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## President Felipe Calderón, Congress Act to Protect Migrants

by Carlos Navarro

Category/Department: Immigration

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As Mexico continues to advocate for a comprehensive immigration-reform package in the US, the Congress and President Felipe Calderón recently enacted initiatives to protect the rights of migrants from other countries inside Mexican territory. The vast majority of those migrants, primarily from Central American countries, are transiting through Mexican territory en route to the US, but a handful are deciding to stay in Mexico. Among the actions taken were passing a migrants-rights law, overhauling the federal immigration agency (Instituto Nacional de Migración, INM), and creating a border police, whose function would be partly to help protect Mexican and foreign migrants

Overhauling the INM was a significant step for the Mexican government. Whether real or just a perception, corruption has traditionally been seen almost as a way of life for employees of some federal agencies. While corruption has been more closely associated with customs employees, who often accept or demand bribes in exchange for allowing illegal goods to enter the country, immigration employees have not been above suspicion. Still, there had not been significant outrage in Mexico until reports surfaced that immigration employees around the country, including a handful of district directors, colluded with the Zetas drug-trafficking organization to turn over some of the dozens of migrants who were eventually massacred in Tamaulipas. Mass graves were discovered in August 2010 and April 2011 ([SourceMex, Sept. 8, 2010](#)) and ([April 13, 2011](#)).

Authorities also recently discovered mass graves in neighboring Durango state, but officials said it was unlikely that many of the more than 200 victims unearthed at the sites inside the city limits of Durango City were would-be migrants from Central America or other parts of Mexico because the state is not along the traditional routes taken by people seeking to cross into the US.

Some of the victims were thought to be police officers, kidnap victims, and members of drug-trafficking organizations. The Zetas and the Sinaloa cartel are battling for control of Durango. One victim was identified as Gerardo Galindo Meza, deputy director of the Cereso Número Uno prison, who had recently disappeared without a trace.

### *Federal government overhauls immigration agency*

Reports that high-level officials were involved in the massacres of immigrants prompted INM commissioner Salvador Beltrán del Río to announce a total overhaul of the immigration agency, including dismissing seven regional directors accused of corruption. The officials replaced at the request of Interior Secretary Francisco Blake Mora had been in charge of the INM districts in the states of Tamaulipas, Veracruz, Tabasco, Oaxaca, México, San Luis Potosí, and Quintana Roo.

Blake warned the new directors that there would be zero tolerance for acts of corruption or illegal activities. Additionally, the INM said the directors named to replace the ousted officials will have as an immediate task carrying out a cleanup of personnel who work for them, to strengthen migration operations with strict respect for migrants' human rights."

Earlier this year, the INM arrested six of its agents in Tamaulipas on charges of detaining migrants and delivering them to kidnappers.

Beltrán del Río also announced a plan to rotate immigration personnel around the country and screen all agents in states along the routes used by Central American migrants headed toward the Mexico-US border. The scrutiny will be tightest in states like Tamaulipas, Veracruz, Tabasco, Oaxaca, Quintana Roo, and Chiapas.

"We are going to implement a trust-control-evaluation program, which will be aimed at assessing our personnel. We will ensure that the regions where there is a high influx of immigrants are safe for these people," said Beltrán del Río.

The INM officials dismissed speculation that the overhaul included some militarization of the southern border with Guatemala and Belize. "We are not planning in any way to move law-enforcement personnel to the southern border," said Beltrán del Río. He said, however, that authorities would at times accompany the northbound trains that bring migrants into Mexico to ensure that they are not harmed.

Some critics suggest that the INM's move to overhaul its operations has been late in coming, since there had been ample warnings of corruption within the agency. One warning came from Cecilia Romero, who resigned in the wake of the negative publicity following the discovery of the mass graves in Tamaulipas in August 2010 ([SourceMex, Jan. 5, 2010](#)). "I have no doubt that immigration agents, state and local police, and others collaborated [with the kidnapping of Central Americans]," said Romero.

Beltrán del Río pointed out, however, that the INM began its investigation shortly after the first massacre, firing 200 immigration officials, 40 of whom are now subject to charges. Furthermore, he said the federal government is using funds provided by the US government for the drug-interdiction program Plan Mérida to acquire equipment and train personnel assigned to protect migrants.

### *Congress approves new immigration law*

Even as the executive branch was making structural changes to the INM, the legislative branch took its own actions to protect citizens of Central America and other countries traveling through Mexico. In early May, the Chamber of Deputies approved the Ley de Migración, which would guarantee dignified treatment and protection of individual rights to migrants in Mexico.

Sponsors said the measure aims to empower the government to move decisively against the drug cartels that are kidnapping migrants for the purpose of extorting their families in the US or recruiting them into their ranks. "We are providing the Mexican government with a legal framework to prevent extortion, violence, robbery, and other crimes suffered by would-be migrants from our country and from other nations," said Deputy Norma Salazar Vázquez, a member of the governing Partido Acción Nacional (PAN) and chair of the committee that deals with immigration issues (Comisión de Población, Fronteras y Asuntos Migratorios) in the lower house.

Other legislators said the measure is intended to strengthen migrants' legal rights and provide access to health services and education. Deputy Cristabell Zamora, a member of the opposition Partido Revolucionario Institucional (PRI), said the legal protections extend to those who have traditionally provided assistance and shelter to migrants from Central America and other countries. Many times those providers are harassed and victimized by the cartels.

In a separate but related action, the public safety committee (Comisión de Seguridad Pública) approved a motion to create a border police. The new agency—which would be deployed at ports,

airports, and in Mexico's southern and northern border regions—would have as one of its missions to ensure the protection of Mexican and foreign migrants. Deputy Luis Ovando Patrón, chair of the public safety committee (Comisión de Seguridad Pública) in the lower house, said the measure also provides training for other police. "With this change, we are hoping to strengthen the specialized training of law-enforcement agencies, so that they can better handle the problems that occur in the border areas, customs stations, and airports," said Ovando, a member of the PAN. "Our aim is to strengthen the fight against organized crime."

The Calderón administration was clearly pleased with the outcome of the vote on the new immigration law. In a statement, the Secretaría de Gobernación (SEGOB) called the vote a "symbol of success and an example of the political willingness between the executive and legislative branches to reach agreements of great relevance and benefit to society."

SEGOB also alluded to the benefits for the migrant population in Mexico. "With this law we not only guarantee the unconditional respect for rights of migrants, but we also simplify the paperwork for those seeking to enter our country and strengthen Mexico's tradition of hospitality and humanitarian values."

But the Chamber of Deputies might not have acted with urgency on the immigration law had it not been for the strong pressure from migrant-rights groups, who staged demonstrations outside of the San Lázaro legislative building to urge lawmakers to approve the measure before the end of the current legislative session.

"We felt it was urgent for this law to be approved," Martha Sánchez Soler, a representative for Movimiento Migrante Mesoamericano (MMM), said in an interview with the Spanish news service EFE. "Otherwise, [this legislative session] might have ended without a solution to all the problems and the violations of the rights of undocumented immigrants."

"One must recognize the significant participation of civil-society organizations, which offered their extensive experience to enrich the law," said SEGOB. "Without their input, the initiative might not have advanced."

Advocates outside Mexico also pushed strongly for changes in the country's legal structure on immigration. In a report released in April, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) chastised the Mexican government for a lack of capacity to prevent immigrant-rights violations and its inability to move against the illegal "business activities related to immigration."

"Despite the government's efforts, we've seen this problem expand like a cancer," said committee member Ana Elisabeth Cubias Mena, who noted that many local politicians have been involved in corrupt practices involving immigrants.

### *Critics say immigration law falls short*

Even after the legislation was approved, some critics said that the Congress did not go far enough in providing stronger protections for women and girls, who are often subject to rape and sexual abuse. In an interview with Comunicación e Información de la Mujer (CIMAC) news service, Fabienne Venet, director of the migrant-rights organization Instituto de Estudios y Divulgación sobre Migración, said protections are not adequate for girls and women, who account for 15% to 25% of the migrants from other countries who transit through Mexico en route to the US. Furthermore,

she noted that women now constitute 50% of the undocumented migrants from other countries who reside in Mexico.

Perseo Quiroz, a spokesperson for the immigrant-rights advocate group Sin Fronteras, said the law has other deficiencies, such as the lack of a concrete plan to prevent kidnapping of migrants. A related concern is that the measure does not provide any legal status to the transitory migrant population, primarily Central American citizens, and their lack of legal protection makes it easier for them to be abducted.

State legislators in Michoacán recently approved an initiative similar to the federal law that provides protection for migrants. The measure, *Ley de los Migrantes y sus Familias*, which passed on May 4, recognizes the political and legal rights of migrants, whether they are state residents who have been returned from other countries or residents of other Mexican states or other countries who are in transit through Michoacán. "The new law obligates the state government to recognize, promote, and guarantee the rights of this sector of the population as well as to develop public policies that guarantee dignified human development, especially for those who are most vulnerable," said the Michoacán-based news agency *Quadratín*.

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