



## PROTECTION NEEDS OVERVIEW

Mexico | December 2023



### EXECUTIVE OVERVIEW

In Mexico, the humanitarian crisis related to mixed migration and internal displacement exposes an increasing number of people to multiple protection risks. Although there are no exact figures on the number of people affected, the scale of human mobility in the region and in Mexico can be understood through various other sources which reflect the needs of the population. The analysis of possible future scenarios suggests a deterioration of the humanitarian situation in general and of the protection crisis in particular.

While protection risks vary across the country and between population groups, the Technical Group behind this Protection Needs Overview considered five priority issues for joint analysis in a process guided by the Protection Analytical Framework. First, the threat of **violence and insecurity**, that encompasses different threats to the life and personal integrity of affected people; second, **access to documentation**, as a factor that increases vulnerability among the affected population and reduces coping capacity; third, **refoulement and access to asylum**, including the dynamics that particularly affect the specific rights of refugees; fourth, **access to services and information**, as aspects that can accentuate vulnerability or increase the capacity of people on the move; and fifth, **arbitrary detention**<sup>1</sup>, as a deliberate deprivation of the right to personal liberty.

Some of the main findings include:

- Regardless of their status, people who are part of mixed migration movements and internally displaced persons are exposed to various protection risks and have many related needs.
- There is evidence of an upsurge in violence and rights violations against people on the move in Mexico. Approximately 50% of people on the move in Mexico report having suffered incidents of violence during their time in Mexico. Similarly, 30% of people on the move perceive gender-based violence as a risk in their environment.

<sup>1</sup> The Protection Analytical Framework (PAF) specifically considers detention that is *arbitrary* as a protection threat. This excludes types of detention that are not arbitrary.



- Beyond the funds that have been earmarked to address the structural causes of mixed migration and internal displacement, there are limited resources available to support those affected by these trends.
- The absence of alternative pathways for migratory regularization, as well as the structural and resource gaps faced by the asylum authority, has overwhelmed the asylum system, disproportionately affecting people in need of international protection.
- Immigration detention is often an automatic and arbitrary practice in Mexico, with the number of detentions steadily increasing. Detention affects people who are not subject to detention according to current legislation, including children and adolescents. In many instances, detention conditions generate other protection risks, while access to services and information is limited.
- There is a lack of data and information related to key indicators, both with respect to past trends as well as the current situation, impeding monitoring of the situation across geographic areas and over time.
- Due to the lack of centralized data and the increase in policies that push people on the move to seek more clandestine routes, the number and needs of those affected is becoming increasingly difficult to discern, which further increases protection risks.
- Throughout the country, people on the move face obstacles in accessing essential services: access to shelter, health services and reliable, accurate and accessible information, which are among the main services needed. Barriers to accessing these services include discrimination, lack of access to documentation, and the lack of capacity in receiving cities to meet the needs of people temporarily residing in the area.

Exposure to these risks has important effects for the affected population: incidents and threats of violence have a significant impact on people's lives and physical and mental integrity. Insecurity, risks associated with lack of documentation and challenges accessing asylum generate additional restrictions, including on internal movement, with effects for access to health, shelter, and employment opportunities. Due to discrimination and stigmatization, people experience barriers to accessing services to ensure their physical and mental health, housing, and income.

To reduce risks and their impacts, the Technical Group of the Protection Working Group makes the following recommendations:

- Promote access to documentation for people on the move in the country.
- Adopt measures to ensure access to asylum for persons in need of international protection who choose to seek such protection in Mexico.
- Guarantee access to rights for people with documentation conferring lawful status.
- Strengthen access of people on the move to existing services and specialized assistance programs tailored to meet their needs.
- Reduce the exposure of people on the move to arbitrary detention and its consequences.
- Eradicate impunity for human rights violations and barriers to access to justice for people on the move.
- Strengthen the capacity of service providers to respond to reduce people's exposure to protection risks and to mitigate the effects of these risks.
- Strengthen measures that support structural changes that contribute to an environment conducive to the prevention of protection risks and mitigation of their impacts.
- Strengthen the availability of information and statistics, disaggregated by age, sex, nationality and other relevant population characteristics, to inform humanitarian crisis analysis and response planning.



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## ABBREVIATIONS

UNHCR	United Nations High Commissioner for Refugees
CBP	U.S. Customs and Border Protection
CMDPDDH	Mexican Commission for the Defense and Promotion of Human Rights ( <i>Comisión Mexicana de Defensa y Promoción de los Derechos Humanos</i> )
CNDH	National Human Rights Commission ( <i>Comisión Nacional de los Derechos Humanos</i> )
COMAR	Mexican Commission for Refugee Assistance ( <i>Comisión Mexicana de Ayuda a Refugiados</i> )
CURP	Unique Population Registration Code ( <i>Clave Única de Registro de Población</i> )
DIF	National System for the Integral Development of the Family ( <i>Sistema Nacional para el Desarrollo Integral de la Familia</i> )
DRC	Danish Refugee Council
FMM	Multiple Immigration Form ( <i>Forma Migratoria Múltiple</i> )
GN	National Guard ( <i>Guardia Nacional</i> )
IMUMI	Institute for Women in Migration
INEGI	National Institute of Statistics and Geography ( <i>Instituto Nacional de Estadística y Geografía</i> )
INM	National Migration Institute ( <i>Instituto Nacional de Migración</i> )
IRC	International Rescue Committee
KIND	Kids in Need of Defense
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Queer
NNAs	Children and Adolescents ( <i>Niños, niñas y adolescentes</i> )
IOM	International Organization for Migration
PAF	Protection Analytical Framework
PCR	<i>Programa Casa Refugiados</i>
PNO	Protection Needs Overview
PWG	Protection Working Group
RENAPO	National Population Registry ( <i>Registro Nacional de Población</i> )
SCJN	Mexican Supreme Court of Justice ( <i>Suprema Corte de Justicia de la Nación</i> )
SEGOB	Ministry of the Interior ( <i>La Secretaría de Gobernación</i> )
SESNP	Mexican Secretariat of Public Security ( <i>Secretariado Ejecutivo del Sistema Nacional de Seguridad</i> )
SRE	Ministry of Foreign Affairs ( <i>Secretaría de Relaciones Exteriores</i> )
TVRH	Humanitarian Visa ( <i>Tarjeta de Visitante por Razones Humanitarias</i> )
UPM	Migration Policy Unit ( <i>Unidad de Política Migratoria</i> )



## INTRODUCTION

### METHODOLOGY

The Protection Needs Overview (PNO) was prepared by the Technical Group of the Protection Working Group (PWG) in Mexico. The Technical Group was led by the Danish Refugee Council (DRC) and the International Rescue Committee (IRC), in their role as co-leaders of the PWG together with the United Nations High Commissioner for Refugees (UNHCR), with the active participation of Programa Casa Refugiados (PCR), the Institute for Women in Migration (IMUMI) and HIAS. Throughout 2023, these organizations participated in a joint process defined and guided by the Protection Analytical Framework (PAF)<sup>2</sup> with the purpose of developing a product that reflects a common understanding of the protection crisis in Mexico, taking into account common global standards. The PAF includes a review of the context and various protection threats<sup>3</sup>, as well as the effects of these threats on the population, related vulnerability factors and people's capacities in the face of these threats. As a whole, the PAF enables the definition of priorities to inform the protection response in the country for people on the move: internally displaced persons<sup>4</sup>, migrants, asylum-seekers, refugees<sup>5</sup> and beneficiaries of complementary protection.

The analysis of protection risks contained in this PNO is based on qualitative and quantitative data identified in various primary and secondary sources, product of the work of various organizations, institutions, and agencies over many years. The Technical Group conducted several joint analysis sessions to explore a number of priority issues, map and compare the available information, and explain and interpret the main findings. The analysis contained in the PNO also benefited from input from Kids in Need of Defense (KIND) and Save the Children.

A parallel process was carried out to understand the magnitude of the protection risks analyzed and to strengthen monitoring of the situation. This process had five stages: identification of available sources of relevant data<sup>6</sup> and their periodicity; prioritization of sources; analysis of available data through time series or cross-sections; disaggregation of information by age, gender, and nationality; identification and description of the scope and limitations of the data. For more information on the quantitative analysis, consult the Methodological Note<sup>7</sup>.

### LIMITATIONS

The PNO covers only the information available and relevant at the time of the analysis: September 2023.

In the process of the joint analysis of the available information, a selection bias was identified, as some data sources - such as surveys - cannot be applied randomly and are limited by people's willingness to respond. Also, these

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<sup>2</sup> Global Protection Cluster. [Protection Analytical Framework](#).

<sup>3</sup> According to the PAF, the concept of threat is defined as "a human activity or a product thereof that results in a form of violence, coercion or deliberate deprivation. Threats may be perpetrators (agents of the threat) or a policy or ethnic norm (source of the threat) that causes harm."

<sup>4</sup> In Mexico, there is a Working Group to promote inter-agency coordination with respect to internal displacement. In order to ensure a comprehensive overview of protection needs, as well as to strengthen the coordination of between that group and the Protection Working Group, this analysis includes internally displaced persons within its scope. Additionally, the PNO has been shared with the Internal Displacement Working Group in order to contribute to its efforts, including in any future follow-up initiatives to this PNO.

<sup>5</sup> Persons recognized as refugees and those in need of international protection who choose to seek such protection in another country.

<sup>6</sup> Available data sources include the Ministry of the Interior (SEGOB), the Mexican Commission for Refugee Assistance (COMAR), the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDDH), the Mexican Secretariat of Public Security (SESNSP), the National Institute of Statistics and Geography (INEGI), UNHCR, DRC, IRC, IMUMI, HIAS and IOM.

<sup>7</sup> Annex 1.



standardized response tools can lead to biases in their application, including due to language barriers, as well as limited monitoring of data over time<sup>8</sup>. Some figures - particularly those dealing with sensitive issues such as experiences of violence or displacement – reflect underestimates, due to challenges in reporting and the lack of visibility of some of these dynamics.

Also, a number of recurring information gaps were noted: an important part of the quantitative data does not allow for a breakdown by age group, gender, or nationality. Several issues are not covered in the available data, such as the situation of those without shelter, the dynamics within detention centers and the specific risks faced by people with disabilities and the LGBTIQ+ population. Sometimes, official data refers to the number of events of certain types of relevant incidents, but without clarity on the number of people affected by these incidents. Likewise, there is limited information on the population without regular migratory status. In addition, access to administrative data on population on the move is restricted.

Overall, the quantitative analysis presented in the PNO was affected by a lack of comprehensive and recent information to estimate the size of the affected population.

## **MONITORING INDICATORS**

As part of the PNO process, a series of indicators related to the selected protection risks was articulated to establish a framework for monitoring the protection environment. In some cases, the indicators refer to information from official data sources and information, which enables an analysis of trends to detect an improvement or deterioration in the situation. In other cases, the indicators refer to results of surveys conducted directly with people on the move. They serve as a suggestion for humanitarian actors in the development of any data collection initiatives. In this sense, the PNO indicators contemplate a periodic review of certain data and information to feed into updates of the protection analysis.

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<sup>8</sup> Data from UNHCR and [DRC's](#) Protection Monitoring permit visibility of trends over an extended period of time. The data included in this PNO is for the period from January to September 2023.





## CRISIS CONTEXT

### MIXED MOVEMENTS & INTERNAL DISPLACEMENT

Mexico faces two distinct but interrelated situations that contribute to the humanitarian crisis, arising on the one hand in the context of the mixed migration movements arriving to the country, and on the other from the dynamics of violence and insecurity that provoke internal displacement. The main drivers include the situation that prompt flight from countries of origin and areas within Mexico, regional migration policies and people's perceptions of them, the limited availability of funding, and the prevailing security situation in Mexico.

In addition to being a receiving country and having established itself as a country of asylum in recent years<sup>9</sup>, Mexico has historically been characterized as a country of origin for a significant number of people crossing its border with the United States, and increasingly as a transit country for people of various nationalities seeking to pass through Mexican territory in order to enter the United States (U.S.)<sup>10</sup>. The U.S. border has seen frequent arrivals of people of diverse nationalities, many seeking asylum. As these movements have increased over the years, measures to contain and manage arrivals at the U.S. land border have diversified. It was in this context that the first collective movements called "caravans" departed from Central America in 2018<sup>11</sup> and that other efforts to contain these growing movements intensified, including through *metering*<sup>12</sup>, the Migrant Protection Protocols (MPP)<sup>13</sup> and the effective suspension of territorial asylum with Title 42 restrictions by the United States<sup>14</sup>. These efforts to restrict access to U.S. territory have resulted in people who previously passed through Mexico now being stranded in the country<sup>15</sup>, and have also contributed to Mexico increasingly becoming a destination country for people on the move<sup>16</sup>. In addition, the upsurge in violence in countries of origin, particularly in northern Central America, has led to an increase in people fleeing their countries of origin in search of international protection<sup>17</sup>. Although the containment policies have been implemented mainly by the United States, they have taken place within the framework of bilateral negotiations during which Mexico has accepted and participated in their implementation<sup>18</sup> without generating a comprehensive response to the needs of the population in Mexican territory who have been affected by these measures<sup>19</sup>. In May 2023, the end of Title 42 gave rise to new modalities to access territorial asylum in the United States, through the electronic application CBP One, while at the same time, the population in search of international protection has faced new barriers forcing them to remain in Mexico for indefinite periods

<sup>9</sup> UNHCR. [Global Trends in Forced Displacement](#). 2021; UNHCR. [Global Trends in Forced Displacement](#). 2022. Since 2021, Mexico has been part of the world's top 5 countries with the highest number of new asylum applications annually.

<sup>10</sup> Migration Policy Unit. [Overview of migration in Mexico](#). 2019.

<sup>11</sup> Northern Border College (EL COLEF). [Migrant caravans from Central America](#). 2019.

<sup>12</sup> Congressional Research Service. [The Department of Homeland Security's 'Metering' Policy: Legal Issues](#). 2023.

<sup>13</sup> CNDH. [Special report on migrant protection protocols \(MPP\)](#). 2022.

<sup>14</sup> Migration Policy Institute. [U.S. Border Asylum Policy Enters New Territory Post-Title 42](#). 2023.

<sup>15</sup> Ibero-American University (IBERO). [Positioning on the migration context in Mexico in 2022](#). 2023.

<sup>16</sup> According to UNHCR, the main factors that have contributed to Mexico being a destination country are: (1) causes in the country of origin that provoke people to flee; (2) restrictive measures on the northern border with the United States; (3) the improvement in the processing capacities of the asylum system in Mexico compared to other North American countries; (4) the improvement of reception conditions in the center and north of the country; and (5) the increase of social networks of nationals from countries such as Honduras and Venezuela in several states of the country.

<sup>17</sup> IACHR. [Human mobility and protection obligations: Towards a sub-regional perspective](#). 2023.

<sup>18</sup> Mexican Supreme Court of Justice (SCJN). [Amparo en Revisión 302/2020](#). 2022.

<sup>19</sup> Ministry of Foreign Affairs (SRE). [Mexico proposes financing with direct impact on people before the end of Title 42](#). 2023.



of time<sup>20</sup>. Although the impacts of this crisis are concentrated along both of Mexico's borders, they also affect other locations where there is a significant presence of people on the move.

Internal displacement in Mexico has been documented in various sources over the years<sup>21</sup> and recognized by the Mexican state since 2019<sup>22</sup>. The dynamics of violence perpetrated by armed groups engaged in organized crime along with human rights violations committed by state actors have, among other factors, led to incidents of collective and massive as well as individual displacement<sup>23</sup>. Although some Mexican states have adopted legislation on the subject or taken measures to provide services to internally displaced persons (IDPs) in their territory, there is no framework at the federal level that establishes response parameters or responsibilities to address the phenomenon<sup>24</sup>. As the security situation deteriorates, new patterns of displacement are registered in specific areas of the country<sup>25</sup>. At the same time, the violence that provokes the internal displacement of people within Mexico also drives some people to attempt to leave the country<sup>26</sup>, including to seek international protection outside of the country. However, the restrictions faced by people of other nationalities when entering the United States also affect people of Mexican nationality. This generates a shared experience between people affected by the two situations.

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<sup>20</sup> IRC. [Limits on Access to Asylum After Title 42: One Month of Monitoring U.S.-Mexico Border Ports of Entry](#) 2023; DRC. [Protection Monitoring: Mexico - Snapshot May + June 2023](#). 2023.

<sup>21</sup> CNDH. [Internal displacement by violence in Mexico](#) (2017).

<sup>22</sup> UNHCR. [Internal Displacement in Mexico](#). 2022.

<sup>23</sup> Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH). [Internal Displacement](#). 2023.

<sup>24</sup> [Report of the Special Rapporteur on the human rights of internally displaced persons: Visit to Mexico](#). 2023.

<sup>25</sup> CMDPDH. [Monitoring](#). 2023.

<sup>26</sup> IOM. [Internal displacement, migration and return in the northern border of Mexico. A perspective from twelve cities](#). 2023.

In this study, IOM found that the causes of displacement are different from the reasons for destination preference, reflecting the complexity of the various movements. The results of this study are not generalizable and are bounded by geographic space and collection period; DRC. [Protection Monitoring](#). 2023. Of the 51.4% of respondents with the intention of transiting to the United States, 81.4% stated their intention to enter that country by requesting asylum.





## MAP

### Cities with the highest concentrations of people on the move



## KEY FIGURES

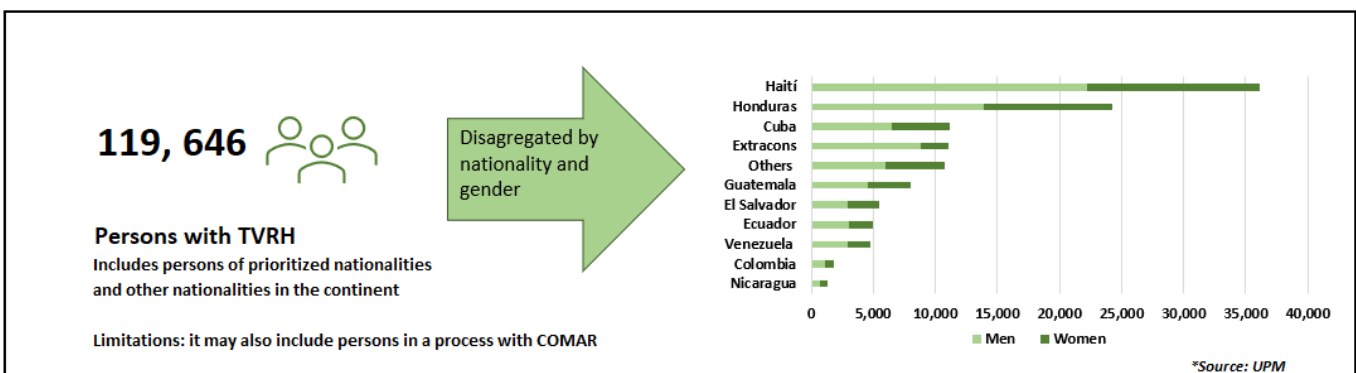
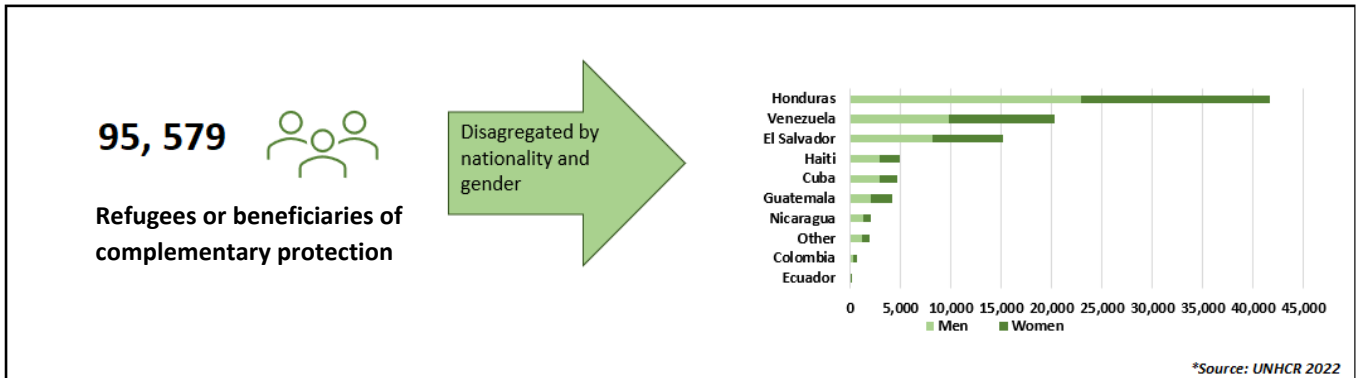
The information available does not permit an estimate of the total number of people in need of protection<sup>27</sup> in the country. However, the following figures provide an estimation of the needs as of September 2023<sup>28</sup> :

<sup>27</sup> This category includes refugees and beneficiaries of complementary protection, internally displaced persons and migrants whose require protection of their rights while on the move.

<sup>28</sup> For more information, see the methodological note in Annex 1.



*Estimated population with pending requests for refugee status, recognized refugees, and beneficiaries of complementary protection, as well as migrants with regular status in the country.*





**Estimated population seeking asylum, refugees or beneficiaries of complementary protection and migrants in shelters, irregular camps and on the streets:**

**14,803**   
persons in shelters

All persons located in the Network of Shelters. Shelters outside the Network are not considered.

*\*Source: Shelters Interagency Working Group 2023*


**17,000 a 20,000** 

Persons outside of shelters in Tapachula and Ciudad Juarez

All persons in informal camps, abandoned buildings, or sleeping on the streets.

*\*Source: field teams 2023*

**Estimated number of those internally displaced**

**386,000** 

**Internally Displaced Persons**

Limitations: It may overlook displacement caused by violent events that did not attract media attention

The ENVIPE Survey estimated that in 2021, approximately, 831,490 persons changed residence due to widespread violence.

*\*Source: IDMC based on CMDPDH 2022*



## SCENARIO ANALYSIS 2024

While it is unclear how many people will be in need of protection in 2024, four possible scenarios that could occur before the end of 2024 were analyzed, including the probability and impact of each one.

### Scenario 1: Continuation of current movements

#### Probability



**Probability: Probable.** In this scenario, there are no significant changes in the migration policies applied in Mexico, the United States or other countries in the region that could lead to a significant increase or decrease in movements. In addition, there is no improvement in the situation in the main countries of origin. At the same time, there is no change in the perception of the population on the move of the United States as a preferred destination country and Mexico as a transit or destination country. Arrival rates remain high, with no major foreseeable changes in population characteristics. Due to the consolidation of organized crime modus operandi, the security situation is expected to worsen.

#### Impact



**Impact:** This scenario would result in a **negative** impact relative to the current situation. The existing response capacity is already overstretched, and the continuation of the current dynamics would further reduce response coverage, leading to a deterioration of the situation for the population on the move. In the midst of funding shortfalls, assistance is insufficient, leading to the targeting of assistance in border areas and the prioritization of specific profiles. This situation leaves many people without or with very limited access to services. If current movements continue, competition for scarce resources is expected to increase, which may lead to an increase in xenophobia and inter-community tensions. At the same time, the already overburdened asylum system is expected to become more saturated.

### Scenario 2: Greater containment of migration movements resulting in a large reduction (-50% of people) in need of protection in Mexico.

#### Probability



**Probability: Possible.** In this scenario, migration policies in both Mexico and the U.S. are increasingly restrictive and are implemented through military and security apparatus, in addition to measures to externalize migration control through containment policies in other countries along the migratory route. In addition, dissuasive measures, such as increased deportations to countries of origin, may contribute to reducing the number of entries into Mexico. However, conditions in the countries of origin continue to force many people to leave their homes and the containment measures implemented do not lead to a significant reduction in the number of people on the move.



## Impact



*Impact:* This situation would have a **negative** impact on the current situation. The application of containment measures entails protection risks for the population. As a result, the increase in restrictions may aggravate the exposure of people to violence, exploitation, family separation and arbitrary detention, among others. Furthermore, these restrictions may aggravate access to the territory and provoke refoulement. Faced with this situation, people are increasingly resorting to even more dangerous routes, which increases the risk of trafficking, exploitation, and violence.

**Scenario 3: An increase in migration movements in the region leads to a large increase (+50% of people) in need in Mexico.**

## Probability



*Probability: Probable.* In this scenario, the situation in the main countries of origin driving the movement of people to Mexico does not appear to improve, while violence continues to drive outward movement of an increasing number of Mexican nationals. In addition, the upcoming elections in Mexico and the U.S. contribute to an increase in northward movements ahead of potential changes of government in both countries. Given the politicization of the immigration issue in the U.S., a change in immigration policies towards greater containment and restrictions on entry into the territory is expected. At the same time, human smuggling networks are becoming increasingly effective and efficient, which progressively opens the routes to more people, exposing them to greater protection risks.

## Impact



*Impact:* If this scenario materializes, a **very negative** impact relative to the current situation is expected. Such a significant increase in the number of people on the move results in an increase in severity and scale of the needs. Existing public and humanitarian services that are already at maximum capacity would be completely overwhelmed by the increased needs. At the same time, it has been documented how affected people resort to negative coping mechanisms to access basic services and to meet needs, a situation that would be aggravated with such a large increase in population. Increased competition for resources is also expected, which may lead to increased xenophobia and community tensions. In parallel, it is expected that organized crime, which has been fortified by the revenues generated by extortion, kidnapping, and trafficking of people on the move, would continue to consolidate its power and, consequently, protection risks for the population on the move would increase.



**Scenario 4: An improvement in the situation results in a large reduction in migration movements (to 2018 levels) and with it, the number of people in need in Mexico.**

## Probability



*Probability:* This scenario is **unlikely**. In this scenario, conditions in the main countries of origin improve and the violence that causes the displacement of Mexicans is reduced. There are initiatives to reduce irregular migration in the region, such as the Safe Mobility Offices, which manage to significantly reduce the number of people transiting through Mexico in an irregular manner.

## Impact



*Impact:* Should this scenario occur, a **very positive** impact relative to the current situation is expected. Affected persons already in Mexico would have better access to services and the asylum process, as this decrease would alleviate the overcrowding of services. This would allow individuals to meet their basic needs and protect themselves against protection risks in the short term. However, over time, it is expected that improved conditions would contribute to a reduction in funding, which would limit humanitarian response capacity in the medium term.

## PRIORITY PROTECTION RISKS

The Technical Group identified five priority issues associated with different protection risks:

1. Violence and Insecurity
2. Access to Documentation
3. Refoulement and Access to Asylum
4. Access to Services and Information
5. Arbitrary Detention

### RISK 1: VIOLENCE AND INSECURITY

Multiple actors agree that Mexico is currently affected by a context of violence and insecurity, which permeates social dynamics<sup>29</sup>. For people on the move in the country, the context of violence has important consequences as

<sup>29</sup> IACHR. [Violence, Insecurity and Disappearances in Mexico: Human Rights Situation in Mexico](#). 2023; Insight Crime. [Three Takeaways From the Mexico Peace Index](#). 2023.





they face a journey where they may be victims of kidnapping,<sup>30</sup> robbery, extortion<sup>31</sup>, disappearance and human trafficking<sup>32</sup>. Also, within Mexico, violence continues to cause the internal displacement of people in different parts of the country. This environment of violence and insecurity is characterized by the presence of various organized criminal groups that exercise various levels of control or influence in different parts of the country, in addition to an environment of militarization with the permanent participation of the armed forces in public security operations<sup>33</sup>. This practice is supported by the Supreme Court of Justice of the Nation<sup>34</sup> until 2024, despite the fact that two of these armed forces - the National Guard and the Secretariat of National Defense - are among the ten federal institutions with the highest number of complaints of human rights violations<sup>35</sup>.

### **Protection Threats**

Evidence confirms that more than 50% of people on the move have experienced incidents of violence during their time in Mexico<sup>36</sup>. The situation of violence and insecurity is mainly related to a series of protection threats stemming, on the one hand, from the activities of armed groups, specifically organized crime, and on the other hand, from acts of gender-based violence<sup>37</sup>.

Violence associated with **organized crime** varies significantly across localities, according to the presence and activities of these groups. Areas in the southern border and the center of the country, such as Tapachula and Mexico City, are generally perceived as safer compared to those on the northern border. As an example, in a survey among Haitians in Matamoros, less than 20% of respondents reported feeling safe<sup>38</sup>. Likewise, in areas with a strong presence of organized crime, there is an absence of reporting culture for fear of reprisals due to corruption or possible collusion of authorities<sup>39</sup>. In some localities, a significant portion of the population on the move reports that authorities are unable to protect them from the violence of organized crime<sup>40</sup>. The vulnerability of people to these forms of violence is aggravated by impunity. The majority of victims prioritize continuing their journey, instead of receiving attention from the corresponding authorities or institutions<sup>41</sup>.

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<sup>30</sup> Abduction and kidnapping refer to the transfer, seizure, capture, apprehension, seizure or forced disappearance of a person, either temporarily or permanently, without the support or acquiescence of the State. Global Protection Cluster. [Explanatory Note on Protection Risks](#).

<sup>31</sup> Extortion includes any practice to obtain shares, money or goods through any form of coercion. Global Protection Cluster. [Explanatory Note on Protection Risks](#).

<sup>32</sup> Trafficking in persons refers to the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of or to gain control over another person, for the purpose of exploitation. Global Protection Cluster. [Explanatory Note on Protection Risks](#).

<sup>33</sup> FJEDD, Sin Fronteras, DHIA, Derechoscopio, Uno de Siete Migrante and IMUMI. [Under the Boot: Militarization of Migration Policy in Mexico](#). 2022.

<sup>34</sup> SCJN. [Ruling. Constitutional controversy 90/2020](#). November 29, 2022.

<sup>35</sup> Amnesty International. [Annual Report](#). 2023

<sup>36</sup> 58.3% of people surveyed by DRC's Protection Monitoring between January and September 2023 had faced a form of violence or coercion during their transit in Mexico. According to UNHCR's Protection Monitoring, 52% of the surveyed population has faced an incident during their transit through Mexico. This result only includes those interviewed in the north of the country (Ciudad Acuña, Ciudad Juárez, Matamoros, Mexicali, Monclova, Monterrey, Nogales, Nuevo Laredo, Piedras Negras, Reynosa, Saltillo, Tijuana and Torreón) and those who arrived more than a month prior to data collection.

<sup>37</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>38</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>39</sup> DRC. [Snapshot January + February 2023](#). 2023

<sup>40</sup> In [DRC Protection Monitoring](#), 31.0% of respondents stated that the authorities would not be able or willing to protect them.

<sup>41</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTQ+ persons in southwestern Mexico](#). 2023.



Among the risks associated with the presence of these armed groups are kidnapping and extortion. Approximately one in ten<sup>42</sup> kidnappings in Mexico involve people on the move. Some analysts suggest that these increasing forms of violence against people on the move have become the most lucrative activity for organized crime<sup>43</sup>. In some places, shelters operated by civil society or religious groups are perceived as a threat to organized crime activities or as a potential space to attract people for kidnapping and extortion. At least 10% of people interviewed in shelters do not feel safe, which probably represents underreporting due to the sensitivity of the issue<sup>44</sup>. Shelters across the country have experienced an alarming wave of attacks and threats, while the nature of many shelters as spaces with basic infrastructure that operate without adherence to humanitarian standards makes them vulnerable to interference by criminal groups<sup>45</sup>. Although some shelters follow minimum protection standards, most are reluctant to report attacks and threats, as reporting may increase the risk of further threats<sup>46</sup>.

The insecurity generated by the presence of organized crime is also associated with other protection threats such as forced labor<sup>47</sup>. In some places, more than 5% of people have been forced to perform some work or activity against their will during their stay in the country<sup>48</sup>.

At the same time, violence by armed groups in different municipalities and states of the country, such as Chihuahua, for example, results in constant risks of aggression and physical mistreatment, which in turn can lead to internal displacement. In many areas, the limited presence of authorities at different levels of government contributes to the vulnerability of the population and the decision to flee<sup>49</sup>. Some IDPs have faced kidnappings or threats after displacement by the same criminal groups that caused their displacement<sup>50</sup>.

On the other hand, **gender-based violence** faced by people on the move occurs in a broader context, with particular risks for girls, women, and people from the LGBTQI+ community, with differentiated exposure depending on migration experience or displacement patterns. On average, ten women are murdered every day<sup>51</sup> in Mexico and seven out of ten have suffered some type of violence throughout their lives<sup>52</sup>. Approximately 30% of persons on the move perceive gender-based violence as a risk in their environment<sup>53</sup>. In the case of internally displaced

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<sup>42</sup> InsightCrime. [With US Policy, Mexico Crime Groups See Double the Opportunity in Northbound Migrants](#). 2022.

<sup>43</sup> Expansion. [Organized crime on the prowl for migrants: kidnappings leave juicy profits](#). 2023; CNDH. [Informe especial de la CNDH sobre el estado que guarda el tráfico y el secuestro en perjuicio de personas migrantes en México 2011-2020](#). 2021.

<sup>44</sup> UNHCR. Protection Monitoring. 2023. 9% of the TOTAL population surveyed feels moderately insecure or very insecure in their place of shelter. This figure only for the population in shelters is 11%. This information is collected in more than 24 municipalities throughout the country; DRC. [Protection Monitoring](#). 2023. 16.9% of respondents state that they do not feel safe in their current shelter.

<sup>45</sup> WOLA. [Shelters under increased attack](#). 2023.

<sup>46</sup> WOLA. [Shelters under increased attack](#). 2023; UNHCR. Traffic light monitoring system for minimum protection standards in shelters. 2023.

<sup>47</sup> InSight Crime [Human Trafficking Victims Grow as Mexico Government Strategy Falters](#). 2022.

<sup>48</sup> According to the [IOM DTM](#) conducted in Tijuana in April 2023, 7% of the people surveyed reported experiences of forced labor.

<sup>49</sup> DRC. [Snapshot January + February 2023](#). 2023.

<sup>50</sup> UNHCR, ASMAC, CDPIM, CEAV, CEAVE, CEDEHM, CMDPDDH, COESPO, COESVI, COLEF, COMAR, CONAPO, CONTEC, DIF Estatal, FORO, IGP-Geopaz, INEGI, JIPS, SEGOB, SGG, JRS, UPMRIP (UNHCR, et. al.). [Internal Displacement Profiling Exercise in Chihuahua](#). 2023.

<sup>51</sup> El País. [Radiography of a country that kills its women](#). 2022.

<sup>52</sup> INEGI. [National Survey on the Dynamics of Household Relationships](#). 2021.

<sup>53</sup> 27.9% of respondents in DRC's [Protection Monitoring](#) perceive that there is a risk of gender-based violence in their current environments.



women, the risk appears to be more serious, with higher rates of sexual violence, human trafficking, and domestic and economic violence<sup>54</sup>.

There is a notable absence of a gender approach in the protection protocols used to respond to people on the move, which is necessary to reduce the risks along the journey<sup>55</sup>. Likewise, the difficulty for women and the LGBTIQ+ population to access services and comprehensive care is due, in part, to the absence of a cross-cutting perspective based on a gender analysis, and to various obstacles to guarantee survivors access to the justice system without being revictimized<sup>56</sup>. In addition, access to some services for women victims of violence becomes a challenge due to the lack of information, distrust, and fear that women experience in relation to the authorities<sup>57</sup>.

Gender-based violence is the result of multiple factors, operating at the structural, community and interpersonal levels. All aspects at these three levels make women more vulnerable and contribute to gender-based violence by placing them in situations where they are exposed to violence and/or have fewer resources to respond to it. The macro determinants create a context of unsafe and clandestine migration and displacement. In addition, women's integration into host communities is often limited, increasing the levels of risk they face<sup>58</sup>.

### ***Effects of Threats***

Incidents of violence cause damage to physical integrity and, in some cases, can lead to death or disappearance<sup>59</sup>. At the same time, they involve significant economic damage, as people or their families must pay large sums of money to be released from kidnapping<sup>60</sup>. For IDPs, the loss of property is one of the main effects of violence and the limited coping capacity of people due to the complete loss of their livelihood<sup>61</sup>.

In addition, experiences of violence and exposure to conditions of insecurity increase the probability of greater emotional distress and impacts on psychosocial well-being and mental health. People who have been through situations of violence present emotional reactions related to anxiety, depression, and post-trauma. Those who perceive themselves to be at risk also present emotional reactions related to anxiety, mainly excessive fear, and stress<sup>62</sup>.

Most people prioritize continuing their journey rather than attending to their psycho-emotional and physical health, due to the uncertainty of possible changes in migration policy<sup>63</sup> and the barriers to accessing health services.

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<sup>54</sup> IRC. [Women's Day](#). 2023; IRC. [Northern Border Needs Assessment](#). 2022. Sixty percent of women surveyed cited sexual violence as the main risk, along with human trafficking and domestic and economic violence. In DRC's [Protection Monitoring](#), almost 10% of IDPs stated that gender-based violence was a reason for leaving their place of origin.

<sup>55</sup> IMUMI. [Transnationalization of violence in the journey of women asylum seekers in Mexico](#). 2022.

<sup>56</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.

<sup>57</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.

<sup>58</sup> HIAS. Gender Based Violence and Women in a Context of Mobility in Tapachula, Mexico. 2023.

<sup>59</sup> National Search Commission (CNB). [Search actions](#). 2023.

<sup>60</sup> CNDH. [Special report on migrant kidnapping in Mexico](#). 2011;

<sup>61</sup> DRC. [Snapshot March + April 2023](#). 2023.

<sup>62</sup> HIAS. Mental Health and Psychosocial Support Manual. Data collected indicate that between 15% and 20% of people exposed to emergencies or displacement experience some form of psychological distress that can lead to common mental disorders such as depression and anxiety, as well as psychosomatic symptoms; these emotional reactions can affect the ability of affected individuals to function adequately and cope with adversity. 2023.

<sup>63</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.



Even when health centers may be nearby, the general situation of insecurity in many localities lead many to avoid traveling to health centers for fear of violence<sup>64</sup>.

Although the population's exposure to violence and insecurity is mainly related to the place where they are located and the presence of armed groups, there are population groups that are more exposed to these threats. IDPs, for example, are particularly prone to be victims of crime and have a greater perception of insecurity, compared to the population that has not been displaced, due in part to the proximity to the actors that caused their displacement<sup>65</sup>. At the same time, for girls, adolescents, adult women and LGBTIQ+ persons, the risk of gender-based violence is exacerbated.

### **Capabilities**

The ability to protect people on the move from violence and the effects of unsafe conditions is extremely limited<sup>66</sup>, due to the high level of control or influence exercised by organized crime in different parts of the country<sup>67</sup>. There are no specialized mechanisms to address the specific risks faced by this population group.

The provision of shelters by civil society facilitates that some people can reduce their exposure, but there is limited capacity in the face of the scale of the needs. There is a specific lack of specialized services for women, girls and adolescents, as well as members of the LGBTIQ+ community. Also, there is a lack of shelter services for unaccompanied female survivors of gender-based violence, which continues the cycle of violence and results in greater vulnerabilities<sup>68</sup>. In addition, shelters have limited access to training and awareness raising activities on the issue, generating a potential for unsafe spaces for survivors of these forms of violence<sup>69</sup>.

The lack of legislation, at the federal level, on internal displacement continues to impede the capacity to respond. Although in some states, such as Chihuahua where the offense has been criminalized and there are IDP support mechanisms, the possibility of protecting displaced persons is limited by the fear of reporting internal displacement to the authorities, which can lead to their exclusion from assistance programs<sup>70</sup>. In addition, the States that already have a specialized law on the matter, such as Chiapas, Guerrero, Sinaloa, and Zacatecas, still do not have no regulations and instruments that allow for coordinated operational routes that can respond to specific needs.

### **Monitoring indicators to inform a periodic review of protection risks**

- Percentage of people who reported that they experienced a security incident while in transit in Mexico. *Source:* Surveys by humanitarian actors.
- Percentage of people who do not feel safe in their housing. *Source:* Surveys by humanitarian actors.
- Number of municipalities with high homicide rate and high presence of people on the move. *Source:* National Institute of Statistics and Geography (INEGI).

## **RISK 2: ACCESS TO DOCUMENTATION**

In different parts of the country, the affected population points to the need to access documentation as a priority affecting their capacity for self-protection<sup>71</sup>. Impediments to accessing documentation result in affected persons

<sup>64</sup> DRC. [The right to health: challenges for mixed migratory flows in Ciudad Juarez, Mexico](#). 2022.

<sup>65</sup> UNHCR, et. al. [Internal Displacement Profiling Exercise in Chihuahua](#). 2023.

<sup>66</sup> Miguel Angel Fernandez Ortega. [Profiling of violence in migrants in transit through Mexico](#). 2023.

<sup>67</sup> Sergio Aguayo. [The Great Evasion: Migration and Organized Crime in Mexico and its Borders](#). 2023.

<sup>68</sup> Save the Children. 2023.

<sup>69</sup> Save the Children. 2023.

<sup>70</sup> DRC. [Snapshot March + April 2023](#). 2023.

<sup>71</sup> DRC. [Protection Monitoring](#). 2023.



facing greater vulnerability to various protection risks, including obstacles to the recognition of their legal personality<sup>72</sup> - and the impacts this has on the enjoyment of other rights - as well as restrictions on freedom of movement. The risks associated with documentation manifest themselves in different ways. On the one hand, the lack of identity documentation can lead to challenges in verifying the nationality and legal personality of any individual. For persons with foreign nationality, the challenges are amplified when considering the lack of documentation of regular stay. On the other hand, those who do possess documentation are faced with authorities' lack of awareness regarding these forms of documentation, and in some cases, neglect of the effects of these documents. Regardless of how these risks demonstrate themselves, they can hinder the fulfillment of rights, access to services, and freedom of movement within the territory, and undermine the principle of non-refoulement.

The lack of identity documents has been detected both among mixed migration movements<sup>73</sup> and among IDPs<sup>74</sup>. In several countries of origin, such as Venezuela, this is due to the limited capacity to issue documents, while in other countries, such as Cuba, it is due to restrictions on leaving the territory, which result in people leaving the country without identity documents. In both types of situations, foreigners arriving in Mexico lack documentation confirming their identity. The result is the same for those who leave behind their identity documents when urgently fleeing their homes or who have been stripped of their belongings and documentation during their transit<sup>75</sup>. The dynamic is similar for IDPs in remote areas of Mexico who were never registered in the Civil Registry, in many cases, due to their remoteness from public institutions. Similarly, in some circumstances, IDPs do not carry their identity documentation with them or lose during their journey<sup>76</sup>.

For people in mixed migration movements, the loss of identity documents is a recurrent reality in the transit process from their country of origin or habitual residence, and even within Mexico, particularly given the trend of confiscation of documentation and other belongings that has been documented at different points along the route<sup>77</sup>. The limited coverage and capacities of the consulates of multiple foreign countries in key areas of Mexican territory - particularly in the south of the country - prevent people from being able to obtain or replace documentation that proves their identity and, specifically, their nationality<sup>78</sup>.

Likewise, for people in mixed migratory movements, access to documentation for regular stay in the territory is a priority in order to enjoy rights, including safe transit through the territory. However, inconsistent practices and a narrow interpretation of the law result in limitations on access to the Humanitarian Visa (TVRH) and the Multiple Immigration Form (FMM). Difficulties in obtaining these documents lead to the sale of documents and corruption along the main transit routes through Mexico<sup>79</sup>.

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<sup>72</sup> DRC. [Snapshot March + April 2023](#). 2023.

<sup>73</sup> UNHCR. Protection Monitoring. Only 3% of foreign nationals surveyed had no personal identification (documentation); DRC. [Protection Monitoring](#). 2023. 60.1% of respondents report not having received any document that confers status or facilitates access to services in Mexico.

<sup>74</sup> DRC. [Snapshot January + February 2023](#). 2023.

<sup>75</sup> At least 22% of the people surveyed in UNHCR's Protection Monitoring in 2023 claim to have been victims of robbery along the route before arriving in Mexico.

<sup>76</sup> DRC. [Snapshot January + February 2023](#). 2023.

<sup>77</sup> DRC. [Protection Monitoring](#). 2023. 16.9% of respondents report confiscation of property, including documents, upon entering Mexico, and 13.5% during transit within the country.

<sup>78</sup> Analysis by the Technical Group. There are no consulates for Venezuela, Colombia, and other key countries in the south of the country. Although access to consular services must be limited by the principle of confidentiality in cases of asylum-seekers and refugees, for other population groups, this type of assistance is relevant for the protection of their rights.

<sup>79</sup> DRC. [Protection Monitoring](#). 2023. During interviews with key actors, an offer of payment services for the purchase of documents was confirmed, particularly in Tapachula.



### **Protection Threats**

Asylum-seekers are affected by the distinction in Mexican law between being an applicant for refugee status (a status confirmed by the issuance of a certificate from COMAR) and having a regular migratory stay (a category that can only be granted by the INM). Persons seeking to initiate asylum proceedings in Mexico face, in some parts of the country, mechanisms that delay obtaining documentation of regular stay. In Tapachula, an appointment system meant that people who approached COMAR to initiate the process had to wait up to four months to receive a document that makes them eligible to apply to the INM for temporary regular stay in the territory as asylum-seekers<sup>80</sup>. Individuals who wait for this process and obtain a certificate from COMAR are eligible to apply for a TVRH with the INM, but this process is not automatic and often suffers from insufficient institutional capacity as well as arbitrary changes in document issuance practices. The absence of an official, accessible, and understandable source of information with updated information on these changing practices was signaled as a deterrent strategy that also contributes to acts of corruption and misinformation among affected persons with the proliferation of false information on social networks. Racial discrimination practices are observed in these processes, in addition to specific limitations in access for non-Spanish speakers<sup>81</sup>.

Additionally, the law recognizes that TVRH may be granted not only to persons registered with COMAR, but also in other cases, including "when there is a humanitarian cause or public interest"<sup>82</sup>. However, in practice, the INM does not exercise this function and encourages individuals to first initiate a process with COMAR before applying for TVRH<sup>83</sup>. This reflects the lack of coordination between the two institutions under the same Ministry of Interior, particularly considering the heavy caseload experienced by COMAR, and the unwillingness of the INM to grant TVRH for persons who present other humanitarian needs or fall under other eligibility assumptions provided for in the law<sup>84</sup>. This affects people with international protection needs who believe that Mexico cannot offer them effective protection and prefer to transit through the territory to seek this protection in another country.

There is also a lack of coordination between the INM and the Ministry of Foreign Affairs when the latter has agreed to receive different nationalities of returnees within the framework of Mexico's bilateral relations with the United States. This specifically affects persons who have been returned to Mexico by U.S. authorities but who have never received documentation of regular stay in Mexico. Both groups of foreign nationals - those in transit through the territory and those who have been returned by the U.S. - find themselves without the possibility of accessing regular stay documentation during their stay in Mexico. For these reasons, a significant portion of the population is in the country without valid documentation issued in Mexico<sup>85</sup>.

For IDPs who lack documents, either because they have lost them or never had them, replacing, or obtaining them becomes complicated if they have moved to another state. In different parts of the country, the Civil Registry is limited to carrying out these procedures for persons born in the territory of the relevant federal entity, and the lack of effective mechanisms between the Civil Registries in different territories makes it impossible to obtain documentation. Despite the leadership of the National Registry of Persons and the efforts made to digitize the Civil

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<sup>80</sup> Of respondents in DRC's Protection Monitoring who had approached COMAR between January and September 2023, the average waiting time to formalize their request was four months.

<sup>81</sup> Both COMAR and INM suffer from an insufficient number of translators to adequately meet the needs of the population.

<sup>82</sup> [Migration Law](#), Article 52.

<sup>83</sup> DRC. [Snapshot January + February 2023](#). 2023.

<sup>84</sup> In the meetings of the Protection Working Group, information has been shared on the rejection by the INM of TVRH procedures when the person was in transit through the country and could not prove any other eligibility assumption.

<sup>85</sup> More than 24% of the population interviewed in the UNHCR Protection Monitoring in 2023 did not have a document issued in Mexico. Likewise, 60.1% of foreign respondents in DRC's [Protection Monitoring](#) reported not having received any documentation during their stay in Mexico.





Registries, the fact that this digitized information is not uniformly accepted for accessing services means that IDPs affected by the lack of documentation continue to experience the impacts of this deprivation, with differentiated effects for persons belonging to indigenous communities.

### ***Effects of Threats***

The risks associated with lack of documentation or lack of respect of documentation result in restrictions on the safe internal movement of foreign nationals<sup>86</sup>. Without documentation of regular stay in the country, there are barriers to transit by bus - with some companies refusing to sell tickets to people who cannot produce a document of regular stay even though the judiciary has stated that it is discriminatory to request documentation for ticket sales<sup>87</sup> - and risks of detention at checkpoints or operations implemented by various authorities at the federal, state and/or local level. At these checkpoints, there have also been documented incidents of forced transfers of people without documentation to other parts of the country, taking them away further from their destinations, and in some cases, returning them to their countries of origin<sup>88</sup>. This situation leads people without documentation to resort to less safe forms of movement and with greater exposure to risks of violence and coercion, with the support of illicit transportation or human trafficking services.

Not having identity documentation or documentation of regular stay in Mexican territory hinders access to justice for people in mixed migratory movements and IDPs, with formal barriers - for example, the impossibility of filing a complaint without being able to prove identity - and informal barriers - for example, the fear of approaching the authorities because of a lack documentation of regular stay - that prevent people who have suffered crimes in the country from obtaining justice<sup>89</sup>.

The risks associated with documentation also produce effects on the mental health of people in mixed migratory movements, including specifically high levels of anxiety and stress<sup>90</sup>. The loss, lack or theft of documentation triggers emotional reactions of stress, anxiety, uncertainty, fear, and hopelessness in people, often halting and changing their transit plan, and even their life plan.

### ***Capabilities***

Affected people address this situation by sharing information about changing practices regarding access to documentation, mainly through social networks. Likewise, they seek alternatives to transit through the territory, in many cases resorting to negative coping mechanisms. IDPs have sought to coordinate with family or friends in their places of origin to process the replacement of documentation in their absence, with mixed results.

Regarding local capacities to address mixed migratory movements, humanitarian organizations provide information on the process of obtaining the TVRH and, in some cases, provide accompaniment services in this process. To address the lack of knowledge of migration documentation, multiple humanitarian actors have consolidated informational materials to guide the population and service providers on the rights associated with the different migration stay documents.

At the level of public institutions, the legal framework has the capacity to mitigate the risks of lack of documentation. For foreigners who do not have documentation of regular stay in Mexico, the Migration Law contemplates the possibility of obtaining documentation in situations of humanitarian need. Likewise, inter-

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<sup>86</sup> DRC. [Protection Monitoring](#). 2023.

<sup>87</sup> Aristegui Noticias. [It is discriminatory to ask for an immigration document to buy a bus ticket: Poder Judicial](#). 2023.

<sup>88</sup> Collective analysis, Technical Group; Refugee Legal Clinic, CMDPDH, IMUMI, Asylum Access Mexico, Sin Fronteras (IMUMI, et. al). [The principle of non-refoulement](#). 2023.

<sup>89</sup> Collective Analysis, Technical Group.

<sup>90</sup>DRC. Protection Monitoring. 2023. 52.3% of respondents who report anxiety or depression state that these symptoms are influenced by their migratory status.

institutional coordination at the level of Civil Registries under the coordination of the National Population Registry (RENAPO) offers an opportunity to reduce the lack of documentation among IDPs.

**Monitoring indicators to inform a periodic review of protection risks**

- Percentage of population without valid documentation. *Source:* Surveys by humanitarian actors.



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### RISK 3: REFOULEMENT AND ACCESS TO ASYLUM

The Law on Refugees, Complementary Protection and Political Asylum<sup>91</sup> establishes that no person requesting refugee status, a recognized refugee, or beneficiary of complementary forms of protection, may be rejected at the border or returned in any way to the territory of another country where his or her life would be in danger. Several other relevant legal frameworks in Mexico confirm the principle of non-refoulement, including the American Convention on Human Rights<sup>92</sup>, the 1951 Convention Relating to the Status of Refugees<sup>93</sup> and the Cartagena Declaration on Refugees<sup>94</sup>.

Mexico has undergone significant changes when it comes to migration patterns, increasingly consolidating itself as a receiving country for people in need of international protection. Historical trends in applications for refugee status in Mexico<sup>95</sup> confirm this increase, with more than 118,000 people applying in 2022<sup>96</sup> and more than 112,000 between January and September 2023 alone<sup>97</sup>. In comparison, only 1,300 people applied in 2013<sup>98</sup>.

Due to persecution, situations of insecurity, xenophobic and racist attitudes, generalized violence, and the impossibility of obtaining regular stay in other countries, among other factors, many people flee to Mexico in search of international protection. Seventy-nine percent of the population surveyed in UNHCR's protection monitoring in 2023 had left their country of origin for reasons related to violence, and 63% expressed that they would face a risk if they had to return to their country of origin<sup>99</sup>. Likewise, 66.4% of foreign respondents and 65.7% of Mexican respondents in DRC's 2023 protection monitoring reported that widespread violence and conditions of insecurity in their countries of origin were factors that contributed to their displacement<sup>100</sup>.

#### **Protection Threats**

Despite advances in the normative framework for the protection of refugees and beneficiaries of complementary protection, there are documented cases of people who have been returned to their countries of origin<sup>101</sup>. During 2022, at least 31 cases were identified, equivalent to 53 victims of refoulement or placed in a situation of imminent refoulement or risk of refoulement. Different modalities of these practices have been observed, including flagrant refoulement<sup>102</sup>, where family separation and exposure to serious risks in the country of origin has been documented.

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<sup>91</sup> [Law on Refugees, Complementary Protection and Political Asylum](#). 2022.

<sup>92</sup> The American Convention on [Human Rights](#), in addition to recognizing the right to seek and receive asylum in Article 22.7, independently establishes the prohibition to expel or return foreign persons to a State where their life or liberty is at risk.

<sup>93</sup> Article 33 of the Convention Relating to the Status of Refugees states that no Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

<sup>94</sup> [Cartagena Declaration on Refugees](#), Conclusion 5. 1984.

<sup>95</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ people in southwestern Mexico](#). 2023.

<sup>96</sup> UNHCR. [Global Trends Forced Displacement](#). 2022.

<sup>97</sup> COMAR. [Comar in Numbers](#). 2023.

<sup>98</sup> COMAR. Statistics [Year 2013](#). 2013.

<sup>99</sup> UNHCR. Protection Monitoring. 2023.

<sup>100</sup> DRC. Protection Monitoring. 2023.

<sup>101</sup> IMUMI. [Las consecuencias de las políticas migratorias de Estados Unidos y México sobre la protección de las mujeres y personas LGBTIQ+ venezolanas en el suroeste de México \(The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico\)](#). 2023; IMUMI, et. al. The principle of non-refoulement in Mexico. [2023](#).

<sup>102</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.



Likewise, cases have been detected in which INM does not recognize the documentation issued by COMAR and carries out the detention and return of persons registered as asylum-seekers with COMAR. Practices have been noted in different cities in which immigration authorities confiscate documents of persons seeking refugee status and tear up the documents in order to proceed with detention and return to the country of origin<sup>103</sup>. These cases reflect the lack of interoperability between COMAR and INM.

Individuals also face challenges in accessing the asylum process in Mexico. It has been documented that immigration officials dissuade people from applying for refugee status, indicating voluntary return as the only option, even when people have stated that they would be at risk of violence and persecution in their countries of origin. In addition, these authorities have used dissuasive measures such as unhygienic conditions in detention spaces, overcrowding, incommunicado detention and mentioning that filing an application with COMAR would mean staying in these spaces for several months<sup>104</sup>.

When people arrive to the southern border cities, where the largest number of applications are filed, they encounter a system that has been described as cumbersome and complicated<sup>105</sup>. This leads to the adoption of management mechanisms to address the lack of capacity and resources to admit and register all persons on the same day of arrival, such as appointment scheduling and other prerequisites that delay and hinder access.

Although COMAR has a relatively high approval rate<sup>106</sup>, on many occasions where individuals receive a negative decision on their application and file an appeal for review, they do not have the possibility of accessing free legal assistance. At this stage of the process, individuals must move forward without support, including without a legal guardian for unaccompanied children and adolescents, and with little information and limited participation in the process<sup>107</sup>. Although institutions make efforts to identify highly vulnerable cases, the needs of the population in search of international protection exceed their capacity.

The factors contributing to these threats can be classified as follows:

**Absence of documentation during the period between the intention to apply for refugee status and admission as an applicant:** COMAR receives and deliberates on applications in nine offices throughout the country and has no presence at points of entry such as airports and border crossings. It only has few offices for the 32 states of the Republic<sup>108</sup>. In addition to the above, as with various agencies mandated to protect rights, the budget allocated to the COMAR is not sufficient to process the cases it receives, which leads to processing delays with respect to the timeframes established in the law<sup>109</sup>.

On the southern border, there is a continuous movement of people seeking access to the procedure. However, the COMAR in Tapachula, where a large part of the applications is received at the national level<sup>110</sup>, suffers from long waiting periods. The delay between the intention to apply and the classification as a refugee applicant can last

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<sup>103</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023. For example, in 2022, a Salvadoran national, being an applicant for refugee status in Tapachula, was detained by INM and returned to El Salvador, leaving her partner and daughter in Mexican, despite having a valid processing certificate from COMAR and remaining in the area corresponded to her request.

<sup>104</sup> Human Rights Watch. [Mexico: Asylum Seekers Face Abuses at Southern Border](#). 2022.

<sup>105</sup> WOLA. 2022.

<sup>106</sup> The positive decision rate was 72% between January and July 2023, according to data provided by COMAR.

<sup>107</sup> Global Detention Project. 2021.

<sup>108</sup> Human Rights Watch. [Mexico: Asylum Seekers Face Abuses at Southern Border](#). 2022; IMUMI. [The Consequences of U.S. and Mexican Migration Policies on the Protection of Venezuelan Women and LGBTIQ+ Persons in Southwest Mexico](#). 2023.

<sup>109</sup> Human Rights Watch. [Mexico: Asylum Seekers Face Abuses at Southern Border](#). 2022.

<sup>110</sup> COMAR. [COMAR in numbers](#). 2023: At the end of September 2023, 60,496 applications were submitted in Tapachula, as a comparison the CDMX office which also processes applications from other entities received 25,458 applications.





multiple months. During this period people face greater vulnerability due to the lack of a document confirming their migratory status, which leads some to abandon the procedure during this period of time<sup>111</sup>.

**Lack of reliable information:** There is little clarity among individuals about the documents issued by COMAR and INM. Upon formally beginning the asylum process, COMAR provides proof of processing and the temporary CURP. With this certificate from COMAR, individuals are eligible to apply for a TVRH with INM. However, misinformation about the scope of the TVRH results in many people using it to move to other states, even though this represents an abandonment of the procedure before COMAR. In addition, misinformation about the processes has led some people to file the application with COMAR thinking that it is a requirement to access asylum in the U.S.<sup>112</sup>.

**Discrimination:** Racial discrimination and xenophobia represent significant barriers to accessing asylum. Several studies report that Haitians experience racial and other intersectional forms of discrimination within the country. There is an insufficient offer of differentiated legal services for people who do not speak Spanish or to account for cultural and ethnic diversity. In addition, there are few qualified interpreters to provide information or guide people through the stages of the process and the documents issued by each institution, which means that few are clear about the status of their application and whether or not they are at risk of refoulement<sup>113</sup>.

**Other barriers to access:** Deficiencies in the procedure - including the lack of legal advice and representation for those submitting applications, as well as the absence of clear criteria for evaluation and analysis - put applicants at greater risk of refoulement. In addition, in certain months, the dissemination of appointment dates through social media put those who do not have access to internet in greater vulnerability and generates a feeling of anxiety due to constant changes and little guidance on the steps to follow<sup>114</sup>. Detained persons seeking recognition of refugee status face more difficulties because they do not have the information to file an application<sup>115</sup>.

**Saturation of the system and alternative regularization channels:** Despite the need for migration regularization alternatives for people with different needs and profiles, on many occasions people on the move are forced to submit an application to COMAR as the only way to regularize their migration, which contributes to the saturation of the system.

### ***Effects of Threats***

The most serious effects of this series of threats occur in the case of return to the country of origin or to another place where life is at risk, as it puts the physical integrity and life of individuals at risk. For example, in Haiti, deportees face widespread gang violence<sup>116</sup>. Once the refoulement has been implemented, there is no legal mechanism in Mexico to proceed against this situation or to be able to redress it. When people are returned, there are no channels for contacting COMAR from the country of origin or any possibility of obtaining a new refugee status certificate<sup>117</sup>.

Although there is limited information available on how this situation affects the population, barriers to asylum have a significant impact on the physical and mental health and well-being of those affected. The possibility that they may be returned - and the return itself - to the place they fled from as a result of threatening situations can put the lives of these people at risk and result in emotions such as anxiety, fear, intrusive thoughts, sleep problems such as insomnia, among many others. During the procedure some people are also victims of scams by personnel of the

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<sup>111</sup> DRC. [Snapshot May + April 2023](#). 2023.

<sup>112</sup> Technical Group. Breakout session: Access to information and services.

<sup>113</sup> Amnesty International. [Nowhere is safe: Haitians on the move need international protection](#). 2021; IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>114</sup> Collective Analysis, Technical Group.

<sup>115</sup> DRC. [Challenges in protecting refugees and ensuring non-refoulement in Tapachula, Mexico: a due process analysis](#). 2021.

<sup>116</sup> Amnesty International. [Nowhere is safe: Haitians on the move need international protection](#). 2021.

<sup>117</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTQ+ people in southwestern Mexico](#). 2023.



same institutions or by people posing as employees of these institutions, agreeing to accelerate appointments or the application process.

No person on the move is exempt from the threat of refoulement, due to the practice of some authorities of tearing up documentation of asylum-seekers or persons already recognized as refugees. However, some nationalities are at higher risk, as they face a lower probability of being recognized as refugees<sup>118</sup>. In the case of families made up of people from the LGBTIQ+ community, separation is a direct consequence of the limited recognition of their inclusion within the concept of family<sup>119</sup>.

### **Capabilities**

The Law on Refugees, Complementary Protection and Political Asylum provides a framework for legal protection for asylum-seekers and refugees, including the guarantee of non-refoulement. However, there are numerous factors that impede due process in accessing refugee status. International and national organizations provide a significant number of informational and legal services and sometimes act as a liaison to facilitate access to asylum for the population.

### **Monitoring indicators to inform a periodic review of protection risks**

- Number of return events. *Source:* UPM.
- Percentage of population by reason for departure. *Source:* Surveys by humanitarian actors.
- Percentage of recognized applicants by nationality. *Source:* COMAR.
- Percentage of people who reported that they faced obstacles in the asylum process. *Source:* Surveys by humanitarian actors.

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<sup>118</sup> COMAR. Between January and September 2023, the largest number of applications for refugee status came from Haitian nationals (37,736 applicants). However, the rate of positive and complementary protection for this population group was 35% in that period. [COMAR in numbers](#). 2023.

<sup>119</sup> IMUMI. [Transnationalization of violence in the journey of women asylum seekers in Mexico](#). 2022.



## RISK 4: ACCESS TO SERVICES AND INFORMATION

Throughout Mexico, the population faces difficulties in accessing basic services, such as health, education, and social services. This limited access becomes a protection risk when legitimate access to services and rights is limited due to discrimination, stigma, or insecurity.

With respect to health services, the Mexican Supreme Court of Justice issued a ruling stating that all persons in Mexican territory have the right to receive free public health services, regardless of their immigration status. This is also reflected in the Immigration Law<sup>120</sup>.

In the area of education, Mexico has an educational inclusion protocol for migrants. Likewise, the Migration Law establishes that migrants may access public and private educational services, regardless of their migratory status and in accordance with the applicable legal and regulatory provisions<sup>121</sup>. However, the right to work, health and housing for people on the move is not guaranteed in all Mexican states<sup>122</sup>.



<sup>120</sup> DRC. [The right to health: challenges for mixed migratory flows in Ciudad Juarez, Mexico](#). 2022.

<sup>121</sup> SEP. [Newsletter](#).

<sup>122</sup> IRC. A journey of hope. 2021.



### Protection Threats

People on the move often face barriers in accessing shelter services to protect themselves against the various protection risks in their environments. After “food” for their families, both men and women consistently prioritize “shelter” as a top need<sup>123</sup>. At the end of September 2023, about 15,000 people were staying in shelters<sup>124</sup>. However, the shelters where people are housed are overcrowded, leaving a significant portion of the population unhoused or in informal settlements<sup>125</sup>. The insufficient supply of shelters reflects the lack of a coordinated response to the crisis in the country. In Tapachula, for example, many women are sleeping on the streets and makeshift camps in parks while waiting for legal processes to advance<sup>126</sup>. This is also visible in Mexico City and in multiple locations in the north of the country, where it is increasingly common for shelters to be overcrowded, and for the population to be settled in camps and makeshift tents in parks and spaces<sup>127</sup>.

There is a significant need for access to health care among families on the move. Approximately one out of every three families have been in need of medical care since their arrival in Mexico. Nearly 10% of the families include a pregnant or breastfeeding woman. However, 8% of those who have needed medical care, and have sought it, have not had access to the service. The main reasons included, in order of frequency: lack of information, lack of resources, lack of documentation, and lack of health insurance; other reasons were no service available, fear of deportation, and denial of care by the service. Sometimes the only options are basic health services or care at pharmacies<sup>128</sup>.

On the other hand, **misinformation** results in confusion and hopelessness for people on the move, who are faced with situations of which they were unaware prior to the migration journey<sup>129</sup>. For example, Haitians who have been in the country for less than three months frequently state that they do not have information on what services are available in the locality<sup>130</sup>. Most of the information is in Spanish, so those who do not speak the language face greater vulnerability.

Those with some financial resources have access to private accommodation and health services. However, most do not have a source of income: in Tapachula, Tijuana and Ciudad Juarez about 85% of the migrants and refugees interviewed in April were unemployed or looking for work<sup>131</sup> and cited discrimination as the main reason for this lack of access.

In general terms, one of the main factors impeding access to services and information is **discrimination**. The phenomenon of racial discrimination and xenophobia is present in both public institutions and the private sector. There are reports of people who mention having received differential treatment and racist comments in various health or educational institutions, where there is little openness and people's beliefs are not respected. In addition, there is an insufficient offer of services for people who do not speak Spanish or who manifest cultural and ethnic

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<sup>123</sup> UNHCR. Protection Monitoring. 2023

<sup>124</sup> According to data compiled from the Interagency Shelter Working Group in Mexico as of October 2023.

<sup>125</sup> For example, 5% of the population interviewed by [DRC Protection Monitoring](#) (2023) and 15% of the population interviewed by UNHCR (Protection Monitoring, 2023) were in street situations or informal settlements.

<sup>126</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023

<sup>127</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.

<sup>128</sup> UNHCR and WFP. Protection Monitoring. 2023

<sup>129</sup> Women's Refugee Commission, US-Mexico Border Recommendations. 2023; IOM. [DTM Tijuana](#). 2023. 2 out of 5 people mention that they face situations of which they were unaware prior to initiating the migration project because they did not have information about it.

<sup>130</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>131</sup> IOM. [IOM DTM](#). 2023.



diversity<sup>132</sup>. Indigenous IDPs mention feeling discriminated against because people in the host community think that they were displaced because they are part of criminal gangs<sup>133</sup>.

Not all schools are receptive to enrolling people on the move. On several occasions, humanitarian organizations negotiate with the schools so that they can provide access, and there is little awareness on the part of teachers regarding migration issues. For applicants with studies in their country of origin, the revalidation processes are difficult since the SEP requests the original academic records of the subjects taken or study plans<sup>134</sup>.

For IDPs, not having access to scholarships, the lack of flexibility for mid-cycle enrollment, discrimination, and stigmatization of the phenomenon of displacement are some of the obstacles to accessing education<sup>135</sup>.

Another series of barriers are linked to the absence of **documentation**. Obtaining documentation that accredits a migratory status for people on the move is difficult and causes various barriers in accessing services. Although a significant number of people affected on the southern border are in a process with COMAR, the certificate issued by this institution does not confer rights regarding access to services, assistance programs or regular movement through the territory. As a result, a large number of people remain in a situation of heightened vulnerability<sup>136</sup>. Additionally, in spite of what is contemplated in the legal framework regarding the provision of basic health services, in some health centers there is still a requirement to present a document confirming Mexican nationality and proof of address in order to be attended<sup>137</sup>.

Also, among the limitations to open bank accounts and access other forms of financial inclusion, as well as to obtain a job, are the lack of documentation required by employers (such as Permanent Residency, Social Security Number and Federal Taxpayers Registry).

### ***Effects of Threats***

Discrimination results in a lack of equal access to accommodation. Among the reasons for not staying in a shelter, people on the move point out the limited capacity of shelters, little information on access, language barriers for those who do not speak Spanish and differentiated treatment based on race, limitations on exits, among other factors<sup>138</sup>. However, this leads people to stay in overcrowded rooms or camps with protection risks. In addition, many people who express cultural and ethnic diversity mention that they cannot stay in shelters because they are not allowed to comply with certain cultural practices or rules (food, religious practices, separation of men and women, few private spaces)<sup>139</sup>.

Barriers to accessing shelters usually lead people to live in precarious and unsanitary conditions, in areas with high rates of criminal activity, and they often have to carry their documents all the time due to the unsafe conditions in the places where they stay<sup>140</sup>.

Barriers to access to physical and mental health services result in adverse emotional reactions such as anger, frustration, uncertainty, stress, sadness, feelings of loneliness, and the development of common mental disorders

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<sup>132</sup> DRC. [Challenges in protecting refugees and ensuring non-refoulement in Tapachula, Mexico: a due process analysis](#). 2021; IRC. *A Journey of Hope*. 2021.

<sup>133</sup> UNHCR, et. al. [Internal Displacement Profiling Exercise in Chihuahua](#). 2023.

<sup>134</sup> Save The Children. 2023; IRC. 2023; Collective Analysis, Technical Group.

<sup>135</sup> UNHCR, et. al. [Internal Displacement Profiling Exercise in Chihuahua](#). 2023.

<sup>136</sup> DRC. [Snapshot January + February](#). 2023.

<sup>137</sup> DRC. [The right to health: challenges for mixed migratory flows in Ciudad Juarez, Mexico](#). 2022.

<sup>138</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>139</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023.

<sup>140</sup> IRC. 2023.



such as depression, generalized anxiety, among others; likewise, at the physical level, the consequences are clearer as people's physical situation worsens due to the lack of access to services<sup>141</sup>.

Unreliable or rapidly changing information limits access to services while exposing individuals to various protection risks. For example, misinformation about the asylum process in the U.S., through the CBP One application, has led to cases of family separation and people falling for scams or fraud. On the other hand, misinformation regarding health services, for example, has resulted in many people not being able to access a COVID-19 vaccine<sup>142</sup>.

At the same time, lack of access to basic services increases the recurrence of negative coping mechanisms. Recurrent begging practices are common mechanisms in cities in the south, center and north of the country. A large number of people mention that it is a mechanism to get money to buy food, pay to access a bathroom or charge cell phones<sup>143</sup>.

This threat affects all people on the move in general. However, the situation is aggravated for people who are more vulnerable because they are elderly, pregnant, have serious medical conditions or disabilities. There are no differentiated services for people who manifest cultural and ethnic diversity. Discrimination against indigenous and Afro-descendant people is prevalent.

### **Capabilities**

Cities with large concentrations of people on the move have often been overwhelmed by migratory movements, so that public services, as well as the banking and money transfer system, are overwhelmed and this strains community relations<sup>144</sup>.

Despite the efforts of different service providers, important gaps in the provision of services have been identified, mainly in humanitarian assistance, health, economic recovery, security, protection of vulnerable groups, protection of children and adolescents, as well as health services and psychosocial support<sup>145</sup>.

### **Monitoring indicators to inform a periodic review of protection risks**

- Percentage of people reporting protection problems (discrimination, insecurity, stigmatization) when accessing basic services (health, education) in the last 3 months prior to the survey. *Source:* Surveys by Humanitarian actors.

## **RISK 5: ARBITRARY DETENTION**

Arbitrary detention is a form of deliberate deprivation of rights that occurs when a person has been deprived of his or her liberty as a result of an illegal arrest or detention. This can occur when the reason for the arrest is not immediately reported in a language that the person understands. Arbitrary deprivation of the right to liberty occurs when, regardless of the reason, there is no individualized determination of the necessity and proportionality of the detention. In Mexico, although it does not explicitly refer to immigration detention, the Migration Law establishes that foreigners who do not prove their immigration status will be "presented in temporary accommodations", as a measure for the regularization of their stay or assistance for their return. Additionally, such law establishes two types of administrative detention centers: (1) Provisional stay centers, intended for short or medium-term detention; and (2) Migratory stations / long-term detention facilities. Both types of facilities are operated by the National Migration Institute (INM). Taken together, these articles present the legal basis for the detention of

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<sup>141</sup> HIAS. 2023.

<sup>142</sup> IRC. [Haiti Rapid Needs Assessment](#). 2023; DRC. Ciudad Juarez Health Report. 2023.

<sup>143</sup> IRC. Mexico Northern Border Needs Assessment. 2023.

<sup>144</sup> Amnesty International. [No place is safe for Haitian people](#). 2021.

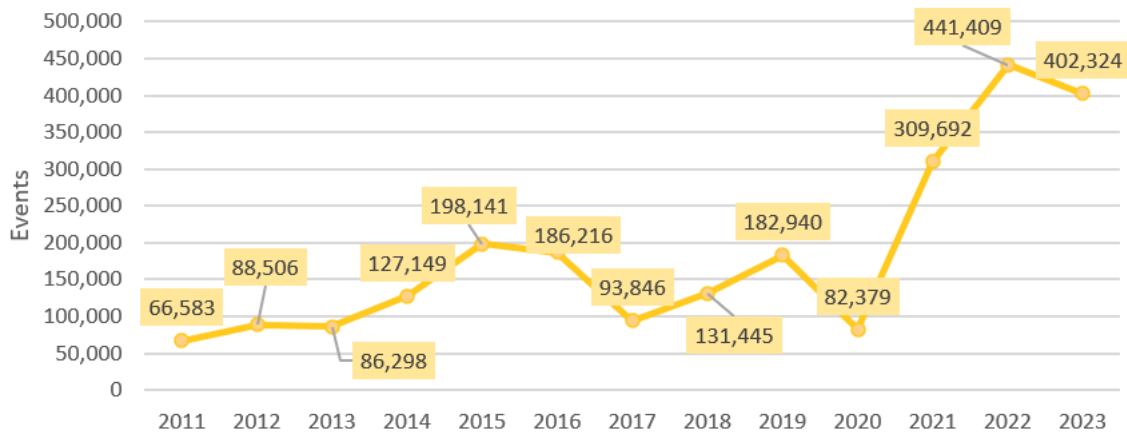
<sup>145</sup> IRC. Northern Border Needs Assessment. 2023.



foreigners in an irregular situation without mentioning detention<sup>146</sup>; this legal ambiguity gives way to arbitrary detentions, violating judicial guarantees, due process, and contravening the principles of non-criminalization and exceptionality.

Based on this legal framework, Mexico implements one of the largest immigration detention systems in the world. The INM operates with more than 6,000 agents in 499 locations, including 194 points of entry and 66 detention centers<sup>147</sup>. INM centers are located at strategic points aligned with the migratory routes through which people transit<sup>148</sup>. In turn, Mexico has one of the highest rates of detention of migrants in the world<sup>149</sup>, between 2014 and 2019 being reported an average of more than 150,000 events in which people were detained per year, for 2022, immigration authorities reported 440,000. For the year 2023 until the month of August official figures report more than 400,000 events.

**Events involving people in an irregular situation in Mexico, UPM**



Both the National Guard (GN) and immigration agents conduct "control and screening" operations to detain people on the move, operating checkpoints on major highways and surprise inspections in buses, airplanes, and hotels along the northern and southern borders. Recently, the Mexican Supreme Court declared these controls unconstitutional. However, Congress will have to amend the law for the ruling to take effect<sup>150</sup>.

The First Chamber of the Mexican Supreme Court of Justice (SCJN) confirmed on March 15, 2023, that the confinement of persons in mobility in immigration detention centers should not exceed 36 hours and should always guarantee legal representation<sup>151</sup>. However, persons who are part of a judicial process must be held for longer periods of time. In addition to the above, the detention of children and adolescents in immigration detention centers and in any space provided for such purpose is prohibited - in line with the provisions of the Migration Law, after the reforms that came into force in 2021 for its harmonization with the General Law on the Rights of Children and Adolescents. This means that the DIF Systems must have reception spaces not only for unaccompanied children

<sup>146</sup> The articles do not mention the word detention or deprivation of liberty. In addition, the detention system is described as "temporary housing" Chamber of Deputies. [Analysis of the Migration Law](#). 2014.

<sup>147</sup> Human Rights Watch. [Mexico: Asylum Seekers Face Abuses at Southern Border](#). 2022.

<sup>148</sup> Vogt. 2017.

<sup>149</sup> Global Detention Project. 2021.

<sup>150</sup> Human Rights Watch. [Mexico: Asylum Seekers Face Abuses at Southern Border](#). 2022; SCJN. [List of Communiqués](#). 2022.

<sup>151</sup> SCJN. [List of Press Releases](#). 2023.





but also for families with children and adolescents, several of which continue to be spaces deprived of liberty. The lack of regulatory harmonization of the Migration Law and the budget allocation for the Protection of Children and Adolescents and DIF Systems has resulted in a limited and not comprehensive response, extending a dynamic of expedited return<sup>152</sup>.

Migration stations<sup>153</sup> must have access to medical, psychological, and legal assistance services; provide food requirements and three meals a day; ensure the physical integrity of individuals; preserve family unity; maintain adequate facilities; have legal representatives and translators, among other requirements. However, in practice, not all standards are always met.

### **Protection Threats**

In Mexico, detention is a constant practice that often occurs without an individualized determination of the need for detention. The situation of vulnerability in which people on the move find themselves has been aggravated in recent years by the hardening of migration policies in which States have chosen to focus on national security rather than human rights<sup>154</sup>. To this must be added the participation in the exercise of migratory control by the Navy and elements of the National Guard. There is a relationship between the criminalization of migration or 'crimigration' and policies based on a security rather than protection approach. The last three administrations focused their efforts on border security, leaving protection in second place. This is reflected in the INM's spending, where a large percentage is used to maintain migration stations, and little is allocated to the protection of people on the move<sup>155</sup>.

The available information highlights that not all migrant holding centers and provisional stay centers comply with the minimum conditions, presenting situations of overcrowding, unhealthy conditions, as well as physical and mental problems. Among the main problems related to overcrowding, there are people sleeping in crowded spaces with extreme temperatures, places without windows and only with artificial lighting, which encourages the spread of infections and disorients people about the passage of time<sup>156</sup>. There are also open spaces, where people are exposed to climate changes and viral diseases. Regarding hygiene conditions, the National Human Rights Commission (CNDH) observed in some visits that basic water and sanitation facilities are inadequate, and infections can spread among those using the spaces<sup>157</sup>. The provision of food has been described as insufficient or of poor quality, consisting of few food groups<sup>158</sup>.

In addition, there are documented cases of aggressions in immigration stations<sup>159</sup> and reports indicating discriminatory treatment based on gender identity, sexual orientation, ethnic diversity, and nationality<sup>160</sup>. Reports from local teams mention situations of violence towards people, shouting and insults, pulling pregnant women, beatings with obvious bruises for resisting detention.

There are several areas of opportunity regarding access to services and information. Not all people understand the dynamics of the detention centers and have questions regarding the causes of detention, how their administrative

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<sup>152</sup> DIF manages three types of centers: care modules, shelters, and private shelters. The network comprises 14 care modules and 36 shelters.

<sup>153</sup> Article 107, [Migration Law](#).

<sup>154</sup> CNDH. 2023.

<sup>155</sup> El Universal. [In the last three years; INM has paid more than 500 million pesos for security at Migratory Stations](#). 2023.

<sup>156</sup> Amnesty International. 2023; Humanities and Social Sciences Communications. 2023.

<sup>157</sup> Global Detention Project. 2021; CNDH. [Reports on the supervision of temporary holding facilities and migrant detention centers](#).

<sup>158</sup> Global Detention Project. 2021.

<sup>159</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTQ+ persons in southwestern Mexico](#). 2023.

<sup>160</sup> Fernandez de la Reguera Ahedo. [Immigration Detention, practices of humiliation, disgust and contempt](#). 2020.





procedure will be, how many days they will remain in that space, where they will go when the procedure is over; as well as information on access to services, access to procedures for recognition of refugee status and what their rights are within the immigration stations. Few cases receive effective legal assistance within the procedure and have access to information and their rights. For example, for detained persons seeking refugee status recognition, access to the procedure depends on COMAR visits to the migratory stations. Available studies show a significant gap with respect to the obligation to detect and orient people with possible intentions of requesting protection as refugees in Mexico<sup>161</sup>.

The INM received the third highest number of complaints for human rights violations (1,997 complaints) of all state institutions<sup>162</sup>. In the case of children and adolescents, DIF personnel provide treatment similar to detention since they do not have the technical elements and resources to provide comprehensive care<sup>163</sup>. As a result, agencies have budgetary constraints given the priority of allocating the budget to containment, which results in great challenges to end the deprivation of liberty<sup>164</sup>. In addition, crime leads to few alternatives to detention.

### ***Effects of Threats***

The detention of people with international protection needs who eventually face refoulement to their countries of origin represents a risk to their lives and well-being. Similarly, global studies show that immigration detention has short- and long-term effects on people's well-being and health, including mental health<sup>165</sup>. People in detention show higher levels of Post Traumatic Stress Disorder (PTSD), anxiety disorders and depression, compared to people who have not been through detention<sup>166</sup>. Mental health problems start from the moment of detention and the first hours in the immigration stations.

Even though people are now detained for less time, there is a profound impact on their condition when they leave the immigration stations. People who are deported are exposed to the risk of violence, deterioration of their health and well-being in their country of origin.

Every person in mobility is exposed to this risk, regardless of their nationality or sex. Despite the fact that the law prohibits the detention of children and adolescents in immigration stations, and any space provided for this purpose, there are still reports of children and adolescents being detained, even unaccompanied.

### ***Capabilities***

The Migration Law in several of its articles<sup>167</sup> provides a framework of protection for people on the move, including respect for their human rights and non-discrimination. However, resources and enforcement are limited. Despite its mandate, there is insufficient capacity on the part of CNDH to monitor all detention centers. International and national organizations do not have sustained access to the centers, or to the people who were released.

### ***Monitoring indicators to inform a periodic review of protection risks***

- Events of persons in an irregular migratory situation in Mexico by nationality. *Source:* UPM.
- Percentage of people who mention having been detained in Mexico. *Source:* Surveys by humanitarian actors.

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<sup>161</sup> DRC. [Challenges in protecting refugees and ensuring non-refoulement in Tapachula, Mexico: a due process analysis](#). 2021.

<sup>162</sup> Amnesty International. 2023.

<sup>163</sup> Global Detention Project. 2021.

<sup>164</sup> IMUMI. [The consequences of U.S. and Mexican migration policies on the protection of Venezuelan women and LGBTIQ+ persons in southwestern Mexico](#). 2023.

<sup>165</sup> WHO. [Immigration detention is harmful to health](#). 2022.

<sup>166</sup> Cleveland et al. 2018; Steel et al. 2006.

<sup>167</sup> Art. 52, 106, 107, 225, 226, [Immigration Law](#).





## RECOMMENDATIONS

To reduce the risks and their impact, the Technical Group of the Protection Working Group recommends:

### **VIOLENCE AND INSECURITY**

#### **Eradicating impunity for human rights violations and barriers to access to justice for people on the move.**

- Promote the establishment and use of complaint boxes or other feedback channels to identify incidents of rights violations affecting people on the move.
- Monitor the impacts of the militarization of migration management and investigate any incidents of abuse.
- Promote the investigation of reports, complaints, or other indications of corruption among officials dealing with people on the move, including illegal charges in the issuance of documentation and abuses at checkpoints, among others.
- Advocate for the adoption of sanctions, including employment sanctions, if appropriate after investigation of complaints or grievances.
- Undertake pertinent actions and measures to favor comprehensive reparation to the victims of human rights violations, taking into account the need to adapt reparation measures to the mobility of the population.
- Promote the investigation of allegations of human rights violations by non-state actors against people on the move.

#### **Strengthen actions in favor of structural changes that contribute to an enabling environment for the prevention of protection risks and the mitigation of their impacts.**

- Promote the continuity of legislative processes towards the adoption of a national legal framework aligned with international standards that establishes responsibilities and processes, as well as allocates resources to prevent and address internal displacement.
- Promote peacebuilding, public security or other strategies that favor the prevention of internal displacement due to violence and insecurity and assistance for displaced persons.
- Implement processes for peaceful coexistence between local populations and people on the move in order to promote inclusion and non-discrimination and reduce xenophobia.
- Promote safer conditions in and around shelters that house people on the move and favor the creation of safe spaces for groups in greater situations of vulnerability, such as women, girls, adolescents and LGBTIQ+ communities.
- Increase the visibility of the protection situation before universal and regional human rights mechanisms to promote their intervention in accordance with their mandates.

### **ACCESS TO DOCUMENTATION**

#### **Promote access to documentation for people on the move in the country.**

- Ensure the application of predictable criteria and transparent and consistent processes for obtaining documentation of legal stay.
- Disseminate official information regarding the hours, places and requirements for INM's services for different immigration procedures.



- Promote coordination between the INM and the Ministry of Foreign Affairs to ensure that persons admitted to Mexico under bilateral agreements entered into by the Ministry of Foreign Affairs are granted documentation of regular stay.
- Implement alternatives for migration regularization for people on the move who do not seek international protection in Mexico.

**Guarantee access to rights for people with migratory or asylum documentation.**

- Promote that public institutions responsible for providing services receive clear guidelines and training on the different documents for regular stay and the rights they entail.
- Promote coordination between INM and COMAR for the recognition of the legal effects of the documents issued by each agency in order to avoid refoulement of persons when dealing with COMAR.

**REFOULEMENT AND ACCESS TO ASYLUM**

**Adopt measures to facilitate access to asylum for persons in need of international protection who choose to seek such protection in Mexico.**

- Increase the presence of CNDH and civil society organizations at points of entry to promote access to the territory for people seeking asylum.
- Coordinate efforts to disseminate accurate and updated information on the procedure to initiate a procedure before COMAR, including in detention centers.
- Strengthen the outreach of the Federal Public Defender's Institute and civil society organizations to provide legal assistance services in asylum procedures.
- Promote the quality of decisions on asylum applications, including through actions to encourage the adoption of guidelines regarding the analysis of cases of women survivors of gender-based violence.
- Establish guidelines for access to reparations in case of violations of the principle of non-refoulement and the consequences this has on the right to life and personal liberty.

**ACCESS TO SERVICES AND INFORMATION**

**Strengthen access for people on the move to existing services and specialized assistance programs to meet their specific needs.**

- Encourage public institutions responsible for providing health and education services to develop public protocols and establish procedures to make their services available to the affected population.
- Promote the creation of inter-institutional coordination mechanisms to guarantee access to services, including through linkage or referral mechanisms.
- Strengthen the offer of mental health and psychosocial support services for the affected population.

**Strengthen the capacity of service providers to respond to reduce people's exposure to protection risks and to mitigate the effects of these risks.**

- Increase the scope of information dissemination activities along the route and the availability of information in different languages.
- Increase the capacities of humanitarian actors and health service providers to identify and respond to incidents of sexual violence.
- Consolidate and coordinate reception efforts, including the establishment or strengthening of spaces that provide health, food, and shelter services in line with humanitarian standards.



- Strengthen the capacity of service providers to overcome language barriers and cultural diversity.
- Ensure the availability and use of feedback mechanisms for service providers.

## ARBITRARY DETENTION

### Reduce the exposure of people on the move to arbitrary detention and its consequences.

- Strengthen coordination among humanitarian actors working on detention issues to facilitate harmonization of monitoring activities, verify departure conditions and articulate other priorities.
- Promote public awareness of the risks associated with arbitrary detention.
- Promote the creation of new alternatives to immigration detention that comply with international standards so that detention is a measure of resort.
- Ensure contact with the National Human Rights Commission and civil society organizations for all persons deprived of liberty in Migration Stations and Provisional Stay Centers.

## GENERAL RECOMMENDATIONS

### Strengthen information and statistical data, disaggregated by age, sex, nationality and other relevant variables, to inform crisis analysis and response planning.

- Promote the inclusion of migrants, refugees and internally displaced persons as distinct population groups to be studied in major instruments and surveys such as the Housing Population Census and the National Survey on Victimization and Perception of Public Safety (ENVIPE).
- Encourage public data collection at the northern and southern borders to measure entry and exit movements, both regular and irregular, to strengthen understanding of population trends and characteristics.
- Coordinate data and information collection efforts among humanitarian actors to include a minimum selection of survey variables, harmonize the formulation of questions, and promote the sharing of non-personal data to strengthen monitoring, planning and coordination capacity.
- Articulate population estimation initiatives with other stakeholders and coordination groups at the regional level to contribute to an estimate of people on the move in the region and to identify trends and profiles.
- Promote the monitoring of relevant data. As part of the Mexican state's commitment in the *Global Compact for Refugees*, the variables to measure the population in mobility and its needs should have a continuous monitoring in the future to study the evolution over time, evaluate what improvements should be implemented in the response and make more informed decisions in the long term.
- Conduct an annual review of the PNO through a joint review process, including at the subnational level.





## ANNEXES

### METHODOLOGICAL NOTE: STATISTICAL ANALYSIS

#### I. General considerations

The statistical analysis as part of the PNO responds to two main objectives:

1. Establish a baseline: how many people on the move in need of humanitarian assistance and protection are in Mexico as of September 2023?
2. Quantify risks: understand the magnitude of the protection risks detailed in the PNO and strengthen their monitoring over time.

To achieve this, five stages were established:

- To know the source, availability and periodicity of data for each topic of interest.
- Agree on the most relevant sources for the study.
- Analyze available data by time series or cross-section, as appropriate, and disaggregate by gender, age and nationality.
- Identify and describe the scope and limitations of the data.
- Review the results of the process.

The results of the quantitative phase will be, on the one hand, the descriptive statistics of the relevant variables for each topic and, on the other hand, the identification of possible future scenarios based on the analysis of seasonality and current trends.

Data sources were selected based on their reliability, availability, and reliability. They include protection monitoring and assessments by the Danish Refugee Council (DRC), the International Rescue Committee (IRC), the United Nations High Commissioner for Refugees (UNHCR), and the Instituto para las Mujeres en la Migración A.C. (IMUMI).

In addition, official secondary sources, such as the Migration Policy Unit (UPM), the Mexican Commission for Refugee Aid (COMAR), the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), the Executive Secretariat of the National Public Security System (SESNSP), and the National Institute of Statistics and Geography (INEGI).

The temporal scope of this document is from January to September 2023, so it can be considered a cross-sectional study for all the variables presented. Regarding the identification of scenarios, it is complemented with a longitudinal component (time series analysis) to identify trends and seasonality in the data.

Data are analyzed as a total of persons, by gender, age, and nationality in all cases where the source of information permits. In some cases, data are included that have event as a unit of measurement, instead of number of persons (for example, data on the events of persons without regular migratory status in Mexico published by the UPM), which is made explicit in the wording and in the source of information.

The national review considers three large regions and 19 priority cities and localities, where large concentrations of population in mobility have been identified. This information has been validated and complemented by the field teams of the different organizations leading the exercise.





## II. Scope, context and limitations of the data

The Technical Group has identified the following limitations and considerations in the use of data and information sources:

- **Lack of data availability:** for some sub-themes or concepts of interest to the PNO there is no data available at all or the available data is not disaggregated by age group or gender, or there is no information by nationality or historic trends - for example, about people on the street or in migration stations. Most importantly, there are no databases that provide an estimate of the number of people without regular status in the country.
- **There is no methodology or consensus on how to estimate data:** some of the sources of information, although on different topics, contain subcategories of the same group of persons, leading to duplication of data, such as persons with refugee status recognition and persons with permanent residence cards. This, coupled with the lack of information on persons without legal documentation, reduces the reliability of any estimate of the total number of persons at the time of writing this report.
- **Principle of confidentiality/public data:** there are some instances that restrict access to certain data to safeguard individuals or because the data itself represents sensitive information.
- **Self-selection bias:** some data sources, such as transit population surveys, cannot always be applied randomly, and there may even be duplication of data if cases are interviewed at the southern border and then at the northern border of Mexico, for example.
- **Data capture or reliability problems:** instruments for capturing information, such as surveys, often use filter questions for interviews, which could lead to some biases in the application or groups or nationalities that do not have data available because it is not contemplated in the sample design.
- **Lack of follow-up in the data:** there are data that are not available obtained for a single point in time and not as a time series.
- **Underestimation of data:** In the case of the CMDPDH, some of the internal displacement figures may be considered an underestimate because there is limited systematic monitoring of violent displacement in the country. As its methodology is based on the monitoring of media reports, it could omit those events of violence that did not attract the attention to be reported in the news. In addition, this figure is considered an underestimate given the sensitivity of displacement associated with violence, as sometimes affected persons may not report it.