MEXICO

JOINT SUBMISSION TO THE UN COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

37TH SESSION, NOVEMBER 2023

ISSUES RELATED TO IMMIGRATION DETENTION

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ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT CENTRO DE DERECHOS HUMANOS FRAY MATÍAS DE CÓRDOVA

The Centro de Derechos Humanos Fray Matías de Córdova A.C. (CDH Fray Matías), is a non-profit organization that promotes and defense the human rights of people in different context of mobility, in the southern region of Mexico, through:

- Individual and collective accompaniment process;
- Social inclusion actions;
- Political incidence to affirm and guarantee plenty and effective access to their rights;
- Promoting communitarian participation for social and political transformation toward a free-violence and dignified life.

Joint Submission to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

37TH Session, November 2023- List of Issues

Mexico: Issues Related to Immigration Detention

The Global Detention Project (GDP) and the Centro de Derechos Humanos Fray Matías de Córdova (CDHFMC) are pleased to provide the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) this joint submission.

This submission concerns the detention of migrant workers. It focuses on the state party's laws and practices concerning detention for immigration-related reasons and is made in light of the CMW's recent authoritative General Comment No. 5 on migrants' rights to liberty and freedom from arbitrary detention.[i]

1. CONTEXT AND KEY CONCERNS

1.a Mexico has one of the largest immigration detention systems in the world, employing several dozen detention centres—euphemistically called *estaciones migratorias*—and detaining hundreds of thousands of people every year.[ii] While the COVID-19 pandemic spurred the country to temporarily release many immigration detainees, annual detention numbers continue to increase exponentially, reportedly surpassing 300,000 adult detainees in 2022,[iii] driven by surging numbers of migrants and asylum seekers fleeing Central America, mandatory detention practices, pressure from neighbours to the north to stop trans-migration, and Mexico's growing militarisation of its borders and immigration enforcement procedures.

1.b An indication of the migratory challenges facing Mexico is the sharp rise in immigration enforcement "events"—a term used to denote both people sent to detention centres (*presentados*) and children placed (*canalizado*) with the child welfare agency—which grew by nearly 250 percent between 2019 and 2022, reaching approximately 445,000 in 2022. In 2022 alone, Mexico apprehended no fewer than 126,000 migrant children, who were "channelled" into centres operated by the National Agency for Family Development (*Sistema Nacional para el Desarrollo Integral de la Familias*, or DIF).[iv]

1.c Also impacting Mexico's immigration detention practices has been the United States, which has put increasing pressure on its neighbour to curb the number of people arriving at the U.S. border from Central America. U.S. limits on the number of people who can claim asylum, including those introduced during the Biden administration, have led to growing numbers of migrants and asylum seekers being stuck in border towns, leaving them acutely vulnerable to abuses.[v]

1.d Mexico's response to these pressures has been to tighten restrictions and broaden the range of actors involved in migration enforcement, spurring accusations that it is its militarising migration policy. The country has passed laws that provide national security agencies with migration enforcement roles, including the National Guard,[vi] a role previously reserved only for Mexico's migration agency, the National Migration Institute (*Instituto Nacional de Migration*, or INM). It has also adopted plans that include deploying tens of thousands of armed forces to the northern and southern borders, which have become increasingly

involved in detaining migrants and asylum seekers.[vii] Reports from civil society observers allege numerous human rights abuses by these forces.[viii]

1.e As the migration situation in Mexico grows increasingly fraught, so too do the dangers that migrants face, particularly those in detention centres, many of which are notorious for their paltry, dehumanising conditions and repeated reports of abusive treatment from guards. In one recent tragic case that garnered global attention and opprobrium, some 40 migrants and asylum seekers burned to death in March 2023 at a detention centre in Ciudad Juarez, on the border with El Paso, Texas, when guards abandoned the facility after a fire started, leaving the detainees padlocked in their cells.[ix]

1.f Aggravating the situation in Mexico is that the government has taken steps to block accountability of its treatment of detained migrants and asylum seekers, including preventing NGOs from accessing detention centres. This has prompted one observer to describe these centres as "black boxes."[x] With little or no transparency mechanisms or judicial control of detention practices, detention often exceeds constitutional limits and can even be extended indefinitely if the person files a legal recourse to defend their rights, as established in section V of Article 111 of the Migration Law.[xi]

1.g One reason for blocking civil society access to detention centres may be the terribly deficient state of many centres and the degrading or inhumane treatment that detainees often face in them. A report from civil society oversight body of the INM, the *Consejo Ciudadano del Instituto Nacional de Migración*, describes instances of violence and excessive use of force by National Migration Institute personnel; lack of access to information, legal assistance, or due process rights; overcrowding; and poor sanitation.

1.h There have been numerous reports of extortions, harassment, assault and sexual abuse, and corporal punishment, verbal and physical aggressions such as electroshocks and choking.[xii] In a joint submission to the UN Universal Periodic Review in advance of Mexico's review in early 2024, a coalition of civil society organisations reported that between 2006-2021, there were 117 known cases of torture or inhuman or degrading treatment of people confined on Mexico's immigration detention centres at the hands of agents of Mexico's immigration service, the National Migration Institute.[xiii]

1.i Importantly, Mexico continues to place migrant children in detention situations that represent clear breaches of its commitments under the UN Convention of the Rights of the Child, including the best interests principle. The law establishes that the National Agency for Family Development (DIF) is responsible for identifying children in need of international protection. It created a Child Protection Authority tasked, among other responsibilities, with conducting best interest determination procedures and to protect children's rights. However, observers have repeatedly reported that the DIF system to receive children at Social Assistance Centres (CAS) is severely limited and effectively amounts to detention.[xiv] In response to this, the INM has set up spaces known as "Channelling Offices,"[1] which are an extension of the detention centres, where it has been documented that they are held in worse conditions as adults at the facilities.[xv] As a result, more than a hundred thousand children were placed in a form of de facto, mandatory detention at CAS facilities in 2022, where they were forced to wait for between several weeks and several months to either, given a humanitarian visa, or be deported.

1.j Also, there are concerns about the welfare of migrants and asylum seekers who may be confined in informal camps or other ad hoc settings, which may be operating outside any legal framework or proper oversight. Of particular concern are de facto detention sites along Mexico's southern border with Guatemala. There have been growing concerns in this regard since March 2023, after the INM began closing provisional detention centres, which are

under the monitoring protocols of the Mexican Human Rights Commission, in the wake of the deadly fire at the provisional detention centre in Ciudad Juarez. Observers report that migration authorities in the southern state of Chiapas subsequently began holding migrants and asylum seekers in tents or vehicles located in border regions, where they could wait long periods of time before being transferred to cities that were in some cases hundreds of kilometres away.[xvi] Media reports indicate that as of June 2023, there were no fewer than ten roadblocks along the border operated by the INM and the National Guard that had informal holding camps nearby, many of which were uncovered leaving migrants completely exposed.[xvii] In all these cases, there is a lack of information about whether the detentions are being recorded in an official register, whether there is any form of official oversight, or whether detainees are being provided information about their rights.

2. LEGAL FRAMEWORK

2.a The Mexican Constitution contains rights relevant to immigration-related detention:

- Article 1 provides that all individuals in Mexico are entitled to the rights provided therein.
- Article 11 provides the right to claim asylum and allows any person to enter, exit, and travel through the country without a passport, security card, or similar document.
- Article 33 provides that the Federal Executive "shall have the exclusive power to compel any foreigner whose remaining he may deem inexpedient to abandon the national territory immediately and without the necessity of previous legal action."

2.b Grounds for migration-related detention are provided in the **2011 Migration Law** and in the **Regulations of the Migration Law**. (For provisions concerning the detention of asylum seekers, see "2.2 Immigration Detention of Asylum Seekers and Other Vulnerable Groups" below.) However, the Migration Law's extensive use of euphemisms makes it challenging to properly interpret.[xviii]

2.c **Article 99** of the Migration Law stipulates an overriding ground that may lead to migration-related detention yet it fails to mention any word or concept unambiguously relating to detention, confinement, or deprivation of liberty. The article provides that foreigners are to be "presented" (*presentación*) at migratory stations while their "immigration situation" is being determined[xix]). Article 99 refers to deprivation of liberty obliquely, using the term *alojamiento,* or "accommodation." The article states that foreigners are to be temporarily accommodated in order to assist the process of regularising their stay in the country or to assist in their return. (In addition, according to a 2015 civil society report, officials frequently refer to detention operations as "rescue operations," or "*operativos de rescate de migrantes*."[xx])

2.d **Articles 97** and **98** establish the process by which the INM undertakes immigration verification outside of official entry and exit points, as well as for undertaking "presentations"—a legal euphemism that denotes detention—in cases where a person lacks adequate immigration documents.

2.e However, in 2022 the Supreme National Justice Court (SJCN, by the acronym in Spanish), declared that **Articles 97** and **98** are unconstitutional (*Amparo en Revisión 275/2019*). Since they require the use of racial profiling, it held that the articles disproportionately affect the freedom of movement and transit of people and reproduce stigmas that may affect indigenous and Afro-Mexican people.[xxi]

2.f According to **Article 111** of the Migration Law, the INM must resolve the immigration situation of foreigners detained within 15 working days. However, this can be extended to a maximum of 60 working days in certain situations, such as where no reliable information on a

person's identity or nationality exists or where there are difficulties obtaining relevant documents; or where a person suffers from a recognised medical condition or is physically or mentally disabled, making it impossible for them to travel. If an individual lodges an administrative or judicial appeal regarding their immigration status, they are not covered by the 60 working day limit of detention and may therefore be detained indefinitely.

2.g Crucially, these lengths of detention have been found unconstitutional by the Supreme Court. It determined that the limits of 15 days and 60 working days for the migratory detention limit included in art. 111 of the Migration Law are unconstitutional because they violate the right to an effective jurisdictional protection, as provided in Mexico's Constitution and the American Convention on Human Rights. The Supreme Court ruled that entering the country without adequate documentation or status amounts to an administrative fault, and that the deprivation of liberty of a person for an administrative reason could not exceed 36 hours.

2.h CDH Fray Matías has documented numerous cases of indefinite detention. Between June and October of 2021, for example, the organisation provided legal and psychosocial assistance to a group of men who had been detained for between five and seven months, in violation of Mexican domestic law and international obligations. These detainees, all of whom claimed to have witnessed or suffered physical and psychological abuses while in custody, were not assessed for the viability of "alternative to detention measures" to ensure the necessity and proportionality of their detention.[xxii]

2.i In its Revised Deliberation No. 5, the Working Group on Arbitrary Detention (WGAD) provides that immigration detention should be only permitted for the shortest term possible. If detention becomes excessive, it is therefore arbitrary. Once the detention limit set in law is reached, the detainee must automatically be released.

2.j Importantly, Mexico's Migration Law fails to unambiguously stipulate whether detention measures are intended to be imposed mandatorily, though observers have repeatedly affirmed that the law is applied in this way. **Article 99** appears to indicate that anyone whose status is unclear or who is subject to deportation must be detained at a detention centre operated by the National Migration Institute (INM). A 2016 UNHCR report states that "Mexican legislation foresees mandatory detention in migratory stations as a measure applicable to every adult person found to be in an irregular migratory situation in the country."[xxiii]

2.k **Article 144** provides numerous grounds for removal from the country for people who are in immigration detention, including:

- entering the country without proper documents or through an unauthorised entry point;
- re-entering the country after being deported and not having received authorisation for readmission;
- falsely presenting oneself as being a Mexican national;
- being subject to ongoing criminal proceedings, having been convicted of a serious crime or being considered as a threat to national or public security;
- providing false documentation; and having failed to comply with an order to leave the national territory issued by the INM.

3. IMMIGRATION DETENTION OF CHILDREN

3.a For many years Mexico has been one of the world's more aggressive detainers of migrant children. According to the 2020 UN Global Study on Children Deprived of Liberty, during the period 2008-2019, "the Mexican Government carried out more than 232,000 detentions of children for migration-related purposes with the share of unaccompanied children varying

between 47percent (2014-2017) and 22 percent (2019)."[xxiv] In 2019 alone, 53,507 children were detained (13,242 unaccompanied and 40,265 accompanied),[xxv] representing an increase of more than 80 percent from 2018.[xxvi] The vast majority of child detainees come from Honduras, Guatemala, and El Salvador.[xxvii] The country continued detaining children even after the COVID-19 pandemic struck, recording 10,972 detentions during the period January-November 2020.[xxviii]

3.b In November 2020, the country adopted reforms to the Migration Law to align it with the **Law for Protection of Children and Adolescents,** which prohibits the detention of all migrant children.[xxix] Previously existing non-detention provisions in migration law only covered unaccompanied children. The law also establishes that the National Agency for Family Development (DIF) is responsible for identifying children in need of international protection. It created a Child Protection Authority tasked, among other responsibilities, with conducting best interest determination procedures and to protect children's rights.[xxx]

3.c However, as noted previously in this submission, observers have repeatedly reported that the DIF system continues to receive children at Social Assistance Centers (CAS) is severely limited and effectively amounts to detention.[xxxi] The INM's response to this, setting up so-called "Channeling Offices'' that are in effect extensions of detention centres, has been reported as being the same or worse conditions as adults at the facilities, raising critical questions about whether the legal process has merely resulted in a new form of detention merely un disguise as child welfare.[xxxii] According to official statistics, in 2022, nearly 125,00 children were apprehended by authorities, all of whom were mandatorily "channelled" into this de facto detention system.[xxxiii]

4. IMMIGRATION DETENTION OF ASYLUM SEEKERS AND OTHER VULNERABLE GROUPS

4.a According to **the Regulations of the Migration Law**, certain groups are provided specific protections:

- The detention of **victims of trafficking** is prohibited and they should be accommodated in shelters or specialised institutions where they can be provided with adequate care (**Article 180(V)**).
- **Non-citizens in an irregular situation who have been victims of crime** are also provided with certain protections under the law, including, *inter alia*, being provided with information regarding the possibility to claim asylum, consular protection, and assisted return (**Article 180(I)(a)-(f)).**
- **Victims or witnesses to a serious crime** may regularise their migratory status (**Article 133)** – although there are cases of such victims being forced to stay in detention centres during the duration of investigations into their claims.[xxxiv]

4.b The **2011 Refugee Law** also provides specific rights and guarantees for people seeking asylum in Mexico.

- **Article 5** guarantees non-discrimination, the best interests of the child, protection of the family unit, confidentiality, and the non-criminalisation of irregular entry.
- **Article 6** enshrines the principle of *non-refoulement.*

4.c However, asylum seekers in Mexico can be placed in immigration detention according to the **Regulations of the Migration Law** and can potentially be detained indefinitely under provisions of the **Migration Law.** They may be detained indefinitely because it is based on the duration of an individual's particular administrative procedure. For instance, in the Iztapalapa Immigration Detention Centre in Mexico City there have been cases of asylum seekers being detained for up to six months, two of whom were women with children.[xxxv]

4.d Moreover, due to a lack of coordination between the National Migration Institute and the Mexican Commission for Refugees, asylum seekers have faced arbitrary detention and deportation while their applications remained pending, and recognised refugees have also been detained and deported. In one case, a family–the Mailleky Mertil family (two parents with their six-year-old child) who had fled Haiti–were detained upon arrival in 2019 at the southern border and placed in Estación Migratoria Siglo XXI. Here, they were separated until they were eventually released to begin the asylum application process through COMAR. However, after six months they were arrested and detained again in the same centre, despite their ongoing application, before being moved to one in Acayucan. Here, the INM failed to determine that they were in the process of an asylum application, and instead deported them without providing access to a translator.[xxxvi]

5. DETAINING AUTHORITIES AND THE MILITARIZATION OF IMMIGRATION POLICY

5.a The *Secretaría de Gobernación* (Interior Ministry) is responsible for overall implementation of the Migration Law (**Article 18**). In 1993, the Mexican government created the National Migration Institute (*Instituto National de Migración*) (INM), which is part of the Interior Ministry. The INM was created in part to "strengthen and expand the activities of regulation, control, surveillance, and monitoring of migration flows."[xxxvii] **Article 3** of the Migration Law authorises the INM to establish detention centres (*estaciones migratorias*) to temporarily accommodate non-citizens detained because of their irregular status. The INM is empowered to monitor the entry and exit of persons into Mexican territory, deport or assist in the return of foreigners, and detain foreigners in detention centres (**Article 20**).

5.b **Article 81** states that in undertaking "actions of migration control" such as reviewing the documentation of persons who intend to enter or leave the country as well as the inspection of the means of transport used for such purposes, the Federal Police will act in coordination with the INM. The **Regulations of the Migration Law** clarify, under **Article 70,** that in accordance with **Article 81** of the Migration Law, the Federal Police will only act at the express request of the INM. Nonetheless, as highlighted by a 2019 report, 32 percent of migrants interviewed by the authors were detained by other security forces such as the Federal Police, State Police, Municipal Police, and military and navy personnel, without the INM being present.[xxxviii]

5.c Recent developments have accelerated the merging of civil detention agencies with military authorities. In 2019, the country passed a law authorising the National Guard to participate in immigration enforcement activities,[xxxix] a role previously reserved only for Mexico's migration agency, the INM. Mexico has also adopted plans that include deploying armed forces to the northern and southern borders, who have become increasingly involved in detaining migrants and asylum seekers.[xl] Reports from civil society observers allege numerous human rights abuses by these forces.[xli]

6. CONDITIONS OF DETENTION

6.1 Types of Detention Facilities

6.1.a Mexico's **Regulations of the Migration Law (Article 106)** provide for the operation of two main types of administrative detention centre (operated by the National Migration Institute (INM)).

i) Provisional" detention centres ("*estancias provisionales*"), which are meant for short-term detention of undocumented migrants; and

ii) Long-term detention facilities, which are euphemistically called “migratory stations” (“*estaciones migratorias*”).

6.1.b According to a 2019 report by the country’s National Commission on Human Rights (CNDH), there were 30 operating migratory stations and 23 operating provisional detention centres at that time.[xlii]

6.1.c In addition, according **to Article 5 of the Rules for the Operation of Migration Stations and Provisional Stays of the National Migration Institute 2012** (“*Normas para el Funcionamiento de las Estaciones Migratorias y Estancias Provisionales del Instituto Nacional de Migración*”), there are two types of provisional detention centres:

i) Provisional detention centres A, which permit a maximum detention period of forty-eight hours and;
ii) Provisional detention centres B, which permit a maximum detention period of seven days.”

6.1.d The largest detention centre is in Tapachula—the Estación Migratoria Siglo XXI, which can confine up to 960 people. Other major facilities include “migratory stations” in Acayucan, which has a capacity of 836; in Mexico City (Iztapalapa with 430 beds); Tijuana (100); and Comitán (120).[xliii] The country also operates transit facilities “located within spaces of international transit.”

6.1.e In the wake of the Ciudad Juárez detention centre fire, the INM temporarily closed provisional detention centres, which are supposed to be monitored by the National Commission of Human Rights. Instead, authorities have been detaining migrants and asylum seekers in tents and other temporary structures at a site base in the southern region of Tapachula. Here, detained migrants are required to wait many hours before they are transferred to cities like Tuxtla Gutierrez (300 km away from Tapachula). However, there is no clarity whether these detentions are officially recorded or registered.

6.2 Detention Centre Regulations

6.2.a The **Regulations of the Migration Law** provide certain protections for detainees. In particular, **Article 225** stipulates that the National Migration Institute (INM) must “respect the human rights of non-nationals” and observe the principle of non-discrimination at all times. **Article 226** of the Regulations provides several rights for non-nationals detained in immigration detention centres, including, *inter alia*: the right:

i. to know their migration status and the reason for their detention;
ii. to be informed of their rights;
iii. to receive medical and psychological assistance as well as legal advice at the start of and during their detention;
iv. to be informed of the immigration process and their right to submit an asylum claim;
v. to have their consular representation be notified of their detention, if so desired.

6.2.b **Article 107** also describes the basic minimum conditions and services that must be provided at detention centres. For instance, medical, psychological, and legal assistance must be provided as well as adequate nutrition. In addition, detainees must be segregated by sex.

6.3 Conditions Concerns

6.3.a As a result of more than a decade of monitoring in detention centres, civil society organisations have documented and denounced the way in which immigration detainees are treated in Mexico. Key concerns include overcrowding; insufficient water and food; lack of means to communicate with the outside world; lack of clear and sufficient information about

rights for regularisation and refugee protection. The combination of concerns results in detention facilities acting as torturing environments, say observers. Additional concerns reported by observers include:

- Use of violence and excessive force against detainees. For example in March 2020, the National guard and Federal Police used water cannons, tear gas, and force to suppress a protest at the Siglo XXI detention centre.[xliv] On another occasion on 15 June 2021, the INM permitted the National Guard to respond to protesting detainees at Siglo XXI employing electric shocks, tear gas, and verbal aggressions. National Guard Officers and other security officers then forced detainees to lie in the yard where they proceeded to walk on them in heavy military boots.[xlv]
- Limited and inefficient medical and psychological assistance in both Provisional Detention Centres and "migratory stations."[xlvi] In Tapachula detention centre, only one doctor was found to be available for the entire detention centre; there was no provision of mental health services; no medication was available for pregnant women; and no specialised care was available for children.[xlvii]
- Overcrowding in both Provisional Detention Centres and "migratory stations." For example, reports have indicated serious overcrowding[xlviii] at the Tapachula detention centre with people "sleeping on the dirty floor in any possible space, because there is no space left in the dining room."[xlix]
- Detainees resorting to drinking unsafe tap water due to a lack of potable water provided by centres, resulting in gastrointestinal disorders.[l]
- In some short-term Provisional Detention Centres, corruption has resulted in detainees having to pay for food from the INM or private security guards.[li]
- Small cells which get extremely hot.
- Inability for detainees in Transit Facilities to make phone calls, or access sufficient food and water, and instances of detainees being forced to sign documented retracting their asylum requests.[lii]
- Detainees held in the provisional base in Tapachula have complained that they do not receive information about their rights, or how to access the regularization process or refugee process.

6.3.b International observers have similarly criticised operations and conditions at Mexican detention facilities.[liii] In 2017 the Committee on the Protection of the Rights of All Migrant Workers (CMW) indicated that it was "concerned that the conditions of detention of the migrant population in the State party. It noted with great concern that in some cases conditions amount to cruel, inhuman and degrading treatment."[liv] The committee also reiterated its previous recommendation[lv] and urged Mexico to "guarantee adequate, decent conditions in migrant detention centres; the centres should not resemble a prison facility either in appearance or purpose."[lvi]

7. RECOMMENDATIONS

7.a We urge the CMW to consider Mexico's immigration detention policies and practices during its upcoming session, and to include questions related to these in its List of Issues. In particular, the GDP and CDH Fray Matias encourage the Committee to consider the following:

- **Urge Mexico to immediately stop the mandatory detention of all apprehended migrants** and to implement legal and policy reforms that ensure that immigration detention is always a measure of last resort, based on individual assessment of each case to establish the necessity and proportionality of each detention decision, including developing

legal procedures that ensure that "alternatives to detention" measures are always assessed before issuing detention orders.

- **Ensure that detainees are able to challenge the grounds of their detention before a court or other competent, independent, and impartial authority.** As part of this, detainees should be provided with access to legal aid.

- **Immediately take steps to prevent the endemic violence and abuse that migrants face in detention centres.** Ensure that detention centre personnel—including at both migratory stations and provisional centres— are trained to respect detainees' rights and sensitised to their needs. Where individuals have committed abuses against detainees, perpetrators must be investigated and face criminal prosecution, and all necessary efforts must be made to allow victims access to mechanisms of justice and to prompt redress.

- **Step the militarisation of immigration enforcement in Mexico** and phase out the use of military and other national security agencies in immigration enforcement procedures, which will help prevent human rights violations and the stigmatisation of migrants and asylum seekers.

- **Ensure that all detention sites meet international standards**, ensuring that detainees are guaranteed the right and ability to communicate with the outside world; information is provided in alternative languages to ensure understanding; material conditions guarantee access to security, health, food, and other rights; and detainees are able to access legal representatives.

- **Ensure that vulnerable groups are never placed in immigration detention**, including asylum seekers, LGBTIQA+ persons, children, and people with mental illnesses are not placed in detention settings. Strengthen coordination between Procuraduría de Protección, the National System for Integral Family Development (DIF), the National Institute of Migration, and COMAR to immediately channel children and adolescents to appropriate places where their best interests are evaluated and an individualized plan for the restitution of rights are guaranteed for each child and adolescent.

- **Ensure that detention time limits are kept to minimum and never become indefinite**. In particular, Mexico should amend its Migration Law to guarantee that the detention of persons for immigration reasons does not exceed 36 hours–as established by the Political Constitution of the United Mexican States.

- **Guarantee the right to access detention centre for independent institutions** such as the National Human Rights Commission, the Public Defense Institute, the National Mechanism to Prevent Torture, international organisations, and civil society organisations. Strengthen the capacities–both financial and personnel–of the National Mechanism to Prevent Torture and the Public Defense Institute for monitoring detention centres and assisting victims, and enable access to detainees by relevant civil society actors.

- **Ensure the eradication of racial profiling and other discriminatory practices in migration control activities** by fully implementing the Supreme Court's judgement (*Amparo en Revisión 275/2019*) and modifying Articles 97 and 98 of the Migration Law accordingly.

- **Cease de facto and arbitrary detention operations in border regions** and ensure that all apprehended migrants and asylum seekers in these areas are provided proper medical attention and assistance, as well as information about their rights.

- **Adopt more precise language and nomenclature to denote both detention operations and detention centres** in order to ensure that legal processes are clearly delineated and respected; that detainees have clarity about their situations; and that the public—both nationally and internationally—has a firm understanding about Mexico's immigration detention and practices. The use of euphemisms in immigration detention systems, both in Mexico and elsewhere in the world, has long shielded authorities from accountability and prevents migrants from accessing their rights, inevitably leading to increased arbitrariness, vulnerable, and harm.[lvii]

ENDNOTES

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i Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, "General Comment No. 5 (2021) on Migrants' Rights to Liberty and Freedom from Arbitrary Detention," CMW/C/GC/5, 23 September 2021, https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-5-2021-migrants-rights-liberty

ii Global Detention Project, "Immigration Detention in Mexico: Between the United States and Central America," February 2023, https://www.globaldetentionproject.org/immigration-detention-in-mexico-between-the-united-states-and-central-america

iii UPMRIP (2019; 2020; 2021; 2022), Annual statistical bulletin. *Unidad de Política Migratoria, Registro e Identidad de Personas.* https://goo.su/ky4wkT; see also: Amnesty International, "Mexico: Fatal fire in migrant detention center is result of inhumane policies," 29 March 2023, https://www.amnesty.org/en/latest/news/2023/03/mexico-fatal-fire-immigration-detention-cinhumane-policies/

iv UPMRIP (2019; 2020; 2021; 2022), Annual statistical bulletin. *Unidad de Política Migratoria, Registro e Identidad de Personas.* https://goo.su/ky4wkT

v https://www.rescue.org/press-release/irc-laments-news-nearly-40-people-dying-fire-migrant-detention-center-ciudad-juarez

vi IBERO (2023), Stance on the migration context in Mexico in 2022. Universidad Iberoamericana Mexico City. https://goo.su/1gkTYv

vii SEGURIDAD (June 20, 2022) Safety Report, Slide 53. The Secretariat of Security and Citizen Protection. https://goo.su/xIPeCW

viii ProDH center, IBERO, COMDH (June 14, 2022) Three years from the deployment of the National Guard in the borders, organizations present to the SCJN amicus curiae about the risks of the militarization of the migration policy. [Press release]. Miguel Agustín Pro Juárez Human Rights Center, Universidad Iberoamericana, Colectivo de Observación y Monitoreo de Derechos Humanos en el SE Mexicano https://goo.su/QCYyD

ix https://www.theguardian.com/world/2023/mar/29/mexico-migrant-facility-fire-deaths-ciudad-juarez

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