

No Safe Third Country:

The effects of state and criminal violence against asylum seekers in Mexico

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Executive Summary

This report traces asylum seekers' experiences of violence in Mexico and then evaluates how those experiences shaped their decisions to pursue asylum in Mexico and / or the United States. Based on 100 survey/interviews of Spanish-speaking asylum seekers in early 2021, we find that 91% of those interviewed endured physical and/or verbal attacks in Mexico as a whole, and 86% *while* waiting in Tijuana. Despite the notoriety of Mexican cartels, respondents reported violence by part of Mexican state agents comparable to that by organized criminal groups. This violence was gendered. Men reported significantly higher rates of violence in all places and categories except kidnapping (similar rates) and sexual violence (more targeted at women).

Surviving violence in Mexico made migrants from Central America and other third countries increasingly intent on reaching the United States. Just under half of the people we interviewed did *not* initially plan to seek US asylum but changed their mind due to cartel *and* state abuses in Mexico. If denied asylum in the United States, only 28% said they would remain in Mexico, even though many had legal status to do so.

These results underscore that Mexico cannot be considered a "safe third country" for external migrants or even reasonably protect its own citizens internally displaced by violence. The report also reveals how violence in transit (including that perpetrated by states like Mexico) can intensify migrants' intentions to reach the United States.

Key Findings

Of 100 asylum-seekers in Tijuana, interviewed from January-March 2021:

- **91 endured violence in Mexico, with 58 of those surviving physical assault.**
 - 83 faced physical and/or verbal abuse *en route* to Tijuana
 - 86 faced physical and/or verbal abuse while in Tijuana
- **The most common forms of violence reported included:**
 - Threats/intimidation (>40%), Robbery (>40%), Unarmed assault (>35%), Armed assault (>23%)
- **The most common perpetrators of this violence were:**
 - Mexican authorities (29%)
 - Criminal groups / cartels (29%)
 - Everyday people in Mexico (26%)
 - Don't know / don't want to say (11%)
- **Due to violence, migrants grew increasingly intent on reaching the United States**
 - 43 of 100 changed their minds, deciding to seek admission to the US instead of staying in Mexico
 - Only 28 would stay in Mexico if denied asylum in the United States
 - Only 24 would consider Mexican residency if available

Resumen Ejecutivo

Este reporte analiza la violencia que enfrentan los solicitantes de asilo en México. Después, evaluamos como las experiencias de violencia en México afectan las decisiones de los migrantes, impulsándoles a buscar asilo en los Estados Unidos. Basado en 100 encuesta/entrevistas a solicitantes de asilo hispanohablantes, hechas en principios de 2021, notamos el siguiente: 91% de los solicitantes de asilo sobrevivieron asaltos físicos o verbales en México y 85% sobrevivieron violencia en Tijuana. A pesar de la notoriedad de los carteles mexicanos, nos damos cuenta de que la violencia reportada por parte de agentes del gobierno mexicano fue de un nivel y carácter comparable a la violencia por parte del crimen organizado. Esta violencia afectó desproporcionadamente a los hombres, quienes reportaron tasas más altas de violencia en cada categoría menos el secuestro (números equivalentes) y la violencia sexual (que afectó desproporcionadamente a las mujeres).

La violencia en México en contra de los migrantes Centroamericanos y de otros países les impulsó a llegar a los Estados Unidos. Al salir de sus países de origen, un poco menos de la mitad no tenía planes de buscar asilo en los Estados Unidos. Sin embargo, se cambiaron de planes debido a la violencia criminal y estatal en México. Si les llegaran a negar el asilo en los Estados Unidos, sólo un 28% nos dijeron que se quedarían en México, a pesar de que varios tenían el estatus legal en ese país.

Estos resultados sobresaltan que México no se puede considerar un país "tercero" seguro para los migrantes externos ni siquiera para sus propios ciudadanos desplazados por la violencia interna. También, revela que la violencia en contra de migrantes en tránsito, incluso por parte de estados como México, puede intensificar el deseo de los migrantes de llegar a los Estados Unidos.

Hallazgos claves:

De 100 solicitantes de asilo viviendo en Tijuana, entrevistados de enero-marzo 2021:

- **91 sobrevivieron violencia en México, y 58 de ellos sobrevivieron asalto físico**
 - 83 enfrentaron abusos físicos o verbales en camino a Tijuana
 - 86 enfrentaron abusos físicos o verbales en Tijuana mismo
- **Las formas de violencia más comunes incluyeron:**
 - Amenazas/intimidación (>40%), Robo (>40%), Asalto físico (>35%), Asalto con armas (>23%)
- **Los responsables de esta violencia (según los entrevistados) eran:**
 - Las autoridades mexicanas (29%)
 - Grupos criminales (29%)
 - Gente regular en México (26%)
 - No sabe / no quiere decir (11%)
- **Debido a la violencia, más migrantes querían llegar a los Estados Unidos**
 - 43 de 100 se cambiaron de planes, y decidieron irse a los EEUU en lugar de quedarse en México
 - Sólo 28 dijeron que se quedarían en México si les llegaran a negar el asilo en los Estados Unidos y solo 24 aceptarían la residencia legal en México.

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Introduction

From 2015 to 2020, the number of refugees and asylum seekers in Central America and Mexico grew from less than 40,000 to more than 250,000.¹ As documented by scholars and the media, these migrants fled their homelands due to violence, organized crime, civil war, political instability, gender violence, and climate disaster, seeking safer lives for themselves and their families. Many of them were from Honduras, El Salvador and Guatemala, and as documented in official statistics, a growing percentage are women and families with children. Increasingly, they are also seeking asylum in the United States.

In answer, the US government has sought to block asylum seekers from entering the country. Under the Trump and Biden administrations, three key policies have forced refugees to wait in Mexico, instead of entering the United States while their asylum cases are processed, as was the case until 2019. Both administrations have also expanded ongoing US efforts to militarily block migrants from reaching the US at all. These policies include:

- 1) **Metering**, meaning artificially restricting the number of people who can request asylum at US ports of entry each day. Such restriction led to long waitlists at the US-Mexico border in 2019 and 2020, especially in Tijuana. Despite the closure of the border since March 2020, almost 10,000 names remained on Tijuana's metering list as of August 2021.
- 2) **The Migrant Protection Protocols (MPP)** — also known as the Remain in Mexico program — begun in 2019. This policy forced more than 70,000 asylum seekers to wait in Mexico while their asylum cases were processed in US courts. Most of these people were born in Honduras (23,051), followed by Guatemala (15,802), Cuba (11,478), and El Salvador (8,120). While President Biden officially terminated the policy in February 2021, as of July 2021, more than 34,500 of these people either did not attend their court date or had their case terminated by an immigration judge, and only about half of more than 25,000 outstanding had been processed by the United States. As of this writing, the Biden administration is set to reinstate the policy at the end of 2021, due to judicial mandate.
- 3) **Title 42**. From March 2020 through the end of 2021, both the Trump and Biden administrations have used an obscure public health law called Title 42 to close the US-Mexico border, giving US Customs and Border Protection officers authority to rapidly expel all migrants arriving there, including those seeking asylum. Since Covid-19 began, there has been effectively almost no way to request asylum at the US-Mexico border, except to qualify under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (approximately 0.3% of those expelled). Human

¹ UNHCR (United Nations High Commissioner for Refugees). 2021. *Figures at a Glance*. <https://www.unhcr.org/en-us/figures-at-a-glance.html>

Rights First estimates that up to 400,000 migrants were expelled to Mexico under this policy in the first five months of the Biden administration.²

- 4) **Buffering.** In addition, the US has also continued its ongoing practice of using a “vertical border” in Mexico to block migrants from arriving at the US border in the first place. Specifically, the US has provided funding, training, and incentives to Mexico to use its police and military forces, along with a vast network of Mexican detention centers, to harass, detain, and deport migrants, so they cannot reach the United States at all.³ In the past decade, Mexico has deported far more Central Americans than the United States. The goal of these policies is to stop migrants from setting foot on US soil, where they could legally declare asylum. While human rights abuses have at times become visible to the public in widely disseminated images of state agents tear gassing and whipping asylum seekers, US buffering practices also feed a vast web of violence against migrants, which is far less visible to the public.

This report traces the implications of US policies intended to block Central American (and other) asylum seekers from reaching the United States. We map the kinds of violence asylum seekers experience both *en route* to the United States and while waiting at the US-Mexico border for their cases to be processed. We also examine how migrants’ experiences of violence in Mexico influence their decisions about whether to move to the border and/or seek asylum in the United States. Our findings are based surveys and qualitative interviews with 100 asylum seekers in Tijuana, conducted via WhatsApp between January-March 2021. We also draw stories from a few in-depth interviews our team conducted with asylum seekers in Tijuana between January-March 2020.

We make three key points:

1. **The vast majority of migrants endure violence while in Mexico.** Though our respondents were not randomly sampled, the sheer scope of abuse they survived illustrates the scope of violence against migrants in Mexico. After fleeing their countries of origin to escape violence, 91% of the people we interviewed endured violence, crime, and/or verbal abuse while in Mexico. Specifically, 58% endured physical assault, including unarmed attack, armed assault, sexual violence, and/or kidnapping. Fifteen of 100 were kidnapped, three of those more than once. Meanwhile, 55% endured robbery, extortion, or fraud. Four out of five also suffered verbal abuse, including threats, intimidation, discrimination, and insults. More than a third (37%) endured all three of the above. This violence was gendered, affecting men more heavily in general, though about equal numbers were kidnapped and more women were subject to sexual violence and rape. As we detail below, these attacks occurred *both* during migrants’ journeys through Mexico *and* in Tijuana, with 83% facing violence *en route* and 86% while at the border.

2. **Mexican authorities participate directly in the abuse, extortion, kidnapping, and rape of asylum seekers, making that country unsafe for migrants and driving them north.** Media reports and research tend to sensationalize the violence of Central American gangs and

² Human Rights First. 2021. *Illegal and Inhumane: Biden Administration Continues Embrace of Trump Title 42 Policy as Attacks on People Seeking Rrefuge Mount*.
<https://www.humanrightsfirst.org/sites/default/files/IllegalandInhumane.pdf>

³ See Fitzgerald, David. 2019. *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford University Press.

Mexican cartels, presenting criminal groups as the major threat to asylum seekers in Mexico. We add that among people we interviewed, Mexican state agents played an equivalent (and arguably more perverse) role in migrants' abuse. During respondents' time in Mexico, 31 of 100 had been assaulted by people they identified as Mexican authorities and 34 by people they identified as criminal groups. It is worth noting that 14% of respondents did not know who had assaulted them or refused to answer, likely for fear of retaliation. Thus, the baseline numbers likely underreport the scope of abuse.

The *character* of violence migrants endured from cartels and Mexican state agents was shockingly similar. State violence was not “just” discrimination or neglect. Rather, in cases where asylum seekers were (only) assaulted by Mexican state authorities, 65% suffered physical violence, rape, or assault, and most of the rest faced theft or extortion. In cases where respondents were (only) assaulted by criminal groups, 58% reported physical violence, rape, or assault, with all but one of the rest enduring theft or extortion. In other words, both Mexican authorities and criminal groups practiced widespread physical assault, rape, and theft, with authorities acting as violently as criminal groups. The importance of violence on the part of Mexican police, immigration enforcement, and military agents cannot be understated; authorities' assaults *make* Mexico unsafe for migrants, undermining any protection asylum seekers might otherwise find from threats by organized crime.

This abuse drives migrants to give up on the option of resettling in Mexico. Interestingly, 43% of people we interviewed did *not* plan to seek asylum in the United States when leaving their countries of origin. Nevertheless, after encountering high levels of violence in Mexico, they felt forced to continue northward. Mexico was the opposite of a “safe third country.” While we are unable to estimate the number or percent of migrants deterred by Mexican state violence, our findings reveal that when Mexican violence does not block people from reaching the US border, it may instead drive them onward.

3. Current US policies weaponize waiting, forcing migrants to endure otherwise avoidable bodily harm, rape, and even death while stuck on the Mexican side of the US-Mexico border. As shown in our recent report “Humanitarian Crisis at the US-Mexico Border,”⁴ as well as studies by other scholars,⁵ waiting in Mexico placed migrants in conditions of extreme poverty, hunger, and homelessness. In addition, among migrants we interviewed, 86% survived physical or verbal assault *while waiting* in Tijuana. In short, US policies forcing people to wait in Mexico subjected them to gross violations of human rights, including repeated exposure to violent crime and physical and verbal abuse by authorities. This violence eroded their mental health and their feelings of hope. By the time we met them – an average of 18 months into their wait in Tijuana – most expressed feelings of panic at the thought that they might not ever make it to the United States.

Methodology

This report is based on surveys and qualitative interviews with 100 asylum seekers in Tijuana, conducted via WhatsApp (phone) between January-March 2021. We also draw

⁴ Available at https://mmfrp.files.wordpress.com/2021/10/aol_ucsd_report_basicneeds.pdf.

⁵ Wong, Tom. 2019. *Seeking Asylum: Part 2*. <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>.

on stories from a few in-depth interviews our team conducted with asylum seekers in shelters in Tijuana between January-March 2020.⁶

Tijuana has long been a key crossing point between Mexico and the US and a buffer zone between the two countries. It was the primary destination for approximately 3,500 Central American migrants in the first major migrant caravan of November 2018, and as of 2021 it continued to maintain the longest waitlists for asylum seekers on the U.S.–Mexico border⁷, with about 40% of asylum seekers located there. It is also one of the top three Mexican cities hosting migrants placed in the Remain in Mexico Program, and one of the most violent cities in Mexico – after other sites on the border including Ciudad Juarez and Reynosa.

We designed our sampling strategy and research instruments collaboratively. Participants included Dr. Abigail Andrews, a sociologist at UCSD, and 16 of her graduate and undergraduate students, and Al Otro Lado, a legal aid and humanitarian organization supporting indigent refugees and other migrants in the US and Tijuana. We then recruited respondents through Al Otro Lado's humanitarian relief program. This program provided pre-paid debit cards to asylum seekers in Tijuana beginning with the Coronavirus pandemic in 2020. To invite people to participate, Al Otro Lado staff distributed a flyer to all Spanish-speaking participants in the humanitarian relief program. If interested, migrants could call Al Otro Lado and provide their contact information. Of about 300 people invited, 112 people expressed interest, and the UCSD team called all of them. After a process of informed consent, we invited them to participate in a 30-minute survey, followed by a 30-minute in-depth interview. Participants were given a stipend of US\$15 on their debit cards in acknowledgment. Of 112 people we called, 100 agreed to participate, 5 declined, and 7 could not be reached.

The UCSD team conducted all the surveys and interviews. This team included 16 graduate and undergraduate students at the University of California, San Diego, all of whom were participants in the Mexican Migration Field Research Program. In this year-long academic program, interviewers received in-depth training from the PI, Dr. Abigail Andrews, in collaborative research design, trauma-informed interviewing, consent, survey and interview methods, and trust building. All but one of the interviewers were women, and all but one were native Spanish speakers of Mexican or Central American origin (the last was of Pakistani origin, spoke fluent Spanish, and worked in refugee health in Tijuana). The PI, Abigail Andrews, supervised all interviews to ensure consistency.

Each interview included two sections: a 30-minute closed-ended survey and a set of open-ended qualitative questions lasting about 30 minutes. The survey portion, implemented with Qualtrics, asked respondents about their demographic profile, immigration status; access to employment, housing, health, food, childcare, and education; experiences of violence and crime; interactions with US and Mexican authorities; and future migratory plans. In the open-ended portion, we asked respondents to elaborate on the same themes, describing their experiences at the US-Mexico border. To avoid triggering traumatic histories, we did not ask migrants to detail their reasons for leaving their countries of origin or any (other) violent events. Only the qualitative section

⁶ For a description of the methodology used in 2020, see Lopez Ricoy, Ana, Abigail Andrews and Alejandra Medina. 2021. "Exit as Care: How Motherhood Mediates Women's Exodus from Violence in Mexico and Central America." *Violence Against Women* (March). <https://journals.sagepub.com/doi/10.1177/1077801221992875>.

⁷ See https://www.strauscenter.org/wp-content/uploads/August_2021_Metering.pdf

was recorded. All interviews were transcribed in the original Spanish by the person who conducted the interview. The UCSD team translated Spanish quotations to English at the editing stage.

In total, we surveyed 100 people and interviewed 96 of those. Respondents ranged in age from 20-58, with an average of 37. They identified as 67% women and 33% men. Their home countries were: Honduras (46), Guatemala (20), El Salvador (13), Cuba (11), Nicaragua (4), Venezuela (3), Mexico (2), and Ecuador (1), with 79% from the three major sending countries of Central America. Most were parents (90%), 70% had at least one child with them, and 55% were traveling with children under 18. They had been in Tijuana 18 months on average, and more than two thirds (69%) had left home in 2019, followed by 2018 (19%). All had applied or planned to apply for U.S. and/or Mexican asylum. Upon soliciting U.S. asylum, 65% were placed in the Migration Protection Protocols ("Remain in Mexico") program, which required asylum applicants to wait in Mexico while the U.S. processed their asylum cases. Another 11% were on a metering list (waiting to declare asylum at the US border), and the rest intended to seek US asylum but had not yet done so. Nineteen had refugee status in Mexico, and six were in the process of applying for Mexican asylum. These demographics are similar to those of respondents in other recent surveys of Central Americans at the US-Mexico border.⁸

It is important to note that this sample of respondents is not statistically representative. For one, because we recruited people in Tijuana, our analysis excludes anyone who did not reach the border, whether due to deportation, resettlement elsewhere in Mexico, or other reasons. In addition, because we recruited through *Al Otro Lado*, respondents were often their clients, i.e., some of the *most* well-served subset of asylum seekers at the US-Mexico border. Furthermore, these respondents had been in Tijuana an average of 18 months, longer than most asylum seekers. More than a quarter of them also had some legal status in Mexico. Thus, their concerns may represent the tip of the iceberg for less-connected migrants and more recent arrivals. Finally, although members of the UCSD team informed respondents that we were not lawyers or caseworkers, our affiliation with a legal service provider may have encouraged migrants to emphasize their roles as victims in hopes of winning their asylum cases.⁹ Despite these limitations, the cases presented here offer much-needed insights into the treatment of migrants in Mexico – indeed they hint at what may be even *more* widespread abuse.

The UCSD authors did all coding using Dedoose. We initially coded for the kinds of violence migrants faced throughout Mexico. We then considered who had perpetrated this violence and how it affected migrants' decision-making about migration. We use pseudonyms in all cases to protect respondents' identities.

⁸ See Colegio de la Frontera Norte. 2019. *La Caravana de migrantes en Tijuana 2018-2019*. <https://www.colef.mx/noticia/la-caravana-de-migrantes-centroamericanos-en-tijuana-2018-2019/> and Wong, Tom. 2019. *Seeking Asylum: Part 2*. <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>.

⁹ See Galli, Chiara. 2019. "Humanitarian Capital: How Lawyers Help Immigrants Use Suffering to Claim Membership in the Nation-State." *Journal of Ethnic and Migration Studies* 46.11: 2181–98. <https://doi.org/10.1080/1369183x.2019.1582325>.

From Violence to Violence

Almost universally, the people we interviewed fled their homes spontaneously, in response to threats of physical harm or death. Nearly everyone cited violence or threats of violence as the primary reason to leave their places of birth, including all respondents from Honduras, Guatemala, and El Salvador and 93% of the total. They left their homes due to assault, murder, rape, or death threats. Half had already endured physical assaults themselves or against their children, and 20% had someone close to them killed. The other half had received *threats* of violence or death, with 70% of those threatened personally and 54% facing threats to a child or spouse. All but two were afraid to go home.

As described in our team's past publications,¹⁰ sending country violence was not limited to gangs, cartels, or criminal organizations. On the contrary, it was almost always *multi-sided*. While criminal organizations were often the most visible perpetrators of violence, their crimes were underwritten by and overlapped with 1) state violence and impunity, 2) structural violence (AKA poverty and exclusion), and 3) gendered, interpersonal violence.¹¹ Almost everyone we spoke with had lived in areas controlled by gangs. Most were triggered to leave by immediate threats in their countries of origin, including extortion, threats, rape, or murders of loved ones. They found little protection from their home country institutions or governments, and many were directly abused by state agents. On top, most lived in poverty and worked in a precarious informal sector (Indeed, Honduras, Guatemala and El Salvador are three of the six poorest countries in Latin America, with GDP less than \$5,000 US dollars per year). Finally, for many women, criminal, state, and economic violence overlapped with intimate partner abuse. Honduras and El Salvador have the highest rates of femicide in Latin America, due to high levels of domestic violence, structural inequalities, and weak rule of law.¹² Indeed, in a UNHCR study of 160 women fleeing Central America in 2015, 64% reported leaving their home countries due to rape or the threat of rape, and over 85% came from neighborhoods controlled by armed criminal groups.¹³

Though we did not ask for details about respondents' traumatic histories, it was clear that few were "pulled" towards the United States by a vision for the future; rather, they were almost universally "pushed" to survive. Respondents frequently volunteered that they fled hastily, overnight, in fear for their lives or those of their children. Few had a pre-formed image of the "American dream." Perhaps even more surprisingly, very few had even heard of the concept of political asylum before they left home. Rather, they tended to learn about - and decide to pursue - US asylum at some point in their journey. In other words, not only were asylum seekers *not* calculating costs and benefits based on specific US policy conditions, but few were even aware of those policy conditions, except on the

¹⁰ See López Ricoy, Ana, Abigail Andrews, and Alejandra Medina. 2021. "Exit as Care: How Motherhood Mediates Women's Exodus from Mexico and Central America." *Violence against Women* (March).

¹¹ For further information, see Meyer, Peter J. 2021. Central American Migration: Root Causes and US Policy. <https://fas.org/sgp/crs/row/IF11151.pdf>

¹² CEPAL. 2021. "Indicadores: Femicidio." Observatorio de Igualdad de Género. April 15. <https://oig.cepal.org/es/indicadores/femicidio>.

¹³ UNHCR. 2015. *Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras and Mexico*. <https://www.unhcr.org/5630f24c6.html>.

most general scale (e.g., “Biden might be more friendly than Trump”). Instead, migrants simply sought to escape.

Yet once they got into Mexico, that country, too, proved unsafe, leaving them nowhere left to turn but towards the United States. That is, they went from violence at home to violence in the place they at first sought refuge: Mexico. As we detail below, these attacks occurred across places in Mexico, with 83% facing violence in the interior and 86% while at the border, awaiting entry into the United States.

Nieves’s Story

The story of Nieves Ruiz, a 35-year-old mother of four from El Salvador, exemplifies how migrants faced chains of violence as they attempted to flee. In El Salvador, Nieves (a pseudonym) had a life she once thought of as calm. She married at 15, gave birth to four children, and ultimately become a police officer after her husband abandoned the family. Then, in 2016, Nieves participated – alongside more than 30 other officers - in a raid on a gang leader’s house, ending in a shootout that killed the leader of a local Barrio 18 gang. Unbeknownst to Nieves, the gang leader’s son was hidden under a desk, and he fingered her (falsely) for killing his father.

After the raid, the gang found Nieves, tortured her, raped her, and demanded she join them. She recalled, “[They asked me] So are you going to join us? Because you already killed our boss. I told him, ‘I did not kill your boss. There were like 30 patrols. How can you say that I [killed him]?’ Then he hit me with the gun.” Terrified and traumatized, Nieves, then 32, grabbed her two youngest daughters - then 12 and four - and fled in the night. She arrived in Mexico in uniform, covered in blood, and was offered asylum and permanent residency there. Nieves and her two daughters resettled in Saltillo, Coahuila, where she found a job and sent her children to school. However, after nearly three years in Mexico, members of the Jalisco cartel - allies of the Barrio 18 gang leader killed in El Salvador - tracked down Nieves and kidnapped her again. She described:

In Saltillo, Coahuila they kidnapped me in my [work] booth. For 72 hours, they raped me, they kidnapped me. I have cigarette marks, because they were telling me that they were asking for \$170,000 pesos to let me go free. “How will I give you [that money] if I do not have [it]? I do not have money!” [I said] But the more I said no, the more they put the cigarette on me.

After three days of torture, Nieves escaped. Yet when she returned to her house, the door had been broken down. On the floor was her 14-year-old daughter’s body, naked, violated, and stripped of its organs. The Mexican police had been steps away in front of the house, Nieves realized, but they had done nothing. She went on:

The police were right in front, in a station. Two steps from my house, and they “could not do anything for my daughter, nothing.” [The cartel] killed her, they took her organs, and in all of that, do you think that the police weren’t going to hear? They didn’t want to pay any attention to me. They are afraid of the narcos.

Nieves had no time to grieve for her elder daughter. Instead, she took her youngest, then six, and left for the US-Mexico border. She explained, “That’s when I came to Tijuana. My daughter was buried on September 13, and on September 14, I came to Tijuana ... because if I did not, they would kill me.” Nieves was sure that no matter where she went in Mexico, the cartels would find her. When they did, she doubted the police would do anything. Despite having legal refugee status in Mexico and little interest in living North of the border, Nieves had no choice but to pursue asylum in the United States.

We met Nieves in Tijuana in January 2020, at a shelter for women and children. By this point, she had spent several months on Tijuana's metering list and been placed into MPP (the Remain in Mexico Program). While Nieves awaited a series of US court dates, the cartel abducted her four more times, raping her and leaving her pregnant. Nevertheless, US judges continued to send Nieves and her daughter back to wait in Tijuana.

In February 2020, Dr. Andrews and a UCSD student attended Nieves's second hearing in the San Diego Immigration Court. When Nieves's turn came, she broke down in tears, explaining that the cartel had found her and her youngest daughter again and tried kidnap them. She described the men licking her now seven-year-old daughter and how she bit them to get away. She begged to be able to stay in the US while her case was processed, to help keep her daughter safe. The judge, however, said the decision was not up to him, and that she would have to speak to US Customs and Border Protection officers at the border, who were known among migrants we spoke with for misinforming refugees and telling them (falsely) that they could not seek US asylum. Then the judge gave her yet another new court date, six weeks later, which would be the first one to initiate her asylum case. When we asked what Nieves would do if she did not get US asylum, she said she would not give up. "Well," She replied, "I'll go back to Tijuana, to continue fighting for my asylum in the U.S. until they grant it to me."

Nieves's case exemplifies a series of patterns across the migrants we spoke to, described in detail below. Specifically: 1) Thought migrants may not initially intend to come to the United States, the *combination* of cartel and state violence drives them north to the US border. 2) US policies forcing migrants to wait in Mexico, instead of being processed in the United States, impose egregious violence and suffering and directly threaten their lives. We begin by addressing the character and implications of violence in transit and then move on to analyze abuse at the border.

Driven North: Violence in Transit

Between Mexico's southern and northern borders, most migrants we interviewed endured physical and verbal abuse, driving them to move on, and ultimately seek refuge in the United States. Of 99 people who answered questions about violence in transit, 57 reported discrimination, 51 reported verbal abuse, and 68 reported physical violence or loss of property, including robbery (42), threats and intimidation (42), unarmed assault (35), armed assault (23), extortion (16), rape or sexual assault (9), kidnapping (9), and fraud (9). Almost half (49%) suffered bodily harm on their journey through Mexico.¹⁴ As advocates frequently note, these numbers are likely an undercount, due to migrants' fear of reporting such assaults to authorities, and the participation of authorities themselves in violence against refugees.

This violence disproportionately affected men. Men reported significantly higher rates of violence in all places and categories except sexual violence and kidnapping. For instance, while in transit through Mexico, 91% of men respondents reported enduring

¹⁴ Likewise, Doctors Without Borders (2020) found that 57.3% of nearly 500 patients were exposed to violence in transit through Mexico, with 39.2% violently attacked and 27.3% threatened or extorted. See Medicins Sans Frontiers. 2020. "No way out: The humanitarian crisis for migrants and asylum seekers trapped between the United States, Mexico and the Northern Triangle of Central America." <https://www.msf.org/report-no-way-out-central-american-migration>.

violence of some sort (including verbal abuse), versus 79% of women. Specifically, 55% of men we interviewed said they had been robbed (versus 36% of women), 49% assaulted (versus 30% of women), and 39% assaulted with a weapon (versus 18% of women). In addition, 73% reported facing discrimination in transit (versus 51% of women). However, 0% of men reported sexual violence, as compared to 13% of women, and 9% of both groups reported having been kidnapped. These numbers are summarized below.

Table: Violence in Transit

	Men reporting	Women reporting	Total reporting
Any violence , physical or verbal	91%	79%	83%
Unarmed assault	49%	30%	35%
Armed assault	39%	18%	23%
Kidnapping & attempted kidnapping	9%	9%	9%
Sexual violence	0%	13%	9%
Robbery	55%	36%	42%
Extortion	24%	11%	16%
Fraud	9%	9%	9%
Threats, intimidation	52%	39%	42%
Discrimination	73%	51%	57%
Mocking, insults	70%	42%	51%

There is debate about the true percentage of migrant women raped on their journeys, with the media citing numbers that range from one in three to six or even eight out of ten. Anecdotally, it is clear that rapes of migrant women (and some men) are extremely widespread and that our figure of 9% dramatically undercounts even our own respondents' experiences of rape, which often came out later, after trust was built during in-depth interviews.

When asked *who* perpetrated such violence in transit, 29 of 99 respondents reported criminal groups, 29 said Mexican authorities, 26 reported "regular" people, seven did not know, six said "other" (including employers or other migrants), and four did not want to answer. In the next section, we address the kinds of violence migrants confronted by criminal groups. In the following section, we consider the role of the state. In both, we evaluate the role of such violence in forcing migrants to forsake any hope of protection in Mexico.

Criminal Violence in Transit

As widely acknowledged in accounts of violence against migrants, organized crime has expanded dramatically in Mexico and Central America in recent decades. While gangs and cartels originally focused on drugs, they now represent complex international organizations that traffic guns, people, and money, among many other things. They are also involved in extortion, money laundering, bribery, and corruption, as well as spectacular displays of violence. Often, these criminal organizations target the people who are most vulnerable, including migrants.

Most commonly among interviewees, cartels and organized criminal groups 1) kidnapped migrants, including for ransom, 2) robbed or extorted them, including using

threats and intimidation, and 3) physically or sexually assaulted them, sometimes all at once. As Nieves's story illustrates, they also followed migrants across state and international borders, tracking them as they tried to escape. These experiences pushed migrants towards the US, when they might have otherwise settled somewhere in Mexico.

For example, Berta, a 30-year-old mother of four, left Honduras to escape domestic abuse. Initially, Berta and her family settled in Chiapas, Mexico, at the border of Guatemala. While there, however, Berta endured several violent attacks, culminating in a gang attempt to kidnap her 12-year-old daughter, while walking down the street. Terrified, Berta decided to continue north. When asked if she might stay in Mexico, particularly if the US denied her asylum, Berta replied, "No, because this side of [the border,] Mexico is terrible, I cannot even send my children to the store alone because right here in the neighborhood it isn't safe, and people are kidnapped every day." While it is hard to calculate the scope of kidnapping, estimates by advocacy groups suggest that somewhere between 11,000-20,000 migrants may be kidnapped in transit through Mexico each year, or approximately 10% of the total.

In other cases, cartels tried to recruit migrants into their ranks. Ironically, they especially sought out those who had experience in the military or police. For instance, Carlos, a 25-year-old man from Honduras, had served as military police in his hometown until his brother was murdered by gangs. Carlos fled to Mexico, where, as soon as he entered the Southern border – and repeatedly on his journey through Mexico – cartels tried to recruit him. He explained:

Once you get there [into Mexico], and you're there, there are different ones [cartels], there are the ones - there are the drug traffickers from the Jalisco New Generation Cartel, and there when you get out, they ask for your name, and if you appear [in their database] that you have been like police or military in other countries, they ask you if you want to join the cartel, to work.

Based on his experience, Carlos was certain that the cartels kept databases of who had been in the military or police back home – and thus had training to military tactics in the service of cartels. At first, the cartel offered Carlos and a few other migrants 50,000 pesos a month (about \$2,500 US dollars) to work for them. They threw a two-day party with food, alcohol, drugs, and music, to convince the men they'd be cared for if they joined the organization. Those who accepted got guns and vanished. Carlos, however, changed his name, hoping to avoid detection as former police, and continued to the US-Mexico border.

These forms of violence were gendered: men tended to serve the cartels mostly as sources of money or (forced) labor, while women were more often objects of sexual violence. For instance, Victoria, a 22-year-old mother of three from Guerrero, Mexico, found that sexual violence followed her wherever she tried to flee. Victoria had been abused as a child, starting when she was six. At 15, she left home to live with the father of her eldest child, who soon started beating her. When her son was 18 months old, Victoria escaped and moved to Chilpancingo, the capital of her home state. She began to work but didn't earn enough to afford her own lodging and food. So, she decided to seek out another partner, to provide for her son. Now pregnant again, Victoria learned that her new partner's family was linked to a local cartel. The family began threatening to kill both Victoria and her (now) two children. Victoria moved again, this time to San Quintín, Baja California, where she had relatives. She worked as a picker in the tomato fields, a space she described as "ugly" and filled with addicts and criminals. Then one day, on her

commute, a local cartel kidnapped her and raped her. Shortly thereafter she learned she was pregnant again.

Victoria did not report the kidnapping or the rape. She remembered, “[I was afraid] that they [cartels] were going to kill my children because they had already seen me carrying them.” Then, the cartel tried to kidnap her eldest son (now 6) on his way home from school. After that, Victoria felt she could no longer live in Mexico. She resolved to go to the US border and request asylum for herself and her three young children. When asked about why she hoped to leave Mexico, Victoria replied:

Because of everything, everything, everything that has happened to me. The truth is that I am afraid to return. I do not know... people just appear dead, they are stealing children, and like it already has happened to me, what happened to me with my baby [son]. I don't know, but I am terrified.

In each of these cases, the decision to move to the US represented the culmination of a series of attempts to escape criminal violence.

State Violence in Transit

Yet criminal groups were not the only perpetrators of violence in migrants' journeys through Mexico. Rather, Mexican state agents regularly assaulted migrants as well. Realizing that not only would Mexican authorities not protect them but that police and immigration agents were actively *perpetrating* violence sealed many migrants' determination to reach the United States. When asked about their experiences with Mexican police and other officials, the people we interviewed were unanimously negative.

State violence took many forms. Often, police and military agents directly perpetrated very similar abuse as cartels. Migrants we interviewed reported having been kidnapped, extorted, physically assaulted, and raped by police, with widespread impunity. While migrants were in transit through Mexico, state agents also constantly targeted them for detention and deportation; indeed, Mexico has deported more Central Americans than the United States in most of the past 20 years.¹⁵ Many people we interviewed had previously tried to get through Mexico and been deported.

One example of the impacts of Mexican state violence was Carmen, a 34-year-old Mexican woman, who gave up on staying in Mexico after police murdered her husband and – she suspected – attempted to kidnap her son. Carmen had fled her home state of Guerrero with her husband and two children after cartels murdered her brother and sister-in-law. The family relocated to the neighboring state of Michoacán. Then one day her husband had an epileptic attack and lost control, becoming violent. Carmen called the police for help in taking him to the doctor, but police misread the situation, beat her husband, and then shot and killed him. Carmen decided to seek justice for her husband. Shortly after she began the report, she remembered, “Two vans arrived with some men and they pointed a gun, a pistol at [my oldest son]. He was just arriving at the gym, he was about to go in, and he managed to run.” Carmen's son was not in a gang – he worked in the morning and went to school in the afternoon, avoiding trouble with anyone. So, Carmen figured that the attempted kidnappers must be allies of the police, seeking retaliation. She went on, “I sued them [police], and well, I imagine those are the

¹⁵ See Fitzgerald, David. 2019. *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford University Press.

reasons why they wanted to kill my boy. Because there was no other reason. The police are very corrupt. They have contact with all the bad people." That very night, Carmen bought bus tickets to Tijuana. She had lost hope that she could be safe in Mexico.

Other migrants told of how police had kidnapped and raped them. For instance, Dolores, a 24-year-old Cuban woman, had arrived in Mexico pregnant, after making a harrowing journey throughout Central America. Then, she told us, Mexican police kidnapped, extorted, and raped her, causing her to miscarry her baby. Dolores described:

When I got to this country [Mexico], I came on foot. I was on my way from Chiapas towards Mexico City, and they put us in a police car and took us to the station. There, they separated us. We were five women, and they separated us and took me to a separate cell. There, they told me they were going to turn me over to immigration [control] and that I needed to deposit a certain amount of money in an account to be able to get out. We had come to an agreement that we were going to deposit the money. But that night I was raped, and I lost my baby. After that, my aunt deposited the money in the two accounts they had sent her. Then they left me in the [bus] station in Mexico City. They didn't give me any other clothing to use. I was totally covered in blood, and they didn't take me for any medical help. That was my first experience here ... It's hard to arrive in a really dangerous country where I don't know anyone. I don't have family. I didn't know what to do, where to go. It was really hard for me to learn I had lost my baby. I traveled through many countries trying to take care of my baby. I crossed the ocean and went through really difficult things. And in the end when I got here, this happened.

Dolores's story sounds as if it could have been perpetrated by a cartel; indeed, the kidnapping, extortion, and rape echoed the experiences of migrants kidnapped by cartels. As Dolores's experience illustrates, Mexican police used their impunity as authorities – and wield the threat of deportation – to abuse migrants just as cartels do.

Likewise, Angela, a 39-year-old woman who had fled her hometown in Michoacán due to cartel extortion and death threats, was raped by the chief of police when she tried to report the crimes. Angela had left her 40,000-person hometown of Huetamo, Michoacán when a cartel tried to murder her father. Packing up her two children, she moved to the state capital of Morelia. Yet in the new neighborhood, she said, it was “very common that they [cartels] just pass by and grab [kidnap] people.” One day, a man on a motorcycle followed Angela after she dropped off her children at school. Soon after, her eldest son was chased by a group of men in a van on his way to school. Then another man followed Angela again and attempted to kidnap her. Somehow, she escaped. She remembered:

Before I came here [to Tijuana], I had a tough week because a guy followed me on a motorcycle, and I wanted to file a report with the municipal police, but they told me that they could not do anything. They sent me to the mayor's office, but they didn't do anything either. They told me I had to go to the attorney general's office, but the attorney general's office would not attend to my case if I could not identify the person.

As state authorities repeatedly denied her protection, Angela began to lose hope. Meanwhile, the man continued to track her. So, Angela went back to the local police

once again, in search of help for herself and her children. She was sent to the chief of police. She described:

The chief of police gives me a glass of water and he tells me, "Calm down, ma'am. Nothing's wrong (*no pasa nada*), it's going to be OK." And then I started to feel strange, I started to feel my face falling asleep, my lips felt asleep. My face felt really weird. I felt bad, and he says to me, "What's wrong?" [I replied] "I don't know; I feel bad." It was seven o'clock, and I didn't remember anything else.

When Angela woke up, it was already 9:00 pm, and she was no longer seated in front of the chief of police. Instead, she was lying on a couch, dress up to her waist. A policewoman entered the room and asked if she needed an ambulance. Angela's only thought that it was late, and her children were home alone. Though she felt drowsy and her head ached, she pulled herself together and left. Angela recalled, "She helped me go down [the stairs] into the street, from there I went alone. I took public transit. I got home, and I still felt stunned. I felt numb, and I went to bathe, and I was wearing my underwear backward. I realized that this guy had abused me."

Immediately after what she assumed was rape, Angela left for the US-Mexico border. She remembered, "I realized that I was going to spend my life running away from everyone, that I was going to be scared all the time, that we had already left the village because of threats." Soon after Angela left, friends told her that a patrol car had started to pass her house daily. Angela didn't know why, but she lived in fear of running into the chief of police. She reflected, "It terrifies me to think that I could see this person again, but here, too, I don't feel safe to go to work and leave the children." Sexual assault is one of the most common forms of abuse towards women by state authorities in Mexico and Central America. Like Angela, survivors often find it hopeless to report the abuse due to police corruption and the protection most authorities receive against prosecution for crime.

In addition to attacking migrants directly, Mexican state agents also reinforced their vulnerability to criminal violence through neglect, discrimination, corruption, and collusion with criminal groups. In almost all cases we heard of, when migrants tried to report assaults or seek protection from the Mexican state, they were ignored or refused protection. In interviews our team conducted with 36 Mexican and Central American women asylum seekers in 2020, for instance, 17% were directly attacked by police and 53% said they went to the police and the police did nothing to help them. While less visible to migrants, recent events and reporting make clear that corruption is rampant in Mexican police and military, though the highest levels.¹⁶ As a 2019 report by the Congressional Research Service shows, cartels and gangs use violence, bribery, and corruption to "neutralize government actions." As a result, migrants distrusted the Mexican justice system and rarely reported abuse, reinforcing their insecurity in Mexico.

How Violence Changed People's Plans

Violence in transit drove many people we interviewed to seek asylum in the United States. Rather than being "pulled" by a pre-conceptualized "American dream," most of the people we spoke with were pushed from place to place by the realization that they could not be safe. The US government has long supported Mexican policing and military force against migrants on the premise that Mexican state force will push migrants back or inhibit them from reaching the United States. We found the opposite. Of 100 people

¹⁶ For instance, Mexico's defense chief from 2012-2018 was found to have been working closely with cartels, and Mexican military personnel recently sprung a cartel leader from prison.

we interviewed in 2021, 71 lived somewhere else in Mexico for at least a month before heading to the US-Mexico border. However, violence created feelings of insecurity and despair that ultimately led them to seek refuge in the United States.

When the people we interviewed left their places of origin, only about half intended to head to the United States. While the numbers were higher among Cubans and Venezuelans (up to 90%), among the people we interviewed from Central America and Mexico, only 52% left home intending to head to the United States. For many, violence in Mexico came as a shock; they had been much more focused on what they were running *from* than on what they were running *into*. After enduring abuse from both cartels and Mexican state agents, sometimes across a series of places, they began to forsake other options (especially the possibility of staying in Mexico) and continued to the US-Mexico border. Even among people already planning to go to the United States, reaching the border took on added significance due to violence in Mexico.

For instance, Aída, a 25-year-old mother of three from Honduras, left her hometown to protect herself and her children from ongoing domestic abuse. At first, Aída attempted to establish herself in Tapachula, Chiapas, on the southern border of Mexico. She found a job, rented an apartment, and hoped her family could be safe. Instead, a male neighbor realized she was living alone and began to attack, intimidate, and threaten her. One night, he tried to break into her home and assault her. Aída called the police, but they never came. So, she decided to continue her journey to safety, this time to the United States. When Aída got to the border, the US government put her in the Migrant Protection Protocols (MPP). Though Aída had recently received Mexican residency, she said she would not consider staying in Mexico. She feared further violence and believed that Mexican authorities would never protect a migrant like her. She explained, “No, I do not think [I would stay in Mexico], because of all of the bad experiences I have had here. I do not want something bigger to happen. I prefer to avoid something like that ... Tijuana is nice, but its security is not so good with immigrants.” If Aída was denied US asylum, she planned to cross the border undocumented as many times as she needed. She hoped that then she and her children might finally be safe from the gendered, structural, and political violence that had followed her through Central America and Mexico.

Similarly, Andrea, a 21-year-old migrant had left her home in Guerrero, Mexico due to extortion, cartel threats, and the police’s failure to act. When Andrea tried to move to another state, she found, “[The cartels] – they study everything about you, they’re following you – wherever you go, whatever city you move to, you’re not safe even in your country, even in another state.” When asked if she had ever reported cartel threats and extortion to the police, Andrea went on:

We put in a report, but we never followed up, for the same reason that the authorities there in Mexico don't do anything. They don't take care of their citizens. In fact, they take more care of criminals than of the country ... They are corrupt people. They are in bed with organized crime. The government itself is with them [the cartels], it protects them. And if the government changed all that there would be safety. The military, and the police would do their work better.

As long as police would do nothing, Andrea told a student interviewer, she and her family were set on the United States. When asked why, she explained:

We don't have the 'American dream,' to go [there]. No, we are more interested in Mexico City here, in the family being together, but since that happened to us,

we had to make this decision ... the Beta [immigration agent] asked us a question, he said “Why not in another state? Why the US exactly?” And I answered him that ... In the US I hope for peace, safety, feeling calm. To be able to walk in the street or go to the park with safety.

As Andrea made clear, her family had been driven by the *combination* of cartels who tracked them from place to place and police who did nothing about it. Though they did not glamorize the United States – or even *want* to go there – the experience of violence across Mexican states, and the lack of action by Mexican police, left them feeling they had no other choice. In short, migrants like Aída and Andrea came to the border feeling they had nowhere left to go.

Weaponized Waiting: Violence while Trapped in Tijuana

When migrants arrived at the US-Mexico border – typically having given up hope of safety in Mexico - US authorities imposed further suffering. Most visibly, Customs and Border Patrol agents whipped, tear gassed, and lied to migrants approaching the border. In immigration detention, agents beat migrants, gave them inedible food, or left them in freezing temperatures. But perhaps most perniciously, US policies forcing them to remain in Mexico exposed them to widespread hunger, destitution, and an immediate struggle for survival (See our report “Humanitarian Crisis at the US-Mexico Border”). Among those we interviewed, 86% also faced beatings, kidnapping, extortion, rape, and verbal abuse by cartels or state agents *while waiting* along the border. In short, US policies turned waiting into a weapon for torturing migrants. It cannot be emphasized enough: policies forcing migrants to wait in Mexico subjected them to violence that they would not have endured had they been admitted promptly for processing in the United States.

Mexican border cities including Tijuana, Ciudad Juarez, Nuevo Laredo, and Reynosa, among others, have consistently ranked as some of the most violent in the world, including widespread police abuse and corruption. During the time that migrants spent waiting in those cities to enter the United States (an average of 18 months in this study), 86% of those we interviewed endured further violence, including 38% who survived physical harm (armed or unarmed assault, sexual violence or kidnapping), and 43% who were robbed, extorted, or defrauded. While in Tijuana, of 99 people who answered: 60 reported discrimination, 43 reported verbal assaults, 36 threats or intimidation, 34 robbery, 27 unarmed assault, 19 armed assault, 12 fraud, 10 kidnapping or attempted kidnapping, 8 extortion, and three rape. Only 13 never experienced any of the above.

Table: Violence at the Border

	Men reporting	Women reporting	Total reporting
Any violence , physical or verbal	94%	82%	86%
Unarmed assault	27%	27%	27%
Armed assault	27%	15%	19%
Kidnapping or attempted kidnapping	15%	5%	10%
Sexual violence	0%	5%	3%
Robbery	39%	33%	34%

Extortion	18%	3%	8%
Fraud	12%	13%	13%
Threats, intimidation	49%	30%	36%
Discrimination	70%	55%	60%
Mocking, insults	57%	36%	43%

Data collected by other organizations echoes these findings. For instance, Human Rights First tracked public reports of 1,544 violent attacks against asylum seekers in the MPP program under Trump, and 7,647 violent attacks and kidnappings of asylum seekers stranded in Mexico since Biden took office.¹⁷

Likewise, a 2019 UCSD survey of 607 migrants in the MPP program in Mexicali and Tijuana, found that 56.5% of respondents had been threatened with physical violence and 13.1% survived such violence while in MPP, including being beaten, robbed and extorted. In that study, respondents had not been at the border as long as those sampled here, and the researchers estimated that with more time they would likely be subject to further violence.¹⁸ Data from Doctors without Borders, collected at their clinics in Nuevo Laredo, found that 79.6% of people treated in the first nine months of 2019 reported being victims of violence, with 18.6% surviving kidnapping.¹⁹ Likewise, in a survey of 1,264 adults in MPP or metering lists in Ciudad Juarez from January-February 2020 by the UN IOM (International Organization for Migration) found that 44.2% reported having been victims of crime, with about a third reporting theft. Critically, the report also found that 84% of those who had been victims of crimes did not report it, primarily due to fear (47%), the crime involving police or other authorities (18%) and not knowing where to report it (17%).

Given that most migrants never report crimes or violence, publicly reported assaults are merely the tip of the iceberg. The rates listed here and in other reports likely *understate* the scope of violence (especially sexual violence). Even within our own data, a few respondents at first said they had experienced no violence and then later admitted in qualitative interviews that they had been assaulted, kidnapped, robbed, or raped. Anecdotally, most women we interviewed had been raped at some point in Mexico.

It is critical to note that state agents are centrally involved in violence against migrants at the border, just as against migrants in transit. Frequently, researchers and media assume that violence migrants face at the border is primarily perpetrated by organized crime. We emphasize that Mexican authorities are not only complicit but also participate directly in violence as well, including arbitrary stops and abuse.

When we asked migrants *who* perpetrated violence against them in Tijuana, 24 by Mexican authorities (mostly the police, followed by Mexican immigration officials, or INM), 20 said they had been harmed by criminal groups, 53 by “regular people” (typically in cases of theft, insults, or discrimination), nine did not know, and seven did not want to answer, suggesting they were afraid of the authorities and/or criminal groups who

¹⁷ Human Rights First. 2021. *Illegal and Inhumane: Biden Administration Continues Embrace of Trump Title 42 Policy as Attacks on People Seeking Rrefuge Mount*.

¹⁸ Wong, Tom. 2019. *Seeking Asylum: Part 2*. <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>.

¹⁹ See <https://www.reuters.com/world/americas/nearly -3300-migrants-stranded-mexico-werekidnapped-raped-or-assaulted-report-2021-06- 22/>.

assaulted them. In 12 cases, migrants had been assaulted by *both* Mexican authorities and criminal groups.

Organized Crime at the Border

At the border, cartels perpetrated similar violence to elsewhere in Mexico, including extortion, assault, kidnapping, and sexual violence. In addition, forced recruitment of migrants was even more common, particularly into working as drug mules.

Several people we interviewed were kidnapped, beaten, and raped by criminal groups in Baja California. One example was Estefanía, a 35-year-old single mother of two who fled El Salvador to escape her abusive husband. When Estefanía arrived at the border, she was kidnapped and held hostage with her two young children. Estefanía's kidnapper raped her repeatedly, and Estefanía thought she would die in the place he held her. The kidnappers eventually let her out in Tijuana at midnight, penniless and alone with her children. When Estefanía promised to report her assailants, they followed her to a shelter. Thereafter, Estefanía and her children were terrified they'd be found by their kidnappers. Yet, Estefanía also distrusted Mexican authorities, so she never reported the kidnapping or rape. She described:

A man had us kidnapped there in Mexicali, and when he let us go - he let me out here in Tijuana - he left me adrift at 12:00 at night with my children, without a single peso. And since I told him that I was going to report him and all that, he figured out which shelter I was in. One day I went out to work, and they told me that someone had come to ask about someone named Estefanía. The only Estefanía in that shelter was me, so I assumed it was him. So, I quickly looked for an apartment for me and my children, to save ourselves. Because that's why I left my country. Because my ex-partner almost killed me, and I thought that something like that was going to happen to me here, too. So then no, [I don't want to stay in Mexico] because I came here to save my life and those of my kids.

While she waited to enter the United States, Estefanía remained extremely secluded. She was too afraid to send her children to school, and she stopped working in the *maquiladora* (factory) where she had found a job, since she did not trust anyone to take care of her children. She explained, "They have been terrified of what we went through, and they do not want to go to school. They are afraid. The truth is that I am afraid, too, to have them go to school because of what we went through." As a result of the kidnapping, Estefanía lived on lockdown, praying she would get to the US soon.

Cartels also attempt to recruit or force migrants to carry drugs across the border as mules. For example, Ernesta, a 27-year-old woman from Honduras, was approached by cartel scouts at the church in Tijuana where she was staying as a shelter. She recalled:

They came into the church saying they were migrants, and then they asked if we wanted to cross into the US and ask for asylum. And one night they offered to help me cross, but we would have to transport some backpacks, and after that I said no. They just told me I shouldn't talk or say anything about them, because if I did, they would act against me. They told me to keep my mouth shut, and nothing would happen. That's what they'd told me, because I didn't want that 'help' they were offering.

Posing as migrants, cartel scouts infiltrated shelters and other spaces and threatened migrants who said anything.

Even respondents not directly touched by crime witnessed extortion and murder at the border. Many of them felt it was only a matter of time until they, too, were targeted. For example, Manny, a 43-year-old man from Nicaragua, fled his hometown due to death threats from local criminal groups. Like Aída, Manny said would not consider staying in Tijuana, even though he had *not* directly experienced crime. He explained:

There are many crimes, daily, daily ... Where I have to pass when I go to work, when I go down there, I see corpses, dead people, and that makes me very afraid, to be honest. People here can grab anyone and kidnap them, especially when they know the person is not from here. That is why I hardly say where I am from, because if it reaches the ears of a criminal that we are Central Americans, they will come and extort you.

Constantly witnessing murders, Manny lived in terror.

In other cases, respondents had endured not just one but a series of crimes, either as witnesses or as victims themselves. For instance, Ariela, 35, fled Nicaragua with her husband due to death threats from organized crime. Yet, it seemed that wherever they went in Mexico, violence – and state impunity – followed. At first the couple resettled near the Southern border. When a neighbor attacked them (and police did nothing), they moved to Saltillo, Coahuila, where Ariela found work in a cleaning company. Then, her boss learned they were from Nicaragua, tracked them back to their house, and badly beat up her husband. Subsequently, the pair moved on to Tijuana. Though they found a room in a neighborhood called Cardenas, Ariela remembered, “It was very dangerous. You could hear how people were killed, and then one day we saw them burn some people in a car. They lit them on fire alive. We thought about reporting it, but in the end, we didn't do it because we didn't know how the authorities are here – because in Nicaragua the police and the government are the same thing [corrupt].” Soon, Ariela and her husband started getting death threats, “That they would kill us if we said anything about we saw,” and they fled again. They moved several more times in Tijuana, during which they saw another man killed, policemen robbed them on the street, her husband was assaulted at knife point, and though they reported the knifing to the police, authorities refused to do anything.

By the time we met Ariela she had gotten Mexican residency, but she had also given up on a future Mexico. When we spoke, she was #4027 on the metering list to approach the United States. A student interviewer asked if she felt safe in Tijuana, and she replied, “No, because we see that it's just like our country. The police are corrupt. With everything we have lived through, I don't think Mexico is a good place.” Afraid for her children, Ariela quit her job cleaning houses and decided she must stay home. Terrified, and with no income, she started to despair. Over time, her mental health had declined. “Now,” she concluded, “I feel empty, alone, desperate when I think about what will become of us.”

State Violence at the Border

Critically, state agents at the border did little to mitigate this climate of violence and often perpetrated violence themselves. As on the journey, police and immigration agents participated in physical and verbal assaults, extortion, theft, and rape of migrants, alongside gross negligence of their role as protectors and impunity for their crimes.

One of the most common forms of state violence at the border was extortion and theft. Authorities often abused their power by taking the little cash migrants had. Brisa, a 34-

year-old woman from Cuba, for instance, said that when she arrived in Nogales, Sonora, Mexican authorities threatened her with deportation and asked for a bribe. She recalled:

When I got off the airplane, Mexican authorities were there waiting to arrest me and ask for my documents. When they saw that I didn't have a visa to be in the country, they began to intimidate me. They asked for money. If not, they were going to take me to the migration center so they could deport me to my country, and since you always try to save yourself, well, from the little money I had I gave it all to them with the hope that they would let me go.

As in Dolores's story from Mexico City, authorities used the threat of deportation as a tool to extort migrants' money. Brisa had left her two daughters in Cuba, and she initially planned to bring them along. But after living in Mexico, she feared they would face too much danger. She went on, "I don't want to stay in Mexico simply because it is not a safe country for me or for me to bring my daughters."

Likewise, Elisa, a 23-year-old migrant also from Cuba, told us that Mexican authorities took her money, threatened to rip up her visa, and failed to act on her attempts to report an assault. She described that when she was badly beaten and came to Tijuana police to report it:

The police took my money. I asked them why they were taking my money if I was here legally, and they said that they didn't care about that, that if they wanted to they could rip up my visa and that would be it. And the day that [someone] assaulted us and beat us up and everything, we went to report it, but they told us no, that we couldn't make any report because we were not Mexican residents ... I had the evidence of the beating and everything, and I went in there all swollen, and nothing. They didn't feel like [helping us] ... How could I feel safe here [in Tijuana]? And worse when I go to the police and the police say that I can't even make a report. If the authorities can't help me, who can help me here?"

Elisa emphasized that she had given up on Mexico not only because of the violence she suffered but because of the police's refusal to help.

Among people we interviewed, one in five had also been stopped by police in Tijuana. Not one had been stopped for a crime, and none could identify a legitimate reason for the stop. Instead, migrants told us, police stopped them based on nationality, appearance, discrimination, for "no reason," or for not having identification. Once stopped, 10% were locked up and half made to pay a fine or a bribe.

Like Elisa, respondents consistently told of us police did nothing – or mocked them – when they tried to report any crimes. For example, Dulce, 33, left Honduras due to violence and was seeking asylum in the United States. When an immigration attorney defrauded her, she went to the police station in Tijuana. Instead of helping her, authorities made fun of her. Even though Dulce had evidence of the crime, she felt judged and uncomfortable. She remembered:

I went to put in the report, and they didn't help me. Instead, I felt like they were judging me badly, and I felt uncomfortable. Because I feel like instead of supporting people – I brought proof of the things I went to talk to them about. I went to make the report to the district attorney here in Tijuana about the lawyer who defrauded me, and they didn't pay any attention there either, so it seems like they don't care.

Given widespread police abuse and failure to act, most of our respondents distrusted the Mexican justice system, and very few reported crimes. In Mexico, they felt, it was not possible to use official mechanisms to defend themselves.

US policies towards asylum seekers at the border seem designed to wear migrants down, pushing them to return home or settle in Mexico. However, we found such reversals exceedingly rare and limited to those who had legal standing in Mexico, and – by some stroke of luck - had *not* been subject to violence. For instance, Alejandra, a 36-year-old mother from Guatemala, had not been victims of any violence, crime or discrimination while living in Mexico. She was one of only a couple of people we met who were no longer pursuing asylum in the United States.

For everyone else, state violence and negligence intensified the desperation to get to the United States. In most cases, when we asked people what they would do if denied US asylum, they began to cry or panic, insisting they had no safe option except to get out of Mexico. Only 28% said they would stay in Mexico (even though close to that number had legal authorization to do so). When asked whether things would change if they were offered permanent residency in Mexico, fewer than half said they would even consider it. Most cited distrust of authorities as the key reason to not remain in Mexico. Interestingly, only 6% said they would attempt to cross into the US undocumented, suggesting that applying for asylum is not an opportunistic choice people use as an alternative to unauthorized border crossing. Only 4% said they would return to their countries of origin, reiterating their fear of persecution or death.

Conclusion

This report has shown how violence, crime, and discrimination in Mexico push migrants northward in search of safety. State authorities are centrally involved in this violence, not only failing to protect migrants from criminal groups but also perpetrating violence themselves. In many cases, this abuse at the hands of authorities is what ultimately convinces migrants they are not safe in Mexico and must continue on to the United States. Ironically, some of the very tactics the US and Mexico hope will stop people from coming to the United States are actually driving them to the border.

It is crucial to note that MPP, metering, and title 42, among other US programs intended to deter and deflect asylum seekers, are at least partially responsible for subjecting migrants to the violence described in this report. (Though not emphasized here, many of our respondents *also* experienced violence at the hands of US officials, reproducing, yet again, the suffering iterated along their journeys). While many migrants placed in the Migrant Protection Protocol (MPP) have started to enter the US, there are still tens of thousands of migrants stranded at the US-Mexico border in Tijuana, Mexico, whose lives are at risk. Mexico is far from the “Safe third country” that US officials claim. Making people wait there is a form of violence itself

The US must rapidly dismantle any continuation of MPP, Title 42, metering, and any other policies aimed to keep asylum seekers in Mexico. At the same time, Mexico – and Mexican military and police forces - must be held accountable for the violence widely perpetrated by their officials.

More broadly, the public should reconsider why the US is so committed to stopping migration, giving the immense contributions immigrants from Latin America make to US

economy, society, and innovation, especially in a moment of population decline. Instead of assuming that further violence and militarization are necessary, the US might instead invest in protecting space for the healing, creativity, and regeneration of people seeking refuge on its shores. While cartels and organized crime are implicated as well, this process can and must start with the state.

Recommendations

Things governments can do:

- The US must admit asylum seekers promptly, both as a moral obligation and as a pragmatic step to mitigate the humanitarian crisis at the border.
- The Biden administration should not reinstate the Migrant Protection Protocols (MPP) and should continue processing migrants previously in that program.
- The Biden administration should also immediately end the Title 42 policy which subjects migrants to the same violence as MPP.
- The Biden administration must immediately restore access to asylum at the US-Mexico border including at ports of entry.
- The US government must remove support for Mexican state violence and sanction Mexican police and military for human rights abuses against refugees.
- Mexico must undertake significant police reform and hold officers accountable for violence, corruption and impunity.

Things advocates and allies can do:

- Support asylum seekers in reporting crime to national *and* international institutions.
- Push for an end to US government policies that weaponize waiting, through litigation and advocacy
- Hold Mexican authorities accountable for participating in violence rather than allowing them to deflect blame to “bad actors.”
- Help reframe asylum seekers as a potential boon to the United States.