

# RESULTADOS DE INVESTIGACIÓN



# Migration detention in Mexico: Accountability limitations as a factor for human rights violations

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**ABSTRACT:** Adopting an accountability perspective, this article elucidates the institutional factors that enable misconduct by agents and officials of Mexico's National Migration Institute (Instituto Nacional de Migración, INM). Since 2005, the INM has been considered a national security agency tasked with planning and executing migration management. Traditionally characterized by a high degree of opacity, the Institute has in recent years been increasingly questioned and delegitimized due to persistent corruption and systematic migrant rights violations. The article explains how weaknesses in the areas of recruitment, training, oversight, and sanctions shape the conditions and treatment of undocumented migrants in detention.

**RESUMEN:** Adoptando una perspectiva de rendición de cuentas, este artículo dilucida los factores institucionales que permiten la mala conducta de agentes y oficiales del Instituto Nacional de Migración (INM) de México. Desde 2005, el INM es considerado como una instancia de seguridad nacional encargada de la planeación y ejecución de la gestión migratoria. Tradicionalmente caracterizado por un alto grado de opacidad, en años recientes el Instituto se ha visto cuestionado y deslegitimizado cada vez más, debido a la persistente corrupción y las sistemáticas violaciones a los derechos de los migrantes. El artículo explica cómo las debilidades en los áreas de reclutamiento, capacitación, supervisión y sanciones influyen en las condiciones y el trato de los migrantes indocumentados en detención.

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## INTRODUCTION

Annually, thousands of migrants enter Mexico irregularly, primarily to reach the United States. Children, youth, and adults, mostly from northern Central America, abandon their homes because of scarce job opportunities, generalized violence, street gang harassment, threats due to sexual orientation or gender identity, and family reunification (CIHD, 2013). Regardless of the reasons that prompted them to leave their native countries, they undertake a clandestine and perilous journey that makes them vulnerable to crime and abuse. Assaults, thefts, rapes, kidnappings, extortion, and torture by criminals and their accomplices among police and agents of the National Migration Institute (INM), are common (Amnesty International, 2010).

Especially since the drug war launched by president Felipe Calderón (2006-2012), and the criminal diversification it produced among organized crime groups, migrant abuse has been occurring in the shadow of a precarious normative and institutional infrastructure. For many years Mexico addressed migration through its General Population Law which gradually outlived its relevance for the country's complex migration dynamics. As attacks on migrants gained greater visibility, social and political pressure increased for greater and better protection of migrant guarantees. The clamor ushered in the adoption of the 2011 Migration Law and its 2012 Regulations, which at the time were hailed as a milestone for migrant rights. Nonetheless, the revamped legal framework contains important loopholes that include a national security perspective and automatic migrant detention.

The changes that unfolded in the regulatory sphere, however, did not extend to the institutional arena. The INM has historically been opaque, corrupt, and repressive. Despite repeated purges, and an official discourse that underscores a commitment to integrity and human rights, migrant testimonies (Insyde, 2014) suggest that the agency's structural flaws have not been tackled at the roots. Given the INM's secrecy, which hampers transparency and accountability, as well as its institutional weaknesses and habitual abuse, the Mexico City-based Institute for Security and Democracy carried out a comprehensive assessment of the agency (Wolf, 2013a).<sup>2</sup> The study analyzed institutional and migration management processes to ascertain how and why their actual practices are dissociated from the established procedures. The research, conducted between 2012 and 2013 with a qualitative approach, comprised 264 information requests, 187 semi-structured interviews, and visits to 11 migrant detention centers.

Drawing on that study, this article examines how the agency's institutional management facilitates corruption and migrant rights violations in detention centers. It argues that the structural crisis in the INM worsened, because its incumbents never confronted it decisively and the containment of undocumented migration prevailed over human rights. The article begins by reviewing the existing academic and policy literature on the INM and establishes the analytical framework. Subsequently, it explores the conditions and treatment of migrants in INM detention centers before tracing the main institutional aspects —recruitment, training, oversight, and sanctions— that have a cross-cutting impact on the Institute's migration management.

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## THE INM UNDER SCRUTINY

Earlier works on the INM encompass both academic studies and research reports by non-governmental organizations (NGOs) that monitor migrant rights. Many writings contextualize migration in and through Mexico, with particular emphasis on organized crime and generalized impunity, and review the regulatory framework on migration. Adopting a qualitative approach and resorting to interviews and information requests, these studies are designed to promote legal reforms or changes in institutional procedures and practices. Texts that focus on migrant rights violations associate these with Mexico's migration policy (Ceriani, 2012; i(dh)eas, 2011) or INM agents' discretionary powers (Frontera con Justicia, 2011). Many studies divulge the types and perpetrators of migrant rights violations (Frontera con Justicia, 2007, 2008; Santiago and Bazzaco, 2013), highlight the context in which they occur (Frontera con Justicia, 2010) or reveal the collusion between organized crime and migration or police agents (Centro Prodh, 2011; Mastrogiovanni, 2012).

Studies that explore specific aspects of the INM's work show how most institutional resources are allocated to migration management and control, rather than migrant protection and detention (Córdova, 2013) or assert that the increase in the number of the humanitarian-aid-and-rescue Beta Groups and the modernization of detention facilities demonstrate the Institute's commitment to migrants rights (Calleros, 2009). Writings on the Beta Groups review their historical evolution, structure, and operation (Rojo, 1998; Stoffen, 2011) and indicate that after their initial successes, these units started to experience problems such as favouritism in recruitment decisions or unfavorable working conditions (Stoffen, 2011). More analytical studies suggest that the units' creation responded primarily to Mexico's concern about its human rights record (Khayar, 2010) and that

they lack the capacity to effectively safeguard migrants (Specht, 2009). NGOs monitoring reports on detention centers note that while the infrastructure has improved, the treatment of migrants remains problematic. Issues such as access for independent observers are associated with the operating rules regulating these installations, but different kinds of irregularities are linked to the operative reality in the detention centers (Sin Fronteras, 2011). The studies reveal not only continuous due process violations, but also inadequacies in medical and psychological assistance, sanitary conditions, food quality (CDH “Fray Matías”, 2009, 2013; Sin Fronteras, 2007, 2010; Valverde, 2005) and illicit activities such as extortion or drug sales (Sin Fronteras, 2011). Overall, existing studies are concerned with exposing migrant rights violations and not with analyzing the institutional factors triggering them. Few works examine INM accountability mechanisms, and none offers a comprehensive assessment of INM procedures and practices.

#### INM ACCOUNTABILITY

In order to understand the INM’s structural deficiencies, and the ways in which these might be tackled, this research adopts an accountability framework. The concept of accountability refers to a relation between at least two subjects in which the first (A) is obligated to inform, explain, and justify herself about a certain matter to the second (B) which deliberates, evaluates, and sanctions subject A accordingly (López and Merino, 2010: 1-2). Effective oversight and sanctions play an important role in the incentives structure that helps ensure compliance with formal rules. If accountability exposes inappropriate conduct without imposing the corresponding sanctions, it ends up becoming a simulation rather than a genuine restriction of power (Schedler,

2008). Therefore, the incorporation of a subject C (the citizens) is essential to preventing that accountability obligations are breached (López and Merino, 2010: 7).

Accountability is tied to the concepts of transparency and access to information: transparency requires access to public information, and accountability is impossible in an opaque environment. Transparency seeks to provide citizens with more and better information, but when the issue on which accountability is sought is considered a national security matter, government agencies may seek to restrict access to certain data in order to impede a subversion of the law or actions contrary to the public interest. The reservation of national security-related information is often motivated by political and bureaucratic interests, such as avoiding the disclosure of corruption or public scrutiny of certain decisions (Guerrero, 2010). In order to forestall the discretionary classification of information for reasons of national security, in Mexico it is necessary to demonstrate that the dissemination of a document would cause an “existing, probable, and specific harm to national security” (Guerrero, 2010: 17). Thus, information should not be classified if the costs of doing so exceed the benefits to society, such as the facilitation of criminal complaints or intervention in alleged illegalities and human rights violations (Guerrero, 2010).

Accountability is required to demarcate power, limit arbitrariness, and prevent and remedy the abuse of power (Guerrero, 2010). Its mechanisms can take two forms: a checks-and-balances-system and social audits. In Mexico, internal controls include annual government reports to Congress; the Federal Superior Auditor; the offices of internal oversight; as well as the National Human Rights Commission (CNDH) and its network of state commissions in the 32 federative entities, but all of these channels are limited in their impact, resources, and performance (Pardo, 2010; Wolf, 2013a). Social audits, by contrast, presume



that government accountability is strengthened if it is rendered not only to formal control bodies, but also to society (Pardo, 2010). Mexican government agencies are accountable to the population chiefly in four ways: the publication and delivery of information through Internet portals and information requests; citizen consultations, such as surveys and complaint boxes; citizen monitors; and citizen participation in collegiate bodies. The INM Citizen Council, for example, created in October 2012 to issue opinions, offer advice, and formulate migration policy proposals, experiences important limitations in its functioning and has yet to yield tangible results (Córdova, 2015). In practice, Mexico reduces social audits to periodic expert meetings that fail to avert or inhibit corruption and discretionary acts (Pardo, 2010).

Accountability is of special importance in law enforcement agencies such as the INM, given that its agents have the authority to subdue and arrest, thus jeopardizing individuals' physical, mental, and emotional integrity. Agents' ample discretion and the INM's limited external scrutiny increase the possibility of abuse and corruption, making it imperative to examine, oversee, and "bureaucratize the existing discretion" (Varenik, 2005: 25). In other words, institutional and social controls must be created to regulate the exercise of discretion and curb misconduct of the kind that occurs, for example, in migrant detention centers.

#### INM DETENTION CENTERS

The INM refers to its detention centers euphemistically as *estaciones migratorias* and *estancias provisionales* (long-term or short-term shelters) to reflect the fact that irregular entry into Mexico is not a crime but an administrative violation. The first installations generally have ample accommodation capacity and are reserved for longer detention periods (15 days or —if extended— up to

60 days), whereas the second ones are set aside for stays of 48 hours to seven days. Even though the Migration Law Regulations contemplate alternatives to detention for unaccompanied minors, the automatic detention of undocumented migrants criminalizes them, and by not acknowledging their deprivation of liberty the INM weakens human rights protections. The existing 32 *estaciones migratorias* and 26 *estancias provisionales* (Wolf, 2013a: 281) are clustered in the south and center of Mexico where migration controls are also concentrated. Apart from the largest centers (Tapachula in the south, Acayucan at the Gulf Coast, and Iztapalapa in Mexico City), the remaining ones are much smaller and therefore have little or no recreational space, may lack an eating area, and are prone to overcrowding.

The INM's national security status is significant insofar as it determines the physical characteristics of the detention centers, constrains their operation, and curbs access to them. The INM no longer uses holding cells and penitentiaries for migration detention and has modernized existing centers. The buildings, however, retain a prison-like character, including high walls, security guards and cameras, and no unauthorized visitors. The dorm rooms are subject to inspections, roll calls are conducted, and migrants may face disciplinary action (solitary confinement for up to 10 days) for starting fights, claiming their rights or disrespecting the agents. This disproportionate measure itself can trigger adverse psychological responses, but in the unventilated, damp and cold isolation cells migrants may also receive blows by INM agents or security guards (Insyde, 2014).

The operating rules for INM detention centers regulate the administrative procedure, the rights and obligations of detained migrants, the provision of medical and psychological assistance, and access to the said facilities. Although they emphasize unconditional respect for human rights and specialized care for vulnerable groups, loopholes such as access restrictions for independent hu-

man rights monitors facilitate abuse. Given the various constraints, a key means of INM accountability is significantly weakened, since anything that occurs in the detention centers is effectively excluded from public scrutiny.

Over the years the Institute has invested heavily in the modernization of the physical infrastructure, technology, and services of its detention facilities, but the building characteristics impact the internal climate conditions. For example, a former hurricane shelter in the northern state of Coahuila can experience sharp temperature drops at night, but migrants have been denied warm blankets. Dormitories are generally divided by sex and —space permitting— areas for minors, families, and vulnerable groups, but artificial lighting at night time disrupts sleeping patterns. Sanitary conditions are variable and worsen during overcrowding. Although the water supply is generally adequate, personal hygiene kits are often incomplete or insufficient, requiring migrants to use washing powder as a soap substitute and risk dermatological irritations.

Police or private security agents provide security and surveillance, but INM agents are the first responders to security incidents. Riots and disturbances have occurred repeatedly and in some centers with alarming frequency. For example, in the Tapachula model detention center 30 fights and riots took place between 2011 and 2013 alone (Wolf, 2013a: 300-301). The reasons for these incidents are not apparent from official data, but appear to include uncertainty and frustration about the length of detention, attempts to claim rights, some migrants' aggression profile, INM agents' inadequate training, and the lack of a use-of-force protocol. Several INM centers —especially in the south and southeast of Mexico— have witnessed periodic escapes, some involving up to 20 individuals (Wolf, 2013a: 346). At first blush, these episodes might seem to indicate security breaches, but the fortified premises and high number of runaways suggest that some of these

cases were simulated escapes carried out in complicity with INM agents and security guards. Thanks to modernization efforts and human rights monitoring, detention conditions have improved over the years, but the same cannot be said about the processing and treatment of the apprehended.

Testimonies suggest that INM agents can be attentive and respectful, but are often indifferent. Migrants inquiring about their deportation status or making legitimate requests even face contemptuous, degrading, and discriminatory behavior (Wolf, 2013a). In the larger facilities, agents have been found to commit verbal, psychological, and physical aggressions, and racist attitudes are not uncommon (Insyde, 2014). Their conduct, however, is also problematic in specific areas, including the administrative process, food, medical attention, specialized care for vulnerable groups, and attitudes towards illicit activities.

Migrant detention procedures must fulfil a quantum of due process, including the rights to information, communication, an interpreter, and legal counsel as well as access to consular authorities. Due process infringements, however, are perhaps the most common human rights violations in INM detention centers. Internal audits found that agents do not consistently register migrants in transfer to or entering the detention centers, an omission that exposes them to kidnapping or extortion (Wolf, 2013a). New arrivals are generally not informed about the length of detention and their rights, and professional interpreter services are unavailable. Access to telephone communication is difficult, since resource-strapped migrants are required to purchase prepaid calling cards, or it is discouraged—like consular access, medical care or a change in diet—under threat of extended detention time (Insyde, 2014). The discouragement of legal procedures—*amparo*, asylum claims, criminal and human rights complaints—under the same warning is particularly serious, as it may result in unfair deportations and the impunity of unlawful acts. Furthermore, the

Mexican Constitution establishes that administrative detention must not exceed 36 hours. The operating rules, however, foresee a detention period of up to 15 days (extendible for up to 60 days), but in practice confinement lasts longer, in some cases for over a year. These situations arise when legal proceedings are initiated and alternatives to detention are denied, or when migrants are transferred between detention centers and financial considerations preclude the provision of a timely transportation service.

The Institute lacks nutritional guidelines that would establish a healthy and balanced diet in the detention centers, and special dietary needs—due to religious or medical reasons—are not consistently respected. Compulsory medical check-ups are not conducted systematically and rigorously (Wolf, 2013a), and the centers offer no 24-hour on-site medical service and often no psychological and psychiatric support (Insyde, 2014). Individuals requiring specialized medical attention for pre-existing conditions often fail to receive it (Insyde, 2014), and although the stock of medicaments is generally large and varied, doctors may not be present to hand them out when needed. The deaths of 13 migrants in INM custody—either in a detention center or in a public hospital—between 2003 and 2012 (Wolf, 2013a: 304) testify to the medical care deficiencies that characterize migration detention in Mexico.

The INM is meant to provide specialized care for vulnerable groups, a population that comprises unaccompanied minors, women, victims of crime, elderly and indigenous people, persons with disabilities, and anyone in a situation of vulnerability, such as LGBT persons. Child Protection Officers (OPIS) are tasked with providing this specialized care, but they are migration agents who have two conflicting functions: control and protection. The OPIS, who are selected according to unclear criteria and undergo only little training, are limited in number, and some have expressed a lack of institutional support for their work (Wolf, 2013a). Their

levels of performance and commitment vary, and according to some detention monitoring reports (Insyde, 2014) these agents empathize insufficiently with their target population. The specialized care for vulnerable groups is often inadequate if not entirely absent, and the lack of screening for victims of crime precludes those requiring psychological support from receiving it. The irregularities that stand out, however, concern LGBT persons.

Human rights violations based on sexual orientation or gender identity must be situated in the broader context of discrimination against the LGBT population in Mexico. Over the last decade the country has made great strides in promoting equal rights regardless of sex or gender. Legal advances, however, have not been matched by developments in social and policy practices. Discrimination based on homophobia and transphobia, still deeply rooted in Mexican society, restricts the enjoyment of rights and incites violence. Indeed, Mexico has one of the highest rates of homophobia-motivated hate crimes in Latin America (Asilegal, 2013). Prejudicial treatment of LGBT persons is discernible in media coverage, denied access to commercial establishments, verbal and physical abuse in educational institutions, the refusal of recruitment, promotion or job retention as well as denied medical attention (Conapred, 2012). Given the ingrained nature of discrimination, it is unsurprising that it also permeates public institutions, notably the police, prisons, and public prosecutors' agencies (CNDH, 2010).

LGBT migrants detained in INM installations encounter homophobic and transphobic attitudes by migration agents, security guards, and fellow migrants. For example, a Venezuelan transsexual in the Iztapalapa center was required to pay protection money in exchange for permission to sleep in an interview room and avoid being assaulted, but nonetheless ended up being harassed by migration agents and security guards (Insyde, 2014). In the larger detention facilities INM staff have solicited sexual

favors in return for improved services or expedited procedures (Wolf, 2013a). Ender Martínez, a Salvadoran gay activist who fled his country after receiving death threats, was apprehended when filing an asylum application. For seven months he was held with mental health patients in the Iztapalapa facility where he suffered homophobia and sexual harassment and observed that INM agents asked LGBT migrants for sexual favors in exchange for a better diet or final exit permits (Ureste, 2014). Stephen Compton, an Australian gay painter, held with mentally sick persons in the Iztapalapa center for five months and sexually harassed by other migrants, was the first migrant to successfully sue the INM for damages suffered in detention (CNN México, 2014).

Finally, INM installations have become notorious for illicit activities. Although the operating rules prohibit commercial undertakings, it is not uncommon for migrants to order soft drinks, phone cards or cigarettes. These purchases are tolerated to ensure governance in the detention centers, but they allow migrants to introduce items that could jeopardize people's life. Some migrants resell purchased goods to fellow detainees at a higher price, while INM agents often overcharge them for phone cards (Insyde, 2014; Wolf, 2013a). In the largest installations, agents carry out or tolerate drug sales (Insyde, 2014) and extort migrants by offering them final exit permits (Wolf, 2013a). The INM's institutional management, particularly as regards recruitment, training, oversight, and sanctions, is crucial to understanding how and why migrant rights violations occur.

#### INM INSTITUTIONAL MANAGEMENT

The INM originally emerged from the Secretariat of the Interior's (Segob) now-extinct Directorate General of Migration Services (DGSM). Established in 1936, the Directorate managed migration

from a police perspective, did not instill human rights values in its agents, and permitted corruption to flourish. In October 1993 the INM was created as a technical (today administrative) autonomous agency within the Segob to make migration control more efficient, but the incorporation of many DGSM workers into the Institute contributed to the structural problems it experiences today. The INM's 2005 designation as a national security agency was significant insofar as it impacts the agents' training as well as information about the Institute and access to its detention centers. Alleging probable harm to its operational capacity or national security, the INM tends to reserve public information about its personnel and detention facilities. Although access to the centers is unrestricted for governmental human rights and refugee agencies, with few exceptions entry is denied to journalists and limited for legal counsel and NGOs that monitor human rights. The INM, tasked with the planning and execution of migration services, carries out its work through an administrative structure that comprises 32 autonomous federal delegations. Given their ample discretion, their actions depend more on the delegates' personal style and interpretation of their powers, than on a central migration management and policy. Performance and standards therefore vary widely across different jurisdictions. As of March 14, 2013 the INM had a total of 5 875 authorized posts (Wolf, 2013a: 30), although —depending on the results of purges and recruitment drives— not all of them are necessarily occupied.

The INM has traditionally lacked a professional career service that would ensure equality of opportunity in a merit-based entry into public service. Admission to the system occurs through a competitive selection process, and both appointment and removal can only take place under the procedures established by the law. In view of the rigorous standards it offers in the areas of recruitment, training, and evaluation, the INM would benefit from having its own professional career service. The Migration Law



and its Regulations were amended in June 2003 and May 2014, respectively, but any steps taken towards the implementation of these reforms remain unknown. Although incorporation into the INM occurs in principle through a call for applications and subsequent examinations, the institution lacks established criteria for the opening of calls and competitions. Trusted individuals are hired upon invitation by current officials rather than participation in a formal selection process. Notwithstanding the extent of this practice, the risk is that recruitment is not based exclusively on merit and employees lack the necessary expertise and skills.

Moreover, the INM's job profiles are generic and state the educational level without specifying the required knowledge, skills or aspects such as responsibilities, mental and physical effort, and working conditions associated with the post. Official data regarding educational levels suggest that INM agents and officials are academically fairly well-prepared: the majority finished high-school or holds a Bachelor's degree (Wolf, 2013a: 127). The university careers they pursued are unknown, however, and future research could explore the relationship between the fields of study and the duties middle and senior management perform today.

The appointments of senior INM officials (the commissioner and their subordinates) are generally based on cronyism and nepotism. An analysis of regional (today federal) delegates' resumé's showed that most hold a bachelor's degree, often in law or social science careers, but also in subjects with little or no bearing on migration (archeology, midwife surgical medicine, and veterinary medicine). The delegates had previously worked in government (for example, public security and justice), the private sector, academia, political parties, the INM itself or a combination of these options. In many cases top officials' academic and professional trajectory is of limited use in the migration service, and their likely ignorance of the INM's structure and work is bound to affect their management and their subordinates' activities.

Since the INM has no pre-hire training, new recruits only attend induction and refresher courses. In 2008 the Institute contemplated creating its own academy to enhance the coverage and quality of its training and to address the specialized needs of both migration and Beta Group agents. For financial reasons the project was never implemented, but it deserves to be kickstarted, perhaps with international donor support, because it promises to standardize the agents' knowledge and professionalize their performance. Training courses cover specific competencies (interview techniques, the detection of false documents, etc.), cross-cutting skills (migrant rights, spelling and writing, etc.), and human development skills (leadership, languages, etc.). However, the number of courses and participants suggests that the INM prioritizes the first category (Wolf, 2013a: 145). Particularly striking, given the administrative nature of its work, is the Institute's interest in self-defense, police intelligence, and interview methods, especially the Reid Technique for interviews and interrogations. Police organizations in the United States often rely on this method, but its use is controversial and even prohibited in some countries, because it departs from the assumption that the suspect is guilty as charged and easily produces false confessions (Merryman, 2010). Paradoxically, even though the Institute trains its agents in law enforcement issues, it has ruled out the introduction of a use-of-force protocol under the argument that the carrying of weapons is not authorized (Wolf, 2013a).

The length of training is very limited (many courses last just four to eight hours), and the selection criteria generally permit agents to attend courses that are pertinent to their current duties, but not those that give them knowledge and skills which can assist them in their career advancement. Furthermore, the fact that over the years the number of course participants has exceeded the number of trained employees (Wolf, 2013b: 3), suggests that there is no equal access to training opportunities. Official figures

indicate that the INM has invested quite heavily in training (Wolf, 2013a: 148). It is unclear, however, to what extent this spending has helped professionalize staff, since—save certain exceptions—no examinations are administered and evaluations do not measure if and how agents apply fresh knowledge in their daily routine.

In view of widespread abuse and corruption within the INM, personnel oversight is a critical issue. The INM confirmed the inexistence of a formal oversight system, indicating instead that the federal delegates are responsible for monitoring their subordinates' due compliance with rules and regulations. The viability of this arrangement depends inevitably on the capacity and integrity of the delegates who are not necessarily aware of the actions their agents take or may themselves not meet established standards of suitability and reliability. If a problem emerges in the chain of command, it is likely that procedures are not properly implemented and misconduct is not duly investigated and sanctioned. Audit reports by the INM's office of internal oversight reveal a series of undue practices that, over the years, have developed in different administrative units both at headquarters and in the federal delegations. The findings show how shortcomings in oversight and internal controls have permitted, for example, the recruitment of unqualified staff, irregularities in administrative procedures, the misappropriation of funds, and deficiencies in the detention centers concerning sanitary conditions, food quality, and the handling of medicaments. The lack of an effective oversight system constitutes one of the INM's gravest weaknesses and allows corruption and migrant rights violations to recur with impunity.

Mexico's Federal Law of Administrative Responsibilities of Public Servants establishes that public servants in breach of their obligations are punished by the office of internal oversight in their respective agency. The INM employs two measures to establish and maintain certain standards of integrity: rotations and

reliability controls. Rotations are made frequently, in some places on a fortnightly basis, to reduce the possibility of corruption. They are ineffective, however, not only because they undermine employees' professionalization, but also because the mere re-assignment of corrupt individuals does little more than spread problematic conduct within the Institute. Reliability controls, administered by the INM's recently created Center for Evaluation and Reliability Control, have been of limited use, because the need to carry out many tests within a short time has resulted in the standardization of the polygraph examinations. No specific tests are applied that would evaluate the risks associated with certain areas of work and places in the country. The examinations therefore produce many inconclusive results, and the INM cannot be sure to have qualified personnel. Furthermore, legal loopholes permit agents on a discretionary basis to retain their posts even if they fail parts of the reliability controls.

Overall, the application of administrative sanctions and criminal liabilities has been ineffective. In cases of suspected misconduct, the Institute tends to change the unit or place of assignment or to ask for the resignation of trusted personnel, rather than impose genuine sanctions. The INM has been equally reluctant to dismiss —often unionized— rank-and-file employees, perhaps to avoid incurring the wrath of the Segob's National Workers Union. Although the number of cases warranting sanctions is unknown, the number of INM staff who have been sanctioned appears to be insignificant. Figures from the Register of Sanctioned Public Servants reveal that between 1993 and 2013, 1 837 migration agents and officials were sanctioned, 1 308 of them between 2002 and 2013 (Wolf, 2013a: 183). The INM's own figures indicate that between 2002 and 2013 only 237 dismissals and 29 disqualifications were made, but a staggering total of 5 710 resignations were tendered (Wolf, 2013a: 175-176). Letters of resignation may not state the reason notice was given,

but the pattern suggests that the INM prefers its personnel to quit when it suspects misconduct, thus bypassing long investigations, avoiding severance pays, and quickly filling vacant posts. The effect is that cases of corruption and human rights violations remain in impunity, and nothing prevents similar irregularities from recurring in the future.

## CONCLUSIONS

Undocumented migrants in Mexico face grave and systematic human rights violations in both transit and detention. Given the limited external scrutiny of INM holding facilities, corruption and abuse occurring in these centers are difficult to document, address, and prevent. As members of a deeply classist, racist, and discriminatory society, INM agents reproduce the prevailing attitudes in their dealings with migrants. Their behavior, however, is also profoundly shaped by the organizational culture enveloping them. Factors such as favoritism in recruitment practices, inadequate training and evaluations, poor supervision, and ineffective sanctions of misconduct play a crucial role in the persistence of corruption and migrant rights violations.

If its migration policy and management are to be more comprehensive and are to avoid feeding the migration-deportation cycle, Mexico will need to stop viewing the phenomenon through a national security lens. The INM, for its part, needs to carry out a transparent restructuring process that goes beyond adjustments in its organizational chart and yields a more professional, honest, and ethical institution. As part of this reform the INM might create a professional career service and a migration training academy, implement effective supervision and sanction systems, develop a use-of-force protocol, and reduce the federal delegations' margin of discretion. Above all, it would be vital to create a citizen-based

mechanism that monitors the INM and enables it to broaden and strengthen its existing accountability systems.

Given its geographical location, and unless living conditions in migrant-expelling countries change, Mexico will always be subject to the pressures generated by transmigration as well as the political and security agenda of the United States. It is therefore indispensable that the governments in this region address the push factors —especially the lack of meaningful opportunities, generalized violence, and gang harassment— and develop a regional migration policy that does not narrowly focus —at great cost but little effect— on containing undocumented migration and instead incorporates alternatives to detention.

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