

Protection Needs and Risks of Refugees and Migrants Traveling in Caravans: Recommendations to the Government of Mexico

The Women's Refugee Commission (WRC) acknowledges the efforts that the government of Mexico has taken to address the needs of refugees and migrants traveling in caravans through its territory since October 2018. While Mexican authorities, civil society, and international organizations have shown generosity and humanity, there are **considerable protection and service provision gaps that put members of the caravan, particularly the most vulnerable, including women and children, at high risk**. Indeed, people have already died in Mexico while trying to reach the United States.

The US government's decision to **implement section 235(b)(2)(C) of the Immigration and Nationality Act (INA)** in a manner that is in violation of international and US law **will exacerbate the vulnerability of persons in need of protection and undermine human rights**. Promoting security and prosperity in the region is a necessary long-term solution to forced migration. However, it will take years for countries of origin to solve daunting institutional challenges to effectively protect their citizens and offer them safety and opportunities. In the meantime, **people will continue to flee violence. Efforts to deter them will be ineffective and risk violating human rights**.

To prevent more lives from being lost, **Mexico needs to move from temporary, ad hoc, reactive responses to a rights-based, gender- and age-sensitive comprehensive policy**. By doing so, it will honor its **domestic and international obligations to refugees and migrants, ensure adequate humanitarian relief to people on the move, and address the root causes of displacement**.

Taking into account lessons from the recent caravans, WRC recommends:

- **Prioritize planning and preparedness.** The **federal government should assume proactive leadership and strategic coordination** of all relevant stakeholders. Improvisation, lack of clarity regarding responsibilities, changing strategies, informal procedures, and over-reliance on volunteers have compounded risks and left basic needs unsatisfied, leading to misinformation, exploitation, and abuse.
 - » Establish functional and meaningful consultation, collaboration, coordination, and evaluation systems with relevant stakeholders.
- **Ensure availability and access to information** regarding protections in Mexico and the United States.
 - » Facilitate "know your rights" and immigration screening programs that coordinate and include bi-national information and resources and are paired with referral mechanisms for people in need of protection.
- **Honor domestic and international law**
 - **End illegal practices** that are complicit with US **metering and turn-back** of asylum seekers. Current informal mechanisms violate due process and lack transparency and accountability, putting migrants in danger.
 - » **Develop mechanisms to identify children whose best interest is seeking protection in the United States and refer them to appropriate bodies (including children in DIF custody).**
 - » **Allow unaccompanied children to present themselves at US ports of entry.**
 - **Recognize the refugee nature of current flows** from Central America, and that refugees' protection requires more than just economic solutions.
 - » Do not substitute work visas for access to international protection.
 - **Continue to offer protection** through refugee status, complementary protection, and humanitarian visas.
 - » **End detention** of asylum seekers, families, and children.
 - » Offer **long-term regularization** options to humanitarian visa holders.
 - **Increase regional labor mobility and procedures for family reunification.**
 - **Effectively inform** people of protections available in Mexico and **implement universal and thorough im-**

- migration screenings** before returning anyone to their country of origin, even when the return is voluntary.
- **Sanction** police and Grupo Beta officers who **illegally** carry out **immigration enforcement** actions, and increase oversight.
 - **Increase the COMAR's budget** for sufficient personnel: open more offices, clear backlogs, and create meaningful integration programs.
 - **Reform the asylum process** to expand the 30-day filing deadline, and eliminate the requirement for asylum seekers to remain in the state where they filed their claim.
 - **Enhance reception capacity and conditions.**
 - » **Streamline and staff ports of entry** to allow for processing of large numbers of persons.
 - Actively **counter growing anti-immigrant rhetoric and practices.**
 - » Strengthen and widen the campaign launched by CONAPRED and SEGOB by engaging with community-based organizations.
 - » Increase oversight and sanction of practices of racial profiling against Central Americans.
 - **Oppose** US actions to limit access to protection in violation of international law, including implementation of **INA section 235(b)(2)(C)** and **safe third country declarations.**
 - If the United States implements **INA section 235(b)(2)(C) or any other limitations on protection:**
 - » **Denounce** such an action and take appropriate legal measures, including **appealing to international human rights and judicial bodies**, and **supporting litigation** in the US.
 - » **Consult with human rights experts and organizations** to mitigate protection risks.
 - » **Unaccompanied minors, Mexicans, and people at risk of persecution in Mexico should not, under any circumstances, be returned to or forced to wait in Mexico.**
- Ensure adequate humanitarian relief**
- **Comply with international standards and guidelines for sites and service provision** to minimize sanitary and security risks for current and future caravans.
 - » **Ensure safe spaces are available** for women, children, persons with disabilities, and LGBTI populations.
 - **Create visible complaint mechanisms** to report abuses, misconduct, or other rights violations.
 - **Create and implement protocols** to identify and refer vulnerable populations to legal and service providers.
 - Establish **networks of accredited service providers and standardized referral pathways.**
 - Utilize the technical expertise, capacity, and political leverage of international agencies to assist in the implementation of programming and facilitate international cooperation.
 - Strengthen policing to **prevent criminal activities that target migrants.** The transportation of caravan members was identified as a moment vulnerable to trafficking. The lack of safe spaces in shelters and during the journey allowed for sexual and gender-based violence.
 - **Carry out contingency planning** for public health and security threats in shelters and throughout the route.
 - **Meaningfully engage refugees, migrants, and community-based organizations in decision-making** processes to guarantee **more effective and inclusive humanitarian responses and integration policies.**
 - **Facilitate synergies** with international organizations and private sector actors to **increase the capacity of service providers** and **design effective integration programs.**
- Address root causes**
- Continue to advance initiatives under the new Comprehensive Development Plan for Central America that promote regional security and prosperity.
 - Couple current efforts with strategies to **combat discrimination, the epidemic of violence, corruption and impunity.**

Mexico's new immigration policy is a positive first step to fully realizing its responsibilities as a country of transit and destination. By building its institutional capacities and implementing its solid legal framework, Mexico can guarantee the safety and dignity of refugees and migrants in its territory.

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