

## **Mexico and the international migration phenomenon: A vision for the 21<sup>st</sup> Century**

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### **Recent developments in international migration**

Due to the intensity and speed in the exchange of products, services, capitals, information, knowledge and persons, our present era is, without a doubt, characterized by mobility. Although this mobility is generally perceived as positive for the economic, social and cultural welfare of countries - and in fact job markets nowadays require people's mobility - a coherent, integral, balanced and non-stereotyped view of the migratory issue has not been yet achieved.

From this perspective, Mexico assumes its role as a country of origin, destination, transit and return for migrants and their families, with all the positive aspects and challenges that such role entails. In terms of human security, this approach acknowledges that a comprehensive treatment of the migratory issue has both regional and global implications. In this sense, a national or a bilateral approach is insufficient to understand the migratory reality in all its dimensions and complexities.

Human mobility must not be seen as a problem, but rather as a historical fact and a social phenomenon that characterizes the globalized world. Therefore, it is not appropriate to address the topic from a unilateral perspective that tends to hide positive aspects, such as the contribution of migrants to the economy, development and cultural diversity of the countries of destination.

In light of the magnitude and particular characteristics of migration in Mexico, as well as of its implications for the development of the country, it is necessary to work on an agenda that includes a balanced view of the migrant, both as a subject of rights and as an important ally for development. Therefore the migratory issue can no longer be approached partially and circumstantially; rather, it should be considered from a comprehensive, coherent and long-term perspective. This perspective should duly recognize the human aspect of migration as a key element in the debate, thus abandoning a vision centered in managing migratory flows and focusing instead in acknowledging its potential for development and its capacity in terms of promoting social and cultural enrichment.

This approach, also known as "migration governance", addresses the causes and effects of contemporary migration, promotes enhancing free circulation regimes, boosts decent employment without discrimination, and promotes opening roads towards full citizenship.

In Mexico's opinion, a human, effective and modern attention to the migratory issue, poses a challenge that deserves to be addressed from a perspective of shared responsibility, in which the participation of every country in Central and North America is

crucial. This, in turn, will allow for the consolidation of competitiveness and economic and social integration of one of the most dynamic regions in the world. In particular, due account should be given to the fact that statistical projections foresee that between 2030 and 2040, developed countries will face a demographic deficit and migration alone will not be enough to make up for such a gap.

### **At the multilateral level**

The intention of some countries, particularly destination countries, has typically been to keep the debate on international migration as non-binding dialogues and exchanges of good practices. For years, discussions on migration, development and human rights have avoided to address the protection of the rights of individuals and fundamental guarantees, the root causes of migration, the multiple contributions of migrants to destination countries, as well as the costs that migration entails for countries of origin - beyond the economic impact of remittances, as they cannot be considered as an authentic contribution to the development of such countries.

The Global Forum on Migration and Development represents, since 2007, the multilateral process for the discussion on the links between migration and development. However, its conclusions and recommendations have not yet been translated into public policies.

Mexico has encouraged the discussion on a number of issues related to international migration, particularly on the need to build a comprehensive approach that encompasses migration, development and human rights in a balanced way, and that has the migrant at its core.

Mexico has emphasized many times the urgent need for the United Nations to assume a key role and provide guidance to its agencies, funds and programs in order to strengthen cooperation on international migration. During the preparatory work of the II High Level Dialogue on Migration and Development of October 2013, Mexico proposed that the Dialogue at its conclusion ought to adopt of a consensual document that reflects the commitment of the United Nations with this vision and promotes the integration of international migration in the post-2015 development agenda.

Such framework will contribute to the process of finding answers in which the individual and collective potential of migrants is duly taken into account, including on: the recognition of labor, social security and access to education rights so as to ensure the respect of individuals' fundamental rights; the promotion of policies which allow regularization and facilitate a social interaction in destination countries, based on schemes that are truly respectful of multiculturalism.

In the design and implementation of migration policies, the legitimate security considerations of the destination and transit countries must fully comply with international human rights law. It is necessary to encourage dialogue and cooperation

among countries in order to overcome the idea that migration must be approached with policies centered in closed borders and the persecution and criminalization of migrants.

### **The action of the government of Mexico in light of its diaspora**

Mexico is proud to have a solid platform of agreements and policies for the assistance and protection of Mexicans abroad that is implemented by its consular network in the United States and by its diplomatic representations around the globe. Due to Mexico's vocation, history, political will and commitment for service, such infrastructure for the protection of our nationals abroad is unique worldwide, and it is a reference point for other countries.

In light of an eventual migratory reform in the United States, the actions and pronouncements of the government of Mexico shall respond to the needs of the Mexican population, in an institutional, coordinated and expeditious way. This will be more so considering the potential increase of border controls that could exacerbate smuggling of migrants and trafficking in persons, including all its consequences in terms of organized crime and the already dire situation of migrants in transit.

The Mexican migrant population in situation of vulnerability will remain at the center of institutional care, particularly in the event of repatriations that break family unity or involve children and adolescents or other individuals that require special attention in the context of the different stages of international migration.

Together with the emphasis on consular protection tasks – which are essential in the immediate future – we ought to aim at promoting a perspective that recognizes migrants as strategic partners for development and that aims at duly empowering them, both in countries of destination and of origin.

### **The migrant as a subject of rights**

In 2011, in light of the new regional and international context in terms of migration, Mexico updated its legal framework. The Migration Act (*Ley de Migración*) represents an important step forward in the protection of the human rights of migrants: it decriminalizes non-documented or irregular migration and simplifies migratory procedures. Furthermore, it explicitly recognizes family unity and the protection of human rights as the cornerstone migration policy. The law details the rights of migrant persons and guarantees their access to justice, health care, education and civil registration, among others, regardless of their migratory status.

Likewise, it gives legal status to existing migrant protection groups (Beta groups); and it provides a special procedure for the attention of unaccompanied migrant girls, boys and adolescents, as well as of persons in situations of vulnerability during their stay and repatriation, as appropriate. For the first time the law recognizes the role and invaluable assistance that civil society organizations and individuals provide to migrants.

## **The migrant person as a strategic ally for development**

In the last decade Mexico has designed a series of programs on economic promotion and community development that provide alternatives for the better use of remittances that Mexicans abroad send to their families. Such programs aim at ensuring the positive effects of remittances in the quality of life of those who receive them and in their communities. Examples include: *3x1*, *Tu Vivienda en México*, *Proyectos Productivos*, *Paisano invierte en tu Tierra* and *México Emprende para Migrantes*.

In addition, Mexicans abroad are offered a wide range of education opportunities, through the coordinated efforts of the Institute of Mexicans Abroad (IME), the Ministry of Education (SEP), the National Institute for Adult Education (INEA) and the National Autonomous University of Mexico (UNAM).

Knowledge exchange is another factor that is crucial for development. In that regard, migratory flows have two main dimensions. On the one hand, returning migrants have acquired a degree of specialization and skills that enrich the national job market; often they become job generators. On the other hand, highly qualified Mexicans abroad and their links with the academic and business sectors in the country in which they reside can lead to a significant contribution to national development and a better insertion of Mexico in the “knowledge economy”. Thus, it is vital to foster conditions that promote the return and participation of Mexicans abroad.

Furthermore, actions that favor the respect for the dignity of migrants and their families contribute to strengthening their role as factors and allies for development. Such actions include the promotion of a culture of health prevention and responsibility, by giving them an easier access to available health services in their places of residence through the “*Ventanillas de Salud*”. Considering the growing presence of women in all stages of migration, Mexico must strengthen specific policies to promote gender equality.

Additionally, as a consequence of the electoral reform in 2005, it became possible for Mexicans abroad to participate in federal elections, thus strengthening democracy in Mexico and ensuring that all Mexicans have equal political rights, regardless of their place of residence. However, it is important to acknowledge that it is still necessary to give a greater impulse to these types of actions, so as to increase participation.

## **Challenges in the design and adoption of public policies**

In line with the evolution of the migratory issue in our country, it is imperative to implement policies that consider comprehensively the close relationship between the human, social and economic dimensions of migration and its impact on development.

Although the migratory flows of Mexicans have decreased in recent years, it is important to bear in mind the presence of migrants of other countries that cross Mexico seeking

entry into the United States and Canada. An important challenge in this regard that must be addressed is the growing presence of unaccompanied children and adolescent migrants.

A strategic collaboration in the area of job mobility is crucial to address the complementarity of labor markets of the countries of the region. Such collaboration could also serve as the basis for an adequate management of migration, which privileges the protection of the human rights of migrants, beyond the mere supply and demand of labor markets.

It is time to find creative ways for strengthening the links between communities of origin and destination of Mexican migration for the benefit of family welfare as well as of regional and national development. The contributions of migrants should go beyond the mere recognition and lead to public policies that promote the creation of favorable conditions so as to ensure that such contributions support projects that benefit recipient families and in turn impact positively on national development. This also entails the design of collaboration schemes that may result attractive to the Mexican diaspora and that facilitate the transfer of skills and the exchange of knowledge through investment, services, and technology schemes.

In light of the significant rise in the population of returning migrants registered in the past years, it is urgent to acknowledge their presence and understand their needs and those of their bi-cultural and bi-national children for the purposes of defining public policies on education and literacy, health and housing, among others. Development policies will need to consider not only supporting the economies of origin, but also of the regions of return.

The respect for the human rights of migrants, regardless of their migratory status, continues to be a challenge both abroad and within our national territory, in what relates to foreign migrants.

This task requires the shared responsibility of all relevant actors, including civil society, the private sector, academia and experts, as well as the three levels of government and the legislative branch. Mexico must coherently ensure the observance of the rights that it claims for its nationals abroad; that includes in the admission, entrance, residence, personal security, transit, deportation and assisted return of foreign migrants to their countries. This will strengthen and bring consistency to our position in regional and multilateral forums, as well as in bilateral negotiations in support of the rights of Mexicans abroad, regardless of their migratory status.

In that sense, and as the Political Constitution of the United Mexican States provides, the equality among nationals and foreigners, especially in terms of the full observance of individual rights, should not be only an aspiration, but a reality at federal, state and local levels.

The Special Migration Program (*Programa Especial de Migración – PEM*) 2014-2018 provides us an opportunity to put into practice the great directives of the migratory policy of the Mexican State, based in the National Development Plan (*Plan Nacional de Desarrollo – PND*). The PEN will allow implementing cross-cutting actions that will involve all relevant governmental actors as well as civil society organizations, and will do so from an approach of respect of the human rights of migrants, sustainable development, gender perspective, inter-culturalism and security. Family unity and the superior interest of the child and adolescent shall be considered as the primary consideration of the authorities in the internment and stay in Mexico of foreigners.

Preserving family unity and the best interest of the child and adolescent should be considered the main criteria in the efforts carried out by authorities while processing the status of foreigners in Mexico.

It is important to continue with the implementation of public policies that contribute to the integration of foreign migrants in communities of destination, since this is the best strategy to end xenophobia, racism, discrimination and other forms of intolerance.

At a regional level, there are several factors associated to the lack of economic, social and political development of countries of origin, including situations of violence related to illicit drug trafficking and transnational organized crime, that have led to an increase in the migratory flows of Central American nationals that seek to travel to the United States and Canada, and to a lesser extent to Mexico's southern states. This has led to a substantial increase in the transit of migrants through Mexico's national territory. Furthermore, the role of organized crime in activities related to smuggling and trafficking in persons poses specific challenges for the Mexican government in terms of ensuring the security, protection and the integrity of migrants crossing through Mexico's territory.

Facilitating and strengthening the participation of Mexican migrants abroad in national politics continues to be a challenge that should be addressed in the next few years. Although the legal framework has been updated, it is necessary to overcome logistic challenges to promote the participation of migrants in Mexico's electoral processes.

Within that context, the considerations and proposals made by civil society organizations which have experience on migration are of great value, and should continue to be incorporated into national policies.