

Organized Crime & Migration Crisis at the U.S.-Mexico Border in Electoral Times

WORKING PAPER

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North and Central American Task Force on Migration



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The North and Central American Task Force on Migration is a non-governmental forum of academics, civil society and business leaders, and former policymakers in dialogue with current government officials created to facilitate a broadly driven solution dialogue among the countries involved in the crisis of migration and forced displacement in the region. Initiated by the **World Refugee & Migration Council** with the **Center for U.S.-Mexican Studies**, the **Colegio de México**, the **Migration Policy Institute**, and the **Inter-American Dialogue**, with support from the Government of Canada, the Task Force has issued concrete recommendations for collective, regional action based on evidentiary research to promote responsibility sharing across North and Central America.

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1. Introduction

The permanent migration crisis unfolding at the U.S.-Mexico border, which began before Joe Biden took office, has become a pressing issue in the U.S. presidential election campaign in 2024. Over the last two years, a record number of migrants have arrived at the border. According to the U.S. Department of Homeland Security, 3.2 million encounters were reported by Customs and Border Protection (CBP) for fiscal year 2023, ending last October.¹

But the flow has diversified, with immigrants coming from all corners of the globe. Indeed, in 2023, only 49 percent of these encounters involved Mexicans or Central Americans from the “Northern Triangle” of Guatemala, Honduras, and El Salvador. After Russia invaded Ukraine in March 2022, more than one thousand Ukrainians started to arrive in Tijuana daily. And, in May 2023, after Turkey held elections, the flow of Turkish nationals arriving at the border increased exponentially. And the numbers keep growing – as of May of 2024, other nationalities accounted for 62 percent of encounters.²

What explains this ever-increasing number of immigrants arriving at the U.S.-Mexico border? There are many reasons to explain this unprecedented flow. They include:

- An increasingly violent and unstable world;
- Ever-increasing revenues for organized criminal networks that are involved in large-scale human smuggling and trafficking;
- The search for new economic opportunities;
- Climate change and ecological disaster;
- Corruption, repression, sexual violence and exploitation, and criminality in many countries which are forcing people to flee in search of a better life;
- A broken U.S. immigration system with few options for regular migration, leaving many to attempt entry by seeking asylum. These increased numbers, together with severe long-term underinvestment in the asylum system, create delays in assessing cases, with the result that many immigrants are paroled inside the United States without final adjudication of their cases; and

¹ It should be pointed out, however, that Title 42 was only ended in May, so we cannot determine the real number of people trying to cross the border.

² Of these, some 650 thousand (29 percent) came from Cuba, Haiti, Nicaragua, and Venezuela.

- Well-established immigration routes – including the creation of caravans throughout the Western Hemisphere.

Politically speaking, the timing of the immigration crisis at the U.S.-Mexico border could not be worse. This is an electoral year in both Mexico and the United States. In Mexico, Claudia Sheinbaum's election throws some doubt as to whether (or how much) Mexico will keep assisting the U.S. with control of the flow of migrants to the Southern border, especially if Donald Trump is elected in November.

In the U.S. Congress, the Republican leadership tied (albeit unsuccessfully) the authorization of funds to Ukraine and Israel contingent on highly restrictive policies on the border. In addition, Republican presidential candidate Donald Trump is exploiting this crisis. Conservative news outlets such as *Fox News* and *Breitbart News* consistently tie the immigration issue to crime and have promoted the narrative that the U.S. badly needs the man of the "big, beautiful wall" to stop the flow and establish order along the United States' chaotic southern border.

The North and Central American Task Force on Migration believes that the U.S. and its neighbours, Canada and Mexico, and other countries in the Hemisphere, such as Guatemala, Costa Rica, and Honduras, must work more closely together to thwart a deepening of this crisis. The time has arrived to collaborate on solutions which tackle the drivers of these flows, many of which are outlined in our [2022 Task Force Summary Report: Key Recommendations](#).

In this report, we wish to highlight the importance of increasing public security by strengthening the fight against organized crime, other criminal groups, and corrupt officials who are increasingly critical players in the migration equation. We believe that a new, concerted effort at the regional level is required to fight organized criminal networks that smuggle and traffic people across borders and, more recently, across the oceans to the United States' southern and northern borders. Meanwhile, some countries – notably Canada – must play a more vigorous role in going after narcotraffickers, criminal syndicates, and money launderers and their enablers, who play an increasingly central role in human trafficking and illegal migration.

At the same time, it is essential to recognize at the outset that not all smugglers are part of transnational criminal groups; many are poor residents trying to support themselves by guiding migrants across borders. As Luigi Achilli and Gabriella Sanchez, who have been studying and interviewing smugglers for years, note: "The characters at the center of this drama, rather than being men from the Global South at the helm of powerful criminal syndicates are often poor people – including women and children – who act on their own behalf and for their own

survival. Of course, this does not mean that illicit markets do not overlap or that hierarchical criminal organizations are never involved. The web-like network of criminality is multi-tiered, often colluded with the state, the elite capitalists and the military, as a plethora of studies on drug trafficking and other transnational crimes have extensively shown.”³

2. Illegal migration is no longer just a southern border but also a northern border issue

Asylum seekers and illegal migrants are no longer just crossing the southern border into the United States but also at the Canada-U.S. border, despite the harsh cold weather conditions at the border in the winter months. In Canada, public and political attention has tended to focus on asylum seekers entering Canada from the United States. For migrants illegally entering Canada, data collected by the Refugee Protection Division (RPD) shows that claims made by “irregular” border crossers have steadily increased over the past few years.⁴ In 2022, nearly 40,000 people entered Canada from Roxham Road alone, and in 2023, almost 92,000 claimants were recorded, a stunning increase of 230 percent.⁵

However, there are also rapidly increasing flows of migrants in the opposite direction.⁶ In 2021, there were a total of 27,180 northern land border encounters by U.S. officials. In 2022, that figure had jumped to 109,535 and 189,402 in 2023. In 2023, there were 10,021 illegal crossing arrests, with migrants from Mexico accounting for more than half of the interceptions by U.S. authorities, followed by India and Venezuela.⁷ These figures pale compared to the over two-and-a-half million encounters on the U.S. southern border. However, the ease of crossing into the U.S. from Canada, especially during the summer months, as opposed to

³ Luigi Achilli and Gabriella Sanchez, “Migration, Smuggling and the Illicit Global Economy,” *Public Anthropologist* 3 (2021): 3. Also see, Gabriella Sanchez, “Five Misconceptions About Migrant Smuggling,” Migration Policy Centre, European University Institute, Issue #2018/07, May 2018.

⁴ Report of the Standing Committee on Citizenship and Immigration, *Asylum-Seeker at Canada’s Border*, 44th Parliament, 1st Session, Ottawa: House of Commons, May 2023.

⁵ In early 2024, the Canadian government reimposed visa requirements for Mexican citizens coming to Canada following a surge in asylum claims from the country. This is a move that Immigration Minister Marc Miller described as “tighten[ing] the screws” on steeply rising migration. Ottawa has also decreased the number of new international student permits issued and, for the first time, limited its Temporary Foreign Worker Program to reduce Canada’s population share of temporary workers over the next three years. The Federal government also closed the well-known border crossing, Roxham Road, where, at one point, 90% of illegal crossings were taking place. However, despite its closing in March 2023, Canada had processed over 80,000 applications by October 2023.

⁶ Jorge Barrera, “Human Smuggling from Canada to the U.S. a ‘lucrative market’ attacking organized crime: RCMP,” CBC News, December 8, 2023. <https://www.cbc.ca/news/canada/human-smuggling-canada-rcmp-organized-crime-1.7051961>

⁷ U.S. Customs and Border Protection, Nationwide Encounters. Available at: <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

Mexico, makes the northern border an increasingly attractive entry point to the U.S. for illegal migrants, and there is no ground for complacency.

Mexican gangs like the Sinaloa cartel and Los Zetas are also finding Canada to be a hospitable place to do business in drugs, money laundering, and human smuggling and trafficking alongside other international criminal syndicates from India, Iran, China, and elsewhere.⁸ Canadian laws have been weakly enforced owing to Canada's porous ports, a lack of resources for police and intelligence services, political and public inattention, and the ineffectiveness of FINTRAC, the agency responsible for tracking and analyzing information about money laundering.⁹ These elements have also been a significant contributing factor to Canada's appeal as a corridor for human smuggling and trafficking.

3. The role of gangs and criminal networks in migration

In addition to climate change and other factors enumerated above, there is growing recognition that gang violence and organized crime centred on three main groups – mara street gangs, Central American drug transporters, and Mexican drug cartels – are important drivers of displacement throughout Central and South America, Mexico, and the Caribbean region as combinative “push” and “pull” factors.¹⁰

Amongst the “push” factors in migration, chronic violence is a significant one, including a rise in domestic violence, which must be seen as a “part of a continuum of violence” against women.¹¹ Chronic violence in many countries is

⁸ Alessandro Ford, “How Mexican Cartels Settled in Canada,” *Insight Crime*, December 13, 2021; Marie Woolf, “Organized crime, including Mexican cartels smuggling migrants to Canada” *The Globe and Mail*, February 7, 2024; and Todd Bensman, “The Canadian Policy Behind the Surge of Illegals – and Mexican Cartel Operatives – at the Northern Border,” Center for Immigration Studies, March 22, 2023; and Public Safety Canada, Mexican Drug Cartels.” Available at: <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20200621/fp001/index-en.aspx>.

⁹ See, for example, Commission of Inquiry into Money Laundering in British Columbia (Cullen Commission). Available at: <https://cullencommission.ca>. Also see, Sam Cooper, “It’s long been known in B.C. that RCMP not investigating money laundering, sources reiterate,” *Global News*, April 10, 2019.

¹⁰ This issue was highlighted more than ten years ago in a series of major studies. See, UNODC, *Transnational Organized Crime in Central America and the Caribbean*; David James Cantor, “The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico,” *Refugee Survey Quarterly*, Vol. 33, No. 3, September 2014: 34-66. Available at: <https://doi.org/10.1093/rsg/hdu008>; Stephanie Leutert, “Organized Crime and Central American Migration in Mexico,” A report by the Policy Research Migratory Policy Group, No. 198, Lyndon B. Johnson School of Public Affairs, Austin, Texas, June 2018; (available at: <https://globalinitiative.net/wp-content/uploads/2018/07/Organized-Crime-and-Central-American-Migration-in-Mexico-The-University-of-Texas-at-Austin-2018.pdf>); and International Crisis Group, “Easy Prey: Criminal Violence and Central American Migration,” July 28, 2016 (available at: <https://www.crisisgroup.org/latin-america-caribbean/central-america/easy-prey-criminal-violence-and-central-american-migration>).

¹¹ See, e.g., Natalie Gonnella-Platts, Jenny Villatoro, and Laura Collins, “No Justice: Gender-based Violence and Migration in Central America”, Wilson Center. Available at: https://gwbcenter.imgix.net/Publications/Reports/gwbi_Immigration_Security_and_Gender-Based_Violence.pdf
Also see, Anja Parish, “Gender-Based Violence against Women: Both Cause for Migration and Risk along the Journey,” Migration Policy Institute, September 7, 2017. Available at:

caused by competition among rival gangs for local development, land and resource exploitation, control of the production, distribution and trafficking of narcotics and sale of arms, and state-affiliated political *colectivos* (collectives), which have forced people to leave their homes. So, too, are high levels of sexual violence and exploitation of women and girls, which are perpetrated by local gangs to exercise control of the local population. As Sarah Bermeo notes, “It is an outdated notion that people from El Salvador, Guatemala, and Honduras are primarily looking for economic opportunity in the United States and, therefore, should wait in line for a visa. For people fleeing these countries, waiting for a visa can result in death, rape, or forcible recruitment into crime.”¹²

Gang-based violence, as another study underscores, “creates a ‘continuum of risk,’ with some people fleeing reactively from a targeted threat and immediate risk, others fleeing as a pre-emptive measure when personal risk levels rise, and others fleeing because of a general fear of violence, the economic effects of insecurity and inequality, rising violence in their neighbourhoods and battles over territory.”¹³

In this sense, it is perhaps important to think of a possible link between El Salvador’s State of Emergency Law of 2022, and the dramatically reduced numbers of “encounters” by the U.S. Customs and Border Enforcement (CBP) in 2004. Under this law, President Nayib Bukele has imprisoned some 75,000 people, or 1.6 per cent of El Salvador’s population of 6 million (triple the rate of the U.S.).¹⁴ As a result, the number of killings—once among the highest in the world—have sharply diminished, and gangs appear to have been significantly weakened. But, not surprisingly, international human rights organisations have documented “widespread human rights violations committed during the state of emergency, including arbitrary arrests, enforced disappearances, torture and other ill-treatment of detainees, and mass due process violations.”¹⁵ But, beginning in January of 2024, encounters with Salvadorans at the U.S. Southern Border have decreased markedly, compared with a year earlier, with the August 2024 encounters at a four year low of 2,758.¹⁶ The question of whether the drop in numbers can be

<https://www.migrationpolicy.org/article/gender-based-violence-against-women-both-cause-migration-and-risk-along-journey>.

¹² Sarah Bermeo, “Violence drives immigration from Central America,” Brookings, June 26, 2018. Available at: <https://www.brookings.edu/articles/violence-drives-immigration-from-central-america/>. Also see, “Criminality as a Driver of Displacement,” Refugee Law Initiative, School of Advanced Study, University of London. Available at: <https://rli.sas.ac.uk/projects-0/criminality-a-driver-displacement>.

¹³ Vickie Knox, “Gang violence, GBV and hate crime in Central America: State response versus State responsibility,” *Forced Migration Review* 79 (October 2019), Refugee Studies Centre, Oxford University. Available at: <https://ora.ox.ac.uk/objects/uuid:538fa3f6-857f-46a5-b453-e0f410b2c6ae/files/s1544bq443>

¹⁴ Stefano Pozzebon, “In El Salvador, self-styled ‘world’s coolest dictator’ Nayib Bukele heads for re-election amid human rights concerns”, CNN, February 3, 2024. Available at: <https://edition.cnn.com/2024/02/03/americas/el-salvador-nayib-bukele-election-preview-intl/index.html>

¹⁵ “El Salvador: Statement at the US House Tom Lantos Human Rights Commission”, Human Rights Watch, December 21, 2023. Available at: <https://www.hrw.org/news/2023/12/21/el-salvador-statement-us-house-tom-lantos-human-rights-commission>

¹⁶ Available at: <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

accounted for (or indeed, balanced by) significant human rights violations, and how long we can expect this drop in immigration to continue, is as yet unresolved. With countries such as Ecuador, Honduras, and Peru seeking to emulate these efforts, and with a possible eventual reaction to authoritarianism that could cause numbers to rise rapidly, as has been the case with Nicaragua, time will tell.

What is undeniable, though, is that gender-based violence is a major trigger of displacement for women and girls, both internally and across borders. LGBTQ+ people, who are the victims of persecution, various kinds of discrimination and targeted violence, are also fleeing their countries. It is worth noting that the Government of Canada recently agreed to a pilot project led by the World Refugee & Migration Council with the global law firm Reed Smith LLP and the Canadian Centre for Victims of Torture (CCVT) to help women and girls in the Americas who are survivors of sexual and gender-based violence to relocate in Canada.¹⁷

It is both ironic and tragic that crime and violence in Central America's so-called "Northern Triangle" have been driven by the insatiable demand for drugs by U.S. consumers and the U.S. policy of interdicting drug trafficking in the Caribbean and Mexico; this policy has pushed criminal groups to relocate their operations in Central America, along with a decades-long policy of deporting young Central Americans who are members of street gangs back to the region where they continue to engage in criminal activities.¹⁸

Traditionally, there have been two significant pathways for those fleeing their countries to enter the United States: "For those Central Americans who can afford the airfare and are able to get a visa, either with or without the assistance of an agent, the simplest way is to fly in and overstay the visa. For those unable to secure visas, there is the tried and true route of travelling the length of Mexico and crossing the border clandestinely. Illegally crossing the United States land border is quite difficult, and most of the irregular migrants employ smugglers."¹⁹ However, maritime migration is increasingly popular, and not just for Cubans and Haitians who have come by sea in the past. In FY 2023, the U.S. Coast Guard interdicted 2,000 migrants from the Dominican Republic, as well as individuals from

¹⁷ World Refugee & Migration Council, "New Initiative to Protect Refugee Women in Mexico Who Are Survivors of Sexual and Gender-based Violence," March 8, 2024. Available at: <https://www.wrmcouncil.org/news/new-initiative-to-protect-refugee-women-in-mexico-who-are-survivors-of-sexual-and-gender-based-violence/>.

¹⁸ Latin America Program, "Crime and Violence in Central America's Northern Triangle: How U.S. Policy Responses are Helping, Hurting, and Can be Improved," No. 34, Wilson Center Reports on the Americas, Woodrow Wilson Center, Washington, D.C. Available at: <https://www.wilsoncenter.org/publication/crime-and-violence-central-americas-northern-triangle-how-us-policy-responses-are>.

¹⁹ United Nations Office on Drugs and Crime (UNDOC), "Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment," Vienna: UNDOC, 2012. Available at: https://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf.

Kazakhstan, Venezuela, and elsewhere, along with thousands of Haitians and Cubans.²⁰

On the “pull” side, criminal groups play a variety of roles in the migration corridors that run northward from South America through Central America to the Mexico-U.S. and Canada-U.S. border. Some groups are involved in smuggling people across interstate boundaries in exchange for financial or material compensation. During the height of the COVID-19 pandemic, despite border closures and other restrictions on the movement of people, the demand for services provided by smugglers did not diminish, partly because of a weakening in local job markets.²¹

Other criminal groups are in the business of human trafficking, which is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other coercive means, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”²²

The transnational nature of these organized crime groups in the trafficking of undocumented migrants has been the focus of several recent studies, which point to the changing business model of drug cartels that are taking advantage of the lucrative and relatively stable revenue streams generated by the rising numbers of those trying to flee violence and sexual exploitation in their local communities. In recent years, as U.S. authorities have made a concerted effort to disrupt the drug trade, the appeal of human trafficking and smuggling as a new criminal undertaking by these groups has also grown. These groups have been able to take advantage of local conditions characterized by the absence of the rule of law, state and municipal governments which ignore their activities, and outdated anti-human trafficking legislation in their respective national jurisdictions.²³ One estimate of the two principal smuggling routes leading from East, North and West

²⁰ Muzaffar Chishti, Kathleen Bush-Joseph, and Colleen Putzel-Kavanaugh, “Can the Biden Immigration Playbook Be Effective for Managing Arrivals by Sea,” ReliefWeb, October 25, 2023. Available at: <https://reliefweb.int/report/united-states-america/can-biden-immigration-playbook-be-effective-managing-arrivals-sea#:~:text=Trends%20in%20Arrivals%20by%20Sea,similar%20numbers%20in%20FY%202023>.

²¹ International Organization of Migration (IOM), “Smuggling of Migrants in Central America and Mexico in the Context of COVID-19.” Available at: https://programamesoamerica.iom.int/sites/default/files/infografiatim_en_16feb_0.pdf.

²² International Organization of Migration (IOM), Western Hemisphere Program, “Trafficking in Persons and Smuggling of Migrants.” Available at: <https://programamesoamerica.iom.int/en/work-areas/trafficking-and-smuggling>.

²³ Guadalupe Correa-Cabrera, “Trafficking in Persons Along Mexico’s Eastern Migration routes: The Role of Transnational criminal Organizations,” ScholarWorks@UTRGV, College of Liberal Arts, Public Affairs and Security Studies Faculty, 3-2017. Available at: https://scholarworks.utrgv.edu/cgi/viewcontent.cgi?article=1012&context=pass_fac.

Africa to Europe and South America to North America suggests it is a multi-billion dollar business.²⁴

In the Western Hemisphere, the move northward, as opposed to southward, is not just driven by the perception that the United States and, increasingly, Canada are potentially safe havens for those fleeing violence and persecution but also the increasingly anti-migration, closed border policies of countries like Chile and Brazil, which have traditionally also been a destination for migrants in the region, especially from Venezuela.

4. Middle Eastern, African and Asian migrants

It is essential to recognize that it is not just Central and South Americans who are entering migration corridors in Central America and Mexico but also Africans, Asians, and people from the Middle East. Many of these migrants arrive in the Hemisphere via Ecuador, which has a lax immigration system, and from there, they move north to Colombia and into Central America through the Darien Gap in Panama. As Medecins Sans Frontieres explains in a recent report, “The Darién gap went from being a route used by only a minority of migrants in the past to seeing record numbers in 2021 (around 134,000) and especially in 2022 (around 200,000 until October).” At the same time, “The rainforest also became a port of entry on the route north for thousands of Africans and Asians. These migrants joined Central Americans fleeing violence and extreme poverty, extortion, recruitment and rape by gangs and other criminal groups from the Northern Triangle of Central America (NTCA) on the dangerous journey to the United States (U.S.).”²⁵ In their report, *No Way Out*, MSF found that among those migrants arriving at Mexico’s northern border, 45.8 percent cited their exposure to violence as a key reason for fleeing their country, and 75 percent of those with children said that violence was the reason they had left. In comparison, 31 percent were exposed to violence during their hazardous journey.²⁶

Transnational criminal organizations in Latin America, Europe, the Middle East, and Africa are increasingly involved in transporting people across not just the Mediterranean but to the other side of the ocean as well. Their activities are facilitated by jurisdictional conflicts among different law enforcement agencies and authorities, the “challenges in securing admissible evidence, particularly on the high seas,” and what is referred to as “poly-criminality,” namely, criminal groups

²⁴ United Nations Office on Drugs and Crime (UNODC), “Transnational Organized Crime Fact Sheet: Smuggling of migrants — The harsh search for a better life.” Available at https://www.unodc.org/documents/toc/factsheets/TOC12_fs_migrantsmuggling_EN_Plain.pdf.

²⁵ Medecins Sans Frontieres, “Fleeing extreme violence in Central America.” Available at: <https://www.msf.org/central-american-migration-depth>.

²⁶ Reported in *ibid*. Also, see “Medecins Sans Frontieres, “No way out: MSF report shows damaging health impacts of US-Migration policies,” February 11, 2020. Available at: <https://www.doctorswithoutborders.org/latest/no-way-out-msf-report-shows-damaging-health-impacts-us-mexico-migration-policies>.

involved in a combination of document fraud and money laundering, which also involve illegal attempts to secure citizenship in the European Union and other states.²⁷ As Europe has begun to crack down on illegal migration flows, Africans and others have chosen what they consider to be a “safer bet,” namely, getting into the United States. As *The New York Times* reported in a recent exposé, “While migrants from African nations still represent a small share of the people crossing the southern border, their numbers have been surging, as smuggling networks in the Americas open new markets and capitalize on intensifying anti-immigrant sentiment in some corners of Europe.”²⁸ In FY 2023, the number of Africans apprehended at the U.S. southern border rose to 58,462 from 13,406 in the previous year.²⁹ Unaccompanied minors are especially vulnerable to being exploited by criminal groups and coerced into prostitution and various forms of slave labour.³⁰

5. Recent law enforcement strategies to respond to the migration challenges

Successive U.S. administrations have responded to the migration challenges at the southern border with various changes to U.S. development assistance, law enforcement, and immigration policies towards the region. The Biden administration launched a 4-billion-dollar plan to address the root causes of migration from Central America, which also aimed to mobilize greater private-sector investment in the region along with temporary legal protection for some migrants.³¹ After the COVID-19 border restrictions were lifted, however, migration numbers from Central America surged. More than one-half million people from Northern Triangle countries alone were intercepted by U.S. Border Patrol agents at the U.S.-Mexican border in 2022.³² More recently, as part of negotiations with the Senate, the Biden administration proposed rolling back some of its policies to open legal pathways for migrants and refugees in response to domestic political pressures. This included reverting to the Trump-era policy of ramping up border security, appropriating funds to continue with the reconstruction of the border barriers to prevent unlawful entry into the U.S., and giving the President the “trigger” authority to deny asylum seekers who enter the U.S. between ports of

²⁷ European Union Agency for Criminal Justice Cooperation. Available at: <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/migrant-smuggling>.

²⁸ Miriam Jordan, “African Migration to the U.S. Soars as Europe Cracks Down,” *The New York Times*, January 5, 2024. Available at: <https://www.nytimes.com/2024/01/05/us/africa-migrants-us-border.html>.

²⁹ *Ibid.*

³⁰ Harriett Sherwood, “Unaccompanied young refugees in Europe ‘at risk from criminal gangs,’” *The Guardian*, November 1, 2015.

³¹ Diana Roy and Amelia Cheatham, “Central America’s Turbulent Northern Triangle,” *Backgrounder*, Council on Foreign Relations, July 13, 2023. Available at: <https://www.cfr.org/backgrounder/central-americas-turbulent-northern-triangle>.

³² *Ibid.*

entry and deport them.³³ Although the Senate Border Bill ultimately failed, President Biden subsequently issued an executive order on June 4, 2024, “A Proclamation on Securing the Border,” which essentially shared many of the same themes, including suspending asylum requests made between ports of entry.³⁴

6. A new regional framework to tackle the nexus between organized crime and migration

While it is relatively well documented that criminality and violence have become one of the principal “push” factors affecting contemporary irregular migration to North America (mainly to the U.S. and Canada, but increasingly to Mexico), we must also consider the growth of criminal organizations in promoting the “pull” factors, that is, in easing the travel and insertion of undocumented migration to these countries.³⁵

We believe that the current levels of irregular migration, including the proliferation of countries of origin and the diversification of routes being utilized by these migrants, are evidence of the role of criminal organizations.

We must consider the business models of criminal networks: the tendency towards a market consolidation amongst the dispersed and diffuse set of actors involved and the growing criminalization of activities. The incentives clearly exist, so implementing policy initiatives now is critical.

Thus, efforts to tackle the criminal networks that are directly and indirectly involved in regional – and international – migration flows at both the southern and northern borders of the United States require a comprehensive regional approach that engages law enforcement officials at all levels of government – the local, state and provincial, and federal levels, as well as key civil society organizations that work with migrants in a humanitarian and conflict prevention/mitigation capacity. Such an approach must also be directed at tracking and targeting the illicit financial flows that sustain criminal networks involved in the smuggling and trafficking of people across borders and the oceans, including financial institutions and other “intermediaries” such as lawyers,

³³ American Immigration Council, “An Analysis of the Senate Border Bill: The Emergency National Security Supplemental Appropriations Act (H. R. 815),” February 8, 2024. Available at: <https://www.americanimmigrationcouncil.org/research/analysis-senate-border-bill#:~:text=What%20This%20Bill%20Would%20Do&text=The%20“trigger”%20authority – called,them%20to%20apply%20for%20asylum.>

³⁴ Please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>

³⁵ See, e.g. Martha Olivia López, “Testimonio de un trailerero: cómo es traficar migrantes a la fuerza”, in *EnUn2x3*, April 30, 2024. Available at: <https://enun2x3.info/2024/04/testimonio-de-un-trailerero-como-es-traficar-migrantes-a-la-fuerza/>

accountants, and real estate agents who too often turn a blind eye to the origins of the funds they are being asked to manage by their clients.³⁶

These criminal networks impact countries throughout Central and North America, the Caribbean, and more broadly. Accordingly, governments must work together to identify and target these groups and formulate appropriate response policies. The foundations for a regional migration system require strengthened law enforcement cooperation vertically and horizontally within and across countries. The principle of co-responsibility is essential to promote safer, more orderly, regular migration and to address the root causes, which include criminal groups who smuggle and traffic the weak and the vulnerable.

A regional approach to tackling organized crime and migration, which complements existing efforts by the U.S. government to work with countries in the region,³⁷ will necessarily require the following:

- Developing a better shared evidentiary basis and understanding among the different countries in the region about the role of various criminal groups and networks, their modes of operation, their sources of funding, and the territories in which they operate.
- Encouraging countries in the region to fully implement the UN Protocol against the Smuggling of Migrants and related commitments under international law, including the Global Compact on Migration (GCM), by taking all appropriate measures to protect the rights of smuggled migrants while preventing and combating the smuggling of migrants.³⁸
- Promoting cooperation among state parties as urged by the GCM to adopt a regional convention against smuggling of migrants, which addresses the specific modalities of smuggling and trafficking in the North and Central American region.
- Building on Pillar 4 of the Biden Administration's plan³⁹ to counter and prevent violence, extortion, and other crimes by criminal gangs,

³⁶ Peter German, "Corruption and the Private Sector: A Road Map for Action," Working Paper, Anti-Corruption Task Force, World Refugee & Migration Council, February 2024; and Fen Osler Hampson and Robert Rotberg, eds., *Grand Corruption: Curbing Kleptocracy Globally* (London: Routledge, In Press).

³⁷ See, for example, U.S. Department of Homeland Security, Fact Sheet: DHC Agreements with Guatemala, Honduras, and El Salvador." Available at: https://www.dhs.gov/sites/default/files/publications/19_1028_opa_factsheet-northern-central-america-agreements_v2.pdf

³⁸ United Nations, "Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime," New York: United Nations, 2000. Also see, United Nations, "Global Compact for Migration," United Nations General Assembly, A/REC/73/195, January 11, 2019.

³⁹ The White House, "FACT SHEET: Strategy to Address the Root Causes of Migration in Central America," July 29, 2021. Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-strategy-to-address-the-root-causes-of-migration-in-central-america/>. Also see The White House, "Report on the U.S. Strategy for Addressing the Root causes of Migration in Central America, April 19, 2022. Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/19/report-on-the-u-s-strategy-for-addressing-the-root-causes-of-migration-in-central-america/>. And USAID, "USAID Announced More Than \$450 Million in Development Funding to Address Root Causes of Migration in Central America," November 28, 2023.

trafficking networks, and other organized crime organizations by creating a new cooperative, regional institutional framework for law enforcement, which is led by senior officials in Canada, Mexico, and the United States, as well as key Central American and Caribbean countries who meet at regular intervals.

- Adopting a regional approach to innovative police training and reform to create a new cadre of professional police forces in Central America.⁴⁰
- Adopting a regional approach to prevent youth recruitment to criminal gangs through a new and innovative partnership with civil society organizations that serve at-risk youth and engage the private sector to provide employment and educational opportunities for the young. The example of El Salvador's League Central America provides a model which could be replicated throughout the region.⁴¹
- Working more closely on a collective regional basis with international organizations like the United Nations Office on Drugs and Crime to understand better the broader role of transnational organized crime in migration flows.
- Repressive so-called *Mano Dura* policies are counterproductive, have done little to reduce violence and criminality, and have increased the militarization of domestic security forces in contravention of the peace agreements that were signed in some countries after their civil wars ended. A regional approach should reaffirm the commitment of all nations to the principle that security forces should only be used for self-defence and not for internal security.
- At the bilateral level between Canada and the United States, illegal migration in all of its aspects should be regularly included in the Canada – U.S. Cross Border Crime Forum (CBCF) Agenda. This annual forum is hosted jointly by Canada's Ministers of Public Safety and Justice and the U.S. Attorney-General and Secretary for Homeland Security, bringing together law enforcement and justice officials to advance cross-border cooperation on organized crime. The CBCF also issues threat assessments on such topics as firearms trafficking, trafficking of persons, and drug smuggling.

Available at <https://www.usaid.gov/news-information/press-releases/nov-28-2023-usaid-announces-more-450-million-development-funding-address-root-causes-migration-central-america>. For a review of U.S.-Mexican security cooperation more generally, see U.S.-Mexico Security Cooperation Task Force, *U.S.-Mexico Security Cooperation, 2018-2024*, Center for U.S.-Mexican Studies, University of California San Diego School of Global Policy & Strategy, San Diego, 2024. Available at: https://usmex.ucsd.edu/_files/Whitepaper_Security_Taskforce_March_26_Covers.pdf.

⁴⁰ Pamela Ruiz, "Criminal Governance in Northern Central America," Research Paper, November 2021. Paper prepared for North and Central American Task Force on Migration.

⁴¹ *Ibid.*

At the same time, we wish to stress that a new and strengthened regional approach to public safety that is focused on targeting criminal networks and illicit financial flows is a necessary complement and not a substitute for a *multifaceted, regional management approach* that is directed at the common goal of developing a legal, safe, and orderly approach to migration.⁴² As we have argued in our previous reports, the foundations of collective regional responsibility for migration rest on four pillars:⁴³

1. Developing temporary legal employment pathways for Central American workers that promote recruitment and safe job conditions;
2. Creating new humanitarian protection mechanisms focused on protection closest to home and expanding existing asylum access and refugee resettlement programs;
3. Professionalizing immigration and border enforcement to be consistent with the rule of law and attuned to migrants' protection needs and other vulnerabilities; and
4. Investing in long-term development, governance, and the rule of law can open local opportunities for would-be migrants, returning migrants, refugees, and internally displaced people.

⁴² See North and Central American Task Force on Migration, *Task Force Summary Report: Key Recommendations*. Available at: https://www.wrmcouncil.org/wp-content/uploads/2020/06/NA-CA-Task-Force-Summary-Report_EN.pdf.

⁴³ Ariel G. Ruiz Soto, "Strengthening Regional Cooperation on Migration from Central America: Possible Ways Forward," Research Paper, November 2021. Paper prepared for North and Central American Task Force on Migration.

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