

Mexico: Still Not Safe for Refugees and Migrants

The Trump Administration seeks to prevent refugees who pass through Mexico from receiving asylum in the United States. In addition to pushing for legislative change that would allow the U.S. Secretary of Homeland Security to unilaterally declare Mexico a “safe third country,” recent [reports](#) also indicate the administration aims to press Mexico to agree to a safe third country agreement.

In a July 2017 [report](#) Human Rights First found that Mexico was not a safe third country for refugees. The organization’s findings included that refugees and migrants face acute risks of kidnapping, disappearance, sexual assault, trafficking, and other grave harms in Mexico; that Mexican migration officers deport Central Americans who have expressed fear of return despite the country’s *nonrefoulement* and human rights obligations; and that deficiencies, barriers, and flaws in the Mexican asylum system leave many refugees unprotected.

Since July 2017, the dangers facing refugees and migrants in Mexico have escalated. Recent reports confirm that Mexican authorities continue to improperly return asylum seekers to their countries of persecution and that the deficiencies in the Mexican asylum system have grown.

Increasing Violence in Mexico

Human Rights First’s July 2017 report found that migrants and refugees face grave risks of kidnapping, disappearance, sexual assault, trafficking, and other harms in Mexico. They are targeted not only due to their inherent vulnerabilities as refugees and migrants, but also due to their nationality, race, gender, sexual orientation and gender identity. Some have been trafficked into forced labor, while refugee and migrant women and girls have been trafficked to Mexico’s southern border where they have been exploited in bars and

night clubs that cater to police, military and other forces in the area.

In the last year, violence in Mexico has increased; 2017 was the deadliest year in Mexico, with a record [29,168](#) homicide victims, a 27 percent increase from [2016](#). In January 2018, the U.S. State Department even issued its highest level of [travel warning](#) for five Mexican states—Sinaloa, Colima, Michoacán, Guerrero, and Tamaulipas—due to high crime levels.

In September 2017, the U.N. Committee on the Protection of the Rights of All Migrant Workers and their families [expressed](#) concern at “the significant increase in crimes against migrants” in Mexico and at increasing reports of xenophobia towards migrants. Migrants shelters have reported increases in crimes against migrants, including robbery, kidnapping, and extortion, as detailed in the Washington Office on Latin America (WOLA)’s 2017 [report](#). WOLA also reported exceedingly high impunity rates for crimes against migrants and asylum seekers, and the [Kino Border Initiative](#) reported in September 2017 that crimes against asylum seekers and migrants—including assault, extortion, kidnapping, rape, and murder—largely go uninvestigated and unpunished.

Refoulement and Suppression of Asylum Claims

As party to both the 1951 Convention Relating to the Status of Refugees and the Convention Against Torture, the Mexican government is obligated to prevent the return (*refoulement*) of any person to a country where they would face ongoing threats of persecution or torture. Human Rights First [found](#) that Mexico deports many refugees who are blocked or discouraged from seeking asylum in Mexico, or who do not even know they can apply for asylum. Subsequent reports indicate that these practices,

which lead to the return of refugees to their countries of persecution, continue.

A 2018 [report](#) by Amnesty International found that 75 percent of migrants and asylum seekers surveyed who were detained by the National Institute of Migration (INM)—Mexico’s immigration enforcement agency—were not informed of their right to seek asylum, even though this is required by Mexican law. Additionally, testimony of 120 of the asylum seekers surveyed by researchers indicated that *refoulement* had occurred.

Human Rights First’s [report](#) found that Mexican INM officers who work at detention facilities encourage asylum seekers to accept deportation and to not pursue asylum applications. This occurs through various forms of coercion, including INM officers telling asylum seekers that they will be held in detention for three months or longer if they pursue asylum. Amnesty International’s report also concluded that the INM’s default process of requiring all migrants and asylum seekers to sign “voluntary return” paperwork during their initial INM interviews often prevents asylum seekers from pursuing asylum. Many people signed these forms under coercion or without knowledge of their contents.

Mexican Asylum System Lacks Capacity to Timely and Fairly Adjudicate Cases

As Human Rights First [has detailed](#), despite the steep rise in asylum filings in Mexico, the Mexican asylum system lacks effective national reach and capacity. These deficiencies have grown worse since July 2017 and in the wake of the October 2017 suspension of the Mexico City office of the Mexican Commission for Refugee Assistance (COMAR). Many of the functions performed in that office were suspended following the September 2017 earthquake; the suspension has not yet been lifted as of March 2018.

The number of asylum applications filed in Mexico has risen sharply in recent years and so too has the number of asylum applications. Between 2013 and 2016, the number of asylum applications rose by [1226](#) percent. In 2017, 14,596 people applied for asylum. However, 7,719 of those cases remain unresolved. Only 4,475 of these applicants, or 30.7 percent, concluded their proceedings. In

comparison, 71 percent of asylum applicants concluded their proceedings in 2016. Moreover, 2,233 cases were abandoned and 167 were withdrawn. The National Human Rights Commission (CNDH) in Mexico has indicated that this high number of abandoned cases is likely the result of the long processing delays. Legal groups working with asylum seekers in Mexico have reported to Human Rights First that the suspension of the Mexico City COMAR office has contributed to long delays in interviewing asylum applicants and recognizing claims.

On February 25, 2018, the National Human Rights Commission (CNDH) in Mexico issued an [urgent call](#) to the federal government warning of the possible collapse of the refugee protection system and urging the government to send a clear signal of its commitment to honor its asylum and refugee obligations. The Commission also warned that the long delays and associated deficiencies constitute a denial of international protection.

While Human Rights First’s prior report had noted an improvement in recognition rates, more recent reports of declines and disparities in recognition rates raise concerns that refugees from the Northern Triangle are being denied protection in Mexico. [Statistics](#) show that asylum recognition rates for 2017 are far below 2016 recognition rates.

In addition, non-profit legal organizations in Mexico City reported concerns to Human Rights First about variations in asylum recognition rates based on nationality. The [statistics](#) provided by the Mexican government confirm these concerns. For example, while 907 of the 4,042 Venezuelans (22.4 percent) who applied for asylum in 2017 were granted asylum, only 378 of the 4,272 Hondurans (8.9 percent) and 525 of the 3,708 Salvadorans (14.2 percent) who applied for asylum in 2017 were granted protection. Grant rates are further reduced for other countries, including Cuba and Somalia. Therefore, statistics that had previously indicated an improvement in Mexico’s over-all recognition rate may have instead reflected the higher approval rate for the increased number of asylum applications from Venezuelans.