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# The sharp turn of Mexican migration policies: an inquisitive assessment

FRANCISCO ALBA\*

## ABSTRACT

This paper examines the meaning of the sharp change of migration policy in Mexico in mid-2019. The purpose of the change was to exert greater control of migrants and borders. The paper starts by contrasting this change with the initial positions of President López Obrador's government; positions close to humanitarian and human rights perspectives. Then, it explores short-term effects and potential long-term implications, in terms of opportunities and challenges of such a change, it also examines future directions of Mexican migration policy in the context of a new government in the United States.

**Keywords:** Governability, migration policy, mature migration policies, Mexico-U.S. relations.

**JEL Classification:** F22, J61, F59.

## RESUMEN

**El giro brusco de las políticas migratorias mexicanas: una evaluación inquisitiva**

Se examina el significado del viraje, a mediados de 2019, de la política migratoria de México. El propósito del cambio fue ejercer un mayor control sobre migrantes y fronteras. El trabajo comienza por contrastar ese cambio con las posturas iniciales del gobierno del Presidente López Obrador; posturas cercanas a perspectivas humanitarias y de derechos humanos. Se explora, por un lado, los efectos a corto plazo y las implicaciones a largo plazo, en términos de oportunidades y retos, de tal cambio y, por otro, posibles derroteros de la política migratoria mexicana en el contexto de un nuevo gobierno en Estados Unidos.

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**Palabras clave:** Gobernabilidad, política migratoria, políticas migratorias maduras, relaciones México-EE. UU.

**Clasificación JEL:** F22, J61, F59.

## INTRODUCTION

In a surprise move, in June 2019, Mexico's National Guard was deployed along its Southern and Northern borders in an attempt to control transit migration. Later on, the government stated "Mexico is not a country of transit". These were important and significant changes, a sharp turn (viraje) of migration policies from those of the past, mostly traditional and rhetoric or declaratory, moving de facto the country's migration policies into a new direction. The paper seeks to interpret these policies within their context and explore opportunities and challenges that could be encountered by this new direction from the perspective of migration governability.

Most countries, prominently among them Mexico, currently have as their goal to reach an acceptable state of migration governability as embodied in the Global Compact for a Safe, Orderly, and Regular Migration by the international community since 2018. The Global Compact functions as the analytical framework from whose perspective recent change in Mexican migration policy is analyzed.

To sense the magnitude of the change in migration policies, it is useful to review briefly past Mexican migration policies, before Andrés Manuel López Obrador (AMLO)'s presidency and during his administration prior to this turn. Equally important is to review the context of regional migration policies, particularly the US context, specifically that of the Trump presidency since early 2017. Similarly, it also is convenient to review past migration trends and tendencies as well as the conjuncture of the migratory phenomena in the region.

Let's start by reviewing trends and the migration situation. Current Mexican migration to the United States is a decades-long phenomenon dating back to WWII and the Bracero Program. Over the years, this migration, however, has gone through profound changes. It started and lasted for a long period as a temporary, seasonal, and circular movement of workers. It was, and continues to be, predominantly an economic driven phenomenon. However, over time, migration networks were established not only laying foundations sustaining these flows apart to

some degree from economic forces, but also gradually changing the nature of this phenomenon, from migration of workers to one also of families, and from a temporary and circular migration to one more permanent and settled in the United States.<sup>1</sup>

Migration originates in nearly every corner of the country, currently the characteristics of migrants resemble, although skewedly, those of the overall population. Migration has also spread throughout the United States. Mexicans settling there approached the half million mark yearly in the early 2000s, and by the same years Mexican population residing in that country—more than 11 million—represented around a tenth of the total Mexican population. According with those trends, the numbers of Mexican-American have been growing steadily, to the point that population of Mexican descent has amply reached the mark of 25 million in the late 2010s.

Over the years, these flows and patterns have had the feature of being authorized and non-authorized, namely the *indocumentados*. The proportion of each group has certainly changed through time. Around half of the flows cross without authorization and around half of Mexicans residing in the United States do not have legal status. Due in part to this feature of the migration phenomenon—particularly after September 11, the economic recession of 2008-2009, and the deportation measures under the Obama and Trump presidencies—return migration to Mexico, of non-voluntary but also voluntary nature, as is the case of those retiring to Mexico, has been on the rise.

However, the economic and political factors in place in the U.S. in the last two decades have greatly influenced the dynamics of Mexican migration. Since the recession and the intensification of the immigration enforcement practices, the number of crossings is on the decline and for many years returns are more numerous than exits. Returns are voluntary—often for retirement purposes—as well as non-voluntary, from individuals and families, including children—many of them U.S. citizens, who have not socialized in Mexico and with scant knowledge

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<sup>1</sup> For a general review of Mexican migration to the United States, see Durand (2016).

of Spanish-, whose return is often not to their places of origin. Nevertheless, this does not mean that there is no movement of migrants between the two countries. This movement continues at the same time experiencing changes in its patterns. Around the year 2000, entries by legal temporary workers began to climb, what had been a system of circular undocumented migration is been replaced by a growing system based on the circulation of documented laborers.

Civil wars in the 1980's in Central America meant that many displaced transited through Mexico to seek asylum or a job in the United States. Transit migration has gained importance, particularly after 2001, as the U.S. reinforced security at its borders. The number of transit migrants, without papers and authorization, increased so did the returns and deportations from Mexico, at the same time transit became hazardous and migrants vulnerable and victims. Transit migration of Central Americans -particularly from Guatemala, El Salvador and Honduras- has been an individual and family phenomenon, most recently joined by non-accompanied children and by huge groups of *caravanas* intensified under dire economic, social and political conditions, as well as the ambition of *hacer la América* during the Trump administration.

To sum it up, steadily Mexican and Central American migration flows, coupled with reverse flows from the United States and Canada to Mexico and Central America, have created a regional migration system that stretches from Central America to Canada; system that slowly but surely has become more and more complex (Alba, 2016; Giorguli, García and Masferrer, 2016).

Immigration into Mexico has been historically rather small, although also always present. Entry of refugees, except for a few notorious cases, has also been meager. Foreign-born population in the country comprised in 2020 a little less than 1 percent of its total population. In addition, the 2010 and 2020 censuses revealed that among foreign-born population around two thirds are U.S.-born immigrants, and out of them, the majority are children under the age of 15.

Regarding migration policies in the region, and their overall general context, Mexican migration policies are reviewed first. Since the times of the Bracero Program, Mexico made for decades defense of their migrants -regardless of their legal status—a migration policy priority, and almost its unique priority (Alba, 2010). Mexico's attitude -government and society— towards emigration of its nationals aboard

has been mixed and ambiguous, from disappointment and denunciation, regretting its departure but not limiting it, certainly not openly encouraging it, to rather recently animating its integration into American economy and society. Acknowledging that there is not much that can be done to alter the strong economic forces –neighboring countries with tremendous economic, social and institutional differences and conditions-- that drive Mexico-U.S. migration, the country has accepted this phenomenon as a fact of life, seeking respect of migrants rights, taking advantage of remittances sent back and promoting a sort of transnationalism –reinforcing strong ties to Mexico-- among its migrants and Mexican-origin population abroad.

However, gradually the country engaged in the process of reshaping its migration policies considering the changing faces of migration phenomena. A declining emigration and an increasing return in the context of a former U.S. permeable border to a mounting fortified one, a transit migration that from been rather inoffensive -a non-issue- became a dangerous and vulnerable -a big issue-, and an emerging demand for refuge from those in need, poor and hopeless at home. Out of this process emerged the current legal framework for migration policy, the new 2011 Migration Law and the Law on Refugees, Complementary Protection and Political Asylum (*Ley sobre Refugiados, Protección complementaria y Asilo político*) also of 2011. Within this legal framework Mexico has to perform as a country of emigration, return, and transit, not yet as a country of destination and refuge.

With the 2011 Migration Law the country attempted to create a new migration narrative (Alba, 2013), considering emigration concerns, transit challenges, and immigration opportunities. The Law is unambiguous in the defense of rights of all migrants, irrespective of their legal status. The Law also aims to facilitate international mobility of people, and promotes immigrants' integration. The 2011 Law on Refugees also contemplates full recognition of rights of refugees and asylees. However, the Law is rather procedural and does not particularly specify its purposes and objectives.

The revision of the regional context encompasses mainly the one in the US and the one in Central America. On the U.S. context, the Immigration Reform and Control Act (IRCA) meant the beginning, in 1986, of serious attempts of U.S. administrations to curb the non-authorized flows of migrants. Paradoxically this law also offered a path

to consolidate these flows by introducing a generous regularization program that allowed the establishment in that country of several million migrants and their families. Since then, the attempts to curtail these flows have been on the rise: in 1993-1994, the first “Operations” appeared along the U.S.-Mexico border and the beginning of the construction of the wall; after September 11, 2001, it followed the emphasis on security at the national level and at the borders; recently, the Trump era with his “America First” and anti-immigrant rhetoric, epitomized by “The Wall” discourse, the “zero tolerance” and the separation of families (Alba, 2020).

The Central American context characterizes as one of widespread poverty, violence, insecurity, and inequality, as well as weak public administration and limited institutionalization of migration policies, which also lack specificity. In general, migration law provisions are “standard”. El Salvador is the only country that has relatively well-developed border controls. To advance regional integration, since 2004 the nationals of four countries –Guatemala, Honduras, El Salvador, and Nicaragua— have the right to move freely throughout the CA-4 countries with only an ID -no passport-. However, they have no right to work. Mexico has signed agreements with the CA-4 counties for a secure and orderly repatriation of nationals of those countries (Alba and Castillo, 2012).

These are the inheritances and the context that President López Obrador faced at the start of his administration. Having made these revisions, the paper describes the meaning of the “new migration policies” under the AMLO administration, and explores its short-term effects and long-term implications.

The remainder of the paper is organized as follows. First, a revision of the early migration postures and policies of the AMLO administration. Second, the sharp turn on borders and transit management, occurred by mid-2019, is described. Third, the short-term effects of this migration policy turn are analyzed. Forth, the long-term opportunities and challenges of this turn are surveyed. Finally, as concluding comments, the future prospects of the direction migration policy might take in a new American context are explored.

## 1. EARLY MIGRATION POLICIES: IN LINE WITH TRADITIONAL POSITIONS

The Andrés Manuel López Obrador government started his term stating that his migration policies were new, just as he claimed that most of his policies were. However, his initial migration policies were not as new, and little he knew at that moment that the “newness” of Mexican migration policies laid ahead, not too far in time. To have a sense of the magnitude and profoundness of the sharp shift (*viraje*) in these policies, a prerequisite is to know with certain detail, and from a historical perspective, the initial migration positions of the current administration.

These initial positions have come to constitute what I consider, from a “historical perspective”, the first phase, or stance, of the Mexican migration policies under AMLO’s administration. Five main features characterized this phase. This new policy is claimed as a Sovereign Policy; it is based on a Human Rights Perspective; it intends to achieve Flexibility in Transit Conditions; it places faith on Development as Solution to Migration Trends and Issues; it relies as guidance on the Global Compact for Safe, Orderly, and Regular Migration.<sup>2</sup> In addition, the AMLO administration maintains that it will prevail, in general, a non-confrontational attitude vis-à-vis US initiatives and actions.

The “Sovereign Policy” feature carries an innuendo, perhaps, that sovereignty was not equally important in the past. However, most probably, it was just a manifestation of an inward-looking world vision of the new administration. The attribute of sovereignty, however, is nothing new; past Mexican migration policies have also been predicated on this assumption and it is well known that migration policy is widely considered by most countries as one of the few remaining domains of sovereignty.

The Human Rights Perspective is grounded on the full respect of human rights of migrants and on the centrality of the migrant as a person. The actions envisaged under this perspective have been granting humanitarian visas -with a greater saliency-, the openness to asylum and refuge –that has been more vocal-, the acceptance of asylum peti-

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<sup>2</sup> The features of the “new migration policies” are freely extracted and summarized from the Unidad de Política Migratoria (2019), Secretaría de Gobernación, and from other government statements. Similar features were already present in the Programa Político de Morena (Morena, 2018), AMLO’s political party.



tioners to the US to remain in Mexico while their petition is processed in that country –this action is certainly new–, and the protection of Mexican migrants in the US –this responsibility, including the *indocumentados*, has been a long-time endeavor of Mexican governments–. Short, respect of migrants’ rights has been traditional tenet of Mexican migration policy.

The Flexibility of Transit Conditions and the declarations on free mobility as a right are new initiatives. Actually, in the first months of the administration the numbers of Temporary Visas (*Tarjeta Visitante Temporal*) for humanitarian visas increased sensibly, and there were also handed out an important number of *salvoconductos*, to the point that, to many observers, these initiatives acted as incentives that fueled migration flows to the Southern Mexican border to cross the country to try to reach the US. Indeed, this instance shows that policies have effects and implications.

The apparent novelty on promoting development to diminish emigration pressures is nothing new. *The Plan de Desarrollo Integral del Sureste Mexicano, Guatemala, Honduras y El Salvador*, presented in May 2019, is an approach that has already been tried on many occasions and circumstances. Most prominently, by example, with Plan Puebla Panamá to accelerate the development of Central America and Southern Mexico, and with NAFTA to develop Mexico under the premise of “trade vs migration”. Incidentally, the delimitation of this international regional entity is interesting, comprising parts of Mexico and the Northern Triangle of Central America.

The Global Compact for Safe, Orderly, and Regular Migration is in many respects an achievement of the previous administration of Peña Nieto when Mexico played an important role as one of the two countries that acted as facilitators in the international negotiations that ultimately reached quite important agreements on migration governance principles under this international instrument.

The non-confrontational attitude vis-à-vis the US perhaps could be considered “surprising” coming from the AMLO administration, but it is nothing new. What is new is that this attitude is openly embraced, while in the past such an attitude was a tacit assumption given the notorious asymmetry of power between the two countries. Probably, since the 1930’s an attitude of understanding and “good neighbors” has prevail, with only a few episodes of confrontation.

Thus, most of the discourse, principles, actions and initiatives in this first phase related to migration policy were very much in line with traditional Mexican positions and narrative. These initial positions were presented as a different, new migration policy, they constituted, instead, what I call “a naive stance”, and what a respected analyst signaled as “the errors of December” (Durand, 2019).

## 2. THE SHARP TURN ON BORDERS AND TRANSIT MANAGEMENT

The actual novelty in migration policy came just a little more than half a year after AMLO's inauguration as President of Mexico, under mounting border crossings and intense US pressure, there was a sharp turn of migration policy precisely in those areas where resided its newest features, namely the flexibility in transit conditions and some components of migrants' human rights perspective. This turn was accomplished in two steps. First, a very significant action was undertaken and, second, a “rationale” for that action was found. In June 2019, Mexico's “Guardia Nacional” (National Gard) was deployed along its Southern and Northern borders in an attempt to contain transit migration. Later on, the government provided the rationale for that action. Olga Sánchez Cordero, Minister of Interior, in mid-January 2020, declared, in the context of an imminent arrival of a *caravana*, that Mexico is not a lawless territory to migrants, that it does not deliver transit visas nor *salvoconductos* (in other words, that “Mexico is not a transit country”), that it is not uniquely a country of transit, but one open to immigrants and refugees. These were important and significant changes that caused a sharp turn (*viraje*) of migration policies that moved the country into a new direction. This was also a sort of “about-face” from former mostly traditional, welcoming migratory postures in line with a humanitarian and human rights perspective.

Multiple motives played in the deployment of the National Gard.<sup>3</sup> One of these motives, probably a non-insignificant one, was the coming to terms of the strong structural forces pushing migrants out of their Central American countries –despair, violence and insecurity–, but also

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<sup>3</sup> I doubt that the initial reference to the sovereignty of migration policy, at the start of López Obrador administration, was a motive for this shift.

the migration realities of the changing dynamics of regional migration—family migration and social networks—that increasingly sustain these flows. Another motive was, surely, the awareness of the unintended implications of the policies of the naïve stance that acted as incentives, as an invitation to cross the border and the country to reach the desired US destination (Durand, 2019). The number of Central Americans presented to Mexican migratory authorities roughly tripled between January and June 2020, from more than 7 thousand to more than 26 thousand (dropping thereafter). Similarly, on a year to year basis, Central American aliens apprehended in the U.S. more than doubled between 2018 and 2019, from 272 thousand to more than 668 thousand (that was not the case with Mexicans apprehended, whose number remained almost unaltered around a quarter of a million).

However, perhaps the most “persuasive” motive were US pressures for Mexico to put obstacles to transit migration. Prominent among those pressures was the threat to impose high tariffs on Mexican exports. A sign of the decisive role played by those pressures in the Mexican decision to deploy the National Guard along the border is that this action steamed out of the Mexico-US Accords of June 7, 2019. In this case, the “action-reaction” framework developed by the *Binational Study on Migration between Mexico and the United States* (Commission on Immigration Reform and Secretaría de Relaciones Exteriores, 1997) to analyze the interplay of Mexican-US migration policies did not prepare us to understand the “compliance” of the Mexican government to US demands for containing transit flows.

Before the “shocking” deployment of the National Guard, there had been another instance, in May 2019, where the “action-reaction” framework could also serve as analytical tool. The “relative compliance” to US demands and pressures by accepting, on grounds of upholding the human rights of migrants, the *Migrant Protection Protocol* program, also known as the “Remain in Mexico” program, by which those applying for asylum in the US should remain in Mexico while their applications are processed.<sup>4</sup>

As already mentioned, about half a year later in early 2020, a discourse took shape somehow serving to provide substantive prin-

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<sup>4</sup> The Mexican Migration Protocol was an alternative to Mexico’s refusal to accept the Third Safe Country status.

ciples to actions undertaken to contain transit migration flows and better control the borders. This discourse has two components; first, the country's laws have to be respected, including the migrants, and Mexico does not provide transit visas, and, second, besides the country being a country of transit, it is open to immigrants and refugees. It seems as if this second component intended to compensate the harshness of the first.

The meaning that the laws of the country have to be respected signals that there is not anymore a tacit "open borders" posture. Those who want to cross have to identify themselves, show the migration authorities appropriate papers, and do it in an orderly manner. This declaration clearly wiped out the ambivalences of the past, when over the years, former Mexican governments and during the first months of AMLO's administration had adopted an accommodating stance versus migratory realities, by not enforcing nor being able to enforce existing laws and dispositions, which made of Mexico a *de facto* "transit country".

The meaning and the intention of the statement that the country is not only a country of transit, but is also open to immigrants and refugees is less clear as well as less concrete. In any event, those actions and the accompanying discourse send a very clear message. There would no longer be conditions for an almost free and relaxed transit for mass migration or for migrants' *caravanas*. This message, indirectly, also played down the expectations for an easy access to labor markets in Mexico —nor even in Southeastern Mexico. Clearly, this was a "pragmatic posture" taken, on the one side, under mounting border crossings and, on the other, intense US pressure. It was also a realistic one, in terms of real *politik*, namely in terms of the freedoms and limitations contextualizing Mexican policies.<sup>5</sup>

I have labeled these measures steps toward "mature migration policies" because, irrespective of the motivations that triggered them and of their unpremeditated implementation, they ended up addressing real issues (Alba, 2021). Namely: on one side, the lack of controls, order, and security at the borders as well as the dire conditions of migrants; on another, the solidification of a barrier at the U.S. border as well as an increasing vulnerability of migrants in their transit through Mexico;

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<sup>5</sup> On this point, see Ojeda (1976) who referred to the limits of Mexican foreign policy.

and also, mounting demands for transit, refuge and immigration. The deployment of the National Guard as well as statements on the rule of the law were a step to address some of the above issues. These were concrete actions –not mere rhetoric–, tacitly addressing objectives, costly, difficult and controversial –obviously not to the liking of many important migration actors–. I underline that I consider these measures as steps in the direction of mature migration policies; although, not fully mature policies. Policy formation is, besides, an ongoing process.

In any event, this big shift (*viraje*) of migration policy was, obviously, a pressured decision, ideologically difficult, costly and, of course, controversial.<sup>6</sup> However, this shift was also a step, certainly improvable, in the right direction –toward a safe, orderly and regular migration–, charged, as it were, with plenty of opportunities and challenges as discussed ahead. Those actions and declarations had important short-term effects and could have potentially profound implications on the longer-term.

### 3. SHORT-TERM EFFECTS

The shift of migration policy that took place in June 2019 produced almost immediate effects. In fact, short-term effects of the second phase of Mexican migration policies, the pragmatic phase, can almost entirely be attributed to the deployment of the National Guard and the clear message it sent, as well as the notice of no more transit visas. These immediate effects relate to migration trends and patterns of those trying to cross the Southern border in an unordered and irregular manner, and of those trying to transit through the country in a similar manner. There were also diverse short-term effects in various realms, such as in US-Mexico migration relations as well as in reactions and perceptions within Mexico.

The contention strategy worked and migrants' *caravanas* were almost completely deactivated. There was an inflexion and reduction of Central American migrants –specifically from Honduras, Guatemala and El Salvador– along the Mexico-Guatemala border and along the

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<sup>6</sup> It is alluring to suggest that given the extraordinary nature of this shift it was only possible because President López Obrador had enormous political capital and credentials –as a man of the left and progressive– to embark upon a new migration direction with no major opposition nor damage. Probably, no other president, if embarked upon such a shift, could have survived intact out of the “tariffs-migration accord”.

U.S.-Mexico border. On the Mexican side, there was nearly 80% reduction of Central Americans presented before a migration authority in the June-December 2019 period, from more than 26 thousand to less than 6 thousand. On the U.S. side, there was a 75% reduction of total apprehensions –of Central Americans, Mexicans and other nationalities- in six months, between May and December 2019, from around 133 thousand, the highest point, to around 32 thousand.

However, irregular entries and transits through the country did not end. Certainly, after the sharp drop in the attempts to enter forcefully into Mexico using caravans, irregular transit migration continued along its previous traditional patterns -individually, by family members, and small groups-, although it lost somewhat its dynamics of previous years. The number of Central Americans presented to Mexican migratory authorities in 2020 was similar to the number in 2017, somewhat below 81 thousand.

On another front, the decision to send the National Guard to the borders affected the US-Mexico migratory relation. The former relationship overwhelmed by “pressure” changed into one of “appreciation”. US pressures on Mexico began to subside to the point that President Trump praised on several occasions President López Obrador for his collaboration on curbing down the numbers of migrants trying to reach the US. Most significant was the reference to the President of Mexico in Trump’s very last visit to the Wall on January 12, 2021 (White House, 2021). The Central American countries, given their uncomfortable position, remained mostly silent. On this side, President López Obrador continued to state that the U.S. relationship was of respect.

Domestically, quite understandably, there were reactions of rejection and disbelief that such a decision could have been taken, mostly by migrants’ defenders and advocates, but not exclusively by them. The tariffs-migration trade-off was heavily criticized as was amply seen that with this action the country was doing “the dirty work” for Trump and for the U.S. At the same time, there is the perception that a tacit acceptance exists for relying on the National Guard to intercept the caravans and to attempt to exercise control along the Southern border.<sup>7</sup> This acceptance, however, probably was not different from the

<sup>7</sup> The tacit acceptance of the use of the National Guard in this case was probably also related to the perception that the country was “this time” doing something to tackle the transit migration issue.

generalized tacit acceptance of the utilization of the National Guard in many other instances of insecurity and violence in the country, since this public security and law enforcement body was created under the AMLO administration. The acceptance of the tariffs-migration agreement was also generally considered as something inevitable, given the economic asymmetry between the two countries, specifically Mexican dependence of exports to the U.S.<sup>8</sup>

It would also seem that the AMLO administration prefers silence on this action. No more congratulatory speeches on migration policy, like those at the beginning on the “new migratory policy”. There is hardly any mention to the *de facto* new policy, although in the *Informes* there are references to the National Guard operatives. Revealingly enough, the sharp shift in migratory policy is ignored in the *mañaneras*, AMLO’s morning press conferences.

The short-term regional effects –in the Southeast- of this interference at the border are not known in general. It seems, however, that these effects have been rather weak or almost inexistent. This can be assumed given the fact that the contention strategy focused on transit migrants –specifically the caravans. It seems that this action does not particularly affect the economic activities of the region. Commerce does not seem to have suffered either. There is no information to suggest that the patterns of customary transborder migration, temporal and sectorial, have been particularly altered. This interference, instead, could have brought some relief to diverse social and political activities, as those related to the provision of services to satisfy migrants’ demands for assistance and protection. Even, it might have diminished manifestations of friction between diverse sectors of society.

#### 4. OPPORTUNITIES AND CHALLENGES AHEAD

Beyond short-term effects that the actions and declarations related to the turn in migration policy have had so far, those actions and declarations could also have on the longer-term profound implications. The sharp turn meant a substantial shift from a “principled” discursive

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<sup>8</sup> For an example of different reactions and points of view on this agreement and the decision to use the National Guard see, Martínez and García-Palafox (2019: 39-40).

and rhetoric posturing of Mexican migration policies toward concrete actions and positions. This shift towards concrete and specific policies offers plenty of opportunities, which also convey challenges. In fact, there will also be serious challenges in the process of concretion of principles and of further advancement of actions already undertaken. In many respects, opportunities and challenges are intertwined; they are like two sides of the same coin.

Opportunities are defined here in relation to achieving an expanded degree of migration governability in terms of allowing for a safe, orderly and regular migration. Opportunities are then occasions to move towards that end, towards those objectives. This is not an easy task, and there is a multitude of challenges on the way. Moreover, most of the time, the policies and measures designed to the advancement of those objectives imply difficult decisions, having to choose among varied options and conflictive demands, realities and obligations (Alba, 2019). This is the reason why I have labeled said policies “mature migration policies”. They are labeled “mature” because they aim, consciously or unconsciously, to reach balances and equilibria between, on the one side, principles and objectives, on other, realities and limits, and, on yet another side, norms and obligations. Not an easy road because decisions of a mature policy usually are difficult, painful. One has to choose between different options, limited possibilities, and conflictive demands. By example: questions on migrants’ selectivity; objectives for immigration; its volume; accommodation and integration.

In the second section, dealing with “the sharp turn on borders and transit migration management”, I wrote that the deployment of the National Guard and governmental declarations, stating that Mexico is not only a country of transit but one also open to immigrants and refugees, were steps in the direction of mature migration policies. I underline that those actions and declarations were steps in the direction of mature migration policies, in the right direction. However, to advance in this direction it is necessary to take additional steps and develop additional mature policies. Again, not an easy task, because the development of those mature policies confronts opportunities -to be realized- and challenges -to be overcome-.

Exploration ahead of opportunities and challenges relates to the main domains of the new Mexican migratory policy introduced by the AMLO administration in 2019-2020. There certainly are also oppor-



tunities and challenges related to other migration policy domains not directly affected by this new migration policy. However, those are barely explored here, in a document that is focused on the sharp turn of migration policy.

While exploring opportunities and challenges, I will rely on a few guiding ideas or concepts that could help in the delicate process of upholding principles and objectives, of building institutions and infrastructure, and of keeping up to norms and obligations. These ideas or concepts are meant specifically to each one of the four domains of interest here. Regarding the use of the National Guard to manage borders and migrants the concepts are *substitution*, *institutionalization*, and *complement measures*. Regarding Mexico as a country of transit *flexibility* and *negotiations* could be the guiding ideas; *convenience* and *contribution regarding immigration*; *generosity* and *humanitarian reception* regarding refuge.

Regarding the use of the National Guard to control the borders, key concepts are *substitution*, *institutionalization*, and *complement measures*. Most observers have questioned the use of the National Guard for purposes of borders and migrants' control, thus the opportunity presents itself to transcend the use of the National Guard for that function. However, once deployed, the opportunity and the challenge into the future are its substitution, its "phasing out", by another security body specialized in borders control, and to monitor the entry and exit of persons –nationals and non-nationals- into and out of the territory. The purpose is not to seal borders, but to have a reasonable control of them as to have the availability of exercising sovereignty over the territory.

In this process of phasing out the National Guard, there would be many opportunities to shape appropriately the new body for migration control and supervision functions. This substitution or phase out process is also an institution building process, which if successful could have long-lasting positive implications. The *institutionalization* process extends itself into a full professionalization of personnel to perform control and related administrative functions as well as the building of physical infrastructure to house and carry out all migration related functions and administrative activities.

The deployment of the National Guard at the borders was certainly a shocking event. Paradoxically, this action can also be seen as a step toward a "mature policy" in as much as it aimed to contain mass migra-

tion and put borders under own control. However, this step has to be followed and accompanied by many other steps in order to secure a safe, orderly and regular migration. Prominent among these other additional steps are the *complement measures* that have to do with the implementation of laws, particularly of Migration Law, regarding the migrants' situation and conditions at borders.<sup>9</sup> Entries into the country and transit migration have to be orderly and regular events, but also safe. The opportunities to redress those conditions are huge. However, the challenges are also great, given the dire conditions of "the rule of law" in the country.

These accompanying measures need to address respect of legal guaranties of migrants and of their human rights, and, in terms of principles, the world lives in an era that prioritizes the binding nature and the respect of human rights to all persons. Mexico should continue along its long traditional path of defense of those rights to all migrants -national migrants and non-national migrants-, no matter their legal situation. Of course, care has to be taken also overseeing the correct application of laws and of migrants' obligations, as well as of their rights.

At the end, the decision to deploy the National Guard at the borders could end up having positive long-term implications if said deployment is transformed and institutionalized, and at the same time, complemented and accompanied by additional measures attending concerns related to migrants' conditions and rights. Additionally, administrative and personnel professionalization as well as physical infrastructure building would be required and would extend to the other three domains –not a country of transit, immigration, and refuge. The need to enhance institutionalization should be an overarching concern to the country.

To sum up, specialized institutional building epitomizes the areas where most of the opportunities and challenges reside. It relates directly and immediately to the substitution by another body of the National Guard at the borders, and indirectly and on a longer-term relates to future avenues to transform the legal apparatus and administration of immigration and refuge.

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<sup>9</sup> Mexico is quite "advanced" regarding its laws, and quite "laggard" regarding their implementation.

By geography, Mexico is a country of transit. Thus, declaring that Mexico is a country of transit calls for *flexibility* and *negotiations* if one wants to explore the opportunities and challenges regarding transit through the country. One of the most difficult challenges is allowing some degrees of flexibility on migrants' migratory status to be able to become a country of transit, in a safe, orderly, and regular manner, without becoming "a transit country".

In a world of increased mobility, people transit through countries on a routine basis. Opportunities to enable order into that movement pass through the negotiations of regional mobility accords as well as regional migration cooperation agreements. It is no easy task; at play are interests, quite diverse, of the countries involved. The governability of migration requires most of the time government flexibility to make some multilateral concessions. Moreover, it also calls for a well-developed legal, institutional, and operational infrastructure to adequately monitor transit conditions, its temporality, its rights and obligations.

Regarding the statement that the country is open to immigrants and refugees, I wrote toward the end of the section on "the sharp turn on borders and transit migration management" that its meaning and the intention of the country being open to immigrants and refugees lacks on concreteness. Thus, in this case, the opportunities and challenges rest on the process of their concreteness.

Regarding immigration, the guiding principles and criteria should be convenience and contribution. The criterion of "*convenience* and *contribution*" is in accordance with Hollifield's (2004) analytical framework of "the migration state" in which the fledging countries are the ones profiting of increased mobility of populations, by being open to people, facilitating movement, and attracting those most able to contribute to the economy and society of the state.

To open the country to immigration means to attract immigrants, even to invite in those that can contribute to national development objectives. However, in this process, the country faces difficult decisions because to be open to immigrants does not have to mean an indiscriminate opening, but a selective one according to defined and precise objectives. Opening the country to immigration requires a legal, institutional and administrative infrastructure to deal with selecting immigrants, to evaluate the capacities of labor markets to absorb them, and to accom-

pany their economic and social integration.<sup>10</sup> Of course, convenience and contribution could and should not be the only criteria. For example, there should be openness to and latitude on “family reunification”.

Regarding refuge and asylum, the supporting elements should be *generosity* and *humanitarian reception*. Generosity and humanitarian reception should be as ample as possible. However, in terms of governability, there should also be a founded and orderly adjudication process in the reception of refugees and asylees. Moreover, the generosity cannot be unlimited, some limits are unavoidable to bring that process to a manageable level, given the availabilities of resources, from financial to a wide range of indispensable facilities, as well as restrictions and constraints regarding personnel and infrastructure. Thus, in the process of concretion of principles and the materialization of opportunities there will be serious challenges to the opportunities for the country to exhibit its generosity and humanitarianism in a commensurate manner to potential needs.

Last but not least, declaring that the country is open to immigrants and refugees, must also advance concrete measures to make sure that migrants and refugees have the possibility to fully integrate into the economic, social and political life of the country. This objective also calls for quite targeted specialized institutional building, from a positive narrative regarding non-nationals to avoiding discriminating them and actively promoting their integration.

Opportunities and challenges will exist in other migratory domains that are not explored here because they have not been the object of this sharp turn in migration policy. Some of those domains also form part of the migratory agenda of the AMLO government. Prominent among them is the defense of Mexican migrants abroad -particularly in the United States where numerous reside or work without authorization-, the development migration nexus, where upon if development occurs people would not migrate out of necessity. Related to this domain, is the search to develop Central America, and Southern Mexico, ambitiously relying on multilateral cooperation. On this regard, there is space for “shared responsibilities” by cooperating, particularly with the U.S. and

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<sup>10</sup> Canada is usually considered one of the best cases, if not the best case, to observe and follow regarding its quite successful process of selective immigration. Over the years, that country has developed rules of admission based, in many respects, on the principle of “contribution”.

Central America, on financially founding and technically assisting the economic, social, and political “reformation” of the region, specifically Guatemala, Honduras, and El Salvador -the so-called Northern Triangle countries of Central America.

In addition, there are other domains missing in the migration government agenda, like the implications of migration on –mostly via remittances— or the necessity of engaging on regional mobility accords and institutionalizing regional migration cooperation, or return migration. On this last domain, policies and measures should be implemented to ensure that there is a full reinsertion into the country’s life of migrants returning to the county, voluntary or non-voluntarily, on equal footing with nationals living in the country.

The above exploration on opportunities and challenges regarding these four migration policy areas means also to scout on the extent of the potential long-term implications of the sharp turn on migration policy. What are the chances that the country moves along those lines in the years ahead; not only in the remaining years of this administration, but also future ones. The task ahead is a continuum and never-ending process that stretches over very long periods. The concluding comments attempt to address this question.

## **CONCLUDING COMMENTS: PROSPECTS FOR ADVANCEMENT**

I conclude this exploration of the redirection of migration policy by considering the prospects for advancing on this new direction, changing course or returning to the past in face of the new context with the arrival of Biden to the Presidency of the United States. In my view, there is no clear indication of the future direction of migration policy. The López Obrador administration is really divided between two quite different forces and tendencies. On the one side, the profound legacy of former traditional -“principist”, abstract, and even moralist- policies and attitudes. On the other, the also persistent reactive nature of migration policy. Torn between these two powerful forces, future courses of action are not easy to envisage. An additional element of uncertainty is the fact that migration has not been a subject of particular interest in the AMLO administration. Of the 18 sections of the government program of López Obrador political party, Morena, none has migration in its heading (Morena, 2018). Thus, it is doubtful that the country might

move forward in the process of institutionalization of measures and infrastructure building in the various domains surveyed.

The arrival of a new administration in the United States, however, potentially offers innumerable opportunities to advance in the direction of building mature migration policies. However, there would also be challenges in the reshaping process of the bilateral relationship (Alba, 2021). The Biden administration has from day one embarked on undoing a series of Trump's measures and policy orientation. Biden's agenda goes further, he envisages to reform immigration legislation, grant a road to legalization—even eventual citizenship—to resident non-authorized population, and support development in Central America. His administration promises to create a rather different regional context. However, most probably, it will also safeguard national security and it is unlikely that he deviates from the old aim to stem non-authorized migration and to foster orderly and regular migration.

Thus, in face of a complex context, both domestic and international, there is an opportunity -and a challenge- to show Mexico's resolve, by own conviction and not as a conjunctural episode, to continue working towards a reasonable control of its borders and the institutionalization of migration management, including transit, as well as immigration and refugee admissions and integration. Mexico could also advance instances of migration cooperation and agreements with the United States—similar to the USMCA—while at the same time pursuing its own objectives towards the viability of the long-term endeavor of forging a mature migration apparatus. The chances for advancement along these lines increase significantly under the new Biden administration in the United States, but the temptations to drop them, to slow down or return to the past are not negligible.

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