

Militarization of migration policy in Mexico (2018-2025)

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Abstract

The securitization of migration is not a unique process to Mexico; it has become part of a global trend in which governments justify restrictive migration under the logic of national security and border control. In this sense, Mexico in the past years has undergone an increasing militarization of its migration policies, a shift that coincides with an increasing militarization of its public security. This thesis analyzes policy changes between 2018-2025, where the Mexican government has expanded the role of military and security forces in migration control, particularly through the deployment of the National Guard (Guardia Nacional) the Army (Secretaría de la Defensa Nacional) and the Navy (Secretaría de Marina) to border regions, migrant transit routes and at key positions in the National Institute of Migration (Instituto Nacional de Migración). This study explores its consequences for human rights of migrants, institutional governance, and international relations.

Introduction

Mexico in the past years has undergone an increasing militarization of migration policy, a trend that coincides with an increasing militarization of its public security policies. For research purposes, this study will analyze policy changes between 2018-2025, under the administrations of former president Andrés Manuel López Obrador, and under current president Claudia Sheinbaum Pardo, where the Mexican government has expanded the role of military and security forces in migration control, particularly through the deployment of the National Guard (Guardia Nacional) the Army (Secretaría de la Defensa Nacional, SEDENA) and the Navy (Secretaría de Marina, SEMAR) to border regions, migrant transit routes and at key positions in the National Institute of Migration (Instituto Nacional de Migración).

This shift has resulted in a securitization of migration, managing migration as a national security issue, rather than a humanitarian or administrative process. While migration management legally falls under civilian institutions such as the National Institute of Migration (INM), which falls under the jurisdiction of the Ministry of Interior (Secretaría de Gobernación) as a decentralized agency; the increasing reliance on military forces has raised questions about human rights, institutional autonomy, and external pressures shaping these policies.

The securitization of migration is not a unique process to Mexico; it has become part of a global trend in which governments justify restrictive migration under the logic of national security and border control. However, Mexico's scenario is particularly relevant due to its geopolitical

position as an origin, transit and destination country in terms of migration. This has made Mexican migration policy highly susceptible to external pressures, particularly from the United States, a country that has sought to externalize its border enforcement mechanisms. Through bilateral agreements and financial aid for security enforcement, the U.S. has influenced Mexico's approach to migration policy, effectively pushing for a militarized response to irregular migration.

This study examines how the militarization of migration policy in Mexico reflects broader trends in the militarization of public security and explores its consequences for human rights of migrants, institutional governance, and international relations. By analyzing government policies, security strategies, and discourse, this research seeks to answer the following question: How does the militarization of migration policy in Mexico reflect the broader militarization of public security, and what are its implications?

In order to analyze this question, this study will examine the legal and political justifications for militarization, the impact in the utilization of security forces on migration governance and human rights, and the role of U.S. influence in shaping Mexico's migration policies. This study adopts a qualitative approach, relying on documentary analysis, discourse analysis, and case studies to critically assess how Mexico's migration policies have evolved between 2018-2025.

The findings of this research aim to contribute to a deeper understanding of the intersection between migration policy, public security, human rights, and international relations, offering insights into the consequences of militarized governance in migration management.

Chapter 1: The Militarization of public security in Mexico and its expansion into migration control

1.1 Conceptualization of policies of deterrence and militarization

In response to increasing migration flows, receiving and transit States have opted to enforce deterrence as a political strategy to control the flow of migrants in an irregular situation. According to the analytical framework proposed by López-Sala (cited in Cárdenas, 2023), deterrence policies should be understood as a set of measures, whether proactive or reactive, implemented by a State with the aim of preventing emigration from countries of origin. This includes reducing the possibility and intention to leave, stopping border crossings, and preventing the settlement of undocumented migrants. In this sense, deterrence is not limited to containing undocumented migrants, but also to limiting and/or discouraging their intentions to migrate.

López-Sala (cited in Cárdenas, 2023) identifies three types of deterrence: repressive deterrence, coercive deterrence, and preventive deterrence. The differences between them lie in their objectives, the degree or intensity of the measures directed at migrants, and the geographical space in which they are implemented.

Repressive deterrence involves all actions carried out within the receiving country to prevent the settlement and residence of undocumented migrants. This includes measures such as checks and inspections by immigration and police departments, including repatriation. Coercive deterrence refers to the set of measures implemented by a State to control and contain irregular migration both at its borders and during the transit toward its territory, commonly known as border externalization. Unlike the previous strategies, preventive deterrence refers to actions undertaken by a migrant-receiving state in countries of origin, prior to the start of the migration process (López cited in Cárdenas, 2023).

In the case of Mexico, Cárdenas (2023) has identified that the country has border policies which include a repressive deterrence component, as they involve actions such as inspections, checks, and even the repatriation of individuals. Coercive deterrence in Mexico plays a dual role: while it controls and contains migration at its own borders, it also acts as an enforcer of the United States' border externalization policy by cooperating in the surveillance and detention of undocumented migrants throughout its territory, thus implementing an externalization of the US' borders. Beyond its territorial borders, Mexico has instead pursued a preventive deterrence

policy; in particular, the past two administrations have promoted programs such as 'Sembrando Vida' to encourage people to remain in their countries of origin, with operations in Belize, Guatemala, Honduras, El Salvador, Colombia, Venezuela, Cuba and Haiti.

The vertical dimension in the management process of deterrence policy refers to the different levels of government and political actors involved in its implementation. The instruments used by these actors include laws, regulations, and their enforcement (Cárdenas, 2023). This thesis focuses on the actors, in this case, military actors who have become increasingly involved in the implementation of these policies, in particular in the policies of repressive and coercive deterrence.

In terms of militarization, Morales Rosas and Pérez Ricart (cited in Cárdenas, 2023) have elaborated that militarization in security can be observed directly when military forces are deployed to carry out internal control tasks, and indirectly when police forces adopt military strategies, weaponry, and tactics. From the theoretical framework of sociology, militarization is the result of processes such as the establishment of military institutions as hegemonic actors, and the adoption of military logics by civilian security institutions through certain transformations (Cárdenas, 2023).

For purposes of this research, militarization shall be understood as “a progressive increase in the presence, power, and authority of the armed forces” in areas traditionally belonging to the civilian sphere (Sánchez Ortega, 2020 cited in Cárdenas). In this sense, militarization can be observed in at least four aspects: the appointment of military officers to key positions within civilian institutions; the adoption of military practices by civilian institutions; the transfer of civilian activities, functions, and powers to the armed forces; and the reallocation of resources originally assigned to civilian institutions toward the armed forces (Cárdenas, 2023).

1.2 Historical Context of Militarization of public security in Mexico

Mexico has faced decades of violence generated by a wide range of actors with distinct origins and with multiple goals. Violence generated by State and non-state actors, and the proliferation of organized criminal groups have incremented many forms of violence across the country. To this point, the Inter-American Human Rights Commission (IACHR) in its specialized report on the human rights situation of Mexico found that: “In the context of the fight against drug trafficking and the consequential militarization in different zones of the country has resulted in

many occasions in an increase of violence and of human rights violations, as well as a a rise in levels of impunity” (IACHR, 2016).

According to the researcher Mónica Serrano (cited in Morales, 2011): "the crisis of violence from drug trafficking that currently affects the country has its origins in the presence of an illicit economy, which is product of the prohibitionist policies promoted by the United States since the first decades of the XX century”. In this sense, according to political scientist César Morales (2011) and Serrano, the increase and proliferation of drug trafficking in the Latin American region, especially since the 1980s, is due to a variety of factors, including: a) The increase in the consumption of narcotics in the United States and the world, b) The emergence of new transnational criminal organizations, and c) the consequences of drug control policy.

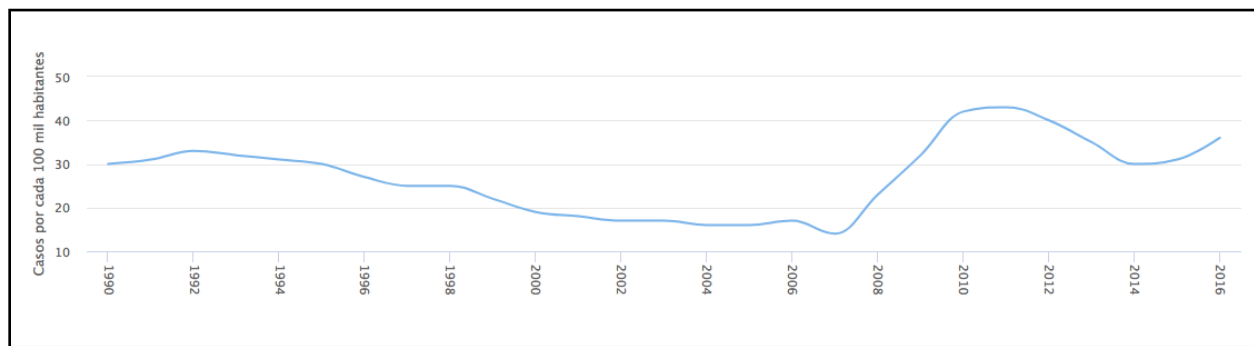
In Mexico, the adoption of prohibitionist drug policies are product of blackmail and threats from the political and economical power of the United States (Morales, 2011). According to Froylan Enciso (cited in Morales, 2011) United States officials threatened Mexican officials with: making border crossings more difficult, withdrawing support for the maintenance of the authoritarian regime, denouncing the corruption of the Mexican political elite, systematically violating territorial sovereignty, conditioning economic support during the financial crises of the 1980s, boycotting economic support during the financial crises of the 1980s, boycotting the North American Free Trade Agreement (NAFTA) negotiations.

This historical pattern of coercive influence exercised by the United States significantly shaped Mexico’s security and drug policies, laying the foundation for continued militarized strategies. In this context, what is commonly referred to in Mexico as the “War on the Cartels” (“Guerra contra el narco”) formally began in December 2006, when then President Felipe Calderón Hinojosa, acting as Commander-in-Chief of the Armed Forces, ordered joint operations involving the Federal Police (Policía Federal), the Attorney General's Office (Procuraduría General de la República), and the Mexican Army (SEDENA).

One of the justifications for declaring the “War on the Cartels” used by the administration of former president Felipe Calderón, was to reconstitute State authority over Mexican territory and population, to combat drug trafficking and to restore normality for Mexicans (Zedillo, 2019). However, academics and civil society organizations have questioned some of the reasons for the decision of militarizing public security. Some of these questions are subsequently analyzed.

The alleged increase in drug use among the Mexican population, “Keep drugs away from your children” was one of the main slogans used by the federal government. However, according to Morales (2011), based on the governments own statistics, drug use in Mexico remained minimal in relation to the population, with prevalence and incidence rates lower in both global and regional comparative terms.

The second justification was the alleged increase of violence in the country, however, according to Morales (2011) and sociologist Fernando Escalante (cited in Morales, 2011) the homicide rates per 100,000 inhabitants were decreasing before 2006, as opposed to the increase in homicide rates post 2006, after declaring the “War on the Cartels”, as demonstrated in the following graph:



Homicide rates per 100,000 habitants (1960-2016) (INEGI, 2016)

Morales (2011) also poses not only a justification, the author also provides a possible explanation. This explanation consists of the search for legitimacy after the controversial presidential election of 2006, where the margin between the two candidates Felipe Calderón and Andrés Manuel López Obrador was less than 1%. According to one of the communication cables leaked through the Wikileaks platform, the former US ambassador Carlos Pascual, points out the possible use of the successes in the fight against organized crime as a way to stimulate and shore up a politically questioned image (Morales, 2011).

The previous analysis suggests that the decision to initiate the "War on the Cartels" during the administration of former president Felipe Calderón was rooted in political considerations rather than in an objective assessment of the security situation of the country at that time. Despite the official narrative emphasized the necessity of restoring state authority, combatting drug trafficking, and reestablishing normalcy for the Mexican population (Zedillo, 2019), empirical data challenges these justifications.

As Morales (2011) demonstrates, the government's own statistics indicate that drug consumption levels remained comparatively low at both the regional and global levels, undermining the portrayal of a drug consumption crisis. Similarly, analysis by Morales (2011) and Escalante (cited in Morales, 2011) reveal that homicide rates had been declining prior to 2006, with the subsequent escalation of violence correlating directly with the militarization of public security. The political context post the 2006 election process provides a possible alternative explanation: faced with a severe legitimacy crisis following the controversial 2006 presidential election, Calderón implemented a militarized security strategy to strengthen his legitimacy. The diplomatic communications disclosed through Wikileaks, in which U.S. ambassador Carlos Pascual highlighted the strategic use of security victories to reinforce the administration's credibility (Morales, 2011). In conclusion, the "War on the Cartels" could possibly be politically motivated, rather than a response grounded in genuine national security reasons.

Consequently, one must analyze the strategies used by the federal government to combat organized crime organizations. As well as the impact these strategies had in the (in)security situation of the country. Firstly, there was a considerable deployment of the military on the streets. Between 2006 and 2011 there was a 70% increase of deployed elements, reaching 52,690 in 2011 (Zedillo, 2019). The previous figure was maintained until 2016, as in that year the Mexican Army reported an average of 52,000 elements deployed daily throughout the country.

Despite initial results managed to reduce the presence of drug trafficking, the operations actually caused the displacement and fragmentation of the groups to other entities, even after the first operation in Michoacán, violence began to grow in states such as Sonora, Nuevo León, Veracruz and Tabasco (Velázquez, 2017). Consequently, drug trafficking became more complicated, some of the groups began to diversify their activities to others that carried more risks and violence, for example, kidnapping, extortion, kidnapping of migrants, human trafficking, among others (Velázquez, *et al*).

One of the consequences of the strategy of militarizing public security in Mexico has been an alarming increase in human rights violations committed by military personnel. In this context, it is relevant to refer to a judgment issued by the Inter-American Court of Human Rights (IACHR Court) against Mexico: *Alvarado Espinoza v. Mexico*, ruled in 2018.

Succinctly stated, the case concerns the enforced disappearances of Nitza Paola Alvarado Espinoza, José Ángel Alvarado, and Rocío Irene Alvarado Reyes, perpetrated by State agents

“with military-type characteristics” in the community of Ejido Benito Juárez, Chihuahua, in December 2009. In its ruling and assessment of the evidence, the Court took into account the broader context of impunity and generalized violence prevailing in the country. The Court established a causal relationship between security militarization strategies and the increase in human rights violations committed by the armed forces:

“The Court observes that, in the context of the implementation of security strategies aimed at combating drug trafficking and organized crime in Mexico, the United Nations Human Rights Committee has, since 2010, expressed concern over the growing number of reports of human rights violations committed by military personnel in areas where they were deployed to maintain public order. The Committee recommended that tasks related to public security, as well as the investigation of alleged human rights violations, fall under the exclusive jurisdiction of civilian authorities” (Inter-American Court of Human Rights 2018, para. 59).

The militarization of public security in Mexico is the result of a long historical trajectory shaped by internal crisis of violence and external pressures, particularly from the United States. While originally framed as a necessary response to drug trafficking and rising insecurity levels, evidence reveals that militarized strategies might have been politically motivated, especially during moments of weakened governmental legitimacy, as was the 2006 presidential election. Contrary to reducing violence, these strategies have contributed to the escalation and geographic spread of organized crime groups, the diversification of their illicit activities, and a significant increase in human rights violations by State actors. The *Alvarado Espinoza v. Mexico* case illustrates the risks of assigning civilian security functions to the military.

1.3 The creation and militarization of the National Guard

A promised change of political and social regime came with the 2018 election of former president Andrés Manuel López Obrador. In March 2019, a series of Constitutional reforms were passed by Congress in order to create a new security institution known as the National Guard (Guardia Nacional), as a response to the security situation in the country. In response to pressure from human rights organizations and academia, the National Guard was defined in the Constitution as a civilian institution, subscribed to public security enforcement. However, even though the National Guard was conceived and legislated as a civilian institution, the operative structure, and the military formation from most of its agents, demonstrate that in reality it operated as a military institution since its beginning (FJJED, 2022).

Firstly, a transitory article from the Constitutional reform stated that the National Guard would be compromised by agents from the Federal Police (Policía Federal), Military Police (Policía Militar) and Naval Police (Policía Naval). Another transitory article stated that the Secretary of National Defense (Secretaría de la Defensa Nacional) and the Secretary of the Navy (Secretaría de Marina), which are Mexico's military institutions, could participate in the establishment of its hierarchical structure, discipline regimes, fulfillment of responsibilities and duties, establishment of rules for enrollment, education, training, promotions and benefits. This normative framework allowed for the National Guard to be constituted mostly by military agents, including the its head, who was a retired member of the Armed Forces (FJJED, *et al.*).

By 2021, the composition and structure of the National Guard (Guardia Nacional) in Mexico reflected the predominance of military personnel within an institution originally conceived as civilian. Of its members, 73,805 were assigned by the Secretary of National Defense (Secretaría de la Defensa Nacional, SEDENA), 17,792 by the Navy (Secretaría de Marina, SEMAR), and only 23,236 were personnel transferred from the now extinct Federal Police (Policía Federal). Moreover, 85% of National Guard agents lacked policing certification, and 27 out of the 32 state commanders were military generals who had not been accredited to perform public security duties. The previous highlights the limited civilian policing experience and training among the majority of National Guard agents, raising significant concerns regarding their preparedness to protect civilians within a framework of public security (*Ibidem.*).

Although the National Guard was constitutionally placed under the authority of the Secretary for Security and Civilian Protection (Secretaría de Seguridad y Protección Ciudadana), a presidential decree issued in October 2020 transferred operational control to the Secretary of National Defense (*Ibid.*). This move effectively subordinated the National Guard to military command, blurring the constitutional boundaries between civilian and military spheres in the administration of public security.

On the final day of his term in office, former president Andrés Manuel López Obrador enacted a constitutional reform that formalized the transfer of administrative and operational authority over the National Guard from the he Secretary for Security and Civilian Protection to the Secretary of National Defense (Cámara de Diputados, 2024). This reform not only legalized military control, it also transformed what had previously been a *de facto* arrangement into a *de jure* framework, thus legalizing and institutionalizing the militarization of Mexico's principal public security institution. In this context, the reform reflects Giorgio Agamben's (2003) notion of the State of Exception, which he defines as the "point of imbalance between public law and political fact"

wherein the sovereign suspends established legal norms to assert unrestrained authority. This constitutional reform thus exemplifies how the legal apparatus can be restructured to legitimize extraordinary measures, reinforcing a permanent *State of Exception* in Mexico's security governance.

An additional manifestation of this exceptional logic can be found in the reform of Article 57 of the National Guard Law (Ley de la Guardia Nacional), which stipulates that National Guard personnel shall be subject to military jurisdiction. This reform implies the suspension of ordinary legal oversight and civilian accountability mechanisms, as it transfers the adjudication of administrative offenses committed by National Guard agents from civil to military jurisdiction, with the exception of human rights violations. Through these reforms, the Mexican State has normalized exceptional measures, effectively entrenching them within its legal framework and subordinating civilian jurisdiction to the military justice system.

In conclusion, normative changes of the National Guard demonstrate a systematic and deliberate shift toward the militarization of public security in Mexico. What was initially framed as a civilian-led institution has, through legal and administrative reforms, become a military institution both in structure and function. The constitutional reform enacted at the end of López Obrador's term signifies not only the consolidation of military control but also the suspension of the legal norms that safeguarded the civilian character of public security institutions. As Agamben (2003) warns, such normalization of exceptional measures transforms emergency governance into a permanent mode of rule, with deep implications for military accountability and the protection of human rights in Mexico.

1.4 The involvement of the National Guard and military in border control and migrant detention

In Mexico, the National Institute of Migration (Instituto Nacional de Migración) is in charge of migration control, regulated under the Migration Law (Ley de Migración). Said law established that the Federal Police (now National Guard) may assist the National Institute of Migration, however, this provision does not grant other faculties to the National Guard in terms of migration control.

Since its conception in 2019, the National Guard contemplated providing support to the National Institute of Migration. Article 9 of the National Guard Law originally stated: "Provide support to the National Migration Institute to ensure that foreigners residing in the country comply with the

obligations established by the Migration Law.” However, given increasing pressure from the Trump administration at that time, which included threats of declaring a national emergency at the Southern border with Mexico, the original text was modified to become as follows: “Conduct, in coordination with the National Migration Institute, the inspection of immigration documents of foreigners to verify their legal status, with the exception of facilities designated for the international transit of persons, and, where appropriate, present those in an irregular situation for the purposes provided for in the relevant law.” This modification effectively granted the National Guard authority, so that in coordination with the National Institute of Migration, to inspect and assist with document verification and deportations of migrants (FJJED, *et al*).

This provision granted more faculties to the National Guard in terms of migration control, however these new faculties are not constitutional, since the National Guard is in charge of public security, which is defined under article 21 of the Constitution as the prevention, investigation and persecution of crimes, without including migration control as a component of the public security sphere.

In addition to the increasing involvement of the National Guard, civil society organizations have also documented the involvement of military forces in operations of migration control. In 2019, the Secretary of National Defense (Secretario de la Defensa Nacional), in a public presidential conference admitted that the National Guard and the Armed Forces were preventing the crossing of migrants towards the United States (FJJED, *et al*). Similarly, by January 2022, there were 28,397 agents deployed for the execution of the Plan for Migration and Development of the South and North Borders (Plan Nacional de Migración y Desarrollo en la Frontera Norte y Sur), of which 13,663 (48%) were from the Army, 906 (.19%) from the Marines, and 13,828 (48.7%) (*Ibidem.*).

In terms of detentions, according to public information requests provided by the Secretary of National Defense (Secretaría de la Defensa Nacional), between June 2019 and February 2022, Mexican security forces detained 763,639 persons. By adding this figure to the 82,838 detainees counted from December 1, 2018, the start of the López Obrador administration, until May 2019, the total detentions amount to approximately 846,477. In three years, the administration detained more migrants than the two previous administrations. (*Ibid.*)

More recently, in January 2025, Donald Trump’s second term began, and with it new threats and blackmail. Only a couple of day after taking office, Donald Trumps' foreign policy changed radically from his predecessors. Threats of imposing tariffs despite having a Free Trade

Agreement with Mexico, were the main subject of blackmail. In response, current president, Claudia Sheinbaum, responded to these threats by implementing operation “North Border” (Operativo Frontera Norte) that involved the deployment of 10,000 National Guard agents to the northern border of Mexico in an attempt to stop irregular migration flows and drug trafficking (Villegas, 2025). This response not only exposes the subordination of migration policy to foreign political pressures.

In conclusion, the increasing involvement of the National Guard and the Armed Forces in migration control and detention in Mexico represents a worrying shift in the country’s approach to migration governance. Despite being framed as necessary for national security, it has become a response to international political pressure, particularly from the United States. This militarized approach lacks firm constitutional and conventional grounding and blurs the line between civil and military functions. The delegation of migration enforcement to security forces undermines the civilian character of migration institutions and has resulted in a dramatic increase in migrant detentions, often carried out without proper legal safeguards as it will be further elaborated.

1.5 The involvement of the military in the National Institute of Migration

In addition to the increasing involvement of the National Guard and the military in operations of migration control, the Armed Forces have also increased their presence at key positions in the structure of the National Institute of Migration (Instituto Nacional de Migración, INM), this process has displaced civilian public officials and replacing them with agents with a military background. These agents have been placed in key state delegations and operative directions of the INM.

In a joint statement issued on December 1, 2020, the National Human Rights Commission (Comisión Nacional de los Derechos Humanos) and civil society organizations expressed their concerns about the growing militarization of the National Institute of Migration. “In 18 states, individuals with a military background have been appointed to lead the representations or offices of that Institute (...)” (CNDH, 2020).

To this point, the following information was obtained in public sources of information, in order to demonstrate that individuals with a military background hold leadership positions at state level offices of the National Institute of Migration. The following is a list military personnel who are currently heads of the office of representation of the National Migration Institute in each state, as of April 2025:

| Office of Representation of the National Institute of Migration | Military Rank |
|--|----------------------|
| Campeche | Brigadier General |
| Colima | Ship Captain |
| Durango | Brigadier General |
| Hidalgo | Ship Captain |
| Quintana Roo | Rear Admiral |
| San Luis Potosí | General |
| Sonora | Frigate Captain |
| Tlaxcala | Rear Admiral |
| Veracruz | Vice Admiral |

Authors own elaboration with information obtained from the National Institute of Migration (INM).

This data illustrates a clear pattern of militarization within the administrative structure of the National Institute of Migration. The appointment of high-ranking military personnel to lead state-level offices signifies a militarizing shift of the National Institute of Migration (Instituto Nacional de Migración).

In conclusion, this transformation has been publicly criticized by the National Commission of Human Rights and civil society organizations, highlighting the urgent need for greater oversight and public debate regarding the role of the military in migration policy and enforcement. As it will be further elaborated, the appointment of military personnel has also come with an increase in human rights violations and allegations of workplace and sexual abuse against civil servants of the National Institute of Migration, as it will be further elaborated.

1.6 The securitization of migration governance and its alignment with international human rights standards

In Mexico, article 1° of the Constitution recognizes international human rights treaties at a constitutional level. The Supreme Court of Justice of Mexico (Suprema Corte de Justicia de la Nación, SCJN) established through a Contradiction of Theses 293/2011, the binding nature of the

judgements of the Inter-American Court of Human Rights and set a parameter for constitutional interpretation, which includes international human rights treaties subscribed and ratified by the Mexican government (SCJN, 2013). In terms of migrate control, the Court in the case of Vélez Lóor v. Panamá ruled that public officials in charge of migration control, must be of civilian nature, duly qualified and trained (IAHRC, 2010).

In the cases of Cabrera García and Montiel Flores v. Mexico and Alvarado Espinoza v. Mexico, the Court determined that the participation of the Armed Forces in public order and citizen security activities must meet the criteria of exceptionality, proportionality and due diligence for the safeguarding of the human rights of the civilian population. If military authorities exceptionally participate in public security areas, their participation must be: extraordinary, subordinated and complementary to the work of civilian authorities, regulated and supervised (FJJED, *et al.*). In this sense, the participation of military agents in migration control, should by analogy be extraordinary, subordinated and complementary to the work of civilian authorities, and not replacing civilian authorities.

Furthermore, the Inter-American Commission of Human Rights (IACHR) has also established a parameter for migration control. In its Recommendation 82/2021, the Commission called on Member States to adopt migration and border management policies that incorporate a human rights approach. The IACHR documented that various States in the region, including Mexico, have authorized armed forces, military police, and State forces with a military profile participating in migration control operations to strengthen security measures and surveillance of State borders. It noted that the participation of the Armed Forces in migration control tasks has allegedly increased reports of excessive use of force against people in movement (IACHR, 2021).

The Commission recommended that the implementation of migration policies that authorizes the cooperation and participation of Armed Forces to carry out migration controls could run counter to States obligations to protect and guarantee the human rights of people in movement, while also being contrary to Inter-American standards and principles; additionally, the permanent presence of Armed Forces along borders is allegedly causing the militarization of these borders (IACHR, *et al.*)¹.

¹ <http://www.oas.org/es/cidh/jsForm/?File=/es/cidh/prensa/comunicados/2021/082.asp>

In conclusion, these standards reveal a growing dissonance between Mexico's securitized approach to migration and its international human rights obligations. The deployment of military and militarized forces, such as the National Guard, in migration control contravenes the principle that such functions should be conducted by civilian personnel. This shift undermines the guarantees established in both national and international legal frameworks.

Having analyzed the historical, legal, and institutional dynamics that have led to the militarization of public security in Mexico and its extension into migration policy, the following chapter turns to the consequences of these transformations. The next chapter provides a detailed analysis of how the deployment of military and militarized forces in migration control has resulted in human rights violations against migrants. Through case studies and documented testimonies, the chapter examines patterns of arbitrary detentions, excessive use of force, racial profiling, and systematic impunity that characterize Mexico's current migration enforcement regime.

Chapter 2 - Analysis of human rights violations of migrants linked to the National Guard and military enforcement operations

This chapter focuses on analyzing concrete impacts of militarized migration enforcement on the human rights of people in the context of mobility. The findings presented are based on documentary evidence, testimonies, and secondary sources, they reveal a pattern of violations that represent systematic practices of state institutions in charge of migration management.

2.1 Situation of vulnerability faced by people in mobility in Mexico

Migrants passing through Mexico find themselves in an especially heightened state of vulnerability, which has been recognized by the Inter-American Commission on Human Rights (IACHR) in its specialized report "Human rights of migrants and other people in the context of human mobility in Mexico". The report highlights migrants are often exposed to human rights violations, crimes, stigma, discrimination, racism, and xenophobia due to their migratory status, which fosters systematic discrimination by government institutions and due to the stigmas prevalent in Mexican society (IACHR, 2013).

The National Human Rights Commission (CNDH) has documented the extreme vulnerability of migrants as they pass through Mexico, often paying tens of thousands of dollars to smugglers, also known as *polleros*, to be transported from Mexico's southern border to the United States. Similarly, the Inter-American Commission on Human Rights (IACHR) has also documented the

various forms of violence that migrants in transit through Mexico are subjected to, including robbery, extortion, kidnapping, physical and psychological abuse, sexual assault, murder, and enforced disappearance (IACHR, *et al.*).

In recent years, drug trafficking organizations have also entered the irregular migration business, engaging in activities such as migrant kidnapping, human trafficking, and migrant smuggling. These activities now represent one of the main sources of income for drug cartels. This also reflects a shift in behavior, as such activities were previously associated with smaller criminal gangs and state agents (*Ibidem*).

2.2 Illegal and arbitrary detention of migrants

Since the deployment of the National Guard (Guardia Nacional), there has been a substantial increase in the number of migrant detentions, primarily of individuals from Honduras, Guatemala, and El Salvador. In June 2019 alone, there was a 150% increase in detained migrants compared to the figures recorded in the same month of 2018. Furthermore, according to the Foundation for Justice and the Democratic Rule of Law (FJJED, 2022) the organization detected that the National Guard has detained migrants through: 1) Raids and immigration control operations; and 2) Patrolling activities. In the second scenario, the National Guard usually acts on its own and without the supervision of the National Migration Institute (INM). After the initial detention, the individuals are usually handed over to the INM (FJJED, 2022).

In the case of raids and immigration control operations, the Foundation for Justice (2022) recorded that some of the migrants reported that members of the National Guard stopped them during mobile immigration checkpoints on highways, forced them to get off the buses, and then transported them to detention centers. In other instances, individuals were detained after crossing the border into Mexico.

Regarding migration checks conducted in areas other than officially designated entry and exit points, the Mexican Supreme Court (SCJN) ruled that the regulation is so broad and vague that it enables violations of the right to free movement and transit of anyone passing through the area where immigration authorities decide to carry out control operations. Furthermore, according to the Supreme Courts analysis, these operations violate the right to equality and have a disproportionate impact on certain population groups (SCJN cited in FJJED, 2022).

Human rights organizations and journalistic investigations have also documented that the National Guard exploits the physical exhaustion of migrants, who often walk for hours in difficult conditions, only to then be surrounded and detained by the National Guard (*Ibidem.*).

In the Inter-American Human Rights System, the Inter-American Court of Human Rights (IACHR Court) has observed that immigration detention can lead to the violation of multiple rights recognized by the American Convention on Human Rights, such as the rights to personal liberty, personal integrity, judicial protection, and due process guarantees. For this reason, the IACHR has determined that:

- Immigration detention cannot have a punitive purpose.
- The immigration detention of children and adolescents is prohibited.
- Immigration detention must be an exceptional measure and a last resort.
- Automatic detentions are prohibited; authorities must carry out an individualized assessment in each case.
- For immigration detention to be lawful, it must meet the criteria of legitimate purpose, legality, necessity, and proportionality (FJJED, 2022).

Similarly, according to national legal framework, the involvement of the National Guard in document and verification procedures for foreign nationals in the country must be subordinate and subsidiary to the National Institute of Migration (INM). Therefore, the National Guard may only legally operate with the presence of public officials from INM. Consequently, any operation carried out by the National Guard related to document and verification procedures concerning a person's migratory status, without the presence of the INM, would constitute an unlawful detention due to a lack of authority (FJJED, *et al.*). In conclusion, the documented practice of the National Guard to detain migrants is demonstrated to be unconventional, as it contravenes the American Human Rights Charter as established by the IACHR; it is also illegal as it contravenes national legal framework, including the Constitution.

In spite of the previous, testimonies gathered by the Foundation for Justice (2022) show that, in practice, the National Guard detains migrants. In fact, interviews conducted by the Foundation with agents from both the INM and the National Guard revealed that they were unaware that the presence of INM personnel was required during the detention of migrants.

However, National Guard agents are not the only actors carrying out illegal immigration detentions, the Armed Forces also detain migrants under the concept of “rescues.” Mexican

legislation refers to immigration detention using euphemisms such as “presentation” and “accommodation,” even though individuals under these circumstances are effectively detained. According to civil society organizations, being detained, poses significant risks of “intimidation and harassment while in custody, obstruction of effective legal representation, violations of due process, lack of effective judicial protection, unlawful deportations, among others.” (*Ibidem.*)

In response to public information requests submitted by the organization Washington Office on Latin America (WOLA) regarding the handover of migrants to the National Migration Institute (INM) by the Army (SEDENA), Navy (SEMAR), and National Guard, the institutions provided contradictory responses. According to WOLA, the INM reported that, between 2019 and 2021, the Navy was involved in the handover of 42 migrants, while the Navy itself stated it had participated in the handover of over 5,000 persons. In the case of the National Guard, the INM acknowledged the corporation's involvement in handing over more than 2,000 migrants, at the same time, the National Guard claimed to have handed over more than 15,000 individuals (*Ibid.*). These inconsistencies evidence the lack of consistent data in the collaboration between security forces and immigration authorities, raising concerns about accountability in Mexico’s migration enforcement processes.

Additionally, according to WOLA’s public information requests, the case of the Army (SEDENA) is worth noting: the INM recognized the involvement of the Army in the handover of fewer than 300 migrants, while the Army reported that 156,099 migrants had been “rescued” between 2019 and 2021. These ‘rescues’, according to the Army, involved joint operations with the Armed Forces, the National Guard, and the INM, asserting that the military’s role in such cases is limited to providing security in the context of ‘the humanitarian rescue of migrants’. (*Ibid.*)

During enforcement operations and according to documented cases, authorities often do not conduct case-by-case assessments at the moment of apprehension. INM agents who provided testimony under the condition of anonymity stated that the National Guard detains asylum seekers because they follow directives aimed at the necessary “apprehension” of migrants and the interruption of their transit through Mexico. The lack of an individualized analysis of each case, in order to proceed with a detention may suggest that arbitrary detentions take place.

In another worrying case, a journalistic investigation carried out by Ramírez (2023) analyzed nearly twenty formal complaints filed with the Ministry of Public Administration (Secretaría de la Función Pública) against retired Navy and Army officers who held leadership positions within

the National Migration Institute (INM). One of the complaints revealed that a group of migrants detained at a military checkpoint located in the northern border, were held for three days inside a military base. The order reportedly came from the head of the INM's Sinaloa regional office, a retired rear admiral from the Mexican Navy (Secretaría de Marina, SEMAR), one of the highest-ranking positions. According to testimonies, the rear admiral instructed officers to take the migrants to the base and hold them there for several days. After assembling a larger group, he arranged their transfer to the migration station, nearly five hours away from the checkpoint.

In summary, the growing involvement of the National Guard and the Armed Forces in immigration enforcement operations in Mexico has led to systematic violations of both national and international legal frameworks. Despite rulings from the Inter-American Court of Human Rights and the Mexican Supreme Court (SCJN), immigration detentions are routinely carried out without individualized assessments, often in the absence of legally mandated INM personnel, and are carried out by armed forces under ambiguous justifications.

The discrepancies in official data provided by security institutions such as SEDENA, SEMAR, the National Guard, and the INM reveal a lack of transparency and coordination, further suggesting an unlawful expansion of military and armed forces' roles in migration management. The previous points to a pattern of arbitrary detentions, institutional failure to adequately record detentions, and violations to the rights to liberty and due process of migrants in Mexico.

2.3 Violations to the rights to seek asylum, *non-refoulement* and collective expulsions

This section examines the systematic violations of the rights to seek asylum, the principle of *non-refoulement*, and the prohibition of collective expulsions in Mexico's current migration enforcement practices. Research findings by the Foundation for Justice and the Democratic Rule of Law (FJJED) reveal that migrants are often subject to detention and forced returns without proper individual assessment of their protection needs. These actions, often carried out by the National Guard and the National Migration Institute (INM), reflect a broader pattern of disregard for due process and constitutional rights in migration control operations.

The Foundation for Justice (2022), found that two forms of detention were observed. The first involves intercepting asylum seekers during mobile operations, detaining them, and forcing them to board buses that would transport them to the Guatemalan border, in the documented operations, both the National Guard and the National Migration Institute (INM) were involved. In the second modality, the National Guard detains migrants and individuals holding

humanitarian visitor cards on the grounds that the documents are presumed to be false or based on the belief that the person might attempt to flee and force them to board buses that would transport them to the Guatemalan border. Both these actions violate the rights to seek asylum and *non-refoulement*, by collectively expelling migrants and asylum seekers. In order to illustrate the latter, a Cuban asylum seeker shared his experience:

“The National Guard officers tore up our visitor cards right in our faces—mine and my wife’s. They said that just by the material the cards were made of, they could tell they were fake. Now I’m trying to see if I can get them reissued. Without them, I can’t work, and I can’t move around Tapachula without being afraid. (...) It’s as if through all of this, they’re telling us: go back to Cuba, so they can throw you in prison or kill you for opposing the regime. Otherwise, we’re going to make your life miserable until you leave.” (FJED, 2022)

The organization also documented cases of families with children who were detained for hours on the aforementioned buses provided by the INM, without any individual assessment of their cases. Those traveling with children, particularly Haitian and African migrants, requested an individual assessment of their situation. However, these requests were dismissed by INM agents (FJEDD, 2022).

In conclusion, testimonies refer to a clear pattern of collective expulsions and arbitrary detention practices of migrants and asylum seekers in Mexico. The lack of individualized assessments, the dismissal of requests for protection, and the use of buses filled with migrants taken to the Guatemalan border without due process constitute breaches of both national and international obligations, particularly the right to seek asylum and the principle of *non-refoulement*, an internationally recognized norm of *jus cogens*.

In terms of Inter-American human rights standards, according to Advisory Opinion OC-25/18 (2018) the Inter-American Court of Human Rights (IAHRC Court): failing to assess the specific risks that asylum seekers may face upon expulsion to the jurisdiction of another State, and ignoring the vulnerability of their situation, not only violates the right to seek and receive asylum and the principle of *non-refoulement*, but also exposes asylum seekers to multiple human rights violations, including infringements on the rights to life, personal integrity, and personal liberty.

2.4 Extrajudicial executions

This section addresses the issue of extrajudicial executions in the context of Mexico's migration enforcement practices. Recent cases indicate that migrants have been victims of excessive and unlawful use of force by the armed forces, including the National Guard, the Army and the Navy.

Cristóbal Cobreiro was a 35 year old Cuban migrant who died at the hands of the National Guard. Cobreiro was killed in an extrajudicial execution on October 31, 2021, in Chiapas, after being shot 55 times by National Guard agents. Five other migrants, three of them minors, traveling in the same vehicle were also injured. At the time, the National Guard claimed that the individuals were armed and posed a threat. However, in an investigation undertaken by the National Human Rights Commission (CNDH), concluded that the National Guard had engaged in excessive and disproportionate use of force and issued false statements by asserting that the National Migration Institute (INM) had requested their intervention, an assertion the INM later denied. The CNDH also confirmed that no administrative accountability procedures had been initiated against those responsible. Additionally, investigations led by the Attorney General's Office (Fiscalía General de la República) revealed that a weapon had been planted on Cristóbal after his death in an attempt to justify the use of lethal force (Centro ProDH, 2023).

In October 2024, at least six migrants were killed by soldiers of the Army (SEDENA) in Mexico's southern border after soldiers opened fire on the vehicle they were traveling in. Mexico's Ministry of Defense (SEDENA) stated in a press release that the officers were conducting 'ground reconnaissance' in the state of Chiapas when they saw a fast-moving van, and that the driver attempted to evade the soldiers. Behind the van were two other vehicles that, according to the military, resembled those used by organized crime groups in the region. The Army said the agents 'heard explosions' prompting two of them to open fire and stop one of the trucks. On board was a group of 33 migrants. Authorities later reported that four people died at the scene and two more at a hospital, another ten were injured. The remaining migrants were handed over to INM officials. The military did not say whether the migrants were armed. According to the Ministry of Defense (SEDENA), the agents may have mistaken the migrants for cartel members. The six deceased migrants were from El Salvador, Peru, and Egypt (Villegas, 2024).

In November 2024, two Colombian migrants were killed and at least four others injured in an armed attack carried out by members of the National Guard in a mountainous area in Baja California state, a northern region of Mexico. According to the investigation, the incident

occurred in a region known for being a migrant transit route. During the attack, at least four Colombian migrants were wounded and two others were killed. Three National Guard agents were suspended and placed under federal custody after their alleged involvement in the deaths was confirmed. The victims had been shot at least eight times. According to an official statement made by the Army (SEDENA), the military justice system will be responsible for investigating the use of lethal force by the officers involved.

In conclusion, the previous cases presented reveal a pattern of extrajudicial executions committed by members of Mexico's security forces in the context of migration enforcement. The excessive lethal use of force by both the National Guard and the Army (SEDENA) has resulted in the deaths and injuries of too many migrants, including children and individuals seeking international protection. These incidents are marked by the absence of due process, falsification of official accounts, and the failure to initiate proper accountability mechanisms, the previous highlights the dangerous consequences of militarizing migration control. The reliance on military institutions to carry out migration enforcement tasks not only violates international human rights standards, particularly the right to life and the principle of proportionality in the use of force, but also fosters a climate of impunity that endangers the lives of migrants in transit through Mexico.

2.5 Racial profiling and language barriers

This section examines how racial profiling and language barriers contribute to the heightened vulnerability of migrants in Mexico, particularly those who are easily identified as non-Mexican due to their physical appearance or lack the use of Spanish language.

Human Rights Watch, in its report “We Couldn’t Wait: Digital Metering at the US-Mexican border”, found that migrants in Mexico who do not dominate Spanish language, and physical qualities such as their height and the color of their skin, who are easily identified as non Mexicans are constituted as a differentiated social group further increasing their vulnerability to becoming victims of crimes and human rights violations (Human Rights Watch, 2024).

Similarly, the Foundation for Justice (2022) found that in interviews they conducted during interactions with members of the National Guard, it is common for the officers to use racial slurs and stigmatize them as criminals based on racist assumptions. In a case documented by two Angolan migrants refer the following:

“We were detained this year [2021] by members of the National Guard. I was traveling with my younger brother on a bus to Tuxtla [Chiapas]. I just wanted to find work, because there are no opportunities in Tapachula. I had heard things were different in Tuxtla. They made us get off the bus, and we heard the National Guard agents say, ‘Get the Black people off!’ We showed them our humanitarian visitor cards, and even so, they detained us.” (FJJED, 2022)

In conclusion, racial profiling and language barriers operate as powerful mechanisms of discrimination within Mexico’s migration enforcement practices. Migrants who are visibly non-Mexican or who do not speak Spanish fluently are not only more likely to be targeted by authorities, but also face dehumanizing treatment, including verbal abuse, arbitrary detention, and the denial of legal provisions. These experiences reflect broader patterns of institutional racism and xenophobia that amplify migrants’ vulnerability.

2.6 Workplace and sexual abuse against civil servants of the National Institute of Migration

In the same case of the rear admiral of the Navy (SEMAR), who detained a group of migrants detained at a military checkpoint, and the migrants who were held for three days inside a military base. In his initial assignment at a state level INM office, the same rear admiral was accused of creating a hostile work environment by imposing workdays longer than 15 hours, suspending rest days for over two months, and treating civilian personnel under strict military discipline (Ramírez, 2023).

The complaints include cases of discrimination, such as that of a transgender person employed as a cleaner at the INM office, who identified as female. “He told her that if she wanted to work in the office, she had to dress like what she is, a man” according to a collective 2020 complaint that detailed how the harassment ultimately forced her to resign (Ramírez, *et al.*).

Between March and August 2020, during the height of the COVID-19 pandemic, the rear admiral allegedly refused to implement social distancing protocols, dismissed medical certificates from staff deemed unfit to work, and accused employees of falsifying positive COVID test results. According to the complaints, infected personnel were forced to continue working despite being ill (*Ibidem.*). In at least four separate complaints, the rear admiral is held responsible for a mass COVID outbreak at the INM offices, which allegedly resulted in the death of one migration officer and the parents of two other employees (*Ibid.*).

In yet another state INM office, a brigadier general from the Army (SEDENA), was accused in three complaints filed by INM employees who accused him of creating a hostile work

environment, exhibiting misogynistic and authoritarian behavior, and engaging in workplace harassment. He is specifically blamed for the resignation of 14 civil servants following his appointment (*Ibid.*). One document in the case is a letter sent by the general to the Internal Control Office (OIC), in which he denies all allegations. In his defense, the general acknowledges the resignations yet he attributes them to the former employees' inability to cope with increased workloads brought on by the arrival of migrant caravans to the state.

In another case documented by Ramírez (2023), a retired rear admiral and a retired captain from the Mexican Navy (SEMAR) were accused by four female INM employees of workplace harassment and sexual misconduct, respectively. In 2020, the rear admiral headed the state INM office, while the captain served as his deputy. Both were named in multiple complaints for harassing female staff. The captain, was reported to follow a recurring pattern: he would initially praise the professional skills of his subordinates and offer them promotions, then begin sexually harassing them with comments about their appearance, clothing, and personal relationships. He also invited them to private encounters, and when the women rejected his insinuations, the promised promotion would be withdrawn and replaced with workplace harassment, this behavior that was reportedly tolerated and covered by his deputy.

In conclusion, the previous cases exemplify a pattern of workplace abuse, gender-based discrimination, and institutional neglect that disproportionately affects civilian INM personnel working under militarized leadership. Excessive long work hours, the enforcement of military-style discipline, and the failure to implement basic health protections during a public health crisis reflect deep structural deficiencies in the INM's internal governance. The documented case of transphobic harassment which resulted in the forced resignation an unhealthy work environment where human rights rights are routinely disregarded. These patterns of abuse violate labour and anti-discrimination laws, they highlight the urgent need for oversight, accountability, and the demilitarization of leadership within the National Institute of Migration.

2.7 Falsifying and selling permanent residency cards

In another state of Mexico, a brigadier general of the Army (SEDENA) was denounced for leading a corruption network involving eight senior officials, department heads, and area coordinators. This was his second migration-related post; months earlier, he had been removed from another office after being accused of extorting migrants by demanding \$100 per person in exchange for their release (Ramírez, 2023).

Despite these serious allegations, the general was neither dismissed nor prosecuted. Instead, he was reassigned to another the INM office, bringing his close team with him. From there, a new corruption scheme began. Every Friday, a former INM official who had been dismissed would arrive at the office and sit at a desk adjacent to the general's office. Together, they authorized false migration documents for foreign nationals, who were granted permanent residency cards, under the family reunification category, in less than an hour. This category is typically reserved for individuals with children in Mexico or who are married to Mexican nationals (*Ibidem.*).

The fraudulent documents were also approved by the deputy director of immigration regulation, the heads of immigration processing and archiving, and the biometrics officer. Over the span of four months, the office led by the general approved 99 irregular visas for individuals from China, Colombia, Venezuela, and Cuba. All files were based on birth or marriage certificates allegedly issued by the Civil Registry Office approximately 400 kilometers away. The corruption network began to unravel in early 2022 after an anonymous complaint alerted INM high-level authorities. A random audit of issued visas revealed non-existent files and others containing falsified documents. As a result, eight of the implicated officials resigned (*Ibid.*).

In conclusion, this case illustrates the depth of institutional corruption and impunity within the National Institute of Migration, particularly when leadership positions are occupied by high-ranking military officials with no prior experience in civilian administration or migration policy. Rather than being held accountable for previous misconduct, the general was simply relocated and allowed to replicate and expand corrupt practices, facilitated by a network of complicit officials.

2.8 Migrant detention centers led by the National Guard

Civil society organizations have documented that some migration detention centers are under the control of the National Guard. The organization “Instituto para las Mujeres en la Migración” (IMUMI) has received official reports as part of a strategic litigation in the State of Chiapas. Through these reports, the State has acknowledged the presence of the National Guard in migration detention centers, specifically indicating that migrants have been detained under the sole custody of National Guard agents at the National Guard facility in Chiapa de Corzo, known as “La Mosca.”

However, the case that most clearly illustrates the risks faced by migrants in migration detention centers is the fire that resulted in the deaths of 40 migrants and 27 injured on March 27, 2023, in Ciudad Juárez, a city on Mexico's northern border with the US. The deadliest fire involving

migrants in the custody of Mexican authorities marks a tragic chapter in the history of immigration enforcement in the country. According to documented evidence, agents from the National Institute of Migration and the National Guard were in charge of the centres custody, along with a private company (FJJED, 2023).

Furthermore, civil society organizations were able to determine that the National Guard and the Army (SEDENA), were involved in the detention of some of the victims since days prior to the fire. Some of the victims even had legal permission to travel throughout the country, such is the case of a Colombian national who died in the fire and had entered the country as a tourist (FJJED, *et al.*). In terms of oversight, it has been reported that Mexican authorities have obstructed access for human rights organizations to enter detention centers, despite their valid entry permits. This obstruction has hindered the ability to provide legal assistance to detained migrants and to monitor human rights conditions within these facilities.

These circumstances clearly demonstrate that Mexico is failing to comply with international human rights standards regarding the treatment of detained migrants, which require that custodial staff be part of civilian institutions. As a result, migrants are being exposed to serious risks of rights violations while held under the custody of an institution, such as the National Guard, that as analyzed, exhibits military characteristics. Finally, there is an obstruction of oversight by civil society organizations who are not allowed to enter migrant detention centres, leaving migrants in a situation of vulnerability in front of the detaining authorities.

2.9 Impunity

This section examines the persistent impunity surrounding human rights violations committed against migrants in Mexico, particularly when perpetrated by members of the military embedded in civilian migration institutions. Despite the existence of legal frameworks and institutional mechanisms aimed at ensuring accountability, systematic failures continue to obstruct justice for the victims. The case of a brigadier general from the Army (SEDENA), who was reassigned rather than sanctioned after being denounced for leading a corruption network, and that of a retired rear admiral from the Navy (SEMAR), who ordered the illegal detention of migrants in a military base and as of May 2025 heads the INM office in Tlaxcala, illustrate how institutional protection and the militarization of migration governance shield high ranking military personnel from any form of accountability.

Despite some institutional efforts from the Mexican government that aim to address crimes committed against migrants, such as the creation of Specialized Prosecutor's office for the investigation of crimes committed against migrants (Fiscalía Especializada en Delitos Cometidos Contra Migrantes) and the Exterior Support Mechanism (Mecanismo de Apoyo Exterior), which allows for migrants and their families to report crimes committed in Mexico in embassies and consulates, these efforts have not been sufficient in order to address the grave situation most migrants live everyday in Mexico (Suárez, Díaz, Knippen, Meyer cited in Figueroa, 2024.).

Furthermore, impunity is persistent in most cases of crimes, corrupt state officials who commit crimes rarely face investigations. According to a specialized report published in 2021 by the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) "Tráfico y el Secuestro en Perjuicio de Migrantes en México 2021" (Trafficking and Kidnapping in Perjury of Migrants in Mexico 2021), in one conclusive point of the study, it notes that the high incidence of trafficking and kidnapping of migrants in Mexico is not addressed in an integral manner due to the fact that it is addressed from a perspective of migratory control, which puts victims in a situation of institutional defenselessness (CNDH, cited in Figueroa, 2024).

According to Ramírez (2023), between January 2019 and March 2023, the National Institute of Migration received 118 complaints for serious administrative offenses. Of these, only 22 resulted in sanctions, and none were issued against military personnel.

In conclusion, impunity is not merely a recurring issue but a systematic characteristic of Mexico's migration enforcement regime. The failure to hold military officials accountable, even in the face of serious allegations, fosters a culture of abuse and institutional impunity. While the creation of specialized mechanisms suggests a formal commitment to protecting migrants' rights, their limited effectiveness evidences a gap between policy and reality. As highlighted by the National Human Rights Commission (CNDH), the treatment of crimes against migrants through a migration control lens, rather than a human rights framework, leaves victims without adequate legal recourse or institutional protection, this vulnerability is worsened when the perpetrator is part of the military.

2.10 Changes in migration routes

U.S.' deterrence policy has increasingly relied on Mexico's cooperation to deter irregular migration. The deployment of National Guard troops, coupled with Mexico's acceptance of deportation flights and repatriation efforts, has been celebrated by U.S. officials as a successful strategy in curbing unauthorized border crossings. The Secretary of State has emphasized the

effectiveness of these enforcement measures and their potential impact on broader U.S.-Mexico relations (NMás, 2025). However, this apparent success in containment masks a more complex reality.

The United States has stated that the reinforcement of the border with Mexico, through the deployment of 10,000 elements of the National Guard, has had an effect in curbing illegal migration to the northern country. U.S. Secretary of State, Marco Rubio, expressed Washington's satisfaction during a phone call with Mexico's Secretary of Foreign Affairs, Juan Ramón de la Fuente. Without providing specific figures, the U.S. has celebrated its southern neighbor for receiving flights carrying deported migrants and for repatriating them to their countries of origin (NMás, *et al.*).

However, new testimonies of migrants have referred that, as opposed to reducing migration to the United States, migration routes have actually changed, thus making the journey more and more dangerous. Migrants are now forced to move through tougher terrains and are subject to more dangers, in some cases they have reported to hire rafts in an attempt to reach Florida via Veracruz, however there have been testimonies of some of these rafts have gone missing at sea (Nmas, 2025).

While official narratives celebrate the reduction of irregular entries into the United States, testimonies from migrants reveal that these policies have not necessarily stopped or reduced migration, rather redirected it through more dangerous and less monitored routes. These shifts in migration pathways expose individuals to heightened risks, including difficult terrain and life-threatening sea journeys and organized crime groups.

Discussion

This study has examined how the militarization of migration policy in Mexico reflects a broader trend of militarization in public security. This process has brought profound implications for the human rights of migrants and civil servants within the INM. The increased deployment of the Army (SEDENA), the Navy (SEMAR) and the National Guard (Guardia Nacional) in both operational and administrative roles within the INM, represents a substantial shift towards the militarization of migration management in the country. Migration is not treated as an administrative or humanitarian matter, it is dealt as a security threat, which in practice has been delegated to the militarized armed forces of the Mexican state.

Policies have been legally embedded through constitutional reforms and practices that normalize the involvement of military actors in areas legally reserved for civilian institutions. As an example of the previous, the creation and subsequent militarization of the National Guard, combined with the appointment of military personnel to key INM positions are examples of this shift.

Normative changes to the National Guard demonstrate a systematic and deliberate shift toward the militarization of public security in Mexico. What was initially framed as a civilian-led institution has, through legal and administrative reforms, become a military institution both in structure and function. The constitutional reform enacted at the end of López Obrador's administration signifies the consolidation of military control over the INM. As Agamben (2003) warns, such normalization of exceptional measures transforms emergency governance into a permanent mode of rule, with deep implications for accountability and the protection of human rights in Mexico.

The subordination of Mexico's migration policy to the deterrence policies of the United States, under the administration of former president Andrés Manuel López Obrador, has in fact continued under president Claudia Sheinbaum's administration as evidenced by the implementation of "Operativo Frontera Norte" by the deployment of 10,000 National Guard agents to the northern border, following renewed threats from President Trump during his second term.

The case studies analyzed in this thesis provide empirical evidence of the consequences of militarized migration enforcement. Migrants often face systematic violations of their human rights, such as their right to free circulation, due process, *non-refoulement*, as well as collective expulsions and arbitrary detentions, racial profiling, and even extrajudicial executions. Testimonies of migrants also point to a pattern of racialized enforcement, where non-Spanish speakers and those who have a different aspect than of Mexicans, are more likely to be targeted, detained and mistreated, particularly from the National Guard, this has confirmed the intersection of racial profiling and militarization.

These abuses are not exceptional but rather structurally embedded in current enforcement practices. They also evidence the breach of Mexico's constitutional and conventional obligations. Both the Inter-American Court of Human Rights and the Inter-American Commission of Human Rights have emphasized that migration control must be civilian-led, exceptional military involvement must be temporary and subordinated to civilian mandates. The Commission

recommended that the implementation of migration policies that authorizes the cooperation and participation of Armed Forces to carry out migration control could run counter to States obligations to protect and guarantee the human rights of people in movement, while also being contrary to Inter-American standards (IACHR, *et al.*) ².

Furthermore, abuses reported by INM civilian servants point to a troubling shift in their workplace, the cases presented demonstrate a pattern of workplace abuse, gender-based discrimination, and institutional neglect that disproportionately affects civilian INM personnel working under militarized leadership. The enforcement of military-style discipline, and the failure to implement basic health protections during a public health crisis reflect deep structural deficiencies in the institutions internal governance. These patterns of abuse violate labour and anti-discrimination laws.

Worryingly, impunity in human rights violations committed against migrants is not merely a recurring issue but a systemic characteristic of Mexico's migration enforcement regime. The failure to hold military officials accountable, even in the face of serious allegations, fosters a culture of abuse and a lack of institutional oversight.

In terms of bilateral relations, U.S.' deterrence policy has increasingly relied on Mexico's cooperation to deter irregular migration. The apparent success announced by high level officials in containment masks a more complex reality. Testimonies of migrants have referred that, as opposed to reducing migration to the United States, migration routes have actually changed, thus making the journey more and more dangerous.

Conclusions

This thesis has explored how the militarization of migration policy in Mexico is not an isolated phenomenon, it comes from a broader militarization of public security. By employing a qualitative analysis of legal frameworks, institutional changes, and empirical cases between 2018 and 2025, the study has demonstrated how armed forces, particularly the National Guard, Army, and Navy, have assumed a central role in migration enforcement. This involvement has occurred both in operational tasks and administrative roles.

² <http://www.oas.org/es/cidh/jsForm/?File=/es/cidh/prensa/comunicados/2021/082.asp>

The findings of this study reveal that this process is rooted in structural causes: U.S. influence over Mexican security and migration policies, internal crises of legitimacy and violence, that prioritizes control and deterrence over human rights. The militarization of migration is not merely a pragmatic response to rising migration flows, it has become part of a worrying paradigm shift in which migration is increasingly treated as a threat to national security, rather than as a social dynamic that requires rights-based governance.

The consequences of this militarized shift are profound. Migrants in transit through Mexico face systematic violations of their constitutional and conventional rights, including arbitrary detentions, racial profiling, collective expulsions, and even extrajudicial executions. Furthermore, the militarization of civilian institutions such as the INM has produced abusive workplace environments marked by, sexual harassment, authoritarian discipline, eroding the autonomy and capacity of civilian public servants.

At the legal level, this study has shown that the militarization of migration enforcement contravenes both Mexico's constitutional framework and its international obligations, particularly those established by the Inter-American Human Rights System. Military and militarized actors now routinely operate beyond their legal mandates, with limited transparency and accountability for their actions. As such, the findings corroborate the notion of a "normalized state of exception", proposed by Agamben (2003), where extraordinary measures become institutionalized, and oversight mechanisms are weakened.

The role played by the United States remains central. U.S. deterrence policy has externalized its border enforcement to Mexico through coercive diplomacy and conditional trade agreements. While this strategy has been publicly framed by high level officials as effective in curbing irregular migration, testimonies presented in this study show that it has merely displaced migratory flows into more dangerous and unregulated routes, exposing migrants to even greater risks, including disappearances.

In sum, the militarization of Mexico's migration policy represents a convergence of internal and external dynamics that reinforce a punitive, security-centered approach to migration. This approach undermines international obligations, weakens civilian institutions, and systematically violates the human rights of people in mobility. Reversing this trend requires a fundamental shift in both discourse and policy: from a discourse and practice based on control and deterrence to one allied with human rights and institutional accountability.

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