

Out of the Frying Pan... From Messy Migration Governance to the Production of Statelessness in Mexico

Serra Mingot, Ester

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Ester Serra Mingot*

Out of the Frying Pan... From Messy Migration Governance to the Production of Statelessness in Mexico

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*Postdoctoral researcher at Bielefeld University. P.R.I.M.E. Fellow

E-Mail: ester.s.mingot@gmail.com

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Bielefeld University
Faculty of Sociology
Centre on Migration, Citizenship and Development (COMCAD)
Postfach 100131
D-33501 Bielefeld
Homepage: http://www.uni-bielefeld.de/ag_comcad/

Abstract

From an anthropological perspective, this working paper explores the process through which, in recent years, a significant number of extra-continental migrants in Mexico have received stateless status, as well as the practical consequences of this status in their lives. Based in a policy of ambivalence within a messy global migration governance context, the Mexican government has been creating *ad-hoc* solutions, such as the issuance of stateless cards, whose implications—largely uncertain—may be counter-productive in the long term. Based on the results obtained from an ethnographic study with African migrants in transit through Mexico carried out between 2021 and 2022, this study highlights the practical implications of being considered stateless, as well as the uncertain consequences on the future migratory trajectories of these people. In doing so, it complements previous research, mostly of a legal and/or quantitative nature,

Key words: statelessness, migration governance, Mexico, transit migration, policy of ambivalence, African migration

1. Introduction

In the summer of 2021 I met Daniel on the streets of Tijuana, a 39-year-old Cameroonian, married and father of three. Daniel left Cameroon in June 2019 with the intention of reaching the United States (US) in search of a better life. Like many other Africans I met in Tijuana, the restrictive migratory policies at a global level had pushed him to take a route that would cost him more than US\$8,000 and nearly two months of arduous trajectory: from Cameroon to Ecuador (by airplane), then crossing Colombia, Panama, Costa Rica, Nicaragua, Honduras and Guatemala (by bus, taxi and on foot), until arriving in Tapachula, the most Southern border of Mexico.

When I met Daniel, his Spanish was very limited, however there was one word that he pronounced perfectly well: “apátrida” (Spanish for stateless). That was his response when I asked about his immigration status. I had never met a stateless person before, and even though I am not a lawyer, I was quite sure that producing stateless people is not something that states aim to do. How did this happen? Why was he given this status, when he clearly had a country of origin and a passport to prove it? My astonishment grew even more when Daniel told me that he had never requested this status, nor any type of permanent residency in Mexico, for that matter. After crossing the Suchiate River, the natural border between Guatemala and Mexico, Daniel, along with other travel companions, surrendered to the Mexican immigration authorities in Tapachula. After spending two weeks detained in the notorious Siglo XXI, the largest detention centre in Latin America, Daniel was released with a document that allowed him to leave the country only through the southern border.

“That means you can only go back to where you came from [...]. And when you know that you escaped from that country because your life was in danger, you would sign anything in order not to return to that country.” (Daniel, Tijuana, July 2021).

After receiving news from the National Migration Institute (INM from the Spanish: *Instituto Nacional de Migración*) indicating that his process “was frozen”, Daniel decided to register as an asylum seeker with the Mexican Commission for Refugee Assistance (COMAR from the Spanish: *Comisión Mexicana de Ayuda a Refugiados*). This decision was not based on the fact that he wanted to stay in Mexico, but on a simple survival strategy, that is, to obtain any immigration status that would allow him to leave Tapachula, work and send money to his family in Cameroon. Nine months later, after countless back-and-forths between INM and

COMAR, Daniel was granted a permanent resident visa as a stateless person. As Daniel explained, obtaining this migratory form was not entirely transparent. Apparently, COMAR recognized his refugee status, but when Daniel went to the INM, he found that this institution had already processed his case (independently of COMAR), and his stateless status had been determined. Although Daniel would have preferred to have a refugee card (indicating his Cameroonian nationality), Daniel understood that the rights and obligations of a refugee and a stateless person in Mexico were basically the same, so for him there was no difference. With this document in hand, Daniel moved to Tijuana, where there were more economic opportunities and where the US border is much closer.

In January 2022, I spoke with Daniel on the phone, since he had already managed to cross into the US. In September 2021, using his permanent resident rights, Daniel had managed to reunite his wife and young son from Cameroon. A month later, the three of them had crossed the border and applied for asylum in the US. Although Daniel was happy that he had been able to cross “to the other side”, his concern now was how his permanent residence as a stateless person in Mexico would affect his request for asylum in the neighbouring country.

Daniel’s case is an example of how international migration has become increasingly dynamic and changing, which has resulted in the creation and implementation of a myriad of—often *ad hoc* and messy—migration governance policies (Triandafyllidou, 2022b). Rather than a linear move between A and B, in the last decade, we have become aware of the fragmentedness that characterizes most migration journeys with several intermediate stops across new migration routes. In fact, increasingly restrictive migration policies at a global level are pushing more and more people to seek new destinations, marked by insecure and discontinuous trajectories (Schapendonk et al., 2018). In these routes to a specific destination, many migrants are forced to spend more or less long periods of time in transit countries, often affected by violence and socio-economic crises. The way in which these transit countries—often in the Global South—decide to engage with migrants and refugees (e.g. granting them specific migration status) without taking into consideration people’s needs and expectations might lead to future problems.

In Mexico, the number of extra-continental asylum seekers, that is, asylum seekers who are not from Central or South America, has increased considerably in the last five years. Although few rigorous investigations have been carried out on this subject (for exceptions see: Cinta Cruz, 2020; Serra Mingot and González Zepeda, 2022), the media, as well as the reports of some international organizations (Black Alliance for Just Migration, 2021) point to the great heterogeneity of nationalities of migrants and asylum seekers who transit through Mex-

ico *en route* to the US. However, the increasing outsourcing of US border control coupled with Mexico's policy of ambivalence (Kelsey Pearce, 2017) towards in-migration has created new challenges for these migrants in transit through Mexico. Thus, given the institutional unwillingness to deal with these new migrant flows and US economic pressures to curb irregular migration towards its national borders, the Mexican government has been resorting to a series of *ad-hoc* solutions, by way of improvised patches, such as allowing civil society organisations (CSO) and international organisation to 'take care' of the most basic needs of these people on the move, while regularising their stay in the country by issuing of stateless cards, whose legal implications remain largely uncertain and can be counterproductive in the long term.

Based on data obtained from qualitative interviews conducted between 2021 and 2022 with African migrants in transit through Mexico as well as with staff from civil society organizations, this article analyses and problematizes the stateless status in Mexico as a result of a policy of ambivalence within the context of messy global migration governance. In doing so, this paper contributes to the critical scholarship that argues that our understanding and approaches to migration governance—based on principles of tight regulation, predictability and risk management—are not only unfit for purpose (Triandafyllidou 2022b) but create additional risks and vulnerabilities. After a brief contextualisation of the issue, this paper continues with a description of the Mexican migratory system and how to deal with new migratory flows, specifically African ones, the article continues with a theoretical discussion of the implications of statelessness. After presenting the methodology used, the article analyses the practical implications of statelessness, and concludes with some recommendations and questions for future research.

2. Africans in Mexico, the road to statelessness

Due to its historical tradition and geographical location, Mexico has been a transit country towards the US for migrants from different countries in Central and South America (Villafuerte-Solís & Anguiano-Téllez, 2020). However, in recent years, a new flow of African migrants has joined the existing ones. Some authors have pointed to the different bilateral agreements between the European Union (EU) and border countries, such as Turkey or Libya, to stop the arrival of African migrants to the EU (Schapendonk et al. 2018), as one of main causes leading many Africans to seek new routes through the American continent towards the US or Canada. Preliminary findings in this research point out to additional reasons, such as the collective imaginaries of discrimination in Europe, the fear of dying in the Medi-

terranean, or the difficulties to have a successful life in Europe, as compared to the possibilities envisaged in the US. For whichever reason, though, the arrival of migrants from various African countries in Mexico has increased in recent years (Cinta Cruz, 2020; Salvadore, 2019).

The precise number of African migrants arriving in Mexico is hard—if not impossible—to ascertain. Figure 1 provides an estimate of the regular arrivals of Africans by plane from 2016 to the first half of 2022. Yet, it does not include irregular arrivals by land—even if they formally registered at the National Institute for Migration (INM, from the Spanish). For most Africans, the “easiest” way to cross the Atlantic Ocean and start their journey towards the US is by travelling to Ecuador or Brazil—since they have relatively liberal visa policies and consular representation in several African countries—and from there continue moving by land northwards. While these arrivals are not recorded, studies conducted with Africans in Costa Rica or Panama point to the fact that this is an route with an important amount of migrants arriving (Navarro Alvarado, 2022; Winters, 2019). At the same time, research has shown that countries such as Argentina or Brazil hosted large labour migrant groups of African origin in the 1990s (for further details see: Zubrzycki 2017; Drotbohm and Winters 2020; Mora-Izaguirre 2017). Yet, the recent economic crises hitting these countries have led many of these migrants to move northwards in search of greener pastures. Finally, it should also be taken into consideration that the difficulty to deport African migrants from Mexico, led many Haitians to pretend to be Congolese when registering with the National Institute for Migration (INM, from the Spanish) or the Mexican Commission to Support Refugees (COMAR, from the Spanish) (IBERO, 2018).

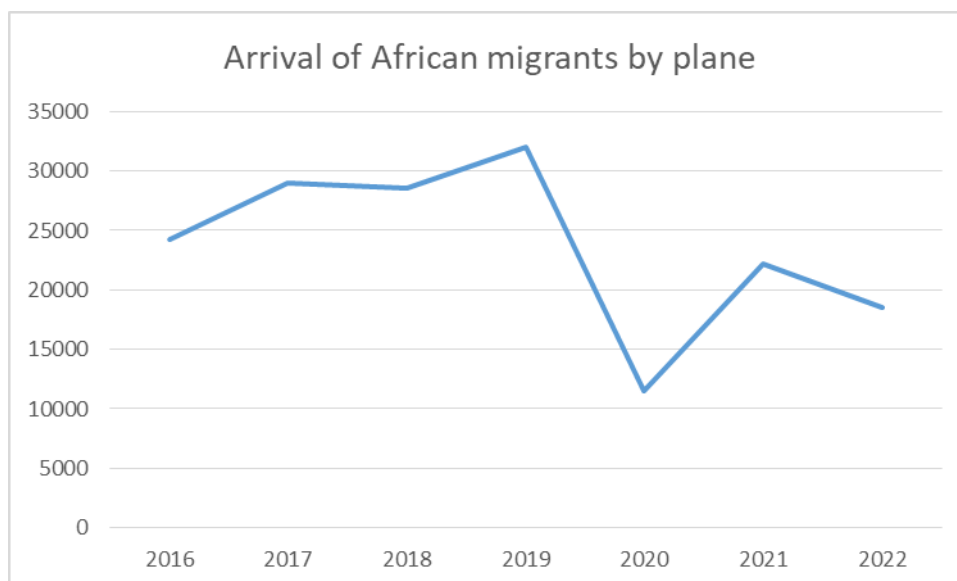


FIGURE 1 - Chart created by the author based on the yearly data published by the Government of Mexico. *Boletín Mensual de Estadísticas Migratorias 2016-2022*, Secretaría de Gobernación, http://portales.segob.gob.mx/es/politicamigratoria/Boletines_Estadisticos (accessed on Sept. 1, 2022).

Although the final destination longed for by these migrants is often the US or Canada, the legal difficulties in arriving and requesting asylum in these countries are pushing many of them to stay in Mexico under uncertain legal and socio-economic conditions (see: Black Alliance for Just Migration, 2021; Serra Mingot & González Zepeda, 2022). Until mid-2019, many Africans could just transit through Mexico upon receiving a so-called “*oficio de salida del país*” or exit permit from the INM at the southern border in Tapachula. This document was often issued to migrants who were not eligible for, or not requesting, asylum in Mexico, or those who came from countries to which repatriation would be difficult or expensive, meaning that the sending country lacked consular representation or repatriation agreements with Mexico. Due to the limited consular representation of most African countries in Mexico and the costs of deporting an African person (around 10,000\$US), African nationals are rarely returned, whereby until mid-2019, they were issued exit permits. This document gave recipients between 20 to 30 days to leave the country, which they used to travel north (Black Alliance for Just Migration, 2021).

However, in response to threats of U.S. tariffs in May 2019, if Mexico did not prevent undocumented migrants from entering the US through their shared border, the Mexican Government found itself at the juncture of controlling migration while complying with the policy of respecting the human rights of migrant people, that the current government adopted. The

first step adopted was a hard-line approach to immigration enforcement. Mexico deployed its National Guard along its northern and southern borders and militarized checkpoints throughout the country, which resulted in a significant increase in the apprehension and detention of migrants in border cities, such as Tapachula, which became a sort of “outdoor prison” for many (Black Alliance for Just Migration, 2021; Thomas, n.d.). At the same time, by the end of 2019, transit or exit visas were no longer granted, so that many Africans were trapped on the southern border of Mexico, in the city of Tapachula, Chiapas, one of the poorest states in Mexico. This caused extreme overcrowding the immigration detention centre Siglo XXI, which resulted in around 1,300 African migrants receiving some form of residence permit in Mexico, some voluntarily and some others without fully understanding what they were applying for (Yates & Bolter, 2021). While some were given some form of humanitarian protection in Mexico (TVRH from the Spanish *Tarjeta de Visitante por Razones Humanitarias*), others were classified as stateless, thus becoming permanent residents of Mexico (Figures 2, 3 and 4).

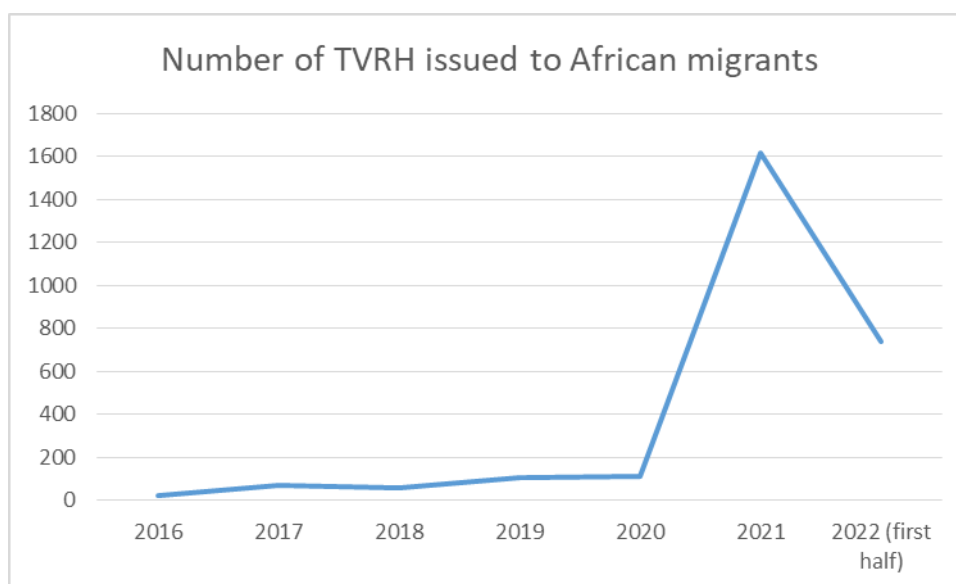


FIGURE 2 - Chart created by the author based on the yearly data published by the Government of Mexico. *Boletín Mensual de Estadísticas Migratorias 2016-2022*, Secretaría de Gobernación, http://portales.segob.gob.mx/es/PoliticaMigratoria/Boletines_Estadisticos (accessed on Sept. 1, 2022).

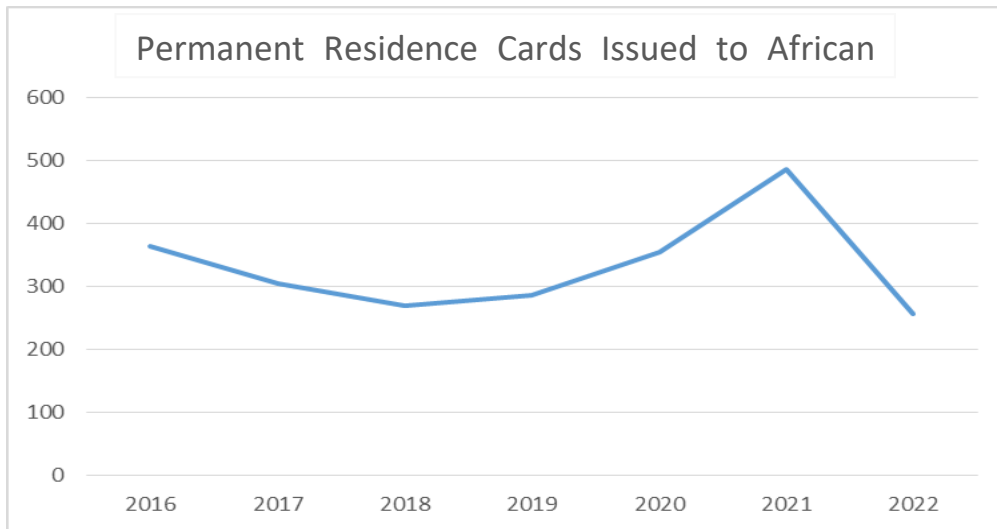


FIGURE 3 - Chart created by the author based on the yearly data published by the Government of Mexico. *Boletín Mensual de Estadísticas Migratorias 2016-2022*, Secretaría de Gobernación, http://portales.segob.gob.mx/es/PoliticaMigratoria/Boletines_Estadisticos (accessed on Sept. 1, 2022).

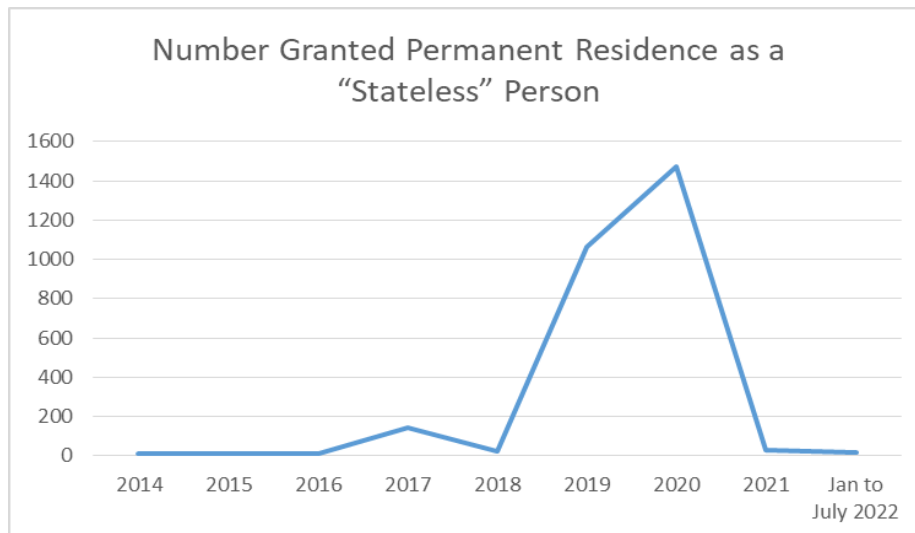


FIGURE 4 - Chart created by the author based on the yearly data published by the Government of Mexico. *Boletín Mensual de Estadísticas Migratorias 2014-2022*, Secretaría de Gobernación, http://portales.segob.gob.mx/es/politicamigratoria/Boletines_Estadisticos (accessed on Sept. 1, 2022).

3. A brief overview of the Mexican migration and asylum system

Based on the interviews conducted with African migrants in Mexico, it is highly unclear why some people received either TVRH or stateless cards. This is because, most of the respondents did not speak any Spanish by the time they entered Mexico, so they had been allocated to migration processes they did not understand and they would often end up signing any document they were requested to sign (see also Thomas, n.d.). Based on the patterns described in their stories, it seems that acquiring one status or another depended on which institution processed their cases, COMAR or INM. The authority in charge of receiving the request for recognition of statelessness status and determining its origin is the INM, while COMAR issues, at the request of the INM, a non-binding “opinion” on each case. Although both are governmental institutions dealing with persons in mobility, several studies and my own observations at the COMAR offices in Tapachula show a total disconnection in between the two bodies. In the current legislation, being declared stateless in Mexico occurs through one of the two mechanisms indicated in articles 150 and 151 of the regulations of the 2011 Migration Law. In both cases, the procedures do not establish the stages of the process with sufficient clarity, they use ambiguous terms and do not establish the rights for applicants. This lack of clarity has generated confusion between the powers of INM and COMAR regarding these procedures.

Many migrants crossing irregularly through the southern border are apprehended by the INM¹, held in detention and then their cases are processed by the INM as migrants entering the country irregularly. After obtaining information about the nationality of a person, the INM proceeds to confirm it with the embassy of the corresponding country, but if the said embassy does not confirm the nationality of the person, then the INM declares the person stateless. While those coming from Central America are easily deportable, due mostly to geographical proximity and lack of language barriers, this is not the case for African migrants, whereby “an easy solution” is to declare them stateless. Whereas in theory this measure could be regarded as protecting migrants’ human rights—as stateless they are permanent residents with all the rights and obligations involved—in practice this measure ends up creating additional problems.

¹ For those who manage not to get apprehended by the INM and reach COMAR, their cases are likely to be processed as asylum seekers and often offered some type of humanitarian protection (for a detailed overview of the asylum process, please see COMAR 2022). However, it is important to point out that also in this case, miscommunication issues between migrants and officers remain, in that many migrants do not want to apply for asylum in Mexico as this might block their asylum claims in Canada or the US.

According to the report on statelessness in Mexico published by IBERO in 2018, the INM did not have reliable public information on the number of people recognized as stateless in the country, nor on the mechanisms by which said status had been granted (IBERO, 2018). As of the entry into force of the 2011 Migration Law and until December 31, 2017, more than 3,000 stateless persons were recognized in Mexico. Out of these people, 91% indicated having some nationality, and more than half indicated having been nationals of the Democratic Republic of the Congo. Although there are no conclusive answers as to why so many stateless persons of allegedly Congolese origin were recognized, it is very likely that many of the alleged Congolese, were actually Haitian migrants aiming to avoid deportation. The analysis presented in this report highlighted with concern the increase in cases of statelessness in Mexico due (among other causes) to the arbitrary recognition as stateless by the Mexican government of people of various nationalities who enter Mexico through the southern border (IBERO, 2018). “The INM resorts to the figure of statelessness to find an administrative “solution” to what appears to be a regulatory vacuum [...] in the general migratory field” (IBERO, 2018: 30). Therefore, it could be argued that the problem of stateless persons in Mexico is actually a problem of a normative nature that has been used as a “patch” to deal with other difficulties, such as immigration detention and deportation (IBERO, 2018).

3.1. What does it mean to be stateless?

Within the context of international migration, statelessness, or the condition of not having legal or effective citizenship, is on the rise. The unprecedented number of people crossing the borders of one or more nation states and attempts by states to manage international migration are creating an increasing number of stateless populations. Statelessness is often understood as a man-made problem, occurring as a result of unintended gaps between citizenship policies that exclude people who migrate, marry (or not), and reproduce across international borders. As governments are challenged by new migrant flows, many are experimenting with policies and practices designed to restrict access to citizenship and other rights as a means of managing, controlling or deterring migration (Petrozziello, 2019).

At the international level, statelessness is regulated by the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. From the point of view of Human Rights, “everyone has the right to a nationality” and “no one may be arbitrarily deprived of his nationality” (article 15 of the Universal Declaration of Human Rights). The right not to be stateless, or the right to a nationality, is widely recognized as a fundamental human right. Provisions intended to prevent or reduce statelessness are embodied in several international human rights treaties, including: the International Covenant on

Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against women, the Convention on the Nationality of Married Women, the 1961 Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons (Weissbrodt & Collins, 2006).

Nationality allows individuals to receive the protection of their nation both domestically and internationally. Although from the perspective of international law, stateless persons have traditionally been considered to have no rights, human rights principles hold that to be human is the right to have human rights. Therefore, the fact of having (or not) a nationality should not influence the fact that a person enjoys all their human rights, as established in the 1954 Convention. This Convention provides that, within certain domains, states parties must grant stateless persons rights on a par with the rights that the state grants to its own nationals or foreigners legally residing in its territory (Weissbrodt & Collins, 2006). In this sense, the condition of statelessness in Mexico guarantees (in theory) a permanent residence, and consequently the right to work and free movement within and outside the country (IBERO, 2018).

Yet, this is only in theory. In fact, the practical consequences of statelessness are now increasingly conceived in human rights terms, as statelessness often results in discrimination in terms of access to basic rights, such as the right to work, health care and education in the own country, and which can lead to vulnerability to other human rights violations, such as being trafficked. Indeed, some stateless persons find their situation in their country of origin or habitual residence so untenable that migration is the only option (Foster & Lambert, 2016). The fact that statelessness continues to be investigated in different national legal contexts mainly by jurists and political scientists (Petrozziello, 2019; Thomas, n.d.) has probably reinforced the idea that being stateless is just an anomalous legal status rather than as a multi-faceted experience that shapes how people move between, within, and through these legal contexts at a local, national and regional level (Tucker, 2018). This paper contributes to this gap by addressing the direct and indirect impact of statelessness in people's lives.

4. Migration and citizenship in developing countries

The context previously described points to what some authors have called “messy” migration governance (Triandafyllidou, 2022b). This idea points to the fact that the current global governance of migration is developing with an emphasis on orderly, safe, regular flows, when reality shows that most flows are disorderly, unsafe and largely unauthorized (ibid.). In these contexts, rather than focusing on “cleaning up the mess” Triandafyllidou calls for the need to

manage migration with a certain degree of flexibility that allows to accommodate the needs faced by increasingly dynamic migration flows (2022b). By issuing stateless cards—which grants migrants the rights of any permanent resident—it could be argued that Mexico is actually being flexible enough to implement “creative” solutions for people who do not want to stay in Mexico, but are not able to leave (to the US). In other words, declaring people stateless in a context where deportation is not possible, allowing migrants to move onwards to the US is not politically or economically wise, and the asylum system is not functional, can actually be seen as a viable option, given the circumstances.

Yet, this leads to another and very important question: why is Mexico granting permanent residence to people who do not want to stay? Why not allowing these people to stay irregularly in the country? To answer this question I draw on the concept of “ambivalence” (Kelsey Pearce, 2017), through which states choose to engage with mobile populations in their territories.

As some studies have shown, several so-called transit countries, such as Egypt, Turkey or Morocco have permitted migrants’ and refugees’ continued presence in their territories due to both their inability to prevent these groups from entering the country and the fact that the vast majority of these people have not been deported (Kelsey Pearce, 2017). To date, there has been little scholarship about how host states in the Global South choose to engage with migrants and refugees. For the purpose of this paper, engagement refers to the direct or indirect interactions that states have towards migrants and refugees in their territories, which affect important aspects such as (1) residency and membership rights, and (2) access to employment, healthcare, education, and housing. Two of the main assumptions reinforcing the lack of studies in this area are: on the one hand the idea that migrants’ goal are the Western industrialised countries, whereby it is not their intention to stay in Global South countries (Kelsey Pearce 2017). On the other hand, there is there is the misconception that because of lower state capacities, countries in the Global South are not able to provide services to migrants or refugees (*ibid.*).

Yet, as research has shown, engagement might happen in an indirect manner. For example, when a state does not provide access to healthcare, education or accommodation to migrants and refugees but allows the civil society or other organisations to do so. This has been described a “policy of ambivalence”, that is when “a host state refrains from directly engaging with or providing services to migrants and refugees, and instead relies on international organizations and NGOs to carry out engagement on its behalf, which often has tangential benefits for the host state.” (Kelsey Pearce 2017: 31).

Ambivalence is not the same as ‘doing nothing’, on the contrary, an ambivalent policy needs governments to liaise with other actors—international organisations or NGOs—which step in to carry out engagement on behalf of the state. In doing so, they bring in international funding that translates into assistance for the broader host state population, whereby ambivalence turns out to be a strategy to the benefit of the host state (Kelsey Pearce, 2017). When states use ambivalence as policy they choose to simply tolerate and disengage with migrants or refugees, specifically those who entered their country informally. For states in the Global South receiving migration flows ambivalence might be a viable policy option if: (1) migrants can integrate into the informal economies, (2) international organizations and the civil society intervene to provide essential services, and (3) the issue of migration is not too politicized that it gains prolonged media and popular attraction (ibid.).

If we take a step forward and look at this issue from a global governance perspective, we can see for example of how many non-EU countries agree to sign readmission agreements if the benefits provided by the EU are deemed more profitable than the cost of hosting migrants and refugees (Kelsey Pearce, 2017).

In the case of Mexico, most official documents discussing the issue of irregular migration, refer to it as irregular transit migration, assuming thus that undocumented migrants in Mexico are going to, sooner or later, leave the country. This assumption was supported by the above-mentioned policy of issuing exit permits, which allowed migrants to move northwards towards the US border. Yet, with the US threats on tariffs in 2019, Mexico had to resort to alternative strategies to deal with irregular migrant flows: a) deportation—almost impossible for Africans; b) keeping them as undocumented migrants—against the current government’s policy on migration management based on the respect of human rights²; or c) granting them some form of residence permit—humanitarian protection, refugee status or stateless.

Out of these three options, the last one seems to be the less problematic for Mexico and *apparently* the most beneficial for migrants and refugees (in that they can legally stay in the country and technically access services such as healthcare, education, or employment). Af-

² The migration policy of the Government of Mexico (2018-2024) is established on the basis of full respect for human rights. These new guidelines are based on the principles of the migration policy of the Mexican State established in the Migration Law and in the Law on Refugees, Complementary Protection and Political Asylum; international instruments on human rights; the migratory paradigm of the Global Compact on Migration, and the Global Compact on Refugees (See: http://portales.segob.gob.mx/es/PoliticaMigratoria/2_Vision_ejecutiva_de_la_politica__migratoria__PRINCIPALES_COMPONENTES/179).

ter being intercepted by the INM or starting their asylum process with the COMAR, migrants and refugees are left to provide for themselves. If they have gone through the asylum path, they might be eligible for some minimal support by the UNHCR, but otherwise it is the civil society organisations the ones in charge of providing temporary shelter, food, medical assistance and (if needed) language training. While the Mexican state refrains from directly providing services to migrants and refugees, these groups mostly depend on the civil society and (to a much lesser degree) on international organizations, such as the UNHCR, which has tangential benefits for the state (e.g. providing employment for the local population).

5. Methodology

This article is based on data collected through observations and 25 ethnographic interviews with African migrants during two consecutive research projects. The first, financed by the Maria Sybilla Center for Latin American Studies (CALAS), took place during the second semester of 2021. During the month of July, the fieldwork was carried out in Tijuana. Using a team ethnography, two researchers interviewed 10 African migrants. The second project started immediately after the first, but this time with only one researcher (author of this article). This second study was financed by the German Service for Academic Exchange (DAAD, by its name in German), and the fieldwork was carried out in the cities of Tapachula and Mexico City, between January and July 2022. During this period, 10 African migrants were interviewed, and several of the migrants from the first project—many of whom had already managed to cross into the US or Canada—were interviewed again remotely (via WhatsApp). The first semi-structured interviews were conducted in English or French, and delved into topics related to basic demographic data, the migratory trajectory, and the different pillars of social protection (e.g. housing, health, education, support networks). The following interviews (mostly by phone) were in the nature of informal conversations.

Of the 20 migrants, only one was a woman. Approximately half of the interviewees were single, while the rest were married, with a wife and children in their countries of origin. They were all between the ages of 23 and 48, and came from different countries: Cameroon (7), Nigeria (3), Guinea Conakry (3), Democratic Republic of the Congo (3), Mauritania (1), Burkina Faso (1), Senegal (1) and Togo (1). Although not all of them had managed to finish their studies, more than half of the interviewees had gone on to study at university in their countries of origin. In addition to interviews with migrants, interviews were also conducted with staff from civil society organizations, international organizations (such as UNHCR, IOM),

and government organizations (e.g. COMAR) in Tijuana, Guadalajara, Tapachula and Mexico City.

Accessing both migrants and the organisations was full of challenges. On the one hand, only one African migrant was contacted through an NGO. As I was informed by multiple CSOs, the presence of African migrants in these organisations was very scarce and they preferred to support themselves in small informal communities. Therefore, finding them involved a lot of wandering the streets of neighbourhoods where they allegedly lived and also the *luck* factor that led me to meet by chance two African migrants who helped other Africans cross the border to the US. On the other hand, most CSOs were reluctant to talk to researchers because they claimed to have been approached already by many, provided a lot of information and received nothing in return. The few CSOs that agreed to participate only answered after a few months of being contacted.

6. The uncertain consequences of ambivalence in a messy global migration governance

As discussed in the previous sections, it might appear that, in a context of messy global migration governance, Mexico's decisions on how to engage with irregular migrants are actually calculated ones. By granting stateless status to migrants who cannot be deported, Mexico is complying with its current migration policy based on human rights. This is paradoxical in that removing someone from their nationality is a violation of the individual's human rights, while by giving them permanent residence in Mexico, these migrants are automatically given access to all rights in the country. Yet, as the following case shows, the legal rights acquired by being declared stateless in Mexico are very far from reality.

On June 15, 2022, I met Jean (48) in a restaurant in Mexico City. I got to know Jean for the first time in the summer of 2021 in Tijuana, a couple of months after being deported from the US. Like Daniel, Jean had entered Mexico through Tapachula on July 6, 2019, and five months later, in December, he had been given the stateless card. After arriving in Tapachula, crossing the border river with Guatemala, Jean was apprehended by INM officers and taken to Siglo XXI, where he remained locked up for 8 days. From then on, neither he nor his travel companions were given the option of requesting asylum through COMAR, but instead began processing their cases as irregular migrants. As he learned later, the people who started their processes through COMAR received a refugee card, which stated their nationality.

As Jean explained, after obtaining his stateless visa, he crossed the border into Texas with only his Cameroonian identification card, which he still had. He had “friends and family” there and thought he could count on them, but unfortunately when he was in Limestone detention camp, he would call them but they would not return his calls. Thus, after 6 months in detention, he requested voluntary deportation to Mexico. It was only when he returned to Mexico that these people responded and told him that they were sorry but that they were afraid that helping him might jeopardize his visa or other immigration status. When he asked for voluntary deportation, they asked him for proof to be deported in Mexico. When this happened, he did not have with him any proof of residence in Mexico, because not really knowing what being stateless implied, before leaving Mexico, he had sent his stateless card to someone living in the US, just in case. Only when he decided to be deported back to Mexico, he asked the person with his stateless card to send it back to him to the detention centre, in order to be sent back to Mexico rather than Cameroun. As he told me, he had met people who were actually deported to Cameroon from the US.

During the time he spent in Mexico as a stateless person, Jean did have—in theory—the right to work, access healthcare services or housing. When looking for jobs, Jean, like many other stateless Africans interviewed, found themselves in the situation that many potential employees did not know what being stateless involved, namely, they were unsure as to whether these people were legally able to work. Therefore, in order to avoid problems, these employers would often refuse to give him any job. The same happened when Jean tried to open a bank account and the clerk told him he was not entitled to have a Mexican account with his current migration status. A similar situation applied to finding accommodation. While here the migration status did not seem to be a problem for this, the skin colour was, and Jean, like many other Africans interviewed found themselves unable to rent any apartment unless they had a Mexican warrant. While Jean did not encounter any medical issue, during this study I met Harry (30) a young Togolese who had also been declared stateless. Harry was legally working in Mexico at the time, and had therefore access to the public healthcare system. Yet, one day, as he walked home from the factory, a local passer by threw a bunch of racist insults and his pit-bull at him. With his leg covered of serious dog bites, Harry went to the hospital, where he was refused any type of care due to his statelessness.

That day at the restaurant in Mexico City, Jean told me that he didn't know what to do. Jean had a more or less clear idea of the rights and obligations that his stateless status gave him *in Mexico*, but he did not know what would happen if crossed into the US with that status. Would he be returned to Mexico *ipso facto*? Jean knew of people with stateless status who had crossed into the US and after spending two or three days in detention they had been

released. Most of these migrants, however, were accompanied by their wives and minor children. Jean was considering bringing his wife and three minor children to Mexico for family reunification, but for that he needed a minimum of US\$1,700 for the trip of each family member. In addition to the economic problem, Jean feared that the process would take a long time and he did not like the idea of keeping his children out of school for so long.

Along with the (increasingly discouraging) idea of crossing into the US, Jean was also pondering the thought of going somewhere else, like Europe or Canada. As he understood it, as a stateless person he had the same rights as any Mexican, except to vote, so he wondered if he could travel to Canada or Europe without a visa like any Mexican. I did not know either, so I asked at the Embassy of the Netherlands, a random European country belonging to Schengen. Although I wrote to them a rather long explanatory e-mail regarding my concern, the only response I received advised me to have a look at their website, where all the information was available. Besides the fact that navigating that website was not user-friendly at all, what one could grasp was that someone like Jean could only enter Europe as a stateless person for a maximum period of 90 days, as long as his status had been granted by a country in the Schengen zone or by Bulgaria, Croatia, Cyprus, Ireland, Romania or the United Kingdom. As this was not the case for him, Jean had to apply for a visa in order to travel to Europe, which would be very difficult without a stable source of income.

Whereas migration governance typically happens at the national level, the cases presented in this paper show that the transnational dimension is closely intertwined with the national one, as what occurs at one level affects the other (Triandafyllidou, 2022a). Paradoxically, what we can see here is that US migration governance tactics (tariff threats to Mexico if migration flows are not curtailed) to avoid irregular migration, bounces back in the most unexpected and problematic manner for both countries. In a first instance, Mexico's response to stop issuing "oficios de salida" at all, and later on issuing them only to allow exit through Guatemala, resulted in increasing numbers of migrants getting stuck in Tapachula, Chiapas, one of the poorest estates in Mexico. This situation resulted not only in increasingly violent protests, but also in the increase of racist feelings of the locals against black migrants. This was evident during fieldwork in Tapachula, when hundreds of black migrants—presumably a majority of Haitians, mixed with some Africans—occupied one of the main squares in town, some of them strolling, some others trying to sell a myriad of items from SIM cards to face masks, while some other just sat there watching life pass by. Ironically, opposite from the square, there was a bigger square, which had been fenced and where a huge sign displayed the following information in Spanish and creole:

“Migrant friend, it is strictly prohibited to engage into any ambulant trading activity in this area. Selling goods in this area might result in their confiscation. We kindly invite you to go to Mercado Laureles to become part of the migrant market.”

Mercado Laureles was actually the place where the COMAR registered asylum seekers. Unsurprisingly, people decided to simply move to a neighbouring square and continue with the petty selling activities.

Although the atmosphere seemed relaxed between the migrants and the locals, I went into a shop and started an informal conversation with the owner, a Mexican lady. She complained about the black migrants because they talked very loudly, ate in the streets and left rubbish everywhere. I asked her whether she knew why they were there, and she said she did not know. These situations show that the US pressure on Mexico to curb migration towards the northern border resulted in thousands of people trapped in a city with limited financial resources, increasing mistrust and racist feelings among locals.

When realising that this situation was not sustainable, Mexico started to issue all sorts of permanent residence cards, including the stateless one. Yet, staying in Mexico is not the desire for many people, whereby the trip to the north continued, with or without stateless status. This situation is likely to create additional hurdles in the US, once these people arrive there and claim asylum.

The cases of Jean and Daniel highlight a series of problems surrounding the stateless status in Mexico, both in terms of the way in which said status is granted as well as the current and future practical consequences in the lives of the people affected by it. In June 2000, Mexico adhered to the Convention on the Statute of Stateless Persons of 1954, which highlights the right of stateless persons in national territory to receive the same treatment as nationals, in terms of access to employment, housing, remuneration and working conditions, education and the rights derived from social security (occupational diseases, maternity, disability, etc.) (Mendizábal Bermúdez & Salih-Sánchez del Hierro, 2019).

Despite the fact that stateless status grants—at least in theory—a series of rights to these people, such as access to work, education or health, the reality of my respondents shows that accessing such rights is not as straightforward as described by the law. Having a permanent permission to stay does not deal with racist and xenophobic ideas of the local population. Moreover, very few local people know what being stateless means. As several respondents claimed, employers refused to give them a job, bank clerks refused to open a

bank account for them, or medical staff refused to take them in the hospital simply because they did not understand what is a stateless person, and they did not want to get into trouble. Therefore, while issuing stateless card was meant to allow them to move out of Tapachula, work and have access to services, the reality turns out to be quite different.

At the same time, being declared stateless may have adverse consequences for asylum claims in the US, in that receiving a permanent residence in a third country (namely, Mexico) could be a legal bar to obtaining asylum in the US (Thomas, n.d.). The award of permanent residency in a third country has severe repercussions for future asylum claims in the United States. To be precise, an applicant may be denied asylum protection in the United States if they receive an offer of permanent resettlement in another country (in this case Mexico) before they reach the United States (ibid.).

7. Conclusion

International migration is one of the important transnational governance challenges of our time. While international migration remains a controversial issue, in recent years the idea has grown that migration is mutually beneficial (for migrants, countries of origin and destination), as long as it is safe, regular and orderly (UN, 2018). This narrative tends to unilaterally privilege the needs of the governments of receiving countries without taking into account the countries of origin, transit and the migrants themselves (Triandafyllidou, 2022a).

The case presented in this paper is an example of this. Initially, the arrival of new African (and also Haitian) migrant flows in Mexico did not pose a problem to the government, in that the desired destination of these groups was not Mexico, but the US or Canada. Being aware of this, the Mexican government actually helped this migration by offering these migrants exit permits to be able to transit Mexico legally and then cross to the US. Yet, when economically threatened by the US if not curbing irregular migration, Mexico started to implement a series of ad-hoc or messy strategies to deal with the situation. While some migrants from neighbouring countries are easily deportable, this was not the case for African migrants. Under these circumstances, giving them some form of residency was deemed as the best solution. Whereas some were given some form of humanitarian protection by the COMAR, the lack of capacity of this agency to deal with an enormous number of cases together with the lack of communication with the INM, led the latter to issue stateless status as a form of permanent residence. While initially, this might seem to be a compassionate and humane attempt by the

Mexican government to provide solutions for those caught in liminality, reality shows the problems created by this *ad-hoc* strategy.

Besides the fact of complicating (if not destroying altogether) the possibility to apply for asylum in the US, being a black stateless person in Mexico does not guarantee the rights established by the law. The cases described above show that discrimination, racism, and people's lack of knowledge of what statelessness means, results in many African stateless in Mexico being unable to find a job, open a bank account, rent an apartment or going to the doctor.

Under these circumstances, it is reasonable to think: why is not Mexico then allowing them to stay irregularly? As I have shown before, by doing this Mexico would go against its current national policy of respect of migrants' human rights. In practical terms, hosting asylum seekers, refugees, stateless, or irregular migrants does not make much of a difference to the Mexican state, in that no specific governmental support is provided to any of these groups, who are mostly taken care of by the civil society. Through this ambivalent approach, Mexico is technically playing the right cards at every level. On the one hand, it is helping the US to manage migration flows, while on the other hand it is respecting migrants' human rights by offering them some form of residence permit in its territory, which also brings investment from international organisations. This case evidences the need to move beyond migration policies that have a top-down approach.

References

- Black Alliance for Just Migration. 2021. “There is a Target on Us” - *The Impact of Anti-Black Racism on African Migrants at Mexico’s Southern Border*. Black Alliance for Just Immigration. <https://imumi.org/attachments/2020/The-Impact-of-Anti-Black-Racism-on-African-Migrants-at-Mexico.pdf>
- Cinta Cruz, J. H. 2020. *Movilidades extracontinentales. Personas de origen africano y asiático en tránsito por la frontera sur de México*. Universidad de Ciencias y Artes de Chiapas Centro de Estudios Superiores de México y Centroamérica.
- COMAR. 2022. *Guía para las personas solicitantes del reconocimiento de la condición de refugiado*. COMAR. https://help.unhcr.org/mexico/wp-content/uploads/sites/22/2022/04/Guia-solicitante_COMAR_2022.pdf
- Drotbohm, H., & Winters, N. 2020. The event in migrant categorization: Exploring eventfulness across the Americas. *Vibrant Virtual Brazilian Anthropology* 17: 1–20.
- Foster, M., & Lambert, H. 2016. Statelessness as a human rights issue: A concept whose time has come. *International Journal of Refugee Law* 28(4), 564–584.
- IBERO. 2018. *Apatridia en México. internacional como instrumento El uso de la protección de la política migratoria*.
- Kelsey Pearce, N. 2017. *Reluctant Reception: Understanding Migration and Refugee Policy in Egypt, Morocco and Turkey*. University of California.
- Mendizábal Bermúdez, G., & Salih-Sánchez del Hierro, F. 2019. Los derechos sociales de los migrantes irregulares en México The. *Revista Internacional de La Protección Social* IV(2): 160–178.
- Mora-Izaguirre, C. 2017. De Brasil hasta Canadá: el paso de los extracontinentales por Costa Rica. In *Migraciones en Costa Rica. Un fenómeno histórico y dinámico desde diversas perspectivas disciplinares*, pp. 175–203. FLACSO.
- Navarro Alvarado, G. A. 2022. Flujos migratorios africanos en Costa Rica 2014-2020. *Estudios Sociológicos* 40(120): 825–864.
- Petrozziello, A. J. 2019. (Re)producing Statelessness via Indirect Gender Discrimination: Descendants of Haitian Migrants in the Dominican Republic. *International Migration* 57(1): 213–228.
- Salvadore, S. 2019, November 18. US-Mexico border sees surge in African migrants, who face limited options. *National Catholic Reporter*. <https://www.ncronline.org/news/people/us-mexico-border-sees-surge-african-migrants-who-face-limited-options>
- Schapendonk, J., van Liempt, I., Schwarz, I., & Steel, G. 2018. Re-routing migration geographies: Migrants, trajectories and mobility regimes. *Geoforum*, 116 June 2017, 211–216.
- Serra Mingot, E., & González Zepeda, C. A. 2022. Transnational social protection infrastructures: African migrants in Mexico. *International Migration, April*, 1–13.

- Thomas, C. R. (n.d.). *The So-Called Stateless: Firm Resettlement , African Migrants, and Human Rights Violations in Mexico*.
- Triandafyllidou, A. 2022a. Decentering the Study of Migration Governance: A Radical View. *Geopolitics* 27(3): 811–825.
- Triandafyllidou, A. 2022b. The global governance of migration: Towards a ‘messy’ approach. *International Migration* 60(4): 19–27.
- Tucker, J. 2018. Why here? Factors influencing Palestinian refugees from Syria in choosing Germany or Sweden as asylum destinations. *Comparative Migration Studies*, 6(1).
- UN. 2018. *Global Compact for Safe Orderly and Regular Migration A/75/542*.
<https://undocs.org/en/A/75/542>
- Villafuerte-Solís, D., & Anguiano-Téllez, M. E. (Eds.). 2020. *Movilidad humana en tránsito: retos de la Cuarta Transformación en política migratoria*. CLACSO.
- Weissbrodt, D., & Collins, C. 2006. The human rights of stateless persons. *Human Rights Quarterly* 28(1): 245–276.
- Winters, N. 2019. Haciendo-lugar en tránsito. Reflexión sobre la migración africana y trabajo de campo en Darién, Panamá. *REMHU: Revista Interdisciplinar Da Mobilidade Humana* 27(56): 235–243.
- Yates, C., & Bolter, J. 2021. *African Migration through the Americas African Migration through the Americas* (Latin American Initiative and U.S. Immigration Policy Program).
- Zubrzycki, B. 2017. The Senegalese in Argentina: migratory networks and small-scale trade. In U. Rösenthaler & A. Jedlowski (Eds.), *Mobility Between Africa, Asia and Latin America: Economic Networks and Cultural Interactions*. Zed Books.