

INTRODUCTION

This study concerns the Mexican government's policies and practices towards Central Americans in Mexico.

Mexico has faced the presence of refugees on many occasions. Successive Mexican governments have given refugees generous and humanitarian treatment. But the presence of great numbers of Central Americans fleeing their countries in recent years has presented problems beyond Mexico's present capacity.

Part 1 first reviews the refugee influxes that Mexico has faced and the official treatment that successive waves of refugees have received. It then describes the significance of the absence of the concept of "refugee" in the Mexican legal system and the limits on the concept of asylum; Mexico's obligations toward refugees under international and regional agreements; and the deficiencies of Mexican legislation with respect to refugees. This section also discusses the conflict between Mexico's foreign policy, which recognizes that the flow of refugees results from strife and conflict in the region, and its domestic policy, which restricts the entry of Central Americans.

Part 2 discusses the legal status and practical treatment that Central Americans receive in Mexico depending on their country of origin and their location within Mexico. It also examines the role of the United Nations High Commissioner for Refugees (UNHCR) and other agencies. Finally, this section assesses the extent of detention and deportation of Central Americans and looks at repatriation and resettlement as alternatives to the integration of Central Americans into Mexico.

The treatment of Central Americans in Mexico is filled with contradictions and ambiguities. The solutions have been temporary ones, based on political factors rather than the application of specific and coherent legal norms.

The treatment of refugees is a matter of great sensitivity in Mexico for economic, social, and political reasons. Mexico's economic crisis dominates all other issues in the country. The government's reaction to the entry of large numbers of foreigners must be considered in light of economic conditions. Mexico owes a \$98 billion dollar foreign debt. Unemployment and underemployment currently approach an estimated 40 percent, although there are no reliable official figures.[1] As this study will make clear, the admission of foreigners in Mexico, including refugees, depends on the degree to which they can find an economic niche for themselves.[2]

The presence of refugees is seen by some groups as a matter of national security on both the southern (Guatemalan) and the northern (United States) borders. Disputes exist at the highest levels of government about the admission of refugees. In Mexico, such disputes are not open. One school of policy, often associated with the *Secretaría de Relaciones Exteriores* (Foreign Ministry), sees refugees as the victims of civil strife in Central America who should be

welcomed under the Mexican tradition of providing haven for political refugees. The opposing view, often associated with the *Secretaría de Gobernación* (Interior Ministry), believes that Central Americans are economic migrants who burden the economy and threaten stability and order.[3]

These disputes are reflected in contradictions and changes in the treatment of Central Americans. But there is a constant thread in policy as well as practice: since the recent massive displacement of Central Americans began, the Mexican government has tried consistently to limit their entry into Mexico—and into the United States. This has been done by deporting the Guatemalans who fled to Mexico in 1981, by severely limiting the possibility that Central Americans can obtain legal status in Mexico, by increasing vigilance at the northern and southern borders, and by tightening visa requirements.[4]

Because of the sensitivity of the refugee issue in Mexico, much basic information about Mexican government policies toward refugees is not available to the public. Regular government reports either are not prepared at all or are not distributed freely; statistics, if they are collected, are not made available to the public; officials do not acknowledge in practice an obligation to release information. Government actions involving refugees, such as refugee relocations, often are taken without scrutiny of the press and international organizations.[5]

Written procedures are often inadequate or misleading. In practice, unwritten or unpublished procedures tend to govern the treatment of refugees. Furthermore, the publicly explicit procedures that do exist are subject to distortion by widespread corruption among immigration and police agents. This corruption is openly acknowledged by the government, which has publicized campaigns to combat it.[6]

The high degree of government sensitivity leads independent refugee workers to be extremely circumspect. Under other circumstances, these people might be expected to furnish much of the information unavailable from official sources. In fact, most believe that speaking openly could upset the delicate balance under which the government tacitly accepts their activities as long as they remain silent. In addition, those who are foreigners fear that the government will consider them to be interfering in Mexican political affairs, conduct which is forbidden to foreigners under the Constitution and could lead to their deportation.

The result is that there are serious gaps in information about refugees in Mexico and substantial conflicts exist in the information that has been gathered. Few independent studies have been conducted.[7] Newspapers are often the only source of information, in part because some of them are the government's preferred forum for making policies known.

Determining who is a political refugee and who is an economic migrant in Mexico is difficult. The concept of refugee, as established by international conventions, does not exist under Mexican law. Moreover, Mexican law and practice are not designed to establish whether Central Americans fled their countries because of persecution or civil strife or for economic reasons. The Mexican government treats as refugees (although it does not grant them

refugee status) only the Guatemalans who live in officially recognized camps in Mexico's south. Mexican officials deny that there are refugees elsewhere in the country.

Because refugees do not legally exist in Mexico and because of conflicts in how Central Americans from different countries or living in different parts of Mexico are treated, the word "refugee" in this report will refer only to those people formally designated as refugees by the United Nations High Commissioner for Refugees or officially treated as refugees by the Mexican government. "Central Americans" will be used to refer to all persons who have left their countries in Central America, for whatever reason, and have entered Mexico to live or in transit to the United States or a third country.