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The Bridge



# “It’s Very Hard to Have Rights”

The Impact of COVID-19 on Refugee and Migrant Communities in Tijuana

Supported by



*Cover Photo: Poster is from a protest in June 2020 that various organizations planned in Tijuana, in solidarity with the Black Lives Matter movement and after the death of a Haitian man in Tijuana police custody.  
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## ABOUT THE ORGANIZATIONS

**Espacio Migrante** is a binational community organization based in Tijuana, which supports migrants, refugees, asylum seekers and people on the move. Espacio Migrante works directly with diverse migrant communities from Latin America, the Caribbean and Africa, including migrant children, youth, and adults. Espacio Migrante has a shelter for asylum-seeking families, a Cultural and Community Center, and a Legal Clinic. Espacio Migrante's mission is to create a safe space where migrants can access educational and cultural programs and receive comprehensive support in their migration process. Through cultural and community dialogue, Espacio Migrante defends and promotes human rights and social, racial, and gender justice in migrant communities.

**Haitian Bridge Alliance (“HBA”)** is a nonprofit community organization based in San Diego and Orange County. HBA advocates for fair and humane immigration policies and connects migrants with humanitarian, legal, and social services, with a particular focus on Black migrants, the Haitian community, women, LGBTQIA+ individuals, and survivors of torture and other human rights abuses. Since 2015, HBA has provided services to asylum seekers and other migrants at the U.S.-Mexico border, in U.S. detention, and during U.S. immigration proceedings. As HBA Co-Founder and Executive Director Guerline Jozef says, “We went to the U.S.-Mexico border to help our Haitian brothers and sisters, but we saw Africans and Central Americans in need as well. We stayed for everyone else.”

**Refugees International** has been very pleased to support this research and this report. Refugees International is an independent non-profit organization based in Washington, DC that advocates for lifesaving assistance, human rights, and protection for displaced people all over the world. Refugees International believes it critical that organizations working with displaced people and forced migrants outside the United States have opportunities to share their views with the broadest possible public and policy-making audience in the United States and beyond. Refugees International is committed to playing a role in facilitating this very important form of advocacy from individuals and organizations most significantly affected by the migration policies of the United States and other countries of transit or destination.

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## EXECUTIVE SUMMARY

In this report we show that militarized migration enforcement measures, changes in documentation policies, and border closures violate Mexican, U.S., and international law and that these deterrence policies made communities of asylum seekers, refugees, and migrants in Tijuana vulnerable to the impacts of COVID-19. Our study reveals the institutional barriers that migrants—and especially non-Spanish speaking and Black migrants—have faced in Tijuana during the pandemic, especially regarding employment and access to housing and services. Our study also shows the impacts of official and societal bias and racism on migrants and asylum seekers. Our hope is that the survey and interviews analyzed here will inform future funding and advocacy priorities that uphold migrant rights. We recommend policy changes that will help address discrimination and better meet the needs of migrants, particularly concerning documentation, legal status, and access to services.

## METHODOLOGY

### STUDY BACKGROUND

Especially at the start of the COVID-19 pandemic in the spring of 2020, many migrants in Tijuana—particularly Africans and Haitians and those not living in shelters—were struggling to meet their basic needs and were not eligible for assistance from the International Organization for Migration (IOM). Between April 2020 and June 2021, community organizers working for Espacio Migrante and Haitian Bridge Alliance conducted phone surveys with 335 Central American, Haitian, and African migrants and asylum seekers to assess their needs and approve them for a cash assistance program run by the two organizations. Espacio Migrante and Haitian Bridge Alliance provided qualified applicants with prepaid cards they used to purchase food, medicine, and other essential items. The initial survey among the 335 people who received cash assistance forms the basis of this study's quantitative data. Of those surveyed, 92 were Spanish-speakers from Latin America and the Caribbean; 100 people were from 13 African countries; 141 people were from Haiti; and two were English-speakers from Jamaica. The survey included questions about language, family composition, immigration status, and inquiries about access to education, housing, employment, and health care. The survey also included open-ended questions about migration plans, and community and familial needs.

Languages spoken by those surveyed from Latin America, Haiti, and Africa.<sup>1</sup>

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1 We found that many of those interviewed spoke more than two languages, a fact that may make it easier for government officials to provide translated materials.



## Survey Participants' Country of Origin



| Languages                                 | Africans<br>(N=100) | Haitians<br>(N=141) | Latin Americans<br>(N=92) |
|---|---------------------|---------------------|---------------------------|
| English                                   | 67                  | 2                   | 2                         |
| English & French                          | 7                   | 0                   | 0                         |
| English, Spanish & French                 | 3                   | 8                   | 0                         |
| French                                    | 16                  | 0                   | 0                         |
| Haitian Creole                            | 0                   | 18                  | 0                         |
| Haitian Creole & French                   | 0                   | 22                  | 0                         |
| Haitian Creole & Spanish                  | 0                   | 22                  | 0                         |
| Haitian Creole, Spanish & French          | 0                   | 31                  | 0                         |
| Spanish                                   | 1                   | 33                  | 83                        |
| Spanish & English                         | 5                   | 1                   | 6                         |
| Spanish & French                          | 1                   | 0                   | 0                         |
| Spanish, English, French & Haitian Creole | 0                   | 4                   | 1                         |

After an initial review of the surveys, the research team decided to conduct qualitative interviews to address some issues in more depth. Over two weekends in October 2020, the organizations conducted three focus groups meetings, with Latin Americans (the majority of whom were from Northern Triangle countries, Honduras, El Salvador, and Guatemala), Africans, and Haitians to home in on their distinct experiences. Participants in the focus groups, drawn from those who had been surveyed, received small payments for their time and to cover their transportation costs. The final stage of the research occurred in late 2020 through spring 2021 and involved observing and documenting changes in U.S. and Mexican immigration and border policies. This report

draws on the results of the survey, focus group interviews, and participant observation. We also compare our findings to those of other studies done of migrant populations in Tijuana.

## **ETHICAL CONSIDERATIONS, HOLISTIC STANCE**

This study is grounded in the holistic approaches and community-based strategies that characterize the way Espacio Migrante and Haitian Bridge Alliance work with migrants and asylum seekers. At the heart of Espacio Migrante's philosophy is community building and grassroots organizing through intercultural exchange, cultural events, active listening exercises, community meetings, and interviews. Espacio Migrante uses community-based events to transmit information and to train and equip migrants to be advocates for themselves and for other community members. Like Espacio Migrante, the staff of Haitian Bridge Alliance make it a point to learn from migrants and to create action strategies in keeping with their articulated needs and priorities. HBA also considers that anti-blackness is a fundamental pillar of immigration policies throughout the Americas. Moreover, HBA works from the assumption that discrimination and prejudice based on gender, sexuality, location, ability, class, and legal status cannot be separated from the fact of one's blackness. In essence, Haitian Bridge Alliance employs an explicitly anti-racist and intersectional approach in its work with migrants and asylum seekers and advocates that these perspectives to inform any and all work with Black migrants.

Espacio Migrante and Haitian Bridge Alliance work diligently to create and maintain bonds of trust with migrant communities in Tijuana most notably by hiring staff members from the communities they serve. Not only does having Central American, African, and Haitian people on staff help build trust between the organizations and migrants, but these staff members also transform the work of the organizations because they determine which needs and services to prioritize. The community organizers who work with Espacio Migrante are cultural brokers and bridge builders. They called and surveyed everyone who received cash assistance. This work was made possible by the depth of trust they had built with community members.

## **A NOTE ON SUPPORT FROM REFUGEES INTERNATIONAL**

Refugees International has been very pleased to support this research and this report. Refugees International is an independent non-profit organization based in Washington, DC that advocates for lifesaving assistance, human rights, and protection for displaced people all over the world. Refugees International believes it critical that organizations working with displaced people and forced migrants outside the United States have opportunities to share their views with the broadest possible public and policy-making audience in the United States and beyond. Refugees International is committed to playing a role in facilitating this very important form of advocacy from individuals and organizations most significantly affected by the migration policies of the United States and other countries of transit or destination.

## A NOTE ON TERMS AND LANGUAGE

### GENDER INCLUSIVITY

Throughout the report, we use “they,” “their,” and other terms to retain, as much as possible, gender inclusion. When appropriate, we also use gender-specific pronouns such as he/his and she/her/hers.

### ABOUT AFRICANS IN THE RESEARCH

A total of 100 people from 13 African countries participated in this study. We recognize that there is a great diversity in the cultural, linguistic, and historical experiences among the people called “Africans” in this report, and they are disaggregated whenever appropriate and statistically significant.

### GLOSSARY

|        |  |
|--------|--|
| CBP    | U.S. Customs and Border Protection   |
| COMAR  | Mexican Commission for Aid to Refugees (acronym in Spanish)                |
| INEGI  | The National Institute of Statistics and Geography (acronym in Spanish)    |
| INM    | National Migration Institute (acronym in Spanish)                          |
| IOM    | International Organization for Migration                                   |
| MPP    | Migrant Protection Protocols   |
| PROBEM | Binational Migrant Education Program (acronym in Spanish)                  |
| SEMEFO | Forensic Medical Service (acronym in Spanish)                              |
| TVRH   | Visiting Card for Humanitarian Reasons (acronym in Spanish)                |
| FMM    | Entry Permit for Visitors for up to 180 Days (acronym in Spanish)          |
| CURP   | An Identity Number for Mexican Citizens and residents (acronym in Spanish) |

## RECENT MIGRATION TO TIJUANA AND MEXICAN AND U.S. POLICY RESPONSES

Tijuana attracts many internal migrants seeking opportunity in a border region home to hundreds of factories as well as significant tourism, defense, and medical sectors. At the same time, Tijuana is an important gateway to the United States for people seeking refuge and asylum from political repression, gang and gender-based violence, hurricanes and droughts, civil wars and ethnic violence, and failed development and government policies.

Until 2016, migrants in the city were mainly Central Americans or Mexicans displaced by violence or Mexicans deported from the United States. In 2016, Haitians began to arrive in Mexico in large

numbers from South American countries, mainly from Brazil (Yee, 2017). At that time, INM, Mexico's migration authority, gave *oficios de salida* (temporary transit visas) to Haitians who arrived through Mexico's southern border. These visas gave migrants 20 days to transit and exit Mexico through any border crossing of their choosing. (José Ascención Moreno Mena, 2019). An estimated 40,000 Haitians reached Tijuana in 2016 (Yates, 2021). U.S. border officials usually placed them into full removal proceedings that allowed them to remain in the United States while they pursued their cases in immigration court. Some Haitians were allowed to enter the United States on humanitarian parole and permitted to stay for up to three years. But in September 2016, concerned about the increasing number of asylum seekers at the border, U.S. Department of Homeland Security (DHS) Secretary Jeh Johnson announced the resumption of expedited removal of Haitians for the first time since the 2010 earthquake. Deportations were briefly suspended after Hurricane Matthew hit Haiti in early October 2016, but Haitians arriving at the border were still placed in expedited removal proceedings and detained to await resumption of deportation flights in November of that year. Dozens of newly arriving fathers were separated family members who had been paroled before the change in policy. (Chishti & Pierce, 2016; Kanthar, 2016). The U.S. Department of Homeland Security confirmed in late November 2016 that more than 200 people had since been returned to Haiti, and Johnson said that DHS would "significantly expand" deportation of Haitians in the weeks preceding then incoming president Trump's inauguration. (DHS Statement by Secretary Johnson, 2016)

## **METERING AND MPP**

Another U.S. policy response to the rise in Haitian and other asylum seekers—including those from Africa and Latin America—to Tijuana in 2016 was the establishment of a turn-back system at ports of entry. Beginning in 2016, San Ysidro port officials began to stop migrants at the limit line outside the port of entry to prevent them from entering the port building and coordinated with the government of Mexico to "meter" asylum seekers at San Diego Ports of Entry. (Order in *AOL v. Mayorkas*, 2021). However, Grupo Beta, the division of INM that was supposed to provide asylum seekers with appointment times to present themselves at the port of entry, frequently failed to give appointments to asylum seekers who lacked *oficios de Salida*. This unofficial policy especially harmed Central Americans because they were not typically issued these documents at Mexico's southern border; Grupo Beta officials referred them instead to the Tijuana INM office for detention and deportation (Human Rights First, 2017). In the summer of 2017, as large numbers of non-Haitian asylum seekers (including Mexicans from Michoacán and Guerrero) came to Tijuana, Grupo Beta created a single waiting list for all asylum seekers regardless of nationality and asked asylum seekers to manage the list.

INM and CBP also requested the help of shelters to accommodate waiting asylum seekers and to help manage their appointments with port officials (Alarcón, 2017). In response, about 25 new shelters opened in Tijuana between October 2016 and April 2017, among them many churches that adapted their spaces to house migrants. While the opening of these shelters added significant resources to an already substantial infrastructure of migrant support in Tijuana, the longer wait times for those wanting to seek asylum in the U.S. overburdened this system and financial assistance for these new shelters was not forthcoming from state or local governments (París, 2018). Instead, the INM in Baja, California started a special program offering Haitians humanitarian visas that gave them legal status and work authorization in Mexico for one year. The visa could be renewed, and after three renewals, visa holders could request temporary residency with a work permit. By 2018, INM had granted humanitarian visas to 2,890 Haitians in Tijuana (Ocaño, 2018).

In April 2018, the movement of the first migrant caravan of several hundred Central Americans through Mexico was used by then-U.S. attorney general Jeff Sessions to justify a new Zero Tolerance Policy. In the following weeks, even as asylum seekers who entered the United States between ports of entry were prosecuted and separated from their children, CBP formalized its process of turning away people who sought asylum at ports of entry across the entire border. At Tijuana's three ports of entry, CBP officers told arriving asylum seekers to go to the San Ysidro PedWest bridge to put their names on the waiting list and obtain an appointment number. Each day, CBP notified INM regarding how many asylum seekers would be processed (usually between 20 and 80 people), and Grupo Beta notified the volunteers administering the list.

In the fall of 2018, the Trump administration claimed that a second caravan of migrants making its way through Mexico was a threat to the United States (Enns & Schuldt, 2018). The Mexican media and the mayor of Tijuana also stereotyped the migrants as violent criminals, leading to anti-immigrant protests and an uptick in discrimination against migrants in the city (Zeta Tijuana, 2018; Cobian, 2019). The number of asylum seekers arriving and waiting in Tijuana far surpassed the capacity of migrant shelters, prompting the local Tijuana government to set up a temporary shelter in the Benito Juárez Sports Complex, where conditions rapidly deteriorated. In December 2018, the federal government established an indoor shelter on the outskirts of the city which closed by late January 2019. After the caravan's arrival, the metering wait list grew to 5,000 people with a wait time of roughly three months. Advocacy groups in Tijuana also documented the refusal of the volunteer list administrators to add Black asylum seekers and unaccompanied minors to the list (Robert Strauss Center et. al., 2018).

In an attempt to deter additional asylum seekers, the U.S. government started the Remain in Mexico, or Migration Protection Protocols (MPP) program in early 2019. CBP agents (initially at ports of entry and then also in between ports of entry) returned asylum seekers from Spanish-speaking countries (and, later, also Brazil) to Mexican border cities like Tijuana where they waited for the date of their hearing with an immigration judge in the United States. Mexican President Andrés Manuel López Obrador's administration promised to provide those waiting in Mexico with "humanitarian care and assistance, food and housing, work permits and education" (Department of Homeland Security, 2019). But Mexican authorities gave those in MPP short-term entry visas (FMMs) that did not help them to access services or employment or even ensure protection from deportation—especially if asylum seekers traveled away from Tijuana to places where INM was unfamiliar with MPP. At the same time, churches and community organizations could not accommodate all those returned, so many families experienced homelessness and most children in families placed in MPP did not attend school or have access to health care. The notorious Centro Integrador del Migrante campsite that housed about 300 families was the only public accommodation for those in MPP (Instituto para la Mujer en la Migración, 2019, November). Since many employers refused to hire those in MPP, people in the program worked informally in restaurants and car washes or street vending. Many waiting for their court dates in Tijuana were assaulted, kidnapped, and trafficked; some were even killed (Olvera & Arvey, 2021; Wendy Fry, 2019). Also, asylum seekers residing in Mexico had difficulty securing immigration attorneys to represent them in U.S. immigration courts.

## **MILITARIZATION OF MIGRATION ENFORCEMENT**

To make matters worse, after the Trump administration threatened to impose tariffs on Mexican products in June 2019, the Mexican government agreed to deploy the National Guard to carry out immigration enforcement operations in conjunction with the INM at both its southern and

northern borders. In the south, the first high-profile operation targeted a new caravan of about 400 people, many of them Black migrants from Cuba, Haiti, and Africa. These migrants had been allowed to enter Mexico from Guatemala and began walking from the border city Ciudad Hidalgo to Tapachula. The arrests included families with young children and even some people who already had legal status in Mexico (Colectivo de Observación y Monitoreo de Derechos Humanos del Sureste Mexicano, 2019). Migrants were detained in buses and transferred to immigration stations where they were not permitted to seek refugee status in Mexico or talk to consular representatives. These practices became the modus operandi of the National Guard and the INM, turning places like Tapachula into prison cities where migrants have indicated they feel like hostages of Mexico's immigration policy (Mandujano, 2019).

In August 2019, an Assembly of African Migrants formed in Tapachula and released a statement denouncing their mistreatment:

Most of us were detained at the Siglo XXI Migration Station. At no time did we have translation into our languages. They made us sign documents that we did not understand. They gave us a document talking about our alleged statelessness and they tricked us by telling us that with that document we could travel without being detained. Those of us who tried were again arrested and returned to Tapachula. We were told that we could access the Visiting Card for Humanitarian Reasons, but we were eventually denied. They have deceived us. They deny us the possibility of leaving Tapachula, where we feel blocked and desperate as well as suffering constant acts of racism and hostility from the immigration authorities. When we go out to the streets to demand solutions and rights, we suffer more repression by agents of the National Guard and Municipal Police. We are treated with violence while the competent authorities neither listen to us nor receive us. They only treat us with contempt, indifference and hostility. The actions of the State authorities were of repression and direct physical attacks, including using tear gas against people and hitting us with stones. A Cameroonian brother, who was hit on the head with a stone by a federal policeman, lost consciousness and had to be rushed to the hospital with severe bleeding from his head (FOCA A. C., 2019).

The statement highlights the impact of Mexico's changing policies regarding documentation. Prior to 2019, African migrants, like Haitians, who were apprehended and detained in southern Mexico were given *oficios de salida* that gave them a brief period to exit the country, allowing them to travel northward to do so. In the summer of 2019, under pressure from the United States, Mexico first stopped issuing these documents and then issued ones that required migrants to leave the country through the southern border to Guatemala. With migrants refusing to leave and insisting on their rights, Mexican authorities began giving them access to various immigration statuses but in a hastened manner and without full explanation. In 2019, approximately 1,300 African migrants requested asylum before Mexico's refugee agency (COMAR), some voluntarily and others without fully understanding what they were applying for (Bolter and Yates, 2021). It is still unclear among both asylum seekers and advocates if their applications for protection in Mexico will hinder their asylum claims in the United States. Many Africans did not apply for asylum because the process took months, required that they remain in Chiapas (the southern Mexican state that borders Guatemala), and because Mexico was not their intended destination. Some tried to leave in a

caravan in the fall of 2019 but were blocked almost immediately by the National Guard and many were detained (IMUMI and Baji, 2021). INM also used its discretionary powers to grant Permanent Residence Cards that classified as stateless people from Africa and Haiti who had valid passports.<sup>2</sup> Again, it was left unclear, and certainly not explained to Africans and Haitians in their languages, if having these cards meant the United States would consider them “firmly settled” in Mexico (and ineligible for asylum in the United States). Some Haitians and Africans were also issued humanitarian visas that allowed them to leave Tapachula

Militarization also intensified on Mexico’s northern border. On July 5, 2019, 300 members of the National Guard officially arrived in Tijuana and an additional 200 National Guard troops arrived on November 7th, 2019 (Hernández, 2019; Notimex, 2019). Civil society organizations in Tijuana documented an increase in arbitrary detentions of migrants as Municipal Police and the National Guard carried out joint operations with the INM on public roads and residential spaces. According to the Migration Monitoring and Observation Collective in Tijuana (2019), the National Guard carried out raids inside housing complexes with a high concentration of Haitian migrants. This force also conducted immigration raids near shelters and hotels where Haitian, African, and Central American migrants lived, as well as near Haitian restaurants and other Haitian-owned businesses (Colectivo de Monitoreo y Observación Migratoria en Tijuana, 2019).<sup>3</sup> Cases of extortion, robbery, mistreatment, physical and sexual abuse, and even death at the hands of Tijuana police were reported (Olvera & Arvey, 2021). In June 2019, 300 African migrants accused INM staff members of charging them between U.S. \$700 and \$1,000 to place their names at the top of the unofficial waiting list used to manage asylum appointments at San Ysidro (Heras, Ramírez & Cuéllar, 2019). Also, in late 2019 and early 2020, Mexican authorities deported significantly more Haitians than in previous years.<sup>4</sup>

## **PROBLEMS WITH DOCUMENTS AND DISCRIMINATION**

Our research revealed how these policy changes impacted asylum seekers in Tijuana in 2020 and 2021. For example, through focus group conversations we learned that documents from COMAR offered Africans little protection from harassment by police officers in Tijuana. As one Ghanaian man reported, “the police stop you in the street and they ask you, ‘where are you from?’ I say, ‘Ghana,’ and they ask for my ID. I told them I don’t have any, I only have these documents. He told me that these documents have no value, so I told him ‘let’s go to immigration or to COMAR.’”

Our research shows that Mexican immigration policies have created a large migrant and asylum-seeking population in Tijuana that lacks documents necessary to effectively secure jobs, rent apartments, and access services, as discussed further below. Among the undocumented in

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2 According to Mexico’s migration law, a person designated stateless automatically qualifies for permanent residency.

3 On June 28, a week before the official arrival of the National Guard, INM vehicles and the Mexican army began patrolling the streets of downtown Tijuana, even parking outside Espacio Migrante’s shelter and community center for almost an hour. Although they did not try to enter and the doors were closed, they frightened the migrant families at Espacio Migrante.

4 “According to Mexico’s Secretariat of the Interior, between 2013 and 2018, fewer than 1 percent of Haitian migrants who were apprehended in Mexico were deported to their country (118 in total). But in 2019, Mexico deported more than 6 percent of apprehended Haitians (263 overall) and nearly 20 percent in 2020 (341)” (Yates, 2021).

Tijuana are many Africans and Haitians who were only given transit visas to travel north that have by now expired. Haitians who initiated a refugee process with COMAR in Chiapas and were given humanitarian visas while they awaited adjudication have not been able to renew their humanitarian cards in Tijuana.

People from Central America who have been in Tijuana since 2018 and early 2019 have experienced something similar: INM's refusal to renew humanitarian visitor cards (TVRH) given to them during a brief time when the Migrant Caravans arrived. These cards were valid for one year and renewable until conditions in their home countries improved. But a year later, and without much change in those countries' conditions, the INM denied their renewals. Further, in our survey, Hondurans comprised the majority of those under the MPP program with no other migratory document than the FMM, an entry permit for visitors—which also limits their ability to work and get services.

Among Haitians, renewing documents every year is a process that generates stress and anxiety. Some were overwhelmed by the difficult, if not impossible, task of obtaining official documents from Haiti and having to pay fees each time they renewed their cards. They also described their interactions with INM staff as confusing, because of the lack of information available in Haitian Creole, and negative because of the way they are treated. During the focus group conversation, one Haitian recounted how authorities became angry because of a minor error made by a Mexican official on a document – a reversal of last and first names. Before the document could be renewed, the name had to be fixed, and this left the Haitian migrant undocumented in the interim. The staff of Espacio Migrante's Legal Clinic have also witnessed the difficulty Haitians face when they try to register children born to them in Mexico. As in the United States, Mexico practices birthright citizenship; anyone born in Mexican territory is a Mexican national regardless of the parents' status in the country. Mexican law also establishes that parents of Mexican-born children have the right to receive permanent residency, but they must initiate a change of their immigration status. However, to start this process, the parents' identities need to be verified and registered on their child's birth certificate. Presently, officials working in local civil registries that issue birth certificates refuse to accept valid passports or letters from consulates verifying birth parents' nationalities as evidence of parents' identities. Instead, the Office of the Civil Registry requires certified, apostille birth certificates from both the mother and father, and these certificates are impossible to obtain from the Haitian government. If the parents' information is not included on their baby's birth certificate, the parents cannot regularize their status. This situation contributes to the growth of families with mixed immigration status. A Haitian woman shared that while her son is a Mexican national, Mexican authorities do not want to grant her the same status.



## DOCUMENTARY STATUS OF THOSE SURVEYED

### AMONG AFRICANS SURVEYED (N=100)

| Immigration status or process   | Number of people |
|---|------------------|
| Humanitarian visitor card or were in the process of getting that card renewed         | 5                |
| Undocumented  | 7                |
| Refugee status in Mexico  | 15               |
| Applicants for refugee status in Mexico (through COMAR)                               | 10               |
| Permanent residence in Mexico or were in the process of renewing their temporary card | 25               |
| Process of reopening their request for asylum in Mexico                               | 1                |
| Regularization by applying for a family unit visa                                     | 1                |
| Seeking or Planning to Seek Asylum in the United States                               | 36               |

### AMONG HAITIANS SURVEYED (N=141)

| Immigration status or process  | Number of people |
|--|------------------|
| Permanent residency or were in the process of renewing their temporary cards                           | 40               |
| Humanitarian visitor card or were in the process of getting that card renewed                          | 37               |
| Applicants for refugee status in Mexico (through COMAR)  | 23               |
| Temporary residence  | 15               |
| Reported having a visitor visa (by which they meant either a humanitarian card or temporary residence) | 10               |
| Undocumented   | 8                |
| Refugee status in Mexico   | 3                |
| Permanent residence as Stateless   | 2                |
| Seeking or Planning to Seek Asylum in the United States  | 2                |
| Regularization by applying for a family unit visa  | 1                |

### THOSE SURVEYED FROM LATIN AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN (N=92)

| Immigration status or process   | Number of people |
|---|------------------|
| Humanitarian visitor card or were in the process of getting that card renewed | 23               |
| MPP (they got the FMM)  | 15               |
| Refugee status in Mexico  | 14               |
| Applicants for refugee status in Mexico (through COMAR)                       | 11               |
| Temporary residence in Mexico or were in the process of renewing their card   | 8                |
| Process of reopening their request for asylum in Mexico                       | 6                |
| Regularization by applying for a family unit visa                             | 6                |
| Seeking or Planning to Seek Asylum in the United States                       | 6                |

*Note: the rest (3 people) did not answer the question, were Mexican citizens or had dual nationality*

## NO LONGER TEMPORARY AND NO LONGER WELCOMED

Our research reveals that as Tijuana has become a city where asylum seekers and migrants stay rather than transit, Mexican views of them have changed.

The first studies about Haitians in Tijuana and Mexicali found that Haitians were the “beneficiaries” of a double-edged stereotype. On the one hand, Mexicans interviewed by Schwarz Coulange Méroné and Manuel Ángel Castillo commented that Haitians were, “‘hardworking’ [and] ‘determined.’” They were not seen as beggars or as reliant on public support. This “positive stereotype,” however, appears to have encouraged some employers to see Haitians as nothing but workers because, as they reported to Méroné and Castillo, Haitians were hired for the most difficult jobs and often for less money (Méroné and Castillo, 2020). In her research, conducted just after the first wave of Haitians arrived in Tijuana in 2016 and 2017, Rosa María Garbey-Burey found that although Haitians were largely unknown to Mexicans, they became visible because of their style of dress and, from the perspective of Tijuaneños, they did not “look” like migrants because they did not look “poor” (Garbey-Burey, 2018).

While their numbers remained small and the population transitory, news stories and formal reports painted Haitians empathetically, explaining their presence in Tijuana as a consequence of the 2010 earthquake, which was followed by a cholera outbreak and then, years later, Hurricane Matthew in 2016. A review of articles published in Mexico between 2015 and 2017 found that they focused on four topics: the difficulty Haitians had acquiring documents from INM, their attempts at integrating into Mexican society, the creation of Mexican-Haitian families through marriage, and the opening of businesses and “little Haitis” in places such as Tijuana and Mexicali.<sup>5</sup> When the first migrant caravan arrived in 2018, Tijuana’s mayor compared Central Americans “unfavorably” to Haitians who had arrived previously. “The Haitians...never asked us for food or shelter” and “inserted themselves in the city’s economy,” the mayor said (Voice of America, 2018).

Our research suggests that there has been a shift in the perception of Black migrants by Mexicans in Tijuana since 2019, a timeline that parallels the increased militarization and longer stays associated with recent border policies. Black migrants have come to be perceived as degrading or polluting the city and as easy targets who will not be protected by the police. During a focus group conversation, we learned that the Haitian Creole word *masisi* and Spanish word *mayate* (both words translate as “faggot”) are used as homophobic slurs by some Mexicans in Tijuana to humiliate Black men. A young Ghanaian in the focus group complained: “They call me ‘masisi’ or ‘mayate’ and they insult you.... I meet someone from Mexico, they approach me and then call me masisi. Why do you call me masisi? Why?” Such comments about Black men’s gender, sexuality, and their foreignness are clearly used to diminish Black men vis a vis Mexican norms of masculinity, and this case illustrates the interconnectedness of various forms of discrimination and stereotyping. During a focus group conversation, a Haitian family described to Espacio Migrante staff how, when they asked a Mexican mechanic hired to fix their car why he was instead removing parts from it that worked, the mechanic “entered our house with a weapon. He wanted to shoot [us].” Haitians in the focus group also said they do not go out at night for fear of attack or theft. One Haitian told us of being unprotected the only time he went out on the streets—“when I’m going to work.” In Tijuana, he said, “You are the one to secure yourself,” because the police do not provide security.

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5 A Google search conducted using the phrase, “haitianos en Tijuana,” limited to articles published in Mexico from January 1, 2015 until December 31, 2017, yielded a total of 74 sources.

Central Americans interviewed and surveyed for this report said they felt discriminated against because of the way they speak and, as a result, they try to imitate local accents, pass as Mexican, and go unnoticed. Although discrimination suffered by Central American migrants in transit through Mexico is not new, community members perceive an intensification of anti-Central American xenophobia since 2018, after the arrival of the first organized migrant caravans. As one example of the shifting attitudes towards different migrant groups in Tijuana, Espacio Migrante identified a new center to rent in 2018, but the landlords agreed to the lease only if the organization worked with Haitians but not with Central Americans. In November 2018, a group of Tijuana residents harassed LGBTQ+ migrants who came with the migrant caravan (Corpus, 2018). A second incident occurred a few days later, when a group of residents of Playas de Tijuana demonstrated against the presence of the asylum seekers with insults, shouting slogans such as “We don’t want them,” “Take them away,” and “Out! Out!” (Saucedo, 2018). During a community workshop with female residents of Espacio Migrante’s shelter, Honduran women mentioned that, when identified as Central American on the street, they were called the pejorative “Lady Frijoles.”<sup>6</sup> During a focus group with Latin and Central Americans, a Colombian reported that he is regularly associated with drugs and drug trafficking; as he described it: “They think that I’m a drug addict, that I bring cocaine, everybody asks me about that, and I’m already fed up with it, and they always ask me what did you bring from there?”

One of the consequences of colorblind nationalism in countries like Mexico is the absence of race-specific, quantitative data such that qualitative methods become more crucial in documenting racism. Our focus groups indicate that increased hostility towards migrants follows the timeline of Mexico’s militarization of immigration enforcement and the Trump administration’s immigration policies, both of which forced more migrants to stay in border towns, often under conditions of heightened precarity, vulnerability, and increased visibility. This is the broader context that sets the stage for COVID-19 on migrant communities in Tijuana. While there have been some efforts to measure how COVID-19 has impacted the lives of migrants and asylum seekers in Tijuana (Al Otro Lado, 2021), none have disaggregated these impacts by race or assessed how groups were affected differently as we do below.

## **COVID-19 ON THE BORDER**

When the COVID-19 pandemic hit, the health crisis exacerbated legal precarity and economic insecurity for thousands of migrants stranded in Tijuana. In March 2020, an estimated 9,600 people were still on the metering list. At the height of quarantine, MPP hearings were suspended, leaving thousands of people in limbo and bereft of any information about the future of their asylum processes and without any institutional support. Furthermore, as a COVID-related measure, the United States closed the port of entry to asylum seekers and expelled those apprehended after entering without inspection by invoking the public health authority under Title 42 of the U.S.

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6 “Lady Beans” in English. This refers to an incident when Marian Zelaya Gómez, a Honduran migrant who arrived with one of the caravans in 2018, complained about the treatment and the food she received during her stay in one of the makeshift campsites in Tijuana (Perez, M., & Aguilar, M. 2021). #LadyFrijoles: señalamiento, discriminación y estigma de migrantes centroamericanos a través de redes sociales en México. Andamios, Universidad Autónoma de la Ciudad de México. <https://andamios.uacm.edu.mx/index.php/andamios/article/view/817>

code (Federal Register, 2020). When Mexico issued a stay-at-home order due to the coronavirus health emergency, most migrant shelters in Tijuana stopped accepting new guests to protect those already living in the shelters, leaving newly arrived migrants without housing options or support networks. At the same time, many migrants who had already moved from shelters and started working lost their jobs due to mandated closures. They soon ran out of money for food and rent.

Starting in April 2020, Espacio Migrante and Haitian Bridge Alliance joined forces with other organizations to provide humanitarian assistance to migrants, especially those who did not live in shelters or did not qualify to receive cash cards from the IOM. The IOM's assistance program focused initially on those under MPP and then expanded to those on the metering list. But people who had applied for refugee status through COMAR or had received some form of residency in Mexico were not eligible. This excluded many African and Haitian migrants who had arrived in Mexico, received documentation in the south of Mexico, and traveled north with the intention of seeking asylum in the United States. Many who received these cards took part in our survey and focus groups.

## **DIFFICULTIES OF DAILY LIFE DURING THE PANDEMIC**

In Mexico, the state is obligated to provide migrants access to health care, education, and security, and the failure to do so is considered a human rights violation. But, lacking documents and facing discrimination, many migrants and asylum seekers cannot access the services they need. Moreover, with more migrants and asylum seekers forced to spend several months in Tijuana, there is much more demand on basic services than ever before. Especially with the re-implementation of MPP, these strains on the migrant support infrastructure in Tijuana are unlikely to be alleviated anytime soon. Our survey and focus groups revealed that lack of documents and discrimination impacted every aspect of the lives of migrants and asylum seekers in Tijuana during the pandemic. Beyond the disregard and violence with which they have been treated by immigration and police officials, participants described the barriers they faced in dealing with landlords, health care professionals, educators, and employers.

### **EMPLOYMENT**

The public health measures enforced to mitigate the spread of the coronavirus in Tijuana led to the total or partial closure of industries and businesses that were considered non-essential. Still, 67.3 percent of the total Tijuana population remained gainfully employed in the formal and informal labor markets in 2020 (INEGI, 2020).<sup>7</sup> In contrast, our survey indicated that the vast majority

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<sup>7</sup> We define formal employment as those jobs gained through recruitment, processed through official hiring structures, and subject to national labor laws and taxation. We follow the International Labor Organization's definition of informal employment as work that is not subject to national labor law, does not provide the employee access to the social security system, and the job is not officially registered with any government agency or private entity (Varela, Castillo & Ocegueda, 2013).

those interviewed were unemployed in late 2020 and that about three quarters of these had lost their jobs because of the pandemic.<sup>8</sup>

In focus groups, migrants commented on the ways that COVID-19 affected their livelihoods. A young Haitian street vendor shared that she was no longer working, “because there is no business” with so few people on the street as a result of the quarantine. She had no alternative to self-employment because she lacked the necessary documents to secure a factory job.

In our survey, of the less than 10 percent of Haitian and African migrants who were employed during the height of the pandemic, 73 percent worked in the formal labor market and therefore were employed in businesses and industries considered essential. Of the 22 percent of Central Americans gainfully employed during quarantine, almost half (47 percent) worked independently or “off the books.” Very few migrants surveyed were able to work from home: Africans (11 percent), Haitians (19 percent), and Central Americans (9 percent).

People in all three focus groups affirmed that the quarantine/stay-at-home orders made jobs disappear and they were also at a disadvantage in gaining jobs that remained available or that became available as the orders were lifted. An African who worked in a car wash reported being laid off at the start of the pandemic. Another African in our focus group who had worked in a call center was laid off temporarily but realized he had been replaced after his multiple requests to return to work went unanswered. Based on what migrants told us, it appears that many private companies in Tijuana prioritized rehiring Mexican nationals or legal permanent residents once protocols were relaxed to allow businesses to run normally. Employers in the maquiladora sector now claim they want to hire migrants that simply have a legal identification number (a CURP) and authorization to work (Glenn Sanchez, 2021). But Central Americans in the focus group complained of being denied factory jobs because they lacked permanent residence (even if they had a CURP or a humanitarian visa).

In Tijuana, a city that depends on cross-border commerce and tourism, border closures that were part of COVID-19-related protocols deeply affected the informal sector, which is the primary employer for undocumented migrants (and those with FMMs who lack a CURP). During COVID-19, there was not only less available work in this informal sector, but also increased exploitation of workers in the informal labor market (Marinee Zavala, 2021). Central Americans in our focus group spoke repeatedly of being forced to work for long hours and low pay. One Central American said that a son injured on the job was not taken to the hospital until two hours after the accident. A young man from South America mentioned that some employers exploit migrants, while a woman from Central America seconded him by mentioning that they work a lot, are poorly paid, and have no health insurance. These conditions do not allow them to have a proper income to pay for rent, food, and utilities.

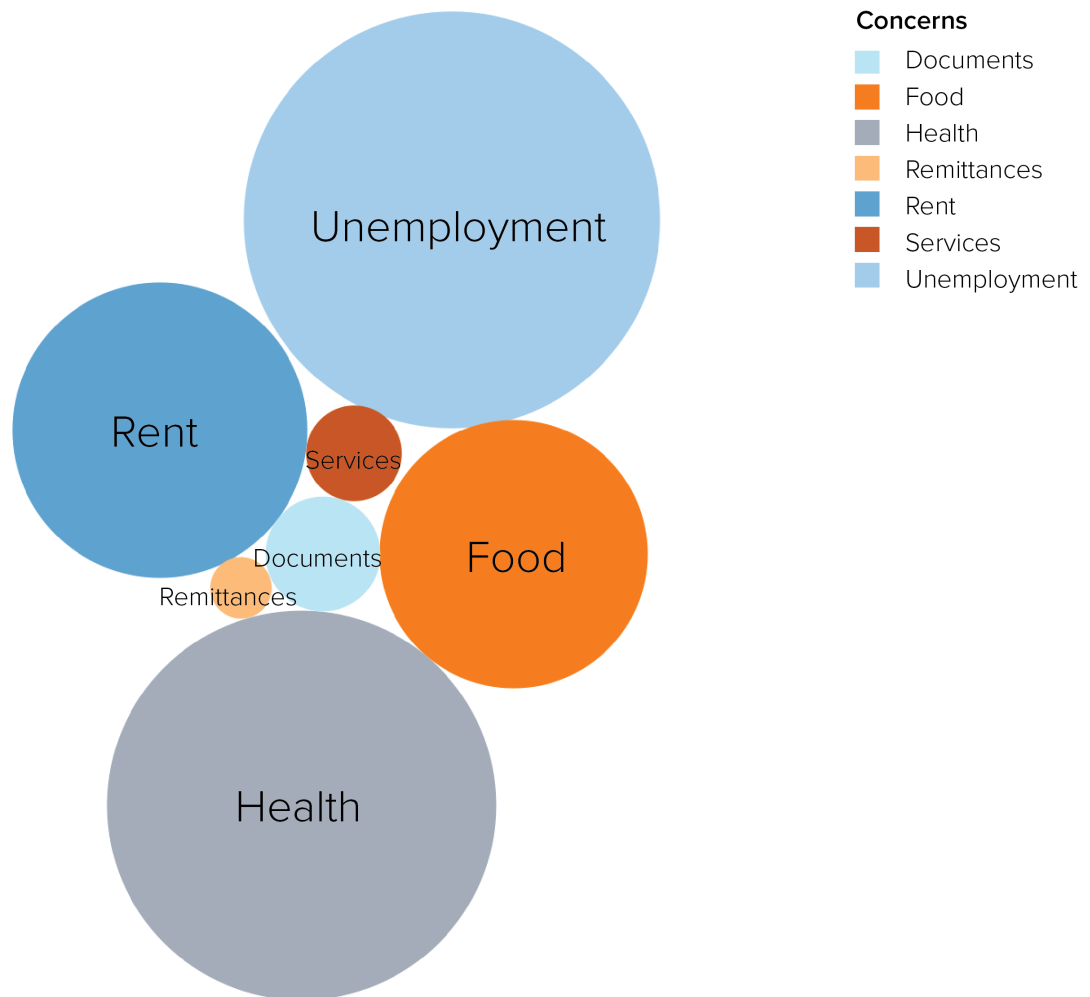
It is clear that joblessness caused migrants surveyed for this report a great deal of anxiety as they worried about how they were going to pay rent and cover basic needs, in addition to supporting families back home. These concerns outweighed any worries they had about contracting COVID-19. As one Haitian in our focus group told us: “As soon as I got a job, COVID-19 hit, I was

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<sup>8</sup> Our data indicated that 74 percent of Africans, 66 percent of Haitians, and 82 percent of Latin Americans lost their jobs during the COVID crisis in 2020. At the time of our survey, only 9 percent of Africans, 8 percent of Haitians, and 22 percent of Latin and Central Americans were employed at all.

also stopped at work. I wasn't working, and I have three children in Haiti, I can't send money for them, I can't do anything for them. This brought me down so much." Or as another Haitian told us: "The pandemic affected me very badly, I was not working, so I cannot afford food." And as a Haitian woman told us, "For me things were terrible, it was too much for me, I don't know how I could explain it anymore. Because I suffer from hypertension, my blood pressure went up, I went to hospital, because of the way things have degenerated, my husband is not working, I am not working. To pay for housing, to help my children in Haiti. Well, I didn't know what to do."

## Top Concerns of Migrants in Tijuana During COVID-19



## HOUSING

The vast majority of migrants in Tijuana do not live in shelters. The average rents paid by those surveyed were very similar, and all expressed deep concern about paying rent: 97 percent of Africans, 96 percent of Haitians, and 97 percent of Latin and Central Americans said that COVID had made it difficult to cover their housing expenses. Rent is a central concern partly because the majority of migrants surveyed live downtown, where they have easier access to the border and to transportation, but where rents tend to be higher. Another significant group lives in the city's eastern edge, where rents tend to be less expensive. Most of those surveyed lived with housemates who were not family members (the average number of unrelated roommates is 3.3). Sharing the rent and basic expenses made residing in central areas of the city possible, but many migrants, due to lack of funds, lived on the outskirts of the city.

In the focus group with people from Africa, some Ghanaian participants mentioned they had suffered discrimination by landlords when trying to find a place to live. "In most houses they will tell you 'No Blacks.' Or the people who live there will threaten to leave if Blacks move in."

Some Ghanaians also mentioned that they have had difficulty paying for utilities such as water. As one said, "The problem is that, when COVID started, we stopped receiving our water bills, so everyone thought we didn't have to pay for water. But then they started bringing the bills, and we had to pay. How do they expect people to pay? I received an invoice for \$1,950.00 pesos (U.S. \$100). How? How?"

Difficulty in paying for services and abuse by landlords was also raised by Haitians in a focus group. A Haitian woman shared that when she asked the landlord for proof of the water bill, he became upset and evicted her along with her husband: "The owner used to ask me for money for the water, but he did not give us the receipt... The landlord said that we have no right to talk to him about the water issue... He kicked us out the same day. He said that we wouldn't sleep in the house that night. He kicked us out." A Central American mentioned that one landlord rented them housing without electricity, but they had no contract to protect them and, when they left, the landlord did not return the full deposit.

Also, despite the Congress of Baja California issuing a rent moratorium for the months of April and May 2020, no mechanisms were put into place, nor were municipal officials empowered to ensure compliance with the order and protect renters' rights. This left migrants doubly vulnerable. Not only did many of them lack information about the moratorium, but also those who were aware of the policy were afraid to ask their landlords to suspend their rent payments. Migrants feared that if they asked about the moratorium, they would be evicted. A man from Ghana said: "when the pandemic started, my landlord said that we had to pay, that we had no rights. So, every time I get money, instead of buying food, I use it to pay the rent."

Our survey suggests that Africans especially do not stay in shelters. It is possible that Muslim Africans, as many Ghanaian migrants are, are uncomfortable in shelters based in Christian churches that lack bathing stations, appropriate prayer rooms, and halal kitchens and cooking supplies. Because they are more likely to live independently, Africans lack access to important resource- and information-sharing networks enjoyed by Haitians and Latin Americans who stay in shelters at higher rates, albeit usually briefly. This means that the work of migrant support in Tijuana must move beyond shelters; otherwise, Africans will remain invisible and excluded from the critical support they need.

The focus group discussions revealed that competition over housing and landlords' racism worked together to drive a wedge between migrants. Sociologists have written about ways that racially oppressed migrant groups compete for access to resources by leveraging learned stereotypes against each other. Our focus group indicated that in Tijuana, Mexican landlords' outspoken anti-Haitianism has led Africans to strategically emphasize their differences from Haitians in order to secure housing within an overall hostile context.<sup>9</sup> In the focus group with Africans, one person told us: "My landlord rented to a Haitian before me, who said that he was going to live alone, but in the end, he lived with five people in one room. And the room was always unpleasant. So how do we expect this person to give the room to any Black person again? You understand? So sometimes Haitians are the people who are causing problems for other Blacks in Tijuana." Another person shared this interaction with a landlord: "When I moved into this house, the landlord told me: Africans like to live with 20 people in one room, and I said no. My friend is a friend of the landlord. So when I moved there, the Haitians [who lived there before] had broken something, so they let me move there instead of the Haitians. The landlord said: This is a good guy, he keeps the house clean. Even if he doesn't have money, he always pays the rent on time." These stories reveal how anti-black prejudice pits migrant groups against each other and makes racism and abuse of power less visible.

## HEALTH

Our survey and focus groups showed that many migrants and asylum seekers in Tijuana, especially if they were Black or did not speak Spanish, could not access needed health care. Black women, especially if pregnant, suffer from outright disregard for their needs.

In Tijuana, access to public health services decreased by 4.2 percent between 2015 and 2020, reaching only 74.2 percent of the total population.<sup>10</sup> Mexicans and documented immigrants can access health care through the Mexican Institute of Social Security (IMSS in Spanish) or the Institute of Social Security and Services of the State Workers (ISSSTE in Spanish) (INEGI, 2020), which are both publicly funded. Undocumented people could only access health insurance through the National Commission for Social Protection in Health, which was replaced in January 2020 by the Institute of Health for Well-being, also known as INSABI (Official Gazette of the Federation, 2019, November 29).

Even though the migrant population is generally young, a significant number of those surveyed suffered from a number of ailments, among the most common were hypertension, gastrointestinal problems, and asthma. Some had received treatment while others could not due to lack of information regarding where to access care as well as information that suggests disparate treatment on the part of providers on the basis of race. Central Americans in our survey were about twice as likely to be treated for illness in Tijuana than Africans or Haitians, which may be an indication of language access barriers.

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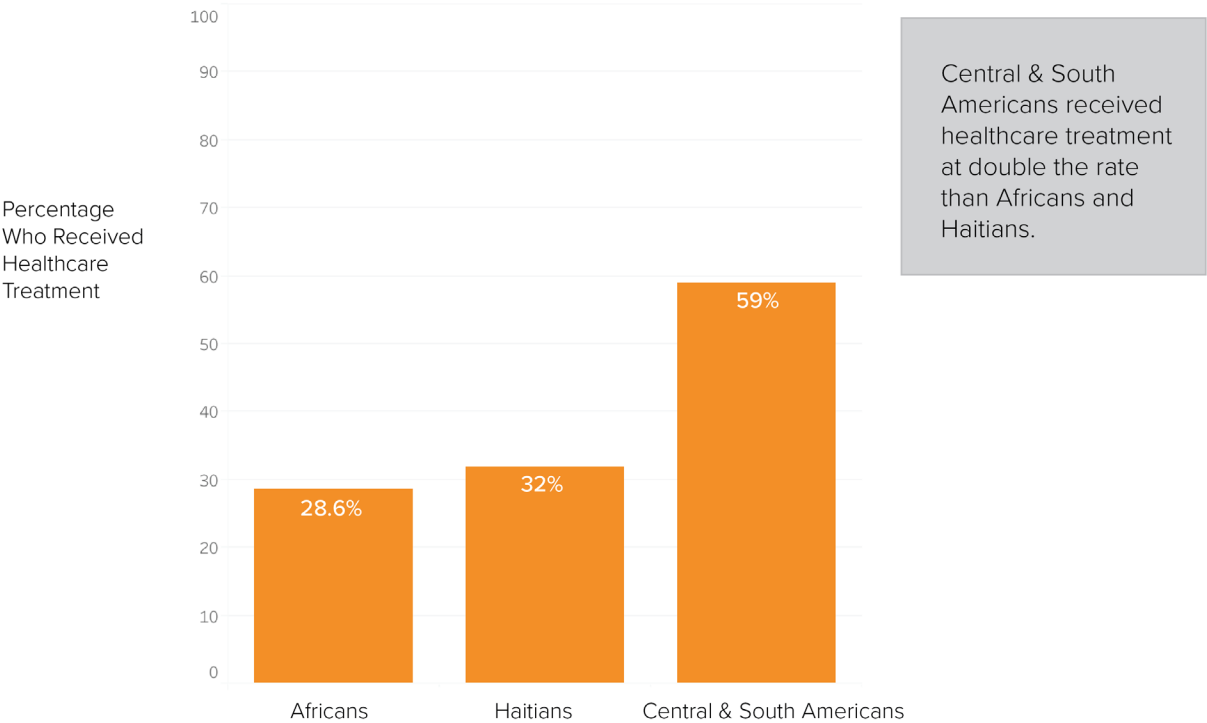
9 This kind of ethnic jockeying within the context of anti-immigrant fervor and anti-black, white supremacist nationalism has been well studied in the United States and Europe. Key studies include: Carolle Charles, "Being Black Twice," in Percy C. Hintzen and Jean Muteba Rahier, *Problematizing Blackness: Self Ethnographies by Black Immigrants to the United States* (London: Routledge, 2002): 169-180; Felix Germain, "A 'New' Black Nationalism in the USA and France," *Journal of African American Studies*, vol. 18 (2014): 286-304; Percy C. Hintzen and Jean Muteba Rahier, *Problematizing Blackness: Self Ethnographies by Black Immigrants to the United States* (London: Routledge, 2002); and Mary C. Waters, *Black Identities: West Indian Immigrant Dreams and American Realities* (Cambridge: Harvard University Press, 1999).

10 The total population in Tijuana is 1,922,523 according to the 2020 Mexican Census (INEGI, 2020)



| Most common health ailment in the migrant community | Africans (14 people of the total reported health problems) | Haitians (25 people of the total reported health problems) | Latin Americans (22 people of the total reported health problems) |
|---|--|--|---|
| Hypertension  | 6  | 10   | 11  |
| Gastrointestinal illnesses                          | 3  | 0  | 0   |
| Asthma and respiratory conditions                   | 4  | 4  | 3   |
| Heart problems                                      | 0  | 5  | 3   |
| Diabetes  | 0  | 0  | 5   |
| Fever   | 1  | 0  | 0   |
| Did not specify                                     | 0  | 6  | 0   |
| People receiving medical treatment                  | 4  | 8  | 13  |

## Sick Survey Participants Who Received Healthcare Treatment



Our survey and focus groups interviews suggest that INSABI has proven inadequate to meet the needs of undocumented communities and that even documented migrants have faced discrimination that forced them to rely on community organizations (such as Refugee Health Alliance, Prevencasa, and Justicia en Salud) or private pharmacies for health care rather than on the public health system.

Many focus group participants reported the difficulties they had accessing public health services. For example, one African man said that Clinic 19, a public hospital, refused to treat him, telling him, “No Africans, only Mexicans.” Several Africans with permanent residency in Mexico reported rejection on the same grounds by public health institutions. They were not even asked to show their documentation. Several Africans shared that they avoid public institutions, preferring instead private clinics or “Similares” Pharmacies, where they can see a doctor at low prices and buy generic medicines. A Ghanaian man said: “The first time I went to the hospital, there was a security man at the door. They told me to wait outside for someone from inside to come. So I waited, and while I was waiting I saw some people go in and out. Then they told me that I could not receive attention; no Africans unless I went to the General Hospital. And by then I was so weak that I went to Similares. Before reaching Similares, I passed another hospital. I asked them for some water. But they asked me to pay like 3000 pesos. Then I told them I didn’t have it. So I went to Similares. Because, you know, it’s too expensive and I can’t afford it.”

The General Hospital of Tijuana could be an important resource for migrants, but it is increasingly not regarded as such. A person in our Haitian focus group reported: “I went to the General Hospital, the General could not do anything for me, and they sent me to a private one.” Several people in the focus groups concluded that the lack of interpreters, status discrimination, and anti-black racism explained the refusal of health care at the general hospital or smaller public medical clinics throughout the city. There are no mechanisms for migrants to register complaints about discrimination they face when seeking medical assistance.

Many pregnant migrant women were unable to receive prenatal care during the pandemic. According to a midwife-obstetrician nurse at the Justicia en Salud Clinic, when migrant women go to the Tijuana Maternal and Children’s Hospital (also part of the public health system), they are told that there are no medical personnel or beds available. Worse still, hospital personnel fail to refer them to other hospitals or provide them with any information in their native language. Many women have to travel to neighboring municipalities such as Rosarito and Tecate, only to find no care available for them there either. In focus groups, some pregnant Haitian women said they lacked medical care and adequate food.

Barriers to medical care, including the lack of translation or translators among the staff and outright refusal of services, can have tragic consequences. Faruku, a man from Ghana, died in January 2021 under circumstances that suggest medical racism. A friend who accompanied him during his illness reported to the staff at Espacio Migrante that several public and private clinics failed to care for him: “They didn’t really tell us what was wrong with him, but from what we already knew, he was having a stroke because the body would not wake up. I knew that the hospital would not accept him because we tried several times and they told me ‘everything is fine with him,’ so I took him to the fire department, and they called the ambulance. When the ambulance arrived, the ambulance asked for 3,000 pesos, so I had to go get 3,000 pesos and return and deliver it to the ambulance before they took him back to the General Hospital to test him for COVID. Faruku did not survive, he died in the night. I told [the doctor] that we are Muslims,

that we would like to take the body, but they refused and took it to the SEMEFO.<sup>11</sup> That's when we had to fight to get the body.”

There are also insufficient public health campaigns directed towards migrants in their own languages anywhere in Baja California. Information about the healthcare system or mental health services is not available in French, Haitian Creole, or English. Moreover, hospital and clinic staff have not received any sensitivity training or education in cultural competency to ensure they provide dignified services to migrants, especially to pregnant women.

The topic of mental health also came up in focus group conversations, especially regarding stress and depression. One Haitian person said, “we are stressed because we don't know when we will get out of here. Because we have nothing. Instead of things getting better, you will see that we are getting worse.” Another Haitian shared, “when a person has traveled through all these countries and has spent all that money, when he comes here, he cannot leave, he is trapped here. Stranded here, he can no longer support his family abroad. Now all this is going to stress the person, he is losing his mind.” There are only a few organizations that provide mental health care for the migrant community in Tijuana, and these services are generally not available in French, English, or Haitian Creole.

Participant observation and focus groups suggest that there is a growing tendency to deny medical services to migrants justified by their lack of “proper documentation.” The absence of translators and materials available in various languages places pregnant, Black women at risk and adds to the overall mistrust migrants and asylum seekers have cultivated about public health services.

## **EDUCATION**

Our survey and focus groups revealed that school officials are not upholding migrant children's right to educational access (as outlined in federal and state legislation). Especially during the pandemic, schools were not supportive places for migrant children and their families in Tijuana.

In Tijuana, we observed that migrant families were unaware that their children had a right to education and could enroll in school. Mexican authorities, in particular the Secretary of Education of the State of Baja California, fail to make this information available and help migrant children enroll as required under the Mexican constitution and the General Education Law. According to a 2020 survey, only 48 percent of children with refugee status in Mexico were enrolled in a school, and only 28 percent of applicants for refugee status were enrolled (College of the Northern Border, 2020). The main obstacles identified, in order of significance, were lack of economic resources, lack of identity documents, lack of academic documents, and lack of information on how to sign up. In March of 2020, schools closed, and classes moved online, which posed an additional challenge to migrant families. Espacio Migrante responded to the challenge by expanding its “Education in Movement” program to not only accompany families to enroll their children in school but also ensure they had internet access and mobile devices.

School closures may not have had much impact on the children of migrants since many of them were already not enrolled,<sup>12</sup> but the lack of daycare did affect migrants. Africans (47 percent) and Haitians (53 percent) reported having support for their children's care, likely other family

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<sup>11</sup> State Forensic Medical Service (SEMEFO, its acronym in Spanish)

<sup>12</sup> To our knowledge, the government has not generated any data regarding migrant children in schools before or during the pandemic.

members or friends with whom they lived. Central Americans were the least likely to have help. Only 20 percent said they could leave their children in the care of a family member or friend.

The lack of support networks and the closure of schools impacted migrant populations differently. Among Africans, 18.2 percent said it created stress, another 18.2 percent said it impacted their ability to work or look for work, and 9.1 percent believed that online education was deficient. Among Haitians, 43.1 percent worried about their children's poor education and/or learning delays, and 31.9 percent said that the closure of schools or daycares impacted their ability to work or find work. Among people from Latin and Central America and Caribbean, 46.2 percent reported interrupted education; 23 percent mentioned it affected the mental health of parents and children; another 23 percent noted the lack of resources to participate in online classes.

COVID-19 created hardships for many families in Tijuana. Parents lacked resources and were forced to make difficult decisions, choosing between education or housing or food. One Haitian mother in the focus group told us she had two children, aged 10 and 15, whom she had not been able to enroll in school for a year. More recently, she said, "I tried to register them at school here, and they told me it was online. They told me I would pay 400 pesos a week. And I was not working." Migrant families told Espacio Migrante personnel that when they tried to enroll their children directly at schools, administrative and teaching staff rejected them stating, "there is no space" and "only Mexican children are accepted." Staff also asked migrants for documents proving legal status in Mexico, thus depriving their children of their right to education. Black migrants and non-Spanish speakers face additional barriers. An Afro-Honduran mother shared that when trying to enroll her son in school she was told, "What is he? Is he Haitian? Because here we only speak Spanish, we cannot receive him."

The Binational Migrant Education Program (PROBEM) of the Baja California Ministry of Education was designed initially to strengthen English skills among Mexican teachers so they could better work with children repatriated from the United States. Recently, though, PROBEM has broadened its work to support students in Mexico who are from other countries, and in 2020 began to work directly with migrant shelters to enroll more children in schools. Yet, as previously noted, the majority of migrants do not live in shelters. PROBEM, therefore, will have to bring their work to communities outside the shelters, but lacks the budget and staff to meet the needs of all migrant children in the state (Red de Derechos y Movilidades, 2021).

## COVID-RELATED COMMUNITY RESPONSES

In the focus group with Haitians, some of the requests for the Mexican government were related to documentation. Haitians requested access to permanent residency, especially since the cost to renew temporary residence is very high, varying between U.S. \$200 to \$390 (INM). Haitians also asked that the permanent residency cards be respected as valid identification for sending remittances. They requested that parents of children born in Mexico be given permanent residency without the parents having to obtain their original birth certificates from Haiti. Other requests included more guidance from the local government about housing and other services like translators and interpreters in government offices who are Haitians and who speak Haitian-Creole. A woman who was denied care in a public hospital in Tijuana requested that the Mexican government guarantee access to health care to all migrants.

In the focus group, Haitians proposed that local organizations create a mental health care center for Haitians, as well as more community or recreational spaces where care would be provided in their language. As one person said: “they must create a care center for Haitians because, psychologically, there are many Haitians who have problems. You see, many people tell you that they have stress problems and that we also need a place like a recreation center. When a Haitian feels that he has problems, he can come here and sit and think a little, where he feels comfortable, to orient himself a little. And also in these organizations, there must be some Haitians working in them to translate for the people.”

Regarding the proposals they have for their own community, a Haitian person said, “well, we are following the rules. Trying to have papers to be able to work to take care of our family... helping the community to advance in education, commerce and economic activity...This means that there must be a dialogue between us Haitians. This is what will help us to move on, because very often when we meet a Haitian compatriot, we do not value ourselves.” Haitians spoke of the need to unify and support each other and expressed an interest in strengthening themselves as a community so that they could help themselves.

During the focus group with Africans, the main requests for the Mexican government were documentation that would enable them to access decent paying jobs. Based on this information, a Ghanaian man shared with us the following: “My problem is that right now I don’t have any documents. But I want to work. I can’t find a job. I don’t have documents to find a job.”

Africans in the focus group said they needed help with accessing food, health care, cash assistance, and housing. They also said that they constantly provided support to newly arriving Africans and even other migrants in Tijuana. They spoke of helping to orient new migrants to the city, accompanying them to INM or COMAR, and interpreting for them at government offices. Africans provided this support to fellow migrants despite a lack of resources and difficulties in getting around. They suggested that these offices should employ Africans to help African migrants

One of the main requests to the Mexican government from the focus group of South and Central Americans was regularization. Like people in other focus groups, they said that their lack of documents limited their access to decent employment. Like those in other focus groups, Central Americans mentioned problems they faced registering their children born in Mexico. They also suggested that utilities be included in rent because landlords constantly took advantage of them. They especially denounced labor exploitation they experienced in Tijuana. Another request they made was for an end to extortion by Tijuana police. A significant number of people served by Espacio Migrante and Haitian Bridge Alliance mentioned intimidation and robbery at the hands of the Municipal Police.

Central Americans also asked the U.S. government to allow them to request asylum and recognize the contributions that migrant communities make to the United States. Those who wanted to migrate to the United States nonetheless asked that Mexico also recognize their contributions: “the migrant comes and passes through. He spends! It is an income for Mexico,” one person said. Some Central Americans requested that Mexican authorities allow migrants to transit through the country (from the southern border to Tijuana). They expressed concern about a recent caravan whose passage was blocked in Guatemala and the militarization of the southern border of Mexico.

Half of Latin and Central Americans interviewed for this report were in the MPP program. During the focus groups, some people shared their intention to participate in the march for the defense of asylum that took place in Tijuana on October 21, 2020. They said they felt abandoned in Mexico, and through this peaceful demonstration wanted “to make themselves feel present, in Mexico and the United States.” Espacio Migrante’s community organizers confirmed the participation of four of the group’s participants in the march, which is an example of migrants organizing so that their voices are heard.

Many in the focus group of Latin and Central Americans asked that Mexicans empathize with their plight and recognize that, “we are the same, practically siblings,” as one participant said. They expressed the need for more civil society organizations, such as soup kitchens and shelters, particularly shelters for families, and proposed the need for a color-coded community guide so they can find relevant NGOs. They asked that more information about city resources and civil society organizations be available in places such as bus stations where migrants arrive. They also proposed making use of space in different churches to help them organize, and emphasized the mental health needs of migrants (some saying they experienced depression, despair, and uncertainty.) They identified the benefits of communication forums among migrants, such as a WhatsApp group that helped share information on activities, events, and resources available in different neighborhoods around Tijuana. Like the Haitians, they expressed that “La unión hace la fuerza” (Unity is strength).

## CONCLUSION

From the start of the COVID-19 pandemic through the early summer of 2021, Espacio Migrante and Haitian Bridge Alliance supported numerous people whose movements were heavily circumscribed by policies of the Mexican and U.S. governments. For migrants in our survey, document-based discrimination, anti-immigrant hostility, and racism were an inextricable part of their daily lives during the pandemic.

The recommendations outlined here emphasize five broad demands of Mexican officials and institutions: that they follow the country’s already robust but routinely ignored human rights laws; that they work together to develop mechanisms for migrants to access entitlements; that language justice, meaning the availability of information in the languages of the largest migrant groups, become normative in government practice and among civil society organizations; that federal, state, and municipal governments along with civil society organizations include national origin as a metric in assessing access to services and health, education, and employment data; and, that professionals working in civil society organizations, local government, immigration and refugee services, health care, and education receive training in human rights norms, anti-racism, and cultural competency. A “new normal” now governs human mobility in the Americas, and it is time to move beyond a vision of migration that is limited and outdated. It is no longer the case that the “typical” migrant or asylum seeker is a single male who stays at the U.S.-Mexico border briefly, for one or two months, before crossing into the United States and who needs temporary housing and food of the kind provided for by migrant shelters. As U.S. immigration policies have tightened and shifted, many more migrants stay in Tijuana for months, years, or even permanently. Although still “on the move,” families seeking asylum are both “in transit” and resident in border communities. The restarting of MPP intensifies this new reality. Local policies and organiza-

## COMMENTARY FROM REFUGEES INTERNATIONAL SENIOR U.S. ADVOCATE YAEL SCHACHER:

Since the research for this report was conducted (from mid-2020 through mid-2021) and as this report goes to press, its findings remain relevant and its recommendations more important than ever. In late August 2021, the Mexican National Guard and INM [brutally](#) prevented migrants, including many Haitians with legal status in Mexico, from moving north from Tapachula. When dozens of asylum seekers in Tijuana headed to the port of entry on September 3, 2021, CBP [closed down the port](#), which led the asylum seekers to protest. U.S. ports of entry—including San Ysidro—remain closed to asylum seekers despite a California court’s outlawing of metering and the resumption of “non-essential travel” through ports. Title 42 remains in place; since the summer of 2021, the United States and Mexico have been [collaborating to expel](#) tens of thousands of Hondurans, Guatemalans, and Salvadorans their home countries without access to asylum screenings, and the United States has expelled more than 10,000 Haitians to Haiti—a county in the midst of a political and humanitarian crisis—since the [events at Del Rio](#) in September 2021. In November 2021, the local and state authorities [fenced in an encampment](#) of asylum seekers (who had mostly been expelled from the United States under Title 42) in a plaza in Tijuana “for their protection” and opened a new shelter for migrants. Though newly elected politicians have spoken of the need for “sanctuary” in the city, their commitment to change—and access to rights for migrants—is far from certain. This is especially concerning given that, in December 2021, MPP restarted and expanded to include Haitians. The mayor of Tijuana has said that the [city is not prepared](#) to receive additional migrants and provide for their shelter, security, and support. In the south of Mexico, thousands of Haitians and other migrants and asylum seekers are trapped [in Tapachula](#) without shelter and work, COMAR had ceased processing them, and INM is [bussing](#) them elsewhere in Mexico in a chaotic, [corrupt](#), and discriminatory manner. INM busses from the south are dropping off many migrants, especially Haitians, in Tijuana who are unable to find shelter, lack fresh clothing, and cannot access needed medical care.

tional practices must meet this new reality in ways that are culturally sensitive and rights abiding. Migrant communities are increasingly claiming their rights and fomenting change. They recognize the potential of organizing for their security and for the creation of support networks. Community-based work by organizations such as Espacio Migrante and Haitian Bridge Alliance is continually strengthened by the interventions and visions of migrants who, at the same time, cultivate leadership within and between communities.

## RECOMMENDATIONS

### UPHOLDING CURRENT MEXICAN HUMAN RIGHTS LAWS

- State and municipal government bodies in Baja California should generate multi-lingual public information campaigns and an overall public education and media strategy about human rights protections already provided in Mexican law for all migrants, refugees, and asylum seekers currently in Tijuana regardless of their status, aimed at local public institutions, migrant communities, and civil society.
- COMAR and INM should translate various application forms and informational bulletins in French, Haitian Creole, and English.
- The National Human Rights Commission and the State Human Rights Commission of Baja California, individually and in conjunction with international UN agencies such as UNHCR and IOM, should provide training to the staff of public institutions where migrants, refugees, or asylum seekers apply for or access services. The Commissions should establish complaint and feedback mechanisms to ensure rights are upheld and to sensitize staff of public institutions about the experiences of migrants.
- While UNHCR, IOM, and UNICEF have been actively participating in developing some strategies in favor of migrant, refugee, and asylum-seeking communities, the UN agencies should work together to strengthen information campaigns as well as cooperate and coordinate with and fund civil society organizations working on such campaigns.
- The Ministry of the Interior and local INM should provide transit visas to people wishing to pursue asylum cases in the United States. All INM offices should expedite the provision of permanent residency and family unification-based visas, and COMAR offices should accelerate the adjudication of refugee status and complementary protection for those who wish to remain in Mexico.

### DEVELOPMENT OF MECHANISMS AND ACCESS ROUTES TO SERVICES

- Civil society organizations should invest in housing options beyond shelters to include short-term rentals and other affordable options. In addition to monitoring human rights abuses, civil society organizations in Tijuana should create a bureau to monitor, report, and inform migrants about landlords who discriminate on the basis of document status, nationality, race, or ethnicity.
- The state government of Baja California should improve access to decent medical care for migrants by consistently training medical personnel about their obligations under international and national law to provide dignified medical services to any person regardless



of nationality, language, skin color, sexual orientation, or any other characteristic, emphasizing the legal responsibility implied by a refusal of care, negligence, or discrimination. In addition, the procedures required by medical clinics for the provision of medical care should be streamlined; hospital staff should be trained in cultural competency to ensure access to medical care for undocumented people; and essential information such as the location and hours of operation of public clinics should be available in English, French, and Haitian Creole or in any other language spoken by migrant groups.

- The Education Department of Baja California should guarantee migrant children access to public schools and train administrative and teaching staff about children's right to an education. Education officials should mount a vigorous, multilingual information campaign to encourage school attendance and the acceptance of migrant youth at school sites throughout the state. We also encourage the development of cultural inclusion programs with age-appropriate curriculums at all schools to foment intercultural understanding.

## **LANGUAGE JUSTICE**

- The federal government, which supervises COMAR and the INM, should seek funding from UN agencies to provide interpretation services and publication materials to asylum seekers and those requesting complementary protection. It is essential that the Mexican government reach agreements on funding, training, and support for translation of informative documents as well as interpretation in INM and COMAR offices in Tijuana.
- The federal government should increase funding and staffing for COMAR, mainly on the northern (Tijuana) and southern (Tapachula) borders, so the process for applying for refugee status is more efficient and so that applicants for refugee status, complementary protection, or asylum are provided with interpreters and information is available in their native languages.
- State and municipal governments should provide its institutions with funding to translate materials on how to access healthcare, mental health services, or how to enroll children and youth in school into needed languages. State and local governments should invest in cultural competency training for staff members to ensure that they provide dignified services to migrants, especially to pregnant women.

## **RACIAL JUSTICE**

- It is time to bring racism and xenophobia into the human rights conversation in Mexico, and we support and commit our organizations to work toward fomenting more robust discussions of human rights centered on anti-racism and anti-blackness. Toward this effort, state and local government, in addition to international organizations, can play an important role by funding trainings for health professionals, civil servants, and police agencies in cultural competencies and anti-racist practices and procedures. We also call on state and federal agencies to include nationality, ethnicity, and race in all future data collection in order to document cases of race-based discrimination.

**IN SOLIDARITY WITH IMMIGRANTS' RIGHTS ORGANIZATIONS IN THE UNITED STATES, WE RECOMMEND:**

- The end to any U.S. policy that forces migrants to return or wait in Mexico and violates non-refoulement, like metering, MPP, and Title 42. The U.S. must respect the right to request asylum at the border and allow asylum seekers to remain in the United States while their claims are adjudicated.
- The re-opening of the port of entry at San Ysidro and other ports of entry to the processing of asylum seekers and increased capacity and dedicated personnel to do so.
- Ensuring that the United States does not deny asylum to anyone on the grounds of “firm resettlement” in Mexico (given the dangers to asylum seekers in Mexico and Mexico’s flawed documentation policies).
- Ending detention and deportations of asylum seekers and abolishing the policy of deterrence through policing and militarization.

**CIVIL SOCIETY ORGANIZATIONS IN MEXICO AND THE UNITED STATES SHOULD:**

- Continue working together.
- Hire multilingual staff, including migrants, and train staff and volunteers in documenting and countering racist behavior and anti-blackness.
- Work with Haitian and African migrants together in to create solidarity over intra-group competition.
- Collaborate in the creation of a mental health care center for Haitians, as well as more community or recreational spaces where care would be provided in their language.

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