La CURP no Sirve Para Nada: How the CURP and other Temporary Documentation Fail to Protect the Human Rights of Migrants in Transit through Mexico

Harper Hoover

Follow this and additional works at: https://digitalcollections.sit.edu/isp_collection

Recommended Citation
https://digitalcollections.sit.edu/isp_collection/3683

This Unpublished Paper is brought to you for free and open access by the SIT Study Abroad at SIT Digital Collections. It has been accepted for inclusion in Independent Study Project (ISP) Collection by an authorized administrator of SIT Digital Collections. For more information, please contact digitalcollections@sit.edu.
La CURP no Sirve Para Nada:

How the CURP and other Temporary Documentation Fail to Protect the Human Rights of Migrants in Transit through Mexico

Harper Hoover, undergraduate
School for International Training
Washington University in St. Louis
Fall 2023 Independent Study Project
Abstract

This work concerns the use of temporary documentation by migrants in transit through Mexico, specifically an identification known as the Clave Única de Registro de Población (CURP.) In recent years, migrants have employed a strategy entailing applying for asylum in Mexico solely to obtain a temporary CURP, falsely believed to provide safe transit through Mexico. Past research on similar temporary documentation concludes that issuing permission to travel through the country is typically ineffective at providing safety from corruption and crime. Documentation also fails at providing reliable access to human rights guaranteed to all by the Mexican Constitution and Immigration Law of 2011. Rather, these documents serve Mexico and U.S. policy goals by creating internal borders, distracting from government-perpetrated crimes against migrants and creating precarious legal situations for migrants. In Oaxaca, Mexico, I conduct interviews with migrants in transit as well as an immigrant woman. Specifically, my research seeks to define the motivations behind this strategy and how effective it is at ensuring safe transit and protection of human rights. I find that desire for protection through Mexico is significant, but the money and time obtaining the temporary CURP requires is a great cost to migrants in transit. As for providing access to the rights and services Mexico promises for all, the temporary CURP cuts off access the undocumented as well as many of the documented.
Introduction

The status of migration in Mexico in 2023 continues to be characterized by high rates of migrant entrances through the southern border as well as high rates of asylum seekers. The humanitarian crises in the countries of Venezuela, Cuba, Haiti, as well as the Northern Triangle countries of Honduras, Guatemala and El Salvador, force migrants north to flee violence, human rights violations and poverty. In 2023, rates of Cubans and Venezuelans passing through or remaining in Mexico have drastically increased, while Haiti and Honduras continue to be two of the most common countries of origin for asylum seekers in Mexico.¹

Asylum application rates in recent years (excluding 2020 due to pandemic-caused abnormalities) are unprecedentedly high. Each year since 2021, rates of asylum seekers have increased from 32,272 (January-June) to 43,773 (January to June) in 2023. The employees of the office for asylum and refugees (COMAR) are reported to work more than twelve hours a day (Blanco 2023.) Still, many asylum seekers are unable to receive a response from the office. Out of 70,795 applications in 2022, only 32,600 received a response.¹

The cause of these high rates of asylum seekers may originate from multiple phenomena. While humanitarian crises are surely driving migrants to apply for asylum in Mexico and permanently reside there, other migrants are instead seeking asylum as a kind of temporary protection. Merely proof that one is in the process of seeking asylum can protect from deportation and detention. Reports from states with COMAR offices, most notably the city of Tapachula, which receives about 65%¹ of asylum seekers in Mexico, describe situations where asylum seekers complete the first stage of the asylum process, then abandon it after receiving a certificate with a temporary identification number, known as the Clave Única de Registro de

¹ La COMAR en Números, junio 2022 (COMAR in Numbers, June 2022)
Población or CURP (Gómez 2 January 2023.) Some migrants believe this document will ensure their right to work, or access education and health services. Others use the CURP to apply for a humanitarian visa with the National Institute of Migration (INM), which they believe will guarantee a safe passage through Mexico to the United States (Gómez 5 January 2023.)

True, when it was established by the government, the temporary CURP was touted as a protector of human rights for migrants, but not for those persons in transit. The CURP supposedly supported the inclusion of refugees and asylum seekers into Mexican society. Whether it has succeeded at including those seeking international protection and protecting their rights is still inconclusive.

What is more significant, I argue, are the number of migrants in transit applying for asylum or regularization solely in the hopes of finding safe transit through Mexico. Those persons who desire to get through Mexico and to the U.S. as quickly and painlessly as possible are now waiting weeks if not months on the streets of Tapachula, subject to hunger, exposure and crime, just to receive a document they believe to be protective against migration enforcement. What this represents is an obvious lack of human rights protections, and high rates of danger in migrant experiences in Mexico.

While Mexico has made half-hearted efforts to stop this practice (see Divany 2023), the policy interests of the United States and Mexico inadvertently benefit from migrants stuck for months in Tapachula, some deciding to remain in Mexico, others in transit being returned to southern Mexico where their case is being processed. This slowing down of migrants and the frustration of complicated immigration systems fits within the “prevention through deterrence” strategy of the United States, and Mexico’s policy of acquiescing to its domineering neighbor.
The other disturbing consequence is the continuance of discriminating against migrants in transit based on their documentation status. The temporary CURP and humanitarian visa are only available to migrants who have “regularized” their status with the Mexican government. Thus, even though education, health care services, permission to be in the country, and other human rights are specifically guaranteed to documented and undocumented migrants in the Constitution of Mexico and the Immigration Law of 2011, temporary identification such as the CURP limits access to these rights.

In this paper, using secondary research as well as an ethnographic study of migrant experiences with temporary documentation, I will show the temporary CURP fails at protecting the human rights guaranteed to both the documented and undocumented, that it is contrary to the Mexican Constitution and Immigration Law of 2011, and that migrants in transit, whether documented or undocumented, need a different system of protection.

Context

**Alternative Uses of Temporary CURP for Migrants in Transit**

Reported at least as early as December 2022 by the newspaper Diario del Sur, migrants in transit have opted to apply for asylum in Mexico, though they ultimately intend on travelling to the northern border with the United States (Gómez 2022). This strategy seems counterintuitive, as seeking asylum communicates a desire to stay within the host country. Yet what migrants are expressing interest in is not permission to permanently remain in Mexico, but to travel through it in a safe manner. As one Venezuelan migrant told Diario del Sur, “The only thing we are requesting from the Mexican government and the president Andrés Manuel López Obrador is
permission to be able to travel through their country and that we can arrive to our destination, which is the United States,” (Gómez, January 5, 2023.)

As understood from accounts from the southern border, migrants begin the asylum application with COMAR to receive a certificate, which proves they have begun the application process and includes the temporary CURP identification sequence, consisting of numbers and letters. With this certificate, migrants can receive their temporary CURP card from the government identification office (RENAPO) or ask the immigration agency INM to grant a humanitarian visa. The presumed cause of this strategy is a misled belief that a humanitarian visa, or simply a temporary CURP, will prevent Mexican migration enforcement from detaining or deporting those with these documents. Additionally, legal status would theoretically permit migrants to take formal transportation and routes more protected by police and less exposed to criminal organizations.

In actuality, neither the temporary CURP nor the humanitarian visa can protect migrants in transit on their journey through Mexico to the United States. The temporary CURP is only a form of identification as a consequence of one initiating a process (N. García, personal communication, November 13, 2023.) Essentially, the document is proof that one is applying for asylum and is therefore (theoretically) entitled to public resources while they wait for a result. The humanitarian visa also opens access to resources but is not always involved with a process such as asylum. It has also existed longer than the temporary CURP, as part of the Southern Border Plan of 2014. With a humanitarian visa, one is not guaranteed freedom of movement, yet generally visa holders can move throughout Mexico. This right is not conferred to asylum

---

2 Author translation
3 Its official name is the Visitor Card for Humanitarian Reasons or TVRH in Spanish. However, most refer to this as a “humanitarian visa” and I will do the same.
seekers with the visa. The asylum process under COMAR requires applicants to remain within the state they applied for the entire duration of the process. Therefore, under current Mexican law, if one is in the process of an asylum application and attempts to use a humanitarian visa to travel through Mexico, migration enforcement may forcibly return the person to the state where their application is ongoing.

Temporary documentation such as the CURP or visa is designed to assist enforcement in limiting this movement. Both documents clearly list the state in which the document was issued on the back of the card. In the scenario a migrant possesses a temporary document given to asylum seekers, and the state they are found in is discordant with the state listed on their document, migration enforcement can clearly determine the person does not have a legal right to be in that state without permission.

Moreover, the temporary CURP and humanitarian visa cannot protect against one of the major threats to migrant safety: government corruption. Migration enforcement officers, from the INM, the National Guard, the Federal Police or the Navy, have been said to rip official government documentation in the faces of migrants, for no apparent reason (N. García, personal communication, November 13. 2023.) This act destroys evidence of one’s legal status and puts a migrant at risk of wrongful detention or deportation. Other stories describe migrants travelling by bus and being forced to dismount the vehicle due to their identity as migrants (N. García, personal communication, November 13. 2023.) This discrimination reportedly occurs regardless of any legal documentation a migrant may possess. For this reason, García told me the CURP was basically worthless, “no sirve para nada.”

Though unsuccessful, what the use of temporary CURP by migrants in transit displays is the need for a safe passage through Mexico to the United States. Travelling in an undocumented
or “irregular” manner in the words of the Mexican government, typically exposes migrants to increased danger by forcing them to ride trains, sleep on the streets and depend on the help of “coyotes” to pass through the country and/or across the U.S. border.

Policy Review

The Mexican government desired to be viewed internationally as a defender of human rights, and the area of migration is particularly important to this status (Campos-Delgado 2023.) Indeed, Mexico has signed every international agreement regarding migrants at conventions of the United Nations (Sánchez-Montijano & Zedillo Ortega 2022.) Even in the original constitution of 1917, human rights were a key promise of the government, article 1 guaranteeing that every person in Mexico is entitled to the rights found in the constitution, as well as any international treaty signed by Mexico. Article 33 clarifies that “every person” extends even to non-Mexicans, including, for example, foreigners, migrants in transit or those seeking international protection. Most important to the issue of migration, article 11 states every person in Mexico may move through the country freely, with the condition that the Mexican government may control this movement. The protections enshrined in the constitution would appear to reflect a government who intends to respect liberty and dignified life, regardless of nationality or legal status.

The 2011 reforms to the constitution, (which included reforms to articles 1, 11 and 33 among others) aligned with the Migration Law of 2011. The law inscribed a number of policies and systems, including procedures for seeking political asylum, distinctions between various statuses of persons, and the framework for organizations which would share the responsibilities of migration. Notable in the 2011 migration law is the repetition of the importance of respecting
human rights (article 2), and the rights to non-discrimination, medical care including unrestricted emergency medical care, education, and due process (articles 67, 8, and 11.) The law both formalized a system of “legality” and “illegality” based on migration status, while also reaffirming that human rights are applicable to all in Mexico, regardless of status. This contradiction of the necessity for identity would continue to characterize the migration apparatus of Mexico.

Influential in the creation of the temporary CURP was the Comprehensive Regional Protection and Solutions Framework (MIRPS), adopted by six countries of Central America and Mexico in 2017 to address forced displacement in the area. Mexico committed to 38 targets in 5 focus areas, including protection, jobs and livelihoods, social protection, education and health. As one of the commitments under “protection,” Mexico vowed to “guarantee the right to the identity to asylum-seekers, refugees and beneficiaries of complementary protection, through the issuance of the temporary and/or permanent CURP,” as well as addressing factors which made the dissemination of CURPs difficult and time-consuming. It was inferred that the creation of the CURP would not only open up access to other rights besides the right to identity, but also that the document would provide security for migrants. After MIRPS, the temporary CURP was created a year later in 2018.

According to the official website of the Mexican government, the temporary CURP provides identification to access one’s rights to work, education, healthcare, protection and inclusion. The only persons eligible are asylum seekers, refugees and those seeking international protection. Foreigners must demonstrate they have initiated the procedures to remain in Mexico, therefore CURP is dependent on one’s migration status and was not constructed to serve the needs of migrants in transit. A certificate with the temporary CURP information is granted after
one completes an application for international protection. The temporary CURP will last for 180-365 days, and it is essential to access 44 other government processes. The CURP may be extended or expire due to COMAR’s processing times, a negative result on one’s application, or legal appeals to the result. The process of getting a temporary CURP is free.

**Literature Review**

Regarding literature on the use of the temporary CURP for migrants in transit, there is essentially none. As this phenomenon was only reported as early as late 2022, this is to be expected that the academic world has had little time to dissect and analyze the role of the CURP in the experiences of migrants in transit. Instead, what exists is a handful of work on CURP’s protection of (or failure to protect) the rights and resources available to asylum seekers and refugees remaining in Mexico.

Upon further review, there is a history of migration in Mexico extremely useful to this topic. That history includes the use of several types of temporary documentation to manage migrant flows, including temporary humanitarian visas, work permits, and permanent residency cards for stateless persons. These documents, either issued by migration enforcement or requested by migrants in transit, share a number of similarities with the current CURP situation. Temporary documentation has tended to be used in an ad-hoc manner, without real intention of being effective policy for migrants. It has failed in ensuring important human rights and put migrants in precarious legal situations. And lastly, it reflects a government who is interested in deepening the inequalities between the documented and undocumented, controlling migrant flows and deterring them from the United States.

**Faults of Temporary Documentation**
The temporary CURP’s current use most notably resembles the past use of the visitor card for humanitarian reasons, also called the humanitarian visa, which has been criticized as a false form of protection (Lara 2022.) The visitor card for humanitarian reasons, also called the humanitarian visa, was created in 2014 as a part of the Southern Border Plan to protect migrants who were witnesses to or victims of crimes in Mexico. The high rates of crimes against migrants following the plan’s increased use of militarization resulted in many migrants being eligible for the visa. However, the visa also became an ad-hoc solution to managing the populous migrant flows from Central America (Torre & Mariscal 2020.) The Mexican government ended up issuing these visas to high numbers of migrants, sometimes seemingly at random. What it did was give some persons permission to be in the country, while leaving others exposed to deportation and detention. The migrant population in Mexico was now obviously split between documented and undocumented, the differentiations between these populations being mostly arbitrary.

The “documented” population were supposedly the protected, but the issuance of the humanitarian visas is better described as a “wolf in sheep’s clothing” policy (Angulo-Pasel 2021, Moreno.) The government could deflect its high number of deportations, detentions and crimes against migrants by focusing on the benefits granted by the visa. Yet the visa was mostly show and little work, not requiring any real assistance from the government (Angulo-Pasel 2021.) The temporary visa itself did not grant right to work, its temporary nature prevented real aid from occurring and it put migrants in a liminal space, both logistically and legally (Angulo-Pasel 2021.)

One of the most important rights dependent on temporary documentation is the right to work. In October 2018, the members of a migrant caravan were all given temporary
humanitarian visas as well as work permits, after pressure on new president Andrés Manuel López Obrador. Many of these recipients reported being able to work in Northern Mexico, either sending money back home to family members or saving up money for crossing the U.S. border (Torre & Mariscal 2020.) Those not given work permits but only temporary humanitarian visas were not able to earn income, essential to continuing their journey. Reports of the humanitarian visa between 2014-2019 observed the document did not permit work, study or receiving social services (Vonk 2019.)

The temporary nature of these documents means they may expire before effective assistance can occur. Those who intend to stay in Mexico, such as those seeking refugee status, often must wait until officially receiving refugee status and permission for permanent residency before they can obtain a job in the formal market, open a bank account, rent or own housing or access to a number of other needs. The temporary status, too, puts migrants at risk of future detention or deportation if they cannot obtain a permanent resident status or leave the country before the visa expires. Considering the wait time for asylum applications, or even transit through Mexico, often exceeds multiple months or a year, this fear is very real for migrants with temporary status. The temporary “right to be in the country” is determined by, and can change at the will of, the government (Angulo-Pasel 2021, De Genova 2002.) Even with temporary identification, migrants could be deemed “deportable” after a change in policy or because of a random decision made by a corrupt government agent, who have a great deal of power and little accountability.

In many instances, the issuance of temporary documents created legal challenges for unaware migrants. One of these examples is the issuance of statelessness. Migrants from countries including Haiti and countries in Africa cannot be easily deported in the same way
migrants from the Northern Triangle can. In the case of these persons who apply for asylum with intentions of continuing to the United States, some have been issued a permanent visa for stateless persons, or personas apátridas (Serra Mingot 2023.) Statelessness is supposedly determined after COMAR or another Mexican office cannot verify the identity of an asylum seeker with their country’s embassy, but especially with countries Mexico does not have a diplomatic relationship with (Serra Mingot 2023.) Migrants declared stateless may not understand this status nor what rights it does and does not confer. Some believe they are treated the same as persons considered refugees under Mexican law (Serra Mingot 2023.) In actuality, the stateless symbol does not recognize citizenship from any nation and could interfere with the remainder of the journey through Mexico and one’s asylum application in the U.S. If a person possesses temporary documentation from a country, with the possibility of making their status permanent, there is fear this could hurt their asylum case in the United States. Asylum under the law is treated as a sort of last option, therefore asylum seekers may face additional pressure from judges in the United States to explain why they cannot stay in Mexico, despite having been able to obtain temporary legal status (Vonk, 2019.)

**Emphasizing Regularization**

Opportunities to regularize status are marketed and understood as pathways to accessing public resources and avoid deportation and detention. Instead, Mexico benefits from proving to the U.S. it is “curbing” irregular migration, while continuing a pattern of punishing a lack of documentation and favoring those who are regularized. According the 1967 Protocol Relating to the Status of Refugees of which Mexico was a signatory, all migrants fleeing persecution should be adjudicated as asylum seekers, regardless of any status or documentation they possess (Alfaro-Velcamp, Garza Gómez, Brogneri, Moyana, 2023.) Instead, Mexico’s definition of
“deportability” continues to rest on whether a migrant possesses a regular status proved by official Mexican documentation, which in turn penalizes those migrating through the country “irregularly.”

It must be noted that this regularization process itself, encouraged and favored by the government, still puts migrants at a great deal of risk. Those waiting for an appointment with COMAR in Tapachula sleep on the streets, going days without reliable access to food, water, shelter or protection. Areas of the city where asylum seekers camp are prime targets for organized crime and robbery. Crowds that form before the office opens are also safety concerns. A report by the Washington Office on Latin America describes service providers calling the asylum system of Tapachula “política de desgaste,” or a system to wear people down (Brewer, Tejana & Meyer 2022.) The policy, the providers say, is not a written one but rather the combination of migration enforcement decisions and neglect which has resulted in Tapachula being referred to as a “prison” for asylum seekers.

**Identification as Control and Deterrence**

Systems of temporary documentation, though ineffective at protecting human rights, have proved useful to the Mexican government’s objectives of controlling and deterring migrant flows from the United States. The Mexican government has repeatedly coordinated with and followed the wishes of the United States government, notably after former President Trump threatened tariffs against Mexico in 2019, before the Migrant Protection Protocols. As the U.S.’ goal is to deter migrants from entering the border and deporting and/or detaining those within its borders, Mexico benefits from programs that coerce migrants to avoid the United States.

This strategy was explicit in former president Peña Nieto’s “Estás en tu casa” plan, which gave work permits and pathways to regular status to members of a caravan who agreed to stay in
the southern Mexican states of Oaxaca or Chiapas. This was one of the first introductions of the temporary CURP, which was given to participants for identification and access to public resources. The plan obviously favored migrants who regularized their status, but more importantly, agreed to abandon their journey to the United States and stay in Mexico. Under other circumstances, migrants have been offered temporary humanitarian visas to discourage applying for asylum, as asylum is costlier for the government (Vonk 2019). Through multiple policy changes and new temporary documentation, the Mexican government continues to prioritize their interests over protecting the full range of options that migrants are allowed according to Mexican and international law.

Promoting identification also serves the Mexican government through passive policing (Angulo-Pasel 2021.) Applying for documentation provides a number of sensitive aspects of one’s identity, including, potentially, one’s temporary address or place of living. The current Mexican asylum system requires an applicant to remain within the state in which they applied for the entirety of the process. The limitations on these applications, as well as the way they can surveil populations through information, results in a sort of internal border, where migrants seeking regularized status are bounded without the explicit enforcement of the state.

What past research on Mexican forms of identification for migrants shows are false promises for access to resources that prove nearly impossible to attain, perpetuating the image of irregular migrants as “deportable” or “illegal,” as using the guise of humanitarian efforts to control and manipulate migrants from continuing onto the United States.

Investigation

CURP-Specific Challenges
While research specific to the temporary CURP is new and scarce, various authors suggest the temporary CURP imposes a number of problems to those seeking international protection in Mexico. The process of obtaining one’s temporary CURP, currently only distributed by COMAR and INM, often faces long waits and delays, though there is possibility this could be remedied with further interinstitutional coordination (Monzón 2022.) The application process also requires original documents, such as a birth certificate, from one’s country of origin. This could signal discrimination against poorer migrants who do not have access to these documents (Sánchez 2019.) The temporary CURP holds potential to integrate migrants into the workforce, something essential to both migrants and employers, but accounts vary as to employers accepting the CURP (Nájera Aguirre 2022.) Part of this confusion is a lack of mention of right to work for those seeking international protection in the migration law of 2011, as well as the complicated obstacles for employers wanting to hire foreigners (Díaz Mendiburo et al., 2020.) Public resources supposedly open to all, such as the universal healthcare system (Sistema Universal de Salud) require documentation such as a temporary CURP, limiting people without documents from receiving care. Specifically, people living with HIV and without documents cannot access the care they need (Sánchez 2019.)

My investigation seeks to confirm, deny, or qualify these findings, with a specific focus on migrants in transit. Very little academic research has focused on the recent strategy of seeking asylum in Mexico to obtain a temporary CURP or another temporary document and continuing on to the United States.

**Methodology**

**Positionality**
The topic of my investigation was sparked by my interest and aspirations in migration policy and law. Because of the School of International Training, I was able to spend a few days in Tapachula, Chiapas where I first learned about the alternative uses of CURP and saw first-hand the situation of those applying for asylum in Tapachula. I became interested in the use of temporary documentation for purposes different than the government intended and was excited at the prospect of adding original research to a field that has published very little on the CURP.

As an American student with no background in Mexican policy, I first needed to spend much time in my research understanding current and past policy, how the law is interpreted, as well as how many migrants understand the law. This stage was important as to not spread misinformation or confusion in my interviews with migrants. I also consulted experts who work with migrants, primary accounts and secondary sources of migrant experiences to prevent asking a question or showing a reaction that alienated the lives and stories of migrants. As a white, middle class American woman, it was essential to my research to be cognizant of the privilege and power migrants may view me possessing, whether intentionally or unintentionally. I relied heavily on the advice and example of my Mexican professors who have years of experience speaking to migrants from an outsider perspective. As a non-native Spanish speaker, I emphasized oral delivery in my preparation for the interviews, as to be better understood by participants and show respect by communicating as best as I could.

Methods

My professor and advisor, Dr. Omar Núñez Méndez, connected me with the COMI albergue in Oaxaca which provides food, shelter and resources to mostly migrants in transit. When I met with the director of the COMI albergue, she shared context about their population. Almost all would be migrants in transit, as asylum seekers planning on staying in Mexico would
still remain in the state they applied in, Oaxaca not being one of those states. Primarily the shelter serves Hondurans, though increasing numbers of Venezuelans stay there, along with Guatemalans, Salvadorans and some Cubans. Most migrants at the shelter, she told me, would not carry a type of documentation from Mexico. It was unclear why this was, as reports about asylum seekers leaving Tapachula after attaining a CURP or visa have been confirmed in multiple places and could presumably pass through Oaxaca. With this information, I adjusted my interview questions around themes of what migrants knew about the temporary CURP and humanitarian visa, what contributed to them travelling undocumented, and what rights or protections are most important to migrants in transit.

All participants were promised complete anonymity, as migrants constantly fear their safety regardless of documented or undocumented status. One participant mentioned he was concerned to share even his first name with others, as he had heard first name and nationality could be used against him by Mexican migration enforcement. For this reason, all names in my results have been completely fictionalized pseudonyms. Participants were asked to give oral consent rather than written to respect anonymity concerns, because of the negative history many Indigenous people have with signing papers from outsiders, and to respect a variety of literacy or illiteracy.

The director suggested I first conduct a focus group interview to learn more about the group’s collective discourse, then request individual interviews based on the responses given in the group. This also, I believe, put participants in a more comfortable place rather than a potentially intimidating one-on-one interview. At the albergue, all present migrant adults over 18 were invited to participate in a group conversation which served as an informal interview. Two couples and one unaccompanied woman, from three different countries, agreed to participate.
Results

Knowledge of CURP and other Temporary Documents

When asked if they had heard of CURP, the majority of the focus group indicated some recognition of the term. A man from Honduras described the temporary document as Mexico’s equivalent of a birth certificate, he also identified it as necessary to enroll in public services such as school, and permission to work. When I asked if the CURP could guarantee free transit, a Honduran woman responded that one might be able to travel to Oaxaca (presumably from the neighboring states of Chiapas) but could not travel much farther north than that. Upon clarification, it seemed the reason for this distinction was how migration enforcement agents further north enforced the law, not that the document guaranteed safe travel to Oaxaca.

In the streets of Tapachula, word about applying for asylum or applying for temporary documents is passed by mouth between migrants. It was estimated that receiving a constancia (certificate) from COMAR with the temporary CURP would take about 25 days, and a humanitarian visa would be 7 months of waiting. As no one objected to these numbers, the group appeared more or less in consensus with these estimates.

Considerations for Travelling Documented or Undocumented

Among considerations migrants make on their journey through Mexico, time and money were the most emphasized. I asked the group why no one had attempted to apply for asylum when in the southern city of Tapachula. Rather than respond they did not intend to stay in Mexico, or they were convinced a temporary document from Mexico would not protect them, all respondents said applying for asylum and/or documents took too much time and money.
When comparing travelling with or without Mexican documents, the group’s perspective was that no document can ensure one’s safety and protect one’s right to travel freely. One Venezuelan woman claimed documented or not, a migrant must pay to get through Mexico. What she was referring to was not the price of bus tickets or migration processes, but rather the extortion experienced at the hands of migration enforcement officers. To get through checkpoints, migrants often pay high fines to pass by corrupt officers. Those without the money take long walking paths around checkpoints to avoid detection from migration enforcement officials. Riding on the tops of trains continues to be common among migrants in transit. Even with the higher numbers of women and children migrating through Mexico now, families still elect to take the dangerous risk of travelling by train in hopes of saving money, time, and avoiding migration officials. Travelling by train is notoriously dangerous, even for the fit, adult males who make up the majority of those on the trains. Ascending and descending the moving trains, facing violence and violation from organized crime, balancing on top of the train, staying awake and surviving hunger, thirst and extreme temperatures for long periods are just a number of the challenges of travelling in this manner.

Though earning income may become essential in one’s migration through Mexico, the group agreed that even those with temporary documentation, such as the CURP, have difficulties obtaining a job in the formal market. The woman from Venezuela noted that all migrants, documented or not, face discrimination from employers because of their migrant status. This discrimination usually manifests in unequal wages for equal work. Most people, the group noted, work in the informal economy and have little to no job or income stability. Overall, it appears regularization or even possessing documents like CURP that should guarantee a right to work are
often ineffective in search of an income source, and that undocumented migrants often work the same jobs at the same pay as the documented.

**Necessities for Migrants in Transit**

When asked what temporary documentation for migrants in transit would need to be effective, the group was disinterested in documentation, but instead listed off a number of problems within the Mexican government that harm migrants. The primary want of migrants in transit, according to the group, is safe transit. Conversely, they knew that no document to ensure safe transit exists, and those who use the CURP or visa in alternative ways end up facing many of the same obstacles as undocumented migrants. Even if a document such as this did exist, it would likely be ineffective in the context of corrupt government agents.

Corruption, the group confirmed, endangers the safety of all migrants who are at the mercy of migration enforcement demanding bribes or worse, with an agenda of violence and discrimination. Migration enforcement officers do not distinguish between those with or without documented permission to be in Mexico. Mexico is the costliest part of the migration route, as migrants have to pay government agents, bus tickets, and/or human smugglers known as coyotes, as well as the daily cost of living. Cruelly, though Mexico takes most if not all of the money migrants possess, there is not an official, accessible way into the formal job market. Discrimination in the formal and informal job markets adds on more obstacles. It is because of this need of funds, yet lack of accessible jobs, that migrants are seen at stop lights washing car windows of people in traffic or holding doors at the convenience stores known as Oxxo for compensation.

The journey through other countries in Central America, the group noted, does not require the complicated system of visas and permissions that Mexico has; it also does not include
the same levels of deportations, abuse, violence, robbery and extortion such as those found in Mexico, though it certainly does exist. Rather, what would serve the safety and needs of migrants is an easier, more straightforward and significantly more protected route through Mexico onto the United States.

**Temporary Documents for Immigrants to Mexico**

On another instance, I was able to sit down with a woman, whom I will refer to as Paula, originally from El Salvador who now resides in Mexico and discuss the role of temporary documents in her experience. Paula arrived in Mexico in 2016, and originally heard of the temporary humanitarian visa from an albergue she was staying at, who helped her through the first phase of the process. Paula’s use of the visa was not that of a migrant in transit, as she intended to stay in Mexico. The wait to obtain the visa was about six months. She reported those with the temporary humanitarian visa were not able to work in the formal job market. Paula was unsure about access to education and understood a visa holder’s access to healthcare as the same as every person in Mexico, documented or undocumented had. Presumably, this would refer to life-saving care, or institutions which do not require identification to receive services.

In 2017, as part of what I can tell to be the Programa Temporal de Regularización Migratoria (Temporary Program of Migration Regularization), Paula applied for a temporary residence, which would allow her to live in the country for four more years. This program was recommended to her by a friend and was only available to migrants who had arrived before 2017. The temporary residency card contains a temporary CURP, just as the certificate for seeking asylum or a different temporary visa would contain. With her status as a temporary resident, she reports it is now easier than with the humanitarian visa to access healthcare, she can
own land and she can obtain a job in the formal market, though still at the discretion of an employer who may or may not accept the temporary documents.

The process of obtaining the temporary residence was less complicated and less time-consuming than that of the visa but was heavily influenced by one’s ability to pay. Paula recounted her experience at the INM office, claiming if one brought all the required documents (birth certificate, identification from country of origin) and was willing to pay a high price, they could walk out with the temporary residence the same day. When I asked for clarification if this was an official part of the process, she replied this was a practice of the migration officers, often holding documentation one was legally entitled to hostage for bribery. Without the ability to pay steep prices, one may have to wait weeks or months for their temporary residence. Even before the extortion, the cost of this process is $11,680 in pesos over four years (including a work permit,) or about $690 U.S. dollars.

When asked about her experience in general with the process, Paula reported the process worked as it should “mas o menos,” meaning more or less. Wait times at INM can vary from reasonable to “tardado,” or to take too much time, depending on the numbers of migrants applying at the time. This waiting time for INM resembles the image of the understaffed, underfunded office that is COMAR, unable to keep up with the large influx of migrants at the southern border. As far as the system being easy to understand, she said she felt as if she understood each stage of the process as it was described to her, and it was obvious to me her level of misinformation about documents and immigration processes was lower than that of migrants in transit in 2023. After four years of the first temporary residency, and another four-year renewal after that, she will be able to receive a permanent CURP in a few more years, which
grants her practically the same rights and privileges as a citizen of Mexico. After five years of living as a permanent resident, she will be eligible for naturalization in Mexico.

**Analysis**

While the people I interviewed are not numerous or representative enough to make conclusions about entire populations, their experiences and insights can help us analyze several patterns in the topics of the CURP, temporary documentation and migrants in transit.

**Information via Migrant Networks**

While those applying for a CURP or humanitarian visa as a means of safe transit are misled, this misinformation has not penetrated every network. Participants in the group interview were able to deny this false belief and provide relatively accurate descriptions of the process of applying for asylum, the temporary CURP, the humanitarian visa and other documentation, such as regional visitor cards. The importance of sharing information with migrants early in their journey cannot be understated. Tapachula, though not on the border, is one of the first and arguably most impactful stages migrants in transit will encounter in Mexico. It appears migrant networks of information, such as people waiting in the streets, living in encampments together, or living in albergues together, can be reliable sources of information. However, COMAR and other government agencies were additional sources of information and can be beneficial in the task of informing migrants of their options and their rights. Ironically, COMAR would solve some of its problems with limited resources if it informed more migrants that seeking asylum would not guarantee them safe transit and would require long periods of waiting.

As some migrants trust information shared by COMAR and INM, these offices could take advantage of this trust and provide more information and advice for migrants in transit.
Though COMAR technically does not serve this population, they receive much of it anyway. Public information campaigns are visible everywhere in albergues and government immigration offices, where brochures prepared by ACNUR and UNHCR are visible and available to take. These brochures, however, focus on the processes of seeking asylum in Mexico and do not describe the process of migrating through Mexico and applying for asylum in the United States, which is the goal of many migrants in transit. Perhaps this focus on asylum in Mexico is one factor in the high number of migrants who apply for asylum in Mexico without intentions of staying there. Without clear information pertaining to the situation of migrants in transit, Mexico and the United Nations agencies risk the continuance of misinformation regarding a document for protected transit.

**Money and Time as Motivators**

While safety is a primary desire for many migrants, time and money proved to be the most salient factors in important decisions along the route. Though there was a general understanding documentation such as the temporary CURP or humanitarian visa would not guarantee protection, participants noted money and time—not assuredness in their information—made the ultimate decision to forego applying for documentation in hopes of a false sense of security.

Time is currently one of the biggest problems in migration through Mexico. The more time migrants spend in the country, the more exposure they face to a number of crimes and human rights violations at the hands of organized crime and government agents. Unexpected delays too, mean migrants might reach the northern border either in the blistering hot summers or the cold winters, where exposure to temperatures has taken thousands of migrant lives over the years. The more time migrants spend in a country, too, the more they risk migration policy, either
in their transit country or country of destination, changing and putting those migrating with
documents in new danger of deportation and/or detention. Additionally, time and money are
extremely connected. The more time migrants spend in a transit country, the more money goes to
daily costs of food, water and shelter, rather than costs of transportation, migration applications
or living in their destination country.

As noted earlier, the Mexican length of one’s migration journey is extremely expensive.
Costs of waiting or potentially bribing government agents (as the processes are free in Mexico)
may not be worth it to migrants who must pay other costs. This signals a desperate need in
Mexico for increased access to work for migrants. Many migrants are resigned to perform work
in the informal job market, some selling items in populated areas, joining the informal market
known as ambulantaje (or mobile street vendors) in Mexico. The problem with ambulantaje, for
migrants as well as Mexican citizens, is the competition between vendors, the danger of selling
on streets exposed to crime, the irregular income and the lack of job security. The job permits
given to members of the 2018 caravan seemed a promising solution for those migrants,
especially in Northern Mexico waiting to cross, and should be replicated to provide security and
opportunity for those needing income during their migration.

If new documentation or a different migration program were to be implemented for
migrants in transit, money and time should be taken into consideration as factors just as
important, if not more than, safety. Programs built for migrants in transit (though asylum is not)
should not take multiple months or a year to complete but should be staffed adequately enough to
complete processes in a timely manner for those who want to continue on. The process, too,
should be free of charge and oversight should be consistently managed to avoid instances of
bribery by government agents.
Lastly, the importance of money to migrants in transit means right to work is emphasized over other rights or access provided by the CURP. The temporary CURP supposedly allows migrants to access healthcare, education and a number of other government processes. Yet many migrants in transit do not desire to stay in one place long enough to send their children to school, and do not want to visit Mexican healthcare providers, primarily to avoid potential costs. Doctors without Borders, as well as various healthcare providers brought in by albergues, were said to be the primary care utilized by migrants in transit. I initially felt access to these resources would be a motivation for migrants in transit to obtain a CURP, yet it appears access to these services in their current form is not a high priority. As for immigrants who intend to stay in Mexico, I was unable to make conclusions about education and healthcare, but right to work again appeared to be the primary benefit of CURP, besides protection from deportation and detention.

**Indifference to Regularization**

To be documented or undocumented to migrants in transit is unimportant in Mexico. While migrants may make conscious choices about entering through permitted or unpermitted pathways in their destination country, what migrants have realized in Mexico, either through information networks or after multiple passes through the country, is that no documentation can completely protect one from corrupt migration enforcement officers there. In general, some migrants in transit see temporary documentation as completely worthless, or at least not worth the time and money it takes to regularize their status for a country they only pass through.

Even if there existed a free, quick process to obtain a temporary document with permission to move throughout the country, the Mexican migration system is unfit to serve the needs of migrants in transit. Specifically, the widespread corruption amongst migration enforcement officials is a concerning background to a potentially just and helpful policy.
policy or form of identification would do nothing to address the instances of extorting migrants, destroying official documentation and discrimination. Before a change of policy, there needs to occur a restructuring of migration enforcement that includes accountability at every level of the organization and vigilance to root out acts of corruption and violence.

At the same time, even if migrants had legal access to the protection of the police, there does not exist significant proof that this would protect migrants from acts of organized crime. Impunity for organized crime is a serious issue in Mexico, which the government and police forces have been unable to get an appreciable hold on. That, too, needs to be a priority for the safety of migrants in transit, as policy would be ineffective without the end of threats from organized crime.

**Inconsistency in Application**

Returning to the temporary CURP, it seems migrants in transit are not all convinced of its potential as a form of protection and that is it inadequate for this purpose. Yet even for immigrants like Paula who intend to stay in Mexico, the population it was intended for, inconsistency in its application is a problem for its effectiveness. Consistent with other research, both interviews with migrants in transit and an immigrant suggested using a temporary CURP at a healthcare facility, a job application or applying for other resources does not result in success all of the time.

It is unknown why this would be a problem for government-run services such as healthcare, but access to the private sector is usually closed off by private actors. The government of Mexico does not appear to have clear, understandable and easy ways for employers, bankers, landlords or money lenders to open their services to migrants with temporary documentation. Just as the temporary humanitarian visa was described as all show and
little work, the government has created the CURP to ease access to one’s human rights without working alongside employers and medical care facilities to ensure access was achievable for migrants and for providers. In addition to creating support for these persons, the government should offer to pay for background checks on temporary migrants, which is a common obstacle to many employers refusing to hire migrants (Diaz & Esposito 2019.)

**CURP as Intentional and Accidental Policy**

The interviews with both migrants in transit as well as a temporary resident of Mexico give insight into the paradox that is the temporary CURP. Several intentional factors of the migration system and the creation of the temporary CURP work together to enforce an internal border and dissuade migrants in transit from continuing to the United States. If one obtains a temporary CURP by applying for asylum, the asylum system requires they remain in that state for the entirety of the process, likely months or years. The program of regularization which Paula participated in traded the opportunity of temporary residence for the promise to remain in Mexico. Similar offers have been offered to migrants in transit, especially those travelling in caravan. While regularization is encouraged and these migrants are prioritized with easier access to jobs and public services, there are still, in contrast, a number of challenges with private actors the government has failed to remedy.

On the other hand, the use of the temporary CURP and humanitarian visa by migrants in transit was an accident unintended by the government yet reinforces a number of policy interests. The temporary nature of CURP, only 180-365 before renewal, puts migrants in transit at risk of losing their legal status and again being eligible for deportation or detention. The process of waiting for these documents is long, with life in limbo being involving danger, lack of basic needs and feelings of despair. Some migrants who previously had plans to continue to the US are
worn down by Tapachula and decide to continue the asylum process and stay in Mexico. Those who do apply for asylum for the CURP and continue on may face legal challenges when applying for asylum in the United States, though more research needs to confirm this possibility. The attempted passage of U.S. policies such as the Transit Ban signal a desire by the U.S. to punish not only those who transit through Mexico, but also those who apply for or receive asylum from Mexico and abandon the process.

In general, the United States’ goals of preventing and deterring migrants from entering their southern border, as well as Mexico’s goal of following the United States’ lead for potential political rewards, are satisfied with the temporary CURP’s effect, both intentionally and unintentionally.

**Limitations/Further Research**

I hope my research has contributed to the collective knowledge of migration in Mexico, yet I faced a number of limitations which could be remedied by further research in this area. First, I was not able to conduct research in Tapachula, which is the place most relevant to the practice of migrants in transit obtaining documentation in Mexico. While I was able to visit Tapachula and used the background knowledge and observations I collected there, future researchers should talk with a variety of migrants there: those in line for a COMAR appointment, asylum seekers at albergues waiting to hear their results or other migrants in transit who have chosen to bypass COMAR or INM. The population in Tapachula would be more representative of a variety of migration strategies and motivations; it could give further insight into why migrants choose to wait for a temporary CURP and/or humanitarian visa, and why some choose to ultimately stay in Mexico despite their original intentions. Researchers in Tapachula could
also record first-hand what information is shared on the streets, in encampments and in albergues.

Further research should describe the variety of ways migrants in transit are attempting to shorten their journey with special permissions. During my short visit to Tapachula, there was much confusion about what documentation could or could not get one through Mexico, one of those rumors including CBP One. Some migrants believed creating a CBP One account (as you cannot make an appointment until you are closer to the northern border) would provide permission to travel to the United States when shown to Mexican migration enforcement. I could not confirm this. Others were confused about the differences between nationalities, claiming Cubans could simply get on planes to the United States from Mexico. Some were still under the impression that Venezuelans could use their passports to obtain a visa, or fly straight to the US, a practice which is not possible due to a change in Mexican policy (Human Rights Watch 2022) and unlikely with the dire financial crisis in Venezuela. A future study comparing documentation, permission for passage and nationality would be an interesting and much needed addition to this discourse.

In my investigation, I was not able to find work on the use of the temporary CURP to access education for children of school age. Likely, the population to benefit most would be asylum seekers, refugees or migrants in transit who wait long periods of time in one place. Many migrants in transit would not put their children in school because of the constant moving. A place like Tapachula with many migrants in limbo, or a place with many settled asylum seekers and refugees would be best to compare Mexico’s promise of education for all, including migrant children, with the reality. The same could be said about access to work and medical care, as I was not able to confirm or deny with a person possessing a temporary CURP about their experience
accessing these resources. Current work in the literature mostly includes information about specific populations in specific communities, which cannot be generalized to all migrants with temporary CURPs.

**Conclusion**

In February 2023, COMAR announced the creation of a pilot program to detect asylum applications which were “unnecessary” (Divany 2023.) The agency recognized the way migrants in transit were utilizing the system to gain documents with temporary protection, then proceeding to abandon the process. In October 2023, regarding a new COMAR office being built, journalist Alejandro Gómez noted the new building “was not created to provide a way for persons to go to the north of the country, or to get migration documents. This has been repeated on multiple occasions, yet people continue to come with that objective. It was emphasized [by the General Coordinator of COMAR, Andrés Alfonso Ramírez Silva] that they are committed to identifying people who *really* require or need international protection,”

This suggestion that migrants in transit who use the asylum system to obtain a temporary CURP or visa somehow do not need international protection is not only false but a damaging tactic to ignore the deeper problems of the Mexican migration system. Migrants in transit, documented and undocumented often have asylum claims, yet choose to claim asylum in the United States rather than Mexico. Nothing in international law denies them this right. What these statements imply is that migrants utilizing this strategy are somehow cheating the system, rather than trying to adopt the system to their needs which are continuously ignored by the government.

---

4 Author translation, emphasis added
Further, discourse also tries to draw distinctions between those who happen to obtain a Mexican document and those who travel through the country without one. In reality, nothing more separates the documented and undocumented migrants in transit than the series of numbers and letters which is the temporary CURP, or the identification number on the humanitarian visa. Both populations desire safe transit through Mexico. Both need access to food, water, shelter, income, healthcare, education and freedom of movement. And both, as I have previously mentioned, are guaranteed these rights in the Mexican Constitution and Immigration Law of 2011.

The convention known as MIRPS supposedly created the temporary CURP to better protect these rights of asylum seekers, refugees and those seeking international protection: in short, the documented. The literature, as well as my own research, calls into question the success of this effort, noting acceptance of this identification is not consistent, especially within the private sector. But for migrants in transit, what the temporary CURP did was prioritize people intending to stay in Mexico over them, making access to resources supposedly open to all only open to those with a specific card in their hand.

What the Mexican government promotes as a success for humanitarian efforts is a cover for the continual policy to discriminate against irregular migrants and discourage them from continuing to the United States. The intended exclusion of migrants in transit from the temporary CURP means an exclusion from the over 44 government processes and public resources accessible by CURP. The motivations behind its creation are unconstitutional and play right into the hands of the United States government. The history of rewarding those migrants who choose to stay in Mexico was seen in the Estás en tu Casa plan, in the Temporary Program of Migrant Regularization and now in the issuance of the temporary CURP. These programs are a form of
manipulation and control, coercing migrants who intend to continue to the United States to rethink their plans.

Yet despite Mexico’s efforts to make things difficult for migrants in transit and limit resources to only those who intend to stay, migrants in transit began to apply for asylum in hopes of circumventing the system. They remained in Tapachula for days or months, living in deplorable conditions, in hopes of receiving a certificate or card that would permit access to work, freedom to move and access to public resources. What they found was a false promise: asylum processes that required them to remain in the state, migration enforcement officials who overlooked documentation and weeks or months of time in Tapachula gone by without a formal way to earn income.

The willingness to spend time and money to see a process through represents the great need for security and safety through Mexico. Families hoping to seek asylum in the United States ascend and descend moving trains, face robbery, extortion and violence, walk through deserts and face a number of other extremely dangerous obstacles to reach their destination. The tragedies that often follow are a direct result of the absence of legal pathways into the United States, and Mexico’s increasingly intolerance to migrants moving through their country. Simply put, poor migrants from countries in Central America, South America, the Caribbean, Africa and even Asia do not have access to immigrate into the United States, and this is punished by the corruption, discrimination and negligence of the Mexican government.

This paper does not seek to promote the “irregular” migration of people in transit through Mexico but recognizes that migrants have consistently communicated a desire to continue to the United States and this desire should be respected. If the United States and Mexico want to live up to their promises of being countries who respect human rights and individual liberty, they must
cease the punishment and criminalization of migrants in transit and instead open legal, protected and safe routes through Latin America onto the United States.
Acknowledgements

I would like to share my gratitude of the people I could not have done with project without:

Dr. Omar Núñez Méndez, who advised me throughout the trajectory of my project, connected me to valuable resources and people, organized logistics of my interview at the albergue, and served as Academic Director of the program I participated in.

Nancy García, who was willing to share her experiences in an interview, who connected me to valuable resources and people and who taught me much background knowledge about the Mexican migration system and migrants in transit in her class.

All migrant persons who participated in the interviews and so willingly shared their experiences.

The director of the albergue, who added to my understanding of the subject and who allowed me access to her space for a group interview and advised the process.

Paola Cruz Hernández, who assisted with many logistical aspects of my project and served as Program Director of the program I participated in.

Florence Weinburg, JD, who taught our class regarding migration systems in the United States and Mexico and shared her experience working with migrants in transit, which contributed to my understanding of the topic and guided my approach.

Dr. Jorge Valtierra Zamudio, who taught our class on research principles, advised my proposal at the start of my project and contributed to revisions of the project.

Ana Argotte, who led our class expedition to Tapachula, Chiapas which was very helpful to my project and shared with us the current situation of migrants waiting in Tapachula for the CURP.
References


Becerra Sánchez, A. (2019). El acceso al derecho a la salud para las personas migrantes viviendo con VIH en tránsito irregular por la zona metropolitana de Guadalajara. [Tesis de Maestro, Instituto Teconológico y de Estudios Superiores de Occidente.]


Cisneros Monzón, C. (2022). El modelo de expedición de la CURP. Hacia la integración local de personas con necesidades de protección internacional en México: impacto de la coordinación interinstitucional desde la experiencia de Nuevo León. [Tesis de Maestra, El Colegio de la Frontera Norte.]


La Relatoría sobre los Derechos de los Migrantes de la Comisión Interamericana de Derechos Humanos. (2013). Derechos humanos de los migrantes y otras personas en el contexto de la movilidad humana en México.


UNHCR & ACNUR. Qué es el MIRPS.
