



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Fourth periodic report submitted by Mexico  
under article 73 of the Convention, due in  
2022<sup>\*, \*\*, \*\*\*</sup>**

[Date received: 13 September 2024]

\* The present document is being issued without formal editing.

\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CMW/C/MEX/QPR/4](#)).

\*\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Replies to the list of issues prior to reporting (CMW/C/MEX/QPR/4)

### Reply to the questions raised in paragraph 1 of the list of issues

1. The content of the Convention has been incorporated in the Mexican Constitution,<sup>1</sup> the Migration Act and its regulations, the Refugees, Complementary Protection and Political Asylum Act and its regulations, and the General Act on the Rights of Children and Adolescents.
2. The following instruments are in force at the state level: Organic Act of the Aguascalientes Institute for Migrants on the Protection of Migrants (Aguascalientes); Act on Rights Protection and Support for Migrants (Baja California); Internal Regulations of the Support Centre for Child and Youth Migrants (Chiapas); Act on Protection and Support for Migrants (Chihuahua); Act on Interculturality, Support for Migrants and Migration (Federal District); Act of the Institute for the Support and Protection of Migrants and their Families (Durango); Internal Regulations of the Institute for the Support and Protection of Migrants and their Families (Durango); Act on Migrant Support (State of Mexico); Act on Protection and Support for Migrants and their Families (Guanajuato); Act No. 838 on Migrant Support (Guerrero); Act on Migrants and Persons on the Move from Hidalgo and its regulations; Act on Protection and Support for Migrants (Jalisco); Internal Regulations of the Jalisco Institute for Migrants; Act on the Support and Protection of Migrants and their Families and its regulations (Michoacán); Act on the Support and Protection of Migrants and their Families and its regulations (Nayarit); Act on the Recognition of and Support for the Rights of Migrants and their Families and its regulations (Oaxaca); Internal Regulations of the Puebla Institute for Migrant Support (Puebla); Act on Migrant Support (Querétaro); Act on Care and Support for Migrants (San Luis Potosí); Internal Regulations of the Institute for Migrant Support (San Luis Potosí); Act on Protection and Support for Migrants and its regulations (Sonora); Internal Regulations of the Unit for Unaccompanied Child and Adolescent Migrants (Tabasco); and Internal Regulations of the Tamaulipas Institute for Migrants.
3. In March 2023, the federal executive authorities submitted to the Chamber of Deputies a proposal to amend the first and second paragraphs of article 33 of the Mexican Constitution and repeal the third paragraph. As part of the proposed changes, the paragraph preventing foreign nationals from participating in political affairs is deleted and the right to freely express ideas is guaranteed. The new text sets out the procedure that must be followed in assessing whether the activities of a foreign national pose a risk to national security.
4. In response to international recommendations, in November 2020, the reform of the Migration Act was approved to harmonize it with the General Act on the Rights of Children and Adolescents<sup>2</sup>:
  - (a) Prohibition on placing children and adolescents in migrant holding centres;
  - (b) Notifications sent to offices for the protection of children and adolescents in order to refer children and adolescents to shelters or social assistance centres and uphold their best interests;
  - (c) Issuance of temporary permits on humanitarian grounds or residence permits, including for adult dependants;
  - (d) Unique population registry code issued to children and adolescents in possession of a temporary permit on humanitarian grounds;
  - (e) Guarantee of family unity;
  - (f) Children and adolescents at the border not subject to non-refoulement, expulsion, deportation, return or rejection without prior assessment of risk, including danger to life, liberty or security.

<sup>1</sup> Articles 1, 2, 4, 7, 11, 33 and 73.

<sup>2</sup> See [https://www.diputados.gob.mx/LeyesBiblio/ref/Imigra/LMigra\\_ref11\\_11nov20.pdf](https://www.diputados.gob.mx/LeyesBiblio/ref/Imigra/LMigra_ref11_11nov20.pdf).

5. The 2017 General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System sets out the terms governing coordination between different levels of government in the search for missing and disappeared persons and in preventing, investigating, punishing and eradicating offences of enforced disappearance. The Act stipulates the use of a differentiated approach and establishes special measures for searching for migrants and for access to justice. It mandates the creation of the National Missing Persons System, the National Missing Persons Commission, local missing persons commissions, the National Centre for the Identification of Human Remains and the National Register of Missing and Disappeared Persons.

6. In November 2021, with the participation of victims' families, civil society organizations and relevant authorities, a road map was approved for the drafting of the Regulations of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System.

7. In December 2022, the Guidelines for the Mechanism for Mexican Support Abroad in Search and Investigation Activities were approved. Mexican embassies, consulates and attaché offices are expected to operate as help desks for relatives of foreign nationals who have disappeared in Mexico, enabling them, from their own countries, to report disappearances, request and provide information and initiate procedures and formalities related to their rights as victims.

### **Reply to the questions raised in paragraph 2 of the list of issues**

8. Mexico has not signed bilateral agreements with the United States of America on the return to Mexico of undocumented migrants who are nationals of third countries. In view of the unilateral decision of the United States to apply section 235 (b) (2) (c) of the Immigration and Nationality Act, Mexico temporarily authorized the entry from the United States of certain foreign nationals on humanitarian grounds and to safeguard the human rights of migrants, children and persons seeking asylum in the United States.<sup>3</sup>

9. Consular cooperation between Mexico and the United States has been strengthened to ensure that due process is respected in repatriations of Mexican migrants. In application of 26 local arrangements to improve conditions for humane, safe and orderly repatriation, such procedures took place only at 11 border points with adequate infrastructure and relevant support programmes for Mexican returnees. Repatriations were conducted only during the daytime, and authorities cooperated in the provision of assistance to people in vulnerable situations.

10. In January 2023, Mexico and the United States signed two memorandums of understanding:

(a) Memorandum of understanding concerning labour mobility and the protection of participants in temporary foreign worker programmes, in which the parties agree to: (a) ensure an ethical approach to the hiring of Mexican temporary workers with H-2 visas; (b) collaborate in the protection of wages and working conditions for such workers; and (c) facilitate the availability of Mexican seasonal agricultural labour in accordance with the laws, rules and regulations of both countries. Training is delivered on non-discrimination in the workplace, and meetings are organized on the prevention, monitoring and reporting of labour rights violations;

(b) Memorandum of understanding concerning unaccompanied minors on the move, with the objective of preventing child and adolescent migrants from being exposed to criminal trafficking and smuggling networks.

<sup>3</sup> Ministry of Foreign Affairs. (2018) Position of Mexico on the decision of the Government of the United States to apply section 235 (b) (2) (c) of its Immigration and Nationality Act, <https://www.gob.mx/sre/prensa/posicionamiento-de-mexico-ante-la-decision-del-gobierno-de-eua-de-implementar-la-seccion-235-b-2-c-de-su-ley-de-inmigracion-y-nacionalidad>.

11. The Mexican Migration Model<sup>4</sup> recognizes that Mexico is a country of origin, transit, destination and return for migrants. It addresses the structural causes of irregular migration and places priority on human rights and support for Mexican communities abroad. Its main areas of focus are regularization, empowerment, development cooperation, expansion and diversification of labour mobility pathways.

12. Between 1 January 2020 and 4 July 2024, 97,927 undocumented migrants were returned on 838 flights. Between 1 January 2024 and 7 July 2024, 7,590 migrants were transferred to Guatemala and Honduras in 264 operations at land borders. Assisted returns are carried out with the agreement of the country of origin and in line with the relevant protocols guaranteeing protection of the rights of returned migrants (annex 1, section 1: Assisted return flights, by country and year, 2022–2024).

13. Returns are carried out in accordance with the Migration Act and the rulings of the Supreme Court, pursuant to which immigration detention is limited to a maximum of 36 hours. Prior to return, the relevant consular service is notified, and nationality checks are performed. The relevant Mexican authority is responsible for issuing the return order. Reintegration processes are the responsibility of the country of origin.

14. Mexico cooperates with countries in the region through programmes aimed at development in communities of origin. The Government of Mexico expects to reach 91,000 beneficiaries, including returning migrants.

15. In April 2024, Mexico and Guatemala signed a letter of intent to strengthen protection, support and return processes for children and adolescents.

16. Mexico has signed agreements with international organizations:

(a) Framework cooperation agreement between the National System for the Comprehensive Development of the Family and the International Organization for Migration (IOM), 29 May 2020;

(b) Cooperation agreement between the government of the State of Baja California and IOM, 19 May 2021;

(c) Cooperation agreement between the Nuevo León System for the Comprehensive Development of the Family and IOM, 1 November 2022;

(d) Framework cooperation agreement between the municipality of Guadalajara, Jalisco, and IOM, 4 April 2022;

(e) Cooperation agreement between the Ministry of the Interior and IOM, 31 August 2022;

(f) Framework cooperation agreement between the National System for the Comprehensive Development of the Family and IOM, Mexico City, 25 March 2022;

(g) Memorandum of understanding between the Executive Secretariat of the Jalisco Comprehensive Protection System for Children and Adolescents and IOM, signed in Guadalajara, Jalisco, on 28 February 2023;

(h) Memorandum of understanding between the government of the State of Jalisco and IOM, signed in Guadalajara, Jalisco, on 29 August 2023;

(i) Memorandum of understanding between the Ministry of Foreign Affairs, the National System for the Comprehensive Development of the Family and IOM concerning the foundations for cooperation in the Multi-Service Centre project in Huixtla, Chiapas, 4 September 2024.

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<sup>4</sup> Ministry of Foreign Affairs, Interministerial Commission for Comprehensive Support in Migration Matters adopts the Mexican Migration Model, <https://www.gob.mx/sre/prensa/la-comision-intersecretarial-de-atencion-integral-en-materia-migratoria-adopta-el-modelo-mexicano-de-movilidad-humana?idiom=es>.

### Reply to the questions raised in paragraph 3 of the list of issues

17. The National Development Programme 2019–2024 sets out the objective of addressing the structural causes of migration through the creation of decent jobs, regional development, building a welfare state and promoting peacebuilding processes.

18. The National Human Rights Programme 2019–2024 establishes objectives, strategies and concrete actions to address various human rights issues, including specific measures to protect and guarantee the rights of migrants, refugees and asylum-seekers.

19. The Migration Act and other regulatory and planning instruments guarantee the full exercise and enjoyment of human rights for all persons residing in, entering, transiting or returning to Mexico, based on the design, coordination and implementation of a comprehensive population and human mobility policy.

20. The National System for the Comprehensive Protection of Children and Adolescents, based on the General Act on the Rights of Children and Adolescents, coordinates the actions taken by the State to guarantee the rights of children and adolescents residing in and transiting through Mexico. In addition to the National System, 32 state systems and 1,871 municipal systems for the comprehensive protection of children and adolescents have been established. In 17 of the state systems, specialized bodies have been set up to address the issue of migration.

21. The Commission for the Comprehensive Protection of Child and Adolescent Migrants and Asylum-seekers sets national policy on relevant issues, with the objective of coordinating the strategies and actions necessary to guarantee respect for, and the exercise and protection of, human rights.

22. On the basis of article 123 of the General Act on the Rights of Children and Adolescents, the Federal Office for the Protection of Children and Adolescents of the National System for the Comprehensive Development of the Family designed the procedure for supporting children and adolescents and restoring their rights in the context of migration. The procedure is followed by state and local offices for the protection of children and adolescents once the National Institute of Migration provides them with information about a child. The objective of the procedure is to evaluate the level of vulnerability of children and adolescents and their families and to develop a plan to restore violated rights, prioritizing the best interests of the child.

23. In determining best interests, the offices for the protection of children and adolescents and a multidisciplinary team set up with the participation of children assess all the elements necessary to make a decision on the particular situation of a child or group of children.

24. The National Institute for Women is the competent authority for encouraging gender mainstreaming in development planning, programming and the federal budget.<sup>5</sup> The Migration Act grants the Institute auxiliary powers in migration matters.<sup>6</sup> The Institute has designed actions to mainstream a gender perspective in all public affairs and to promote the State policy on gender equality, including in migration policy, with a particular focus on migrant women.

25. The National Programme for Equality between Women and Men 2020–2024 promotes the following actions for women in the context of migration:

(a) Health: ensure access to emergency and day-to-day health services that incorporate a gender perspective and full respect for the human rights of migrant women; strengthen and monitor the health insurance mechanisms that provide access to health services and medicines for Indigenous and Afro-Mexican women, migrants, persons with disabilities, older persons, children, adolescents and LGBTI+ persons;

<sup>5</sup> Art. 7, section II, of the Act on the National Institute for Women. Available at [https://www.diputados.gob.mx/LeyesBiblio/pdf/88\\_200521.pdf](https://www.diputados.gob.mx/LeyesBiblio/pdf/88_200521.pdf).

<sup>6</sup> Art. 30 of the Migration Act. Available at <https://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf>.

(b) Violence against women and girls: promote positive images of Indigenous, rural, Afro-Mexican, migrant, refugee and asylum-seeking women in public, private and digital media to foster a culture free of discrimination; promote specialized legal assistance to female victims of violence and trafficking in persons who file complaints, with a special focus on access to services for, inter alia, Indigenous, migrant, refugee, transgender, poor and illiterate women and girls and those with disabilities;

(c) Women, peace and security: design actions to provide translation and interpretation services to Indigenous and migrant women and women with disabilities to help them file complaints and receive support during legal proceedings, using a human rights approach; and strengthen campaigns to prevent violence against women and discrimination against lesbian, gay, bisexual, transgender and intersex migrants within the Mexican community abroad.

26. In the compendium of actions prepared by Mexico in connection with the objectives of the Global Compact for Safe, Orderly and Regular Migration, 356 actions, programmes and policies for migrants were identified at the federal and state levels within the legislative branch, the judiciary, autonomous constitutional bodies and civil society organizations. Approximately 23 per cent of the actions incorporate a gender-sensitive approach for women and girls.<sup>7</sup>

27. In terms of inter-agency coordination efforts and the implementation of the relevant policies at the federal, state and municipal levels, noteworthy points include the following:

(a) In 2022, as part of the Root Solutions for Migration project, in collaboration with IOM, technical support was provided to assist the State of Campeche in including a migration perspective in its Human Rights Programme, and a state migration profile was prepared;

(b) As part of the same project and in collaboration with the government of Campeche and the municipality of Calakmul, a campaign was launched to raise awareness of the rights of migrants;

(c) In 2023, with support from IOM, a guide was prepared, setting out the essential elements required in the construction of local public policies for the integration of migrants.

### **Reply to the questions raised in paragraph 4 of the list of issues**

28. Migration statistics are drawn from the administrative records of the National Institute of Migration and do not include ethnic or racial origin, gender identity or disability. Nevertheless, action to protect specific groups is taken by the Institute's child protection officers and vulnerable groups officers.

29. There are four types of regular migration status that confer on foreign nationals the right to work:

(1) Temporary residence permit for labour purposes (annex 1, section 2: Number of holders of temporary residence permits, by continent, country of nationality and migration category; and section 3: Number of renewals of temporary residence permits, by continent, country of nationality and migration category);

(2) Permanent residence permit (annex 1, section 4: Number of holders of permanent residence permits, by continent, country of nationality and migration category; section 5: Number of renewals of permanent residence permits, by continent, country of nationality and migration category; and section 6: Number of permanent residence permits issued for the purposes of regularization of migratory status, by continent, country of nationality and migration category);

(3) Cross-border work permit (annex 1, section 7: Number of holders of cross-border work permits, by district of Belize/department of Guatemala and sex);

<sup>7</sup> See <http://politicamigratoria.gob.mx/es/PoliticaMigratoria/PMM>.

(4) Temporary permit on humanitarian grounds (annex 1, section 8: Number of holders of temporary permits granted on humanitarian grounds, by continent, country of nationality, sex and reason for stay).

30. While anyone has the right to request a temporary permit on humanitarian grounds, most applicants are unaccompanied children, victims or witnesses of crimes committed in Mexico, or asylum-seekers. The permit enables foreign nationals who do not yet have permanent residence to obtain access to the labour market and public services.

31. The cross-border work permit confers authorization to work in the southern border States of Campeche, Chiapas, Tabasco and Quintana Roo. The permits, which are valid for one year, grant the holder authorization for multiple cross-border journeys to and from those states.

32. With regard to adult migrants in transit, the statistical data cover only those who were identified or rescued by the National Institute of Migration or processed for not having a valid migration permit (annex 1, section 9: Persons with irregular migration status in Mexico, by continent and country of nationality; and section 10: Persons with irregular migration status in Mexico, by age group, travel status and sex.)

33. In 2023, there were 782,176 persons with irregular migration status. The total number of people returned in 2023 was 53,346, the lowest number since 2018 (annex 1, section 11: Number of persons returned by the Mexican migration authorities, by continent and country of nationality; and section 12: Number of persons returned by the Mexican migration authorities, by continent, country of nationality and type of outcome.)

34. For details of referrals of children and adolescents to social assistance centres, see annex 1, tables 10.1–10.3: Number of persons with irregular migration status in Mexico, by age group, travel status and sex. The figures from 2021 to 2023 include referrals of children and adolescents and persons over the age of 18 years.

35. Data from the Migration Policy, Registration and Identification Unit show that between 2021 and March 2024, the National Institute of Migration referred 306,028 children and adolescents to social assistance centres. During the same period, 78,490 Mexican children and adolescents were deported from the United States.<sup>8</sup>

36. Between 2018 and 2022, the number of returns of Mexican nationals dropped from 258,000 to 214,000. The number of women returned rose from 3,820 in 2022 to 4,913 in 2023 (annex 1, section 13: Number of returns of Mexican nationals from the United States under the repatriation mechanism, by main federative entity of origin and sex, 2018–2023).

37. For information on child and adolescent migrants with irregular status in Mexico, see annex 1, section 14: Children and adolescents with irregular migration status, by continent, country of nationality, age group, travel status and sex; and section 15: Children and adolescents not subject to return, by outcome, continent and country of nationality.

38. The Centre for Migration Studies of the Migration Policy, Registration and Identification Unit is responsible for research, data generation and dissemination of studies, statistics and specialized publications on migration. It manages a specialized library on migration issues which contains more than 10,500 documents:

(a) Statistics are available at

[https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion\\_de\\_Estadistica](https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion_de_Estadistica);

(b) Publications are available at

[https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion\\_de\\_Publicaciones\\_y\\_Difusion](https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion_de_Publicaciones_y_Difusion);

(c) Publications and research projects are available at

[https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion\\_de\\_Investigacion\\_para\\_Politicas\\_Publicas](https://portales.segob.gob.mx/es/PoliticaMigratoria/Direccion_de_Investigacion_para_Politicas_Publicas).

<sup>8</sup> [https://portales.segob.gob.mx/es/PoliticaMigratoria/Sintesis\\_NNA\\_totales\\_2021](https://portales.segob.gob.mx/es/PoliticaMigratoria/Sintesis_NNA_totales_2021).

**Reply to the questions raised in paragraph 5 of the list of issues**

39. Through its Migrant Support Programme, the National Human Rights Commission takes action to uphold the human rights of all migrants. The Programme has 52 employees, 4 divisional directors and 28 deputy inspectors. Its allocated budget for 2024 is 53,177,349 Mexican pesos (Mex\$).

40. Its activities are focused on the promotion and dissemination of human rights; the investigation of alleged human rights violations; monitoring visits to holding centres and short-stay facilities operated by the National Institute of Migration, shelters housing migrants, and social assistance centres operated by the National System for the Comprehensive Development of the Family; and the receipt of complaints and statements and the provision of immediate solutions.

41. Between January 2020 and 31 May 2024, it closed 4,679 complaint procedures: in 1,846 cases, the complaint was resolved during the procedure; in 1,376 cases, guidance was provided; in 819 cases, no evidence was found; 489 cases were joined with others; in 74 cases, an agreement was reached; in 73 cases, recommendations were issued; and in 2 cases, serious human rights violations were found.

**Reply to the questions raised in paragraph 6 of the list of issues**

42. Public officials receive mandatory in-service training on the human rights of migrants with a view to maintaining their professional competence and ensuring that they are aware of the most up-to-date information available. Civil society organizations, international organizations and the National Human Rights Commission participate in the training.

43. Noteworthy participants include the Executive Commission for Victim Support, the Office of the Special Prosecutor for Violent Crimes against Women and Vulnerable Groups and Trafficking in Persons, the National System for the Comprehensive Development of the Family, the Commission on Assistance for Refugees, the National Council for the Prevention of Discrimination, the Federal Public Defender Service, the Migration Policy, Registration and Identification Unit, the National Institute for Women, the Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents, the Council of the Federal Judiciary, the National Guard and state and municipal public security authorities.

44. The main topics of the training sessions included human rights; gender perspectives; the rights of children and adolescents; the protection of children and adolescents in the context of migration; trafficking in persons; smuggling of migrants; women's rights; the elimination of racial discrimination; equality and inclusion; international protection; gender diversity; and the eradication of violence against women.

**Reply to the questions raised in paragraph 7 of the list of issues**

45. The Advisory Council on Migration Policy is a specialized consultation body. It collects, analyses and, where appropriate, makes referrals concerning the requests and positions of a range of stakeholders, including the academic sector and civil society organizations, to be considered when setting migration and human mobility policy.

46. Since its establishment in 2012, the Council has held regular sessions every quarter. It has thematic working groups on support for Mexican nationals in the United States; smuggling of migrants; forced internal displacement; the right to identity; access to public education; access to health; implementation of the Global Compact for Migration; and a special group on support for internal migrants, agricultural day labourers, children and adolescents, and residents of the State of Guerrero deported from the United States.<sup>9</sup>

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<sup>9</sup> Ministry of the Interior, Advisory Council on Migration Policy, [http://politicamigratoria.gob.mx/es/PoliticaMigratoria/bitacora\\_ccpm](http://politicamigratoria.gob.mx/es/PoliticaMigratoria/bitacora_ccpm).



47. The Advisory Council on Migration Policy has addressed the follow-up to the recommendations issued by the Committee. Its annual agenda includes the monitoring of the 23 objectives of the Global Compact for Migration. In 2023, for the first time, four civil society organizations (Institute for Women in Migration, the Support Centre for Migrant Indigenous Families, the International Detention Coalition and Uno de siete migrando A.C.) reported on the results of actions related to the Compact: legal clinic; provision of channels for regularizing the migration status of Central American women who have been victims of violence, and their children; promotion of the right to identity and submission of a legislative proposal in the State of Tlaxcala; technical support for social assistance centres through residential foster care with limited freedom; and promotion of integration through employment, housing and education.<sup>10</sup>

48. The National Protection Mechanism for Human Rights Defenders and Journalists uses a comprehensive approach to the defence of human rights and freedom of expression. Between 2018 and 2023, the Mechanism's budget increased by 175 per cent, and by the end of 2022, its workforce had increased by 70 per cent.

49. The Mechanism has identified 25 cases involving persons whose human rights advocacy work focuses on migrants. In total, 96 such persons are in receipt of protection measures (annex 1, section 16: Cases of protection of human rights defenders focusing on migrants).

<i>Beneficiaries</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Direct	37	37	74
Indirect	11	11	22

### **Reply to the questions raised in paragraph 8 of the list of issues**

50. The National Programme to Combat Corruption and Impunity and Improve Public Administration 2019–2024 is focused on four main areas:

- Combating corruption and impunity
- Combating arbitrariness and abuse of power
- Promoting better public administration and improved communication between governments and society
- Involvement of civil society and the private sector in anti-corruption efforts

51. The National Anti-Corruption Policy is an instrument designed to coordinate at the national level the public entities responsible for preventing, detecting, investigating and punishing administrative offences and acts of corruption.

52. A platform for internal and external whistle-blowers is operated by the Ministry of the Public Service with the aim of making it easier for private citizens and public officials to report bribery, embezzlement and misappropriation of public resources without suffering reprisals; platform users are ensured confidential communication and anonymity.

53. The Comprehensive Citizen Complaints System administered by the Ministry of the Public Service was set up to register, record, manage, process and investigate complaints made by any person within the framework of the General Act on Administrative Responsibilities. It is the only mechanism in place for the storage, archiving, consultation, reproduction, verification, administration and transmission of the information emanating from the complaints.

<sup>10</sup> Migration Policy, Registration and Identification Unit, General Compendium, 2023 Global Compact for Safe, Orderly and Regular Migration, Mexico, [http://politicamigratoria.gob.mx/work/models/PoliticaMigratoria/Documentos/Compendio\\_General\\_PMM\\_2023.pdf](http://politicamigratoria.gob.mx/work/models/PoliticaMigratoria/Documentos/Compendio_General_PMM_2023.pdf).

54. The offices for the protection of children and adolescents take action to prevent children and adolescents and those accompanying them from becoming victims of human rights violations. Pursuant to article 112 of the Migration Act, once the offices are notified that a child has been identified, they begin the process of referral to a social assistance centre suited to the child's needs.

55. If the rights of children and adolescents are violated, a legal representative is assigned to ensure that the rights are restored. The representative, acting in a supporting or substitute capacity, analyses previous assessments and determines whether an offence has been committed. If so, the representative files a complaint with the competent authority. If he or she identifies a risk to life, integrity or freedom, the representative issues urgent protection measures and determines what action should be taken. He or she also takes concrete steps, as part of a multidisciplinary group, to identify which rights have been violated or infringed. The child or adolescent undergoes a medical examination in the presence of a family member or a female psychologist, and if medical attention is required, urgent protective measures are issued. The representative notifies the Public Prosecution Service and monitors the protection measures until the rights are fully restored and upheld.

56. In order to prevent and identify possible violations of the human rights of migrants, the National Institute of Migration has developed the following guidelines and programmes:

(a) The Guide to supporting child migrants details the procedures to be followed and the actions to be taken from the first contact with children and adolescents until the end of the migration-related administrative procedure and also addresses how to support them in the context of mass migratory flows;

(b) The Guide for child protection officers at the National Institute of Migration during transfers of child migrants and the Guide to recommendations for child protection officers on interacting with child migrants, prepared with support from the United Nations Children's Fund (UNICEF), are intended to improve interaction between public officials and child migrants and identify possible risk situations;

(c) The Guide to supporting repatriated Mexican children and adolescents sets out the basic procedures and guidelines for providing appropriate support to children and adolescents during the repatriation process;

(d) The "Messages of care" pamphlet for migrant women, prepared by the National Institute of Migration, the National Institute for Women and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) contains information about the risks faced by migrant women and about their rights, and details of telephone helplines;

(e) The Guide to supervising the actions of child protection officers and vulnerable groups officers sets out guidelines on supervising and evaluating the performance of officers with a view to improving their efforts to protect the human rights of children and adolescents;

(f) The Mexican Heroes Programme, coordinated by the National Institute of Migration, establishes policies and actions in the areas of prevention, guidance and assistance to ensure that the rights of Mexican migrants entering, transiting or leaving Mexican territory are respected, that their personal safety and the safety of their belongings are guaranteed, that they know their obligations and that they are treated with dignity and in accordance with the law;

(g) The Mexican Heroes Guide is distributed through the Mexican consular network in Canada and the United States and at the main international border points, airports, bus stations, public squares and government offices in Mexico, and it can also be accessed and downloaded online.

57. In 2023, 468,123 copies of information guides on the risks and dangers of irregular migration and on the rights and obligations of migrants in Mexico were distributed.

58. The work of Beta Migrant Protection Groups is focused on migrants in vulnerable situations, rescue and life-saving efforts, social assistance and the provision of information and legal advice, irrespective of nationality or migration status (annex 1, section 17: Migrant protection actions by Beta Groups).

59. Within the framework of the National System for the Comprehensive Protection of Children and Adolescents, the Road Map for the Comprehensive Protection of the Rights of Child and Adolescent Migrants was created to provide guidance on supporting and protecting this population group and prevent violations of their rights. It streamlines the responsibilities of public institutions, international organizations and civil society organizations that provide support to children and adolescents. A version of the Road Map has been produced for children and adolescents to inform them of their rights and the support available to them. In addition, the establishment of state and municipal migration commissions is being encouraged with a view to strengthening the institutional framework for supporting children and adolescents.

60. In July 2024, in coordination with Kids in Need of Defense (KIND), a forum on the right to family life for child and adolescent migrants was held to identify actions that can be taken to uphold that right, particularly for those children who are involved in reunification processes following the granting of refugee status.

61. The National Register of Victims of the Executive Commission for Victim Support brings together data on victims from the Federal Register of Victims, for cases under federal jurisdiction and human rights violations, and from the registers of victims maintained by the federative entities, for offences under state jurisdiction.

62. The National Register of Victims ensures that victims have timely and effective access to the support, assistance and comprehensive repatriation measures and resources provided by the Executive Commission. The National Register of Victims currently lists:

(a) 2,493 migrant victims, of whom 1,462 were direct victims and 1,031 were indirect victims; of the total number of registered victims, 1,079 are female and 1,414 are male;

(b) 195 migrant victims in the first San Fernando, Tamaulipas, case; 89 migrant victims in the Cadereyta, Nuevo León, case; and 111 migrant victims of the fire at the short-stay facility in Ciudad Juárez, Chihuahua;

(c) Annex 1, section 18: Number of migrants registered as victims, by country of origin.

63. Migrant victims face a range of physical, psychological and medical problems as a result of events during their journey. The Mexican State, through the Executive Commission for Victim Support, fulfils its commitment to provide them with comprehensive support. To this end, it has 32 integrated services centres and three subsidiary centres, where victims can initiate contact with the Commission and receive immediate assistance.

64. The integrated services centres offer psychological support, social work services and legal advice and provide links to basic medical services. Between June 2023 and June 2024, the Executive Commission for Victim Support provided a total of 5,618 services to migrant victims – 2,099 to women and 3,519 to men (psychological support: 3,162; social work services: 2,223; medical care: 233). The services were provided mainly in Sonora (2,283), Chihuahua (625), Yucatán (481), Mexico City (274), Baja California (208), Coahuila (182), Tamaulipas (142), Oaxaca (135), State of Mexico (18) and Quintana Roo (4).

65. The Office of the Special Prosecutor for Offences involving Migrants and Refugees has registered 177 complaints for a range of offences against migrants.

### **Reply to the questions raised in paragraph 9 of the list of issues**

66. Migrants have the right of access to justice regardless of their nationality or migration status. The Office of the Special Prosecutor for Offences involving Migrants and Refugees under the Prosecutor General's Office investigates and prosecutes federal offences committed by or against migrants. It also leads, coordinates and supervises the implementation of measures to provide reparation for the harm suffered by victims.

67. Eight states currently have prosecutor's offices that specialize in dealing with migrants: Baja California, Campeche, Chiapas, Coahuila, Oaxaca, Quintana Roo, Tabasco

and Veracruz. As of January 2024, there is also such an office in the municipality of Tapachula.

68. In the Federal Public Defender Service, the Legal Assistance Unit has advisers who specialize in assisting migrants and handling labour issues. From January 2017 to December 2024, it provided assistance on 27 occasions, invoking the following principles of the Convention: (i) right to decent work; (ii) equality with nationals of the State concerned before the courts and tribunals; and (iii) liberty and security of person. In none of these cases was the Convention taken into account in the courts' decisions.

69. Until the first half of 2019, the Federal Public Defender Service had 10 legal advisers in the south of the country to assist migrants and 7 in the north to deal with returnees. In August 2019, by agreement of the governing board, the migration and repatriation teams were merged to create a specialized legal assistance office for migrants and persons in receipt of international protection, thereby increasing the number of legal advisers nationwide. The office currently has 43 legal advisers who specialize in mobility.

70. The Federal Public Defender Service provides legal assistance to migrants and persons in receipt of international protection, regardless of their migration status. From 2017 to December 2024, it assisted such persons on 33,855 occasions. See annex 1, section 19: Assistance provided by the Federal Public Defender Service, by form and year.

71. The legal advisers have a protocol for assisting migrants and persons in receipt of international protection, which offers supplementary guidance to ensure the adequate defence of such persons and the recognition of diversity and multiculturalism.

72. The Executive Commission for Victim Support, through the Directorate General of the Federal Legal Assistance Service and its Special Directorate for Migrants, provides legal guidance, assistance, representation and support to migrants who are victims of federal offences or human rights violations.

73. In 2022 and 2023, the Executive Commission for Victim Support delivered legal services to migrants in cases involving smuggling of migrants on 14,429 occasions, supporting 3,102 women, 6,500 men, 755 girls, 766 boys and 918 adolescents. It delivered legal assistance in the filing of 489 complaints with the Federal Prosecution Service and provided legal representation in 872 federal criminal proceedings and assistance in 655 investigations. A total of 362 protection measures were requested under the National Code of Criminal Procedure.

74. In June 2023, the Executive Commission for Victim Support secured 50 convictions in cases involving migrants who were victims of smuggling.

75. With regard to the offence of trafficking in persons, in 2022 and 2023, the Executive Commission for Victim Support provided specialized legal services on 237 occasions, benefiting 30 women, 4 men, 5 girls, 1 boy and 5 adolescents.

76. In 2022 and 2023, the Executive Commission for Victim Support supplied legal assistance in the filing of 11 complaints with the Federal Prosecution Service, in addition to offering legal guidance in 16 investigations and representation before the courts in 14 federal criminal proceedings. It requested 13 protection measures under the National Code of Criminal Procedure. One conviction was handed down for trafficking in persons involving migrant victims. The Executive Commission for Victim Support follows up on active cases of trafficking in persons.

77. The Executive Commission for Victim Support also provided legal representation and support in cases of abuse of authority, delivered legal services in cases involving the extortion of migrants and, in each situation, contributed to the prosecution before the courts.

### **Reply to the questions raised in paragraph 10 of the list of issues**

78. Mexico promotes public programmes and policies that support persons in vulnerable situations in order to reduce inequality and eliminate discriminatory practices. The National Council for the Prevention of Discrimination continuously produces and disseminates

materials to address racist, classist and xenophobic prejudices and stereotypes concerning migrants and refugees. Its activities have included:

- (a) The publication of the guide to public action against bullying;<sup>11</sup>
- (b) The publication of the guide to public action for financial inclusion without discrimination;<sup>12</sup>
- (c) The publication of the guide to healthcare without discrimination;
- (d) The publication of the document entitled “Myths and realities concerning the migrant caravan and refugees”;
- (e) The dissemination of messages such as “Migrants are not a threat to health”, “Migrants enrich the diversity of their host communities” and “Our country helps lighten the load for Haitian migrants, refugees and asylum-seekers”. The purpose of such messages is to counter the xenophobia that coexists with other forms of intolerance;
- (f) The organization of events on inclusion and non-discrimination with regard to migrants and refugees, with a view to raising awareness, among the general public and the authorities, of the right to migrate with dignity and without discrimination, promoting empathetic and prejudice-free coexistence and informing migrants, asylum-seekers, refugees and individuals seeking complementary protection of their rights and obligations;
- (g) The organization, in 2022, of events in Apizaco, Tenosique, Palenque, Guadalajara, Tijuana, Mexicali and Tapachula. In 2023, such events were organized in Aguascalientes, Mexico City and Nuevo León;
- (h) The delivery of training and awareness-raising sessions for public officials and the media to tackle discriminatory and xenophobic discourse against migrants and refugees;
- (i) The publication of the guide to public action for xenophobia-free communication, the aim of which is to prevent hate speech and incitement to hatred targeting migrants, including through recommendations for addressing the topic of international migration in the media and on social networks;
- (j) The implementation of the “Connect” educational programme, which offers courses on migration and xenophobia, on the right of the Afro-Mexican population to equality and non-discrimination and on discrimination, hate speech and inclusive alternatives.

79. In order to share a positive image of female migrant workers, the National Institute for Women and the International Organization for Migration (IOM) ran the campaigns “Female migrant workers as part of the Mexican labour force” and “Women entrepreneurs without borders”.

80. The Migration Policy, Registration and Identification Unit continuously develops and runs communication campaigns on migration issues. Between July 2022 and June 2023, it organized 34 campaigns based on the cross-cutting theme of the human rights of migrants.

81. On the basis of the memorandum of understanding between the Ministry of Foreign Affairs and the Anti-Defamation League, the Mexican consular network in the United States works with the League to provide care and assistance to Mexican victims of alleged hate incidents and crimes, discrimination and intolerance.

82. Between June 2022 and June 2023, the dissemination of preventive material was stepped up among the Mexican community in order to raise awareness of what to do after falling victim to or witnessing hatred. Training on dealing with victims of hate incidents and crimes and anti-immigrant rhetoric was delivered to 322 officials from the Ministry of Foreign Affairs and consular staff.

<sup>11</sup> National Council for the Prevention of Discrimination, Guide to public action against bullying, <https://sindis.conapred.org.mx/investigaciones/guia-de-accion-publica-contr-el-acoso-escolar/>.

<sup>12</sup> National Council for the Prevention of Discrimination, Guide to public action for financial inclusion without discrimination, <https://sindis.conapred.org.mx/investigaciones/inclusion-financiera-sin-discriminacion/>.

83. In 2020 and 2021, training sessions on human rights and social vulnerability at the southern border of Mexico and on migrants' rights and non-discrimination were held as part of the Border Municipalities for Human Rights Pilot Programme. As part of the Strategy for Strengthening Migration Governance, training on migration and non-discrimination was delivered to public officials from the States of Guerrero, Durango and Michoacán.

### **Reply to the questions raised in paragraph 11 of the list of issues**

84. The Office of the Federal Labour Advocate is responsible for protecting labour rights and access to social security for all workers, regardless of their migration status. It has 47 offices across the country and offers advisory services, conciliation assistance and legal representation.

85. In July 2019, the Federal Labour Act and the Social Security Act were amended to regulate paid domestic work and recognize and guarantee the rights of individuals, including in relation to hours of work, weekly rest, paid leave, minimum wage and social security coverage. These amendments<sup>13</sup> are applicable to nationals and foreign workers.

86. In 2020, Mexico ratified International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189),<sup>14</sup> which entered into force in July 2021.

87. In November 2022, the Social Security Act was amended to establish employers' obligation to enrol domestic workers in the social security system, thereby guaranteeing them workplace risk insurance, health and maternity insurance, disability and life insurance, retirement, unemployment and old-age insurance and childcare and social benefit insurance.

88. Pursuant to article 337 bis of the Federal Labour Act, the activities of foreign domestic workers in Mexico are governed by articles 28 and 28-A of the Act, the international treaties to which Mexico is party and other applicable legal provisions.

89. Article 28 of the Federal Labour Act establishes that, in the case of Mexican workers who have been hired in Mexico to provide services abroad and whose contract is governed by that Act, their working conditions must be recorded in writing and comply with the specifications of article 25 of the Act. It also provides that repatriation expenses are to be covered by the employer.

90. Pursuant to article 28-A, Mexican workers selected and recruited in Mexico for fixed-term employment abroad are to be covered by an agreement that safeguards the workers' rights, including in relation to repatriation conditions, housing, social security and other benefits.

91. Mexico has schemes for safe, orderly and regular migration that link workers to employment opportunities on the domestic and international labour markets:

- (a) International schemes:
  - (i) Mexico-Canada Seasonal Agricultural Worker Programme;
  - (ii) The labour mobility mechanism with:
    - Canada, which matches workers with Canadian employers in the industrial and service sectors
    - The United States, which matches workers with agricultural employers
    - Germany, which matches health and gastronomy professionals and construction technicians

<sup>13</sup> Available at [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5564651&fecha=02/07/2019#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5564651&fecha=02/07/2019#gsc.tab=0).

<sup>14</sup> Available at [https://www.ilo.org/americas/sala-de-prensa/WCMS\\_749907/lang--es/index.htm](https://www.ilo.org/americas/sala-de-prensa/WCMS_749907/lang--es/index.htm).

(b) National schemes:

(i) Internal mobility programme for agricultural day labourers;

(ii) Mechanisms to integrate migrants into the labour market, including the migrant population in Mexico and persons who are in their country of origin and wish to travel to Mexico on an employment-based visa;

(iii) Local integration programme for persons recognized by Mexico as refugees.

92. Mechanisms are in place to monitor the working conditions of workers in Mexico and abroad. Agreements have been reached with foreign Governments to monitor and address abuse or human rights violations committed against Mexicans working abroad.

93. The National Employment Service works to fill vacancies, promote and share information on the working conditions offered by companies in the regions of origin of day labourers, monitor the conditions of transfer from the place of origin to the employment facilities, provide follow-up during the employment period and oversee the conclusion of the contract and the workers' return.

94. The labour authorities provide support in national and international labour mobility processes in order to prevent violations of workers' rights. The Ministry of Labour and Social Security can, where necessary, act as a mediator and attempt to solve any problems. With regard to international mobility, there are channels for sharing information with the labour authorities of the destination country.

95. All safe, orderly and regular migration schemes run by the National Employment Service use competency-based criteria for selecting and recruiting candidates. There is no use of criteria based on age, race, gender or other discriminatory factors. Instead, there is an emphasis on labour inclusion in order to prioritize individuals who face challenges in obtaining access to employment.

96. The Ministry of Labour and Social Security promotes decent work in Mexico through the Good Labour Practices and Decent Work Accreditation System. Workplaces must declare their level of compliance with labour regulations, become certified in practices that go beyond what is required under the legal framework and seek guidance on the introduction of occupational health and safety management systems.

97. The Accreditation System is composed of interrelated mechanisms: the Voluntary Labour Verification Programme, the Occupational Health and Safety Self-management Programme and the responsible employment award. The attainment of this award by workplaces fosters inclusive, egalitarian and violence-free working environments.

98. Workplaces interested in obtaining the award must ensure that their decent work policies meet six mandatory requirements and cover three areas of specialization and two subspecialties. Mandatory requirements include the introduction of protocols to prevent, address and punish cases of workplace violence and to prevent, tackle and eradicate forced labour, child labour and labour exploitation.

99. National law protects the right of all workers in Mexico to establish and join organizations of their choosing in order to defend their interests, without any distinction or previous authorization. Migrants face no restrictions in joining unions.

100. Mexican Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination, which is implemented by the National Institute for Women, the Ministry of Labour and Social Security and the National Council for the Prevention of Discrimination, recognizes workplaces that introduce practices that promote gender equality and non-discrimination in the workplace.

101. As of December 2023, the National Register of Certified Workplaces had certified 603 public and private workplaces, covering 5,890 branches or facilities and benefiting 936,798 persons, 47 per cent of whom are women.<sup>15</sup>

<sup>15</sup> Mexican Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination, available at <https://www.gob.mx/inmujeres/acciones-y-programas/norma-mexicana-nmx-r-025-scfi-2015-en>

102. The Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons was established upon the publication, in 2021, of the Act Establishing the Prosecutor General's Office. Pursuant to the Organic Act on the Prosecutor General's Office, published in 2023, the Office's name was changed to the Office of the Special Prosecutor for Violent Crimes against Women and Vulnerable Groups and Trafficking in Persons, thereby expanding its areas of competence. It discharges its duties through bodies such as the Office of the Special Prosecutor for the Investigation of Violent Crimes against Women.

103. The Office of the Special Prosecutor for the Investigation of Violent Crimes against Women investigates and prosecutes cases of the federal offence of gender-based violence against women, including the offence of sexual harassment. Its specialist personnel receive ongoing training.

104. The Prosecutor General's Office has a protocol for gender-sensitive prosecutorial, police and expert investigations into sexual violence, which is currently being updated.

105. In order to guarantee access to justice for women, the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons has:

- (a) An institutional liaison office, which provides emergency care services;
- (b) A call centre, which operates 24 hours a day, 365 days a year, and receives complaints regarding offences that fall under the Office's competence;
- (c) An office for the coordination of training and public policies, which provides training on gender-based violence against women (sexual violence, harassment and sexual harassment) to public officials. These activities seek to promote the reporting of crimes falling within the Office's competence by raising awareness and strengthening skills and capacity to identify and prevent such crimes. Between January 2017 and March 2024, 93 training sessions were held, in which 18,034 individuals (11,937 women and 6,097 men) participated.

106. Pursuant to article 1 of the Federal Public Defender Act, the Federal Public Defender Service deals with federal matters. While the Service does handle a large number of labour issues, many migrant workers are subject to local laws, which means that the Service is not competent to represent them. Between 2017 and 31 March 2024, the Legal Assistance Unit identified eight cases in which migrant workers requested support from the Service in addressing labour issues. See annex 1, section 20: Legal representation services provided to migrant workers by the Federal Public Defender Service.

107. As part of the implementation and monitoring plan aimed at building capacity to protect against sexual exploitation and abuse, which was developed jointly by the Commission on Assistance for Refugees and the Office of the United Nations High Commissioner for Refugees, mandatory training on tools for the disclosure of gender-based violence was delivered to all 215 of the Commission's staff members.

### **Reply to the questions raised in paragraph 12 of the list of issues**

108. The Institutional Programme 2020–2024 of the Executive Commission for Victim Support provides for the comprehensive care of victims of crime and human rights violations at the federal level through coordinated and programmatic measures aimed at promoting the right to truth, justice and comprehensive reparation for harm, ensuring that victims are able to recover, rebuild their lives and obtain redress for the violation of their rights. This Programme forms part of the strategy for security and the reconstruction of peace.

109. The Institutional Programme of the Executive Commission for Victim Support is implemented through 3 objectives, 12 priority strategies and 76 specific actions focused on: (1) consolidating institutional mechanisms in order to provide immediate aid, assistance, care

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igualdad-laboral-y-no-discriminacion#:~:text=y%20No%20Discriminaci%C3%B3n%3F-,La%20Norma%20Mexicana%20NMX%20DR%2025%20DSCFI%202015,de%20las%20y%20los%20trabajadores.



and reparation; (2) ensuring efficient coordination among the agencies supporting victims; and (3) ensuring the ongoing improvement of the organizational culture in order to achieve the common objectives and goals.

110. The Institutional Programme of the Executive Commission for Victim Support fulfils various international commitments taken on by Mexico in the area of human rights, in particular those related to the definition and provision of aid, assistance and care and comprehensive reparation for harm resulting from the commission of crimes and human rights violations.

111. As part of the Programme, the Executive Commission for Victim Support has taken the necessary steps to guarantee the right to truth, justice and comprehensive reparation for migrant victims of the events that occurred in Cadereyta and San Fernando.

112. In order to comply with recommendation No. 80/2013 of the National Human Rights Commission concerning the San Fernando case, as of July 2024, the Executive Commission for Victim Support had taken the following measures:

(a) The delivery of social work services on 21 occasions, the psychological assessment of three migrants who were direct victims (one woman and two men) and the provision of support, in the form of medical consultations and laboratory tests, to five migrants who were indirect victims;

(b) Payment for the funerals of two female direct victims from Honduras and for the repatriation of their remains to relatives. It also supported the internal and/or external transfer of 19 migrants who were indirect victims (9 women and 10 men) so that they could learn about the progress of the investigation;

(c) The processing of 16 immediate assistance measures, in the form of food and accommodation, for seven female and three male victims. It also organized 11 transfers for four female and five male victims;

(d) The issuance, in 2020, of six decisions to ensure the provision of food to six families linked to six migrants who were direct victims (three women and three men) and 27 migrants who were indirect victims (12 women and 17 men) of Honduran nationality;

(e) The processing, through the Federal Legal Assistance Service, of 16 transfers relating to search procedures. These transfers, which were processed in 2024, benefited six female indirect victims belonging to the “Justicia y Esperanza” (Justice and Hope) collective in San Luis de la Paz, Guanajuato. Legal representation in this case is provided privately;

(f) The issuance, in 2018, as part of the comprehensive reparation measures provided for in the General Victims Act, of six decisions benefiting the families of six Ecuadorian victims (three women and three men) and 47 indirect victims (27 women and 40 men). As a restitution measure, it was determined that, with the consent of the migrant victims, a legal adviser would be assigned. Moreover, as a guarantee of non-repetition, a decision was made to establish inter-institutional liaison mechanisms to coordinate work with the responsible authorities to monitor compliance with the relevant recommendations, especially those related to the rights of migrant victims.

113. With regard to the events in Cadereyta, Nuevo León, on 18 October 2017, the National Human Rights Commission issued recommendation No. 8V/2017 in which it determined that efforts to hinder the investigation and delay and unduly interfere in the preliminary inquiry had led to infringements of human rights, public safety and access to justice in terms of its administration. It also found violations of the rights, including the right to honour, of 14 direct victims and 35 persons whose bodies had not been identified by the National Human Rights Commission. As of July 2024, the Executive Commission for Victim Support was continuing to cooperate with the responsible authorities in order to guarantee the victims’ rights. Steps taken include:

(a) The delivery of social work services on 29 occasions, benefiting 24 migrant victims (17 women and 7 men). The costs were covered for the funerals of three migrant victims (two women and one man) from Honduras and the repatriation of their remains. Support was provided to enable 26 internal transfers of 21 migrants who were indirect victims (15 women and 6 men) so that they could learn about the progress of the investigations;

(b) The provision of legal guidance, assistance, representation and support for 49 migrant victims (43 men and 6 women) involved in criminal case No. 80/2021, which was brought against four persons believed to be responsible for organized crime offences. Eighteen male victims have been identified (11 Hondurans, 4 Mexicans, 2 Nicaraguans and 1 Guatemalan), meaning that 31 persons remain unidentified or have not been located;

(c) The criminal case is currently at the investigation stage, which means that no convictions have been handed down so far;

(d) The delivery, on 72 occasions between December 2021 and July 2024, of legal services as part of criminal proceedings. Such services included support for investigation activities, the provision of legal representation in hearings before bodies administering justice, assistance in various prosecution proceedings, the filing of ordinary and extraordinary appeals, as provided for in the applicable laws to protect the fundamental rights of migrant victims, and the monitoring of progress;

(e) The processing of 415 immediate assistance measures, in the form of food and accommodation, for 26 women and 19 men. A total of 107 transfers for 26 women and 38 men were also organized;

(f) The continuation of the process of integrating the case files of the families of nine migrant direct victims so that they may receive compensation for human rights violations. The evidence of harm (damage, suffering and economically assessable losses) referred to in article 64 of the General Victims Act has not yet been received;

(g) The issuance, in November 2019, of a decision allocating a total of Mex\$ 1,065,403.21 for assistance measures in the form of payment for independent expert reports for the families of nine direct victims: Mex\$ 840,267.00 were earmarked for expert reports on reparations and Mex\$ 225,136.81 for situational expert reports, which will be taken into account when issuing the comprehensive reparation plan.

114. With respect to those cases, in 2019, the Supreme Court issued a decision on the *amparo* appeals and ordered the appealed sentences to be modified and the collegiate circuit courts to grant *amparo* and protection in relation to access to information. The investigations into both cases remain ongoing.

115. In May 2022, the Bureau for the Search for Missing Migrants was established. It comprises three coordinating mechanisms: the Bureau, an inter-institutional working group and the Mechanism for Mexican Support Abroad in Search and Investigation Activities. Between September 2022 and June 2023, meetings were held with the Honduran authorities to coordinate institutional efforts in the search for persons who had gone missing in transit through Mexico. Three regional round tables were held with the consulates and embassies of El Salvador, Haiti, Colombia, Ecuador, Panama and Guatemala. A national meeting of local search commissions, organized by the National Commission for the Search for Missing Persons, the International Committee of the Red Cross and IOM and attended by the heads of the local search commissions and the National Commission, was held in order to exchange best practices and design strategies for the search for living migrants.

### **Reply to the questions raised in paragraph 13 of the list of issues**

116. The Mechanism for Mexican Support Abroad in Search and Investigation Activities has improved internal coordination between the authorities that have relevant databases, in addition to coordination with certain authorities of the United States and forensic doctors, which has led to a reduction in the time and cost involved in identifying persons reported missing and helped fulfil the absolute right of families to be informed of their missing relatives' whereabouts, in line with international human rights law.

117. In 2023, the Executive Commission for Victim Support worked with the Ministry of Foreign Affairs to follow up on the cases involving Honduran nationals who had been recognized as victims in connection with the commission of crimes against their relatives in Mexican territory. Such cases have been taken up by the Regional Network of Migrant Families. As the victims currently reside in Honduras, efforts have been made to involve the

Honduran authorities in the establishment of a procedure for assisting them. To facilitate such efforts, the Ministry of Foreign Affairs requested the Mexican Embassy in Honduras to communicate and collaborate with those authorities.

### **Reply to the questions raised in paragraph 14 of the list of issues**

118. The National Institute of Migration promotes, upholds, protects and guarantees the human rights of Mexican and foreign nationals entering, transiting through and leaving national territory. It is empowered to carry out and coordinate migration control and verification activities to ensure that foreign nationals are able to prove their status as a regular migrant in the country. In the event that foreign nationals do not have documents proving their regular migration status, they are referred to the Institute, which proceeds in accordance with the Migration Act and its implementing regulations.

119. With regard to rescue operations, the Beta Groups carry out activities to protect and defend the human rights of migrants. One fundamental part of their work is to provide guidance on the risks and dangers migrants may encounter on their journey to the northern border and on their rights and obligations. The Beta Groups are not authorized to carry out migration verification and regulation activities or to intercept migrants in transit.

120. Since the introduction of the requirement for Venezuelan nationals to obtain a visa, there have been changes in the patterns of regular and irregular migration. In January 2022, there were 27,800 entries by air. That number later fell to 3,600. In August 2022, 16.9 thousand Venezuelan migrants were found to be in an irregular situation, compared to 1.1 in January 2022. See annex 1, section 21: Total entries by air and number of Venezuelan nationals with irregular migration status in Mexico, by month, January 2020–January 2024; and annex 1, section 22: Issuance and renewal of migration cards for Venezuelan nationals, 2018–2023.

### **Reply to the questions raised in paragraph 15 of the list of issues**

121. The National Institute of Migration updated the protocol on verification activities in order to comply with the orders of the Supreme Court and ensure that its work is standardized and in compliance with the principles of legality, objectivity, efficiency, professionalism, honesty and full respect for the human rights of migrants.

122. The National Council for the Prevention of Discrimination, in collaboration with the Ministry of the Interior and the National Institute of Migration, prepared the guide on the prevention of racial profiling in order to train and raise awareness among federal migration agents and end such profiling. Between 1 January 2021 and 31 January 2022, 2,095 public officials were trained on the basis of this guide.

### **Reply to the questions raised in paragraph 16 of the list of issues**

123. Since the amendment, in 2020, of the provisions of the Migration Act on child migrants, children and adolescents are not permitted to be housed in the migrant holding centres of the National Institute of Migration. Along with the persons accompanying them, they are directed to the social assistance centres of the National System for the Comprehensive Development of the Family, which provide alternative and residential care to children without parental or family support. They remain in these centres until the relevant administrative immigration procedure is concluded. Steps taken to ensure compliance with the amendments include the development of guides and the provision of ongoing training to staff on human rights, the rights of vulnerable groups and crime prevention.

124. Nineteen centres in Chiapas and Tabasco have been built or renovated. A total of 65 buildings have been constructed or refurbished in 28 of the 32 state systems for the comprehensive development of the family. In 2023, 93 projects were approved across 29 federative entities. In 2024, 91 facilities were established, with a daily capacity to care for 9,328 children and adolescents.

125. The National System for the Comprehensive Development of the Family and the United Nations Children's Fund (UNICEF) published the guide on comprehensive care for child and adolescent migrants, which complements existing tools relating to the care of children and adolescents and champions a comprehensive protection- and gender-based approach and a focus on community integration and biopsychosocial and educational support that is aligned with the rights of children and adolescents.

126. Work to deliver training and develop guides is carried out in collaboration with bodies including the National Human Rights Commission, the National Council for the Prevention of Discrimination, the United Nations Entity for Gender Equality and the Empowerment of Women, the National Institute for Women, the Commission on Assistance for Refugees, IOM and the Ministry of the Public Service. With regard to care for child migrants, 32 training sessions on the best interests of child migrants were attended by 962 participants. There were 3,471 participants in the 58 sessions on the initial assessment protocol for identifying unaccompanied or separated children and adolescents who show signs of requiring international protection and 3,542 participants in the 101 events on the administrative migration procedure for children and adolescents.

127. The training programme for officials working in the area of child protection and caring for vulnerable groups has been run since 2023 in order to improve those officials' knowledge, skills, attitudes and values and ensure that they act in accordance with the best interests of the child and with current regulations. As of April 2024, four events had been organized in cooperation with UNICEF, the Federal Office for the Protection of Children and Adolescents, the Commission on Assistance for Refugees, IOM, the National Institute for Women, the Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents, Save the Children and the National Institute of Migration; they were attended by 142 individuals.

128. In July 2021, the first National Institute of Migration professional skills standard concerning child migrants and vulnerable groups was published under the title "EC1366: Specialized care and protection of children and adolescents and adults belonging to vulnerable/priority groups in the context of migration". Between 2021 and 2024, 292 assessments were conducted pursuant to this standard. In April 2024, another professional skills standard, with the title "EC1613: Support and humanitarian assistance for migrants within the framework of human rights protection and respect" was published to guide the work of the staff of the National Institute of Migration. This project was run in collaboration with the National Council for the Standardization and Certification of Professional Skills.

129. In 2021, criteria were approved for the transfer of financial resources to systems for the comprehensive development of the family that form part of the National Public Social Assistance System in order to strengthen their interventions related to child migrants. By the end of 2023, such transfers had been received by 74 establishments serving 73,795 children and adolescents and 44,073 accompanying persons.

130. As part of the update of the Road Map for the Comprehensive Protection of the Rights of Child and Adolescent Migrants, steps were taken to review the distribution of the responsibilities of the authorities at each stage, harmonize the Road Map with migration reforms and incorporate new stakeholders and the matrix of monitoring and evaluation indicators. The Road Map includes guidance on matters relating to the care of child and adolescent migrants, which is aimed at civil society organizations that temporarily house such children in their shelters when there are no spaces available in the social assistance centres.

### **Reply to the questions raised in paragraph 17 of the list of issues**

131. The Supreme Court has ruled that non-compliance with migration regulations must not result in persons being deprived of liberty as a general rule but, rather, that this measure must be applied on an exceptional basis, under the guarantee that migrants will be held in places other than those intended for accused or convicted offenders and for no more than the 36-hour limit imposed by the Constitution.

132. Under the conditions established by the Supreme Court, where the migration authority determines that a migrant must remain under its material and direct responsibility, it must give the migrant the opportunity to report and challenge actions that violate human rights, in keeping with the guarantee of a hearing.

133. Among the measures to protect migrants in vulnerable situations, the Migration Act provides for the regularization of migration status or a change of residency status for victims or witnesses of offences committed in the national territory, for child and adolescent migrants when it is in their best interests and for migrants who are in an emergency situation or qualify for protection on humanitarian grounds on account of a risk to their own health or life.

134. Preference is given to ensuring accommodation in public or private specialized institutions that can provide appropriate care for pregnant women, older persons, victims of human trafficking and persons with disabilities.

135. The National Institute of Migration collaborates with other authorities so that persons who have been victims of an offence in the national territory are provided with protection in special shelters. Where persons are officially granted victim status, the National Institute of Migration issues a temporary permit on humanitarian grounds or, where appropriate, assists them in returning to their country of origin.

136. While the procedure before the Commission on Assistance for Refugees is being completed, persons seeking refugee status receive a proof of admission document enabling them to apply for a temporary permit on humanitarian grounds from the National Institute of Migration; if the needs assessment interview reveals that they do not have sufficient resources, they are referred to shelters run by civil society organizations.

137. In December 2021, the National Institute of Migration adopted a professional skills standard with the title “EC1425 Detection of possible victims of human trafficking during immigration proceedings within the framework of human rights protection”. Between 2022 and May 2024, 218 assessments were conducted pursuant to the standard.

### **Reply to the questions raised in paragraph 18 of the list of issues**

138. The migration authority is obliged to carry out individualized administrative proceedings to examine the particular circumstances of the foreign nationals whose cases are brought before it and to assess, among other elements, their level of vulnerability, their international protection needs and whether they are victims or witnesses of an offence.

139. Persons housed in migrant holding centres have the right to know their location and the applicable rules and available services, as well as to be informed of the reason for their admission and of their right to apply for refugee status or be officially recognized as stateless and to have their status regularized. They may apply for assisted voluntary return, challenge immigration decisions and receive consular protection (except for those seeking refugee status or political asylum). They also have a right to receive written information about their rights and obligations and where to file complaints and grievances, to have their case heard by a competent authority, to receive legal advice, to provide evidence and argue their case, to have access to their migration records and, if they do not speak or understand Spanish, to receive the services of a translator or interpreter.

140. They have the right to be delivered into the custody of a diplomatic representative, a legal person or an institution of sound reputation committed to the protection of human rights, subject to the fulfilment of certain guarantees (bond, receipt, etc.), the submission of a signed statement of responsibility by a Mexican citizen or social organization and the establishment of a domicile or place to stay which they must not leave without prior authorization from the authority.

141. Regarding the number of persons with irregular status brought before the migration authority, see annex 1, section 9: Persons with irregular migration status in Mexico, by continent and country of nationality.

## Reply to the questions raised in paragraph 19 of the list of issues

142. With the help of the Federal Public Defender Service, on 19 September 2019, a group of migrants filed an *amparo* suit in Tamaulipas, denouncing, among other acts, the order of deprivation of liberty, the lack of a judicial order or warrant justifying their deprivation of liberty, their confinement in a migration facility, their securing, shelter or detention for more than 36 hours, their assisted return and the adoption, promulgation, issuance, endorsement, publication and application of articles 77, 97 (1), 98, 99, 100, 111 and 121 of the Migration Act.

143. The lower court dismissed the *amparo* suit regarding the aforementioned acts on the grounds that the right to equality and non-discrimination had not been violated, ruling that, apart from situations falling under article 111 of the Migration Act, detention must not exceed 36 hours. Dissatisfied with the decision, the petitioners filed an application for review, which was considered by the First Chamber of the Supreme Court. On 15 March 2023, the Supreme Court issued review of *amparo* decision No. 388/2022, in which it adduced five new elements of jurisprudence<sup>16</sup> demonstrating that the application of any form of detention in the context of migration must be an exceptional measure, that deprivation of liberty for migration-related reasons must be limited to a maximum of 36 hours and that the State has an obligation to ensure that persons subject to immigration proceedings have an adequate defence, as this is an inalienable human right.

144. Pursuant to the judgment, the National Institute of Migration now requires the Federal Public Defender Service to appoint federal legal advisers to conduct administrative proceedings in migration matters. Between the date of entry into effect of the jurisprudence and 4 January 2024, federal legal advisers were requested in the cases of 7,908 individuals and were present for 6,524 of them, or 82.4 per cent of cases.

145. The Federal Public Defender Service employs 892 federal public defenders who provide free criminal defence services in federal matters to anyone accused of an offence who does not have a defence attorney, including to migrants. Assistance can be provided at any stage of criminal proceedings, at the request of the recipient of the services, the Public Prosecution Service or the court.

146. Public defenders are available at all times to provide assistance where needed and are obliged to take any steps or action necessary to adequately defend the rights and interests of the client, ensure that safeguards are respected and ensure prompt and expeditious administration of justice.<sup>17</sup>

147. In 2021, the Inter-American Association of Public Defenders, of which the Federal Public Defender Service is an active member, approved the establishment of the Inter-American Network for the Defence of Migrants for the purpose of cooperating and working together to improve access to justice for migrants through collaboration, assistance, exchange of information, training and development of joint activities. The Federal Public Defender Service participates in the work and meetings of the Network.

148. Between 2021 and 2023, the Federal Public Defender Service published a bulletin of relevant jurisprudence on roots and family reunification, along with a document entitled “The impact of roots and family unity on the regularization of migration status”. Subsequently, a second document entitled “Advisory and representation services for migrants” was prepared to provide reliable information on the services available in this domain at the regional level.

149. The Inter-American Network for the Defence of Migrants has set up a collaboration mechanism through which to request information on migrants from the public defender service of their country of origin, their place of habitual residence or third countries with a view to strengthening the defence and access to justice of migrants.

<sup>16</sup> J. 111/2023 (11a.), /J. 112/2023 (11a.), J. 113/2023 (11a.), XXII/2023 (11a.) and XXIII/2023 (11a.).

<sup>17</sup> In accordance with articles 10, 11, 12 and 12 bis of the Federal Public Defender Act and article 29 of the General rules regarding the organization and operation of the Federal Public Defender Service.

## Reply to the questions raised in paragraph 20 of the list of issues

150. Under the conditions established by the Supreme Court, the purpose of the migration facilities set up by the National Institute of Migration is to ensure that persons who, for exceptional reasons, must be housed are given appropriate shelter to lead their lives.

151. In 2019, with resources from the Mexican Fund for International Cooperation for Development with Ibero-America, improvements were made to the infrastructure of the El Buen Pastor shelter, the shelter for girls run by the municipal branch of the National System for the Comprehensive Development of the Family, the Viva México shelter, the Siglo XXI migration centre in Tapachula, the Territorio Joven Programme gymnasium and the El Café park to offer better conditions for migrants in the country. In addition, the Acayucan and Tenosique migrant holding centres<sup>18</sup> were modernized and hygiene conditions were improved.

152. It should be noted that padlocks are no longer used on any access doors or doors to accommodation, dormitories, units, canteens or any area from which people may need to be evacuated. The services provided in National Institute of Migration facilities are monitored on an ongoing basis to ensure that food is handled in an appropriate and hygienic manner and is sufficient, nutritious, varied and of good quality.

153. There are three Migrant Integration Centres at the northern border – in Tijuana, Baja California, in Ciudad Juárez, Chihuahua, and in Matamoros, Tamaulipas – providing humanitarian assistance to foreign and Mexican migrants (food, education, health and recreation). In addition, the National Employment Service holds information sessions for migrants to learn about job offers. The strategy is coordinated by the Ministry of Welfare and the Ministry of Labour and Social Security.<sup>19</sup>

154. The National Institute of Migration provides its staff with continuous training in protocols and mechanisms to ensure that they have the necessary knowledge and skills to properly manage migrant holding centres and temporary stay facilities. For example, between 2017 and June 2024, it held 44 sessions with 4,094 participants on the course “Basics of migrant holding centres and temporary stay facilities”.

155. In collaboration with the National Human Rights Commission and the Mexican Red Cross, more than 2,000 workers have received training to comply with protocols and to ensure the safety of foreign migrants and respect for their human rights.

156. From 5 to 12 March 2024, the National Institute of Migration and the National Human Rights Commission ran a comprehensive course on “Human Rights of Migrants in the Context of Migration” for 203 officials in Ciudad Juárez. The course was also delivered virtually to 1,150 federal migration agents in seven states: Baja California, Chiapas, Mexico City, Nuevo León, Quintana Roo, Tamaulipas and Veracruz.

157. Between May 2023 and March 2024, the National Institute of Migration provided training to 665 federal migration agents in the areas of civil protection, fire prevention and firefighting, first aid, building evacuation and emergency management; participants received the DC3 certification, showing that they have acquired the requisite knowledge of accident prevention and safety procedures.

158. Migrant holding centres have been equipped with sufficient materials for emergency response, rescue and recovery, and fire, earthquake and flood drills have been conducted in migrant accommodation facilities, in keeping with the relevant protocols.

159. Pursuant to the Mexican Migration Model, Mexico is moving towards a system of multi-service centres for inclusion and development. At these centres, migrants can receive basic services and guidance on employment opportunities, voluntary return, applying for

<sup>18</sup> Ministry of Foreign Affairs, “SRE supervisa los trabajos de rehabilitación de espacios para personas migrantes en Chiapas” (“Ministry supervises rehabilitation work on spaces for migrants in Chiapas”), 2019, <https://www.gob.mx/sre/prensa/la-sre-supervisa-los-trabajos-de-rehabilitacion-de-espacios-para-personas-migrantes-en-chiapas?idiom=es-MX>.

<sup>19</sup> Ministry of Welfare, Third Annual Report 2020/21, 2021, <https://www.gob.mx/bienestar/documentos/tercer-informe-de-labores-de-la-secretaria-de-bienestar>.

refugee status and health and education services, among others. They are not detention facilities. One is currently being built in Tapachula, on the southern border, and work is under way to expand the model to the Migrant Integration Centres on the northern border.

### **Reply to the questions raised in paragraph 21 of the list of issues**

160. The National Institute of Migration definitively suspended activities to shelter and bring migrants before the migration authorities following the fire at the temporary stay facility in Ciudad Juárez, Chihuahua. The Migrant Integration Centre in Leona Vicario was designated as a temporary alternative, as it is in appropriate condition.

161. To make the necessary adaptations to migration facilities so as to provide decent and safe temporary accommodation and improve the delivery of basic services, the National Institute of Migration agreed to temporarily suspend activities in 14 type “A” and 19 type “B” temporary stay facilities.

162. To clarify the facts and determine responsibility, on 28 March 2023, the National Institute of Migration requested the National Human Rights Commission and the internal supervisory body to conduct an investigation, resulting in the issuance of recommendation No. 111VG/2023, which was accepted and is being implemented. The National Human Rights Commission sought the collaboration of the Executive Commission for Victim Support in enforcing the decision on comprehensive reparation, including compensation, so that the National Institute of Migration could make the payments to 67 recognized victims.

163. On 16 April 2023, the National Institute of Migration requested the collaboration of the Executive Commission for Victim Support in carrying out the necessary assessments and ensuring that victims received compensation as a reparation measure. As of August 2024, the Executive Commission for Victim Support has issued 66 decisions regarding the payment of compensation in the cases of 40 deceased persons and 26 survivors, applying international standards for reparation; one surviving Venezuelan victim has yet to be located in order for the necessary assessment to be conducted and compensation disbursed.

164. The Executive Commission for Victim Support examined 16 assessments by social workers involving 14 male direct victims and 2 female indirect victims. Psychological support was provided to migrants who were indirect victims during their entire hospitalization, and 21 psychological evaluations were conducted, of 9 male direct victims and 12 indirect victims (9 women and 3 men). Medical care was provided to indirect victims throughout their hospitalization, and 4 medical evaluations were carried out for 3 indirect victims (2 men and 1 woman) and 1 male direct victim.

165. In response to violations of human rights, human dignity and personal integrity, the Executive Commission for Victim Support provided services to 67 victims of the fire. As soon as it learned of the situation, it took the following actions together with other federal and state authorities:

(a) Transfer of survivors to highly specialized hospitals in Mexico City and provision of accommodation and food to their families;

(b) Immediate repatriation of the bodies, in keeping with human rights standards and respect for human dignity, with support from the Ministry of National Defence, the Ministry of Naval Affairs and the National Association of Funeral Homes;

(c) Provision of psychological care and medical support to surviving victims, which they decided to discontinue;

(d) Provision of legal counselling to victims and provision of legal representation during the criminal proceedings against two Venezuelan migrants, two individuals who worked for the private security company and five National Institute of Migration officials. The investigation was suspended after the private representatives of eight of the victims petitioned for *amparo*.



166. Following these events, the Office of the Special Prosecutor for Offences involving Migrants and Refugees of the Prosecutor General's Office launched an investigation, which is being conducted openly and with the full participation of victims and their representatives.

167. Pursuant to article 137 of the National Code of Criminal Procedure, victims were provided with protection measures, including monitoring of their homes, immediate police assistance as soon as requested and shelter where needed.

168. A rapid-response group involving the Mexican authorities and representatives of El Salvador, Honduras, Guatemala and the Bolivarian Republic of Venezuela was activated to serve as a mechanism for fluid direct communication between Mexican institutions and foreign representatives.

169. The Executive Commission for Victim Support is currently providing legal representation for 57 of the 67 direct victims, as several survivors designated civil society organizations as their representatives.

170. The Executive Commission for Victim Support has provided guidance, advice, representation and legal support to 49 men recognized as direct victims, as well as 35 female and 10 male indirect victims, leading to the opening of 7 criminal cases. With regard to proceedings, five of the criminal cases are in the additional investigation stage, which has been suspended as a result of the petition for indirect *amparo* filed by private legal counsel, and two are in the initial investigation stage.

171. Between June 2023 and July 2024, the Executive Commission for Victim Support provided legal services on 304 occasions, including legal assistance in making statements, requests for investigative actions and monitoring of investigations by the federal prosecutor, representation at hearings, preparation of challenges against decisions by the federal prosecutor, filing of appeals and conduct of *amparo* proceedings before the courts. Thus far, no convictions have been obtained.

172. Guidance and advice concerning the preparation of claims has been provided, as has support during psychological and medical assessments, in the context of the submission of documents related to the recommendation of the National Human Rights Commission.

173. In May 2023, after inspection of all migration facilities, the National Human Rights Commission issued the "Special Report on Conditions in Migrant Holding Centres and Temporary Stay Facilities: Towards a New Model for the Management of Irregular Migration".

174. As of July 2024, the Executive Commission for Victim Support has issued 40 technical opinions on reparations relating to deceased persons, benefiting 45 families, including 281 migrants who are indirect victims (223 women and 58 men), as well as 26 comprehensive reparation decisions in respect of 26 migrant men who were injured in these events; the National Institute of Migration is bound by these opinions and decisions regarding the payment of reparation.

175. As of May 2024, the Executive Commission for Victim Support, in collaboration with the Ministry of Foreign Affairs, has taken steps to locate two survivors, from Honduras and the Bolivarian Republic of Venezuela, in order to carry out the requisite assessment for the payment of compensation; these individuals were discharged from hospital shortly after the events, thus making it difficult to locate them.

176. There are currently five federal criminal cases – two for homicide and three for unlawful exercise of public office – pending before the Federal Criminal Justice Centre of the State of Chihuahua, in Ciudad Juárez, in which the defendants are public officials, members of the private security company or migrants.

177. The National Institute of Migration has collaborated extensively on the preparation of the criminal cases brought pursuant to investigation No. 1, responding to 124 requests. The victims' medical expenses and the costs incurred by their families for accommodation, food, nutritional supplements and special diets, transportation, medicine, personal hygiene items, clothing, telephones and other items were covered by the National Institute. Funeral expenses and the cost of related paperwork and services were covered by the National Association of Funeral Homes.

178. On 12 April 2023, the internal supervisory body of the National Institute of Migration was instructed to initiate investigations into the events and, where applicable, to determine the liability of the public officials, leading to the opening of an administrative case. The investigation by the Government's complaints, reports and investigations department is ongoing.

179. To safeguard human rights, and in line with the principle of non-repetition, the Government Oversight and Performance Committee adopted "Agreement No. 02.02.23 – Monitoring of actions for institutional improvement of the National Institute of Migration, particularly to strengthen measures in the area of civil defence and staff training".

180. The National Office for Coordination of Civil Defence has carried out thorough reviews under the "Strategy for strengthening civil defence and for the implementation of internal civil defence programmes in National Institute of Migration facilities".

### **Reply to the questions raised in paragraph 22 of the list of issues**

181. Access to the refugee status determination procedure and the possible recognition of this status or granting of complementary protection do not constitute an alternative to regularization of migration status. Refugee claimants are protected by the principle of non-refoulement, as are recognized refugees and beneficiaries of complementary protection.

182. To give temporary stay status to refugee claimants, the National Institute of Migration issues them with a temporary permit on humanitarian grounds to facilitate access to basic services; the permit is valid while their application is being processed and until a decision is taken in their case. Once refugee status is officially granted, the National Institute issues a permanent resident card.

183. The Commission on Assistance for Refugees has designed a comprehensive programme of long- and short-term campaigns to inform refugee claimants about procedures and to prevent fraud. It has also held training to strengthen the protection of refugees in Mexico and ensure compliance with the principle of non-refoulement.

184. Between 2020 and 2024, the Commission on Assistance for Refugees held more than 92 training sessions for civil society organizations and government authorities on the refugee status recognition procedure to strengthen access to free legal representation with the support of various civil society organizations working with migrants.

185. During the coronavirus disease (COVID-19) pandemic, the Commission on Assistance for Refugees maintained its reception, assistance and refugee status application activities, thus ensuring the non-refoulement of claimants.

186. Article 13 (1) of the Refugees, Complementary Protection and Political Asylum Act includes gender as one of the grounds for recognition of refugee status. Since 2020, the Commission on Assistance for Refugees has rolled out differentiated procedures for processing applications, prioritizing individuals who, due to their profile, are highly likely to be recognized as refugees or be granted complementary protection. The risk profiles identified include survivors of gender-based violence, women, girls, adolescents and persons belonging to the LGBTTTQ+ community.

187. Between January 2020 and 30 April 2024, the Commission on Assistance for Refugees granted international protection to 101,152 people, in accordance with the definition of refugee contained in the Act.

188. In October 2023, the Federal Public Defender Service instructed<sup>20</sup> the boroughs and legal advisers to have an adviser on duty throughout the day at National Institute of Migration migrant holding centres and temporary stay facilities in their respective federative entity, and to report back on their needs to meet this requirement.

189. Legal advisers go to places where there is an obvious migrant presence, such as shelters, camps, hostels and offices of the Commission on Assistance for Refugees, to

<sup>20</sup> Agreement ADG/UAI/02/2023.

guarantee access to an adequate defence and provide information on their legal situation and on status regularization for migrants subject to immigration proceedings. See annex 1, section 23: Visits made by legal advisers to migrant holding centres, shelters and canteens, 2021–2023.

190. Between 1 January 2019 and 18 April 2024, the National Institute of Migration authorized the regularization of the migration status of 616,608 foreign nationals. See annex 1, section 24: Regularizations of migration status authorized by the National Institute of Migration, 2019–April 2024.

191. Since 2022, child migrants and the adults accompanying them can be granted a temporary permit on humanitarian grounds, while offices for the protection of children and adolescents have been formulating a rights restitution plan. Assisted return can take place only following an assessment of their best interests.

### **Reply to the questions raised in paragraph 23 of the list of issues**

192. Work has begun on the review and updating of all applicable regulations to facilitate the integration of migrants in the labour market. To this end, the participation of all stakeholders, including civil society organizations, international organizations, government institutions, employers and banking institutions, is encouraged. For instance:

(a) The National Employment Service has established the “Protocol on the labour market integration of migrants in Mexico”<sup>21</sup> and the “Mexico Employs You” platform, whose purpose is to create a national migrant talent pool providing real-time information on the job profiles of migrants and refugees;

(b) Facilitation of foreign and Mexican migrants’ search for formal employment;

(c) Support for employers in identifying and recruiting migrant talent;

(d) Promotion and dissemination information on the services and support provided by the National Employment Service and its partner organizations.

193. The Ministry of Labour and Social Security has signed three memorandums of understanding with Canada, Germany and the United States in which respect for workers’ human and labour rights is fundamental. They are intended to be models for orderly, regular and safe migration. From the start, workers are provided with information on working conditions and existing institutional channels in their country of origin and in the country of destination to which they can turn in case of violation of their human or labour rights.

194. In Canada and the United States, there are civil society organizations and worker organizations that defend human and labour rights. These include MOSAIC in Canada and the Fair Food Program in Florida, with which the National Employment Service liaises to provide training and information aimed at empowering Mexican workers to defend their human rights.

195. The Ministry of Labour and Social Security has mechanisms in place for monitoring and tracking all workers during their employment contract. The mechanisms are implemented by the authorities of Mexico, Canada and the United States as the receiving countries.

196. The National Employment Service, in coordination with the Ministry of Foreign Affairs and the Canadian and United States Embassies, regularly holds information sessions for persons interested in working abroad and municipal authorities, at which information is provided on regular migration channels and the features of relevant programmes, along with recommendations enabling the authorities and migrants to identify and prevent fraud.

197. An important component of the internal and external labour mobility programmes and mechanisms implemented by the National Employment Service is the prevention of labour

<sup>21</sup> Available at

[https://www.gob.mx/cms/uploads/attachment/file/894154/24\\_02\\_14\\_Protocolo\\_de\\_atencio\\_n\\_a\\_PC\\_M\\_SNE\\_vfinal.pdf](https://www.gob.mx/cms/uploads/attachment/file/894154/24_02_14_Protocolo_de_atencio_n_a_PC_M_SNE_vfinal.pdf).

exploitation by connecting workers to formal employment in which respect for their labour rights is ensured, they are kept informed and guidance is provided at all stages of the migration process.

### **Reply to the questions raised in paragraph 24 of the list of issues**

198. Article 30 (A) (II) of the Constitution was amended in 2021 to establish that all Mexican nationals, whether born in the national territory or abroad, may transmit Mexican nationality by birth to their children regardless of their place of birth or the number of generations born abroad, thus eliminating the restriction whereby only Mexican persons born in the national territory were able to transmit Mexican nationality by birth to their children born abroad, in other words to the second generation.

199. When the offices for the protection of children and adolescents identify child and adolescent migrants of Mexican nationality whose right to an identity has been violated, they order protection measures so that the competent authority can complete their civil registration.

200. Within the framework of the Advisory Council on Migration Policy, the “Pilot programme for access to dual nationality for children and adolescents born in the United States of America to a Mexican mother, father or parents, enrolled in basic education without a birth record in Mexico” was formulated, coordinated and implemented. As a result, the binational strategy “I am Mexico: Registration of the Mexican-American population” has been rolled out in basic education schools in the States of Baja California, Chihuahua, Sonora and Nuevo León with a view to strengthening the integration of children and adolescents with dual nationality.

### **Reply to the questions raised in paragraph 25 of the list of issues**

201. Mexico recognizes that education is a fundamental pillar of development; accordingly, there are various programmes, services and actions in place for Mexican returnees to begin, continue, complete and obtain the certificate for their studies and have their knowledge recognized. Disseminating information on access to preschool, primary and secondary education services among the repatriated and returning migrant population is fundamental. Accordingly, educational assistance is provided to returning or repatriated migrants over the age of 15 years, and repatriated Mexicans can have their job skills certified.

202. Since 2020, the Ministry of Education, in coordination with UNICEF, has been implementing the project “Inclusion in Basic Education of Child and Adolescent Migrants”. The “Protocol for Access to Education for Child and Adolescent Migrants” was designed in 2022 on the basis of the Ministry’s regulations on education access and oversight, with the aim of simplifying existing regulations applicable to child and adolescent migrants to ensure that they enter the national education system and eliminate the barriers currently preventing them from doing so.

203. The national strategy for the care of children and adolescents in situations of internal and external migration was developed in 2023 and 2024. State-level migration liaisons were established through negotiations with the Undersecretaries for Basic Education of the various states. The course “Inclusion of Child and Adolescent Migrants in Basic Education” was offered. A document entitled “Learning Pathways” was prepared. The “Manual for the Inclusion of Child and Adolescent Migrants in Basic Education” was developed to provide basic tools for managing the inclusion of child and adolescent migrants, whether they are Mexican nationals or foreign nationals in transit, to realize the right to education. In coordination with UNICEF, the document “Wherever I go, school goes with me: A didactic guide for the inclusion of child and adolescent migrants in basic education” was developed.

204. The Migration Commission of the Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents has promoted the “Protocol for Access to Basic Education for Child and Adolescent Migrants in Mexico”, which systematizes efforts to guarantee the right to education on the basis of specific school

oversight standards adopted by the Ministry of Education relating to enrolment, re-enrolment, accreditation, promotion, regularization and certification in basic education.

205. Article 3 of the Constitution recognizes access to education as a human right and establishes that education is to be secular, public and free. Parents and guardians are obliged to send school-age children to school; no one can deny the right to education. The Mexican Government, through the Ministry of Education, funds and operates public schools to provide free education to all, irrespective of race, socioeconomic status or any other demographic characteristic.

206. The purpose of the Education Without Borders Programme is to provide educational services to migrants, whether they are returning or repatriated Mexican nationals, asylum-seekers, refugees, beneficiaries of complementary protection or foreign nationals living in Mexico, with the aim of enabling them to learn to read and write or to begin, continue, complete and obtain the certificate for their primary and secondary education.

### **Reply to the questions raised in paragraph 26 of the list of issues**

207. When a child in possible need of refuge is identified, the child protection authorities notify the Commission on Assistance for Refugees, which initiates the appropriate procedure under article 98 of the General Act on the Rights of Children and Adolescents. Offices for the protection of children and adolescents provide legal representation during the refugee status determination procedure, facilitate the acquisition of a unique population registry code and process the documentation required for the child's migration status.

208. Since 2020, the Commission on Assistance for Refugees and the National Population Registry have been working together to ensure that asylum-seekers, refugees and recipients of complementary protection are provided with identity documents. The two bodies have created federal and state working groups to coordinate efforts in issuing unique population registry codes, which are vital for accessing basic rights and services in Mexico. In October 2021, the Commission on Assistance for Refugees received the regulatory and technical powers necessary to issue temporary unique population registry codes. Issuance service points were set up in its offices in Mexico City, Tapachula, Palenque, Villahermosa, Tenosique, Acayucan and Saltillo.

209. A system for issuing temporary unique population registry codes to persons in need of international protection has been established at civil registry offices in Monterrey, Tuxtla Gutiérrez and Tijuana, in collaboration with the Commission on Assistance for Refugees. This strategic alliance has enhanced support for and the inclusion of persons in need of international protection. Between 2019 and 30 April 2024, 251,904 unique population registry codes were active, including 57,034 for children and adolescents.

210. Between January 2019 and April 2024, the National Institute of Migration registered 369,205 foreign nationals: 275,988 as asylum-seekers with a temporary permit on humanitarian grounds and 93,217 with permanent resident cards after receiving refugee status or complementary protection from the Commission on Assistance for Refugees. See annex 1, section 25: Asylum-seekers and refugees registered by the National Institute of Migration, 2019–April 2024.

211. Between 2018 and 2023, 726 temporary permits on humanitarian grounds were issued to children and adolescents under the age of 17 years with irregular migration status.

212. The November 2019 amendment to the General Health Act requires that healthcare services be accessible to residents not enrolled in the social security system, ending the rule that limited access to Mexican nationals only. This change in the law ensures that vulnerable groups, including migrant populations transiting through Mexico, have access to healthcare.<sup>22</sup>

213. In 2019, the Comprehensive Healthcare Plan for the Migrant Population was developed to meet the potential health needs of migrants entering, transiting through or

<sup>22</sup> Ministry of Health, Second Government Report 2019–2020, [https://www.gob.mx/cms/uploads/attachment/file/575342/2\\_INFORME\\_DE\\_LABORES\\_SSA.pdf](https://www.gob.mx/cms/uploads/attachment/file/575342/2_INFORME_DE_LABORES_SSA.pdf).

staying in Mexico. That same year, the National Epidemiological Surveillance System incorporated a “migrant” variable into its monitoring processes in order to identify priority public health conditions affecting the migrant population.<sup>23</sup>

214. The objectives of the Comprehensive Healthcare Plan for the Migrant Population are focused on: mitigating the effects of inequality by facilitating access to healthcare services; reducing discrimination against and the stigmatization of migrants; eliminating potential barriers to access to prophylactic and health-promotion measures, timely diagnosis and curative treatment; and mitigating health risks associated with migration by facilitating access to healthcare services for migrants during their transit through or stay in Mexico, on equal terms and without discrimination.

215. Since its inception, the National System for Basic Health Information has not required a unique population registry code validated by the National Population Registry in order to register information; the lack of a validated code is not, therefore, an impediment to receiving medical care.

### **Reply to the questions raised in paragraph 27 of the list of issues**

216. Mexican consulates in the United States have established support networks for transnational families with a focus on family reunification, maintaining communication with United States authorities and assisting with the procedures necessary for family reunification and for parents to return to the United States, with a view to protecting the best interests of children.

217. In application of the principle of family reunification enshrined in article 2 of the Migration Act, 251,534 family reunification procedures were authorized between 1 January 2019 and 18 April 2024. See annex 1, section 26: Family reunification procedures authorized by the National Institute of Migration, 2019–April 2024.

218. Mexico continues to strengthen mechanisms for the reintegration of its nationals who have returned to the country voluntarily or by force. In December 2020, the Inter-institutional Working Group on Comprehensive Support for Returning Mexican Families was set up to coordinate the institutional capabilities of various national authorities and government agencies to ensure timely responses to the needs of returning Mexican nationals.

219. The Working Group developed an agreement establishing the Inter-institutional Strategy on Comprehensive Support for Repatriated and Returning Mexican Families to ensure that returning Mexicans are able to obtain identity documents, which are indispensable for working life and the full exercise of their rights as citizens; facilitate the integration of returning children and adolescents into school; and ensure that returning families have access to healthcare and a wide variety of employment and entrepreneurship opportunities.<sup>24</sup>

220. In order to fulfil its objectives, seven sub-working groups were formed, focusing on health issues, the right to identity, vulnerable groups, labour inclusion, education, economic development in border areas and the regulatory framework.

221. Mexico has also concluded several agreements in support of its citizens living abroad, particularly in the areas of banking, education, financial inclusion, prophylactic healthcare and housing acquisition in Mexico.

222. Various authorities have created content on partner websites and developed informational materials to assist Mexican nationals returning to the country. Additional resources include the Retirement Savings System helpline, the website of the National Commission for the Retirement Savings System and a guidebook on administrative procedures for Mexicans abroad.

<sup>23</sup> Ministry of Health, Second Government Report 2019–2020, [https://www.gob.mx/cms/uploads/attachment/file/575342/2\\_INFORME\\_DE\\_LABORES\\_SSA.pdf](https://www.gob.mx/cms/uploads/attachment/file/575342/2_INFORME_DE_LABORES_SSA.pdf).

<sup>24</sup> Institute for Mexicans Living Abroad, Inter-institutional Working Group on Comprehensive Support for Returning Mexican Families, <https://ime.gob.mx/vaf/programa/mesa-interinstitucional-para-la-atencion-integral-de-las-familias-mexicanas-en-retorno>.

223. The microsite “*¡Bienvenidas a casa! Personas migrantes repatriadas y retornadas!*” (Welcome home, repatriated and returned migrants!) contains information on identity documentation, healthcare, education, work and financial inclusion programmes.

### **Reply to the questions raised in paragraph 28 of the list of issues**

224. A total of 175,078 Mexican workers have participated in the Mexico-Canada Seasonal Agricultural Worker Programme. Between 2017 and 2023, seven annual meetings were held to evaluate the programme. The Ministry of Foreign Affairs provides remote support for workers in Canada, while Mexican consulates in that country provide advice, consular protection and information.

225. Consular assistance and protection for migrant workers is centred on safeguarding their labour rights and includes:

- Support in locating Mexican individuals in Mexico who may be entitled to compensation from class action lawsuits related to labour rights violations in the United States
- Counselling, case referral and legal assistance
- Support for the collection of compensation from workplace accidents or illness
- Support for the collection of unpaid wages
- Support for victims of discrimination, harassment, slavery or violence in the workplace
- Support for victims of human trafficking for the purposes of labour exploitation

226. Labour Rights Week, held annually since 2009, empowers workers by enhancing awareness of their labour rights and complaint mechanisms and helps to identify potential violations of labour rights and arrange for consular assistance to be provided.

227. In accordance with the terms of the Migrant Workers Programme, a trust fund was established to provide social support to Mexican former migrant workers who worked in the United States between 1942 and 1964. On 25 November 2018, through Agreement No. 05/SO44/2018, the final list of 4,672 qualifying individuals was issued, each of whom was given 120 days to collect compensation in the amount of Mex\$ 38,000.

228. On 6 November 2020, the law establishing the trust was repealed and the Ministry of the Interior assumed responsibility for fulfilling any pending obligations under its own budget, with specific responsibility assigned to the Government Unit. A manual has been developed on continued support for beneficiaries of the trust fund and the fulfilment of obligations established by final court rulings after the trust’s closure,<sup>25</sup> ensuring continued support for beneficiaries and compliance with related obligations following the extinction of the fund.

### **Reply to the questions raised in paragraph 29 of the list of issues**

229. Articles 96 and 97 of the General Act on the Rights of Children and Adolescents establish the principle of non-refoulement and provide that it is forbidden to forcibly return, expel, deport, repatriate, turn away at the border or refuse entry to the country, or in any way transfer or remove a child or adolescent, if his or her life, safety or freedom might be in danger as a result of, inter alia, persecution or the threat of persecution, generalized violence or massive human rights violations, or if there is a risk that he or she might be subjected to torture or other cruel, inhuman or degrading treatment, and that any decision on his or her return to his or her country of origin or to a safe third country may be based only on his or her best interests.

<sup>25</sup> Available at <https://www.gob.mx/segob/documentos/manual-para-dar-continuidad-al-apoyo-social-a-las-personas-beneficiarias-de-fondo-de-apoyo-social-para-ex-trabajadores-migratorios-mexicanos>.

230. In 2019, the National System of Comprehensive Protection established the Commission for the Comprehensive Protection of Migrant and Asylum-seeking Children and Adolescents to define the national protection policy for this group and coordinate strategies and actions to uphold and defend their human rights, prioritizing their best interests.

231. The Commission designed the Road Map for Comprehensive Protection of the Rights of Children and Adolescents in Situations of Migration and an accompanying work plan for the period 2019–2024, based on a cross-cutting gender- and community-based approach, the principles of non-refoulement, legality and due process, progressive autonomy, participation, substantive equality and non-discrimination, the pro persona principle and, most importantly, the best interests of the child. The Road Map comprises four stages: monitoring of migratory movements; identification of children and adolescents entering the country and application of urgent protection measures; determination of the children's best interests; and restoration of their rights and preparation for the transition to adult life.

232. For information on legal representation and assistance, see paragraph 55, on the questions raised in paragraph 8 of the list of issues.

233. The National System for the Comprehensive Protection of Children and Adolescents works to ensure compliance with the National Strategy for Preventing and Addressing Violence against Women, Children and Adolescents. In 2022, it issued the National Protocol for Inter-institutional Coordination to Protect Child and Adolescent Victims of Violence, which sets out the inter-institutional coordination procedures for urgent emergency protection of children and adolescents. These procedures range from identifying cases of violence against children to determining a comprehensive plan for the restoration of their rights, which is done by the offices for the protection of children and adolescents.

234. In 2023, the National System for the Comprehensive Development of the Family established a technical group for migration-related referrals to act as an urgent referral, housing and rights protection mechanism for children and adolescents.

235. Article 47 of the General Act on the Rights of Children and Adolescents provides that the authorities at all levels of government and the administrative districts of Mexico City must take measures, within their powers, to prevent and address – and punish the perpetrators in – cases in which children or adolescents are affected by the following issues:

(a) Trafficking in persons under 18 years, child sexual abuse, child sexual exploitation with or without commercial purposes or any other type of exploitation, and other punishable conduct established in the applicable provisions;

(b) Work before the minimum age of 15 years;

(c) Work by adolescents aged over 15 years that may be harmful to their health, undermine their education or impede their physical or mental development, labour exploitation, the worst forms of child labour, and forced labour or slavery;

(d) Incitement or coercion to participate in criminal activity or associations, armed conflict or any other activity that would impede their comprehensive development.

236. The Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents implements State policies on the recruitment, organized criminal exploitation and labour or sexual exploitation of children and adolescents.

237. In June 2020, the Interministerial Commission for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age established the permanent National Network of Local Commissions for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age.

238. The purpose of the National Network of Local Commissions is to improve coordination among the institutions of the three levels of government on the prevention and eradication of child labour. In October 2023, through the Mayab Pact, the national labour ministries and their counterparts in the states agreed to enhance efforts to eradicate child labour and protect legal adolescent labour in accordance with the national and international legal frameworks on children's and adolescents' rights.



239. In December 2021, the Interministerial Commission for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age approved its work plan for the period 2021–2024,<sup>26</sup> setting out coordination arrangements for the various authorities involved in combating child labour and strengthening mechanisms and actions to prevent and eradicate child labour while protecting adolescents of legal working age. In June 2022, the work plan’s 2022–2024 operational programme was approved, resulting in the following developments:

(a) Issuance of the Guidelines for Persons Involved in the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age;

(b) Publication of the “Your Labour Rights: Know Them, Use Them” booklet on labour rights for adolescents of working age;

(c) Organization of training for facilitators on the website of the Distance Learning Programme for Workers, in coordination with Ministry of Labour and Social Security and Save the Children;

(d) In 2024, adoption of a standardized questionnaire for detecting child labour in social work by the Interministerial Commission for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age – the questionnaire will be piloted among a group of children and adolescents in Yucatán State, with a view to making any necessary adjustments to the clarity and simplicity of the questions;

(e) Adoption of standard clauses for collective labour agreements establishing a framework of obligations on labour and human rights and set out the labour activities that may be performed by adolescents of legal working age, prioritizing their best interests and ensuring dignified working conditions;

(f) In January 2024, establishment of the ad hoc Working Group to Promote and Disseminate Materials on the Prevention and Eradication of Child Labour and Protection of Adolescent Workers of Legal Working Age, with a mandate to conduct an awareness-raising campaign to mark World Day against Child Labour.

240. In April 2022, article 176 (II) (8) of the Federal Labour Act regarding work considered hazardous or unhealthy for persons under 18 years was amended.<sup>27</sup> In September 2023, the authorities published draft standard No. NOM-038-STPS-2023,<sup>28</sup> which identifies low-risk labour, tasks and jobs that minors may perform and that do not involve the use of chemicals, machinery or heavy vehicles in the agricultural, forestry, sawmill, silvicultural, hunting and fishing sectors.

### **Reply to the questions raised in paragraph 30 of the list of issues**

241. The protection of children and adolescents in situations of mobility is coordinated under the Strategic Plan of Action for the Care of Children and Adolescents in Situations of Mobility. With the support of the Migration Commission and Working Group of the National System for the Comprehensive Protection of Children and Adolescents, state and municipal commissions for migrant and asylum-seeking children and adolescents have been set up as part of local comprehensive protection systems.

242. The Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents, UNICEF, IOM and Save the Children support states in conducting diagnostic assessments for the design of strategic state plans and comprehensive protection procedures for the care of child and adolescent migrants, tailored to the responsibilities and obligations of each stakeholder.

243. The National System for the Comprehensive Development of the Family established the System for the Registration of Child and Adolescent Migrants, in coordination with the

<sup>26</sup> Available at <https://www.gob.mx/stps/documentos/plan-de-trabajo-de-la-citi>.

<sup>27</sup> Available at [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5648007&fecha=05/04/2022#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5648007&fecha=05/04/2022#gsc.tab=0).

<sup>28</sup> Available at [https://dof.gob.mx/nota\\_detalle.php?codigo=5701865&fecha=14/09/2023#gsc.tab=0](https://dof.gob.mx/nota_detalle.php?codigo=5701865&fecha=14/09/2023#gsc.tab=0).

National Institute of Migration, the Commission on Assistance for Refugees and the Migration Policy, Registration and Identification Unit, to coordinate the work of the various institutions involved in the care of child and adolescent migrants and thereby promote the protection and restoration of their rights.

### **Reply to the questions raised in paragraph 31 of the list of issues**

244. Regarding the issues raised in paragraph 31 (a), see annex 1, sections 2 to 7. Between 1 January 2019 and 18 April 2024, 578,115 immigration documents associated with work permits were issued. See annex 1, section 27: Migratory documents associated with work permits issued by the National Institute of Migration, 2019–April 2024.

245. Regarding paragraph 31 (b), see annex 1, section 8. Between 1 January 2019 and 18 April 2024, 436,981 temporary permits on humanitarian grounds were issued. See annex 1, section 28: Temporary permits on humanitarian grounds issued by the National Institute of Migration, 2019–April 2024.

246. As part of efforts to facilitate access to regular migration status, the following persons are eligible for a waiver of the fees normally associated with the issuance of regional visitor permits, temporary permits on humanitarian grounds and visiting cross-border worker permits: persons who earn less than the minimum wage, persons with refugee status, persons who benefit from complementary protection, political asylum-seekers and stateless persons.

247. Regarding paragraph 31 (d), see annex 1, section 29: Selected immigration procedures that foreign nationals may use to demonstrate their legal status in Mexico; and section 30: Statistical data on persons whose deportation is prohibited, disaggregated by alternative exit options, continent of origin and nationality.

248. In January 2024, the National System for the Comprehensive Development of the Family set up the first “Protection Circle” in the social assistance centre of Huixtla, Chiapas, in coordination with the National Institute of Migration and the Commission on Assistance for Refugees, to provide advice and information on migration regularization procedures, and to coordinate with the offices for the protection of children and adolescents in the regularization of the migration status of children and adolescents referred to the centre or to other facilities managed by the System for the Comprehensive Development of the Family. Further such “circles” are to be rolled out at 17 strategic points in the country. This strategy has three modalities: face-to-face, virtual with a QR code and code red in case of the massive arrival of migrants.

249. Since the entry into force of the amendment to the Migration Act relating to child migrants, the National Institute of Migration has delivered temporary permits on humanitarian grounds to all children and adolescents and accompanying adults on a provisional basis while the competent office for the protection of children and adolescents puts together a rights restoration plan.

250. Between 2021 and June 2024, the National Institute of Migration issued 5,720 regularization documents for children and adolescents referred to the social assistance centres of the National System for the Comprehensive Development of the Family.

### **Reply to the questions raised in paragraph 32 of the list of issues**

251. In 2022, in collaboration with IOM, the “Root Solutions” project was carried out in Campeche, as part of which assistance was provided to set up an advisory council on migration. In 2023, this project was replicated in Tamaulipas, resulting in the proposal to establish a state-wide council on migration policy and a special migration programme.

252. As part of the Migration Governance Strategy, IOM provided local technical assistance in the development of migration governance indicators to support state

governments in identifying good practices and areas of opportunity. As of 2024, 11 state-level reports have been produced.<sup>29</sup>

253. Various migrant assistance offices have participated in the efforts of the Advisory Council on Migration Policy to collect, analyse and, where appropriate, channel the requests and views of state governments, municipalities and mayors' offices on the design of migration and human mobility policy.

254. In the framework of the Project for Strengthening the Local Integration of Refugees, Asylum-seekers, Internally Displaced Persons and Migrants in Similar Situations of Vulnerability in Mexico, carried out by the German Agency for International Cooperation between 2019 and June 2024 in Jalisco, Puebla and Querétaro, a municipal community of practice<sup>30</sup> was set up to develop a municipal governance protocol on assisting migrants, which will serve as a model for other specific protocols on municipal support, protection and integration processes.

255. In January 2023, the Interministerial Commission for Comprehensive Support in Migration Matters of the Ministry of Foreign Affairs was reactivated to coordinate migration measures; working groups comprising representatives of federal agencies were organized to facilitate migration management through public policies. Six working groups were established, each chaired by the competent national authority, to promote and protect the rights of migrants in the following areas: (1) humanitarian management of irregular migration; (2) management of multi-service centres; (3) development of labour mobility pathways; (4) support for Mexican communities abroad; (5) cooperation; (6) regional integration and political relations with neighbouring countries; and (7) data collection and generation of statistics.

256. At its tenth ordinary session, the Interministerial Commission for Comprehensive Support in Migration Matters adopted the Mexican Migration Model, a comprehensive strategy based on four pillars:

- (1) Regularizing the situation of and empowering Mexican communities abroad
- (2) Addressing the structural causes of migration
- (3) Managing safe, orderly and regular routes for labour mobility
- (4) Coordinating the humanitarian management of irregular migratory flows

257. Multi-service centres for inclusion and development are designed to provide documents and services to migrants in transit or interested in residing in Mexico. Five centres located in municipalities with a high migrant influx are to be set up; two on the southern border and three on the northern border. The multi-service centre for inclusion and development in Tapachula is expected to be open by the end of 2024. These spaces will not be used for immigration control; they will relay support, guidance and services to migrants from the authorities and international organizations working in the area of international migration.

258. In 2022, the Mexican Agency for International Development Cooperation carried out a project to equip, upgrade and renovate migrant support facilities. The National Institute of Migration identified 10 priority migrant holding centres for this project. In accordance with recommendations made by the National Human Rights Commission, 34 medical and psychological clinics received new equipment, and work is under way to install water treatment plants at the holding centres in Tijuana, Tapachula, Tuxtla, Iztapalapa, Hermosillo, Reynosa and Acayucan.

<sup>29</sup> Oaxaca, Chihuahua, Guanajuato, Tamaulipas, Mexico City, Guerrero, Durango, Michoacán, Tabasco, Zacatecas and Nuevo León.

<sup>30</sup> Eleven municipalities: Guanajuato, Guadalajara, Puerto Vallarta, Tlajomulco, Zapopan, Apatzingán, Puebla, San Andrés Cholula, San Pedro Cholula, Santiago de Querétaro and El Márquez.

### Reply to the questions raised in paragraph 33 of the list of issues

259. The Executive Commission for Victim Support takes a gender-sensitive approach to the provision of services to Mexican and foreign migrant women and girls in transit to the United States, protecting them from criminal activity.

260. The National Register of Victims of the Executive Commission for Victim Support has registered 332 migrant women victims of human trafficking offences, homicide, unlawful deprivation of liberty, kidnapping, bodily harm, enforced disappearance, sexual abuse, torture, rape, domestic violence, cruel, inhuman or degrading treatment and discrimination.

261. As of 2021, the National Institute for Women has been implementing the “Migrant Women: Border to border, your rights stay with you” project, which addresses entrepreneurship, mental health, human rights, support for victims of violence and public policy analysis and recommendations from an intersectional gender perspective. The project has notably resulted in the following documents and activities:

(a) “Recommendations for improved support for migrant women at the Siglo XXI Migrant Holding Centre in Tapachula, Chiapas: Timely and dignified support for child, adolescent and female migrants”;

(b) “Migrant Women in Mexico: Migrants and their places of origin, destination, transit and return, asylum-seekers and refugees. Proposals for action and public policy,” a study carried out in collaboration with Frontera Sur College;

(c) “Strategic Protocol for Supporting Women and Adolescents in Situations of Mobility at the Southern Border of Mexico”, in partnership with the Ministry of Gender Equality in Tapachula, and the “Guide for Identifying and Providing Support to Women Victims of Violence in the Context of Migration” for protection officers of the National Institute of Migration”;

(d) “Priority Policy Report: Women and migrant mobility in Mexico”;

(e) “Mental Health and Crisis Care Protocol for Migrant Women” and a training programme for child protection and vulnerable migrant support officers of the National Institute of Migration;

(f) “Local Practices for Meeting the Basic Needs of Migrant Women in State-Level Women’s Institutions”;

(g) Promotion of 29 productive projects for migrant women heads of household with dependents residing in or in transit through Tapachula, Chiapas;

(h) Development of guidelines for initial mental healthcare and a municipal management and public intervention model;

(i) “10 Principles on Gender and Migration”, promoting effective gender mainstreaming from a welfare perspective;

(j) “Procedure for assisting foreign women in Mexico who are victims of gender-based violence regardless of their migration status” for embassy and consulate staff, state-level women’s institutions and municipal offices for women;

(k) “Welfare circuits” for migrant women and their families;

(l) Development of a course on gender and migration in public administration, in partnership with IOM;

(m) “Women Migrant Workers” and “Women Entrepreneurs without Borders” campaigns to promote labour inclusion and entrepreneurship among migrant women;

(n) “Updated Protocol for the Detection, Identification and Care of Migrant Victims and/or Possible Victims of Human Trafficking in Mexico”;

(o) “Caring for Migrant Women”, information and resources on risks to migrant women.

## Reply to the questions raised in paragraph 34 of the list of issues

262. The Office of the Special Prosecutor for the Investigation of Human Trafficking Offences, part of the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons, collaborates with the authorities of various countries, including through the International Criminal Police Organization (INTERPOL) and its regional offices in Central America and the Caribbean, to strengthen measures to combat trafficking in persons and migrant smuggling.

263. It also participates in the Trilateral Working Group on Trafficking in Persons, made up of Mexico, the United States and Canada, and, since 2020, in the Ibero-American Network of Prosecutors against Trafficking in Persons and Smuggling of Migrants.

264. The Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons carries out awareness-raising activities on federal human trafficking offences and encourages reporting to ensure access to justice. Between January 2017 and March 2024, it organized 96 guidance and information sessions on human trafficking, with 30,343 participants, of whom 19,808 were women and 10,535 were men. It distributed 253,676 pamphlets, including through federal and state basic and higher education institutions and law enforcement bodies. Between 2021 and 2024, 17 sets of digital materials on trafficking in persons were disseminated.

265. Between January 2017 and March 2024, the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons opened 23 investigations on behalf of 36 victims into trafficking-related offences including serfdom, labour exploitation and forced labour or services<sup>31</sup> in which the victims were foreign nationals. See annex 1, section 31: Investigations opened by the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons into the offence of trafficking in persons, 2017–2023, disaggregated by nationality and number of victims.

266. The Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons operates a special shelter offering comprehensive care and protection to victims of extreme gender violence and trafficking in persons; this high-security facility provides temporary shelter to victims and offers psychological support, educational assistance, social services, healthcare and nursing, legal and immigration assistance, training and recreational activities to help them continue with or restructure their life plans.

267. Between January 2017 and March 2024, this specialized shelter provided support to 89 foreign nationals. In 79 cases, investigations were conducted by the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons. A total of 39 persons received assistance to return to their countries of origin, 88 received other forms of support from their consulate and 8 received assistance from support networks in Mexico.

268. The Commission on Assistance for Refugees is part of the Intersectoral Commission on the Prevention, Punishment and Eradication of Trafficking in Persons and on Victim Protection and Assistance; it assists in the identification, referral, care and protection of possible victims of trafficking, asylum-seekers, refugees and beneficiaries of complementary protection.

269. The Commission on Assistance for Refugees works in accordance with the protocol on support for and the referral of identified victims of trafficking in persons, the National Programme for the Prevention, Punishment and Elimination of Offences related to Trafficking in Persons and the simplified guide on support for victims of trafficking in persons.

270. The manual for the operation of shelters, refuges and halfway houses providing assistance to victims of trafficking in persons outlines the essential services provided to the users of such facilities as part of a package of comprehensive support that promotes respect

<sup>31</sup> As defined in art. 10, sections (II), (IV) and (V), of the General Act on the Prevention, Punishment and Eradication of Trafficking in Persons and on Victim Protection and Assistance.

for their human rights, prevents revictimization, fosters social reintegration and helps them to develop their life plans, on the basis of specific principles and approaches to victim care.

271. Judicial coordination working groups on comprehensive support for victims of trafficking comprising various authorities involved in combating trafficking in persons work to ensure access to prompt and expeditious justice for foreign victims, so that the National Institute of Migration can grant the victim leave to remain on humanitarian grounds or help him or her to return to his or her country of origin, if requested.

272. The National Institute of Migration has developed a certification of occupational skills on the identification of possible victims of trafficking in persons during immigration proceedings within the framework of human rights protections, approved by the Ministry of Education.

273. In August 2022, the updated protocol for the detection, identification and care of migrant victims and/or possible victims of trafficking in persons in Mexico was issued in coordination with IOM to help public officials to detect, identify and assist victims in a timely manner.

### **Reply to the questions raised in paragraph 35 of the list of issues**

274. With respect to the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as of 2019, Mexico has been implementing a new model of collective relations, derived from a comprehensive reform of the norms governing freedom of association and collective bargaining<sup>32</sup> based on the following elements: union freedom and democracy; expeditious labour justice; union transparency; and gender-sensitive inclusion.

275. With respect to the ILO Domestic Workers Convention, 2011 (No. 189), starting in 2019, Mexico has made several amendments to its labour and social security regulatory framework; for more information, see paragraphs 86 to 90 relating to paragraph 11 of the list of issues.

276. Regarding the ILO Violence and Harassment Convention, 2019 (No. 190), Mexican Official Standard No. NOM-035-STPS-2018 on identifying, analysing and preventing psychosocial risk factors establishes the elements necessary to identify, analyse and prevent psychosocial risk factors and promote a favourable organizational environment and is applicable in all workplaces across the country.

277. The model protocol to prevent, address and eradicate workplace violence<sup>33</sup> outlines measures to prevent, address and eradicate cases of workplace violence linked to employment relationships, including workplace harassment, bullying and sexual harassment.

278. On 5 December 2023,<sup>34</sup> Mexican Official Standard No. NOM-037-STPS-2023 on occupational safety and health standards for teleworking came into force, establishing workplace health and safety standards for teleworking to prevent accidents and illness and promote a safe and healthy work environment.

279. The measures described above are in line with ILO conventions No. 98, No. 189 and No. 190.

280. Regarding Convention No. 189, the National Institute for Women has been working with the Mexican Social Security Institute on initiatives to ensure the inclusion of domestic workers in the social security system and the establishment of the National Care System.

<sup>32</sup> Available at [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5559130&fecha=01/05/2019#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5559130&fecha=01/05/2019#gsc.tab=0).

<sup>33</sup> Available at [https://www.gob.mx/cms/uploads/attachment/file/539287/Protocolo\\_Violencia\\_Laboral\\_0603-1amGMX\\_\\_1\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/539287/Protocolo_Violencia_Laboral_0603-1amGMX__1_.pdf).

<sup>34</sup> Available at [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5691672&fecha=08/06/2023#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5691672&fecha=08/06/2023#gsc.tab=0).

**Reply to the questions raised in paragraph 36 of the list of issues**

281. Since 2021, the flow of persons arriving from the Caribbean and South America has increased substantially, surpassing that from Central America. In 2023, flows from the Caribbean and South America together accounted for 54.6 per cent of the total influx, while those from Central America accounted for 31.5 per cent. See annex 1, section 32: Number of persons in an irregular situation in Mexico, disaggregated by continent of origin, 2017–2023.

282. Applications for recognition of refugee status increased from 70,310 applicants in 2019 to 129,768 in 2021, 119,225 in 2022, 140,948 in 2023 and 46,920 as of July 2024. Haitians (44,185), Hondurans (41,936) and Cubans (18,424) accounted for 74 per cent of all applications.

283. Regarding the harmonization of the Migration Law and the General Act on the Rights of Children and Adolescents, see paragraph 4 relating to paragraph 1 of the list of issues.

284. For information relating to the issues raised in paragraph 36 (d), see annex 1, section 33: Income from family remittances for the period 2005–2023.

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