

### **Overwhelmed Management: Asylum Applications in the United States and Waiting Mechanisms Beyond its Borders**

### **Gestión desbordada: solicitudes de asilo en Estados Unidos y los mecanismos de espera allende sus fronteras**

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#### ABSTRACT

The article analyzes the production of border waiting spaces generated by the U.S. asylum policy through the metering and the Migrant Protection Protocols. These mechanisms are understood as part of a migration management repertoire that has turned several Latin American borders into waiting “buffer-territories.” The analysis focuses on migration contention and waiting in Tijuana, Baja California, and Central American and Haitian asylum seekers arriving at the border from 2016. The research was carried out using a qualitative approach and specialized bibliographic review. The findings show how the two mechanisms articulate with each other and, together with the indefinite extension of waiting imposed by COVID-19, suggests a sort of preamble to the cessation of the right of asylum in the United States.

*Keywords:* 1. waiting, 2. asylum policy, 3. migration management, 4. migration corridors, 5. Tijuana.

#### RESUMEN

El artículo analiza la producción de espacios de espera fronterizos que genera la política de asilo de Estados Unidos a través del sistema de cuotas y de los Protocolos de Protección a Migrantes. Dichos mecanismos se entienden como parte de un repertorio de formas de gestión de las migraciones que han convertido a diversas fronteras latinoamericanas en *territorios-tapones* de espera. El análisis se centra en la contención migratoria y espera en la ciudad de Tijuana, Baja California, y en las personas solicitantes de asilo centroamericanas y haitianas llegadas a dicha frontera a partir de 2016. La investigación se desarrolló bajo una metodología de corte cualitativo y contó con una revisión documental especializada. Los hallazgos dan cuenta de cómo los dos mecanismos se articulan entre sí y, unidos a la prolongación indefinida de la espera impuesta por el covid-19, sugieren una suerte de preámbulo al cese del derecho de asilo en Estados Unidos.

*Palabras clave:* 1. espera, 2. política de asilo, 3. gestión migratoria, 4. corredores migratorios, 5. Tijuana.

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## INTRODUCTION

As of the 1990's the transit of Central Americans from Honduras, Guatemala, and El Salvador over Mexico heading for the United States has been increasingly evident. Such common displacement of Central Americans became more noticeable by the end of 2018 with the phenomenon of caravans (Gandini, Fernández de la Reguera, & Narváez, 2020; Glockner, 2019). Moreover, as of the middle of the previous decade, the regional migratory system that connects Central America with Mexico, the United States, and Canada (Heredia & Durand, 2017) has changed, turning into a greater diversity of the populations that traverse Mexico as well as the routes and modalities of transit. One of the most emblematic examples is expressed in Haitian mobilities, whose migrants have traveled from South American countries such as Brazil and Chile, where they had been living after the 2010 earthquake in Haiti.

In this sense, it is urgent to understand the way some border zones gather groups of regional migrants (Central Americans and Caribbeans), and even transcontinental (Africans and Asians) who are waiting to restart, process, or readjust their (im)mobilities. In the background of these (im)mobilities (Schapendonk, 2012) some measures restrict migrations, adopted, and implemented unilaterally or bilaterally by the Mexican and U.S. governments.

Among recent measures noticeable are: a) the withdrawal of the Temporary Protected Status (TPS) for national Haitians as of September 2016; b) activation of the Migrant Protection Protocols (MPP) in December 2018 and their coming into force the following month; c) the reinforcing of the migration control apparatuses set up by the Mexican government and deployed after the bi-national agreements with the U.S., consolidated in Washington on June 7<sup>th</sup>, 2019; d) even if it is a collateral effect due to the contingency caused by COVID-19, the suspension of asylum requests in the U.S. as of March 2020 can be considered a measure that heavily impacts (im)mobilities (El Colegio de la Frontera Norte, 2020; Leutert, Arvey, & Ezzell, 2020a).

This set of measures is understood as part of the repertoire of migration and asylum management and enforcement, expressed in practices of more order and more regulation for transborder mobilities.

In short, the increasingly globalized management of migrations is expressed as a set of actors, practices, and discourses, as regards the way human migrations and mobilities have to be dealt with, or managed from, starting from supposition that they are potential generators of development and/or crises, whose effects may have regional or transnational scope. Owing to the above, according to administration model of migration flows, these have to be identified, measured, foreseen, and controlled (Pécoud & Geiger, 2010).

In concurrence with the notion of governance (Mayntz, 2006), international migration management gathers other actors than the state. Besides the state agencies of sending countries, the authorities in transit territories, and the governments in recipient countries, we must add the coordination between the organized civil society, think tanks, and intergovernmental agencies such as the World Bank, UN High Commissioner for Refugees (ACNUR), International Organization for Migration (OIM), and UN Children's Fund (UNICEF), among others. Institutional harmonization to formulate and set up migration policies is carried out through

specific practices such as training migration agents on combatting human smuggling and trafficking at various latitudes, legitimized by a discourse according to which the States involved (of origin, transit, and destination) have to decrease migration irregularities in their territories.

Another practice of migration management is the one adopted by adjoining, peripheral, and destination countries, in which the former are barriers for individuals who want to reach the latter, containing, arresting, or deporting them. Two emblematic examples are the agreement between Turkey and the European Union to contain the arrival of refugees from the Middle East and Asia in Greek islands, and the construction of detention centers on Nauru Island in the middle of the Pacific Ocean to prevent the arrival of boats carrying migrants to Australia. The territorial overwhelming of migration management beyond the borders of the destination country, region, or continent is known as border externalization (Clochard et al., 2019; Varela, 2015).

Another form of overwhelmed management is that of asylum seekers at the U.S.-Mexico border. It is noticed that over the last five years, individuals have been subject to the exteriorization of U.S. responsibilities as the country responsible for processing asylum applications, which turns into forced temporary settlements of Central American, Caribbean, and transcontinental persons, even Mexican nationals, at Mexico's northern border.

The present article analyzes several mechanisms set up by the United States, in connivance with Mexico, that derive from waiting situations and spaces for asylum seekers on the Mexican side to apply and/or follow up their processes. It is not part of the objective to analyze these governmental measures to contain mobilities per se, but the waiting spaces they generate at the border (Conlon, 2011). Wait and waiting territories are categories used to examine the spaces produced in (im)mobility processes.

The above entails particular practices and interactions among people in mobility and various social actors at multi-scale levels (Collyer, 2010; Kobelinsky, 2015; Musset, 2015). For researchers in the TERRIAT group (*Territoires de l'attente*), waiting territories "specifically refers to the spaces where displaced populations or people in transit are kept waiting, whether these spaces were designed to hold them or whether their wait was unplanned" (Vidal & Musset, 2016, pp. 6-7). The wait is understood beyond its temporary essence, and territories beyond their geographic conceptualization discern then as social spaces of hierarchies, representations, and actions.

The exploration also considers Latin American borders along the migration corridors that join Brazil with Mexico, where waiting is experienced, focusing most of the analysis on the Tijuana-San Diego border. Tijuana has been considered as a case study in research aimed at examining the waiting that takes place in the vehicular international crossing point, forming long lines of residents and tourists, which is exploited by singular street commerce (Musset, 2015; Parente & Musset, 2016). More directly related to the present work, are the studies on experiences of women in transit waiting in a shelter in the city (Dewaele, 2013; Bériet & Dewaele, 2016), finding out that waiting is considered a coercive interlude fraught with anxiety in the middle of an already hostile journey.

It is precisely in Tijuana where Haitians and Central Americans arrived in 2016 and 2018, respectively, who expressed their intention to seek asylum in the U.S. and found increasingly restrictive mechanisms to pursue this endeavor. Such mechanisms involve waiting as a dissuasive element that keeps migrants in resistance mode in protracted journeys, with absent or little social assistance, reduced employment possibilities, and significant emotional costs in the face of the uncertainty of their situation.

## METHODOLOGY

The research was developed following a combination of qualitative methodologies, which included ethnographic work carried out between 2016 and 2019 in shelters, communal houses, and small businesses in downtown Tijuana, Baja California, contacting 22 Haitians. Also, 17 semi-structured interviews were held with the Haitian and Central American population, and nine with key informants, as well as a critical cartography workshop in which ten Haitians took part: women and men who lived in a number of Brazilian cities before traversing the continent to reach Mexico. The main result of the workshop was the production of a map, which identified the Latin American borders most affected by waiting mechanisms, turned into actual “buffer-territories.” The theoretical and contextual contents were supported by an updated bibliographic and hemerographic review.

In the first section, we analyze spaces turned into borders that block mobilities in the extended corridor from Brazil toward the U.S., showing their peculiarities as waiting and extraterritorial managed spaces. Subsequently, the Tijuana-San Diego border is distinguished as the neuralgic space of the U.S. contention system, with two measures that have implied a blunt transformation of the asylum policy: the setting up of the daily quotas to receive applications in 2016, and the instauration of the Migrant Protection Protocols in 2018. In the final considerations, the articulation of the mechanisms is presented —linked to the indefinite prolongation of waiting imposed by the pandemic context—, which suggest a sort of preamble to the cease of the right to asylum in the U.S.

## LATIN AMERICAN BORDERS AS WAITING SPACES

As of 2016, the arrival of more or less organized groups of Haitians in Tijuana (Ocaño, 2019), after traversing a continental corridor of more than 10 000 kilometers, evidenced the inclusion of Mexico in the most recent chapter of the Haitian diaspora. From Brazilian cities to the Tijuana-San Diego border, migrants have made a regional journey across ten countries; they traveled the Amazon over Peruvian territory, later converging with other Andean routes in Ecuador and Colombia, to enter Panama’s tropical forest once again and over Central America (Costa Rica, Nicaragua, Honduras, and Guatemala) to finally reach Mexico. Their protracted journeys are marked by the misfortunes of crossing on foot and by bus, facing obstacles placed by state agents (migration officers, the police, and the army), and by non-state or outside the law actors (for instance, smugglers, abusive taxi and truck drivers, and criminal groups) (Álvarez, 2016).

The first waiting space is the Darién Gap, a jungle region of more than 150 kilometers between Colombia and Panama that interrupts the Pan-American Highway. It is a series of natural barriers comprised of jungle and mighty rivers where groups of *coyotes* operate, as well as people and drug smuggling networks. Once in Panama, people in transit are forced to cross a series of encampments surveilled and operated in the jungle by the country's army, according to their stories. In fact, these are migration detention centers. In these places, they are given permits to trickle every day toward Costa Rica. Mobility control in this region is managed by the *Operación Flujo Controlado*, set up by the governments of Panama and Costa Rica, which allows 100 individuals to transit a day, Monday to Friday (Miranda, 2021). The ethnographic work carried out in Tijuana reveals that the expected waiting time to cross that border ranges from two weeks to two months. Facilities are extremely precarious. The respondents remembered forced labor, mistreatment, and hunger.

As a COVID-19 contention measure, Panama closed its borders as of March 12<sup>th</sup>, 2020, and Costa Rica as of 16<sup>th</sup>. According to OIM, between June 19<sup>th</sup> and 25<sup>th</sup>, 2020, the three migration stations in the Panamanian province of Darién (*Bajo Chiquitos*, *Lajas Blancas*, and particularly, *La Peñita*) hosted more than 1 600 migrants from various countries, detained for between 90 and 120 days. There were hundreds of Haitians among them, all of them without proper hygienic conditions and ventilation, and overcrowded, which prevented social distancing; as a consequence, 200 positive cases of coronavirus infections had been identified as of June 25<sup>th</sup> (Miranda Plua, 2020; OIM, 2020).

The second waiting space of the migration corridors between South America and Mexico has been produced at the border between Costa Rica and Nicaragua. The trigger was the decision of the Nicaraguan government to close its southern border from the end of 2015 and during 2016 owing to national security reasons. In this case, the closing of the border was strongly associated with preventing the entrance of Cuban nationals, who sought to apply for the protection of the Wet feet, Dry feet U.S. policy, canceled by Obama shortly before Trump assumed office (Paullier, 2015). The individuals, groups, and families in mobility were then forced to set up tents by the side of the highway at *Paso Internacional de Peñas Blancas*. Facing the factual impossibility of being granted permission to enter Nicaragua, such contingents had to resort to local *coyote* networks.

For Haitians who traveled from Brazil in 2016, this was the most expensive border crossing (between 500 and 2,000 USD to directly reach Honduras), an amount equivalent to almost half of the total expenses they need to travel the routes and corridors to reach Mexico and the U.S. According to testimonies of Haitian migrants gathered in Tijuana, in 2016 the waiting times at that point of the journey lasted a month. In addition, many individuals were intercepted in Nicaragua and returned to the southern border. For individuals traveling from Brazilian cities in 2019, the southern Nicaraguan border was not a contention space anymore and it could be crossed in hours or one day.

The other two border waiting spaces are in Mexico, where the corridors used by Haitians articulate with those of northern Central Americans. Facing the migrant caravans, in the first quarter of 2019, Mexican police and migration officers started to contain people in transit from

various origins who were trying to cross the southern border at Tapachula. By June of that year, such a task was formally appointed to the recently created *Guardia Nacional* [National Guard]. Contention was followed by detentions in migration detentions centers at the border and deportations. While Haitians who arrived at Mexico's southern border between 2016 and the end of 2018 only needed hours to cross, the interlocutors who did so as of February 2019 have had to wait from one week to six months.

Indeed, the securitarian change in Mexican migration policy has entailed long, expensive, and unexpected settlements. Likewise, new caravans in northern Central America have found an almost insurmountable containing border. After the COVID-19 closure of the borders of Guatemala, El Salvador, and Honduras, waiting moved to their own countries, in a radical expression of the externalization of borders.

The last border waiting space prior to requesting asylum in the U.S. is the northern border of Mexico. The analysis and fieldwork were concentrated in Tijuana, which turned into a city of provisional installation for Haitian and Central American asylum seekers in recent years (adding to Cuban, African, and Asian individuals also seeking asylum, plus forcibly displaced Mexicans). At such border, asylum seekers faced waiting differently from the previous ones, as it has been the lengthiest of the journey and the one that most visibly summarizes border securitization, in combination with migration and asylum control.

#### THE TIJUANA-SAN DIEGO BORDER: SPACE OF THE GREAT WAIT

The configuration of Tijuana as a border waiting space is directly linked to the intention of migrants to apply for asylum in the U.S., on one side, while on the other, are the measures taken by the U.S. government to make it more complex and hamper their requests, adding to the auxiliary provisions adopted by the Mexican government. From serving for decades as a crossing point for migrants who intended to enter the U.S. without documents, the turn to asylum transformed Tijuana into a large migration station for that other country: a clear exercise in migration control and border externalization.

Usually, undocumented crosses slightly compromise the American system, limited to deportation procedures, but mainly retaining the capability to conveniently regulate the flow according to labor and political interests. Conversely, an asylum request discloses the migrants' identity and demands rights and guarantees of insertion and integration in its territory. Numbers show that the granting of asylum is tinged by distinction, not rights: in the fiscal year 2018,<sup>3</sup> the U.S. granted 38,687 asylums in total, the largest since 1990 (except for 2001, with 39,179) (U.S. Department of Homeland Security, 2019b, p. 43).<sup>4</sup> This volume accounts for only 14.6% of the total requests in 2018.

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<sup>3</sup> In the U.S., the fiscal year runs from October 30<sup>th</sup> to September 30<sup>st</sup> of the following year.

<sup>4</sup> U.S. migration laws acknowledge two sorts of asylum: affirmative and defensive. In the first case, the applicant undertakes the procedures with no removal (deportation) from the country; in the second, there is a previous deportation order, while the process is carried out in an immigration court. The statistics presented include data from affirmative and defensive asylum.

Among northern Central American countries such proportion drops to a half, with an average of 7.0 percent of asylum cases granted, in relation to total applications (Mossaad, 2019), while for Haiti nationals the proportion of asylum granted is even lower, with 4.1% (U.S. Department of Homeland Security, 2019b). As regards the nationals of this country, in the fiscal year of 2017—which included applicants who arrived in Tijuana in 2016—the minimal number of asylum granted is even more revealing: out of 8,000 requests, only 152 were granted; that is to say, 1.9 percent (U.S. Department of Homeland Security, 2019a).

The selectivity in the application of the U.S. asylum policy is related to the request modality from the start. As opposed to refuge, asylum entails being on U.S. soil. Physical arrivals, for their part, need care and rights from requesters while their process is solved in migratory courts. Owing to this, at the U.S.-Canada border, Mountz notices that “those who arrive of their own volition are called ‘spontaneous arrivals,’ and they are punished for exercising their own agency” (2011, p. 258). In this sense, punishment has to do with discouraging measures to hinder access to asylum right at first, and ideally, to dissuade people so that they do not apply in the first place. During ethnographic work, it was possible to verify the effectiveness of waiting as an intangible and powerful component, which condense as anxiety and uncertainty, in conditions of life characterized by extreme lack of economic and social capital where strategic planning and restrictions as regards to labor aspects and health care protection. In this way, forced immobility is experienced as “suspended forms of existence” (Hess, 2012, p. 435).

It has been observed that state responsibilities toward asylum seekers in waiting situations were transferred from the U.S. to Mexico. Such transference or externalization responds to the globalization of the management model (Pécoud & Geiger, 2010) that operates through rules returning asylum seekers or settling them in safe third countries. In the global geography of migration corridors, Mexico has played a role similar to that of Turkey: both of which have agreements (with the U.S. and European Union, respectively) that turn them into de facto *safe third countries*.

This allows waiting to emerge as condensation and an exhibition of the state power that keeps people retained:

Barred from any legal form of economic activity, such people are patently socially useless, and as individuals, each one of them is alone and defenseless in the face of the administrative apparatus of the state. Waiting territories therefore also have an added dimension as spaces of inoperativeness (Vidal & Musset, 2016, p. 8).

In Tijuana, the three levels of government have been mostly passive to attend the migrant flows that reach the city. Flows of asylum seekers, deportees, refugees, or displaced. It has been the organized civil society, several churches, and the increasingly solid presence of international agencies, the ones that have helped to counteract such ineffectiveness.

### *The Haitian Diaspora and the 2016 Waiting List*

In 2016, Haitians arrived in Tijuana trying to request asylum in the U.S. An increase in their entrances in Mexico had been noticed as of May 2016, reaching 17,078 Haitians presented to

migration officers at the Mexican southern border. Everyone had been given an “alternative exit” from the migration detention centers “other than deportation, assisted return or expulsion” (Unidad de Política Migratoria, 2017, pp. 139, 155). This resource meant a regulated exit (99% percent came out of *Siglo XXI Detention station*, in the city of Tapachula, Chiapas); they were given 20 days to regularize their migration status in the country, which in practice meant a de facto safeguard to travel across Mexico to reach the northern border.

As regards the volume of arrivals in Tijuana, in November 2016, the *Diario Oficial* [Official Gazette] published that 13,606 exit permits had been granted “so that they became enabled to request asylum in the checkpoints (San Ysidro) between the U.S. (San Diego, California) and Mexico (Tijuana, Baja California)” (Diario Oficial de la Federación, 2016, p. 46). The same source estimated that in such month 300 migrants had reached Baja California daily, amounting 8 500 individuals in Tijuana and Mexicali from May to November. Most of them gathered in Tijuana, where the capacity of the shelters to host them was widely exceeded (Alarcón & Ortiz, 2017; Albicker, Félix, París, Pérez, & Velasco, 2017; París, 2018; Silva, 2019; Silva & Padilla, 2019).

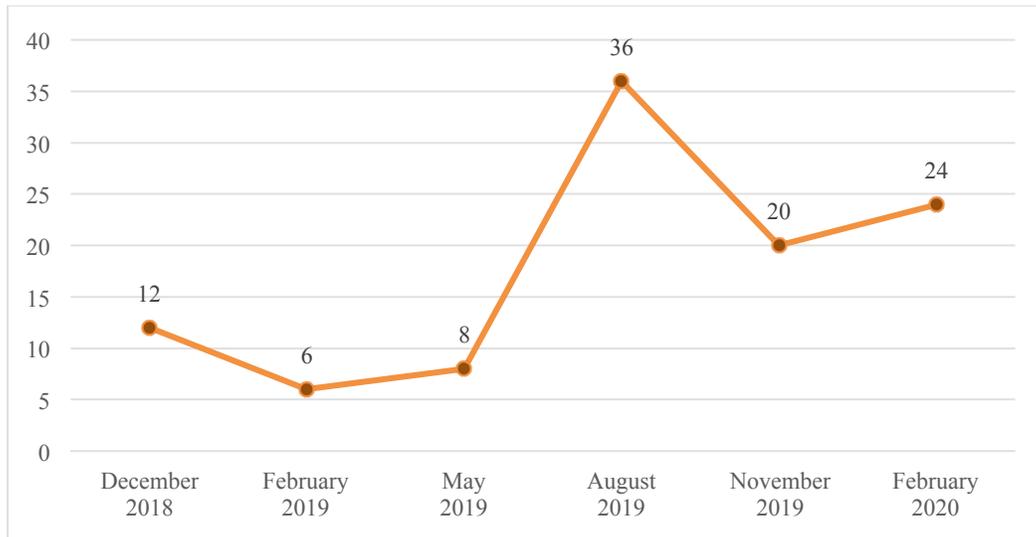
The implementation of a metering or queue management system is the first waiting mechanism we examine. The U.S. Customs and Border Protection (CBP) enforced it in an extra-institutional manner early in 2016, affecting thousands of Haitians who had arrived in Tijuana over the year. This measure was extended to other border crossings during 2018, in concurrence with the announcement of the Zero Tolerance Policy at the U.S. southwestern border by former U.S. Attorney General Jeff Sessions (Department of Justice, 2018). When the migrant caravans arrived in Tijuana in November 2018, the system had already been set up and was operating on the U.S. and Mexican sides of the border (Leutert, Ezzell, Arvey, Sanchez, Yates, & Kuhne, 2018). In practice, the metering system restricts the number of asylum requests that may be received daily by the U.S.

On the Mexican side of the border, the establishment of “waiting lists” is the reaction to the metering system. In the environs of the San Ysidro crossing point, in California, known as El Chaparral, applicants received a number and get listed in a notebook kept by *Grupo Beta* of *Instituto Nacional de Migración*, INM [National Migration Institute]. Although they were limited, there was no fixed number of calls per day. At the beginning of the day, the U.S. announced the number of asylum seekers that would be received. People in charge of the list called the applicants, number by number, from 6 to 7 in the morning; the informality of the “notebook” and the intervention of various individuals in the registration made room for the selling of numbers close to being called.

Waiting time, that is to say, the time they were on the list up to asylum request to U.S. authorities, changed from 2016 to 2020. On one side, this variation heavily depended on the velocity of the waiting list progress, that is to say, the number of requests taken per day by U.S. authorities. The monitoring by the Robert Strauss Center and the Center for U.S.-Mexican Studies as of December 2018 has disclosed similar waiting times to those gathered in fieldwork. In graph 1, for instance, waiting time varies from six weeks in February 2019, to 36 weeks, the longest wait, in August of that year. In those two months of 2019, the waiting list in Tijuana

accumulated 2 300 requesters in February and about 10,000 in August.<sup>5</sup> On March 25<sup>th</sup>, 2020, the list was halted because of the pandemic, opening the possibility of a waiting time that could extend for months, as long as the process of the asylum system remains inactivate.

Graph 1. Waiting weeks in Tijuana to apply for asylum in the United States, December 2018-February 2020



NB: The graph shows the maximum waiting times calculated by the source.

Source: Own elaboration based on Robert Strauss Center and Center for U.S.-Mexican Studies (2019); Leutert, Ezzell, and Arvey (2019a, 2019b, 2019c); Leutert, Arvey, and Ezzell (2020b).

*The Central American Caravan and the Migrant Protection Protocols in 2018*

A second waiting policy comes from the Migrant Protection Protocols, also known as Remain in Mexico, set up by The Department of Homeland Security on December 20<sup>th</sup>, 2018. As in the case of the imposition of metering and waiting lists that were fostered by the arrival of Haitians in Tijuana, MPP was the reactive response of the U.S. to the arrival of Central American caravans to this border, comprising more than 6,000 individuals (El Colegio de la Frontera Norte, 2019).

The goal of the caravan stated since its departure from Central America, was to cross into the U.S. by any means, although people in the caravan did not have clear information about the strategy to achieve that (Douglas Oviedo, personal communication, June 19<sup>th</sup>, 2019). In an early study of El Colegio de la Frontera Norte, on a sample of 1,037 respondents, half of them

<sup>5</sup> Lines and waiting lists have been implemented in other borders of the extended migration corridor South-Central-America-Mexico. Especially, it is noticed how in the Panamanian region of the Darién, the sequence of military camps works as a metering system that entails waiting for weeks. The southern Mexican border is another scenario of the metering system operation as of 2019.

expressed the intention of crossing into the U.S. “without stating the way” (documented or undocumented), while 21.8% had expressed intentions to ask for asylum in the U.S. (El Colegio de la Frontera Norte, 2018). Such intentions were considered a “migration crisis” by the U.S., as mentioned in the Implementation Guides of MPP (U.S. Department of Homeland Security, 2019c), given the volume and format of the caravan, which somewhat contested the established and expected forms of management.

The conceptualization of asylum requesters as offenders, not as subjects that seek the recognition of their human rights, evinces a sort of regime of global migrations that “normalizes the mobility of some travelers, while criminalizes and traps the endeavors of others” (Glick-Schiller & Salazar, 2013, p. 189). In such circumstances, migrants are trapped at the last geopolitical border before reaching their intended destination. Caravans, despite a certain background in Mexico, are an uncommon transit modality that breaks from the traditional logic of the south-north migrations, which are largely hidden, with no expectation to receive asylum.

The Migration Protection Protocols basically consists in receiving the asylum requests, not the persons applying for asylum. The applicant appears at the first hearing at a border crossing point to begin the case, which comprises a number of hearings.<sup>6</sup> After the first hearing, he or she has to *return* to Mexico and wait for the next hearings, allowing them to enter U.S. soil only the days they have an appointment in court. During court proceedings, the asylum seeker has to prove he is under *credible fear* of being subject to persecution or torture in his country of origin. While the case develops, the majority of MPP is *returned* to the border; other applicants are sent to Guatemala by air, as it is considered a third safe country.<sup>7</sup>

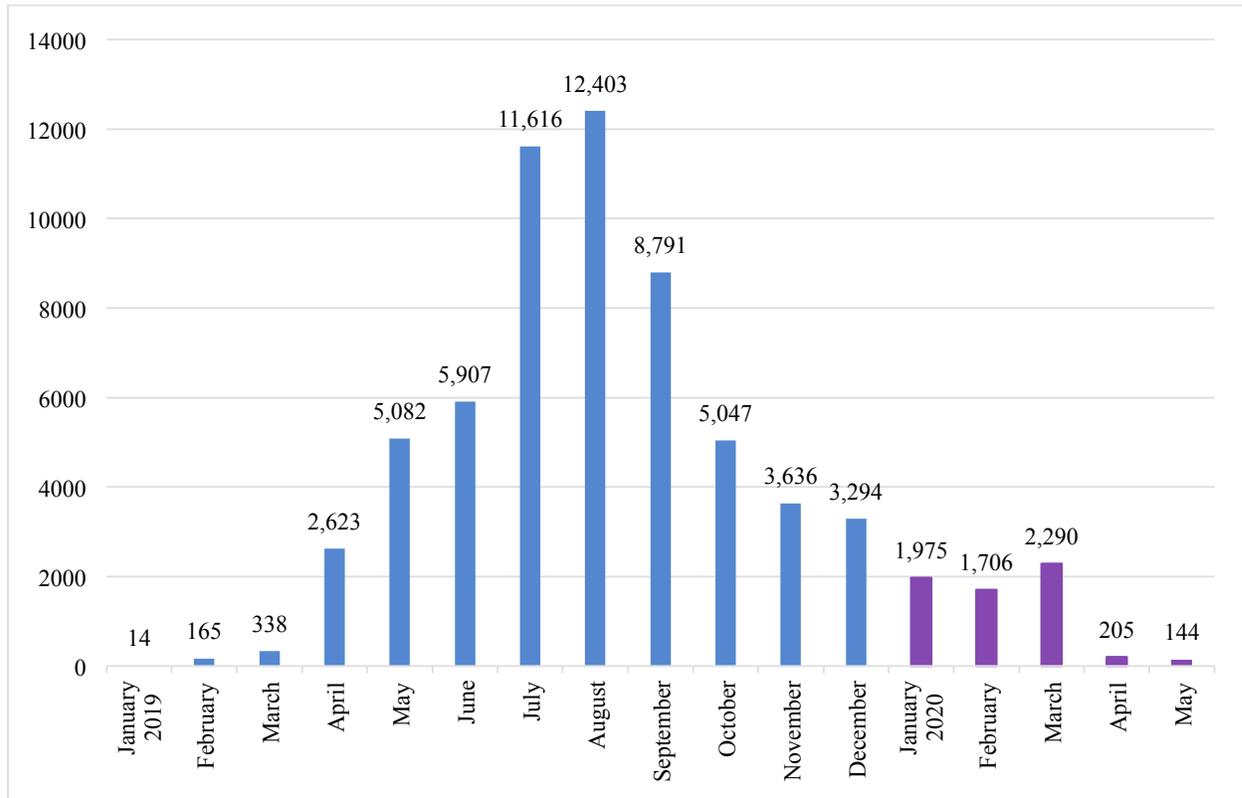
From January 2019, when the first MPP group returned to Tijuana, to May 2020, a total of 65,237 people sought asylum through MPP (Syracuse University, TRAC Immigration, 2020), as displayed in graph 2. Technically, every individual has been returned to Mexico or Guatemala, while they wait for their cases to be ruled. Up to the last count in May 2020, the total cases waiting for resolution were 17,326, most in the process as of July and August 2019. 43.9% of them were still waiting for their first hearing. The extension of the wait of MPP is shown in the experience of the first group of 12 people who returned to Mexico: three cases were solved nine or 10 months after they were returned to Mexico, the three with a favorable ruling. Another case took a year and a half because an appeal was filed against the court’s decision to deny asylum, which implied waiting in a detention center in the U.S. (ending up in deportation to Honduras).

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<sup>6</sup> Everyone in the waiting lists applies for asylum in the crossing points the day of their turn. There is another possibility to seek asylum that is not related to the list: the individual enters the U.S. without documents and expresses the U.S. migration authority they are asylum seekers. These two forms are considered in MPP.

<sup>7</sup> The Safe Third Country mechanism is considered in the Convention Relating to the Status of Refugees of 1951, which consists in resettling the asylum seekers in a different country as the one intended. To do so, an agreement between the intended country and the third one involved is necessary. The agreement between the U.S. and Guatemala was signed by the end of June 2019 by Donald Trump and Jimmy Morales.

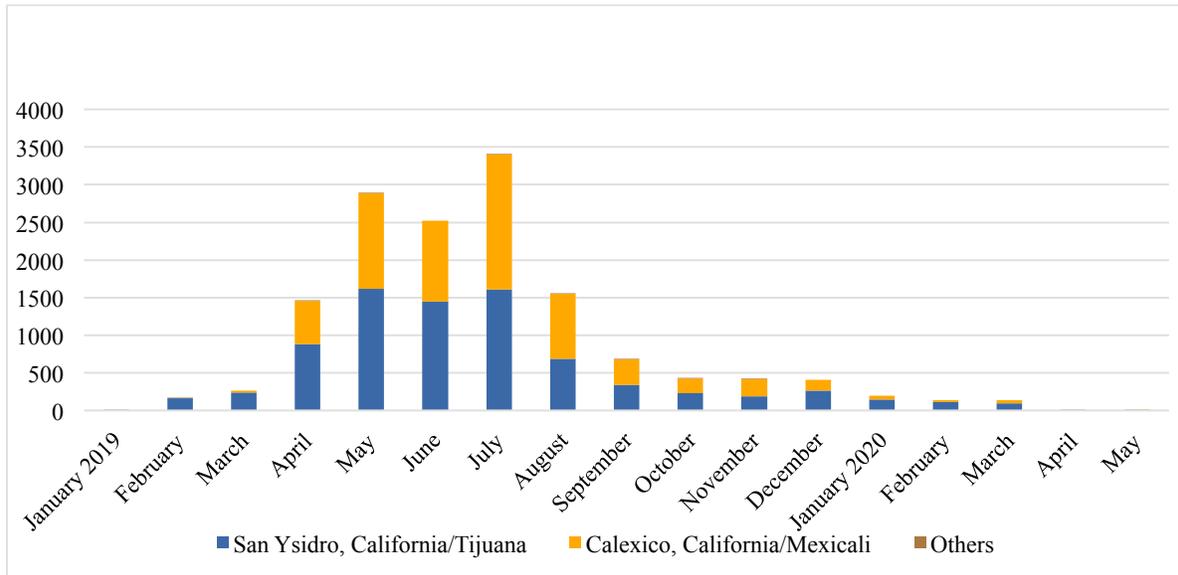
Graph 2. Total MPP cases, from January 2019 to May 2020



Source: Own elaboration with data from Syracuse University, TRAC Immigration and MPP (Remain in Mexico) (2020).

Out of the total, 14,661 individuals (22.4%) had a hearing in the court of San Diego, California, which concentrates MPP from San Ysidro, adjoining Tijuana, and from Calexico, bordering Mexicali; the latter must travel to Tijuana to cross to the court in San Diego (Graph 3). Therefore, almost 15,000 MPPs have had to wait at that border. Considering that in May 2020, there were 1,059 cases pending resolution in San Ysidro, California, it might be estimated that such is the number of MPPs waiting in Tijuana for the resuming of asylum proceedings in the U.S. migration courts, which closed in May due to COVID-19 pandemic (Del Monte & McKee, 2020). The above explains the diminution in applications between April and May 2020.

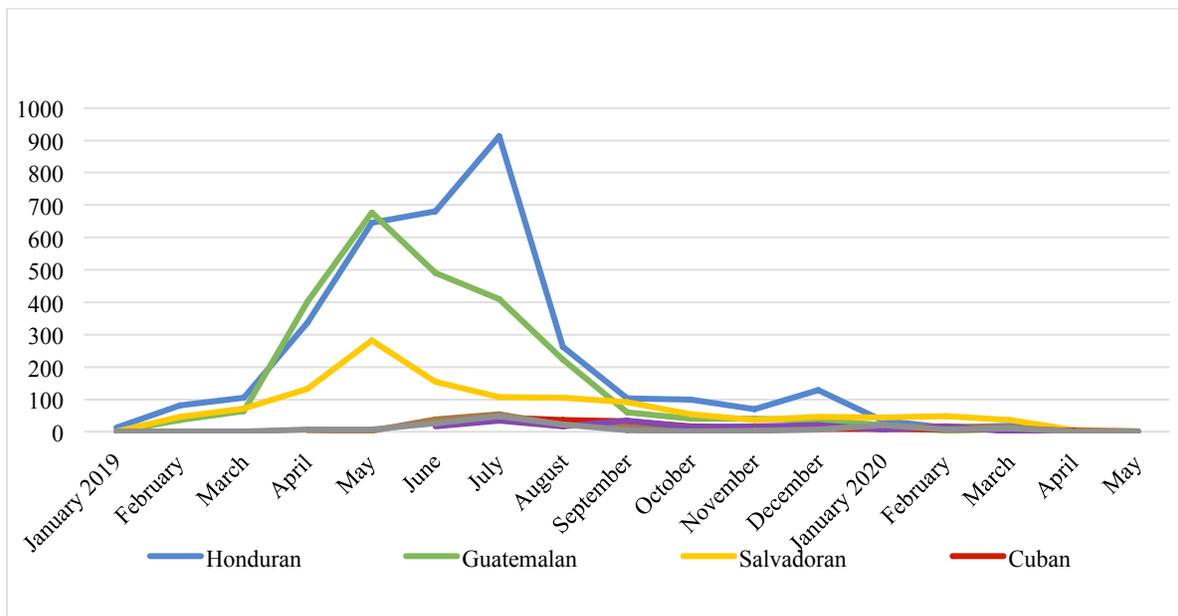
Graph 3. MPP cases in the court of San Diego, California, by hearing location at Baja California borders, from January 2019 to May 2020



Source: Own elaboration with data from Syracuse University, TRAC Immigration, MPP (Remain in Mexico) (2020).

As regards MPP nationalities, in the accumulated total there are 43 nationalities from four continents, the most from northern Central American triangle countries, followed by Cubans, Ecuadorians, and Venezuelans (Graph 4).

Graph 4. MPP with hearing location in San Ysidro, California Port, by nationality, from January to May 2020



Source: Own elaboration with data from Syracuse University, TRAC Immigration, MPP (Remain in Mexico) (2020).

By crossing nationality and hearing location in San Ysidro, California, adjoining Tijuana, it shows up a concentration and a direct relation with the most representative nationalities in the caravan that arrived in Tijuana: 43.5% are Honduran; 31.2%, Guatemalan; and 15.6%, Salvadoran. The Remain in Mexico policy is thus, a very particular filter for Central American asylum seekers. This selectivity is not casual, given the history, dimensions, and vicinity of those countries.

Waiting is a powerful deterrence mechanism of asylum management at the U.S.-Mexico border, added to its consequential conditions of stay: unstable, under a considerable emotional cost, and with a processual and logistic complexity hard to overcome. The rulings in the immigration courts indicate that half of MPP does not appear for the last hearing, followed by the issuance of deportation in absence order. The percentage of asylum granted via MPP expresses a distinction character: only possible for 0.7% of the total (Universidad de Syracuse, TRAC Immigration, 2020).

The Haitian population has not been considered by MPP in the same way as people from Honduras, Guatemala, Cuba, and El Salvador. According to the monitoring of Transactional Records Access Clearinghouse of Syracuse University, in 2019 only two Haitians were returned to Mexico since the beginning of the Protocols. For comparison, in the same year, 37,915 Central Americans were returned via MPP. What is distinctive in Haitian mobilities, initially in transit over Mexico, is that they have inaugurated a new anchor for the Caribbean diaspora.

#### FINAL CONSIDERATIONS

The waiting list and MPP are articulated as part of the U.S. reforms in terms of asylum over the last five years. These are reactive government efforts to the arrival of two large groups of asylum seekers on its southwestern border: the first in 2016, comprised of Haitians, and the second as of 2018, comprised of Central Americans. Additionally, through the migratory contingency decree, these efforts have the support of migration agents and the *Guardia Nacional* [National Guard] of Mexico, blocking the arrival of people at the northern border to request asylum in the U.S.

The description of the metering system not only allows an understanding of the surge of waiting in Tijuana but also the way the Mexico-US border turned out to be a space of production of *ad hoc* securitarian measures, with a logistic and operation that remain and affect groups of asylum seekers that have arrived at various moments and from different localities. The waiting situation and the waiting space are products of a process that shares the characteristic of border externalization, as an overwhelming migration management beyond U.S territory, since the one in charge of the asylum seeker's international protection is Mexico (state and society), while the case progresses in the corresponding U.S. migration court. As it has been described, the implementation of Migrant Protection Protocols necessarily entails the separation between the asylum request and the requester. It is not the externalization of the asylum itself, since the Protocols do not necessarily become refugee claims in Mexico, but the externalization of the individual who requests asylum. Along with that, the right to wait for court decisions in the same country where the person applied for asylum is also externalized.

By serving as a space for dozens of thousands of asylum seekers, Mexico has become a waiting country, in addition to being one of transit, return, deportation, and sending. This acknowledgment refers to the assessment of the roles of Mexico in the regulation of mobilities in migration corridors used by Haitians starting from South America, that link with the ever-changing routes used by Central American people to reach the U.S. Mexico has been conforming itself to the global migration management, characterized by the contention of irregular migration. Pressed by Trump's administration due to its condition as a Global South neighbor, the country has recently become a partner in the thinning of the U.S. asylum system proceedings.

In addition to effectively denouncing the violation of international asylum rights, the answer from civil associations, shelters, migrant houses, and groups of lawyers and migrant rights advocates on one side of the U.S.-Mexico border and the other, is reactive and clearly overwhelmed by the circumstances

Besides the north and south borders of Mexico, the waiting spaces at the Panama and Nicaragua borders have participated, indirectly, however, in the dynamics of border externalization, becoming obstacles to reaching the U.S. to apply for asylum, within extensive geography of migration corridors. Particularly, the ordering and regulation of mobilities agreed between the governments of Panama and Costa Rica had produced emotional and physical violence against transit migrants, among them thousands of Haitians previously settled in South America.

The U.S.-Mexico border, especially Tijuana-San Diego, has become a space-laboratory of mechanisms that hinder the presentation of asylum requests and the monitoring of court proceedings. Meanwhile, the need for international protection of people from different origins is uncovered. During the waiting months, asylum seekers need to move between Mexico and the hearing locations in the U.S.; and they need income, protection in shelters or rented housing, education for their children, or involucrate them in ludic activities, have health care access, and basic security conditions. Scarcity or absence of possibilities to cover such basic needs prevent, in the long term, the formation of a humanitarian corridor that might offer international protection to thousands of individuals, groups, and families from Central America, the Caribbean, Africa, and Asia.

Measures taken due to the COVID-19 pandemic as of March 2020 turned waiting into stagnation, understood as a state that compromises the existence as a whole, since it may be considered a physical, social, and identity stagnation (Hage, 2009). The suspension of the advance in the waiting lists increased the number of individuals contained in Tijuana and the rest of the cities involved, such as San Luis Río Colorado, Nogales, and Agua Prieta, Sonora; Ciudad Juárez, Chihuahua; Ciudad Acuña, Coahuila, and Reynosa, Tamaulipas, among others. By allowing only the border crossing into the U.S. of citizens, residents, or workers in essential activities, immigration offices that received new asylum requests and the courts where the MPP cases were being processed, have been simultaneously closed until further notice. Confinement easily adjusted to the protracted waiting. As a set, waiting mechanisms and closure measures due to the pandemic context could portray, at least in the short term, the preamble of the impossibility to access the right to seek asylum in the U.S.

Translation: Luis Cejudo Espinosa.

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