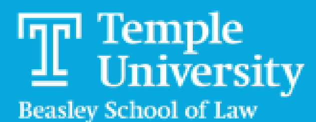
BORDER OBSERVATORY 2024

Reimagining the Migration Protection System: Critical Reflections from the Border

HOPE



The Hope Border Institute (HOPE) brings the perspective of Catholic social teaching to bear on the realities unique to our U.S.-Mexico border region. Through a robust program of research and policy work, leadership development and action, we work to build justice and deepen solidarity across the borderlands.

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This volume was authored by the participants of the 2023 Hope Border Institute Research Academy, as well as persons involved in protection work on the U.S.-Mexico border.

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We dedicate this volume to all the persons on the move, past, present and future, who cross borderlands and transform them.

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Foreword

Dylan Corbett

The U.S.-Mexico border is a place upon which the worst fears are commonly projected, a place where exclusionary policies divide communities and reinforce stereotypes, and where racism – in rhetoric and in practice – kills. It is the place of the Migrant Protection Protocols, Title 42, Circumvention of Lawful Pathways, SB 4 and operations which too often transform the border into a lethal military theater. Border communities are left to pick up the pieces of this broken immigration system, which privileges deterrence over widening accessible migration pathways, punishes the acts of seeking safety and providing relief, and incarcerates and deports families rather than accompanying them.

What if we saw the border and the policies impacting those who live in and cross through this place from a borderlands' perspective? What about we reconceptualized protection at the border from the perspective of people on the move?

That was the question we posed to the creative and innovative scholars, researchers and human rights defenders whose reflections are contained in this volume.

From a human rights perspective, we know that patterns of oppression and exclusion are not inherent to the border, but respond to broader national and international trends to control and contain. From a community-centered and humanitarian perspective, people's dignity and dreams should be at the core of our systems of protection, whether in policy-making, shelters or welcome centers. And from an indigenous perspective, rivers, mountains and people are sources of life, breathing beings interconnected to each other, points of convergence rather than rejection. Along the U.S.-Mexico borderlands, we mourn and pray. And we also celebrate, dance, cook, sing, march and breathe together. We are much more than border walls, concertina wire and predetermined notions of what we should be.

As we continue to navigate policy changes designed for the border but without the people of the borderlands and crafted for people on the move but without their participation, we hope this collection of essays inspires thought beyond the current limiting paradigms. Whether you are an academic, policy-maker, humanitarian worker or someone committed to engaging the humanity of others, we invite you to join us in a collective reflection on new protection paradigms for the U.S.-Mexico border and for all borders, for people and with people.

Introduction

Gabriella Sanchez

"I refuse to be called 'peripheral'."
(Samuel)

A Border in Crisis (?)

The U.S.-Mexico border is in crisis. At least that is the message that any references to the region that divides and connects both countries communicate these days. Stock images of selected stretches of the border wall and the Rio Grande dominate news coverage; videos of terrified children and their desperate parents trapped in between fields of barbed wire abound, alongside graphic, even grotesque reports of drownings, deaths and disappearances. Politicians, law enforcement officials and academics almost single-handedly attribute the acts of violence migrants face to the presence of organized crime –specifically to the members of the so-called *cartels* and their roles in crimes ranging from kidnappings to migrant smuggling to weapons trafficking. Pictures of desolate deserts, abandoned backpacks and piles of clothes and trash further the sensation of chaos and despair.

There is an ongoing humanitarian crisis impacting communities on the borderlands. Yet the vast majority of the characterizations often associated with the region that we call the U.S.-Mexico border are simplistic at best. They tend to be manufactured and circulated with limited nuance. Most of the time, they are produced by outside media outlets and researchers who lack in-depth understanding of the local context and issues. And perhaps most troublingly, mainstream border representations create the illusion that the challenges impacting the lives of people on the move are inherent to the borderlands. This, in the process, virtually absolves states for their response to the arrival of people on the move, almost justifying migration enforcement and border control practices. By extension, those who inhabit the borderlands are also seen as inherently criminal, residents of a lawless periphery out of control, who themselves deserve to be watched closely.

This "borderization" of the migration discourse is not restricted to the U.S.-Mexico border. As you will see in the pages that follow, the narratives of chaos, organized crime, and violence-as-intrinsic that are used in reference to the U.S.-Mexico border are now systematically applied to migration corridors around the world, connecting border cities and towns to communities and countries thousands of miles away. The narrative of migration and borders as violent has allowed states to transform entire regions into danger zones and subject them to lethal levels of surveillance and control. Today, not only the border is depicted as risky. Mexico and Central America are also portrayed as criminal zones dominated by indomitable gangs that take pleasure in exploiting and hurting the millions who travel through the region in search of hope.

None of the prior statements seeks to underestimate the dangers associated with migration. But as the researchers, activists and borderlands' residents contributing to this volume show, there are reasons to reject the notion that violence is inherent to borderland communities. Instead, in the pages that follow, we argue that migration enforcement and border control are the forces that hurt and kill. In fiscal year 2023, US Customs and Border Protection (US CBP) reported 2.47 million encounters at the US Southwestern border alone.[1] By March of 2023, the IOM Missing Migrants Project had recorded at least 636 deaths along the same area (IOM, 2024). Exploitation, abuse and intimidation are not solely the domain of criminal groups. Migration authorities on both sides of the border systematically engage in acts of violence and death. On March 27, 2023, forty men died after being abandoned in a locked cell during a fire at an immigration detention facility in Ciudad Juárez, Mexico. Twenty-seven more sustained life-altering injuries (Ramirez, 2024). Since 2020, at least 12 children (many of them, members of indigenous communities from across the Americas) have died while in the custody of US immigration authorities. Since 2010, at least 107 people (many of them residents of borderland communities) have died during high-speed pursuits related to migration enforcement (ACLU Texas, 2023). In the context of Operation Lone Star, and especially following the passage of SB 4, multiple communities on the borderlands have raised concerns over the dangerous, even lethal encounters of their residents with law enforcement officials deployed to the area to allegedly protect the border and contain irregular crossings (HRW, 2023; Office of the Governor Greg Abbott, 2024).

There is no shortage of data concerning the challenges we encounter at the border. As people from the borderlands, we understand our communities and their daily struggles. We know our stories. What we often lack are the spaces to re/tell them from where we stand.

[Re]claiming Spaces

In May of 2023, as Title 42 was coming to an end, the Hope Border Institute convened a small group of scholars –many of them migrants and borderlands' residents– working on border enforcement and control for a week of encounter and analysis. Title 42 had left us with unforgettable memories: vast groups of people turning themselves to US immigration authorities, crossing the Rio Grande or lining up next to the border fence; the harrowing events in Del Rio, where Haitian migrants were whipped by US Border Patrol agents on

1 US CBP defines "encounters" as the sum of apprehensions (when people are taken into US custody at least temporarily to determine whether they can remain in the country), and expulsions (when people are immediately expelled to their country of origin or last country of transit without being held in US custody). The term does not refer to individual people. See Gramlich, J. February 15, 2024. Migrant encounters at the U.S.-Mexico border hit a record high at the end of 2023. Pew Research Center. https://www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/#:~:t%200

horseback; and the San Antonio tragedy, where dozens of young people lost their lives when abandoned by a smuggler in the back of a truck. The magnitude of all these events simply compounded the widespread perception of 'the border' as a space in permanent crisis: as a region and communities with no viable solutions to propose, let alone implement, aside from allowing for their continued surveillance and criminalization.

As scholars and activists, we knew of the vast body of policy and academic work which has been critical of border militarization and control; of immigration enforcement and its implications on human security. However, as members of borderland communities and their allies, we were also frustrated by the ways in which the literature has systematically favored the notion of the border and its people as out of control, decayed, hopeless, and doomed.

And so the question emerged: How do we move beyond the critique of borders to articulate, re/imagine and effectively propose new futures and scenarios for this and other borderland communities? What would this involve? Together, we set as our goal creating a space "to think expansively and contemplate how transformed empirical conditions may alter the moral calculus of border control in as yet unrecognized ways."

The pages that follow are an invitation to find new ways of thinking, and feeling, about 'the border', the place many of us are proud to call home. Grace Kaseke Kindeke, drawing from our encounters with Ysleta Pueblo elders, opens this collection with a powerful reminder of the importance of the Rio Grande and its waters as sources of life, resistance and hope. Ahlam Chemlali's piece, inspired by the ways Ciudad Juárez's colors and landscapes are evocative of North African 'border' cities, writes on the ways US migration policy dangerously replicate EU's border externalization practices. Along these lines, Lupe Flores raises concerns over the impact of CBP One™ *beyond* the border, and the ways in which the obtention of appointments to enter the U.S. have turned staff at protection spaces in Mexico part of the surveillance mechanisms derived from the deployment of the app. Samuel Loroña and Gabriella Sanchez rely on the historical record to contextualize the current dynamics of migrant smuggling in the border state of Sonora, and the need to shed light on its ties to drug trafficking activities from a borderlands perspective.

Martha Balaguera showcases the tactical choices NGOs on the borderlands must make in light of the measures taken by the state to dismantle the asylum system, identifying El Paso as a reluctant laboratory where the US government tests surveillance and punishment mechanisms to foreclose the protection system. Zachary Goodwin reflects on the nature of the relationship and the obligations that emerge between migrant shelters and those they host by looking at the specific example of the HOPE Shelter in El Paso. This is followed by a piece by Diana Solis and Blanca Navarrete on the protection gaps that allow for forms of sexual and gender-based violence to emerge in protection spaces in Ciudad Juárez, and that disproportionately impact girls and boys on the move and their families. Jaya Ramji-Nogales, drawing from our encounters with local migration officials, reflects on border enforcement and its gendered nature, examining the impact that the allure of adventure and violence have on border masculinities. An essay by Wanda Quintanilla-Duran on hope – and the unlikely spaces where it emerges on the migration pathway, like the smuggling experience — closes the collection, reminding us all that people's migration projects are ultimately driven by the search for life.

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Guided by the River

Grace Kaseke Kindeke

On my first day in El Paso, I took a walk to explore the city, sipping a mango smoothie and admiring the many murals painted on store fronts and buildings large and small. I had never been to Texas before, and as someone used to the mercurial weather and dense forests of the US Northeast, the dry desert heat and the vastness of earth and sky struck and expanded my senses. My wanderings through downtown El Paso eventually led me to the Paso del Norte bridge and I stopped to take in my first sight of the U.S.-Mexico border wall.

I had heard many things about the border, but had never seen it up close. Born in the Democratic Republic of Congo, I had entered the US as a toddler on an airplane. In my mind, the US Southern border was a cacophonous and chaotic place full of crying children, stoic border agents and panicked people. In the discourse I was most familiar with, the border was a space out of control that needed to be conquered and managed in increasingly restrictive ways. What I would learn after five days as part of the HOPE Research Academy was that the borderlands are a place of vulnerability, but also of connection. That the borderlands can bring people together even while the land and its people have been (and continue to be) violated by exploitative and restrictive policies.

Let The River Flow

Way before there was a border fence, people and communities have called home what we know today as El Paso and Ciudad Juárez. Indigenous people have migrated and settled across this land for thousands of years, following the Rio Grande, living with the water and the land, sending blessings to sister communities along the river, and organizing resistance (Ysleta del Sur Pueblo, 2024). The Rio Grande has been a natural symbol of community for generations. It is not simply a water source dividing two countries. It is a sacred and beloved member of the community, acting as an ancestral conduit linking local and indigenous communities who see it as an indelible part of their

culture and history. A young female leader from the Ysleta Pueblo spoke with us about the struggle for the protection of the river and its water. The river has nurtured generations of people fighting for their right to access the river, to move freely, to live and work in a safe and healthy environment. The discourse on border security I had been long exposed to never mentioned the river, nor its importance to the people. Trade and environmental policies which seek to control and restrict the flow of both people and water have had as much impact on border communities as immigration policies have.

By peddling claims of chaos and invasion, the United States government has for decades advanced policies that seek to contain the people who historically have arrived at the state-manufactured border. Over time, migration tendencies across the southern border have shifted: today, the vast majority of crossings no longer involve people of Mexican origin, but rather growing numbers of people from Central and South America, the Caribbean, Africa and eastern Europe, who seek refuge and opportunity in the United States (Gramlich, 2024). Like the waters of the Rio Grande, people will continue to come and go for as long as armed conflict, natural disasters and their desire for change, opportunity and hope leads them to move.

Bringing The Border Home

The toxic discourse about migration has made its way north to my own home state of New Hampshire (NH), which has seen a steep increase in anti-immigrant rhetoric and intensified efforts to pass discriminatory policies. These have made it ever more difficult for immigrant communities to live, work and exist peacefully in the state. Not long after I returned from visiting El Paso last May, NH lawmakers doubled down on anti-immigrant policies and approved $1.4USD million in the state budget to fund a border enforcement program that would engage local, county and state police in border patrol activities at the state's heavily wooded 58-mile border with Canada (Gokee, 2023). The measure, which was initially removed in the House's version of the bill, made it back into the final budget through political pressure in the Senate – this in spite of data that showed that New Hampshire had a grand total of 21 border encounters in a 15-month period ending in December 2023 (ACLU NH, 2024).

On February 4, New Hampshire's Governor Chris Sununu joined 12 other Republican governors and Texas Governor Greg Abbott for a press conference in Eagle Pass, Texas. They were there to show support to the Texas government's ongoing resistance to federal authority through the enforcement of migration laws at the state level (Garcia and Serrano, 2024), and for Operation Lone Star (Alpert, 2023). Operation Lone Star is a border security initiative launched by governor Abbott in March 2021 in response to rising border crossings, which he blames on President Joe Biden's immigration policies (Krogstad & Gonzalez-Barrera, 2022). In May 2021, Abbott issued a disaster declaration – which now covers 53 counties, most of them on or near the border – to give him the authority to deploy the Texas National Guard (Office of the Texas Governor, 2021). At least 10,000 National Guard members have been sent to the border, where they have been tasked with aiding arrests for border-related crimes, including drug trafficking and migrant smuggling. However, the ill-conceived border measures implemented in connection with Operation Lone Star have already resulted in deaths and injuries of both local residents (HRW, 2023) and migrants seeking a safe place for themselves and their families, raising questions about how and why the Texas National Guard is being used at the border (Hernandez, 2022).

Despite persistent calls from advocates and pressing needs in New Hampshire for more affordable housing,

expanded broadband service, mental health supports and treatment services, Governor Sununu doubled down and committed to send 15 members of the state's National Guard (to the whopping tune of $850,000USD) to support Governor Abbott's violent efforts (Rayno, 2024). Just as in Texas, the measures have come at a high cost not only to migrants but also to New Hampshire's taxpayers. The two Governors' willingness to invest public dollars in an illegal and divisive effort will not solve the problems at the southern border – the result of historical myopia, harmful policies enacted over multiple administrations, and the failure of Congress to decisively act on migration for several decades.

Borders Will Come Down

Instead of buckling to the pressure to create ever more barriers that do nothing to address the causes that lead people to seek safety, we must shift our relationship with the borderlands. We must shift our relationship with the land. From something we have to control, hoard, lock away, to something we share. This earth is shared among all of us. We are all born to it.

During my week in El Paso, I learned that the river guides, and provides, life. When we care for the land, the land cares for us.

We must treat migration as both inherent to the human condition and as a protected human right. We must invest our public dollars to strengthen the necessary infrastructure and programs that can humanely process, transport and welcome people. Whether they're made of wood, stone or steel, history has taught us that walls do eventually come down. The world is changing and ours is now a global community whose future is tied together. We must move away from the cult of selfish individuality and ground ourselves in our interdependence to each other and to the land. We must envision and work towards a future where we no longer rely on steel cages to restrict people in order to manage our fear and sense of scarcity. A future where walls become bridges connecting our past and our present, no matter where we land on a map.

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From Ciudad Juárez to Tunis: How Migration Policies Move Across Borders

Ahlam Chemlali

Looking at the border fence between El Paso, Texas, and Ciudad Juárez, Mexico, I was reminded of the Mediterranean Sea, Europe's "natural border." During my time at the U.S.-Mexico border, I met young Haitians and people from other countries fleeing political instability and violence – their wearied faces and stories of perilous journeys through multiple countries tragically echoed the many migrants I have met in North Africa. I also listened to local activists and residents describing the impact of border enforcement and migration control on their everyday lives. Standing there I thought of how US migration policy seems doomed to echo Europe's failed approach towards Africa.

In an effort to curb arrivals into the United States, the Biden administration has engaged in a series of practices that replicate those once at the core of the Trump administration's migration policy. For months now, as part of the budget negotiation package with the US Congress, the White House has threatened to implement admission quotas on the border, "shutting it down" as it reaches a specific number of arrivals, and to increase the number of returns and deportation flights (Long, 2024). As mentioned by multiple commentators, if implemented, Biden's measures will effectively destroy the US asylum system, already compromised by past actions.

As a scholar researching European migration policies, I find the practice of outsourcing and relocating immigration operations outside a country's borders all too familiar. For more than three decades, the European Union (EU) and its member states have tried to externalize asylum and migration management to nations outside Europe. These policies have not

worked: they have repeatedly proved to be ineffective, extremely expensive, and dangerously undermine the very foundations of international law.

Since the 1990s, the EU has sought to move migration management to "third countries" to prevent irregular migrants, including asylum seekers, from reaching EU territory. The idea is framed as a humanitarian approach, with the objective to "save lives and disrupt migrant smuggling networks" (European Council, 2024). Yet, in the wake of this externalization, human rights organizations have documented a vast spectrum of violence and human rights abuses.

These externalization policies have taken several different forms. The governments of Tunisia, Libya, Morocco, Sudan and Turkey act on behalf of the EU as "migration managers" of sorts, keeping migrants away from the EU. European countries have also transferred their border control to nations on the Southern end of the Mediterranean by pouring millions of euros into bolstering the Libyan, Tunisian and Mauritanian coast guards –among other agencies– through training, technical and logistical support – just as the United States has done across Mexico and other countries in Latin America (see Quintanilla-Duran, Balaguera, and Flores, this issue). The goal of these measures is to intercept and forcibly return migrants and asylum seekers back to North African shores. The horrors and human rights abuses experienced by these migrants have been well documented over the years –especially in Libyan detention centers, which are run by the government or militias– as examples of the devastating consequences of European externalization policies (HRW, 2019).

Externalization efforts also strain local economies and resources. When migrants are sent back to third countries with no support, initial displays of solidarity (see Loroña Celaya and Sanchez, this issue) may eventually evolve into tensions between them and the 'host' communities. This has recently been on full display in Tunisia, where a surge in xenophobic attacks on migrants have taken place amid the country's economic crisis. While in El Paso and Ciudad Juárez, I also heard the ways local politicians expressed their distaste for newcomers, despite the fact that most of them are only in transit and do not seek to remain in either city (Ureste & Murillo, 2023).

A key actor in Europe's externalization efforts is Denmark, my home country. Often praised for its welfare system and its role as a "humane internationalist," Denmark is in fact a hard-liner on migration and asylum. The Danish government has been leading the political drive to establish extraterritorial facilities and camps outside Europe. The Danish parliament passed a law to establish camps and considered Rwanda as a hosting partner for these facilities (Amnesty International, 2021). The UK has followed suit. On 14 April 2022, the British government announced that it planned to send certain people seeking asylum in the UK to the Republic of Rwanda, where the Rwandan government would decide their asylum claims. If their claims were successful, they would be granted asylum in Rwanda, not the UK. This effort aimed to deter the increasing numbers of people reaching the UK without authorization by small boats across the English Channel. On 15 November 2023, the UK's Supreme Court declared the policy unlawful because Rwanda was not a safe country. However, in response to the judgment, the government published a new treaty with Rwanda, which provides additional safeguards, and introduced a new draft bill, which declares that Rwanda is a safe country for asylum seekers (Walsh, 2024).

These efforts have been shown to fail – to mind comes the terrible precedent set by Israel, which between 2014 and 2017 had a similar model, transferring

thousands of asylum seekers from Israel to Rwanda, where removed migrants made their way back to Israel after being sent back (Gidron, 2018). Operation Sovereign Borders, established in 2013 by Australia to deter asylum seekers and refugees from arriving by boat to mainland Australia and its territories, placing them in detention centers in Nauru and Papua New Guinea, led asylum seekers to wait for years for their cases to be processed. In both cases, people have experienced deplorable living conditions, facing untreated physical and mental illnesses, physical and sexual abuse, and death (Bridge Initiative Team, 2019). In my own research, I have interviewed migrant women fleeing Libyan detention centers, being intercepted at sea by the EU-funded coast guards and returned to detention centers. They just escape and attempt to make the journey again (Chemlali, 2023). In Ciudad Juárez, 40 migrant men died at a government-run detention facility when the cells in which they had been detained caught fire and remained locked by orders of Mexican migration control agents (La Verdad, 2024). Women incarcerated next to them resulted equally traumatized.

Another claim used to justify externalization is that it will prevent migrants from becoming the target of violent smuggling networks. However, research has systematically shown that the closure of borders in Europe has increased the demand for, and use of, smugglers (Karakoulaki & Tosidis, 2017). Border enforcement forces migrants to take longer and more dangerous routes, creating repeat business for smugglers, and leading to high-risk journeys and preventable deaths.

The Biden administration as well as the EU and the Danish government use similar language when justifying their actions: "The system is broken," or "we want to go after the smugglers" (Mayorkas, 2023) or "this is a humane approach and this will save lives." The EU has spent billions of dollars on fences and barbed wire and border surveillance (Akkerman, 2019). Still, we are currently witnessing some of the highest numbers of migrants attempting to cross into Europe since the so-called migration crisis in 2015. The number of migrant deaths in the central Mediterranean Sea has also reached its highest point in six years, making the world's most lethal migration route even deadlier.

This reinforces the reason why we need safe and legal pathways for migration. In the absence of long-term sustainable international solutions, we will continue to see dangerous and shortsighted policies that operate through deterrence and externalization. If those lessons are not learned, I fear US externalization efforts will only continue to mirror the devastating scenes I have seen at Europe's external borders.

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How CBP One™ Shifts the US' Digital Border South

Lupe Alberto Flores

It's been more than a year since the United States government mandated that people seeking asylum in the country first had to register under the free mobile application CBP One™ (DHS, 2023). The app enables individuals seeking admission into the U.S. without appropriate documents the ability to submit their so-called "advanced information" and request a crossing appointment. Once the latter is issued, they must present themselves at a designated Southwest border land port of entry (POE) for processing. According to CBP data, from its inception in January 2023 to February 2024, nearly half a million asylum seekers were processed through CBP One™ (CBS, 2024), the vast majority of applicants hailing from Venezuela, Mexico, Haiti, Cuba, Honduras, Russia, El Salvador, Colombia, Chile and Guatemala. Originally designed for optional use by US citizens and passport-holding foreign travelers, the app consists of a range of digital and biometric technologies – from facial recognition and liveness detection to GPS tracking and geofencing that only allows people to apply for admission from Central Mexico onward.

May 11, 2024, also marks one year from the termination of the border-wide, pandemic-era Title 42 order. A piece of public health legislation dating back to the 1940s, Title 42 allowed US migration authorities, with the backing of the Center for Disease Control and Prevention (CDC), to deny entry and/or to return non-citizens seeking to enter the U.S., on the grounds of containing the spread of COVID-19. The end of Title 42, however, simply ushered-in the arrival of a new policy that disqualifies from the asylum process all noncitizens (USCIS et al., 2023) who do not use CBP One™ to seek international protection before reaching the international border crossing. It also disqualifies noncitizens (except Mexicans) who do not apply for and/or fail to be granted asylum in a third country, such as Mexico.

Commonly referred to as "the asylum ban," the policy includes the creation of regional processing centers throughout Latin America (Guarino, 2023) called Safe Mobility Offices, where the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) collaborate with the US Department of State to re-settle individuals through its refugee protection program from within their country of origin or a third country. Recent reports document an allegedly successful start to the safe mobility initiative half a year into its implementation, with 3,000 refugees of the 9,000 approved in the pipeline having already arrived (Salomon and Leon, 2024). However, we must be critical of state narratives of the program's success given its limited roll-out and the overall premise under which it's implemented. As it is for the border-wide use of CBP One™, the asylum ban and safe mobility initiative are premised on the undoing of asylum protections as we knew them pre-2016.

As of this writing, there is another political showdown taking place in Washington under news that President Biden is considering a potential executive order on migration that would, yet again, seek to "shut down the border" (Aleaziz et al., 2024) and limit the amount of asylum-seeking migrants allowed for processing between ports of entry. The mandatory use of CBP One™ for migrants alongside these new sets of restrictive asylum migration policies, simply reinforced or replaced previous measures like metering, the Migrant Protection Protocols (MPP) and Title 42 expulsions (Leutert and Yates, 2024). Most importantly, these policy changes represent a digital seismic shift in US externalization that "pushes the U.S.-Mexico boundary south" (Hiemstra, 2019). Today, more than ever before, the US government deploys digital and biometric technologies to facilitate the legal migration, state surveillance and datafication of asylum seekers and their identities before they ever cross the Mexico-U.S. border.

In her contribution to this collection of essays, migration scholar Ahlam Chemlali notes the doomed future derived from the US replication of the EU's failed migration policies – specifically, the externalization of asylum responsibilities to third countries and international organizations like the UNHCR. That future, I argue, is already here. It's a parallel reality to Alex Rivera's 2008 sci-fi film, *Sleep Dealer*, set in a futuristic borderlands where massive border walls have obliterated undocumented migration and would-be Mexican migrant maquila workers remotely control robots performing their labor in the US from the Mexican side. Users plug their bodies into the technology that literally sucks away their vitality until they collapse from exhaustion. So-called "digital innovation" projects like CBP One™ have been fueling the dystopian consequences currently unfolding at the Mexico-U.S. border, and places far removed from the territorial boundary, like Mexico City. I will explain this case next.

The Digital Deterrence of CBP One™

The incoming cold air of late October hit our faces as the shelter lawyer and I provided CBP One™ consultations from a foldable plastic table amid 20 Venezuelan individuals and families with children who huddled around us in the shelter's *azotea* (rooftop). For weeks, the shelter had been at capacity and had opened its doors to outside migrants looking for guidance on how to sign up and register for the app. Every now and then, I had to remind myself that we're not at the northern border. The palpable sense of a "crisis" had me believing otherwise.

"Mexico City is now the third border of the United States" is a common statement made during meetings with migrant shelter directors and aid staff, who often convene to coordinate their response to the humanitarian crises unfolding in the city. While most media coverage has focused their reporting

on asylum seekers' experiences with CBP One™ in Mexico's northern border cities, the mobile app's implementational reach has been unfolding throughout central Mexico. Here, the use of CBP One™ is promoted by US state, NGO and international organizations like UNHCR through information campaigns that legitimize the use of the app, while simultaneously dismantling the legal right to asylum. Unlike Border Patrol's decades-long prevention through deterrence strategy (Andreas, 1998), which increased surveillance in border cities and diverted migrants through the desert environment to thwart their entry, CBP One™ diverts migrants to a digital platform that demands their physical im/mobilization. It also requires the linguistic reinforcement of official actors to deter their otherwise irregular migration north.

For example, the app is constantly pushed onto migrants during *talleres* or workshops by Mexican aid workers from US-based NGOs that provide step-by-step guidance on how to properly use it. It is common to hear aid workers warn migrants how CBP One™ "is the only way to legally cross the border." They also warn migrants against crossing irregularly, reminding them of the sanctions that accompany any attempts to cross without an appointment. *"If you cross the border without [an appointment], you might be detained indefinitely or be placed on an ankle monitor until your hearing. You can also be barred from entering the U.S. for five, ten or twenty years, so don't put yourself at risk and cross the border without an appointment*," are threats commonly used seeking compliance – and deterrence.

CBP One™ is also peddled by US Department of State and CBP officials, who, during delegate visits, implore migrants to stay in Mexico by initiating their asylum process through the app, on the grounds that traveling to the border poses a grave risk to their personal safety. At the end of one of these visits at a migrant shelter in Mexico City, a US Border Patrol sector chief who was in attendance warned a group of about 60 migrants: "*Mexico City is a lot safer than border cities and you can work here, so don't go to the border if you don't have your CBP One™ appointment*." He failed to mention how the violence migrants face is inherently and structurally related to the lack of safe and legal pathways to migrate outside of CBP One™, which forces those unable to secure a crossing appointment to travel irregularly through Mexico, such as on the cargo trains or *la bestia*, in order to reach the Mexico-U.S. boundary and turn themselves in for processing.

CBP One™ represents a digital apex in the Department of Homeland Security's externalization of migration management and border control. US authorities are convinced that CBP One™ provides order to the unruly mass of humans moving through the world's borders to get to its doorsteps. Those of us on the ground accompanying asylum-seeking migrants at shelters and NGOs throughout Mexico disagree.

What Is 'Safe, Orderly and Humane' about CBP One™?

Since before the introduction of CBP One™, NGO workers and migrant shelter staff and volunteers in Mexican border cities and throughout the country have borne the brunt of the administrative labor required to get people "safely" to the border and legally processed under humanitarian parole exemptions at POEs. Now, under CBP One™, the labor of "border work" includes helping asylum seekers navigate the app and workaround its constant technical complications. Beyond the language of "innovative technologies'' and "safe and efficient processes" being touted by CBP officials about the app as a "direct system to request appointments,'' and the claim that its use "reduces the potential for smugglers and others to exploit migrants," CBP One™ is far from benevolent and orderly.

On a daily basis, CBP One™ allocates 1,450 appointments across eight ports of entry. CBP One's algorithmic lottery system (US DHS, 2021) essentially creates inequalities in the ways that it facilitates asylum pre-processing work across the extended US border. Waiting times related to the app expand and constrict, displacing the border indefinitely in time, physical and digital space. The displaced border invades the bodies of asylum seekers as much as the border re-emerges through their mobile phones away from the territorial boundary. In practice, CBP One™ simultaneously increases hope and desperation as families, friends and strangers wait together for their border crossing appointments. They wait in an intermeshing geography of legal and extralegal violence increasingly mediated by digitally-powered algorithms, designed by state and corporate actors with financial stakes as big as their humanitarian pretense. Ultimately, the app has only compounded migrants' experiences of protracted im/mobility and intersecting violence. People continue dying due to environmental exposure, law enforcement abuse and organized violence while waiting in the virtual lines for their border crossing appointments (Herrera, 2023).

But migrants aren't the only ones who brave the challenges of dealing with CBP One™. On any given day, shelter staff and volunteers can be observed scrambling for hours, helping individuals and groups register and schedule their appointments while providing other life-saving humanitarian aid such as medical, psychosocial and legal support. This has caused many shelters to re-think and re-organize their operations in tandem with a growing professionalized humanitarianism (Doering-White and De Leon, 2023) that depends on the ongoing presence of trained professionals as well as built and improvised infrastructure. Whereas in the past, the length of stay in shelters was a few days long, the new normal staying (and waiting) time in shelters or camps under CBP One™ is between three to six months. For underfunded and understaffed shelters in Mexico, this means having to secure additional resources and donations to weather their humanitarian crisis in a binational political context that continuously invests on military-grade technological development to "secure the border." Those investments would be better spent funding effective transborder humanitarian infrastructure that centers the health and wellbeing of displaced and vulnerable populations.

A Migrant's Critique of CBP One™

CBP One™, as a digital border externalization strategy, has reshaped the everyday landscapes of im/mobility, carcerality, aid work, solidarity and migrant surveillance at the Mexico-U.S. border and throughout Mexico. But we have yet to see its long-term effects on asylum seekers, specifically those already admitted into the U.S. and who face a daunting asylum regime ahead in a neverending moment of political crisis fueled by heightened racist, nativist, and anti-immigration rhetoric.

As we witness the US government respond in real-time through software updates designed to limit CBP One™ features and thwart the digital workarounds that migrants have enacted in response to the app's technical and legal inefficiencies, we must all take cue from critiques of border technology led by migrants as we move forward in our own scholarship and activism. The long work ahead requires attunement to the sociocultural affects and political in/exclusions that result as a consequence of using digital technologies – and specifically mobile apps – for asylum processing and migration management. It also requires attunement to the everyday digital resistances that people on the move engage in as they dodge a continuum of structural and state violence that spans the criminally organized to the algorithmic.

As Denison[1] – a Venezuelan man who received his CBP One™ appointment while waiting to process his asylum paperwork at COMAR, Mexico's asylum agency – mentioned during an interview, "CBP One™ is like a double-edged sword. It messes with your mind and plays with the lives of people. It is a device that manipulates [because] the appointments come quickly for some people and slow for others, and many try to find a way around it." He continued: "The app is like that series, *Alice in Borderland*, have you seen it? In there, the technology tries to control you for a chance at an opportunity to live. It can even take your life [if you don't play the game correctly]. I want to live, not only survive."

We must remain cautious of the techno-utopian desires fueling the US government's digital migration management practices that all but fail to protect asylum seekers in contexts as dystopian as a sci-fi film or series. What is needed are impactful pathways that decriminalize irregularized migration and restore the right to asylum. Learning from the experiences of migrants and the work of grassroots organizations that have been by their side for years is vital to realizing less harmful pathways. As long as governments willfully ignore rather than address these realities, we will continue witnessing the fallout of automating border control through our mobile devices that effectively serve to shrink asylum protections while materially and digitally shifting the US border further south into Mexico, Latin America, and beyond.

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[1] A pseudonym.

Una visión fronteriza sobre la interacción entre el tráfico de migrantes y el tráfico de drogas: El caso del Valle de Altar

Samuel Loroña Celaya and Gabriella Sanchez

Las tierras fronterizas son descritas a menudo como lugares periféricos: como espacios que son difíciles de controlar desde los centros de los Estados-Nación. De acuerdo a Levin Rojo y Radding (2019), se asocia directamente a las fronteras con percepciones de autonomía y libertad, pero, así mismo, de insumisión y violencia. De igual manera, las regiones fronterizas se han relatado históricamente como espacios a los que se impone una demanda territorial, al mismo tiempo que es en ellas donde se dan las expansiones imperiales, que se materializan en las fronteras políticas.

La llegada de decenas de miles de personas migrantes a los puertos de entrada (POEs) a lo largo de la frontera México-Estados Unidos durante la administración Biden ha sido descrita sistemáticamente como un hecho sin precedentes. Ha sido también vinculada con frecuencia a la presencia de grupos dedicados al tráfico de migrantes y al tráfico de drogas (The San Diego Tribune, 2024; El Economista, 2023). Uno de los casos que ha recibido mayor atención por parte de los medios ha sido el de Sonora (el estado fronterizo que colinda con el estado de Arizona) donde la llegada de miles de migrantes al puerto de Lukeville en el últimos meses del 2023 conllevó al cierre del mismo por un mes, de forma unilateral y sin previo aviso, por parte de la Oficina de Aduanas y Protección Fronteriza de los Estados Unidos (US CBP por sus siglas en inglés) (El País, 2023). La situación se complicó aún más tras la masacre de migrantes provenientes de Sudamérica perpetrada a mediados de febrero de 2024 entre los ejidos de La Reforma y Cerro Prieto, donde se registró el homicidio de 4 personas, y que al igual que muchas otras masacres, fue atribuida a las redes del tráfico de migrantes, aun cuando sigue sin ser esclarecida por las autoridades (Guillén, 2024).

La creciente diversificación de la población migrante[2] y los repetidos actos de violencia en su contra, nos reflejan el desdén de las autoridades, pero también cambios al interior de los grupos que se dedican al tráfico de migrantes en la frontera de EE.UU.-México. Usando una perspectiva fronteriza, este ensayo busca brindar una breve explicación sobre las prácticas locales relacionadas con el llamado tráfico de migrantes –la facilitación de la entrada irregular de una persona a otro país a cambio de un beneficio económico. El ensayo se aboca a la frontera sonorense, en específico en la región compuesta por los municipios de Altar, Oquitoa, Atil, Tubutama y Sáric, donde ocurrió la masacre arriba mencionada. Se describe la manera en la que el conflicto entre facciones dedicadas al contrabando en general, y el

2 La Unidad de Política Migratoria del gobierno de México documentó en 2023 la llegada de al menos 45.000 personas de origen asiático, en su mayoría de China, India y Vietnam, así como de más de 59.000 personas provenientes de países del continente africano. Ver pg. 146, https://portales.segob.gob.mx/work/models/PoliticaMigratoria/CEM/Estadisticas/Boletines_Estadisticos/2023/Boletin_2023.pdf.

Mapa 1: Pimería Alta y la frontera misional 1768 - 1821. Por M. A. Huajuca. Adaptado de Radding et al., 1979. Las misiones socio-económicas de las misiones de la Pimería Alta. México. INAH.

decreciente poder de los grupos que se dedican al narcotráfico, han impactado la facilitación del tráfico ilícito de migrantes, a las personas que dependen de él para su movilidad, y a las comunidades por las que transitan.

El recuento histórico

Las comunidades fronterizas han sido por siglos parte esencial en la creación del imaginario fronterizo EE.UU.-México. Ya hacia finales del siglo XVIII la corona española había dado la instrucción de unificar la frontera de la Nueva España mediante un cordón de 'presidios' (guarniciones o asentamientos fortificados) ubicados en los territorios denominados *Provincias Internas*. Dichos presidios eran la primera línea defensiva del poder colonial. Tan solo en Sonora existían siete presidios en lo que era la incipiente frontera norte: Santa Cruz, Bavispe, Bacoachi, Fronteras, Tubac, Tucson, y Altar (Borrero Silva y Velarde Cadena, 2010).

La Sonora fronteriza entra en la literatura como una región de contrabando y de cruces clandestinos hacia el siglo XIX, en el contexto del Chinese Exclusion Act,[3] tras la expulsión de trabajadores chinos y sus intentos por volver a territorio estadounidense (Lee, 2002). Décadas más tarde, la zona de Altar se volvió parte de la trayectoria migratoria de miles de trabajadores mexicanos que atravesaban los pueblos del desierto en sus intentos por alcanzar las ciudades de Tucson y Phoenix, en el estado de Arizona (Standart, 2001).

3 En la primavera de 1882, el Congreso de los Estados Unidos aprobó la Ley de Exclusión China, firmada por el presidente Chester A. Arthur. Esta ley establecía una prohibición absoluta de 10 años a la inmigración de trabajadores chinos a Estados Unidos, y generó la demanda por los servicios de quienes pudieran facilitar la entrada o el retorno de personas chinas al país, cruzando por los estados de Sonora, California y Texas.

Al comienzo del año 2000, políticos en el estado de Arizona como el Sheriff Joe Arpaio y el fiscal estatal Andrew Thomas, haciendo eco a las tendencias anti-inmigrantes en otros estados de los Estados Unidos, comenzaron a movilizar una serie de declaraciones que vinculaban el tráfico de drogas con el tráfico de migrantes (Sanchez, 2016). En otras palabras, fue en Arizona donde políticos anti-inmigrantes comenzaron a circular la noción de que ambos mercados se habían fusionado, y que operaban como una sola organización en el lado mexicano de la frontera –y especialmente en Altar, en donde habían empezado a llegar miles de migrantes en tránsito. A pesar de carecer de sustento empírico de fondo, para el año 2005, dichas declaraciones se habían arraigado en el discurso binacional y fronterizo de seguridad, alimentadas por la xenofobia y el miedo hacia la presencia de personas migrantes, y sacando ventaja del terror colectivo sobre las posibles conexiones de la migración a los temidos *cárteles* mexicanos (Zavala, 2018).

Es importante reconocer y reiterar que el contrabando –el nombre genérico utilizado en referencia al trasiego de mercancías designadas como ilícitas– ha sido parte importante de la vida cotidiana y la economía de las comunidades fronterizas. Sin embargo, como bien nota Peter Andreas, "las actividades clandestinas [habían prosperado] mucho antes de que se traficara con drogas y migrantes, [y] es importante señalar la amplia gama de prácticas de contrabando que han constituido una dimensión integral del intercambio económico transfronterizo desde el siglo XIX" (Andreas 2000:29). Altar mismo ya era desde mediados del siglo XIX paso importante de mercancías y de personas, y hacia la década de 1990 era conocida localmente como un lugar de *burreros*[4] y algunos intermediarios exitosos, aunque no un lugar disputado por los grupos del narcotráfico (Mendoza, 2017).

Pero contrario a las declaraciones de Arpaio y Thomas, no fue el narcotráfico mexicano el que marcó un cambio en las dinámicas locales, sino la migración. Altar entra en el discurso de las dinámicas migratorias y de los riesgos que posan a la seguridad nacional en la primera década del siglo XXI tras el incremento en los números de personas que empezaron a cruzar la frontera hacia los Estados Unidos por el Estado de Arizona, como resultado de la política migratoria de los Estados Unidos y el decline del mercado de drogas (especificamente, la marihuana). Tras el cierre (admitidamente temporal) de los corredores de migración irregular en Texas y California por medio de operativos como *Hold The Line* en 1993, *Gatekeeper* en 1994, *Río Grande* en 1997, y *Safeguard* en 1999 entre otros, el gobierno estadounidense redirigió efectivamente las tendencias del cruce migratorio irregular hacia Arizona (Rubio-Goldsmith et al., 2006; Quintanilla Duran, este volumen). La geografía de los pueblos del desierto, diferente a las de El Paso, San Diego y los pueblos del Sur de Texas, era desconocida para quienes comenzaron a transitarla. A principios del nuevo milenio, Arizona se convirtió no sólo en un punto importante de la ruta migratoria, sino en el segmento más letal de la frontera EE.UU.-México (ver OIM, 2024b).

En este contexto, la comunidad de Altar emerge en el discurso como un punto clave en el paso fronterizo irregular, descrito como desolado e inherentemente hostil. Reproduciendo la larga tendencia a retratar el

4 "Se trata, salvo contadas excepciones, de hombres de entre 15 y 50 años de edad organizados en cuadrillas de diez a veinte miembros. Los burreros cargan a través de la frontera de veinticinco a treinta kilos de marihuana en costales acondicionados como mochilas. El trayecto puede durar hasta una semana, dependiendo de la ruta que se escoja y los contratiempos que se vayan encontrando en el camino. Por realizar este trabajo cada uno recibirá entre ochocientos y mil quinientos dólares" (Mendoza, 2012, Pp. 252).

desierto como ignoto y violento, Altar aparece en la literatura académica de la migración y en la cobertura periodística como un nodo crítico de la "industria de la migración" mexicana (Anguiano y Trejo, 2007; Valdéz Gardea, 2009). Se deja de lado su historia y la de las comunidades aledañas, reduciéndose a pueblos olvidados a los que miles de migrantes llegan con el fin de adentrarse en territorio norteamericano. Durante la mayor parte de las primeras dos décadas del siglo XXI, Altar ha sido descrita en términos que la definen como periférica y marginal, reforzando el discurso y la lógica que con frecuencia desdeña a la frontera y sus espacios como inherentemente estériles y despoblados.

Los actores

Los cambios que se dieron en Altar tras el incremento en los números de personas migrantes ocurren dentro del contexto de movilidad que ha caracterizado a la región por siglos. Provistos de una oportunidad, los residentes de Altar abrieron hoteles, casas de huéspedes y albergues para alojar a las personas migrantes que llegaban a la localidad en camino a los Estados Unidos y generar ingresos. Inicialmente, las personas eran en su mayoría de origen mexicano y algunas centroamericanas. A partir del 2019, residentes de la región comprendida por los municipios de Altar, Oquitoa, Atil, Tubutama y Sáric comenzaron a notar una diversificación de las nacionalidades de las personas que llegaban a las comunidades buscando servicios de cruce fronterizo irregular. Una gran mayoría de migrantes llegaron desde El Salvador, Guatemala y Honduras; para 2024 se diversificó mucho más en tanto que a la región llegaron personas de República Dominicana, Ecuador e incluso de Guinea-Bissau (Unidad de Política Migratoria, 2023).

El aumento en la demanda de dichos servicios implicó de igual manera un aumento en el número de personas que se dedican a facilitar el cruce migratorio. Por ejemplo, es del conocimiento general entre los habitantes de la zona que los grupos de traficantes de migrantes comenzaron a emplear a un mayor número de personas locales. Este crecimiento, sin embargo, no ha estado libre de conflictos. En octubre de 2023,

Mapa 2. Región de Río Altar. Elaboración propia con datos del INEGI

se desató una serie de enfrentamientos armados al interior de los grupos que controlaban el territorio, y que impactaron la vida cotidiana de las comunidades. Debido a los enfrentamientos, las personas de las comunidades se encontraron de facto -de acuerdo a declaraciones de autoridades municipales- en estado de sitio (López, 2023). De octubre a diciembre de 2023, las balaceras se convirtieron en el signo de la lucha entre facciones de forma recurrente, lo que orilló a los locales a evitar las salidas de noche y a dirigirse por otras vías para evitar retenes y enfrentamientos de las facciones. Los enfrentamientos entre grupos no son algo nuevo en la región. De hecho, los acontecimientos nos transportaron como residentes fronterizos a un pasado que ya veíamos lejano e improbable.

Al momento de preparar este artículo, uno de los grupos controla los municipios de Altar, Oquitoa, y la joya de la corona: el ejido del Sásabe, en la que se encuentra el puerto de entrada a EE.UU. del mismo nombre. Un segundo grupo controla los municipios de Atil, Tubutama, y Sáric, y mantienen el corredor Magdalena de Kino-Tubutama como su principal vía de acceso. Contrario al argumento de que el tráfico de migrantes se ha fusionado con el de drogas, es importante señalar que las personas que se dedican al tráfico de migrantes se limitan a tener una relación con la facción que les impone un pago por el paso de cada persona por su territorio. En otras palabras, no existe una convergencia estructural entre quienes se dedican al tráfico de migrantes y el tráfico de drogas (Sanchez y Zhang, 2018; OIM, 2024). La relación entre los grupos se limita al llamado pago del derecho de paso o cuota.

Desde hace tiempo es bien sabido en la región que la rentabilidad del trasiego de drogas se ha visto reducida, y que los ingresos por el cobro de cuotas a migrantes han venido a fortalecer las muy mermadas fuentes de ingreso de las organizaciones que se dedican al tráfico de drogas. A raíz de los enfrentamientos entre las facciones y de acuerdo a personas residentes locales, el tráfico de drogas y de migrantes forman parte de una actividad de supervivencia ("hay que pasar de todo").

Rechazando la marginalización de la frontera

Más que la temida convergencia entre el tráfico de drogas y el tráfico de migrantes, la evidencia apunta hacia un desplazamiento de los mercados de tráfico de migrantes al interior de un mayor número de pueblos y comunidades al sur de la frontera Sonora-Arizona, a razón de un conflicto relacionado con el cada día más difícil contexto del mercado de las drogas. Lo que queda claro también es que el tráfico de migrantes emerge como un alternativa económica que ya no se limita a los traficantes de migrantes y a su ámbito clandestino, sino que ahora de manera coyuntural las comunidades forman parte (aunque no siempre remunerada) de una estructura -en el caso de la población local- que instintivamente y de forma solidaria se organiza y ofrece su ayuda a las personas recién llegadas de diferentes países.

Son estos, nuestros pueblos a lo largo de la frontera, los que brindan resguardo, los que han sido silenciados por el bullicio de las diferentes figuras de autoridad que se benefician de las políticas diseñadas para contener la migración hacia Estados Unidos, pero también por la academia. La solidaridad colectiva vino a llenar el vacío de protección (ver Goodwin, este volumen) pero no sabemos por cuánto tiempo. Tal vez es momento de dejar a un lado el pánico generado por la supuesta fusión de los grupos del narcotráfico y del tráfico de migrantes, y demandar respuestas de quienes solamente han sacado ventaja del silencio.

A pesar de la visibilidad de la migración, los procesos que desencadena, y que se viven en comunidades pequeñas y cercanas a la frontera, no son examinados

desde una perspectiva fronteriza en la investigación académica ni en las políticas migratorias. En estas últimas, la frontera casi siempre aparece como marginal y periférica. Al igual que en la región cercana a Altar, los procesos de facilitación de la migración irregular se dan a lo largo y ancho de la frontera. Sin embargo, mucho del quehacer académico y de divulgación migratorio se ha limitado a reproducir estereotipos fronterizos --especialmente el narco y a los llamados *cárteles.* Pero la reflexión que nos trae este artículo es ¿cómo podríamos repensar estos fenómenos desde una perspectiva a partir del ámbito rural fronterizo? La investigación de lo local y lo regional nos acerca y se vuelve cada vez más necesaria para comprender y conocer lo que sucede en ambos lados de la frontera. Y como autores fronterizos, nos parece urgente reclamar la importancia de nuestras comunidades y nuestros espacios. Este escrito por lo tanto, busca ser una llamada de atención que cuestiona la marginalización de las fronteras, y que demanda su revisión en la literatura del fenómeno migratorio, y sobre todo, del tráfico de migrantes.

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Small Wins:
Democratic Burnout and Endurance Amid Legal Failure in El Paso

Martha Balaguera

In the last decade, displaced peoples across the Americas have become increasingly visible. Until about 2014, pundits rarely had to consider these populations' collective migrations, but since then a series of moments represented as crises captured the public's imagination. Two significant junctures were the so-called "child migration crisis" of 2014 and the "caravanization" of the Central American "exodus" in 2018. The former broke open the presence of children on the move, a symptom of the increasing feminization of displacement in the Central America-Mexico-United States migration circuit. The latter revealed migrants' public appearance in contrast to historically clandestine travels. The vulnerability and willful visibility of migrants revealed that people were claiming rights and not simply seeking to cross undetected, exposing in turn a protection crisis.

In 2019, I started a research project titled "Abolition, Legal Accompaniment, and the Caravanization of Asylum at the U.S.-Mexico border." It was inspired by the series of large migrant caravans of late 2018, which implicitly revealed through collective defiance the protection demands of displaced peoples. These demands included the right to seek asylum and the right to migrate free from violence, even as practices of border externalization kept people stuck in conditions of exploitation and exposure to physical harm. While the caravans showed that forced displacement was far from exceptional in the Americas, participants unapologetically occupied the public sphere in a truly unprecedented manner. As many caravan participants eventually reached the US border, moreover, they made their rights claims explicit. Not only did they overcome much border violence across Mexico

through collective action, but they were also able to apply for asylum in the United States. The change was significant given that asylum would have otherwise been out of reach.

Since 2018, people on the move have continued to demand protection across the hemisphere yet the response on the part of the state has been fierce and negligent. Those seeking protection at the U.S. border have been systematically prevented from presenting asylum claims, in addition to facing tremendous violence and rights violations. A series of policies have formally jeopardized the *non-refoulement* principle of the 1951 Refugee Convention,[5] "blocking legal paths to safety" (FitzGerald, 2019) and contributing to what scholars have called the "death of asylum" (Mountz 2020). Meanwhile, confinement, violence and exclusion have proliferated in *ad-hoc* refugee camps in Mexican border cities (Bermúdez Tapia, 2023), in *de-facto* "open air detention sites" (OADS) (NCYL, 2024) between border fences, and even in infrastructures of protection to which the state transfers its responsibilities (Balaguera, 2018; Solís, Navarrete and Sánchez, 2023).

The protection failure, moreover, has extended geographically beyond the U.S.-Mexico borderlands. Across the Americas, we have witnessed the treacherous "exodus" of people trying to reach safety, from Chile to the Darien Gap, amply documented in mainstream media and social networks alike.

However, alongside the mass denial of rights, what has also been remarkable is the strategic use of immigration law by networks of lawyers, volunteers, sponsors, expert witnesses, human rights defenders, and migrants themselves as they confront an asylum regime that falls short in the face of dire protection challenges. That is, networks of "legal accompaniment" (Balaguera, 2020) have advocated for migrant justice while also pushing against border violence and myriad legal attacks on asylum.

These networks have had to make tactical choices to navigate the underwhelming response of the state to the protection claims of larger numbers of people. During my visit to El Paso in May 2023, providers of migration legal services acknowledged that litigation and legal representation of individual clients were limited in their attempts to attain migrant justice. However, as legal advocates, they had felt compelled to continue practicing law because they knew that, otherwise, the asylum system would shut down altogether.

In conversations with participants of legal accompaniment networks, I felt that the moment I was witnessing in El Paso was one of burnout. Meeting after meeting, I learned about the great efforts by local organizations responding to enormous protection needs created by the government and dumped on civil society. For instance, advocates noted that organizations found themselves in the nefarious position of having to do the work of the state. They described how in the context of Title 42, they had been formally "invited" by the White House to implement "exceptions" amid the virtual closure of asylum options. That is, while Title 42 effectively closed the border to asylum seekers by deeming their travel "non-essential,"[6]

5 These policies include most prominently "metering," the "Migrant Protection Protocols," and the Title-42 expulsions during the COVID-19 pandemic. Analysis of these policies can be found in Balaguera (2020) and Martínez (2023).

6 According to an advocate based in El Paso, at the peak of Title 42 expulsions, the policy served to prevent up to 18,000 individuals a day from filing asylum claims.

the US government maintained a regime of exception for those it regarded as "especially vulnerable."[7] This involved asking local organizations along the border to make the almost impossible choice of deciding among the vulnerable whose vulnerability was greater, to the point the person could receive support to be considered exceptional and be then paroled into the country. By doing so, the state offloaded its responsibilities onto legal aid providers and NGOs, rendering asylum an anomaly first in order to confer a possible pathway to protection.

Similarly, the use of CBP One™ (the US CBP application that serves to schedule interviews) provided opportunities for the government to limit access not only to asylum but also to legal accompaniment. As described by Lupe Flores in this same collection, the use of this app was problematic at its onset. Having been launched without much prior user testing, CBP One™ presented serious glitches, and so advocates had to step in to assist people on the move to access it. Initially, based on their experiences assisting asylum seekers, advocates reported the glitches to CBP. But then organizations realized that CBP had added a "preparer information" question to the form (US CBP, 2023a), which required asylum seekers to report if a third party had assisted them. Answering this question could entail informing on the very organizations that reported the glitches, and potentially disqualifying applications for entry filed with their assistance. This raised concerns about surveillance and the motives the state had to work with organizations, and eventually led the latter to stop collaborating with CBP. This was one of multiple tactics the government has used in its attempts to discipline asylum seekers and the organizations that provide them with legal accompaniment.[8] Meanwhile, CBP One's performance has now improved, but it continues to be a "digital barrier" (Kocher, 2023) for displaced people seeking haven.

All in all, El Paso has become an unwilling laboratory where the government tests surveillance and punishment mechanisms to foreclose asylum. In the face of various experiments to deny rights, local organizations have invested a great deal of their institutional capacity to collect, triangulate and interpret data on the forms of state violence targeting asylum seekers –e.g., see the reports *Discretion to Deny* (Hope Border Institute, 2017) and *Sealing the Border* (Hope Border Institute & Borderland Immigration Council, 2018). At the same time, the sense of burnout among local advocates stemmed from the fact that their organizations were systematically involved in —or saw no option other than— carrying out border work: the kind of labor that reinforces patterns of state exclusion and abandonment of people claiming protection at the border. Among others, border work entails reproducing the categorization of migrants as undeserving, e.g., by deeming only few individuals especially "vulnerable" and "exceptional." It also means assuming the protection burden that the state relinquishes. This labor unintendedly serves to render the border insurmountable for most asylum seekers, even while organizations have a deep reckoning with the direct and indirect official violence confronting them.

7 As documented by Human Rights Watch, "A leaked Border Patrol memo (…) instruct[ed] agents to process migrants for expulsion as quickly as possible, while providing a small exception for migrants who affirmatively present[ed] a claim for protection under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Agents [had] unchecked authority to then determine whether to refer those migrants for an interview with an asylum officer." Exceptions to Title 42 were also openly implemented, as shown by the Washington Office on Latin America (WOLA) (Isaacson 2023).

8 By the time I was finalizing this article, for instance, tactics of surveillance, intimidation and criminalization were being denounced by organizations based in El Paso. See Annunciation House, Inc. vs Ken Paxton, 2024.

However, the decision by local legal accompaniment networks not to become accomplices of the tactics of the state is a sign of endurance —not one of retreat. These networks persevere despite their realization of the limitations of immigration law to bring about justice. It is a significant democratic loss when citizens and, in this case, law practitioners become less trusting of the government (Ryo, 2019). Yet it is also important to understand the political meaning of organizations' endurance when they have lost their faith in asylum as a regime of rights.

For those providing legal accompaniment, it has become clear that the rights framework is extremely thin both from a legal viewpoint and from a more capacious migrant justice perspective. Yet, they also have distinct achievements that exceed state-centric notions of success. They practice solidarity guided by a commitment to respect people's dignity, even as they see the law fail. They also continue to trouble the normalized suspension of rights by the state. Indeed, they mobilize what an El Paso advocate called a "small legal army" that slows down, makes it difficult as well as exposes —although does not completely halt— the violation of peoples' rights.

The wins of this legal army may indeed be "small" when compared to the large-scale legal failure asylum seekers confront. But hearing these advocates speak about their modest victories reminds me that the struggle to undo border violence will be long and require that kind of endurance and determination.

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What Do Shelters Owe Their Guests in the Time They're with Them?

Zachary Goodwin

When it comes to the humanitarian shelter, service providers find themselves in an uncomfortable predicament. Temporary should not equal inhospitable, or rushed. Yet, shelters should not be permanent either. No one should feel trapped in them, and people should have the right to return to their old home, or go to a new one, as soon as they feel safe and ready.

Humanitarian shelter providers often assume the government's mandate of providing protection. Providers *should* ensure a secure environment, manage the space, decide who can stay and who cannot – and establish coherent, transparent protocols to do so. In what follows, I ask: do these directives go against the spirit of humanitarian or solidarity interventions, which aspire to provide spiritual relief? How can shelters also provide a space for people to exercise their rights and restart their lives? The desire to uplift those in transit, to avoid reproducing the image of people on the move as mere recipients of services, must be balanced against the providers' duty to preserve the safety, comfort, and wellbeing of all shelter guests. How can shelter providers navigate this dilemma of "humanitarian governance" (Barnett, 2013)? In other words, what do shelters owe to their guests during the time they host them?

Evaluating HOPE Border Institute's Shelter

Between May and June 2023, the Hope Border Institute and the Diocese of El Paso hosted 159 CBP-released guests – the majority from Venezuela – at its pop-up shelter in the city of El Paso, Texas, across 31 nights. HOPE's shelter was conceived as a temporary facility, meant to house guests who had timed out of or were otherwise ineligible to stay at other city shelters. The shelter was also set up in anticipation of an increase in border crossings, which did not materialize, after the end of Title 42 – the public health statute that both the Trump

and Biden administrations used to stall asylum-seekers in Mexico (Mata, 2023). There are other temporary and permanent shelters in El Paso and across the borderlands, facilities assisting those who arrive at the border looking for protection. HOPE itself has supported other local shelters in their efforts to provide accommodations. However, this was the organization's first attempt at providing shelter services itself.

In the summer of 2023, I was tasked by HOPE with retroactively evaluating the operations at the shelter through interviews and surveys with staff, volunteers, and guests. As a graduate student in humanitarian action, I attempted to construct the evaluation using tenets of project cycle management and its associated methodologies, such as protection mainstreaming and accountability to affected populations (Global Protection Cluster, 2017; IASC, 2013). My main questions were: Did the shelter provide guests with their basic needs? To what extent did guests feel that the environment was welcoming and safe?

These methodologies, their vocabulary, and the impact standards they have normalized represent an increasingly rationalized and bureaucratized style of humanitarian intervention (Waters, 2001). I found this approach challenged by the fact that the shelter had not been designed according to the linear assumptions of project cycle management — in fact, it was the result of the mobilization of the local faith community, which occurred over the course of one week. I was also challenged by many of the questions HOPE staff asked me to cover in the evaluation (Did guests feel emotionally satisfied? How can we "scale up" a shelter model based on Catholic social teaching?). Project cycle tools seek quantifiable measurements of impact, which might allow us to determine if a shelter provided sufficient beds or medical care. But they struggle to measure, for example, "how well" someone has been spiritually accompanied. This contradiction reveals the tension between the managerial concerns related to protection and the spiritual and moral concerns of humanitarians.

I conducted six in-depth interviews with HOPE staff and affiliates and two in-depth interviews with Red Cross volunteers who supported the shelter. I also administered a 50-question survey to 11 past guests. Here, it is worth pausing on the question of power. The use of the term 'guest' seeks to reflect a more humane description than those normally ascribed to migrants and asylum-seekers at the U.S. southern border, but a "guest" must still rely on the hospitality of a "host," which might lead guests to feel that they are somehow indebted (for a different regional perspective on this question, see El-Abed, 2014).[9]

In terms of my positionality, I was affiliated with HOPE through the whole process as an internal evaluator, and I am a white, cis-hetero, bilingual man with a U.S.-American passport. I never met any of these guests in person, so none of this might have been wholly visible to them, but my ties to HOPE were known and granted, which led to some selection bias in the survey responses. Beyond that, personal identity affects which questions and whose concerns get included in evaluative tools, which raises concerns over the supposed neutrality of humanitarianism (Khanna, 2022) and the degree to which these biases are conveyed to the communities who participate in such evaluations. I tried to mitigate said biases by centering the protection and accountability guidelines I mentioned previously, which represent a more progressive turn in humanitarianism but still remain within its normative system.

9 For a different regional perspective on this question, see: El-Abed, O. (2014). "The Discourse of Guesthood: Forced Migrants in Jordan." In: Fábos, A.H., Isotalo, R. (eds) Managing Muslim Mobilities. Religion and Global Migrations. Palgrave Macmillan, New York.(pp. 81–100).

From the data collected, a number of themes emerged that highlight the challenges to accountability, but also paths forward. As well, many responses pointed to the particular benefits of HOPE's spiritual approach, plus areas where this approach could be reinforced with best practices from secular management styles. I expand on this next.

The Protective Value of Community Participation

Respondents said that the shelter felt less hierarchical and more collaborative than other shelters. HOPE staff felt this reflected the speed at which the shelter was set up, but also the philosophy they hoped to implement: respecting the worth and contributive potential of all guests by imposing few rules. "I'm sure there are better shelters in terms of facilities," one staff interviewee said. "But in terms of community, I know we were one of the best, just because [the guests] were literally running it themselves." Guests, too, noted the degree to which they participated in the shelter, deciding what to cook for dinner, splitting menial and maintenance tasks with staff and Red Cross volunteers alike. "I served as a collaborator and I felt good," one guest wrote. "I gained another family and I have much to be thankful for."

The notion of "family" holds real practical and protective value – it reflected a feeling of trust, and of being trusted. Guests cleaned and cooked not because they were told to, but because the lack of a dictated hierarchy allowed them to take ownership of the space, which compelled everyone to honor the efforts of others by contributing themselves. Nonetheless, what are considered non-hierarchical dynamics by shelter staff can be experienced differently by guests; furthermore, the western, traditional notion of family tends to be hierarchical, predominantly patriarchal and highly gendered.[10] But the kind of *convivencia*, or conviviality –the term used by several respondents– that HOPE tried to foster offers real promise. Co-living more effectively greases the wheels of the shelter's operation and also more organically allows for genuine human encounter, hinting at the potential to challenge the migrant/shelter staff dichotomy. Guests, staff, and volunteers expressed that they made and have since maintained real friendships from the shelter, which they cited as the most rewarding part of their involvement.

Lack of Structure vs. Lack of Leadership

Yet again, a desire for non-hierarchy does not lead to its absence. HOPE's staff worked to field guests' suggestions in a structured way, though there are additional practices which could make these processes more inclusive and responsive. Guests, staff, and volunteers shared concerns and updates through nightly *asambleas*. HOPE staff said guests were welcome to approach any staff member with feedback, and guests responded that this informal structure worked well enough.

But it is likely that issues tied to race, class, gender, and notions of hierarchy and power – not to mention the fear of being singled out as problematic – could have made this informal pathway more intimidating. This is why humanitarian good practice recommends routinely having anonymous feedback mechanisms, as well as women- and child-only sharing spaces (Plan International, 2018). So, perhaps this is what humanitarian workers owe guests: not an unstructured space, but an invitation to improve the structure they see as fit. This invitation requires real work.

10 For example, one guest responded that they would have liked to cook in the kitchen but felt they could not. They did not elaborate on their feeling of exclusion, but one HOPE employee in an interview said they noticed that some guests seemingly developed control over certain tasks and spaces, and that they wish they had challenged this by encouraging greater rotation of tasks.

Other elements do call for leadership no matter how non-hierarchical the shelter aspires to be. This was another theme: junior staff expressed a need for delegated tasks and more transparent protocols to address security or health concerns (e.g., alcohol use, trespassing, sexual intimacy among guests). Junior staff or volunteers cannot be expected to respond to guests' concerns on par with senior staff.

Security procedures must be designed prior to the shelter's opening, and updated regularly, in consultation with all staff and volunteers. Keeping in mind questions of liability and power dynamics – which exist between guests, too – the roles of guests must also be clearly defined. Shelters could mirror approaches to decentralize power like delegating tasks to guests that carry limited liability or diversifying staff by hiring former guests as shelter workers if they are eligible and so desire (Fellow et al., 2021).

The Evolving Shelter

To close, I return to the dilemma of temporality. "As soon as you put up a shelter," one volunteer told me, "you should be thinking of taking it down." But some guests did not want to leave. Some had found a community. Many others did not have plans for after leaving the shelter, nor any contacts in the U.S.

Responding to these dynamics may require that spaces of temporary refuge, like a future HOPE shelter, think of themselves as spaces of holistic social work. Staff and volunteers would need to integrate casework into their daily routines, sitting down with individuals and asking them: Where might you like to settle? What type of work and life are you seeking? The shelter would need to cultivate networks within the country so that their guests have assistance at destination cities. As HOPE itself has proposed, this could take the form of similar institutions (e.g., Catholic organizations) forming a digital platform to match asylum-seekers at the border with organizations in the interior that can meet that individual's needs (De La Torre, 2023).

This pivot might seem daunting, but it is also where the greatest potential for spiritual accompaniment lies. Here, shelter providers can act as long-term mentors, helping people orient themselves to a new life, to fight against legal, linguistic, and social disenfranchisement.

At their worst, shelters duplicate oppressive environments that remind people of their dispossession (Flores, 2020; Herrera Rosales, 2023). But at their best, they have the potential of providing free, imaginative spaces for the reinvention of social dynamics, where new networks of solidarity between people on the move and their allies can be formed. HOPE's experience can allow the staff to develop an eventual blueprint of a shelter where communal approaches can be strengthened, relying on humanitarian management systems.

At the same time, those in the humanitarian sector must examine the often inflexible and vertical tools through which we measure "good" interventions. Echoing other authors in this collection, I ask: does the humanitarian system foster, or rather contain, those projects that seek to respond to some greater spiritual, emotional, or civic need – beyond that of immediate assistance? Somewhere here is a shelter that surpasses that of emergency respite – a shelter that can serve the community's needs, protect the safety of all, and empower the greatest qualities of the human spirit.

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Vulnerabilidad de las personas en contextos de movilidad humana:
explotación y abuso sexual en espacios humanitarios

Diana Solís y Blanca Navarrete

Introducción

Derechos Humanos Integrales en Acción, A.C. (DHIA) es una organización de la sociedad civil establecida en 2013 en Ciudad Juárez, Chihuahua, en la frontera México-Estados Unidos. En 2022, DHIA comenzó una colaboración con el Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR), en el marco de un acuerdo dirigido a mitigar, prevenir y atender la violencia de género hacia personas en contextos de movilidad.

En ese mismo año, DHIA documentó incidentes de violencia de género reportados en ocho espacios humanitarios en Ciudad Juárez, Chihuahua, –siete privados y uno público–, una de las ciudades fronterizas con mayores índices de movilidad humana en México.[11] Nueve mujeres, seis niñas y niños reportaron actos de violencia sexual, explotación laboral, intimidación y represalias por parte de encargados de albergues directamente, o bajo la inacción de éstos.

Los hallazgos hacen eco a investigaciones académicas recientes (ver Goodwin, este volumen; Flores, 2020; Herrera Rosales, 2023) que cuestionan la narrativa de los espacios humanitarios como lugares de protección o libres de violencia. Los espacios humanitarios son establecidos como una extensión del sistema de gobernanza migratoria, lo que abre interrogantes sobre la reticencia a crear mecanismos que de manera

11 En Ciudad Juárez existen más de 30 espacios humanitarios entre albergues, iglesias u otros espacios habilitados para recepción de personas en contexto de movilidad.

efectiva brinden vías para que personas en contextos de movilidad usuarias de estos espacios puedan reportar delitos cometidos en su contra y acceder a la justicia.

Asimismo, los casos revelan serias omisiones por parte de algunas autoridades locales, quienes de manera sistemática no dan seguimiento a situaciones que ameritan sanciones en contra de quienes cometen actos de violencia al interior de espacios humanitarios —con frecuencia, las personas que están a su cargo. Como parte de nuestra contribución a esta colección, buscamos evidenciar el vacío concerniente al rol de los albergues como espacios de protección y sus deficiencias.

Contexto

Las políticas migratorias de Estados Unidos han generado un estancamiento de personas solicitantes de protección internacional, quedando varadas en la frontera sur (ver Quintanilla Duran, este volumen) y norte de México desde la instalación en 2019 del programa *Migrant Protection Protocols* (MPP), pasando por el Título 42 y de manera más reciente, por medio de la aplicación *CBP One* (ver Flores, este volumen). Durante la existencia de MPP, se estima que estuvieron en Ciudad Juárez más de 20 mil personas, sumado a 11 mil más durante la duración de la implementación del Título 42. El 11 de mayo de 2023, expiró la orden de salud pública del Título 42. A partir de finales de mayo de 2023, la aplicación CBP One se convirtió en el principal método para acceder al asilo en los puertos de entrada (ver Flores, este volumen).

En Ciudad Juárez, la falta de albergues generó una respuesta emergente por parte de organismos religiosos (ver Goodwin, este volumen). Sin embargo, este esfuerzo no se ha fortalecido. La ausencia de personal especializado en la administración de albergues y la inexistencia de apoyos gubernamentales para sufragar el gasto operativo que implica hospedar y alimentar a miles de personas ha provocado un desgaste en los liderazgos de albergues, mermando su capacidad de prevenir y atender situaciones asociadas a explotación y abuso sexual. En otros casos ha sido falta de ética y permisividad la que ha perpetuado la comisión de abusos. La prevalencia de violencia de género en México es una de las más altas en América Latina: de acuerdo al Observatorio de Igualdad de Género de América Latina y el Caribe de la CEPAL, tan solo en 2022 se cometieron 976 feminicidios en el país (OIG CEPAL, 2022). En la actualidad, alrededor de uno de cada cuatro asesinatos de mujeres en México se clasifican como feminicidios (Hidalgo, 2022). Este contexto permea inevitablemente el trabajo humanitario, donde se exacerban las relaciones de poder sobre quien necesita hospedaje, alimentación e higiene personal y quienes tienen la posibilidad de brindarlos.

La falta de procedimientos adecuados para la interposición de reportes formales es una dificultad para investigar y sancionar conductas inapropiadas dentro de espacios humanitarios. Organizaciones internacionales y locales, han establecido mecanismos de quejas y pautas que permiten identificar el riesgo que existe en este tema para la población en contextos de movilidad, tomando medidas como la suspensión de colaboración. Sin embargo, los mecanismos locales de queja no están publicados en ningún documento oficial –cada agencia y organización tiene avisos sobre cómo presentar una queja de acuerdo a sus políticas internas. DHIA ha colocado mantas en los espacios humanitarios con los que se colabora, con formas de contacto en casos de queja (por ejemplo, si los albergues a los que se apoya con alimentación están cobrando por este concepto a las personas).

Para las agencias de Naciones Unidas, existe una directriz del Secretario General que guía su actuación

ante revelaciones de casos de explotación y abuso sexual, la cual ha asegurado que agencias de la ONU y sus socios mantengan mecanismos de queja, prevención y respuesta (ver ACNUR & El Churo, 2023). Sumado a ello, hay esfuerzos encaminados a fortalecer las capacidades de espacios humanitarios; si bien ninguna de las agencias de la ONU está a cargo del manejo de éstos, han buscado su fortalecimiento junto a otros actores clave. Recientemente en México, el ACNUR elaboró un ejercicio de semaforización a nivel nacional que busca identificar retos de albergues en términos de protección, infraestructura, procedimientos y políticas internas, a fin de diseñar procesos de acompañamiento, y presentó un manual para el diseño de alojamientos colectivos temporales en las Américas (ACNUR, 2023).

La ausencia de una respuesta gubernamental ante reportes presentados por organizaciones está asociada a una omisión intencionada: supervisar albergues implica cerrar algunos —o muchos— de ellos, dejando entonces en el Estado la responsabilidad de reubicar a las personas, por ende, de asumir la atención humanitaria de las mismas.

Existe un Comité Interinstitucional en Materia de Albergues y Establecimientos que prestan Servicios de Asistencia Social, conformado por cinco dependencias estatales, pero tiene un equipo operativo de tres personas establecidas en la capital de Chihuahua, sin presencia física en Juárez (Chihuahua, 2012). Asimismo, se enfocan en supervisar la operación de centros de asistencia social destinados al cuidado de niñas y niños tutelados por el Estado. Hasta el momento no han asumido la responsabilidad de monitorear albergues para personas en movilidad que alojan a niñez y adolescencia acompañados de sus tutores.

Hallazgos

A través de la metodología implementada y del acercamiento regular a mujeres, adolescentes y niñas, así como la articulación derivada de su propia labor como organización defensora, DHIA tuvo conocimiento de quince casos referentes a explotación laboral y violencia sexual ocurridos entre 2021 y 2022. Algunos eventos se registraron con información general proporcionada por organizaciones que los detectaron, otros se documentaron con la autorización de personas afectadas que fueron acompañadas directamente por DHIA.

El procedimiento de registro y seguimiento a reportes se hace atendiendo las directrices de Naciones Unidas, aunque existen diversos mecanismos de reporte tanto de la ONU como de otras organizaciones.

El trabajo de documentación reveló una serie de dinámicas preocupantes:

La violencia sexual contra mujeres es un problema persistente al interior de algunos espacios humanitarios. Se identificaron cinco casos de mujeres acosadas sexualmente por encargados de albergues. Dos de ellas reportaron haber sido violadas. En los casos donde las personas autorizaron revelar su testimonio, quienes estaban a cargo de los espacios minimizaron los delitos cometidos en su contra y, con frecuencia, justificaron como conductas de orden masculino, incluso como resultado de relaciones consensuadas. En el contexto de uno de los casos de acoso sexual, el abogado del encargado de un albergue respondió que la conducta de su representado era "la típica conducta de un hombre que le es infiel a su esposa", y por lo tanto no constituía un delito.

Las personas sobrevivientes de violencia sexual y sus familias son desalentadas a interponer denuncias, y con frecuencia, son sujetas a intimidación y amenazas. En el proceso de documentación se identificaron tres casos de niñas y niños sobrevivientes cuyas madres fueron desalentadas (por personas a cargo de los espacios humanitarios) a denunciar los actos de violencia sexual cometidos en contra de sus hijas e hijos, bajo el argumento de que el proceso podría impactar en su ingreso a Estados Unidos o incluso tener repercusiones negativas para la madre en caso de determinarse que la violencia se había dado por omisión de cuidados.

Este fue el caso de la madre de un niño y una niña de 1 y 3 años respectivamente, quienes sufrieron repetidos actos de violencia sexual por parte de un adolescente en un albergue público. Al demandar soluciones a la violencia enfrentada por su hijo e hija, los encargados del albergue insinuaron a la madre que denunciar sería un proceso prolongado y podría "meterse en problemas" por no haber estado presente cuando los hechos ocurrieron. Al menos en uno de los casos documentados, las familias de sobrevivientes permanecieron en el mismo albergue que quienes les violentaron, sin dárseles la opción de ser reubicados, conllevando a su revictimización.

No hay mecanismos efectivos de denuncia frente a las autoridades. La mayoría de los casos documentados continuaban sin ser esclarecidos meses después de los reportes en contra de las partes responsables. De cinco casos que han sido presentados ante la Fiscalía General del Estado de Chihuahua, sólo en uno de ellos se giró una orden de aprehensión contra la persona responsable del albergue; en cuatro casos donde las víctimas fueron niñas y niños, la Fiscalía no procedió en tiempo. Sus familias, eventualmente, ingresaron a Estados Unidos, abandonando el proceso de acompañamiento.

El temor a represalias, así como los retrasos y negligencia, conllevan a que sobrevivientes y sus familias decidan no continuar con los procesos de denuncia. La falta de debido proceso tiene repercusiones graves en la vida de niñas y niños violentados. En un caso, la madre de una niña sobreviviente de violencia sexual accedió de manera inicial a interponer una denuncia; tras meses de retraso en la respuesta por parte de autoridades, se mostró renuente al proceso, desalentando a la niña y demeritando su testimonio.

Sumado a la falta de seguimiento de denuncias, no existe un instrumento de supervisión de las propias autoridades hacia espacios humanitarios, y por ende, no hay un mecanismo de queja administrativa, ocasionando que hasta el momento sólo exista una denuncia formal que ha derivado en la aprehensión de una líder religiosa acusada por discriminación y trata laboral. Las mujeres sobrevivientes de violencia sexual por parte de encargados de algunos albergues han optado por no denunciar y a la vez los reportes que han dado a organizaciones como DHIA, no generaron ningún impacto legal ante la ausencia del citado mecanismo.

La explotación laboral es constante en algunos espacios humanitarios. Se recibieron reportes de personas que realizaban labores sin ser compensadas de manera adecuada, o en donde debían pagar cuotas adicionales para acceder a artículos de higiene, en su mayoría donados por organismos locales e internacionales. Una mujer reportó que tras trabajar tres semanas de tiempo completo pintando paredes y realizando labores de cuidado para las encargadas del albergue en el que se encontraba, había recibido un pago total por debajo del mínimo establecido. En otra ocasión, una mujer de origen extracontinental reportó ser obligada por el encargado del albergue privado donde residía a brindar atención médica a otras

personas alojadas. Tras escapar del espacio, después de varias semanas, la mujer reportó haber sido objeto de acoso sexual por parte del encargado.

Recomendaciones

Con base en los hallazgos recabados, nuestras recomendaciones son:

Fortalecer el trabajo humanitario. En el caso de Ciudad Juárez y otros más, los albergues se gestan al interior de instituciones religiosas, que no cuentan necesariamente con protocolos establecidos ni personal suficiente o especializado para dar atención a reportes de explotación y violencia sexual. La concentración del poder en una persona como dirigente de los espacios es una de las condiciones que genera permisibilidad en malas prácticas, que terminan consolidando la comisión de un delito y su ocultamiento.

Contratar personal capacitado y asalariado en albergues. La ausencia de personal potencia riesgos asociados a la falta de supervisión adecuada de los espacios y la convivencia entre personas albergadas, así como la generación y aplicación de reglamentos internos, incluyendo procedimientos de denuncia. Otra situación de riesgo a la que se enfrentan personas alojadas ante la falta de personal es la explotación laboral, desdibujada por las necesidades propias de mantenimiento de los espacios y la condicionante de recibir apoyo a cambio de mano de obra no remunerada.

Regulación y supervisión de albergues. La falta de supervisión por parte del Comité Interinstitucional en Materia de Albergues y Establecimientos, propicia riesgos asociados al abuso sexual y explotación laboral (Chihuahua, 2012). De igual forma, al no encontrarse constituidos como asociaciones civiles, los espacios humanitarios suelen presentar mayores dificultades para su sostenimiento, lo que deriva en cobros por los servicios prestados y, a la larga, mayor exposición de la población en movilidad al riesgo de permanecer en situación de calle por no poder cubrir las cuotas requeridas en los espacios. Es necesario impulsar la certificación de albergues, así como su supervisión continua para garantizar el ejercicio de los derechos humanos de la población alojada.

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Towards a Feminist Border

Jaya Ramji-Nogales

May 11, 2023 marked the end of Title 42, a violent border control policy devised and implemented by the Trump administration under the guise of the Covid-19 public health emergency (Guttentag, 2020; Ramji-Nogales, 2021). The Biden administration was forced to continue the policy in the face of litigation by red states until President Biden finally declared the pandemic at an end (W.D, La. 2020). Title 42, the last of a wave of harsh border enforcement policies instituted by the Trump administration, leveraged spurious public health justifications to refuse entry to asylum seekers in violation of international law (Schoenholtz et al., 2021). It built on Trump's prior border control policies: barring undocumented migrants from seeking asylum in direct breach of the Refugee Convention, separating minor children from their parents at the border in the name of deterrence, preventing asylum seekers from accessing ports of entry to file a claim, and sending asylum seekers back to Mexico to await their asylum hearing (9th Cir., 2020; Sessions, 2018; Schoenholtz et al., 2021).

These measures furthered Trump's racist vision of a nation that would close the border to migrants from countries in Central America and the Caribbean while welcoming those from Northern Europe (Vitali et al., 2018). Border enforcement under the Trump administration was also gendered; a flow of migrants that included many parents and children fleeing gang violence was depicted as an uncontrolled invasion of dangerous criminals. This portrayal was used to justify disproportionate state violence, orienting the border as a battleground and migrants as the enemy to be defeated at all costs.

A visit to the border in El Paso, Texas, just after the wind-down of Title 42, as part of the Hope Border Institute's Research Academy, provided new insights into border masculinities and how they manifest in practice. The study of masculinities seeks to understand the social construction of the male identity and behaviors (Abrahams, 2013). In the case of immigration law and policy, the border is constructed as a site of enforcement, where being "male" means to exercise

power, violently if necessary, against undocumented migrants. The visit to the border taught me how the symbols of that masculinity – zippy ATVs, stockpiles of weapons, imposing uniforms – draw young people to work for US Customs and Border Protection (US CBP), offering a future that many, including the children of undocumented immigrants, find hard to resist. The goal of this essay is to understand the alluring masculinities that shape border enforcement norms even amongst those who might otherwise be sympathetic to undocumented migrants. This essay also explores the expansion of the military-industrial complex at the border, understanding how the violence and the allure of enforcement work spilled over from the military to the border. It ends by imagining how different both Title 42 and its wind-down could have been if immigration law and policy had instead created a feminist border.

Boys and Their Toys

US CBP was for many years one of the most underestimated and underfunded of the federal agencies. Originally established by Congress in 1924, what we know today as US CBP operated for many years on a tight budget with limited capacity to hire qualified employees and outfit them with enforcement equipment (Lytle Hernandez, 2010). After the creation of the Department of Homeland Security in 2003, its funding expanded dramatically. It now commands ample federal dollars to perform its enforcement function. Those funds enable CBP to purchase equipment that lures in local communities, shaping perceptions of border enforcement as an exciting and even glamorous career.

In one example of this norm construction, the Research Academy traveled as a group to a section of the border wall to view the physical infrastructure of the border first-hand. Our movement triggered security cameras along the border wall, and we were soon joined by two young US CBP male agents speeding up on their ATVs, armed with ample weaponry to ward off this marauding group. Once they heard we were scholars, the officers became friendly and welcoming, and were eager to explain their understanding of the ethics of the border. These were not a xenophobic armed militia, but young men, likely children or grandchildren of migrants, who believed that they were "doing the right thing" through their mission of border enforcement (Vega, 2018). The ATVs and other equipment stood as symbols of what it means to be a man – the ability to exercise power in the form of physical violence but also to access countless gadgets and speedy vehicles that signify the power and allure of their job and their future. In order to justify this work to themselves, these officers, especially those from immigrant communities, must convince themselves that they are keeping the country safe by enforcing the borders (Vega, 2018).

The Border-Industrial Complex

As part of the Research Academy, we learned that as early as in the 1970s, as border officials were considering which building materials would be appropriate, an official who was also a military veteran suggested a visit to the nearby military base at Fort Bliss. In the storage facilities there, border officials discovered fencing materials that had been used in Vietnam. These materials were the beginnings of the border wall in El Paso.

Transported from one war against brown people from the Global South in defense of capitalist interests, the fencing found a new life and a new purpose in keeping out another set of brown people from the Global South. This new fence protects capitalist interests by creating a permanent underclass of "disposable" workers, racially identifiable and easily exploited for their labor (De Genova, 2004).

In this case, masculinities work in tandem with race in complex ways. People raised in families and communities of those laborers are conscripted into enforcing the border against them. The ideal male is constructed as someone who defends their country against these migrants, who resemble their relatives and ancestors. This internalized racism facilitates the violent exclusion of brown people by brown people, thereby obscuring the racist nature of border enforcement. And of course though enforcement has historically been a "male" field, many CBP officers are women who seek to further their career by performing the ideal male identity. For many of these brown US CBP officers who have grown up on the receiving end of structural racism in the United States, facing entrenched economic and educational inequality, this enforcement work is the most lucrative job opportunity they are likely to come across. In order to ensure the financial and social well-being of their families, many brown CBP officers have little choice but to sign up for a job that requires them to participate in the oppression of their communities.

Feminists At the Border

What would a feminist approach to the border entail? Feminism of course has many manifestations. Our visit enabled us to witness several examples of a humanitarian border in action. The women we met at a feminist mutual aid organization were deeply thoughtful and inspirational, evidenced through their lived commitment to how we might envision a radically feminist border that serves to welcome and transform both the host and the guest (see Délano Alonso, 2021). The fierce women we met who run a faith-based accompaniment organization at the airport demonstrated a feminist approach to wielding power. Women convinced officials at the El Paso airport to provide them with a space in which to operate and to allow them to accompany migrants through security and onto their next destination – simply by reminding them, albeit persistently, of the moral obligations that attach to each of us as human beings towards other humans. Even the municipally and federally funded organizations that offered logistical support to arriving migrants, operated according to an ethic of care, albeit somewhat more imperfectly than the mutual aid and faith-based actors (Montes and París Pombo, 2019). At one of the visits we met a man who transformed his expertise from border enforcement into humanitarian logistics, demonstrating the human potential and talent that the border industrial complex currently directs towards enforcement and away from the protection of migrant lives. This masculinist approach to the border also devalues the lives of US CBP agents, who suffer the lifelong mental and physical health consequences of enforcing the border, often against their own communities. Imagine what this agent could have achieved over his decades of work with the federal government if the system had offered him a career path that involved welcoming migrants rather than violently excluding them.

A feminist approach to the border might point in any of these directions, or at all of them, or towards new and different paths. Rather than spending millions of dollars on building a bigger wall, purchasing seductive toys for boys, from night vision goggles to video cameras at the border, those federal funds could be allocated to humanitarian operations that offer mutual aid and logistical support in a manner that emphasizes human dignity. Migrants continue to demonstrate unimaginable resilience; provided with basic necessities and the ability to travel to their destination of choice, they will continue to build this country and to be what makes America great. The least we can offer is a system that prioritizes providing them with a safe and viable – and feminist – path in that direction.

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Figure 1. Frontera Satánica (Satanic Border). Cuidad Juárez, Chihuahua, MX, April 2023

At the Border, Can We Hope for Better Days?

Wanda Quintanilla Duran

I spent a long time writing this piece, unsure of my approach and my place, filled with frustration as every day our world seems to be moving toward further violence and death, turning away from the wisdom and care that we owe to the lives of others. Yet I have kept going because, in my path, I have also been blessed with the presence of many who somehow keep the faith and stand in solidarity with others in the midst of hunger, thirst, pain, anger, hate, violence, death, and darkness.

In what follows, I reflect on what I have learned about clandestine migration through Mexico. I privilege the perspectives of migrants and migrant guides (often referred to as "smugglers" and misnamed as "human traffickers").[12] I question the violent effects of US border policies and share the hope I have towards improving the chances of survival for migrants around the world.

12 A smuggling-migrant relationship is centered around the provision of a service (as a business transaction or humanitarian aid), where a consensual and voluntary kind of agreement is present. A trafficking-person relationship is characterized by "the severe exploitation of vulnerable workers through deceit and coercion," and many times trafficking does not include migration (de Haas, 2023, p. Reader's Notes).

My Hope: That one day we realize borders foster violence and death on the migrant trail.

It is not news that irregular migration seems to be on the rise globally (de Haas, 2023).[13] Large numbers of people leave their homes, moving from and through conflict zones. Simultaneously, we are witnessing a global escalation of new forms of socio-economic and racial exclusion, leading states to the implementation of border enforcement and migration controls that make migrant journeys increasingly dangerous. Instead of fostering measures towards co-existence, states have turned to strengthening border infrastructure, often even aware of the violence this inflicts, spreading contempt and fear of others, deterring and detaining those who seek refuge.

I cried when I first read about Prevention Through Deterrence (PTD), the US government policy that funnels migrants to cross the border through places like the Sonoran Desert in Arizona (US BP, 1994), and where the harsh environment is then blamed for the deaths of those attempting to cross it irregularly –a claim that has repeatedly exempted the government from responsibility (De León, 2015). I was going through a season of self-reflection, questioning my own complacency about the injustices around me, and my heart ached reading the effects of this border policy. PTD has been the cause of the suffering of millions and the death of thousands. Since 1998, over 7,805 people have lost their lives while attempting to cross the U.S.-Mexico border. Over 3,241 of them have died in the southern Arizona desert, and about 1,192 sets of human remains recovered here remain unidentified to this day (Colibrí, 2024).

13 See de Haas (2023) for a nuanced analysis of the widely spread idea of “migration crisis” being at “an all-time high,” where he argues the facts tell a different perspective.

Figure 2. Border Wall South of Texas, April 2023

The exclusionary and criminalizing approach to mobility has spread globally, and countries like Mexico are conducting deportations in mass, impeding movement and violating migrants' rights. In 2014, the migration control initiative *Plan Frontera Sur* was launched by the Mexican government in response to security initiatives financed by the U.S. to deter irregular migration from Honduras, El Salvador, and Guatemala to prevent people from reaching American territory (De León, 2024). Though this migration enforcement program enlisted as its goals "'helping' Central American migrants by building infrastructure to protect their rights" (Segob, 2015:1; CRS, 2021; Presidencia de la República EPN, 2014), it simply forced migrants to circumvent Mexican immigration checkpoints in order to avoid raids, deportations and the violence and abuse that accompanied them. *Frontera Sur* also pushed migrants into territories under the control of non-state actors involved in the drug trade and other violent crimes. In short, US-sponsored efforts to allegedly deter migration, protect migrants, and securitize the border did not stop migration but simply further endangered migrants.

My Hope: That we reconsider who is behind the violence migrants experience in their journeys.

Often, we (as a people and as a nation) are confronted with the question: "Why are so many migrants suffering violence and death while migrating North?" We are quick to blame smugglers for their influence "through more aggressive and misleading marketing approaches" (US GAO, 2015:5) and for "exploiting vulnerable and desperate migrants" (Europol, 2016:2).

And yet, both migrants and those behind their journeys –who I refer to here as guides– are often caught up in a cycle of injustice framed by poverty, gangs, state-sponsored violence, drug trade and climate change (Frank-Vitale, 2020). Their relationship is centered around the provision of a service that increases the odds of successful passage. Guides navigate the forms of determent imposed by states (i.e., exclusionary policies and border infrastructure), by non-state actors (drug trade violence, thieves, gang violence) and the terrain.

When I met *El Ticher* (a pseudonym), he was grieving the recent death of his cousin, who had been killed while in a job by a drug trafficking organization in southern Mexico. Although I could not help but wonder what could have happened to the migrants under his cousin's guidance, I simply grieved with him.

El Ticher is a migrant guide. His job is to aid the passage of people who have been stripped of their right to mobility, violated, stalled, attacked, and/or deterred. *El Ticher* himself was once a migrant and lived in the U.S. until he was deported, and in Mexico until the drug trade violence got too dangerous for him and his line of work (see Loroña Celaya, this issue). Like many migrant guides, his accumulated experience had given him knowledge, access, and, as he claimed, a sense of morality that moved him to help others (see Achilli, 2018).

I am aware that this depiction may be triggering, perhaps even appalling to some. I am not the first to delve into the experiences of smugglers in this violent process or to provide a counternarrative to their often-incomplete depictions.[14] I have witnessed migrant guides participate in the violence that takes place in the smuggling world, and I have also witnessed how they seek to escape poverty and many other forms of violence and the ways they share their knowledge and

14 For counternarratives on migrant smuggling see: Andersson, R. 2014 Illegality, Inc; Galemba, R. 2018. "He Used to Be a Pollero' the Securitisation of Migration and the Smuggler/Migrant Nexus at the Mexico-Guatemala Border"; Keshavarz, M & Khosravi, S. 2022 Seeing Like a Smuggler; Canal Laiton, X. 2024. Traficantes de migrantes: el monstruo no es como lo pintan; Maldonado-Macedo, V. 2023 La criminalización selectiva del dispositivo anti-trata en México.

access for passage and survival. In fact, it is because of the work of people like *El Ticher* that I have received news of successful crossings and survival like this:

> *"Hola buenas noches. No sé si se acuerda de mí. Soy Esperanza. Le avisaba que ya estoy con mi familia en Estados Unidos."*
>
> *"Hello, good night. I don't know if you remember me. I am Esperanza. I wanted to let you know that I made it to my family in the United States."*

Esperanza (not her real name) was a 19-year-old Mexican woman from an indigenous community in Chiapas who decided to leave her community to seek safety and opportunity in the U.S. and reunite with her brothers there. Esperanza hired a group of migrant guides to help her get across Mexico and eventually through the Chihuahuan Desert. Knowing the desert conditions, I was relieved to learn she hired an experienced guide to help her navigate the harsh natural and human environs of the desert. She herself knew well all the violent possibilities she could encounter on the journey (including at the hands of her guides), yet she believed her goal was worth the risk. In the end, it did not matter to me that Esperanza's actions to move across geopolitical boundaries lacked "proper" documentation. To the eyes of many, this made her a criminal, just like those who facilitated her journey. I was just glad that a friend had survived the killing machine of migration enforcement, even as she wondered if I remembered her or if I cared about her making it out of the desert alive.

My Hope: That whole nations move towards the decriminalization of mobility.

I wholeheartedly believe that one of our greatest global challenges is to protect the lives of the millions of refugees and migrants who journey through bodies of water, deserts, forests, and cities while enduring exploitation, violence, and death. As discussed by other authors in this collection, the global responses to irregular migration have been deterring movement by increasing border control and migration enforcement. This is no longer happening solely at geopolitical borders but elsewhere through border externalization (Flores, this issue), which disregards the fundamental right to seek asylum and to move across space (Chemlali, this issue). These approaches rely on the assumption that criminalizing mobility will simply stop people from migrating. Here, I echo what many other authors have stated: none of these policies will stop families and children from migrating; simply, they will continue driving people to face biological, spiritual, and social deaths.

My Hope: That we share not only when in abundance, but in scarcity.

Writing this article was not easy. Like each one of the researcher friends brought together by the Hope Border Institute Research Academy, I often lose hope in a world full of violence, in a world where hope often feels unattainable. But I am reminded that hope is only revealed when nothing in our field of perception suggests possibility. HOPE invites me, us, to listen (which to me, more than "hearing," involves more than the senses and is followed by action and intention). Listening allows us to perceive that the world is aching and that it is up to us to move, to respond.

I am reminded that we can be political, "a group of people who share resources and agree to a set of policies and values that govern their common life together" (Mackie & Collins, 2017). That we can be the people we claim to be: bound by love and peace,

and whose only command is to live radically differently to counter violence, scarcity, and war. After all, hope is a choice. And I radically hope for the day when hardened hearts and fixed minds can come to stand on the side of life, to support human dignity of all, to be transformed by compassion, on the border and elsewhere.

Figure 3. Hope Border Academy Healing, April 2023

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