



## Is Deterrence Enough?

# Deterrence Policies in Mexico, and Finding a Way Forward in the U.S.-Mexico Bilateral Relationship on Migration

By Rachel Schmidtke



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## Executive Summary

Deterrence strategies, such as deportation and detention, are a component of the United States and Mexico's bilateral strategy to manage migratory flows from Central America. While deterrence strategies have had some success in the United States in deterring migrants from Mexico, there is little evidence to show that they have effectively reduced the rates of migration from the Northern Triangle. Recently, President Trump and President-Elect Andrés Manuel López Obrador have discussed policy options for migration management, including increased deportation funding as well as an economic development plan. The incoming Mexican administration does not seem to favor deterrence policies, so in order to find a path forward in the United States and Mexico bilateral relationship, it is important to explore other avenues for collaboration on migration.

This essay discusses the effectiveness of deterrence as a migration management strategy, and moves beyond deterrence to explore other policy alternatives that would be feasible and yield positive benefits for Mexico and the United States. Beyond border enforcement, Mexico can consider three other policy options: increasing legal avenues and integration measures for Central American migrants, increasing and targeting economic development funding, or rejecting the traditional cooperation with the United States in favor of an autonomous strategy. Weighing the pros and cons of each strategy, this essay lays out recommendations for consideration. These strategies could ensure Mexico remains a committed partner in migration management.

## *Introduction*

On September 12, 2018, the Trump administration announced a proposal to provide Mexico with USD\$20 million in aid, designated for transportation costs to deport unauthorized migrants in Mexico back to their countries of origin. Many immigration advocates in the United States and Mexico have scrutinized the potential policy, but for border enforcement advocates, it is seen as a pragmatic approach to decrease flows of Central Americans to the United States and improve the Mexico-U.S. bilateral relationship.

This policy proposal is not the first, nor will it be the last, that the incoming Mexican government will receive from the United States, given the Trump administration's priority to curb migrant flows by increasing and strengthening deterrence mechanisms. While Mexico has responded that the policy was "not necessary" the U.S. government is still pushing the policy forward. In order to avoid potential conflict between the U.S. and Mexico, it is important to delineate what strategies *are* necessary to achieve the migration agenda set forth in Mexico and the United States. This paper examines the role of deterrence in Mexico and U.S. migration strategies and moves beyond them to examine what other components are needed to fulfill the migration policy goals of the United States and Mexico.

## *Mexico's Deterrence Strategies*

There has been a perception in the United States that Mexico is not doing enough to enforce its borders or work collaboratively with the United States in addressing the Northern Triangle migration flow. However, the United States has traditionally recognized Mexico as an important partner in border enforcement and deterrence practices and has expanded its partnership with Mexico since 2014 in this area.

In 2014, the U.S. Department of State (DOS) allocated more than USD\$100 million in Mérida Initiative funds to support Mexico's Southern Border Program, an initiative designed to increase border security at the Mexico-Guatemala-Belize border to reduce rates of Central American migration in Mexico. The program assists the National Migration Institute (INM) in creating roadblocks, checkpoints, and new infrastructure, not only at the border, but also along traditional routes used by migrants. Along with the new infrastructure, the Southern Border program received funding from the United States to set up biometric data-collection kiosks, improve communications between Mexican agencies in the south, train INM and police officials, strengthen judicial capacity, and increase drug interdiction capabilities. As of July 2018, DOS had delivered USD\$32 million of that assistance, mostly in the form of nonintrusive inspection

equipment, mobile kiosks, canine teams, vehicles, and training in immigration enforcement.<sup>1</sup>

Prior to the implementation of the Southern Border Program, Mexico had implemented border enforcement efforts, but they were not nearly as comprehensive as the Southern Border Program and often ad hoc. Following the implementation of the program, traditional deterrence strategies, such as migrant apprehensions and deportations, increased dramatically. The total number of migrant apprehensions increased by 85 percent from 2014 to 2016.<sup>2</sup> In the first six months of 2018, Mexico deported 6,915 migrants from El Salvador, 27, 122 from Guatemala, and 31, 086 from Honduras.<sup>3</sup>

### *Does Deterrence Work?*

Deterrence strategies, actions put in place to create disincentives for people from migrating, in some cases have shown to be effective. A study done by the Cato Institute<sup>4</sup> shows that stricter border enforcement policies at the U.S. Southern Border effectively worked in lowering the rates of migration from Mexico. The study states, “Border enforcement intensity significantly lowers the likelihood that someone with a high propensity to migrate illegally will choose to do so....had the enforcement buildup not occurred, illegal migration would have increased to levels consistent with recovery in the U.S. labor market [following the U.S. recession in 2008].” Deportation as a strategy of border enforcement has also been shown to contribute to deterring migrants from crossing. Other studies<sup>5</sup> corroborate this evidence.

In the United States, these deterrence strategies were directed, however, at populations who had traditionally been associated with illegal crossings: young adults from Mexico. The U.S. Department of Homeland Security stated that the U.S. border enforcement system is “especially well designed to repatriate single adults from Mexico and aliens who have been previously convicted of a crime”,<sup>6</sup> supports this. The demographics of migrants who are coming to the United States and Mexico are increasingly family units and children. The drivers for their migration are different from those of young Mexican adults in previous years. The latest numbers from the U.S. Customs and Border Protection show an especially large increase in the number of

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<sup>1</sup> Meyer, Peter. *U.S. Foreign Assistance to Latin America and the Caribbean: FY2018 Appropriations*. Congressional Research Service. 2018

<sup>2</sup> Chishti, Muzaffar, Pierce, Sarah. *Trump Administration’s New Indefinite Family Detention Policy: Deterrence Not Guaranteed*. Migration Policy Institute. September 2018.

<sup>3</sup> Unidad de Política Migratoria. *Boletín mensual de estadísticas migratorias*. Secretaria de Gobernación, México. 2018

<sup>4</sup> Roberts, Bryan. *Illegal Immigration Outcomes on the U.S. Southern Border*. Cato Institute. 2017.

<sup>5</sup> Alden, Edward. *Is Border Enforcement Effective? What We Know and What it Means*. Center for Migration Studies. 2017

<sup>6</sup> Chishti, Muzaffar, Pierce, Sarah. *Trump Administration’s New Indefinite Family Detention Policy: Deterrence Not Guaranteed*. Migration Policy Institute. September 2018.

adult men arriving with children, from 7,896 in 2016 to 16,667 in 2018.<sup>7</sup>

In Mexico, the deterrence efforts of the Southern Border Program have not had definitive results as to their effectiveness in reducing migration. Border enforcement and deterrence did temporarily reduce the volume of the unauthorized in-transit migrant flow, but there is little data showing deterrence will be a sustainable, long-term solution to this problem. According to the INM, 73, 222 migrants have presented themselves to migration authorities between January-July of 2018.<sup>8</sup> Furthermore, 15,795 minors from the Northern Triangle have presented themselves to INM officials in the first six months of 2018. The migratory flows, particularly from Guatemala and Honduras, have been increasing since 2014. The number of asylum claims presented to the Mexican Commission for Refugee Assistance (COMAR) has also increased by 150 percent between 2013 and 2017.<sup>9</sup>

Border presence, of course, involves more than just deportation and deterrence. Border presence contributes to increased data, which is essential to tracking migrant flows. This is helpful particularly in knowing the demographics of migrants and for screening those who enter into the country. Proper screening can help catch people with criminal backgrounds or who pose security threats. Placing trained officials and appropriate technology at the border is critical for drug interdictions and combatting transnational criminal organizations. Not only is it essential for security purposes, but having proper screenings, data collection, and demographic awareness are also essential to understanding what kind of service provisions are needed for migrants. Border presence, and particularly deterrence strategies, however, are not definitive solutions to the migration problem. This is especially true given that the push factors of Central American migrants creates a strong incentive structure that might not respond to negative deterrence strategies.

### *Other Strategies*

The incoming Mexican administration of Andrés Manuel López Obrador seems less keen on strict deterrence and detention policies. Not only have they rejected the USD\$20 million deportation aid proposal, but members of the Morena administration have also condemned many of the United States' deterrence strategies. Foreign Affairs Secretary, Marcelo Ebrard and Secretary of the Interior, Olga Sánchez Cordero have called for strategies that uphold migrants' rights and focus on economic development. The incoming Mexican administration presents new opportunities to consider incoming policy proposals from the U.S., review the ongoing bilateral policies, and examine their own migration policies. This is especially true given that the Trump

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<sup>7</sup> CBP, Southwest Border Migration FY2018

<sup>8</sup> *Ibid*

<sup>9</sup> Isacson, Adam, Meyer, Maureen, Smith, Hannah. *MEXICO'S SOUTHERN BORDER: Security, Central American Migration, and U.S. Policy*. Washington Office on Latin America. 2017

Administration requested USD\$85 million in assistance for the Mérida Initiative in FY2018, which is USD\$54 million (38.8%) less than FY2017, but for FY 19, the U.S. government has promised an increase of USD\$76.3 million. The following are options that the Mexican and U.S. governments can consider as alternative deterrence.

### *Increasing Legal Avenues of Entry and Bolstering Integration Measures*

There are a variety of legal avenues for migrants and refugees to enter Mexico. However, there are significant limitations to accessing legal avenues of entry, including bureaucratic challenges, a lack of funding for staff, reported corruption and abuses from INM officials, and inadequate screening processes for asylum claims. The current Mexican government under Peña Nieto announced a 150 percent budget increase and 84 percent staffing increase for COMAR, which is a positive development towards working to address some of these challenges.<sup>10</sup> Mexico could continue to increase the capacity for INM and COMAR to process temporary and long-term residence solicitations and asylum claims. By doing so, they would increase the number of people who enter into the country with greater access to institutional support and ability to work, study, and contribute to the Mexican economy.

A strategy that increases legal processes of entry would need to involve an increase in the integration measures provided to migrants. Currently, civil society organizations bear the brunt of the work in ensuring migrants who seek to stay in Mexico integrate successfully by providing legal services, shelters, and informal educational and work opportunities. However, in order for integration measures to be effective and sustainable, the government must begin to take a leadership role in integrating migrants.

Integration measures could do more than just provide increased attention to migrants and asylum seekers -- it may actually work to deter migrants from entering into the United States. As migrants begin to see Mexico as a safe option that provides economic opportunities, education, and a chance for upward mobility, the perilous trek through Mexico to the United States and the increasingly strict U.S. immigration process become less favorable options. This is something the U.S. government could endorse, as it achieves the goal of lowering the rates of migration to the United States. For Mexico, it could help the economy by having higher-skilled workers with stronger cultural and social ties in Mexico. It could also help reduce the number of crimes against migrants as their informal status in Mexico leaves them vulnerable to crime. Increased legal avenues would drive down the number of smuggling units in Mexico, as their demand would decrease.

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<sup>10</sup> Seelke, Clare. *Mexico's Immigration Control Efforts*. Congressional Research Service. 2018

Increased border enforcement combined with fewer legal entry processes has led to a rise in human smuggling activity. As migrants seek to enter into Mexico and the United States by any means necessary, they seek out the help of smugglers who promise them passage without coming into contact with border agents. Smuggling weakens the ability of the INM and COMAR in Mexico, and the CBP and USCIS in the United States from doing their job as criminals begin to manage more of the migration industry. Increasing legal avenues takes away power and money from smugglers and allows for better tracking of migratory flows. A spokesperson for the UN Secretary-General stated, “Humans have become a criminal commodity, and so what we want to do in a sense is take the management of the movement of people out of the hand of smugglers and create better legal pathways, clearer laws, and just better management.”<sup>11</sup>

There are important points to consider for this strategy. Increased funding to the INM and COMAR means the Mexican government would need to spend more money on these programs, or they would need to secure U.S. buy in. The U.S. government, for FY2019 promised funding for COMAR to process asylum applications of Central Americans stating, “not less than \$3,000,000 shall be made available for assistance to improve the capacity of the COMAR to process such applications.”<sup>12</sup> With new staffing and budget increases, there are a number of opportunities to enhance the technical capacity of employees, address bureaucratic barriers to processing, increase information flows between COMAR and the INM, and improve screening processes for asylum seekers. This is a positive development.

However, the political will for increasing legal channels for migrants and offering long-term integration support is low for the Trump administration. The AMLO administration has said little about increasing legal avenues and migrant integration support and may not wish to spend money on these programs when corruption and economic development in Mexico are higher priorities for the Morena party. Integrating migrants into Mexico is economically positive in the long-term, but requires short-term costs. Better service provisions for education, healthcare, and employment are already a challenge in poorer southern states, where Mexicans themselves struggle to find employment in a formal economy. Mexico would need to invest heavily in creating sustainable integration programs, which require technical capabilities, staffing, community and local political support. These are not small challenges, but if the federal government allocated the necessary funds and made integration a priority, the challenges are surmountable. They would benefit not only Central Americans, but Mexicans as well, as they would also have access to greater service provision.

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<sup>11</sup> Taha, Dena. *Refugees, Travel Bans, & Humanitarian Diplomacy: An Interview with Stéphane Dujarric, Spokesman for UN Secretary-General António Guterres*. Public Diplomacy Magazine. University of Southern California. 2018

<sup>12</sup> *Ibid*



Despite the challenges, this strategy could be both a deterrent for migrants entering the United States and still fit within the Mérida Security initiative, as it works to lower smuggling rates and increases incentives for migrants to pass through INM checkpoints, allowing for better screening of those who could pose a security threat.

### *Policy Recommendations:*

- Increase the capacity of COMAR to adjudicate asylum claims efficiently by hiring more employees, training all employees on proper screening techniques, and opening up more COMAR offices along the southern border. Increase communication efforts to migrants who meet asylum qualifications.
- Make available a larger number of temporary residency visas, workers permits, and transit visas to Central American migrants who meet the qualifications, and communicate these legal avenues to migrants who encounter INM officials.
- Implement feedback and complaints mechanisms for migrants regarding INM and police officials to report corruption or abuse.
- The government should assume a greater responsibility for integration measures, including access to schooling for migrant children, training programs and vocational education opportunities for adults, job programs, and healthcare for migrants. These services must be done in conjunction with the existing efforts from civil society and private sector organizations.
- In conjunction with increased legal avenues and integration measures, organize informational campaigns directed towards Mexicans to help ease tensions and boost acceptance of Central American migrants.

### *Economic Development*

Another policy option is to focus on the economic development of the Northern Triangle and Southern Mexico. There are deep structural forces driving people out of the Northern Triangle—endemic poverty, corruption, and serious security concerns due to gang violence, famine, and drought to name a few. Economic development traditionally has been seen in the United States as a strategy to address the push factors for migrants, as increased development can help alleviate poverty, increase access to markets, reduce food insecurity, and build more resilient

communities.

Under this strategy, Mexico could choose to work in coordination with the United States and other countries in the region to increase funding for development projects in the Northern Triangle. Currently, Mexico's Agency for International Development Cooperation (AMEXID) has Central America as a regional priority, pursuing South-South and Triangular development cooperation as a main strategy. In FY2017, the government allocated USD\$24,684,855 to AMEXID funds, about 6% of the total budget for the External Relations Ministry.<sup>13</sup> AMLO has proposed a joint effort with the U.S. and Central America where 75% of the funding would go towards regional development and 25% to border control and security. In the United States, President Trump signed the Consolidated Appropriations Act, which provides \$615 million to continue implementation of the U.S. Strategy for Engagement in Central America, although this was \$85 million less than was allocated to the initiative in FY2017<sup>14</sup>. Rather than decreasing U.S. funding, the Trump administration could work in tandem with Mexico's proposed development idea. The development coordination between Mexico and the U.S. can be bolstered and better targeted to address the push factors that drive forced migration. The U.S. and Mexico both recognize the importance of development, and can work together on this topic. In fact, on October 4, 2018, Trump and AMLO had a phone call to discuss a USD \$30 billion plan for economic development to Mexico's southern border and Central America.

An economic development strategy may yield higher returns for Mexico and the United States than previously thought. The narrative around Central American migration has largely focused on the extreme and pervasive violence in the country perpetuated by gangs and other transnational crime organizations. While this violence is quite real and does contribute to push factors, the latest data is showing that under-development may play an even greater role in pushing many migrants to leave. According to U.S. Agency for International Development data, the number of Guatemalan migrants arrested at the U.S. border in 2018 nearly doubled from 2017. There is an increasing number of migrants hailing from indigenous areas in the western highlands, where malnutrition rates exceed 65 percent, the highest in the Western Hemisphere.<sup>15</sup> CBP Commissioner, Kevin McAleenan, stated that migration from Guatemala is likely less due to violence and more a result of food insecurity.<sup>16</sup> While the homicide rates for El Salvador and Honduras remain some of the highest in the world, Guatemala's murder rate has reached a 17-year low. Economic development can also reduce the incentives for young men to join gangs, as

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<sup>13</sup> Segob. "CALENDARIO de presupuesto autorizado a las unidades administrativas responsables que forman parte del Ramo 05 Relaciones Exteriores para el ejercicio fiscal 2017"

<sup>14</sup> CRS

<sup>15</sup> USAID, WFP, IOM, OAS, IFAD, IDB: *FOOD SECURITY AND EMIGRATION: Why people flee and the impact on family members left behind in El Salvador, Guatemala and Honduras*. 2018

<sup>16</sup> Washington post

one of the reasons for joining is that gangs offer more money and status than many of the informal, agrarian, or other lower paying jobs in the region.

A development strategy is also not without its caveats. Primarily, development takes a long time and is therefore, politically, an unattractive option, as the results of good economic development projects are often seen many years after an administration. While the U.S. government has promised USD\$76.3 million for the Mérida Initiative for FY2019, it does not specify an Economic Support Funds (ESF) amount for Mexico. Better targeting of these funds could significantly strengthen their effectiveness.<sup>17</sup>

Furthermore, development is also not a linear solution. Investing in economic development will only be truly successful when accompanied by other external factors, such as favorable trade policies that allow producers to access the international market or increased government transparency and inter-governmental cooperation. Political alignment on the part of Central American governments is key to truly having an effective development strategy. The governments of the Northern Triangle would need to invest more robustly in anti-corruption measures, infrastructure, roads, and institutions that accompany rural economic development. Finally, it is important to recognize that economic development actually stimulates more migration in the short term because, as people's incomes rise, they have greater means to leave an undesirable situation.

Despite the limitations of a development strategy, there is no solution more sustainable to address migratory flows. In a speech to the U.N., President Trump stated, "Ultimately, the only long-term solution to the migration crisis is to help people build more hopeful futures in their home countries."<sup>18</sup> Development is the ultimate deterrence strategy, as people who have access to economic opportunities, security, education, and health services are far less likely to leave than those who do not. Development is a positive deterrence strategy that is good for Mexico, the United States, and the Northern Triangle.

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<sup>17</sup> *Ibid*

<sup>18</sup> Remarks by President Trump to the 73rd Session of the United Nations General Assembly | New York, NY September 25, 2018.

### *Policy Recommendations:*

- Conduct a joint development planning effort between USAID and AMEXID to identify areas of mutual interest and leverage funding.
- Identify private sector partners willing to serve as anchor businesses in value chains that can be rooted in the Northern Triangle and in Mexico's southern Border States.
- Provide matching funds in coordination with host countries and the multilateral development banks to improve rural infrastructure, particularly roads.
- Provide loan guarantees to Mexican and Northern Triangle financial institutions to support rural value chains.
- Provide funds to increase access to basic education and healthcare in impoverished communities in Mexico's southern Border States and in Northern Triangle countries.
- Offer trade and other financial incentives to Northern Triangle governments in return for reducing corruption.

### *Do Nothing*

A final option for Mexico is to reject any incoming policy proposals from the U.S. government. Mexico can acknowledge the U.S. priority to enforce rule of law and amp up border enforcement tactics, but decide not to cooperate and seek its own initiatives for migration management. This strategy would give Mexico full control over its own institutions and not be beholden to U.S. interests, something for which Enrique Peña Nieto was harshly criticized.

This option is unlikely. AMLO, despite his criticism of many of Trump's immigration policies, understands there is a need for U.S.-Mexico cooperation. Migration is a topic of the utmost priority for the Trump administration and is likely an issue that will remain a key part of the bilateral relationship between Mexico and the United States. Furthermore, Mexico's border very much relies on funding from the United States for the Southern Border Program, which is important not only for deterrence practices, but also for key security activities like drug interdiction.

## *Conclusion*

The most holistic solution is a mix of all of these alternatives to traditional deterrence. That is not a new idea, and public policy experts have often advocated for comprehensive migration management that include aspects of development, humanitarian protection, legal avenues for entry, and border enforcement. However, given the U.S. government's penchant for strict border enforcement policies, and the incoming Mexican government's reticence to accept many of these proposals, opportunities for conflict seem almost inevitable. Yet, Mexico has been a reliable and committed partner to the United States in terms of security and border enforcement, and can be the same dependable and committed partner in other realms as well, if the United States is willing. Deterrence is but one component of a comprehensive migration strategy, and it is not a silver bullet. What would happen if both countries invested in other strategies that also deter migration, but have the positive benefit of making Mexico and Central America more prosperous and institutionally strengthened? We may just see some tangible results.