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Before and After the Juárez Fire

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Protesters participate in a vigil at the Mexican Embassy after a fire in the National Institute of Migration in Juárez, on the border with the United States, killing 40 migrants. Photograph by Jesús Vargas.

Why did authorities let the migrants who were locked in a Ciudad Juárez migration detention center die? Alexandra Délano Alonso, a migration specialist, finds the explanation behind decades of migrant control and border militarization policies.

INTRODUCTION

On March 27, 2023, in Ciudad Juárez, Chihuahua, forty migrant men died burned and asphyxiated, and another twenty-nine were injured as a result of a fire inside a migrant “holding” center of the Mexican National Institute of Migration (INM).

On January 22, 2021, in Camargo, Tamaulipas, nineteen people who were en route to the border were shot and murdered, allegedly by state police. Afterward, they allegedly set fire to immigrants’ corpses.

On March 31, 2020, in Tenosique, Tabasco, a man died due to asphyxiation in a fire at an INM migrant holding center, and fifteen other people suffered from the fumes and smoke.

Since 2019, there have been twelve reported fires inside these migration stations.

On May 13, 2012, in Cadereyta, Nuevo León, forty-nine mutilated corpses were found. The identification process and repatriation of the migrants' remains have been delayed for years. Facing contempt from the state, the families have had to organize themselves and independently recover the corpses from the mass graves in which the government had placed them.

On August 23, 2010, in San Fernando, Tamaulipas, fifty-eight men and fourteen women were shot in the back, their corpses stacked up in a warehouse of a ranch. Some of their families have yet to receive the ashes or remains. Others believe that the corpses that have been delivered to them are not those of their family members. The case remains open and the people responsible unpunished.

Thousands more have died or have disappeared in the deserts, mountains, hills, rivers, unventilated trailers, highways, or railroads, all crossing Mexico to get to the United States. Thousands of families hope, search for their loved ones, and demand justice. Instead, they find mass graves, corruption, and impunity.

To understand what happened in Ciudad Juárez and so many other places, and what keeps happening, one must understand the logic, practice and implications of the past thirty years of immigration policies in the United States and Mexico.

To begin, the ratification of the North American Free Trade Agreement in 1993 occurred at the same time as the construction of walls at the U.S./Mexico border and a policy of control and militarization that has expanded to the Mexican southern border in the last three decades. Following this logic, successive Mexican governments have put their economic and political interests in the relationship with the United States above the protection of migrant rights on either side of the border, and in total contradiction with the discourse that they have promoted in international forums and before Mexican communities abroad.

The United States has maintained a policy of prevention through deterrence since 1993. The Southern Plan in 2001, the Southern Border Program in 2014, and the Migrant Protection Protocols, also known as Remain in Mexico in 2018, are all examples of the expansion of restrictionist policies to Mexico's southern border and beyond, irrespective of which party is in power. These policies have prioritized migration control and border security above human mobility and dignity. They are government practices that criminalize and discriminate against migrants while at the same time benefiting from their work and remittances.

Since a decade ago, Mexico has shared a migratory policy that looks to discourage people from leaving their countries of birth by making border crossings increasingly more dangerous. Even if there are more physical boundaries and risks, immigrant presence hasn't changed. What has changed are their strategies: they migrate in groups and look for other routes. The number of deaths and forced disappearances have also increased, along with the presence of organized crime and human trafficking networks that take advantage of clandestinity and vulnerability in order to do business as well as police, soldiers, and government agents who can abuse their authority and ask for bribes. This migratory policy also doesn't offer sufficient safe routes for crossing (like visas, humanitarian permits, or temporary work permits) and blames the migrants for exposing themselves to the dangers that the state has created.

Like columnist Óscar Martínez wrote while documenting the migration through Mexico fifteen years ago, "in each station, there is a dose of corruption. Each one has its own distinctive feature. In one, the murderers are men; in another, an organization of men; in another, a river, a wall, a desert, in all of them a lazy and careless state." Thus, the proclamation "it was the State" returns following the fire in Ciudad Juárez. The need returns to hold the government and its institutions responsible for the consequences of these policies and their impunity.

The main point that I find necessary to discuss regarding the fire in Ciudad Juárez is how the migratory policies of Mexico lead guards to not open the cells in a detention center that is burning down. In sum, why does the inexplicable keep happening? And beyond the state's responsibility, how does this involve us all? The last fire illustrated the harsh indifference and disdain toward migrants in the laws and policies as well as in people's everyday practices and conversations. After the fire, what the state had to resolve through the justice system and institutional change remains. What is also left to answer is what individuals and society can do beyond anger and grief.

Policies that put migrants at risk

Since the beginning of this century, Mexico has redefined itself as a country of emigration and also as one of return, transit, and immigration. Each one of these processes of human mobility has changed significantly in the last decade. Mass deportations from the United States have caused the return of more than 2.8 million people from 2008 to today, and the asylum and refugee applications in Mexico have increased by more than 9000% in the last ten years (from 1,296 in 2013 to 118,745

in 2022), with a total of 443,617 from 2013 to today.

This has happened, in great part, because of the limits that the United States has put on immigration since 2016. The program Remain “Quédate” in Mexico, the implementation of Title 42, and the new policies of the Joe Biden administration (that require people to apply for appointments to evaluate their asylum requests through the CBP One app, which only works in certain parts of Mexico, has technological difficulties, doesn’t permit making appointments as a whole family and offers less than a thousand appointments per day) have made Mexico go from being one of temporary transit to one of waiting or of migratory entrapment, as described by other academics and investigators in the northern and southern border.

At the same time, Mexico’s migratory policy has not been updated to face these changes. For example, the budget of the Mexican Commission for Aid to Refugees (COMAR) has not increased despite the increase in applications for asylum and refuge. From 30.3 million Mexican pesos in 2013 to 48.3 million in 2023 (after a budget cut of 14% in 2021). Thus, rejecting the recommendations from the head of COMAR and the United Nations High Commissioner for Refugees (UNHCR) to implement a budget double the amount to address falling behind with thousands of applications.

This has consequences: one of them is that the Mexican government cannot meet timelines that the law establishes (that is, forty-five days or ninety days in special cases) to evaluate applications and provide temporary stay permits. In this context, wait time conditions are unsustainable: migrants cannot leave the state where they applied; they have limited access to the information regarding their cases, and they live with the uncertainty about how long it will take to obtain a response.

There are also other aspects in which Mexico is reproducing what it has criticized so much about the United States. Mexican authorities have increased detentions at the southern border with Guatemala and inside Mexico (in 2022 there were 444,439 reported compared to 86,298 in 2013). Migration policies have become militarized with the deployment of the army and National Guard since 2019 at all points of entry at the border and checkpoints along the highways. In 2019, 8,715 elements of armed forces were sent to keep watch at the border, and in April 2022, 28,542. That means, three times more in three years. By 2019, nineteen out of the thirty-two INM state offices were directed by people with specialized training in military tasks, penitentiary work, or public security (see the report *Bajo la bota*).

Beyond the migratory control—arrests, deportations, checkpoints, militarization, excessive waits, and uncertainty—in Mexico, there is no such thing as inclusion policies that offer dignified conditions so that migrants have full access to public

health and education services or opportunities to work and live in Mexico, temporarily or permanently with permission.

In 2017, for example, Mexico City declared itself as a “sanctuary city.” This showed the compromise of the government to invest resources to guarantee the right to a home, food, health services, psycho-emotional care, support to obtain documentation, and job placement programs. With the change in administration in 2018, not only did these policies not get a follow-up, but at the federal level, the first INM commissioner appointed by President López Obrador, Tonatiuh Guille, declared that Mexico “will not be a country with open doors nor a sanctuary country.”

As many human rights organizations have documented in the report *Bajo la Bota*, the militarization of Mexican borders has deepened migrant vulnerability. The National Guard has used excessive force and made arbitrary arrests based on racial profiling. Their presence criminalizes those who cross the border and increases the risks that these people face trying to find routes that are less visible and, therefore, more dangerous. These are the policies that kill, separate families, and break the social fabric of communities.

The Mexican and the U.S. governments generally reject responsibility for these crimes and the consequences of their policies, accusing instead organized crime or even the people for migrating, making them responsible for the risks while crossing. But in the Ciudad Juárez case, there is no doubt about the state's responsibility: the fire happened inside an immigration station administered by a private security company hired by the Mexican government. Even if one of the detainees started the fire as a form of protest, the images clearly show how the authorities moved away when they saw smoke instead of opening the door and responding to cries from the men inside asking for help. Even more, the question is why the unworthy conditions inside that station in Ciudad Juárez led someone to burn a mattress as a last resort to demand attention. At least since 2005, but especially in recent years, regional and international organizations, experts from civil society, and the National Human Rights Commission have denounced the circumstances inside the 57 INM detention facilities. Migrants in these frequently under-regulated and under-supervised detention centers often experience overcrowding, physical and verbal abuse by INM agents or security personnel, death and extortion threats, as well as the lack of food, potable water, hygiene products, mattresses and blankets to sleep on.

There have also been warnings that the authorities make arbitrary arrests of people who have permits to stay in Mexico and even citizens who have no reason to be inside these migratory stations. Furthermore, the deprivations of liberty exceed the deadlines set by law. On March 15, 2023, the Mexican Supreme Court decided that “the periods

of fifteen and up to sixty business days of accommodation of foreigners in immigration stations, provided for in article 111 of the migratory law, are unconstitutional.” It must be added that while they are detained, the people do not have information about their legal options, and independent monitoring and legal representation groups have limited access to those spaces.

In September of 2022, a team from the International Detention Coalition (IDC) precisely visited the station in Ciudad Juárez where, six months later, forty migrants would die. The team reported conditions like overcrowding in cells without ventilation or natural lighting, and a negative impact on those inside these centers' physical, mental, and emotional health. Different organizations, both national and international, have documented the abuse and dehumanization that migrants face at the hands of agents. In addition to this, the impact of family separation, the uncertainty about their cases, and the duration of their detention time generate anxiety, anguish, hopelessness, and depression that can lead to extreme situations like suicide as the CNDH documents.

The State has not attended the recommendations regarding the basic conditions that migrant holding centers must have and that these must be only used in special cases to process those who have committed a crime or are in a deportation process. It was and is the State that uses euphemisms like “secure” instead of detaining or “shelters” instead of detention centers to mask these practices. It was and is the State that decides to allocate resources to militarize borders and to detain and deport migrants instead of investing in improving the refugee and asylum application processes or allocating resources to institutions, organizations, and civil society shelters that offer space, attention, support, and accompaniment in a dignified manner. In addition, as documented by Fundar, Sin Fronteras, and Así Legal, there is little information on the cost of immigration detention in Mexico. This reveals the lack of transparency and accountability. What is clear is that those resources spent on border control do not prevent migration but have serious consequences on human lives.

The success and failure in Ciudad Juárez

Before the fire, the authorities of INM had done operations and raids in Ciudad Juárez to apprehend any migrant (or whoever looked like one according to their criteria) on public roads or in abandoned buildings. That was their response to an increasingly tense environment in a city that since 2018 has seen an increase of people arriving, initially in the form of caravans and later in groups waiting at the border for their asylum request to be resolved based during the so-called Migrant Protection Protocols, better known as Remain in México, that Trump and the Mexican government negotiated. Since 2019 more than seventy thousand people have been taken back to

Mexico as a part of that program, of which 35% stayed in Ciudad Juárez, with the hope that by staying there, they will have a better possibility to cross the border. However, the limits of the city's infrastructure to house and employ this population became evident, especially during the pandemic.

At the start, Ciudad Juárez was one of the biggest examples of the possibility of adding resources and tenacity, from a perspective of hospitality and open doors, in the face of the change in migratory flows. In July of 2019, a coalition of businessmen, government and civil society launched the Juárez Initiative (IJ), focused on improving the conditions of migrants. With the resources and capabilities of different actors, they expanded the shelter network and added the support of international companies and organizations for job placement and housing projects.

Within this same framework, the secretary of labor created in Ciudad Juárez the first Integration Center for Migrants (CIM) in the country. The space offers accommodation, food, employment connections, legal advice, education, and health. They now also exist in Tijuana and Matamoros. However, the multi-sector collaboration that gave rise to all this was dismantled after the year 2021, partly because of political polarization in the city. What was left was a government program without the participation of the local civil society nor the resources from other sectors that could expand these programs.

When the Ciudad Juárez immigration station was closed after the fire, it was given to CIM in order to give continuity to the work of the INM, without making a distinction between the migratory control and the programs of economic and social inclusion. Although the government reports that the CIM attends to near five thousand people annually, it hasn't been enough to respond to the necessities of the different groups that have come to Juárez and other cities near the border. Nor have they been sufficient to meet the needs of people waiting amidst changing conditions and new regulations in the United States. With new and constant flows of migrants from different countries and increasingly longer wait times, the shelters' capacity is often exceeded, and their desperation is expressed in protests.

A few days before the fire in the immigration detention center, the mayor of Ciudad Juárez, Cruz Perece Cuéllar, declared that the level of patience of the authorities towards migrants was running low, that the local economy could not sustain the arrival of so many and that their presence in the streets was affecting that daily life in the city. It is not surprising and to a certain extent it is understandable that in cities, towns, and communities of Mexico, devastated by violence, poverty and inequality, there is rejection or concern about the arrival of thousands of people in the last couple of years. Furthermore, they no longer have the expectation that it is a temporary step in

their journey north. There are increasingly longer stays (sometimes between two months and two years) and perhaps they are permanent, but above all things are uncertain. Before a crisis of economic and political systems that provoke forced migration and institutions that do not adequately respond to these flows, the common perception is: “How are we going to offer work, shelter, services, and security to the migrants if not even the local population has these, if the economy can’t sustain migrants, if our families have also emigrated in search of better living conditions? In the formation of these questions, there are some clues that explain fear, rejection, and criminalization of migrants, but also the possibility of constructing another narrative and other migration policies.

Policies that can benefit migrants and locals

The alternatives already exist. Many solutions start from a structural vision that understands that the conditions of poverty and violence that affect the people who decide to leave their country or are forced to leave also affect the local population. Recognizing that they are the result of inequality and violence created by economic and political systems and by climate change and that the response to the needs of migrants and refugees is not separate from or competing with the needs of the local population.

For example, there are shelters for migrants that open their doors to give food, access to a shower, and medical and psychological attention to people without shelter or anyone in town who might need it. Another example: the resources generated by programs such as IJ or due to the growing presence in Mexico of international institutions focused on migration and refugees have served to create infrastructure (like shelters, parks, cultural spaces, street lighting, job training programs, and medical services) that simultaneously benefit the local communities.

In a similar way, the massive deportations and the return of migrants from the United States to Mexico have shown the discrimination that citizens face that return to their country, regarding access to health and education services, documentation, housing and work due to the stereotypes that exist against migrants, even if they are Mexican. Given this, organizations like *Otros Dreams en Acción* (Other Dreams in Action) or the Instituto para las Mujeres en la Migración (IMUMI) have achieved legal changes in the right to identify and in the documentation processes related access to public services. Thus, the struggle of the communities returned to Mexico is against the racism and classism of institutions that is expressed not only against migrants, but also against indigenous communities, the LGBTQI community, and people with disabilities.

Along the same line, when human rights organizations propose to abolish the detention of migrants and eliminate immigration stations in Mexico and the world, they mean that if procedures and channels existed for regular, free, and safe migration, there would be no need to deprive them of their freedom. This would eliminate the need to resort to human trafficking networks and would reduce the risks of facing organized crime or corrupt authorities. This security would benefit not only migrants but also the communities through which migrants pass or arrive to.

If, instead of keeping asylum seekers in the limbo of an uncertain wait, they were offered temporary employment options, these people would have the means to build a decent life, provide for their families, and contribute to the communities they live in. If resources were allocated to shelters and community organizations with experience, knowledge and capacity to provide them with comprehensive support, migrants would have the possibility of accessing not only information, but also material and emotional conditions that allow them to decide the temporality of their transit or their stay in the country with clarity regarding the existing conditions and according to the specific needs of their families.

Beyond reforming the institute for national migration

After the fire at the migrant center in Ciudad Juárez, the urgency of reforming or eliminating the INM was put back on the table. The corruption within the institute, the lack of transparency and accountability, its inability to update itself in the face of the changing migration reality and its lack of coordination with other agencies in charge of immigration processes have clearly resulted in a dysfunctional policy at many levels. Although it is still not clear what it consists of and how it would operate, the López Obrador government's proposal to replace the INM for a National Coordination of Migration and Immigration Affairs echoes a call that civil society has made for years, the need for a comprehensive and intersectional immigration policy that includes all relevant areas at the federal, state, and local level (governance, foreign relations, health, education, work and gender) and that has the active participation of civil society organizations and experts.

Father Alejandro Solalinde, founder of the Hermanos en el Camino shelter, went from being one of the main critics of Mexico's immigration policy to being the defender of López Obrador's control policy against the first caravans in Central America. Far from representing the families, migrant organizations and civil society groups that have been fighting this fight for decades, Solalinde—representing the government, although without a formal position—is the one who now describes the project of transforming the INM, which contemplates eliminating migrant detention or holding centers and removing the National Guard from the responsibility of

immigration control.

Solalinde also claims that this new policy will be humanist. The same has been said by President Joe Biden when he proposed training the border patrol and operating detention centers with a humanitarian approach. But dozens of people have died in the custody of the U.S. Border Patrol or in encounters with it (eighty-eight people in 2021, according to their own reports) and at least forty-five have died inside U.S. detention centers over the past five years.

Giving INM another name and proposing new coordination mechanisms with other areas will not be enough if the premise of immigration control and the security approach, inherited from the United States, do not change. Without avenues for regular migration and without investments to reduce waiting times and provide comprehensive care to migrants, criminalization, extortion, abuse, and corruption will continue. There will continue to be desperation, hopelessness, and discontent among people in contexts of forced mobility, and the idea of migration as a problem, a crisis, as something unnatural and undesirable will persist.

We understand the fire in Ciudad Juárez not as the result of an isolated event but as the product of a policy built over decades and as part of a fractured system. However, it may be a turning point in mobilization around immigration policy. I insist, a “never again” like the one that was stated in 2010 in response to the massacre in San Fernando, Tamaulipas—in which, to this day, caravans of mothers who search for missing migrants scream every year in collective indignation at a tragedy that could have been avoided—necessarily has to be built from a change in the premise of security and immigration control.

The previous situation is not only the government's responsibility, as the IJ and other examples presented here suggest. The ways of thinking about migration from dignity, freedom, and mutual well-being have existed for years. They are palpable in the Centro Fray Matías en Tapachula, La 72 en Tenosique, Voces Mesoamericanas en San Cristóbal, Las Patronas en Veracruz, FM4 Paso Libre en Guadalajara, Cafémin en la Ciudad de México, Espacio Migrante en Tijuana, la Casa del Migrante en Juárez and in numerous other spaces. Concepts, practices, and everyday actions there prove that we can respond in another way.

Until now, the government of López Obrador has discarded the option to develop a migration policy based on these examples and experiences. Placing Solalinde in charge

of the new proposal does not change the fundamental fact that the spaces for dialogue and mutual work between the government and civil society that once existed have been closed since the beginning of his administration. But to prevent another fire, another death, or another abuse, a policy built with migrants, local communities, organizations, families, companies, and governments is necessary. That possibility exists in the type of solidarity that understands that the well-being of one person is intimately linked to that of everyone and that if the root causes of a fire do not change, the fire will re-ignite.

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