

# **Migrants, Cartels Roads and borders.**

## **A history of systemic violence and systemic cruelty.**

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**Abstract.** This text explores the relationship between migration and organized crime in Mexico. Based on the cooperation agreement between Mexico and the United States signed in May 2019 as a set stone, the document analyses chronologically the migration phenomenon from Central America and Mexico to the United States. Then, it presents a brief diagnosis of the situation, focusing on the nature of the main criminal organizations in Mexico, specially in the control of roads. Finally, the text presents a proposal for the development of an “Atlas for migrants”, considering that it is time to join efforts to face barbarism.

**Keywords:** Organized crime, Migrants, Violence,

In June 2019 the North American Fortress was born. The governments of the United States and Mexico agreed to tighten the controls in their common border and in the border that Mexico share with Guatemala and Belize.

On May 19, 2019 Donald Trump let the world know that “we are now asking that Mexico immediately do its fair share to stop the use of its territory as a conduit for illegal immigration into our country”. If Mexico dared to ignore the request, tariffs would be imposed. Mexico did react and on June 7 the two countries issued a Joint Declaration:

- a) “Mexico will take unprecedented steps to increase enforcement to curb irregular migration, to include the deployment of its National Guard throughout Mexico, giving priority to its southern border”;
- b) “The United States will immediately expand the implementation of the existing Migrant Protection Protocols (MPP) across its entire Southern Border”; and,

- c) “The United States and Mexico welcome the Comprehensive Development Plan launched by the Government of Mexico in concert with the Governments of El Salvador, Guatemala and Honduras to promote these goals”.

It is a logical agreement. After all, Governments are supposed to control borders. The Joint Declaration, however, contains three major flaws:

- a) the two governments lack the capacity to control the borders but they do have the capacity to launch a war of attrition against asylum-seekers and migrants trying to deport most of them, known as vertical border;<sup>1</sup>
- b) organized crime controls parts of the Southern and Northern borders and most of the main migrant routes;<sup>2</sup> and,
- c) in consequence, migrants are not just not protected in Mexico. In fact, they are harassed and assaulted all the time, because they are a very vulnerable group (illegal, poor, unknown) and, at the same time, appealing (young people with cash, able to work).

That is why we argue that migrants are at the mercy of systemic violence of organized criminals protected by corrupt state agents and the systemic cruelty displayed by the policies implemented by the governments of the United States and Mexico. We are witnessing the construction of a new border system.

The Mexican government is an enthusiastic fan of the long Ibero-American tradition of ‘obey but not comply’. For example, it has signed all the Declarations and Plans of Action of UNHCR but, at the same time, Mexico is ignoring them because they lack the coercion mechanisms. But the United States does have the capacity to force Mexican government to fulfil the new agreement.<sup>3</sup>

The most likely scenario is the permanence of restrictive policies that will have negative consequences for migrants due to another structural factor in Central America. But, also, that kind of policies provoke that migrants will use even more clandestine routes and take even greater risks.

## 1. AN HISTORICAL OVERVIEW TO MIGRATION PROBLEM

To understand what is going on today it is convenient to look at the history at the borders. Zepeda, González-Izás and de León-Escribano convincingly argue that since the Colonial times the development of the region never was an objective. In consequence, a network of illegal markets such as smuggling arose almost naturally: "the advantages of illegal trade [from Central American provinces] were many compared to the very few gains from trade with the Spanish Empire".<sup>4</sup> The situation did not improve with Independence, even multiplied the problems due the fights of local elites and the intervention of the United States and England to extract resources and take advantage of the location of the region. All this resulted in an impoverished territory, almost without infrastructure and dependent on others decisions. In this context we have to insert the emergence of Cartels. Let us take a look to history.

### 1.1 World War II

When the US entered World War II in December 1941 they needed workers to replace those who went into the army. They negotiated with Mexico the "Bracero Program" that started in 1942 and ended in 1964. It was a major migration regulated by governments. One unintended consequence was the creation of migratory networks that would transform the demographic composition of the United States.

Figure 1. Mexican Population on United States through years

Years	Mexican population on United States
1940s*	992,000
<b>Bracero Program</b> 1942-1964**	4,682,835
2019***	36,974,000

Sources:

\*Ethnic and Hispanic Statistics Branch. (1993). *We, the American Hispanics*. United States. Bureau of the Census.

\*\*National Archives, 1940 Census: <https://1940census.archives.gov/about/>

\*\*\*Mexa Institute. (2019). *Mexa Facts: Mexicans in The United States. Most recent data as of March 2019*. United States. Mexa Institute.

However, unlike Mexico's flows, the migration of the Central American countries to the United States was not relevant or, rather, scarce.<sup>5</sup>

## 1. 2 The Central American Wars and the end of the Cold War

During the 1980s Central American was affected by internal conflicts and external interventions. Millions were displaced internally. Millions made the journey to the United States using the routes, migratory networks and infrastructure that have been created by the Mexican braceros. The Central American Exodus created new migratory networks.

Figure 2. Central American Population on US through years

Region	Years	Central American Population*
Central America	1970s	113, 900
Central America	1980-2010	2,800,000 (displaced population)
Central America	2017	3,527,000

Source: <https://www.migrationpolicy.org/article/inmigrantes-centroamericanos-en-los-estados-unidos>

The Central American Wars overlapped with the War on Drugs declared by president Ronald Reagan in 1986 and the fall of the Berlin Wall in 1989. When the Cold War ended the Pentagon redeployed a very powerful radar system. It was used to seal the Caribbean to the planes transporting cocaine from Colombia. It became operational in 1993 the same year that Pablo Escobar Gaviria –the head of the Medellin Cartel—died.

The cocaine that was sent to the United States through the Caribbean was deviated to Central America and Mexico. The empowerment of the Mexican Cartels was the logical consequence and they became the dominant actors of the regional underground. Simultaneously, Mexican authoritarianism was weakened. The conditions were ripe for organized crime to fill the power vacuums.

During those same years the US reached a bipartisan consensus: the Southern border had to be controlled. It was the beginning of the end of the open borders in North America. In 1994 began the construction of the wall in Tijuana and some other places along the border.

### **1.3 The Narco Wars**

In the 21<sup>st</sup> Century Mexican Cartels have become the most powerful criminal organizations in human history. Some concentrate in drugs, but arms trafficking, kidnapping, money laundering and human trafficking, among others, have gained relevance in the criminal portfolio.<sup>6</sup> The policies of Cartels versus the migrants depend on the business models of the different cartels. There are two major propositions: the Sinaloa Cartel and the Zetas.

The most traditional crime organization, the Sinaloa Cartel, follows a policy of restraint because they concentrate in the narcotics business. A clear example appears in the documentary *Clandestino* directed by David Beriain. A mid-level leader of Sinaloa Cartel explains the rules imposed by El Chapo: "respect for civilians ... do not steal, do not extort, do not kill for profit, do not kidnap". These principles "will be respected as long as we have life".<sup>7</sup>

The appearance of Los Zetas at the beginning of the 21st century changed the treatment of migrants in Mexico at the root. Guillermo Valdés -former Director of the Center for Research and National Security (CISEN, acronym in Spanish) between 2007 and 2011- says that "The Zetas generalized a change in the criminal model, because in addition to drug trafficking they dedicated themselves to extracting the patrimony of society through kidnapping and extortion", amongst other crimes.<sup>8</sup> Migrants became a commodity in the underworld's portfolio.

Migration is a golden mine to Organized Crime. The human trafficking has become even more profitable in direct relation to the controls imposed. According to the Honduran survivor of San Fernando, he paid 2500 USD to go from Mexico to US in 2010. Nowadays, according to BBVA-Mexican Government report in 2019,<sup>9</sup> the price has multiplied, with an average of 4500 USD for Mexicans and 11,500 USD for Central Americans. But migrants could be kidnapped, and families could be forced to pay rescue. The rescue price has risen too, from an average of 2500 USD in 2009, according to CNDH's Special Report,<sup>10</sup> to 7000 USD or even more.<sup>11</sup>

### **1.3.1 A tale of two massacres**

The systemic brutality of the Zetas entered in the national and international agenda with the San Fernando massacre. On 24 August of 2010, the Mexican Navy reported that they found a badly injured migrant. He led them to the place where the bodies of 72 executed migrants were. There are just 2 recognized survivors. One of them, an Ecuadorian, narrated the habitual fate of the migrant: he legally entered in Guatemala and then illegally into Mexico. He hired a pollero to take him to Houston. He paid \$ 2,500. The rest is known.<sup>12</sup>

San Fernando is part of a pattern of systemic brutality that, according to observers, has three objectives:

- 1) Extract a toll for crossing the territory or take them as hostages to obtain ransom from their families in the US;
- 2) Use them for prostitution, organ trafficking, "mules" transporting drugs or forced recruitment to the criminal wars; and,
- 3) Some of them are selected to be tortured and executed as a lesson for other migrants, or signals for other criminal organizations or the Mexican government.<sup>13</sup>

The criminals can do that because, in words of the Foundation for Justice and the Democratic State of Law (FJEDD, acronym in Spanish), San Fernando's massacre confirmed that "the Mexican authorities did not act to protect migrants who cross the country".<sup>14</sup> Why? Criminals know that, normally, governments cannot do so much to prevent, but they cannot do much

to punish them, because Mexico is a country where impunity is almost the rule. If that is normality for Mexican citizens, even more for illegal immigrants.

The Seminar on Violence and Peace will test these hypotheses with a review of the 45 thousand pages of the judicial files of the Cadereyta's massacre. This is a joint project with the FJEDD. What happened in Cadereyta, Nuevo León? In May 2012, federal police officers and Mexican soldiers found 49 bodies without heads, legs and hands. 14 torsos have been identified and correspond to a Mexican, a Guatemalan, two Salvadorans and ten Hondurans. A banner appeared shortly after: the Zetas disclaimed any responsibility and pointed out to the Gulf Cartel as responsible. Assuming that this was the case, that proves how systemic brutality has spread among criminal organizations.

These kind of events captured public opinion attention. San Fernando, specially, was key to change the government strategy. Federal forces concentrated on destroying the Zetas. The Zetas were headlined and fragmented between 2011 and 2015, their leaders were killed (Heriberto Lazcano, 2012) or arrested (Miguel Ángel Treviño, 2013; Omar Treviño, 2015).<sup>15</sup> The criminal organization did not survive as an unit, but there are 26 criminal organizations inspired by their methods that are imitated by other cartels.

## **2. THE BORDER IN 2019 AND BEYOND.**

Shortly, the Cartels control parts of the Mexico-Belize-Guatemala border and the US-Mexican border. They also have the capacity to control major and secondary roads. That lead us to conclude that migrants are subjected to a regime of systemic brutality of Cartels and systemic cruelty of the US and Mexican governments.

The fate of migrants is determined by the business model of the criminal organization that controls the region they are traveling. There were 289 criminal organizations in Mexico in November 2019, according to Lantia Consultores. If migrants travel on routes or cities related with Sinaloa sphere they would be more respected than people inside the Zetas sphere, because those kind of organizations practice a "systemic brutality" against migrants as a business model.

In the early months of 2019, the Seminar on Violence and Peace conducted a research of unaccompanied minors in private and public shelters; before the two governments reached an understanding in June 2019. We interviewed 91 unaccompanied minors (ages 12 -18) in 14 shelters in 9 states of Mexico. These interviews were conducted in private conditions during the first semester of 2019. Our main findings include the following:

1. 58 % of unaccompanied minors from Central America leave their home countries violence and insecurity;
2. 65 % have suffered violence or have felt afraid of suffering violence in their home countries;
3. They also report mistreatment by officers in Central America, Mexico and the US; and,
4. Unaccompanied minors are not safe in Mexico and are not adequately protected by the authorities.

Our findings are consistent with reports like the one presented by Human Rights First in December 2018: *Refugee Blockade: The Trump Administration's Obstruction of Asylum Claims at the Border*

After the two governments agreed to the MPP-Remain in Mexico, all reports have detected their vulnerability. For example, Human Rights First published a report in December 2018 stating that asylum seekers interviewed in Mexico “faced dangers of kidnapping, trafficking, and violence”.<sup>16</sup>

The research conducted by Tom Wong (UCSD) was conducted in Tijuana, Mexico and Mexicali, from July 2019 to October 2019. After 607 interviews to asylum seekers in migrant shelters the conclusion is that they face “dangers of kidnapping, trafficking, and violence”. Figures are compelling: 90% expressed fear to return to Mexico, but US authorities sent back almost 6 of every 10 of them and 63.9% of people who express fear said that their criminals **can find and have access to them in Mexico**. According to the report, expending more time



in Mexico increases the risk of violence or homelessness.<sup>17</sup> However, we did not find more data about real events; that is, how many times organized crime did harm migrants.

## 2.1 Danger on the roads

Migrants face too many risks during their journey. From reports of the Mexican State,<sup>18</sup> of civil society,<sup>19</sup> and the academic community,<sup>20</sup> we know that migrants lack protection during their journey and they are constant victims of harassment, threats and aggressions along the way. We also know that they use the ways less attended by the authorities, aiming to not to be apprehended or extorted due to their illegal status. In this way, they normally use paved roads without fees or unpaved roads, to link up with the scarce Mexican rail system whenever they can.

As San Fernando and Cadereyta showed us, amongst other cases, we know that organized crime is present in both type of roads: they have information to choose by which one to circulate and manages to assault, kidnap, extort, disappear and kill in both types of roads. However, two considerations have to be made. The first is that unpaved roads do not have a big reach, rather they are subsidiaries of the road system. The second is that there is much more money involved on the paved roads, because there circulate large goods and more people.<sup>21</sup> Finally, we can differentiate between two types of violence on the road: on the one hand, that which occurs right there, such as vehicle theft or an execution; on the other hand, control violence, dominate the area in which the road is inserted through, for instance, control points. That is, the road is an element in the environment in which it is inserted.

Mexican roads are very susceptible to natural weather events. In that sense, Mexican geography plays a very important role, since earthquakes, heavy rains, hurricanes and others occur in its territory. But its effects are enhanced by deficiencies in construction and lack of infrastructure, leading to landslides, ruptures or situations of extreme danger along the roads. An extreme case was Hurricane Stan in 2005, which hit Central America and southeastern Mexico, causing dozens of deaths. It had a devastating effect on migration, because many people had to emigrate, and the routes changed in a lasting way.

What is the Mexican new government doing with the combination of poorly constructed roads with criminal presence along them? It is taking focalized measures. For example, the Safe Roads Plan has just been launched, seeking to help the sections with the highest criminal incidence. In summary, it will serve with more security elements in these sections, will seek coordination with local police and will make available to the citizens a telephone number and apps for travellers. Hopefully it turns out, although the criminals have shown us their ability to adapt systematically, especially when they have other similar routes.

Mexican society has taken measures to protect itself. There are groups in social media to share travel, within closed groups. They also use Whatsapp or Facebook, to share information and create alerts when something serious happens, such as efforts to find missing people. However, the scope of this information is reduced, due to the closed nature of these groups. On the other hand, business Chambers, such as the National Freight Transport Chamber (CANACAR, acronym in Spanish), try to communicate their experiences through the media.<sup>22</sup> We believe that it could be more organized and complemented with that of the authorities, so that it flows better towards citizens. We will speak about that in the next pages

### **3. TIME TO PROPOSE: ATLAS FOR MIGRANTS**

We are facing a situation without precedent. Migration will continue during the construction of the North American Fortress is under construction. Migration will continue. The defense of human rights and dignity requires a more detailed knowledge about the role played by organized crime, an actor not present in previous wars. Organized crime has already adapted to the new situation and are finding ways to continue the exploitation and mistreatment of migrants.

There is a growing consensus that something has to be done and different institutions are taking different approaches. UNCHR, for example, is moving to expand the definition of “refugee”. Taking Mexico’s Declaration in 2004 as starting point, which did not state criminal organizations or violence as crucial factors, the Brazil Declaration (2014) openly declared that “new international protection needs” require accepting the possibility that

refugees can be created by “transnational organized crime”. The same idea has been repeated in the San José Declaration (2016) and the San Pedro Sula Declaration (2017).

UNHCR path is necessary but it will take many years. We have to work urgently to preserve the integrity and dignity of migrants. In order to do that we need to know more about the interactions between organized crime and migrants in Central America, Mexico and the US. The Seminar on Violence and Peace wants to create an “Atlas for Migrants”.

The main objective would be summarizing the available information which could be relevant for migrants, such as the danger zones or areas heavily controlled by criminals, the main risks in the roads, the available shelters, etcetera. It could be updated periodically, and the information could be disaggregated by Mexican States. In that way, we could generate a lot of information but, at the same time, it could be used in a focalized way: we could see the big picture but also the details.

For example, which parts of the Southern and Northern borders and roads are controlled by the Governments and by the Cartels? How the Cartels’ treatment of migrants has evolved; what are the similarities and differences in Soconusco, Petén and Belice? And in El Paso-Juárez and the Northeast and Northwest?

## EN QUÉ TIEMPOS SE HARÍA LA INVESTIGACIÓN

### 3.1 The utility of the Atlas for Migrants

The utility of the Atlas depends of the kind of actor’s behavior that the project could influence. The natural interlocutors of this proposal are the governments and organized society.

1. Mexican Government was blackmailed by the Trump administration to impose these policies that go against their nature.<sup>23</sup> We believe that they listen with interest to proposals aimed to the protection of migrants. In the best-case scenario, governments from other countries could help, considering that many of their citizens face danger

in Mexico. If not, the Atlas could strength the importance of paying attention to the root causes in Central America with the development of Central America

2. An Atlas of this kind can be done with the collaboration of universities, think tanks, faith communities and NGOs in selected cities throughout Mexico. It is a win-win proposal. The actors listed above could provide us with valuable information about their activities, we could summarize it in a systematically way for them to help them to orient their programs. All together could press and help governments to implement better public policies.

However, how we could influence the behavior of the migrants and organized criminal? In other words, why a big document would reach people that probably will not read that amount or do not have access to that type of project? We believe that the information could be use into public policies focused into diffusion. For example, the data processed and systematized could be turned into graphics, images and infographics. After that, civil society and academy could make a good effort trying to spread through social media, banners and all the ways we can. Just as Mexican people normally did to spread Amber Alert, for instance.

In short:

1. We could protect the potential victims, the migrants, better with reliable information elaborated for people that they can trust, such as universities, faith communities and NGO's, actors in whom we will sign Memorandum of Understanding. We will also ask influencers to disseminate the alert and infographics produced by El Colegio de México. As an example, Carlos Loret de Mola has 8.2 million of Twitter followers; Carmen Aristegui (7 M); Denisse Dresser 4.2 M; and Sergio Aguayo (560,9 K).
2. Finally, we have to take into consideration the elephant in the room. We have found in our research that some criminal bands do care about their image. Sinaloa is "the Good Cartel" because it does not harm migrants. They concentrate in the business of narcotics. If the data of the planned Atlas sustains that belief, we can perhaps encourage them to maintain that policy. A worst-case scenario is that the Sinaloa Cartel starts to treat the migrants as the fragmented Zetas do, and we can alert other relevant actors to spread that.

We are facing a situation without precedent. The North American Fortress is under construction. Migration will continue. The defense of human rights and dignity requires a more detailed knowledge about the role played by organized crime, a major player in the region.

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<sup>2</sup> Some scholars have called it as ‘extraofficial vertical border’. It is not an opposite to regular vertical border, but a complement. Yee JC, Torre E. *Lidiando con la frontera vertical: estrategias migratorias de los hondureños en tránsito por México*. Revista interdisciplinar da Mobilidade Humana. 2016; 24 (47): 97-114.

<sup>3</sup> Using the term of Cohen, Treviño Rangel has called “magic legalism in Mexico” to the belief that the bad behaviour, the serious human rights abuses and all the suffering could be ended with a law. Treviño J. *Magical legalism: human rights practitioners and undocumented migrants in Mexico*, The International Journal of Human Rights. 2019; 23(5): 843-861

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<sup>13</sup> The Seminar on Violence and Peace will have a better understanding of the Zetas rationale in the treatment of migrants when we finish the analysis of the judicial files of two massacres: San Fernando (72 bodies August 2010) and Cadereyta (49 victims, May 2012). Most of the victims were from Central and South America and some other countries.

The judicial documents of the two massacres are about 45 thousand pages. It is an analysis that we will do in coordination with the Fundación para la Justicia y el Estado Democrático de Derecho coordinated by Ana Lorena Delgadillo (this organization represents legally the families of some of the victims).

<sup>14</sup> Fundación para la Justicia y el Estado Democrático de Derecho. El caso de 49 torsos encontrados en la carretera de Cadereyta, Nuevo León. México: FJEDD. Available from: <https://www.fundacionjusticia.org/el-caso-de-49-torsos-encontrados-en-la-carretera-de-cadereyta-nuevo-leon/>

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<sup>23</sup> For example, they try to mitigate their suffering creating “Centros Integradores” (they have inaugurated two in Ciudad Juárez and Tijuana).