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Los Angeles

The Landscape of Subnational
Migration Public Policy: A Conjunctural Analysis

A dissertation submitted in partial satisfaction of the
requirements for the degree
Doctor of Philosophy in Chicana & Chicano Studies

by

Fernando Enrique Villegas Rivera

2023

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2023

ABSTRACT OF THE DISSERTATION

The Landscape of Subnational
Migration Public Policy: A Conjunctural Analysis

by

Fernando Enrique Villegas Rivera

Doctor of Philosophy in Chicana & Chicano Studies

University of California, Los Angeles, 2023

Professor Matthew Alejandro Barreto, Co-Chair

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Some subnational governments have enacted compassionate public policies to protect or augment migrant rights. The emergence of these policies is frequently attributed to the racial threat hypothesis (RTH), which explains their development based on demographic variables. However, recent studies indicate that some factors related to RTH do not offer satisfactory explanations. Given that a body of literature considers that supplementary explanatory frameworks can enhance RTH's explanatory power, then more needs to be researched about the intervening variables that need to be integrated.

To address these limitations, I propose the *Conjunctural Theory of Subnational Migration Public Policy*, contending that the simultaneous confluence of some of the following variables explains the emergence of pro-migrant public policies: regional and global conjunctures, left-leaning or liberal partisanship and ideologies at the state level, state competition, focusing events, and grassroots

mobilization. This theory is grounded and was developed throughout my research of three pro-migrant public policies that crystallized in Mexico City from 2011 to 2021. My approach integrates global and regional processes and their impact on domestic and local processes, which I interpret through the lenses of conjunctural analysis. At a more general level, I analyzed subnational pro-migrant policies adopted in other Mexican states. I fielded around fourteen semi-structured interviews, facilitated focus groups with key stakeholders, and conducted ethnographic observations and participatory action research on the migrant caravan. Additional data was drawn from news articles, legal documents, secondary sources, social media, and statistics from various databases.

I found that the Interculturality Law was a product of Mexico City's progressive ideology and a governor committed to civil rights. These were catalyzed by the "72 massacre" as a focusing event. The sanctuary decree was driven by the regional conjuncture under Trump, state competition, and demographic changes due to increased Mexican deportations. Lastly, granting temporary legal permits to the 2021 migrant caravan members was largely influenced by migrant-led grassroots mobilization, reduced U.S. geopolitical pressure, and the death of over 50 migrants, interpreted as a focusing event. The findings have important public policy implications, as they help identify the conditions leading to the extension of benefits to marginalized populations.

The dissertation of Fernando Enrique Villegas Rivera is approved.

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University of California, Los Angeles

2023

DEDICATED TO

A Dios, a mi amada esposa, Mariel. A mis bebés, Thiago y Nathania Fernanda. A mi madre y padre, mi hermano y familia. A mis amistades y a mi comunidad.

Este logro es colectivo, más que individual.

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VITA

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CHAPTER 1

1. Introduction

The common denominator of national migration public policies reflects a trend where exclusionary state policies against certain groups have prevailed, at least since the late 18th century. This trend began to shift in the post-war period when certain Latin American, Asian, and other countries in the Global South exerted pressures that eventually led to the elimination of the prevalent racist or exclusionary immigration policies. In the Americas, most countries eventually eliminated criteria that excluded people on the basis of race or ethnicity (Fitzgerald and Cook-Martin 2015). However, countries have developed stringent selection methods that continue to exclude or restrict migration from certain countries, typically those with widespread poverty. Migration from affluent countries is still encouraged, enacting a form of positive discrimination.

Although contemporary legal migration frameworks are not as exclusionary as they were prior to the post-war period, we have recently observed with concern how nation-states from both the Global North and Global South have implemented various mechanisms designed to strictly control, manage, and restrict the movement of people across and within borders (Jones 2016; Brown 2010). States that create restrictive policies and inhumane legislation severely affect the lives of migrants and their families (IOM 2019; Menjívar and Abrego 2012), including the lives of citizens in the communities where migrants reside (Castañeda 2019) and in areas they transit (Villegas 2018; Vogt 2018).

In response to this hostile scenario, various sectors of civil society, including migrants, and progressive subnational governments, have worked across transnational, national, and local spaces to counteract and resist state-led anti-migrant practices including exclusionary public policies. A diverse range of strategies has been employed by these actors in response to hostilities from some politicians, discursive assaults from anti-migrant political leaders and media pundits, and certain racist societal sectors.

Responses include faith-based social movements rallying behind the cause of Central American refugees in the 1980s (Stoltz Chinchilla et al. 2009); massive protests across the U.S., organized by Latinx migrants to assert their rights and affirm their dignity (Villegas y Santamaría 2019; Zepeda-Millán 2017); and resistance at the U.S.-Mexico border, manifested through vigils and posadas (Hondagneu-Sotelo 2007; Hondagneu-Sotelo et al. 2004). More recently, novel acts of resistance and solidarity such as the migrant *caravanas*, have emerged in the Global South (Varela 2020).

Over the same period, various subnational governments, self-defined by their political leaders as places of refuge or sanctuary, have enacted an assortment of compassionate policies and legislation aimed at protecting, maintaining, or augmenting the rights of migrants. Examples can be found in Europe, the Americas, Southeast Asia, and Western Asia. For instance, in the U.S., the state of California has been at the forefront in advancing what some scholars term "progressive state citizenship" (Colbern and Ramakrishnan 2020: 4), providing rights that sometimes exceed those granted at the federal level.

In the Latin American context, several subnational states have expanded their agendas at the turn of the 21st century to incorporate various dimensions of migration into their legal frameworks, aligning with the international human rights paradigm aimed towards the protection of migrants. Mexican states have approved pro-migrant public policies to protect the rights of various types of migrants, whether they are in transit, seeking temporary habitation, or establishing permanent residency¹. The case of Mexico City stands out as it has what some argue is the most progressive migration framework in the Americas. A case in point is the *Ley de Interculturalidad, Atención a Migrantes y Movilidad Humana*

¹ However, only a few of them contemplate offering public services to migrants without documents or with precarious statuses. At the same time, it is clear that there are anti-migrant public policies "in action" in Mexico, that is, practices of subnational governments that closely mirror those enacted by anti-migrant states in the U.S. In Mexico, there is widespread human rights violations of migrants at every level of government (Santiago 2018; Vogt 2013; Durand 2018; París-Pombo 2016; Villegas 2018). Violations of the most basic rights of migrants occur regardless of whether the state has pro-immigrant laws, making visible the wide gap between the law in the books and law in action.

(Law of Interculturality, Attention to Migrants, and Human Mobility). The Interculturality Law² was approved in 2011 and provides for a wide range of rights to all types of migrants in the city³. Similar instances are found in other parts of the geographical Global South, like Buenos Aires, Argentina; São Paulo, Brazil (Filomeno 2018); the Jordanian city of Amman; Gaziantep in Turkey; or Jakarta in Indonesia⁴ (Garcés-Mascareñas 2019). In these places and others, subnational governments have taken a more proactive role in the domain of migration in recent decades.

On the opposite side of the spectrum, some public officials at the state and local levels have openly espoused an anti-migrant discourse, particularly against those who are poor and undocumented. For instance, the former state governor of Nuevo León, a state bordering Texas, stated in 2018 that he would use state resources to deport undocumented migrants, even though federal migration law prohibits the involvement of state entities in immigration tasks. Additionally, there have been instances of anti-immigrant policies enacted by municipal mayors along the border (Animal Político 2018; Ortega and De Ita 2020; Varela 2020).

The above cases reveal a recent trend where some subnational governments in the Americas and in other parts of the world have developed their own immigration public policies. This local turn in immigration politics has been termed by scholars of the subnational as the *new immigration contestation* (Steil and Vasi 2014), *Immigration federalism* (Gulasekaram and Ramakrishnan 2016; Ramakrishnan and Gulasekaram 2013; Elías 2013; Wong et al., 2019), or *multilevel governance* (Caponio and Jones-Correa 2017; Panizzon and van Riemsdijk 2019; Liesbet and Marks 2003). How do we make sense of such a

² In the following pages, I will refer to this migration public policy as the “Interculturality Law”.

³ In 2018, Mexico City underwent a significant transformation, transitioning from its former status as a Federal District to one of the 32 federal entities or subnational states in Mexico. In this sense, it is not classified solely as a city in the legal and administrative sense. Refer to Chapter 5 for more information about the state’s political-administrative and territorial organization.

⁴ This should not come as a surprise, since around 85 percent of displaced people live in the Global South (Garcés-Mascareñas 2019; Leal and Harder 2021).

wide array of responses? What prompts the policymaking process that leads to migrant benefits at the subnational level of government? In this dissertation, I focus on the progressive aspect of immigration legislation and policies at the subnational level and analyze their main determinants.

1.1. Research problem and theoretical puzzle

While not new, the increasingly active role of subnational entities in the immigration policy arena has sparked scholarly debates within the social sciences over the past two decades, yet without arriving at a consensus. In immigration-related scholarship, particularly in political science, the racial threat hypothesis (RTH) has been one of the most frequently used frameworks to explain the emergence of immigration public policies at the subnational level. RTH explores the role of racial attitudes in driving policy outcomes. Originally developed to understand white public attitudes towards blacks (Key 1949), this theory is now applied to examine the relationship between the size and growth of an ethnic or racial group and the racial attitudes of a majority group, including policy outcomes (Key 1949; Rocha and Espino 2009; Filindra 2019; Avery et al., 2017; Collingwood and Gonzalez O'Brien 2019; Chavez and Provine 2009; Marquez and Schraufnagel 2013). This body of literature explains the emergence of subnational migration public policy through demographic variables, such as the accelerated growth of immigrants or a significant number of migrants relative to the total population.

While RTH has been relatively successful in explaining the emergence of subnational anti-migrant public policies, the results are far from consistent when attempting to explain the opposite, i.e., pro-migrant subnational policies. Recent studies have indicated that some factors related to RTH such as the size of the Latino population can explain pro-migrant public policies, but not others such as their growth (Marquez and Schraufnagel 2013). Others have found that RTH can only predict the likelihood of pro-migrant policies being enacted, without establishing a causal relationship (Collingwood and Gonzalez O'Brien 2019). Various academics have recently highlighted these inconsistencies (Filindra

2019; Reich 2017; Rocha and Espino 2009), confirming that RTH does not satisfactorily explain why certain states enact pro-migrant policies. For instance, Rocha and Espino (2009) point to "intervening variables" that need to be incorporated into RTH to enhance its explanatory power⁵.

Although numerous studies have successfully explained why subnational states approve anti-migrant public policies, fewer scholarship has been able to consistently explain why subnational governments approve pro-migrant public policies. If RTH sufficiently accounts for the main variables explaining subnational anti-migrant policies, and given that a body of literature considers that supplementary explanatory frameworks can enhance RTH's explanatory power for pro-migrant public policies, then more needs to be researched about the intervening variables that need to be integrated to develop a more robust theory of pro-migrant public policy.

1.2. Purpose and Argument

To address these limitations, the purpose of this dissertation is to introduce a novel theoretical approach to elucidate the main causes of subnational pro-migrant public policies. In agreement with Rocha and Espino (2009), I contend that RTH requires a deeper exploration and further integration of the intervening frameworks or configuration of variables essential for building a more robust theory. In concrete, I posit that, once a racial or ethnic group deemed as the "outgroup" constitutes a significant proportion of the population in a state, or when substantial growth of this group is reached, other variables should be built-in. I argue that the configuration of variables include: regional and global conjunctures, mobilization by civil society and marginalized groups, multi-level dynamics between varying government levels both within and across borders, the partisanship of citizens,

⁵ These authors argue that the social contact hypothesis (SCH) combined with RTH can better explain why positive attitudes emerge from the majority group towards the minority group. SCH is a theory positing that increased contact between majority and minority groups fosters greater racial harmony. Therefore, the mere existence of a significant proportion of the minority group at the state or municipal level would not be sufficient to predict positive attitudes towards minorities. In this sense, close contact between different racial groups needs to be present as well.

governors, and local legislators, and state competition. I refer to this assemblage of variables as the *Conjunctural Theory of Subnational Pro-migrant Public Policy*. To better understand these concepts, the relationship between them, and how they better explain why certain states enact pro-migrant public policies, I propose the following research questions:

- Why did subnational pro-migrant public policies emerge in Mexico City from 2010 to 2020?
- What are the main drivers of pro-migrant public policy in Mexico City?

1.3. Research Design, Methods, and Justification

To address these research questions, I conducted a case study of subnational pro-migrant public policies in Mexico. Specifically, I focused on finding and analyzing the main processes and the set of variables that led to the approval of three different pro-migrant public policies that crystallized in Mexico City from 2011 to 2021. My approach takes into account global and regional processes and their impact on domestic and local processes, which I interpret through the lenses of conjunctural analysis. To a lesser extent, I also analyzed subnational pro-migrant policies adopted in other Mexican states. I argue that a conjunctural approach is useful to uncover the causal mechanisms that drive subnational migration public policies as it allows to assess the degree to which outcomes at the local level are molded or influenced by processes at different geographical scales.

My focus on the subnational stems from the fact that subnational governments are making greater strands to extend migrants' rights, compared to national governments. Additionally, it is at the subnational level that the effects and impacts of immigration are most tangible. Indeed, pro-migrant public policies approved by the Mexico City government in the last two decades that focus on expanding migrants' rights, stand out compared to those enacted by other Mexican states and probably from others approved in Latin America. These are additional reasons why I focused on researching pro-migrant public policies in Mexico City.

To select Mexico City, I followed a purposeful case selection method referred to as “maximum variation”. This method asks the researcher to capture heterogeneity among all cases available (Guba and Lincoln 1989 in Maxwell 2012: 131). It requires defining the most significant dimensions of variation among the most relevant cases (i.e., pro-migrant states), and subsequently choose the cases in the extreme. Following this methodology, I chose Mexico City as it is the state⁶ in Mexico, and perhaps in Latin America, with the most comprehensive laws and policies in terms of rights for migrants.

This method allows the researcher to achieve “typicality of the settings, individuals, or activities selected”. In addition, selecting the extreme cases allows the researcher to effectively test the proposed theoretical framework, and allows to better expose the explanatory power of the theories in comparison with cases obtained by means of, for example, a random sample (Maxwell 2012). Therefore, I purposefully selected Mexico City for my study. One of the limitations of this method lies in the fact that the researcher may have limited or no data on other types of cases or settings. Consequently, drawing conclusions about average cases or those presenting opposite dimensions becomes challenging (Maxwell 2012). Although I initially incorporated more case studies, I ended dropping them. On this, Ragin (2004 in Zepeda-Millán 2014) argues that such procedure is not uncommon among social scientists and allows adaptation of the study under changing circumstances. To address this weakness, I conducted analyses of multiple pro-migrant public policies in Mexico City. Additionally, I analyzed public policies approved in various Mexican states at a more general level, although not in the same depth and amount of data as in the case of Mexico City.

As sub-units of analysis, I chose to study three instances of pro-migrant public policy approved during the last two decades in Mexico City: 1. The Law of Interculturality, Attention to Migrants, and Human

⁶ Mexico City is considered one of the 32 *entidades federativas* (federal entities) or subnational states under Mexican Law.

Mobility, which is the most inclusive law related to migration ever approved in Mexico. 2. The Sanctuary Decree approved in 2017 by the governor of Mexico City. 3. The temporary legal permits granted by the federal government to all members of a migrant caravan that arrived in Mexico City in 2021, as well as the responses of support (and repression) by the local government towards the caravan. In the three case studies, I analyze the set or assemblage of variables that explain why each of these public policies was approved. Based on these three instances, I developed a framework that I call a Conjunctural Theory of Subnational Pro-migrant Public Policy. This concept is the main theoretical contribution of this dissertation.

Methods

I conducted fieldwork in Mexico City during the summer of 2019 for exploratory purposes, and then again from October 1st to December 22nd, 2021. Over this period, I fielded around fourteen semi-structured interviews and facilitated focus groups with key stakeholders such as leaders from the main civil and religious organizations working on migrant rights nationally and locally. All were based in Mexico City. I also interviewed officials from Mexico City's government, Federal Immigration authorities, and representatives from international NGOs. Additionally, I conducted ethnographic observations and participatory action research on the migrant caravan that arrived in Mexico City on December 12th, 2021. Additional data was drawn from news articles covering migration issues, public opinion data, legal documents, reliable secondary sources, social media pages from the institutions involved with migrant rights in Mexico City such as Twitter, Facebook, or Instagram, and descriptive statistics from U.S. and Mexican government-based data bases.

At first, I sought to engage with officials associated with the accord that designated Mexico City as a "Ciudad Santuario" in 2017. However, it was not possible for me to contact the politicians and bureaucrats directly involved in the creation of the agreement since their term had ended at the time

of my visit. In spite of this, I was able to interview bureaucrats and members of organizations that were working actively on migration issues in Mexico City when the agreement was published. These encounters culminated in a focus group with the director and the legal appointee of the migration area of the *Secretaría de Inclusión y Bienestar Social* (Secretary of Inclusion and Social Welfare, SIBISO). We discussed various migrant policies enacted in Mexico City since 2011 along with SIBISO's most recent migration initiatives.

My interviews with key personnel of the *Comisión de Derechos Humanos de la Ciudad de México* (Human Rights Commission of Mexico City, CDHCM) were crucial to understand instances of cooperation, coordination or conflict (or reasons for their absence) between the state government, civil organizations, and migrants along with the processes leading to the three sub-units of analysis of my research. I interviewed its Executive Secretariat, Nancy Pérez. To comprehend the broader national and subnational contexts, and to account for the significance of Mexico City in shaping pro-migrant public policies in other Mexican states, I interviewed Sandra Salinas, Deputy Visitor of the *Comisión Nacional de Derechos Humanos* (CNDH – National Commission for Human Rights) who has more than 15 years of experience in migratory issues.

To learn about the perspective of officials responsible for enforcing Mexico's immigration laws, I interviewed the former *Director General del Centro de Evaluación de Control y Confianza* (General Director of the Center for the Evaluation of Control and Trust) of the *Instituto Nacional de Migración* (INM, National Institute for Migration). My conversation with this officer, whom I will keep anonymous at his request, helped me to understand the perspective that is pervasive within the upper ranks of the institution regarding the work of civil society in the defense of migrants' rights. It also served to reveal the degree of cooperation between these two actors, and between INM personnel and local police in the enforcement of immigration law.

I interviewed leaders from various civil society, religious, and faith-based organizations in Mexico City, all of which primarily focus on the promotion, advocacy, and defense of migrant rights at both the state and national levels. These organizations were: Instituto para las Mujeres en la Migración A.C. (IMUMI); Sin Fronteras IAP; Scalabrinianas Misión con Migrantes y Refugiados (SMR); Colectivo Cultura Migrante; Casa Refugiados AC; Programa de Asuntos Migratorios of Universidad Iberoamericana CDMX; El Pozo de Vida AC; Casa de Acogida, Formación y Empoderamiento de la Mujer Migrante y Refugiada (CAFEMIN); and the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH).

I also interviewed Josep Herreros, who is the *Asistente del Representante para Protección* (Assistant to the Protection Representative) of the United Nations High Commissioner for Refugees (UNHCR/ACNUR Mexico). This NGO is one of the main actors in charge of developing a migration agenda for the protection of refugees and serves as one of the main interlocutors between national and local governments, civil society organizations, and refugees. In Mexico, they cooperate extensively with the federal government and lawmakers in the creation of policies and legislation for the benefit of refugees and migrant populations.

As an interdisciplinary scholar, I was able to conduct participatory action research (PAC), and ethnographic observations on the *caravana migrante* that arrived in Mexico City on December 12, 2021. This afforded me a firsthand perspective on the ground-level operations, enabling me to gauge the degree of cooperation between the state and NGOs, identify which organizations are more closely associated with migrants, comprehend how migrants structure their protests and voice demands to the government, and observe the extent to which police and migration authorities uphold their rights, among other vital insights. More importantly, by closely following the organizing strategies of caravan members and participating in their protests, I was able to understand the degree of impact that such

actions had on the generation of a pro-migrant public policy that granted legal stay permits, albeit precarious, to the vast majority of its members.

While performing work with the caravan, I engaged directly with members of two binational organizations focused on migrant rights issues, namely, Al Otro Lado and the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), two of the most prominent migrant rights organizations in the United States, as well as with members of the collective *Cultura Migrante* and leaders of the caravana such as Irineo Mujica. My work with the aforementioned organizations both in the U.S. and virtually, allowed me to build rapport with the members of these organizations who were in the caravan camp to offer them informative talks. I supported them in organizing informative talks that they presented to members of the caravan, as well as in other logistical tasks. In turn, my history of working with pro-migrant activists in Mazatlán, Sinaloa - my hometown - opened the hearts of activists like Cristobal Sánchez, one of the founders of *Cultura Migrante*. Likewise, being close to Cristobal helped me to engage in conversations with Irineo Mujica, one of the leaders of the caravans. As a result, I was able to get directly involved in different activities during the days the migrants camped in the city, as well as in the protests and vigils they held. This involvement underscored my commitment to the migrants' cause and fostered trust with members of other migrant rights organizations.

Practical Justification

In addition to the aforementioned theoretical and methodological gaps, I chose to focus on pro-migrant public policies because of the tangible positive effects they have had on the lives of migrants and their communities. The material and symbolic benefits of compassionate migration policies on communities, the economy, and the general well-being of the population have been extensively documented in the literature. For instance, Huo et al. (2018) found that Latinos' feelings of belonging and affect are significantly enhanced by welcoming migration policies, including among U.S.-born

Latinos and non-conservative U.S.-born whites. It is crucial, therefore, to delve deeper into the conditions prompting these initiatives as well as to focus on the variables that explain their emergence. This knowledge could provide policymakers and activists with a theoretical basis that will contribute to an agenda aiming to expand migrant rights.

1.4. Definition of key terms

Building on Shipman's and Weible's (2017: 2) understanding of public policy, as well as in the practical operation of an inclusionary migration policy framework in Mexico City, I put forward the term *subnational pro-migrant public policies*. This concept describes policy processes encompassing interactions with a multiplicity of "actors, events, contexts, and outcomes" that result on the potential "satisfaction of societal values" of the time, particularly concerning migration, but not exclusively so. Examples include deliberate decisions by state actors resulting on pro-migrant policies or legislation at the subnational level of government. Such decisions are primarily those seeking to offer benefits and support to migrants; however, and this is crucial, they may be framed in such a way that other marginalized or oppressed populations can access them, sometimes without explicitly mentioning the pro-migrant cause for strategic purposes. Extended beneficiaries might include low-income families, deported or returned national citizens, and other underprivileged groups who experience discrimination due to an *intersection* of various social markers. These markers include, but are not limited to, race/ethnicity, gender expression, sex, age, legal status, nationality, and others.

Subnational governments: With this label I refer to states, counties, cities, or municipalities. When relevant, I will distinguish between the state level and lower administrative units such as the municipality in the case of Mexico.

A Note on Terminology: A Double Hermeneutics of Migrant Organizing Practices

In my work, I adopted an approach that sought to understand collective action undertaken by migrants and civil society in general as key variables impacting the approval of pro-migrant public policies. As will be seen in a later section, these are the 'forgotten' actors in some disciplines when trying to explain why migration policies emerge, particularly in political science but also in sociology and other traditional disciplines in the social sciences. Therefore, it is essential to have a clear language that distinguishes between different types of groupings and forms of collective action. We need conceptual precision to analyze, for instance, the migrant-led advocacy efforts that have emerged in Mexico and Central America and that at times have successfully resulted on pro-migration public policies. In this brief section, I define relevant concepts referring to various organizational forms. Such an effort allows distinguishing between, for instance, a transnational social movement and a transnational network, or a migrant-led NGO and a pro-immigrant advocacy organization as these do not always refer to the same grouping.

Hence, how to distinguish between coalitions, networks, advocacy organizations, and social movements? There is a great deal of misunderstanding when distinguishing a “coalition” from a “network” or a “movement”. First off, none of these groupings emerge in a vacuum. Their genesis is conditional on a wide range of factors which also vary across and within countries, and between organizational forms (Fox and Rivera-Salgado 2019). Academics, activists, political pundits, and general observers often use the same terminology when describing or referring to different organizational forms. For instance, several migrants and activists use the term coalition as a synonym for a network, without taking into account the differences between the two. Although this leads to confusion when trying to conceptually differentiate one from the other, it constitutes an example of what Giddens (1987: 30) refer to as the *double hermeneutic* process, where the theories and concepts devised by the researcher are reused or appropriated by "external" agents or by "subject-matter".

Similarly, social scientists and scholars in the humanities reproduce a comparable practice to better grasp the phenomena under study.

Seeking parsimony is a challenge as it is beyond our reach to achieve consensus within the academic sphere about the proper concepts and theories to use (Ibid). However, we should aim to accurately define and specify the concepts we adopt and, whenever possible, locate those with the greatest authority in our field(s) to avoid conceptual stretching (Collier and Levitsky 1997). Confusing terms could result in a mistaken analysis of the density and cohesion of the actors involved, along with inaccuracies in understanding political and power variations (Fox and Rivera-Salgado 2019; Moctezuma 2013). It is important, therefore, to be aware of the *double hermeneutic* process to accurately codify common-sense knowledge into “second-degree” knowledge or scientific constructions (Giddens 1987; Giddens 2001 and Schults 1994 in Moctezuma 2013).

The definition of *network* that fits civil society actors’ activities originated in the classic study titled *Activists Beyond Borders* authored by Keck and Sikkink (1998 in Fox and Rivera-Salgado 2019: 36). For them, networks are understood as “forms of organization characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange.” They also define *coalitions* as “partnerships of distinct actors that coordinate action in pursuit of shared goals” (Fox 2010). *Movements* are characterized for achieving a “high degree of shared collective identity”, and they can turn into *transnational social movements*, which usually have an even higher degree of density and cohesion compared to coalitions or networks. Finally, the more specific “transnational movement organization” makes us think of multiple organizations with a fairly established membership in two countries or more (Fox and Rivera-Salgado 2019). An international NGO would differ with a transnational one in that the former focus their activity in one nation, but they can be involved in international activity (Fox 2010); meanwhile, the latter should have sustained and simultaneous activity across national borders. Nonetheless, Fox and Rivera-Salgado (2019: 37) warn us about thinking that “more border

cooperation is better” as these types of organizational formations imply taking different costs and risks. Because it can be confusing to differentiate between them, the authors provide us with the hint of thinking of these terms as situated along a spectrum or continuum of density and social cohesion.

Another concept that is useful for our purposes is the term *migrant civil society*. Fox and Rivera-Salgado (2019: 27) advance this label to distinguish between migrant-led efforts and those headed by non-migrants or actors speaking “on behalf” of migrants. The distinction is meaningful for the purposes of migrant’s own agendas because these are commonly displaced by non-migrant actors who purportedly know what is better for them. One of the objectives of this differentiation, beyond achieving conceptual precision, has to be with the recognition of these “organizations through which migrants have strengthened their capacity for self-representation [which] then would serve as a basis for more balanced coalition building with other actors.”

Ethical considerations: In this study, I delved to put ethnic minorities’ insights and experiences at the center of knowledge production. In this respect, I coincide with Speed (2008: 223) regarding how we should engage in dialogue with “those we work with”. In this respect, the author argues that “an activist engagement with research subjects, at a minimum, demonstrates a shared desire to see their rights respected, a promise to involve them in decisions about the research, and a commitment to contribute something to their struggle”. I endeavored to achieve this by highlighting research conducted by scholars of color who foreground the experiences of marginalized subjects and understand them as key perspectives for achieving social justice. Furthermore, wherever possible, I aimed to go beyond merely ‘observing’ the actions of the research subjects by actively supporting them in their protests against the multiple forms of violence to which they are subjected.

CHAPTER 2

2. A Conjunctural Theory of Subnational Pro-migrant Public Policy

2.1. Extant explanations for subnational migration policymaking: An Historical Overview

Theoretical advancements in the area of subnational migration politics, which includes the policymaking process, have been slow to progress until recently. Such a lethargic pace of development shifted with the increase in activity of subnational migration agendas over the past two decades, which subsequently prompted explanatory endeavors on the part of scholars. However, there are prevalent methodological, theoretical, and analytical shortcomings in the literature across various fields in the social sciences. This is true for political science, Latina/o studies, migration studies, international relations, and urban studies. In this sense, the literature that focuses on explaining why pro-migrant and anti-immigrant policies emerge at the subnational level is still developing. With the available literature we are currently unable to explain coherently and comprehensively more recent developments that have taken place in the last decades such as an increase in migration public policy at the state level. To tackle this gap, I put forward my theory called “Conjunctural Theory of Subnational Migration Public Policy” which is a configuration or assemblage of concepts from political science, cultural studies, critical urban studies, political sociology, and subaltern studies of the Global South. It seeks to answer broad questions such as the following: why do subnational public policies emerge that seek to benefit migrants and other marginalized groups? What processes lead to the generation of these policies? Finally, what is the role of non-state actors such as civil society, including migrants, faith-based and international organizations, as agents that potentially drive these policymaking processes?

In this chapter, I begin with a historical overview of the main studies explaining migration policymaking at the national, state, and local levels. My aim is to identify significant gaps in the

literature. The literature review is organized both chronologically and geographically, taking into account developments in the Global North and contrasting them with those generated by scholars in the Global South. This approach not only highlights asymmetries in knowledge production but also, crucially for this dissertation, brings to the forefront theoretical and empirical developments from this geographical and epistemological region, which have largely been overlooked by scholars in the Global North. The focus is primarily on existing theories and explanatory variables that shed light on the causal processes leading to the adoption of subnational pro-migrant public policies. In a subsequent section, I explore explanations employing systemic, conjunctural, or relational approaches, distinguishing them from other studies that rely on isolated independent variables in their explanatory frameworks. Given the complexity and intricacy of the migration phenomena, it is essential to understand the interconnected global, regional, national, and local processes and how they influence the adoption of migration public policies. I emphasize the importance of implementing a conjunctural approach, arguing that it should be viewed not merely as a general background but as a critical part of an assemblage that explains to a large extent the actions of subnational governments. In the final section, I present the main theoretical foundations of my conjunctural theory of subnational pro-migration public policy.

Applying National Theories to Subnational Migration Policy: A Mismatched Approach

Scholars theorizing about the main causal processes leading to (im)migration policies and legislation at the national level have, until at least the 1990s, predominantly relied on macroeconomic variables such as the economic expansion or contraction of a given country, among other socioeconomic processes (Torpey 1997; Massey 2015). These explanations mainly focused on understanding how the macroeconomic context influenced negotiation dynamics between key actors, including arrangements between entities such as unions and employers. Consequently, theoretical formulations prior to this period tended to overlook the role of the state, which encompass politicians, bureaucrats, and other

government actors as key stakeholders. Traditionally, they were primarily considered as mediators, non-critical or secondary actors who balanced forces between competing interests such as the demands of workers, ultimately influencing immigration policy at the national level. According to these studies, the type of policy, whether restrictive or liberal, ultimately hinged on the state of the national economy. In a buoyant economic context, employers would demand the government for more openness in hiring migrant workers. In contrast, during economic recessions, labor unions and parties perceived to be negatively affected by migrant labor would advocate for a more restrictive immigration system (Massey 2015; Torpey 1997). These theoretical approaches adequately explained immigration policymaking before the state assumed a more active role in migration politics.

The trend of theoretical studies explaining immigration policy merely as a result of economic variables or socioeconomic processes began to change gradually and at a slow pace when the role of the state became more evident⁷. In addition to bringing the political back into the theorization of immigration policymaking, Massey (2015) argues that scholars relied on four additional factors: economic conditions, demographic shifts related to migration, ideological societal notions, and geopolitics. With the return to “the local” where subnational governments have increasingly enacted their own (im)migration agendas, sometimes separate from those created at the federal level (Steil and Vasi 2014; Colbern and Ramakrishnan 2020; Chavez and Provine 2009), scholars now need to explain why states and cities have become more active in migration policymaking.

⁷ In an effort to bolster their territorial and High Sea sovereignty, states have sought ways to increase control, management, and regulation of migration flows. This has been partially accomplished through the implementation of measures such as a global system of passports and visas, the construction of walls, restrictive immigration laws and policies, and other means that have drastically curtailed the free movement of people globally (Jones 2016; Brown 2010; Torpey 1997). As a result of these measures, state actors, political parties, legislators, the media, private corporations hired by governments, and other entities have acquired substantial resources (Akkerman 2023; Massey 2015; Abrego 2018; Menjívar 2023 and 2014; Jones 2016), which would lead to the reproduction and exacerbation of this aggressive system of control with detrimental effects on migrant populations as well as on the citizens of states that implement such policies (Abrego 2017; Jones 2016; De León 2015; Villegas 2018; Menjívar 2023).

Given that previous research on migration governmental practices has predominantly focused on the national-level scale (Filomeno 2016; Caponio et al 2018; Nicholls and Uitermark 2016), scholars of ‘the local’ have adapted the same variables used to explain national immigration policy in attempts to elucidate why and how subnational states and cities are involved in these processes. However, due to the fact that national level explanatory frameworks are not always suitable for studying subnational dynamics, the effectiveness and applicability of such variables have been inconsistent. A notable example is the implementation of the racial threat hypothesis (RTH), a dominant theory used to explain the drivers of anti- and pro-migrant public policy, primarily in the U.S. context. I will analyze this framework in the following section and show how and why its application has led to an impasse in the literature on this subject. This analysis aids in threading and articulating the research problem more clearly, which in turn informs how to address the existing tensions between the main camps in the literature (Jacobs 2013).

2.1. Extant Literature in the United States: Main Debates

In the past two decades, scholars have developed explanations to understand the main drivers of migration public policies specifically tailored to subnational entities when they acknowledged theoretical inconsistencies and limited scholarly attention to the phenomena. Answering the call of Varsanyi (2010), Massey (2015), Torpey (1997), and others, scholars of the subnational delved into the causes that prompted migration policies and legislation at the state and municipal/county level, particularly the exclusionary, restrictive, or anti-migrant ones (Light 2008; Wallace 2014; Reese et al 2013; Marquez and Schraufnagel 2013; Lewis et al 2013; Gulasekaram et al 2019; Gulasekaram and Ramakrishnan 2015; Ramakrishnan and Gulasekaram 2012; Chavez and Provine 2009). The inclination of U.S.-based researchers towards the exclusionary aspect of migration policymaking at the subnational level stems from the fact that, at the beginning of the 21st century, a majority of policies, bills and laws approved were anti-migrant (Pham and Hoang Van 2019). In addition, it was imperative

to reveal the pervasive negative effects of these actions on migrant populations and other marginalized subjects. As such, there is relative consensus regarding the main determinants of anti-immigrant policies at the subnational level. However, this is not the case for pro-migrant public policies.

The Racial Threat Hypothesis: A Reevaluation of its Theoretical and Methodological Foundations

The racial threat hypothesis emerged as a result of dynamics pertaining to the U.S. context. In this sense, the U.S. has been understood as a racial state, which means that there is a system of racial hierarchization that has permeated all levels and structures, from its foundation to the present day (Gómez 2019; Yosso 2005). Because of this, social scientists have investigated the role that racial attitudes play in driving policy outcomes. RTH provides structure to this relationship and has remained as an applicable framework to study the correlation between the size and growth of an outgroup, for instance, Latinos in the U.S., and the racial attitudes and policy preferences of a majority group which in the U.S. context would be non-Latino whites (Key 1949; Rocha and Espino 2009; Filindra 2019; Avery et al 2017; Collingwood and Gonzalez O'Brien 2019). This theory was originally thought by Key V.O. in 1949 to explain how the “whites of the black belts” were more “ardent” to uphold “white supremacy” in counties with higher proportion of blacks as reflected by their voting behavior. In contrast, whites in regions with lower proportion of blacks (less than 40 per cent) were less eager or invested in maintaining white rule (Key 1949: 8). From Key’s original elaboration to the present day, U.S.-based political scientists have relied on this framework to shed light on the effect that racial attitudes have on policy preferences and public policy; however, the results are far from being consistent (Reich 2017) due to methodological (Filindra 2019; Vos 2000 in Rocha and Espino 2009), and conceptual or interpretive reasons (Rocha and Espino 2009). In the literature concerning the drivers of migration policies, this framework has been relatively successful in explaining the emergence or deterrence of anti-immigration public policies (Collingwood and Gonzalez O'Brien

2019; Zingher 2014; Marquez and Schraufnagel 2013; Nicholson-Crotty and Nicholson-Crotty 2011; Monogan 2013). This is not the case for pro-migrant public policies. Let's consider some examples of studies that illustrate the contradictions and differences in outcomes when testing RTH.

One of the most relevant studies on the topic was that of Chavez and Provine (2009). The authors explored immigration legislative activity approved during the contentious period of 2005 and 2006 in fifty-five U.S. states. Their findings pointed to differentiated factors that were contingent on the type of law passed⁸. Pro-immigrant legislation was an outcome of population dynamics such as a high concentration of well-established Latinos and the growth of the immigrant population, variables considered by RTH. In addition, a liberal state government or a liberal citizenry were not key conditioning factors unless the former was strongly progressive. Finally, contrary to their initial hypothesis, border states were more likely to approve pro-migrant legislation although they did not offer an explanation for why this could have been the case. The findings concerning RTH support the opposite of its original formulation. That is, instead of predicting anti-immigrant policies and/or attitudes, in this case, they explain pro-immigrant policies. These authors and others have found similar results when testing the demographic variables in question.

On the other hand, Collingwood and Gonzalez O'Brien (2019) obtained differing results. In one of the most recent studies on the topic, the authors' research responded to the question of why U.S. states introduced anti- and pro-sanctuary legislation related to sanctuary cities in 2017. It was in this year that states and cities introduced bills revolving around sanctuary in an unprecedented manner. Trump's anti-immigrant and anti-sanctuary rhetoric, as well as the role of the media, which exponentially profiled the few existing undocumented migrant crimes, were the main drivers of the

⁸ Restrictive legislation was an outcome of state citizens' ideology. Using partisanship as a proxy for conservative ideology of the citizenry, they found that states with more Republican voters were more likely to approve anti-immigration laws (Chavez and Provine 2009).

general upsurge. The authors found some support for RTH, indicating that the density and growth of Hispanics lead to exclusionary policies in the U.S. context⁹. However, and more importantly for our purposes, the authors did not find that a high proportion of Latinos and a significant growth of this population are causal variables driving the introduction of sanctuary bills; rather, these variables reduce the likelihood that pro-migrant bills are introduced. In addition, the authors' findings indicate that the partisanship and ideology of states' citizens and legislators play a fundamental role in explaining the introduction of pro-sanctuary bills. That is, in states where Hillary Clinton performed very well and where public attitudes on immigration policy were liberal, the likelihood of pro-sanctuary bill introduction was higher.

Adding more complexity to the puzzle, other scholars such as Marquez and Schraufnagel (2013) have found that the size of the Latino population can explain pro-migrant public policies, but not their growth. More specifically, they found that a significant proportion of Hispanics is associated with an increase in *both* pro and anti-immigrant laws. These and other contradictions have been underscored by scholars like Filindra (2019), Reich (2017), Rocha and Espino (2009), among others. Nevertheless, there are some proposals that offer insights into this puzzle.

Rocha and Espino (2009: 424) call for considering different components or intervening variables, such as levels of social contact between minority and majority groups, to “more appropriately characterize” the racial context under analysis. The authors argue that the *social contact hypothesis* is a complementary theory that could help to explain the widely divergent findings of studies utilizing RTH as their main explanatory framework. In a broad sense, SCH theory posits that increased contact with minority groups fosters greater racial harmony. For instance, within a context where racial segregation exists, a

⁹ Regarding anti-sanctuary bills, the authors also found that interest group influence along with increases in the size and growth of the Latino/o population are positively associated with these bills.

significant proportion of minorities may affect the attitudes of a majority group where the latter feel threatened. In contrast, a more closely integrated community may reduce the likelihood of the majority group holding negative attitudes toward minorities, even when the latter represent a significant proportion in the geographic area being analyzed. In a study supporting SCT main postulates, Berg (2009 cited in Márquez and Schraufnagel 2013) found that whites with a certain level of formal education were more likely to exhibit positive attitudes towards immigrants when they had regular encounters. This theory does find wide consensus among scholars investigating how and why increased contact between ethnic/racial groups reduces the likelihood of animosity among them (Rocha and Espino) at least at the individual level of analysis (Forbes 1997).

The divergent findings presented reflect the existing contradictions among scholars resorting to the RTH with the aim of elucidating the emergence of pro-migrant public policies by. In sum, while most researchers posit that demographic variables influence anti-migrant attitudes and policymaking at the subnational level, others contend that these same variables can yield diametrically opposing outcomes (i.e., pro-migrant policies). Commenting on these contradictions, Avery et al (2017) argue that, while the literature shows that a significant proportion of minorities in a particular area often prompts “greater opposition to immigration, this relationship appears to depend on a number of contexts, including legal status, as well as national and local ethnic or immigrant contexts.” What Avery et al. refer to as “a number of contexts”, I interpret as an assemblage of intervening variables, with varying degrees of significance operating together, or that are interrelated. In this regard, I argue that what RTH lacks is a methodological appreciation for complexity. That is, it does not take into account the intervening variables and their interrelations in the design of a theory that can successfully explain why certain subnational governments enact pro-migrant public policies. Of course, there is an extensive list of potential variables or “contexts” that could be included in the assemblage to which I refer, as

noted by Avery et al., and therein lies the challenge. However, I contend that an effort to introduce greater complexity into RTH is necessary to fully explain the phenomenon in question.

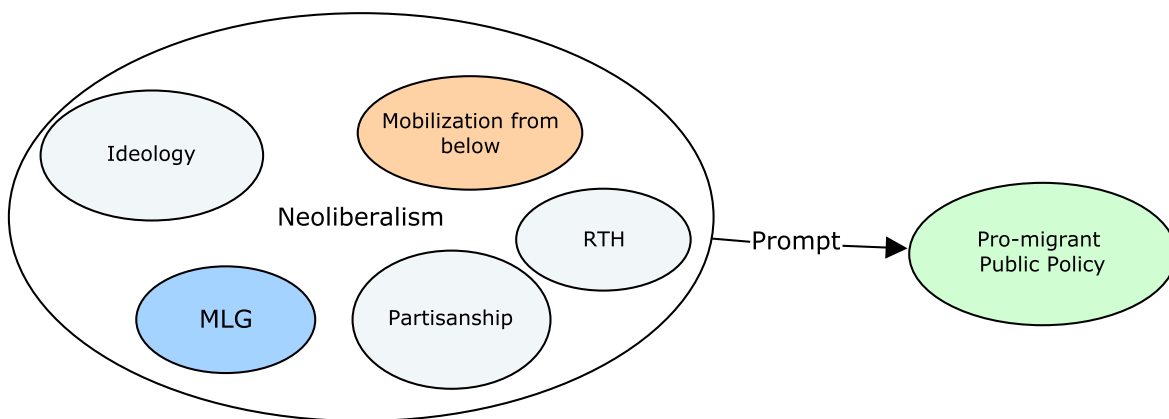
RTH fails to consistently explain why pro-migrant public policies emerge because it follows an erroneous methodological path. Its main assertion relies on an approach in which most, if not all, of the explanatory burden lies in one or two independent variables (proportion or growth of the outgroup), which are supposed to exert a direct influence on two or more dependent variables (pro and/or anti-migrant policies and legislation). This is an impossible task, according to Charles Ragin, a leading scholar in social science methodology (1987 in Perry 6 and Bellamy 2012). The vast majority of studies relying on RTH draw on a quantitative methodology (Filindra 2019) based on conventional inferential statistics. Therefore, it is common for their explanations to depend on variables as opposed to, say, *configurations* or “the set of values taken by variables as a set” (Perry 6 and Bellamy 2012: 178). Researchers undertaking the ‘conventional’ approach might attempt to isolate and measure the effect of individual variables. However, I agree with Ragin that it is unrealistic to expect that individual variables can exert a causal influence independently of one another. I build on Ragin’s critique to quantitative researchers adopting the methodology described, to contend that it is rather the entire configuration, assemblage, or set of variables that does the explaining. These variables are always entangled or interconnected and cannot be understood without thinking of them in combination.

Equally relevant is Ragin’s assertion that the same outcome could occur through various configurations of the variables considered, which would result in “different explanatory routes” (Perry 6 and Bellamy 2012: 178). Therefore, quantitative researchers focusing solely on the independent contribution of separate variables can be misleading. It may mask the complex reality that the same outcome (e.g., pro-migrant public policies) can result from different causal paths. Scholars then need to consider how various factors are interconnected, how they can differ or be similar in different contexts, and which ones overlap (Perry 6 and Bellamy). Hence, and for our purposes, the “lifting

machinery” or *configuration* and their interrelation would explain the emergence of subnational pro-migrant public policies.

With what I have argued in the preceding paragraphs, I contend that RTH is incomplete; it overlooks a set of variables that should be considered, in addition to the conventional factors (i.e., growth and size of an outgroup), and their interaction with one another. More specifically, once a significant proportion or a substantial growth of the out-group or racial group is reached, other variables must be factored into the design of an effective theory of subnational migration public policy. **I argue** that the additional variables we need to incorporate include regional and global *conjunctures*, mobilization processes from below (e.g., migrant grassroots mobilization), multi-level dynamics between different levels of government within and across borders, partisanship of the citizens and legislators in the state to be analyzed, as well as their ideology and that of the governor in office. I refer to this configuration or assemblage as a *Conjunctural Theory of Subnational Migration Public Policy*. In the subsequent sections, I will delineate the structure of my theory and detail its underlying mechanics.

Figure 1. Visual Configuration of the Conjunctural Theory of Subnational Migration Public Policy



Source: Own elaboration

2.2. Theoretical Foundations of the Conjunctural Theory of Subnational Migration Public Policy.

2.2.1. A Conjunctural Approach to Subnational Migration Public Policy

Antonio Gramsci opened the way to complexity in the understanding of the conjuncture by being the first to assign a distinctive analytical value to the concept (Clarke 2023; Hall and Massey 2010). In his *Selections from the prison notebooks*, Gramsci (1999: 399, 400) explains that a conjuncture is “a set of immediate and ephemeral circumstances”, “characteristics”, or “processes of ever-changing combinations” that give form to certain situations. For him, conjunctural phenomena are characterized by a temporal dimension that is not close to be relatively permanent. Therefore, Gramsci conceived it as lacking the characteristics of, for instance, organic movements that possess profound historical significance. Drawing on Gramsci’s work, Cultural theorist Stuart Hall and Doreen Massey, a geographer, have elevated the concept of conjuncture to a whole system of analysis or even a discipline on its own (Hall 2017 in Clarke 2023). For Hall, it signifies a “period during which the different social, political, economic and ideological contradictions that are at work in society come together to give it a specific and distinctive shape” (Hall and Massey 2010: 57). In contrast to Gramsci, Hall assigns a more important historical weight to conjunctures by understanding them as a type of analysis that gives us the possibility of observing a complex and concrete spatio-temporal moment, in the form of syncretism. The temporal dimension is not used as a parameter to define it since a conjuncture can last for a long period, or a short one. Such interpretation also departs from Gramsci’s initial conceptualization.

Jhon Clarke, a culturalist contemporary of Stuart Hall, has studied and perfected the conjunctural analysis approach. In his most recent publication, he defines it as “a spatio-temporal phenomenon (...) driven by multiple social relations and dynamics” which are condensed in a way that let them

interact with each other in their respective spatial and time frame (Clarke 2023: 2). This definition shares several characteristics to Hall's notion. In fact, they have worked collaboratively to produce this novel methodological approach to analyze complex political-cultural phenomena (Hall et al 1978 in Clarke 2023).

I found this approach useful for my own analysis because the complexity of the phenomenon requires explanations that transcend reductionist thinking. Rustin (2012) examined the current neoliberal crisis through the lenses of conjunctural analysis and emphasized the relevance of this approach for understanding complex interdependencies that cannot be explained by resorting to linear patterns of causality. He associated the “complexity theory”, advanced by disciplines in the natural and hard sciences for understanding convoluted systems, to the conjunctural analysis. In this sense, this is an approach that embraces indeterminacy and the impossibility of drawing explanations based on linear causal determinism, such as those created by classic economic determinism (Rustin 2012: 29; Prigogine 1997). Conjunctural analysis goes beyond the analytical level of general contextual descriptions of events found in the initial sections of most academic journals. This approach can uncover how multiple variables may contribute to non-linear causal explanations while offering a path that allows the researcher to grasp how these causal processes are intertwined or assembled within a specific conjuncture. Similarly, Clarke (2023: 5) likens the conjuncture to a “landscape” in which all these variables are assembled or articulated. Of course, this is no easy task, as this type of analysis poses an enormous challenge for a single researcher. As Clarke (2017: 84) maintains: “No one scholar can grasp the multiplicity of forces, pressures, tendencies, tensions, antagonisms and contradictions that make up a conjuncture”.

Aware of such a challenge, the approach I deploy is an approximation that strives to provide a more complex explanation of how the current conjuncture –characterized by the demise of neoliberalism

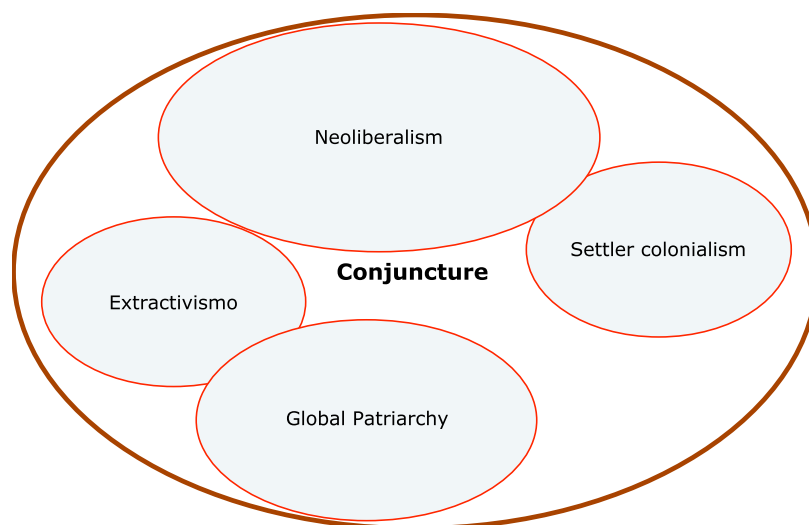
(Chibber 2004; Massey and Rustin 2015; Rustin 2012), *extractivismo*¹⁰ (Riofrancos 2020; Varela 2020), settler colonial practices (Castellanos 2017; Nakano 2015; Hernández Kelly 2017), and global patriarchy— influence more concrete and empirically testable and/or measurable variables (See Figure 1). Although it is sometimes not possible to establish a direct relationship, here I make an effort to enunciate them and to articulate on a particular mode of dominance¹¹, that is, neoliberalism. Similar approaches making strands to capture complex dynamics can be found in the *assemblage theory* evoked by Landoldt and Goldring (2019), which enabled them to demonstrate the interrelation of contradictory actors, processes, and institutions shaping the lived experiences of migrants which they refer to as *assemblages of noncitizenship*. Similarly, the systems approach devised by Arar and Fitzgerald (2023) in their book *The Refugee System: A Sociological Approach* offers an example of complex thinking akin to that pursued by scholars advancing conjunctural analysis¹². They provide a multifaceted explanation of the refugee system through the study of dynamics between and within states, processes beyond states relations, and the role of different iterations of power and how they are entangled. They argue that this approach allows them to uncover “the underlying dynamics of *refugeedom*” or “the relationship between refugees, state, and society”, that in turn elucidates *refugeehood* or “the experience of becoming and being a refugee (Arar and Fitzgerald 2023: 6).

¹⁰ Thea Riofrancos (2020) defines *extractivismo* in its political iteration as a discourse advanced in Latin America to critique the conjugation of “environmental and cultural destruction” as a result of “the longue durée timescale and spatially expansionary imperative of the extractive model.” The focus of *extractivismo* centers the communities that are most affected by oil and mining, and the idea of *territorio* conceived as “socio-natural landscape”.

¹¹ Critical scholars have done the difficult work of unraveling what Boaventura de Sousa and Mendes (2017: 6) call *modos principales de dominación* (the main modes of dominance); although they differ in their main constitutive elements. For these authors, the key oppressive structures in the Global South are colonialism, capitalism in its generality, and global patriarchy. Nevertheless, they acknowledge that these forms of dominance are associated with others, such as religious or political authoritarianism. With the latter statement we can see that the constitutive elements are not set in stone.

¹² In fact, the authors borrow on Douglas Massey and colleagues, who have implemented a conjunctural approach to explain complex sociopolitical and cultural phenomena.

Figure 2. Visual of the Current Conjuncture and Main Modes of Domination



Source: Own elaboration

Although the systems approach is different from the conjunctural in terms of the relevance that the former gives to the economic (world systems) over the political and cultural, and in the more chaotic dimension of the elements that make up the conjuncture compared to the cohesion envisaged by systems approach, the authors undertake an effort of complex thinking that provides non-isolated answers to complex phenomena. They offer a useful critique of *siloed approaches*, or frameworks whose knowledge production is limited (8). Here, I use their categorization in a broad sense to establish differences between the conjunctural approach and those frameworks that do not use complex thinking in the form that I have described above. I also complemented their categorization with different examples to better clarify the features of *siloed approaches*.

Several legal and policy studies provide explanations about migrations and refugees without providing a critical historical context, that is, they portray an ahistorical perspective of their subjects of analysis. For instance, when sociologists, social movement and migration scholars tried to explain the massive migrant rights protests of 2006, many theorized them as spontaneous and ephemeral events (Killian

1984; Biggs 2003, 2005 in Bloemraad, Voss and Lee 2011) without considering an activist legacy whose process had been germinating for at least four decades (Villegas and Santamaría 2019; Gonzáles 2014; Barreto et al. 2009; Voss and Bloemraad, 2011). In a more recent example, the federal administration under President Joe Biden discussed migration from Central America, and more specifically from Honduras, Guatemala, and El Salvador as a result of “root causes” or “fundamental reasons” (The White House 2021; Dias 2021). To his administration, those variables were related to climate phenomena, poverty, and gang violence; however, acknowledgment of U.S. foreign policy or U.S. intervention decades ago was absent from the discussion, as it had been in the case of each former president. Following the President’s administration discourse, the U.S. Congressional Research Service published a policy brief where they identify “natural disasters and poor governance” as root causes of migration from this region (U.S. Congress 2022) without any mention to what Leisy Abrego (2017:1) has called “the denial of state terror”. These examples lack an historical perspective about migration but also serve as an illustration of a *double hermeneutics*, a process in the social sciences where the theories and concepts envisaged by the researcher cannot be kept hermetically contained without being utilized, appropriated, or re-signified by "external" agents or by "subject-matter" (Giddens 1987: 30; Gamlen and McIntyre 2018). In this case, the practice shows how politicians and policymakers reappropriate and re-signify language from academics on the left (i.e., root causes) who have been critical of long-standing U.S. interventions in Central and Latin America.

In addition, the conjunctural approach provides a structural explanation of displacement and migration that surpass the explanatory power of immediate or focalized and isolated independent variables such as individual characteristics of migrants, socioeconomic conditions, poverty, different types of violence, natural disasters, or poor governance. A conjunctural analysis that aims to respond why people migrate has to transcend merely economic models based on a simple cause and effect reasoning. Borrowing on Arar and Fitzgerald’s (2023: 15) account of the explanatory power of the

systems model, I contend that the conjunctural approach also considers “interactions of power and ties” that have an influence on contemporary human migration movements, along with the role of structural forces (not only the economic but the political, economic, and cultural as well), and key actors involved in the process such as the state, migrants and their families, and the industry of migration¹³.

Finally, an important contribution of the systems approach highlighted by Arar and Fitzgerald is its handling of categories, definitions, and data. Within siloed approaches, many scholars in the social sciences tend to rely heavily on categories and data that are produced by international NGOs or policymakers. For instance, they might narrow their analytical scope by incorporating a legal or policy-based definition of a migrant when building a case in an asylum hearing. Regarding data, their studies

¹³ The question of why people migrate has been answered with the support of various theoretical models. I consider it important to point them out here in order to understand where the conjunctural analysis would fit into a theoretical model that explains why people migrate. One of the most widely resorted to is the push-pull model. Functionalist in essence, it presupposes a trade-off between labor supply and demand, which achieves equilibrium as a result. This theory approaches the phenomenon in an optimistic fashion because the balance results in a positive equilibrium with a functional benefit. Massey (2015: 4), based on Todaro and Maruszko’s conceptualization, aptly summarize this theory as the process in which “people migrate to the location [that] offers the highest lifetime returns for their labor so that in the aggregate labor flows from low- to high-wage areas until an equilibrium is reached”. A similar version is the new economics of labor migration theory though it questions various assumptions and conclusions of the push-pull model. The emphasis is no longer on the individual as the subject of decision making, but on the family, which is the central actor in the decision-making process. It also deviates from a rationale aiming to maximize income to one intended to minimize economic risk caused by the failures of the market (Stark 1991 in Massey 2015; Blanco; Durand and Massey 2003). The main frameworks explaining migration from sending countries that considers pull factors is the world systems theory and the institutional theory (Massey 2015). The first one is Marxist-oriented and includes interdependence theory. Both understand migratory movements as a consequence of imbalances in world economies, specifically in the division of labor, which contribute to increasing inequalities (Blanco 2000; Castles and Miller 2004; Durand and Massey 2003). World systems theory move beyond methodological nationalism by theorizing a global system of capital accumulation with core and peripheral countries. The former extract economic benefits from the latter. For a more detailed explanation and recent application of world systems theory from the perspective of a systems approach see Arar and Fitzgerald (2023). Another key framework to explain push conditions is the Institutional theory and originates in economics. It is similar to world systems theory in that it takes into account structural transformations that are a result of a transition from a subsistence economy to a market system, which leads to displacement of people (Massey 2015).

Among the dominant pull-related theories, the dual or segmented labor market theory prevails. This framework focuses on macroeconomic aspects of places of destination, that is, the need for labor in more developed economies or post-industrial societies. Its underlying characteristics are structural inflation, motivational problems, economic dualism, labor force demographics, and rural-urban shifts (Durand and Massey 2003) Later iterations integrated as pull factors the demand of immigrant workers in ethnic communities in countries of destination, which in turn created ethnic enclaves categorized as a third labor market sector (Portes and Bach 1985 in Massey 2015).

might also be constrained to databases created by policymakers, such as defining who qualifies as a refugee. However, these decisions are questionable since the purpose of these actors in creating concepts and gathering data is often merely practical or even driven by the interests of the state, capital, or groups that are detached from the marginalized groups they target. Therefore, the basic premise provided by Arar and Fitzgerald should be taken into account by scholars implementing a conjunctural approach. Whenever possible, scholars should have to choose or create categories of a more analytical nature to avoid limiting their analysis to the parameters of state, humanitarian, or other similar entities.

2.2.2. On Neoliberalism as an Element of the Conjuncture and its Impact on Migration Public Policy

An important quality of the conjunctural approach that contributes to a better understanding of the particular moment in which pro-migrant policies and practices are developed by various subnational entities, is its capacity of facilitating the identification of particular moments of change or crisis. These moments are key periods that this type of analysis may help to elucidate. Cultural thinkers and scholars such as Hall and Massey (2010; 2012), Clarke (2023), and Grossberg (2019) have refined Gramsci's ideas on the concept of conjuncture to identify turning points in history or "major ruptural crisis" such as transitions between conjunctures (Hall and Massey 2012: 56). For instance, Hall et al (1978 in Clarke 2023) identified a particular conjuncture which was constituted by the post-war, a political-cultural or social-democratic consensus around the welfare state and its sub-elements, including the ways it fell down making way to a different conjuncture of which neoliberalism was a key part (Clarke 2023; Hall and Massey 2010). Another relevant example of how scholars have used this approach is found in Clarke's (2023) book "The Battle for Britain: Crises, Conflicts and the Conjuncture". Here, the author implements a sophisticated version of this approach to understand how several moments, variables, and events came together or became entangled in a syncretic manner to give way to what

Clarke calls the “Battle for Britain” –the moment in which political-cultural movements emerged to assert a form of neoliberal form of British/English nationalism (1).

Some authors such as Hall (2012) contend that the current conjuncture reflects a moment of crisis in which change is possible. I agree with Hall and argue that the current moment represents a *major ruptural crisis* that signifies a turning or nodal point between the present conjuncture in which neoliberalism is one of the *main modes of dominance*. Therefore, an understanding of this element is imperative if we want to capture why subnational pro-migrant public policies have emerged in Mexico. So, what is neoliberalism? The most common definition is economic. At this level, neoliberalism can be understood as the set of market conditions signaling the retreat of the state from the economic sphere. From this angle, David Harvey (2005) understood it as a grand theory of political economic practices designed with the contradictory objective of "liberating" individuals' entrepreneurial freedoms and abilities, but (and here lies the contradiction) from an institutional environment that guarantees private property rights, as well as free markets and trade. However, it also encompasses the cultural and political realms. Rose (1999 in Roy and Ong 2011: 5) interpreted neoliberalism beyond a particular space or state-led policies and called for an understanding that centers on a “logic of optimization” that seeks to make rational calculations to “optimize conditions for self-governing” (21). This logic or relationship between different entities can be embraced not only by governments and institutions, but even by NGOs, unions or labor organizations, and other actors founded upon anti-market ideologies (4). Such a logic has made strands sometimes by consent *a la* Gramsci (Hall 2012; Harvey 2005), others by coercion as it was the case of Chile and Argentina when U.S. imperialism imposed the neoliberal model in the region (Harvey).

Therefore, it could be argued that the neoliberal was first designed as a doctrine in the mid-20th century (Peck et al 2018; Harvey 2005), then as an economic theory (Harvey), and later positioned as

an entire structure of dominance which has entered a phase of marked decline and crisis (Rutherford and Davison 2012) though with dissimilar negative effects in places where “actually existing neoliberalism” can be found (Peck et al 2018)¹⁴. Beyond the scaling back of the state, urban critical scholars, anthropologists, and others have enhanced our understanding of all things neoliberal. For instance, Peck et al (2018: 3) conducted a granular formulation to understand how the neoliberal has been recombined to shape power. What they found was a great deal of variability in the geographies of “actually existing manifestations” of neoliberalism. Therefore, we can state that there are diverse iterations of neoliberal rationalities, manifestations, or logics that are far from been homogenously applied (Roy and Ong 2014; Snyder 2001).

In sum, the current conjuncture –characterized by the crisis of neoliberalism– affects how national and subnational governments (and several other actors involved) respond to the migration phenomena. The conjuncture, then, enables us to gain a deeper understanding of why pro-migrant public policies emerge in different national contexts, such as Mexico and the United States, and unveils the impact of global dynamics within more specific contexts.

2.2.3. The Interplay between National and Subnational Migration Politics: Unpacking Dynamics through Multilevel Governance

Subnational states, cities of different sizes, and localities' political approaches to migration issues sometimes align with those of nation-states; at other times, their practices are diametrically opposed to those enacted by federal governments. How can this be explained? Divergences or convergences between different levels of government and their interactions is a theme that the Multilevel Governance perspective (MLG) have explored profoundly. MLG offers a valuable theoretical model

¹⁴ Cultural scholars Hall and Massey (2012) and Clarke (2023) argue that neoliberalism was unleashed as a result of an alliance woven between Margaret Thatcher and Ronald Reagan in 1979-80.

for understanding the complex dynamics between different levels of government within and across national borders.

Scholars in Europe (Caponio and Jones-Correa 2017) as well as in non-western Global North countries like Japan (Milly 2014 and 2006; Shipper 2008; Tsuda 2008 and 2006), have advanced original conceptual frameworks to enhance our understanding of migration public policy at the subnational level. Among their main contributions, these scholars have created sophisticated indices to categorize types of migration policies (Filindra 2019), have emphasized the role of NGOs and civil society –to a much greater extent than scholars in the U.S.–, although ambiguously (Caponio and Jones-Correa 2017), and have formulated MLG. The contributions of MLG whether considered a theory, an analytical concept, or a field of study, are key to the development of my *Conjunctural Theory*.

MLG scholars frame immigration policy at the subnational level as a piece that is part of a complex web of horizontal and vertical relationships between governments, as well as interactions with diverse entities existing outward and upward (e.g., international NGOs or supranational governments), or downward (civil society organizations or non-governmental actors). Attributed to Gary Marks in the early 1990s (Caponio and Jones-Correa 2017; Caponio 2018; Panizzon and van Riemsdijk 2019), MLG is sometimes conceptualized as the “governance of migration”, which generally refers to the interrelated efforts of multiple actors operating under a convoluted web of networks to manage or attempt to solve migration issues (Caponio et al 2018). Since MLG appeared as a response to the changing relations between different levels of government with the advent of the European Union, this framework mostly assumes that the centralized model of migration policy, in which the nation-state has total control and primacy, has been left behind. It has been applied as an ideal-type model, a concept, and a theory by most researchers who engage with it (Caponio and Jones-Correa 2017; Caponio 2018; Panizzon and van Riemsdijk 2019; Adam and Caponio 2018; Liesbet and Marks 2003;

Campomori and Caponio 2017). As it was conceived in the European context, some of its elements are incompatible when applying it to different regions. However, there are some scholarly efforts that attempt to adapt it to different regions such as Latin America (Filomeno 2018; Ortega 2021).

2.2.4. Partisanship and Ideological Orientation

Partisanship and party identification have been among the most stable indicators for predicting people's electoral behavior. They considerably influence voters' political attitudes and public policy preferences (García and Sánchez 2021; Collingwood et al. 2020; Dalton 2015). In the area of immigration policy, partisanship and ideology of citizens, governors and state legislators, are among the variables most strongly associated with the approval of pro- and anti-migrant public policies at the subnational level (Collingwood and Gonzalez O'Brien 2019; Ramakrishnan and Wong 2010; Ramakrishnan and Gulasekaram 2013).

On the pro-migrant side, this configuration of variables carries more weight when the political actors involved hold strong progressive ideologies (Chavez and Provine 2009; De Graauw and Vermeulen 2016). But how does this relationship unfold? Elected candidates generally respond to the demands or pressures of their voters or constituencies (Chavez and Provine 2009). For example, voters' positions on the migration issue, influenced by various factors such as ethnic solidarity (Barreto 2010), may shape the agenda of the elected politician or legislator. Conversely, voters may adopt positions based on what the elected politician or political party conveys to them, thus "guiding voters into their policy stance" (Collingwood et al. 2020). In other words, party identification simplifies the political process for citizens by guiding their political preferences and providing cues on how to align themselves with the policy positions of political parties (Dalton 2015). For instance, Collingwood et al. (2020) found that the Democratic Party's stance on immigration significantly influenced the U.S. electorate's views on the sanctuary policy debate. This relationship is dynamic, as parties in the U.S.

have only recently begun to actively incorporate issues of race and ethnicity into their agendas (Gest 2016 in Ibid).

The foregoing implies that partisanship and political ideology significantly influence the types of public policies that are approved. Several authors highlight that having liberal governments greatly increases the likelihood of approving pro-migrant public policies (Ramakrishnan and Gulasekaram 2012; Collingwood and Gonzalez O'Brien 2019; De Graauw and Vermeulen 2016). For example, in a study of four cities in the Global North, De Graauw and Vermeulen (2016) found that cities with left-leaning governments were more likely to support immigrant integration policies, although this factor alone is not sufficient.

Therefore, in the context of this study I anticipate that the partisanship of Mexico City voters, but especially the political ideology of the dominant group in the state congress and of the governor in office, as determined by their party affiliation, could explain the approval of the Interculturality Law, in conjunction with other factors.

2.3. Global South Perspectives Enhancing Subnational Theory

Research examining subnational (im)migration policymaking processes in the Global South and published in Western specialized journals remains relatively scarce compared to studies focusing on cases in the Global North. The underlying causes for this disparity are not only related to the inertia generated by the sanctuary cities debate in the global North, specifically in the United States and Europe, as Garcés-Mascreñas (2019) pointed out. Indeed, most U.S. and European progressive states and city governments have appropriated the “sanctuary” label from the Sanctuary Movement when approving pro-migrant policies and legislation. However, this is not the main reason why most studies focus on cases located in the geographical Global North. A major structural reason is related to the effects of colonialist and imperialist practices that have negatively impacted the way research from the

Global South is valued, which materializes in a systematic epistemic exclusion (Go 2020; Alatas 2003; Castro and Alburez-Gutierrez 2022; De Sousa 2017; Roy and Ong 2014; Oztig 2022) or "the domination of one people by another in their world of thinking" Alatas (2003: 601)¹⁵.

Yet, scholars in the Global South theorizing *subnational pro-migrant public policy* have produced cutting-edge studies with theoretical and methodological frameworks that critically challenge prevailing theories developed in the Global North. These scholars have produced studies to explain why and how large urban metropolis have responded to increased migratory pressures. Ortega (2021) point to this pressure has increased due to the fact that countries in the Global North have reduced the volume of immigrants they accept within their national borders, and because there is greater mobility across Asian borders, even surpassing migratory movements within Europe. Indeed, as McAuliffe and Triandafyllidou (2021) have documented, there is a high influx of immigrants to several regions in the Global South compared to previous periods. In fact, scholars of migration have predominantly focused on South-North migrations. Nevertheless, several migratory patterns underscore the significance of movements in different directions. Currently, South-South and North-South migration has become much more relevant. For instance, an overwhelming majority of refugees and asylum seekers live in the Global South (Garcés-Mascareñas 2019; Leal and Harder 2021), which reflects the preponderance of south-south movements.

As a result of these new dynamics, Roy (2014) and Roy and Wong (2014) advocate for a shift in academic knowledge production to challenge prevailing narratives produced by conventional Western

¹⁵ As an example of the effects of *Western academic imperialism* (Mignolo 2014), Demeter (2020 in Oztig 2022) shows that there is six times more research from the Global North in Scopus-indexed social science journals than that produced in Latin America, the Middle East, and Africa together. Similarly, Castro and Alburez-Gutierrez (2022: 1) argue that the view considering Western thought superior directly affects how knowledge is valued and produced in the social sciences. To them, Western hegemony has imposed metrics making "the West the "default case" and the search for universal, timeless, and context- and value-free knowledge in science." Notwithstanding, Mignolo (2014: 586) theorizes that academic imperialism by the West is coming to a close with the enactment of processes that he has called "Epistemic dewesternization and epistemic decolonization".

thought. They emphasize the value of policy innovations and progressive political practices in states and cities in the geographical Global South, indicating that these can serve as examples for the Global North to emulate. In Latin America, the existing literature points to an upsurge in subnational practices with integrationist aims (Délano 2021; Filomeno 2018; Ortega 2013, 2019 and 2021; Alejo 2020; París et al 2018; Torre Cantalapiedra and Yee Quintero 2018; Flores 2019; Torre-Cantalapiedra and Schiavon 2016; Marchand and Ortega 2019; Marzorati and Marconi 2018; Calderón 2018; Vilches 2011).

From the Streets to Policy: How Social Movements and Grassroots Mobilization Shape Outcomes

Most prior research on the drivers of subnational pro-migrant public policy, particularly among U.S. political scientists, seldom attributes a significant role to collective action in effecting political change beyond their capacity to influence or mobilize voters or exercise their voting power as a bloc (Gutierrez et al 2019; Avery et al 2017; Filindra 2019). Colbern and Ramakrishnan (2020: 78) have noted this, observing that political scientists “tend to privilege the calculations and actions of political elites rather than social movement actors”. Other social movement scholars make similar appreciations (Amenta et al 2018). Aware of these oversights, I pay particular attention to what Watson (2009) referred to as an epistemology of “seeing from the south” (Watson 2009), which implies understanding how subnational public policies are impacted and reconfigured by the collective action of actors from below, such as undocumented migrants (Roy 2014; Marchand and Ortega 2019). How does the literature explain the role of social movements, more broadly understood here as collective action, and its effects on policy outcomes?

Scholars in other latitudes beyond the U.S. have given greater prominence to the role of social movements, grassroots mobilization, and civil society, in the approval of pro-migrant public policy (Amenta et al 2018; Steil and Vasi 2014; Snow et al 2018; Amenta and Caren 2004; Amenta et al 2010;

Milly 2014 and 2006; Nicholls 2013; Shipper 2008). Therefore, it is important to analyze theoretically and empirically what is the actual relevance of this variable. Social movement scholars have been problematizing the relationship between collective action and its successes or consequences without reaching consensus. How can the success of a social movement be assessed? Under what conditions does collective action lead to results that benefit the collective? Although there have been some theoretical developments, no agreement has been reached. In the case of state-related impacts, we found ourselves in a similar conundrum.

If we take as a measure of success the passage of a law or policy that benefits the group, acknowledging the limitations of this standard (Amenta et al 2010), one of the main difficulties for researchers has been to determine the proper significance of collective action amidst a multitude of factors and actors that also play a role in the policymaking process. Thus, before determining what constitutes success (when present), the challenge has been to ascertain the true influence of collective action in achieving said success, result, or consequence (Amenta et al 2010; Amenta and Caren 2004). As Amenta et al (2010: 288) aptly put it:

Unlike mobilizing constituents, creating collective identities, increasing individual and organizational capacities, or altering the career trajectories of movement participants, political consequences are external to and not under the direct control of SMOs [Social Movement Organizations]. The proximate actors in key political decisions are political executives, legislators, administrators, and judges, each subject to myriad influences.

Methodologically, studying individual challengers' actions can make it difficult to exclude other plausible causes leading to the outcome under study. These complexities have led most political scientists to dismiss collective action from their models or explanations outright, with some notable exceptions¹⁶. Conversely, some social movement scholars have attributed to collective action the

¹⁶ A notable exception to such omission in the field of political science is the work of Colbern and Ramakrishnan (2020). The authors assign a substantial role to social movements in their theory, which explains the advancement of progressive state citizenship in California. Scholars in other latitudes and disciplines, including history, urban critical studies, and political sociology, have been at the forefront in acknowledging the role of collective action on Pro-migrant public policy.

ability to effect political change in most circumstances (Baumgartner and Mahoney 2005, and Piven 2006 in Amenta et al 2010). These contrasting positions are in the extremes and can be debated. Rather, researchers' efforts would be more fruitful if they were to focus on teasing out the weight of collective action in the creation of public policy and political change more broadly. The latter approach has been advanced by Amenta et al (2010), Amenta and Caren (2004), Amenta et al (2018), and others to better assess the impact of collective action on state outcomes. Specifically focusing on the legislative process, they argue that the relative influence of challengers can be measured by partitioning the lawmaking process into its components of agenda setting, legislative content, passage, and implementation. There can be a successful contribution of collective action in one or more of these stages; however, unless a challenger can influence every stage of this process, the impact of collective action on legislative outcomes remains partial. It should be noted that the influence in only one part of the process does not necessarily imply minimal or negligible impact as the gains achieved as a result of this success can impact other areas beyond public policy. That is, there may be contributions in other unexpected fields, and there may even be setbacks. On the other hand, we may find cases where influence has been exerted in all the stages; however, the resulting collective benefits could be short-lived. Herein lies the difficulty of "measuring" the real contribution of collective action.

Thus, how to measure the impact of collective action? Amenta and Caren (2004: 465) provided a "basis for analyses of state-related gains" through a "three-level" approach. At the macro or structural level, the gains of collective action would manifest as long-term "metacollective" benefits, affording a group sustained influence over political processes. As an example, changes to democratic or electoral state practices that result in voting access for previously disenfranchised groups can be categorized as structural gains (Amenta et al 2010). Meso-level changes are those that alter the organizational

structure of bureaucracies, which can affect the implementation of several policies. Finally, at the micro level, ephemeral gains providing short-term benefits are constitutive of this form of impact (Amenta and Caren 2004).

Social movement scholars have increasingly focused on understanding the conditions under which collective action can impact public policy or, more generally, effect political change. Yet, this literature is still underdeveloped or “modest” and most focus on the U.S. (Amenta et al 2018). Scholars have theorized that the role of social movements would have positive outcomes in politics as long as there were appropriate *political opportunity structures* (POS), along with the right type of mobilizing structures and strategies (Amenta et al 2010). POS can include a substantial base, both an electoral constituency and powerful elites sympathetic to the cause at stake, well-established organizations (Clemens and Minkoff 2004 and Tarrow 1998, in Zepeda-Millan 2016), distribution of power and pragmatic decision-making among state actors, and other variables influencing the likelihood of collective action taking place under different circumstances (Steil and Vasi 2014, Snow et al 2018). Their prevailing assumption posited that “what promotes challengers’ mobilization will also promote their political influence” (Amenta et al 2010: 295)¹⁷. As the field progressed, it has been increasingly acknowledged that causal factors determining successful mobilization are not necessarily equivalent to those determining successful state-related outcomes.

Yet, much research on social movement political outcomes still remains grounded in the *political process* perspective, of which the POS approach is part of. For instance, the work of Steil and Vasi (2014)

¹⁷ The prevailing paradigm in social movement scholarship focusing on the drivers of mobilization and movement building posits that an open political opportunity structure is unavoidable. This tradition, rooted in the *political process theory* of social movement scholarship (Snow et al. 2018; Zepeda-Millán 2017), has been recently challenged by scholars in political science and other fields. One of the new developments addressing criticisms propose that both existing opportunities or openings, however limited they might be, and political closings, such as the role of external threats in prompting mobilization should be taken into account (Zepeda-Millán 2017; Almeida 2018 in Bloemraad and Voss 2020; Tilly and Tarrow 2015; Snow et al. 2018).

builds on the POS approach and RTH, the latter considered part of structural social changes, to explain pro and anti-immigrant ordinances at the municipal level in the U.S. The authors findings indicate that POS and the role of migrant rights organizations including protest events are significant in explaining the passage of pro-migrant ordinances at the city level. While scholars still rely on the POS approach to explain the effect of social movements on state outcomes, these efforts have faced criticism as many scholars tend to ascribe a deterministic role to its constituent variables, or what is known as structural determinist bias. In essence, this bias leads to the political components proposed by POS being taken as inexorable conditions to which social movements respond. In other words, collective action is held hostage to the prevailing political conditions, thereby denying agency to social movements (Snow et al 2018).

In response to POS shortcomings, scholars in the tradition of political process theory advanced the *political mediation approach*. This model is regarded by Snow et al. (2018: 30) as the “best recent work in the field”. Edwin Amenta and colleagues are among the main proponents of this perspective, which contends that for positive state outcomes to take effect, mobilization strategies of challengers and framing of the issue need to be suited to the prevailing political context. Under this model, it is typically required a confluence of multiple political factors as well as the actions of challengers to bring about change at the state level. Some scholars within this tradition have theorized that public opinion plays a role in shaping the state-related outcomes of challenger’s actions. Among the political conditions that political mediation models factor in are partisanship and the degree to which political actors can be swayed by challengers’ strategies and mobilization pressures. The latter actions often focus on exhibiting the prospective political gains that state actors might accrue if they support them. Other “assertive strategies” include active involvement in political campaigns to either support allies or punish political adversaries, and various strategies within the judiciary and legislative spheres (Amenta et al 2018: 456; Amenta et al 2010; Amenta and Caren 2004).

The political mediation approach presents a complex, non-deterministic argument. Substantiated by recent research, it amalgamates well with my overarching theoretical framework. Consequently, I rely on the political mediation model and integrate it into my theoretical configuration, which seeks to elucidate the main drivers of subnational pro-migrant public policies in Mexico City. While the model has predominantly been applied in the United States context (Armenta et al 2018), testing its validity in different national contexts signify an important contribution to the literature on social movements and political outcomes.

2.4. The Disconnect Between Media's Influence on Subnational Pro-migrant Public Policy

What is the role of media in the creation of migration policies? The causal relationship linking the role of the media to certain types of policies is complex and there is no current consensus on this association. For some scholars such as Gonzalez O'Brien (2018), political actors discouraging immigration through legislation, discursive agendas, rhetoric, or policymaking have influenced the discourse of mainstream media, which in turn reinforce existing public attitudes on immigration. In his study about the roots of immigrant criminalization in U.S. public policies, he locates the turning point leading to the criminality frame that marked the lives of immigrants in the U.S. up to the present days¹⁸. For him, the passage of S. 5094 in 1929 by the U.S. Congress criminalized immigration for the first time in U.S. history and set a trajectory that facilitated the passage of similar laws. The *path dependence* established since then greatly complicated a change of course towards non-restrictive laws. It was the legislators who influenced the agenda of the media, which, to this day, has a narrative that criminalizes immigrants, especially the undocumented. This narrative, which Leo Chavez (2008) termed the Latino Threat Narrative, has significantly influenced how U.S. citizens understand the

¹⁸ The linkage between migration, criminality, and law has been termed *crimmigration* by some scholars. One of its main applications define this concept as the amalgamation of both the criminal justice and immigration enforcement systems (Armenta 2016; Gonzalez O'Brien 2018).

immigration phenomenon. In turn, public attitudes fuel anti-immigrant policy and legislation in a sort of feedback loop (Gonzalez O'Brien 2018). Given that the media narrative depicts immigrants in a negative light, they could not be considered to play a relevant role in the development of pro-migrant policies unless there is a change in the discourse of legislators or elites, following Gonzalez O'Brien's argument.

In a similar fashion, others such as Chavez (2008) argue that the narrative constructed by the media can lead to acceptance and normalization by important segments of society, which in turn justifies government policies. Chavez (2008) created the concept of the *Latino Threat Narrative* to understand how the media have portrayed a negative depiction of Latino immigrants which in turn exerts direct influence on public attitudes on immigration, including immigration policy preferences (Chavez 2008; Drier and Tabak 2009 in Gonzalez O'Brien 2018; Collingwood 2019)¹⁹. Such a narrative can be transformed into what Gramsci (1999) called *common sense*—an amalgam of empirical, philosophical, and day-to-day knowledge, acquired in a chaotic manner by each society and whose acceptance does not involve a rational and critical analysis²⁰. Common sense knowledge then is internalized and taken at face value by society. This, in turn, would lead politicians to incorporate this vision into their agendas and platforms to capture votes. Once elected, they will most likely seek to fulfill their pledges since

¹⁹ Scholars have extensively documented the negative depictions of media and pundits towards Latinos in the U.S. in what Leo Chavez (2008) called the Latino Threat Narrative. This concept involves the construction of a broad and abstract discourse that portrays immigrants from Latin America and their descendants in the U.S. as subjects who are unable and unwilling to assimilate into an imagined and fictitious version of the nation as defined by the dominant society. According to this discourse, this inability to integrate is due to innate, generally negative characteristics that make Latinos permanent outsiders and therefore a threat to the national community (Chavez 2008). We should stress that the negative aspects of this narrative are not supported by material reality or, if present, may be due as a result of structural causes independent of the socio-cultural characteristics of the Latino community.

²⁰ Based on Gramsci's thought, Hall and O'Shea (2015: 52) interpreted common sense as "a form of 'everyday thinking' which offers us frameworks of meaning with which to make sense of the world. It is a form of popular, easily-available knowledge which contains no complicated ideas, requires no sophisticated argument and does not depend on deep thought or wide reading. It works intuitively, without forethought or reflection. It is pragmatic and empirical, giving the illusion of arising directly from experience, reflecting only the realities of daily life and answering the needs of 'the common people' for practical guidance and advice."

politicians are generally consistent with their campaign promises (Schleiter 2022), including in the area of migration legislation (Böhmelt and Ezrow 2022). "Elected officials tend to pursue policies that align with the views of significant segments of the U.S. public (Gonzalez O'Brien 2018) or with the common sense of society. These policies are generally congruent with their political platforms (Böhmelt and Ezrow 2022).

Yet others do not assign a major causal weight to any specific actor (e.g., legislators or the media) to explain the emergence of migration policy. Massey, Durand, and Pren (2016) and Massey and Pren (2012) argue that politicians, the media, pundits, bureaucrats, and other actors use migration movements to their own advantage. These actors construct a negative image of the Latino through the implementation of psychological mechanisms. Once this image has been established, other actors benefit from this social construction assembled through psychological mechanisms, thus reinforcing and perpetuating the cycle of exclusion for immigrants. Therefore, immigration policy is only one of many products resulting from the dynamics described and does not work in a sort of feedback loop fashion.

Currently, mainstream media document both the actions of sanctuary, refuge, or hospitality states and cities, as well as restrictive migration practices of national and subnational governments. Nonetheless, attention to the latter has been much more prominent for different reasons (Chavez 2008; Massey and Pren 2012; Massey, Durand, and Pren 2016; Gonzalez O'Brien 2018; Santa Ana 2002; 2010). Precisely for this reason, I do not anticipate that traditional media will play a key role in explaining the emergence of pro-migrant public policies.

CHAPTER 3.

3. MEXICO IN THE GLOBAL CONJUNCTURE: AN HISTORICAL OVERVIEW OF MIGRATION PUBLIC POLICIES

3.1. Root Causes of Migration Flows to Mexico and the U.S.: A Conjunctural Approach

In this chapter, I examine the Mexican State's responses to the migratory phenomenon during the 19th, 20th, and 21st centuries, with a focus on immigration public policies. In the first section, I identify the structural causes of migration to both Mexico and the United States during the current conjuncture. I argue that the Mexican State has systematically excluded migrants of various nationalities based on racial, ethnic, and class criteria over the past three centuries. At the turn of the 21st century, the Mexican State has fostered a symbiotic relationship with the United States, aiming to diminish the flux of migrants that transit through Mexico to reach the United States. I attribute such a migratory synergy between the two countries to neoliberalism, border externalization, and the pragmatic yet exclusionary policy of the Mexican State.

The Neoliberal Conjuncture: Externalization of Borders, U.S. Interventions, Legal Violence, Land Dispossession, and Extractivismo as Root Causes of Migration to Mexico and the U.S.

Migrants in the Latin American region, including Central America and Mexico, are forced to leave their communities because of poverty, corruption, impunity, and different types of violence. These conditions have been produced by U.S. interventions in different modalities (Abrego 2014, 2017 and 2018; Bacon 2008) and by the effects of a neoliberal system which has produced unprecedented levels

of inequality²¹. In addition, land dispossession and *extractivismo* in the Global South (Riofrancos 2020) have contributed to the worsening of conditions, and therefore, more migrations.

Historically, U.S. interventionist policies have affected countries located south of its border. For instance, a report from the U.S. Congressional Research Service highlights how the U.S. government has utilized assistance to Latin American countries as one of its tools to obtain benefits for the country (Hornbeck 2012 in Abrego, 2018). Indeed, numerous scholars and commentators, especially from Latin America, have pointed out that Latin America has been something like the United States' backyard, with the U.S. employing various means to secure economic and political advantages²². In Central America, scholars have called for acknowledging the main root causes behind the historical and contemporary migration from northern Central America to the U.S., as well as to Mexico and Canada. Among these causes lies the role of U.S. interventionist policies and practices carried out by various federal administrations from both ends of the political spectrum. According to Cecilia Menjívar, a leading expert on Central American migration to the U.S., the Great Depression of the 1930s deeply affected the primary subsistence economy of Central American, which heavily relied on monocultures like bananas and coffee. Even back then, both the U.S. state and corporations influenced the Central American ruling class, guiding them to focus towards these specific economic practices. These changes eventually led to labor exploitation and dispossession, as small farmers were forced to sell their lands to large landowners. Eventually, marginalized populations at odds with these

²¹ The unprecedented levels of inequality during the last 50 years have been researched by leading economists in the field such as Thomas Piketty (2014) and Branco Milanović (2016).

²² In a bizarre statement, current President Joe Biden acknowledged this historic conception; however, in an effort to distance himself from the previous dominant notion towards the region, he now recognizes Latin America as the U.S. "front yard". Biden stated, "We used to talk about, when I was a kid in college, about "America's backyard. It's not America's backyard. Everything south of the Mexican border is America's front yard. And we're equal people. We don't dictate what happens in any other part of that — of this continent or the South American continent" (The White House 2022). Still, this is an unfortunate statement that reflect the continued disdain of the United States towards the region, regardless of whether it is referred to as its backyard or front yard.

changes rose up in protest; however, autocratic regimes responded with harsh and savage repression, often with unwavering support from the U.S. (Dias 2021).

Later, the Cold War would have a drastic influence on U.S. refugee and asylum policies. Concerns about national security, whether real or fabricated, and the perceived “threat” of communism played a fundamental role in determining the eligibility for refugee admission (García 2006). For instance, unlike Central American refugees and asylum seekers who arrived in the U.S. during the 1980s and subsequent decades, Cuban refugees and those migrants fleeing “communist” nations experienced more favorable treatment from the U.S. government, expressed through open arms laws and policies (García 2006). One of the primary objectives of U.S. foreign policy has been the imposition of ad hoc governments in northern Central America to achieve different goals, including the promotion of economic interests of U.S. corporations (Abrego 2017, 2018, and 2021; Dias 2021; García 2006). This is precisely what happened in the 1980s, when the U.S. government allocated significant resources to support militias such as the infamous *escuadrones de la muerte* (death squads) with the purpose of thwarting the rise and establishment of leftist groups in positions of political power. These groups sought to redistribute wealth concentrated in the hands of elites, an effort that would undermine the U.S.’s political and economic interests in the region (Abrego 2017 and 2018). For instance, in El Salvador alone, the U.S. government channeled \$6 billion in military assistance during the 1980s. In this period, hundreds of thousands of lives were lost, and millions were displaced (García 2006). Practices of the “U.S. terror state” have ultimately provoked the failure of these countries' institutions, have drastically undermined their infrastructure, and co-opted the Central American ruling class. All these events and deliberate practices would obstruct the region’s development for the subsequent decades (Abrego 2017 and 2018).

During the neoliberal period, U.S. interventionism in the region has taken the form of free trade agreements such as the Dominican Republic-Central America-United States Free Trade Agreement

(CAFTA-DR), or policies like the Central American Regional Security Initiative (CARSI), which have rendered the labor force of these countries more precarious. Through these agreements, U.S. multinational companies have taken advantage of cheap labor in the region in order to compete with global markets, while Central American workers earn meager wages and work in deplorable conditions (Hornbeck 2005 in Abrego 2018). This situation is not unknown in Mexico, where the North American Free Trade Agreement approved in 1994 generated similar effects, causing massive emigration of Mexicans to the United States (Bacon 2008). These agreements coupled with high rates of violence has led to massive emigration.

Migrants from countries such as Guatemala, El Salvador, Nicaragua, Honduras, Haiti, Cuba, and other countries in South America have been either migrating to Mexico or embarking on a tortuous journey to the U.S. This particular stage of migration differs from others for different reasons. First, there is a contemporary systematic rejection of migrants' vulnerability and precariousness on the part of various states. For instance, the U.S. and Mexican governments have wrongly categorized most migrants as "economic migrants" or "illegals" who are crossing Mexican and U.S. borders surreptitiously, invaders on other people's land who flood the cities and pollute them (Santa Ana 2017, 2010, and 2002). This type of discourse and the deliberate rejection by these states constitutes what Menjívar and Abrego (2012) referred to as *legal violence*²³. Another differentiator is the level of criminal violence prevalent in Central America and Mexico, which largely stems from dynamics originating in the U.S., as I have stated. Both criminal and legal violence have severely affected migrants' lived experiences and migration projects.

²³ Menjívar and Abrego (2012) capture the interrelationship between structural and symbolic violence through their concept of legal violence, which stems from the legal system. Legal violence is a consequence of and is enabled through the entire legal process, from its creation to its implementation. It is a product of structural violence, the latter determined by social structures that lead to inequality in various areas such as the labor market or education.

These conjunctural dynamics are embedded in a broader context of migrant hypercriminalization led by industrialized countries or states of the Global North (Akkerman 2023) although prevalent across the globe (Jones 2016; Menjívar 2014). Political leaders in this hemisphere have allocated an unprecedented number of resources to immigration enforcement, on numerous occasions in concert with private entities (Akkerman 2023). This process has been extended to the Global South via “the externalization of borders” (Menjívar 2014: 357), a concept that accounts for the transfer of borders to territories other than those of the industrialized countries or what I categorize as the Global North, with the consent and collaboration of third countries involved (i.e., sending, transit, and “buffer” states), and the support of private corporations.

Menjívar argues that it is in transit countries like Mexico where the externalization or outsourcing of borders is deployed at its highest levels. Through various means, countries in the Global North seek to limit the possibility of migrants reaching their national borders. Among the strategies implemented are the creation of bilateral or regional agreements between countries in the area to control the migratory phenomenon more extensively. Countries in the Global North engage in asymmetric negotiations with countries in the Global South to impose their immigration agendas. Through concessions or even pressures towards transit or “buffer” countries, industrialized states offer monetary support, training to national forces on homeland security issues (Menjívar), or they may even press with threats that would lead to harm the economy of these countries if they do not comply with their demands (Ortega y Morales 2021).

3.2. A Mexican History of Immigration Public Policy: From Open Exclusion to Fictitious Inclusion.

There is a latent sense in the Mexican imaginary, especially among diplomats, politicians, and some academics, that Mexico is a country with a long-standing tradition as a refuge for people fleeing

persecution and humanitarian immigration policies²⁴. This is a partial truth and, simultaneously, an erroneous depiction of Mexican government policies related to immigration. It is true that during the 20th century, around two hundred thousand people from various nationalities around the world have found in Mexico a place of refuge. Political leaders across the ideological spectrum and intellectuals exiled themselves permanently or temporarily in Mexico (García 2006; Gonzalez-Murphy 2013). These actions partly explain why Mexico has been known as a country with refugee-friendly or “humanitarian” policies. For Calderon (2018), this discourse is an “emotional redoubt of patriotism” far removed from the practical reality of both the migratory policies created and applied in the 20th century, as well as the response of everyday Mexicans to foreigners.

In contrast to the policies that embraced refugees from specific countries during certain periods of Mexican national history, large population groups from various countries have been excluded, expelled, marginalized, or even exterminated (Yankelevic 2015; Romero 2010; Augustine-Adams 2015). While Mexico has historically had a very low proportion of immigrants, only exceeding one percent of its total population for the first time in 2020 (INEGI 2020; Gonzalez 1994; Durand 2011; Gonzalez-Murphy 2013), policies implemented by the Mexican State during the 19th, 20th, and, so far, in the 21st century, have systematically excluded various national-origin groups, at certain periods under racial, ethnic, and class criteria.

²⁴ As an example of this perspective, Alejandro Carrillo, a former government official involved in migration issues describes Mexican migration policy over time in this way: “the different governments have understood their responsibility in dealing with the modalities of the migratory phenomenon in our territory, among which stand out the clear responses to applications for political asylum and refuge, which have historically characterized our country and which in our days integrate, together with other measures, the migratory policy of humanitarian sense and full adherence to the human rights of migrants.” (Unless otherwise noted, all translations are my own). Original quote: “los diferentes gobiernos [mexicanos] han entendido su responsabilidad frente a las modalidades del fenómeno migratorio en nuestro territorio, entre las que destacan las claras respuestas a las solicitudes de asilo político y de refugio, que han caracterizado históricamente a nuestro país y que en nuestros días integran, junto con otras medidas, la política migratoria de sentido humanitario y de apego cabal a los derechos humanos de los migrantes” (Solís 1998).

Consider some examples of how Mexican immigration policy actually has an exclusionary and, at times, racist tradition. In the late 19th and the first half of the 20th centuries, anti-Chinese campaigns and policies in northern Mexico led to multiple massacres and the expulsion from the country of Chinese nationals (Romero 2010; Yankelevic 2015; Gonzalez 1994), Mexicans with Chinese ancestry and Chinese with Mexican nationality (Augustine-Adams 2015). Throughout the 19th century, racist policies in Mexico and Latin America were aimed at attracting white European immigrants. In Mexico, these efforts continued during the first half of the 20th century (Gonzalez 1994) with the objective of "invigorating the nation" (Yankelevic 2015). Mexican immigration policies aimed at attracting "desirable migrants" from Europe at the beginning of the 20th century were largely unsuccessful. In fact, Mexico was one of the least successful countries in Latin America in attracting significant numbers of immigrants during that period. Mexican policies paled in comparison with the relative success of immigration policies implemented by countries in the southern cone, such as Argentina, Chile, and even Brazil (Fitzgerald and Cook Martin 2015).

Policies restricting the admission of certain types of "undesirable" immigrants to different countries were common practice in the Americas until the 1960s, with the United States and Canada holding onto a racist and exclusionary system for the longest time among countries in the Americas (Fitzgerald and Cook Martin). However, Mexican State immigration policies established after the post-revolutionary period have been among the most restrictive on the continent. During World War II, "confidential agreements" were instituted to prevent the arrival of Jews fleeing the wave of terror imposed by the German Nazi party (Yankelevic 2015). Later, in the 1980s, Central American migrants seeking refuge in Mexico were excluded or marginalized in temporary refugee camps located in remote regions in the Mexican south (Gonzalez-Murphy 2013; Chan and García 2018; García 2006; Aguayo and O'Dogherty 1986). More recently, Central American migrants have continued to be systematically rejected and denied refugee status by the Mexican government.

Although the literature on immigration public policy in Mexico is still in its infancy, there is sufficient evidence to demonstrate that the Mexican state has not been a country of open arms towards “the other”, the foreigner, whether they are called immigrants, refugees or asylum seekers. This is especially true when the foreigner is undocumented and poor (Blanco 2000). Mexico has an obscure history in terms of its immigration laws and policies, both “in the books” and in action (i.e., in theory and in practice). In the current conjuncture, it was only a couple of decades ago that the legal approach to migration began to take on a more compassionate tone in response to a new global order demanding respect for human rights (Fitzgerald and Cook-Martin 2015), and to pressures from civil society at home (Gonzalez-Murphy 2013). Nonetheless, although Mexican national migration-related laws may appear inclusive on paper (i.e., on the books); it is often exclusionary in action²⁵.

Diaspora Policies in Mexico: The Dominant Response in the Migratory Domain

Until recently, Mexico had primarily been recognized as a country of emigration, that is, a country that has expelled its population abroad, with the vast majority to the United States. Due to the massive scale of Mexican emigration, the Mexican government's predominant focus has been directed towards emigration or diaspora policies. A clear example of this was the creation of the Bracero Program in 1942. Formally designated the Mexican Farm Labor Supply Program, this initiative involved a series of labor-related agreements between the United States and the Mexican governments aimed at recruiting agricultural workers and laborers for employment in the U.S. railroad industries. It successfully recruited over 4 million Mexican workers. The program formally ended in 1964 (Loza 2016) and was gradually phased out by Congress in 1967 due to pressures exerted by a broad coalition

²⁵ Roscoe Pound (1910 in Halperin 2011) famously wrote more than one hundred years ago about the divergency between “Law in the Books and Law in Action”, referring to the extent to which legal doctrine found in books deviates from actual empirical events or how the law is effectively enforced.

of liberal and leftist organizations, as well as religious institutions, primarily from the Catholic branch of Christianity (Gutierrez 1995)²⁶.

After the termination of the Bracero program, Mexican migration policy entered a phase known as *la política de la no política* (the policy of having no policy). This phase, which lasted from 1967 with the termination of the *Programa Bracero* until 1986 with the launch of the U.S. Immigration Reform and Control Act (IRCA), was characterized by a laissez-faire approach to migration. Mexico had no evident migration policy, with the government primarily focusing on supporting the Mexican diaspora in the U.S. in response to the enactment of several anti-migrant policies by the U.S. government at the national, state and local levels (Alba 1999; O'brien 2018).

As the “non-policy” phase came to an end, a complex and contradictory period began. This stage can be referred to as the *neoliberal migration policy* phase. With the implementation of IRCA in 1986, this phase involved close cooperation between the neoliberal U.S. and Mexican governments. Alba (1999) refers to this new phase as the “dialogue strategy”, which included extensive collaboration on immigration issues. Simultaneously (and paradoxically), the Mexican government responded with diplomatic efforts and other actions in an attempt to counteract or mitigate the impact of another wave of U.S. anti-immigrant policies, which predominantly affected Mexican immigrants in the U.S. Diplomacy, historically exercised as a fundamental tool of the Mexican government in the face of power asymmetries with the United States (Gaytán 2019), was used during this period, along with other measures, to support the millions of Mexicans who send billions of dollars in remittances from the U.S. to Mexico.

²⁶ Massey and Pren (2012) have demonstrated that the termination of the Bracero Program, combined with shifts in U.S. immigration policy from the 1950s to the late 1970s, led to an increase in undocumented migration to the U.S.

3.2.1. Contrasting Ideals? The Impact of Neoliberalism and The Human Rights Regime on Mexican Migration Public Policy, 1980s to 2020.

A few years before the gestation of neoliberalism –a system that arose as a result of an alliance between the governments of Ronald Reagan in the U.S. and Margaret Thatcher in the United Kingdom (Hall and Massey 2012; Clarke 2023)–, migrants from Guatemala, Nicaragua and El Salvador fled their countries due to various types of violence, mostly propitiated by U.S. government actions during the Civil Wars of the 1980s in Central America (Abrego 2017; García 2006), as stated previously. Mexico’s role in the region under President Lopez Portillo (1976-1982), reflected continuity in Mexico’s foreign policy towards Central America, the Caribbean, and Latin America. The foreign policy approach was characterized by respect for national sovereignty, the principle of non-intervention in national affairs, support for the self-determination of national societies, commitment to peaceful settlement of conflicts, and a progressive approach to regional integration (Gaytán 2019; Morales 2012; González and Velázquez 2013). In part, the position taken by the Mexican government at the time was possible due to dividends generated by the oil boom that Mexico experienced during those years. Although short-lived, it allowed Mexico to adopt a firm stance vis-à-vis the United States, sometimes directly opposing their policies, and at other times acting as a mediator –a stance that would have been unthinkable under different circumstances (Garcia 2006; Gaytán 2019; Covarrubias 2020).

The Mexican government provided support to various leftist governments in the region. For example, Mexico supplied tactical resources to the leftist *Frente Sandinista de Liberacion Nacional* (FSLN, Sandinista National Liberation Front) in Nicaragua, which was founded in Havana, Cuba. In addition, Mexico rapidly acknowledged them when the Sandinistas came to power. In fact, the Mexican government was the fiercest critic of U.S. foreign policy in Nicaragua and assumed the role of mediator in the region's conflicts (García 2006). This foreign policy approach had been implemented on different occasions in Latin America to counterbalance power asymmetries with the United States, and to

strengthen Mexico's relationship with other Latin American countries. This position has allowed Mexico to assert greater autonomy vis-à-vis its northern neighbor (Gaytán 2019; Morales 2012; González and Velázquez 2013).

Mexican foreign policy was also driven by domestic concerns (Covarrubias 2017; Morales 2021). The displacement of hundreds of thousands of refugees from Central America resulted in an active position of the Mexican government to address challenges at the border. For instance, it had to contend with the incursion of Guatemalan military forces into the state of Chiapas, Mexico, as these forces pursued alleged "guerrillas". As a matter of domestic policy, it was in Mexico's interest that this conflict be resolved peacefully and promptly. Mexico played a key role as mediator in negotiations with Central and South American countries (García 2006) to avoid a war that might have triggered greater U.S. involvement, further exacerbating the conflict, and eventually, leading to increased displaced populations into Mexico (Covarrubias 2020). Therefore, Mexican migration policy, as part of domestic policy, has influenced foreign policy and vice versa, creating a policy feedback loop.

Mexico reluctantly provided refuge and prepared encampments in southern Mexican states such as Chiapas, Campeche, Tabasco, Quintana Roo, and Yucatán (Gonzalez-Murphy 2013; Chan and García 2018; García 2006; Aguayo and O'Dogherty 1986)²⁷. About half of these migrants returned to their home countries or were deported by the Mexican government. The rest stayed in the aforementioned states or migrated to large cities like Mexico City, Guadalajara, and Monterrey, most without documents. They went unrecognized by the Mexican state as they blended with Mexicans via

²⁷ Guatemalans, predominantly indigenous Mayans, inhabited the current southern Mexican region before it was part of the nation. In 1824, Guatemala ceded the state of Chiapas to Mexico after disputes between both countries (González-Murphy 2013; García 2006). This event shares multiple similarities with Mexico's loss of Northern territories during the U.S.-Mexico war. One particular similarity lies in the loss of Chiapas, which left an enduring mark on Guatemalan's national psyche. García (2006) termed this sentiment "a perdurable wound", similar to Anzaldúa's (2012) "una herida abierta" (an open wound), a term used in her classic *Borderlands/La Frontera* to describe the various traumas and violence that Mexicans along the U.S.-Mexico border have experienced. Perhaps as a testament to the complexities of life in La Frontera, Gonzalez-Murphy (2013) notes that, even after more than a century of conflict, Mayas in the region do not identify themselves as citizens of either Mexico or Guatemala.

intermarriage. Others, mostly Salvadorans, sought refuge in the U.S. and Canada due to Mexican restrictive immigration policies, and because of the adverse economic and social context prevalent in Mexico (García 2006; Gonzalez-Murphy 2013).

In recent times, the migration phenomenon in Mexico has become more complex. Mexico transitioned from being primarily a country of emigration to a place of transit, destination, and return for migrants. Despite this reality, this complexity was not acknowledged until recently when these categories were incorporated in the Mexican Migration Law in 2021 (Ley de Migración 2022). Given this scenario, some scholars argue that the Mexican state has developed an ambivalent discourse towards the migration phenomenon in the past decades. In the discourse and in Mexican immigration law “in the books”, its responses to migrants in transit and other type of migrants like refugees and asylum seekers are ostensibly humanitarian. The shift toward less restrictive and more humane immigration laws began to develop more markedly at the onset of the 21st century.

With the arrival to presidential political office of the first conservative administrations in the history of Mexico with the National Action Party (*Partido Acción Nacional*, PAN), with an evident neoliberal agenda, a rhetoric more in line with human rights was instated (Ortega 2019; Anaya 2019). Without setting a cause-effect relationship, but rather a harmonization of the neoliberal system with the international human rights agenda (Moyn 2014), former presidents Fox and Calderón implemented a policy of supposed adherence to human rights under international scrutiny (Anaya 2019 and 2009). During their terms, conventions such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention Relating to the Status of Refugees, the Protocol Relating to the Status of Refugees, or the Protocol against the Smuggling of Migrants by Land, Sea, and Air of the United Nations (UN) were signed or ratified. These actions committed Mexico to updating its domestic laws and policies to recognize the human rights of migrants (Ortega 2019). In practice, human rights continued to be systematically violated, and this is

particularly true during the Calderon administration. In practice, human rights continued to be systematically violated, and this is particularly true during the Calderon administration. What did diminish were the pressures of the international rights regime on Mexico. On this, Anaya (2009: 40) argues that in the international discourse, Mexico ceased to be “part of the problem” and became “part of the solution’ in international human rights forums, particularly those of the UN and the Organization of American States”.

Calderon’s agenda was referred to by Durand (2013) as the "de-migratization" of the Mexican political model. However, the national legislation on migration did not begin to be updated until the Calderon period. For instance, in 2008, Mexico decriminalized unauthorized migration by modifying laws that prohibited their transit through the country (Instituto Nacional de Migración 2012). Later, the national Congress would approve the *Ley de Migración* of 2011, the major document delineating the rights of migrants in Mexico and the obligations of the state toward them. The Migration Law was not merely the product of a previous discursive change in relation to human rights. According to Durand (2013 and 2019) and González-Murphy (2013), this law resulted from the advocacy and lobbying of civil society and academics who demanded legal and policy changes in the field of migration (Durand 2013 and 2019; González-Murphy 2013) from the ultra-conservative government of Felipe Calderón.

One event in particular would be transcendental, not only for transforming legal dynamics at the national level, but also at the local level: the public outcry resulting from the massacre of seventy-two migrants in the municipality of San Fernando, in the state of Tamaulipas, Mexico in 2010. This tragedy, which we might well call an act of state terror (Abrego 2017), compelled the federal government to modify its overarching strategy, at least on paper and fleetingly, which was centered on cooperation with the United States in combating drug trafficking. The seventy-two migrants, originating from Brazil, Ecuador, El Salvador, Guatemala, Honduras, and India, with a majority from Central America were transiting through Mexico en route to the U.S. when they were abducted and

killed by organized crime, their bodies left exposed. The Mexican State was implicated either directly or indirectly²⁸, as there were already multiple reports from the CNDH about other massacres against migrants in the state of Tamaulipas (CNDH 2022). Moreover, state agents under former President Peña Nieto's administration reportedly attacked the legal defenders of the victims' families, as per their testimonies. More than twelve years had to pass before those who perpetrated this and other attacks were apprehended and sentenced (El Siglo de Torreón 2022).

Figure 3. Anti-Monument Commemorating One of the Tamaulipas Migrant Massacres



Source: @FJEDD (Twitter, January 2022).

*This "anti-monument" is located in front of the U.S. Embassy in Mexico City. This act deployed by pro-migrant activists in 2020 commemorated the tenth anniversary of one of the massacres in San Fernando, Tamaulipas.

Amid a period of exceptionally high violence rates –a byproduct of Calderon's so-called "War on Drugs"– civil society organizations, international agencies, and the governments of origin of the

²⁸ In 2020, at a peaceful protest condemning this and other massacres, one of the lawyers representing eleven families of those murdered in San Fernando, points out the collusion of the State as follows: "Why has the probable participation or collusion of state agents and organized crime not been investigated? Why has human trafficking and smuggling not been investigated? Why has the financial line of organized crime not been investigated?" The lawyer obtained access to the files six years after the massacre, thereby directly implicating the Mexican State in the following way: "It has been a road for the victims marked with obstacles so that they cannot know what happened" (Deutsche Welle 2020).

seventy-two victims of state violence would pressure for a transformation of Mexico's legal framework, culminating in the Migration Law of 2011 (Durand 2013 and 2019; González-Murphy 2013). Events such as the disturbing discovery of the bodies of seventy-two migrants in clandestine graves, are known in political science as "focusing events". These are abrupt occurrences that captivate substantial public attention, such as shootings, natural disasters, or as in this instance, one of most extensive migrant massacres in Mexico's recorded history. Focusing events can lead to heightened awareness of certain issues (Kingdon 1984 in Beland and Howlett 2016). In fact, this event not only triggered resistance at various levels and from various fronts that eventually led to the approval of the 2011 migration law, but also spurred the process in Mexico City that would lead to the approval of the Interculturality Law, as we will see in a subsequent section.

While the law has generally been regarded as positive, recognizing the rights of migrants, particularly those who are immigrants or foreigners in Mexico, its practical implementation significantly lagged behind expectations (González-Murphy 2013). This shortfall is evident in its exclusion of other dimensions of the migratory phenomenon, such as the deportation and emigration of Mexicans (Durand 2013 and 2019; Ortega 2019). It was not until 2021 that these additional dimensions of the migratory phenomenon were incorporated through amendments to the law (Ley de Migración 2022).

Ten years after the enactment of the 'iconic' Migration Law of 2011, all the federal administrations have left the Migration Law 'without teeth'. In general, most of the state responses on the ground are anything but compassionate, as they continue to criminalize transit through Mexico. It has been well-documented how the Mexican state at its different levels has consistently violated most of migrants' rights (Ortega y Morales 2021; Camhaji 2019; Castañeda 2015; Vogt 2018; Villegas 2018; Mendoza 2018). From 2002 to 2019, there have been multiple years in which deportations carried out by the Mexican government have exceeded those undertaken by the U.S. government. This was true in the period between 2002 and 2008 and from 2014 to 2017. Cumulatively, from 2002 to 2017, Mexico

deported approximately 1.9 million migrants, and the United States deported 1.1 million. The vast majority were migrants from El Salvador, Guatemala, and Honduras (Flores et al 2019). In spite of this, the Mexican State continues to employ the same fictitious discourse that seeks to create an alternate reality compared to the one documented by academics, migrant rights organizations, and even the government's own data.

This has been the official narrative over the last two decades: Considering the perils of migrating through Mexican territory without documents, the Mexican state is obligated to ensure their integrity or safety. Consequently, it provides them “protection” (the official term used is “*asegurados*”). Nonetheless, in practice this translates to unlawfully depriving them of their freedom. Once detained, the state facilitates their “voluntary return” to their home communities (referred to officially as “*retornados*”), which in reality translates to deportation, most often against their will. The terms *asegurados* or *retornados* are in reality a strategy deployed systematically by the Mexican state to mask its actions in a manner that portrays them to the general public and other observers as humanitarian practices.

The IOM (2021) reports that Mexico has a “robust” migratory legal framework. While it is true that the language of Mexico’s national immigration laws has improved over the last decades by including human rights issues to which migrants now have access (Mendoza 2018), the real impact of such legal changes is far from being reached. These changes can be attributed to the country’s international commitments to protect human rights, including those of migrants. Civil society in Mexico had to exert pressures at different levels on Mexican government authorities to make these policies a reality (González-Murphy 2013). At the global level, a significant factor that contributed to this positive change in Mexico were the demands from countries in the Global South that, with the backing of multilateral institutions like the United Nations, gradually shifted the immigration global paradigm to

a new one that removed ethnic/racial criteria and that prioritized human rights (Fitzgerald and Cook Martin 2015).

Despite significant positive changes in (im)migration law, a major disparity still exists between what legal scholars have termed the “law in the books and law in action” (Pound 1910 in Halperin 2011), which indicates that the legal changes in the global immigration paradigm have not had the expected effects in practice. In the books (i.e., migration public policy), any type of migrant in Mexico should have the same rights as Mexican citizens (CNDH 2017 in Mendoza 2018; OIM 2021) as established by the Mexican Constitution²⁹. However, in practice, this is not the case as scholars, activists, and journalists have consistently documented state violations of migrants' rights. These empirical facts highlight the wide gap between Mexican immigration law in the books and law in action, or its implementation in practice. Such divergencies have become increasingly pronounced as the legal discourse adopts a more inclusive tone towards migrants while simultaneously exhibiting a growing effectiveness in violating their rights. A similar divergence has been noted by legal migration scholar Hiroshi Motomura (2021 and 2014) in the context of U.S. immigration law; however, I argue that this gap is wider in the Mexican case. In particular, Central American migrants transiting through Mexico have directly experienced the consequences of this disparity.

The visibility of the migration phenomena has grown significantly due to extensive media coverage and anti-immigrant rhetoric from certain politicians and pundits, mainly from the United States. Additionally, there has been an unparalleled surge in the flow of migrants from Central America, Haiti, Cuba, Venezuela, and other countries in the Global South attempting to reach the United States through Mexico. Some have categorized this surge and its effects as a global “humanitarian crisis”.

²⁹ Other laws and norms such as the Law of Refugees and Complimentary Protection, state-level codes, among other agreements touch upon (im)migration. Most, but not all, derive from the Mexican Constitution (González-Murphy 2013).

This upsurge, along with the fictional and invented threat that these migrants are believed to pose to the sovereignty of the countries through which they transit or reside, have both been used as justifications to reinforce the U.S.-Mexico border, as well as the Mexican border with Guatemala and Belize. Furthermore, both the U.S. and Mexican governments have strengthened internal security measures, and built several migrant detention centers aimed at deterring and preventing migrants from reaching U.S. borders (Abrego 2017; Walker 2017; Meyer and Boggs 2016; Paris-Pombo 2016).

The U.S.-Mexico relationship provides an exceptional case study for analyzing the functioning of border externalization (Menjívar 2014). Under the mandate of President Enrique Peña (2012-2018), policies were created that, in discourse, safeguarded migrants from various threats they face in their transit through Mexico. However, in practice, these policies increased violations of migrants' and human rights³⁰. One of these national policies, which could be understood as anti-immigrant, although disguised as humanitarian, was the *Programa Frontera Sur* (Southern Border Program). This binational agreement was created in 2014 and had, as one of its main purposes, the containment of migrants to the United States, particularly those from Central American (Kovic and Kelly 2017 in Abrego 2018). *Frontera Sur* emerged as a result of pressures exerted by the U.S. (Miller 2014 in Walker 2017) during the administration of Democrat Barack Obama, known by some pro-migrant activist groups as the “Deporter in Chief” (Chishti et al 2017). Both the U.S. and Mexican governments attributed the increase in transit migration to human smuggling networks operating in Central America and Mexico (Meyer and Boggs 2016), rather than to the root causes I have already referred to here³¹. Thus, in these years, the ambivalence of Mexican authorities began to take shape more prominently. While in

³⁰ For example, the speed of the trains used by migrants to cross Mexico was increased. This was supposed to prevent them from being used as a means of transportation; however, this measure led to an increase in deaths and mutilations of migrants who continued attempting to board La Bestia (Betancourt 2021).

³¹The practice of attributing increased migration to smuggling networks by national governments is also prevalent in Europe.

immigration law and in discourse, they proclaimed to defend the human rights of migrants, in practice, the infringement of their rights increased dramatically, widening the gap between law in the books and law in action. Hundreds of thousands of migrants have been deported, even though a vast majority meet the legal criteria for obtaining refugee status.

In the current administration of President Andres Manuel López Obrador (2018-2024), a center-left government, the migration public policy established at the beginning of his term had to be dramatically modified to meet foreign policy demands³². In his first year, a tacit attempt was made to bridge the gap between the law on the books and the law in action. This was done by launching an agenda that was closer to a humanitarian approach to migration. It was aligned with the current international pacts to which Mexico is a signatory, and in harmony with the domestic policy ideals AMLO has championed throughout his political career –namely, empathy towards the marginalized classes (López 2011). The New York Times noted at the time:

[AMLO] has sought to strike a contrast with his predecessors by presenting a kinder, gentler face toward migrants. Deportations have plummeted under his watch, and his administration has sought to incorporate more migrants into Mexican society by being more generous with humanitarian visas and work permits (Semple 2019).

Nevertheless, the Mexican government found itself under unprecedented pressures and threats from the Trump administration, which demanded that Mexico take measures to contain the flow of migration, particularly from Central America. Additionally, the U.S. government urged Mexico to serve as a “Safe Third Country” (STC) –a policy arrangement in which a migrant’s desired destination country (e.g., U.S.) collaborates with a third country (e.g., Mexico) that is deemed safe for the migrant, which ends up formally receiving the migrant in question. While the Mexican government officially

³² Silva (2023) problematizes AMLO's policy actions and situates him as a "version of post-neoliberal progressivism". However, the author's analysis falls short because it focuses on a short, intermediate period of his administration, interrupted by the pandemic. More recent analyses show the effects of policies that have had a positive impact on the country's underprivileged classes. For example, Ríos (2023) shows how the proportion of the poor population in Mexico has seen reductions not observed in more than two decades.

declined the request to act as an STC, it effectively operated as one. Mexico implemented a combination of various programs and strict policies targeting migrants, some of which were unilaterally formulated by the U.S. government and imposed on Mexico, while others emerged from bilateral cooperation between the two governments.

The Migrant Protection Protocols (MPP), the “metering policy”, and Title 42 were the main policies employed by the Trump administration to impede or prevent migrants from crossing into the United States. The prospects of obtaining asylum through these programs were negligible or almost nil. South of the U.S. border, MPP was referred to as *Programa Quédate en México* (Remain in Mexico), which required asylum seekers to “wait” in Mexico while their cases were analyzed by U.S. courts. Under the Mexican version, the government issued work permits and allowed migrants to stay in Mexican border towns for up to 180 days. While this might seem positive, various international organizations including the United Nations Human Rights Committee, Human Rights First, Human Rights Watch, and Al Otro Lado (AOL), along with other national and binational organizations, widely documented widespread crimes against migrants who were stranded at the border, particularly in Nuevo Laredo, Matamoros and Tamaulipas. Furthermore, the U.S. obstructed the granting of asylum to applicants who registered with the MPP. For instance, AOL documented how the U.S. government even expelled migrants with disabilities (American Immigration Council 2022; AOL 2021; Ocman and Ortega 2021; Achilli et al 2019).

As mentioned, other programs were simultaneously applied. For instance, the metering policy was implemented by CBP agents as an alternative to MPP in order to deny asylum to migrants and forcibly ask them to wait in Mexico (American Immigration Council). During my volunteer work with Al Otro Lado during this period, various Mexican families pointed to a widespread misunderstanding of the differences between programs such as MPP, the "metering" policy, and Title 42. Families seeking asylum explained how Mexican immigration agents conditioned access to the asylum process in the

U.S. and asked them to register on a document known as “la lista”, an unofficial notebook managed by migrants but controlled by the *Grupo Beta*, a group that operates under the INM (El Tecolote 2019; Semple 2018; Carcamo 2018). Section 265 of Title 42 was a little-known provision, at least until its implementation under Trump, which vests authority in the Director of the Centers for Disease Control and Prevention (CDC) to "prohibit the introduction" of persons when it is believed that "there is a serious danger of introduction of a [communicable] disease into the United States." Customs officials, including officials from U.S. Customs and Border Protection (CBP) and Border Patrol agents, enforced Title 42. Title 42 effectively replaced the two previous programs.

In addition, Mexico significantly increased militarization efforts across Mexico to curb undocumented migration in response to threats by the Trump administration to increase tariffs on Mexican exports with the U.S. and the closure of the U.S.-Mexico border. Parallel to this anti-migrant response, the Mexican government continued advancing its labor market integration policy agenda in its southern region, which included the issuance of the *Tarjeta de Visitante por Razones Humanitarias* (Visitor Card for Humanitarian Reasons, TVRH) –a policy that granted temporary work permits and access to public services for migrants (Achilli et al 2019; Ocman and Ortega 2020) in record numbers (Serrano and López 2020). It differed from the asylum process in that the TVRH did not impose territorial constraints within Mexico and that under this administration, the cards were delivered through an expedited process (Joseph et al 2019). According to the Mexican government, these changes were part of a paradigm shift with respect to migration policies of previous administrations (Instituto Nacional de Migración 2019). However, the program has not achieved the results the Mexican government has praised (Achilli et al 2019; Al Otro Lado 2020), indicating an inability or unwillingness to address the problem differently from past administrations, despite a more compassionate rhetoric. Joseph et al. (2019) demonstrate that the program only grants migrants a precarious status without a tangible path

to permanent legalization³³. In sum, Trump's pressures led the Mexican government to abandon its relatively humanitarian approach to migration, making a punitive approach to undocumented and documented migration the rule rather than the exception.

Why did this happen? For reasons that have yet to be fully explained, it appears that the decision-makers who implemented the policies outlined above at the beginning of AMLO's six-year term omitted foreign policy considerations that would normally have entered into the equation. In other words, it was not taken into account that migration policy is not only subject to domestic interests or to an international agenda. Clearly absent was an adequate political calculation of the consequences of pursuing an openly humanitarian policy in a context of broad asymmetry of power with the United States, especially at a time when Donald Trump's belligerent agenda against marginalized groups, including migrants, was implemented.

Whether due to a lack of professionalism on the part of national immigration decision-makers who failed to accurately assess the situation, or driven by a strong desire to align immigration policy with the president's personal ideals, there was a significant, if dismal, shift in immigration policy. During the first years of AMLO's administration, immigration policy went from being fleetingly compassionate, characterized by a narrow divide between the law in the books and its actual implementation, into a starkly anti-migrant policy in practice; still couched in humanitarian rhetoric. Such a transformation ended up widening the gap between de jure and de facto immigration policy, even more profoundly than in the previous administration.

³³ Joseph et al. (2019) pointed out that TVRH is even more precarious than its U.S. counterpart, the Temporary Protected Status (TPS). The latter is a legal category created by the U.S. government with the objective of granting asylum to people from countries that have been affected by natural disasters or wars. Currently, there are approximately 300,000 immigrants from various national origins under TPS, with the majority being Salvadorans and Hondurans. While TPS has been categorized as a precarious legal status (Cady and Abrego, 2017), it provides for renewal by entire national groups. In contrast, TVRH does so only on a case-by-case basis (Joseph et al.).

In sum, the Mexican State's evolving immigration policies have long excluded migrants based on race, ethnicity, and class. Although in recent decades Mexican immigration laws have adopted inclusive language, the reality of immigration policy on the ground maintains an exclusionary approach. During the neoliberal period, Mexico and the U.S. have developed a partnership to reduce migrant flows. This collaboration is itself a product of border externalization. At the same time, however, the increased criminalization of migrants by the Mexican state demonstrates that migrants are at the bottom of the agenda.

4. SUBNATIONAL MIGRATION PUBLIC POLICY IN MEXICO: NEOLIBERALISM OR HUMAN RIGHTS?

In this chapter, I address the following questions: Why have states in Mexico gained increasing prominence in the realm of migration over the past four decades? How have states in Mexico responded to changing migration dynamics? I begin with an analysis of the conjuncture in which subnational migration public policies in Mexico are enmeshed, including the global and regional dynamics shaping domestic politics. Then, I discuss Mexico's political and migration systems and analyze changes in the relationships between different scales of government, or so-called multilevel governance (MLG), around migration. In the last two sections, I dissect subnational government responses to migration since 2000, encompassing both pro-migrant and anti-migrant legislation. I posit that the transformation of the migratory legal framework at the subnational level in Mexico, which revealed itself at the dawn of the 21st century, can be traced back to a global conjuncture characterized by neoliberal decentralization and the rise of an international human rights paradigm. Indeed, the increasing relevance of states in the migration arena is a product of a trend that began with the rise of neoliberalism in Mexico in the 1980s, a change that carried over adverse impacts on the population (Harvey 2005; Snyder 1999 and 2001); however, an effective institutionalization of the governance of migration through the framework of human rights resulted in novel engagements from several states advancing pro-migrant public policies. I unveil the reasons underpinning this phenomenon through the implementation of a conjunctural approach.

4.1. Subnational Migration Public Policy: Decentralization as an Expression of Neoliberalism

The Mexican migration system is characterized for being centralized. This is not merely the product of a legal framework that grants the executive branch primacy over immigration policy. It also stems from a tradition that conceived the U.S. political system as a model to emulate, as well as a result of

the prevailing global paradigm that emphasizes organization around national units, rather than state or local ones. Before delving into the analysis of the degree of autonomy that states in Mexico possess concerning migration, it is pertinent to briefly examine why the national scale of nation-states holds a monopoly on citizenship, and consequently, on migration control. Concurrently, subnational states globally have gained increasing significance in the realm of migration over the past four decades.

From National to Subnational: The Neoliberal Shift in Migration Public Policy Dynamics

The global paradigm in which the national level prevails in the design of migration public policy went almost uncontested until a few decades ago, when the role of subnational governments in the migration arena began to gain relevance. Subnational entities have become more active in the management and control of migratory flows, as well as in the provision of certain rights and benefits to migrants (Steil and Vasi 2014; Scholten and Penninx 2015; Bulman-Pozen and Gerken 2009; Gulasekaram and Ramakrishnan 2016; Ramakrishnan and Gulasekaram 2013; Elias 2013; Wong et al., 2019; Caponio and Jones-Correa 2017; Panizzon and van Riemsdijk 2019; Liesbet and Marks 2003). Some scholars, like Colbern and Ramakrishnan (2020), go even further arguing that subnational governments are advancing their own citizenship projects, independent of the national agenda. This phenomenon has been labeled in various ways by ‘scholars of the subnational’. Terms such as *Immigration Federalism* (Gulasekaram and Ramakrishnan 2016; Ramakrishnan and Gulasekaram 2013; Elias 2013; Wong et al., 2019), *Multilevel Governance* (Caponio and Jones-Correa 2017; Panizzon and van Riemsdijk 2019; Liesbet and Marks 2003), *(Un)cooperative Federalism* (Bulman-Pozen and Gerken 2009), *Immigration Policy Activism* (Varsanyi 2010) or *The New Immigration Contestation* (Steil and Vasi 2014) have been deployed to elucidate this phenomenon.

Notwithstanding this trend, citizenship and legal status have historically been granted at the national scale. It is predominantly at this level that restrictions on movement are legally accomplished (Torpey

1997), to the detriment of “other scales of political organization: cities, subnational states, and supranational organization” (Varsanyi 2010: 20). This paradigm can be traced back to the origins of the nation-state and remains deeply ingrained among both policymakers and scholars (Colbern and Ramakrishnan 2020; Scholten and Penninx 2015). However, I contend that the increasingly active role of subnational governments in migration issues is a product of a trend that began with the rise of neoliberalism. Indeed, since the 1980s, decentralization emerged on a global scale (Rodden 2002) driven by a neoliberal agenda. This shift led to an increase in the responsibilities of subnational governments and, simultaneously, a transfer of power to global institutions (Fleury-Steiner and Longazel 2010)³⁴.

In academia, theoretical formulations supporting the arguments for government decentralization began to solidify. Based on Tiebout’s “hypothesis of citizen mobility” and Oates’s Decentralization Theorem, political scientists have argued that decentralization leads to competition between governments, which in turn results in efficient budget allocation and larger costs savings compared to a centralized system (Bednar 2011). Tiebout’s argued: “(...) just as firm competition drives prices down; governments will be more efficient—deliver better services for lower taxes—when they are put in competition with one another.” Such a rationale would require a political administrative model in which the assignment of authority is decentralized. Later, Oate’s Theorem would provide the

³⁴ For instance, the United Nations advocated for *decentralized international cooperation*, an idea that promoted international activities between subnational states in the global scene with the aim of generating development at the local level in countries of the Global South (Ortega 2012). However, the political and economic goals of these global institutions have yet to be accomplished as communities themselves have to deal with their destinies without real support from the state or global institutions (Márquez 2012; Fleury-Steiner and Longazel 2010). Indeed, during the hegemonic peak of neoliberalism, states in Latin America have overlooked their primary role in promoting development, entrusting the stewardship of their economies to organizations such as the International Monetary Fund, the Inter-American Development Bank, the World Bank, and the United Nations, as well as to the international financial elite and domestic powerhouses. This led to acute economic crises that have sparked both national and international migratory surges since the 1990s (Villegas 2019). Currently, national left-wing leaders in most Latin American countries have been highly critical of such policies and imposed measures.

foundation for neoliberal scholars to argue that power decentralization would lead to increased transparency and efficiency of governments, including enhanced abilities to “innovate”, with a consequent reduction in corruption. All these assumptions were, as Bednar (2011: 272) points out, merely normative claims. Indeed, the meanings and logics of optimization, efficiency, innovation, and competition are foundational premises of neoliberalism. Neoliberal rationalities were aptly implemented in the 1970s and in subsequent decades in the U.S. and all over the world. As a nitid example, Harvey (2005: 47) noted how neoliberalism transformed the rationale of city-level officials in the U.S.:

City government was more and more construed as an entrepreneurial rather than a social democratic or even managerial entity. Inter-urban competition for investment capital transformed government into urban governance through public– private partnerships. City business was increasingly conducted behind closed doors, and the democratic and representational content of local governance diminished

In the current conjuncture, neoliberal globalization dramatically altered the subnational economic, political, and socio-cultural landscape (Roy and Ong 2014; Varsanyi 2010; Fleury-Steiner and Longazel 2010). Hand in hand with the implementation and imposition at times of neoliberalism on a global scale (Harvey 2005), decentralization has proven detrimental in both the Global North and Global South. However, its pernicious effects have had a greater impact on the Global South. For instance, “free-spending subnational governments have built up unsustainable deficits” which in turn have led to “higher central government expenditures and debt” (Rodden 2002: 671-72). Subnational governments have struggled to compete in the global market and among their ‘peers’ within a context of increased interconnectedness. In a multiplicity of cases, the “neoliberal conduit” (Fleury-Steiner and Longazel 2010: 168) has led to adverse impacts at the subnational level (Harvey 2005; Snyder 1999 and 2001) which in turn has resulted in anti-migrant backlash and anti-migrant public policies (Varsanyi 2010; Fleury-Steiner and Longazel).

On balance, it could be said that the decentralization driven by neoliberalism has not yielded the anticipated benefits that neoliberal theory itself advocated. Simultaneously, assumptions regarding an alleged drastic diminution of the nation-state's control over the direction of policies have not materialized either. Neoliberal globalization has not resulted in the erosion of the nation-state to the extent that some of its "key characteristics of sovereignty" are relinquished to other actors or institutions, as Brown (2010) posited³⁵. The nation-state continues to be relevant (Jones 2016; Délano and Harris 2017)³⁶. However, certain subnational states have leveraged their relative autonomy to formulate migration public policies that in the past would have been inconceivable. Yet, they have done so without exceeding the dominance of the national scale in determining migration policy. In subsequent sections, I show why certain pro-migrant public policies have been approved in Mexico, with a focus on Mexico City. Until now, they have done so without contravening or overriding national immigration paradigms.

4.2. Mexico's Federal (Im)migration System and the Role of State Governments.

The Mexican political system has been regarded as one of the most centralized in the Americas (Meyer 1993) and according to scholars such as Torre-Cantalapiedra and Schiavon (2016), even one of the most centralized in the world. Meyer (1993) argues that it is in Latin America, particularly in Mexico, where the executive head holds much more preeminence over other powers and institutions. Initially inspired by the U.S. presidential model, presidentialism is still prevalent across Latin America. This is

³⁵ A possible exception is the European Union. However, individual countries still make the most critical decisions. On this matter, Geddes and Scholten (2014 in Scholten and Penninx 2015: 96) argue that the "Europeanization of immigration policies" (...) might rather strengthen the nation state" as a result of increased cooperation that enables them to further close their national borders. Additionally, members of the EU retain the option of opting out of the arrangement, as demonstrated in the case of the departure of the United Kingdom from the EU in the so-called BREXIT phenomenon. In comparison, subnational entities cannot leave the arrangement with the nation state.

³⁶ Jones (2016) contended that the surge in border militarization including the rampant increase on border walls stand as evidence of the enduring significance of the nation state.

particularly true for Mexico. Mexican presidentialism, understood as a political system where the head of the executive overrules the other two branches of government, the legislative and judicial, has historically led to centralized policy decisions in most areas (Meyer).

The amalgamation of a presidential political system and the pressures of neoliberal globalization to decentralize public administration in Mexico resulted in an agenda where, although state governments were granted greater relative autonomy, they are still subordinated to national political forces. One of the main reasons of state's subordination to the national government is due to their almost total dependence on the federal government in terms of budget³⁷. Cabral et al (2022: 598) show that 90 per cent of the total fiscal revenue in Mexico is collected by the federal government. Because of this, "state governments significantly rely on federal transfers to finance current and capital expenditures."

Given this centralized political structure, it is not surprising that the migration system in Mexico is also highly centralized. In the legal sense, the federal government has the upper hand on migration issues. Prior to the enactment of the 1917 Constitution, the federal government's influence on migration matters was limited. It was not until the approval of the Immigration Law of 1926 that Congress conferred the Executive the authority over immigration matters³⁸ (Gonzalez 1994). The Migration Law approved in 2011 would only confirm the predominant role the Executive has had on the design of migration policy. Article 3 of the Migration Law (Ley de Migración 2021: 3) states: "the Executive Power will determine the country's migratory policy in its operational component, for which it must gather the requests and standpoints of the other Powers of the Union, the governments of the

³⁷ Indeed, the federal government in Mexico has had to bail out states in the past due to domestic and global recessions and a lack of fiscal discipline on the part of states (Cabral et al. 2022)

³⁸ In comparison, the United States holds a centralized policy in the federal government since the 1870s (Motomura 2014 and 2021).

federative entities and the organized civil society.”³⁹ The executive’s primary role in the operation of migration policy, through the Ministry of the Interior (*Secretaría de Gobernación*) and the National Institute of Migration (Instituto Nacional de Migración, INM) as stated by the Migration Law, is an inherent aspect of the separation of government branches government (Legislative, Executive, and Judicial). Given that Mexico operates, in theory, under this system, it is therefore the prerogative of the Congress of the Union to legislate on matters of "nationality, legal status of foreigners, citizenship, naturalization, colonization, emigration, and immigration" (Constitución Política de los Estados Unidos Mexicanos 2023). Ortega (2019) underscores the latter point. The separation of responsibilities between the three main branches of government was set in motion when the Executive presented to the legislative branch the document that would turn into the Migration Law. Nonetheless, its "fast track" approval highlights the Executive’s influence in this domain, along with the predominance of presidentialism. Of course, the law’s implementation is inherently within the Executive jurisdiction.

Conceptually, the changing relations between different levels of governments in migration public policy can be better understood using Scholten’s (2013) typology. The author distinguishes four types of dynamics between levels of government under MLG: centralist, multi-level, localist, and decoupling. According to this scheme, Mexico would exhibit a centralist type, characterized by “a clear hierarchy and division of labour between government levels”, where states and local governments are expected to adapt their own agendas to those of the federal government (Scholten and Penninx 2015: 93). Indeed, migration-related intergovernmental relations between the Mexican federal government and subnational states reflect a top-down approach, while the relationship between states is more horizontal. Scholten (2013) contends that under the centralist ideal type, “national governments hold

³⁹ The original text in Spanish reads: “El Poder Ejecutivo determinará la política migratoria del país en su parte operativa, para lo cual deberá recoger las demandas y posicionamientos de los otros Poderes de la Unión, de los gobiernos de las entidades federativas y de la sociedad civil organizada.”

primacy in formulating policies”, and the role of the states, if any, would be in their implementation. This has generally been the model followed by most countries globally and is the closest theoretical approximation of the current migratory model implemented by the Mexican state.

While migration policy in Mexico is centralized, the federal Migration Law allows for collaboration with the states, as stated in Article 3 mentioned above. Indeed, Mexican subnational entities have taken a more active role in a number of areas, including immigration policy due to neoliberal decentralization. But not everything is bleak. Some states have passed progressive laws establishing respect for the human rights of migrants, among other type of rights and social benefits. This local turn according to Ortega (2019: 123) began in the 1980s, in what the author called a model of “state migratory federalism”. However, although it is true that states gained relevance, the top-down approach to migration has prevailed as I have stated. Decentralization in Mexico did start in the 1980s as a product of the neoliberal agenda that aimed to provide states with strengthened autonomy, which in turn would lead, in theory, to increased efficiency and transparency (Délano 2018; Bada 2014; Ortega 2012 and 2013; Valenzuela 2007). In practice, these benefits have not materialized as expected by neoliberalism. For instance, Snyder (1999: 174-200 and 2001) demonstrated that decentralization in Mexico has failed to fulfill the promises of neoliberalism. In some states, neoliberal policies revived what he termed “old-fashioned decentralization”, reproducing “long-standing patterns of top-down, exclusionary policy-making, which in turn resulted in the reemergence of traditional elites or oligarchs”.

Decentralization unfolded at a slower pace in migration public policy. Given its long tradition of emigration, Mexican state and municipal governments have established comprehensive international, domestic, and transnational migration agendas to approach Mexican immigrants abroad,

predominantly in the U.S.⁴⁰ Particularly during the 1990s, states and municipalities institutionalized public policies to foster and augment their transnational ties with their diasporas (Villegas 2014 and 2019; Ortega 2012; 2013; 2019; Délano 2013). Yet, it was not until the dawn of the 21st century that some subnational entities expanded their agendas to incorporate other dimensions of migration into their legal frameworks, such as immigration, transit migration, and the deportation of Mexican, be it voluntarily or forcibly returned by the U.S. government. It is in this period that we can allude to an effective institutionalization of the *governance of migration*, wherein states are formally and more actively participating in a complex matrix of multi-level efforts addressing migration. This novel engagement has been manifested through various modalities. For instance, states have advanced pro-migrant public policies to protect the rights of various types of migrants, whether they are in transit, seeking temporary habitation, or establishing permanent residency. MLG has also manifested in Mexico in instances where close cooperation exists between federal authorities and states to regulate movement of migrants in their territories, to expel them, or safeguard the rights of migrant children. Additionally, the federal government has delegated responsibilities to the states, as noted by Torre-Cantalapiedra and Schiavon (2016). Although unexplored, state authorities have also cooperated more closely with various sectors of civil society in the design of legislation and its application. All these are instances considered by the MLG framework.

Although the integration of the MLG into Mexican migration policy was clearly established in the federal Special Migration Program approved in 2014, this model already existed de facto. Durand (2019: 1026) highlights how, with this program, the federal government set out to establish a new

⁴⁰ This is reflected, for instance, in the institutionalization of a transnational agenda in which governments work together to achieve community development in Mexico (Villegas 2014 and 2019). Another indicator is the creation of the OFAMS (Migrant Assistance Offices), which are state-level government offices in charge of providing services and coordinating Mexican immigrants in the U.S. and Canada (Ortega 2012; 2013; 2019; Délano 2013).

"governmental paradigm on the migratory phenomenon." Indeed, in this document, the basic normative principles of the MLG model are established for the first time:

Mexican migration policy tends to the governance of migration, that is, towards a relational scheme based on coordinated communication between the various actors involved (public, private, organized, non-organized, individual or collective). This is not only for the purpose of strengthening comprehensive attention to the phenomenon in a context of national and international responsibility, but also in order to guarantee due respect for the human rights of migrants (Programa Especial De Migración 2014-2018)⁴¹.

Still, the role of the states and municipalities in migration matters is constrained by a centralist migration framework, which precludes them from undertaking numerous tasks that fall within the federal domain, such as granting permits that authorize their stay in the country or regulating their movement within their jurisdictions. Outside the legal sphere, however, they have been active and, in some cases, have interfered in migration tasks that fall under federal jurisdiction (Ortega and De Ita 2020; Animal Político 2018). While the literature often ascribes to state and local governments a significant role in integration efforts, including offering assistance and essential services to migrants; in Mexico, this has not come to fruition with few exceptions. This is despite the existence of legal frameworks in various states that underscore the protection of a broad array of rights for migrants (Ortega 2019; Leutert 2020; Delano 2021; Paris et al 2019; Flores 2019; Vilches 2011).

4.2.1. Pro-migrant Public Policies in Mexican States: Laws Without Teeth?

Practically every state in Mexico has laws, policies, or programs aimed at its diasporas in the United States, or at Mexican nationals returning to the country. Several factors explain this trend which began

⁴¹ Unless otherwise noted, all translations are my own. The original text in Spanish reads: "La política migratoria mexicana tiende a la gobernanza de las migraciones, es decir, hacia un esquema de tipo relacional que se basa en la interlocución coordinada entre los diversos actores involucrados (públicos, privados, organizados, no organizados, individuales o colectivos). Esto no sólo con el propósito de fortalecer la atención integral del fenómeno en un ambiente de responsabilidad nacional e internacional, sino también con el fin de garantizar el debido respeto a los derechos humanos de las personas migrantes."

in the 1990s but soared in the 2000s (Villegas 2019; Ortega 2012 and 2013)⁴². However, it was not until the turn of the 21st century that pro-migrant public policies aimed towards the protection of migrants' human rights were created at the state and municipal level for the first time in Mexican history. Indeed, with the discursive turnaround of the neoliberal governments of Fox and Calderón regarding respect for human rights, some states coincidentally began to pass state migration laws or to include migration issues in existing ones, as well as to develop programs focused on the provision of rights to different types of migrants, and in other areas related to local governance.

At the legislative level, four states took the lead in creating pro-migrant legislation that encompassed the rights of various types of migrants: Sonora in 2007, Durango in 2008, Mexico City in 2011, and Chiapas in 2012. Regarding the laws approved in Sonora and Durango, these were the first to approve laws that focused on the protection of the human rights of migrants in transit, as well as the provision of social and health services for migrants. These laws are likely the product of a conjuncture where multiple U.S. states adopted an anti-immigrant stance, predominantly targeting the Mexican-origin population. In the case of Sonora, which shares a border with Arizona, collaboration with its northern government counterparts diminished. For instance, Vilches (2011) noted that various websites offering details on collaborative efforts between the two governments were removed. Concurrently, intergovernmental meetings were called off by the Sonoran government⁴³. Thereafter, an avalanche of

⁴² The increase in relations between subnational governments and their diasporas in Mexico is a product of several factors. The massive migration of Mexicans to the United States led to the formation of migrant clubs, which collaborated with state or municipal governments to promote development in their communities of origin. At the macro level, neoliberal decentralization gave subnational governments greater autonomy to reach out to their diasporas. Later on, democratizing and economic factors led more local governments to seek out their diasporas in the United States (Villegas 2019)

⁴³ For a comparative analysis of migration laws in Sonora and Guanajuato, refer to Vilches (2011). For a juxtaposition of migration policies in Chiapas and Arizona, read Torre-Cantalapiedra and Schiavon (2016). These authors argue that in Chiapas, leftist governments stemming from the *Partido de la Revolución Democrática* (Party of the Democratic Revolution, PRD) played a crucial role in crafting various policies, institutions, and programs aimed at the protection of migrant rights during the first decade of the 2000s (Torre-Cantalapiedra and Schiavon 2016). Similarly, Paris et al. (2018) found that the municipalities of Suchiate and Tapachula, prominent crossing points for migrants at the southern border, allocated resources to assist migrants in transit. Another state law that merits attention is Baja California's migration law. The authors argue that the main event that led to its emergence was the massive deportation of Mexicans entering the state. This law would later serve as a foundation for advocating the allocation of resources and the safeguarding of migrants' human rights

laws emerged between 2014 and 2023 as 18 more states passed similar public policies (See Table 1). Nonetheless, only a few of them contemplate offering public services to migrants without documents or with precarious statuses. As of the time of writing this dissertation, the remaining states had not yet formalized migration public policies. These states predominantly rely on national authorities concerning ‘all things migration’, as stipulated by the Migration Law.

Some states that lack migration legislation are contemplating its enactment. For example, the Nuevo León state congress has proposed modifications to the national Migration Law, advocating for the introduction of MLG parameters into federal law (H. Congreso del Estado de Nuevo León LXXV Legislatura 2019). As it stands, the law considers its application by federal authorities, disregarding a more active role of states and municipalities (Ley de Migración 2022). As part of these new developments fostering an effective governance of migration in Mexico, there are working groups comprised by academics and legislators, discussing the enactment of a state migration law in Nuevo León (El Colegio de la Frontera Norte 2023). Likewise in Puebla, a bill was proposed which underscored the necessity for a state migration law, which is currently absent (Gobierno de Puebla 2020).

On balance, more than half of all the Mexican states have enacted pro-migrant public policies. The turn from formal inaction to active participation of states in the migratory legal framework indicates a paradigm shift in which the governance of migration is gradually taking place. Despite this progress, Martínez (2014 in Ortega 2019) points out that the fact that several states have not advanced some sort of pro-migrant public policies exposes how Mexican society neglects or fails to recognize the violence experienced by Central American migrants. Simultaneously, this omission is perhaps the

as a response to the increase of migrants from Haiti and Central America that have arrived in Tijuana during the last years (Paris et al.).

result of a well-ingrained nationalistic legal framework (Ortega 2019; González-Murphy 2013; Meyer 1993). Even with these observations, it is striking that progress has been made so quickly in transforming the legal framework of most of the states. Why was this the case? Although there are no studies to date that explain in a systematic and rigorous manner why states in Mexico have passed pro-migrant public policies, here I offer a preliminary explanation based on secondary sources, state legal documents, and theoretical models on the drivers of subnational public policies.

Table 1. Pro-Migration Public Policies at the State Level in Mexico

	State	Law, Policy, or Regulation	Approved/Amended
1	Aguascalientes	Ley Orgánica Del Instituto Aguascalentense De Las Personas Migrantes	2023
2	Baja California	Ley para la Protección de los Derechos y Apoyo a los Migrantes del estado de Baja California. Ley para la Atención, Protección de los Derechos y Apoyo a las Personas Migrantes del estado de Baja California	2014/2021
3	Chihuahua	Ley De Protección y Apoyo a Migrantes del estado de Chihuahua	2016/2022
4	Chiapas	Reglamento Interno del Centro de Atención a Niñas, Niños y Jóvenes Migrantes del estado de Chiapas	2012
5	Mexico City	Ley de Interculturalidad, Atención a Migrantes y Movilidad Humana en el Distrito Federal	2011
6	Durango	Ley de Protección A Migrantes del estado de Durango Ley que crea el Instituto de Atención y Protección al Migrante y su Familia del estado de Durango Reglamento Interior del Instituto de Atención y Protección al Migrante y su Familia del estado de Durango	2008/2015/2016/2021
7	Edo. Mex	Ley De Apoyo A Migrantes Del Estado De México	2015/2020
8	Guanajuato	Ley Para La Protección Y Atención Del Migrante Y Sus Familias Del Estado De Guanajuato	2017/2021
9	Hidalgo	Ley De Migrantes Hidalguenses Y En Contexto De Movilidad y Su Reglamento	2020
10	Jalisco	Ley de Protección y Atención de Los Migrantes en el estado de Jalisco y su Reglamento	2016/2022
11	Michoacan	Ley para la Atención y Protección de los Migrantes y Sus Familias del estado de Michoacán de Ocampo	2017/2021

12	Nayarit	Ley De Atención Y Protección A Migrantes Y Sus Familias Del Estado De Nayarit	2018/2019
13	Oaxaca	Ley para el Reconocimiento y Atención de los Derechos de Los Migrantes y sus Familias para el estado de Oaxaca	2015/2021
14	Puebla	Reglamento Interior Del Instituto Poblano De Asistencia Al Migrante	2018
15	Queretaro	Ley Para La Atención De Las Migraciones En El Estado De Querétaro	2021
16	San Luis Potosí	Ley De Atención y Apoyo A Migrantes Del Estado De San Luis Potosí (2021) Ley De Migración para el estado de San Luis Potosí. (2015)	2015/2018/2021
17	Sonora	Ley de Protección y Apoyo a Migrantes del estado de Sonora	2007/2009
18	Tabasco	Reglamento Interno Del Módulo de Niñas, Niños Y Adolescentes Migrantes No Acompañados para el Estado de Tabasco	2021
19	Tamaulipas	Reglamento Interior del Instituto Tamaulipeco para los Migrantes	2014
20	Tlaxcala	Ley de Protección y Atención a los Sujetos Migrantes Y Sus Familias para el estado de Tlaxcala	2017/2020
21	Veracruz	Ley Número 680 de Atención a Personas Migrantes y sus Familias para el estado de Veracruz de Ignacio de la Llave	2018
22	Zacatecas	Ley Para La Atención De Los Zacatecanos Migrantes Y Sus Familias	2018/2022

Source: Own elaboration based on data from state legislatures.

The transformation in pro-migrant public policies across Mexican states, which initiated at the dawn of the 21st century and gained traction after 2010, can be traced back to a global conjuncture characterized by neoliberal decentralization and the rise of an international human rights paradigm. Initially, decentralization led to an increase in state autonomy, at least in the political and legal spheres. Concurrently, international human rights regimes and movements emerged and had great influence on the domestic politics of countries across the globe. These two global forces -neoliberalism and human rights- deeply shaped Mexican domestic politics, particularly following the ascendance of conservative neoliberal regimes to the federal level and the national legislative branch. The rhetorical

shift of human rights espoused by the neoliberal administrations of the PAN, represented by Vicente Fox and Felipe Calderón, and the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) under Enrique Peña, along with other domestic factors already explained in another chapter, culminated in the enactment of national laws and programs that put front and center the human rights of migrants. After the approval of the National Migration Law in 2011, most states adopted legislation in line with the main precepts of this law, with special emphasis on the human rights of migrants (with the exception of Sonora, Durango, and Mexico City as I pointed out before). In sum, the migration agenda of Mexican states at the beginning of the 21st century was the product of a process of transnational and domestic policy diffusion. While the process commenced at the global level, domestic actors from below, such as migrant rights organizations, played an important role in setting the agenda that led to a national migration law aligned with the standards of an international human rights regime. Eventually, these factors combined giving rise to the wave of pro-migrant laws passed in most states.

More studies are needed to study more profoundly the primary drivers of subnational pro-migrant public policies in a Global South country such as Mexico. In subsequent sections, as part of my contribution towards a theory that comprehensively explains these main drivers, I examine various cases of inclusionary policies and legislation benefiting migrants approved by Mexico City in order to unveil the main processes, events, and the configuration of variables that led to their enactment.

4.2.2. The Opposite Side of The Coin? De Facto Anti-Immigrant Policy in Mexican States.

The absence of anti-migrant laws at the subnational level in Mexico resembling those enacted in the U.S., especially over the last two decades, is noteworthy. Although Mexico has had subnational anti-immigrant public policies in the past, notably during the early 20th century (Romero 2010; Gonzalez 1994), what prevails nowadays at the subnational level is a legal framework that safeguards the rights

of migrants, irrespective of their legal status. However, there are anti-migrant public policies *in action*. Anti-migrant *practices* on the part of subnational governments resemble those of their counterparts in the U.S. The numerous human rights violations of migrants on the part of local, state, and federal authorities and the military, sometimes colluded with criminal organizations, have been the rule rather than the exception (Santiago 2018; Vogt 2013; Durand 2018; Paris-Pombo 2016; Villegas 2018). These abuses and violations of the most basic rights of migrants occur even in states with pro-migrant laws. Lawmakers at the state level in Mexico have not approved anti-immigrant legislation akin to those enacted in the U.S. such as Arizona's infamous SB 1070⁴⁴, which criminalized several dimensions of migration (Wallace 2014; Pham and Hoang Van 2016), or more recently Texas's SB 4 which mandates cooperation between local law enforcement agencies at different levels and ICE, and does not prevent local law enforcement from inquiring about the immigration status of detainees (Collingwood and Gonzalez O'Brien 2019; Phan and Hoang 2016 and 2019). While the absence of subnational anti-migrant laws may appear reassuring, the discrepancy between migration public policy in the books *vis-a-vis* its application has widened. The gap becomes more pronounced when various subnational governments create legislation that ostensibly provides for the unrestricted protection to migrants and reaffirm migrants' rights, while simultaneously overlooking its application or ignore them at best. Consequently, migrant rights are infringed upon either through omission or deliberately. In fact, there are several documented instances where local politicians, state governors, local police forces, and bureaucrats not only fail to adhere to these state laws but actively contravene them.

⁴⁴ Per Wallace (2014: 261-62), Arizona's SB1070 "criminalize[d] failure to carry proof of legal immigration status as a state misdemeanor; require[d] the police to determine the immigration status of a person detained in a lawful stop, detention, or arrest if there is a reasonable suspicion that the person might be undocumented; and prohibits local and state officials from limiting or restricting enforcement of federal immigration laws."

In fact, these actors have recently turned openly anti-migrant. Governors and mayors in certain states have embraced anti-migrant rhetoric and practices not seen in recent times. For example, in 2018, Tijuana's mayor in the state of Baja California—a state with a pro-migrant law—, employed an anti-immigrant discourse by warning 'undesirable migrants' of potential arrests by local law enforcement if they violated municipal regulations (Ortega and De Ita 2020). It was later documented that Tijuana's police department was cooperating with the National Institute of Migration (INM) to expedite the deportation of Central American and Haitian immigrants in 2018 (Animal Político 2018). In this case, a federal judge in Baja California intervened to ensure the application of federal and state law. The judge ruled that local authorities cannot undertake immigration-related actions, which fall under federal purview. Furthermore, the federal judge mandated the safeguarding of migrants' human rights, including awareness campaigns and a public apology from Tijuana's mayor. In addition, the judge prohibited federal immigration authorities from cooperating with local immigration agencies. To my knowledge, this event represents one of Mexico's first cases wherein a federal judge determines such explicit jurisdictional boundaries between administrative levels in the immigration area. The judge's decision sets a very important precedent for states or municipalities neglecting their own pro-migrant public policies.

In another case of state-level government antimigrant practices, the governor of Jalisco mobilized public resources to prevent migrant *caravanas* from passing through the state's main cities (Varela 2020; Varela and McLean 2019). In another example, the former state governor of Nuevo León, known as "El Bronco", stated in 2018 that the state does not have the economic capacity to receive migrants, particularly referring to members of a migrant caravan. Coinciding with the xenophobic and racist statements that Trump was making at the time, he commented that they would deport migrants without papers.

What prompts politicians and governmental officials in Mexico to adopt such anti-migrant stances? As of now, there exists a gap in scholarly work addressing the motivations underpinning the decisions of Mexican politicians, legislators and governmental agents. More research is required to test if the set of variables explaining the drivers of anti-migrant legislation and policies in the U.S. can also illuminate the determinants influencing their counterparts in Mexico.

5. MEXICO CITY'S ENACTMENTS OF PROGRESSIVE CITIZENSHIP: OF INTERCULTURALITY, SANCTUARY, AND CARAVANS

The case of Mexico City stands out remarkably as a state with the most progressive migration framework in Mexico and, perhaps, one of the most advanced in Latin America. Why is Mexico City one of the leading states in advancing a progressive migration agenda? What are the processes that have prompted various pro-migrant public policies in the last two decades? Which actors are most relevant in influencing the processes prompting the approval of pro-migrant public policies? To answer these questions, in this chapter I analyze three cases or “sub-units” of pro-migrant public policies and their main determinants: Mexico City’s Interculturality Law approved in 2011, the Sanctuary Decree launched in 2017 by Mexico City’s state governor, and the issuance of legal permits of temporary stay for members of a migrant *caravana* established in Mexico City in 2021. The main objective of the chapter is to shed light on why these three public policies emerged. Findings will help to predict how other public policies providing benefits to marginalized populations are likely to be shaped in the future. My goal is to develop a better understanding of the set of predictors that led to the approval of these pro-migrant public policies. In other words, I assess the main processes and drivers behind their introduction and approval. To accomplish this, I test my theory of subnational pro-migrant public policy which is, in reality, a set of “propositions”⁴⁵ (Miles and Huberman 1994 in Maxwell 2012: 106) or the assemblage of intervening variables (See Figure 1., for a general representation of the theory) described in Chapter 2.

⁴⁵ Per Maxwell (2012: 106) and colleagues, propositions are similar to hypothesis but can be distinguished from the latter in “that they are typically formulated *after* the researcher has begun the study; they are ‘grounded’ (Glaser and Strauss, 1967) in the data and are developed and tested in interaction with them, rather than being prior ideas that are simply tested against the data.”

5.1. Extant Literature on Migration Public Policy in Mexico City

When I began this study in 2017, there were practically only a couple of academic articles that addressed the issue of migration policies in Mexico City in a descriptive or tangential way (Botey et al 2011; Calderón 2016). Interestingly, starting in 2018, a number of studies that account for migration dynamics in Mexico City such as the processes of integration or exclusion of migrants, the impact of migration policies on migrants' lived experiences, as well as the role of civil society organizations and faith-based organizations in supporting or accompanying migrants, began to emerge (IOM 2022; Délano 2021; Faret 2021; Faret et al 2021; IOM 2022; Tinoco-González 2019; Coutigno 2019; Marzorati and Marconi 2018; Calderón 2016, 2018, and 2019; García 2018; Alejo 2020)

These studies are undoubtedly relevant and necessary for a comprehensive understanding of the migration phenomenon in Mexico City and were useful for developing the conjunctural analysis presented here. The fact that they have proliferated mainly in recent years shows the relevance of the phenomenon for the city, the country and the region. Even with these developments, there is still no research that explains why pro-migrant public policies have emerged in Mexico City in recent decades. Marzorati and Marconi (2018), Calderón (2016), and Calderón et al (2019) offer some assumptions about the origin of certain laws or specific programs. Some of their findings serve as a basis for this study. However, a systematic and rigorous analysis of the set of theoretical variables and conjunctural processes that explain the emergence of pro-migrant public policies in Mexico City during the last decades is still absent. This is the effort that I undertake in this section.

5.2. Sub-unit One: The Interculturality Law: A Turning Point in Progressive [Im]migration Policymaking

The enactment of Mexico City's *Ley de Interculturalidad, Atención a Migrantes y Movilidad Humana* (Law of Interculturality, Attention to Migrants, and Human Mobility) in April 2011 marked a turning point in the direction of pro-migrant public policy in Mexico City and throughout the country. Although this

law was not the first subnational pro-migrant public policy to address migration dynamics from a perspective that went beyond attention to the Mexican diaspora in the U.S.⁴⁶, it has certainly been the most comprehensive and progressive framework for addressing migration in Mexico and has influenced the migration policy framework of other states in the country⁴⁷.

In general, the Interculturality Law, more than any other public policy in the country, provides for indiscriminate access to all state programs and services for virtually everyone, with a specific emphasis on migrants in transit, whom it refers to as *huéspedes* (guests). Since its enactment, various programs that fulfill some of the provisions set forth in the law have been instituted. As Pérez notes (2023): “To date, we find that (...) at least from the enactment of the law to date (...) we have between 10 and a little more than 20 social programs, approved in the Rules of Operation of each year, which allow access to the migrant population.”⁴⁸

The law not only grants more rights than had historically been provided at the state or federal level for the different migrant populations but also exceeds, in some of its articles, the scope of jurisdiction established in the federal framework. Colbern and Ramakrishnan (2020: 4) refer to such acts as “progressive state citizenship”. The ‘spirit’ of the Interculturality Law goes beyond mere *asistencialismo* or a government aid-based approach by incorporating integration measures for migrants from the

⁴⁶ The states of Sonora in 2007 and Durango in 2008 were the first in the country to pass laws that included the protection of the human rights of migrants in transit, as well as the provision of social and health services for migrants. These laws are likely the product of a conjuncture where multiple U.S. states adopted an anti-immigrant stance, predominantly targeting the Mexican-origin population. In the case of Sonora, which shares a border with Arizona, collaboration with its northern government counterparts diminished. For instance, Vilches (2011) noted that various websites offering details on collaborative efforts between the two governments were removed. Concurrently, intergovernmental meetings were called off by the Sonoran government.

⁴⁷ To mention two cases, the migration laws of the state of Zacatecas (2018) and Guanajuato (2017) incorporate the lens of interculturality in their precepts. Likewise, the state government of Nuevo León has requested support from organizations such as Sin Fronteras IAP, which were at the forefront of the working groups that led to the Interculturality Law in Mexico City, for the development of its own state laws with a focus on interculturality (Pablo Andujo, pers. comm. December, 2019)

⁴⁸ Original quote: “Al día de hoy, encontramos que, en cada Reglas de Operación, al menos de la promulgación de la ley a la fecha (...) tenemos entre 10 y un poco más de 20 programas sociales, aprobados en las ROPS de a cada año, que permiten el acceso a la población migrante.”

perspective of interculturality. According to the Program of Intercultural Cities advanced by the Council of Europe, of which Mexico City is part, the intercultural approach underscores the value of cultural diversity for society as a whole and involves adapting the government's approach to the needs of migrants or indigenous populations and not the other way around (Council of Europe 2023; Law of Interculturality 2011). However, implementation has fallen short, and there remains a considerable amount of work to be accomplished as documented by authors such as Marzorati and Marconi (2018), Faret (2021), Faret et al (2021), Coutigno 2019), and others who have examined its impact on the city. Nancy Perez (2023) delineates it as follows:

It is a law that deserves a very meticulous follow-up in order to achieve the process that has not been consolidated, which is implementation. It is not unique to this law; it is something that happens with all laws — some take longer than others to implement. This law (...) intersects with the human mobility agenda. In the world [human mobility] has become more complex in an unprecedented way. Any steps that are taken seem not to be happening, because the challenges are growing at such a speed that the implemented policies or laws do not allow us to see a light on the horizon that something positive is being done (...). [It is] an avant-garde law, for the city, the country, and I would say, for the region. It has a great significance. We cannot leave it in the void, on paper, without continuing to bet on a more effective implementation process of what the groups that participate in it proposed.⁴⁹

It is true that the gap between the law in the books and law in action is wide regarding the case of Mexico City. Nevertheless, the text of the law is cutting edge, establishing precepts and programs previously unseen in the region. Concurrently, it has proven to be highly beneficial in facilitating coordination among government agencies during critical moments regarding migrant attention, as was the case with the reception of the *caravanas* (Nancy Pérez, pers. comm., November 30, 2021; Calderon

⁴⁹ Original quote: “Es una ley que merece un seguimiento muy puntual para poder lograr el proceso que no se ha consolidado que es la implementación. No es único de esta ley, sino que es algo que pasa con todas las leyes. Algunas toman más tiempo que otras en su implementación. Esta ley (...) se cruza con que la agenda de movilidad humana ... en el mundo se ha complejizado de una manera que no tiene precedentes. Cualquier paso que se da parece que no se está dando porque los desafíos crecen a una velocidad tal, que las políticas o las leyes que se implementan no permiten ni siquiera ver una luz en el horizonte de que algo positivo se está haciendo. [Es] una ley de avanzada, para la ciudad, el país, y diría yo, para la región. Tiene un significado muy grande. No podemos dejarla en el vacío, en el papel, sin seguir apostando a que se haga un proceso de implementación más efectivo de lo que ahí planteamos los grupos que participamos.”

et al 2019). Furthermore, as I have pointed out, it has exerted a discernible influence on other states, engendering what political scientists refer to as *policy diffusion* (Karch 2007; Béland et al. 2018), or what critical urban scholars conceptualize as *inter-referencing practices* which are those “practices of citation, allusion, aspiration, comparison, and competition” between subnational governments in the Global South (Roy and Ong 2011: 17). How was this accomplished?

5.1.1. The Role of Demographic Factors

As I have previously noted, demographic variables such as the accelerated growth of the immigrant population or a significant proportion of well-established immigrants have been used by the RTH approach to explain the approval of migration public policies at the subnational level. In the context of Mexico City and the Interculturality Law, some of these variables are considered relevant to understand its emergence by various governmental and civil society actors, as well as some academics. However, no empirical analysis has been conducted to corroborate whether or to what extent such demographic variables actually had an impact on the creation of the law.

One of the indicators upon which the RTH is based is the proportion of immigrants residing in the state or region under analysis. In the case of Mexico City, the proportion of immigrants relative to its total population has never been substantial. For instance, between 2000 and 2020, the percentage of immigrants rose from 0.65 percent in 2000 to 1.14 percent in 2020 (See Table 2). Although there has been an increase in absolute terms in the past decades, the figure is very low when compared to other states that are well-known for their large immigrant populations such as California in the U.S. Here, immigrants accounted for 27 percent of its total population in 2021, amounting to almost 11 million people. The comparison in this sense is extreme since California represents the state with the largest number of immigrants in the U.S., both in absolute and relative terms (PPIC 2023; FitzGerald and Skrentny 2021). Because of the low numerical significance, it appears difficult to attribute the creation

of a pro- or anti-immigrant law or policy to the proportion or total number of immigrants residing in Mexico City as suggested by RTH.

Table 2. Immigrants in Mexico City as a Share of the Total Population (2000-2020)

	2000			2010			2020		
	Total population	Foreign-born population	%	Total population	Foreign-born population	%	Total population	Foreign-born population	%
National	97,483,412	492,617	0.51	112,336,538	961,121	0.86	126,014,024	1,212,252	0.96
Mexico City	8,605,239	56,187	0.65	8,851,080	71,691	0.81	9,209,944	104,629	1.14

Sources: Personal elaboration with data from the *Instituto Nacional de Estadística, Geografía e Informática* (National Institute of Statistics, Geography, and Informatics – INEGI) 2010 and 2020 decennial censuses.

*Immigrants are equivalent to INEGI's categorization referred to as "Total Population Born in Another Country Residing in México". Original text: "Población total nacida en otro país residente en México".

Scholars of RTH have used alternative measures such as a sudden increase of an outgroup as a factor. Indeed, it is possible to find these types of demographic movements in Mexico City in recent years. Various informants I interviewed, including representatives from Mexico City governmental bodies such as SIBISO, and institutional entities like the Human Rights Commission of Mexico City, as well as some scholars, point to the significant increase of Central American migrants in transit through the city and the rising number of Mexican deportees or returnees from the U.S., as important factors influencing the creation of the Interculturality Law, especially the former. Nancy Perez, one of the key actors involved in the creation of this law, discusses transit migration through Mexico City as a motivation that led to its creation:

In this logic that we had in 2010, of being a guest city, it turns out that we are not always going to be only a transit city. In any of the time-spaces, we can be origin, transit, destination, return, depending on the conjuncture of that moment. We have to be prepared for the four dimensions that this city may have that regarding attention [to migrants] (Pérez 2023).⁵⁰

⁵⁰ Original quote: "En esta lógica que se tenía en 2010, de seamos una ciudad huésped, pues resulta que no siempre vamos a ser únicamente de tránsito. En cualquiera de los espacios-tiempo, podemos ser origen, podemos ser tránsito, destino, retorno, dependiendo de la coyuntura de ese momento. Tenemos que estar preparados para las cuatro dimensiones que puede tener esta ciudad en necesidad de atención."

The above quote is an excerpt taken from a forum in which a proposal to repeal the Interculturality Law by certain legislators of Mexico City in 2023 was deliberated. In that dialogue, Pérez considered the need of reforming the law to encompass migrants seeking to reside in the city for extended periods or even permanently, a consideration that was not accounted for in the initial drafting in 2010. It is therefore necessary to find evidence of a sudden increase of transit migrants in Mexico City to support the argument that this factor was one of the triggers for the creation of this law, as posited by various actors interviewed and as suggested by some scholars. Indeed, it becomes necessary to substantiate with empirical data the extent to which an upsurge in transit migration influenced the emergence of this law.

Mexico City is a pivotal point for the transit of migrants to other destinations within the country and abroad. For instance, according to the Federal Government's Migration Policy Unit, the shelters established in Mexico City are among those that receive the highest number of undocumented migrants nationwide. In addition, Mexico City was the second state nationally in terms of the number of TVRH's issued in 2018 and 2021 (Serrano and Jiménez 2019; UPM 2021). Furthermore, it is here that the most influential political and administrative actors at the national level are found, as the headquarters of the executive, legislative, and judicial branches of government are all based in Mexico City. This is equally true for governmental institutions related to migration issues, such as the National Migration Institute (INM) or the Mexican Commission for Refugee Assistance (*Comisión Mexicana de Ayuda a Refugiados*, COMAR). Key national and international pro-migrant organizations holding what they term "political incidence" or political advocacy on the government agenda—such as IAP Sin Fronteras or the offices of the United Nations High Commissioner for Refugees (UNHCR)—also have a strong presence in Mexico City.

Another significant indicator of Mexico City's strategic importance to migrants is evidenced by the number of migrant caravans arriving in the city to exert political pressure on the Mexican State. As stated, given that Mexico City houses many national institutions and migrant rights organizations, migrants often stay there for longer periods of time either to protest, to present demands to the federal government, or to obtain legal support from professional migrant rights organizations (See Figure 4). For example, in the first *viacrucis*⁵¹ or caravan documented in Mexico in 2011, Vargas (2018: 121) highlights the political importance of Mexico City for this movement:

Contrary to plan, the *viacrucis* did not end at the *Hermanos en el Camino* shelter, given that the new Migration Law, approved on May 25, 2011 in the Chamber of Deputies, was being discussed. The activists and migrants who had joined the march took advantage of the conjuncture to present their demands, so they went all the way to Mexico City to present their testimonies to federal legislators⁵².

Although the caravans did not influence the creation of the Interculturality Law, since the first documented migrant caravan occurred shortly after its enactment, the above data underscores the city's significance in the political protest landscape for migrants, as well as their mobility. Various stakeholders whom I interviewed in Mexico City, as well as some scholars, noted that Central American migrants utilize the city as a strategic point before continuing their journey northward, as a space of temporary refuge to complete procedures for legalizing their stay (Faret 2021), or to engage in some form of protest or political claim. For instance, Pérez highlights how national migration trends offer valuable insights into the potential impact of these movements on Mexico City:

Of the growth percentages on a national scale, many of these have a direct impact on the city [referring to Mexico City]. If we go back to 2011 when the [Interculturality] law is

⁵¹ Migrants traveling through caravans have deployed various names to their movement for political purposes (Varela 2020; Vargas 2018). The first caravans were known as *viacrucis* or *vía crucis* in clear reference to the path that Jesus of Nazareth followed towards his crucifixion, equating this experience with their tortuous pilgrimage as migrants (Marchand 2021)

⁵² Original quote: “Contrario a lo planeado, el *vía crucis* no concluyó en el albergue Hermanos en el Camino, puesto que se estaba discutiendo la nueva Ley de Migración, aprobada el 25 de mayo del 2011 en la Cámara de Diputados. Los activistas y migrantes que se habían unido a la marcha aprovecharon la coyuntura para exponer sus demandas, de manera que llegaron hasta la Ciudad de México para externar sus testimonios ante diputados federales.”

enacted, we had an average of sixty-six thousand detention events. [Now] we close 2022 with more than four hundred and forty thousand detention events. The growth is more than 500% in our territory, many with direct impact in Mexico City (...). [I say this] to give a magnitude and dimension to the issue of human mobility, and how it has a direct impact in particular in cities like Mexico [City] because here are the instances that in one way or another are in charge of the regularization of flows, of the attention to the whole protection system in the country (Pérez 2023).⁵³

Figure 4. Caravans arriving to Mexico City in 2015 and 2018.

Caravana migrante realizó último tramo de su camino hacia Ciudad de México

18 abril 2015 / Redacción

Durante el transcurso de hoy sábado tienen previstos encuentros en la Comisión Nacional de Derechos Humanos, con senadores y diputados de México.



2 minutos de lectura

Caravana migrante llega a Isla, Veracruz; algunos quieren ir a Puebla, otros a CDMX

Source: Animal Político (2018) and La Prensa (2015)

*These illustrations represent examples of caravans arriving in Mexico City in different years. The headline on the right depicts a segment of the caravan entering Mexico City in 2018 (Llanos 2023; Animal Político 2018). The headline on the left depicts members of a caravan formed in 2015 who eventually decided to make their way to Mexico City (La Prensa 2015, <https://www.laprensa.hn/mundo/caravana-migrante-realizo-ultimo-tramo-de-su-camino-hacia-ciudad-de-mexico-AXLP832165>, accessed January 2022).

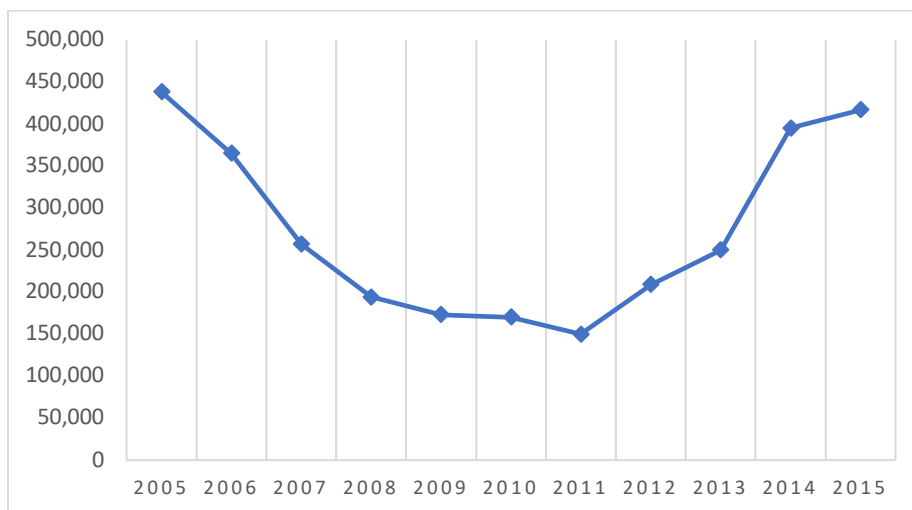
From the preceding analysis, it can be inferred that a significant proportion of migrants, whether documented or not, transit or decide to reside temporarily or permanently in Mexico City to undertake various procedures, demands, or protests. Certainly, the number of Central Americans crossing

⁵³ Original quote: “De los porcentajes de crecimiento a escala nacional, muchos de estos tienen impacto directo en la Ciudad [de México]. Si vamos a la fecha de 2011 cuando se promulga la ley, teníamos un promedio de 66 mil eventos de detención. [Ahora] cerramos 2022 con más de 440 mil eventos de detención. El crecimiento es de más del 500 por cent en nuestro territorio, muchos con impacto directo en la Ciudad de México (...) [esto] para darle una magnitud y una dimensión al tema de movilidad humana, y como impacta directamente en particular en ciudades como la de [Ciudad de] México porque están aquí las instancias que de una u otra manera están encargadas de la regularización de los flujos, de la atención a todo el sistema de protección en el país.”

Mexico to reach the United States has increased exponentially over the past two decades due to the conjuncture discussed in Chapter 3. Although we do not have precise data due to the nature of this type of migration, which is largely undocumented, we can indirectly approximate its volume and dynamics. In this vein, Canales and Rojas (2018: 71) note that "we must appeal to models and assumptions in order to estimate this volume and its trends." Analysis at the subnational level is further complicated by the fact that there is not much disaggregated information on these flows.

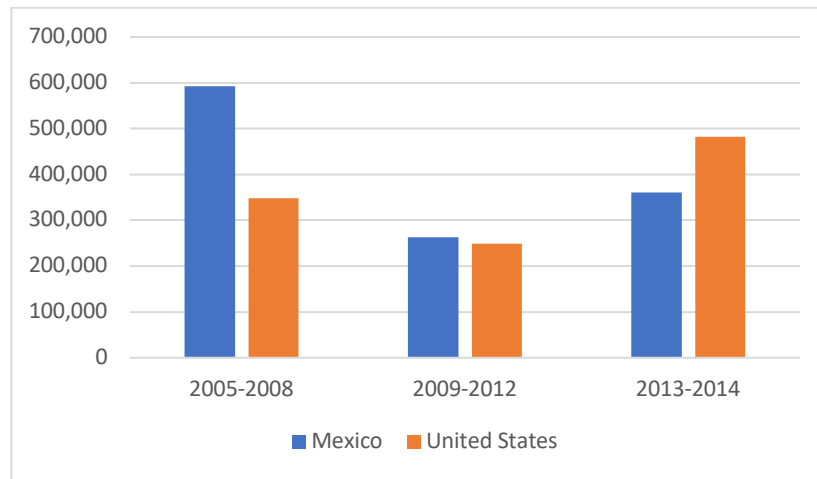
To overcome such methodological obstacles, the authors devised a model incorporating statistics from Mexican and U.S. governments on apprehended and deported Central Americans, as well as figures pertaining to those who have established themselves in the United States without authorization. The findings of this model are depicted in Figure 5. Drawing on these estimations, coupled with additional data on migration-related detentions both nationally and within the city, along with descriptive statistics on trends of transit migration among states in Mexico, we can extrapolate the general trend for Mexico City.

Figure 5. Central American Undocumented Migrants in Transit through Mexico, 2005-2011



Source: Own elaboration with data from Canales y Rojas (2018: 73)

Figure 6. Detentions of Central American Immigrants in the U.S. and Mexico



Source: Own elaboration with data from Canales y Rojas (2018: 73)

Although there is variation among various sources regarding the numbers of undocumented migrants in Mexico, there is a consistent pattern emerging from the data: in 2011 and the three years leading up to the enactment of the Interculturality Law, the volume of undocumented migrants transiting Mexico was lower compared to the figures prior to 2008. Notably, 2011 registered the lowest numbers between 2005 and 2021 across various indicators from different sources (Serrano and Jimenez 2022; Flores et al 2019; Canales and Rojas). This may refute the argument that a sudden increase in transit migration through Mexico City played a major role in the creation of the law. However, it may be the case that, even though national numbers were low in the years immediately following the creation of the law, a significant proportion of these went to Mexico City for one of the reasons noted above. Then, what does the data reveal at the subnational level? What is the magnitude of the flow of undocumented migrants or those with precarious legal status in Mexico City? Was there indeed a sudden increase in the number of transit migrants that would explain the creation of the Interculturality Law?

It has been indicated that the three years leading up to 2011 show the lowest numbers regarding the total estimated transit migrants, as well as those detained and deported nationally. However, as I

pointed out, it is plausible that a significant proportion of these migrants may have reached Mexico City, potentially impacting the enactment of the law in question. While there is no reliable data on undocumented migrants in Mexico City, the proportion of migrant detentions at the state level compared to national figures can serve as an indicator. In that sense, Serrano and Jaramillo (2016) estimate that between 2010 and 2014, Mexico City was ranked 6th nationally, accounting for 3 per cent of all Central American migrants detained and deported by the Mexican government (See Figure 7).

Figure 7. Detentions of Central American Immigrants in Mexico by State, 2010-2014.

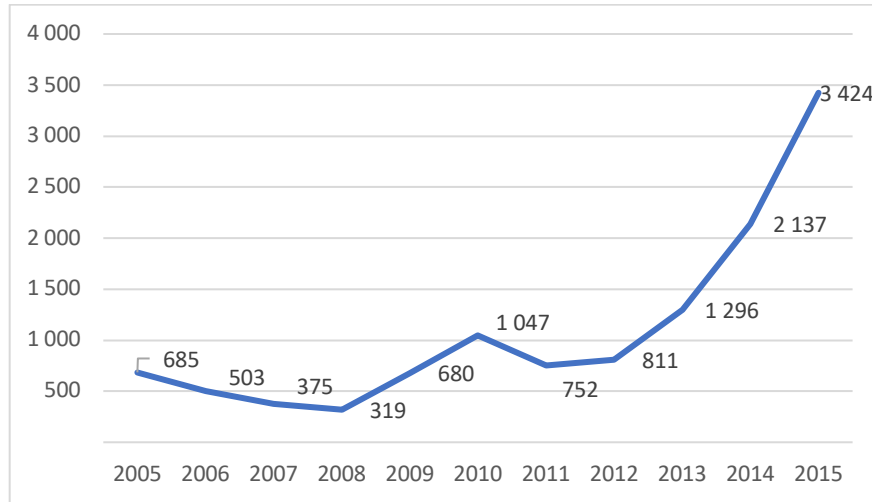
State	Percentage
Chiapas	42%
Veracruz	19%
Tabasco	8%
Oaxaca	8%
Tamaulipas	4%
Ciudad de México	3%
Guanajuato	2%
San Luis Potosí	2%
Estado de México	2%
Puebla	1%
Sinaloa	1%
Sonora	1%
Others	6%
Total	100.00%

Source: Own elaboration with data from Serrano and Jaramillo (2016).

Figures from 2016 indicate an even lower proportion of migrants detained in Mexico City (Serrano and Jaramillo 2017). Such modest percentages do not corroborate the assertion that an alleged sudden rise in the number of undocumented migrants in Mexico City led to the emergence of the Interculturality Law. Lastly, there is another indicator that might suggest it could have a meaningful impact: the number of asylum applications registered by COMAR, whose headquarters are located in Mexico City. Figure 8 illustrates that 2010 presented the highest number of asylum applications compared to previous years. This data is telling as it seems to provide some evidence that supports

the perception among actors involved with this population. It is worth noting that such rise occurred precisely one year before the law was enacted.

Figure 8. Asylum Seekers Assisted by COMAR, 2005-2015.



Source: Personal elaboration with data from Serrano and Jaramillo (2017)

Another type of demographic movement that may have had some impact, according to Calderón (2016), Calderón et al (2019), and Faret (2021), is the return of Mexican deportees or returnees from the United States to Mexico. The number of Mexicans deported between 2009 and 2011 presented the highest number recorded until that date. In particular, 2009 witnessed the largest number of Mexicans deported from the U.S. via a "voluntary repatriation" program (I and other authors such as Goodman 2020 and Anderson 2015 interpret it merely as deportation), like the *Procedimiento de Repatriación al Interior de México* (Mexican Interior Repatriation Program, PRIM), with 469,000 instances during the 2009-2015 period⁵⁴. Canales and Rojas (2018) demonstrate that between 1998 and 2011,

⁵⁴ The PRIM (*Programa de Repatriación al Interior de México*), known in English as the Interior Repatriation Initiative (IRI), is a governmental agreement between the U.S. and Mexico initiated in 2012 under the presidencies of Barack Obama in the U.S., and Felipe Calderón and Enrique Peña in Mexico. This program involves deporting Mexicans to interior cities such as Mexico City or Guadalajara, aiming to make re-entry into the United States more challenging. As an alibi that covers up the violence underlying deportation, both governments justify themselves by pointing out that this policy reduces the likelihood of migrants facing the dynamics of violence, as they would not be deported to the border. According to a report by the Migration Policy Institute, the process is expedited and does not entail the same legal consequences as a conventional deportation. Although the implementation of the program has been inconsistent, similar programs fulfilling

deportations of Mexicans increased significantly starting in 2006, reaching their peak in 2011. Indeed, the extensive history of deportations by the U.S. government, which Goodman (2020) calls the *deportation machine*, underscores the punitive materialization of the symbolic trope of the *Latino threat*, with Mexicans and Central Americans as the principal targets⁵⁵. Goodman contends that the deportation figures reported by the U.S. government are considerably lower than the actual numbers, which would be much higher than those officially disclosed by official sources.

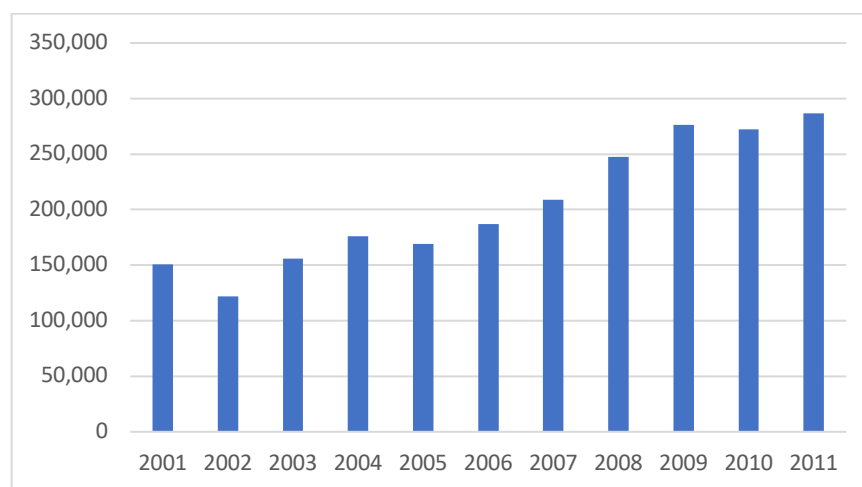
While deportations give us an idea of the number of Mexicans who arrived in Mexico by coercion, this indicator underestimates the actual number of Mexican migrants who returned to the country. Therefore, it is necessary to review the numbers of returnees who were not deported by the U.S. government. Parallel to the anti-immigrant push by the U.S. government, a movement of "voluntary" Mexican return migrants (García and Del Valle 2016) was developing in the early 2000s, which intensified with the U.S. economic crisis of 2008.⁵⁶ In that regard, the largest volumes of return migrants between 1995 and 2020 occurred during the period 2005-2010 (Serrano and Jiménez 2021), with approximately 495 thousand migrants returning to Mexico (Serrano and Jaramillo 2017). Other scholars corroborate the extent of the phenomenon. For instance, Albo et al. (cited in Meza 2017) showed, based on INEGI figures, that the number of Mexican migrants in 2010 more than doubled those recorded in 2000.

functions akin to the PRIM have been enacted (Capps et al 2017). For further information on the U.S. government's position on this program, refer to U.S. ICE (2019).

⁵⁵ The regional conjuncture, as developed in previous chapters, explains the massive deportation of Mexicans from the U.S. to Mexico.

⁵⁶ In some respects, the decision of Mexicans who decided to return to Mexico in the face of an adverse economic and political situation in the United States during the indicated period, might appear to be the product of individual or family-level choices. However, García and Del Valle (2016) argue that the return of migrants in this context is more accurately characterized as "forced".

Figure 9. Mexicans without U.S. Citizenship Deported by the U.S. Government, 2001-2011



Source: Personal elaboration with data from Serrano and Jaramillo (2017)

There is no doubt that this demographic phenomenon was substantial at the national level in the years leading up to 2011. But what proportion of these individuals arrived and settled in Mexico City? García and Del Valle (2016) argue that Tijuana and Mexico City were the cities that received the largest number of Mexican returnees during the first decade of the 2000s. Consequently, for them, these places required policies that more comprehensively addressed the needs of this population group compared to other cities in the country. However, other studies show that Mexico City was not a primary return destination for Mexicans, whether deported or voluntarily returned. In terms of deportations, Serrano and Jaramillo (2017) report that Mexico City received approximately 4 per cent of the national total between 2010-2015, ranking it 8th in the country. While I did not find further disaggregated statistics at the subnational level for the period prior to 2011, data from subsequent years present dissimilar scenarios. For instance, in 2017, Mexico City accounted for 11.5 per cent of migrants deported through the PRIM program (Serrano and Jaramillo 2018), which is congruent with the program's nature. Yet, in 2018, this figure fell to 4 per cent of the total number of migrants deported under this modality (Serrano and Jiménez 2019), reverting to levels seen before 2017. These

disparities may be attributed to the inconsistent implementation of the program (Capps et al. 2017); thus, these figures are not conclusive.

Then, what is the actual significance of this variable in the creation of the Interculturality Law? First, although the number of deportations and returnees prior to the law's creation is significant, there is insufficient evidence of a *sudden increase* in such movements within Mexico City that could have directly led to the law's enactment. Furthermore, RTH posits that the perception of an external group as a threat can lead to anxiety among the general public and political leaders, resulting in the adoption of anti-immigrant public policies. In this context, the Mexican returnee or deported migrant does not align with RTH's definition of a racial outsider or a “threatening” outgroup⁵⁷. Additionally, the legislation enacted was not anti-immigrant, diverging from the typical application of the theory. It seems plausible to surmise that the stakeholders crafting the law took into account the needs of this demographic, deemed vulnerable for various reasons impeding their assimilation into urban life as documented by Anderson (2015 and 2019). This demographic flow certainly had an impact on the law's design, even if it was not considered during the preliminary stages of discussion, as mentioned earlier.

Other states in Mexico received more transit migrants and returned or deported Mexicans than Mexico City. However, this did not result in the passage of pro- or anti-immigrant laws in those states, with one notable exception: Sonora. As noted in a previous section, in 2007, this state passed the first pro-immigrant law in the country. Sonora received a significantly larger number of deported Mexicans in 2010 than Mexico City (Serrano and Jaramillo 2017). Additionally, Sonora is a border state with one of the most frequently used crossing points for transit migrants choosing the Pacific Route (Villegas

⁵⁷ Nonetheless, there are studies which have found that this group should actually be considered an immigrant population, given that a significant portion of their lives had already been socialized in the U.S. For instance, Jill Anderson and Daniel Kanstroom argue that members of this group should be recognized as a “new American diaspora”, rather than viewing them as returned migrants (Kanstroom 2012 in Anderson 2015: 13).

2018). Therefore, these flows were probably more influential in the enactment of its pro-migrant law, in contrast to Mexico City. The application of RTH in such cases could be more effective.

In sum, there were two demographic processes that occurred in Mexico City and that impacted to some extent, although not significantly, the process that led to the creation of the Interculturality Law:

1. The increase in the flow of Central American migrants transiting through Mexico City, some of whom temporarily settled to regularize their status, or as part of an alternative migration project. 2.

The massive deportation of Mexican migrants from the U.S. to Mexico, coupled with the voluntary return of others, of which a certain segment settled in the city. Overall, I did not find sufficient evidence to establish a significant causal relationship between these migration movements and the enactment of the law. Although they appear to be important in the political considerations of the discussion that shaped the law, they do not seem to be decisive for the case of Mexico City. As Ramakrishnan and Wong (2010) noted in their study on the drivers of subnational migration policies across U.S. states: “while demographic changes and labor market outcomes may be necessary factors, they are unlikely to be sufficient ones.” Calderón (2016: 23) and Calderón et al (2019) coincide with my findings to some extent, stating that “the law is much more part of a local debate specific to Mexico City than the result of the debate on “migration” in the country”. For these authors, the causes that led to the creation of the law are local and political. In this regard, she points out: “This law should be seen, therefore, as many other related issues in Mexico, as a result of the public management of different governments that compete and alternate in power in some regions of the country (...) is therefore the result [of] the expansion of citizens’ rights, access to services and inclusion of minorities.”(Ibid)⁵⁸. Unfortunately, they do not provide sufficient empirical evidence to support these

⁵⁸ Original quotes: “la ley es mucho más parte de un debate local propio de la ciudad de México que el resultado del debate de “lo migratorio” en el país”. “Esta ley debe verse por tanto, como muchos otros asuntos de orden en México, como resultado de la gestión pública de gobiernos diversos que compiten y se alternan en el poder en algunas regiones del país.”

assertions. In addition, there are contradictions in their arguments. At times, all significance is attributed to local political factors, while at others, demographic factors are considered without empirically assessing their weight.

As I pointed out in Chapter 2, beyond demographic variables, it is necessary to incorporate additional intervening variables to amplify RTH's explanatory scope. Then, which configuration of variables, in addition to demographics, explains the enactment of the Interculturality Law? In the following section, I analyze a set of variables concerning partisanship and ideology of both citizens and state governors in Mexico City to elucidate their significance.

5.1.2. Partisanship and Ideological Orientation

A progressive ideology and, to a lesser extent, partisanship significantly contributed to the approval of inclusionary public policies in favor of migrants and other marginalized groups in Mexico City. Some scholars such as De Graauw and Vermeulen (2016) have argued that, in addition to a liberal government, there are other processes that must be taken into account (De Graauw and Vermeulen 2016). Similarly in Mexico City, the fact that a state or municipality is governed by progressive parties or candidates does not automatically lead to the approval of pro-migrant policies. Yet, the dominant leftist ideology in Mexico City, as well as that of its governors and legislators did influence significantly the passage of the Interculturality Law and other pro-migrant programs that were approved prior to the enactment of this law. What political or electoral conditions led this law to have a preferential place in the agenda of state legislators and, in general, of the government in office?

Bastion of the Left: Political Parties and Progressive Ideology in Mexico City.

In recent decades, Mexico City has emerged as one of the progressive bastions of the country and of the Americas. In fact, it is here where, for the first time in the country and in Latin America, several laws and policies that can be characterized as progressive have been approved. For example, in 2007,

a law that allowed the interruption of pregnancy was enacted. This is the first law of its kind in Mexico and Latin America with the exception of Cuba (Lamas 2009). In that same year, the *Ley de Igualdad Sustantiva entre Mujeres y Hombres* (Law on Substantive Equality between Women and Men) was approved, which would include affirmative actions to correct the gender gap (Yanes 2013; Government of Mexico City 2023). Later, Mexico City would approve in 2010 the first law in the country legalizing same-sex marriage (Maguey 2022) and, in 2011, the Interculturality Law was approved. These and other public policies have had a policy diffusion effect where other states, and the federation have passed similar laws based on Mexico City's experience. Certainly, the state has been spearheading the expansion of social programs to support the marginalized classes at the national level since at least the late 1990s⁵⁹. These achievements were part of a political context that allowed the residents of Mexico City, formerly the *Distrito Federal* (Federal District), to elect their own governors (originally called *Jefes de Gobierno*) starting in 1997⁶⁰.

⁵⁹ Examples of these were "the universal pension, student scholarships, free school supplies and uniforms for children, support for single mothers" among others (Martínez 2017: 53).

⁶⁰ Prior to 1997, the president of Mexico elected the governor of Mexico City, and the federal Congress of the Union was in charge of creating the laws that would govern it and of electing the heads of the local judiciary. However, with a political reform approved in 1987, the *Asamblea de Representantes del Distrito Federal* (Assembly of Representatives of the Federal District) was established. This was an elected body that allowed, for example, the city's residents to elect the city council members, among other oversight tasks regarding policies implemented in the *Distrito Federal*. It was not until the year 2000 that citizen residents were able to elect the municipal heads of Mexico City and the members of the various city councils. In 2016, as a product of legal reforms, the Federal District became a state or federative entity and would officially be called Mexico City. It is now considered one of the 32 federative entities (subnational states) of the country, with three independent state branches (Executive, Legislative, and Judicial) and its own state political constitution.

The current political-administrative organization of Mexico City is as follows: It is divided into Executive, Legislative, and Judicial branches. The figure who heads the executive branch is the Jefe de Gobierno (Chief of Government), elected through popular vote for a period of 6 years, without the possibility of reelection. The Congress or local state legislature is comprised of members elected via popular vote for a period of three years, with the possibility of re-election. The Judicial branch has its own autonomous agencies responsible for the prosecution of justice (Constitución Política de los Estados Unidos Mexicanos, 2023; Marván 2012).

Its territorial divisions consist of *alcaldías* (formerly *delegaciones*) which are the closest equivalent to mayor's offices in the U.S. context. At the highest levels are the *alcalde* (mayor), who is in charge of public administration matters, and the *concejo* (city council), comprising *concejales* (councilmen) ranging between 10 and 15 members. Councilmen are responsible for endorsing the budget and overseeing the mayor. Mayors are appointed by popular vote for a three-year term, and councilmen for the same duration; however, some of the councilmen are directly elected through a relative majority popular vote and others are appointed by political parties based on the proportion corresponding to the number of total votes garnered (proportional representation). Transformations in the political-administrative organization of the city have

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year term, and councilmen for the same duration; however, some of the councilmen are directly elected through a relative majority popular vote and others are appointed by political parties based on the proportion corresponding to the number of total votes garnered (proportional representation). Transformations in the political-administrative organization of the city have been complex and are not legible to the common citizen⁶¹. Therefore, from 1997 to the present day, Mexico City would be governed by leaders affiliated with left or center-left parties, either the *Partido de la Revolución Democrática* (Party of the Democratic Revolution, PRD) or, more recently, MORENA.

Since the late seventies, there were already some indicators of a higher proportion of politicized voters affiliated with one of the leftist parties in the city compared to the rest of the country. For example, Davis and Coleman (1982: 525) point out that, in the elections to constitute the federal congress in 1979, “five percent of the Mexican electorate would vote for the newly legalized Communist party, with a much higher percentage voting Communist in Mexico City”⁶². Similarly, city residents annulled their vote at a ratio of two to one with respect to the national average, showing much more dissatisfaction with the PRI and the prevailing political system than the average Mexican voter. Other political phenomena and processes contributed to this trend. For example, the 1984 earthquake and the consolidation of leftist leadership around the figure of Cuauhtémoc Cárdenas, who would run for the national presidency in 1988, led to greater politicization and identification with the left among its residents. This was evident as they increased the levels of neighborhood organization, dialogue, and demands before the local and federal government. Evidence of the consolidation of the multiple lefts that coexisted in the city were the results of the national elections of 1988. In these, Cárdenas would obtain 49 percent of the votes, compared to 27 percent for the PRI with Carlos Salinas, and 22 percent

⁶¹ For a more detailed review of changes in this area, refer to Cárdenas (2017).

⁶² According to the authors, the left in Mexico City would reject the PRI in greater proportions than in the rest of the country. This at a time when there was a dominant single party system in Mexico.

for the PAN with Manuel Clouthier. Subsequently, Cuauhtémoc Cárdenas of the PRD (founder of the same party that emerged in 1989) would be elected to the governorship of the Federal District in 1997⁶³. For the first time, a leftist political party would govern the city (Marván 2012).

The two governors who would succeed him would also represent the PRD. First, Andrés Manuel López Obrador (2000-2005)⁶⁴ and Marcelo Ebrard (2006-2012). Although both are candidates with progressive ideologies, they would emphasize different aspects during their terms in office. According to Yanes (2013), Sánchez (2016) and Botey et al. (2011), AMLO would emphasize a social rights agenda for certain specific groups such as the elderly, indigenous people, and others in conditions of vulnerability or poverty. Though he had important social policy achievements, which eventually led to the legitimization and continuity of the leftist project (Ibid), the civil rights agenda was neglected or postponed. The laws that were passed during his term would be focused on institutionalizing his social program. For his part, Ebrard strengthened an agenda of civil rights⁶⁵ and their institutionalization through the approval of several laws that would grant rights to different groups such as women in 2007 (Lamas 2009), to the LGBTQ+ community in 2010 (Maguey 2022), and to migrants in 2011 with the Interculturality Law.

⁶³ Cárdenas would govern the city until September 1999 as he would leave his position to Rosario Robles (Marván 2012) in order to compete for the national presidency in the 2000 elections, which he would lose to Vicente Fox from the PAN

⁶⁴ In 2005, AMLO would leave office to run for the Presidency of Mexico, leaving Alejandro Encinas in charge for the remaining time.

⁶⁵ T.H. Marshall (1992: 8) in his classic study on the development of citizenship in Great Britain entitled *Citizenship and Social Class*, would sequentially divide the elements that make up citizenship into three: civil, political, and social. The civil element would be constituted by different rights that guarantee “individual freedom-liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice” in which the latter signifies “the right to defend and assert all one’s rights on terms of equality with others and by due process of law.” As for the social rights, these are all those that guarantee a “modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society.”

In addition, the consolidation of the leftist project and party identification with the PRD that took shape with AMLO, allowed Ebrard to obtain a large majority in the local congress by obtaining 46 percent of the votes in the election that led him to the governorship in 2006, compared to the PRI with 24 percent and the PAN with 19 percent of the votes (Sánchez 2016). In contrast, the composition of the local congress during AMLO's administration would be more limited since his leftist party coalition would obtain 38.3 percent, while the PAN would obtain 33.4 percent and the PRI 22.8 percent. Nevertheless, agreements were reached and several laws that would support his social project would be approved⁶⁶ (Marván 2012).

Partisanship and ideological orientation would thus lead to the election of governors affiliated with a leftist party, as well as the formation of majorities in the local congress, which would greatly influence the approval of the Interculturality Law, as well as other laws that granted political, social, and civil rights⁶⁷ to the city's residents, especially to vulnerable, marginalized, or oppressed groups.

Ebrard's public policy focused on crystallizing the civil rights of the city's residents through the approval of different laws, which was possible due to the left's comfortable majority in the local congress. However, there are no current explanations of why the Interculturality Law was approved

⁶⁶ In the 2000 elections, the PRD formed a coalition with the Labor Party (PT) and the *Partido Convergencia* (Convergence party). The PAN would ally with the *Partido Verde Ecologista Mexicano* (Mexican Green Ecologist Party) (Marván 2012).

⁶⁷ Yunes (2013) argues that the sequence that followed the broadening of citizenship in Mexico City began with political rights during the short period of the Cárdenas government, then with social rights in the AMLO administration, and finally with civil rights under Ebrard. This reinforces the argument of O'Donnell (2001 in Møller and Skaaning 2010) who points out that, in Latin America, the sequence proposed by Marshall (1992) on the expansion of citizenship in the countries of the "Capitalist West" or Global North, would follow a different trajectory in the former. That is, instead of the sequential attainment of civil, political and social rights, in the Global South political rights can be realized in the first instance, without necessarily providing for civil or social rights (Møller and Skaaning 2010). Nonetheless, the authors make an overgeneralizing reference to the possibility that the countries of the Global South may extend the rights granted by citizenship without actually considering the realization of these rights. In this sense they point out: "To be sure, all of these rights may exist on paper in developing and transitional countries, not least because of the near universal ratification of human rights conventions. However, the fundamental point is that - beginning with political rights and ending with social rights - they are likely to be ever more deficient in reality" (Ibid: 459).

almost at the end of his governorship. What other conditions influenced the law to be approved in 2011, and not before?

There were certainly other pro-migrant initiatives that preceded the Interculturality Law, such as the incorporation of the subject of the protection of migrants' rights in the *Programa de Desarrollo Social* 2007-2012 (Social Development Program); the creation of the *Oficina de Atención a Migrantes y sus Familias* (Office of Assistance to Migrants and their Families) in 2007; the Urban Hospitality, Intercultural, and Protection of Migrant Program in 2010; the creation of the Office of Assistance to Migrants and their Families in 2007; the *Programa Ciudad Hospitalaria, Intercultural y de Atención a Migrantes* (Urban Hospitality, Intercultural, and Protection of Migrant Program) in 2010⁶⁸, or the *Programa de Derechos Humanos* (Human Rights Program) of 2009 which highlighted attention to migrants (Gobierno del Distrito Federal 2007; Calderón 2016; Faret 2021; Botey et al 2011). As a result of my archival research and review of secondary sources, as well as what was revealed to me by leaders of the main pro-migrant and human rights organizations in Mexico City, it can be concluded that during Ebrard's administration, a greater focus was placed on the migrant population compared to his predecessors and successors. However, although all these pro-migrant public policies were implemented during Ebrard's six-year term, it was only in the last part of his administration that the Interculturality Law was implemented. How can this be explained?

In this regard, Nancy Pérez of the CDHCM pointed to an event outside the political order that may have triggered the effort of the Ebrard administration and the local Congress that promoted its creation: the massacre of seventy-two migrants in San Fernando, Tamaulipas in 2010. As noted in a previous section, this *focusing event* also had a significant influence as a trigger in the processes of

⁶⁸ This program was created in 2008, although with a different name: *Programa de Atención a Migrantes y sus Familias* (PAMF, Program of Assistance to Migrants and their Families)

pressure against the Mexican State that eventually led to the approval of the national migration law in May 2011. In the case of Mexico City, the law was approved in April 2011, more than a month ahead of the national law, perhaps in an attempt to distance itself from the agenda of President Felipe Calderon due to the multiple criticisms of his "security" agenda, but mainly, according to Perez, in response to national and international pressure resulting from the "massacre of the 72" as it was later known. It is worth remembering that Felipe Calderón of the PAN, at that time a PRD's opposition party, was the object of numerous criticisms. The main criticisms revolved around the legitimacy of the election that brought him to the presidency, the policy against organized crime, as well as the persecution of migrants in the country who were (and still are) subject to *legal violence* and organized crime. As his migration agenda was internationally vituperated, elected politicians in Mexico City tried to distinguish themselves from it in order to show a totally opposite stance to that of the federal government.

Some of my interviewees commented that "political will" is an element that must exist in order to advance or delay the implementation of pro-migrant public policies. For Rosalba Soto, head of the political advocacy and strategic management area of Sin Fronteras IAP in Mexico City -one of the first and most active pro-migrant civil society organizations in Mexico-, the ideology of local congressmen are pointed out as important factors, especially with respect to migration issues: "it does have to do a little with the issue of the congressmen who are sympathetic to the issue, sensitive to the issue" (...) So it is a sort of (...) looking for these sympathies with the issue [among the congressmen]" (Rosalba Soto, pers. comm, December 16, 2021)⁶⁹.

⁶⁹ Original quote: "sí tiene que ver un poco el tema de los congresistas que sean afines al tema, sensibles al tema" (...) Entonces sí es una suerte de (...) buscar estas simpatías con el tema [entre los congresistas]"

Although explaining *how* this law was approved is beyond the scope of this project, given that the interest is focused on finding the *whys* of its approval, it is important to clarify the reasons that led to the overcoming of certain barriers within the governor's administration that eventually shaped the type of law approved. Calderón (2016) points out that, despite the fact that during Ebrard's administration there was more openness to deal with migration issues compared to his predecessors, the demands of the government's political circles that promoted the pro-migrant agenda were not given priority because they were not close to the governor (Ibid; Calderón et al 2019). Similarly, Marzorati and Marconi (2018) also found that there was reluctance on the part of the state government since it did not consider the demographic movement of migrants in the city relevant and since the issue was considered to be under federal jurisdiction⁷⁰.

In agreement with Rosalba Soto's argument, Calderón (2016) and Calderón et al (2019) argue that the law was successfully positioned because local deputy Aleida Alavez had the idea of proposing the integration of Mexico City into the European (now international) network of intercultural cities. These efforts *shaped* the Interculturality Law and promoted its creation. Alavez's actions can be understood as part of the strategies followed by *policy entrepreneurs*, a concept that is used in policy studies to describe those actors “who are willing to invest their resources in pushing their pet proposals or problems, are responsible not only for prompting important people to pay attention, but also for coupling solutions to problems and for coupling both problems and solutions to politics” (Béland and Howlett 2016: 223). *Policy entrepreneurs* are able to find political opportunities “to promote specific sets of policy instruments or programme elements to domestic and international governments” (Béland et al. 2018: 467). However, it is not feasible that a single actor or group of *policy entrepreneurs* were determinant for the approval of the law. Indeed, these actors are important in shaping the course of public policy and

⁷⁰ For a critical perspective on the incorporation of Mexico City into the Intercultural Cities network advanced by the Council of Europe, refer to Marzorati and Marconi (2018).

their actions may shed light on the *mechanisms* (Béland et al. 2018; Béland and Howlett 2016) that led to the creation of the Interculturality Law. This highlights its relevance in responding to the *hows*, rather than the *whys*. Marzorati and Marconi (2018: 158) would probably agree with this interpretation since, for the authors, Mexico City's participation in the European network of intercultural cities served as "a *stimulus*⁷¹ for the adoption of this discourse" and public policy, which results from "the will of its promoters."

It has also been pointed out by some activists and leaders of pro-migrant organizations both in the United States (Salas 2022) and in Mexico that, for leftist governments, the migration issue is relegated to the background. Therefore, actors such as policy entrepreneurs are important to promote the immigration agenda. In short, the approval of the Interculturality Law required the assemblage of variables already mentioned. In addition, it is important to have policy entrepreneurs related to the issue in question so that they can stimulate it from within the government. In other words, the factors mentioned above together explain why this law came about, including the unfortunate massacre of the 72. On the other hand, the agency of policy entrepreneurs such as Congresswoman Alavéz would explain the mechanisms that gave shape to it.

5.1.3. Mobilization by Civil Society and Marginalized Groups

The participation of organized civil society (OSC) and grassroots mobilization as factors that drive or generate public policies have been addressed by few authors. For the case of Mexico's national migration law, some scholars such as González-Murphy (2013) or Durand (2013 and 2019), members of migrant rights organizations such as IAP Sin Fronteras and other commentators have pointed out that the efforts of OSC were relevant for its crystallization⁷². As I pointed out in a previous section,

⁷¹ The emphasis on the word "stimulus" is mine.

⁷² Existing academic research needs to be strengthened to demonstrate more rigorously the link between the actions of CSOs in Mexico and the migration law, as well as the relationship between their work and the creation of other laws.

the national migration law refers to these actors as a key part of the country's migration policy, perhaps as a result of the efforts of organized civil society; however, it limits their role to the operational component (Ley de Migración 2021).

Regarding the Interculturality Law, some of the actors I interviewed suggest that the role of the OSC was relevant to its realization. Nonetheless, members of one of the main pro-migrant organizations that carry out "incidencia política" (political advocacy) work at the national level and in Mexico City, do not entirely agree with the idea that the body of civil society organizations have been fundamental to its emergence. For example, in the focus group I organized with members of the organization Sin Fronteras IAP, Juan Pablo Andújo from the area of political advocacy commented: "in Mexico City, I really believe that we are like the promoters as well, because not many organizations do advocacy from Mexico City, from the beginning we propelled the Interculturality Law" (Juan Pablo Andújo, pers. comm., December 16, 2021)⁷³. Juan Pablo emphasizes that, although the work of IAP Sin Fronteras as a pioneering organization has been important for the generation of pro-migrant public policies, the density of organizations that carry out this type of work in the CDMX is low. Rosalba Soto has a similar opinion:

Despite the fact that we are pushing for it, we are only a few organizations that do advocacy work here in Mexico City, right? There are organizations that assist migrants, there are shelters, but they do not do advocacy work, basically we can mention two or three of us who are here doing advocacy work and maybe that is why it is very difficult to promote and make visible (Rosalba Soto, pers. comm., December 16, 2021)⁷⁴.

⁷³ Original quote: "en la Ciudad de México pues realmente yo creo que somos como los impulsores también, porque no muchas organizaciones hacen incidencia desde la Ciudad de México, desde el inicio impulsamos la Ley de Interculturalidad"

⁷⁴ Original quote: "A pesar de que estamos nosotros impulsando somos poquitas organizaciones quienes hacen trabajo de incidencia aquí en Ciudad de México ¿no? Hay organizaciones que atienden a migrantes, hay albergues, pero no hacen trabajo de incidencias, básicamente podemos mencionarte a dos o tres que estamos aquí en el trabajo de incidencia y a lo mejor por eso mismo cuesta mucho trabajo e impulsar y visibilizar"

Indeed, in my interviews with most of the leading pro-migrant organizations in Mexico City, which are also among the most visible at the national level, only two carry out formal political or legal advocacy work at the local level: IAP Sin Fronteras and the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (Mexican Commission for the Defense and Promotion of Human Rights, CMDPDH). Others based in Mexico City such as IMUMI, or *Scalabrinianas Misión con Migrantes y Refugiados* (Scalabrinianas Mission with Migrants and Refugees, SMR) carry out political or legal advocacy work, but mainly focused on national issues in the case of IMUMI and on the southern border of Mexico in the case of SMR.

I found that informal political work in the form of non-violent protests, marches, vigils and similar acts at the organizational level are carried out by a handful of organizations. For example, Otros Dreams en Acción and collectives such as Cultura Migrante are among the most active groups with the more radical demands. Beyond the organizations, which are rarely comprised of migrants, the caravans have become the clearest and most effective manifestation of political resistance to the State since 2011. As such, some organizations have had to modify their language based on "aid" or "help" to migrants from *asistencialismo* (aid-based approach), to one where they decide to "accompany" them in their struggle since migrants in the caravan have become the main protagonists. For example, in my conversation with Lidia Mara, SMR's general director based in Mexico City, Lidia explained her model of support for migrants and human rights defenders as follows:

What we implement is this model of integral accompaniment, we have volunteer doctors, volunteer dentists, we have paid professionals, employees, we have lawyers, we have a social worker, we have psychologists (...) also when they leave, they have a time to stay with us until they get enough documentation to work (Lidia Mara, pers. comm. December, 2019)⁷⁵.

⁷⁵ Original quote: "lo que implementamos es este modelo de *acompañamiento integral*, tenemos médicos voluntarios, dentistas voluntarios, tenemos profesionales pagados, empleados, tenemos abogados, tenemos trabajadora social, tenemos psicólogos (...) también cuando salen, ellos tienen un tiempo de estar con nosotros hasta que consiguen una documentación suficiente para trabajar."

However, efforts such as the ones carried out by SMR emerged after the Interculturality Law, so the impact of the actions of civil society organizations in the emergence of this law is very low. According to members of IAP Sin Fronteras, one of the only organizations involved in the process leading to the enactment of the law, they engaged via participation in working tables and, to a lesser extent, lobbying with deputies. Grassroots work therefore does not explain why this law came about. Rosalba attributes the lack of advocacy on the part of organized civil society⁷⁶ to the fact that the vast majority of them dedicate their efforts to service-related issues, since this is the main need of migrants in Mexico:

Direct assistance [is] more pressing for them than advocacy, as we do, because it does require personnel, it requires exclusive dedication to this issue and, above all, a lot of time is invested in it. Perhaps the time to assist people is more valuable. Most of the organizations focus on direct assistance to the population rather than doing [political] advocacy work, maybe because their teams are focused on that, they have not considered the idea of doing advocacy for integration issues, which is what we do work with here in Mexico City (Rosalba Soto, pers. comm., December 16, 2021)⁷⁷.

Given the precarious condition of migrants arriving in Mexico without papers or with some precarious legal status, and due to the lack of public shelters, organized civil society often steps in to palliate their needs for basic services during their journey north or throughout the first stages of their integration processes in Mexico. This has been the focus of most religious shelters established along the main migratory routes. This means that most organizations address primarily the most pressing needs of

⁷⁶ Explaining why there is a low level of political advocacy at the organizational level is beyond the scope of this research. However, the current mapping of the humanitarian support industry in Mexico shows that there are basically two groups of pro-migrant organizations in the country. On the one hand, there are those of a assistance nature, mainly of a religious origin, which are the most numerous. On the other side, there are the professional secular organizations that offer legal and judicial advisory services, and that can carry out more direct political advocacy work because they are closer to the governing elites. Rosalba's perception is also observed by other members of mainstream and grassroots organizations in Mexico.

⁷⁷ Original quote: "La atención directa [es] la que les apremia más que hacer incidencia, como lo hacemos nosotros, porque pues sí se requiere de personal, se requiere de dedicación exclusiva para ese tema y sobre todo se le invierte mucho tiempo. A lo mejor es más valioso el tiempo para atender a las personas. La mayoría de las organizaciones se centran en la atención directa a la población más que hacer trabajo de incidencia [política], a lo mejor porque sus equipos están enfocados en eso no han planteándose la idea de hacer incidencia pues para temas de integración que es con lo que nosotros sí trabajamos ya la integración aquí en Ciudad de México."

migrants. However, political change is also pressing. Migrants have been engaging in acts of resistance in Central and North America for decades, despite their precarious legal statuses (Ramirez 2022; Villegas and Santamaría 2019; Varela 2020; Nicholls 2013; Stoltz Chinchilla et al. 2009). In Mexico, the visibility of this resistance has increased since the formation of the first migrant caravan in 2011.

Thus, we can conclude that, in the case of the Interculturality Law, the impact of civil society organizations was very limited and, when it did have some impact, it was restricted to participation in forums, working groups, and the preparation of documents or technical sheets that would serve as a reference, in the best of cases, for elected politicians and legislators. Similarly, Marzorati and Marconi (2018: 161) analyzed the discourse that revolved around the Interculturality Law and its implementation, and found that these were the product "of a top-down process," adopting an "exogenous discourse [that of interculturality] taken from a context with very different priorities and history from those of Mexico." Furthermore, in their findings they highlight how the label of "interculturality" was emulated with reference to "the competitive and neoliberal logic of large global cities."

To date, political advocacy work or collaboration with government authorities by pro-migrant organizations in Mexico City aimed at approving public policies for migrants remains somewhat limited. Here, the voice of broad sectors of the left has been channeled through the election of politicians who are aligned with such a political orientation; however, minimalist or elitist democracy a la Schumpeter (Avritzer 2002) does not guarantee that the distinctive ideals of a true progressive left will be realized as they are left to the criteria and personal style of governing of the candidates in office.

However, migrant-led acts of resistance in the form of *caravanas* emerged within months of the law's passage. These have radically transformed the political scene in Central and North America, forming what can potentially be understood as a new social movement. Similar to the migrants' rights

movement in the United States that emerged in the early 2000s, but with roots going back to the 1980s or as far as the Chicana/o movement (Voss et al. 2023), migrants are now taking the lead in the political struggle to define their destinies through caravans and other non-violent acts of protest.

5.2. Sub-unit Two. The Sanctuary Executive Decree: An Inconsequential Political Stunt

In 2017, Mexico City governor Miguel Ángel Mancera (2012-2018) issued a Sanctuary government declaration in the form of an executive decree. On paper, this was created to support all types of migrants; however, it emphasized support towards deported and returned Mexican nationals. In practice, it was an inconsequential and much-criticized political stunt that attracted some attention in Mexico given the conjuncture. The decree materialized at the same time that other cities and states in the United States declared themselves sanctuaries in response to or in defense against the discourse of former President Donald Trump and some leaders of the Republican Party, who characterized them as places riddled with vice and illegality, governed by their political opponents of the Democratic Party. At the same time, Trump escalated his attacks against Mexican migrants, among other racial/ethnic groups, using them as a punching bag to boost his perennial political campaign while in office and to gain the approval of his mainly white conservative electoral base. As a crude example of such depictions, Trump stated: “When Mexico sends its people, they’re not sending their best. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.” (Phillips 2021; Santa Ana 2017: 268).

In Mexico, then President Enrique Peña's responses to the media rejected Trump's hate speech, in an effort to increase his approval ratings among citizens, given that these were the lowest not only of his six-year term but of any president in recent times. For example, the New York Times, once a promoter of Peña's political agenda, highlighted in 2017 how his reviled government was attacked on two fronts,

both by Trump and by the Mexican citizenry: “In his dealings with Mr. Trump, Mr. Peña Nieto has found himself in a bind: trapped between his own people, who have demanded a vehement response to Mr. Trump’s taunts about Mexico, and a foreign leader who controls much of his country’s destiny” (See Figure 10). In response, Peña would cancel meetings with his White House counterpart and display a more assertive rhetoric, although he would fail to improve his approval ratings.

Figure 10. Former President Enrique Peña confronts Trump, 2017

In a Corner, President Enrique Peña Nieto of Mexico Punches Back

Share full article



Source: New York Times (2017)

Enrique Peña Nieto  @EPN

Esta mañana hemos informado a la Casa Blanca que no asistiré a la reunión de trabajo programada para el próximo martes con el @POTUS.

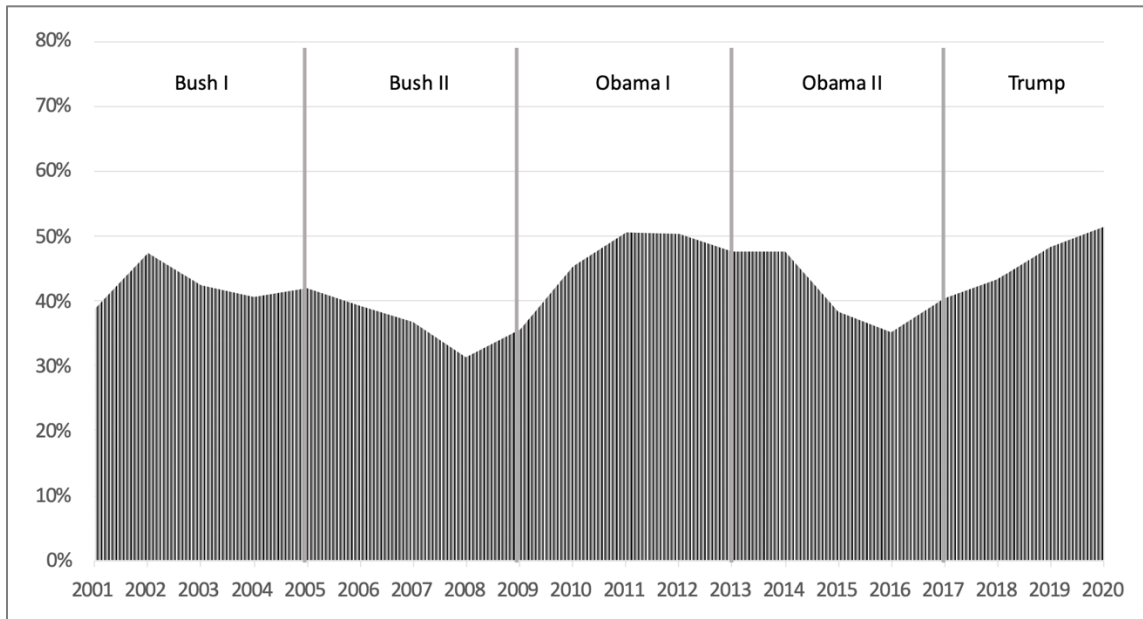
11:48 a. m. · 26 ene. 2017

@EPN (Twitter, February 2023)

Such geopolitical and foreign policy dynamics at the federal level are important to note since some subnational governments in Mexico also took part in the conflict in order to better position themselves among their electorate, but also to respond with economic and welfare resources to a real increase in deportations of Mexicans with the arrival of Trump to the presidency (See Figure 11). For example, in the same year that tensions between the Mexican and U.S. governments were rising, deportations

of Mexican immigrants in the U.S. increased dramatically from the previous year, from 24 percent to 39 percent in 2017. In this year, Mexico City accounted for 11.5 per cent of migrants deported through the PRIM program and was the third state to receive the highest number of Mexicans deported (Serrano and Jaramillo 2018).

Figure 11. Mexican Immigrants Categorized as “Criminals” and Deported by the U.S., 2001-2020

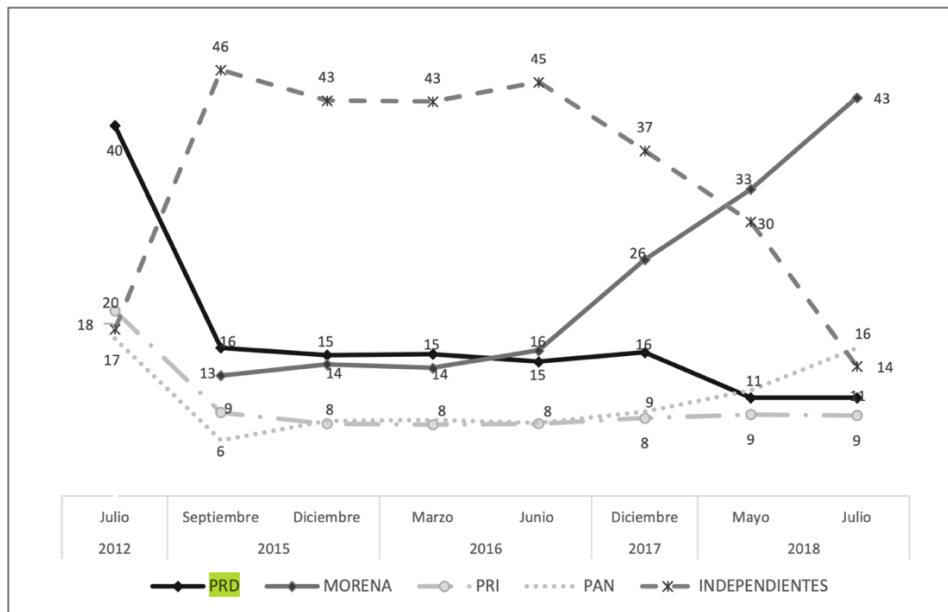


Source: Sohn et al. (2022).

The political science literature on state institutions has found that variables measuring state competition are important predictors of pro-migrant public policies, especially in divided governments and during highly competitive electoral scenarios (Alamillo and Collingwood 2016, Barreto and Collingwood 2015; Barreto et al. 2010; Fraga and Leal, 2004; Reny, 2017 cited in Collingwood and Gonzalez 2019). In fact, I argue that Governor Mancera created the sanctuary decree for electoral and political positioning purposes. First, demographic dynamics, namely the actual increase in deportations of Mexicans to Mexico City, would lead him to take political action on the matter. Subsequent actions would have had electoral purposes given that his government was facing the collapse of his party in Mexico City and nationally, as a result of his alliance with the right-wing and center-right parties, PAN

and PRI respectively, but primarily due to the emergence of the newly created MORENA party. Voters who had consistently chosen the PRD in every election since its founding in the late 1980s drastically changed their electoral preferences in mid-2016, shifting their allegiance to MORENA, the party founded by AMLO. From then on, partisan identification with the PRD plummeted (Sánchez 2021; Sánchez 2018) (see Figure 12).

Figure 12. Party Identification in Mexico City, 2012-2018



Source: Sánchez 2021: 409.

Per Calderon et al. (2019) and Délano (2021), the Mancera administration began a transnational work of policy emulation based on the U.S. model of sanctuary cities, establishing contact with their counterparts in cities such as Chicago or Los Angeles. The authors point out that "the strategy focused on building networks, convening allies and creating strategies in the face of the potential deportation of thousands of Mexicans who, given the change in U.S. immigration policy, it was understood that the deportation of millions of Mexicans would intensify"(Calderon et al. 2019: 44; Délano 2021). I argue that this effort served to shape the initiative, in an effort comparable to what happened with the Interculturality Law in terms of the use of *inter-referencing practices* on the part of Mexico City's governing

elites with respect to European cities. Policy entrepreneurs attempted to emulate the actions of global cities in the U.S., to shape their initiative and, perhaps, to position Mexico City on the global scale as a leading progressive city.

Similarly, Délano (2021) found a mixture of ideological explanations as well as transnational policy emulation initiatives. In her interview with Amalia García, former Mexico City's Minister of Labor (2015-2018) during the Mancera administration, García revealed that the decree emerged not only as a product of the "progressive history of the city" but also as a way of showing solidarity with metropolitan counterparts in the U.S., in response to Trump's anti-migrant rhetoric and policies. She even went further declaring that the *santuario* decree represented an attempt of joining what she referred to as the transnational sanctuary movement (Délano 2021: 89; Mexico City Government 2017). This despite the fact that the term "sanctuary" is almost nonexistent in the Americas and is practically unknown to the vast majority of the population. Additionally, it is not commonly used by pro-migrant organizations or members of the caravan. This calls into question the latter reasons stated by Amalia.

In addition to the conjunctural dynamics presented at the beginning of this section, and the electoral and demographic variables that primarily influenced the emergence of the decree, Amalia García's role as a *policy entrepreneur* could have played an important role in shaping the Sanctuary declaration. In addition, Amalia's political background and experience on migration issues can be conceptually translated as political professionalism. Before accepting her role as Minister of Labor of Mexico City in 2015, Amalia García forged her political career in her home state, Zacatecas. This state is well-known in Mexico as a migrant-heavy state with a historical migratory tradition that in certain periods

has set the agenda for the entire country regarding *diaspora policies*⁷⁸ (Villegas 2019). García accumulated experience in Zacatecas firstly as a local and federal congresswoman, and later as a senator for the PRD. She was one of the founders of the PRD, which as explained, originally emerged as a leftist party with Cuauhtémoc Cárdenas at the end of the 1980s. García Medina was elected governor of Zacatecas in 2004, making her the first female to hold the position of governor in Mexican history⁷⁹ (LADB Staff. 2004. "Amalia Garcia First Woman Elected to a Governor's Seat in Mexico"). During her tenure as governor, Amalia worked to institutionalize state programs that addressed some of the needs of the Zacatecan diaspora in the U.S. such as a program that supported migrant families to posthumously repatriate deceased bodies⁸⁰ (Félix 2011).

In my interviews, practically all the actors, both from civil society organizations and bureaucrats from the migration area of the government who knew about the decree, belittled or discredited it as a measure aimed at obtaining electoral gains on the part of Mancera's government. In addition, they pointed out that, given that the Interculturality Law already existed, this decree made no sense whatsoever. Its designation as a decree did not grant it the same strength as a law-level ordinance, and in addition, the declaration was inherently exclusionary as it focused primarily on deported Mexicans, leaving aside migrants from other countries. These findings strengthen what has already been found by other authors such as Délano (2021) or Calderón et al (2019) on the limitations of this decree. For example, Rosalba from IAP Sin Fronteras explained it as follows:

⁷⁸ Diaspora policies signify a form of transnational engagement between governments of origin of migrants and diasporas in countries of destination (Villegas 2019).

⁷⁹ Regarding García's performance as Zacatecas state governor, García (2013: 213) argues that despite her initial attempt to catapult the state at the vanguard of migration policymaking and development in Mexico, she fell short in executing a progressive migration agenda, and was not capable of producing changes aimed at reversing the "development of sub-development" that has been prevalent in Zacatecas for the past century.

⁸⁰ Adrián Félix (2011: 177), a scholar of Mexican political transnationalism and expert on Zacatecan migrant politics, warns about interpreting such policies as humanitarian. He argues that the sinister purpose underlying such efforts is an attempt on the part of the state to "analogously exert its sovereignty over its deceased emigrants".

It was an agreement more focused on the returning Mexican population and the intention was to take this sanctuary city-Mexico City banner to include all people in mobility because that was, I believe, the main objective of this agreement. [But] it began to focus more on the returning population and that is when this concept [of sanctuary] began to be encapsulated and was no longer taken up by many authorities. Since it is a proposal from that administration, the current administrations do not want to take it up again as an idea, as a banner, because it would be like taking up an administrative political ideology from those days (...). The concept became a bit politicized, which is why the authorities did not take it up again (Rosalba Soto, pers. comm., December 16, 2021)⁸¹.

Rosalba recalls that the proposed objective was to include all types of migrants in the declaration of sanctuary; however, it ended up being limited to returned and deported Mexican nationals. She also explains why it was a fleeting policy given that the initiative was not continued after the governor's term ended. For Rosalba, the new administration headed by Governor Claudia Sheinbaum, from the center-left MORENA party, chose not to continue using the sanctuary city label since it would be related to her predecessor. The explanation is plausible as it is based on partisan dynamics that occurred during that period. The PRD would become an ally of the PAN and the PRI at the national level to form a coalition or bloc, thus becoming an opposition party to the official government (MORENA) both in Mexico City and at the national level. In practice, the PRD would leave behind its tradition as a leftist party, since both the PAN and the PRI have shown ideological and public policy orientations more in line with neoliberalism at least since the mid-1980s with Miguel de la Madrid as president of Mexico for the PRI.

In sum, the assemblage of variables relevant to this decree are the following: the regional conjuncture, politico-electoral issues and state competition, and demographics. The actions of policy entrepreneurs, such as Amalia García, were important in shaping, supporting, and stimulating the decree. I argue that

⁸¹ Original quote: “Fue un acuerdo más enfocado a la población mexicana de retorno y la intención había de tomar esta bandera de ciudad santuario-Ciudad de México para incluir a todas las personas en movilidad porque ese era, creo, el objetivo más grande de ese acuerdo. [Pero] se empezó a focalizar más a la población en retorno, sí, y ahí fue cuando empezó como a encasillársele este concepto [de santuario] que ya no fue tan retomado por muchas autoridades. Como es una propuesta muy de esa administración, actualmente las administraciones por ese tema no lo quieren retomar como idea, como bandera ¿no?, porque sería pues retomar una ideología política administrativa de esos días (...). Se politicizó un poco el concepto, de ahí que no lo volvieran a retomar desde las autoridades” (Rosalba Soto, pers. comm., December 16, 2021).

this configuration of variables best explains the emergence of Governor Mancera's sanctuary declaration. During that period, Mexicans in Mexico and in the United States were clearly opposed to Trump's stances and favored of a strong position from elected officials in Mexico (El Financiero 2017). Therefore, Mancera utilized the sanctuary rhetoric in an effort to improve public perception of his government for the reasons already stated and to better position himself for the upcoming elections, where he would contend for a seat as a federal senator.

Demographic dynamics also come into play. There was indeed a sizable increase in the deportation of Mexicans to Mexico City with the arrival of Donald Trump. This population group required economic and other types of support, as many had been living in the United States for years, to the extent that some of them could be considered immigrants in Mexico despite holding Mexican citizenship (Anderson 2015 and 2019).

Lastly, the actions of a policy entrepreneur like Amalia García would have shaped the initiative and probably set the course for its realization as a sanctuary state. García's background as a Zacatecan politician, with a history of working with the Zacatecan diaspora in the U.S., likely led to privileging this group in the sanctuary decree published in April 2017. Calderón et al (2019) noted that the decree had to be amended to extend Mexico City's "hospitality" to all migrants. Because the decree was primarily a response of the government in office resulting from electoral purposes, and considering that Morena assumed control of the state government and the state legislature as an opposition party to the PRD, the project did not endure beyond 2018, which marked the end of Mancera's six-year term. In addition to these factors, we need to consider that the label of sanctuary is foreign to the Mexican context. Finally, the absence of the organized civil society in the creation process of the decree is perhaps an explanation of its subsequent limited impact on improving migrants' lives. The decree was effectively detached from the actual interests of the migrant population.

5.3. Sub-Unit Three: An Ethnographic Vignette: *Caravanas* and their Impact on Migration Public Policy

On December 12, 2021, a migrant caravan of approximately five hundred migrants mainly from Central American and Haiti (Sánchez et al. 2022) arrived in Mexico City and established their own encampment in *La Casa del Peregrino*, near the *Basílica de Guadalupe*. Originally, the city designed a temporary refugee encampment located on the outskirts. The migrants refused to be transferred to the camp, although they had to confront "granaderos", a Mexico City police force specialized in riot control. "La chaparra", a migrant from El Salvador, told me how they were received with violence, but also how they resisted in order to be able to choose where and how they would arrive in the city. The migrants managed to establish themselves where the pilgrims who go to the Basilica of the Virgin of Guadalupe usually arrive. It is no coincidence, they are both *caravaneros* and pilgrims.

The migrant caravan is a pilgrimage undertaken by migrants in transit, predominantly from Central America, and allies since at least 2011 (Varela and McLean 2019; Vargas 2018). More recently, migrants from other regions in South America and the Caribbean have joined as well⁸². Migrants employ this strategy as a means of survival when crossing Mexico on their journey to the U.S., a traverse which is full of obstacles, and as a political strategy to claim free passage through Mexico as well as to obtain documents that will allow them to carry out their migration projects. Most seek to eventually migrate to the U.S. However, others are increasingly staying in Mexico primarily due to multiple deterrents and barriers created, disseminated, and imposed by the U.S. government in collusion with the Mexican government that prevent them from entering the United States. In fact, the Mexican state has been complicit in the task of curtailing the right of mobility of migrants transiting Mexico, irrespective of the political ideology of the government holding office. Migrants' precariousness and vulnerability

⁸² Countries of origin of migrants (including refugees and asylum seekers) transiting or immigrating to Mexico include Guatemala, El Salvador, Honduras, Nicaragua, Haiti, Cuba, and others in South America, the Caribbean, and even some from Asia and Africa

render them susceptible to multiple human rights violations while crossing Mexico. Organized crime, sometimes in collusion with government authorities at different levels, private actors, and some sectors of Mexican society hamper the migrant's journey as well as their migration projects.

In this context, the formation of caravans since 2011 has saved thousands of lives. Since the inception of the first caravan, many others have been formed. Throughout the years, some *caravanas* have deployed a strategy of exerting pressure on various federal authorities based in Mexico City to obtain legal documents that will allow them either to settle temporarily in the city or to continue their journey north (See Figures 4 and 14) (Vargas 2018; Llanos 2023; Animal Político 2018b; La Prensa 2015). As a result, faith-based and secular organizations, NGOs, and both local and federal governments collaborate, or at the very least, operate in the same area, to provide services or *acompañamiento* during their stay.

The Encampment: A Base for Strategizing their Political Moves

The encampment was improvised, with sections for groups of children, as well as an area for food and recreation. There were no state or federal police in the area, nor did I spot any INM personnel. However, Sánchez (2022) found that INM agents illegally entered the shelter, despite being prohibited by the Interculturality Law and the National Migration Law. In spite of this, in my interactions with migrants in the shelter, it seemed to me that they felt safe inside the sanctuary and in the neighborhood, a poor *barrio* accustomed to receiving pilgrims from all over Mexico. *Tienditas* or small businesses in the neighborhood eagerly welcomed them to offer essentials. Migrants organized themselves autonomously, that is, they themselves assigned their leaders, who wore different colored vests to distinguish their status from the rest. “La chaparra” introduced me as “the academic studying in the United States” to other leaders. I told them a little about my history in Sinaloa, and also about my

graduate studies in Los Angeles, and some responded with curiosity about my experience in the United States.

Figure 13. Makeshift Camp Set Up by Members of the Migrant Caravan, 2018.



Source: Photograph by Fernando Villegas, 2021

Most of the *caravaneros* had the goal of reaching the United States, but others also had intentions of obtaining residency in Mexico. I noticed that they used this space to determine how they would proceed to obtain legal permits that would allow them to either settle in México or continue on their way. Some members of pro-migrant organizations set up cubicles to offer legal services, while others were engaged in activities with the children or provided informative talks. At one point, Irineo approached one of the Mexican activists in the camp to discuss where a protest would be most effective. However, the activist stood aside and responded "you know [what to do]", perhaps as a recognition of his extensive experience organizing caravans.

Cristobal, from the *Cultura Migrante* collective, was one of the activists most frequently sought out by the migrants for his opinion on different issues such as, for example, the most effective forms of protest regarding the space where they should carry them out. In the end, migrants organized autonomously and walked to the INM offices to hold a vigil to protest the death of more than fifty

migrants traveling on a bus in the state of Chiapas just a few days earlier (See Figure 14) (De la Cruz and Clemente 2021). The media accompanied them and gave wide coverage to their protests and demands.

Figure 14. Altar Created by Members of the Caravan in Front of INM Facilities, 2021



Source: Photograph by Fernando Villegas, December 2021

A few days later, they marched to various federal offices such as the Mexican Senate, COMAR, the National Palace, until they finally reached the offices of the Ministry of the Interior. In response to this protest, Irineo Mujica and other migrant leaders met with senior federal government officials. This demonstration and subsequent negotiations bore fruit, resulting in an agreement between the federal government and members of the Caravan. The government pledged to provide legal documentation to all Caravan members, with priority given to migrant minors and migrants who have been victims of crime. Cristobal, from Cultura Migrante informed me that all migrants were able to obtain some type of permit. In addition, commitments were made on the part of the federal authorities to meet their demands. Irineo commented to the media: "the great majority [of the migrants], want to go to the United States, and they are going to be given the document according to their interests." He

further noted that the government had agreed to meet all of their demands (Secretaría de Gobernación 2021: 8; Sánchez et al. 2022). The acts of resistance and protest carried out autonomously and organically by migrant members of the caravan had a direct impact on the decisions of federal governmental actors resulting in pro-migrant public policy actions⁸³.

For their part, Mexico City authorities provided basic assistance services such as food and the like. The most relevant political role of Mexico City actors was played by the state Commission for the Defense and Promotion of Human Rights since they participated in the successful negotiations between migrants and the federal government. The greatest effect of the caravan on local public policy had to do, first, with the violent reception by state police. Afterwards, the Mexico City's government found it necessary to activate what they call a "humanitarian bridge" –a strategy of coordination between various local and federal ministries, as well as civil society organizations in order to provide services required by migrants, focusing on respect for their human rights. The humanitarian bridge emerged from the experience of 2018 when the largest migrant caravan documented so far arrived in Mexico City. According to Pérez, this is the most successful form of collaboration between government agencies at different levels and pro-migrant actors so far (Nancy Perez, pers. comm., November 30, 2021; Mexico City Human Rights Commission 2019).

Although political scientists have attributed a minor role to the impact of social movements, grassroots mobilization or, more generally, collective action on migration public policy (or have simply dismissed it), the case of the migrant caravan in Mexico City makes it clear that there is a direct impact on pro-migrant public policy and that the weight of their actions was determinant, over other sets of variables. The question of how effective the granting of temporary humanitarian visas can be considered, or the

⁸³ This caravan was not as large as past caravans such as the emblematic caravan of 2018 in which, according to Calderón et al. (2019), almost 15 thousand migrants participated.

specific conditions that allow these types of migrant-led actions to lead to public policy benefits, is beyond the scope of this research.

6. EPILOGUE

6.1. Overview and Review of Findings

In the course of my research, I developed a proposition aimed at explaining complex multi-level and multi-dimensional dynamics leading to three distinct pro-migrant public policies in Mexico City. As a starting point, I incorporated RTH variables to find out to what extent they could explain the emergence of such public policies in Mexico City. However, I found that these variables were not sufficient. I noticed that there were a number of complex interdependencies between various variables which cannot be explained by resorting to linear patterns of causality. Therefore, I incorporated to my main proposition the conjunctural approach that would then allow me to bring complexity to my theoretical proposition. This approach led me to build up a configuration or assemblage of variables that would result in my *Conjunctural Theory of Subnational Migration Public Policy*. This theory contends that the simultaneous confluence of some of the following variables explain the emergence of pro-migrant public policies: regional and global conjunctures, left-leaning or liberal partisanship and ideologies at the state level, focusing events, grassroots mobilization, and state competition. One of the advantages of the methodological approach I employ is its flexibility, as it allows different explanatory routes to be reached through various configurations of the variables considered to explain the same outcome (Perry 6 and Bellamy 2012). This implies that some of the variables under consideration may be present to explain one type of public policy, while others may be absent. Therefore, this approach allows the researcher to turn to a different configuration of variables, although from same set which serves as a reference.

Thus, for the case of Mexico City, three different configurations of the main set of variables developed in this dissertation explain the emergence of the three migration public policies analyzed. First, the Interculturality Law is explained mainly as a product of a progressive ideology of the citizenry in Mexico City, which led to the consolidation of a leftist partisan project that has dominated electoral

politics during the last three decades. Once this project was consolidated, the broad control in the state Congress and the arrival of a governor who emphasized an agenda of expansion of civil rights for marginalized and vulnerable groups, would lead to the creation of the interculturality law as well as other laws that would move in that direction. The timing in which the law was passed was significantly influenced by the painful massacre of the 72, which in political science is understood as a focusing event. Finally, what molded the form the law would take was influenced by the actions of policy entrepreneurs within the state government, adopting the concept of interculturality as a result. This configuration of variables explains the emergence of the Interculturality Law.

Regarding the sanctuary decree approved in 2017, the configuration of variables explaining its emergence are three: the regional conjuncture, state competition, and demographics. Firstly, there was an adverse regional conjuncture in which President Trump attacked Mexican migrants in discourse and in practice, by drastically increasing deportations, as well as targeting states and cities that were proclaimed sanctuary for migrants by Democratic politicians. Governor Miguel Ángel Mancera took advantage of this conjuncture to seek electoral political benefits in a context of intense electoral competition against MORENA. The massive deportations of Mexicans, understood here as a sudden demographic movement, led to a strategy by the Mancera administration to support them through the sanctuary discourse, which crystallized in the sanctuary decree. This strategy was emulated by *policy entrepreneurs* in his administration from U.S. sanctuary city policies.

Finally, the temporary stay permits granted by the federal government to most or all members of the 2021 migrant caravan were primarily the result of grassroots mobilization efforts, the absence of strenuous geopolitical pressures from the United States (such as threats to impose tariffs as a means to stop the caravan under Trump), and likely, the tragic death of over 50 migrants in Chiapas, which might have served as a focusing event.

6.2. Limitations

One of the main limitations of this study relates to the limited number of pro-migrant public policies analyzed. To expand the explanatory scope of the proposed set of variables, it will be necessary to include a larger number of public policies from other states, both within and outside the country. It will also be necessary to categorize the different types of laws, policies, and other governmental responses. This categorization will enable more appropriate comparisons between multiple policies, avoiding, for example, the juxtaposition of a law with a government decree, or with isolated responses by certain political actors. Essentially, this will facilitate comparisons of like with like, rather than comparing apples with oranges. Additionally, strengthening the empirical evidence is crucial, for instance, by incorporating stenographic records of legislative debates in state congresses to understand legislators' motivations during the law approval processes. Furthermore, conducting interviews with government officials directly involved in the approval of these laws and decrees will be essential.

6.3. Future Directions for Research

The next step in my research involves conducting a conjunctural analysis of pro-migrant public policies that have been approved in recent years in California. This will enable me to undertake a comparative study between these laws and those approved in Mexico City with the aim of identifying the main variables that lead to the emergence of such public policies in different national contexts.

In the United States, subnational governments and local legislators have increasingly passed or proposed both "pro-migrant" and "anti-migrant" policies and legislation during the first two decades of the 21st century (Collingwood and Gonzalez O'Brien 2019; Pham and Van Hoang 2019). At the more local level, approximately 90 percent of laws and policies enacted after 2017 have been fundamentally pro-migrant. In fact, more immigration-related regulations were passed in that year than in the previous 12 years combined. The cities that enacted pro-migrant public policies range from

large progressive cities like Los Angeles, Berkeley, Chicago, and New York, to medium and small-sized cities that voted for Trump, such as Deerfield, New Hampshire. Notably, cities with populations of less than 100,000 inhabitants were more active than larger cities after 2017, indicating that their pro-migrant actions surpassed those of the aforementioned prototypical sanctuary cities, at least in the total amount of laws approved (Pham and Van Hoang 2019).

California has been at the forefront of these developments. Since 2011, the state has approved various laws and statutory actions, including the provision of driver's licenses to undocumented migrants, expanding their access to education, and protecting migrant workers from deportation. A notable example is SB 54, commonly known as the "Sanctuary Law," the first state-level sanctuary law in the U.S. Broadly, this law limits cooperation between local and federal immigration authorities. Some of its provisions prohibit law enforcement officials from gathering or sharing personal information about noncitizens for immigration purposes, they cannot rely on federal immigration officers as interpreters, among other restrictions on federal immigration enforcement.

Therefore, the next step will be to strengthen the evidence I have gathered in Los Angeles and Mexico City to determine which set of variables best explains SB 54, the sanctuary law in California, as well as AB 60, a law approved in 2013 that enabled undocumented immigrants to access driver's licenses. I have conducted interviews with elected officials like Councilmember Gil Cedillo in Los Angeles, state-level employees in migration agencies, and leaders of migrant rights, labor, and civil society organizations, including faith-based groups.

My future research project will highlight the role of migrant collective action as a critical variable in the enactment of pro-migrant laws in California. This analysis will be significant for the literature on social movements and public policy, as there is limited research examining the impact of migrant collective action on the formation of pro-migrant public policies.

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