



# Migrant People, Expelled from their Human Condition

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## Abstract

In this article I propose to draw an overview that describes the situation faced by migrant people who travel across Mexico with the intention to reach the United States. I address the immigration crisis that Mexico has experienced in recent years, as well as its worsening due to the immigration policies implemented by the United States government, and the effects that these policies have on the human condition of migrant people.

**Keywords:** Migrants; Human Condition; Vulnerability

## Introduction

“The developed world has become much more hostile and less welcoming to people who leave their country seek to settle in foreign land” (Méndez and Wentworth, 2021:130).

In this article, I aim to outline a panorama that describes the situation faced by migrant individuals who transit through Mexico mainly with the intention to reach the United States. I will address the migrant crisis that Mexico has experienced in recent years, as well as its exacerbation due to the migration policies implemented by the United States government, and the effects these policies have on the human condition of migrant individuals. I want to start with some reflections on what I consider one of the central topics which deserves our attention and research efforts. I refer to the human condition, a topic that has been deeply addressed mainly by some Holocaust survivors [1,2].

## The Human Condition

Both migration and displacement are not phenomena that are not new nor do they occur only in Mexico. However, nowadays, what is uncovered, even if we do not want to see it, is the severity of a humanitarian crisis whose dimensions and depth we fail to comprehend. What is at stake, above all,

is the human condition that is denied to migrant individuals solely for the fact of crossing borders that mark imaginary boundaries between those who have, or claim to have, the right to a dignified life and those who do not, those who have the right to a territory and a nationality and those who do not. Migrant and displaced individuals have become part of the everyday landscape without us allowing ourselves to be challenged by their living conditions, which above all reveals the extent of our dehumanization.

This dehumanization becomes evident when we realize that migrant individuals are seen as commodities, not only for those who traffic them, but also for governments of all political parties because, ignoring their human condition, they negotiate their fate and that of their families without hesitation to expel them from their territory if the beliefs of their voters so determine. Migrant individuals are thus a pawn in the political chessboard that can be disposed of with impunity because they are perceived as “disposable” [3], as people without the right to a dignified life because the territories they intend to reach already have owners and they have no place or are not part of a falsely called “community” that denies them a place, that closes its doors to them and ultimately expels them (as we want to insist), from their human condition.



This human condition tends to be different for men than for women. I have a vivid image of it. Recently, I came across a documentary that tries to convey the situation in which migrant individuals survive, seeking a place that, I insist, allows them to exercise their human condition. Several of the male migrants interviewed spoke of the reasons that had forced them to flee their environments, motivated primarily by the expectation of being able to provide a better future for their families. When the producers finally approached a woman, only at the end of their recording, with the intention of giving space to her point of view, to her perspective as a woman, they encountered a long and deep silence that failed to articulate any discourse or repeat the often-heard phrase about seeking a better future. The only thing the woman, after waiting a couple of minutes, managed to say was: "I am alone." Those were her only words that, to me, managed to express with much greater strength and clarity her situation, especially if we compare them with the many words that we may say in this article without capturing or understanding anything about the depth of her loneliness.

But it is not so difficult to imagine what it means to be the expelled of their human condition if we listen to what migrant individuals, who have been interviewed by the media in recent days, have expressed. One of the phrases they have repeated most insistently is: "we are also human."<sup>1</sup> However, by the way they invoke this phrase again and again, it seems to be destined, more than anything, to their own ears, perhaps to convince themselves that, despite so much mistreatment and rejection, their human condition persists, or no one could strip them of their human condition, just as Robert Antelme repeated to himself while trying to survive in concentration camps [1]. One migrant individual said: "Mexican authorities should tell their police that we are human, that they should treat us better." Another pointed out: "I was in the US for five days, then they deported me to Ciudad Juarez, then they took us to other states where they held us in federal prisons. They treated us like dogs. In the end, they brought us in trucks to Mexico City and left us stranded here without telling us what to do."<sup>2</sup> Perhaps this way of treat them that repeatedly disregards the human condition of migrants is what leads them, with desperation, to appeal to a superhuman authority. Indeed, if one listens carefully, it is not uncommon for them to appeal to their religious beliefs as the only support that allows them to believe that they will be welcomed and will be able to start a new life in another country. To what extent or to what degree these beliefs drive them to leave their places of origin is something we do not know or that has been little studied. It would be worth to explore in greater detail these issues in order to understand

the motivations that make them to face all kinds of obstacles driven by the hope of building a better life for themselves and their families. As Juan Mendez points out, it is not only the developed world that has become more hostile to people seeking to migrate, but discrimination also occurs in poor or less developed countries. According to this renowned human rights defender:

"We have witnessed the hardening of laws and attitudes towards immigrants and the gradual development of a 'scorched earth' approach to migration control. Some examples of scorched earth tactics include sanctions against employers who hire foreigners without legal status; denial of medical assistance benefits except in emergencies, refusal to grant driver's licenses or identity documents, and authorization for police to detain people who appear to be foreigners and ask them for proof of their legal residence. These practices seek to make life difficult for those who are here irregularly, but also aim to discourage people who may have the right to an immigration status. These measures penalize hardworking people who come seeking opportunities and make their lives more difficult and dangerous" [4]. I will now move on to another way of approaching the problem that allows us to perceive and calibrate its dimensions, to become aware, in other words, of the magnitude of the tragedy. Unfortunately, we will not be able, as we would like, to focus our attention specifically on the most vulnerable, women and children, since there is very little disaggregated information, which is a clear sign that, among the excluded, women and children are even more so.

### The Dimension of the Migratory Phenomenon

The Mid-Year Report for 2021 from the United Nations High Commissioner for Refugees (UNHCR) indicated that Colombia was the country that hosted the most refugees in Latin America and the second most in the world. The report also noted that in the first half of 2021, the United States was the world's largest recipient of new asylum applications (72,900) and Mexico the third (51,700), although by the end of that year Mexico had already received 130,627 applications [5]. For its part, the Customs and Border Protection Office (CBP) reported that in the fiscal year 2022, nearly 2.5 million people of different nationalities who attempted or succeeded in crossing the border into the United States, have been returned to Mexico. The five main countries of origin of the migrants were: Mexico, Guatemala, Honduras, Cuba, and Venezuela.<sup>3</sup> Similarly, on the Mexican side, during the first four years of President López Obrador's government (2019-2022), a total of 969,900 migrant individuals have been

1 Gamboa, Paola, "Díganles que también somos humanos", El Universal (10/19/2022).

2 Gamboa, Paola, Op.cit., 2022.

3 Martínez, Emelia, "Tendrán migrantes beneficios únicos", Reforma (01/07/2023).

detained, the highest number of detained migrants in our history. The main countries of origin are: Venezuela, Honduras, Guatemala, Cuba, Nicaragua, Colombia, and Haiti.<sup>4</sup> Regarding the fifth year, the Migration Policy Unit of the Ministry of the Interior reported that, as of October 2023, there were already 588,626 foreigners detained for being in the country “irregularly”.<sup>5</sup> What catches attention in this report issued by the Mexican migratory authority, is the adoption of the same terminology used by the North American government to designate those who arrive in their territory in search of refuge and to try to justify that this right be denied to them. As for the asylum applications submitted to the Mexican Commission for Refugee Aid (COMAR), the upward trend continued throughout 2022 despite the acceptance rate dropping from 70% to 61%.<sup>6</sup> And during 2023, according to the same organization, the number of asylum seekers was 140,500, a figure that doubled the number of applications received in 2019.<sup>7</sup> In fact, according to the bimonthly report Mexico: Rapid Needs Assessment by the American civil organization International Rescue Committee (IRC), Mexico has become one of the countries in the world that receives the most asylum applications, noting that nearly half of them arrive in our country with their families.<sup>8</sup> To calibrate these data, it is necessary to consider that in just the first three months of 2022, the National Migration Institute detained almost the same number of migrant individuals as during the entire year of 2012.<sup>9</sup>

It is worth noting that in Mexico, the Army and Navy have detained migrants without having the authority to do so. In fact, during 2021, these institutions detained 82% of migrant individuals. This is why it has been said that Mexico has turned out to be a much more effective migration barrier than the one Trump dreamed of building.<sup>10</sup> But it is also worth considering that militarization has serious effects on migrant individuals, although, once again, it affects women, children, indigenous people, as well as people from the LGBTQ+ community more severely. To continue with the numbers, it should be mentioned that more than 7 million

Venezuelans have settled in other countries in Latin America and the Caribbean. The magnitude of this displacement is only surpassed by the crisis of refugees caused by the war in Syria.<sup>11</sup> And in Mexico, more than 40,000 Venezuelans are tonight sleeping outdoors on our streets. They cannot find shelter, but neither food, health services, nor even a place that allows them to attend to their needs or personal hygiene. Can we imagine what it is like to live exposed to the cold and rain, but also to permanent indifference, rejection, and hostility? Another piece of data. In Sonora, the group of “Las Madres Buscadoras” - who, by the way, are living through another unimaginable tragedy that also questions us about the human condition - reported that, while searching for their disappeared children, they have found 400 bodies, most of which belong to migrant individuals trying to reach the United States.<sup>12</sup>

More numbers. In 2021, more than 133,000 people managed to cross the Darien Gap. Most came from Venezuela and Haiti, but also from remote regions such as Senegal, Angola, Bangladesh, India, Uzbekistan, Congo, and Somalia. However, it is worth noting that in 2021, 80% of migrant individuals who arrived in the US came from Mexico, Guatemala, El Salvador, and Honduras, while in 2022, the number of people from both Cuba and Ukraine increased [5]. To complete this bleak panorama, it should be considered that since President Trump began the expulsion of “irregular migrants” in 2020 until May 2023, there were already 2.8 million people denied the right to apply for asylum according to US regulations, a figure to which the drastic increase in expedited deportations of those who do not pass their initial asylum interviews should be added, as announced by the White House in December 2023.<sup>13</sup>

Another noteworthy fact is the increase in people from Africa, which rose from 2,000 in 2020 to 40,000 in 2023, and during the same period, Asians increased from 1,786 to 28,000. According to a survey conducted by the International Organization for Migration (IOM), the main reasons that motivated migrants to come to Mexico with the intention of crossing into the United States were: economic conditions, 85%; insecurity and violence, 47%; political reasons, 37%; and family reunification, 4%. It is also important to note that, according to figures from the US Customs and Border Protection, in 2022 they detained 808,000 Mexicans at their

4 Osorio, Víctor, “Toca nuevo récord flujo de migrantes”, Reforma (01/03/2023).

5 Osorio, Víctor, “Rompe récords oleada migratoria”, Reforma (12/24/2023).

6 Nochebuena, Marcela, “Solicitudes de asilo siguen al alza, pero baja el número de personas aceptadas”, Animal Político (02/14/2023).

7 Osorio, Víctor, “Rompe récords oleada migratoria”, Reforma (12/24/2023).

8 Salgado, Alelhi, “México, país que tiene más solicitudes de asilo en el orbe”, El Universal (12/13/2023).

9 Ureste, Manu, “En 2022, más de 860 migrantes son detenidos a diario en México, casi el doble del récord del año pasado”, Animal Político (05/16/2022).

10 Meléndez, José, “México se afianza como el muro migratorio de Estados Unidos”. El Universal, (10/14/2022).

11 Plataforma de Coordinación Inter agencial para Refugiados y Migrantes, “Éxodo. La migración de venezolanos es la mayor de un país que no está en guerra”, Reforma (10/14/2022).

12 Información del Colectivo “Las madres Buscadoras” expuesta en una reunión de trabajo de los consejos ciudadanos de búsqueda que tuvo lugar en la Ciudad de México en octubre de 2022.

13 Díaz Briseño, José, “Prevén reinicie EU plan de expulsiones”, Reforma (12/13/2023).

southern border and 717,000 in 2023.<sup>14</sup> Unfortunately, our country's government has not provided any explanation as to why so many Mexicans have sought toigrate in recent years, although some studies have documented that internal displacement caused by violence constitutes one of the main reasons.<sup>15</sup> This brief overview outlined in numbers barely allows us to have a rough idea of the dimension of the problem. It would be more important to be able to gauge what the phenomenon of mass migration that has taken place in recent years means for each person who has been forced to leave their land, their roots, their language, and their culture because they believe that their life opportunities have been exhausted in their place of origin and because they dream of being able to build a better life for themselves and their children. It is terrible to think that they hardly ever find this better life or a country that welcomes them. On the other hand, we cannot lose sight of the challenge that providing a space and all kinds of services to an unstoppable flow of human beings who literally lack everything except their workforce, which is often rejected or exploited, poses for transit and host countries without being able to build the dignified life they aspire to.

### Women, Girls, and Children

From a historical perspective, it must be considered that, until the 1980s, migrants were almost exclusively male, to the extent that many villages in Mexico were inhabited only by women, children, and the elderly people. In the 1990s, more and more women began to migrate, while in recent decades, there are more girls, boys, and teenagers traveling alone or being taken by traffickers to the other side of the border. As we now know, many migrant women frequently suffer sexual assaults or are recruited by trafficking networks or organized crime groups that force them to work for them and even kill them with impunity [6]. But we must also consider displaced persons in Mexico, who number nearly one million, although we also do not want to see or hear them. These individuals have had to leave their homes and leave behind everything they had for various reasons ranging from violence to ethnic, religious, or community conflicts, and natural disasters. It is also women, children, and girls who suffer the most from having to leave their homes and roam aimlessly without a fixed destination.<sup>16</sup>

Despite the difficult conditions in which they survive,

some migrant women wish to be mothers. For example, a group of Haitian women staying in a shelter in Tijuana recently reported that four out of ten pregnant women lost their babies. One of them said, "Nobody helps us, we don't want more babies to die, but if we don't tempt anyone to help us, how can we take care of ourselves and our babies? We want to be mothers, but we can't." Another Venezuelan woman who was pregnant said, "They sent us back from the US, they didn't ask us anything. They put a bracelet on us and sent us back."<sup>17</sup> The panorama faced by migrant girls and boys is devastating. According to a report recently published by the Ministry of the Interior, during the last five years (2018-2022), the United States has deported to Mexico 217,732 minors, both Mexican and from Central and South America, and only in 2022, the figure increased by 72% compared to 2021 [7]. Likewise, during 2023, according to the National Institute of Migration, 106,778 migrant children entered Mexico "irregularly".<sup>18</sup> Similarly, according to World Vision, between January and September 2023, 19,506 repatriations of Mexican girls, boys, and adolescents from the United States were recorded, of which 63% traveled alone.<sup>19</sup> Likewise, Juan E. Méndez points out that Trump's immigration policy, which ordered the arrest of people who had entered the United States through unofficial ports of entry, contravenes international refugee law norms that state that any person can request asylum regardless of their status in the country they have arrived in. These types of detentions deliberately involved the separation of children from their parents and deprivation of liberty in cruel and humiliating conditions. As is known, to date there are children who have not been able to reunite with their parents since they deliberately did not take care to collect and safeguard the contact information. In fact, the immigration authority washed its hands of the situations created and did not even know how to facilitate the reunion of children with their parents, who in many cases had been summarily deported to their places of origin [4]. However, restrictive policies have not managed to stop the flow of migrant individuals. These policies have only strengthened groups that traffic people who manage to evade immigration controls and exploit the vulnerability of migrants, especially women, children, and girls. Juan Méndez highlights that despite efforts made to guarantee the rights of migrants, the Convention on the matter [8] has barely been signed and ratified almost exclusively by origin countries and has even been rejected by the most progressive countries in Northern Europe [4].

14 Farah, Mauricio, "México y EU: migraciones y elecciones", *El Universal* (12/17/2023).

15 Durin, Séverine (coord.), "Sólo me dijeron que nos íbamos". Niñez y Adolescencia Desplazada en el Norte de México. Centro de Investigaciones y Estudios Superiores en Antropología Social, manuscrito en prensa.

16 Durin, Séverine (coord.), "Sólo me dijeron que nos íbamos". Niñez y Adolescencia Desplazada en el Norte de México. Centro de Investigaciones y Estudios Superiores en Antropología Social, manuscrito en prensa.

17 Associated Press, "Llena albergues ola venezolana", *Reforma* (10/16/2022).

18 Baranda, Antonio, "Repunta detención de niños migrantes", *Reforma* (01/02/2024).

19 Cabadas, María, "Repatria EU a más de 19 mil menores mexicanos", *El Universal* (12/15/2023).

## The Tightening of Migration Policies

One of the most devastating results of the tightening of migration policies has been the number of migrant deaths in recent years. Just between 2014 and 2022, the number of migrants who died in the Americas amounts to 7,206, while according to the International Organization for Migration, at least 640 migrants died on the Mexico-US border during 2022.<sup>20</sup> Similarly, the situation faced by migrants was aggravated by the use that the Trump administration made of a provision issued in March 2020 by the Centers for Disease Control and Prevention (CDC) that allowed authorities to quickly expel migrants at US land borders in order to prevent the spread of COVID-19. The policy, known as Title 42 for the section of the Code that allowed the director of the CDC to issue it, prohibits the entry of certain individuals who potentially pose a health risk, either due to previously announced travel restrictions or for having entered the country illegally allegedly to evade medical detection measures. By using Title 42, detained individuals are not held in designated processing areas but are immediately expelled to the country of their last transit. Although by mid-2022 the CDC determined that there were conditions to suspend this measure, there has been intense debate among American politicians for and against the suspension of Title 42 [5].

In response to pressures on both sides, the Biden administration determined that migrants entering the United States from Cuba, Haiti, Nicaragua, and Venezuela would continue to be subject to Title 42, allowing for their immediate expulsion. However, it announced a new program that allows up to 30,000 potential migrants per month to legally enter the United States over a period of two years, provided that they: have a sponsor in the United States who provides them with economic support; have not entered illegally in the past five years to the United States or irregularly to Mexico or Panama after October 2022 or have refugee status in any other country. Additionally, these individuals must undergo rigorous biometric and biographical security checks and investigations; they must enter by air and complete the process through electronic application.<sup>21</sup> In summary, the vast majority are rejected for not meeting these requirements. However, according to the Customs and Border Protection Office, in just November 2022, 80,000 migrants from Venezuela, Cuba, Haiti, and Nicaragua were counted requesting asylum at the border, nearly three times the monthly number they have decided to accept, although these individuals also did not meet the aforementioned requirements. Additionally, it must be considered that the

request does not equate to an asylum petition, but only to a temporary permit to live and work. This means that after making a request called CBP One, the person can be rejected or expelled under Title 42 since everything depends on the discretionary criteria applied by the authority reviewing their request.<sup>22</sup>

The panorama described in this section allows us to point out that the pandemic and Title 42 seem to have been the excuse that allowed Trump to implement migration policies that, in reality, he had vehemently and aggressively announced since his presidential campaign in 2016. This is also evidenced by the fact that despite the health measures being repealed, Title 42 remains in force. On the other hand, and regrettably, Mexican migration policies have been unclear since, in practice, our country has accepted to act as a safe third country, allowing thousands of migrants to be returned to our territory, in addition to one million migrants being detained during the last four years while crossing while crossing Mexico with the purpose of reaching the United States. Additionally, as reported daily by the media, migrants have been arbitrarily detained in Mexico by the Army and have been illegally detained by the National Institute of Migration, whose agents often mistreat and extort them. Girls and women often suffer mistreatment and sexual abuse, both by state agents and by members of criminal groups, and in the few cases that they report these incidents, they rarely receive an appropriate response from justice institutions. Marcela Turati's book (2023) describes in detail the countless obstacles faced by Central American families seeking justice even though it was fully demonstrated that organized crime groups had murdered their loved ones in Tamaulipas in 2011.

## Good Practices

Despite the bleak panorama we have described, and knowing that good practices in migrant care are not abundant, there are some examples of programs that have addressed their needs adequately. We know, especially, about shelters operated by religious organizations that have been providing care to migrants in different Mexican states for years. There are also various programs that have been created in some countries and it is worth mentioning them with the hope that their experiences will be replicated elsewhere. Among these, the following stand out [5].

- A program implemented by the government of Costa Rica that offers employment opportunities to women, youth, and migrants. Also, another program by the local government of Upala, in the north of Costa Rica, that provides support to facilitate the legalization process for

<sup>20</sup> Osorio, Víctor, "Crece en frontera muerte migrante", *Reforma* (01/19/2023).

<sup>21</sup> Associetad Press, "Llena albergues ola venezolana", *Reforma* (10/16/2022).

<sup>22</sup> Redacción, "Economía y migración serán clave en EU", *El Universal* (01/24/2023).

its migrant population, especially women.

- A policy in the municipality of Quilicura, in Chile, aimed at integrating migrants and refugees and addressing their health, education, and housing needs.
- An assistance plan in Ecuador aimed at addressing the public service needs of migrants, refugees, and asylum seekers from Colombia.
- A law in Uruguay that grants citizens of other countries the same status as nationals in the areas of health, education, social protection, and work.

## Conclusion

As we have been able to appreciate through the brief overview we have outlined to describe the situation faced by migrant people, this problem has only worsened in recent years, and unfortunately, nothing suggests that the flow of people deciding to migrate will decrease in the near future, or that the conditions that the countries where they decide to move will improve. If that were the case, it would be desirable for countries to come together, generate agreements, and design policies and protocols that establishes the right of people to migrate, to request refuge, and, above all, to receive treatment in accordance with their human condition at the forefront.

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