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President Enrique Peña Nieto’s Administration Appoints Tabasco Senator to Manage Immigration Policies for Southern Border

by Carlos Navarro
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Mexico’s policies to deal with migrants crossing its southern border have been extremely lax, and most of the enforcement has occurred in the interior at immigration checkpoints along major highways leading out of the states of Tabasco and Chiapas. However, the recent surge in the number of Central American minors crossing the Guatemalan border (SourceMex, June 25, 2014) has forced President Enrique Peña Nieto’s administration to revisit its immigration policies along its borders with Guatemala and Belize.

In mid-July, the administration appointed Humberto Mayans Canabal, who had served as a federal senator from the southeastern state of Tabasco, as special coordinator for immigration policy for the southern border. Mayans Canabal, a member of the governing Partido Revolucionario Institucional (PRI), will head the newly created Comisión de Asuntos Fronterizos Sur. Mayans Canabal was elected to the Senate in 2012 representing a coalition of the PRI and the Partido Verde Ecologista de México (PVEM). His brother, Fernando Mayans Canabal, was also elected to the Senate that year, representing the Partido de la Revolución Democrática (PRD).

Humberto Mayans Canabal is well suited for the post, having served as secretary of the special Senate committee for issues affecting the south and southeast (Comisión Especial Sur–Sureste). He has also been a member of the subcommittee on Latin America and the Caribbean of the Senate foreign relations committee (Comisión de Relaciones Exteriores).

‘A new immigration policy’

Interior Secretary Miguel Ángel Osorio said Mayans Canabal and his team would be in charge of implementing new procedures to control the flow across 12 international crossings on the borders with Guatemala and Belize, to expand and transform the customs stations along the southern border, and to improve existing government and private shelters that support Central American migrants.

"Never before has Mexico announced a state policy on the border, and now it has," Osorio Chong said in an interview. "It is absolute control of the southern border."

Mayans Canabal agreed that the efforts to control the southern border represent a change in policy for Mexico and that, until now, there has been little attempt to understand the conditions facing migrants from Honduras, Guatemala, and El Salvador. The new immigration czar for the southern border called for broad cooperation among governments in the region, no matter what level.

In announcing the creation of the new office, Osorio Chong said the government was focusing on short- and medium-term solutions and would coordinate efforts with the state governments of Campeche, Chiapas, Quintana Roo, and Tabasco.
The Peña Nieto government is also taking steps to collaborate with Central American leaders to strengthen the border and implement a repatriation program. "We want to address the issues that encourage migration," said the Mexican interior secretary.

**Enforcement: easier said than done**

While the Mexican government has emphasized shoring up the border, the Peña Nieto administration has quietly stepped up the pace of deportation of migrants.

The administration has also announced plans to stop people from hitching a ride on the freight train known as La Bestia, which has for years been a preferred means of transportation for Central American migrants to reach the US-Mexico border (SourceMex, Dec. 11, 2013, June 25, 2014, and NotiCen, Jan. 9, 2014).

"They will not be able to get on the train," Osorio Chong said. "They cannot use this train because their lives are at risk, and they don't have permission to be in the country."

Critics said the effort to prevent migrants from hitching a ride on freight trains is not going to be an easy task, especially when desperate people are trying to escape violence, criminal organizations, and hunger. "The only alternative would be to have soldiers guard the freight trains," Félix Cortés Camarillo wrote in a column published in the daily newspaper Excélsior. "Even then, many will climb on as soon as night falls or when the guards are not watching."

Cortés Camarillo also criticized the new immigration moves as hypocritical when the Mexican government is demanding a more humane immigration policy from the US. This does not seem like the "more rational, reasonable, and humane" immigration system that Foreign Relations Secretary José Antonio Meade had asked from the US in a recent television interview, said the Excélsior columnist.

Other experts agreed that the new immigration policies could be difficult to enforce for Mexico. "There is not really much the country can do about it," Francisco Alba, a migration scholar at the Colegio de Mexico in Mexico City, told The New York Times. "It cannot really stop these flows. Its tradition is to not have these tight controls and to have a relatively accommodating attitude toward migration, to a point."

Mexico’s policy to deport Central Americans is, however, not new. Last year, the Peña Nieto government repatriated 89,000 Central Americans, including 9,000 children, primarily to Honduras, Guatemala, and El Salvador. The number of deportations is not too far from levels in the US, which sent back 106,420 people to those same countries during the fiscal year ending in September 2013.

INM statistics show that Mexico has detained 53 child migrants a day so far this calendar year, double the pace of the same period last year. And Mexican authorities have deported more than 30,000 Central Americans so far this year, including more than 14,000 Honduran citizens, who are returned home on packed buses at least three times a week.

**Legislators propose guidelines to help unaccompanied minors**

While the new policies were created in a blanket manner to cover all migrants crossing the southern border, the policy was precipitated by the surge in minors traveling without adults.
Some legislators have urged the Mexican government to take actions beyond just controlling the migratory flow and deporting minors and adults. "Our country’s immigration laws specify that unaccompanied minors who are determined not to immediately come under the jurisdiction of the Instituto Nacional de Migración (INM) should be immediately turned over to the family-support agency (Desarrollo Integral de la Familia, DIF)," said the online news site NSS Oaxaca. "The problem is that the policy does not specify a time frame to turn over the minors to DIF."

A handful of members of Congress have set out to correct this problem. Deputy Ricardo Mejía Berdeja, a member of Movimiento Ciudadano (MC), has proposed a measure to limit the time that a minor can remain in INM custody to 48 hours, after which that child or teen must be turned over to DIF.

Sen. Gabriela Cuevas, a member of the conservative Partido Acción Nacional (PAN), and Deputy Amalia García of the center-left Partido de la Revolución Democrática (PRD), have introduced legislation in their respective houses of Congress to require that any minors who are detained be turned over immediately to the DIF instead of having those children or teens spend any time at immigration detention centers. Under the two proposals, the DIF would create special centers to tend to the minors who have been detained.

The plan proposed by García, who chairs the immigration-affairs committee (Comisión de Asuntos Migratorios) in the Chamber of Deputies, suggested that the specialized centers be operated by state or municipal institutions or by an approved nongovernmental organization.

Cuevas, who has long advocated for a more humane immigration policy, has also proposed that the government provide case managers via the Instituto Federal de Defensoría Pública (IFDP) to work with the minors on legal matters.

A separate initiative by Deputy María Guadalupe Sánchez Santiago of the governing Partido Revolucionario Institucional (PRI) would require that existing immigration detention centers include special rooms to accommodate pregnant women and children under 5 years of age.

"The current immigration law specifies that INM and other officials should act in the best interest of minors, but it doesn’t specify how this best interest is determined," said NSS Oaxaca.

Under García’s proposal, the DIF, with support from the national human rights commission (Comisión Nacional de los Derechos Humanos, CNDH), would be the agency that would draft the guidelines to determine the best interest of a minor.

"This definition will help the DIF determine whether sending a minor back home or giving the child refugee status is the best course of action to take, at least until the question of ‘vulnerability’ of a child is resolved," said NSS Oaxaca.

Cuevas’ plan, however, would have a specialized committee of nine experts come up with a document to define the best interest of a minor. Three would come from federal agencies (the Secretaría de Gobernación, the CNDH, and DIF), three from other unnamed government entities, and three from the human-rights community.

"In all cases, the return of boys, girls, and teens to their country of origin will not take place if it can be determined that the risk exists that the fundamental rights of a child will be violated," said the text of a plan drafted by Cuevas.
Repercussions from US policies

Regardless of the actions taken in Mexico, some observers are quick to point out that the situation is complicated by policies in the US regarding Central America. "The extreme polarization in the US creates difficulties for approving monetary resources to address a root cause of the problem [in Central America]—the lack of jobs in the formal economy of the affected countries, which in turn provides incentives for the alternative crime- and extortion-based economy to thrive," columnist Cecilia Soto wrote in Excélsior.

Soto pointed out that the same ultraconservatives in the Republican Party who are faulting President Barack Obama’s government for the humanitarian crisis involving migrant children along the US-Mexico border have failed to acknowledge the problems created during ex-President George W. Bush’s administration, which contributed to the problem. "Between 2002 and 2004, more than 20,000 members of the Mara Salvatrucha gang in California were deported to El Salvador without a strategy or effort to coordinate the repatriation with the Salvadoran government," said the Excélsior columnist. "There was no plan to integrate those gang members into society."

Soto pointed out that the US government has provided about US$480 million under the Millennium Challenge Corporation (MCC) to help El Salvador improve its social infrastructure. However, said the columnist, Congress might be unwilling to allow a second allocation of about US$365 million because leftist Salvador Sánchez Cerén won the recent presidential election (NotiCen, March 20, 2014).

"All these elements form part of the perfect storm behind the crisis of the migrant children," said Soto. "[The Central American] governments share responsibility for this storm, but so do those of the US and Mexico. A solution requires the participation of the business community, nongovernmental and religious organizations, and international entities like the UN. This solution could take time and patience, but we cannot afford to act like ostriches and pretend that the problem doesn’t exist."

-- End --