

Tinker

ABSTRACT: My research seeks to understand the kinds of legal relief that Central American migrants are eligible for in Mexico, and if that legal relief actually helps them integrate into Mexican society. I have previously conducted ethnographic research with Central American migrants in while on a Fulbright grant in Mexico, and have also worked with unaccompanied minors on their asylum cases in the US. While in Mexico, I conducted ethnographic research with several Central American migrants petitioning the Mexican state for legal status, including with migrants in working-class neighborhoods in Mexico City and at Las Patronas migrant shelter in Veracruz. During my work I interviewed dozens of migrants about their experiences migrating and motivations for staying in Mexico, as well as several experts in the field helping migrants apply for legal status. My preliminary findings indicate that Mexico's "humanitarian visa," offered to migrants who are victims of physical abuse while in the country, do not allow migrants to integrate into Mexican society and actually encourage them to leave the country. This may be because Mexico faces international pressure to accept migrants but has not apportioned the funds necessary to grant large numbers of people asylum. In short, it seems that humanitarian visas are offered to migrants as an alternative to asylum without granting them the rights that come with asylum proper. These findings can be used by immigration attorneys and activists in the future.

In the summer of 2014, as hundreds of thousands of Central Americans fled gang violence and government collapse, Mexico instituted a new anti-immigrant program known as the Southern Border Plan. Within six months, [deportations of Central Americans rose](#) 79% under the Plan, and 541% for children ages ten and under. Assaults, kidnappings, and murders of migrants also skyrocketed.

Under mounting international pressure, Mexico ostensibly began offering greater forms of legal relief to the some Central American migrants. Between 2014 and 2016, there was a [311 percent increase in asylum requests](#) in Mexico, and COMAR, the country's national asylum office, struggled to keep pace with the surge in applications. As hundreds of Central Americans crossed into Mexico each day, the Mexican government faced one of the largest humanitarian crises in recent memory.

A solution was found in a lesser known, but more expedient form of legal relief, known as a *visa humanitaria*, or a humanitarian visa. In 2013, just seven months before the initiation of the Southern Border Plan, Mexico granted just over [250 humanitarian visas](#) during the entire year. By 2014, the first year of the Southern Border Plan, that number over doubled, and by 2016 it had risen to nearly 3,632, over a 1000% increase from 2013.

Humanitarian visas grant temporary, one-year residency to "[foreigners](#) who are victims of natural catastrophe or violence."

Here lies the bureaucratic strangeness of humanitarian visas: Only survivors of extreme violence qualify for a humanitarian visa, but this level of violence is only possible because Mexico is unwilling or unable to do anything to stop the massacre. In short, humanitarian visas only exists because the government recognizes the violence inherent in its immigration policies. The Mexican state trades documents for blood.

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Under the Southern Border Plan, Central American migrants have increasingly opted to settle in Mexico. The feat of traveling over 1,500 miles across rugged terrain—much of the time on foot, much of the time facing egregious bodily risk—has become too daunting, especially when Trump's America is waiting on the other side of the border.

For many migrants, humanitarian visas seemingly provide another option, a foundation upon which they can build a new life in Mexico. This summer, I worked with two Central American migrant populations looking to stay in Mexico – one in Mexico City and one in Las Patronas, a migrant shelter in rural Veracruz.

I found that Central Americans who settle in Mexico City usually do so for two primary reasons: First is the promise of abundant work. Second is the proximity to the INM, Mexico's national migration office, through which all legalization applications are centralized.

But humanitarian visas are not as humanitarian as they seem. They allow recipients to remain in the country legally for one year, but they are not granted a work permit or access to social services like free healthcare or schooling. And though it is impossible to know for sure, since humanitarian visa applicants are not asked why they left their home countries, it is assumed that

many, if not the majority, of applicants also fled their countries for reasons that could potentially qualify them for asylum in Mexico or the United States.

“We call it *la visa vete* [the go away visa],” one migrant activist told me. “Because everyone who has it eventually leaves Mexico to make a life somewhere else.”

I had similar conclusions. Of the approximately dozen people I conducted in-depth ethnographic research with this summer, none felt that obtaining a humanitarian visa had helped them integrate into Mexican society in a significant way. In recent years, organizations like UNHCR have collaborated with government officials to help asylum recipients integrate into Mexican society, providing them with benefits like temporary living stipends and help on the job search. No such programs exist for recipients of humanitarian visas.

Without legal work permits, every migrant I spoke with was forced to work under the table, and usually earned less than the national minimum wage, just 80 pesos a day (or four dollars, the second lowest minimum wage in the Americas after Haiti). Without steady income, migrants are often forced to settle in the poorest and most dangerous areas of town, where they are quickly singled out as foreign by gangs, cartels, and policemen alike.

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In 2016, COMAR received 8,781 asylum applications and granted 2,722 of them, just 37% overall. But another 3,632 migrants were given humanitarian visas. Why the drastic shift?

“Mexico is facing increased pressure by the United States to accept more asylum applicants,” Maureen Meyer of WOLA (Washington Office on Latin America) told me during an interview this summer.

But granting asylum is expensive. Asylum recipients theoretically qualify for social services like housing and healthcare, adding stress on already historically underfunded sectors. By swiftly granting humanitarian visas to migrants already waylaid in the country, Mexico is able to divert all of these potential applicants. In fact, recipients of a humanitarian visa may automatically be disqualified from asylum in both Mexico and the United States, as asylum may only be granted as a “last option” of legal and humanitarian relief to applicants.

I spoke with one migrant living in the US (who asked not to be identified) who told me that his American immigration attorneys actually advised him not to list that he had received a humanitarian visa in Mexico. “They said the asylum office wouldn’t give me documents if I could live somewhere else,” he said.

Though this is technically true, humanitarian visas expire after one year, leaving people undocumented again. Visa recipients are eligible to renew their visa for one more year, but the paperwork is complex, time-consuming, and requires applicants to resubmit documents from their home countries, nearly impossible tasks for a population that is usually fleeing for their lives and has on average an elementary school education.

However, I also found that activists helping migrants often also prefer humanitarian visas over asylum. “Of course asylum is the ideal,” Norma Romero, director of the migrant shelter Las

Patronas, told me this summer. “But the process is complicated, expensive, and usually lasts a year or more. And at the end most people are still denied.”

By contrast, humanitarian visa applications take between two to four months total, and the vast majority are approved.

“Plus, humanitarian visas document attacks against migrants,” said Romero. “So local police and politicians have to acknowledge that these assaults are happening instead of just ignoring them like they usually do.”

In this way, humanitarian visas have become something of a cure-all for the Mexican government. They can simultaneously appease the United States government, Mexican activists, and international watchdog organizations by offering Central American migrants a path to legalization without actually committing any financial or social resources to them. By shunting a significant portion of the migrant population toward humanitarian visas and away from asylum, Mexico will potentially save tens millions of dollars in the long run.

And though humanitarian visas pretend to help Central Americans settle in Mexico, almost all of the migrants I worked with this summer have decided to travel to the US.

“I look for work in town most days,” one migrant told me over a lunch of rice and beans at Las Patronas, “but most people don’t pay me much because I’m a migrant. I have no option but to keep going to the US.”