

# Tijuana at the Crossroads of Migration. Laws, Institutions and Budget to Attend to Migrants in a Violent Region<sup>1</sup>

Tijuana en la encrucijada de la migración. Leyes, instituciones y presupuesto para atender a migrantes en una región violenta

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## ABSTRACT

The city of Tijuana has become a necessary stopover for thousands of migrants who, in order to avoid violence and legal complexities, must face a hostile environment. Despite the existence of the Migration Law and the Law on Refugees and Complementary Protection, both from 2011, as well as the creation of the Municipal Directorate of Attention to Migrants (DMAM) in 2015, the Law for the Attention, Protection of the Rights and Support of Migrants in the State of Baja California, enacted in 2021, and the Protocol for Attention to the Migrant Population of 2022, the resources and efforts of the local government are limited, making it difficult to achieve the stated objective of protecting the physical integrity of migrants. The objective of this paper is to explore the legal path followed by those who arrive at the southern border in pursuit of the "American dream", within the context of the violence that has grown exponentially in Mexico and the health emergency caused by the COVID-19 pandemic. The results of this study highlight the importance of international organizations and local civil associations as valuable allies of local authorities in Tijuana.

**Keywords:** Migration, Tijuana, violence, migration law, local authorities.

## RESUMEN

La ciudad de Tijuana en el último lustro es una estancia obligada para miles de migrantes que, sorteando la violencia y los entresijos legales, tuvieron que enfrentarse a un escenario hostil. A pesar de la Ley de Migración y la Ley sobre Refugiados y Protección Complementaria, ambas de 2011, la creación de la Dirección Municipal de Atención a Migrantes en Tijuana -DMAM en 2015, la Ley para la Atención, Protección de los Derechos y Apoyo a Migrantes en el Estado de Baja California, promulgada en 2021, y el Protocolo de Atención a la Población Migrante de 2022, los recursos y esfuerzos del gobierno local son limitados y difícilmente se logran los objetivos planteados de proteger la integridad física de los migrantes. El objetivo de este trabajo es explorar el camino legal que siguen quienes llegan por la frontera sur para alcanzar el "sueño americano". Los resultados de este estudio muestran a las organizaciones internacionales y asociaciones civiles locales como importantes aliados de las autoridades locales de Tijuana.

**Palabras claves:** Migración, Tijuana, violencia, ley migratoria, autoridades locales.



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## 1. - INTRODUCTION

Mexico plays a critical role as a transit country for migrants who seek to reach the United States (Montoya, 2018). According to the International Labor Organization (ILO) (2021), approximately 27% of the world's migrant workers are concentrated in the Americas, underscoring the significance of the Mexican Republic for various migratory flows that converge in specific regions of the country. This highlights the pressing need to develop legislation that takes into account the rights of people on the move.

The origins of Mexican migration legislation can be traced back to 1908, during the presidency of Porfirio Díaz, when European migration was prioritized, though it failed to have the intended impact. Subsequently, during the post-revolutionary era of 1926 and 1930, attempts were made in migratory matters, which ultimately went unnoticed and were subsequently repealed by the population laws of 1936, 1947, and 1974 (Durand, 2019). The 1974 General Population Law did not sufficiently address the issue of human rights regarding migration. Political asylum seekers and refugees had to receive authorization from the Secretary of the Interior, and the law focused more on obligations than on rights (Ley General de Población 1974).

The former legal framework for migration in Mexico, which endured until 2011, was replaced by the current Migration Law (LM). Although this law no longer considers undocumented migration a crime but rather an administrative offense, it is also viewed as a containment policy that prioritizes the detection, apprehension, and selective deportation of potential migrants, especially those from Central America (Durand, 2019). Coinciding with this development, a constitutional reform on Human Rights was published in the Official Gazette of the Federation in 2011, which stipulates that all public authorities or officials must respect, protect, guarantee, and promote the human rights of all persons in Mexico, whether they are nationals or foreigners (CNDH, 2021).

In this regard, in 2012, the Agreement was published, by which the rules for the operation of the Migration Stations and Temporary Stays of the National Immigration Institute (INM) were established (Anguiano Téllez & Vargas, 2020). With this action, the INM increased its capacity and operability in the process of selective detention and deportation. However, these detention centers have been overwhelmed, and violence and injustice are often exercised against migrants (Gómez & Espinosa, 2020, 8).

It should be noted that since the deployment of the National Guard, there has been an increase in the detention of migrants who are subsequently taken to detention centers. In 2019, the number of migrants detained increased by 150% (FJEDD, 2022, 46). With the increasing flow of migrants, the situation becomes controversial and anti-immigrant sentiments are being aroused, highlighting the lack of capacity of both federal and state governments to manage internal migratory flows. Many local governments in Mexico are struggling to deal with these large influxes of people (Chan Pech, 2019).

On the other hand, the issue of refugee status has two important stages at the multilateral level. Firstly, in 1950, the United Nations High Commissioner for Refugees (UNHCR) was established. Later, in Geneva, the Convention on the Status of Refugees was signed on July 28, 1951, of which Mexico is a signatory country (UN, General Assembly, 1951). In this context, efforts were made to provide protection to refugees in the aftermath of World War II. At the regional level, the Cartagena Declaration of 1984

broadened the concept of a refugee, particularly due to the type of displaced persons caused by the violence in the Central American region (Declaration of Cartagena on Refugees, Part II, 1984).

The analysis presented in this paper focuses on three issues that converge in the migration that "crosses" and "waits" in Mexico. First, the legal path that migrants must navigate in order to take refuge in the country, which leaves thousands vulnerable without legal status, protection, and at risk of deportation. Second, we reflect on the violence and lack of attention from authorities on the northern border, which many face on a daily basis. Lastly, we review the local legal and institutional framework and actions taken by municipal governments, which often operate on a limited budget and rely on international organizations to manage the increasing flow of migrants.

## **2.- THEORETICAL FRAMEWORK**

*The complex Central American migration phenomenon in the 21st century.*

Since the 2010s, scholars have proposed various theoretical frameworks to understand the Central American migration issue. One of these proposals is the concept of "forced displacement," which emphasizes the structural factors that push people to migrate, such as violence, poverty, and lack of opportunities (Barrientos & Fuentes, 2019). Scholars argue that Central American migration cannot be understood solely as an individual decision, but rather as a response to the dire circumstances in which people live (Hiemstra & Leung, 2018). From this perspective, policies aimed at reducing migration must address the root causes of forced displacement, including corruption, inequality, and insecurity.

Another theoretical proposal is the "externalization of migration control," which argues that countries like the United States and Mexico have outsourced their migration control to other countries, particularly in Central America (Herrera-Gutiérrez, 2019). This approach involves providing funding and resources to countries such as Guatemala, Honduras, and El Salvador to bolster their border security and detention capabilities, as well as encouraging these countries to sign bilateral agreements that require them to host asylum seekers before they reach the US or Mexican border (Lee, 2020). While proponents of this approach argue that it helps to reduce irregular migration flows, critics have raised concerns about the lack of accountability for human rights abuses that occur in these countries' detention centers and the inadequate protection for those who are seeking asylum (Mountz & Loyd, 2018). Additionally, this approach may be exacerbating the root causes of migration, such as poverty and violence, rather than addressing them.

Finally, the theoretical proposal is the concept of "transit migration," which emphasizes the complex and precarious nature of migration routes (Martínez-Schuldt & Martínez, 2016). Scholars argue that Central American migrants are not just crossing the US-Mexico border, but are also navigating multiple borders and checkpoints along the way. This journey involves various risks, including extortion, kidnapping, and sexual violence, which affect both documented and undocumented migrants (Crawley, Skleparis & Jones, 2019). Transit migration is also characterized by a lack of legal protections and social services, as migrants are often viewed as temporary and unwanted guests in the countries they pass through (Stephens & Ruiz, 2018). From this perspective, policies aimed at addressing Central American migration must also consider the conditions of transit, and not just the destination country. It is precisely in this theoretical perspective where the city of Tijuana is inserted in the Central American migratory route in the last decade.

Between 2017 and 2022, Central American migration through Mexico to the United States was influenced by various cultural, economic, political, and social events. Economic instability in countries such as Guatemala, Honduras, and El Salvador was a major factor that drove migration to the United States. High levels of violence and insecurity, including gang violence and political unrest, also forced people to flee their homes in search of safety and security. Additionally, many Central Americans migrated to the United States to reunite with family members who had already made the journey. The immigration policies of the US government also played a role in shaping Central American migration. For example, the Trump administration's decision to end Temporary Protected Status (TPS) for Salvadorans and Hondurans put many people at risk of deportation.

Although U.S. law has provided opportunities for Central American migrants to achieve their goal of mobility through political asylum and/or refugee status, the number of accepted migrants remains low (Torre, 2021). According to the Department of Homeland Security (DHS), the granting of legal refugee status to the population of Latin America and the Caribbean is relatively limited. In 2019, the DHS set a limit/ceiling of 30,000 refugee applications, of which 29,916 were successful, but the majority of these applications were from African nationals. In contrast, only 3,000 applications were received from Latin American and Caribbean nationals, of which only 809 were successfully approved (DHS, 2022). Furthermore, due to the COVID-19 pandemic, the number of refugee applications was reduced to 18,000 in 2020, with a continued prioritization of African nationalities. However, in 2021, there was a significant increase in the acceptance of applications, reaching 62,500 (DHS, 2022).

The United States has received a higher number of applications for asylum, particularly from Latin America and the Caribbean (Ramos-García, Barrachina-Lisón & Ramos, 2020). In 2019, 45,888 individuals were granted asylum in the United States, followed by 30,964 in 2020 and 17,962 in 2021. The top six nationalities that benefited from asylum were Venezuela, the People's Republic of China, El Salvador, Guatemala, Turkey, and Honduras (DHS, 2022). However, during this period, the COVID-19 pandemic prompted the Immigration and Customs Enforcement (ICE) to remove 185,884 individuals from the United States in 2020, followed by 59,011 in 2021 and 72,177 in 2022 under Title 42 (ICE, 2022).

Additionally, the Mexican government has been increasingly granting international protection to migrants through the categories of "Refugee", "Complementary Protection", and "Visitor's Cards for Humanitarian Reasons" (TVRH). The significance of the TVRH delivery can be observed through figures provided by the Ministry of the Interior. In 2019, a total of 40,966 cards were granted, followed by 25,414 in 2020, and a significant increase to 87,674 cards in 2021 (Segob, 2022). This represents substantial growth when compared to the 1,481 TVRH cards delivered in 2015 (Segob, 2015). Furthermore, the number of individuals recognized under the categories of "Refugee" or "Complementary Protection" in Mexico also increased. In 2018, a total of 7,827 people were recognized, followed by 15,444 in 2019 and 11,547 in 2020 (COMAR, 2022).

### *Migratory transit through the legal path.*

In 2011, the Law on Refugees, Complementary Protection, and Political Asylum (LRCP&PA) was enacted in Mexico by the Chamber of Deputies of the Congress of the Union. The law recognizes a refugee as a person persecuted for reasons of race, religion, nationality, gender, social group, or political

opinions, who does not want to return to their country because their life, safety, or freedom have been threatened by generalized violence. Such individuals have a well-founded fear of being persecuted for the same reasons due to circumstances that have arisen in their country (LRCP&PA, 2011). According to the UN Refugee Agency (UNHCR), refugees are people fleeing armed conflict or persecution, recognized because it is too dangerous for them to return home (UNHCR, 2023). Some migrants venture to cross Mexican territory with the intention of reaching the United States, and do not consider Mexico as their destination country. As Castillo points out, many of these irregular migrants (transmigrants) try to go unnoticed out of fear of being deported or located by Mexican immigration authorities (Castillo, 1988).

According to the LRCP&PA, the Ministry of Foreign Affairs (SRE) is responsible for making decisions on political asylum. Section V of Article 14 stipulates that the SRE must treat asylum seekers with full respect for their human rights. Additionally, the SRE is responsible for recognizing refugee status, in accordance with paragraph 1 of Article 15, and for coordinating with other competent authorities to promote durable solutions to the problems faced by refugees during their stay in the national territory, as stated in Section III of Article 15. In the same vein, Article 16, with its five paragraphs, requires the SRE to provide complementary protection and attend to the needs of these foreigners (LRCP&PA, 2011).

Article 55 of the LRCP&PA states that:

"The *SRE* may establish coordination agreements with federal and local agencies and entities so that applicants who are particularly vulnerable and refugees can receive support to meet their immediate needs. Likewise, it may establish mechanisms for the collaboration of civil society and all those institutions that can provide direct assistance to applicants and refugees" (LRCP&PA, 2011).

In the event that a person in a condition of mobility intends to enter Mexico without the corresponding documentation, he/she must follow the legal route that shows the steps to follow to request refuge in the country. The Office of the United Nations High Commissioner for Refugees (UNHCR) clearly shows the steps to follow in order to request refuge in Mexico:

- a) The first step is to file the application with the Mexican Commission for Refugee Assistance (*COMAR* for its acronym in Spanish) within 30 working days of arrival in Mexico.
- b) Subsequently, an interview must be attended, in which the applicant must justify the reasons why a migrant could not return to his or her place of origin. This interview is individual, and migrants have the right to request an interpreter or translator if necessary.
- c) The third step is the response from *COMAR*. The waiting time may vary, but *COMAR* itself indicates 55 working days, which may be extended to another 45 days. During the COVID-19 contingency the waiting times were left open without an exact response date.
- d) The fourth step is action once the response from *COMAR* is known. In the case of a positive response, one must go to the INM in coordination with *COMAR* to apply for permanent residence in Mexico as a refugee (UNHCR, 2022).

In case of a negative response, the applicant may file an appeal within the first 15 working days. The case will be reviewed by *COMAR* again, and this second response could take another 90 calendar days (UNHCR, 2022). Finally, if *COMAR* denies the case a second time, the decision can be appealed before a judge with legal representation. This representation can be obtained free of charge from an

association, but many migrants abandon the process due to a lack of economic resources. According to COMAR, all migrants who need to request asylum in Mexico must present themselves to COMAR before they have been in the country for 30 days (COMAR, 2022).

In 2022, the main nationalities granted refugee status in Mexico were Honduras, with 90% of its applicants being resolved positively, followed by Cuba at 50%, Haiti at 20%, Venezuela at 93%, El Salvador at 89%, and others at 41% (COMAR, 2022). The percentage of positive resolutions has been constantly changing in recent years, responding to the different situations in the countries from which people are fleeing. For instance, Venezuela had a 99% positive resolution rate for requests for Refugee or Complementary Protection in 2019 (COMAR, 2022). It is important to note that many Refugee application cases are dropped at some point in the process. In 2019, for example, a total of 70,351 people initiated their process before COMAR, but only 20,438 people completed the process, including those with positive, negative, and Complementary Protection resolutions (COMAR, 2022).

On the other hand, migrants who are not eligible for refugee status may seek "Complementary Protection". The Mexican Immigration Law provides for the mechanism or legal figure of Complementary Protection, as follows: The Ministry of the Interior may grant this protection to individuals who do not meet the criteria for refugee status, but who face a risk of serious harm in their home country, such as torture, cruel, inhuman or degrading treatment, or death penalty (LRCP&PA, 2011).

"To the foreigner who, not being within the assumptions of Article 13 of this Law, requires protection in order not to be returned to the territory of another country where his life is in danger or where there are reasonable grounds to believe that he would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment" (LRPCyAP, 2011).

It is worth noting that the UNHCR recognizes Mexico's good practices in its system of "Complementary Protection" and "Humanitarian Visas." This is due to the fact that there are few countries in Latin America and the Caribbean that have included these legal figures in their legislation. According to the Regional Legal Unit of the Bureau of the Americas at the UNHCR, Mexico and Nicaragua adopted this measure in 2011, followed by Brazil in 2014 (UNHCR, 2020).

According to COMAR, the total number of refugee claimants from 2013 to 2021 was 302,643, with a significant increase since 2016. Between 2013 and 2015, there was an annual increase of approximately 1,000 applications. However, in 2016, the number rose to 4,000 more applications, and 11,000 in 2017, compared to the data from 2015 (COMAR, 2022).

It should be noted that, of the 302,643 applications, between 2013 and 2021, 195,975, are in limbo, i.e. unfinished and abandoned procedures (COMAR, 2022), as shown below (table 1):

*Table 1*  
*Refugee applications in Mexico 2013-2021*

Total Applications	Accepted	Rejected	Supplementary protection	Unfinished and abandoned procedures
302,643	70449	28,051	8,168	195,975

*Source:* Prepared by the authors based on statistics from the Mexican Commission for Refugee Assistance – COMAR (2022).

The Honduran community has consistently been the largest nationality seeking refugee status before COMAR. It has held this position every year, except in 2018 when Venezuela surpassed it (COMAR, 2022). While COMAR statistics do not provide a breakdown of nationalities applying for refugee status, they do show which nationalities have a higher percentage of positive recognition. Honduras and Venezuela stand out with rates above 90%, whereas Haiti, Cuba, and El Salvador have rates below 40% in their positive resolutions (COMAR, 2022).

This is part of a larger context in which the number of foreigners being returned by Mexican immigration authorities is increasing. As a result, the number of refugee claims that are denied is lower than the number of deportations of Central Americans. For example, during the administration of President Enrique Peña Nieto, 725,139 foreigners were returned to their country of origin by the INM, representing a 53% increase from the number registered during the previous administration of Felipe Calderón (2006 to 2012), which was 473,697. It is important to note that as of June 2022, the current administration has registered 512,260 deportations (Segob, 2022).

*The border context in Mexico: remoteness from government institutions and contexts of exacerbated violence.*

Numerous regions of Mexico have become hazardous spaces where vulnerable populations risk their lives and freedom (De la Rosa, 2022, p. 2). Organized crime often perpetrates crimes such as extortion, assault, human trafficking, murder, kidnapping, sexual violence, disappearance, and recruitment, all of which contribute to a harsh environment that complicates efforts to ensure the safety of those traveling through Mexico (Gómez and Espinoza, 2020, p. 6). Drug violence has been a major problem in Mexico for many years, with drug trafficking organizations engaging in violent conflicts with each other and with the Mexican government. The United States' drug policy has contributed to the growth of drug trafficking in Mexico by creating a profitable market for Mexican drug traffickers; the U.S. is the largest market for illegal drugs. Additionally, U.S. drug policy has focused on interdiction and supply reduction rather than addressing the underlying demand for drugs, which has resulted in increased violence in Mexico. During the administration of President Enrique Peña Nieto, the number of foreigners returned to their country of origin by the National Institute of Migration (INM) was 725,139, representing a 53% increase compared to the number registered during the administration of Felipe Calderón (2006 to 2012) with 473,697; up to June 2022, 512,260 individuals have been registered for deportation during the current administration (Segob, 2022).

In 2018, the National Human Rights Commission (CNDH) conducted a survey of international migrants passing through Mexico to reach the United States. The survey asked participants to identify the three main challenges they faced. The results indicated that migrants feared being victims of robbery, encountering migration officials, and kidnapping, in that order of priority (CNDH, 2018). Notably, the

survey found that migration operations represented a greater threat to migrants than organized crime and its associated risks. In addition, migrants expressed concerns about other basic needs, such as access to water, money, and food.

In 2010, the massacre of 72 migrants at the San Fernando ranch in Tamaulipas marked a turning point in the visibility of migrant flows through Mexico, at least those involving Central Americans (Garza, 2013). Despite the legal changes introduced since the 2011 Immigration Reform, the tragedies suffered by many migrants who try to remain unnoticed during their journey through the country have not ceased (Ramos-García, Barrachina-Lisón, Ramos-Valencia & Hernandez-Ulate, 2022).

Serious accidents are a common occurrence along migratory routes, such as those that occur when attempting to board moving trains, which occur on a daily basis (De la Rosa, 2022, p.3). Tragedies are also frequent, as evidenced by the incident that took place in Chiapa de Corzo, Chiapas, Mexico in early December 2021, in which 166 people, mostly from Guatemala, were traveling in an overcrowded cargo trailer that overturned, resulting in the loss of 54 lives. It is worth noting that, during a press conference, federal authorities clarified that the trailer in question had not crossed any immigration checkpoints (El Universal, 2021). As mentioned earlier, in the survey conducted by the CNDH, migrants reported that they had a well-founded fear of encountering Mexican migration authorities on their journey.

The fear that migrants have of encountering Mexican migration authorities is reinforced by their interactions with various security forces. In the context of this study, it must be acknowledged that Tijuana is a hostile territory largely due to "legal violence", which is perpetrated by authorities, policies, and practices that cause social suffering or create conditions for its existence. This represents violence that is normalized as part of the law (Waldam, 2022, 1). Corruption enables security forces to re-victimize migrants who are already victimized in their countries of origin (Angulo-Pasel, 2022, 90). Security groups such as the National Guard, municipal police, immigration authorities, and organized crime members systematically attack people on the move, particularly women (Landeros, 2022, 2).

### **3.-METHODOLOGY, SAMPLE PERIOD AND DATA USED**

#### *Design.*

A qualitative methodology was used for this work, which consisted of a review of the literature, official databases and interviews with stakeholders. The research project is a qualitative study that explores the actor's point of view, based on the ethnography of public policies. The information gathered was with a population inserted in decision-making and power spaces, with the objective of contrasting subjective discourses to identify the narrative patterns based on which they support and contrast the legislation and the scope of public policies implemented by the Mexican State. The contrast of information gathered in the interviews serves to contrast the scope of public policies implemented on migration issues in a local context.

The qualitative methodology used in this research project allows for a more in-depth exploration of the actors' perspectives and experiences related to migration issues. By conducting interviews with stakeholders, the study aims to uncover the subjective discourses and narrative patterns that underlie their support or critique of Mexican State's public policies on migration. Additionally, the ethnographic

approach used in this research allows for a more holistic understanding of how public policies are implemented in a local context, as it takes into account the cultural, social, and political factors that shape the actors' experiences and perceptions. This methodology can provide valuable insights into the effectiveness and limitations of public policies on migration issues, as well as the challenges and opportunities that arise in their implementation. By focusing on the actors' point of view, this research can contribute to the development of more inclusive and participatory policy-making processes that better reflect the needs and perspectives of those affected by these policies.

### *Instruments.*

The research data were collected through semi-structured interviews based on an ethnographic script; the application was individual (30-45 minutes), conducted between October and November 2021, to stakeholders. The interviews were recorded and transcribed. For the collection of information, the following tools and instruments were used: ethnographic register and in-depth interview.

After the first phase with the analysis of the information based on the nodes and cross-checks of information, the script of the interviews was elaborated. The first interviews were context interviews, the second, in-depth interviews. The process of analyzing the information collected identified and prioritized the qualitative information. The context interviews were shaped through a guide that explored the context of the interviewees (Bruel dos Santos et al., 2013).

The in-depth interview was the tool proposed to collect the qualitative information of the study. The data analysis was inductive in nature, therefore, all the information collected served to shape and complement the categories of analysis (Glaser & Strauss, 2007). Thus, the starting point was specific and empirical, while the point of arrival was general and analytical; and the sequence of the research process was interactive (Corbin & Strauss, 1990).

## **4-. RESULTS**

### *Tijuana: migrant polyphony in the last street of Latin America.*

The city of Tijuana is a complex and dynamic environment, shaped by a long history of social, cultural, and economic transformations. The city's proximity to the United States, coupled with its position as a border town, has fostered a unique social and cultural context, one that is characterized by a blend of Mexican and American influences. This cultural hybridity is reflected in the city's architecture, art, and cuisine, as well as in the diverse array of social practices and customs that can be observed in everyday life. Additionally, the city has been shaped by the ongoing effects of migration and displacement, with many residents hailing from other parts of Mexico or Central America. These factors contribute to a rich and dynamic cultural landscape, one that is constantly evolving and adapting to new social, political, and economic realities. Furthermore, is the busiest border in the world for both arrivals and departures, serving as a major transit hub. It exists at the crossroads of economic prosperity and the violence of organized crime, as well as industrial growth and the poverty of those who settle irregularly on its land. Tijuana represents a gateway for those who cross from Mexico to buy goods or work, as well as a barrier for those who are denied passage.

In Tijuana for the year of 2017 were registered 1,897 homicides and a rate of 100.77 homicides per 100 thousand inhabitants, when in 2005 the homicide rate was 15.01, already doubling by 2008 to 33.20 (Niño, Flores, & Cortez, 2019). The city has experienced high levels of violent crime thanks to homicides, sex crimes, protection dues, extortion, kidnapping, and robbery (Arredondo, Orozco, Rodríguez y Shirk, 2022).

In the in-depth interview on the violence in Tijuana, the assistant of the Protection Unit of the International Organization for Migration (IOM) comments that in terms of security: *"In the city of Tijuana we have identified the three most common crimes of which migrants are victims: fraud, extortion and robbery. Among them (migrants) there is a lot of family and sexual violence. We are well aware that Tijuana is a violent city"*.

For his part, in an interview with the visitor of the State Commission for Human Rights (CEDH), Heriberto García (2022), who has worked in the area of human rights, has seen the phenomenon of migration evolve. He has worked in the area of Human Rights and has seen the phenomenon of migration evolve. He has also noticed how organized crime represents a threat to the different migratory flows. Finally, he recognizes that there is a lack of understanding between the different levels of government on the issue of attention to the migratory phenomenon:

"In the nineties, we began to observe when we talked to migrants who told us that they had been assaulted with rifles, with long guns. And at first, I said no, no, it is not true. Maybe they are exaggerating or out of fear. They did not recognize it well. But later we realized that those who were assaulting the migrants were members of organized crime, that they were kidnapping them in groups of 20, 30, they were taking information from them about their relatives in the United States, so they charged them amounts of \$1,000, \$2,000, \$3,000 dollars as a group, it was, it was a significant amount for them".

"So, from common crime to organized crime, they found in migratory flows a way to obtain illicit resources. The visible migrant, who comes with nothing, is paradoxically the most vulnerable migrant, why? Because they are the ones wandering in the streets. They are the object of the crime of human trafficking, of human trafficking, of all kinds of exploitation. On the subject of coordination between the different levels of government, I believe that one characteristic of our political system is the lack of coordination between the different levels of government, they do not talk to each other" (In-Depth Interview, Human Rights Visitor at the State Commission of Baja California).

Over the last two decades, globalization has brought forth the notion of global (in)security, spurred by threats of mass destruction (Carrascosa & Isolda, 2022). Against this backdrop, the political climate surrounding law enforcement on the southern border of the United States is intertwined with the discourse of criminal justice (Klopstock, 2022). Such discourse has also influenced the political rhetoric on Mexico's northern border. Although the anti-immigrant sentiment in northern Mexico is not as overt as in other regions, there are nuances that underscore the rejection of migrants by both authorities and citizens alike.

An example at the local level is the comment made by the Mayor of Tijuana, Juan Manuel Gastelum, in 2018, when he rejected the idea of human rights by stating, "human rights are for humans rights" (Rojas, 2018). There is no explicit anti-immigrant political discourse, such as the one witnessed during the Trump administration, where individuals in the context of mobility are criminalized and persecuted under the guise of safeguarding the nation from foreign criminals. However, resources to serve migrants are limited. This situation reflects the national migration policy, which is characterized by minimal governmental attention and limited allocation of public resources to address a growing problem - the deterioration of the physical integrity of national (internal displacement) and international migrants in the state of Baja California. Since the beginning of the drug war, the number of migrants who have been kidnapped, disappeared, and murdered at the hands of criminal organizations has multiplied (De la Rosa, 2022, 3).

The situation on the northern border of Mexico cannot be fully understood without examining the strategies implemented by the United States government to curb migration to their country. After the 9/11 terrorist attacks, the Department of Homeland Security (DHS) was created in 2001 to address security threats, including illegal immigration (Díaz, 2021). Later, the US government focused on sealing the border, and more recently, it has implemented unilateral measures, such as designating Mexico as a safe third country, requiring asylum seekers to wait in Mexican territory for the completion of the process, regardless of their nationality (DHS, 2022). Lastly, during the COVID-19 pandemic, the US government announced the implementation of Title 42, which enables the immediate return of migrants who enter the country illegally to contain the spread of the virus (CDC, 2023).

Returning to the local context, in the city of Tijuana, it appears that the municipal government is more active than the state government in addressing migrant flows, although its scope is limited. Organized civil society, churches, and international organizations have assisted in counteracting this inoperativeness (Miranda & Hernández, 2022). In 2016, an estimated 8,500 Haitians and Africans arrived in Baja California (Silva, 2019). Since then, the limited scope of care policies by the three orders of government for the migrant population in the region has been evident, as well as a lack of resources (Hernandez & Padilla, 2020, 14).

More recently, according to the INM, a total of 31,084 people in mobility status were presented to the immigration authority in Baja California in 2021, with 29,615 in Tijuana and 1,469 in the rest of the municipalities in the state, including Mexicali, Rosarito, Tecate, and Ensenada (Segob, 2022). The main cities in Baja California, Tijuana and Mexicali, serve as a crossroads for people arriving from the south of the continent as well as for those deported by the United States, many of whom were detained in the interior of the United States (Leir Institute, 2019, 3).

This government policy coexists with precariousness and social exclusion associated with border circumstances. The situation on the border is characterized by diverse and unequal mobilities, which create a scenario of attraction and blockage, disputes and differences, openness and exclusion. In short, it is a scenario of differentiated circulations that produce multiple exclusions and extreme precariousness (Del Monte, 2021, p. 90).

Particularly, the city of Tijuana has become a space of waiting and inoperability on the border (Miranda & Hernández, 2022), where limited governmental efforts and scarce public resources are directed towards a growing population and its problems. This region has historically experienced problems and circumstances of inequality, poverty, criminality, and more, largely due to its emergence in response to the needs of the prosperous state of California in the United States. From the appearance

of casinos in Tijuana at the beginning of the 20th century to the current concentration of maquiladoras, the city and the state have experienced some economic advantages while also suffering from the negative effects of proximity.

There exists a constant flow of people seeking to migrate to the north, and as noted by Zenteno (1995, p. 105), "Tijuana has been the most remarkable example of contemporary demographic history in the northern border" for nearly thirty years. The uncontrolled expansion of the city reflects the attraction of the wealthiest economy on the planet. People from all over Mexico and around the world, including the United States, seek economic benefits as the primary motive for migration. The migration flow to Tijuana is not only driven by economic factors but also by social and cultural factors. Tijuana has a rich history and cultural identity that is shaped by its unique position as a border city. The growth of Tijuana's maquiladora industry, which employs a significant portion of the city's population, has been accompanied by poor working conditions, low wages, and little job security. Additionally, the city has struggled with issues such as crime, corruption, and social inequality, which have exacerbated the challenges faced by its residents.

### *The public policy context in Tijuana: local laws, institutions and budgets.*

In regards to the migration phenomenon, it is important to consider that federal authorities and institutions are empowered by law to manage migration that crosses national territory (Migration Law, 2011). As a result, local authorities play a more limited role and act primarily as intermediaries and facilitators of goods and services due to their limited budgets. In the case of the municipality of Tijuana, it is important to consider the limited resources available to the municipality, given that this region has the highest population and transit of people along the entire northern border of Mexico. Tijuana is presently the most populous municipality in the country, with 1.8 million inhabitants, representing half of the population of the state of Baja California (INEGI, 2020). It is noteworthy that the flow of migrants is unceasing, resulting in disorderly waiting conditions. The analysis of this situation is crucial to understand the dynamics of social and economic conditions in the region, which has significant implications for migration policies and the welfare of migrants.

An examination of governmental policies towards migrants is crucial, given the persistent violence in the region, which often targets migrants. The surge in international immigration to Tijuana has coincided with a rise in extreme violence. As of November 2016, the National Migration Institute had granted 13,606 permits for temporary transit to Africans and Haitians on the southern border, with an estimated 300 people arriving daily in Baja California (Hernandez & Padilla, 2020).

In the state of Baja California, and particularly in the city of Tijuana, there have been insufficient and limited efforts to achieve the objectives prioritized in both the LM and the LRPC, which seek to defend all migrants regardless of their status and promote international mobility (Alba, 2021). Despite the addition of a new state law, a municipal directorate, and a care protocol to the legal structure, the protection of people remains limited in scope.

On February 19, 2021, the Law for the Attention, Protection of the Rights and Support of Migrants of the State of Baja California (LAPDAPM of BC) was published in the Official Gazette of the State of Baja California. The law contains ten chapters and 40 articles, with a focus on protecting migrants

through a human rights approach. According to the fifth article of the law, migratory authorities are defined as "federal agencies that have the powers expressly conferred to perform certain functions and acts of authority in migratory matters" (Law for the Attention, Protection of the Rights and Support of Migrants of the State of Baja California, 2021). This emphasizes that the Federal Government is the competent authority in managing the migratory phenomenon and that the law is primarily aimed at facilitating its management rather than regulating it. Despite the law's efforts to provide protection to migrants, there are still limited efforts in the state of Baja California, particularly in Tijuana, to achieve the objectives of the LAPDAPM of BC and the LRPC, which prioritize the defense of all migrants, regardless of their status, and aim to facilitate international mobility (Alba, 2021). Although a new state law, municipal directorate, and care protocol have been added to the legal structure, the scope of protection for people remains limited.

The fourth chapter of the state law outlines the rights and obligations of migrants, with Article 16 specifically mentioning the rights and freedoms recognized in the Constitution and international treaties to which Mexico is a signatory (Congress of Baja California, 2021). This raises the question of what happens to migrants who have not achieved any type of legal status in the national territory, which, according to data from COMAR, represent the majority. Additionally, the law addresses the post-COVID effects, as it was discussed in December 2020 and recognizes that the most vulnerable groups suffered the most from the pandemic due to overcrowding in shelters with unhygienic conditions and limited access to strategies to combat COVID-19 (Bojorquez-Chapela et al., 2022). At the municipal level, the Tijuana City Council approved an initiative on October 9, 2015, for the creation of the Municipal Directorate of Attention to Migrants (DMAM) within the structure of the Secretariat of Social Development, now the Secretariat of Welfare (Tijuana City Council, 2015). This directorate was given various responsibilities, including the creation of the "Protocol of Attention to Migrants".

The objective of creating this directorate was to establish an efficient administration of the migratory phenomenon, despite the fact that the primary decisions on the migratory issue belong to the federal sphere. The city of Tijuana often serves as the final destination for many migrants, and as a result, the Tijuana City Hall is responsible for managing the situation. This responsibility has become particularly evident during the arrival of migrant caravans (Torre, 2021).

Regarding the protocol, on March 25, 2022, the Tijuana City Council approved the Draft Agreement for the creation of a "Protocol of Attention to the Migrant Population." Its objective is to "define an operational procedure...so that the municipal government, through its agencies and with the coordination of other sectors such as international organizations, civil society organizations, and productive and academic sectors, can attend, identify, and adequately channel people in the context of foreign and national mobility from a human rights approach and gender perspective, prioritizing vulnerable groups, as well as ensuring the protection of children and adolescents" (Tijuana City Council, 2021-2024).

The methodology used for the creation of the protocol was based on the principles of governance, with the aim of developing a socialized and democratized protocol. To this end, a discussion forum was established, with the participation of different local non-governmental actors involved in the migration issue. The protocol was enriched by the involvement of representatives from the National Institute of Migration (INM), the Tijuana Public Security Secretariat, the State Human Rights Commission, academics, and members of the community who have worked with the migration phenomenon in the border city.

Additionally, representatives of international agencies, such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the United Nations Children's Fund (UNICEF), were present (Ayuntamiento de Tijuana, B.C., 2022).

The Protocol applies to all personnel working for the City of Tijuana, regardless of their specific roles or job functions. It is intended to guide anyone who has contact, communication, or a relationship with individuals experiencing mobility, regardless of their nationality or migration status.

In relation to the creation of the protocol, Councilman Edgar Montiel Velázquez, (2022) who presides the Commission on Human Rights, Migration and Indigenous Affairs of the XXIV City Council of Tijuana, Baja California. He briefly comments on the implementation of the Protocol for Attention to the Migrant Population. She recounts how she received the Commission and finally the need to be able to make the City Council operational in the migratory issue:

"After installing the Commission, we made a call to find out who could help us to gather information, a compendium of all the methodological data to establish the basis for everything we want to establish in the protocol. This took place at the Autonomous University of Baja California, at the Law School. On December 8, the three levels of government, Federation, State, City Hall, civil associations, international associations, observers, who have also worked on the issue of human rights from the groups and independently, were present".

"The central point is that the municipal authority is the first responder.... The operation is the fundamental thing here, because people come with hunger and people come with health issues, educational issues, with medical needs, they come with very complex issues, but who is the first responder? The City Hall. The protocol was established so that many of those who came here would feel safe in Tijuana, regardless of the fact that the State does not have a robust infrastructure in this area, from the operational, economic, and human resources, in the area of information or perhaps the tools to carry out their work well are lacking. The State does not have a robust infrastructure"(In-Depth Interview, Councilman of the Tijuana City Hall).

In relation to the scarcity of resources the Regidor commented:

"The issue of the budget for the Municipal Direction of Attention to Migrants. This depends on the Secretary of Welfare, and the truth is that I do know the budget, but I would prefer not to disclose the amounts now, because there is the issue of the glosa. We as aldermen are going to have the secretaries of the City Council there in a hearing and the Secretary of Welfare is going to be in a hearing, with many issues... but I also say, touching a little bit also the issue of the Direction of Attention to the Migrant, not even the director knows how much budget it has. With that I can tell you everything" (In-Depth Interview, Councilman of the Tijuana City Hall).

Although the Councilor acknowledges that there is room for improvement in the management of the migratory phenomenon in Tijuana, he remains optimistic and believes that having a Protocol for Attention to the Migrant Population is a good start towards better care for migrants in the border city. On the other hand, the director of the Office of Migrants acknowledges that it is not sufficient to only work on the surface level. She points out that the Protocol sets a precedent for future administrations.

According to the interviewees, the biggest challenge is raising awareness about migrants among City Council employees.

Despite the commendable efforts to establish institutions, such as the Municipal Directorate of Attention to Migrants (DMAM) in Tijuana since 2015, the creation of the LAPDAPM of BC in 2020, and the recent establishment of the Protocol of Attention to the Migrant Population in the Municipality of Tijuana, Baja California in 2022, local governmental and legislative efforts appear to be insufficient in addressing the growing problem of scarce resources associated with migration. In the in-depth interview with the director of the Municipal Directorate of Attention to Migrants (DMAM) in Tijuana, Enrique Lucero Vázquez (2022), he stated that: “We depend on the Welfare Secretariat, which has a limited budget, and the budget allocated to the attention of migrants is made by the aldermen in the discussion of the municipal budget”.

In relation to what the director mentions, in the proposed budget of the municipality of Tijuana it can be seen that in the last 4 years there has been no increase in spending for the DMAM, and within this budget what has increased from 2020 to 2021 is the item of fees. There has been no increase in social assistance to individuals, non-governmental organizations and other assistance. These years are mentioned because this is when the COVID-19 pandemic affected the entire world and more resources were needed to attend to the vulnerable population. The resources that did not arrive were necessary because the migrant population is overrepresented among COVID-19 cases in all countries, according to the Organization for Economic Cooperation and Development (OECD) (Bojorquez-Chapela, et al. 2022, 5).

Table 2  
*Proposed Expenditure Budget 2020-2023*

Year	Total, Executing Unit	Social Assistance to Individuals	Non-Governmental Organizations	Other Assistance	Fees assimilated to salaries
2020	4,493,784.24	1,000,000	500,000	1,500,000	660,000
2021	4,743,263.32	1,000,000	500,000	1,500,000	854,028.00
2022	4,749,710.48	1,000,000	500,000	1,500,000	854,028.00
2023	4,773,790.07	1,000,000	500,000	1,500,000	879,648.84

*Source:* Prepared by the authors based on the data from the Proposed Expenditure Budget. Fiscal years 2020-2023 (2023).

"Given the limited resources in this Directorate, the Municipal President herself has taken resources from other items to address the migrant problem. For example, in El Chaparral, the mayor invested in the credentialing of migrants".

The director referred to the effort to identify and count migrants who had been staying at the border crossing point of San Ysidro for more than a year. In this case, the actions of the municipal government were decisive in dismantling the makeshift camp that brought together approximately 2,000 people waiting to be admitted to the U.S. under terrible conditions, in an attempt to pressure the U.S. government. This event highlighted the lack of attention from both the state and federal governments towards the terrible conditions of the migrant community in the city, most of whom were Mexican nationals.

Due to scarce resources and in accordance with the Protocol, the director mentions:

"International organizations such as UNHCR, IOM and UNICEF, have been here in Tijuana since the caravan in 2018. They bring an agenda of attention to the migrant, of support, and they try to have that agenda carried out by the municipalities. They have programs that are duly studied, they do not do them here, they do them from Geneva, where the headquarters is, but they do specific programs for migration contexts, and they come to these cities because they have resources that they must exercise. A shelter for unaccompanied children is about to be opened in December 2022, which will be the first shelter at national level. As well as with UNHCR, we have signed an agreement with IOM, a collaboration agreement, for example, the information windows, it has programs such as Assisted Return. IOM and UNHCR have scholarship programs. They all have a program for refugees or give us supplies when we set up a temporary shelter".

It is clear that without non-governmental assistance the waiting conditions for migrants would be even more precarious in one of the most violent cities in the country (México Evalúa, 2022, 6). In this regard, Cristina Reyes, assistant of the Protection Unit of the International Organization for Migration (IOM) comments on how the IOM collaborates with the Municipality and the State of Baja, California:

"The collaborations and support are mostly in kind; we bring computer equipment or stationery in general. In the next few months, we will deliver computer equipment to the Civil Registry Office in Tijuana. This is for the purpose of registering the children of migrants born in Mexico (right to identity). In addition, there is a collaboration with the Women's Institute, government of Baja California. The aim here is to attend to women who have survived violence. There is also a referral to shelters that we visit beforehand, to verify that they comply with minimum requirements that guarantee the safety of the migrant population. In this sense, we work with the *Centro Integrador* (federal) this shelter does not have a limit of days, we have known cases where there are people with up to two years living in that shelter. The other is the Migrant Sanctuary (state), where they can only stay up to three days. In addition, we have created alliances with other shelters that belong to civil organizations. With the Tijuana City Hall, we were able to open the Community Center for Peaceful Coexistence in Tijuana. With the help of the UNHCR and funding from the European Union. It is a space to promote the social, labor and cultural inclusion of people in the context of mobility" (In-Depth Interview, IOM Security Assistant).

Based on these interviews, it is clear that there are limitations to the local governmental efforts and coordination with non-governmental actors to achieve the objectives of safeguarding the integrity of migrants, which are established in federal and local laws, as well as in the aforementioned Protocol. Thus, the aforementioned efforts are seen as palliative measures in the face of the growing migration and violence that converge in time and space.

On this point, it is worth noting that Article 55 of the LRPCyAP stipulates that local institutions and entities must coordinate to address the needs of vulnerable applicants and refugees. However, in the two interviews conducted with the director of the DMEM and the assistant of the Protection Unit of the International Organization for Migration (IOM), neither mentioned any collaboration with the SRE. Thus, the collaboration between the local government of Tijuana and federal authorities is limited to

operational issues, while the immigration status section remains exclusively at the federal level. Although there is some collaboration between the federal government and local authorities, the municipality has limited economic resources, and civil society organizations play an invaluable role in caring for the growing contingents of migrants who constantly arrive in the city. Non-governmental aid helps improve the migrants' conditions of stay, making them less vulnerable.

#### **4.-CONCLUSIONS**

The economic instability and poverty in Central American countries have compelled a large number of people to seek better economic opportunities in the United States. As a border city, Tijuana holds a strategic position for migrants attempting to cross into the U.S., and has become a common destination for those seeking asylum. However, changes in the U.S. immigration policy, such as the implementation of the Migrant Protection Protocols (MPP) in 2019, have caused a backlog of asylum cases and long wait times for individuals seeking asylum. Consequently, many Central American migrants have been forced to wait in Tijuana for their asylum cases to be heard. In addition to U.S. immigration policies, Mexican immigration policy has also played a role in the arrival of Central American migrants in Tijuana. In recent years, Mexico has increased enforcement measures along its southern border, pushing migrants to take more dangerous routes through Mexico and increasing the likelihood that they will seek asylum in Tijuana.

Given the federal government's efforts to contain migration and the limited resources available to local governments, there are few guarantees to safeguard the integrity of the various flows of people in conditions of mobility passing through Mexico. Such individuals are often subjected to abuse by authorities at different levels of government as well as by both common and organized crime. Migrants, as noted earlier, lack trust in Mexican authorities and are frequently viewed as a threat rather than as facilitators or defenders of human rights (Ghys, 2019).

On the other hand, in terms of regularizing and granting "Refugee" or "Complementary Protection" status, the Mexican state has fallen short. The numbers reported by COMAR indicate that there is still a long way to go in guaranteeing this legal category, to which Mexico has committed itself at the international level. Moreover, the procedures for obtaining such status are excessively slow and leave many people in conditions of mobility with no alternative but to abandon their efforts to regularize their stay and transit through the country. This is due, in many cases, to the fact that leaving the state where the process of requesting "Refugee" status was initiated is prohibited.

The lack of resources at the local level has limited efforts to safeguard the well-being of individuals in mobility. The law that was designed to guarantee protection to the migrant community, as well as the creation of the DMAM and the attention protocol approved by the Tijuana City Council, appear to have had minimal impact in the face of a growing problem. During the COVID-19 period, laws, institutions, and authorities faced significant challenges, particularly since the most vulnerable groups were the ones who were experiencing the pandemic's effects in the most severe manner. For almost 20 months, the border remained closed due to the pandemic, resulting in strengthened control policies and limited cross-border cooperation mechanisms. As a consequence, values such as solidarity, cooperation, and coordination declined, with a national security perspective, especially the protection of borders against the entry of people, predominating. Migrants already in transit suffered from a lack of control, disorganization, abandonment, and neglect on the part of authorities on both sides of the border.

As of March 2023, migrants continue to be affected by border closures and measures taken by the U.S. government to protect its population from the virus outbreak.

In Mexico, migration and structural violence (often understood in terms of poverty, inequality, and social justice) are currently intersecting, leading to an increase in institutional injustice, such as corruption, denial of access to rights, and justice (Gómez and Espinosa, 2020, p.7). Without allocating resources to manage migration more effectively, it is unlikely that the previously stated goal of protecting the well-being of individuals in mobility can be achieved. Instead, it appears that authorities, like other members of society, become bystanders to the fate of those who transit through the country or hostile cities such as Tijuana. Continuous reports of violence and fatal accidents highlight the urgency of providing legal protection to those who move and wait, and who are currently fleeing from those who should protect them.

Meanwhile, in the city of Tijuana, local authorities, with the support of international agencies and local civil associations, act as important allies in managing migration in this border city. As identified in interviews with stakeholders for this study, local authorities face a global problem that affects the governance and security indicators of the city. Despite the challenges involved in managing this overwhelming migratory context, local authorities must find ways to overcome problems, primarily due to the lack of federal resources. This requires political capacity from stakeholders to navigate the dynamics between civil society and government to safeguard the protection of the population that traverses the city during their migratory transit. Therefore, it is crucial to implement studies of this scale in other border cities to identify the nuances hindering the development of local proposals to address problems attributed to the migratory phenomenon.

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