

Does My Story Matter?

Seeking Asylum at Mexico's Southern Border

July 2017

Executive Summary

Mexico closed 2016 with a record total of 8,788 asylum applications, more than double compared to 2015. Over 90 percent of these were from Central America, which reflects the flow of families and children from the Northern Triangle countries of Guatemala, Honduras, and El Salvador seeking protection not only in the United States but also across the region. This year, **asylum applications continue to grow.** According to [preliminary government figures](#), between January and March 2017 Mexico received 3,543 asylum applications, more than it did in all of 2015.

In the United States, apprehensions of individuals and families at the U.S.-Mexico border have [dropped](#) in the first few months of 2017 compared to figures for the same period in 2016. However, **the conditions in Central America driving this migration remain largely unchanged—the high levels of gang violence, corruption, and impunity remain some of the worst in the world.** According to one [study](#), in both 2015 and 2016 El Salvador was the world's most violent country, and its capital, San Salvador, was the most murderous city. The three Northern Triangle countries had a combined total of [14,870 homicides in 2016](#) and individually were still well above the minimum of 10 homicides per 100,000 inhabitants identified by the United Nations to constitute an epidemic of violence—with El Salvador at 81 murders, Honduras at 58, and Guatemala at 27 per every 100,000 inhabitants. NGO reports from early 2017 demonstrate sustained generalized violence perpetrated by gangs and security forces resulting in forced displacement, extortion, sexual and gender-based violence, severe limitations on access to education for children, and internal displacement due to the construction of megaprojects.

*"We fled because they [gangs] were bothering my two girls. If we would have waited one more day, they would have buried us... **When I went to the asylum interview with COMAR, the official spent a long time drilling me on my upbringing, my background, where I lived in El Salvador, and only asked me at the end, when there was no time left, why I was scared and why we fled. It felt like they were trying to confuse me with my own information. I was so angry and depressed when they told me that my family wouldn't qualify for asylum that I just walked out...** We are still scared. We have a friend in another city in Mexico and were wondering if we can go there. **But we can't go back, they'll kill us."***

-Victoria, El Salvador

Latin America Working Group Education Fund (LAWGEF) staff traveled to Tenosique and Tapachula in southern Mexico during the second half of 2016 in order to understand the dynamics of Central American asylum-seeking families and children crossing Mexico's southern border, the degree to which they had access to protections, and how they were impacted by migration enforcement operations. Accompanied by partners on the ground, including the Centro de Derechos Humanos Fray Matías de Córdova and the La 72 Hogar Refugio para Personas Migrantes, LAWGEF met with authorities of Mexico's Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR) and Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM), staff at migrant shelters, NGOs, researchers, a Central American consul, field representatives of the United Nations Refugee Agency (UNHCR), and individuals and families seeking asylum. **We concluded that, three years after the implementation of Mexico's Southern Border Plan, harsh migration enforcement tactics continue to violate the rights of not only migrants but also of Mexican border communities. We found that the routes inland from the border near Tenosique and Tapachula remain full of danger for migrants and asylum seekers. Violence is perpetuated by organized crime, smaller criminal groups, and often in collusion with Mexican migration enforcement agents and local police.**

Access to asylum in Mexico is still the exception rather than the rule. The process remains difficult and frustrating. Obtaining international protection in Mexico is largely dependent on access to legal counsel, case accompaniment, and proximity to Mexico's COMAR offices to complete the process. Mexico's INM often discourages migrants from applying for asylum as opposed to effectively screening individuals and channeling them to COMAR. **Far too few children have a chance to access asylum in Mexico and are not channeled to COMAR from Mexico's National System for Integral Development of the Family (*Sistema Nacional para el Desarrollo Integral de la Familia*, DIF) or INM facilities. We confirmed that efforts to house asylum seekers outside of detention facilities, or alternatives to detention initiatives, are being implemented on an ad-hoc basis and are far from fully institutionalized across the country.** At the same time, this report confirms a growing interest among asylum seekers in staying in Mexico, if they have access to services and jobs. We found that even **after receiving asylum, refugees have limited opportunities to lead a normal life** along Mexico's southern border because of a lack of opportunities and safety concerns.

Despite all of these challenges, it is important to note that Mexico has taken some steps forward to strengthen its asylum system and address abuses against migrants since our trip. However, it is a mixed bag. While there has been progress, there have also been some steps backwards. These problems demonstrate that Mexico's asylum system must still be strengthened by increasing COMAR's resources to expand staffing and coverage across Mexico, expanding alternatives to detention programs for asylum seekers, and ensuring adequate screening and identification of all those in need of protection, including unaccompanied migrant children. U.S. support for improving Mexico's asylum system should be an integral part of its cooperation with Mexico.

Asked why he left his country, Marcos said, **“Because of the situation in my country—the conditions that we all know by now.”** This was his second time crossing into Mexico. Several years ago, the maras, or gangs, that controlled his urban neighborhood killed his older brother. The house next to theirs was used by the maras to kill people. Every day he tried to avoid gang members forcing him to join. “I never wanted to join,” he said... When the stress of living amidst such violence got to be too much, Marcos and his mother fled. They made it to Mexico City where they were caught and deported back to Honduras. He made the trip alone this time—but he was worried about the family he had left behind. **When asked if he was going to apply for asylum in Mexico, he just said, “Sure, lo que Dios quiera (God willing).”** He would attend the next information session held at the shelter on the process **but wondered aloud, “Does my story matter for that [getting asylum]?”** He wasn't clear on the process.

-Marcos, Honduras

Key Recommendations

Mexican Government

- Substantially increase funding to COMAR for 2018.

COMAR

- Incorporate required training on how to determine the “best interest of the child” and UNHCR guidelines for new and existing asylum adjudication officers, including on the context of sexual and gender-based violence.
- Conduct all interviews of asylum seekers in person and maintain regular mobile teams to areas lacking offices.
- Work with civil society organizations, UNHCR, university legal aid clinics, and other organizations and individuals that provide pro bono legal counsel to establish processes for improving legal representation for asylum seekers.
- Coordinate with the UNHCR, civil society organizations, and the Ministries of Education, Housing, Social Development, Health, and Labor to develop a comprehensive integration policy for refugees.

INM

- Incorporate mandatory and recurring training on screening and identification of asylum seekers and alternatives to detention for all new and existing agents.
- Expand the alternatives to detention program together with civil society organizations and the UNHCR to end the detention of asylum seekers.
- Allow civil society and UNHCR greater access to immigration detention centers to provide legal counsel to all migrants and asylum seekers who request it.

United States Government

Department of State

- Increase U.S. support for strengthening Mexico's asylum system, including the work of the UNHCR in Mexico and Central America.
- U.S. support should prioritize internal oversight mechanisms for Mexico's INM, including the implementation of an internal affairs unit and human rights trainings, such as on screening for international protection needs.
- U.S. support should advance the investigation and prosecution of crimes against migrants.
- U.S. support for migration enforcement at Mexico's southern border should be transparent, comport with the principles of protection under international law and require progress in addressing corruption and rights violations against migrants and asylum seekers, and in holding abusive units accountable.

Department of Homeland Security

- Ensure full access to asylum and due process for those seeking protection in the United States and at the U.S.- Mexico border. If the United States does not respect access to asylum, it cannot encourage Mexico to do the same.
- Cooperation between the U.S. Customs and Border Protection (CBP) and Mexican INM should not impede migrants from accessing asylum or expressing fear of return to their home countries. All training provided to Mexican migration officials should emphasize improving accountability and transparency and comport with the principles of protection under international law.

Full report here: lawg.org/AsylumMX

For questions or more information contact: Daniella Burgi-Palomino,
Senior Associate, Mexico, Migrant Rights, and Border Issues, DBurgiPalomino@lawg.org
www.lawg.org | (202) 546-7010