States were the first addressed by border authorities, a decision that shifted irregular migrants to more austere crossing locations outside of downtown cities like San Diego or El Paso. Then, the militarization of the U.S. border started to take shape and morphed into the border we know today. A clear demarcation at the border separates “us” and them. The militarization of the border effectively eliminated “return” migration as it became more difficult and expensive to cross, considering that everyone smuggled into the United States pays thousands of dollars. Return migration has been on the decline for years, and migrants who would have traditionally returned to their native countries after working for some time in the United States no longer leave because of a perceived inability to return.²¹⁶ The focus on securing the border has made crossing illegally into the United States more difficult, and this change has imposed a steep price for migrants to be smuggled into the United States. Accounts from Central American migrants reveal that smuggling costs approximately \$13,500 per individual.²¹⁷

C. RECOMMENDATIONS

This chapter has highlighted the urgent need for a pragmatic, strategic overhaul of the U.S. immigration system. Central to this task is addressing irregular migration via accountability measures for countries like Panama and Colombia, as well as leveraging bi-directional trade and investments as incentives for cooperation. This section highlights the importance of maximizing the economic contributions of existing undocumented migrants; reforming labor programs to meet U.S. labor shortages, particularly in critical sectors; and streamlining bureaucratic processes to make the U.S. labor program effective

²¹⁶ Douglas S. Massey, Jorge Durand, and Karen A. Pren, “Why Border Enforcement Backfired,” *American Journal of Sociology* 121, no. 5 (2016): 1557–1600.

²¹⁷ José de Córdoba, Juan Montes, and Juan Carlos Rivera, “Smuggling Migrants to the U.S. Is Big Business,” *Wall Street Journal*, July 1, 2022, <https://www.wsj.com/articles/smuggling-migrants-to-the-u-s-is-big-business-11656680400>.

for U.S. employers. In essence, this research underscores the necessity of an immigration system that effectively serves the national interest, liberated from political posturing, and equipped to adapt to changing migration dynamics.

1. Repatriation

One of the most consequential aspects of the immigration enforcement pendulum is the ability to repatriate non-citizens encountered at the border, arrested by immigration officials in the interior of the country, or ordered removed by an immigration authority.²¹⁸ Repatriations serve to disincentivize migrants from making the journey to the United States because migrants fear being returned to their home countries. Migrants do not want to be detained and risk being repatriated after having paid thousands in smuggling fees. Repatriating migrants back to their countries of citizenship sends a strong message to other intending migrants that the border is closed, immigration authorities will continue applying immigration law, and migrants are not allowed to enter the United States without proper documents. There is no ambiguity with repatriations or removals. The message is clear that consequences will be applied: if anyone attempts to illegally enter the United States, they will be returned to their countries of citizenship. This message is impactful for migrants after having risked their lives during a treacherous journey and likely accumulated debt to pay their smuggling fees.

Repatriating migrants supports overall immigration infrastructure and serves as the relief valve for overcrowded immigration facilities across the southwest border.²¹⁹ Repatriating migrants opens detention space to hold migrants being administratively processed or being held pending criminal charges.²²⁰ As indicated in this thesis, the United States does not have the infrastructure to hold the volume of migrants currently being

²¹⁸ Julian Resendiz, “Hundreds Expelled to Haiti from El Paso under Title 42 on Friday,” Border Report, May 21, 2022, <https://www.borderreport.com/immigration/title-42/hundreds-expelled-to-haiti-from-el-paso-under-title-42-on-friday/>.

²¹⁹ Adam Isacson, “A Tragic Milestone: 20,000th Migrant Deported to Haiti since Biden Inauguration,” Washington Office on Latin America, February 17, 2022, <https://www.wola.org/analysis/a-tragic-milestone-20000th-migrant-deported-to-haiti-since-biden-inauguration/>.

²²⁰ Isacson.

detained, so repatriating migrants back to their countries of citizenship depressurizes the detention system and is one of the most effective tools at the disposal of U.S. border authorities. Without the ability to repatriate, U.S. detention facilities overcrowd and force U.S. immigration authorities to release migrants from custody—turning over migrants to non-governmental organizations for placement or dropping migrants off at bus stations and airports—or allow migrants to walk out of migration stations pending removal proceedings.²²¹

Despite the importance of repatriations, in some situations, the United States simply cannot conduct repatriations.²²² The inability to repatriate occurs when foreign governments refuse to provide documentation verifying the migrants' citizenship or to issue travel documents.²²³ Travel documents serve as the agreement that the migrant will be accepted by his or her government and authorize the immigration official traveling with the migrant to be allowed into the country. The United States continues to detain thousands of migrants from countries other than Mexico and Central America primarily because the United States cannot repatriate them back to their countries of citizenship. If the United States cannot repatriate migrants, it must consider alternative solutions. Migrants who cannot be repatriated will at some point be released from custody pending removal proceedings; such exploitation of the system draws thousands more to follow in their footsteps.

2. Unified Consequences for Human Smuggling

Establishing an effective legal migration framework is an important aspect of the immigration system. Unfortunately, a significant percentage of migrants elect to circumvent the legal process, which necessitates that the government apply consequences

²²¹ Jonathan Mejia, "Migrant Street Releases Overwhelming Bus Company and NGOs in El Paso," KFOX, December 2, 2022, <https://kfoxtv.com/news/local/migrant-street-releases-overwhelming-bus-company-and-ngos-tornado-bus-company-opportunity-center-for-the-homeless-rescue-mission>.

²²² *Recalcitrant Countries: Denying Visas to Countries That Refuse to Take Back Their Deported Nationals: Hearing before the Committee on Oversight and Government Reform, House of Representatives*, 114th Cong., 2 (2016), <https://www.govinfo.gov/content/pkg/CHRG-114hhrg25546/html/CHRG-114hhrg25546.htm>.

²²³ H.R., *Recalcitrant Countries*.

to disincentivize others from following in their footsteps.²²⁴ To be effective, governments must apply administrative consequences to any individual illegally crossing the border. This effort could be accomplished by ordering migrants removed and intensifying the consequences incrementally for repeated offenses. More stringent penalties are needed for individuals who form part of human-smuggling networks. Human smuggling necessitates consequences beyond administrative sanctions and requires felony convictions to send a clear message that this significant crime will be prosecuted to the greatest extent possible.²²⁵

The United States has increased efforts to prosecute human-smuggling networks or, more specifically, individuals who smuggle, transport, or provide shelter to irregular migrants in direct evasion of U.S. immigration laws.²²⁶ Available data from the U.S. Sentencing Commission reveal that the United States sentenced 3,292 smugglers in fiscal year 2020 and 3,487 smugglers in fiscal year 2019.²²⁷ Despite the United States' focus on human smuggling, other countries in Latin America will need to assess their legal frameworks or establish legislation to make a more significant impact on human smuggling. Human smuggling has been allowed to grow exponentially over the years largely because of legal loopholes in countries outside the United States. For example, Mexico does not have legislation to address human smuggling systematically.²²⁸

Having one country apply stringent penalties for human smuggling while others have no legal statutes to enforce penalties is not an effective strategy. Given the evident gaps in the enforcement of human-smuggling penalties across South and Central America

²²⁴ “Prosecuting People for Coming to the United States,” American Immigration Council, August 23, 2021, <https://www.americanimmigrationcouncil.org/research/immigration-prosecutions>.

²²⁵ “Illegal Immigration,” Official website of Congressman Doug Lamborn, accessed April 22, 2023, <https://lamborn.house.gov/issues/illegal-immigration>.

²²⁶ Rhoda Margesson and Kristin Finklea, *Migrant Smuggling: Background and Selected Issues*, CRS Report No. IF12003 (Washington, DC: Congressional Research Service, 2021), <https://crsreports.congress.gov/product/pdf/IF/IF12003>.

²²⁷ Margesson and Finklea.

²²⁸ Emelie Jimenez et al., *Comparative Study on Smuggling and Trafficking Laws in the Western Hemisphere* (Miami: Florida International University, 2022), <https://gordoninstitute.fiu.edu/research/diplomacy-lab/comparative-study-on-smuggling-and-trafficking-laws-in-the-western-hemisphere.pdf>.

and Mexico, a more holistic and cooperative strategy is warranted. Clearly, a piecemeal approach will not yield the desired results; rather, the entirety of these regions needs to adopt legal measures to address human smuggling. The recommendation, therefore, is for the United States to allocate Department of State funding to deploying federal prosecutors from the Department of Justice's Office of Overseas Prosecutorial Development Assistance and Training. These legal experts would work hand in hand with governments in the targeted regions, helping them draft and implement decisive legislation and legal frameworks designed specifically to tackle human smuggling. Through the establishment and enforcement of legal consequences for these crimes, the human-smuggling networks operating within these regions could be effectively disrupted. Otherwise, attempts by the United States to apply consequences for human smuggling will lack any sort of significant impact, as evidenced by the expansion of transnational criminal organizations, which have generated profits of billions of dollars yearly.²²⁹

3. Holding Countries Accountable

For years, the U.S. government has provided financial support to Central and South American countries as a mechanism to persuade them to do their part to curb illegal migration and address systemic issues driving people to abandon their countries.²³⁰ This foreign assistance includes funding social programs aimed at reintegration for deported migrants and economic development to provide job opportunities, establishing requirements that funding be spent on addressing government corruption, and creating mechanisms to deal with root causes that draw hundreds of thousands of migrants to the United States every year.²³¹ Most recently, financial support specific to mitigating irregular migration from Central America started during the Obama administration as a mechanism to cope with thousands of Central American families that had been arriving at

²²⁹ Margesson and Finklea, *Migrant Smuggling*.

²³⁰ "Report on the U.S. Strategy for Addressing the Root Causes of Migration in Central America," White House, April 19, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/19/report-on-the-u-s-strategy-for-addressing-the-root-causes-of-migration-in-central-america/>.

²³¹ Meyer, *Central America's Northern Triangle*.

the southwest border to turn themselves in to DHS authorities.²³² Then, from fiscal years 2016 through 2021, Congress appropriated over \$3.6 billion in foreign assistance to support engagement in Central America and improve the conditions in the region that had drawn thousands of migrants to the U.S. border.²³³ This investment is significant in that it has yet to curb the volume of migrants traversing South and Central America to the U.S. border.

Despite U.S. funding, thousands of migrants, predominantly Venezuelans, travel through Colombia's migratory land routes to enter Panama and make their way through the treacherous Darien jungle (Figure 6). Since 2020, this land route has served as the predominant one for the bulk of migrants detained by U.S. authorities. Migrants traversing this land route enter Costa Rica and continue along the Central American migratory routes with little government interference, make their way through Mexico, and eventually reach the U.S. border. To cope with the unprecedented elevated migrant flows, Panama and Colombia formed an agreement that allows up to 650 migrants daily to traverse both countries with unfettered access to Costa Rica.²³⁴ Allowing thousands of migrants to move through their territory without legal documentation to reach the United States is certainly not in the spirit of the monetary support the United States has been doling out. According to former DHS attaché Edgar Ramirez,

Since before 2019 . . . DOS, CBP and ICE officials assigned to embassies in Colombia, Panama, Costa Rica, and Nicaragua had been aware of the government-sanctioned, irregular flow of migrants transiting the Darien jungle (between Colombia and Panama) to eventually enter Mexico's southern border and reach the U.S. southwest border. However, U.S. officials assigned to these embassies simply monitored such arrangement without promoting efforts to reduce such flow, which by late 2019 allowed approximately 300 migrants to flow irregularly daily through a regionally sanctioned and government-funded program.²³⁵

²³² Meyer.

²³³ Meyer.

²³⁴ United Nations High Commissioner for Refugees, *Sobreviviendo al Darién: La travesía de refugiados y migrantes por la selva: Movimientos mixtos a través del Darién* [Surviving Darién: The journey of refugees and migrants through the jungle: Mixed movements through Darién] (Geneva: United Nations High Commissioner for Refugees, 2023), <https://www.acnur.org/publicaciones/sobreviviendo-al-darién-la-travesía-de-refugiados-y-migrantes-por-la-selva>.

²³⁵ Ramirez, interview with author.



Figure 6. Primary Migrant Routes from South America into Central America.²³⁶

The United States must consider holding Panama and Colombia accountable for curbing irregular migration. The United States has provided hundreds of millions of dollars in funding to address unprecedented migration flows through the region.²³⁷ In 2021 alone, the United States provided an additional \$700 million in funding to assist Panama with its Venezuelan crisis.²³⁸ Additionally, the Biden administration requested \$861 million in fiscal year 2022 to begin implementing its proposed four-year, \$4 billion plan to foster systemic change and address the root causes of irregular migration from Central

²³⁶ Source: International Organization for Migration, *Informe: Monitoreo de flujos de personas en situación de movilidad por las Américas: Frontera paso canoas, Costa Rica–Panamá* [Report: Monitoring of flows of people in a situation of mobility through the Americas: Paso Canoas border, Costa Rica–Panama], Ronda 3 (San José: International Organization for Migration, National Office for Costa Rica, 2022), 8, <https://dtm.iom.int/reports/costa-rica-panama-monitoreo-de-flujos-de-personas-en-situacion-de-movilidad-por-las-1>.

²³⁷ “The United States Announces More than \$314 Million in New Stabilization Efforts and Humanitarian Assistance for Venezuelans and Other Migrants at the Summit of the Americas,” U.S. Agency for International Development, June 10, 2022, <https://www.usaid.gov/news-information/press-releases/jun-10-2022-united-states-announces-more-314-million-new-stabilization-efforts-venezuela>.

²³⁸ “U.S. Relations with Colombia,” Department of State, July 19, 2021, <https://www.state.gov/u-s-relations-with-colombia/>.

America.²³⁹ U.S. funding must come with an obligation from these countries to address irregular migration. The United States must take a firm stance against these countries to ensure compliance and garner a return on investment.

Taking a more decisive position means the United States must consider applying the stick versus giving the carrot to incentivize Central and South America to address irregular migration. The practice of the United States' giving substantial resources to foreign governments and receiving little return on that investment calls for a change in strategy. A more effective strategy is for U.S. government funding to be connected with commerce with the country and added sanctions to force the hand of the foreign partner to comply with U.S. requirements to address migration. For instance, figures provided by the U.S. State Department reveal that the United States is Colombia's most important trade and investment partner, with bi-directional trade totaling \$29.9 billion in 2020 and U.S. companies accounting for more than 90,000 jobs in the country.²⁴⁰ Additionally, trade between Panama and the United States represented \$8.8 billion in 2021, and direct investments totaled an additional \$3.5 billion.²⁴¹

This volume of commercial transactions and private investments is a significant motivator that needs to be utilized by the United States to help deal with the challenging migration situation. The United States must consider leveraging these figures to incentivize the Panamanian and Colombian governments to immediately stop facilitating the movement of at least 650 daily migrants through their countries without any sort of government interference.

The approach taken by South and Central American governments as it pertains to irregular migration is irresponsible and is a significant factor in the strain on DHS resources at large. For decades, these governments have done little to address irregular migration—kicking the can down the road is about the only strategy they are willing to implement. To

²³⁹ Meyer, *Central America's Northern Triangle*.

²⁴⁰ Department of State, "U.S. Relations with Colombia."

²⁴¹ "U.S. Relations with Panama," Department of State, November 3, 2022, <https://www.state.gov/u-s-relations-with-panama/>.

effectively address this matter, Panama and Colombia need to contribute, collaborate, share resources, and work together to mitigate these migrant flows.

As proof that money incentivizes countries to cooperate, the Trump administration provided the framework to get foreign countries on board with doing their part.²⁴² As the number of irregular migrant encounters at the shared border with Mexico continued to trend in the wrong direction, the Trump administration pulled back approximately \$500 million in U.S. funding to Central America and suspended foreign assistance for more than a year.²⁴³ Funding was not re-established until the administration could negotiate a series of border security matters and asylum agreements that were negotiated with Central America's Northern Triangle region. The U.S. government must consider pulling back existing funding until this situation is addressed.

4. Regularization

A statistic from a 2022 study revealed that the United States is home to approximately 11.46 million undocumented migrants, whose migration was spurred by economic reasons—they were looking for a better way of life.²⁴⁴ In the process, they have contributed to the economy, often by taking jobs that cannot or will not be filled by citizens. The United States' chronic labor shortage today exercises a certain pull on would-be irregular migrants and further complicates efforts to manage immigration more effectively.

Political narrative aside, the fact remains that the United States is facing a significant labor shortage.²⁴⁵ Offering this large population of undocumented migrants a legal pathway to residency is something the United States must consider as there is a benefit

²⁴² W. J. Hennigan, "Trump's Cuts to Central American Aid Won't Slow Migration," *Time*, April 5, 2019, <https://time.com/5564653/donald-trump-central-american-aid/>.

²⁴³ Meyer, *Central America's Northern Triangle*.

²⁴⁴ Randy Capps, James D. Bachmeier, and Jennifer Van Hook, "Estimating the Characteristics of Unauthorized Immigrants Using U.S. Census Data: Combined Sample Multiple Imputation," *Annals of the American Academy of Political and Social Science* 677, no. 1 (May 2018): 165–79, <https://doi.org/10.1177/0002716218767383>.

²⁴⁵ Kate Hooper, "Labor Shortages during the Pandemic and Beyond: What Role Can Immigration Policy Play?," Migration Policy Institute, October 6, 2021, <https://www.migrationpolicy.org/news/labor-shortages-pandemic-immigration-policy-role>.

for the country. The United States must consider that its aging population will further exacerbate the shortage of the labor market as the domestic workforce enters retirement age, older populations draw higher demands on the healthcare system, and the labor workforce needs an infusion of young workers that can be trained.

The last several presidential elections have presented pathways for undocumented migrant regularization, but it is a difficult issue to address, having morphed into a politicized weapon during the last several administrations and requiring bi-partisan support.²⁴⁶ Although presidential nominees have made immigration a key theme of their campaigns, the reality is that immigration has shown a pattern leading to gridlock among the political parties. Without a consensus, migration will remain unchanged—the proverbial can getting kicked down the road for decades.

The U.S. government must consider maximizing the existing undocumented migrant population already residing in the country and look to establish a pathway to regularization that would enable legal residency. A regularization policy could be inspired by looking at other countries' legal frameworks. For example, Spain recently amended its immigration legislation to allow undocumented migrants who have resided in the country, legally or without documentation, for two or more years and worked for a least six months a pathway to regularization.²⁴⁷ The requisite for this opportunity is that migrants enroll in formal training courses for jobs that are in critical demand due to labor shortages.

In the same vein, for the U.S. government, prosecuting small, mid-size, and even large businesses that are vital to the U.S. economy seems contrary to what a government should concentrate on. First, under the Immigration Reform and Control Act passed in 1986, Congress took a hard stance against employers knowingly hiring illegal migrants.²⁴⁸ The legislation sought to address employers that knowingly hired individuals without authorization to work in the United States, continued employing these individuals despite

²⁴⁶ Palacios, “Presidential Rhetoric about Immigration.”

²⁴⁷ Jessie Butchley, “Spain: Changes to Immigration Law,” Envoy Global, February 23, 2023, <https://resources.envoyglobal.com/global-news-alerts/spain-changes-to-immigration-law/>.

²⁴⁸ Shane Dola, “The Financial Burden of Illegal Aliens: Directing Attention toward the Employers of Undocumented Workers,” *Brigham Young University Prelaw Review* 33, no. 1 (2019): 205–28.

their immigration status, and hired individuals without verifying their identity or eligibility to work in the country.²⁴⁹ The question then becomes whether the most effective U.S. strategy penalizes U.S. employers that are filling an obvious need for labor. Instead of looking to prosecute employers, the United States needs to consider overhauling the labor program to something that makes sense for U.S. businesses.

The United States also could aim to address labor shortages by lifting or relaxing some of the visa requirements for foreign labor and removing the inefficiencies of the existing program. To entice U.S. businesses to utilize foreign labor, the United States must amend its existing process by removing levels of bureaucracy that make the legal migration process painstakingly cumbersome, expensive, and ineffective. These changes would need to increase initial work visas to allow migrants to obtain work for an initial period of four years versus the yearly issuance currently in place.²⁵⁰ As it stands now, foreign labor cannot work for more than nine consecutive months.²⁵¹ This limitation does not help U.S. sectors that require year-round labor, such as the dairy industry, durable goods, construction fields, and the like. This limitation means that foreign labor is, for the most part, designed to address seasonal employment—primarily seasonal agriculture. The U.S. foreign labor programs must remove these barriers to entice U.S. businesses to take advantage of the legal avenues versus hiring undocumented workers.

An area that the United States could maximize is targeting foreign labor to address significant vacancies in critical U.S. job markets.²⁵² This effort could be accomplished by conducting an assessment using available data to identify labor shortages in critical sectors that are in high demand within the U.S. labor market. These important fields are not attracting the domestic workforce. For example, science, technology, engineering, and

²⁴⁹ “Immigration Reform and Control Act (IRCA) (1986),” Immigration and Ethnic History Society, accessed April 21, 2023, <https://immigrationhistory.org/item/1986-immigration-reform-and-control-act/>.

²⁵⁰ David J. Bier, “H-2A Visas for Agriculture: The Complex Process for Farmers to Hire Agricultural Guest Workers,” Cato Institute, March 10, 2020, <https://www.cato.org/publications/immigration-research-policy-brief/h-2a-visas-agriculture-complex-process-farmers-hire>.

²⁵¹ Temporary Employment of Foreign Workers in the United States, 20 C.F.R. 655 (2023), <https://www.ecfr.gov/current/title-20/part-655>.

²⁵² Jacqueline Irving, *Projecting Demand for Skilled Foreign Labor and Meeting Skills Shortages: Selected Country Approach* (Washington, DC: World Bank, 2013), <http://hdl.handle.net/10986/16444>.

mathematics fields, which are critical for the United States, have been struggling to fill vacancies with domestic talent.

Oversight of foreign labor needs to fall under the jurisdiction of one governmental office. The processing of foreign labor applications includes multiple agencies and entails many rules that make the filing and approval process more convoluted than needed.²⁵³ Placing the program under one office would promote efficiency and likely improve the approval process versus having to route applications through numerous agencies that inevitably create delays. The United States should consider an initial four-year work permit that allows migrants to work without limitations on continuous work. This type of work permit would incentivize migrants to seek legal work permits versus migrating illegally. Also, foreign workers who return to their countries of citizenship at the end of their initial visa term could be offered an additional two-year extension for a total of six years of work, which would reduce overstay in the United States and incentivize migrants to follow the guidelines of the program.

D. CONCLUSION

An effective immigration system requires continual review to ensure that it effectively serves the government. The U.S. immigration system cannot effectively serve the government because legal avenues have not changed in at least 30 years, even though this era of immigration differs completely from the time that major immigration laws were created. Thus, the U.S. immigration system requires an overhaul to account for the immigration challenges that U.S. border authorities face today. Estimates reveal that the Biden administration has been responsible for the release of more than 1.1 million migrants from immigration custody onto the streets of U.S. communities.²⁵⁴ This figure highlights the urgency of the situation, and the status quo cannot continue at this pace. It is time to remove politics from the equation and seek a solution that makes sense for the United States.

²⁵³ Bier, “H-2A Visas for Agriculture.”

²⁵⁴ Julia Preston, “The Real Origins of the Border Crisis: How a Broken Asylum System Warped American Immigration,” *Foreign Affairs* 102, no. 4 (2023): 156–71.

An immigration system has not been designed properly if both legal and illegal immigration are institutionally ineffective. The cumbersome U.S. immigration system cannot effectively process applications for foreign labor and includes too much bureaucracy. Regarding illegal migration, the inability to enforce immigration law by detaining and repatriating migrants is a draw for other illegal migrants who continue to saturate the U.S. border. To mitigate this challenging situation the United States should adopt the following strategy.

1. Overhaul the immigration system by seeking a pragmatic solution that makes sense for the current immigration environment. This overhaul includes addressing loopholes in the legal system that are exploited by irregular migrants, making legal migration more efficient, and maximizing the migrant population already residing in the United States.
2. Hold Colombia and Panama accountable for their lackluster support in mitigating irregular migration, and link financial support from the United States to an obligation to address irregular migration. This accountability includes applying monetary consequences specific to bi-national trade for utilizing financial instruments as the incentive to spur adequate support from these countries.
3. Pursue a concerted bi-partisan effort aimed at establishing a legal pathway for the 11.46 million undocumented migrants already living in the United States. The goal must be to maximize the existing population to address labor shortages—an estimated 9.9 million job vacancies, according to the Bureau of Labor Statistics.²⁵⁵
4. Reform legal migration to attract foreign labor and students based on an assessment of critical needs for the U.S. labor market. Foreign labor should not be capped at 65,000 visas per year, nor should visas be

²⁵⁵ Bureau of Labor Statistics, *News Release: Job Openings and Labor Turnover—February 2023*, USDL-23-1890 (Washington, DC: Bureau of Labor Statistics, 2023), <https://www.bls.gov/news.release/pdf/jolts.pdf>.

assigned through a lottery process. Such reform needs to make sense for the U.S. labor market. The numerical cap is irrelevant, and vacancies in critical fields should be evaluated yearly to ensure adequate visas are issued in critical markets to keep the U.S. economy competitive and properly staffed.

Addressing irregular immigration is a task within reach, provided the United States depoliticizes the issue. For over a decade, U.S. presidential administrations have relied on executive orders that have largely sidestepped the core problems. The current American immigration system, unaltered for over 30 years, is woefully ill-equipped to deal with today's challenges. To create an effective immigration system, the country needs comprehensive solutions, including overhauling the foreign labor and visa program; closing loopholes that allow the exploitation of the legal system; redrafting detention policies to enhance the government's ability to enforce immigration law; and holding U.S. embassy staff, who are positioned as immigration experts overseas, accountable for their role in addressing irregular migration overseas.

Moreover, the United States need to dispel the inaccurate narrative that Mexico is not contributing enough to mitigate irregular migration. The fact is that Mexico is dedicating significant resources and doing its part to address irregular migration including transitioning from a transit state to a state of migration settlement. Last, U.S. border authorities have faced extremely challenging and stressful situations because of the unprecedented flows and changes to migrant demographics. These dedicated professionals stand fast to protecting the border, and the onus is on Congress to remedy this situation by overhauling an ineffective U.S. immigration system.

LIST OF REFERENCES

- Agudelo Higuaita, Nelson, Jose Antonio Suarez, Eugenia Millender, Elizabeth Garcia Creighton, Michael Francesco Corbisiero, Christian Olivo Freitas, Jose Henao Cordero et al. "U.S. Bound Journey of Migrant Peoples InTransit across Dante's Inferno and Purgatory in the Americas." *Travel Medicine and Infectious Disease* 47 (May–June 2022): 102317. <https://doi.org/10.1016/j.tmaid.2022.102317>.
- Aguilera, Jasmine. "Shelters from Reynosa to Tijuana Are at Capacity and Scrambling for Resources as the U.S. Continues to Expel Migrants." *Time*, May 20, 2021. <https://time.com/6012808/us-expel-migrants-mexico-shelters/>.
- Aikey, Kennedy, Kennedy Cook, and Hailey Trimpey. "Examining Executive Orders and Joe Biden's Use of Them in His First Month." *Critical Questions* (2021): 8. https://digitalcommons.onu.edu/critical_questions/8.
- American Immigration Council. "CBP One: An Overview." December 9, 2021. <https://www.americanimmigrationcouncil.org/research/cbp-one-overview>.
- . "Prosecuting People for Coming to the United States." August 23, 2021. <https://www.americanimmigrationcouncil.org/research/immigration-prosecutions>.
- American Journal of International Law*. "Biden Administration Reverses Trump Administration Policies on Immigration and Asylum." 115, no. 2 (April 2021): 340–47. <https://doi.org/10.1017/ajil.2021.15>.
- Andreas, Peter. *Border Games: The Politics of Policing the U.S.–Mexico Divide*. New York: Cornell University Press, 2022. <https://muse.jhu.edu/book/99858>.
- Associated Press. "Fatal Fire Complicates Border City's Tensions with Migrants." Spectrum News, April 1, 2023. <https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2023/04/01/fatal-fire-complicates-border-city-s-tensions-with-migrants>.
- Avila, Lizabelt, and Maureen Meyer. "Beyond the U.S.–Mexico Border: Migration Trends in the Americas, Explained." Washington Office on Latin America, May 26, 2022. <https://www.wola.org/analysis/beyond-the-u-s-mexico-border-migration-trends-in-the-americas-explained/>.
- Azpuru, Dinorah, Violeta Hernández, and Gerhard Wahlers. "Migration in Central America: Magnitude, Causes and Proposed Solutions." In *Migration and Refugees*, 72–95. Bonn, German: Konrad Adenauer Stiftung, 2015. <https://www.jstor.org/stable/resrep10111.8>.

- Bah, Tijan, Catia Batista, Flore Gubert, and David McKenzie. “Three Interventions to Reduce Irregular Migration and Promote Alternatives: An Experiment in The Gambia.” *Finance & PSD Impact*, no. 60 (September 2022): 1–2. <http://hdl.handle.net/10986/37968>.
- Baisotti, Pablo, and Pierfrancesco Moscuza. *Reframing Globalization after COVID-19: Pandemic Diplomacy amid the Failure of Multilateral Cooperation*. Liverpool: Liverpool University Press, 2022.
- Baron, Alejandra. “The Creation of the Border Crisis: How the Media Influenced the Situation at the U.S./Mexico Border in 2014.” Master’s thesis, University of Texas, El Paso, 2017. https://scholarworks.utep.edu/open_etd/406.
- Bartnik, Anna. “The US–Mexican Border and Contemporary American Immigration Policy.” *Politeja* 19, no. 6(81) (2023): 235–52. <https://doi.org/10.12797/Politeja.19.2022.81.12>.
- Baugh, Ryan. *Fiscal Year 2020 Refugees and Asylees Annual Flow Report*. Washington, DC: Department of Homeland Security, 2022. https://www.dhs.gov/sites/default/files/2022-03/22_0308_plcy_refugees_and_asylees_fy2020_1.pdf.
- Beckette, Anne, Loune Viaud, Michele Heisler, and Joia Muckherjee. “Misusing Public Health as a Pretext to End Asylum.” *New England Journal of Medicine* 386, no. 16 (2022): 1–3. <https://doi.org/10.1056/NEJMp2200274>.
- Bier, David J. “H-2A Visas for Agriculture: The Complex Process for Farmers to Hire Agricultural Guest Workers.” Cato Institute, March 10, 2020. <https://www.cato.org/publications/immigration-research-policy-brief/h-2a-visas-agriculture-complex-process-farmers-hire>.
- . “What Makes Crossing the Border Illegal? DHS Does.” Cato Institute, December 16, 2022. <https://www.cato.org/blog/what-makes-crossing-border-illegal-dhs-does>.
- Bissonnette, Andréanne, and Élisabeth Vallet, eds. *Borders and Border Walls: In-security, Symbolism, Vulnerabilities*. London: Routledge, 2020. <https://doi.org/10.4324/9780429352508>.
- Bolter, Jessica. “Immigration Has Been a Defining, Often Contentious, Element throughout U.S. History.” Migration Policy Institute, December 29, 2021. <https://www.migrationpolicy.org/article/immigration-shaped-united-states-history>.
- Bonmatí, Damià, and Belisa Morillo. “Venezuelans Say Deportations Biden Denounced under Trump Still Taking Place.” NBC News, February 1, 2022. <https://www.nbcnews.com/news/latino/venezuelans-say-deportations-biden-denounced-trump-still-taking-place-rcna13947>.

- Boraz, Steven. "Case Study: The Guatemala-Chiapas Border." In *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, 277–306. Santa Monica, CA: RAND Corporation, 2007. <https://www.jstor.org/stable/10.7249/mg561af.21>.
- Brändle, Verena K. "Claiming Authority Over 'Truths' and 'Facts': Information Risk Campaigns to Prevent Irregular Migration." In *Europe in the Age of Post-Truth Politics: Populism, Disinformation and the Public Sphere*, edited by Maximilian Conrad, Guðmundur Hálfðanarson, Asimina Michailidou, Charlotte Galpin, and Niko Pyrhönen, 151–76. Cham, Switzerland: Springer International Publishing, 2023. https://doi.org/10.1007/978-3-031-13694-8_8.
- Bureau of Labor Statistics. *News Release: Job Openings and Labor Turnover—February 2023*. USDL-23-1890. Washington, DC: Bureau of Labor Statistics, 2023. <https://www.bls.gov/news.release/pdf/jolts.pdf>.
- Butchley, Jessie. "Spain: Changes to Immigration Law." Envoy Global, February 23, 2023. <https://resources.envoyglobal.com/global-news-alerts/spain-changes-to-immigration-law/>.
- Bütorová, Barbora. "Fraternity with Benefits: The Colombian Response to the Venezuelan Refugee Crisis." Master's thesis, Masaiyk University, 2022. https://is.muni.cz/th/fel55/Fraternity_with_Benefits_The_Colombian_Response_to_the_Venezuelan_Refugee_Crisis_Butorova_Barbora_Archive.pdf.
- Camarota, Steven A., and Karen Zeigler. *Estimating the Illegal Immigrant Population Using the Current Population Survey*. Washington, DC: Center for Immigration Studies, 2022. <https://cis.org/Report/Estimating-Illegal-Immigrant-Population-Using-Current-Population-Survey>.
- Campos-Delgado, Amalia. "Bordering through Exemption: Extracontinental Migration Flows in Mexico." *International Journal for Crime, Justice and Social Democracy* 10, no. 3 (2021): 30–40. <https://doi.org/10.5204/ijcjsd.2039>.
- . "Euphemistic Rhetoric and Dysphemistic Practices: Governing Migration in Mexico." *Geopolitics* (2023): 1–26. <https://doi.org/10.1080/14650045.2023.2185513>.
- Cappi, Valentina, and Pierluigi Musarò. "Awareness Campaigns to Deter Migrants: A Neoliberal Industry for Symbolic Bordering." In *Refugee Externalisation Policies: Responsibility, Legitimacy, and Accountability*, edited by Azadeh Dastyari, Amy Nethery, and Asher Hirsch. New York: Routledge, 2022.

- Capps, Randy, James D. Bachmeier, and Jennifer Van Hook. "Estimating the Characteristics of Unauthorized Immigrants Using U.S. Census Data: Combined Sample Multiple Imputation." *Annals of the American Academy of Political and Social Science* 677, no. 1 (May 2018): 165–79. <https://doi.org/10.1177/0002716218767383>.
- Cardinale, María Eugenia. "La cuestión fronteriza y la crisis epidemiológica en Europa y América del Sur: Una mirada desde las Relaciones Internacionales" [The border issue and the epidemiological crisis in Europe and South America: A look from international relations]. *Revista de Relaciones Internacionales, Estrategia y Seguridad* [Magazine of international relations, strategy and security] 16, no. 1 (2021): 179–96. <https://doi.org/10.18359/ries.5100>.
- Carvajal, Dayra. "As Colombia Emerges from Decades of War, Migration Challenges Mount." Migration Policy Institute, April 12, 2017. <https://www.migrationpolicy.org/article/colombia-emerges-decades-war-migration-challenges-mount>.
- Center for Gender and Refugee Studies. "Mexican Authorities' Abuse of Haitian Asylum Seekers Must Stop; U.S. Must Welcome Haitians Seeking Safety." September 3, 2021. <https://cgrs.uchastings.edu/news/mexican-authorities%E2%80%99abuse-haitian-asylum-seekers-must-stop-us-must-welcome-haitians-seeking>.
- . "Title 42 Challenges." Accessed March 26, 2023. <https://cgrs.uchastings.edu/our-work/title-42-challenges>.
- Center for Immigration Studies. "Historical Overview of Immigration Policy." Accessed August 29, 2023. <https://cis.org/Historical-Overview-Immigration-Policy>.
- Cernadas, Pablo Ceriani. *Migration Policies and Human Rights in Latin America. Progressive Practices, Old Challenges, Worrying Setbacks and New Threats*. Venice: Global Campus of Human Rights, 2018.
- Chishti, Muzaffar, and Kathleen Bush-Joseph. "Amid Record Venezuelan Arrivals, Biden Administration Embraces Border Expulsions Policy." Migration Policy Institute, October 27, 2022. <https://www.migrationpolicy.org/article/venezuelan-expulsions-policy-biden>.
- Cita, Marie Renee. "U.S. Asylum Eligibility: Citizenship in the Dominican Republic." *Harvard Civil Rights–Civil Liberties Law Review* 50 (2015): 255–87.
- Consejo Ciudadano del Instituto Nacional de Migración. *Personas en detención migratoria en México: Misión de Monitoreo de Estaciones Migratorias y Estancias Provisionales del Instituto Nacional de Migración* [People in immigration detention in Mexico: Mission to monitor immigration stations and provisional stays of the National Institute of Migration]. Consejo Ciudadano del Instituto Nacional de Migración, July 2017. <https://www.corteidh.or.cr/tablas/33328.pdf>.

- Coon, Michael A., Abigail R. Hall, and Cassie A. Bricker. "The Unintended Consequences of U.S. Asylum Policy." *Peace Review* 32, no. 2 (2020): 158–65. <https://doi.org/10.1080/10402659.2020.1836306>.
- Córdoba, José, Juan Montes, and Juan Carlos Rivera. "Smuggling Migrants to the U.S. Is Big Business." *Wall Street Journal*, July 1, 2022. <https://www.wsj.com/articles/smuggling-migrants-to-the-u-s-is-big-business-11656680400>.
- Customs and Border Protection. "CBP Enforcement Statistics Fiscal Year 2023." Accessed February 26, 2023. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.
- . "CBP Releases December 2022 Monthly Operational Update." January 20, 2023. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-december-2022-monthly-operational-update>.
- . "Nationwide Encounters." Accessed March 12, 2023. <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.
- . "Southwest Land Border Encounters." August 18, 2023. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.
- . "Southwest Land Border Encounters (by Component)." August 18, 2023. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>.
- Department of Homeland Security. "DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes." January 5, 2023. <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.
- . "Refugees and Asylees." August 21, 2023. <https://www.dhs.gov/immigration-statistics/refugees-asylees>.
- Department of State. "U.S. Relations with Colombia." July 19, 2021. <https://www.state.gov/u-s-relations-with-colombia/>.
- . "U.S. Relations with Panama." November 3, 2022. <https://www.state.gov/u-s-relations-with-panama/>.
- Díaz, Jaclyn. "Biden Suspends Deportations, Stops 'Remain in Mexico' Policy." NPR, January 21, 2021. <https://www.npr.org/sections/president-biden-takes-office/2021/01/21/959074750/biden-suspends-deportations-stops-remain-in-mexico-policy>.

- Dola, Shane. “The Financial Burden of Illegal Aliens: Directing Attention toward the Employers of Undocumented Workers.” *Brigham Young University Prelaw Review* 33, no. 1 (2019): 205–28.
- Domínguez, Abel. “INM no podrá detener a los migrantes por más de 36 horas” [INM will not be able to detain migrants for more than 36 hours]. *Conexión Migrante* [Migrant connection], March 17, 2023. <https://conexionmigrante.com/2023-/03-/16/inm-no-podra-detener-a-los-migrantes-por-mas-de-36-horas/>.
- Donato, Katharine M., and Douglas S. Massey. “Twenty-First-Century Globalization and Illegal Migration.” *Annals of the American Academy of Political and Social Science* 666, no. 1 (July 2016): 7–26. <https://doi.org/10.1177/0002716216653563>.
- Doran, Jeremy. “America’s Second Southern Border? Mexico’s 2014 Programa Frontera Sur and the Widening of North American Immigration Cooperation.” Master’s thesis, University of Texas at Austin, 2019. <https://doi.org/10.26153/tsw/1914>.
- Duvillier, Laurent, and Rocío Nuñez. “Nine Times More Migrant Children in Mexico over the Past Three Months.” UNICEF, April 19, 2021. <https://www.unicef.org/press-releases/nine-times-more-migrant-children-mexico-over-past-three-months-unicef>.
- Ernst, Jeff. “Central America Sees Economic Boon as Migrants Flow through on Way to US.” *Guardian*, December 13, 2022. <https://www.theguardian.com/global-development/2022/dec/13/central-america-migration-transformation-honduras-guatemala-nicaragua>.
- Faret, Laurent, María Eugenia Anguiano Téllez, and Luz Helena Rodríguez-Tapia. “Migration Management and Changes in Mobility Patterns in the North and Central American Region.” *Journal on Migration and Human Security* 9, no. 2 (June 2021): 63–79. <https://doi.org/10.1177/23315024211008096>.
- Feldmann, Andreas E., Xochitl Bada, Jorge Durand, and Stephanie Schütze, eds. *The Routledge History of Modern Latin American Migration*. New York: Routledge, 2022. <https://doi.org/10.4324/9781003118923>.
- Fernández-Casanueva, Carmen. “Those Who ‘Don’t Move’ Dynamics of Mobility at Two Crossing Points on the Guatemala-Mexico Borderland, from the Experience of Workers Who Vitalize the Region.” *Land* 10, no. 1 (January 2021): 1–19. <https://doi.org/10.3390/land10010019>.
- Franco, Carolina Baigts, and Lillian Zenteno Valdivieso. *Addressing the Darien Gap Migration Crisis and Its Impact on Neighboring Countries*. New York: United Nations Department of Economic and Social Affairs, 2023. <https://www.cap.edu.mx/pasmun.org/back/DESA.pdf>.

- Freeman, Gary. "Political Science and Comparative Immigration Politics." Austin: University of Texas, 2005. https://www.researchgate.net/publication/267778929_Political_Science_and_Comparative_Immigration_Politics.
- Frelick, Bill. "We Pay Mexico to Catch Refugees. Kids Suffer." Human Rights Watch, April 20, 2016. <https://www.hrw.org/news/2016/04/20/we-pay-mexico-catch-refugees-kids-suffer>.
- García, María Cristina. *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada*. Berkeley: University of California Press, 2006.
- García-Acevedo, María Rosa. "Politics across Borders: Mexico's Policies toward Mexicans in the United States." *Journal of the Southwest* 45, no. 4 (2003): 533–55.
- Gilardi, Jasper. "Ally or Exploiter? The Smuggler–Migrant Relationship Is a Complex One." Migration Policy Institute, February 4, 2020. <https://www.migrationpolicy.org/article/ally-or-exploiter-smuggler-migrant-relationship-complex-one>.
- Gimpel, James G. "From Wedge Issue to Partisan Divide: The Development of Immigration Policy Opinion after 2016." *Forum* 17, no. 3 (2019): 467–86. <https://doi.org/10.1515/for-2019-0024>.
- Global Detention Project. *Immigration Detention in Mexico: Between the United States and Central America*. Geneva: Global Detention Project, 2021. <https://www.globaldetentionproject.org/wp-content/uploads/2021/02/Immigration-Detention-in-Mexico-2021-GDP.pdf>.
- Gostin, Lawrence O., and Eric A. Friedman. "Title 42 Exclusions of Asylum Seekers—A Misuse of Public Health Powers." *JAMA Health Forum* 4, no. 1 (2023): e230078. <https://doi.org/10.1001/jamahealthforum.2023.0078>.
- Gramer, Robbie. "Venezuela's Forgotten Refugee Crisis Rivals Ukraine's." *Foreign Policy*, September 1, 2022. <https://foreignpolicy.com/2022/09/01/venezuela-refugee-crisis-rivals-ukraine-humanitarian-response/>.
- Greenfield, Victoria A., Blas Nunez-Neto, Ian Mitch, Joseph C. Chang, and Etienne Rosas. *Human Smuggling and Associated Revenues: What Do or Can We Know about Routes from Central America to the United States?* Santa Monica, CA: RAND Corporation, 2019. https://www.rand.org/pubs/research_reports/RR2852.html.
- Guerra, Gustavo. "Mexico: Migration Law Amendment Requires Placing Undocumented Children in Shelters, Not Detention Centers." Library of Congress, February 26, 2021. <https://www.loc.gov/item/global-legal-monitor/2021-02-26/mexico-migration-law-amendment-requires-placing-undocumented-children-in-shelters-not-detention-centers/>.

- Hajdinjak, Sanja, Marcella H. Morris, and Tyler Amos. "Migration Policy Framing in Political Discourse: Evidence from Canada and the USA." In *Computational Conflict Research*, edited by Emanuel Deutschmann, Jan Lorenz, Luis G. Nardin, Davide Natalini, and Adalbert F. X. Wilhelm, 83–111. Cham, Switzerland: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-29333-8_5.
- Harris, Lindsay Muir. "Contemporary Family Detention and Legal Advocacy." *Harvard Latinx Law Review* 21 (Spring 2018): 135–64. Hein Online.
- Hennigan, W. J. "Trump's Cuts to Central American Aid Won't Slow Migration." *Time*, April 5, 2019. <https://time.com/5564653/donald-trump-central-american-aid/>.
- Hoekstra, Mark, and Sandra Orozco-Aleman. "Illegal Immigration: The Trump Effect." Working paper, National Bureau of Economic Research, June 2021. <https://doi.org/10.3386/w28909>.
- Hoffman, Geoffrey A. "What Should Immigration Law Become?" Working paper, University of Houston Law Center, August 25, 2020. <https://papers.ssrn.com/abstract=3680813>.
- Hooper, Kate. "Labor Shortages during the Pandemic and Beyond: What Role Can Immigration Policy Play?" Migration Policy Institute, October 6, 2021. <https://www.migrationpolicy.org/news/labor-shortages-pandemic-immigration-policy-role>.
- Human Rights Watch. "Mexico: Free Detained Migrants amid Pandemic." April 14, 2020. <https://www.hrw.org/news/2020/04/14/mexico-free-detained-migrants-amid-pandemic>.
- Immigration and Customs Enforcement. *ICE Annual Report Fiscal Year 2022*. Washington, DC: Immigration and Customs Enforcement, 2022. <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.
- Immigration and Ethnic History Society. "Immigration Reform and Control Act (IRCA) (1986)." Accessed April 21, 2023. <https://immigrationhistory.org/item/1986-immigration-reform-and-control-act/>.
- InfoDigna. "Estos son los cambios la ley mexicana de migración para menores de edad" [These are the changes in the Mexican immigration law for minors]. October 17, 2022. <https://www.infodigna.org/es/articles/1500002400701>.
- Ingber, Matthew, Conner Muth, and Nathanael Hall. "The Migrant Crisis at the U.S. Southern Border." Kennesaw, GA: Kennesaw State University, 2022. <https://digitalcommons.kennesaw.edu/immigrationscholarship/6>.

- Institute for Women in Migration. *Implementation of the Mexican Legal Reforms That Prohibit Detention of Accompanied and Unaccompanied Migrant Children*. Mexico City: Institute for Women in Migration, 2021. <https://imumi.org/wp-content/uploads/2021/03/Asylum-migrant-children-march-2021.pdf>.
- Instituto Nacional de Migración. “Información Migratoria” [Migration information]. Mexico City: Secretaría de Gobernación, 2022. <https://www.inm.gob.mx/gobmx/word/wp-content/uploads/2022/12/Tarjeta-Migratoria-311222.pdf>.
- . “Tema Migratorio 210921” [Immigration Theme 210921]. September 20, 2021. <https://www.inm.gob.mx/gobmx/word/index.php/tema-migratorio-210921/>.
- Inter-American Development Bank and Organization for Economic Cooperation and Development. *Migration Flows in Latin America and the Caribbean: Statistics on Permits for Migrants*. Washington, DC: Inter-American Development Bank, 2021. <https://doi.org/10.18235/0003665>.
- International Organization for Migration. *Displacement Tracking Matrix: Monitoring of Migration Flows in Tapachula and Tenosique, Mexico: Round 2, Protection of Migrants in Vulnerable Situations*. Mexico City: International Organization for Migration, National Office for Mexico, 2022. <https://dtm.iom.int/reports/mexico-flow-monitoring-migrants-tapachula-and-tenosique-round-2-april-2022>.
- . *Informe: Monitoreo de flujos de personas en situación de movilidad por las Américas: Frontera paso canoas, Costa Rica–Panamá* [Report: Monitoring of flows of people in a situation of mobility through the Americas: Paso Canoas border, Costa Rica–Panama]. Ronda 3. San José: International Organization for Migration, National Office for Costa Rica, 2022. <https://dtm.iom.int/reports/costa-rica-panama-monitoreo-de-flujos-de-personas-en-situacion-de-movilidad-por-las-1>.
- Irving, Jacqueline. *Projecting Demand for Skilled Foreign Labor and Meeting Skills Shortages: Selected Country Approach*. Washington, DC: World Bank, 2013. <http://hdl.handle.net/10986/16444>.
- Isacson, Adam. “A Tragic Milestone: 20,000th Migrant Deported to Haiti since Biden Inauguration.” Washington Office on Latin America, February 17, 2022. <https://www.wola.org/analysis/a-tragic-milestone-20000th-migrant-deported-to-haiti-since-biden-inauguration/>.
- . “Weekly U.S.–Mexico Border Update: July Migration Increase, Texas Separating Families, 2024 Budget.” Washington Office on Latin America, August 4, 2023. <https://www.wola.org/2023/08/weekly-u-s-mexico-border-update-july-migration-increase-texas-separating-families-2024-budget/>.

- Isacson, Adam, Maureen Meyer, and Gabriela Morales. *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the Line with Central America*. Washington, DC: Washington Office on Latin America, 2014. <https://www.wola.org/sites/default/files/Mexico%27s%20Other%20Border%20PDF.pdf>.
- Jimenez, Emelie, Amelia Raudales, Natalia Sanchez, Nicole Hernandez, and Sebastian Quintana. *Comparative Study on Smuggling and Trafficking Laws in the Western Hemisphere*. Miami: Florida International University, 2022. <https://gordoninstitute.fiu.edu/research/diplomacy-lab/comparative-study-on-smuggling-and-trafficking-laws-in-the-western-hemisphere.pdf>.
- Jordan, Miriam. "Smuggling Migrants at the Border Now a Billion-Dollar Business." *New York Times*, July 25, 2022. <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.
- Jordan, Miriam, and Edgar Sandoval. "U.S. Border Policies Have Created a Volatile Logjam in Mexico." *New York Times*, March 28, 2023. <https://www.nytimes.com/2023/03/28/us/mexico-border-migrants-shelters.html>.
- Kamarck, Elaine, and Christine Stenglein. "Can Immigration Reform Happen? A Look Back." Brookings Institution, February 11, 2019. <https://www.brookings.edu/articles/can-immigration-reform-happen-a-look-back/>.
- Kamasaki, Charles. "US Immigration Policy: A Classic, Unappreciated Example of Structural Racism." Brookings Institution, March 26, 2021. <https://www.brookings.edu/articles/us-immigration-policy-a-classic-unappreciated-example-of-structural-racism/>.
- King, Russell, and Daniela DeBono. "Irregular Migration and the 'Southern European Model' of Migration." *Journal of Mediterranean Studies* 22, no. 1 (2013): 1–31.
- Klein, Joshua. *International Migration Trends in the Western Hemisphere*. CRS Report No. R47182. Washington, DC: Congressional Research Service, 2022. <https://crsreports.congress.gov/product/pdf/R/R47182>.
- La Luz Rizzo Lara, Rosario. "Managing Irregularized Migration in Mexico: Rhetoric of a Renewed Approach." *Journal of Borderlands Studies* (2022): 1–22. <https://doi.org/10.1080/08865655.2022.2115391>.
- Leutert, Stephanie. *Andrés Manuel López Obrador's Migratory Policy in Mexico*. Austin: Strauss Center, University of Austin, 2020. <https://doi.org/10.26153/tsw/8581>.
- Libal, Kathryn, Scott Harding, Marciana Popescu, S. Megan Berthold, and Grace Felten. "Human Rights of Forced Migrants during the COVID-19 Pandemic: An Opportunity for Mobilization and Solidarity." *Journal of Human Rights and Social Work* 6, no. 2 (2021): 148–60. <https://doi.org/10.1007/s41134-021-00162-4>.

- Lopez, Mark Hugo, Jeffrey S. Passel, and D’Vera Cohn. “Key Facts about the Changing U.S. Unauthorized Immigrant Population.” Pew Research Center, April 13, 2021. <https://www.pewresearch.org/short-reads/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>.
- Lorentzen, Lois Ann, ed. *Hidden Lives and Human Rights in the United States: Understanding the Controversies and Tragedies of Undocumented Immigration*. 3 vols. Santa Barbara, CA: Praeger, 2014. <http://publisher.abc-clio.com/9781440828485>.
- Lourdes Rosas-Lopez, Maria de, Vincent Guilamo-Ramos, and Jorge Mora-Rivera. “Joining a Migrant Caravan: Herd Behaviour and Structural Factors.” *Third World Quarterly* (2023): 1–18. <https://doi.org/10.1080/01436597.2023.2176299>.
- Manek, Julia, Andrea Galán-Santamarina, and Pau Pérez-Sales. “Torturing Environments and Multiple Injuries in Mexican Migration Detention.” *Humanities and Social Sciences Communications* 9, no. 1 (2022): 1–16. <https://doi.org/10.1057/s41599-022-01252-y>.
- Margesson, Rhoda, and Kristin Finklea. *Migrant Smuggling: Background and Selected Issues*. CRS Report No. IF12003. Washington, DC: Congressional Research Service, 2021. <https://crsreports.congress.gov/product/pdf/IF/IF12003>.
- Martínez Flores, Fernanda. “The Effects of Enhanced Enforcement at Mexico’s Southern Border: Evidence from Central American Deportees.” *Demography* 57, no. 5 (2020): 1597–1623. <https://doi.org/10.1007/s13524-020-00914-3>.
- Massey, Douglas S., Jorge Durand, and Karen A. Pren. “Why Border Enforcement Backfired.” *American Journal of Sociology* 121, no. 5 (2016): 1557–1600.
- Maxwell, Landon Tyler. “Criminalizing the Undocumented: Examining the Punitive Turn towards Undocumented Migrants and the Resulting Constitutional Rights Violations.” Undergraduate thesis, University of Arizona, 2017. <https://repository.arizona.edu/handle/10150/625085>.
- Meissner, Doris, Faye Hipsman, and Alexander Aleinikoff. *The U.S. Asylum System in Crisis: Charting a Way Forward*. Washington, DC: Migration Policy Institute, 2018. <https://www.migrationpolicy.org/sites/default/files/publications/MPI-AsylumSystemInCrisis-Final.pdf>.
- Mejia, Jonathan. “Migrant Street Releases Overwhelming Bus Company and NGOs in El Paso.” KFOX, December 2, 2022. <https://kfoxtv.com/news/local/migrant-street-releases-overwhelming-bus-company-and-ngos-tornado-bus-company-opportunity-center-for-the-homeless-rescue-mission>.

- Meyer, Peter. *Central America's Northern Triangle: Challenges for U.S. Policymakers in 2021*. CRS Report No. IN11603. Washington, DC: Congressional Research Service, 2021. <https://crsreports.congress.gov/product/pdf/IN/IN11603>.
- Mingot, Ester Serra, and Carlos Alberto González Zepeda. "Transnational Social Protection Infrastructures: African Migrants in Mexico." *International Migration* (2022): 1–13. <https://doi.org/10.1111/imig.13029>.
- Miroff, Nick. "U.S. Arrests along Mexico Border Top 2 Million a Year for First Time." *Washington Post*, September 19, 2022. <https://www.washingtonpost.com/national-security/2022/09/19/us-border-patrol-arrests/>.
- Montgomery, David, and Miriam Jordan. "Nine Migrants Drown as Dozens Are Swept Down Rio Grande." *New York Times*, September 3, 2022. <https://www.nytimes.com/2022/09/02/us/migrants-rio-grande-texas.html>.
- Montoya-Galvez, Camilo. "Annual U.S. Border Arrivals Top 2 Million, Fueled by Record Migration from Venezuela, Cuba and Nicaragua." CBS News, September 20, 2022. <https://www.cbsnews.com/news/annual-u-s-border-arrests-top-2-million-fueled-by-record-migration-from-venezuela-cuba-and-nicaragua/>.
- . "Migrants Hoping to Seek U.S. Asylum Face Years-Long Legal Limbo in Overwhelmed System." CBS News, November 10, 2022. <https://www.cbsnews.com/news/immigration-migrants-us-asylum-process-legal-limbo/>.
- Moreno, Elida. "Panama, Colombia Reach Deal to Manage Migration over Shared Border." Reuters, August 12, 2021. <https://www.reuters.com/world/americas/panama-colombia-reach-deal-manage-migration-over-shared-border-2021-08-12/>.
- Morgan, Mark. "The Disaster at Our Southern Border." *Imprimis* 50, no. 8 (August 2021). <https://imprimis.hillsdale.edu/disaster-southern-border/>.
- Musalo, Karen, and Eunice Lee. "Seeking a Rational Approach to a Regional Refugee Crisis: Lessons from the Summer 2014 'Surge' of Central American Women and Children at the US–Mexico Border." *Journal on Migration and Human Security* 5, no. 1 (March 2017): 137–79. <https://doi.org/10.1177/233150241700500108>.
- National Immigration Forum. "Explainer: Venezuela Parole Program and Title 42 Expansion." October 21, 2022. <https://immigrationforum.org/article/explainer-venezuela-parole-program-and-title-42-expansion/>.
- . "Fact Sheet: Immigration Detention in the United States." January 27, 2021. <https://immigrationforum.org/article/fact-sheet-immigration-detention-in-the-united-states/>.

- Negroponte, Diana Villiers. “The Surge in Unaccompanied Children from Central America: A Humanitarian Crisis at Our Border.” Brookings Institution, July 2, 2014. <https://www.brookings.edu/articles/the-surge-in-unaccompanied-children-from-central-america-a-humanitarian-crisis-at-our-border/>.
- Nichols, Pamela D. “United States Immigration Reform and Control Act of 1986: A Critical Perspective.” *Northwestern Journal of International Law & Business* 8, no. 2 (Fall 1987): 503–24.
- Nieuwenhuys, Céline, and Antoine Pécoud. “Human Trafficking, Information Campaigns, and Strategies of Migration Control.” *American Behavioral Scientist* 50, no. 12 (August 2007): 1674–95. <https://doi.org/10.1177/0002764207302474>.
- Noroeste. “México envió 25,500 militares a sus fronteras para controlar migración, reconoce Sedena” [Mexico sent 25,500 soldiers to its borders to control migration, acknowledges Sedena]. June 24, 2019. <https://www.noroeste.com.mx/nacional/mexico-envio-25-500-militares-a-sus-fronteras-para-controlar-migracion-reconoce-sedena-EVNO1167056>.
- Official website of Congressman Doug Lamborn. “Illegal Immigration.” Accessed April 22, 2023. <https://lamborn.house.gov/issues/illegal-immigration>.
- Official website of Congressman Michael Guest. “Congressman Guest Highlights Important Details of Border Reinforcement Act.” April 28, 2023. <http://guest.house.gov/media/press-releases/congressman-guest-highlights-important-details-border-reinforcement-act>.
- Official website of Senator Chuck Grassley. “Grassley: Human Smugglers Exploit Lax Immigration Enforcement.” June 26, 2018. <https://www.grassley.senate.gov/news/news-releases/grassley-human-smugglers-exploit-lax-immigration-enforcement>.
- Oliphant, J. Baxter, and Andy Cerda. “Republicans and Democrats Have Different Top Priorities for U.S. Immigration Policy.” Pew Research Center, September 8, 2022. <https://www.pewresearch.org/fact-tank/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>.
- Olson, Emily, Bill Chappell, and Rachel Treisman. “39 Migrants Are Dead, 29 Injured after a Fire at an Immigration Facility in Mexico.” NPR, March 28, 2023. <https://www.npr.org/2023/03/28/1166429686/fire-migrant-mexico-ciudad-juarez>.
- Orrenius, Pia M., and Madeline Zavodny. “Do Amnesty Programs Reduce Undocumented Immigration? Evidence from Irca.” *Demography* 40, no. 3 (2003): 437–50. <https://doi.org/10.1353/dem.2003.0028>.

- . “The Economics of U.S. Immigration Policy: Point/Counterpoint.” *Journal of Policy Analysis and Management* 31, no. 4 (September 2012): 948–56. <https://doi.org/10.1002/pam.21653>.
- Ortiz Borbolla, Sergio. “Migrant Children and Adolescents Are at Risk as Mexico and the United States Fail to Provide Protections.” Washington Office on Latin America, April 13, 2023. <https://www.wola.org/analysis/migrant-children-adolescents-risk-mexico-united-states-fail-protections/>.
- Ospina, Gloria Inés. “The Illegal Migration Flows to the United States of America.” *UNISCI Journal* 17, no. 50 (May 2019): 169–89. <https://doi.org/10.31439/UNISCI-54>.
- Ozcurumez, Saime, and Deniz Yetkin. “Limits to Regulating Irregular Migration in Turkey: What Constrains Public Policy and Why?” *Turkish Studies* 15, no. 3 (2014): 442–57. <https://doi.org/10.1080/14683849.2014.954746>.
- Paasche, Erlend. “Recalcitrant and Uncooperative: Why Some Countries Refuse to Accept Return of Their Deportees.” Migration Policy Institute, December 20, 2022. <https://www.migrationpolicy.org/article/recalcitrant-uncooperative-countries-refuse-deportation>.
- Palacios, Katya. “Presidential Rhetoric about Immigration from Ronald Reagan to Donald Trump.” Undergraduate thesis, Dominican University, 2021. <https://doi.org/10.33015/dominican.edu/2021.POL.ST.02>.
- París-Pombo, María Dolores. “Trayectos Peligrosos: Inseguridad y Movilidad Humana En México” [Dangerous journeys: Insecurity and human mobility in Mexico]. *Papeles de Población* [Population papers] 22, no. 90 (2016): 145–72. <http://dx.doi.org/10.22185/24487147.2016.90.037>.
- Passel, Jeffrey S., and D’Vera Cohn. “Mexicans Decline to Less than Half the U.S. Unauthorized Immigrant Population for the First Time.” Pew Research Center, June 12, 2019. <https://www.pewresearch.org/short-reads/2019/06/12/us-unauthorized-immigrant-population-2017/>.
- Pew Research Center. “Modes of Entry for the Unauthorized Migrant Population.” May 22, 2006. <https://www.pewresearch.org/hispanic/2006/05/22/modes-of-entry-for-the-unauthorized-migrant-population/>.
- Pierce, Sarah, and Jessica Bolter. *Dismantling and Reconstructing the U.S. Immigration System: A Catalog of Changes under the Trump Presidency*. Washington, DC: Migration Policy Institute, 2020. https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

- Pierce, Sarah, Jessica Bolter, and Andrew Selee. *U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts*. Washington, DC: Transatlantic Council on Migration, 2018. https://government.report/Resources/Whitepapers/c2673a0f-5adc-4b74-94e1-58b87f6e98d9_TCM-Trump-Spring-2018-FINAL.pdf.
- Plewa, Piotr. “Migration Trends through Panama’s Darien Gap and What They Mean for Regional Cooperation.” Duke Center for International and Global Studies, March 4, 2021. <https://igs.duke.edu/news/migration-trends-through-panamas-darien-gap-and-what-they-mean-regional-cooperation>.
- Preston, Julia. “The Real Origins of the Border Crisis: How a Broken Asylum System Warped American Immigration.” *Foreign Affairs* 102, no. 4 (2023): 156–71.
- Quintero, Marisol, and Christopher Tidey. *Uprooted in Central America and Mexico: Migrant and Refugee Children Face a Vicious Cycle of Hardship and Danger*. New York: UNICEF, 2018. https://www.unicef.org/media/47701/file/UNICEF_Child_Alert_2018_Central_America_and_Mexico-ENG.pdf.
- Resendiz, Julian. “Hundreds Expelled to Haiti from El Paso under Title 42 on Friday.” Border Report, May 21, 2022. <https://www.borderreport.com/immigration/title-42/hundreds-expelled-to-haiti-from-el-paso-under-title-42-on-friday/>.
- Robert, Valentine, Alain Freudiger, Odile Robert, and Thomas Lory. “Politiques migratoires et cinéma. Entretien” [Migration policies and cinema. Interview]. *Décadrages. Cinéma, à travers champs* [Deframings. Cinema, across fields], no. 14 (2009): 51–65. <https://doi.org/10.4000/decadrages.329>.
- Román, Ediberto, and Ernesto Sagas. “A Domestic Reign of Terror: Donald Trump’s Family Separation Policy.” *Harvard Latinx Law Review* 24 (2021): 65–109. https://ecollections.law.fiu.edu/faculty_publications/459.
- Roth, Benjamin J. “Temporary Shelter: Venezuelan Migrants and the Uncertainty of Waiting in Colombia.” *Journal of Immigrant & Refugee Studies* (2021): 1–13. <https://doi.org/10.1080/15562948.2021.1974147>.
- Rudalevige, Andrew. *By Executive Order: Bureaucratic Management and the Limits of Presidential Power*. Princeton, NJ: Princeton University Press, 2021.
- Ruiz Soto, Ariel G. “Record-Breaking Migrant Encounters at the U.S.–Mexico Border Overlook the Bigger Story.” Migration Policy Institute, October 16, 2022. <https://www.migrationpolicy.org/news/2022-record-migrant-encounters-us-mexico-border>.
- Runde, Dan, Linnea Sandin, Elena Méndez Leal, and Laura Guerra. *An Alliance for Prosperity 2.0*. Washington, DC: Center for Strategic and International Studies, 2021. <https://www.jstor.org/stable/resrep28764>.

- Save the Children. “Mexico: Rising Number of Migrant Children Pushing Shelters to Capacity.” ReliefWeb, April 16, 2021. <https://reliefweb.int/report/mexico/mexico-rising-number-migrant-children-pushing-shelters-capacity-save-children>.
- Secretaría de Gobernación. *Ninas, niños, y adolescentes migrantes en situación migratoria irregular, desde y en tránsito por México* [Migrant girls, boys, and adolescents in an irregular migratory situation, from and in transit through Mexico]. Mexico City: Unidad de Política Migratoria Registro e Identidad de Personas, 2022. http://portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Estadistica/NNA/NNYA_S%C3%ADntesis_ene-dic_2021.pdf.
- Slack, Jeremy, Daniel E. Martínez, Alison Elizabeth Lee, and Scott Whiteford. “The Geography of Border Militarization: Violence, Death and Health in Mexico and the United States.” *Journal of Latin American Geography* 15, no. 1 (2016): 7–32.
- Solomon, Daina Beth. “Try, Try Again: For Some Central Americans, U.S. Policy Opens Revolving Door.” Reuters, May 21, 2021. <https://www.reuters.com/article/us-usa-immigration-border-idUSKCN2D210P>.
- Spagat, Elliot. “Illegal Border Crossings Plunge among Cubans, Nicaraguans.” AP News, January 25, 2023. <https://apnews.com/article/politics-texas-haiti-cuba-514ddaa9bc804844568727f76a931a12>.
- . “Para muchos migrantes, un vuelo a México es su boleto a Estados Unidos” [For many migrants, a flight to Mexico is their ticket to the United States]. *Los Angeles Times*, February 11, 2022. <https://www.latimes.com/espanol/eeuu/articulo/2022-02-10/para-muchos-migrantes-un-vuelo-a-mexico-es-su-boleto-a-eeuu>.
- Stanley, William Deane. “Economic Migrants or Refugees from Violence?: A Time-Series Analysis of Salvadoran Migration to the United States.” *Latin American Research Review* 22, no. 1 (1987): 132–54. <https://doi.org/10.1017/S0023879100016459>.
- Stinchcomb, Dennis, and Eric Hershberg. *Unaccompanied Migrant Children from Central America: Context, Causes, and Responses*. Rochester, NY: Center for Latin American and Latino Studies, 2014. <https://papers.ssrn.com/abstract=2524001>.
- Sunderland, Judith. *The Mediterranean Migration Crisis: Why People Flee, What the EU Should Do*. New York: Human Rights Watch, 2015. <https://www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu-should-do>.
- Tanco, Andrea, Maria Jesus Mora, and Daniela Hall. “Strengthening Mexico’s Protection Landscape for Migrant Children: Challenges and Opportunities Ahead.” Georgetown Collaborative on Global Children’s Issues, April 19, 2022. <https://globalchildren.georgetown.edu/responses/strengthening-mexico-s-protection-landscape-for-migrant-children-challenges-and-opportunities-ahead>.

- Thomas, Claire R. “The So-Called Stateless: Firm Resettlement, African Migrants, and Human Rights Violations in Mexico.” *Boston University Public Interest Law Journal* 32, no. 1 (2023): 1–84.
- Thomas, Robert N., and Charles M. Croner. “Migrant Paths to Tegucigalpa and San Pedro Sula, Honduras: The Role of Accessibility.” *Social and Economic Studies* 24, no. 4 (1975): 445–57.
- Tines, Natalie. *Getting It Together: Extra-Regional Migration in South, Central and North America and the Need for More Coordinated Responses*. Vienna: Migrant Research Centre, 2021. https://mixedmigration.org/wp-content/uploads/2021/12/204_Getting_It_Together_Research_Report_EN.pdf.
- Torbati, Yeganeh, and Jeff Mason. “Trump Threatens to Shut U.S.–Mexico Border.” Reuters, March 29, 2019. <https://www.reuters.com/graphics/USA-IMMIGRATION-TRUMP/0100919N1TG/index.html>.
- Torre Cantalapiedra, Eduardo, and Carlos Manuel Hernández Campos. “El Coyotaje y Sus Discursos Contrapuestos: El Rol Del Coyote En Los Robos a y Abandonos de Migrantes” [The coyote trade and its contradictory discourses: The role of the coyote in the robberies of and abandonment of migrants], *Sociológica* 36, no. 104 (September 2021): 109–44.
- TRAC Immigration. “A Sober Assessment of the Growing U.S. Asylum Backlog.” December 22, 2022. <https://trac.syr.edu/reports/705/>.
- United Nations High Commissioner for Refugees. *Sobreviviendo al Darién: La travesía de refugiados y migrantes por la selva: Movimientos mixtos a través del Darién* [Surviving Darién: The journey of refugees and migrants through the jungle: Mixed movements through Darién]. Geneva: United Nations High Commissioner for Refugees, 2023. <https://www.acnur.org/publicaciones/sobreviviendo-al-darién-la-travesía-de-refugiados-y-migrantes-por-la-selva>.
- U.S. Agency for International Development. “The United States Announces More than \$314 Million in New Stabilization Efforts and Humanitarian Assistance for Venezuelans and Other Migrants at the Summit of the Americas.” June 10, 2022. <https://www.usaid.gov/news-information/press-releases/jun-10-2022-united-states-announces-more-314-million-new-stabilization-efforts-venezuela>.
- U.S. Citizenship and Immigration Services. “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” July 12, 2023. <https://www.uscis.gov/CHNV>.
- Vega, Daniel. “Recent Immigration Policies in Mexico: The Failures of a Hardening Approach toward Irregular Migrant Flows.” *Nationalism and Ethnic Politics* 27, no. 3 (2021): 405–18. <https://doi.org/10.1080/13537113.2021.1932272>.

- Verea, Monica. "Biden's 'De-Trumpization' of Migration Policy: The López Obrador Response." *Voices of Mexico*, no. 116 (Spring 2022): 30–33. <http://www.revistas.cisan.unam.mx/Voices/pdfs/11609.pdf>.
- . "Immigration Policy in Biden's First 100 Days." *Voices of Mexico* 52, no. 206 (July–September 2021): 11–14. https://ru.micisan.unam.mx/bitstream/handle/123456789/344/VOM_2021_0114_0011.pdf?sequence=1.
- Villarreal, Andrés. "Explaining the Decline in Mexico–U.S. Migration: The Effect of the Great Recession." *Demography* 51, no. 6 (2014): 2203–28. <https://doi.org/10.1007/s13524-014-0351-4>.
- Vogt, Wendy. "Dirty Work, Dangerous Others: The Politics of Outsourced Immigration Enforcement in Mexico." *Migration and Society* 3, no. 1 (2020): 50–63. <https://doi.org/10.3167/arms.2020.111404>.
- White House. "Report on the U.S. Strategy for Addressing the Root Causes of Migration in Central America." April 19, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/19/report-on-the-u-s-strategy-for-addressing-the-root-causes-of-migration-in-central-america/>.
- Wurtz, Heather M. "A Movement in Motion: Collective Mobility and Embodied Practice in the Central American Migrant Caravan." *Mobilities* 15, no. 6 (2021): 930–44. <https://doi.org/10.1080/17450101.2020.1806511>.

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center
Ft. Belvoir, Virginia
2. Dudley Knox Library
Naval Postgraduate School
Monterey, California



DUDLEY KNOX LIBRARY

NAVAL POSTGRADUATE SCHOOL

WWW.NPS.EDU

WHERE SCIENCE MEETS THE ART OF WARFARE