

The Implementation of Mexico's Refugee, Complementary Protection and Political Asylum Law

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While much migration still tends to occur along a global south to global north axis, there has been an increase in south-south migration in a number of regions. Within this context of restricted entry, refugees have found it increasingly difficult to obtain asylum, with many states in the global north engaged in an 'illiberal turn' in their immigration policy (Cantor 2015, 189–193), electing to impose demarcations between political *refugees*[1] and economic *migrants* that have largely served to exclude the vast majority of forced migrants from receiving refugee status, a legal and political phenomenon that some scholars have called the *asylum-migration nexus* (Castles 2006). Zetter (2007), Landau (2008), and Bakewell (2008) have argued that the label 'refugee' itself is worth deconstructing and challenging in part because it disregards the multiple causes that compel people to be unwilling or unable to return to their home countries, which has resulted in scholars and activists urging a reinterpretation of the conditions covered by the term 'refugee' (Shacknove 2017), the use of new concepts (Betts 2013, 26–28), and a reckoning with the hegemonic influence of the global north in the development and deployment of migration labels and categories (Chimni 2008).

There has been some legal progress in the effort to expand the term 'refugee' so that it corresponds with contemporary realities and more expansive sociological and academic definitions. However, this progress is regional and scarcely implemented in practice, as is the case in Latin America, where the 1984 Cartagena Declaration has substantially expanded the definition of refugee beyond the 1951 Convention Relating to the Status of Refugees. Despite this region's discursively progressive approach to forced migration and a recent increase in mass displacement in Venezuela and Central America that has rapidly converted countries that were previously sites of emigration or transit migration into destination countries (Gandini et al. 2019), much of the academic focus continues to center around the global north (Feline Freier 2015; Cantor 2015).

Mexico, as one of the few countries that has integrated the Cartagena Declaration into its domestic refugee law – the 2014 Law on Refugees, Complementary Protection and Political Asylum (LRPCAP) – offers an interesting and understudied case that provides insight into contemporary refugee reception beyond the global north. Over the last decade, Mexico has gone from being characterized as a country of emigration and migration *in-transit* to becoming a country of refuge for thousands of refugees from a wide range of Latin American and extra-continental countries. From 2013 to 2019, Mexico saw an increase of over 5,000 percent in applications for refugee status (COMAR 2019). With a long-standing, though numerically minor tradition of offering asylum to a wide range of refugees throughout the 20th century, Mexico has discursively presented itself as a devoted adherent to the protection of refugees (Ministry of Foreign Affairs 2011).

However, the recent arrival of large numbers of refugees to Mexico, political pressure from the US, and an inadequate implementation of the LRPCAP have hindered Mexico's ability to adhere to its discursive alignment with international standards. This chapter explores how Mexico has responded to recent arrivals of refugees after the passage of the LRPCAP, focusing on gaps between law and practice. Using over a year of participant observation

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and interviews at a refugee resettlement non-governmental organization (NGO) in Mexico City from 2018 through 2019 and an exhaustive review of reports by federal government agencies and local NGOs, we analyze how geopolitical pressure, extraterritorial expansion of US migration control, and the asymmetrical bilateral relationship with the US has conditioned the implementation of Mexico's refugee policy. We argue that Mexico's discourse, laws, and regional policies tend to reflect principles of state-state solidarity and a certain degree of solidarity with refugees. However, the implementation of these laws and policies represents a neoliberal model of migration governance that mirrors the global north's securitization schemes. In this context, translocal NGOs and grassroots groups are responsible for filling the gaps that the Mexican state is unwilling to address, employing transformative practices grounded in mobility, membership, and visibility that offer an alternative approach to the global north's migration governance frameworks. However, they are limited by the scarce support they receive from the state. Our fieldwork reveals that the lived experiences of refugees reflect not only the influence that the US exercises on Mexico's southern border, but also its influence on the implementation of Mexico's own refugee law.

Contemporary Migration Flows across Latin America, Regional Responses, and Extraterritorial Migration Governance

Traditionally characterized for its stable south-north economic and circular migration patterns, Latin America is shifting towards becoming a region of south-south forced migration (Feldmann, Bada, and Schütze 2019). People are fleeing particular parts of the region because of economic instability, corruption, climate change, state violence, and organized crime. However, as Déano Alonso (2020) argues, these root causes are not new. What is new in the region, however, is the multilayered (Miller and Mevin 2017) 'extra-territorial sprawl' of US migration control policies (Hiemstra 2017, 45) across Latin America. Within the last 10 years, the US has expanded its migration control policies outside its national borders through a process of extra-territorialization (Fitzgerald 2020), a strategy of deterrence disguised as national security aimed at preventing migrants and refugees from reaching its physical borders through regional 'collaboration'. Hiemstra (2017, 47–53) argues that the US has been successful in implementing its migration control policies across Latin America through regional 'partnerships' with transit countries and the international expansion of Department of Homeland Security (DHS) efforts to combat drug trafficking, organized crime, and 'irregular migration flows', thus 'stretching' the presence of US military across the region.

The US's extraterritorial extension of migration control policies has reshaped *how* people are moving across the region and *where* they are ultimately arriving and settling. Militarization and policing across the Central America-US corridor has forced migrants to forge new and dangerous paths *en route* to the US, putting them at a higher risk for assault, rape, kidnapping, and death (Martinez 2014). As survival strategies for overcoming these risks, asylum seekers and migrants are traveling together in larger groups as a method of survival, protection, and as a political act to visibilize the systemic violence they face in transit (da Silveira Moreira 2013; Rivera Hernandez 2017).

While scholarship has vastly examined how destination countries in the global north govern migration flows from the global south (Gibney 2004; Hollifield 2004) and how migrants and refugees experience and navigate migration policies in the global north (De Genova 2002; Mejivar 2006; Abrego 2012), scholars are beginning to analyze the challenges and opportunities that forced migration poses in the global south and unpack what factors, and at which level, shape how states frame and implement domestic refugee legislation. Although Latin America has a long tradition of acting as a region of asylum for political refugees (Gleizer 2011, 18; Grandi 2017, 4), the demographic profile of asylum-seekers in the region has changed, with an increasing number of asylum applications from extra-continental countries as well as from indigenous and lesbian, gay, bisexual, trans, and queer plus (LGBTQ+) communities (IOM 2019) posing social, linguistic, and legal challenges in countries unaccustomed to these demographic profiles.

According to Feline Frier (2015), Latin America is a distinctive region because it has discursively contested restrictive refugee law and policy grounded in national security. Refugee policy in the region has been characterized as leaning towards a 'liberal paradigm shift' – through adopting and implementing refugee policies centered on human rights, integration, and protection. Emblematic of this liberal paradigm shift is the development of the Cartagena Declaration of 1984, which arose as a response to mass displacement in Central America stemming from civil wars in Nicaragua, Guatemala, and El Salvador. Cartagena expands the definition of 'refugee' far beyond the

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1951 Geneva Convention definition (Organization of American States 1984).[2] While Fischel (2019) argues that this represents an asylum regime change, Cartagena's limitations – being non-binding, validating sovereignty, serving largely as a conceptual framework – has meant that it is scarcely applied even by states that have signed it. Still, with the notable exception of the African Union's similarly expansive definition of refugee (Okello 2014), Cartagena and Latin America stand out globally as translating the humanitarian spirit of the Geneva Convention to contemporary contexts of forced migration.

In addition to the Cartagena Declaration and likely as a result of its coalition building in the region, Latin American countries have adopted programs and initiatives with a focus on human rights to address forced migration regionally and sub-regionally. Among region-wide programs are the 1994 San José Declaration, the 2004 Mexico Plan of Action, and the 2014 Brazil Plan of Action. Among sub-regional collaborations are the Common Market of the South (MERCOSUR), which has created a free movement residence agreement between Argentina, Paraguay, Uruguay, and Brazil (previously Venezuela as well), and the Union of South American Nations (UNASUR), which has launched initiatives related to migration through the South American Conference on Migration (Pires Ramos et al. 2017). In Central America and Mexico, the 2017 Comprehensive Regional Framework for Protection and Solutions (MIRPS) and the 2019 Comprehensive Development Plan have taken a human rights-based approach to migration in the region, with collaborative resettlement plans and an emphasis on addressing the root causes of migration. Although there has been little indication as to the success of these last two initiatives, due in part to their relative novelty (Velázquez 2020, 43), in theory they represent a collaborative, transnational approach that contrasts sharply with the unilateralism and national security approach of the US, making these initiatives geopolitically significant.

Apart from multilateral collaborations, a number of countries have adopted refugee and migration laws that ostensibly prioritize human rights considerations over national security, with Argentina being the first in the world to recognize migration as a human right in 2003, followed by Colombia in 2004, and Ecuador and Uruguay in 2008 (Gandini et al. 2019). The Cartagena Declaration's wide framing of the definition of refugee has been adopted in domestic legislation by 15 countries in the region as well, lending a degree of credibility to its relevance (Fischel 2019; Cantor 2015, 196). However, despite the incorporation of the Cartagena Declaration into the domestic legislation of most countries in the region, Mexico remains the only country that has actually applied Cartagena *en masse*, and to this date it has only been applied to Venezuelans applying for refugee status in Mexico (Gandini et al. 2019). In the following sections, we analyze Mexico as a case study of a country that espouses the human-rights-centered principles enshrined in international and regional frameworks, exploring how the implementation of its refugee law coheres with and deviates from these frameworks under geopolitical pressures and the proliferation of extraterritorial bordering regimes.

Mexico's National Approach to Refugee Protection (2014–2019): Protection, Temporary Legality, and Deportation

Mexico's contemporary approach to refugee protection is grounded in three legal frameworks: the Mexican Constitution, the 2011 Law of Migration, and the 2011 Law of Refugees, Complementary Protection and Political Asylum[3]. However, Mexico's economic integration with the US (Delano 2011, 5), bilateral securitization agreements with the US related to the 2014 surge of unaccompanied Central American children, and the 2018 migrant caravans have pressured Mexico into implementing migration governance schemes grounded in border enforcement, deterrence, and removal, significantly affecting the process for seeking refuge in Mexico.

Since the early 2000s Mexico has entered a series of bilateral security agreements with the US on managing organized crime and migration flows across the Central America-US corridor. Through security partnerships, such as *Plan Sur* (2002) and the Merida Initiative (2008), Mexico has secured funding from the US[4] and has carried out its extraterritorial bordering schemes by implementing a series of law enforcement, militarization, and deportation procedures (Flynn 2002; Torre and Yee 2018) in cooperation with Central America and countries in the Caribbean. In effect, Mexico has become a fortress and a buffer zone for refugees and migrants, curtailing mobility towards the US.

This continued under former President Peña Nieto's implementation of the Southern Border Program (SBP) in 2014 after the surge of unaccompanied Central American children at the US-Mexico border. The purpose of SBP was to

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manage irregular migration flows with the aim of securing Mexico's southern border while protecting migrants entering Mexico. In practice, the Mexican government mobilized military and police presence in Mexico's southern border towns, establishing roadblocks and mobile checkpoints throughout highways from southern to east-central Mexico; constructed detention centers; and collaborated with officials from the National Migration Institute (INM) and local police enforcement to carry out raids and arrests (Arriola Vega 2017). As a result, Mexican apprehensions of migrants from Central America increased from 134,000 in 2014 to 173,000 in 2015, surpassing apprehensions by US immigration authorities; that same year, Mexico also carried out more removals at the Mexico-Guatemala border than the US-Mexico border (Selee et al. 2019). Furthermore, according to a 2017 survey conducted by Amnesty International with over 500 respondents including migrants and asylum seekers, 75 percent of individuals apprehended and detained by INM officials were not informed of their legal right to seek asylum in Mexico. In addition, 120 respondents seeking asylum were deported – violating the *non-refoulement* principle and thus domestic and international law (Amnesty international 2019). These policies have expanded an 'architecture of repulsion' (Fitzgerald 2020) in Mexico, mirroring US interests, creating what some have called a 'vertical border' (Velázquez 2011; Torre and Yee 2018), and forcing migrants and refugees into more dangerous transit routes, leaving them more exposed to organized crime and harsh geographic and climate conditions (Martinez 2008; Hernández 2019). The human rights stipulations of the SBP were effectively ignored.

Paradoxically, at around the same time that the Mexican federal government implemented SBP, Mexico passed the LRPCAP, a transformative document that expanded the role and responsibilities of Mexico in receiving refugees. The law stands out not only for its incorporation of the Cartagena Declaration, but also for its inclusion of sexual orientation and gender identity (SOGI) based persecution as a grounds for refugee status, the figure of 'complementary protection', which offers a pathway to permanent residence, a relatively rapid time frame for resolving applications for refugee status (45 working days), the obligation of Mexico to facilitate access to rights and social services, and the requirement to collaborate with civil society organizations to combat xenophobia and address the protection needs of refugees and applicants for refugee status (LRPCAP 2014).

Aside from the LRPCAP, refugees and applicants for refugee status in Mexico are technically granted all rights accorded to Mexican citizens by the Mexican Constitution and are protected by binding international accords and conventions that Mexico has ratified. Recent policies have allowed for applicants for refugee status to access a civil registration document (CURP), a tax ID document (RFC), and a temporary residency card that can be renewed annually, together providing access to employment, healthcare, and education.

It is also important to note that Mexico's Commission for Assistance to Refugees (COMAR), which is responsible for processing applications for refugee status, is a decentralized humanitarian agency that ostensibly protects the needs of refugees and applicants and works closely with the United Nations High Commissioner for Refugees (UNHCR), unlike the INM, which is largely focused on detention, deportation, and national security. Despite the progress represented by the LRPCAP, recent surges in refugee arrivals in Mexico have put the LRPCAP to test. From 2013 to 2019, applications for refugee status in Mexico have increased by 5,000 percent (Government of Mexico 2019). The increase is particularly sharp following Donald Trump's inauguration in January 2017, as evidenced by Figure 1.

Mexico has dealt with the surge in applications for refugee status in conflicting ways, at times defying the rhetoric of the US and at other times acquiescing. Unlike his predecessor Peña Nieto, current President Andrés Manuel López Obrador has pledged to approach migration through a human rights, development, and regional framework to address the root causes of migration and transform migration into a choice rather than a necessity (Government of Mexico 2019). López Obrador has also stated that he would provide humanitarian protection to newly arrived migrants. In 2019, the López Obrador administration released a document titled the *New Migration Policy of the Mexican Federal Government 2018–2024*. The document lists the administrative protocols that will be taken to address migration, including treating migration as a shared regional responsibility, establishing safe, orderly, and regular migration, strengthening migration institutions, the integration of foreign nationals into Mexican society, and fostering sustainable development, citing the 2011 Law of Migration, LRPCAP, and the Global Compact of Migration and Refugees.

In response to the arrival of Central American caravans in January 2019, the INM implemented the 'Emergent

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Program for the Granting of Visitor for Humanitarian Reasons Cards', or humanitarian visa program. These one-year visas provided both migrants and refugees with temporary mobility across the country, the right to leave and reenter the country, and work authorization – essential for local integration. However, the program ended on 28 January 2019 because, according to then-INM Commissioner Tonatiuh Guillen, the visa program was 'too successful' and overwhelmed the infrastructure of INM (Lin 2019) after more than 15,000 Central Americans applied for the humanitarian visa. Although this program was short-lived, it represented an alternative approach to the migration governance framework of the US, one centered on access to rights, mobility, and integration. However, in May 2019, the Trump administration threatened to increase tariffs on imported goods if the López Obrador administration did not reduce migration flows into US's borders, resulting in the López Obrador administration reneging on its original plans and further militarizing Mexico's southern border.

Gaps between Law and Practice: The Lived Experience of Refugees in Mexico

The lived experiences of refugees in Mexico deviate significantly from the protections the LRPCAP discursively offers, undermining what might have functioned as a counter-example to the illiberal policies of many global north countries, and in many cases replicating those same policies of exclusion against refugees crossing Mexico's southern border. One of the main sources of this deviation between law and practice is the scant funding appropriated to the COMAR, Mexico's humanitarian refugee agency. Despite a 5,000-percent increase in applications for refugee status from 2013 to 2019, the COMAR's budget has not increased anywhere near the same rate, with a 2020 fiscal year budget of just over \$2 million, less than half of what was requested, to resolve a record high of refugee status applications (SEGOB 2020). The budget of the INM, which is largely focused on enforcement, is around \$70 million; the increase in the INM budget from 2019 to 2020 alone was three and a half times more than the total budget of the COMAR from 2013 to 2019 (Soberanes 2019).

The meager budget of the COMAR is most directly experienced by refugees in the form of long application resolution wait times that far exceed the 45-day period outlined in the law, reaching close to two years for a little under half of applicants currently awaiting a resolution (Asylum Access 2020). Because applicants are required to sign in at the COMAR's office every week in person, these extensions are particularly prohibitive in terms of economic integration. During our fieldwork, many refugees recounted that they had to ask for time off to wait in the long lines at the COMAR to sign in, and in some cases, this limited their ability to get hired or maintain a job. For those who are held in detention centers while they await their application's resolution, this means weeks and often months living in degrading conditions that violate government human rights standards (Colectivo de Observación 2019), generating, according to representatives at *Programa Casa Refugiados*, physical and mental health problems that follow detainees long after their release.

An analysis of favorable case resolutions also seems to imply that nationality and socioeconomic class may be factors that facilitate the application resolution process for some refugees. A lawyer at the Alaide Foppa legal clinic at the Ibero-American University in Mexico City explained in an interview that since 2016, when Mexico declared a situation of 'grave violations of human rights' in Venezuela, the Cartagena provisions in the LRPCAP have been nearly universally applied to Venezuelans, resulting in an acceptance rate of 99 percent (Colectivo de Observación 2019). Because Mexico has not applied the same standard for other countries – such as El Salvador, Honduras, Nicaragua, and Guatemala, where 'generalized violence' and 'grave violations of human rights' are arguably just as pervasive – the Cartagena provisions are less accessible, leading to a significantly lower acceptance rate for applicants from Central American countries (SEGOB 2020). It is important to point out that most Venezuelans arrive in Mexico by plane – which implies economic resources and the ability to obtain a visa in Venezuela before leaving – and predominantly have high educational levels (Gandini et al. 2019, 318.) While speculative, this may reflect, as Gandini et al. (2019) have suggested, a historical selectivity based on class and race that favors more socioeconomically advantaged groups (Wollny 1991; García 2006).

Due to the lack of a national resettlement program, refugees in Mexico are generally responsible for their own integration process, which disproportionately affects lower-income refugees. In our interviews with representatives from *Programa Casa Refugiados* and during our fieldwork, the local and federal government were scarcely presented as helpful or even involved in the integration process of refugees. NGO representatives that we

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interviewed cited a lack of financial resources, virtually no alliances between government institutions and refugee resettlement organizations, and insufficient sensibilization initiatives to combat xenophobia and educate employers about refugees' rights to work. All interviewees considered the government's response to be inadequate, and refugees observed and consulted during our fieldwork had little confidence in the government, instead relying on shelters, NGOs, and the monthly \$50–200 stipend provided by the UNHCR.

For vulnerable groups, including women and members of the LGBTQ+ community, the lack of government support combined with discrimination and violence makes for an even more difficult integration process. Many trans women and other members of the LGBTQ+ community often are obligated to perform sex work as a mode of survival, are unable to stay in most shelters due to discrimination, and also face discrimination within government institutions. Their difficulties integrating into Mexico reflect the violent limits of policies that not only fail to facilitate the integration process, but in many cases complicate it, especially in cases of institutional discrimination.

In the absence of state policies supporting refugees, NGOs represent the only source of material, affective, and informational support available to refugees, offering a wide range of services, including information about job openings, legal support, counseling, and social events. *Programa Casa Refugiados*, a particularly comprehensive organization, holds workshops about jobs, basic information about Mexico City, and legal processes, while also offering individualized case management and collaborations with other NGOs and the academic community to advocate for better refugee policies. Shelters like la 72 in Tabasco along with a number of shelters in Mexico City and border towns in the north of Mexico offer temporary housing, medical attention, and a sense of community. This 'grassroots' level support offers a minimum level of access to resources to refugees, but the organizations that provide these resources are generally under-resourced themselves, relying on private organizations, international NGOs, and unpaid volunteers. With an increase in applications for refugee status, these organizations have found themselves particularly strained, not least refugee and migrant shelters, which have had to turn refugees away because of a lack of space (Prensa Libre 2019).

Grassroots movements, such as the caravans of 2018 and 2019, have also emerged as a way of visibilizing the plight of refugees crossing through Mexico, collectively pooling resources, demanding fair treatment and appealing to the international community for support and sympathy (Valera et al. 2019). In a more global sense, as Varela argues (2017), these caravans also represent a reclamation of agency by their members, who demand an end to 'state, market, and patriarchal violence'. Interestingly, these demands are in line with Mexico's Comprehensive Development Plan mentioned above, which seeks to address the socioeconomic root causes of forced migration. Paradoxically, though, Mexico's foreign policy appears to be aligned with the demands of the caravans, Mexican authorities in 2018 and 2019 reacted with violence to the arrival of the caravans, detaining, summarily deporting, and tear-gassing its members, many of whom had expressed fears of returning to their home countries (Villegas and Yuhas, 2019; Averbuch and Semple, 2019; Pradilla, 2020).

Competing Agendas of Refugee Resettlement: The Neoliberal Model and the Solidarity Model

Mexico's progressive refugee law as well as the goals set forth in the regional compacts and development plans it has spearheaded and participated in contrasts with the reality lived by refugees in Mexico. We identify two models that Mexico has employed in its refugee resettlement strategies – a neoliberal model and a state-state centered solidarity model – which reflect the geopolitical balance that Mexico is tasked with navigating in its relationship with the US.

The neoliberal model of 'migration state policy' tends to view human rights in economic terms and in effect 'monetizes cross-border flows' and 'commodifies forced displacement' (Adamson and Tsourapas 2019). In the neoliberal model, the economically productive refugee – self-sufficient, not in need of state resources, able to facilitate their own integration process – has more market value' (Somers 2008; Adamson and Tsourapas 2019) than refugees who are in need of state protection or require state resources in order to socially and economically integrate into the host society. The neoliberal model of migration policy coincides with neoliberal state policies that seek to reduce the strength of the welfare state by disinvesting in public institutions and restructuring indebted economies through structural adjustment loans (Tobias 2012). The effects of neoliberal globalization have been especially acute

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in the global south, where state resources are inaccessible to many citizens, let alone refugees. In order to secure funding for refugee resettlement, states in the global south, like Mexico, rely on international organizations such as the UNHCR or funding from wealthier states, the latter of which is often earmarked for security and border enforcement, further eroding local human rights protections.

At the international level, solidarity entails processes of state participation and responsibility aimed at stabilizing social and political order (Weber 2007), grounded in national interests to protect sovereignty and the national community. The principle of solidarity at the state-state level in relation to contemporary forced migration privileges state-state relationships that encompass a series of state interventions based on responsibility, burden-sharing, and 'shared coercion' (Fitzgerald 2020) aimed at surveilling and curtailing the mobility of refugees. Nevertheless, these state-state oriented solidarity models produce multiple political configurations and implications across space and geographies. Although Mexico has seen a surge in refugee applications, it receives no support from neighboring countries in implementing regional refugee integration and protection programs, but instead has received solidarity from the US in the form of enforcement 'aid' for further militarizing its borders and deterring mobility to protect the US's national borders from outsiders that fall outside its parameters of national membership. Mexico's replication of US border enforcement and coercion practices across its territory and its weak domestic solidarity model towards refugees indicates that Mexico continues to privilege state-state relationships over state-refugee relationships, thus failing to implement its discursively human-rights-based approach to forced migration.

As a result of Mexico's weak solidarity model at the domestic level, NGOs and grassroots collectives are filling gaps that the Mexican government is unwilling to address with regards to resettlement, such as *mobile solidarity*, which encompasses the protection and well-being of refugees in translocal spaces across the country, including offering refugees access to food and shelter along the Central American-Mexico-US corridor. Another important initiative is accompaniment programs where staff and volunteers accompany refugees to bureaucratic offices such as the INM to apply for identification documents necessary for accessing health, educational, and legal services, which are essential for facilitating the local integration of refugees. Such practices contest Mexico's state-based regional frameworks centered on securitization, which have had harmful and deadly consequences on the refugee population and represent an alternative approach towards refugee policy and, more broadly, migration governance frameworks because they are grounded in principles of mobility, membership, visibility, and close, empathetic contact with refugees, all of which have been minimized and criminalized by the Mexican state.

Although Mexico has adopted a discursively progressive approach to address the influx of Central American and extra-continental refugees through expanding the Geneva Convention of 1951 definition of refugees into its domestic refugee law, Mexico's day-to-day responses have been significantly shaped by geopolitics and bilateral economic and security agreements with the US. These factors have pushed Mexico to implement a neoliberal model in practice, despite laws and discourses that reflect a refugee solidarity model. The neoliberal model has left refugees in conditions of precarity – limiting legal routes to access refugee status and complicating their integration process.

Conclusion

Our case study of Mexico seeks to provoke further debate on how countries across the global south are responding to shifts in migration waves, unpacking which factors, and at what scale, shape their national responses. The case of Mexico reveals how the US supports and imposes a neoliberal model by earmarking much-needed funding for securitization schemes and refusing to financially support the Comprehensive Development Plan, the COMAR, and translocal initiatives premised on notions of refugee solidarity. Mexico, in turn, has increasingly acted in solidarity with the US's demands, at the expense of solidarity with refugees. In effect, the US has not only exported its southern border, but it has also conditioned Mexico's refugee policy to the extent that it scarcely reflects the law. As south-south and north-south migration waves continue to proliferate, new migration paradigms are needed to unpack the decisions, approaches, and implementation models that states are using to address these new challenges and opportunities, and how these models are conditioned by the demands of the global north.

Figures

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Figure 1: Applications for Refugees Status in Mexico 2013–2019. Authors' elaboration using data from the Government of Mexico (2019).

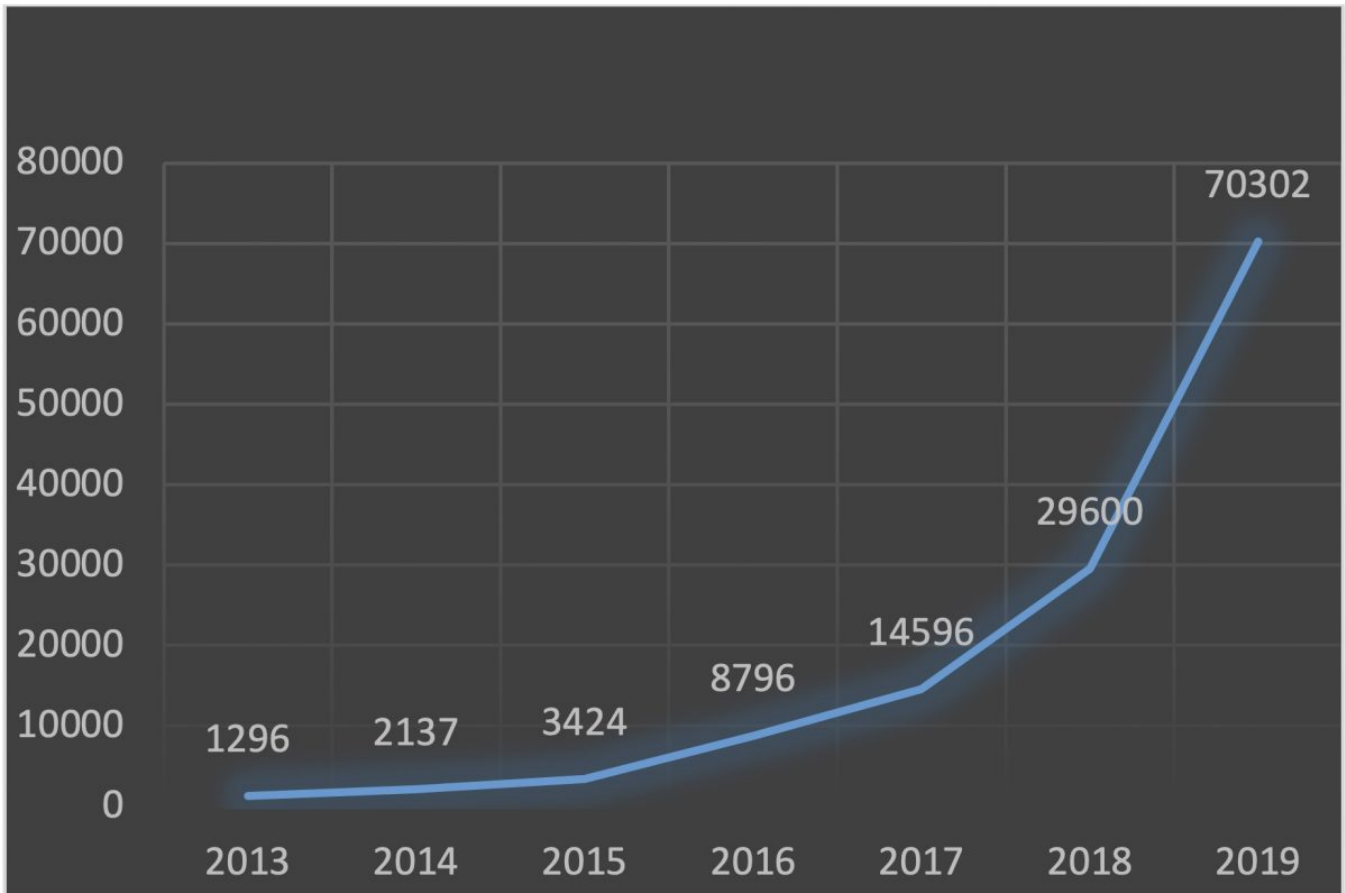
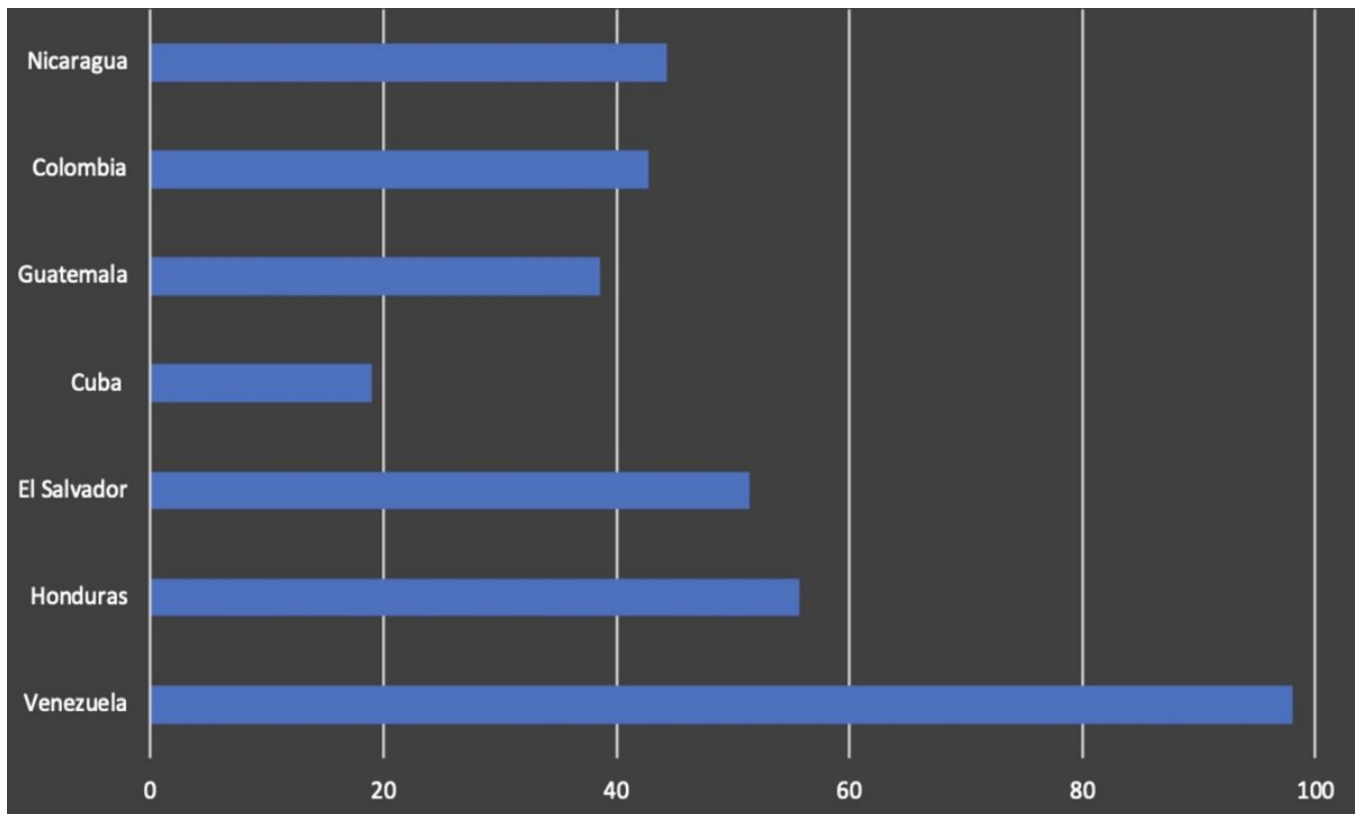


Figure 2: Percentage of Applications Granted Refugee Status by Nationality: January 2013–June 2020. Authors' elaboration using data from the Government of Mexico (2020).

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Notes

[1] The term refugee, derived from the Geneva Convention of 1951, refers to any person outside of their country of origin who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion...is unable, or owing to such a fear, unwilling to avail himself [sic] of the protection of that country.' The Geneva Convention, and its 67 Protocol, have been signed by over 140 countries, and many exclusively use the Convention's definition in their domestic refugee law despite this definition's roots in a particular moment in history that differs categorically from the nature of contemporary forced migration.

[2] In addition to containing the elements of the 1951 Convention and the 1967 Protocol, the Cartagena Declaration includes (among refugees) persons who have fled their country because their lives, safety, or freedom have been threatened by 'generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order'.

[3] In 2014, the Mexican Congress reformed this law to include political asylum.

[4] As of March 2017, the US has delivered more than \$1.6 billion to Mexico to carry out the goals of the Mérida Initiative. See Seelke and Finklea (2017).

References

Arriola Vega, Luis Alfredo. 2017. 'Policy Adrift: Mexico's Southern Border Program', James A. Baker III Institute for Public Policy of Rice University.

<https://www.bakerinstitute.org/media/files/files/fa7ac127/MEX-pub-FronteraSur-062317.pdf>

Averbuch, Maya, and Kirk Semple. 2019. 'Mexico's Crackdown at Its Southern Border, Prompted by Trump, Scares Migrants from Crossing', *The New York Times*, June 24.

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<https://www.nytimes.com/2019/06/24/world/americas/mexico-guatemala-border.html>.

Bakewell, Oliver. 2008. 'Research Beyond the Categories: The Importance of Policy Irrelevant

Research into Forced Migration', *Journal of Refugee Studies*, 21, no. 4: 432–53.

Betts, Alexander. 2013. *Survival Migration: Failed Governance and the Crisis of Displacement*.

Ithaca, NY: Cornell University Press.

Cantor, David James; Feline Freier, Luisa; Gauci, Jean-Pierre; Ceriani Cernadas, Pablo. 2015. *A Liberal Tide?: Immigration and Asylum Law and Policy in Latin America*. London:

Institute of Latin American Studies, School of Advanced Study, University of London.

Castles, Stephen. 2006. 'Global Perspectives on Forced Migration', *Asian and Pacific Migration*

Journal, 15, no. 1: 7–28.

Chimni, B. S. 2008. 'The Birth of a 'Discipline': From Refugee to Forced Migration Studies', *Journal of Refugee Studies*, 22, no. 1: 11–29.

COMAR. Boletín Estadístico: Extranjeros presentados y devueltos. 2019.

<http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/CuadrosBOLETIN?Anual=2019&Secc=3>

da Silveria Moreira, Julio. 2013. Migrant Routes Through Mexico and the Caravans of Mothers', *Voices of Mexico*, no 96: 23–27. <http://ru.micisan.unam.mx:8080/xmlui/handle/123456789/19387>

Délano, Alexandra. 2011. *Mexico and Its Diaspora in the United States: Policies of Emigration Since 1848*. New York: Cambridge University Press.

Délano Alonso, Alexandra. 2020. 'Time for an Alternative Politics of Migration', *Current Histories*, 119, no. 814: 73–76.

De Peña, Kristie., and Van Fossen, Emily. 2020. 'The State of Asylum: Changes Made to the Asylum System During the Trump Administration', *The Niskanen Center*. <https://www.niskanencenter.org/the-state-of-asylum>

De Genova, Nicholas. 2002. 'Migrant "illegality" and deportability in everyday life', *Annual review of Anthropology*, 31, no. 1: 419–447.

Diario Oficial de la Federación. 2014. Ley sobre Refugiados, Protección Complementaria, y

Asilo Político. Articles 6, 13, 15, 36.

Diogo. 2017. 'Towards a regional agreement on environmental displacement', *Forced Migration Review*, no. 56: 65–67.

Espinosa Cantellano, P., Gómez Robledo Verduzco, J. M., Negrín Muñoz, A. 2011. *Informe de*

México: Avances y desafíos en materia de derechos humanos. Dirección General de

Derechos Humanos: México. Secretaría de Relaciones Exteriores.

The Implementation of Mexico's Refugee, Complementary Protection and Political Asylum Law

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<https://www.upr-info.org/followup/assessments/session17/mexico/Mexico-InformHR.pdf>

Feldmann, Andreas E., Xóchitl Bada, and Stephanie Schütze, eds. 2018. *New migration patterns in the Americas: challenges for the 21st century*. Switzerland: Springer.

Fischel de Andrade, José H. 2019. 'The 1984 Cartagena Declaration: A Critical Review of Some Aspects of Its Emergence and Relevance', *Refugee Survey Quarterly*, 341–362.

FitzGerald, David Scott. 2020. 'Remote control of migration: theorising territoriality, shared coercion, and deterrence', *Journal of Ethnic and Migration Studies*, 46, no. 1: 4–22.

Flynn, Michael. 2002. '¿ Dónde está La Frontera?', *Bulletin of the Atomic Scientists*, 58, no. 4 25–35.

Freier, Luisa Feline. 2015. 'A Liberal Paradigm Shift?: A Critical Appraisal of Recent Trends in Latin American Asylum Legislation', in *Exploring the Boundaries of Refugee Law*, edited by Jean-Pierre Gauci, Mariagiulia Giuffre and Evangelia Tsourdi, 118–145. Leiden and Boston: Brill Nijhoff.

Gallemba, Rebecca. 2015. 'Mexico's Border (I)nsecurity'. *The Postcolonialist* 2, no.2.

<http://postcolonialist.com/academic-dispatches/mexicos-border-insecurity>

Gandini, Luciana; Lozano, Fernando; Prieto, Victoria. (eds). 2019. *Crisis y migración de población venezolana. Entre la desprotección y la seguridad jurídica en Latinoamérica*. UNAM: Ciudad de México.

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

Gibey, Matthew. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. UK: Cambridge University Press.

Gleizer, Daniela. 2012. *El Exilio Incómodo México y Los Refugiados Judíos, 1933–1945*. México, D.F.: El Colegio de México/Universidad Autónoma Metropolitana.

Grandi, Filippo. 2017. 'Foreword: Regional Solidarity and Commitment to Protection in Latin America and the Caribbean', *Forced Migration Review*, no. 56: 4–6.

Guadarrama, Ricardo Domínguez. 2017. *Neoliberalismo: Treinta Años De Migración En América Latina, México y Michoacán*. Ciudad de México: Universidad Nacional Autónoma de México.

Hiemstra, Nancy. 2019. Pushing the US-Mexico border south: United States' immigration policing throughout the Americas'. *International Journal of Migration and Border Studies*, 5, no. 1–2: 44–63.

Hollifield, James. 2004. 'The Emerging Migration State', *International Migration Review*, 38 no.3: 885–912.

Huerta, Amarela Varela. 2017. 'La Trinidad Perversa De La Que Huyen Las Fugitivas

Centroamericanas: Violencia Femicida, Violencia De Estado y Violencia De Mercado', *Debate Feminista* 53: 1–17.

Huerta, Amarela Varela, and Lisa Mclean. 2019. 'Caravana De Migrantes En México: Nueva Forma De Autodefensa y Transmigración', *Revista CIDOB d'Afers Internacionals*, no. 122: 163–86.

The Implementation of Mexico's Refugee, Complementary Protection and Political Asylum Law

Written by Guadalupe Chavez and Alexander Voisine

International Migration Review. 2019. 'Extraregional Migration in the Americas: Profiles, Experiences and Needs'. <https://publications.iom.int/system/files/pdf/extraregional-migration-report-en.pdf>

Landau, Loren B. 2007. 'Can We Talk and Is Anybody Listening? Reflections on IASFM 10, "Talking Across Borders: New Dialogues in Forced Migration"', *Journal of Refugee Studies*, 20, no. 3: 335-48.

Martínez, Óscar. 2014. *The Best: Riding the Rails and Dodging Narcos on the Migrant Trail*. London and New York: Verso.

Menjívar, Cecilia. 2006. 'Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States', *American Journal of Sociology*, 111, no. 4: 999-1037.

Miller, Todd and Nevins, Joseph. 2017. 'Beyond Trump's Big Beautiful Wall', *NACLA Report on the Americas*, 59: 145-151.

Okello, J O Moses. 2014. 'The 1969 OAU Convention and the Continuing Challenge for the African Union', *Forced Migration Review*, no. 48: 70-73.

Pires Ramos, Erika, Cavedon-Capdeville, Fernanda, Yamamoto, Lillian and Andreola Serraglio,

Pradilla, A. 2020. 'Opinión | México Insiste En Ser La Primera Línea Del Muro De Trump', *The Washington Post*. <https://www.washingtonpost.com/es/post-opinion/2020/01/20/caravana-migrante-mexico-insiste-en-ser-la-primera-linea-del-muro-de-trump/>

Prensa Libre. 2019. 'Albergues En México Se Desbordan Mientras Migrantes Esperan Respuesta a Su Solicitud De Asilo', *Prensa Libre*. <https://www.prensalibre.com/guatemala/migrantes/albergues-en-mexico-se-desbordan-mientras-migrantes-esperan-respuesta-a-su-solicitud-de-asilo/>.

Secretaría de Gobernación, 'Programa Frontera Sur: Proteger La Vida de Las Personas Migrantes y Fortalecer El Desarrollo Regional', May 11, 2015.

Selee Andrew, Silvia E. Giorguli-Saucedo, Ariel G. Ruiz and Claudia Masferrer. 2019. 'Investing in the Neighborhood: Changing Mexico-U.S Migration Patterns and Opportunities for

Sustainable Cooperation', *Migration Policy Institute*. <https://www.migrationpolicy.org/research/mexico-us-migration-opportunities-sustainable-cooperation>

Shacknove, Andrew E. 2017. 'Who Is a Refugee?', *International Refugee Law*, 163-73.

Soberanes, Rodrigo. 2019. 'Gobierno Propone Aumento a Presupuesto Del INM Para Atender La Crisis Migratoria', *Animal Político*, September 9. <https://www.animalpolitico.com/2019/09/gobierno-solicita-aumento-presupuesto-inm-crisis-migratoria/>

Somers, Margaret R. 2010. *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*. Cambridge: Cambridge University Press.

Rivera Hernandez, Raul Diego. 2017. 'Making Absence Visible: The Caravan of Central American Mothers in Search of Disappeared Migrants', *Latin American Perspectives*, 44, no.5: 108-126.

Torre Cantalapiedra, Eduardo, & Yee Quintero, Jose Carlos. 2018. 'México ¿una frontera vertical? Políticas de control del tránsito migratorio irregular y sus resultados, 2007-2016.' *Limina R. Estudios Sociales y Humanísticos*, 16 (2).

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Tobias, Saul. 2012. Neoliberal Globalization and the Politics of Migration in Sub-Saharan Africa, *Journal of International and Global Studies*, 4.1: 1–16.

Velázquez Ortega, Elisa. 2020. *México como tercer país (in)seguro?* Opiniones Técnicas sobre Temas de Relevancia Nacional. Serie 13. Ciudad de México, DF: Instituto de Investigaciones Jurídicas.

Velázquez González, Eduardo. 2011. *Frontera Vertical: México Frente a Los Migrantes Centroamericanos*. Guadalajara, México: Centro Universitario UTEG.

Villegas, Paulina, and Alan Yuhas. 2019. 'Mexico Calls on U.S. to Investigate Use of Tear Gas at Border', *The New York Times*, January 3. <https://www.nytimes.com/2019/01/03/world/americas/mexico-border-tear-gas-investigation.html>

Weber, Martin. 2007. The Concept of Solidarity in the Study of World Politics: Towards a Critical Theoretic Understanding', *Review of International Studies*, 33, no. 4: 693–713.

Wollny, Hans. 1991. 'Asylum Policy in Mexico: A Survey', *Journal of Refugee Studies* 4, no. 3: 219–36.

World Health Organization. 2020. 'Refugee and Migrant Health', World Health Organization. <https://www.who.int/migrants/en/>

Zetter, Roger. 2007. 'More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization', *Journal of Refugee Studies*, 20, no. 2: 172–92.

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