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# Education, Human Rights and Return Migration in Mexico: The case of the state of Hidalgo

## *Educación, derechos humanos y migración de retorno en México: el caso del estado de Hidalgo*

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Daniel Jair Zorrilla-Velázquez\*

Berenice Alfaro-Ponce\*\*

### Abstract

Return migration has acquired relevance among scholars in Mexico, a fact attributable to a historical increase in migration dynamics, particularly with the United States. In the last few years, the issue of Mexican returnees has severely intensified as a result of restrictive immigration policies in the receiving countries. This paper aims to explore the problem faced by Mexican returnees when they try to access the national education system through the lens of transnational migration, first by discussing the available literature on return migration in Mexico and then through a qualitative approach based on a documental review of public policies in Mexico and in the state of Hidalgo aimed towards educational inclusion. Finally, our findings suggest that Mexican authorities have deployed a number of merely palliative policies that so far have not achieved their aims.

**Keywords:** return migration – transnational students – human rights – education – inclusion.

### Resumen

La migración de retorno ha adquirido relevancia entre los académicos en México, hecho atribuible al aumento histórico de la dinámica migratoria, particularmente con Estados Unidos. En los últimos años, el problema de los retornados mexicanos se intensificó severamente, causado por las políticas de inmigración restrictivas en los países receptores. Este trabajo tiene como objetivo explorar –a través del lente de la migración transnacional– el problema que enfrentan los retornados mexicanos al intentar acceder al sistema educativo nacional. Primero, discutiendo la literatura disponible sobre la migración de retorno en México. En segundo lugar, a través de un enfoque de metodología cualitativa basado en una revisión documental de las políticas públicas en México y el estado de Hidalgo, en relación con las políticas públicas que buscan la inclusión educativa. Finalmente, nuestros hallazgos sugieren que las autoridades mexicanas han desplegado una serie de políticas meramente paliativas que aún no han logrado sus objetivos.

**Palabras clave:** migración de retorno – estudiantes transnacionales – derechos humanos – educación – inclusión.

\* M.A. in Public Administration. Research Professor at Universidad Autónoma del Estado de Hidalgo, Mexico. [daniel\\_zorrilla@uaeh.edu.mx](mailto:daniel_zorrilla@uaeh.edu.mx)

\*\* Ph.D. in Social Science. Post-doctoral studies at Instituto Tecnológico y de Estudios Superiores de Monterrey, Guadalajara Campus, Mexico. [berenice\\_alfaro@uaeh.edu.mx](mailto:berenice_alfaro@uaeh.edu.mx)

## Introduction

Mexico has been traditionally an immigrant expelling country mainly due to its deep economic and social inequality, but also due to the widespread insecurity throughout the country. It is important to note that close to 98% of all Mexican emigrants go to the United States (Zorrilla-Velázquez, Alfaro-Ponce, García-Hernández, 2021). Historically, these migrants cross the border with the purpose of achieving the American dream, looking for better job prospects, or starting a new and thriving life. However, in recent years, the general climate of insecurity – which has caused extreme violence as a result of the war on drugs led by the government – has forced a great number of families to flee their communities.

Although a significant number part of the emigrants plan to return to Mexico after having achieved certain objectives, most are forced to come back due to several internal and external causes. For instance, the U.S. has implemented several policies against illegal immigration and has reinforced the security of its southern border with Mexico. Besides, the global economic downturn caused by the Great Recession left unemployed a large part of Mexican migrants, who had no choice but to return home.

The phenomenon of return migration implies a complex problem for the Mexican public administration, since the country is ill-prepared to reintegrate these citizens into society and provide them with the most fundamental goods and services to which they are entitled. One of the most urgent issues related to returned and transnational migrants is the access to education, a universal human right granted by Article 3 of the Mexican Constitution. Nonetheless, the Mexican education system lacks the institutional capacity to reintegrate all transnational students, especially given their different backgrounds, educational level, and life experiences. Often, these students are required to meet numerous inflexible and anachronistic requirements that only hamper their proper integration into educational institutions.

## 1. Literature Review

### 1.1. On Return Migration

Return migration can be defined as that situation in which migrants return to their place of origin on a voluntary basis, usually after having spent some time abroad (Dustmann, Weiss, 2007). According to the OECD (2001), return migrants are: "...persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who intend to stay in their own country for at least a year". Multiple authors have developed different typologies that seek to analyze return migration, some of them focusing on the time immigrants stay in the receiving country while others address the causes that lead immigrants to return. For example, King (2000, as cited by Durand, 2006) asserts that there are four main types of return migration: occasional, seasonal, temporary, and permanent. In the same direction, Cerase (1974, as cited by Durand, 2006) found four types of return migrants

when he was studying Italian migrants in the U.S.: “failed migrants” who were not successful in the receiving country; conservative migrants, who return home because they were not able to adapt to the new environment; retired migrants, who save money during their time in the receiving country and plan to live on their savings, and innovative migrants, who have original projects to implement in their country of origin.

Jorge Durand (2006) proposes six different types of return migration: voluntary return, temporary worker return (such as the case of Mexican workers in the U.S. holding H2a and H2b visas), transgenerational return, which occurs mainly among Argentinian migrants in Spain and Italy or Peruvian migrants in Japan, Spain and Italy, who are trying to build their way to naturalization due to cultural and blood ties, forced return, due to economic, racial and political conditions, failed migrant return, migrants who do not fulfill their primary expectations, and scheduled return, as in the case of Jews around the world coming back to Israel and the French coming back home from Algeria.

In order to better identify and analyze the different variables in return migration research with a special focus in the Mexico – U.S. migration, we propose classifying them in four main groups: Initial Intentions & Target Income, Unfulfilled Objectives, Circular Migration, and Social Networks and Support. Some of these groups are closely related and even overlap each other, but each one of them has specific characteristics that affect immigrants’ decisions regarding their return to their home communities.

### ***1.1.1 Initial Intentions & Target Income***

Carling and Vatne Pettersen (2014) assert that most migrants initially plan to return home but often end up settling in their receiving country. The authors propose the concept “myth of return” as an attempt to explain the common return intentions of migrants that are not achieved. When migrants intend to return, they are influenced by their own personal attachments, ties to their country of origin, and ties to their country of residence (Carling, Vatne Petersen, 2014). Migrants’ ties to their home country are based on their life before migration or on transnational activities such as long-distance communication and sporadic visits. Therefore, as soon as immigrants reach their destination, they face a great number of factors that influence their initial plans or decisions either to return home or to stay in their receiving community, due to the prospects of a better life over there.

Similarly, Arenas *et al.* (2015) claim that most immigrants have the original intention of returning home after having achieved some objectives, but that after some time in their receiving place a large number decide to settle in the new country. These are mainly driven by the social, financial, labor and affective relations that immigrants build in the U.S., so those who are able to attain financial success are less likely to return (Arenas *et al.*, 2015). For instance, immigrants who manage to buy a home in the U.S. and those who get married and have children have

lower chances of return migration (Massey *et al.*, 2015, Ravuri, 2014, as cited by Arenas *et al.*, 2015). Moreover, Arenas *et al.* (2015) support the rationale that emotional factors also account for immigrants' decision to settle and not return. For instance, immigrants who are engaged in sustained relationships and those who have married and had children have lower chances to return. Others, on the other hand, simply make a decision because they experience nostalgia and the desire to come back to a place they can call home.

Belinda Reyes (1997) proposed the Target Income Theory, which states that people migrate in order to save money to invest in agricultural equipment or buy more land in their community (Borjas, 1994; Hill, 1987; Lindstrom, 1996; Massey *et al.*, 1993, as cited by Reyes, 1997). Under this theory, unemployment and low wages account for the main reasons why people resort to immigration. However, as soon as these people save the intended amount they return home, since they have a strong preference for settling in their place of origin.

In the specific case of Mexican immigrants in the U.S., Arenas *et al.* (2015) also support the target income scheme, stating that the length of time immigrants take to save the intended amount of money is directly influenced by the immigrant's human capital – educational attainment, ability to speak English, age, gender and the amount of savings they have in order to survive periods of unemployment (Feliciano, 2008, Massey *et al.*, 2015; Ravuri, 2014; Reyes, 2001; 2004; Van Hook, Zhang, 2011, as cited by Arenas *et al.*, 2015). Historically, Mexican citizens migrate to the U.S. with the goal of earning money in order to be able to afford a house or start a business, to pay off their debts, or even to acquire certain certification or skill and then come back home. In fact, the amount of money that migrants intend to save and how they plan to spend it depends on conditions related to their places of origin (Lindstrom, 1996; Massey *et al.*, 2006, as cited by Arenas *et al.*, 2015).

### 1.1.2 Unfulfilled Objectives

In this regard, Belinda Reyes (1997) proposed the Disappointment Theory, based mainly on the idea that people return to their home communities because they could not find a job, or they had a low salary. People migrate with the idea of settling in a new location, but they have limited information on the actual opportunities they will have in their target location, and they are therefore forced to return without completing their goals. The underlying factor of this theory is the lack of information accessible to people willing to migrate: more educated people make better decisions based on their knowledge and access to enhanced sources of information, while people with less education make poor decisions and hence are highly likely to fail and return to their countries.

Some other important factors that frustrate immigrants' objectives and lead them to return home – or have a longer stay – are related to economic, political and even health issues. For instance, public policy decisions in the U.S. affect immigrants' length of stay, such as the

militarization of the U.S. southern border, making reentry harder and more dangerous, thus forcing immigrants to avoid coming back home. Another fundamental factor affecting immigrants' time abroad is the status of the U.S. labor market and economy in general. For instance, the construction industry – a primary source of employment for Mexican immigrants – was especially affected by the recession of 2007-2009, forcing them to stay longer (Arenas *et al.*, 2015). Moreover, health issues – such as serious illness or disabling injuries – force immigrants out of the job market and require medical attention, which in the U.S. is practically inaccessible for undocumented workers, so they go back to Mexico due to its universal health care system. In fact, health care is going to represent one of the main drivers of return migration to Mexico in the near future, since it has been expanding its services since 2012 (Knaul *et al.*, 2010, as cited by Arenas *et al.*, 2015).

### 1.1.3 Circular Migration

This theory is based on the specific case of people who tend to have a great variety of movement between two places, repeatedly and during a short period of time. People involved in this type of repetitive migration pattern are not interested in permanent residence in the foreign country (Zelinsky, 1971, as cited by Reyes, 1997).

According to Reyes (1997), this type of migration activity is caused by land shortages, poor agricultural resources, and labor instability – either in the place of origin or in the destination – that make it harder for them to settle in a specific place. The main factor driving circular migration is the high purchasing power of U.S. salaries in Mexico and at the same time a strong preference for living in the home community (Reyes, 1997).

Arenas *et al.* (2015) also claim that Mexican citizens in the U.S., at least ideally, pursue a circular migration pattern, since they pursue specific goals aimed at being able to purchase real estate or start a business in their home communities, often coming back after achieving their goal and returning to the U.S. in case of need.

### 1.1.4 Social Networks and Support

Unlike the previous theories, the social network theory acknowledges that migration is based on economic considerations, but claims that it is a process that is heavily based on societal issues (Reyes, 1997). Moreover, "...migration alters social structures in a way that increases the likelihood of subsequent migration...It relies on a variety of social-structural mechanisms, the most important of which is network formation" (Massey, 1990a: 68).

The social networks formed by immigrants provide aid and support to newcomers, making the arrival process easier for them; for instance, prospective immigrants can count on information, housing, transportation and even employment. Therefore, these social networks increase the probability of migration and of permanent settlement (Reyes, 1997). Furthermore, new im-

migrants expand the social network, reducing the risk for other migrants coming in the future (Cornelius, 1976a; Lomnitz, 1977, as cited by Reyes, 1997).

Additionally, Arenas *et al.* (2015) acknowledge that one of the main factors influencing the time that Mexican immigrants stay in the U.S. is the existence of social networks in the receiving country, which makes it easier for immigrants to stay longer due to the enhanced social and financial support given by friends and family. As a matter of fact, this is influenced by the immigrants' region of origin, since citizens coming from traditional sending regions have access to richer social networks than people who come from new sending places (Arenas *et al.*, 2015).

There can be no doubt that the types of return migration explained in the previous four main groups contribute to a general understanding of Mexican – U.S. migration dynamics. Particularly, they recover different authors' perspectives according to the historical and contemporary migration dynamics of the country.

## 2. Mexican Returnees and Transnational Students

In 2015, El Colegio de México, one of the leading think tanks in the country, conducted a study to trace return migrants and their experiences in their way back home. For this study, return migrants were conceptualized as those people who were born in Mexico or abroad, who were five years or older, and who had lived in the U.S. for five years before the 2015 survey conducted by INEGI (National Institute of Statistics and Geography). This survey included American people who migrated to Mexico to get a job or for retirement purposes, a decision based on the fact that some people born in the U.S. are the children of Mexican migrants. According to INEGI's 2015 survey, there were 559,416 returned persons in Mexico that were born in the country and who had lived in the U.S. The returned population represented 0.5% of the total national population during 2015 (119,520,753) (Giorguli, Bautista, 2018).

Once in Mexico, returned migrants often face hardship when they attempt to get a job or enroll in an educational institution, especially due to the excessive bureaucracy and poor attention system attending these types of cases. For instance, returnees have no access to proper orientation in institutions created to help returned migrants, as these institutions rely on traditional and inflexible practices that prioritize official documentation, which clearly most returned people do not have. Therefore, it is fundamental for these institutions to focus on the wellness of people and help them integrate into society as soon as possible, leaving documentation requirements for later.

Although adults often come back on a voluntary basis, their children's desires are not taken into consideration and are forced to return and face a new life in a country they barely know. Despagne & Manzano (2020) claim that one of the main reasons that lead school-age children to move to Mexico is that their parents have been deported. Some of these children had been born in Mexico, integrated into the national education system, and then migrated with their parents

to the United States in search of better life prospects. Zuñiga and Hamann (2009) state that only this type of students can be regarded as returned migrants, since they were first schooled in one country, attended school for at least one year in a different country, and then returned to their place of origin. Children born in their immigrating parents' receiving country have a different citizenship status and educational path. Sometimes, their parents are forced to abandon their country of destination and return to their country of origin. Therefore, they cannot be considered as returned migrants and are regarded as international migrants (Zuñiga, Hamann, 2009). In fact, in 2014 the Mexican Education Census found that 431,000 foreign-born children were attending elementary and middle schools, and from that total 98% had been born in the U.S. (Jacobo, 2016, as cited by Despagne, Manzano-Munguía, 2020). For the purpose of this study, we will focus only on those returned students and their attempts to be included in a Mexican educational institution.

### *2.1. Access to Education*

The returned persons' educational path is influenced by their migratory trajectory. It is well known that there are millions of Mexican-born students attending U.S. schools, as well as millions of American-born children in these educational institutions whose parents migrated from Mexico. Yet something that has been little studied is the fact that there are an important number of students in Mexican institutions who have previously been enrolled in U.S. schools (Zuñiga, Hamann, 2009). Therefore, the great majority of these students were previously integrated into the American education system, which is completely different from the Mexican one in aspects such as sociocultural issues, values, certifications and pedagogic strategies. Therefore, when these students try to reinsert themselves in the Mexican system they face multiple problems which clearly affect their learning outcomes (Colmex, 2015).

These students often have a hard time adapting to the new education environment, especially during the first stages of the process. Teachers and other school administrators do not offer them special attention or acknowledge their own personal experiences. For instance, these students are not fluent enough in Spanish to receive an entire education in this language. Therefore, they face several limitations and often fall behind their peers. Kae & Solano (2013) explain that school teachers are not conscious about their student's transnational conditions, so these students become invisible. Moreover, these educators do not have solid strategies to attend to their student's special needs, which leads to low learning outcomes.

#### *2.1.1 Barriers to Inclusion in Education*

In Mexico, access to education is a fundamental human right granted by Article 3 of the Mexican Constitution. Consequentially, in recent years the Mexican government has implemented different public policies and strategies in order to accomplish the Millenium Development Goals

and Sustainable Development Goals (Presidencia de la República, 2019), where education is a main topic. However, the government and most education workers have done very little to integrate transnational students into the education system. According to Eunice Vargas (2018) the main barriers faced by the children of returned migrants can be classified as administrative/ economic, cultural and social.

To begin with, administrative or economic barriers are represented by the limited access students have to education, the fact that transnational students are only considered for a place at school after national children have been selected, and the lack of identification documents. Cultural barriers are represented by transnational students who struggle with Spanish and the low percentage of bilingual teachers in basic education institutions, as well as the great difference between the school systems in Mexico and the U.S. and the lack of multicultural skills that could help students during the transition process. Finally, the social barriers are represented by the separation of families due to migration and the lack of proper social networks to reintegrate into Mexican society, which have a deep impact in social relations and interactions in the home and receiving countries.

The Mexican Constitution grants the right to education, and Article 8 of the National Migration Law states that access to education should be provided to anyone regardless of their immigration status (Vargas, 2018). Nevertheless, inclusion programs created to help returned migrant students and their families lack an intercultural perspective. Hence, there is administrative attention to the problem but an absence of policies to address cultural and social barriers issues.

In a study conducted by El Colegio de México (2015) researchers found that the barriers to school integration have delayed returned migrants' inclusion in the educational system and have caused early school desertion. In fact, the whole demanding process that returned migrants must face to be integrated into the Mexican school system often causes a high number of people to be excluded from education. And although there are some special programs to attend returned migrants, these programs are allocated insufficient resources, which added to the fact that schools offer only a limited number of seats leaves out most of the returned students.

Although some documentation requirements have been waived by the educational authorities, some parents have reported being given inaccurate and incomplete information about admission processes. This causes children to delay their reintegration into school, and in some cases has caused some students to become disappointed and decide to skip school, planning to return to the U.S. as soon as they get older. Another problem faced by transnational students is that they are often forced to repeat the school year due to their illiteracy in Spanish, and sometimes they are pressed to skip grades due to their age, no matter how many school years they have completed in the past. There is no such thing as a language program to help transnational

students to achieve proficiency in Spanish, which forces school authorities to create their own strategies. However, this only makes harder for students to integrate into the new system and worsens their learning problems. In the higher education level, documentation processes make it especially hard for students to enroll in institutions in Mexico. This has caused return migrants to have a very low representation in higher education institutions when compared with the rest of the Mexican population. Poverty is one of the main challenges encountered by transnational students at the higher education level, since they are forced to get a job and have to drop out of school. Among those returned students enrolled in high school it is more common for men to have a job as their main activity, while women tend to be more involved in household activities.

### 3. Returned Migrants in the State of Hidalgo

Based on the study conducted by El Colegio de México (2015) mentioned above, in the case of the state of Hidalgo 18,939 people had returned to Mexico during the five-year period prior to the survey, which accounts for 0.66% of the total population of the state by 2015 (2,858,359). On average, people from Hidalgo who had returned were 30.9 years old, with a national average of 32.69. At the national level, the largest share of return migrants was represented by the range between 30-34 years old for men (58,385 men), while most women were in the range from 5-9 years old (27,768), followed by the range 30-34 (23,272). From the total returned population at a national level, 35.2% were women and 64.8% were men, while in Hidalgo, women accounted for 29.7% and men for 70.3%.

Moreover, 11.8% of return migrants from Hidalgo spoke an indigenous language and 0.5% was of African descent, and 79.2% of return migrants in the state of Hidalgo lived in rural areas during 2015. The following tables include information regarding educational achievement in the state of Hidalgo, divided by age group:

Table 1. General school attendance by age group – returned people in the state of Hidalgo

| Age Range | Percentage |
|-----------|------------|
| 6 -11     | 96.5%      |
| 12-14     | 97.2%      |
| 15-17     | 73%        |
| 18-24     | 14.8%      |

Note: El Colegio de México, 2015b.

Table 2. Educational level completed. Returned people in the state of Hidalgo by age Group

| Age Range | Elementary School | Middle School | High School | College (Completed) |
|-----------|-------------------|---------------|-------------|---------------------|
| 12-14     | 33.8%             | -             | -           | -                   |
| 15-17     | 3.7%              | 36.3%         | -           | -                   |
| 18-24     | 17.1%             | 32.6%         | 22.1%       | 8.4%                |
| 25-34     | -                 | 45.5%         | 16.5%       | 5.5%                |
| 35-44     | -                 | -             | 14.5%       | 4.1%                |
| 45-59     | -                 | -             | -           | 3.3%                |

Note: El Colegio de México, 2015b.

### 3.1 Policies aimed at reintegrating returned students in Mexico applied in the state of Hidalgo

The Mexican government has implemented some federal programs in order to provide services to return students in the country, attempting to reintegrate them into the educational system. At the same time, local governments have implemented their own programs in an attempt to supplement the efforts made by the federal government. Below, we present some of the most important policies enacted by both levels of government:

- **Elementary Education Without Frontiers Program:** Created to enhance the educational development of students coming from abroad. It is based on a model for the attention of migrant students with an intercultural background. Implemented in 2011 by the Ministry of Public Education (SEP), during President Felipe Calderon's administration (Navarro, Saavedra, 2015).
- **Mexico General Education Law:** Reformed in 2017 to eliminate certification and translation requirements in the higher education level (SEP, 2017).
- **Binational Migrant Education Program:** Created jointly in 1982 by the Mexican and American governments to broaden and consolidate the basic education services offered to binational migrants. It is based on the ongoing training and orientation of teachers, parents and social groups, in order to support the educational process of migrant children and their future incorporation into Mexican society. The program allows children of returned migrants to be reintegrated into the school system, providing them with specific documentation to ease their registration process, as well as offering them specialized attention from Mexican teachers who receive training in the U.S. to properly attend these students (SEPEM, 2020).
- **Ministry of Public Education (SEP) Agreement # 286:** Provides certification and recognition norms for studies conducted abroad in the elementary and secondary education

level, as a response to the threat faced by DACA students during the Trump administration (Pallán, 2017).

- **National Institute for Adult Education (INEA):** Created to support returned adults willing to reintegrate into the educational system, but also open for refugees and international migrants living in Mexico (INEA, 2019).
- **3 x 1 Migrant Program:** Overseen by the Mexican Ministry of Welfare, providing extra funds to those sent by Mexicans abroad. Aimed at improving social and educational conditions in marginalized communities (Secretaría del Bienestar, 2017).
- **Repatriation Program for Returned Migrants:** Managed by the National Institute for Immigration. It helps immigrants to return safely to Mexico and provides them with economic support for their return. Also, migrants are offered information services to help them reintegrate into society (INM, 2021).
- **Fund to Support Return Migrants in Hidalgo (FOMIH):** Overseen by the Ministry of Social Development, Hidalgo State Office. It provides financial support for returned people to reintegrate to society (SEDESOL, 2020).
- **Institute for Adult Education in Hidalgo (IHEA):** Offers services to adults with educational gaps.
- **Hidalgo State Human Rights Commission:** Seeks to promote, protect and supervise compliance with human rights.

#### 4. Discussion: The policies implemented are not fulfilling their objective

Despite the fact that the federal and local governments in Mexico have created and executed some public programs to support transnational students, their efforts have been insufficient. Even though most children under 17 are enrolled in an educational institution (see Table 1) either in the elementary, middle and high school level, there is no real information on the quality of the education they are receiving. As mentioned above, return students face language and cultural problems when they manage to be integrated into an educational institution, and teachers and administrative staff are not prepared to deal with this situation. Therefore, it is not clear if students are actually improving their educational level while enrolled at these schools, and it is dubious if they are getting the necessary knowledge and tools to continue into subsequent education levels. In fact, Table 2 shows that only a low percentage of each age group has been able to complete some level of basic education (elementary, middle and high school).

However, the real problem comes at later ages. According to Table 1, from those returned people in the state of Hidalgo in the 18-24 age group, only 14.8% are attending an educational institution. Moreover, in the same age group, only 8.4% of them have completed college. The next age groups reflect the same worrisome trend: the percentage of college completion is under 6%. It is clear that returned students come across multiple barriers in order to access and

adapt to education in Mexico, and that the public programs implemented by the government are not providing them with the necessary elements to exercise their right to education. Some of the programs created are underfunded and the application process to receive the benefits is complicated and unclear. Moreover, the federal and state governments do not publish clear guidelines for the proper development of the programs, which clearly minimizes the efforts. For instance, the Binational Migrant Education Program does not have a proper federal coordination system and its budget is simply insufficient, both of which cause the program to be inoperative (Giorguli *et al.*, 2012). Likewise, the Elementary Education Without Frontiers Program did not receive enough attention from the subsequent administration and was terminated (Vargas, 2018).

Another problem is that these programs are scarcely known, and return students and their families do not take advantage of them. Given the fact that the majority of return students in Hidalgo live in rural areas, it is even harder for them to have access to internet or communication technologies in order to learn about the public programs that could support them to get back into the education system, not to mention the fact that the divulgation of such programs is almost inexistent. Moreover, the policies implemented are heavily based on providing administrative support to students attempting to enroll in educational institutions but are not aimed at dealing with the primary causes of the problem. Most actions executed by the federal and local governments are limited to easing documentation and bureaucratic issues, but the underlying cultural, social and socioeconomic issues are generally ignored. As stated above, an important number of returned students come from poor families and are forced to drop out of school to get a job in order to make a living. It is imperative for the government to implement a comprehensive program of action in order to tackle these issues. More investment is needed in welfare and educational policies aimed specifically at aiding return and transnational students, in order to properly allow them to receive quality education.

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