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MEXICO'S NORTHERN BORDER MIGRANT ATTENTION PLAN: A CASE STUDY
IN NEOLIBERAL HUMAN RIGHTS AND NON-PUNITIVE EXTRATERRITORIAL SPACES
OF CONTAINMENT

by

MICHELE CANNON

A master's thesis submitted to the Graduate Faculty in International Migration Studies in partial fulfillment
of the requirements for the degree of Master of Arts, The City University of New York

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This manuscript has been read and accepted for the Graduate Faculty in International Migration Studies in satisfaction of the thesis requirement for the degree of Master of Arts.

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ABSTRACT

Mexico's Northern Border Migrant Attention Plan: A case study in
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by

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The Migrant Protection Protocols (MPPs), also known as “Remain in Mexico”, and Mexico’s response program, the Northern Border Migrant Attention Plan, embody how human rights have developed under neoliberal capitalism. Historically and presently, US asylum policy serves as a type of extraterritorial mobility control which manipulates non-domestic space to detain and contain asylum seekers. Despite an international legal framework, widely held popular ideals of human rights as wellbeing for all are challenged by the breakdown of human rights in practice, as in the case of the MPPs and the response of the Mexican state. Contradictions in human rights can be attributed to neoliberal influence on human rights doctrine, which favors an unequal distribution of wealth and power, and is policed by neoliberal state institutions. And, neoliberal governments often appropriate the language of human rights to further state-centric agendas. The Northern Border Migrant Attention Plan is first and foremost a labor program run out of federally-managed migrant shelters called Migrant Integration Centers (CIMs). While the Mexican government describes the CIMs’ functions and facilities as respectful of migrants and their human rights, it uses market-based evidence to back up its claims. An examination of media, nonprofit and state communications demonstrates that the Mexican government continues to escalate migration enforcement on behalf of the US, and at the same time seeks to further its economy by exploiting migrant labor.

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PART 1: Introduction

1.1 Overview

In December 2018, after family separation at the Mexico-US border was rescinded, the Trump administration and US Department of Homeland Security (DHS) rolled out a new, less visible deterrence policy. Descriptively known as “Remain in Mexico”, the Migrant Protection Protocols (MPPs) force migrants¹ requesting asylum at the Mexico-US border to wait in Mexico for an asylum hearing in US court. The MPPs block asylum seekers from access to resources, such as legal representation, by restricting entry to US territory while their claim is adjudicated. As of November 2020, less than one percent of asylum applicants, 602 of 68,430, have been granted asylum or another kind of relief.² Effectively, the policy stymies successful asylum petitions.

The Mexican government was quick to publicly call the policy a unilateral move.³ Yet almost immediately following President Trump’s announcement that he would increase tariffs on imports from Mexico, the US Department of State issued a joint US-Mexico declaration.⁴ The declaration obliges the Mexican state to furnish housing and jobs for asylum seekers waiting in Mexico. The Mexican government also agreed to administer temporary, regularized entrance due to humanitarian reasons, healthcare and education for minors. How the Mexican government has interpreted and carried out these obligations is especially noteworthy. In response to the MPPs, the Mexican government established a housing and labor program for expelled asylum seekers. Called the Northern Border Migrant Attention Plan (PAMFN),⁵ the program is operated out of federally-

¹ I will use the term ‘migrant’ as an umbrella term to refer to people who move across international borders to live, regardless of the reasons or legal avenues to do so. I will use the terms ‘refugee’ and ‘asylum seeker’ interchangeably, as the distinction of ‘refugee’ is political-juridical and does not necessarily correlate to a migrant’s lived experience.

² Syracuse University TRAC Immigration database, “Details on MPP Deportation Proceedings”

³ Secretaría de Gobernación y Secretaría de Relaciones Exteriores, “Mensaje conjunto sobre tema migratorio”

⁴ US Department of State, “US-Mexico Joint Declaration”

⁵ *Plan de Atención a Migrantes Frontera Norte*, my translation

managed shelters, or Migrant Integration Centers (CIMs).⁶ The US has provided five million dollars toward the cost of the CIMs.⁷

The Mexican government has invested in two CIMs to date, one in Ciudad Juárez and another in Tijuana. Two more CIMs have been planned for Nuevo Laredo and Mexicali.⁸ The first shelter, CIM Leona Vicario, went into a former maquiladora in Ciudad Juárez. When Fernanda Echavarri and Julia Lurie of *Mother Jones* toured the facility in late 2019, they reported it held almost 600 Central American refugees. A “concrete manifestation” of US asylum policy decorated with “collages celebrating Columbus Day”, the space was “about as homey as a factory could feel.”⁹ Within cinder block walls, rows on rows of metal bunk beds stretch across concrete flooring. Florescent fixtures illuminate a cafeteria of plastic tables and chairs. Industrial roll-up doors open to the “kitchen”—the detached bed of an 18-wheeler painted in camouflage and run by the military, parked outside. According to a government representative, it can feed up to 3,000 people. Bathing installations and warehoused goods occupy other areas of CIM Leona Vicario, as well as one makeshift classroom for school children of all ages.¹⁰

Sites such as migrant shelters and refugee camps are spaces of sanctuary and resistance as well as spaces of unfreedom or confinement, broadly defined. This paper will follow and add to critical confinement studies and scholarship on abolition geographies¹¹ by examining the MPPs and Mexico’s response to the policy, specifically through the CIMs. Social scientists working in these

⁶ *Centro Integrador para Migrantes*

⁷ Glass, O’Toole and Green, “688: The Out Crowd.” This amount has been estimated to cover the cost of about 8,000 of the 68,430 migrants that have been sent back to Mexico under the MPPs.

⁸ Secretaría del Trabajo y Provisión Social, “Abre Centro Integrador en Tijuana”

⁹ Echavarri and Lurie, “Asylum at the Border Is Over”

¹⁰ Echavarri and Lurie, “Asylum at the Border Is Over.” Children made up about half of the CIMs residents at the time of reporting.

¹¹ For example: work by Ruth Wilson Gilmore, Nancy Hiemstra, Deidre Conlon, Alison Mountz, Jenna Loyd, Lauren Martin, Glenda Garelli and Martina Tazzioli (especially “Choucha Beyond the Camp,” in *The Borders of “Europe,”* edited by Nicolas De Genova), and Susan Bibler Coutin (especially “Confined Within: National Territories as Zones of Confinement”)

areas have contributed to a body of literature helpful for contextualizing non-punitive extraterritorial spaces of containment, and understanding their complexities. Interrogating the multitude of interactions of neoliberal capitalism and human rights that raise these spaces exposes the tendency of the competitive market to produce difference, exclusion and exploitation rather than wellbeing for all. What priorities might be revealed by a careful review of government, nongovernmental organization (NGO) and media communications about the MPPs, PAMFN and CIMs? Will the evidence complicate the humanistic and inclusive discourse the Mexican state has used to portray the CIMs, its response to the MPPs and its stance on migration as a whole?

1.2 Human Rights as Public Relations

Communications from the US and Mexican governments in regard to the MPPs, PAMFN and CIMs strategically employ human rights terminology, but reveal contrary priorities when read closely. In the initial DHS press release about the MPPs, former Secretary of Homeland Security Kirstjen M. Nielsen states, “We have implemented an unprecedented action that will address the urgent humanitarian and security crisis at the Southern border. This humanitarian approach will help to end the exploitation of our generous immigration laws. The Migrant Protection Protocols represent a methodical commonsense approach, exercising long-standing statutory authority to help address the crisis at our Southern border.”¹² Nielson labels circumstances that have pushed migrants northward as both an “urgent humanitarian” and a “security” crisis. She contends that the so-called crisis requires a “humanitarian approach.”

Government leaders in destination and transit nations often co-opt the language of humanitarianism to further state-centric immigration agendas. It has become common practice for bureaucrats in Europe, Australia and the United States to invoke safety to legitimize detainment.¹³

¹² US Department of Homeland Security, “Migrant Protection Protocols”

¹³ FitzGerald, *Refuge beyond Reach*

Since the outbreak of the coronavirus pandemic, the United States has given the Center for Disease Control full control of border management, declaring the move a matter of public health.

Government information states that non-essential travel across the Mexico-US border is prohibited.

The CDC limits enforcement to land crossings while allowing for air travel to continue. Marxist political theorist Jessica Whyte attests that in the 1970s and 1980s neoliberal leaders recognized that “new interventionist human rights language might assist them in their own goals of enshrining a moral order for global capital” and position themselves as the international authorities in a post-World War II, neocolonial world order.¹⁴ She also contends that international NGOs, the United Nations (UN) for example, have played an important role in disciplining postcolonial states.¹⁵ The Mexican government describes its response plan via the CIMs’ functions and facilities as respectful of human rights, and uses market-based evidence to back up this claim. The CIMs are the nucleus for a labor program envisioned by the Mexican state, one that embodies how human rights have developed under capitalism. For Whyte, human rights under globalized neoliberal capitalism are the right to work for wages.¹⁶ And for asylum seekers waiting in Mexico, that wage is—at most—approximately \$9 a day.¹⁷

Nielson generalizes about security at the border, suggesting that the border itself needs securitized. In fact, the former secretary implies the border needs to be secured *from* the humanitarian crisis. Whyte defines security under neoliberalism as the “right for states to beat into submission those who threaten the market order.”¹⁸ She posits that neoliberal human rights have globalized the function of the security state, which legitimizes “state violence aimed at the global

¹⁴ Whyte, *Morals of the Market*, 32

¹⁵ Whyte, *Morals of the Market*

¹⁶ Whyte, *Morals of the Market*

¹⁷ Tyx, “A Labor Spring for Mexico’s Maquilas?”

¹⁸ Whyte, *Morals of the Market*, 25

dissemination of capitalist social relations.”¹⁹ In framing the migrants themselves as posing a security threat, Nielson situates state action against refugees as necessary to protect the interests of the state. In a neoliberal capitalist order, the state’s interest is to secure the free market. In her analysis of the “morals of the market”, Whyte demonstrates that neoliberal thinkers who believed that “the competitive market made individual rights possible” were influential in the adaptation of international human rights doctrine that eschewed collectivism.²⁰ These influential white men fought for market safeguards that ultimately cemented Western hierarchies of race, gender and class. Rather than a refugee or security crisis, the crisis Nielson refers to is a crisis of late-modern capitalism and the system that upholds it.

The former DHS secretary reframes exploitation, situating the state as a victim. Nielson claims the MPPs will “end the exploitation” of the United States’ “generous immigration laws.” Twisting migrants’ resistance to a globalized structure of oppression and violence into exploitation reverses the power dynamic at play in this context. Asylum seekers waiting in Mexico have presumably fled in fear for their lives. They have come from countries whose resources have been extracted or commandeered by American imperialism, and whose governments and democratic institutions have been manipulated to support the profit interests of elite investors (many of whom are foreign).²¹ Asylum seekers facing barriers to fair and swift judicial process wait in Mexico with few resources to sustain themselves. The CIMs offer shelter and humanitarian visas that permit asylum seekers to work.²² The shelters and the visas are also a vehicle for the Mexican state to

¹⁹ Whyte, *Morals of the Market*, 25

²⁰ Whyte, *Morals of the Market*, 19

²¹ Colby, *The Business of Empire*

²¹ Greene, *The Canal Builders*

²¹ Lipman, *Guantánamo: a Working-Class History*

²² In Mexico, there are multiple kinds of visas given for humanitarian reasons. The Secretariat of Labor and Social Security press releases indicate that the National Migration Institute (INM) is represented in the CIMs, and that migrants are able to obtain a kind of humanitarian visa through staying at the CIMs. It is probable that the INM is the office that processes these visas.

direct refugees into low-wage manufacturing work in the free-trade border region. Ultimately, the US policy and the Mexican response program leave migrants living in the CIMs with minimal choices other than to labor for a specific set of corporate manufacturers or relinquish claims to asylum.²³

Finally, Nielson indicates that the MPPs “exercise long-standing statutory.” Building on research by Jenna Loyd, Alison Mountz²⁴ and David FitzGerald²⁵, I locate the CIMs within the United States’ historical use of extraterritorial containment and confinement as a response to refugees’ self-asserted mobility.²⁶ Today, the Mexico-US border zone extends throughout the territory of Mexico.²⁷ Central American migrants began moving northward into and through Mexico en masse in the early 1980s. By the 1990s, refugee camps set up by the United Nations High Commissioner for Refugees (UNHCR) began to give way to detention centers, or “migration stations” as they are dubbed in Mexico.²⁸ By 2014, the self-proclaimed “Border Czar” and former DHS director Alan Bersin said, “The Guatemalan border with Chiapas, Mexico, is now our southern border.”

1.3 Guide to Reading

In the following paper, I will first address historical linkages between the asylum state and the carceral state in the United States, to ground the reader’s understanding of US asylum policy as

²³ Financial limitations and extended wait times for asylum processing often force migrants to abandon their case. Regardless of the political leanings of the administration, under the US system applying for asylum and abandoning the case makes the chances of a favorable ruling in a subsequent petition highly unlikely. This is also true in Mexico.

²⁴ Loyd and Mountz, *Boats, Borders, and Bases*

²⁵ FitzGerald, *Refuge within Reach*

²⁶ In this paper, I use “mobility” to refer to physical and financial mobility. Historically, both physical and financial mobility have been forced or restricted through the constructs of race and white superiority to the benefit of white power.

²⁷ Hiemstra, “Pushing the US-Mexico border south”

²⁸ Global Detention Project, “Mexico: Profile.” In 2019, Mexico detained 179,335 migrants, 46,476 of whom were children. Its estimated detention capacity is 8,524 and has about 35 long-term detention centers, with an overall “immigration detention estate” larger than that of European countries such as France and Spain.

²⁸ Meyer and Isaacson, “The ‘Wall’ Before the Wall.” In August 2019, some of Mexico’s detention centers and short-term detention facilities were holding an average of 61 percent more migrants than designed to hold. Certain facilities were operating at over 300 percent capacity.

a type of extraterritorial mobility control. In the case of the MPPs, President Trump's order is founded on prior executive decisions that successfully kept refugees from accessing asylum in the United States. Next, I will connect this history to the transformation of Mexico's national territory into a *zone of confinement*²⁹ and deterrence, due to its geographical position in relation to the global North. In this section, I include information about the UN's significant role in this transformation. In part four, I will consider how neoliberal philosophy shaped the development of contemporary international human rights. Whyte theorizes that inconsistencies and contradictions in human rights are more than a response to the market; they are a result of human rights as a market-oriented doctrine. Similarly, I point to neoliberal ideology and policy as facilitating an exploitative labor program carried out through the CIMs, despite claims from the Mexican state to take a benevolent and humanistic approach to migration and asylum issues. Finally, I analyze the specific case of asylum seekers waiting in Mexico within this Marxist framework. When combined, migrants' forced (im)mobility in a country of transit and status as recipients of humanitarian aid produces a particular value within the industrial free-trade economy of Mexico that is useful to investors and the state. Rather uphold the human right to asylum, the MPPs and CIMs force migrants back into dangerous transit territory and deepened insecurity.³⁰

PART 2: Preventative Containment

As illustrated by the former DHS personnel, restrictive and racialized migration policy has been fundamental to the United States' legal structures and has shaped the US since its inception.³¹

²⁹ Coutin, "Confined within"

³⁰ Doctors Without Borders, "Forced to Flee." 68.3 percent of migrants report being the victims of violence during transit through Mexico. Nearly 33 percent of women migrants report being raped or sexually abused during their journey.

³⁰ Pachico and Meyer, "One Year After US-Mexico Migration Deal." There have been at least 1,114 publicly reported cases of murder, rape, torture, kidnapping, and other violent assaults against asylum seekers forced to wait for their US court dates in Mexico.

³⁰ Meyer and Isaacson, "The 'Wall' Before the Wall"

³¹ Ngai, *Impossible Subjects*

In the twentieth century, deterrence became a central mechanism of immigration restriction in the United States. Deterrence policy is often decided at the federal level but adapted at the local level.³² US Border Patrol’s “Prevention through Deterrence” mandate evolved between and with funding from three major immigration bills codified between 1986 and 1996. The MPPs are a contemporary iteration of prior deterrence policies, specifically those which rely heavily on extraterritorial controls—from visas and regional political agreements to refugee interdiction and the use of non-domestic space to prevent asylum seekers from ever reaching US soil.³³

The World Trade Center bombing on September 11, 2001 marked a definitive expansion of executive power in the United States. Political theorist Giorgio Agamben has designated this phenomenon the *state of exception*: a prolonged state of emergency evoked to legitimize extralegal action.³⁴ Groundwork for the state of exception was taking shape even prior to 2001, evidenced by executive responses to the Haitian and Cuban refugee “crisis” of the late twentieth century. President Ronald Reagan’s Executive Order 12324 and its Bush-era counterpart, Executive Order 12807³⁵, redefined the United States’ obligation to the *non-refoulement*³⁶ stipulation of international human rights agreements. Both orders were political reactions to unprecedented numbers of refugees seeking a pathway to asylum in the United States by sea. These orders were an experiment in the breadth of US sovereignty over international migrations, and eventually established Supreme Court precedent. Moving beyond regional diplomacy, the executive branch asserted jurisdiction in international waters while simultaneously denying constitutional rights to

³¹ For example, in 1939, Jewish people fleeing Nazi Germany were refused entry by immigration officials in Miami. About one third of the passengers were later killed by the Nazi regime.

³² For example, the early 20th century there were no federal restrictions on immigration from Mexico. Yet, US Border Patrol agents made Mexican laborers coming from Juárez take gasoline and vinegar baths before being allowed to enter the United States. Mexicans also had to pay a head tax and were subjected to a literacy test.

³³ FitzGerald, *Refuge Beyond Reach*

³⁴ Agamben, *State of Exception*

³⁵ Also known as the Kennebunkport Order

³⁶ *Refoulement* refers to the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution. *Non-refoulement* is the prohibition against this act.

persons present in spaces where the US exercised its power. Executive orders 12324 and 12807 created a legal capacity and antecedent for preventative, not reactive, action against asylum seekers. The United States had ratified the UN Refugee Convention in 1967 and adopted official domestic refugee designation and policy in 1980. Consequently, these two executive orders provided a blueprint to disregard international agreements and domestic laws without technically violating them.

A common critique of the Universal Declaration of Human Rights (UDHR) centers around the guarantee “to seek and enjoy” rather than a right to seek and *be granted* asylum in another country. Regional human rights efforts have been made to adjust for this language pitfall, such as the American Convention on Human Rights. The United States signed but never ratified this document. Whether the UDHR or a regional covenant, nations can be signatories of international human rights code without ratifying and developing domestic human rights law. Furthermore, once adopted, human rights are codified according to each state’s determination and language, which leads to disparities in national human rights legislation and practice. While international courts have been structured to oversee disputes such as those pertaining to human rights, the wealthiest nations hold the most sway in these courts and are less likely to be held accountable.³⁷

In the domestic realm, an executive order such as the MPPs can be established without the approval of Congress, and will remain in effect unless reversed by the judicial branch of the United States. And, the United States can utilize extraterritorial space to repel, detain or return asylum seekers with little oversight. When Reagan’s order was struck down for targeting Haitian refugees only, the practice of interdiction was reconfigured rather than halted. The executive widened its scope and began detaining more nationalities, such as Cubans and Central Americans fleeing

³⁷ Heidi Haddad, *The Hidden Hands of Justice*

violent political repression and war. Throughout the 1980s and 1990s, an iterative policy pattern emerged. Wins in US courts for Caribbean and Central American plaintiffs were followed by reformations of anti-refugee policy.³⁸ The two Cold War-era executive orders came to naturalize the use of both preventative and extraterritorial measures as a border control tactic, and the southern border zone as one in permanent state of crisis. Therefore, Secretary of State Mike Pompeo was initially dismissive of any legal challenges to the MPPs. “We are confident we are on firm ground,” he said in 2018.³⁹ Despite the coronavirus pandemic, somewhere between 66,000 and 68,500 people have been returned to Mexico from the United States since the inception of the MPPs in December 2018.⁴⁰

Soon after the MPPs were announced, the American Civil Liberties Union (ACLU), along with the Southern Poverty Law Center and the Center for Gender & Refugee Studies, brought a lawsuit against the Trump administration. Arguing for the claimants in *Innovation Law Lab v. Nielson*, filed February 14, 2019, the ACLU and its partners indicate that the MPPs screenings do not provide adequate protection against *refoulement*, which violates the 1967 Refugee Protocol as well as the US implementation of the Protocol.⁴¹ Under the MPPs screenings, asylum seekers are rejected from entry to the US if they do not establish credible fear in Mexico, rather than credible fear in their country of origin.⁴² Innovation Law Lab won the suit in the US Court of Appeals for the Ninth Circuit. The Trump administration contested the decision, and was granted a request to continue the practice until a ruling is made on the appeal. Interestingly, the legal strategy used in

³⁸ For example, US policymakers passed legislation that allowed for the creation of non-citizen civil status categories without a pathway to citizenship. Namely, Temporary Protected Status was billed as a humanitarian status.

³⁹ Tackett, Dickerson and Ahmed, “Migrants Seeking Asylum Must Wait in Mexico”

⁴⁰ Global Detention Project, “Mexico: COVID-19 Updates”

⁴¹ Syracuse University TRAC Immigration database, “Details on MPP Deportation Proceedings”

⁴² Chishti and Bolter, “Remain in Mexico Plan”

⁴² Chishti and Bolter, “Remain in Mexico Plan.” This detail is vital as well confusing for migrants. International human rights law restrictions against *refoulement* are established around credible fear in the country of origin. Therefore, prior to the MPPs credible fear screenings sought to verify information about a person’s home country and not any country of transit.

Innovation Law Lab v. Nielson parallels a successful case brought on behalf of Haitians screened on Coast Guard vessels in the Caribbean.⁴³ Researchers Muzaffar Chishti and Jessica Bolter from the Migration Policy Institute elaborate, “Remain in Mexico has striking similarities to a US policy of the 1980s and early 1990s that turned back large flows of Haitian migrants attempting to seek asylum in the United States [...] Both then and now, the policies [...] focused on keeping migrants from entering the United States, applying for asylum, and staying in the United States while the asylum claim is being adjudicated.”⁴⁴

Refugee interdiction in the 1980s and 1990s propelled the United States government’s growing use of migrant imprisonment. Geographers Jenna Loyd and Alison Mountz detail the “decidedly racialized asylum policies” which “created the conditions for detention and border deterrence as *interrelated* practices.”⁴⁵ US policymakers worked in tandem with the US Bureau of Prisons and the US Department of Defense to evaluate, fund and site offshore and remote detention locations to contain asylum seekers.⁴⁶ It was during this period that the US’ colonial-era naval outpost at Guantánamo Bay was first conceived as a prison. The United States government presented the maritime Operation Safe Haven as a life-saving enterprise for refugees crossing in unseaworthy vessels, and declared the Coast Guard’s actions migrant “rescue.”⁴⁷ Advocates for detained refugees told an altogether different story. Harold Koh, an attorney representing Haitian asylum seekers detained under Operation Safe Haven, reported, “Since 1991, our Government has almost continuously maintained tent cities holding thousands of men, women, and children, surrounded by rolls of razor-barbed wire, amid the sweltering heat of the US Naval Base at

⁴³ *Jean v. Nelson* (1985) and *Haitian Refugee Center, Inc v. Baker* (1991)

⁴³ Chishti and Bolter, “Remain in Mexico Plan”

⁴³ FitzGerald, *Refuge Beyond Reach*

⁴⁴ Chishti and Bolter, “Remain in Mexico Plan”

⁴⁵ Loyd and Mountz, *Boats, Borders and Bases*, 4 (ebook)

⁴⁶ Loyd and Mountz, *Boats, Borders and Bases*

⁴⁷ Loyd and Mountz, *Boats, Borders and Bases*

Guantanamo Bay, Cuba, and the former Panama Canal Zone.”⁴⁸ Furthermore, Loyd and Mountz “situate this massive Caribbean enforcement project within the context of the spectacular buildup of deterrence measures along the United States–Mexico boundary in the mid-1990s.”⁴⁹ These historical policy developments, practices and administrative inroads contributed to make the CIMs possible.

PART 3: The Mexican Landscape

As US policymakers established preventative deterrence measures in the Caribbean, they adopted similar strategies down into Mexico. Working with and through key players, such as regional politicians and the UNHCR, these policymakers transformed the country into a land buffer between refugees and US territory.⁵⁰ Sociologist David FitzGerald describes the category of tactics developed in Mexico as *caging*, which he elaborates as a continuum of coercive techniques that wealthy states employ against refugees and asylum seekers.⁵¹ FitzGerald includes organizations that work with governments of the global North to fund refugee camps, centers for asylum seekers and repatriation, such as the UNHCR and the International Organization for Migration⁵² (IOM), under the umbrella of caging. Camps and similar spaces provide for basic human needs, while managing surveillance and control operations.⁵³ Other scholars have explored the intricate interactions between state governments and NGOs or human rights advocates in confinement spaces such as refugee camps and detention centers,⁵⁴ as well as the financial markets connected to illegalized migrations.⁵⁵ In the words of geographer Laura Martin, “security assemblages do not fit

⁴⁸ Loyd and Mountz, *Boats, Borders and Bases*, 148 (ebook)

⁴⁹ Loyd and Mountz, *Boats, Borders and Bases*, 148 (ebook)

⁵⁰ FitzGerald, *Refuge beyond Reach*

⁵¹ FitzGerald, *Refuge beyond Reach*

⁵² Also known as The United Nations Migration Agency

⁵³ FitzGerald, *Refuge beyond Reach*

⁵⁴ Garelli and Tazzioli, “Choucha Beyond the Camp”

⁵⁴ Fischer, “The Management of Anxiety”

⁵⁵ Andersson, *Illegality Inc.*

⁵⁵ Golash-Boza, “The Immigration Industrial Complex”

neatly into narratives of public sector privatization because state, supra-national, non-governmental, and corporate organizations work together in a wide variety of capacities, with different contractual obligations.”⁵⁶ Likewise, multiple public, non-governmental, private and organized criminal actors have contributed to Mexico’s evolution from a primarily migrant-sending nation to a national *zone of confinement*.⁵⁷ Migrant and indigenous communities, as well as human rights and sanctuary leaders, have pushed back against unfavorable policies and influenced legal protections for migrants in Mexico.⁵⁸ Together, these pieces have formed Mexico’s current migration landscape.

As was true of Operation Safe Haven in the US, the official Mexican term for migrant detainment and deportation is *rescatar*, or “rescue.” The CIMs are the first government-run migrant shelters in Mexico and are staffed with multiple migration enforcement bodies, some of which have been allocated increased manpower and fleets under the PAMFN to aid in migrant “rescue.”⁵⁹ The National Migration Institute⁶⁰ (INM) has offices in the CIMs and coordinates between the various entities, connecting the facilities to militarized border management and surveillance.⁶¹ Beyond the INM, the CIMs are also equipped with personnel from the National Guard,⁶² the Secretariat of Defense⁶³ (SEDENA) and the Secretariat of the Navy⁶⁴ (SEMAR), that latter of which have been deemed “essential for maintaining secure, organized and regular migration” even in non-marine

⁵⁶ Martin, “Carceral Economies of Migration Control,” 5

⁵⁷ Coutin, “Confined within”

⁵⁸ García, *Seeking Refuge*

⁵⁹ Secretaría del Trabajo y Provisión Social, “Coordinación esencial para migración segura”

⁶⁰ *Instituto Nacional de Migración*

⁶¹ Seelke and Finklea, “US-Mexican security cooperation.” In 2015, the US and Mexican governments approved a \$75 million program (under the Mérida Initiative) to help Mexico develop an automated, interagency biometrics system to help agencies collect, store, and share information on criminals and migrants.

⁶¹ Isaacson, Meyer and Smith, “*Mexico’s Southern Border*.” Information collected by Mexican agencies on migrants is networked to a federal system that shares data with DHS’ Automated Biometric Identification System (IDENT).

⁶² *Guardia Nacional*

⁶³ *Secretaría de la Defensa Nacional*

⁶⁴ *Secretaría de Marina-Armada*

migrations.⁶⁵ The Secretariat of Labor and Social Welfare⁶⁶ (STPS) characterize the militarized CIMs with human rights language in STPS press releases. “Approaching migration issues with a humanistic policy is one of the priorities of the Government of Mexico,” reads one press release.⁶⁷ “The results are the fruit of coordinated labor between the National Guard, the Sedena and the INM,” it continues, quoting INM Commissioner Francisco Garduño Yáñez.⁶⁸ The Attorney General of Labor Defense⁶⁹ casts the CIMs in a familial light. In a statement released in December 2019, it highlighted a Christmas celebration during which the National Guard and the SEDENA prepared a holiday dinner for 950 migrants waiting in the CIMs.⁷⁰ Even though the CIMs are highly securitized by Mexican officials and armed forces, the English-language media has reported sexual violence in CIM Leona Vicario.⁷¹

The IOM, a UN organization, works closely with the Mexican government in repatriation capacities. The IOM’s Assisted Voluntary Return Program handles the “voluntary return” of migrants and is the organization’s largest program in Mexico.⁷² Indeed, the function of the IOM in the CIMs is to fund and charter flights to asylum seekers’ countries of origin, providing an accessible avenue to self-deportation. The UN has played a pivotal role Mexico’s asylum landscape since its inception. In the early 1980s, thousands of Central Americans sought refuge from war and violence that stemmed from US-backed coups and dictators. The UNHCR set up temporary refugee camps in southern Mexico. The organization also drove the creation of human rights policy and practices in Mexico during the 1980s and 1990s. The UNHCR is credited as one of the biggest

⁶⁵ Secretaría del Trabajo y Provisión Social, “Coordinación esencial para migración segura”

⁶⁶ *Secretaría del Trabajo y Provisión Social*

⁶⁷ Secretaría del Trabajo y Provisión Social, “Coordinación esencial para migración segura.” My translation.

⁶⁸ Secretaría del Trabajo y Provisión Social, “Coordinación esencial para migración segura.” My translation.

⁶⁹ Procuraduría Federal de la Defensa del Trabajo

⁷⁰ Procuraduría Federal de la Defensa del Trabajo, “Disfrutan migrantes de convivencia”

⁷¹ Narea, “The abandoned asylum seekers”

⁷² International Organization for Migration, “Mexico”

influences in Mexico's current asylum policy, as it actively pushed back against Mexico's assertion of "its sovereign right to resolve its own domestic affairs" and initial reticence to adopt asylum legislation.⁷³ The agency was instrumental in creating the Mexican Commission for Refugee Assistance⁷⁴ (COMAR). The COMAR still operates with financing and support from the UNHCR.

During those years, the Mexican government resisted developing uniform and militarized enforcement measures on its southern border with Guatemala and throughout its interior. It did, however, eventually respond to pressure from the UN, the United States and the global community to adopt international human rights conventions and accept more asylum seekers. In 1990, Mexico became the first country to codify a broader definition of refugee than that of the international human rights standard.⁷⁵ Furthermore, in practice the burden of proof required on asylum applicants is lesser than that required in the United States. It is important to note that the United States contributes about one third of UNCHR's funding and is consistently the largest donor to the organization, as well as to the United Nations on the whole. Presently, the UNHCR works throughout Mexico to publicize asylum as an option in migrant shelters and along common migration routes. The organization supports the asylum adjudication process through and with other organizations, such as the COMAR. Receiving asylum in Mexico might be a net positive outcome for a migrant, yet the work of the UNHCR actively undercuts refugees' efforts to reach the United States.⁷⁶

A confirmation of migrant resistance and dedication as well as the continued need to seek safety and security, northward migration through Mexico has far from halted. Multiple waves of refugees have prompted administrative alarm in the United States, and consequent justification for

⁷³ García, *Seeking Refuge*, 46 (ebook)

⁷⁴ *Comisión Mexicana de Ayuda a Refugiados*

⁷⁵ García, *Seeking Refuge*

⁷⁶ The majority of migrants entering Mexico report that they hope or expect to make it to the United States. This is especially true for migrants who have family members already residing in the United States.

more draconian measures against immigrants and asylum seekers. When the MPPs were first enacted, authorities in Mexico had already pushed back against strong pressure from the Trump administration to sign a safe third country agreement. Mexico is sensitive to appearing as an instrument of the United States, especially in matters of migration.⁷⁷ Mexico’s Foreign Affairs Ministry maintains “our immigration policy, like our foreign policy, is determined exclusively by the Mexican government [...] not by the United States nor any other country.”⁷⁸ Still, David FitzGerald’s examination of diplomatic and budget records, as well as congressional testimony and interviews, affirms that “the Mexican government deliberately acts as a buffer.”⁷⁹ In regard to border policy, Mexico has either cooperated by creating policy favorable to the United States or has been coerced into complying with US policy.⁸⁰

A review of communications about the MPPs reveals two reoccurring threads throughout Mexico’s response narrative. The Mexican state emphatically faults tariff threats from Trump administration and it portrays the PAMFN as a humanitarian response.⁸¹ Mexican President Andrés Manuel López Obrador nudges the US government to come through on regional development funds, meant to mitigate the need to migrate.⁸² Meanwhile, the Mexican government diverts money from regional development funds to take forcible action in suppressing migrant flows through Mexican territory.⁸³ The June 2019 joint declaration clearly stipulates Mexico’s primary role in the MPPs. “Mexico will take unprecedented steps to increase enforcement to curb irregular migration,

⁷⁷ FitzGerald, *Refuge Beyond Reach*

⁷⁸ Verza, “Mexico diverted money”

⁷⁹ FitzGerald, *Refuge Beyond Reach*, 131

⁸⁰ FitzGerald, *Refuge Beyond Reach*

⁸¹ Verza, “Mexico diverted money”

⁸¹ Meyer and Hinojosa, “The Recent US-Mexico Agreement”

⁸¹ Meyer and Isaacson, “The ‘Wall’ Before the Wall

⁸¹ Guthrie, “Mexico to issue humanitarian visas”

⁸² EFE, “EUA no cumplió con inversiones”

⁸³ Verza, “Mexico diverted money”

⁸³ Meyer and Isaacson, “The ‘Wall’ Before the Wall

to include the deployment of its National Guard throughout Mexico, giving priority to its southern border.”⁸⁴ López Obrador, the first president from the National Regeneration Movement (MORENA) party,⁸⁵ ran on a migration platform of integration and inclusion.⁸⁶ Positioning himself as a compassionate humanist, the López Obrador campaign discourse starkly contrasted the Trump administration accounts about Central American migration and immigrants. Nevertheless, López Obrador formed the National Guard in early 2019, after the MPPs went into effect.⁸⁷

The Mexican president’s tone was a dramatic shift from that of his predecessor, Enrique Peña Nieto, as well. Peña Nieto was publicly tough on immigration issues and worked with the Obama administration to pass the 2014 Southern Border Program.⁸⁸ The Southern Border Program augmented the 2001 Southern Plan⁸⁹ and resulted in an 85 percent increase in migrant “rescue” in the first two years.⁹⁰ Together, these policies have militarized the Guatemala-Mexico border through US-backed and -financed training, and inter-regionally networked surveillance equipment.⁹¹ Despite the change in rhetoric, López Obrador’s National Guard will accompany the INM in policing transit migration throughout the nation as well as in the CIMs.⁹² Human rights

⁸⁴ US Department of State, “US-Mexico Joint Declaration”

⁸⁵ Mexico’s democratic years have been dominated by one party, the PRI (*Partido Revolucionario Institucional*), which was ousted from power briefly by the PAN (*Partido Acción Nacional*) between 2000-2012, before retaking the presidency. López Obrador’s presidential win under MORENA, a third party, marks a significant change in Mexican politics.

⁸⁶ Verza, “Mexico diverted money”

⁸⁷ Meyer and Isaacson, “The ‘Wall’ Before the Wall.” Nearly 12,000 Guardsmen were deployed to Mexico’s southern border. In June 2019 alone, Mexico apprehended 31,416 migrants, and the combined total of June and July 2019 more than tripled the number of migrant apprehension for the same period of 2018.

⁸⁷ Meyer, “One Year After Nation Guard’s Creation”

⁸⁸ *Programa Frontera Sur*

⁸⁹ *Plan Sur*

⁹⁰ Isaacson, Meyer and Smith, “Mexico’s Southern Border”

⁹¹ Isaacson, Meyer and Smith, “Mexico’s Southern Border.” Some INM agents are trained and “mentored” by US Customs and Border Patrol and US Immigration and Customs Enforcement, who can be found on-site at Mexican detention facilities. And, some INM agents “have traveled to Glynco, Georgia, to tour the Homeland Security Department’s Federal Law Enforcement Training Center (FLETC) and observe training techniques and principles.”

⁹² Isaacson, Meyer and Smith, “Mexico’s Southern Border.” In 2016, the National Human Rights Commission (*Comision Nacional de los Derechos Humanos*, CNDH) received 532 complaints of human rights violations by INM agents.

⁹² La 72, “En los límites de la frontera.” INM agents are often reported to use excessive force and unauthorized weapons in “rescue” operations.

advocates have raised questions about the high percentage of military and police present in the National Guard, which supposedly is a civilian force.⁹³ And, Mexico's National Human Rights Commission⁹⁴ received 32 complaints of human rights violations, such as migrant abuse, torture and arbitrary detention, committed by National Guard members in a five month period.⁹⁵ Similar to regional agreements forged with Caribbean nations during the height of the "safe haven" interdiction period,⁹⁶ the US-Mexico joint declaration commits a country in the global South to police the exclusionary policy of the global North.

PART 4: On Neoliberal Human Rights

An ideology as well as economic doctrine, twentieth century neoliberalism influenced the development of contemporary human rights principles. One component in particular, dignity, figures prominently in the strain of neoliberalism that burgeoned in post-World War II Europe.⁹⁷ The neoliberal definition, though, pivots on the original Latin root *dignus* which signifies "worth" or "merit." For the neoliberals, human dignity is not inherent. It is earned by participation in "a competitive order in which individuals [are] responsible for their own fates."⁹⁸ The Mexican government's Northern Border Migrant Attention Plan is a twenty-first century manifestation of this neoliberal philosophy.

In the neoliberal free-trade era, capital's influence shapes political decision-making in Mexico just as in the United States. Despite efforts by the Mexican government to act independently, or appear to act independently, many of Mexico's domestic migration policies and programs replicate those of the United States. Jessica Whyte argues that "neoliberal thinkers

⁹² Meyer, "One Year After Nation Guard's Creation"

⁹³ Meyer, "One Year After Nation Guard's Creation"

⁹⁴ *Comisión Nacional de los Derechos Humanos*

⁹⁵ Meyer, "One Year After Nation Guard's Creation"

⁹⁶ Loyd and Mountz, *Boats, Borders and Bases*

⁹⁷ Whyte, *Morals of the Market*

⁹⁸ Whyte, *Morals of the Market*, 27

contributed more than has been acknowledged to the version of human rights that came to prominence” in the 1970s and 1980s.⁹⁹ Therefore, issues or contradictions in human rights practice, such as those exemplified by asylum seekers waiting in Mexico under the MPPs, are not isolated or unrelated. They are not particular to the Trump administration, but tied to tendencies and dynamics that are part of broader processes.¹⁰⁰ Whyte warns that to view human rights as “disconnected from the structures of contemporary capitalism [...] obscures the fact that not all human and community figures are equally capable of ‘signifying within the text of human rights’.”¹⁰¹ Migrant figures, especially racialized asylum seekers who have begun at a material disadvantage, are less capable of signifying under neoliberal human rights.

The department responsible for the PAMFN is the Secretariat of Labor and Social Welfare. Horacio Duarte Olivares, the Undersecretary of Employment and Labor Productivity, was named head of the program. Duarte’s assignment demonstrates a hierarchy of state priorities toward migrants waiting in Mexico. In STPS press releases, social welfare concerns are eclipsed by market-based rhetoric that equates employment with respect for human rights and solidarity. “What the Mexican government seeks is take care to respect migrants’ human rights, in solidarity, and to ensure that they join the labor market. We are going to support and serve migrants with dignity,” said Undersecretary Duarte.¹⁰² As publicized in multiple press releases, the CIMs are a one-stop shop for processing the documentation necessary for asylum seekers to work legally in while waiting in Mexico.¹⁰³ Yet the press releases provide little to no information about health services or educational efforts.

⁹⁹ Whyte, *Morals of the Market*, 19

¹⁰⁰ Whyte, *Morals of the Market*

¹⁰¹ Whyte, *Morals of the Market*, 31

¹⁰² Secretaría del Trabajo y Provisión Social, “Inaugura Gobierno el primer Centro para Migrantes.” My translation.

¹⁰³ Secretaría del Trabajo y Provisión Social, “Abre Centro Integrador en Tijuana”

A close reading of STPS press releases reveals a narrow definition of migrant “integration”—economic integration. On various occasions Duarte met with members of Grupo INDEX, a powerful national manufacturing association with regional chapters.¹⁰⁴ Grupo INDEX and the STPS signed a collaboration agreement to create a bank of 50,000 jobs in manufacturing and agriculture.¹⁰⁵ Rather than social services that would promote social ties to the local community, the CIMs house a national employment office and offer job training within the CIM buildings.¹⁰⁶ The STPS arranged a job fair inside CIM Leona Vicario in Ciudad Juárez.¹⁰⁷ The CIM Carmen Serdán in Tijuana is located in an industrial park close to factories, but isolated from the central city where other jobs and transportation are available.¹⁰⁸ By December 2019, Duarte touted 400 asylum seekers placed into factory work in the northern border region.¹⁰⁹ Sooner than be a “burden for the Mexican government”, Undersecretary Duarte claims the “correct strategy is to have [migrants] enter the labor market so they can contribute to the economy.”¹¹⁰

While seemingly at odds with popular conceptions of human rights as collective and equal rights, twentieth century neoliberalism held that a free civilization was free of state economic controls and public monopolies. Whyte elaborates, “A neoliberal right to equality is a right of everyone to preserve their unequal wealth and power in the face of political demands for redistribution.”¹¹¹ Friedrich Hayek, an Austrian economist, winner of 1974 Nobel Prize in Economics and influential neoliberal thinker, believed collectivist mass politics would be the

¹⁰⁴ Fry, “Low-wage maquiladora workers.” Many factories in Mexico’s northern border region are foreign owned and/or produce products for export to the United States.

¹⁰⁴ Resendiz and Delgado, “Fearful but in need”

¹⁰⁵ Arista, “Empleo en la frontera”

¹⁰⁵ Secretaría de Trabajo y Provisión Social, “Coordina Horacio Duarte avances”

¹⁰⁵ Secretaría de Trabajo y Provisión Social, “Arranca Bolsa de Empleo”

¹⁰⁶ Secretaría de Trabajo y Provisión Social, “Inaugura Gobierno el primer Centro para Migrantes”

¹⁰⁷ Cruz, “Duarte: STPS ha colocado 400 migrantes”

¹⁰⁸ Fry, “Federal shelter in Tijuana opens”

¹⁰⁹ Cruz, “Duarte: STPS ha colocado 400 migrantes”

¹¹⁰ Cruz, “Duarte: STPS ha colocado 400 migrantes”

¹¹¹ Whyte, *Morals of the Market*, 24

undoing of liberal ideals such as human dignity and individual freedom.¹¹² Hayek and his contemporaries sought to create a market-based society in which individuals are guided by expected financial gains.¹¹³ In their view, the state's role is to protect the competitive market "from those who are unable to adjust themselves to its demands."¹¹⁴

At first glance, President Trump's threat to increase tariffs on Mexican imports if the country did not comply with the MPPs seems to be an unrelated bargaining chip. However, when examined in the context of neoliberal human rights, the details surrounding the policy and Mexico's response plan reveal a more interconnected relationship between economic interests and asylum policy. Duarte confirms that the risk of increased tariffs influenced Mexican policymakers' reaction to the MPPs. "Any expense we incur in building shelters like this one will be far less than what the tariffs would cost us," said the undersecretary at CIM Leona Vicario's opening.¹¹⁵ Unless quarantines have changed the rule in practice, there is an official three-week time limit to CIM stays. Which means the Mexican government has capped its humanitarian generosity. After the grace period is over, asylum seekers are expected to participate fully in the border economy by paying for their own housing costs. Unfortunately for both migrants and the Mexican state, asylum seekers usually end up in other migrant shelters or in street encampments.

Duarte emphasizes in various outlets, "The export tariffs would devastate our country's economy."¹¹⁶ President López Obrador has proposed multiple megaprojects throughout the country, such as a train circuit, pipeline infrastructure and a refinery—and continues to push ahead with development that could be equated to prosperity in Mexico despite a global public health

¹¹² Whyte, *Morals of the Market*

¹¹³ Whyte, *Morals of the Market*

¹¹⁴ Whyte, *Morals of the Market*, 25

¹¹⁵ Resendiz, "New migrant shelter opens in Juarez"

¹¹⁶ Resendiz, "New migrant shelter opens in Juarez"

¹¹⁶ Secretaría del Trabajo y Provisión Social, "Abre Centro Integrador en Tijuana"

pandemic.¹¹⁷ Undersecretary Duarte refers to the MPPs as a “win-win” for Mexico, a program which allows participating companies to increase productivity by taking advantage of migrant labor.¹¹⁸ In the border region as well as throughout the country, migrant labor supports López Obrador’s brand of economic nationalism.¹¹⁹ The undersecretary and other government representatives have been careful to repeat that the 50,000 jobs will not take positions away from Mexican citizens.¹²⁰ Could the public sector be stepping in to fill jobs that would otherwise go unfilled?

In the push to get migrants to work, the basic health needs of asylum seekers in the CIMs have been overshadowed. The STPS claims to “guarantee [asylum seekers] a dignified and safe space, food, medical services, employment and education.”¹²¹ Before completing one year of operations, during which CIM Leona Vicario attended to nearly 7,000 migrants, a chickenpox outbreak prompted the STPS to impose a quarantine from December 2019 to January 2020.¹²² The STPS press releases mention a coordinated health strategy in both CIMs as a response to the coronavirus cases detected in the United States.¹²³ Later, the STPS enforced another quarantine due to an outbreak of the coronavirus.¹²⁴ However, no information has been made public on the matter since June 2020. During a global pandemic, news on migrant health care is curiously absent from the Mexican state’s humanitarian storytelling. Without labor “wins” to publicize, the STPS has fallen into an opaque silence. This is indicative of a neoliberal human rights program. Whyte

¹¹⁷ Young, “AMLO Pushes Ahead”

¹¹⁷ Meyer, “Mexico’s Current Migration Policies”

¹¹⁷ Ramírez, “Además del tren”

¹¹⁸ Arista, “Empleo en la frontera”

¹¹⁹ Guzmán, “Estos migrantes serán los primeros beneficiarios”

¹¹⁹ *Político MX*, “4 mil 300 migrantes trabajando”

¹²⁰ Arista, “Empleo en la frontera”

¹²¹ Secretaría de Trabajo y Provisión Social, “Coordina Horacio Duarte avances

¹²² Secretaría de Trabajo y Provisión Social, “Acuerda Gobierno levantamiento de cerco sanitario”

¹²³ Secretaría de Trabajo y Provisión Social, “Acuerda Gobierno levantamiento de cerco sanitario”

¹²⁴ Secretaría de Trabajo y Provisión Social, “Centro Migrante de Juárez”

explains, “in defining social and economic rights as flexible standards that did not imply binding obligations on states, the drafters of the UDHR developed an account of social and economic rights that was ultimately compatible with a privatised, neoliberal approach to the management of poverty.”¹²⁵

Critical accounts of the MPPs and the circumstances that migrants face due to the coronavirus proliferate. However, the PAMFN has not been sufficiently scrutinized. It is unclear exactly how the coronavirus pandemic has affected refugee laborers working in the manufacturing sector under PAMFN, or in other parts of the country. In general, factory workers in Mexico have been a highly compromised group, with some working in foreign-owned factories pressured by the United States to reopen in mid-2020, when supply-chains ran low north of the Mexico-US border.¹²⁶ As Undersecretary Duarte has stated, “the objective is for migrants who are in Mexico to help us strengthen the economy of the northern border.”¹²⁷

PART 5: Humanitarian Visas and the “Carceral Economies of Migration Control”

In the last half of the twentieth century and into the present day—as human rights norms and law advance—temporary and less-than-citizen status categories proliferate across the global North as well as in countries of transit. Statuses with pathways to citizenship, such as refugee, have become increasingly difficult to obtain. Expanding on Ilan Kapoor’s theory of “gift or grift”, migration scholar Miranda Hallet signals that non-pathway status categories, such as those which offer safe harbor, are “tainted by the self-interest of the giver.”¹²⁸ Writing on the topic of Temporary Protected Status (TPS) in the United States, Hallet observes, “Historically, immigration and naturalization laws and exclusionary policies have been central to the construction of racial

¹²⁵ Whyte, *Morals of the Market*, 32

¹²⁶ Fry, “Low-wage maquiladora workers”

¹²⁷ Secretaría de Trabajo y Provisión Social, “Inaugura Gobierno el primer Centro para Migrantes.” My translation.

¹²⁸ Hallet, “Temporary Protection, Enduring Contradiction,” 633

categories in the United States and the policing of boundaries of national belonging, as well as the construction of racialized labor systems. [...] This continues to be the case in the contemporary moment.”¹²⁹

Latinx migrants and migrants of African descent (such as Haitians) waiting in Mexico are given a temporary humanitarian visa that allows for the right to work.¹³⁰ Theoretically, humanitarian visas can be viewed as a neoliberal human rights endeavor. Reflected in the paternalistic name itself, this type of visa positions the giver (the state) as a charitable benefactor, while giving the recipient limited rights with respect to that state. In the case of TPS, for example, Hallet notes that the status “performs practical work for the state and corporations, providing them with a relatively docile and legally immobilized population.” In Mexico, CIMs and humanitarian visas “integrate” refugees by placing them in assembly-line jobs in a country with some of the lowest paid work in the region.

In conversation with Hallet, categories such as TPS or humanitarian recipient are central elements to Laura Martin’s conceptualization of “carceral economies of migration control.” Martin explains, “Combining detention, forced mobilities and border closures, contemporary migration controls have produced new ways of valuing people on the move.” Martin contends that legal categories such as refugee and asylum seeker “produce a particular form of value specific to migration control regimes” which Martin labels a *status value*.¹³¹ Within a capitalist system, insecure less-than-citizen categories compromise claims to civil rights and therefore occasion highly desirable workers. Due to a state-enforced (im)mobility, asylum seekers waiting in Mexico

¹²⁹ Hallet, “Temporary Protection, Enduring Contradiction,” 638

¹³⁰ This humanitarian visa is likely administered to asylum seekers through their stay at the CIMs, and is probably processed by the INM. From my reading, it seems as though asylum seekers in encampments are not automatically given this visa. And, as far as I can tell, there is no other institution present in the CIMs that could process this kind of visa other than the INM.

¹³¹ Martin, “Carceral economies of migration control”

are less likely to push back against low wages or poor employment conditions. While asylum seekers do pursue other avenues of resistance, arguably the act of migration itself, labor organizing in Mexico is not one of them.

In the free-trade border region of Mexico, the “economic competitiveness of the maquiladora continues to be tied to low-wage labor.”¹³² However, strengthening labor mobilizations have presented challenges for the private sector as of late. In Ciudad Juárez and Matamoros, demand for independent union representation has been gaining ground, which translates into overall progress in labor protections for factory workers.¹³³ Prior to the recent revamp of the North American Free Trade Agreement, Mexico’s Senate passed a labor bill that enshrines the rights of Mexican workers to organize and gives laborers more control over their own contracts.¹³⁴

To make good on campaign promises, López Obrador upheld his commitment to double the minimum wage in the border zone. Even with this increase, compensation in the manufacturing sector of Ciudad Juárez remains lower than in the rest of the nation.¹³⁵ Still, the increase immediately prompted pushback from Grupo INDEX.¹³⁶ Perhaps by proffering migrant labor to Grupo INDEX, the López Obrador administration presents the business alliance with an opportunity for greater control over the workforce. It has been reported that Mexican officials do not patrol MPPs encampments to incentivize asylum seekers to move to the CIMs,¹³⁷ where Grupo INDEX’s 50,000 jobs await. As Martin asserts, “contemporary migration control practices have

¹³² Ebner and Crossa, “Maquiladoras and the Exploitation of Migrants

¹³³ Bacon, “The Maquiladora Workers of Juárez”

¹³³ Tyx, “A Labor Spring for Mexico’s Maquilas?”

¹³⁴ Reuters, “Mexican Senate passes labor bill”

¹³⁵ Ebner and Crossa, “Maquiladoras and the Exploitation of Migrants

¹³⁶ Tyx, “A Labor Spring for Mexico’s Maquilas?”

¹³⁷ Glass, O’Toole and Green, “The Out Crowd”

produced new ways of commodifying migrant life.”¹³⁸ By framing an exploitative labor program as an act of solidarity, as seen in the STPS press releases, President López Obrador affirms the pro-migrant, humanitarian discourse he effused on the campaign trail.

PART 6: Conclusion

Human rights groups, humanitarian organizations and even US asylum officers have decried the MPPs as a flagrant violation of international protocol, in particular of the *non-refoulement* clause.¹³⁹ Despite an international legal framework, widely held popular ideals of human rights as wellbeing for all are challenged by the breakdown of human rights in practice. According to Whyte, to view human rights as a fundamentally neoliberal process is to account for the paradoxes of human rights. Certainly, neoliberal governments mobilize the language of human rights, even when acting out of self-interest or preservation. In the 1990s, The White House launched a maritime interdiction program to sweep up and imprison refugees in remote, offshore locations in order to undermine their efforts to pursue asylum in the United States. It was called Operation Safe Haven. Today the Migrant Protection Protocols dump asylum seekers back into unsafe circumstances, where they are vulnerable to higher rates of violence than the non-migrant population, and are cut off from access to legal and material resources.¹⁴⁰

As in the example of Haitian asylum seekers held in “safe haven” at the naval base in Guantánamo Bay, the current on-the-ground reality in Mexico runs contrary to the López Obrador administration’s welcoming discourse. INM Commissioner Garduño echoes the campaign rhetoric of President López Obrador. “In Mexico it is not a crime to migrate; respect for human rights and

¹³⁸ Martin, “Carceral economies of migration control”

¹³⁹ Glass, O’Toole and Green, “The Out Crowd”

¹⁴⁰ Meyer and Hinojosa, “The Recent US-Mexico Agreement.” Tijuana and Ciudad Juárez consistently have the highest rates of homicide in Mexico.

¹⁴⁰ Human Rights First, “Orders from Above”

¹⁴⁰ Glockner and Sardão, “Euphemisms of Violence”

the protection of people's life and dignity should guide policy on the matter."¹⁴¹ While it is commonly supposed that human rights "embody a concern for human dignity that is deeply at odds with the imperatives of wealth accumulation", this assumption is based on a contemporary, non-neoliberal, definition of the word dignity.¹⁴²

In border cities such as Matamoros and Nuevo Laredo, unsafe conditions in the MPPs migrant encampments have been reported in the mainstream media.¹⁴³ Matters have gone from bad to worse since the coronavirus outbreak and flooding from Hurricane Hanna.¹⁴⁴ The UNHCR stepped in to set up 48 temporary prefabricated housing units in Reynosa and Matamoros after not providing any aid during the first two years of the MPPs.¹⁴⁵ The agency cites a lack of invitation from the Mexican government as cause for its inaction, a stance that differs from the UNHCR's historical actions in the country.¹⁴⁶ Instead, the Mexican government has focused efforts on and within the CIMs, prioritizing employment services above all else. The PAMFN demonstrates that economic motives often lurk in elites' engagement with human rights. The status value of (im)mobilized asylum seekers is advantageous to industry in neoliberal Mexico, as well as to López Obrador's political image and vision.

In the United States, the use of extraterritorial space to prevent asylum seekers from accessing US soil is a bi-partisan and multi-faceted effort. While Democrats opposed adding to a physical barrier between Mexico and the United States, party leaders Nancy Pelosi and Jim Clyburn have championed the idea of a "smart wall." This proposal is merely a different version of

¹⁴¹ Secretaría del Trabajo y Provisión Social, "Coordinación entre INM, Sedena, Semar y GN." My translation.

¹⁴² Whyte, *Morals of the Market*, 2

¹⁴³ Glass, O'Toole and Green, "The Out Crowd." Unsafe conditions range from safe drinking water, hurricane flooding, vulnerability to Coronavirus and violence carried out by transnational criminal organizations.

¹⁴³ Echavarrri and Lurie, "Asylum at the Border Is Over"

¹⁴³ Narea, "The abandoned asylum seekers"

¹⁴⁴ Associated Press, "UN refugee agency to install housing"

¹⁴⁵ Associated Press, "UN refugee agency to install housing"

¹⁴⁶ Glass, O'Toole and Green, "The Out Crowd"

former secretary Nielson's approach to border security, managed through racially problematic surveillance technology developed by the private sector.¹⁴⁷ Democratic president-elect Joe Biden has promised to overturn the MPPs within the first 100 days of his presidency. That moment is still ahead, and other questions remain. If the MPPs are reversed, what will become of refugees currently waiting in Mexico? How will the state resolve questions of public health? How will the next iteration of neoliberal human rights policy take shape? And, what will become of the CIMs?

Including CIMs and other non-punitive extraterritorial spaces of containment under the purview of confinement studies can illuminate the processes that produce carceral estates; in this case, of economic forces behind political decision-making in Mexico's response to the MPPs. In the southern border state of Chiapas, Mexico there once were remote and inaccessible UNHCR refugee camps.¹⁴⁸ Today, it is home to the largest detention center in Latin America.¹⁴⁹ At the naval base in Guantánamo Bay, Haitians were once held in a barbed-wire "safe haven." Presently, alleged enemy combatants endure ongoing confinement in a secluded military prison which "has perverted US principles of due process."¹⁵⁰ These transformations were not inevitable, but made possible through neoliberal influence on human rights doctrine.

¹⁴⁷Bier and Feeney, "Drones on the Border"

¹⁴⁸ García, *Seeking Refuge*

¹⁴⁹ Global Detention Project, "Mexico: Profile"

¹⁵⁰ Lipman, *Guantánmo: A Working-class History*

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