

The World Through Borders:
The Difficult Journey of **Migrants** in Transit

EDITED BY

María Eugenia Anguiano Téllez
Rafael Alonso Hernández López
Daniel Villafuerte Solís

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To the memory of Juan Artola

A man of remarkable sensibility to comprehend and propose deeds on behalf of the people expelled from their homelands: migrants, refugees and their families. From the land of the poet Benedetti to Mexico, passing through Central America, he left teachings of humbleness and generosity.

A la memoria de Juan Artola

Un hombre de excepcional sensibilidad para entender y proponer acciones en beneficio de las personas expulsadas de su lugar de origen: migrantes, refugiados y sus familias. De la tierra del poeta Benedetti a México, pasando por Centroamérica, dejó enseñanzas de nobleza y sencillez.

Introduction

Rafael Alonso Hernández López

Undoubtedly, irregular migration is one of the paramount phenomena reflecting the reality of recent decades. Every day, across the world, massive numbers of people escape conditions of poverty, inequality, violence and social marginalization, seeking a place that will enable them to live out their lives.

Today, as never before, we witness the expressions and effects that migrating has on people's lives. A huge humanitarian crisis characterizes these times. Increasingly we see and read news involving death, accidents, disappearances, and human trafficking of migrants. What is happening in Italy, Spain, France, Poland, Mexico, the United States, Honduras, El Salvador, Morocco, Tunisia or Algeria subverts politics, treaties and international conventions on what States can and cannot do regarding migration.

In 2014, in Mexico, we witnessed a growing number of migrant children from Mexico and Central America held on the United States' southern border, which underlined the ongoing economic and social crisis in Central America's Northern Triangle. Moreover, in the United States the lack of a suitable groundwork to shelter the thousands of internees safely was evident.

In conjunction with this phenomenon, policies aiming to restrict refugees' access to their societies were a factor in inducing violent displacement of people. In that sense, in the Middle East, one of the armed

conflicts greatly affecting the refugee and migrant crisis is the civil war in Syria, which, according to the United Nations High Commissioner for Refugees (UNHCR), has expelled 4.9 million people into neighboring countries, such as Turkey, Lebanon, and Jordan, which are now sheltering over 3,500,000 Syrians. In fact, this crisis is the greatest humanitarian emergency the UNHCR is currently facing.¹

In early 2014, the UNHCR acknowledged that across the world forced displacements had afflicted 51.2 million people, a figure that in December of that year reached 59.5 million people, the largest number since WWII. During 2014, conflicts and persecution forced a daily average of 42,500 people to leave their homes, and seek protection in another place, either within or outside the borders of their countries. In total, out of 59.5 million forced displacements, 19.5 were refugees.²

In 2014, Latin America's forced displacements grew by 12%. In Central America, the number of people fleeing violence, gang and otherwise, increased considerably. Consequently, the United States received 36,800 more requests for asylum than in 2013, a 44% increase. During the first half the first half of 2015, the United States processed 78,200 requests (44% more with respect to the same period of the previous year). Of these, El Salvador was the main country of origin of asylum applicants with 8,700 requests (+125%), followed by Guatemala with 7,700 requests (+102%), Mexico with 7,500 requests (+12%), and Honduras with 7,400 requests (-209%).³

¹ ONU. "El número de refugiados sirios sobrepasa los 4 millones," available in www.un.org/spanish/News/story.asp?NewsID=32790#.VxKxI9ThC1s.

² In 2014, Syria became the country that generated the highest number of both displaced migrants (7.6 million), and refugees (3.88 million by the end of 2014), followed by Afghanistan (2.59 million refugees), and Somalia (1,1 million refugees). According to UNHCR, developing regions host 86% of world refugees: 12.4 million people, the highest value for two decades. Ídem.

³ UNHCR. "El desplazamiento de población por guerras y persecución alcanza el nivel más alto jamás registrado." Available in www.acnur.org/t3/noticias/noticia/el-desplazamiento-de-poblacion-por-guerras-y-persecucion-alcanza-el-nivel-mas-alto-jamas-registrado/. BBC. "Tragedia del Mediterráneo: así es la ruta de migración más

Meanwhile, in Europe, on April 20, 2015, a British newspaper questioned in an editorial how the “worst catastrophe with immigrants in the Mediterranean sea” occurred, while fearing that nearly 700 people—among them women and children— may have died on a 20-meter boat that foundered in the Mediterranean Sea, when sailing from the Libyan coast to Europe. According to the Italian newspaper, *Corriere della Sera*, at least 900 people were on that boat, 200 of whom were women and 50 children. The shipwreck happened near the Italian island of Lampedusa, a dangerous place for African migrants. In 2014, roughly over 3,000 deaths occurred in the Mediterranean, turning it into the deadliest route in the world, according to the UNHCR.⁴

Furthermore, at the end of 2015, UNHCR Commissioner António Guterres expressed his concern regarding the growing number of people fleeing Mexico and Central America to escape deadly and uncontrolled gang violence, which heightened the threat of a refugee crisis in the Americas. He then called for all Central and North America countries to recognize the refugees’ situation in the region, develop capabilities to identify people in need of international protection, and quickly move toward implementing a coordinated and regional approach to the issue, to improve protection for refugees, while addressing the roots of forced displacement.

At an international level, this scenario is more understandable if we consider the fundamental role nation-states and borders play on managing, ordering and controlling population movement, without ignoring the states of origin’s responsibility in creating the conditions for expulsion. In this context, contemporary migrations encompass issues such as human rights, the public exercise of power, and the definition of borders. Altogether, these create a complex framework whose common denominator is vulnerability for people displaced from their places of origin.

mortífera del mundo,” available in www.bbc.com/mundo/noticias/2015/04/150421_migrantes_ruta_europa_testimonios_ac.

⁴ BBC. “Tragedia del Mediterráneo: así es la ruta de migración más mortífera del mundo,” available in www.bbc.com/mundo/noticias/2015/04/150421_migrantes_ruta_europa_testimonios_ac.

In face of this critical situation for migrants and refugees around the world, this book examines similar problems in different places, and which demand for answers that should supersede local dimensions. In many cases, migration constitutes in itself an act of survival, as well as a challenge to rethink the ways in which States' limits have been traditionally set up, and their economic development and militarization. It also dares us to question the lack of minimal elements for well-being in order to enable a peaceful coexistence; as well as the complete disregard for limiting or eliminating violence, poverty and social exclusion. For these reasons this book addresses, with reflections coming from an array of latitudes, the behavior, dynamics, and implications that international migration currently has.

The book commences with Juan Artola's apt discussion on the free circulation of people, on which, as he recognizes, there is no sole definition. Yet, he argues that it has been traditionally associated with the idea of free borders or/and the elimination of border controls, a situation that, though desirable, is not politically feasible. Therefore, it refers to such flow as a social and economic reality, and as a right that has always been limited.

The author thereby reviews the history of mobility. As human beings progressively moved from Africa to other regions of world, mobility had been essential to human history. Moreover, since the 20th century, freedom to move as a natural right was gradually replaced by a concept of freedom more aligned with liberal thought, and the emergence of the concept of human rights.

On the last 25 years, and especially after the terrorist attacks of 2001, "developed" countries —the main recipients of international migration— stated that immigration, irregular immigration in particular, represented a serious threat to their national security, and that borders should be controlled at any cost. From this standpoint, a wide array of actions to control migration, including the use of new means for control in countries of origin, effectively extended borders into foreign countries. Furthermore, he underscores that these current irregular migrant flows (in 2015) show that the social and humanitarian problem may not be solved by mere repressive means. Conversely, free circu-

lation is possible for nationals of developed countries, since most of them can go to almost anywhere in the world. This means that they are born with privileges (some passed to their descendants) denied to others.

The text also sheds lights into different initiatives in Africa, Europe, and Latin American countries that have tried to ease free circulation, especially in the Andean region and Mercosur in the Americas, as well as in the European Union. These examples are particularly valuable as they prove that free mobility across specific geographies can be a reality, though limited, when there is political will to prioritize rights over restrictions.

The author suggests that free circulation is the social expression of truly integrated regional spaces. A completely integrated region should then comprise a unified labour market and a shared social structure. It would reallocate jobs, job needs, qualifications and abilities, which would, at the end, maximize competition. Furthermore, it would guarantee equal rights and the protection of all regional workers, while improving the rights of people moving or wishing to move across the region.

María Eugenia Anguiano and Ernesto Rodríguez look at Cuban migration at the reestablishment of diplomatic relations with the United States. With the triumph of the Revolution, and later the breakdown of diplomatic relations between the two countries in 1962 as a backdrop, the authors explain how the migratory policies of each government towards the other, were the means of a confrontation strategy.

With the announcement of the reestablishment of diplomatic relations, and amid the uncertainty created by the Cuban Adjustment Law and the policy known as “dry feet/wet feet,” a wave of migrants from Cuba began to move through different countries to get to Mexico’s northern border. In that scenario, the article examines this ongoing crisis so to identify patterns and tendencies. To this effect, they assess different waves since 1959, to uncover the complexity that has bolstered the current flow, stressing Cuban domestic politics. To evidence such phenomenon comprehensively, this chapter offers a description of the routes most transited by recent Cuban migrants.

Overall, the chapter offers the possibility of comparing distinct Cuban migrant waves. The two first waves were made of wealthy people traveling by plane, assisted by the United States to set up themselves in the country. On the other hand, people migrating on the third and fourth waves had to resort to a sea route in order to reach the US through the Florida Strait, yet with fewer resources and facing more restrictions in their departure from Cuba, as well as in entering the United States. Finally, recent Cuban migrants are making the journey by land through Ecuador, Colombia, Central America and Mexico. These journeys differ from previous waves in numerous aspects. Among these, the authors stress the persistent economic crisis, the clash with migratory and police authorities in transit countries, the exposure to abuses from people that profit from their needs, and the fact of being able to use cell phones and the internet to provide them with information and communications.

In the wake of recent discussions, Daniel Villafuerte reflects on the concept and realities of Mexico's southern border. He begins by considering the southern border as a space of complexity where "The Beast," the so-called migratory stations, military posts, and migrant shelters are part of the new landscape to be taken into account to characterize the border during these two last decades.

He shows how, from the social and political point of view, the border has traditionally been a terrain wherein the State shows its greatest weaknesses, thus resulting on a complex network of relations that intertwine the illegal and the legal, what is forbidden and is allowed, informal businesses and human and commodities trafficking. Through the resignification of the borders, transnational migration has turned into an issue of special relevance for international, regional and national agendas.

The borders concentrate multiple relations that move by money, social capital, and family and migratory networks. In the borderlands, human mobility acquires various modalities: the so-called local visitors, the temporal agricultural workers, the bordering residents, and migrants in transit. The ones that come and go for 24 hours, those who stay for several months, and those passing on their way to the United States, whose number is not clear, since it goes from 200 to 400 thou-

sands per year. In this scenario, in 1998, the federal government creates the plan “Sealing of the Southern Border.” In 2002, weeks before the September 11 attacks, the “South Plan” was launched with the purpose of guarding the border. Since then, the interest of the White House on Mexico’s southern border increased, and with it came a virtual and physical broadening of the northern border to the south that has been translated into intervention actions through programs such as “Intelligent Borders,” the “Merida Initiative,” and, more recently, the “Southern Border Program.”

It is precisely through the actions and results of the “Southern Border Program” that the author situates his analysis in accordance to the bio politics/bio power framework. From this Foucaultian perspective, the migratory crisis, under the new era of capitalism in its neoliberal phase, dominated by financial capital, uncovers the diverse mechanisms to stop migration during recessions and economic crisis to “balance” the labour supply. We are therefore talking about a migration that is desired in moments of economic abundance, and rejected during recessions.

In the following essay, Rafael Alonso Hernández typifies some of the elements that compose the train routes along Mexico’s Pacific coast through the lenses of the humanitarian project *Fm4 Paso Libre*, an organization that offers comprehensive attention, human rights defense and academic research for the migrant population in transit within the Metropolitan Area of Guadalajara, in Western Mexico.

The essay addresses migrant populations using the cargo train known as *La Bestia*, as a key mean of transportation to travel throughout the country. While it is true that there is no precise information regarding the quantity and share of migrants that use this cargo train, the relevance of looking at it does not lie solely on the quantity of people using it, but rather on the complexities and implications that it entails. By itself, the train is one of the most overwhelming expressions of what it means to be an irregular migrant in this century: a vulnerable, exposed to risk subject in a context of generalized exclusion.

The text explains in detail how the Western route is marked as a predominantly masculine route of young adults, aged 31 years old on average, besides being one of the “least dangerous” for migrants, regarding

the influence of organized crime on key regions for migrants in transit. Additionally, it is a route of mixed flows, of mainly Mexicans, and Central Americans; among the latter ones, the Hondurans represent the biggest share. Through this case, the presence of Mexicans going north and south, due to deportations or the impossibility of crossing to the United States, becomes relevant. An important aspect that the essay underscores is that the migratory route is linked to the trajectories and journeys of Mexican peasants, who annually move between the states on the Mexican Pacific (Baja California, Sonora, Sinaloa, Jalisco) following the agricultural cycles of these regions, thus creating another type of migration between their communities and farmlands. Hence, this becomes a route that operates on different directions, highlighting the one the author identifies as an inverted transit referring to the mobility of people not yet arrived to their destination, whatever it may be, but travelling from north to south.

Finally, Stefan Alscher analyzes, through Poland's case, one of Europe's policies of border control. Without question, the European Union's eastern border shows the complexity of today's migratory dynamics, and the existence of exterior borders and control policies, which the author explains using the model of a "European Migration Arena." Poland's eastern border, being the most extensive section of Schengen Area's exterior border, has been selected as a central unit of analysis to examine the development of the border, as well as at the patterns and trends of East-West migratory flows.

Throughout this analysis, changes on the border space, such as the eastern limit with the European Union, and the Russian western border, are described. To the USSR's ordinary citizens, as well as to their neighboring allies on the west, it was not possible to cross the so-called system without a special permit. The Soviet breakdown created new almost unrestricted trans-border traffic across the successor states of the Soviet Union, and neighboring countries. This spawned a booming commerce, cultural and social exchange through the border, and consequently, a reconciliation of the peoples divided for decades.

Nevertheless, just a few years after Central and Eastern Europe countries' petitions to join the European Union, the panorama across the border changed completely. Candidate countries had to adapt them-

selves to the European Union and Schengen's common rights and obligations. Consequently, the reinforcement of eastern borders became a priority, not only for Poland, but also to all the candidates to join the European Union. Moreover, through new legislation, the broadening of control powers for police authorities, more deportations, lists of "safe" countries of origin, among others, preparation for membership to the European Union was replicated on migratory policies' reform, as well as on the operation of police forces and border guards, thus transforming once again borderlines into spaces of containment and restriction. All of these hinder trans-border relations, not so much at a government level, but within local populations, especially in border regions.

This essay offers the reader insights that could work, as well as an overall view, since it casts doubt on the effectiveness of control mechanisms to curb or even reduce migration flows. It is also a warning on the proliferation of migrant trafficking networks, and their strong capacities to adapt and react to any policy and context. Finally, it questions the role the so-called democratic societies play in migration reduction, while stating against models, like of the countries behind the former Iron Curtain in Europe or North Korea, which cannot adequately deal with the migratory phenomenon.

Notes on the Free Movement of Persons

Juan Artola

In general, when we talk about the free movement of persons we refer to international migrants. The United Nations (UN) defines migrants as individuals who have resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, employed to migrate. Under this definition, those travelling for shorter periods, such as students, tourists and businesspersons, would not be considered migrants. However, common usage does include certain kinds of shorter-term migrants, such as seasonal, itinerant or cross-border workers who travel for short periods.

For the International Organization for Migration (IOM), the term migrant is usually understood to cover all cases where the decision to migrate was made freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor. It therefore applies to persons and their family members, moving to another country or region to improve their material or social conditions as well as the prospects for themselves or their families (IOM, 2014).

There is no single definition for “free movement of persons.” Many in civil society and academia assimilate it to the idea of open borders or at least the elimination of border controls. Although this idea may be desirable from the point of view of expanding the rights of every person, as well as from a moral point of view, we do not consider this

scenario as politically feasible. We will conceptualize the free movement of persons as the mobility resulting from an explicit legal decision arising from the political will of states to allow a free but regulated movement within a given geographical area (Pérez-Vichich, 2015a, 2015b).¹

We must distinguish free mobility as a social and economic reality and as a right. The former has historically existed, although some authors like Marmora (2014) apply it mainly to those willing to move from the North to the South. As a right, it has always been limited. In the last twenty to thirty years several international norms and policies have tried to expand it, for instance through decisions taken by the European Union, regulations facilitating the movement of skilled migrants or the inclusion of movement of services in Mode 4 of the GATS.² Nevertheless, at the same time important states have adopted policies to restrict it. The majority of debates on migration and freedom of movement presently revolve around these two major aspects (Gosh, 2000).

A short historical review of mobility

From the time humans moved gradually from Africa to other regions of the world, mobility is an integral part of human history. The migration of Phoenicians, Greeks, Romans, Arabs, but also Chinese, Indians and nomadic groups in Asia, Africa and the Americas are instances of those early movements to trade, colonize or conquer. However, not everybody could move: serfdom and slavery were institutions that restricted movement for the majority in the old empires of Asia and the Middle East, in the early Roman Empire and throughout the Middle Ages in the Western world.

¹ The concept is more difficult to visualize in regions like Latin America, because of a distinction between *movilidad* (mobility) and *circulación* (circulation), the latter usually applied in English only to circulation of goods, services and capital.

² There is also an important distinction between free movement of persons and free movement of workers. In addition, free movement refers to a fact or a process, which is different from the right to free movement itself.

However, in ancient Greece, the Delphic priests regarded the right of movement as one of four freedoms distinguishing liberty from slavery, and Stoic philosophers introduced the idea of universal citizenship. The Romans established the first kind of passport, a document requesting safe passage for the bearer.

The Magna Carta, which the nobles imposed on King John of England in 1215, is considered as the first recognition of the right to move granted to local and foreign traders. Medieval cities had controls on newcomers entering, passing through or settling in them.³ Restrictions also existed when under state of war, military service, feudal obligations, security of the realm and religious reasons.

The so-called Westphalia System (following the Peace of Westphalia in 1648) sanctioned the creation of the modern nation-state, establishing that each nation has sovereignty over its territory and domestic affairs and agreeing on the principle of non-interference in another country's domestic affairs and that each state, no matter its size, is equal under international law. Thus, the state became, among other things, a territory with borders to mark the boundaries of its sovereignty and separate itself from neighbouring political units.

Lawyers Francisco de Vitoria and Hugo Grotius, who worked on the principle of the "law of nations," were the first to address the right to free movement in the 16th and 17th centuries. In a period of colonial expansion, their writings justified the flow of the Spaniards and the Dutch to the new territories. Their ideas were later developed by Vattel, Rousseau and Locke.

The French Revolution regarded freedom of movement as part of the larger right to liberty. Although it was not mentioned in the 1789 Declaration of the Rights of Man and of the Citizen, it was explicitly included in the 1791 French Constitution as a basic natural and civil right. American revolutionaries described emigration and independence as natural rights, at a time when the American colonies were pursuing separation from Great Britain. In the 19th century, the support for the

³ Some authors say the term "passport" originated literally on "passing through the gate."

right to free movement justified extensive immigration to the United States, much needed to populate the country and expand its territory towards the West.

Different views on mobility depended on European economic and political evolution. Mercantilism, the levy of armies for war and later the need for a workforce created by the Industrial Revolution (1760-1840), made many states aware of the convenience of restricting outflows. Soon the surge of liberalism, free trade and great colonial expansion facilitated greater emigration.⁴

In practice, from the late 18th century onwards, there was a period of relatively free mobility for those who had the means.⁵ The expansion of trains and railroads in Europe made incipient controls collapse, although the Russian and Ottoman empires maintained a strict control on the entry of foreigners.

From the middle of the 19th century until the 1929 crash, massive emigration took place and approximately 50 million Europeans, 50 million Chinese and 30 million Indians moved to the new lands in the Americas.⁶ Bilateral treaties to provide guarantees to free movement and trade and property protection were signed. The United States of America (US) introduced the first restrictions to immigrants in 1924. Although naturalization was limited to “any white and free foreigner,” since 1790 the Alien and Sedition Act to expel “dangerous foreigners” was approved in 1798 and the Chinese Exclusion Act was enacted in 1882 (Delgado-Hinostroza, 2013).

World War I forced the closure of borders in Europe, and the Russian Revolution further strengthened border controls. In the 1920s, the use of passports and visas became widespread. The 1929 crash caused a general paralysis of overseas movements and outbreaks of xenophobia

⁴ Adam Smith’s *Wealth of Nations* considered that restriction of movement was harmful for the economy.

⁵ The right to leave was restricted to certain groups, such as those subject to military service, married women without their husband’s consent, sick or handicapped persons and the elderly.

⁶ This was the period of the abolition of slavery, and extended poverty among the peasantry and frequent famines.

took place in many migrant-receiving countries. The Nazi regime curtailed the movement of persons by the late 1930s.

World War II caused massive population displacements and, after the war, many settled outside their countries of origin, including large flows towards Latin America. Reconstruction in Europe demanded additional labour force. As a result, in the mid 1950s large Temporary Workers Programmes (TWP) were implemented, especially in Germany and the United Kingdom, but also in France, Italy and Switzerland.⁷ They involved large contingents of people from the underdeveloped European Southern countries (Spain, Portugal, Greece, Turkey), and temporary residence became permanent for a great number of them.⁸

Meanwhile, the Soviet Union and Eastern Bloc countries introduced drastic restrictions to emigration, a move strongly criticized in the West. The fall of the Berlin Wall and the reunification of Germany (1989-90), the dissolution of the Soviet Union (1990-91), which was replaced by 16 different states, and, a few years later, the disintegration of Yugoslavia and the creation of seven new independent countries displaced hundreds of thousands of persons, refugees and stateless persons.

Developments in the right to free movement

In the 20th century freedom of movement as a natural right was gradually replaced by an association with liberty, more in tune with the advance of liberal thought and the development of the incipient concept of human rights. In its defence of equality and the individual, liberalism proclaimed that the state should refrain from interfering with the liberty of individuals and that citizens should be protected against the arbitrary power of the state.

⁷ Estimates indicate that there was a peak of 4 million guest workers in the early 1960s.

⁸ This was one of the reasons why those large TWPs phased out in the 70s. They reappeared in the 1990s, with much smaller formats and strict norms to avoid permanent residence and family reunification.

The respect for freedom of movement was included in the discussions to write the League of Nations Covenant (1919), whose article 23(e) requested that states make the necessary provisions to secure and maintain freedom of communications and of transit.⁹ However, the League of Nations was unable to turn into an effective political structure for dealing with global cooperation and solving post-war conflicts among states, even though it formally existed until 1946.¹⁰

Discussions on international cooperation and peaceful resolution of conflicts recommenced towards the end of World War II. The UN came into existence in October 1945, after 29 nations had ratified its Charter.¹¹

The main international human rights instruments, which are universally accepted, are the Universal Declaration of Human Rights (UDHR), approved by the UN General Assembly in 1948,¹² and the International Covenant on Civil and Political Rights (ICCPR), a multilateral treaty adopted by the UN General Assembly in 1966 and in force since 1976.

Both instruments establish *a*) the right to move freely within a country and choose residence;¹³ *b*) the right to cross an international border, expressed as the right to leave any country including one's own;¹⁴ *c*) the right to return to one's country.¹⁵ Additionally, they accept the right to

⁹ US President Woodrow Wilson, influenced by Kant and his ideals of a universal cosmopolitan citizenship, insisted that freedom of transit was closely related to freedom of trade and speech, both of which promoted peace.

¹⁰ The US participated in the preparation of the Covenant but the US Congress rejected joining the League.

¹¹ Discussions among Allied Countries began in 1942. The "Big Four" (US, United Kingdom, Soviet Union and China) met in Dumbarton Oaks in 1944 to draft the structure of an international post-war organization and completed the task in Yalta in 1945.

¹² The Declaration was commissioned in 1946 and drafted over two years by the Commission on Human Rights (made up of 18 members from various nationalities and political backgrounds).

¹³ UDHR art. 13 (2); ICCPR art. 12 (2).

¹⁴ UDHR art. 13 (2); ICCPR art. 12 (2).

¹⁵ UDHR art. 13 (2); ICCPR art. 12 (4).

seek and to enjoy in other countries asylum from persecution¹⁶ and the right not be arbitrarily detained or deported.¹⁷

Preliminary discussions leading to the adoption of the UDHR included different points of view (Delgado-Hinostroza, 2013). There was consensus that free movement is based upon the right to life, liberty and personal safety. The Soviet Union defended that, based on the principle of national sovereignty, any state should have the right to regulate mobility within its territory and its borders. Several delegations presented freedom of movement as a fundamental human right, whose recognition preceded the existence of modern states. Some delegates raised the point that the right to emigrate would not be effective without clarifying the rights to immigrate and transit, and proposed that these corollaries be discussed at an international level. More than 60 years later, this discussion is still pending.

Some multilateral discussions attempted to make the issue of the right to immigration more flexible. Article 2 of the UN Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (UN General Assembly, 1985) stated that the declaration cannot be “interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens [...] or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.”

The UN Human Rights Committee published General Comment No. 15 “The position of aliens under the Covenant.” In interpreting the scope of the ICCPR, article 5 says:

The Covenant does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State

¹⁶ UDHR, art. 14 (1). Later complemented by the Convention relating to the Status of Refugees, approved in 1951 and entered into force in 1954.

¹⁷ UDHR, art. 9.

to decide whom it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.

It is a fact that there is no international instrument that recognizes the right of a foreigner to enter or be admitted in a country. Exceptions are the principle of non-*refoulement* (non-return to persecution) and article 10 of the Convention on the Rights of the Child, which establishes the right to entry and residence in a third country for family reunification purposes.¹⁸

There is therefore a universally recognized right to leave but no right to enter, a right to emigrate but no right to immigrate. In practice, emigration relates to human rights while immigration is contingent on state sovereignty (Soto-Moya, 2008).

Currently then, freedom of movement refers to the right of individuals to enter another country; in other words, migrants have no option but to face the realities of immigration restrictions (Pecoud & Guchteneire, 2005).

Restrictions to the movement of persons

Over the last 25 years, and particularly after the terrorist attacks of September 2001, developed countries, which are the main recipients of international migration, adopted the view that immigration, in particular irregular immigration, can be a serious threat to national security and that borders must therefore be controlled at any cost. From that perspective, they have been implementing a variety of actions aimed at immigration control.

¹⁸ Adopted in 1989, the Convention has been ratified by 194 countries: Somalia, South Sudan and US have not ratified it.

These measures are well legal in a variety of studies, so there is no need to mention them here in detail. Land border controls have been strengthened, including the use of additional personnel and infrastructure, electronic devices and, more recently, drones. Controls at land, sea and air points of entry have intensified. All this was eased by the development of new IT and electronic tools, biometrics and the establishment of larger inter-connected databases. New tools have allowed controls at points of departure, actually extending the borders to countries abroad. Regulations regarding the hiring of irregular migrants and on-site inspections for detecting migrants who are already within the countries, have increased. The number and pace of detentions, internment and deportations has also intensified.

In the US, where discussion of an immigration reform has been on the table for several years, a variety of state-level laws and regulations to pursue irregular immigrants and in general restrict migrants' access to public services were approved in Alabama, Arizona, Georgia, Mississippi, New Mexico and Texas. President Obama's proposal of a reform in late 2014 that would streamline legal migration and provide mechanisms for regularization to some categories of undocumented migrants was persistently blocked by conservative sectors of both parties.

Destination countries increasingly work with (or "on") origin and transit countries to enlist their assistance in controlling exit flows. The relationship between the US and Mexico is a typical example, but this is also in place between Europe and certain African countries. Following a suggestion of the European Union (EU), illegal departures have been outlawed in countries like Morocco and Tunisia.

In addition, in the EU-ACP meeting in 2000 in Cotonou, the EU entered a proposal for readmission agreements with North African countries to allow for the return of detained undocumented migrants.¹⁹ In 2004, the EU created FRONTEX, an agency in charge of the integrated management of the Union's external borders. Together with national institutions, FRONTEX is, among other things, supposed to intercept irregular

¹⁹ A similar agreement was discussed with the Andean Community. While several South American countries rejected it, it was signed by Chile.

crossings in the Mediterranean. The 2015 waves of irregular migrants landing on the coasts of Italy and Greece, with thousands drowning in the Mediterranean, indicate that the social and humanitarian problem is not easy to solve by the mere implementation of repressive means.

There is an important human cost involved in tightening border controls, as shown by the increasing number of deaths and disappearances, separated families, abandoned children, rape, sexual abuse, kidnapping for ransom or for sale to traffickers, forced labour, the debts, and other sacrifices incurred to pay for smugglers' services, among others.

There is also an associated social cost. Discrimination, xenophobia, anti-immigrant feelings and outright racism are on the rise, unfortunately often promoted for petty political or electoral reasons. This raises serious questions because nations and communities can only make progress when there is social harmony, respect for the rights and values of its members, solidarity and the recognition of a pluralistic culture.

The cost is not only human and social but also economic. Destination countries have to provide extra personnel, not only at border areas but also in processing, checking and detaining "suspicious" migrants and managing detention centres, paying for inspections at work sites and checking employers, building new infrastructure and, perhaps the most costly aspect, purchasing new hardware and software (which many private companies are only too happy to develop).²⁰

The overall situation brings up three questions, which destination countries neither do not seem interested in, nor are they ready or able to deal with. Are increased controls cost-effective or do they at least produce, to a reasonably good degree, the expected results? Are governments sure that irregular migration can be controlled or managed, given the structural reasons that promote it, such as inequality among and within countries, and demographic trends in developed countries that affect young and working-age populations and consequently produce a scarcity of workers in certain areas of their economies? Finally, how

²⁰ According to a 2003 IOM report, the 25 richest countries spend some \$30 billion a year in immigration control. The World Bank indicated in 2004 that the US spends around \$60 billion in Official Development Assistance (ODA).

sustainable can these restrictive policies be within liberal democracies and in an international community increasingly concerned with justice, fairness, equity and rights?

So where is the right to free movement?

When sanctioned, the principles enshrined in the UDHR and ICCPR meant a most important step but nonetheless they came short in recognizing the right to free movement. There are several arguments regarding free movement that are closely related to rights and to equity aspects.

Emigration and immigration are not in symmetrical opposition. States must let their residents leave and return, but are free to decide who can enter and stay in their territory. However, the right to leave one's country has no sense if one is not allowed to enter another. If a person leaves a country but admission is denied in another country, the very right to leave is violated. In this sense, emigration and immigration complement each other (Juss, 2004).

Free movement is often regarded as an extension of individual freedom. In fact, free movement enables the exercise of other rights, providing a huge expansion of individual freedom. The World Conference on Human Rights, held in Vienna in 1993, declared that "all human rights are universal, indivisible and interdependent and interrelated," so that the use and enjoyment of one depends on the use and enjoyment of the others. Clearly, that is not the case between emigration and immigration (Straubhaar, 2000).

Additionally, free movement is possible for nationals of developed countries, since most of them can gain entry into almost every country in the world. This means that there are born privileges for nationals of certain countries (privileges that are likewise inherited by their descendants) which are denied to others. Citizenship of a small number of countries allows virtually full free movement. Liberal thought proclaims that all humans are born equal and possessing the same rights, but it would appear that, paraphrasing Orwell, "some are more equal than others."

Free movement is also unequally distributed among different types of migrants. Within the ongoing globalization process, technological and scientific research as well as permanent innovation are key parts of the creation and development of global value chains, which means that skilled and highly skilled emigrants, regardless of their country of origin, are presently in high demand, much more so if their salary costs are often lower than those of professionals from developed countries. There are therefore desirable and undesirable migrants, the former with much larger chances for free movement than the latter. States choose whom they admit for entry, but there is a thin line between preference and discrimination. And again, these restrictions deny the old liberal assumption that claims that all persons should have the same opportunities.

Does free movement currently exist?

Recently a variety of inter-governmental associations created in Africa, some of them with overlapping membership, included in their founding principles or agreements free movement of workers or occasionally free movement of persons: the Economic Community of West African States (established in 1975, with a protocol on free movement agreed upon in 1979), the Southern Africa Development Coordination Conference (SADCC, 1980), the Economic Community of West African States (1985), the Common Market for Eastern and Southern Africa (1994) the Community of Sahel-Saharan States (1998). There is limited information on the obstacles that contributed to the failure of these initiatives regarding freer mobility (OIM, 2010). There are studies on the Southern Africa Development Community, established in 1992 as a successor to SADCC and presently having 15 members, indicating that it tried to move towards a free mobility area between 1995 and 1997 but could not go beyond some limited actions.

In the other extreme of visions, the Bangkok Declaration, which created ASEAN in 1967,²¹ contains no specific provisions for labor mobility,

²¹ Membership included Indonesia, Malaysia, the Philippines, Singapore and Thailand and was later expanded to include Brunei, Cambodia, Laos, Myanmar and Vietnam.

but a 1995 ASEAN Framework Agreement on Services provided rules for that specific economic sector. The North America Free Trade Association (NAFTA), set up in 1994 between Canada, Mexico and the US, included from the start provisions for investment, services and related matters, but as we know mobility was never discussed and is still seriously restricted.

The Caribbean Community (CARICOM) was established by the Treaty of Chaguaramas in 1973.²² It presently has 15 member states and 5 associate states. The Grand Anse Declaration in 1989 addressed free movement of their nationals within the region. The agreed policy, called the CARICOM Free Movement of Persons Act, is now enacted legislation in all member states.

It provides for the free movement of certain categories of skilled labor. Since the beginning, eight categories have been eligible for free movement without work permits. They are university graduates, media workers, artists, musicians, sportspersons, managers, technical and supervisory staff attached to a company, self-employed persons/service providers and their spouses and immediate dependent family members. At the July 2006 CARICOM Summit, regional leaders agreed to allow for free movement of two more categories of skilled persons: tertiary-trained teachers and nurses. Free mobility for hawkers, artisans, domestic workers and hospitality workers was added in 2007, with some countries being exempted.

Free movement for all nationals was first planned to start in 2008, then in 2009 and later in 2014, but so far, it has not been implemented (OIM, 2010).

The case of the Andean Zone in the Americas

Through the Cartagena Agreement, in May 1968 Bolivia, Colombia, Chile, Ecuador and Peru initiated the integration process known as the

ASEAN +3 includes also Japan, China and South Korea. The East Asia Summit, first held in 2005, added Australia and New Zealand.

²² CARICOM superseded the 1965–1972 Caribbean Free Trade Association, created after most states gained their Independence.

Andean Pact. The process went through different ups and downs, due to the debt crisis and the failure of the import substitution model. In 1997, the Agreement was reformed and the Andean Community (CAN) formally established.

Presently, CAN is formed by Bolivia, Colombia, Ecuador and Peru,²³ with Argentina, Brazil, Chile, Paraguay and Uruguay as observers. Its highest governing body is the Andean Presidential Council. It has a General Secretariat, based in Lima, in charge of supervising the implementation of communitarian decisions. As a supra-national structure, CAN has been developing a communitarian right (*Decisions*), mandatory for all members and above national legislations.²⁴

In 2002 CAN adopted the Andean Labour Migration Instrument, which includes equal treatment and opportunities for all Andean migrant workers. Later that year it approved the Andean Social Security Instrument, which guarantees migrant workers the right to receive benefits while residing in another member country of the CAN, keeping acquired rights and the continuity of affiliation among member countries.

The full implementation of both decisions depends on the approval of regulations by the CAN General Secretariat, in consultation with the Andean Council of Foreign Ministers. To date, both sets of regulations are still at the stage of technical discussion (Mármora, 2004).

In the last years, CAN has gone through a serious political crisis, which also comprised an institutional reengineering. Currently, two CAN members, Bolivia and Ecuador, are looking forward to becoming part of Mercosur,²⁵ while the other two (Colombia and Chile) have joined the Pacific Alliance, a trade bloc created in 2011 which also includes Chile,

²³ Chile left the Andean Zone during the Pinochet regime; in 2006, it was accepted as an associate member. Venezuela left in 2006 because its disagreement with the FTA with the US defended by Colombia.

²⁴ Any Andean citizen may present in principle a complaint to the General Secretariat or the Andean Court of Justice if he/she believes that a Decision is not being implemented.

²⁵ Bolivia has already requested Mercosur membership and is likely to join the bloc in 2015.

Costa Rica and Mexico, and several other countries on the Pacific as associates or considering full membership.

Presently, the more significant expressions of free movement of persons can be found in the European Union and in the Southern Common Market (Mercosur).

The experience of the European Union

The European Economic Community was created by the Treaty of Rome in 1957 as a supranational organization, which envisaged a gradual move towards a common market that would culminate in December 1969. In fact, the establishment of a common external tariff and the removal of trade barriers only came about in 1968, but obstacles still persisted to the observance of a common market (technical, health and safety standards and national regulations regarding the practice of certain professions).

The Single European Act (SEA) of 1986 introduced an amendment to the Treaty of Rome that set up a common market as an area without internal borders that guaranteed the mobility of all factors. This included the work factor and led, at least in principle, to the elimination of the physical borders between states (Modolo, 2008). The SEA defined a new date for founding the single market, namely an internal market without borders, by December 1992, 23 years later than the date agreed in the Treaty of Rome.

The members of the European Community signed the Maastricht Treaty in February 1992. Upon its entry into force in November 1993, the European Union (EU) was born. The Treaty established strong institutions: the European Council as political leadership, the European Commission as an executive body, the European Parliament and the European Court of Justice. EU law consists of directives (mandatory for members), opinions and recommendations. Together they constitute the *acquis communautaire*.

The European integration process has gone through several stages and successive enlargements of its membership (in 1973, 1981, 1986, 1995, 2004 and 2007). Currently the EU consists of 27 Member States.

The Treaty of Rome already incorporated as a goal “the abolition, between Member States, of obstacles to freedom of movement for persons, services and capital” (article 3). However, such freedom of movement, as addressed in subsequent Regulations in 1968 and 1971, had an essentially economic and instrumental view, which referred to the free movement of workers,²⁶ freedom of settlement and the freedom to provide services. This freedom was not absolute but explicitly limited by reasons of public order, security and public health. It was stipulated, however, that in order to accomplish the free movement of workers all discrimination regarding nationality, pay and working conditions, access to housing and the right to family reunification should be abolished (Soto-Moya, 2008).

In 1971, a first agreement on social security was reached, which established the rules applicable to employed persons, later extended to self-employed persons and other categories of workers legally residing in the territory of a Member state.

Since each Member State remains free to design its own social security system, the coordinating Regulation serves to determine in which national system an EU citizen should be insured, whether it is in the country of employment or, in the absence of employment, the country of residence. The coordinating Regulation replaced all pre-existing agreements on social security, and is based upon four principles: equal treatment, aggregation, accumulation and exportability of contributions.

Since 1971, the Regulation was amended several times to take into account the process of the EU, changes in national legislation and in the case law of the Court of Justice. From May 2010, a reform that has modernized the entire legal system is in place; other legal acts have improved the protection of workers’ rights regarding the enjoyment of their freedom of movement, together with increased coordination of social security systems.

Extending free mobility to all persons crystallized in the SEA of 1986, whose article 13 provided a wide scope to those in possession of the status of EU citizens. In 1990 three Directives of the European

²⁶ And their direct dependents.

Council granted the right to reside in any state to tourists, retirees and students—that is, economically inactive people—but established some requirements (own resources, health insurance) as a means of preventing those people from becoming a burden to the states.²⁷

However, a report from the European Commission to the European Parliament in March 1999 mentioned the difficulties to implement the directives and the numerous violations registered.²⁸ Jiménez de Parga (1994: 233) pointed out “the difficulty of sustaining, under the imperative of an integration still dominated by the idea of the market, a fundamental right to freedom of movement, predicable of any national of a Member State.”

Even before the adoption of the SEA, the EU countries had opened a debate on the scope and content of the free movement of people. For some, it applied only to European citizens; for others, it had to be extended to Europeans in general as well as non-Europeans. Given the difficulty in achieving consensus, five countries (Belgium, France, Germany, Luxembourg and the Netherlands) signed the Schengen Agreement in 1985, which abolished border controls at their common borders for everyone, regardless of nationality.

In 1991 the Agreement was supplemented by the Schengen Convention, which progressively incorporated new countries. Since 2006, thirteen EU countries plus Iceland and Norway apply the provisions of the Agreement and comprise what is known as the Schengen Area.²⁹ For the ten countries that joined the EU in 2004, a period of seven years was agreed for them to meet the internal criteria that would allow them access to the Schengen Area or Schengen Space.³⁰

The Schengen Area necessarily poses the problem of control of external borders, defined as land and sea borders and airports, which

²⁷ Students are also required to be enrolled in an academic institution.

²⁸ Only three states had incorporated the Directives into domestic law by the target date (January 1993).

²⁹ EU Member States Ireland, United Kingdom, Denmark, Bulgaria, Romania, Cyprus and Croatia plus Switzerland and Lichtenstein are not part of Schengen.

³⁰ By late 2007 Slovakia, Slovenia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and the Czech Republic had already joined the Schengen Area.

are not common borders between Member States. As mentioned, FRONTEX, created in 2004, promotes external border security management, including risk analysis, IT networking and a constantly updated database.

In 2011, the European Council decided that EU States belonging to the Schengen Area could suspend the free movement of persons in exceptional circumstances, temporarily re-establishing internal borders. Under the agreement, the reinstatement of internal borders can be adopted only as a last resort and in “truly critical circumstances where a State is unable to meet its obligations,” and for “a strictly limited scope and period of time.”

The recent large migration waves from North Africa to Europe, particularly Italy, have affected the implementation of the Schengen area. For the first time since its creation in 1985, several Member States proposed amendments to the Schengen rules that allow a State to restore border controls, proposals that were supported by the European Commission. The initiative originated over the management of the Italian government on the arrival to its territory of more than 20,000 Tunisian illegal immigrants, a figure that caused alarm in Italy, which initially acted in favour of the immigrants’ exit to France.

The controversy has increased owing to the recent Mediterranean immigration waves in 2015. The Schengen Area, the largest in the world without border controls, does not seem sustainable unless agreements materialize between national immigration policies.

Nevertheless, the Schengen Area is only the implementation of the free movement within the EU and does not contain the concept of free movement in its entirety. The tensions and proposed changes involve non-EU citizens and show the limitations to free movement in Europe.

The Mercosur experience

Mercosur (Southern Common Market) was established in 1991 by the Treaty of Asuncion, between Argentina, Brazil, Paraguay and Uruguay, which envisaged the establishment of a common market by December

1994 and a year later for the smaller partners Paraguay and Uruguay. More than 20 years after the Treaty, Mercosur remains an imperfect customs union.

Mercosur is an intergovernmental institution whose decisions are made by consensus and enter into force 30 days after notification that the Member States have incorporated them into their legislation.³¹ The regulations, made up of Decisions (taken by the Common Market Council, the highest political body) and Resolutions (adopted by the Common Market Group, the executive body), need to be transferred into the national legislation of the Member States.

The Treaty of Asuncion does not refer to free movement of persons, although by mentioning the free circulation of services and productive factors, it infers workers' mobility.

It is worth remarking that although 170 norms and regulations were approved between 1991 and 2003 (around 20% of the total), only 19 Decisions and 15 Resolutions were related to mobility; one was approved in 1991 and the rest between 2000 and 2003 (Novick, 2005; Ratt, 2004).

The first relevant regulation regarding mobility is the Multilateral Social Security Agreement, signed in 1997, which in force since 2005 after ratification by Paraguay. Article 2 of the Agreement states "the rights to social security will be recognized to workers that render or have rendered services in any of the Member States;" it also recognizes the same rights to their "their families and dependants." It also establishes that it will "be applied to workers of any other nationality living in the territory of a Member State." Article 9 regulates the pension system and creates mechanisms for the transference of funds; in other words, the aim is that all migrant workers within Mercosur should retain the same rights and obligations in terms of social security, a fact that favours cross-border labour mobility.

In spite of facing a variety of practical constraints due to different legislations and institutions, the application of the Agreement has been gathering momentum over the last few years.

³¹ Each regulation sets the number of ratifications needed for its entry into force.

In 1998, Mercosur agreed on a Social and Labour Declaration, which included new and broader labour rights. Article 1 states that all workers “are guaranteed the effective equality of rights, treatment and opportunity in employment and occupation.” Also, article 4 states that “all migrant workers, irrespective of nationality, are entitled to the same assistance, information, protection and equality of rights and working conditions as recognized for the nationals of the country in which they are engaging in their activities,” in accordance with the legal provisions in force in that country, thus upholding the importance of domestic policy and national sovereignty on migration issues. In the very same article, the “States Parties undertake to adopt measures to establish common standards and procedures relating to the movement of workers in border areas.”

While the Declaration provides important foundations for equal rights in the labour market to all citizens of the bloc, thus facilitating intra-bloc mobility, it has its limitations. Due to its (non-mandatory) legal status and its failure to establish freedom of movement of migrant workers and the exclusion of their families, the Declaration remains subject to the decisions of the Member States, who continue to protect their sovereignty in this matter (Pérez-Vichich, 1998). Nevertheless, its achievements should not be ignored: the Declaration has gained a certain legal significance, and the national courts of the Member States have invoked it several times, or have directly applied its provisions, so its interpretation has tended to be extensive.³²

Visa exemption for professionals, technicians, teachers, scientists, artists, athletes and journalists was agreed in 2000, valid for six months in a year. Neighbouring border crossing was agreed in 1999 and regulated in 2000.

Following a proposal from Argentina, supported by Brazil, in 2002 Mercosur agreed on the most important decision about free mobility: the Agreement on Residence for Nationals of States Parties, complemented by the Residence Agreement for Nationals of Mercosur, Bolivia and Chile.

³² An updated Declaration, which includes free mobility, has been under discussion over the last two years and Presidents' approval is expected in July 2015.

The Agreements restore the free movement of persons as an essential objective of the regional interaction process. They establish that “nationals of a Member State wishing to reside in the territory of another Member State may obtain legal residence there.” The principle of nationality within the bloc is the main requirement for obtaining legal residency. Also foreseen are the principle of equal treatment among nationals of Member States, the right to family reunification, the right to transfer remittances and the commitment to reach an agreement on social security issues (articles 8 and 9). Temporary residence for two years would initially be granted followed by automatically granted permanent residence (Novick, Mera & Modolo, 2010).

In 2004, the Regional Conference on Employment, comprising the Ministers of Labour of the bloc, reaffirmed that freedom of movement was an objective of the integration process. They proposed “joint actions to harmonize policies and integration processes of the region’s labour markets in order to ensure the free movement of workers” in accordance with the agreements reached (article 4 of the Declaration) (Pérez-Vichich, 2010).

That same year, at a meeting of Ministers of the Interior in Chile, the Santiago Declaration on Migration Principles was signed, which standardized the principles on these issues. Among them, it is worth mentioning respect for human rights, recognition of family reunification, recognition of the contribution of immigration to recipient societies, and the importance of cooperation and multilateral treatment of these issues for the integration process.

The Mercosur Agreement on Residence had an immediate impact. It is currently incorporated into immigration legislation in Argentina,³³ Brazil and Uruguay, and to a lesser extent in Paraguay. Argentina approved new migration legislation in 2004, Brazil adjusted its internal regulations in 2006, Uruguay also approved a new migration law in 2008 and Paraguay changed its administrative norms in 2009.

³³ Argentina’s Migration Law of 2004 and Regulation of 2010 are considered to be the most complete and representative illustrations of the Agreement on Residence.

It was under these laws that a profound process of migratory regularization took place in Argentina and Brazil, and more recently but to a lesser extent in Paraguay.³⁴ Even more important was the geographical extension of the Agreement on Residence. In 2011, Ecuador and Peru adhered to the Agreement and Colombia joined them in 2012, opening their doors to adjust their domestic legislation to put into effect the provisions of the Agreement. Currently, Peru has already enforcing them. Venezuela, which has been a full member of Mercosur since 2012, is still adjusting its internal regulations to implement the Agreement.

In December 2010, the Common Market Council approved the Action Plan for Mercosur Citizenship Statute. It is a 10-year plan, which sets specific guidelines for each of the various regional institutional structures and ministerial bodies involved in the integration process. The Plan seeks to specify a set of basic rights and benefits related to free movement, equal rights and equal access to work, health and education for all nationals of the bloc. In 2015, the implementation process is still, nevertheless, in its infancy.

Concluding remarks

Human mobility is a relatively new concept that admits different meanings and seeks to incorporate different modalities in the movement of persons. It includes domestic and international migrants, refugees and asylum seekers, people displaced by natural disasters or conflict, or environmental reasons, students, cross-border migrants, temporary service providers, seasonal migrant workers, and victims of transnational

³⁴ Argentina began its permanent regularization programme in 2006. In 2015, it has already regularized half a million illegal immigrants, 50% of them from Paraguay. Brazil passed an amnesty in 2009, which benefited 44,900 people (18,000 Bolivians followed by Chinese and Peruvians). Chile made an extraordinary regularization process in 2007, which benefited 50,700 migrants (32,400 Peruvians, followed by 5,600 Bolivians and 1,800 Ecuadorians). Paraguay declared an amnesty in 2011, which benefited more than 10,000 people.

crimes, such as trafficking or smuggling of migrants. According to some interpretations, it may include employees or officials of transnational corporations and international organizations and even pensioners residing outside their country.

Within such a wide definition of mobility, we must reluctantly admit that free movement of persons is today a very unlikely and unfeasible scenario.

However, as these short notes have tried to show, there have been various initiatives and attempts to agree upon and implement free movement of persons within sub-regional economic agreements or trade integration processes. Yet, their results, obstacles and constraints have not been sufficiently explored.

Since the Treaty of Rome in 1957, the then European Economic Community defined the aims of economic and trade liberalization through four main liberties: free circulation of goods, of capitals, of services and of persons in general. The third and fourth liberties belong to a deeper and more comprehensive level of integration. Many other integration schemes have taken these “four pillars” as models and, accordingly, have defined or tried to define their own plans depending on which of these basic liberties they want to prioritize and how far or how fast they want to proceed in realising them.

In this context, the experiences of the European Union and Mercosur are particularly valuable, as they show that free mobility in specific geographic areas can be a reality, even with limitations, when there is enough political will to place rights over restrictions and human beings over security and border controls. For these reasons, we consider that the best field where free movement of persons can be analysed, discussed and promoted is within regional and sub-regional integration processes.

This view is strongly supported by regional intergovernmental bodies in South America, like the Union of South American Nations (UNASUR) and Mercosur, as well as by the South American Conference on Migration (CSM, by its Spanish acronym), which brings together all 12 South American countries. All of them agree that migrants' rights and

free mobility are intimately related to the South American integration process.

Following Marmora (2004) and Pérez-Vichich (2007), we believe that free movement of persons is the social expression of regional integration spaces. A fully integrated region would then include a unified labour market and a shared social structure. It would reallocate jobs, work needs, qualifications and skills, maximizing competitiveness. It would also guarantee equal rights and protection to all regional workers and, at the same time, enhance and expand the rights of all persons who move or wish to move within the bloc.

There is naturally much discussion over which are the real achievements of the EU and Mercosur towards free mobility and whether agreements, declarations and norms are being enacted or becoming increasingly part of political discourse. Then there is another most important issue: are we talking about free movement only for bloc members or for other people as well?

Ultimately, we are also asking ourselves about the meaning of citizenship and the differences, between nationals and foreigners. But reconciling the rights and liberties of persons with what the elected representatives of the voters claim to be the interests of the state has always been a task for which there are no clear-cut recipes.

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Flow Crisis and Permanency in Cuban Emigration in the Light of Restored Relations between Cuba and the United States

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and Ernesto Rodríguez Chávez

Introduction

In the aftermath of the 1959 Revolution, Cubans emigrating towards the United States became part of a bilateral conflict that quickly escalated to the severing of formal diplomatic ties in 1962.¹ Consequently, exception policies on migration implemented by each nation became part of their strategic confrontation. Several crises, migratory waves and bilateral agreements marked Cuban migration dynamics for more than half a century until the crises that unfolded from 2015 to early 2017.

It was not until the unexpected announcement in December 2014 that the Cuban and U.S. governments would resume diplomatic ties that a thaw developed in the enforcement of the Cuban Adjustment Act, and the “Dry Feet/Wet Feet” policies, together with a few other programs and agreements that facilitated Cuban regular migration, and thus the

¹ The authors want to thank Rosa María Garbey Burey, Research Assistant, for her collaboration to this work and Jorge Bustamante de la Mora for his translation support.

media reported a strong increase in the flow of Cuban migrants without visa. There were reports on migratory trajectories, including, among other routes, countries in Latin America, to reach the Mexican northern border region. Media reports specially highlighted critical moments in this continuous flow in Costa Rica, Nicaragua, Panama, Colombia, and Ecuador, as well as admissions through Mexican airports, with non-authorized Cubans being returned to Cuba.

This essay explores the conditions under which such increases of Cuban immigrants have been occurring in the United States and, to what extent do the preceding crises and trends over migratory waves single Cuban migrants out. In the first section, a review on the background of migratory waves since 1959 emphasizes the underlying conditions of the most recent movement. The second section examines the complexities and multiple factors that determine the current high outflows: namely, the situation in Cuba, the migration policies enforced by both countries; their interwoven network of a century long relationship between the Cubans residing in the island and those in the US; up to more active networks created by the last migratory cycle. Finally, the final section describes the recent main migratory trajectories through third countries towards the US, notably, the length and complexities along these journeys.

We conclude with reflections brought about the main outcomes by the recent Cuban migratory crisis.

Cuban Migratory Waves towards the United States

After 1959, Cuban migration to the US has been analyzed under several diverse criteria, one of which is the political climate under which migration occurs. Issues in regard to studying the migration flows are: *a)* The particular contexts and social, economic and political conditions in Cuba that determines migratory flows; *b)* US migratory policy intended specifically to Cubans; *c)* Cuban state policies towards its own nationals, particularly those emigrating to the US, and; *d)* The means of transportation used to migrate.

Several authors have identified four migratory massive waves from Cuba to the US beginning in 1959 until today (Boswell & Curtis, 1984; Portes & Bach, 1985; Pedraza, 1996; Rodríguez-Chávez, 1997; Duany, 1999; Aja, 2014). The triumph of the Revolution on 1 January 1959 triggered the first migratory wave that in October 1962 reached a breaking point with the “Missile Crisis”² and the suspension of passenger flights: overall, 215 thousand emigrants. In 1965, the second wave dates from early September of that year until the unilateral termination of airlifts out from Camarioca by the US,³ which was extended until April 1973, with an airlift between Miami and Varadero, as part of the 1965 Agreement that tried to solve the “Camarioca Crisis,” as well as promoting an orderly outcome for Cuban migration: roughly 340 thousand new emigrants. A six-month long third wave, between April and September 1980, consisting of undocumented migrants sailed out from Puerto Mariel, Cuba, under no prior bilateral agreement, accounted for a total 125 thousand emigrants, making relevant impact on Havana and Miami as well.

Beginning 1994 a fourth wave, considered the largest, and ongoing, has had some critical moments, namely, the “*Balseros* (Boatpeople) Crisis,” which began in the summer of 1994, and the most recent “Crisis of South & Central American undocumented Cuban migrants in transit towards the US, through Mexico,” that, altogether with the permanent outflow of authorized regular migrants to the US and third countries: added up to over 700 thousand. The result has been a cyclic process with several leaps in migratory volumes that sharply rise and fall subject completely to political decisions from the American and Cuban governments, that combine the push from the island and the pull from Florida.

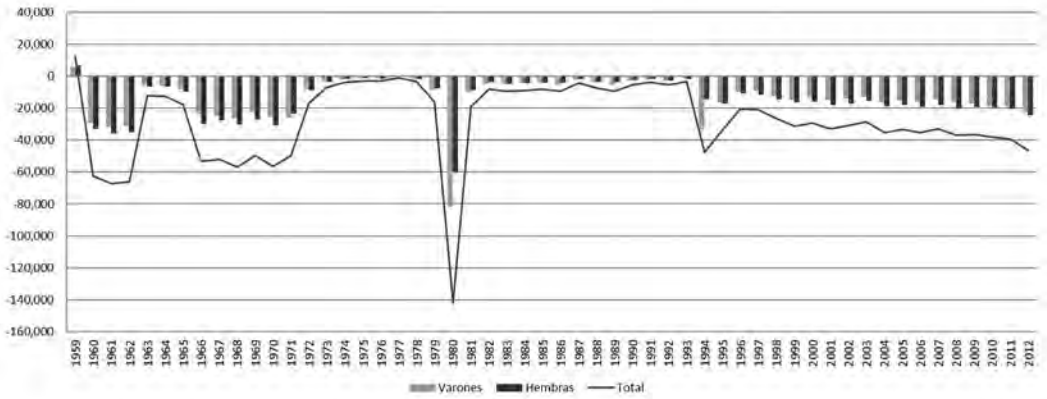
A general view of the outgoing balance from migration data from the Cuban National Statistics Bureau on Cuban emigration trends provide

² The so called “Missile Crisis” or “Caribbean Crisis” or “October Crisis” refers to the conflict between Cuba, the United States, and the Soviet Union, after the US discovered Soviet R-6 nuclear missile installations in Cuba.

³ That situation derived into the 1965 signing of the bilateral agreement on migration, stopping the seaborne migration from Camarioca (nearby Varadero, Northern Cuba) by establishing an airlift for orderly entries of Cubans into the US.

an indirect point of view (ONE, 2017, 2015), confirming this view until 2012⁴ and the last cycle expansion that began in 1994.⁵

Figure 1
Cuban Migration Balance, data per gender, and year, 1959-2012



Source: Elaborated by Rosa María Garbey and Ernesto Rodríguez on data from the 2005 & 2012 Cuban Statistical Yearbook published by Cuban National Statistics Bureau (ONEI).

Other authors have also analyzed the social composition of the migrant waves by stages or, primordially, by highlighting differences and

⁴ A recent analysis describes and sets post-revolutionary Cuban immigration over three wide-ranging stages: the 1960 to 1972 massive emigration; the 1973-1993 situation emigration, and; the 1994-2012 chronic emigration (Martínez, 2016: 20).

⁵ This inference is possible after considering an almost negative immigration into Cuba for the period of this data, except for the year 1959 when the balance became positive due to returnees exiled from the Batista Regime. From 2013 onward, the balance should be analyzed further regarding methods to measure flows, impacts due to changes in Cuban migratory policy as well as a review of facilitating returnees (according to legal data), and facilitating mobility for Cubans over long-term possibilities of external visits. Recently, this index finds three periods for the post-revolutionary Cuban migration: 1960-1970 massive emigration; 1973 to 1993 emigration over current situations' crucial points; and 1994-2012 chronic emigration (Martínez, 2016).

contrasts. There were differences between the first two waves and the following two; specifically by socio-demographic composition, in addition to emigrant's social class. Until 1959, the former reflected the current Cuban socio-economic dominant structure, and those interests disturbed by the political aftermath of the 1959 Revolution. The latter (since 1980), to some degree or another, replicates the socialist order, and Cuban society's prevailing expectations and contradictions in the last decades (Rodríguez-Chávez, 1997: 48; Pedraza, 2007).

The so called "Golden Exile" or "Historic Exile" of 1959-1962, being the first migratory wave, comprised mostly of members of the Cuban elite: political leaders, military officials, government officials, landowners and firms and CEO'S, big businessmen, sugar mill owners, cattle ranchers, international businessmen, professionals, all tightly linked to Cuban President Fulgencio Batista's regime, and US investment. As reported and argued by Pedraza (2008), "The Revolution made the old social order tremble with measures like nationalization of American industries enacting agrarian reform, added to the break in diplomatic and trade relations with the US." For the forthcoming years, among those exiled were plenty of middle class or petit bourgeois individuals concerned about wealth redistribution. Many of them were urban well-educated white residents who worked as managers, technicians, clerks and professionals (Fagen *et al.*, 1968; Boswell & Curtis, 1984; Portes & Bach, 1985; Pedraza, 1996).⁶

The 1965-1973 second migratory wave included the relatives of immigrants who obtained residence, or naturalization, in the US; they

⁶ This inference is possible after considering an almost negative immigration into Cuba for the period of this analyzed data, except for year 1959 when the balance became positive due to exile returnees from the Batista Regime, even over outflow. From 2013 onward, the balance should be further analyzed over methods to measure its flows, changes in Cuban migratory policy creating impacts, as well as a review on facilitating returnees (according to legal data), and facilitating mobility for Cubans over long-term possibilities for external visits. Recently, this index was considered for characterization and finds three periods for the post-revolutionary Cuban migration: 1960-1970 massive emigration; 1973 to 1993 emigration over current situations' crucial points; and 1994-2012 chronic emigration (Martínez, 2016).

were mostly professionals, qualified and semi-qualified technicians in the service sector, crafts, small businesses, restaurants, as well as gardeners, domestic workers, street vendors, barbers, cab drivers, who were all hurt by the confiscation of their small businesses (Pedraza, 1985; Portes & Bach, 1985; Duany, 1999).

In 1973, with the ban on airlifts, the so called “Freedom Flights,” a Cuban community settled in South Miami with over 600 thousand Cuban settlers,⁷ composed of wealthy people in the guise of political refugees, with a higher income than other communities of Latin Americans and Caribbean people. This settlement, combining affluence with the possibility of reuniting families, attracted new migration, along with economic and social conditions in Cuba in the 70’s (Aja, 2014).

The 1980 third wave occurred when Miami’s Cuban residents were authorized by the Havana government to go into Mariel to seek for their relatives, on their own ships, without any prior agreement with the US government. In contrast with the two previous migratory waves, it was mainly composed of unskilled workers, service, administrative, and some professionals, and technicians educated by the revolutionary regime. A note should be made regarding the greater numbers of darker skinned, young and unemployed migrants. Many of them were unmarried, with a high school level education (Bach, 1985; Hernández & Gomis, 1986). From these “2,746 were given the status of deniable by US authorities, in fact they were put in jail, due to criminal backgrounds,” which under the 1984 Cuba-US Agreement as people who would be deported to Cuba.⁸ This new social group became an element of heterogeneity and social class polarization among the Miami Cubans.

The ongoing fourth migratory wave began with the “*Balseros Crisis*” in the summer of 1994 when roughly 35 thousand Cubans took to Florida on raft-like rustic vessels as the Cuban government loosened its tight surveillance on outgoing migration. Those landing without documents,

⁷ According to Aja (2000) and to Arboleya (2013), in 1958, the number of officially recorded Cubans and their descendants in the US was 125 thousand.

⁸ The components and outcomes to the 1984 Agreement will be addressed further ahead in this work.

as in the Mariel migratory wave, arrived, however, at US shores under a non-official agreement, in contrast with those from Mariel (*Marielitos*), which was a unorganized flow moving on their own means, aboard flimsy vessels (Ackerman & Clark, 1995; Pedraza, 1996, 2007; Rodriguez, 1997; Aja, 2000; Arboleya, 2013). The 1994 crisis occurred due to multiple critical internal circumstances, resulting from the disintegration of the USSR, as well as from the ongoing conflict with the US. As reported by Urrutia (1997) the “*Balseros Crisis*” was just the migration crisis that had been brewing until it blew up, particularly since 1990.

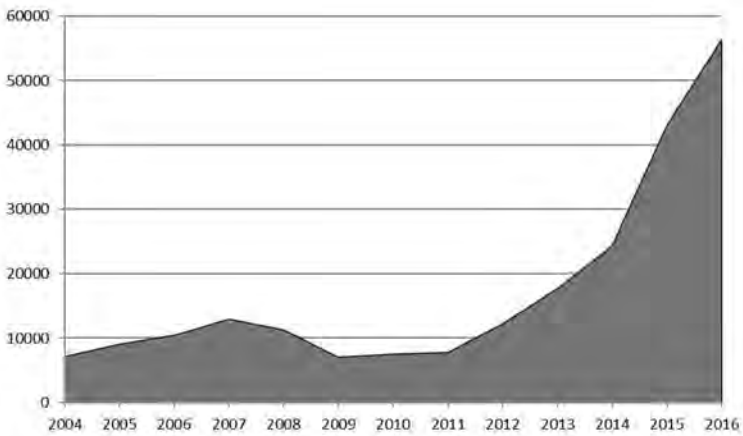
The “*Balseros Crisis*,” like that 1980 Mariel case, was a short term statistical peak in the outgoing flow from Cuba and in the statistical balance of Cubans abroad, as shown by Figure 1, with populations predominantly male and of economically active age; compared to the general outgoing flow of legal Cubans (Rodriguez, 1997a: 60). This last migratory wave data shows a greater representation of the Cuban socio-economic stratification. This includes a diversity of manual workers, administrative, technical, and intellectual professionals. Economic and family reasons are a factor driving decisions about emigrating and are related to political differences in personal expectations (Rodriguez, 2000; Aja, 2002; Pedraza, 2007: 177-228).

One could say this wave, with its strong legal outflow to the US, and to other third transit (or destination) countries, is still high. A distinction from these large waves is the increase in the number of countries to which the Cuban migration is heading, to particularly the traditional ones and some new receptor countries, including Italy, Ecuador, Canada and Germany. These flows have given continuity to the ongoing waves, regardless the vicissitudes and migrant routes of the last decades. Flow dynamics have been possible due to two significant factors: one is gradual flexibility by Cuba regarding regulations on outgoing migration from 1990 to 2013; and another, the new 1994 bilateral agreement, reached in the aftermath of the “*Balseros Crisis*,” in which the US would approve a minimum of a 20 thousand yearly visas for Cubans migrating into the US and, indeed, is a *fait accompli*.

A new migration upsurge became evident between 2013 and 2016 with undocumented Cubans seeking residence in the US, after the bila-

teral announcement by both American and Cuban governments to restore diplomatic ties on December 17, 2014. Nevertheless, this flow increase is not only the result of this situation and its implicit possibility of eliminating or limiting the enforcement of the Cuban Adjustment Act (as explained further ahead); it is rather the upshot of interweaved processes: a recent restructuring of the 2011 Cuban economic reforms (Rojas, 2015: 191); the worldwide trend converging in the perspective of national and/or public security to be implemented on migration flows; the 2007-2008 economic and financial crisis sprawling from US strongly into other Western European countries, such as Spain and Italy; notwithstanding the number of social network links from successive waves for potential immigrants, including islanders (Domínguez *et al.*, 2016). These are changes in migration policy of both Cuba and the US, to be explained further on.

Figure 2
Cubans reaching US entry ports in compliance
of Cuban Adjustment Act, 2004-2016



Source: Elaborated by Rosa Maria Garbey and Ernesto Rodriguez over data from US Customs and Border Protection (CBP), referred in Luna 2016 for the 2004 and 2013 fiscal years, in Krogstad 2017 for the 2014 and 2016 fiscal years. Accounting only those undocumented Cubans entering the US who, without choice to apply for residence, applied for recourse under Cuban Adjustment Act as a *parolee*, expecting to obtain a permanent residence, after a year.

Figure 2 shows that there was indeed an outstanding increase in the number of Cubans reaching the US between 2015 and 2016. However, it shows that this increase in the trend started in 2012, which doubled by 2014.⁹ As such, the same growing trend depicted in the figure had double again by 2016, tripling the figure of 20 thousand yearly permanent residence visas for the islanders.

What have been the factors for this continuity and for the increase in migratory waves for the past years? In clarify this, we shall consider three aspects: *a)* the migration policies of both nations; *b)* The conditions that trigger another escalation in the cyclic migratory flow out of the country of origin, and that attract in the destination country, and *c)* The trajectories in this new migratory flow.

The Migration Policies

On one hand, ever since 1961, the Cuban government have set up state-controlled exit and entry limitations for their nationals. On the other hand, as part of their foreign policy, the US has been biased towards Cuban immigration, and by that same account created the refugee category as part of its anti-communist policy during the Cold War. This stand in contrast with those other policies toward the rest of Latin America, particularly regarding Central Americans and other Caribbean nationals, whom the US authorities consider economic or labour migrants, and regardless of they seeking international protection against nations with military regime, political persecution or warfare.

After 1959 Cuban migratory waves towards the US have been always followed by an array of legal executive orders, or policies, aimed at regulating exit flows and entries to the US, as part of bilateral agreements, resolutions, and political reactions.

In 1961, the Cuban government enacted both a specific resolution and the regulations defining entry and exit conditions for their nationals.

⁹ An amendment to the Cuban Migration Law eliminated the exit visa for foreign travelers was approved in January 2013.

Control of aliens would be performed by the country's state security apparatus (Brismat, 2016: 35-36).¹⁰ In the post-revolutionary context, emigration has such a bad name it justifies the denial of civil, political, and social rights to Cuban migrants.¹¹

However, concerning Cuban immigrants the US has selective reception, stimulus, and restriction policies in place. The Cuban Refugee Program began in 1961 and the Cuban Adjustment Act was enacted in 1966, after the Camarioca events.¹² This US order, besides granting Cuban immigrants political asylum, provides him/her, and the immigrant's children and spouse, with immediate entry to the US under a *parolee* status, granting rights to employment even bestowing permanent residency after a year plus one day, with access to a Green Card.¹³ As an indirect result, this modality exempts Cuba from its established quotas set in the 1965 and 1990 Immigration and Nationality Acts. "US immigration policy towards Cuba as an important component in the context of the 'Cold War' became temporary, in the general regulation framework in which it was introduced into a different one conceived during the

¹⁰ The 454 Resolution, Republic of Cuba Official Gazette, Number 196, October 9, 1961; The 989 Law Republic of Cuba Official Gazette, December 5, 1961, repealed by early 2013 while amendment to the Migration Law was approved in 2012 (Brismat, 2016: 35).

¹¹ As referenced by Diversent (2014), these regulations are "measures taken over property, real estate domestic belongings, or any other valuable goods, etc., upon those who with unforgivable disdain abandoned the national territory." By the 1961 989 Law, which also regarded, among other things, that Cuba prohibits unauthorized return into its territory.

¹² Public Law 89-732; 80 STAT, 1161 HR. 15183, "Cuban Law to Adjust Status of Cuban Refugees into Permanent Legal Residents in the US, and Other Purposes."

¹³ "A Green Card holder (permanent resident) is someone who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status, a person is granted a permanent resident card, commonly called a "Green Card." You can become a permanent resident in several different ways. Most individuals are sponsored by a family member or employer in the United States. Other individuals may become permanent residents through refugee or asylum status or other humanitarian programs. In some cases, you may be eligible to file for yourself": www.uscis.gov/greencard; consulted in 25 March 2017.

1950's to benefit émigrés throughout the socialist spectrum" (Rodriguez, 1997: 87-88; Aja, 2000).

Between 1976 and 1978, Cuba enacted the Migration Law regulated by the Foreign Affairs Act¹⁴ with the purpose of institutionalizing and updating regulations on the leaves and entries of Cuban islanders, enforced since 1961, and limiting those residents' conditions of entries, under temporary or definite permits.

In 1984, Cuba and the US signed a memorandum (in 1965 one brought the "Camarioca Crisis" to a close) for the US to provide 20 thousand yearly visas for Cuban émigrés, for family reunification and to political opposition leaders. On the other hand, Cuba agreed to receive back emigrants the US considered "inadmissible," who arrived in 1980 from Port Mariel; Cuban migration standards were also expanded, setting up migratory controls on its nationals for exit and stay abroad through the Foreign Residence Permit (*PRE*, in Spanish), which gave emigrants more leeway; and the 1986 standards on foreign official visits (Brismat, 2016: 37-41; Rodriguez, 1997: 41-42, 89-96, 159-162).

In essence, both parties disregarded this understanding, interrupting it after 1985. Afterwards, in 1987, it was taken up again, though the US never granted the 20 thousand yearly visas to Cuban emigrants (Rodriguez, 1997a). So, between 1985 and 1994 (the latter recording the year of the "*Balseros* Crisis"), Cuban legal expatriates amounted to 11,222, in contrast to 82,500 non-authorized aliens (Aja, 2000). These figures reflect an unbalance between potential Cuban emigration and US migratory selectiveness by political criterion, besides revealing that the US applied different criteria to other groups, such the Haitians.

By signing migration agreements in 1994 and 1995, solving the "*Balseros* Crisis" the main purpose was to organize the migratory routes in order to avoid risks through the Strait of Florida, and to stop a massive wave of unauthorized migrants. Such agreement included a minimum of

¹⁴ The 1312 Law (Migration Law), The 1313 Law (Immigration Law), both from 1976; Decree Number 26, on Rules to the Migration Law, Republic of Cuba Official Gazette, Number 25, July 31, 1978.

20 thousand visas for Cuban islanders, to be granted under the Cuban Immigration Laws or, Cuban Adjustment Act; in case the expatriate was intercepted at sea, as a “*Balseros*,” he or she would have to be returned back to Cuba at once by US authorities; and the Cuban authorities had to accept them unconditionally and without any liability, if the culprit had no prior criminal record.

After the 1995 migration agreement, American entry policy underwent a major reform as the US began to vet Cubans regardless of the means and routes taken to reach its territory. This standardized modification became known as the “Dry feet/Wet feet” policy, which is a reference to the US deportation of intercepted Cubans in route to the US, usually accepted until 1995. Nevertheless, under the Cuban Adjustment Act illegal Cubans that came by land were accepted. In real terms, there was limited enforcement of the Cuban Adjustment Act. Consequently, for many Cubans what changed was the traditional route to reach the US (rafts, boats), and so they began to scout for new land routes especially through Mexico.

The change in US migration policy, and the ensuing easing of the Cuban migration policy towards exiles and refugees, provides a relevant reason for searching alternate routes to the historical Florida Strait. An international transit journey set up by legal Cuban migrants en route to the US, passed through Colombia, Ecuador, Guyana, or by air to Spain and other European countries, to reach the Andean countries and traverse Central America towards the US-Mexican northern border.¹⁵

Cubans have also have tried to take advantage of the Cuban Adjustment Act. For instance, upon arrival to an American airport Cubans immigrants (holding valid documents) have to apply for residency, either

¹⁵ In highlight, given these volumes of migrants, the so called migration industry must be engaged in both its formal providers (Western Union, just one of outstanding services) and its informal providers organizations and individuals, despite operating illegally (for Mexicans known as *coyotes* or *polleros*) trafficking with migrants even when they have developed in providing a wide complex structure over a broader array of goods and services like cash, drugs and weapons (see Castles & Miller, 2004: 41-42; Spener, 2009).

under the provision of the aforementioned act or the Foreign Job Special Program for Cuban Medical Personnel,¹⁶ whom are eligible for entry into the US from a third country. Another way to enter the US from Cuba is through the Family Reunification Program or participating in the visa lottery¹⁷ for one of the 20 thousand visas.

However, on 12 January 2017, President Barack Obama abolished “Dry feet/Wet feet” policy and the Special Program of Cuban Medical Personnel, a decision that responded to the sharp increase in Cuban arrivals by land and air since 2013, under the Cuban Adjustment Act, besides caving to international pressure from countries hurt by the US migration policies towards Cubans, deemed as unfair. Besides, there was an irregular transit crisis, and the Cuban government wanted a new bilateral agreement. This situation stood even after President Obama’s statements in public promising not to make any further changes in migration policy .

During the 1990’s, Cuban migration policies softened towards both its own islander residents and Cuban living abroad. Therefore, it set up the Foreign Travelling Permit (PVE), besides the Foreign Residence Permit. Moreover, a “Health Tourist” program was created and the Foreign Investments Act amended to include a Repatriation Permit (Arboleya, 2013).¹⁸

In 1994, the creation of the Cuban Foreign Residents Office and ushered more cooperation programs between Cuba and Latin American and African countries by the end of that decade, fostering and making migration more flexible for professionals, especially for the health sector. Likewise, since 2008 there are more options for Cuban emigrants,

¹⁶ *Parole for Cuban Medical Personnel in Third Countries*, August 11, 2006, Department of Homeland Security.

¹⁷ Family-Sponsored Immigrant Program, Cuban Family Reunification Parole, Diversity Lottery Visa Program.

¹⁸ For gravely ill individuals, elderly women over 60 and men over 65, and children under 16 without a foster relative (Arboleya, 2013: 254.)

with Spain¹⁹ and Ecuador providing legal incentives,²⁰ and Canada its skilled-worker immigration programs (Brismat, 2016).²¹ The new Cuban migration trajectories to the US through Spain and Ecuador made sense as these countries opened up for transit and temporary settlement.

In October 2012, Cuba reformed its 1976 Migration Law, as part of its updating of its economic and social model. Among its most important stipulations are the removal of the foreign travel permit, mainly, the mandatory letter of invitation by relatives abroad required to exit Cuba; another was the extension of the allowance to stay abroad, without losing Cuban residency rights, from 11 to 24 continuous months.²² In short, more Cubans can now travel and even live abroad temporarily or permanently.

Expulsion and Attraction factors

In analyzing Cuban migration the current events to consider are the over two decades-long Cuban economic crisis with a steady decline in living standards, as well as the economic regulations of the most recent five-year plan, the new flexibility of the Cuban migration policy, US policies that favor Cuban migrants over other Latin Americans. All these factors explain Cuban migration today and not the newly reestablished diplomatic relations.

Additionally, as reported in a recent study by Domínguez, “perceptual changes of emigration among Cubans, generation and extension of

¹⁹ In Spain, the Historical Memory Law (the 52/2007 Law) acknowledged the rights of people who had suffered persecution and violence during its 1936-1939 Spanish Civil War and the 1939-1975 Franco Regime, taking in children and grandchildren of emigrated Spanish nationals to apply for their citizenship status at any given moment.

²⁰ In 2008, Ecuador bestowed universal citizenship and freedom of mobility and eliminated visas or any other requirement to enter the country.

²¹ For skilled immigrant workers accompanied by their families that want to become permanent residents.

²² Legal-Decree Number 302 to Reform the “Migration Law” Number 1312 of September 20, 1976, Republic of Cuba Official Gazette.

direct communications between islanders and emigrants abroad; the emerging migratory circularity and micro-investments that have made impacts on Cuban emigrant's ties while generated under multidimensional interests between the Cubans and Americans and among Cuban society" (Domínguez *et al.*, 2016: 131).

In 2008, Raúl Castro replaced his brother Fidel in the Cuban presidency. Thus "began the most important adjustment period to the socialist order, since 1976 [with] reconstituted power elites [and...] economic reforms, which had initiated the so called 'the updating of socialism'" (Rojas, 2015: 190-192). This reform included the reduction of state control over farming land and more incentives for food production; allowed for non-agricultural and livestock cooperatives, and more self-employed jobs; activated a real-estate and automobile market; set up a "Special Development Zone" in Mariel for direct foreign investment, and trade, in order to create jobs, promote exports and substitute imports. Furthermore, the new Migration Law eliminated provisions against emigrants, foreign residence and repatriation. Along these same lines, civil servant jobs were reduced, and this, coupled with increased investment, remittances and credits, sent off the Cuban economy toward a "capitalization process" (Rojas, 2015; León & Martínez, 2016).

Since the downfall of the socialist block in 1990, and disintegration of the USSR, which spelt the end of Cuba's foreign economic support, Cuban migration became increasingly linked to economic reforms based upon the mechanisms of the market economy and, thus, the appearance of social inequalities among the population in regard to the newly legal access to foreign currency, mainly the US dollar.²³ Therefore, Cubans

²³ During the 1990's crisis, since 1994, Cuba legalized the possession of foreign currency, allowing currency exchange providers and sale of goods, granting the entire population free access to foreign currency exchanges (Cadecas). Workers linked to dollar dependent economies in the tourist sector and those receivers of remittances from abroad are comparatively much better off (Leon & Martinez, 2016). "Remittances are a substantial investment in developing small businesses" (Arbolea, 2016: 256). By the late 1990's Cuban remittances amounted up to 1 billion dollars (Rodriguez, 2000) and by 2015 this figure had tripled reaching 3,354 million dollars; performing the greatest yearly increase among Latin American countries in the last decade.

saw declining living standards, inequality and poverty, as well as the incapability of the Cuban State to provide them with goods and services in quantity and quality (León & Martínez, 2016).

Consequently, to analyze Cuban emigration there are three levels: *a)* A macro-social, regarding economic and political transformations of Cuban society; *b)* An intermediate level in reference to the family ties, migratory bonds and interaction systems between Cuban islanders and Cuban emigrants, including the impact of remittances, and; *c)* A third, individual, level regarding motivations, expectations and personal frustrations (Rodríguez, 2000). During the late 1990's this author conducted his field research on these last topics engaging with Cubans islanders in the outgoing process of leaving the country, reaching the conclusion:

Social mobility was adopted as another one of Cubans' daily elements promoted by the revolution itself as part of human development [...] this is a component of social mobility [...] which leads a great majority of population [...] into the path of emigration as a move to increase social-status [...] on individual's and social levels emigration seems like a solution to immediate problems, likewise, as immediate (or future) conflict. Currently, Cuban society's immediate form (even only form) to move upward economic and socially, seems to be moving abroad (Rodríguez, 2000: 167).

Besides, in 2010 Cuban population living in the US amounted to 1,785,547 people, of which 1.2 settled in Florida (US Census Bureau, 2011). During that same year, over 375 thousand emigrants visited Cuba, and, in 2011, the figure rose to 400 thousand, of which 75% came from the US (Arboleya, 2013: 254). Family ties, and diverse interpersonal contacts and issues between islanders and Cubans settled in the US create a dense network of social relations facilitating and inducing many islanders to emigrate.

Finally, it is worth noting that the two first migratory waves were overtly opposed to the Cuban Revolution; contrastingly, the more recent waves consisted mainly of people with economic and family motivations, similar to those of the rest in Latin America, namely improving

living standards and job opportunities. In the Cuban case, this does not imply, as in other Latin American countries, that political motivations are not essential.

New Cuban Emigration Routes

During 2015 and 2016 critical moments, the media coveted a new phenomenon: Cubans migrants were trying new routes to reach the US assisted by less strict regulations set by Spain, Ecuador, Colombia, Central America and Mexico.

Census data from Spain recorded a sharp increase of Cuban residents in that European area between 1991 and 2011: in 1991 the figures showed that 24,059 residents nearly doubled in 2001 to 50,765, which again increased in 2011 to 115,852 residents (Martinez, 2016: 26). Between 2008 and 2013 under Spain's Historical Memory Law 75,800 files were declassified, and 192,000 Cubans applied for Spanish nationality (Brismat, 2016: 55). On the one hand, the Cuban community in Spain became a referral for potential new emigrants; and, on the other hand, as reported by Brismat (2016: 56), "Cubans carrying Spanish passport were immediately accepted under Cuban Adjustment Act upon landing on US soil."

From 1 December 2008 to 1 December 2015, Ecuador came into attention for Cubans entering without a visa, taking advantage of Ecuador's constitutional right to universal freedom of mobility, and as of this date provides a 90 days authorization to stay in its territory.²⁴ Two years before, in 2013, Ecuador had required a letter of invitation for Cubans, although it later eliminated this prerequisite, which tried to control the rising flow of Cubans in transit to the US through this Andean country.

Between 2009 and 2013, Ecuador's National Statistics Institute and Census recorded an annual average of 24,798 Cuban entries, with males

²⁴ Besides Cuba, the other countries whose nationals require visa to enter Ecuador are Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan, Somalia and Senegal.

doubling women. The outgoing flow allows for estimating an accumulated five-year balance of 13,830 people who remained in Ecuador or had left through informal mechanisms, 2,766 people on average annually. Nevertheless, in 2014 these averages leaped up to roughly 16 thousand Cubans, and then in 2015, to almost 30 thousand (see Figure 3). By the end of November 2015, when Ecuador's Foreign Ministry decided to require Cubans to show a valid tourist visa they reported around 40 thousand Cuban immigrants from which some 16 thousand were undocumented (*El Universo*, 2015).²⁵

Figure 3
Distribution of Cuban Entries and Exits in Ecuador, per Gender, and Year, 2012-2013

Year		Males	Females	Total	Difference
2009	Entry	18,015	9,050	27,065	3,920
	Exit	15,289	7,856	23,145	
2010	Entry	18,194	8,807	27,001	2,179
	Exit	16,787	8,035	24,822	
2011	Entry	16,021	8,043	24,064	723
	Exit	15,614	7,727	23,341	
2012	Entry	13,900	7,580	21,480	2,627
	Exit	12,297	6,556	18,853	
2013	Entry	15,016	9,364	24,380	4,381
	Exit	12,279	7,720	19,999	
2014	Entry	24,463	17,082	41,545	15,746
	Exit	14,778	11,021	25,799	

²⁵ After 2008, Cubans in Quito settled in the so-called "La Florida" neighborhood, north of this Ecuadorian city (Gualdoni, 2010).

Year		Males	Females	Total	Difference
2015	Entry	45,749	33,487	79,236	29,894
	Exit	25,902	23,440	49,342	
NA: Not available					

Source: Elaborated by Rosa María Garbey Burey and Ernesto Rodríguez by data from the National Statistics and Census Institute of Ecuador.

Many Cubans making the trip to Ecuador had more than one purpose: making short shopping trips to buy goods in Ecuador to sell back in Cuba, or making a legal exit from Cuba. Since the Ecuador visa waver, continuing migration to the US became a major trend, after extending the stay in this South American land.

In the last few months of 2015, the international press frequently reported on the “migration crisis” on the Central American route toward the US, with Cubans stranded in Costa Rica and Panama. The year-round 2016 incidents occurring in Central America had continuous reported evidences and spilled over into events occurring in Colombia, Ecuador and Mexico; these events were accounted throughout reports furbished with interviews, and testimonial videos followed by the governments’ meeting and public statements.²⁶

In highlighting the conditions of this surge in the recent Cuban migratory wave, tracing the long land routes to enter the US from Northern South America, or the many air or seaborne trips across Ecuador, Colombia, Central America and Mexico.

In mid-2015, 8,000 undocumented Cubans were stranded in Costa Rica, due to the closing of the Nicaraguan border in November of that

²⁶ Press and web media have persistently projected an alarming voice to accounts. For example, after the Nicaraguan government closed its borders to Cubans clearly in transit towards the US, then media carried “accusations against the Costa Ricans for sending migrants to their borders and being responsible for a humanitarian crisis” (*El Universal* 2015; see also *El Financiero*, BBC-World, *La Jornada*, *El País*, EFE Agency, among other media-press).

year to stop that unauthorized territorial transit. Therefore, 1,100 Cuban migrants were deported back to their country (*Diario de Cuba*, 2016). In these same terms, Costa Rica stopped issuing transit visas to Cubans, henceforth “halted irregular Cuban migrants across Costa Rican territory” (*Cubanet*, 2016), even though that country proposed the creation of a regional humanitarian corridor, in order to ease movement across Central America (OPI, 2015); but the proposition never came into effect.²⁷

However, between January and May 2016, some stranded Cubans were taken by air to Costa Rica, El Salvador, Guatemala, and through the Mexican border city of Tapachula, in this last land port of entry the Mexican National Migration Institute provided authorized entry status, for humanitarian reasons, to 6,003 Cubans through the Ciudad Hidalgo, Chiapas port of entry; together with 38 airlifts directly to Ciudad Juárez, Chihuahua, and to Nuevo Laredo, Tamaulipas, respectively from Panama and Costa Rica (Mexican Secretariat of Government, 2016). To comply with the 2011 Mexican Migration Law, under exceptional stipulations, specifically issued for Cubans, before leaving the country they have first to apply for a regular entry document within 20 workdays (equivalent to four calendar weeks).

The Panama government, which had participated in the prior humanitarian airlift corridor, also agreed with Mexican officials to provide permits, at a second stage, for another 3,500 Cuban migrants airlifted to Ciudad Juarez, in May (EFE, 2016).

According to *The New York Times* (2016), the US government, through the International Migration Organization, there were 1 million dollars allocated for temporary Cuban refugees stranded in Costa Rica, to supply them with food, water and other staples. This report underscores a policy of preferential treatment for Cubans. To all this, the Cuban government stated that those stranded migrants had complied with all the formal Cuban migratory requirements; and was in communication with those countries, in order to find an appropriate and quick solution, while considering the Cuban migrants’ wellbeing (*Granma*, 2015).

²⁷ The proposition was made with foreign ministries in the Central American Integration System that suggested allowing Cuban migrants to go to the US.

In May 2016, the media highlighted the arrival of Cuban migrants to the Gulf of Uraba, and the municipalities of Sapzurro and Capurganá, Acandí and Turbo, in Colombia. They were refused transit permit to the US, and thus, they fled across the tropical forests into Panama. All Cuban migrants deported from Colombia were welcomed back to their homes; as Cuban Government stated “Those [who] abode by migratory laws [and] made their leave lawfully have the right to return to Cuba” (*La Jornada*, 2016).

There are two media reports on the new Cuban routes.²⁸ The first is “*La Travesía de Ángel*” (*Ángel’s Journey*), about a 30-year-old Cuban emigrant who travelled as a tourist to Ecuador in 2013 and then settled in this country for two years. Together with his wife and his 3 year old son, after spending 7 thousand US dollars, in five weeks, between September 26 and October 29, 2015, he crossed the Ecuador border into Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala and into a Mexican entry port in Chiapas, continuing to Mexico City and to the US where he finally entered through Brownsville, Texas. Then they boarded the bus from Austin, Texas, to Miami, Florida.²⁹

The second reports describes “*La ruta de los cubanos*” (*The Cubans’ Pathway*), detailing air, sea and land trips with stops throughout Ecuador, Central America, Mexico and the US, including legal restrictions and limitations along the transit countries (Figure 4).

²⁸ Ruiz Marco (2015), “*Interminable éxodo de cubanos por la frontera con México.*” *El Nuevo Herald*, Cuba Section, Saturday October 31, 2015, in: www.elnuevoherald.com/noticias/mundo/america-latina/cuba-es/article42109152.html; Murillo, Álvaro, 2016, “*La migración cubana retoma su ruta a EE. UU. desde Costa Rica.*” *El País*, Thursday January 14, 2016, in: internacional.elpais.com/internacional/2016/01/13/america/1452707433_313744.html; looked up March 20, 2016.

²⁹ One of the highlights in this report is an acknowledging there are “the well-organized networks for human trafficking,” and “money involved in payments to the traffickers, bribes to agents at ports of border entries, policemen, transportation costs, visa tariffs, among other expenditures,” most frequently “with US relatives making banking transfer for these payments.”

Figure 4
Cuba-Ecuador-Colombia-Central America-
Mexico-United States Route



Source: Elaborated by Luis Carlos Haro Montoya from reports from *El Comercio*, *El Nuevo Herald*, *El País*, *El tiempo*, *La Jornada*, *La Nación*, October 2015 to May, 2016.

In contrast to the less than 125 miles, across the Florida Strait, there are over a thousand miles separating the route through the Cuba, Ecuador, Colombia, Central America, Mexico, and the United States. Distance does not diminish the harshness of the challenges ahead for migrants, or the problem forced upon nations along the route. This matter become important in view of issues, such as State corruption, and the development of an economy that deals with supplying migrants with goods and services, legally and illegally.

In Mexico, undocumented Cubans transiting to the US have been left out from multilateral regional agreements in order to expedite their

deportation. Detainees recorded by Mexican authorities are evidence³⁰ (Figures 5 and 6). The State of Chiapas, bordering Guatemala and, thus, Central America, shows the largest deportation ratios. On the other hand, Quintana Roo, Tabasco and Yucatán are receiving immigrants coming by sea. Veracruz, Oaxaca, Mexico City, San Luis Potosí and Tamaulipas cover the northward passage from the Mexican South (Figure 5).

Figure 5
Cuban Migrants Stopped in Mexican
Migration Stations by State, 2011-2016

State	2011	2012	2013	2014	2015	2016
Chiapas	543	2,939	1,020	1,012	7,765	3,638
Veracruz	26	29	42	328	227	54
Quintana Roo	58	102	115	136	252	268
Tabasco	32	69	40	155	309	92
Oaxaca	8	17	24	188	85	37
Tamaulipas	19	20	17	64	161	50
Mexico City	23	30	28	28	130	19
Yucatan	8	15	29	65	107	68
San Luis Potosi	1	5	-	22	73	46
Others	44	21	51	99	327	92
Total	762	3,247	1,366	2,097	9,436	4,364

Source: Elaborated by Rosa María Garbey and Ernesto Rodríguez with data from the National Institute for Migration, published in the *Boletín de Estadísticas Migratorias*, Migration Policy Unit, Secretariat of the Interior, Mexico. Available in www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos.

³⁰ The official term, used since the 2011 Migration Law, is “presented,” when previously the term was “secured,” though, in both cases euphemistically used by the law enforcement referring to migrants’ detentions before being deported as a formal resolution in their migratory status.

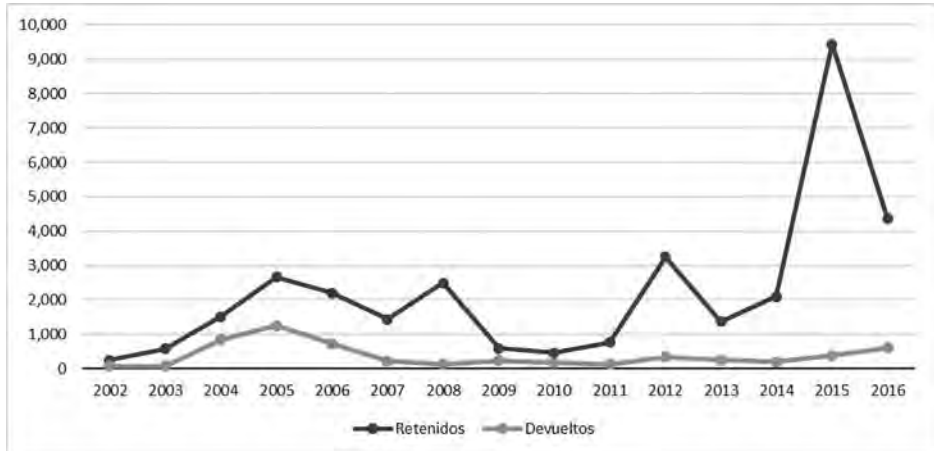
A point should be made regarding that in 2008 Mexico and Cuba signed a memorandum of understanding to ease a legal, well-ordered and safe movement of migrants between these two countries, as a way to prevent and fight against illegal migration, human trafficking, and other crimes. This agreement set the conditions under which the Mexican authorities could deport Cuban detainees. Updated in 2015 it went into effect in 2016, in the middle of the crisis of the Cubans stranded in Central America (*Cubanet*, 2016a).

However, when comparing the annual numbers of detentions of Cuban migrants (vis a vis the totality of undocumented migrants in transit across the country) by the Mexican authorities with the figures of returnees in Cuba, the evidence shows the Cuban Mexican agreements have had little effect.

Out of 8,528 Cuban migrants passing through Mexican migration authorities between 2009 and 2014, 15.6% were deported; and in 2015 there were a remarkable 9,436 migrants, of which only 4.1% were deported (Figure 6). Nevertheless, with the arrival of Cuban migrants between 2009 and 2011 a partial decrease is evident. The great majority of the detainees could get a permit of leave, allowing to exit the country through the US-Mexico Border Region, in order to resort to certain statutes of the Cuban Adjustment Act to travel further inland, until January 12, 2017 when the “Dry feet/Wet feet” policy ended, as mentioned above.

The records of undocumented Cuban migrants kept by Mexican authorities (Figures 5 and 6) show a peak in flows in 2015; nevertheless, these cannot show the true dimension of this flow from 2014 to 2016 for Cuban migrants in transit into the US by various means of transportation either legal or illegal. Most of the Cubans entered through Central and South America, and from Europe, Cuba and Mexico.

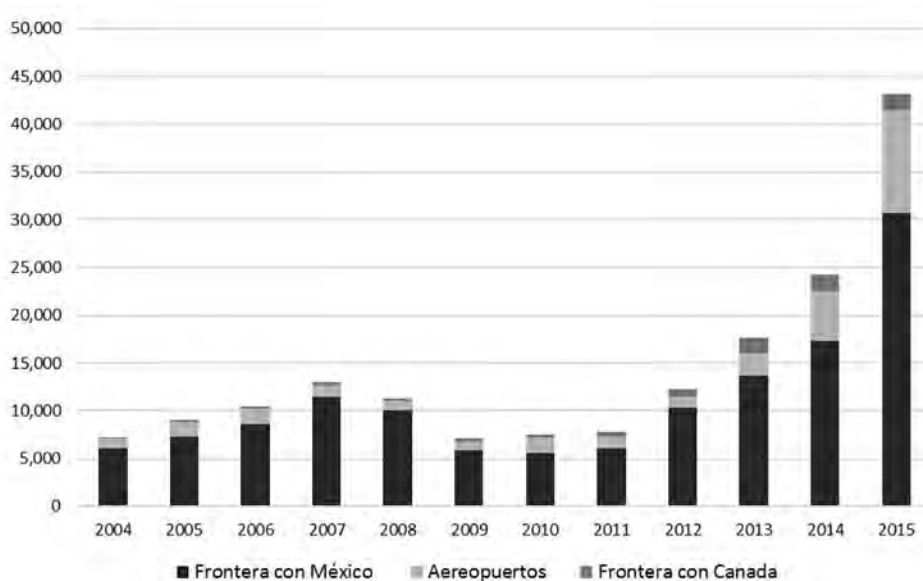
Figure 6
Detentions and deportation of Cubans by Mexican Authorities, 2002-2016



Source: Elaborated by Rosa María Garbey and Ernesto Rodríguez with data from the National Institute for Migration, published in the *Boletín de Estadísticas Migratorias*, Migration Policy Unit, Secretariat of the Interior, Mexico. Available in www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos.

If we analyze immigration flows from Cuba to the US by port of entry, we can obtain a better image about the magnitude of its increases and main arrival areas. No doubt that since the implementation of the “Dry feet/Wet feet” policy, Mexico became the paramount port of entry for undocumented Cuban immigrants into the US. Between 2004 and 2015, arrivals through this border amounted to 78% of the total, through an airport 17%, and through the Canadian border 5% (Figure 7).

Figure 7
 Fiscal Year 2004-2015. Cubans before the
 US CBP without visa by station



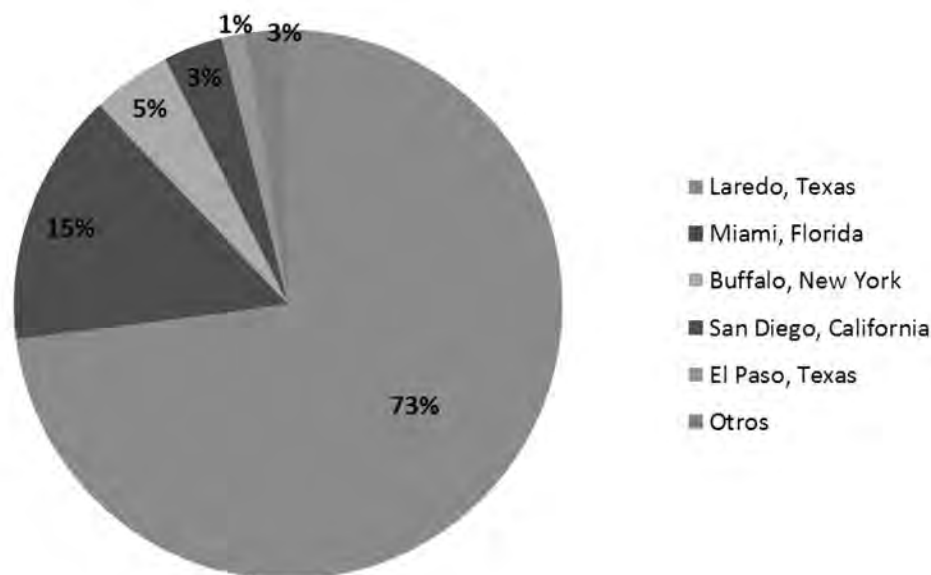
Source: Elaborated by Rosa María Garbey and Ernesto Rodríguez with data from the US Customs and Border (CBP), as referenced by Luna 2016; regarding only Cubans entering without residence visa and a parolee status looking forward to obtain a permanent residence after one year.

In the case of US-Mexico Border Region data on the situation between 2004 to 2007 shows a constant increase in arrivals, followed in 2008 by a reduction during 2009 to 2011, and an upsurge in 2012, and notably in 2015 (Figure 7). This 2009-2011 trend coincide with the period under the Cuba-Mexico memorandum of understanding, signed in November 2008, during the great recession in the US.

US Mexico border cities with a high rate for entries are Laredo, TX, (neighboring Nuevo Laredo, Tamaulipas); San Diego, CA (neighboring Tijuana, Baja California); El Paso, TX, (neighboring Ciudad Juarez, Chihuahua) (Figure 8). Highlight must be placed on Laredo/Nuevo Laredo,

in the trajectory of the Central American undocumented migrants. They arrive by road or train to the US, without the migratory means of the Cubans.

Figure 8
Undocumented Cubans before the US
CBP. Fiscal Year 2004-2015



Source: Elaborated by Rosa María Garbey and Ernesto Rodríguez with data from the US Customs and Border (CBP), as referenced by Luna 2016; regarding only Cubans entering without residence visa and a parolee status looking forward to obtain a permanent residence after one year.

With five times the traffic of Laredo, Miami airport is flooded by Cubans, coming legally with European or Spanish passports, flying in from European airports, directly from Cuba, or from across the Canadian border at Buffalo or from border towns along the US-Mexico Border Region (El Paso, San Diego) (Figure 8).

Final Thoughts

Despite the latest migratory crisis, from late 2015 to early 2017, and the analysis on the way it developed, this work is based on the idea that recent facts are a part of a larger, very intense, Cuba to the US migration process. This process is ongoing, ever since the days of the 1959 Revolution, through subsequent new policies, contexts and changes.

Cuban migrants in transit to the US through Central America, Ecuador, Colombia and Mexico are different to those who emigrated in the first two waves. The latter profited from regulations, which relaxed settling in Spain, Ecuador and Cuba. Moreover, Cubans, while protected under the Cuban Adjustment Act, are subject to the same hardships of other economic undocumented migrants, whose ordeal through Latin America is hindered by the corruption and impunity of migratory and police agencies. That comes with local and international mafias obstructing and cashing in the migrants' mobility. Often, they must look for other formal and informal service providers to support their journeys in order to avoid falling into the hands of those who profit from the migrant's needs. Yet, they have previously unavailable cellular phones and Internet resources to communicate and get information in real time.³¹

Another aspect that singles out the recent migratory wave of undocumented Cubans into the US, through the Mexican border and through other means, is the almost 20 years coexistence of legal Cuban migrants, with those coming from Cuba and other countries more recently, legally or illegally. To be sure, during the 1965 Camarioca, 1980 Port Mariel and the *Balseros* crises, Cubans were banned from traveling, or had to expect periods of severe restrictions to emigrate and travel internationally.

An immediate and far-reaching consequence has been the drastic enforcement of the Cuban Adjustment Act, added to similar restraints on the 1995 limitations on captured *Balseros* under the Wet Feet/Dry

³¹ Among others, there is a web resource on Facebook, called *Cubanos en Ecuador*, that states it is "Aimed at Cubans currently in or through Ecuador, which to many may be a bridging country, for others a new home."

Feet policy. These restrictions pave the way for some US politicians to push for a complete repeal of the Cuban Adjustment Act, while at the same time bring it to life, since its enforcement allows for selective Cuban immigration.

Another immediate and far-reaching outcome is the Cuban government's higher acceptance of Cuban deportees from the US and other Latin American countries. Both migration policy changes (in the US and Cuba) are part of the "normalizing process" and, specifically, of new bilateral migration agreements.

What has become different is that, in fact, these crises occur in third countries and not in Cuba, with old-time and actual Cuban migrants, though both groups experimenting similar outcomes, in regard to reaching the US in overwhelming droves by irregular means and within short spans.

For the first time, the Cuban migrant crisis scaled up to a regional dimension, as an issue discussed in Andean and Central American countries, whose governments made public statements on the ways in which US immigration policies favor Cuban emigrants and hinder others from Latin America. They also questioned the continuance of the Cuban Adjustment Act as it is derived from the US-Cuba bilateral conflicts.

The complexity and diversity of the Cuban migratory flows have grown in the last few years approaching the dynamics of undocumented migration around the world, with also the same means of formal and informal mobility and similar roles played by social and family networks. Furthermore, the elimination of the Dry Feet/Wet Feet policy has eased undocumented immigration to the US.

In the end, the impacts of the Cuban migration process will be crucial for future analyses of the likely scenarios after the reestablishment of diplomatic ties between Cuba and the US, and the annulment of the Dry Feet/Wet Feet policy, as well as the possible repeal of the Cuban Adjustment Act. Notwithstanding the uncertainties caused by the extreme nationalistic anti-immigration rhetoric, the Cuban is still implementing economic reforms, and in 2018 a political transition is in the agenda.

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Mexico's Southern Border: Concept and Realities in the 21st Century

Daniel Villafuerte Solís

Introduction

Understanding the recent geopolitical relevance of Mexico's southern border requires us to analyze three key events. First, the Guatemalan armed conflict, which reached its peak during the early 80s, and displaced thousands of people; second, the revolt of the EZLN on 1 January 1994; and third, the terrorist attacks of 11 September 2001. An additional element, the 2014 migratory crisis, will also be addressed in this essay.

The armed conflict in Guatemala brought together a myriad of civil society and Catholic Church's groups to support refugees. It also mobilized international organizations, such as the UNHCR, and national entities, such as the COMAR, created in 1980. The Mexican Federal Government implemented an array of measures to protect the border against the waves of displaced Guatemalans due to the civil war, making the state of Chiapas fundamental for border security. The political significance of this space grew with the outbreak of the EZLN revolt.

Within this context, and amid the sustained upsurge of migratory flows from Central America, in 1998, the Federal Government decided to implement the so-called "Sealing the Southern Border" plan. In 2001, weeks before the September 11 terrorist attacks, the "South Plan" was unveiled with the objective of securing the border. The Twin Towers and Pentagon's attacks increased the White House's interest

in Mexico's southern border, and with it came a virtual and physical broadening of the northern border to the south that effectively became an intervention policy, through programs, such as Intelligent Borders, the implementation of the Merida Initiative, and more recently, with the Southern Border program.

This essay stresses the importance of Mexico's southern borders from a geopolitical perspective. It aims at underscoring the relationship between the border and migratory flows that have grown during the last years, emphasizing the actions taken by President Peña Nieto, its relation with the United States' policies, and its consequences on Central American migrants.

Southern border. Concept and realities

Various authors has contributed significantly to the understanding of Mexico's Southern Border (Fábregas, 1985; Hernández & Sandoval, 1989; De Vos, 1993; Fábregas & Román, 1998; Castillo, 2000; Casillas, 2008). Yet, it is necessary to ponder the geopolitical importance of the border on times of globalization where space and time shrink (Harvey, 2011). From a social and political perspective, the border has been traditionally a territory where the State exhibits its greater weaknesses at creating complex relationships where the legal and illegal, the forbidden, and the allowed, informal business, and commercial and human trafficking are intertwined. Paradoxically, today we are facing a resignification of the border articulated with new overbearing phenomena, particularly transnational migration, which along with globalization became a relevant issue on the international, regional and national agendas. It is precisely because of this that a comprehensive vision¹ of the new functions

¹ Heilbroner states "in order to understand a society, one has to provide it with significant categories and relationships. Some of them will come up without effort and in an intuitive manner because they have been taught to us since childhood. Other elements of comprehension will arrive later because the extended socialization process through which we understand —reality— and maybe the —inevitable— to the —justice—

assigned to the border in a world characterized by social exclusion, is necessary, and it is particularly critical to study the importance the border has today for the material life and transit of people.

Central America's civil war, particularly in Guatemala, caused, since the beginning of the 1980s, the southern border's perception to mutate rapidly. Without doubt, the most important transformation was going from being a sanctuary for thousands fleeing war to a geopolitical important zone, crucial to protect national security, and that, almost two decades after —after the September 11 2001 attacks— would ultimately have a new face, not only due to the broadening of the northern border to the south —through migratory control programs— but also because new actors entered the scenario, the most prominent being drug trafficking and transnational migration.

During the 1980s, the fundamental concern regarding the border came from Guatemala's government, which saw Mexico's southern border as a sanctuary for the guerrilla. In that sense, the Chief of the Guatemalan Armed Forces stated:

You will realize that our border, your southern one, and our northwestern border, is mapped out with geometrical characteristics, not geographic ones. In the middle of the jungle, there is a line very difficult to recognize or see... The truth is as I tell you, in this the border is not well traced, it is not Mexico, but rather that they do not recognize borders; furthermore, we have peasants, that do not know about taxes, passports, they know nothing of those things, so we cannot say that Mexico is responsible, but that is the idiosyncrasy of the place (Balboa & López, 1989: 46).

Labor migration's irregular character was only beginning to worry certain sectors of the public opinion in Chiapas threatened by its growth.

of some social attributes such as class differences. Yet, other aspects of comprehension will only be obtained at the expense of a long study that will ultimately take us to —see— the presence of profound structures, unexpected before, behind daily life's masquerade" (1990: 158).

In that sense, in an essay presented to construct presidential candidate Miguel de la Madrid's political platform, one could read the following statements:

From such immigration [Central American], one minimum part is channeled through legal means and apparently does not represent problems. It is the other one, illegal immigration, the one that should worry us. The points of entry are many and diverse. Today, thousands of pseudo Mexicans with some money, and taking advantage of the immorality of public servants obtain false birth certificates, illegal entry permits... There are thousands that come daily into the region. It is calculated that 30% of Tapachula's population are Central Americans.

Because of this, I consider it convenient to form a committee in charge of looking at the problems I have already cited, and as a result of the growth of the Central American revolution, an "emergency" can now be officially declared at the zone. I concretely ask for a Special Department for Central American Affairs to be established (Villers, 1982: 246, *emphasis added*).

By the end of the 1980s the concern regarding migration through the border was stronger:

In over 962 kilometers² —660 of which are in Chiapas— with scarce migratory control, and a constant flow of tourists, visitants, and agricultural workers, *about five thousand Central Americans cross Mexico's border monthly, passing through the Suchiate river without documents to continue their journey to the United States*, because the situation in their countries of origin is "fucked up," and "there, in the north" one can earn a life (López, 1989: 9, *emphasis added*).

² It is officially recognized that the border has an extension of 1, 138 kilometers, 962 of which border Guatemala and 176 kilometers with Belize.

Even then, corruption among the migratory authorities was well known, and specifically, the regional migratory delegate was accused of collecting money from undocumented migrants:

From Humberto Angulo, a Peruvian national, we took 4,580 dollars, and a *Mexicana de Aviación's* Guatemala–Mexico ticket under his name; to Julio Llano Gómez, Colombian, 819 dollars were confiscated; and to the alleged “coyotes,” Rodolfo & Valdemar Garza Pérez, brothers of an unidentified nationality, who were detained when trying to cross with 25 illegal immigrants in their vehicle to Reynosa, Tamaulipas, on the northern border, 850 thousand pesos were taken from the first one, and 864 thousand, and a bearer check for 500 thousand pesos to the second one (López, 1989: 10).

A careful analysis of the migratory phenomenon requires considering its relationship with borders. Population mobility entails the crossing of territories inside and outside a country, yet the problem lies on passing from one side to another due to the prohibition of free transit for people; therefore, there is a difficulty for conceptualizing “migration in transit.” The border serves as a filter requiring a visa to certify the person as apt to stay in the country of destination; the border separates the desirable from the undesirable. Until very recently, the southern border was recognized in politics as a transit territory for migrants caused by the rapid growth of migratory flows experimented during the 1990s,³ after the pacification processes in

³ A National Migration Institute official describes the southern border in the following terms: “The armed insurgency in various Central American countries during the 1970s and 1980s, along with the American military intervention caused an unusual flow of migrants and refugees to North America. They multiplied social networks in their countries of origin and residence, which coupled with the economic crisis, adjustment programs and natural disasters have resulted in a permanent and growing flow of Central American migrants that enter national territory as both immigrants and transmigrants. Chiapas and Tabasco’s limits with Guatemala have greater immigrant Central American populations, the most notable presence of foreigners are the Guatemalans. However, the border with Belize, destiny or transit for itinerant Mayans,

Central America, and by the structural adjustment reforms, and free trade, both integral pieces of the Washington's Consensus (García & Villafuerte, 2014).

In that sense, it was not until 2004 when migratory authorities started to worry about measuring migratory flows in the southern border—starting by Guatemala, and extending later to Honduras and El Salvador—, with the objective of understating the migratory dynamic to design public policies. This is how the Mexico–Guatemala (EMIF GUAMEX) emigration survey was born, specifically in key points: Tecún Umán, El Carmen and La Mesilla. Another element underscoring the importance of today's southern border for the federal government is the Comprehensive Migratory Policy Proposal in Mexico's Southern Border, released in 2005 by the National Institute of Migration.

Several authors (Sandoval, 2006; Villafuerte, 2007; Villafuerte & García, 2007; Anguiano & Trejo, 2009; Villafuerte, 2009, among others) have described the geopolitical relevance Mexico's southern border since the attacks of September 11, 2001. Consequently, it becomes critical to follow the trajectory of the new programs and policies coordinated with the United States government to survey and control border spaces, for instance, The Merida Initiative, The National Security Program 2009-2011; Special Program for Migration 2014-2018; National Program of Public Security 2014-2018; and the Southern Border Program (2014), to which we will refer to later.

Within this context, we might ask: What defines Mexico's southern border today? Joaquín Villalobos (2014) argues that “just as it happened with the northern border, which was gradually transformed into another country, Mexico's southern border is already an extension of the northern Central American triangle's security crisis,” and he warns that the most dire dangers for Mexico in the northern triangle are: 1) Guatemala, Honduras and El Salvador's becoming criminal sanctuaries; 2) the development of a Mexican-Central American criminal symbiosis; 3) that the Central American maras contaminate and

and transcontinental migrants from Africa, Asia, the Caribbean, and South America also needs to be considered (Luna, s. f.).

control the southern border; and 4) that the northern triangle's migratory flows generate a domestic problem" (Villalobos, 2014).

In truth, is the southern border "another country," an extension of Central America's North Triangle? This idea has echoed in the governments of Mexico and the United States, and the response has been the launching of Southern Border Program, a South Program's reissue announced on 28 June 2001 by the Ministry of Foreign Relations (Casillas, 2002).⁴

Within the border, space interactions of diverse magnitude and intensity are produced, mainly because of the flow of migrants that have money as a vector, and which comes from their distinct origins: family income, paid work, informal work, commerce, and remittances. The movement of money acquires a socially relevant density, one that frequently passed unnoticed. The border concentrates multiple relations that move across money, social capital, and migratory networks. Human mobility involves an array of modalities: the so-called local visitors, temporal agricultural workers, border residents, and transmigrants. The ones coming and going for 24 hours, the ones that stay for several months, and those who cross into the United States, whose number varies from 200 to 400 thousand per year.

On 31 May, 2013, President Peña Nieto and President Pérez Molina met in Guatemala City to discuss several issues, among them energy, border crossings, security and migration. This is important to explain what is occurring today in the southern border since various commitments were made, among them: "Agreement related to Fossil Fuels Transbordering Deposits;" regarding security it was agreed to "contribute to regional security and the objective of constructing a secure and prosper border;" it emphasizes the "importance of developing a priority agenda on the migratory issue, starting from the premise that it should be developed from a human rights and security's perspective, and under

⁴ "Its objective is to strengthen migratory flows' surveillance and control in the south-southeast regions of the country, from the southern border to the Isthmus of Tehuantepec, Oaxaca" (Casillas, 2002: 202).

the principle of shared responsibility” (Embassy of Mexico in Guatemala, 31 May, 2013).

It is important to point out that before his inauguration, Peña Nieto’s transition team had worked on a proposal for a comprehensive project for the southern border. In it, strategies for control included the use of biometric technology (iris detection, fingerprints and photographs) to identify people crossing the borders.

Arnulfo Valdivia, Coordinator for Migratory Affairs on the President Elect’s transition team, referred to the issue with a comprehensive vision, and as a public policy with components of both security and human rights. When explaining south border’s control, he stated:

I am talking about 8 to 10 international crossing points, facilitating infrastructure for safe and agile passing of goods and people, and a border police that will guard the huge space between the bridges. This Mexican border patrol could be composed, in a first stage, by five to eight thousand elements trained in migratory issues, with the objective of taking care of all the space between crossing points [...] so to stop the crossing of drugs, weapons, and to a certain degree, of people (Otero & Benavides, 2012).

Two years after these statements, the border control and containment policy of migratory flows is a reality. From the implementation of the South Border Program (July 2014), the so-called Centers for the Comprehensive Administration of Border Transit have been built, one in Playas de Catazajá, and another in La Trinitaria, both border municipalities in Chiapas.

The Southern Border Program

Mexico, being such a good neighbor, collaborates with the United States on the implementation of bilateral actions beyond their shared border. Consequently, the south border has become a relevant issue on the national security agenda; for instance, the implementation of programs

such as The South Plan, Smart Borders, High- Level Group for the Security Border Mexico-Belize (GANSEF); the National Security Law (31 January, 2005, and reformed on 26 December, 2005); The Merida Initiative (2008), the Agreement by which the National Institute for Migration is recognized as a national security entity (18 May, 2005);⁵ the Special Program for Migration 2014-2018; the National Program for Public Safety 2014-2018; and The South Border Program (2014).

The National Program for Public Safety 2014-2018 serves a reference to understand the South Border Program. In security strategy 1.8, the document states:

The preservation of the borders will serve as containment for drugs, weapons, money and illegal merchandise's traffic (...) Likewise, it will reduce human and illicit migrants' traffic. To achieve the latter, police presence will be reinforced in the borders, and inter-institutional coordination will be set up between and among security entities and administrative authorities, such as customs, migratory and sanitary institutions. Furthermore, controls of people and goods' administrative entry and departures will also be strengthened (*DOF*, 30 April 2014).

Furthermore, in such Program, we find, within the objectives of strategy 1.5, which alludes to international cooperation, the following action lines: 1.5.1 "To foster international cooperation mechanisms to strengthen security across both borders, attending to regional differences;" 1.5.8 "To develop mechanisms to prevent migrants' traffic, and regulate deported people's flows, respecting their human rights" (*DOF*, 30 April, 2014). These are evidence of the importance the migratory issue has acquired on both international and national agendas. It is, in this sense, that the border acquires a new geopolitical and national security interest.

⁵ Article 1 of the Agreement states: "The National Security's National Council has recognized the National Institute of Migration as a national security entity; therefore, its databases and information systems should integrate the National Information Network established in the National Security Law" (*DOF*, 18 May, 2005).

The migratory crisis caused by the detention of 68 thousand Central American minors, and Mexicans in American territory, hastened the implementation of the Southern Border Program. On 8 June, 2014, President Enrique Peña Nieto, accompanied by the governors of Chiapas, Campeche, Quintana Roo and Tabasco, and the President of Guatemala inaugurated the Border Transit Comprehensive Administrative Center, located at the municipality of Catazajá, Chiapas.

In this meeting, the Southern Border Program was launched. The President talked about carrying out joint intelligence operations with Guatemalan authorities' along migrants' transit areas, and expressed that "both governments are working in the development of a technological platform that would allow us to share, on real time, migratory processes' biometric and registry information" (*animalpolítico.com*, 8 July, 2014).

The Program has five action lines: 1) organized and formal transit; 2) border organization and more security; 3) social action and protection; 4) regional responsibility; and 5) inter-institutional coordination (*animalpolítico.com*, July 8, 2014). That same day, the Decree for the Creation of the Coordination of Comprehensive Attention for Migration in the South Border was published. Some of its substantial functions, including to "coordinate and follow up with the implementation of distinct public policies on migratory issues for the Comprehensive Attention of the South Border Program," stands out (*DOF*, 8 July, 2014).

The National Program for Public Safety, the South Border Program, and the creation of Comprehensive Attention for Migration Coordination are part of a migratory policy of containment particularly directed to Central Americans. All these pieces outline the policy profile and the concrete security actions for the borders. An example, though more related to the northern border, is the project 21st Century Border, one of the four Merida's Initiative's pillars. During President Obama's visit on May 2013, there was talk about the relaunching of the Merida Initiative with an emphasis on institutional capacities.

During his visit to Mexico, and in the middle of the children and adolescent migrants' crisis, Tom Shannon, adviser to the State Department, spoke about the United States Congress' request for transferring

86 million dollars from the Merida Initiative to strengthen the Southern Border Program (informador.com.mx, 13 July, 2014).

The VII Merida's Initiative's Binational Executive Committee Meeting of the 21st Border Administration took place on 2014. In this Meeting, the Security and Justice Procurement Subcommittee agreed on several points, one of them being: "Both delegations agreed to strengthen coordinated actions to fight criminal human and weapons trafficking networks" (Iniciativa para la Administración de la Frontera en el Siglo XXI 2014).

Results from the Southern Border Program

In the current administration it has been explicitly recognized that the southern border is a national security issue. The Secretary of the Interior stated that "the Southern Border is part of the national security, if we do not attend the Southern Border, we would not know how many from Central and South America and other continents come into the country, we do not know their destiny and what happens to them, as a consequence, we cannot look out for the protection of their human rights" (Ramírez, 2013).⁶

The Secretary also pointed out that the Secretary of the Navy would coordinate the measures on which federal and state institutions concurred: "we will design a comprehensive project to attend the immediate, the medium and long term issues on the south east region in our country" (*Ibid*). The official made it clear that it was not only about attending the border, but of looking for ways to solve other problems coupled with migration, which "is not controlled, and identified with a lack of opportunities and development" (*Ibid*).

Between 17 January, and 14 February 2014, Operation *Soconusco II* was carried out. It resulted on the arrest of 1,438 people, 955 of which

⁶ Statements made within a security meeting held on 3 June 2013, in the city of Tapachula, in which governors from the Southern states, and the military leadership were present (Ramírez, 2013).

came from Guatemala. Furthermore, 74 people, allegedly related to human trafficking, were also detained (*Prensa Gráfica*, 3 March 2014).

On August 2014, during the operation of the Southern Border Program, human rights groups demanded a total halt to the detentions of “migrant girls and boys carried out by the Federal Police on the country’s southern border” (Muñoz, 2014). On 8 August, the second operation on Arriaga to block migrants from getting on the train took place: “50 agents from the National Migration Institute, and half a dozen Federal Police that escorted them initiated at 8 p.m., when the train was about to part to Ixtepec, Oaxaca” (Henríquez, 2014).

On 1 September 2014, 100 elements from the National Migration Institute arrived in Tapachula (*informador.com.mx*, September 2, 2014). On 11 September, 200 elements of this same unit carried out operations across the border. Its Commissioner explained that they were “focusing our capacities on the deployment, attending this program of the Southern Border that as you all know has a lot of actions, one of them of course being human trafficking” (Álvarez, 2014).

One major measure within the scope of the Program has been the implementation of raids on the cargo train that Central American migrants use to go to the United States. The National Institute of Migration’s Commissioner informed that during 2014, they conducted 153 raids; furthermore, these raids expanded to buses, trucks, and other places, such as bars, restaurants and hotels (*Migranoticias*, 2015).

On 27 January 2015, Mexican authorities installed a mobile military control post in the border municipality of Tuxtla Chico, as part of Operation *Soconusco*. An array of federal government agencies participated in this operation, among others: the National Defense Secretariat, the Navy Secretariat, the Tax Administration Service, the National Migration Institute and the Federal Police. The commander of 36th Military Air Force Zone referred these were implemented in Huixtla, Huehuetán, Tonalá, and Arriaga (*Reporte Ciudadano*, 27 January 2015). Along the coastal highway from Arriaga to the border with Guatemala, we can observe many security forces, including an unusual patrol of the National Migration Institute accompanied by Army soldiers.

The United States has also taken measures to reinforce its border with Mexico, one of which is Law 750, which the Senate's National Security Committee approved on 6 May 2015. This Law gives the Border Patrol and Customs agents total access to Arizona's federal lands bordering Mexico (*La Jornada*, 7 May 2015).

With the implementation of the Southern Border Program, immigration had been decreasing, and then began to climb, thus contradicting the argument that Central American migration was declining. From June to December 2013, 42,884 migrants from Central America's north triangle were deported from Mexico, while during the same period of 2014, when the Southern Border Program was implemented, 74,083 migrants were extradited, representing an increase of 73%.

Table 1
North Triangle's Migrants Deportations.
Comparison: June-December 2013-2014

Month	Guatemala	El Salvador	Honduras	Total
2013				
June	2,451	1,098	3,015	6,564
July	2,406	1,197	2,922	6,525
August	2,321	1,320	3,126	6,767
September	2,006	1,026	2,559	5,591
October	2,631	1,367	2,838	6,836
November	2,884	1,045	2,452	6,381
December	1,891	733	1,596	4,220
Total	16,590	7,786	18,508	42,884

Month	Guatemala	El Salvador	Honduras	Total
2014				
June	2,740	1,991	5,536	10,267
July	4,115	2,586	5,282	11,983
August	4,269	1,164	3,644	9,077
September	4,675	2,232	2,940	9,847
October	5,396	2,304	4,077	11,777
November	5,657	2,110	3,727	11,494
December	4,803	1,919	2,916	9,638
Total	31,655	14,306	28,122	74,083

Source: General Bureau of Migration, Government of Guatemala.

Between January and May 2015, 65,888 migrants from the North Triangle were deported while during the same period of 2014 the figure was of 37,832, an increase of 74%. By country of origin, the highest numbers for deportees are from Guatemala with 31,136, representing an increase of 131%. Guatemala is followed by Honduras with 23,662 deportees, a relative increase of 32.3%. On the other hand, El Salvador recorded 12,090 deportees with a relative increase of 76% in relation to 2014 (Table 2). Furthermore, for the Guatemalan case, 4,413 deported minors, compared to 1,524 detained on January-May 2014, represent an increase of 190%.

Table 2
Central American deported from Mexico

Month	Guatemala	El Salvador	Honduras	Total
2015				
January	5,673	1,700	3,633	10,006
February	5,758	2,209	4,262	12,229
March	6,496	2,626	5,517	14,639
April	6,313	2,634	4,854	13,801
May	6,896	2,921	5,396	15,213
Total	31,136	12,090	23,662	65,888
2014				
January	2,120	895	1,987	5,002
February	2,651	1,226	3,085	6,962
March	3,553	1,577	4,096	9,226
April	2,547	1,605	3,589	7,741
May	2,588	1,579	4,734	8,901
Total	13,459	6,882	17,491	37,832

Source: General Bureau of Migration, Government of Guatemala.

Despite the strict control over the migratory route, non-accompanied minors keep arriving to the United States. The Border Patrol⁷ reports that up to the April 2015 fiscal year (which begins on 1 October 2014 and ends on 30 September 2015) 18,019 migrant children, 12,008 of which came from the Central America's north triangle were apprehended: 6,607 from Guatemala; 3,514 from El Salvador; and 1,977 from

⁷ www.cbp.gov/sites/default/files/documents/BP%20Southwest%20Border%20Family%20Units%20and%20UAC%20Apps%20-%20Apr_0.pdf.

Honduras. Nevertheless, we have to admit that, compared to the same period of 2014 fiscal year, when 36,289 minors were detained, there was a reduction of 48%.

According to available statistics, deportations by air from the United States have been dwindling; yet, deportations by land from Mexico have increased since the launching of the Southern Border Program, which speaks well about the containment policy's effectiveness. An example that reflects it is Guatemala, the country with the highest number of deportees from the United States, whose figures went from 23,914 during the January-May 2014 period, to 13,338 during the same period of 2015. On the other hand, as we have indicated, deportees by land from Mexico increased 131% during the same period, going from 13,459 to 31,136. This dynamic is also seen on other north triangle countries.

During Enrique Peña Nieto's administration, these programs and agreements have been updated, thus acquiring a sense of "comprehensiveness," with more resources, and coordination among institutions. One of the agreements is precisely the creation of a High Level Group for Border Security between Mexico and Guatemala, on 11 June 2013.⁸

During GANSEG'S XVI Technical Group meeting, held on 27 February 2015, in Tapachula, one of the most significant agreements was the creation of a georeferencing program with the goal of reinforcing surveillance, to hindering the passing of undocumented migrants, drugs, gasoline, weapons and cattle's smuggling along the more than 100 illegal crossing points across the border" (Henríquez, 2015). In 2015, the budget for security increased by more than 2.718 billion pesos; the money allocated for the Gendarmerie went to 5.092 billion pesos; and the resources going for the Southern Border Program exceeded 102 million pesos.

⁸ In the third point of the XII Technical Meeting's press release, both parties state: "both delegations agreed the relaunching of GANSEG with the objective of developing concrete and effective cooperation and coordination to contribute to regional security, and the binational objective of constructing a prosperous and safe border" (Mexico's Embassy in Guatemala, 12 June 2013, emphasis added).

Migrant children and the hand that rocks the cradle

One main element explaining the reinforcement of the border in Southern Mexico, as well as in the north of Guatemala, has been pressure from the United States, which deepened since the migratory crisis evidenced by the detention of thousands of migrant children.

In 2012, Guatemalan President Otto Pérez Molina declared that “border security is a joint effort, and Guatemala has proposed the creation on new routes that benefit all the country, minimize border porosity, and implement actions towards fighting insecurity” (Scott, 2012).⁹

Accordingly, on 24 February 2013 in Tapachula, the Guatemalan Communications Secretary talked about the installation of a military base on Guatemala’s San Marcos Department bordering Mexico. He also referred to its importance for the border region with Mexico on issues such as human trafficking, and child abuse (Ochoa, 2013).¹⁰

Unusually, between the months of June and July 2014, an intense diplomatic activity took place among the governments of Mexico, Guatemala, El Salvador and the United States with the purpose of designing a mechanism to stop Central American migration, especially of children and unaccompanied minors. These countries’ Presidents and high-level officials, from Foreign Affairs ministries to military and police commanders, participated in these talks. On 27 June, US Ambassador Anthony Wayne visited the Mexico-Guatemala border.

⁹ Guatemala’s President stated that “he is coordinating with Mexico an operation of mobile implementation along the border starting at the Department of San Marcos, Guatemala, going through Guatemala’s entire coast, and that has to do with the Mexican border,” and added: “On June we are starting a combined operation with United States Forces to carry out investigation and attack on the bordering points, which will allow us to decrease the percentage on drug dealing in the country” (Scott, 2012).

¹⁰ Consequently, he states that one of tasks is the establishment of a “new high mountain brigade (...) a military brigade of two that will be established this year, and with which the combat to criminality will increase” (Ochoa, 2013). It is calculated that each of this military brigades will initially have 600 soldiers; however, these numbers could increase depending on the circumstances (*Ibid.*)

The multilateral meeting on Children and Adolescents Migration was held in Guatemala on 20 June with the participation of the United States Vice President Joe Biden; the presidents of Guatemala and El Salvador; Honduras' Cabinet Chief; and Mexico's Secretary of the Interior.

The same the day, the Speaker of the United States House of Representatives John Boehner sent a letter to President Obama exhorting him to send National Guard forces to the border with Mexico to take care of the unaccompanied minors flooding from Central America.¹¹

On 1 June 2014, the United States Secretary of State John Kerry arrived in Guatemala for a meeting with the Presidents of Guatemala, El Salvador and Honduras. During this meeting, he explicitly addressed the migratory issue and asked for their cooperation. The Secretary stated that the purpose of the meeting was to “see how can we jointly address the problem, to work cooperatively, to try to do things better to face the challenge, and to help the youth risking their lives to go to the United States” (*Prensa Libre*, Guatemala, July 1, 2014).

The Southern Border Program's implications

In view of the Southern Border Program's actions and results, it becomes useful to examine migration from a bio-political perspective, which is translated into the control of life, as referred by Foucault: “...is an element indispensable in the development of capitalism; the latter would not, have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes” (1998: 171).

The migratory crisis, within the new capitalism neoliberal stage, dominated by financial capital, uncovers the diverse mechanisms to stop

¹¹ In this letter, Boehner stated, “While we understand that many of these individuals come into this country escaping violence and hardships in their countries of origin, the current situation on the border and our rule of law policies make them risk their lives and their children's. It is time to deal with the border crisis with aggressive and immediate actions” (*Prensa Libre*, Guatemala, 20 June 2014).

migration during recessions and economic crises to “equilibrate” the labour supply. In that sense, Foucault stated that “the adjustment of the accumulation of men to that of capital, the joining of the growth of human groups to the expansion of productive forces and the differential allocation of profit, were made possible in part by the exercise of bio-power in its many forms and modes of application” (1998: 72). This idea is rendered in this new scenario, in which by punitive means interrupts the “free game of supply and demand.” This is a desired migration in times of economic growth and rejected during recessions. However, as had been well argued by the cited author, the dominance of the bio-politics’ calculus does not imply absolute control: “It is not that life has been totally integrated into techniques that govern and administer it; it constantly escapes them” (1998: 74).

In that sense, we can see how despite Mexico and the United States governments’ actions, migrants evade, find new mechanisms, and new routes to reach their destination. Of course, this comes with a greater sacrifice for both migrants and their families, translated into higher financial costs, sufferings, and loss of hope. In this scenario, the most trodden route is the sea: “migrants come from Chiapas’ port, arrive at Paredón, in the municipality of Tonalá, then they take boats to Salina Cruz, Oaxaca, and then continue by road...” (Gómez, 2015).

The bio-political approach to migration, revealed in one of the Southern Border Program’s axis, was ratified in a meeting on 2 May 2015 in Mexico City, chaired by Vanessa Rubio Márquez, Undersecretary for Latin America and the Caribbean, with the presence of Guatemala, Honduras, and El Salvador’s Vice Ministers, where the “creation of a biometric database to register migrants to facilitate their protection and identification” was agreed upon (*La Prensa*, Nicaragua, 2 May 2015).

On September 2014, Texas’ Governor Rick Perry asked for elements of the National Guard to reinforce the border. In a letter addressed to President Peña Nieto, in response to Mexico’s government’s diplomatic note, he expressed firmly: “Our challenges today are partly a consequence of the *failure of the Mexican government to secure its southern border from illegal immigration by unaccompanied children and other individuals from Central America*, or to deploy ad-

equate resources to control the criminal element in Mexico” (Perry 2014, *emphasis added*).

The National Guard deployment to support the Border Patrol is not new; for instance, in 2010, President Obama signed a law allocating 600 million dollars to an emergency fund to secure the border; 1,500 agents; unmanned aerial vehicles (drones); new operations bases, and 14 million dollars in new communication equipment (CNN, 2010).

During fiscal year 2014, the Border Patrol obtained a historical budget of 3.64 billion dollars,¹² which clearly shows the hardening of border enforcement to hinder the migrants’ passing. Bio-power is manifested through the conception the government of the United States has regarding the migratory phenomenon, power that is imposed upon the Central American and Mexican governments.

Therefore, we have to ask what the foreseeable scenario is. While Barack Obama led the government there were no substantial changes. As primaries initiated and Ms. Clinton postulated herself to compete for the Democrat candidacy promising to continue the path taken by Obama, nothing could guarantee migrants’ future.

Why and with what objective are migrants denied mobility? Are migrants carriers of evil, crime, terrorism or drugs? What is the theoretical, ideological and political framework on which the containment and criminalization policy towards migration is sustained?

Conclusion

The metaphor referring to the southern border reveal its complexity: Mexican “Lampedusa”; The Last Border, The Forgotten Border, The Mobile Border; hell; the route of confinement, among others. “The Beast,” the so-called migratory stations; the military posts; and migrant’s shelters are all part of the new landscape of the southern border that will

¹² See: www.cbp.gov/sites/default/files/documents/BP%20Budget%20History%201990-2014_0.pdf.

have to be taken into account for a characterization of the southern border during the last two decades.

The southern border, in addition of being home of striking rivers, mountains, coasts, forests and jungles, as well as the deposit of a wealth of strategic resources, is peopled by large numbers of peasants, small communities, and medium-sized cities that sharply contrast with a mostly poor and excluded population that started systematically and increasingly to migrate to the United States in 1990.

Place of poets, distinguished characters, the southern border is today seen with a twofold fancy. On the one hand, as a great deposit of mining and oil resources, water, and biodiversity. On the other, as a geopolitical space, key for Mexico and the United States' national security, a place where danger inhabits, a threat to institutions: that is why it is critical to make it "safe and prosperous." What should we understand by security and prosperity? Two abstract terms that speak to a vision of development from above. The National Security Program 2014-2018 marks this reality, in point four, dealing with "borders, seas, and irregular migratory flows," as it emphasizes:

[...] the consolidation of the Comprehensive Strategy for the Attention of the Southern Border, a mechanism fostered by the Federal Government since June 2013 will be critical for strengthening the presence of the State's authority in the region, and for coordinating actions with Central American countries to overcome our common challenges to security and development; and move forward the establishment of a more modern, efficient, prosperous and safe border (DOF, April 30, 2014).

The border municipalities Chiapas, Tabasco and Campeche, as well as the Guatemalan Petén, have important petroleum, oil and gas reserves; the mining concessions in Chiapas cover more than 1.6 hectares; and the Salina Cruz' pipeline to Honduras give an account of the southern border's strategic condition. Under these circumstances, is it possible for the history of this region to follow a different course?

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The Pacific Railroad Route, a Look into Migration in Transit through Western Mexico

Rafael Alonso Hernández López

Introduction

In the last decade, transit migration through Mexico has become a significant subject for an international migration research agenda. While not a new social phenomenon, it has recently gained relevance, not only because of the increasing magnitude of migrants' flows, but also, and most importantly, due to the crisis, vulnerability and risk that have characterized it. To better understand migration in transit, it is critical to look at the configuration of the migrant routes, particularly of the railroad ones, and at the role that the cargo train, known as "the Beast," plays within this context.

This work aims to be both an analytical and descriptive exercise of characterization of the elements that shape the "Pacific or western railroad route," and is based upon *Fm4 Paso Libre* humanitarian project. *Fm4 Paso Libre* is an organization in Guadalajara that since 2010 has, through its center for the attention of migrants, given support to over 19,000 migrants in transit. Through migratory statistics, fieldwork, and experience coming from the direct humanitarian intervention, this paper aims to contribute to a much needed characterization and analysis of migration in transit through Mexico.

“La Bestia/The Beast” and the railroad tracks: key actors to understand migration in transit through Mexico

The most recent migration history of Central Americans in transit through our country is a phenomenon that can hardly be understood without the consideration of the importance that the cargo train has on their journeys. While it is true that there is no accurate information regarding the quantity and proportion of migrants using the train as a mean of transportation, the relevance of looking at it lies not on the quantity of people that use the cargo train, which is by itself already an indicator, but on the complexities and implications of the now very well known “Bestia/Beast.”

Just two decades ago, in 1995, during President Ernesto Zedillo’s administration and during an acute economic crisis, the Mexican railroad system was denationalized. To do so, the national Congress modified the Mexican Constitution so that railroads were not considered a strategic monopoly any longer, but a key sector for the country’s economic reactivation. With such adjustments, concessions were given to the private sector to operate the railroad network in the country. Under this restructuring, the Mexican government retained the railroad tracks’ control while the private sector operated and exploited them.

As part of the denationalization strategy, and to prevent the routes’ excessive fragmentation, while securing a balanced access to internal markets in the country (either directly or through right of way and drag), the government divided the railroad network into three vertically integrated main routes. To facilitate the bidding process, the *Ferrocarril Nacional Mexicano*/Mexican National Railroad, was divided into five regional units. As a result, the *Ferrocarril del Noroeste*/Northwestern Railroad, the *Ferrocarril Pacífico Norte*/Northern Pacific Railroad, the *Ferrocarril del Sureste*/Southeastern Railroad, the *Ferrocarril Chihuahua al Pacífico*/Chihuahua-Pacific Railroad, and the *Ferrocarril Terminal del Valle de México*/Valle de Mexico Terminal Railroad were born.

The *Ferrocarril del Noreste*/Northeastern Railroad belonged to *Transportación Ferroviaria Mexicana*/Mexican Railroad Transportation (TFM), which was later acquired entirely by Kansas City Southern Mexico (KCSM). The *Ferrocarril Pacífico Norte*/Northern Pacific Railroad was gi-

ven to *Grupo Ferrovionario Mexicano*/Mexican Railroad Group (GFM), today represented by Grupo México, whose name changed to FERROMEX. The *Ferrocarril del Sureste*/Southeastern Railroad was the last concession to private companies, and was adjudicated initially to the Mexican company, Triturados Mexicanos (TRIBASA), whose name in the railroads' sector was FERROSUR, and which in 2005 was merged with FERROMEX (Gorostiza, 2011).¹

The denationalizing process made the interests and priorities of the railroad sector clear: the transportation of merchandise throughout the almost 28 thousand kilometers of railroad tracks (SCT, 2015). Hence, with the exception of Chihuahua and Valle de México trains (the latter of which, because its location in the center of the country, still maintains some dynamism), passenger train service disappeared. The railroad routes, along which the new companies moved, were two corridors starting in the Mexican southern border. One in the state of Chiapas, in Tapachula, which up to date remains devastated since 2005, when hurricane Stan seriously damaged the region's local infrastructure. Consequently, today the first point in which the train initiates its journey is the city of Arriaga. The other railroad corridor near the southern border starts in the state of Tabasco, in the municipality of Tenosique.

These two corridors meet in the Mexican Gulf, specifically in the municipality of Medias Aguas, Veracruz. This corridor continues towards the center of the country, passing through the states of Tlaxcala, Puebla, Estado de México and Mexico City. Three corridors start from the center of the country, and lead to distinct intersections or border cities: the "Gulf Route," the "Center Route," and the "Pacific or Western Route."

In this paper, the "Gulf" route gives name to the railroad corridor used by migrants in transit to go to the border crossings of Nuevo Laredo and Matamoros in Tamaulipas, or Piedras Negras, Coahuila. The route starts in the center of the country, in Mexico City and the Estado de México, and continues through the states of Querétaro, Guanajuato, San Luis Potosí and Nuevo León before reaching the aforementioned

¹ Gorostiza (2011) makes an excellent recap of the process that the Mexican railroad underwent, making an analysis from its privatization to 2010.

border crossings. After passing through the middle of the country, the “Center” route traverses the city of Irapuato, Guanajuato, and continues through the states of Aguascalientes, Zacatecas, Coahuila, and Chihuahua until it reaches Ciudad Juárez or Presidio Ojinaga, both in the state of Chihuahua. The “Western” route starts in the city of Irapuato, Guanajuato, and continues through the states of Jalisco, Nayarit, Sinaloa and Sonora to arrive to the border city of Nogales, and then, through another bifurcation, to the two most important border cities in the state of Baja California: Mexicali and Tijuana.

The following map shows the distribution of the railroad corridors through the country.

Map 1
Railroad routes through Mexico



Source: Fm4 Paso Libre. 2013. *Migración en tránsito por la Zona Metropolitana de Guadalajara. Actores, retos y perspectivas desde la experiencia de Fm4 Paso Libre*. Prometeo Editores. Mexico. p. 2.

Through its multiple corridors, the train moves among its vans,² hopper wagons,³ gondola cars,⁴ platforms⁵ and tanks thousands of tons of a wide array of products, of which the industrial type represent 49% (54,912 ton) of the total, agricultural products 22.4% (25,173 ton.), mineral products 14% (15,669 ton), petroleum and derivatives 8.3% (9,244 ton), inorganic products 4.8% (5,348 ton), forest products 1% (1,098 ton), and animals and its derivatives 0.4% (422 ton) (SCT, 2013).

From this data, it is evident that many of the goods transported by railroad constitute a risk to those that have contact with them. Industrial, agricultural, mineral products, and those derivatives or related with petroleum require specific security measures that migrants travelling on the train lack.

Consequently, the current structure of the country's railroad sector sheds light to the transit conditions under which Central Americans and Mexicans travel on the cargo train. Two main reasons drive the use of the cargo train as a mean of transportation for migrants. The first motivation is eminently economic, and is inherently imbricated with the structural factor, also of economic nature, that incentives migration from the places of origin. In other words, the first premise of the argument is based upon the lack of sufficient resources to move or use other means of transportation once migrants have entry the country. Consequently, the argument exposed here posits that migrants in transit use the train due to the lack of economic resources, which, since the train is not equipped to transport people, does not entail a monetary cost. Furthermore, regardless of the migration process occurring with the help of a "coyote," or smuggler, using the train reduces the economic cost of the journey.

² Drag is united with access to laterals destined generally to transport merchandise that need protection against the elements (SCT, 2013).

³ The box has a pyramidal trunk shape, with hatchways on the roof, and gates on the floor that are used in the ports to unload and distribute bulk products (SCT, 2013).

⁴ Industrial recyclable drag units are modified for products that need to be moved with a towing vehicle (i.e. marble among others) (SCT, 2013).

⁵ Cars without a fixed ceiling, or lateral borders, and has tools for the setting of chains, hoops or poles to secure the freight (SCT, 2013).

However, to avoid a purely neoclassical perspective, it is important to recognize that while the economic incentive to travel on the cargo train is present, migrants' decision to use the cargo train is also articulated through an increasingly restrictive policy towards irregular migrants. This argument considers the political dimension in terms of the control, restriction, and regulation of national borders, and, consequently, of human migrations. To better understand this it is necessary to contemplate a regional approach in which Mexico can be thought as part of the decisions made in the northern hemisphere, the most common destination of Mexico's undocumented migrations as well as of Mexican migrants. Mexican migration policies are determined by Mexico's geographical position, and by its economic and political dependent and unequal relationship with the United States. As a result, Mexican migratory policy has been shaped by the needs and demands of the neighboring country (Córdova, 2008).

Since the terrorist attacks of September 11, 2001, national security became a major consideration in the United States' internal and external policies, and consequently, of Mexico's policies, among which migration and organized crime became critical concerns (Benítez, 2011: 179). This resulted on the securitization of the migration, and as a result, on the criminalization of migrant population.

In light of the national security agenda imbrication with migration processes, more migrants chose to use the cargo train to avoid the commercial routes, highways, and to evade migratory verification operatives. Hence, the train became a "safe" (Casillas, 2001) mean of transportation that guaranteed transit through the country.

Organized civil society's groups have revealed how, throughout the past five years, migration in transit security in terms of migratory detentions has increased, while migrants' security in terms of the risks and vulnerabilities that travelling on the train and using the railroad tracks implied have accentuated. In addition to the risk of using the cargo train as a transport, migrants suffer systematic human rights violations evidenced in thefts, both with and without violence, transit's fees,⁶ ex-

⁶ In which trains in movement are repeatedly assaulted by armed criminal groups that charge roughly 100 US dollars to each migrant for passing through distinct regions. In

tortions, and kidnappings. The Human Rights National Commission's (CNDH) *Primer Informe Especial sobre Secuestros a Migrantes/First Special Report on Migrant Kidnappings* reports, during the first six months of 2009, 9,758 kidnappings with an average of 33 events and 1,600 victims per month. Additionally, over a year the projections showed that kidnappings could be around 400 events with approximately 18,000 victims. Ransoms are estimated to be around of 2,500 dollars on average, oscillating between 1,500 and 5,000 dollars, which have yielded organized crime a profit calculated in approximately 25 million dollars (CNDH, 2009).

In 2011, the CNDH published the second diagnostic regarding migrants' kidnapping in Mexico, and reported 11,333 victims in 214 events throughout six months (CNDH, 2011). Unfortunately, reports for 2013 and 2015 were not followed through, raising a great question regarding the situation of such criminal acts throughout migratory routes, which according to social organizations, remain constant.

The Western or Pacific railroad corridor

As has been mentioned, the Pacific railroad route initiates in the railroad's junction in Irapuato, Guanajuato, to continue its journey through key western cities such as Guadalajara, Tepic, Mazatlán, Culiacan, Hermosillo, Nogales, Mexicali and Tijuana (see Map 2).

order to threat and encourage migrants to pay the aforementioned "fee," the criminal groups attack some of the migrants, frequently shooting them, striking them with machetes or by throwing them from the train.

Map 2
The Pacific or Western railroad route



Source: Elaborated by the author.

According to information provided by the organization *Dignidad y Justicia en el Camino* / Dignity and Justice in the Journey (generally known as *Fm4 Paso Libre*), the Pacific route offers greater guarantees in security terms. Yet, this does not mean that it is free from assaults, extortions, and other human rights violations, but that migrants tend to do a cost-benefit analysis before choosing which route to use.

Until 2010, the Western route was hardly known by the media, and was not heavily transited by migrants since it runs along 4,137 kilometers to the last station in Mexicali. Consequently, its extension practically duplicates the quantity of kilometers of the “Center” and “Gulf” railroad routes. Travelling through the longest route in the country implies inherent costs for migrants: the unfamiliarity of the national geography,

and the numerous days spent on the train make them think they are near the border with the United States, when in fact they are still far from it. Distance is coupled with the fact that the route traverses large part of the Sonora desert, one of the most hostile climates in the continent.

Migration through the Pacific route increased after several tragedies occurred on the other two railroad routes. On August 2010, 72 migrants were kidnapped, mutilated, assassinated and left without documents, hence unrecognizable. On April 2011, 193 bodies were found in clandestine graves in the municipality of San Fernando, Tamaulipas; and on May 2012, 49 abandoned torsos appeared in the municipality of Cadereyta, Nuevo León. Due to this violent scenario, migrants have consciously chosen the Western route despite its greater length, and lack of developed humanitarian aid networks. While the Pacific route is neither free from violence, nor represents a paradise for migrants, to this day a differentiated assessments of levels of risks and violence between the routes sway the migrants' decision to travel through the Pacific route.

Meanwhile, in the Center and Gulf routes organized crime has settled its attention upon migrants in transit as potential victims of their criminal activities, particularly through kidnapping. In such scenario, migrants' lives depend on their ability to pay ransom. In the Pacific route, the geography of the crime is different. For instance, the region's leading criminal group continues to victimize migrants by using them to smuggle drugs into the United States. Additionally, intimidation comes mainly from local gangs and criminal groups that steal, and threaten migrants to obtain specific material goods. As opposed to the other routes, the hostilities in this route not necessarily means death, but physical aggression and theft of material goods.

According to *Fm4 Paso Libre* (2013), over 50% of migrants use this corridor to avoid the Gulf and Center routes, which are known for its violence, and for it being occupied by organized crime groups. Furthermore, this decision is not based only on what is happening with organized crime, but also with violence exerted by authorities. Frequent extortions, thefts, and coercion by the judicial branch is carried out by municipal, state and Federal Police forces as well as by migratory authorities.

The second motivation to use this route is unfamiliarity with the geography, the routes, and the cities the train traverses. Consequently, the journey is transformed into an expression of luck in which the success is qualified by the ability to get near the northern border. The third one is that migrants use this route to pass through Sonora and Baja California.

Within the Pacific route, Guadalajara constitutes one of the country's most important cities, and specifically of the western region, and a place where there is sizable transfer of people and merchandise. Besides Guadalajara is the epicenter of the humanitarian aid project for migrants, *Fm4 Paso Libre*. Since its creation in 2010, *Fm4 Paso Libre* has consistently register and document Mexicans and Central American migrants in transit's journeys.

Migrants in transit through western Mexico

In order to present a comprehensive characterization of migrants' routes, it is imperative to look at migrants as subjects constructing them. From this perspective, the description hereby used is supported by 19,554 interviews carried out by *Fm4 Paso Libre* to migrants in transit through the Metropolitan Area of Guadalajara from May 2010 to May 2015. The following section explains and details the particularities of the migrants' flows that shape the Western railroad route as a space of transit migration.

a) Male route

Migratory transit through the pacific corridor is mainly composed by men. *Fm4 Paso Libre's* five-year sample shows 18 thousand male and only 817 female entries, a proportion of 96.72% against 4.18%. The dramatic share that men have over women underscores the need to explore explanatory variables to cast light on why less women use this railroad corridor. As shown in previous paragraphs, interviewed migrants refer

to security as their main argument to use the Pacific route. Consequently, the unavoidable question is Why does this railroad route, despite being one of the safer railroad routes,⁷ registers less women, who are among the most vulnerable groups of migrants in transit?

Having evaluated the evidence for the women's case, it seems to be, hypothetically, that geographical distance plays a major role. That is to say, allegedly, women would be using the other railroad corridors, and even other means of transportation to the northern border. Additionally, it is important to emphasize the importance taking into account the critical role that the human trafficking networks play in the mobilization of women along and across the national geography.

b) Route of young adults

Another element to highlight the characterization of this migratory routes is that people using it are young, yet not too young (16-25 years old), more accurately, they could be considered as young adults since their average age is 31 years. Most of the interviewed migrant population is between 17 and 34 years old, representing 64% of the sample. The next majoritarian group is composed of migrants between 35 and 43 years old representing 20% of the interviewed migrants; then, from 44 to 52 years old with a 10%; and more than 53 years old with only a 3%. The minors' cluster, including migrants from zero to 16 years old is missing here because it is the one less present in this railroad corridor.

The children's case deserves a special mention due to the widely known migrant children crisis that reached its peak during the summer of 2014. Until July 2014, the United States had detained more than 50 thousand children, predominantly coming from Central America. The wave of minors exceeded the United States Border Patrol's capability, and the reaction of the government soon came: Obama asked Congress for 2 billion dollars to "contain" the "massive" arrival by increasing the

⁷ This word is used for it is not necessarily a safe space. The violent conditions against migrants are different, and not absent.

border's sealing. Furthermore, the crisis prompted regional meetings with the governments of Mexico and Central America to try to face the phenomenon.

Based on the information presented hereby it can be confirmed that the Western railroad route is the least used by this population group. Just as in the women's case, this does not seem to be a major road for minors either alone or accompanied. Therefore, the "less dangerous" route in terms of criminality is the least accessible for women and minors for whom staying on the train for longer periods put them at serious risk. This means there is need to reflect and deepen the attention to migrants in these population groups that choose the Pacific railroad route for they might be in greater vulnerability.

c) A route of Central Americans and Mexicans

Migrants' groups that most transit the Western railroad route come from Central Americans, with Honduras, Guatemala, Nicaragua, and El Salvador representing 68% of the sample, a percentage to which Hondurans contribute with 46%. The sample is concluded with Mexican population with a 30% of the sample. The remaining 2% includes people coming from different countries (Costa Rica, Colombia, Panama, Cuba, Peru Bolivia, Haiti, United States—in the case of the latter children of Mexicans born in the US that lack papers, and were deported as a result are included).

The Western railroad route acts as an inflection space regarding classical theories about migration in transit, particularly with respect to the presence of Mexicans. Migration in transit has been traditionally regarded as a phenomenon involving foreigners passing through Mexico. Nevertheless, the evidence shows a flow of Mexicans integrated to the logic and purposes with which the transit has been associated. It is, without question, a movement between the departure and the arrival, which, in the Mexicans' case, does not necessarily implies crossing through another international border.

The growing presence of Mexicans among the flows using the cargo train as a mean of transportation reveal the Mexican migrants'

economic and social needs. If we consider the explanatory premises that position the train as a crucial factor within migrant transits (the economic and the restrictive policies), we could suppose that Mexicans would not need to use the train due to the political recognition they have as citizens of the country. In other words, they would be in condition of travelling or using public transportation without being harassed by migratory authorities. Yet, as reflected on the data provided by Mexican migrants, they are coming from Mexico's center and southeastern states dedicated to agriculture, cattle raising, as well as are small-scale producers, workers, and people in the service sector without specialization (i.e. drivers, taxi drivers, and waiters). Hence, they are low-income people lacking both conditions and resources to pay for the journey to the northern border. As a result, for them the train does not only represents a viable option, but very often the only one.

We cannot overlook that this migrant route is combined with the trajectories and destinations of Mexican agricultural workers that move every year among the states of the Mexican Pacific region (Baja California, Sonora, Sinaloa, Jalisco) following the agricultural cycles of these areas, and forming another migratory circuit among their communities and these locations dedicated to agriculture.

d) A multi-directional route

Mexico has a myriad of research and studies looking at the multiple dimensions that characterize the international migratory phenomenon. Some of these works explain migration as a result of geographical differentials between the labour supply and demand, stemming from a well-known neoclassical approach (Massey *et al.*, 2000: 8) that argues that —international— migrations follow labour's demand in advanced industrial societies (Piore, 1979). From another perspective, migration has been interpreted as social capital, concerning how social networks, people in countries of origin have with migrants already living in countries of destination, reduce migrations risks and costs, hence, incentivizing the movement from one country to another (Durand, Goldring and

Massey, 1994). Other explanations based on the geopolitical international organization perceive migrations as an inherent part of central nations' hegemony exercised upon those in the periphery (Sassen, 1988; Portes, 1981; Arango, 2003) that has been developed and expanded since the 16th century.

From these approaches, and starting from the Mexican case, the issue of migration in transit has only recently been included to research agendas. Inspired by theories that have explained international migration, analytical frameworks have been mobilized and adapted to explore transit migration. Yet, regardless of the explanatory variable of the migratory phenomenon, a logic through which migration is considered as an almost binary and unidirectional phenomenon that occurs fundamentally from south to north, from developing countries to developed countries, and from dominated to dominators countries, prevails. Such analytical mobilizations and adaptations run the risk of falling into generalizations that frame the migrant subjects as little more than passive players in the great powers' larger game, and world processes ruled by a logic of capital accumulation (Arango, 2003: 18).

And despite that, due to the dynamic of the migratory phenomenon, the issue of return has been slowly incorporated, there are also signs advocating transit migration as a process that requires its own elaboration and explanatory variables by focusing, without ignoring the roots of migration, on mobility after the departure of the country of origin, and before the arrival to the country of destination.

From the analysis of the dynamic of the Western railroad corridor, it can be argued that migration in transit is by no means unidirectional, that the route does not go uniquely from south to north, and from Central America or southern Mexico to the United States. There are several migrant flows that, after deportation to Baja California and Sonora, use the Western route to return to their communities of origin, or even to try to cross again into the United States from other parts of the border.

There is also migrant population that after several failed crossing attempts, return using the route in opposite direction, a movement referred to as inverted transit. Inverted transit is understood as that form

of mobility in which the person is still in transit, but the movement is, momentarily or even definitively, in the opposite direction.

Within this multidirectional mobility, encounters between differentiated populations, whose stories, purposes, destinations, and movements do not necessarily fit into established theoretical premises, constitutes a much more complex scenario that underscore that flows are not linear, nor unidirectional. Most importantly, it allows for the possibility of recognizing migrants in transit as active subjects of their own migratory process.

Given the journey's conditions and geography, each migrants' experiences and particular conditions, and the numerous threats and obstacles that they face, the migrants' transits lack "pre-adaptation;" consequently, they require multiple strategies and tools to traverse the national territory. As a result, it is critical to show the stories of migrants to destabilize representations of apparent coherence, homogeneity, and passivity that have characterized migration in transit, and that, instead, recognize the diversity and complexity of the migrants' trajectories, and their roles as political and social subjects.

Estimations regarding the behavior of the migratory flows through the western railroad route

Fm4 Paso Libre's five year experience and work providing comprehensive humanitarian intervention allow for estimations regarding the dynamics of migratory flows through this corridor. As has been stated before, the sample on which this work is based upon consists on a body of information of over 19 thousand interviews,⁸ and an equal number

⁸ It is pertinent to state that *Fm4 Paso Libre's* work is an approximation that allows to quantify and evaluate the migratory flow through the western corridor. The sample was drawn from migrants that predominately use the cargo train to get to northern Mexico to return to their places of origin, or even to look for new routes. The organization's estimates that it attend around 50% of the migrant population crossing through the Metropolitan Area of Guadalajara, hence, an approximation that is useful for estimating the migratory flow.

of people carried out at the *Fm4 Paso Libre*'s Center for the Attention of the Migrant, a space for encounter and dialogue with migrants.

Precisely because of this reason, it is important to determine that rather than working with quantities, the following analysis serves to uncover dynamics and, only for the purposes of getting a sense of the magnitude of the migratory flow, figures will be referred to. While quantities presented here do not constitute the totality of the migration flow through this region, they are part of an ample statistical sample that allows for reasonable characterization.

The quantity of attended and interviewed migrants reflect, on the one hand, a steady increase partially explained by the awareness⁹ that the organization has acquired to be socially identified as a space for migrants' attention, an element that facilitates that migrants approach the organization. On the other hand, the real increase in the migratory flow since 2010 cannot be overlooked. If 2010 is considered the starting point to evaluate the flow, we can assess the flows for 2011, 2012, 2013, and 2014.

To start with, it is important to emphasize the real increase in the number of migrants. Throughout these five years of work, the following number of people were attended and interviewed: 804 in 2010, 3,126 in 2011, 4,609 in 2012, 4,571 in 2013, 5,245 in 2014 and 1,195 from January to May 2015, broken down as follows:

Figure 1
Migrants attended by *Fm4 Paso Libre*, 2010-2015

	2010	2011	2012	2013	2014	2015
January		154	343	207	367	320
February		267	408	548	576	151

⁹ At the beginning of *Fm4 Paso Libre*'s humanitarian work, volunteers had to walk through the railroad tracks and the streets to look for migrants, and take them to the Center for the Attention of the Migrant (CAM). As years passed, migrants and society retransmitted the CAM's location.

	2010	2011	2012	2013	2014	2015
March		185	478	503	602	249
April		242	408	488	461	263
May	110	201	481	390	576	212
June	53	211	392	388	481	
July	87	344	219	303	529	
August	68	407	324	356	404	
September	134	179	308	349	455	
October	105	310	464	415	405	
November	97	357	549	360	237	
December	150	269	235	264	152	
Total	804	3,126	4,609	4,571	5,245	1,195

Source: Own elaboration with *Fm4 Paso Libre*'s database.

Taking into account the National Institute of Migration's figure of 140 thousand events of undocumented transit migration through Mexico since 2010 (CEMINM, 2011), or the 400 thousand estimated by civil society organizations, it is feasible to argue that few migrants use this railroad route. Nevertheless, these figures show a continuous increase that evidences the increment of the migratory flow through this region of the country: in 2011 with respect to 2010 of nearly 400%, of 150% from 2011 to 2012, and of 115% from 2013 to 2014. The year 2015 marks a significant decrease, explained by the implementation of the *Programa Frontera Sur*/South Border Program, which will be briefly examined in the following paragraphs. While this exercise is still under review, it is essential to state that it is useful to reveal that in this region, the Pacific railroad route is increasingly being used by migrants in transit either to the United States, or in inverted transit to their communities of origin.

Considerations regarding the movement of migrants flow show several variables that help to better understand it. Since 2009 Honduras was

immersed in a deep crisis due to the *coup d'état* against President Manuel Zelaya. The new dynamics and political restructure that followed, coupled with the country's economic weakness, had huge costs for the Hondurans, whom little by little became the most important group of undocumented populations in transit through Mexico.

Additionally, in Mexico President Felipe Calderon's war against organized crime escalated into greater violence, which acts as an incentive for the readjustment and creation of new migratory routes, significantly due, as indicated in previous paragraphs, to the massacres against migrants. Furthermore, in 2013 the economic and social crisis worsened in Central America, and caused a migratory wave that remained steady until 2014.

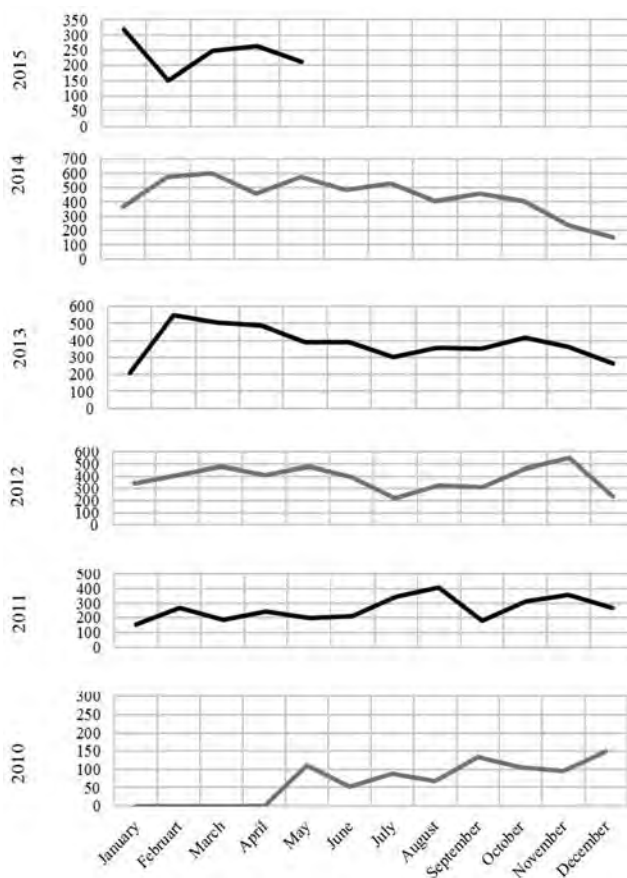
When considering monthly migrants' flows, some patterns emerge. As shown in Figure 2, traditionally, the flow slightly increases from January to February to stay relatively constant until May. Between June, July and August there are minor variations: while during 2010, 2011 and 2014 there was an upward trend, during the rest of the years it decreased. On September, in most cases the flow registers a considerable spike that keeps on increasing, or at least stays constant until November. On December, there is a marked decreasing tendency, which stays constant until January.

Migrants' flow through the year is substantially influenced by two conditions related to the transit through the country: the weather and the political climate. There are months of the year in which harsh weather conditions usually make traveling on the cargo train difficult. For instance, during the summer (the months of June, July and August), high temperatures, coupled with the hurricane season in the national territory, can halt, modify and/or delay the migrants' transit. Henceforth, as shown in Figure 2, the number of migrants in transit through Guadalajara has varied throughout the years. On the contrary, during the months of December and January a clear decreasing tendency is observed, partially explained by the holidays, but also by the risk posed by this route's low temperatures, particularly in the border and deserts, which during the night can be mortal for migrants travelling on the train.

The second condition, the political climate, is explained through the events (external and/ or internal) that focus public attention on the

migratory phenomenon. Some of them have already been previously described in this article, and include the massacre of 72 migrants in San Fernando, Tamaulipas, the implementation of the *Programa de la Frontera Sur*/ Southern Border Program, or/and the economic and social crisis in Mexico and Central America.

Figure 2
Monthly flows: migrants attended by
Fm4 Paso Libre, 2010 - 2015



Source: Based on the *Fm4 Paso Libre*'s database.

In July 7 2014, the Mexican State launched the *Programa Integral Frontera Sur/* Southern Border Comprehensive Program, whose objective, as stated by President Peña Nieto, is to protect migrants crossing through our country. Interestingly enough, even when in 2013 the *Plan Especial de Migración/Migration's* Special Plan was drafted, this program was never mentioned. So, the program is an improvised reaction to a new pressure from “above,” though, clearly, never made public.

The new program's actions are geared towards guarding Mexico's southern border, railroad routes and migrants' security delineated in three objectives: *a)* to prevent that migrants are put on risk by using the cargo train; *b)* to develop strategies for guaranteeing the migrants' security and protection, and *c)* to fight and eradicate criminal groups that threaten and harm migrants' rights. These objectives were supposed to be combined, or so it was stated, with a prevention strategy that included the railroads' monitoring, the State's presence to prevent crimes, and the strengthening of the articulation with Central American consulates.

Since June 2014, regional visitor's cards were given out, but only to Guatemalan and Belizean citizens without taking into consideration statistics, the ones reported in this article included, that clearly show that the major migratory flow in transit through Mexico in the last years, is the one of Hondurans. Additionally, the Mexican federal government announced the development of intelligence operations to disarticulate organized crime groups leading networks of human trafficking, extortion and kidnapping of migrants; the strengthening the General Attorney's offices for the attention of crimes against migrants; the participation of the states' human rights commissions; and joint efforts through shelters operated by civil society.

Such actions were coordinated under the *Programa Nacional de Infraestructura/* National Infrastructure Program in order to repair and maintain railroad tracks in the country and to increase the trains' connectivity and speed, henceforward decreasing the theft of materials and train derailments. The premise of these measures is certainly unsuitable, since it seems based on the belief that railroad “modernization” will end undocumented migration.

The first steps taken under the southern border program were focused on investments on railroad infrastructure, which was followed by security measures not directed at migrants, but at the trains and the goods they transport. At the same time, the National Institute of Migration, aided by the Federal Police, the military, and, in some cases, the Navy, carried out continuous raids. The results: a dramatic increase in the vulnerability, exposition to risk, routes diversification, and, once again, invisibility of migrants in transit.

This new raid scenario against migrants was justified by a vague human rights defense and migrants' protection discourses. Weeks after the start of the program, Secretary of the Interior Miguel Ángel Osorio Chong stated that it was not intended to harm or attack, but to prevent Central American migrants from getting on "the Beast" in order to protect them. Effectively, and following the authorities' logic, success was evident weeks after its implementation. Through the constant operatives implemented in this context, the number of migrants on the cargo train substantially decreased. The migratory authorities' operatives did not only present at the railroad tracks, but expanded to cities and towns where migrants usually concentrate to wait to continue their journeys, and even to the surroundings of the shelters, and centers for humanitarian aid. Steadily, the limits of the southern border were effectively extended to the center of the country through migratory verification and military inspection points across highways to detect migrants travelling in buses, cars and trailers.

According to the information provided by organizations that work with migrants in transit in Mexico, the impact of the program has been such that since the implementation of the program, in many cases, the flow of migrants has been reduced by 50%. This did not mean that migrants were not entering the country, but that, as stated before, they have started to use alternatives, the majority of which are even riskier. To evade migratory raids, migrant populations are improvising strategies, walking for days and weeks through unhospitable geographical spaces in extreme weather, and where the natural vulnerability is worsened by the vulnerability coming from the impunity and invisibility with which criminal groups attack them.

This decreasing tendency can be observed in the aforementioned figure, by taking as starting point the summer of 2014, which continues on a clear fall through 2015. For instance, if we compare February 2015 with the same month of 2014, there a decrease in migrants of nearly 75%.

Final considerations

The Western railroad corridor used by migrants in transit is the longest railroad route of the country. This corridor has been traditionally utilized by migrants to get to the border between Baja California in Mexico and California in the United States. *Fm4 Paso Libre's* humanitarian work with a comprehensive perspective has allowed to trace the route in geographical terms and understand it on its social dynamic.

This railroad corridor is one of the three passages that start in the center of the country. Analyzing them is an imperative exercise to understand better the conditions, magnitudes, dynamics and scenarios that involve transit migration, and to show the vulnerability, frailty and crisis that have distinguished migration crossing the country during the last years.

This article exposed four characteristics of this migrant route: it is a route used mainly by men, which are also young adults. Despite recent explanations regarding migration in transit, it is clear that it is shared by both Central Americans and Mexicans. Finally, this migratory corridor is definitely multidirectional since it does not only registers south-north migrations, but also what has been referred as inverted transit in this work.

This essay aims at contributing with elements to advance the characterization of migration in transit, and to ponder on specific themes that still need to be developed and that have been outlined for a research agenda. The evidence presented in this article reiterates the enormous intellectual challenges that rest upon us, and presents a phenomenon that keeps changing at an amazing speed.

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European Border Control Policies: The Case of Poland

Stefan Alscher

Introduction

The eastern border of the European Union comprises a complex borderline from the Norwegian-Finnish-Russian border tripoint near the Barents Sea to the small town of Enez on the Greek-Turkish border near the Aegean Sea.¹ The total length, of about 6,000 km, is nearly double that of the US-Mexican borderline, with 3,141 km, from Playas de Tijuana to Boca Chica Beach in Texas. Despite its huge dimension, the discourse on EU borders is mainly focused on its southern borders. The by far larger irregular migration flows in the southern border region of the EU is also reflected by the continuous media coverage of migrant boats in the Mediterranean Sea and the humanitarian tragedy of an increasing number of migrant deaths.

This essay presents an insight on the complexity of the European external borders and border control policies, using the model of a “European Migration Arena.” Being the largest section of the outer border of the Schengen Area, Poland’s eastern border has been selected as the

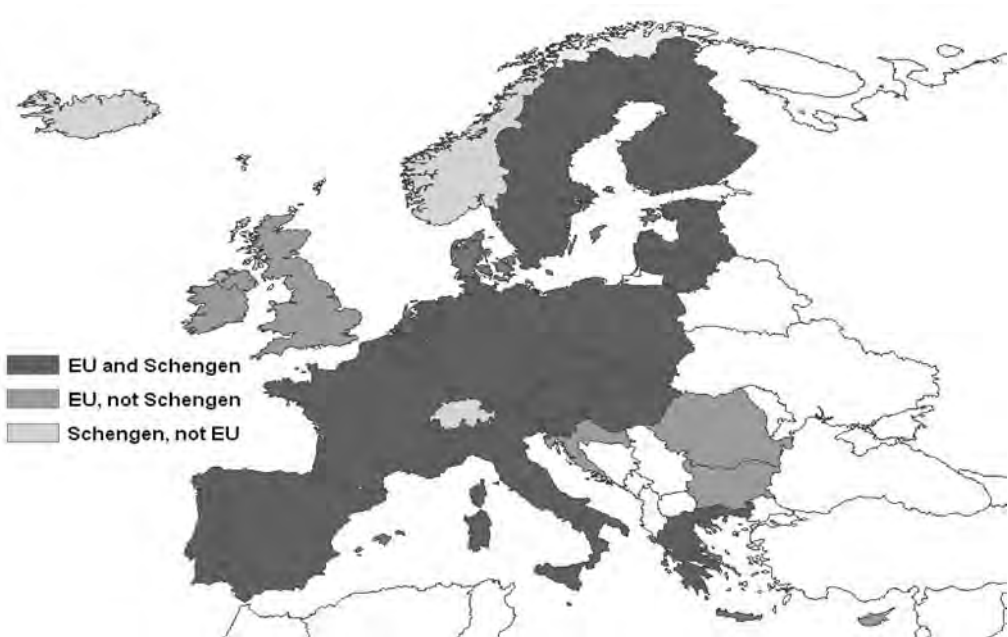
¹ *Network Migration in Europe*. This article is an updated, revised and slightly changed version of Alscher, 2010. Including the 832 km borderline of the Russian exclave, Oblast Kaliningrad, between Poland and Lithuania.

focus of analysis on the development of the borderline, as well as the trends and patterns of the East-West migration flows.

The complexity of the Eastern border and EU control policies

While the southern border of the European Union is clearly limited by the Mediterranean Sea, the eastern border is rather difficult to define as it has multiple dimensions, depending on the type of border to be observed. Here, we have to distinguish between the EU's outer border, on the one hand, and that of the Schengen Area, on the other, since not all EU-member countries are fully integrated in the Schengen system and not all Schengen countries are member states of the European Union (see Figure 1).

Figure 1
The multiple dimensions of the EU borderline



The European Union's eastern border is also a socioeconomic division line. While the average wage for a regular worker in an eastern neighbour countries, like Belarus and Ukraine, is as low as 200 to 230 US dollars, it is about four times higher in Poland (860 US dollars) and even nearly 15 times higher in Germany (3,040 US dollars) (CISSTAT & Eurostat, 2011). In addition, while around every third inhabitant of the mentioned neighbour countries lives below the poverty line, this share decreases to 17% in Poland and to 11% in Germany, which still is relatively high for a fully industrialized country.

European border control policies are typified by a common legal framework, a variety of instruments and an ongoing process of externalization of border and migration control. Regarding the legal framework, the Schengen agreement, European treaties and the Dublin Convention are of central importance. Signed in 1985 and in force since 1995, in short, the Schengen agreement—together with the 1990 Schengen Convention—abolished internal border controls between the signing parties. Accordingly, the signing states instituted the principle of controlling external borders (land, air, sea) while limiting internal border controls only to special occasions. The Schengen Agreement and Convention became an integral part of European Union law, or *acquis communautaire*, since the Amsterdam Treaty (signed in 1997, in force since 1999). While the United Kingdom and Ireland are not part of the Schengen Area, all the countries that entered the EU after the Amsterdam Treaty came into force are obliged to join the Schengen Area when the technical requirements have been met. Therefore, some EU member states (Bulgaria, Romania, Cyprus and Croatia) are not yet fully integrated in the Schengen Area, while other non-EU countries (Norway, Switzerland and Iceland) are part of it. Furthermore, the Amsterdam Treaty (as part of the European Treaties) shifted the policy field of migration and asylum policies from the so-called “third column” (intergovernmental cooperation) into the “first column” of the EU law, expressing the intention of member states to harmonize migration and asylum policies in a mid-to long-term perspective.

Another important part of the legal framework is the Dublin Convention (signed in 1990, in force since 1997) and its follow-up agreements.

The principal idea of this arrangement is to avoid multiple asylum applications in different member countries. In general—but not without exceptions—Dublin regulates that the country of first arrival is responsible for the asylum procedure. This principle proved to be advantageous for member countries without external land or sea borders as applicants can be sent back to the country of arrival.

A central instrument of European border control is the European border agency FRONTEX,² established in 2004 in order to support national borderguard agencies as well as to coordinate their common missions at the outer borders. Since its founding, the range of tasks and the budget of this agency have been expanded every year. FRONTEX also developed the European Border Surveillance System (“Eurosur,” since late 2013), a program for the exchange of information and intelligence between the national borderguard agencies. Equipped with high tech-instruments, such as drones, offshore-sensor systems, and satellites, Eurosur is aimed at observing the development of routes of undocumented migration towards the EU.

National borderguard agencies are further supported by the External Border Fund (EBF), reallocating financial means especially for those countries, which have a higher border control costs, due to their geographical location at the external borders. Between 2007 and 2013, the total financial volume of EBF was at 1.8 billion Euro, of which 848 million Euro were apportioned to member states at the southern border and 414 million Euro to member states at the eastern borders of the European Union. Main recipients were Spain (289.4m €), Italy (250.2m €), Greece (207.8m €), Poland (71.8m €), Malta (70.4m €), Romania (59.5m €), and Hungary (59.3m €).

The legal framework and the instruments of European border control policies are accompanied by a variety of externalization processes, among them the Budapest Process (since 1991), the European Neighbourhood Policy (ENP) and migration agreements with third countries. The common objective of these processes and instruments is to wi-

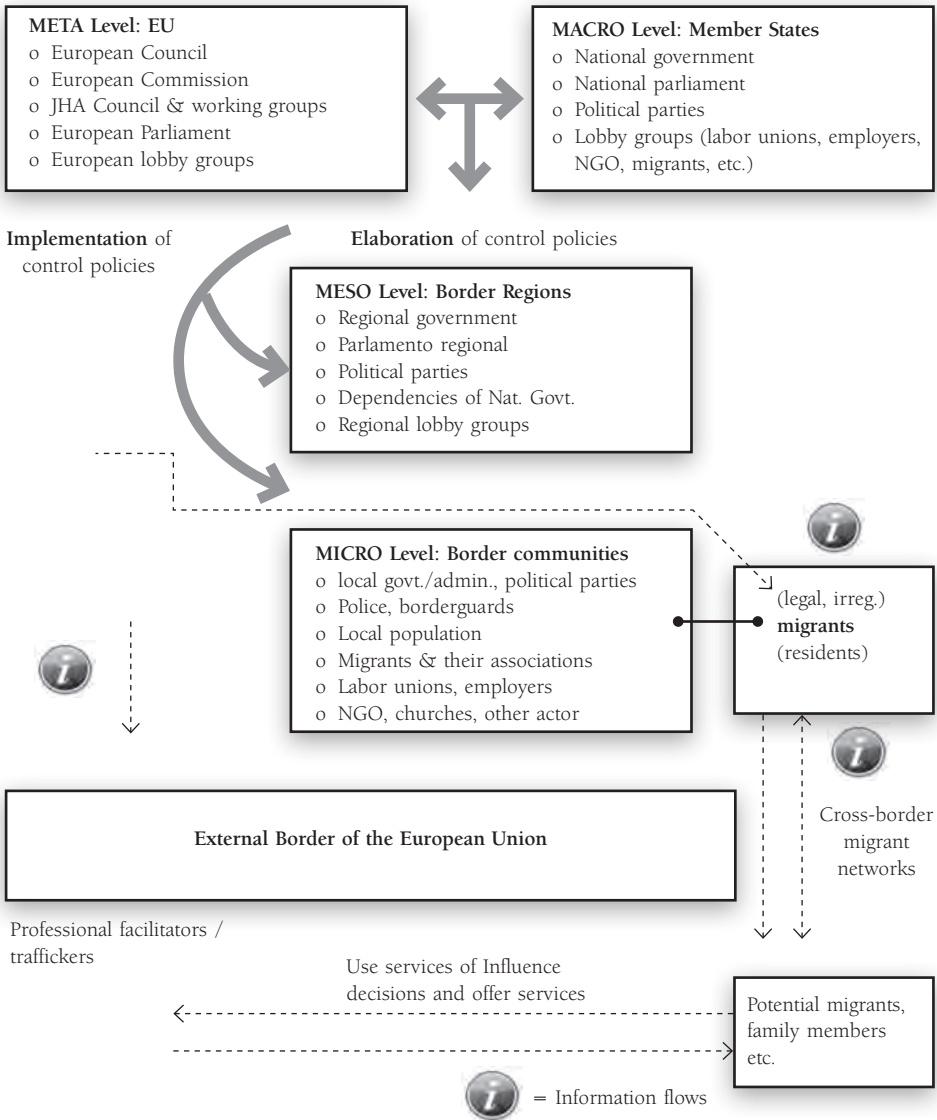
² Frontex=*Agence Européenne pour la Gestion des Frontières Extérieures* (European Agency for the Management of Operational Cooperation at the External Borders).

den the buffer around the European Union by including neighbouring countries into border and migration control policies. Concrete measures are, among others, cooperation and financial support for third countries borderguard agencies or even funding of detention centres in countries outside the EU. In some cases, even economic cooperation with third countries has been linked to cooperation in migration control policies in order to exercise higher pressure to governments of countries of origin or transit.

The European migration arena

Compared to other regions of our globe, the political and legal structure of the European Union is a unique construction. Traditional competences of the nation-state have been –t least partially– transferred to a supranational level, among them sensitive topics such as parts of the policy field of justice and home affairs. A high variety of political and societal actors are influencing, or at least trying to influence, decision-making processes, which is also the case in the field of migration and border control policies. Furthermore, political decisions taken in these policy fields aim to have an impact on migration flows, specifically to reduce processes of undocumented migration towards the EU. The question remaining is if this aim can be reached despite *a)* the variety of actors and their interests related to these policy-making processes and *b)* the resolution of actual and potential migrants in trying to fulfil their objective of reaching the European Union.

Figure 2
European migration arena



Source: Alscher (2012: 300).

In order to visualize this highly complex field, the model of a “European Migration Arena” (see Figure 2) differentiates between four levels within the decision-making processes. These levels are (1) the Meta-Level of the European Union, (2) the Macro-Level of EU-member states, (3) the Meso-Level of border regions and (4) the Micro-Level of border communities, located at the external borderline of the European Union. In each level, several actors are involved in the elaboration or implementation of border control policies, such as governments, parliaments, political parties and lobby groups, but also executive agencies such as police and border guards whose tasks include the implementation of border control at the borderline and beyond.

While the EU (Meta) and member-states (Macro) are the responsible levels for the creation of border control policies, the concrete measures in this field have to be implemented on the regional (Meso) and local (Micro) level. The borderline seems –at first sight– to be a hermetic division line between the EU and its neighbouring countries, but, at the same time, this division line is being crossed by networks of migrants, on the one hand, and by professional migration facilitators and traffickers, on the other. The migrant networks cover a transnational space across the border, with already residing migrants in the EU and their social contacts (family members, friends) in the countries of origin. Between these two sides of the border, financial flows (remittances) as well as information flows are trespassing the borderline without encountering any major obstacles. Here it is important to underline that changes in migration and border policies are part of these information flows. When a new policy measure has been adopted and publically announced, migrants who already reside in the EU perceive these news and may pass them, if they deem it as necessary, to their social contacts in their country of origin. At the same time, migration facilitators are also taking notice of new developments and changing their strategies concerning the organization of migration processes. In short, if a new measure of border control has been announced or even implemented, the cross-border networks inform potential migrants on the other side of the border about these new developments, which may lead to new strategies, such as the change of migration routes. Therefore, an “ef-

ficient” border control policy —meaning, complying with the objective of reducing undocumented migration flows— is practically not feasible due to the continuous flow of information and changes of strategy. This is, too, clearly visible when looking at the development of indicators for undocumented migration at the EU external borders in the last decades, characterised by a continuous shifting of migration routes.

Changing migration routes at the EU borderlines

This change or shifting of migration routes can clearly be observed when analysing data on refusals of entry and apprehensions at the EU outer border. However, before going into details by regions or border sections, some overall trends should be first clarified. According to data from Eurostat, the total number of refusals of entry at EU borders has declined significantly since 2009. While in 2008 a total of 634,975 cases of refusals have been recorded; this number decreased to 499,645 in 2009 and reached 326,320 in 2013. Among all these refusals, between 83% and 87% were counted on land borders (air borders, 11% to 14%), and sea borders, only 1.5% to 3%). Here it is interesting to note that the share (and amount) of refusals at the eastern border increased significantly between 2008 (8.8%; 48,125) and 2013 (28.2%; 77,430).³ When looking at national border sections, the vast majority (more than 70%) of refusals of entry were reported in Spain (192,775) and Poland (40,385), even though with a decreasing tendency in the Spanish case. While the refusals at Spanish borders above all concerned Moroccan citizens (98%) who tried to enter Spain at the border crossing points of the Spanish exclaves of Ceuta and Melilla, refusals in the Polish case were related mainly to citizens of eastern European countries, above all from Russia, Ukraine, Georgia, Belarus, and Armenia.

The Eurostat data on refusals of entry may lead to the impression that the EU eastern borderline is of growing importance for border control policies. Here it is important to keep in mind that the number of

³ Without counting refusals at air borders (airports).

“refusals of entry” only reflects those who tried to cross the border at an official border crossing point (BCP). For the analysis of undocumented migration flows, it is indispensable to look at apprehension data between the official BCP’s —at the “green” or “blue” border. FRONTEX singles out several migration corridors towards the European Union. These are mainly three routes via the Mediterranean Sea (Western, Central, Eastern), the Western Balkan route, circular migration between Albania and Greece, and the Eastern border. When looking at the FRONTEX data on border apprehensions (see Table 1), some general tendencies can be identified: *a*) an extreme increase in the Central Mediterranean from 2013 (45,298) to 2014 (170,664); *b*) remaining high numbers in the Eastern Mediterranean (between 25,000 and 57,000 per year); *c*) a recent sharp increase in the Western Balkans and a continuously low share of apprehensions at the Eastern border, which is as low as between 1% and 2% of all apprehensions only. Migrants at this borderline mainly come from Vietnam, Afghanistan and Georgia, and try to enter the EU at the Ukrainian-Polish, the Ukrainian-Slovak or the Belarusian-Lithuanian border.

Table 1
Detections of illegal border-crossings
according to FRONTEX, 2009-2014

	2009	2010	2011	2012	2013	2014
Mediterranean Western	6,642	5,003	8,448	6,397	6,838	7,842
Mediterranean Central	11,043	4,450	64,261	15,151	45,298	170,664
Mediterranean Eastern	39,975	55,688	57,025	37,224	24,799	50,831
Western African	2,244	196	340	174	283	276
Western Balkan	3,089	2,371	4,658	6,391	19,951	43,357
Circular Albania-Greece	40,250	35,297	5,269	5,502	8,728	8,841
Eastern Border	1,335	1,052	1,049	1,597	1,316	1,275
Other routes	21	3	1	1	152	446
Total	104,599	104,060	141,051	72,437	107,365	283,532

Source: FRONTEX (2015: 16).

Development of the border and of border control policies

When analysing the European Union's eastern border, it is important to keep in mind that—in most parts—⁴ this borderline was the western border of the Soviet Union until 1989/1990. Before the collapse of the Soviet system, it was a strongly protected border, patrolled by Soviet border guards, and fortified with barbed wire, watchtowers and motion sensors (Schreiber, 2001). For common citizens of the USSR and its allied neighbours in the west, it was not possible to cross the so-called *sistema* (system) without special permission. Cross-border travel was only possible for special purposes, such as communist party events or meetings of cultural, sport, or commerce delegations. The breakdown of the Soviet Union gave birth to a new era of nearly unrestricted cross-border traffic between the successor states of the USSR and its western neighbour countries. This led to flourishing cross-border commerce, cultural and social exchange across the borderline and hence to a rapprochement of people hitherto divided for decades (Boratyński & Gromadzki 2001: 7). Especially the so-called “ant trade” gained importance in the 1990's, consisting of petty traders, overloaded with goods, crossing the border several times a day.

Nevertheless, the period of relatively free cross-border movements was short-lived. Just a few years after the applications of the Central and Eastern European countries for EU-membership, the panorama along the borderline changed. The candidate countries had to adapt to the *acquis communautaire* (common rights and obligations) of the EU and Schengen, overseen by the European Commission, which published progress reports on the achievements regarding EU-accession (EC, 2009). In an opinion statement of 1997, the European Commission comments “Poland faces significant challenges in the field of justice and home affairs, particularly concerning drugs, border management and transnational crime. Provided that continuing efforts are made, Poland could be able to meet the requirements of the *acquis* in the next few years” (EC, 1997: 114). Five years later, the Commission seems to be quite confident regarding

⁴ Except in the case of the Baltic countries, which were part of the Soviet Union.

the progress achieved, stating that “further progress has been made towards the management of the future external borders, as confirmed by positive statistical trends on detection of illegal migrants along the eastern border and re-admission from Germany,” but not without mentioning a slight critique: “Poland needs to take further steps to improve the quality of the control of the borders by increased numbers of specialised trained professionals” (EC, 2002: 119).

Consequently, the reinforcement of the eastern borders was a priority in the preparation of the enlargement of the EU, not only in Poland but also in all candidate countries with a future eastern borderline. In 1997, the year that Poland started adapting to the EU— and Schengen *Acquis*, the Polish government—as well as the other future border countries— also started to receive financial support via the PHARE programme. Phare 2001 and 2002 encompassed 450 million Euro in the case of Poland, of which 77 million were allocated to the area of justice and home affairs (Dietrich, 2003). With the accession to the European Union (2004), Poland and the other prospective border countries received further payments from the Norwegian Financial Mechanism (PL: € 113 million in 2004-2009; Dudzic, 2005: 5) and from the Schengen Facility Funding (PL: € 313,87 million in 2004-2006; EC, 2007: 3). In 2007, the European Commission installed the External Borders Fund, the by far largest of four financial solidarity mechanisms within the General Programme on “Solidarity and Management of Migration Flows.”⁵ On the eastern borderline, Poland was the major recipient of this kind of funding.

With this generous funding, the accession states were able to modernize their border guard agencies and to install modern technologies at the eastern borderline. In the case of Poland, border surveillance stations, so-called “watchtowers,” have been installed in intervals of 15-20

⁵ Decision No 574/2007/EC of the European Parliament and of the Council of 23.05.2007. The External Borders Fund is equipped with 45% of the total budget of this programme. The other three Funds are the European Fund for the Integration of Third country nationals (€ 825 million), the European Refugee Fund (€ 699,37 million), and the European Return Fund (€ 676 million).

km along the eastern border. These modern border stations, in harsh contrast to the simple buildings of the peripheral border villages, serve as a logistical basis for the *Straż Graniczna* (SG), the Polish border guards. According to the Ministry of Interior and Administration, the total cost of Polish preparations for the entry into the Schengen space was over 1.2 billion Złoty (~ € 330 million) (MSWiA, 2007).

Polish Migration Policy: The European Recipe

The preparation of the accession to the EU was also reflected in migration policy reforms as well as in operations of police forces and border guards. Until the mid-1990's, the only legal framework dealing with migration and immigrants were the Aliens Act of 1963 and some regulations resulting from international treaties. Migrants who were detained by the German border guards (*Bundesgrenzschutz*) and transferred to the Polish authorities received so-called administrative visa, which contained a request to leave Polish territory, but at the same time gave them an opportunity for another try to cross the border to the 'West'. Things changed since the second half of the 1990's. In 1996, the Polish police conducted a large roundup, detaining and deporting about 130 Romanian Sinti and Roma. A year later, the Polish labour agency established a special department with 500 workplace inspectors to fight against illegal employment.

In December of the same year, a new Aliens Act came into force, adopting the Polish law to the EU and Schengen *Acquis*. The main objective of the new law —and of further reforms in 2001 and 2003— was to regulate the entry to Poland and the sojourn in the country, on the one hand, and the prevention of undocumented migration, on the other. Concrete measures included the expansion of control powers for police authorities, the easement of deportation procedures, and the introduction of lists of safe countries of origin and safe third countries as well as carrier sanctions. Likewise, additional documents for clearly confirming the identity of border-crossers were introduced, which led to delays and confusion at the border checkpoints. A far-reaching change was related

to the treatment of asylum seekers, who, according to the reform, were only able to ask for asylum directly at the borderline. A time limit of 14 days was approved only for exceptional cases. If a potential asylum seeker was not able to present entrance permission at the border, the SG officers had to decide whether to grant an entry on humanitarian grounds or reject potential asylum seekers at the borderline.

Just a month later, new regulations for the entrance of citizens of the neighbouring Belarus and the Russian exclave of Kaliningrad came into force. Until December 1997, citizens of these entities only needed to present an invitation confirmed by a notary or a hotel voucher (with a cost of € 1.50) in order to get an entrance permission to Poland. Since January 1998, Russians and Belarusians need either a real hotel reservation instead of a “blank voucher” or an invitation reviewed by Polish regional authorities. Besides, the inviting person has to prove that the sojourn of his invitees is financially safe. Polish merchants performed blockades at the border to protest against these measures because their incomes were decreasing drastically after the introduction of the entrance restrictions.

In October of the same year, police and border agents detained and deported more than 6,000 foreigners, mainly Romanian Roma, in a massive roundup operation, called *Akcja Obcja* (*Operation Abroad*). This roundup was related to Polish efforts in the process of EU accession, as the following statement of Mirosław Szaciłło, press officer of *Straż Graniczna*, shows: “We are implementing the provisions in an accurate manner. The goal of the program is to prove our credibility before entering the EU” (*Gazeta Wyborcza*, 29.10.1998, in FFM 1999). Just a few days before the EU summit in Tampere (Finland, 15-16 October, 1999), Polish authorities showed once again their willingness to adopt a more restrictive migration policy, realizing another roundup in the Voivodeship⁶ Wielkopolska (Warsaw and surroundings). During

⁶ Voivodeships are administrative units in the Republic of Poland. Currently, Poland is divided into 16 Voivodeships. Four Voivodeships are located along the Polish eastern border: Warmińsko-Mazurskie, Podlaskie, Lubelskie, and Podkarpackie (from north to south).

this operation, 700 foreigners were checked, leading to the detention of 104 undocumented migrants. Despite these examples of internal migration control, the enforcement on the borderlines in east and west remained to be the main instrument of Polish migration control policy. Even though the *Straż Graniczna* has been empowered to pursue control operations within the whole country since a reform in 2001, the extent of interior control has by far not reached the level of Germany, Poland's western neighbour country.

In addition to aligning Polish laws with EU standards, the 2003 amendment of the Aliens Act contained a legalisation programme (*aboli-cja*). In the months from September to December 2003, 3,512 irregular foreigners from 62 states applied for their residency status to be regularised. Predominantly Armenians (45.3%) and Vietnamese (39.2%) took part in this programme. 2,747 decisions had been made in favour of the applicant (72.2%) (Iglicka & Gmaj, 2008: 11).⁷ In the following years, migration policy in Poland continued to be adapted to EU standards, mainly by transferring EU directives into Polish national law. The reforms included amendments regarding residence, entry and departure of EU citizens as well as regulations on the access to the labour market for asylum applicants and other groups of foreigners. Since September 2006, another regulation is permitting farmers to employ seasonal workers from Belarus, the Ukraine and Russia without a work permit. These workers may not, however, work for longer than three months within a six-month stay. Even though the access to the labour market has been simplified for some groups of foreigners, the protection of the Polish workforce continues to be a priority. In 2011, a strategy document on migration policy has been adopted by the Inter-ministerial Committee on Migration, indicating main lines of action and practical guidelines for the administration. This document was also an important step towards the new Polish Foreigners' Law, which came into force in May 2014 and simplified the access of migrants from third countries to the Polish labour market.

⁷ Another regularisation programme was carried out in 2007, but only 1,243 applications were submitted, mainly from Armenian and Vietnamese citizens.

Poland's way into Schengen

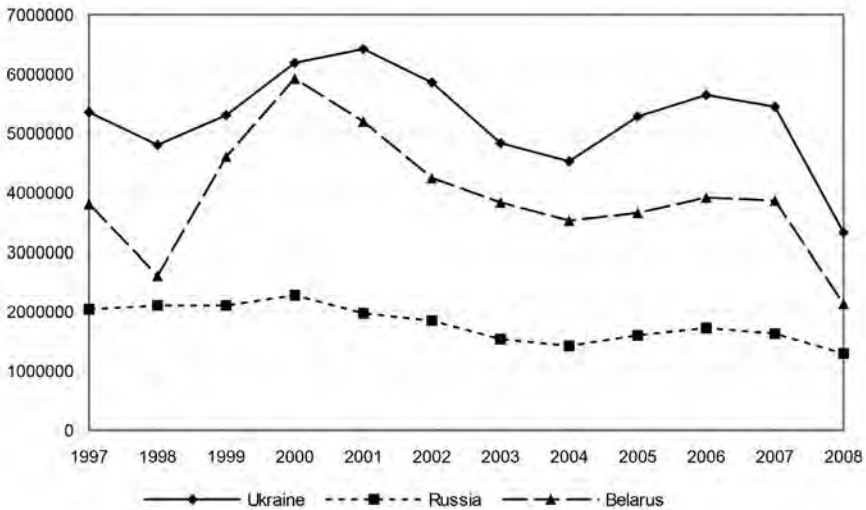
In the run-up to the EU accession, Poland was required to introduce visas for citizens of its neighbour states in the east as of October 2003. In fact, Poland was the latest of the EU accession candidates in introducing visa for eastern European countries, despite criticism from EU officials. Even though in the case of Kaliningrad and Belarus entry restriction were already introduced in 1998 (invitations, hotel vouchers), citizens of the neighbour states did not need to present a visa at the border checkpoint. The change was even harsher for Ukrainian citizens, whose entrance to Poland was unrestricted during the 1990's. The impact of the introduction of visa was reflected on the borderline, as the following excerpt from the Polish newspaper *Warsaw Voice* shows:

On the last day of September, record-high crossings were noted at all checkpoints on Poland's eastern border. Nationals of the three former Soviet republics stood in lines hundreds of meters long in a last attempt to enter the country without a visa. Those who had entered Poland by midnight Sept. 30 have the right to stay in Poland for three months (*Warsaw Voice*, 2003).

While the crossings increased before the introduction of visa, they decreased by 80-90% after the introduction of the new requirement. At some checkpoints, crossings decreased from an average of 10,000 foreigners to only 1,000 per day.

Graph 1 shows the development of cross-border traffic regarding citizens of the eastern neighbour countries from 1997 to 2008 as an indicator for exchange and social relations across the borderline. The subsequent years are reflected in Graph 2, as the data source and its underlying definitions have changed slightly. Furthermore, it is useful to differentiate between the periods before and after the introduction of Schengen Visa.

Graph 1
 Cross-border traffic to Poland (eastern neighbours), 1997-2008, by citizenship



Source: data received via e-mail from SG headquarters.

After the introduction of first entry restrictions for Russian and Belarusian citizens, cross-border traffic from Belarus decreased drastically in 1998 but increased again in 1999 and 2000, when Belarusian citizens got familiar with the new regulations. Regarding the entry of Ukrainian citizens, a clear downturn is noticeable in 2003/2004, which can be explained by the introduction of (free of charge) visa in October 2003. In 2005 and 2006, border crossings from both the Ukraine and Belarus were increasing again, but fell down in 2008 after the introduction of the Schengen Visa.

According to data from the SG regional office in Chełm (Nadbużański Branch Office), responsible for the Lubelskie Voivodeship and controlling the borderline from Stary Bubel (Biała Podlaska county) near the Terespol/Brest checkpoint to the Hrebenne checkpoint at the Ukrainian border, crossings decreased by 29% from 2007 to 2008 (NOSG, 2009).

In the southeastern Podkarpackie (Subcarpatian) Voivodeship, border traffic of foreigners decreased even by 53.6% (BIOSG, 2009). These figures show that the border traffic at the Polish-Ukrainian borderline has been the most affected by the introduction of the Schengen Visa, mainly because Ukrainians received free visa up to 21 December 2007, while Russians and Belarusians already had to process visas since 2003.

Consequently, while the border traffic decreased, the expedition of visa increased. Before the introduction of the visas, the Polish consulates issued —worldwide— around 400,000 visas per year. In 2004, the first year following the visa introduction for its eastern neighbours, 1.1 million visas were issued in the three eastern neighbour countries alone: Ukraine (600,000), Belarus (300,000) and Russia (200,000, mainly in Kaliningrad). In the western Ukrainian city of Lviv (Lemberg) between 800 and 1,000 visas were handed out daily. These figures even increased by 5.4% in 2005, with 1.3 million issued visas in the three eastern neighbour countries, of which 240,000 visas (18%) were issued by the Polish consulate in Lviv/Lemberg. Due to the high demand for visas, the Polish government opened two new consulates in the Ukraine. Nowadays, Poland counts with three consulates in Belarus (Minsk, Grodno, and Brest), one in Kaliningrad, and eight in the Ukraine (Kharkov, Kiev, Lviv, Lutsk, Odessa, Sevastopol, Vinnytsia, and Zhytomyr).

Even though visas had been introduced for citizens of all three eastern neighbour countries, the types of visa —or more precisely the costs— were different. While Russians and Belarusians had to pay for their visa, Ukrainian citizens received the visa free of charge, based on a promise of former Polish president Alexander Kwasniewski and an agreement between the two countries in early 2003. In addition, while the Ukrainian authorities decided to maintain visa-free travel for Polish nationals, Russia and Belarus followed the scheme of reciprocity by introducing visa for Polish citizens. In the case of Kaliningrad, Russian authorities decided not to charge visa fees for Poles. Nevertheless, even though visa for Ukrainian citizens were free of charge, the process of obtaining such a document implied costs for the applicants, such as travel costs to the nearest Polish consulate, eventually hotel costs, etc., above all for those living in rural areas, far away from the Polish consulates.

The differentiated visa regime on the Polish eastern border, which in fact only remained valid until the complete accession of Poland to the Schengen System (December 2007), is reflecting the special relationship with the Ukraine, being the most important partner of Poland in the east (Olszański, 2002: 165 ff.). In several occasions, Poland underlined its support for an accession of the Ukraine to the European Union. Both countries established institutions of intergovernmental cooperation in European affairs, such as the Permanent Ukrainian-Polish Conference on European integration.

In the eastern neighbour states, increased border control and the restrictions in entering Poland were perceived as a threat, excluding the western parts of the former Soviet Union from the process of European integration. These fears were intensified up to the late 1990's by discourses within spheres of Polish politics and sciences, describing the Polish eastern border as a cultural-historical rupture line, which can be traced back to the schism between Rome and Constantinople in 1054, dividing Europe into a catholic and protestant part in the west and an orthodox part in the east.

On the other hand, Polish politicians often describe their country as a 'bridge to the east' or even as the advocate of Eastern Europe in the EU. Former Interior Minister Piotr Stachańczyk underlined: "We don't want the border to separate two different worlds. We will stop people from crossing the border who are unwanted in the EU. It's important, however, that we have a friendly border with our eastern neighbours" (Szymczak, 2001). Above all the Voivodeships and municipalities in Eastern Poland were afraid that the introduction of the Schengen Regime at the eastern border would lead to a massive decrease of border crossings and, therefore, also for economic losses in the regional economy. The former customs director of Lublin, the biggest city near the eastern border, expressed the double function of the Polish eastern border as follows: "we have to protect the economic interests of the EU, but we cannot hamper the trade. This should not be a dividing border but a bridge" (cited in Schellen, 2002).

Furthermore, national minorities extend across the borderline. According to the Polish Census of 2011, about 46,000 Belarusians and

49,000 Ukrainians are living in Poland (including second declared ethnicity). At the same time, a numerous —although decreasing— Polish minority is present in Belarus (294,549, Belstat, 2009) as well as in the Ukraine (144,130, according to the 2001 Ukrainian Census). Above all, the Belarusian minority in Poland has an important role as an oppositional voice against the Lukashenko regime in Minsk. A strict border regime does not only endanger the cross-border movement of members of these ethnic minorities, but also strengthens post-communist and anti-western movements in Belarus and the Ukraine. Besides these political considerations, above all economic consequences were strongly perceived along the eastern borderline and beyond. However, the importance of economic exchange is unbalanced: even though the EU has become the most important trading partner for the Ukraine, Ukrainian trade is only of minor importance for the EU and even for Poland. On the other hand, the regional economy the Polish as well as in the Ukrainian border regions has become strongly dependent on the relatively open border until the introduction of the Schengen Visa.

At midnight of 21 December 2007, the situation at the borderline changed once again. Poland and eight other countries⁸ became full members of the Schengen System. While the border controls between the new and old Schengen states were abolished, the eastern borderline became even more fortified. Only those non-EU citizens of eastern neighbour countries who were in possession of a Schengen-Visa were able to cross the line legally. When taking into account the relatively low salaries in eastern European countries like the Ukraine (monthly medium salary of € 228 in April 2008), a visa fee of € 35 or even € 60 (for citizens of Belarus) for a 90-days period is extremely expensive.

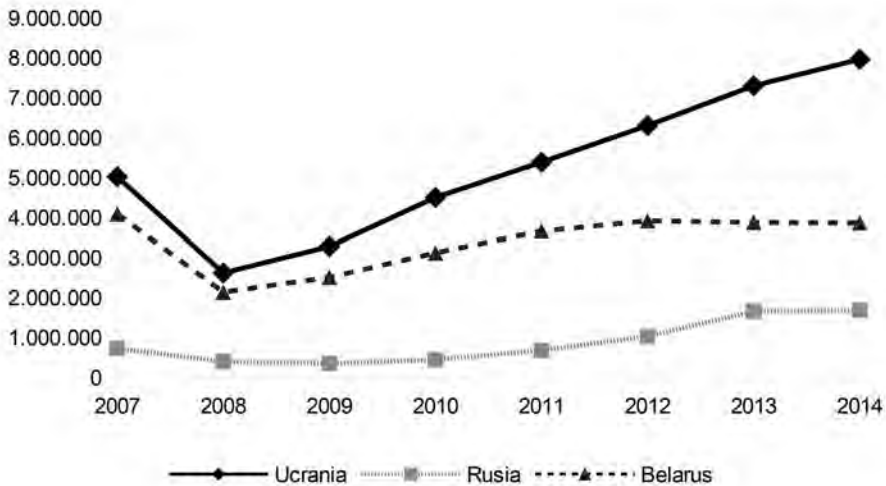
Shortly before the introduction of the Schengen visa, Ukrainian poet Mykola Rjabtschuk stated to the leading Polish newspaper *Gazeta Wyborcza*: “Yet again they’re trying to keep us out and barricade themselves off from Ukraine —that amorphous and politically schizophrenic entity in the East. Now we will really find out how distant those foreign countries are that once seemed so near [...]” (cited in Schmidt, 2008). Taras Woz-

⁸ The three Baltic states, the Czech Republic, Slovakia, Hungary, Slovenia, and Malta.

niak, editor of the independent and pro-European Ukrainian magazine *Ji*, strongly criticised the reinforcement of the Polish-Ukrainian border: “Six-and-a-half million people used to cross the border in both directions each year. Today the links have been broken. This border is like a new Berlin wall. [...] Europeans now belong to a superior class and can travel wherever they want. Meanwhile, we’ve become second-class citizens and can’t visit our neighbours” (cited in Goanec, 2008).

Although cross-border traffic decreased drastically shortly after the introduction of Schengen-Visa (in the case of Ukraine by 50%), the flows increased once again in the subsequent years and even surpassed previous levels in 2011 (except in the case of Belarus, see Graph 2).

Graph 2
 Cross-border traffic to Poland (foreign citizens), 2007-2014, by border section with Eastern neighbours



Source: *Straz Graniczna*, yearly statistical reports.

It is important to note that the data reflected in Graph 2 do not include the special border-crossing regime of local border traffic for residents of

areas adjacent to the borderline. In the case of Ukraine, local border traffic to Poland increased from 173,000 in 2009 to 4.2 million in 2014. The increase of border traffic from the Ukraine to Poland may also be related to a new agreement between the EU and Ukraine on the facilitation of the issuance of visa (into force since mid-2013). For some specific groups, visa issuance has been simplified by this agreement. Those Ukrainian citizens who have a biometric passport and who are planning a short stay in the EU do not even need to apply for a visa anymore. In this context, the Ukrainian government announced in early 2015 to issue up to 2.5 million biometric passports every year in order to meet the key requirements for Ukrainian citizens for visa-free travel to the European Union.

Undocumented migration at the Eastern border

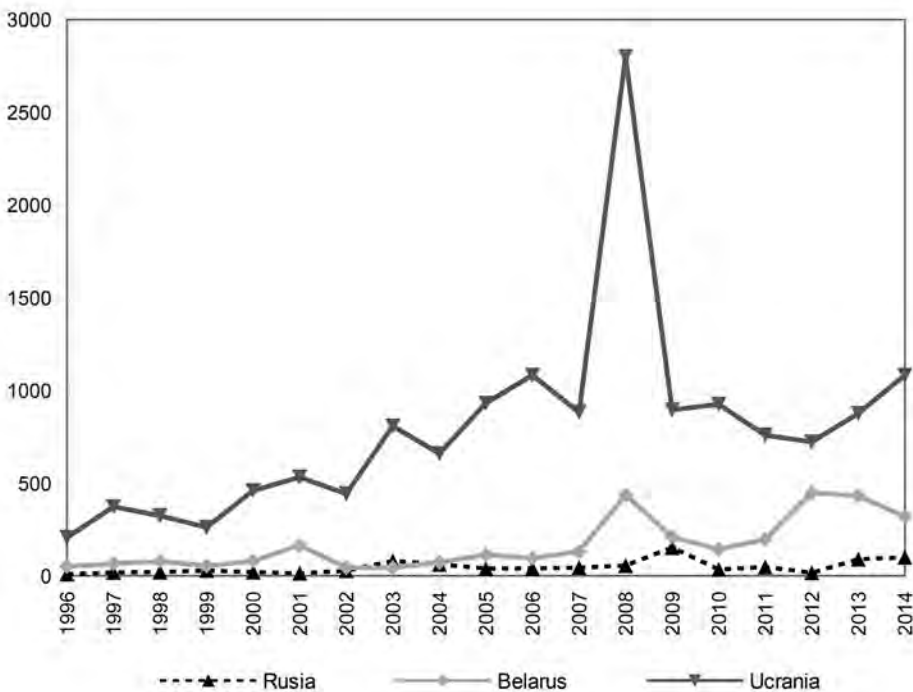
After the breakdown of the Soviet System in 1989/1990, the liberalisation of cross-border movement converted Poland into a transit corridor for undocumented east-west migration. The geographical location of Poland between “East” and “West” as well as the long “green” border with the Ukraine and Belarus are favouring factors for these flows. It is well known that the nature of undocumented migration implies huge difficulties in quantifying stocks and flows of this type of migration. In the Polish case, the data on apprehensions of undocumented migrants, partially available from the Polish border guards since 1996, are the only source for estimating flows. The following section is giving an overview on some central figures from these statistics and linking them to the changes in Polish migration policy, induced by the accession to the European Union.

Between 1996 and 2014, a total around 72,500 foreigners have been apprehended at the Polish borders. This figure includes those arrested while trying to enter Polish territory from the east, west or south, and those who were apprehended while trying to leave Poland towards a neighbouring country, mainly to Germany.

If we take only the Polish eastern border into focus, around 19,000 persons were detained while trying to cross the border in a period of

19 years, which means an average number of apprehensions of just around 1,000 per year. In the period from 1996 to 2002, the number of apprehensions was fluctuating between only 400 to 700 per year, but increased to 800-900 apprehensions in 2003 and 2004, the year of the EU-accession and the year before. Since then, a slightly increasing tendency “with ups and downs” can be observed. The year 2008, directly after the introduction of Schengen-Visa, is a remarkable exception. While a total of 3,290 apprehensions were registered at the Polish eastern border, around 70% of all apprehended persons were Ukrainian citizens (2,338).

Graph 3
Apprehensions at the Polish Eastern border, 1996-2014



Source: *Straz Graniczna*, yearly statistical reports.

While the number of apprehensions at the Polish-Russian border (Kaliningrad) remained low over time, the Belarusian-Polish border experienced a peak in 2008 as well as in 2012 and 2013. The overwhelming part of apprehended border-crossers at this border section were Belarusian or Russian citizens.

Also in the other years, the overwhelming majority of apprehended migrants at Polish borders are from successor states of the Soviet Union. While Ukrainian citizens represented about a third of all apprehended border crossers between 2004 and 2007, their share increased to a range of 40-60% since 2008. Together with Russian citizens (mostly of Chechen origin), these two nationalities represent around two thirds of all apprehended border crossers. Other important nationalities —when looking at the period from 2003 to 2014— are Moldavia, Vietnam, Belarus, Georgia, China, Pakistan, Turkey and Armenia. The number of apprehended Asians has decreased steadily, above all since the entrance of Poland to the EU. This may be a hint for changing routes of migrants from these nationalities.

The increasing tendency of apprehensions from the mid-1990's to 2006 could be explained by a higher control density in the context of the Polish EU-accession process. In several occasions, EU delegations criticized a lax border control policy and pressured the Polish authorities to strengthen the control at the eastern border. Another factor for an increase of apprehensions at the eastern border may have been the introduction of first entry restrictions in 1998 and, five years later, of visa for citizens of the neighbour states. This hypothesis is supported by the high increase of removed Ukrainian citizens at the Polish-Ukrainian border (1998: 986; 1999: 1,893; 2002: 1,624; 2003: 2,460; 2004: 3,281; source: SG, 2005). Even though visa for Ukrainian citizens have been free of charge from 2003 to 2007, the applications process did imply costs for travel, lodging, etc.

On the other hand, it is questionable if the reinforcement of the Polish border guards, expressed in a higher number of officers, the installment of border surveillance stations and the use of modern techniques, really can be reflected in border apprehension figures. It is important to keep in mind that the Polish eastern border is nearly 1,500 km long,

i.e. an effective control of the border results to be an extremely difficult task. Patrolling officers at the line and some technical measures like cameras and night vision devices surely are able to spot some of the border crossers, but the number of undetected migrants has to be much higher. The SG is aware of the difficulties in this task and therefore uses the local Polish population for the detection of undocumented migrants. For this purpose, *Straż Graniczna* installed a public hotline, asking the population of border villages to notify the SG of any “suspicious” persons crossing their villages—a method used by the German *Bundesgrenzschutz* (now *Bundespolizei*) since 1996.

Conclusions and outlook

The warning of former Polish president Aleksander Kwasniewski has become reality: the eastern border of the enlarged European Union has become a new ‘Iron Curtain’—or rather a ‘Paper Curtain’ as stated by former Ukrainian president Leonid Kuchma (Smith & Jenkins, 2003: 2). Even though both politicians of the new member states in Central and Eastern Europe as well as functionaries from the European Union always underline their political will of maintaining good relations with the new neighbour countries in the east, the reinforcement of the eastern border led to a disruption in cross-border relations, perhaps not so much at the governmental level but at the level of the local population, especially in the border regions. For many inhabitants of those regions east of the borderline, crossing the line has become part of their live—and basis of their economy—since the early 1990’s, but the introduction of visa is now impeding this mobility. Those who do not count with a bank account or with other requirement for obtaining a Schengen Visa are doomed to stay on their side of the border—or to cross it illegally.

Maybe the regulations on small-border traffic are able to alleviate the situation for a portion of the affected border population. But nevertheless, the price for joining the club, for adapting the common *Acquis* of the European Union has been high, as “new borders between old neighbours” (Jileva, 2002) have been erected. Besides the impacts for the local popu-

lation, the political cost is also very high, above all in the Polish-Ukrainian relationship. Taking into account the historical difficulties between these two countries the improvement of their relations since the 1990's has been of high importance for stability in Eastern Europe.

Besides the introduction of a strict visa regime for the eastern neighbour countries, the borderline has been equipped with high-tech surveillance technique, mostly financed through EU-funding. It is highly questionable if the objective of controlling or even reducing flows of undocumented migration can be achieved at this extremely long and heterogeneous borderline.

The networks of migrant smuggling organisations are well-prepared and highly flexible, reacting to any kind of policy change along the borderline and beyond. A democratic society, based on the rule of law, is not able to reduce unwanted migration effectively. Only borderlines of authoritarian regimes, like the former Iron Curtain through Europe or the actual borderline between the North and South Korea are able to deter such flows —a panorama which obviously does not serve as a model for democratic societies.

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Final Considerations

Rafael Alonso Hernández López

The World Through Borders sheds light into the complex and difficult experiences of migrants and refugees in different locations of the globe. The essays in this book enables a comprehensive account of the current problems facing human mobilities. The distinct cases occurring in disparate latitudes of the world allow us to observe how, even in seemingly distant and different spaces, the drama of exclusion and vulnerability remains. Being it Mexico, Cuba, Poland or Spain, States, within the current context of globalization, are responding in similar ways: claiming to be protecting sovereignty and national security through the closing of borders, detentions and deportations... All these, in spite of great losses in human lives.

Migrations and forced displacements, both human mobility expressions, are the most overwhelming proof of the inequalities among the world's political organizations, which exhibit traits of a generalized human crisis. Within this scenario, the concept and practices of nation states play a crucial role by calling into question the "pop" version of globalization proclaiming the end of borders by uncovering the use, management, and signification of borders. This is particularly highlighted by the Mexican case, where the metaphors that describe the border reflect their complexity: Mexican "Lampedusa," "The Last Frontier," "The Forgotten Border," "The Moving Border," "Hell," among others. And "The Beast," the so-called migratory stations, military posts, and migrants' shelters, are all parts of the new landscape.

Such “normalized” reality in Mexico is not very different from what is happening in Europe’s Eastern border, which has been effectively transformed into a new “iron curtain,” and whose reinforcement during the last years has resulted in tensions in the relationships between border countries, particularly among local populations. For many inhabitants along these borderlands, the crossings have been part of their daily life since the 90’s —and the base of their economy—; however, the implementation of a visa’s system has hindered this mobility; thus, contributing to the strengthening of migrants’ smuggling networks.

Such complex panorama has destabilized narratives and approaches discussed for years in academia; consequently, it becomes critical to discuss mobilities’ components beyond classical conceptions of international migrations. The conditions of vulnerability in expulsion regions, the upsurge of violence throughout the passage, and abandonment by officials in destination and reception places, make this a truly complicated issue, within which the free circulation of people is still a pending matter. While human mobilities need to be reconsidered, there is an ongoing prevailing geopolitical game where borders become critical for national security, thus framing transit spaces as those where dangers and threats to institutions occur. Such narratives support the claims and “need” to make them “safe and prosperous,” as has been the case with Mexico’s southern border.

Furthermore, it is important to clarify that, contrary to the already legal international migration, the role of borders and the multi-causality in people’s decisions to leave their places of origin, contradict the narrative of a movement with a unique direction and with a specific cause and effect. It is precisely this human movement, within particular conditions, that call current dynamics into question.

While these expressions are persistent, there are interesting experiences that open up the possibilities for alternatives to managing human mobility, many of them within the relationships between countries. Several initiatives and projects on agreeing upon, and implementing the free circulation of people have been developed within sub-regional economic agreements, and/or commercial integration processes. In these contexts, the European Union and Mercosur’s experiences become par-

ticularly valuable, since they have proven that free mobility of people in specific geographical areas—even with its limitations— can be a reality when there is enough political will to put people’s rights above restrictions, and human beings above border controls.

Following the proposal of these texts, we consider that the best arena for the free circulation of people to be analyzed, debated and promoted is within regional and subregional integration processes. A fully integrated region would have to include a unified labour market, and a shared social structure; it would have to reassign jobs, labour needs, qualifications and competencies, and thus maximizing competition. It would also have to guarantee equal rights, and regional workers’ protection, and improve and widen rights for all people moving within that geographical block.

However, such integration and regional articulation would necessarily have to consider human rights, and a clear dialogue between countries. Lacking such components, could cause unforeseen consequences—as has been shown by Cuba’s case when the United States’ unilateral migratory policies favored some Cuban migrants while affecting third countries that had to face new and unexpected dynamics due to the populations that could not even get near the United States.

The refugee situation has been added to this intricate landscape, reflecting the difficulties that regional articulation projects—such as the one of the European Union— face to achieve economic, political, and social integration. The European Union, along with other regions such as North and Central America, suffer the consequences of reactive integration policies, conditioned by arguments linked to sovereignty and national security.

Building upon these reflections, we raise a series of questions to rethink human mobility dynamics: Can human mobility take another course? What would be the path on which academic reflection should focus on regarding these phenomena? Moreover, what approaches should States follow? Is an articulation integrating all people viable, or it only takes into account those who are similar, disregarding the different?

In the immediate future, we will go in examining these issues.

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The World Through Borders:
The Difficult Journey of Migrants in Transit,
went into print at Ediciones Navarra,
Van Ostade 7, Mexico City,
in the month of Abril 2018.
One thousand books were issued.

XXI Century's irregular migrations have been framed as national security issues, receiving as such, millionaire investments to surveil and punish. Consequently terrifying elements such as the State's security forces, and the extortionist crime have occupied the borders. Under this punitive principle, borders fulfill a critical mission: not letting pass those considered "undesirables", who do not possess visas o entry permits for the destination countries, or for passing through the transit ones. Under these circumstances, borders prevent and inhibit but never stop the human flow filtering through the borders' pores, as if it was a ghost following capital looking for a chance to be exploited. In its current metamorphosis, the capital despises and degrades the labor force, selecting and extracting its energy, which once used, is discarded and replaced in an intermittent cycle. The works included in this volume unveil these cycles, questioning and reflecting on the free circulation of people, the nature of border controls, the routes followed by migrants to avoid regulations, and the geopolitical expressions between migrants' countries of origin and destination.



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