

<https://doi.org/10.21670/ref.2105068>

Articles

The exception of the exception: The migration governance in pandemic times

La excepción de la excepción. La gobernanza de la migración en tiempos de pandemia

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Abstract

In this article we address the migration governance in Mexico in the context of the COVID-19 pandemic. The objective is to describe and analyze the functioning of this form of government, the relationship between the actors and the rationalities behind their actions, and the transformations that the pandemic has caused. We specifically analyze the first year of the pandemic through interviews with the actors of the migration governance taking place between July and October 2020. On the basis of the exceptional situation that puts in a special condition of visibility the complex structural framework of the migration governance in that it operates in the failure of the control mechanisms on the transit of the migrant population. We argue that the already exceptional situation of the governance the pandemic represents a new moment of exception given the restrictions that affect the object of this kind of governance: the mobility of populations.

Keywords: Governance, migration, pandemic, Mexico.

Resumen

En este artículo abordamos la gobernanza de la migración en México en el contexto de la pandemia de COVID-19. El objetivo es describir y analizar el funcionamiento de esta forma de gestión, las relaciones entre los actores y las racionalidades que los mueven, así como las transformaciones que la pandemia genera. Observamos específicamente el primer año de pandemia, a través de entrevistas con actores de la gobernanza entre julio y octubre de 2020. Partimos del supuesto de que esta situación excepcional pone en condición de especial visibilidad el complejo entramado de la gobernanza migratoria que opera sobre las fallas en los mecanismos de control de los medios de movimiento de la población migrante. Sobre esta situación, de por sí excepcional de la gobernanza, sostenemos

Received on December 9, 2020.

Accepted on April 23, 2021.

Published on April 27, 2021.

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ORIGINAL ARTICLE LANGUAGE:
SPANISH.



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CITATION: Irazuzta, I. & Ibarra, I. (2021). La excepción de la excepción. La gobernanza de la migración en tiempos de pandemia [The exception of the exception. The migration governance in pandemic times]. *Estudios Fronterizos*, 22, e068. <https://doi.org/10.21670/ref.2105068>

que la pandemia representa un nuevo momento de excepción dadas las restricciones que afectan a aquello que la gobernanza gestiona: la movilidad de poblaciones.

Palabras clave: Gobernanza, migración, pandemia, México.

Introduction

The pandemic has affected the heart of the migratory phenomenon in Mexico and beyond. Among the different exceptional measures implemented by governments, that of restrictions on mobility —partial in Mexico but stricter in the countries of origin of migration— have had some of the most significant effects, halting or considerably reducing the migratory flow through the Mexican territory and, along with it, the activities —copious and diverse— of many of the organizations devoted to managing the phenomenon, such as the United Nations High Commissioner for Refugees (UNHCR), which seeks to identify migrants fleeing their countries of origin; the government institutions that process asylum requests and hold migrants in detention facilities; and the broad network of assistance provided by migrant shelters, which offer a temporary refuge along the journey through the Mexican territory.

As is well known, Mexico has maintained a sustained pace of international transit migration to the United States, flowing throughout the entire Mexican territory, even circumventing authorization for entry into the country. In 2019, at least 788 671 migrants were apprehended after crossing the border into the United States (Organización Internacional para las Migraciones [OIM], 2020). This reality has led to the development of a complex system for managing this transit migration. What is known as “migration governance” brings together a multiplicity of government, civil, national and international actors that manage this transit and that, through this action, are shaping the migration phenomenon in an exceptional way, by responding to an emergency that is understood as a “crisis”.

All this management has been profoundly affected by the pandemic through another series of government measures focused on ensuring physical distance between individuals in order to prevent transmission. This “social distancing” paints a picture of social order that is in direct contradiction to some of the migratory practices that govern the country’s system of migration governance: it has dismantled the campaigns implemented by the UNHCR to encourage migrants to apply for asylum; halted the processing of those applications at the government institutions established for this purpose, such as the National Institute of Migration (Instituto Nacional de Migración - INM) and the Mexican Commission for Refugee Assistance (Comisión Mexicana para la Ayuda a Refugiados - Comar); redirected the dynamics of actions by the consulates of the countries of origin of migration; and, of course, has severely affected the activity of the now countless migrant shelters —dominated by the reality of overcrowding— that are distributed throughout the length and breadth of the Mexican territory. The pandemic has suddenly paralyzed all this dense, complex and dispersed action by the different actors involved in managing the migratory phenomenon. However, the sudden halt of all this active energy has produced effects that redirected the action of many of these actors, already accustomed to crisis, emergency and urgency, and positioned some of them in places where they had not been before, focusing their actions on meeting health needs or the basic

requirements of life. The pandemic has placed the country's already exceptional management of migration in an exceptional situation.

In this article, we address migration governance in Mexico during a pandemic, that is, the exception to the exception. We begin with the assumption —later empirically proven— that this exceptional situation makes the complex network of migration governance particularly visible. This assumption is, however, more than mere intuition. It accepts the theoretical postulate that the exception —a situation in which the normal is suspended, only to be replaced by a reality governed by other rules— has a special potential for visibility that reveals what precedes it with an unusual explanatory eloquence and contains elements for an extraordinary heuristic (Schmitt, 2009). The exception then generates a special appetite for observation, but, at the same time and for the same reason, it has a unique and intense transformative effect. The exception produces sudden, urgent change; it unmakes and makes with unusual celerity; it leads to the emergence of the fact, which, perhaps, will later shape the law.

When we speak of “the exception to the exception”, we are not using a play on words to signify a return to normalcy based on the latter term, as if, by way of arithmetic deduction, the addition of negatives produces a positive. This is not the case. The exception to the exception is intended to express the overlapping layers of anomalies surrounding the phenomenon under analysis. The pandemic, which refers to the latter exception, is overlaid on a migration regime —that of migration governance— which is exceptional in and of itself, insofar as it produces and operates on the presupposition of individuals without legal recognition, a kind of “impossible subject”, albeit real, as described below using this expression by Ngai (2005). From this starting point of migration governance, the pandemic exhibits its exceptionality in two correlated senses: first, in its impact on mobility and in its requirement for physical distancing, which affects this primary data on the action of migrating and migrating under the circumstances and conditions in which most people migrate through the Mexican territory; and second, because the pandemic makes the phenomenon particularly visible, as mentioned above.

Based on that assumption, the objective of this article, which is part of a larger collective research project¹ that also responds to an exceptional need, is to describe and analyze migration governance in Mexico in the context of the COVID-19 pandemic, problematizing the workings of this form of management, the relationships between the actors and the rationalities that drive them, as well as the changes and transformations caused by the pandemic in this entire network.

For the purposes of this investigation, the analysis of governance operates methodologically at the macro level. It is a “wide-angle” perspective; it seeks to open up the lens in order to obtain a broader vision but using techniques with a limited focal distance to investigate the rationality of the actors that compose it, the experience

¹ “Transformations of globalization and migration management. A multidimensional diagnosis of the situation in the light of the COVID-19 pandemic”, emerging out of the National Council of Science and Technology of Mexico (Consejo Nacional de Ciencia y Tecnología - Conacyt) call for proposals “Support for scientific research, technological development and innovation projects in health in response to the COVID-19 crisis, call for proposals 2020-1”. This text includes part of the theoretical-methodological approach of the investigation, as well as a preliminary empirical analysis of the data collected in the interviews conducted via videoconference between July and October 2020; accordingly, when this article references the pandemic, it is referring to the first year of the pandemic. Other results and advances from the project, as well as the other members of the research team, can be found at the following website: www.poliedrica.mx

of their work, and the representations of the subjects that govern. The wide angle corresponds to the moment of projection, which is based on an idea of the composition of what in sociological language is called a field (Bourdieu, 1997), in order to select its key actors. The limited focal distance, in contrast, is the empirical moment that takes the form of the in-depth interview technique, in an attempt to capture the experience of particular social actors; these data are then used to reconstruct and give meaning to these actors as a whole and to governance in general. To construct this methodological composition, 43 interviews with actors involved in migration management were analyzed: 28 with civil society organizations, 10 with government agencies and four with international organizations.²

The article is divided into two main sections. The first presents the theoretical-conceptual assumptions and explores the hypothesis that guided the investigation. It proposes a sociological use of the notion of governance, without overlooking other perspectives that approach it with a normative aim or a critical stance. This conceptual and methodological definition is then placed in relation to the pandemic. The pandemic is considered as the independent variable of the analysis, insofar as it has affected the object of this governance, based on the principle of the right to free mobility of migrants. From this starting point, we move on to the second main section, focused on the analysis of the empirical data. The objective is to emphasize two major issues that are analyzed based on the experience of the governance actors. First, in the section titled “Mapping”, there is an attempt to reconstruct the field of governance in accordance with the categorizations of the actors that implement their governance actions within the territory and then examine the impact of the pandemic on this form of governance. Second, the “Identifying” section analyzes one of the fundamental actions in the field, namely, the copious and heterogeneous registration operations carried out by the governance actors for subjects who are not officially recognized by the State, due to their largely irregular migratory status. The paper concludes with some final reflections that, rather than bringing to a close, open up paths for future research on the phenomenon.

The exception. Migration governance from three perspectives

Since the 1990s, the notion of governance has become consolidated as a concept and a practice intended for the management of major global problems. Considering that it emerges as an operational definition developed by an international organization—in World Bank reports, in 1989 (Launay, 2005, p. 94)—to describe a form of administration by different actors, its treatment in the fields of political science and international relations is particularly important, especially in topics that address social problems with very diverse actors, such as migration. Based on the vast panorama observed in the literature, this paper emphasizes two approaches: one normative and the other critical. However, it also proposes another, which—with the aim of seeking an empirical approach to this form of governance—is called *sociological*.

² The nomenclature used in this article to refer to the actors interviewed corresponds to the type of actor (“G” for government actors, “CS” for civil society organizations, and “IO” for international organizations) and to a random number representing their identification number (e.g., E-IO4).

The *normative* perspective emerges from large international agencies and organizations and the “epistemic communities” (Shapiro, 2001) that advise and intellectually guide their actions. Migration governance is one of the terms used in the *Glossary on Migration* of the International Organization for Migration (IOM). The IOM states that migration governance is “[t]he combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States’ approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation” (OIM, 2019, p. 138). It is a management formula based on the principles of what is called global governance (Betts, 2011), which, while seeking to understand and provide a systemic framework for international relations in a globalized world, attempts to regulate the exercise of power, deconcentrating it and distributing it among a set of actors to create flexible networks among them for decision making on public affairs (Pierre, 2000; Porras, 2007; Mayntz, 2000; Natera Peral, 2005) for which it is understood that no single actor has exclusive knowledge, awareness and information for decision making (Kooiman, 1993). In other words, governance is a form of government without a sovereign authority for affairs that transcend the borders of a nation-state (Finkelstein, 1995).

This way of understanding migration management and what is inherent to it (borders, identity) is consistent with the prominent position of migration on the international agenda since the early twenty-first century (Domenech, 2018). It is also understood within the *Migration Governance Framework*, which the IOM published in 2015 (OIM, 2015). Explicitly or implicitly, three ideas or principles about migration encourage this conception of governance. First, the human rights discourse that assists migrants and the “humanitarian reason” (Fassin, 2012) should guide interventions to address the migration phenomenon. Second, the reference to the humanitarian aspect is related to the conception of the migratory phenomenon, understood as a “crisis”. It is a crisis characterized by irregular migration, an increase in xenophobia and discrimination, an increase in the business of migration, problems in bilateral relations between countries with migratory border crossings, and a breakdown in the functionality of migration policies with respect to labor needs (Domenech, 2018, p. 117). Third is the commitment to orderly, regular and safe migration, enshrined in the agreement signed at the United Nations in December 2018, which does nothing more than recognize the disorder, irregularity and lack of safety of the global migratory reality, in order to reverse them through the construction of a new migration regime.

Beyond the principles and commitments of international agencies, this normative version of migration governance constructs the reality of migration management by guiding the actions of not only international but also national, civil, religious and government actors, thus shaping the migration phenomenon based on the unquestionable assumption of the “right to migrate”.

In contrast to this normative and institutional vision, there is a *critical* perspective. Based on a Marxist and/or Foucauldian tradition, this view focuses its attention on the functionality of that normative reality, either to underscore the proliferation of violence and the denial of minimum conditions of existence to populations due to the disintegration or intensification of state apparatuses with a monopoly on violence and movement (Mbembe, 2011; Varela, 2019, 2020; Slack, 2019) or to emphasize, following Mezzadra and Neilson (2013), the management of mobility and reproduction of the

labor force by insisting that, faced with the colossal endeavor of governing migration, new forms of struggle are emerging from the migrants themselves.

These authors understand that this way of managing migration issues normatively translates what Foucault had critically articulated in his 1978 lectures as governmentality. This deconcentrated and de-sovereignized form of government, which focuses on the population, political economy as knowledge, and security devices as technical resources to control it (Foucault, 1980), is essentially the way in which this perspective understands the contemporary governance of migration and the administration of the border regime in neoliberal globalization, a flexible migration management that seeks to facilitate the economically required flows of labor that are beneficial to a form of the reproduction of capital (Mezzadra & Neilson, 2013, pp. 176-177). A product of work by the epistemic communities that are delineating control techniques, technical standards and capacity building programs to shape migration policies, migration governance is presented as “a smooth process of persuasion without coercion according to neutral patterns of risk calculation and management often emphasizing the ‘freedom of movement’ of migrants” (Mezzadra & Neilson, 2013, p. 211). For this vision of governance, which also resembles corporate modes of business management, States—traditional custodians of sovereignty—are still the primary actors shaping migration policies, but their action is increasingly confronted by a heterogeneous multiplicity of actors that play a crucial and, at times, unpredictable role. Emphasis is placed on the effect of de-sovereignization, privatization and the multiplication of power (Chignola, 2010; Negri, 2010), to encourage flexible, multiple and heterogeneous modes of labor inclusion and, in terms of borders, depicting them not merely as walls but as flexible and deconcentrated forms that reach beyond the geopolitical line, to the actions of each governance actor and the lives of migrants themselves.

Without excluding these critical and normative perspectives for addressing the phenomenon of migration governance, we approach the issue in a *sociological* manner. In this sense and from an institutionalist perspective (Powell & DiMaggio, 1991; Torpey, 1998), governance is a government practice developed by the set of institutional, public-state, private-social (NGOs, civil and religious associations), international, government and nongovernment actors that produce the migratory phenomenon, in both collective and individual terms; they produce migration and the migrant through their actions. They do this by carrying out control activities (or failing to do so); assigning administrative categories (legal migrant, irregular migrant, refugee, asylum seeker, etc.); providing assistance and care (shelter, defense of their rights); producing data (through the epistemic communities that participate in the description of the phenomenon or contribute to the design of public policies); including migrants in an anomalous system of recognition (UNHCR), and so forth. Migration is the result of that entire web of actions by actors, erected based on the special capacity that—in its ideal typical form—modern states possess to apprehend populations and, through that same act, exclude others. In that way, modern states determine who is a citizen and who is not (Torpey, 1998), based on the law, at least in principle. However, in practice all those actors very frequently and predominantly operate based on the failures of that principle, at least in the case under analysis. That is, they operate on migrant persons who, for whatever reasons, external or their own, but always justified by the migrant actor’s own tactical and strategic rationalization (De Certeau, 2000, pp. 40-44), are resistant to the State’s performative capacity of apprehending populations. They are, at least in principle and almost always, when they enter the Mexican territory, “undocumented”,

“irregular”, or “illegal” (De Genova, 2002), due to the very conditions that generate the migration policy and the governance management. These actors operate on those subjects, and their action involves rushing to provide migrants with papers and identify them, albeit in an unstable, precarious, heterogeneous and multiple manner. As a typical phenomenon of globalization, governance is one of the phenomena of the denationalization of certain state capacities (Sassen, 2006).

Governance is thus that entire institutional apparatus —on the periphery of the State and within the State itself— that produces those populations, in collective terms and, in parallel, in individual terms, which often depicts the image and behavior of the migrant as a suffering or victimized subjectivity (Gatti, 2017), conceived based on their vulnerability (Irazuzta & Martinez, 2014). We are therefore interested in governance in terms of the productive role of institutions; later, we will also use the major contributions of the critical perspective and speak of governance as Foucauldian governmentality (Foucault, 1980; Mezzadra & Neilson, 2013), that is, a set of devices, of living and acting powers, that produce regimes of truth around that which they govern (bureaucracies, discourses, moral dispositions, buildings, and subjects). Governmentality, like governance as we understand it here, is “positive” power, constructing that which it seeks to govern and shaping the phenomenon. All governance actors participate in a biopolitics that manages populations (Foucault, 1980; Negri, 2010), in which the life (and death) of the individuals in those populations is at stake (Agamben, 1998; Fassin, 2018).

In these conditions, migration governance is characterized as a situation of exception. By using this traditional concept (Schmitt, 2009), taken up and re-signified by Agamben, the exception is understood as that “legal form of what cannot have a legal form” (Agamben, 2004, p. 24), as that “space devoid of law” (Agamben, 2004, p. 95), which generates rules based on a suspension of the law by a sovereign that produces its own order outside of order. The exception operates at two levels of migration governance. At a structural level, it erodes the principle of the State’s monopolistic control over means of violence (Torpey, 1998) and shapes migration governance in the Mexican territory by structuring the rationality and practice of the actors involved in it and, in general, producing the migration phenomenon based on that set of actions. At another level, in terms of the production of the migrant subject, this governance operates in what is intrinsic to this monopoly, that is, in the failures of the mechanisms and strategies for identifying those moving subjects.

The pandemic: exception to the exception

For the purposes of this paper, the COVID-19 pandemic is the independent variable. We understand it as a disease of globalization because it affects its central nervous system, which is constituted by mobility (Urry, 2007). It therefore affects the migratory phenomenon and migration governance, in at least two central aspects: first, in the actions of the actors themselves, in the conditions in which they carry them out, in the arrangement of the spaces where they act and second, the very premise on which governance operates, i.e., the right to mobility.

As Hannah Arendt (1960) noted, freedom of movement is historically the oldest and most basic freedom of all: its restriction was essential to the perpetuation of

slavery (Bauder, 2016; Mezzadra, 2020), and its granting was key to the development of modern capitalist societies by enabling the business dealings of its hegemonic class, the bourgeoisie (Pérez-Agote, 1989), as well as to the formation of the working class since the great modern national and international migrations (Mezzadra, 2005). It is also true that this freedom of movement is relative to the confines of the territorial state and that modern migration is based on those confines. Since the establishment of absolutism in Europe, the state has claimed the right to authorize and regulate—in a monopolistic manner—the entry and exit of people in and out of its territory, with the parallel and gradual development of complex mechanisms for identifying people, based on the principle of a basic differentiation between nationals and foreigners (Torpey, 1998). Accordingly, freedom of movement within the territory contrasts with control and regulation from and to the outside.

This central feature of modern nation-states is a key element in the constitution of the assemblages of territory, authority and law that Sassen (2006) uses to analyze the emergence of a global order that erodes some of the constitutive principles of the nation-state. The tension between freedom and regulation of mobility affects the territory because it is marked by the populations that cross it in their migratory transit and because it destabilizes its borders, fragmenting them at each of those crossings, and “tear[ing it] apart from the magnetic line corresponding to the geopolitical line of separation between nation-states” (Mezzadra & Neilson, 2013, p. 21). These fragments and tears can be seen on the map in the following section, which, accompanying the migrant transit, demonstrates the massive and multiple deployment of governance actors. Governance itself, with its interference in the State’s monopolistic authority over legitimate means of movement, seems to be dismantling the authority structures of the nation-state, which, although it does not lose control over the determination of who is a national and who is a foreigner, does lose its monopoly on the registration of people, as will be demonstrated in the following section. The very fabric of this migrant population management system is redefining the structures of subjective rights in anomalous ways, through multiple and precarious recognitions and registrations, which will also be shown in the section below.

The pandemic has had a paralyzing effect on this unstable network of assemblages, characterized as an exception in the previous section. Although the restrictions on mobility did not entirely halt the flows, they caused a notable decrease: in Mexico alone, the total number of monthly arrivals decreased by 58% compared to that in 2019 (OIM, 2020, p. 5). This was also reflected in asylum applications, which decreased by 48.5% compared to those in 2019 (Comar, 2020a). Although migration has not stopped, the pandemic has had a decelerating effect on mobility and has immobilized those individuals who were in the Mexican territory at the time the measures were imposed. Another effect is that it has reversed some of the migratory flows from south to north, with some migrants attempting to return to their countries of origin. The perceptions of civil society actors recognize that at the beginning of the health emergency, the flow of migrants was “reversed”, even mentioning that they had problems entering their countries of origin due to transit restrictions.

Furthermore, the social distancing measures implemented by the government have affected the modus operandi of governance actors. From places of refuge or holding, such as migrant shelters and detention facilities, both characterized

by overcrowding, to the administrative bodies processing asylum applications, to the work of consulates assisting their nationals, either in transit or residents, the functioning of governance has been profoundly affected.

Exception on top of exception. The measures implemented as a result of the pandemic intervene in a regime of exception that is built upon the failures of the nation-state's monopolistic control over legitimate means of movement. In addition, an epistemic exception that shows the phenomenon of governance in an unusual way, conducive to encouraging its actors to reflect on their interrupted daily lives or to consider the basis of their actions.

The analysis of these reflections collected in the empirical work of the investigation is organized in two sections that are essential to migration governance in Mexico: first, the section titled "Mapping", which attempts to sociologically construct the field of governance, revealing the territory in its own exercise of government, and second, "Identifying" portrays these actors in the multiple practice of registering migrant subjects who, although they seem to have lost that which defines the modern condition of a subject—their civil identity—nevertheless continue to be identified time and again throughout their journey through the territory.

Mapping

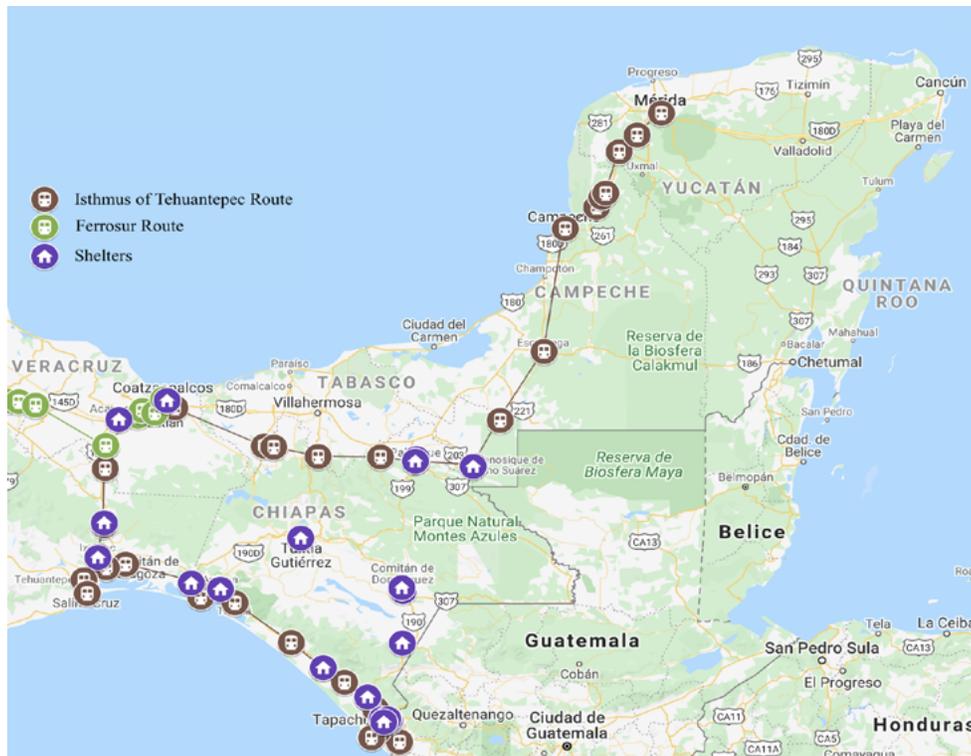
We use this verb in two senses. First, mapping refers to a methodological moment of the investigation that is assumed to be the construction or reconstruction of the field (Bourdieu, 1997), that is, useful for tracing the principal lines of the social space in which the governance actors are deployed, with their rationalities and their relationships in a power distribution structure that makes it possible to descriptively map the country's migration governance. Second, in the sense of De Certeau (2000), the verb refers to the notion of spatializing and spatialized practices. The map thus attempts to capture actions on the ground to show the routes and places that constitute the space. Places, as stable points of actors' positions, are the concrete manifestations of the different governance exercises embodied in each of the governance actors; the space is the set of places that draw the migration governance on the territory. That space is, following De Certeau, "intersections of mobile elements", a "practiced place", and "the effect produced by the operations that orient it, situate it, temporalize it, and make it function in a polyvalent unity" (De Certeau, 2000, p. 219). What is observed in this sense in this practice of mapping is the territory as that practiced place, temporalized and circumstantiated by actors that are fragments of borders, displacements as an effect of their multiplication in global capitalism (Mezzadra & Neilson, 2013) and the failures in the state monopoly over legitimate means of movement (Torpey, 1998).

Based on that first sense of mapping, the starting point of the investigation grouped the actors in that field into three basic categorizations. First is what we define as *civil society* actors, i.e., organizations relatively independent from government institutions that operate through participation channels alternative to those established institutionally and that operate on the principles of an active citizenship to address

specific and diverse social problems (Olvera, 2001). As a component of migration governance, civil society is a vast space for intervention, in which we locate a range of different actors based on their functions and purposes.

Migrant shelters occupy a prominent place in this category of actors. These shelters or centers are places of refuge and recovery for migrants during their journey through the territory. They are based on the principle of assistance, closely associated with the Catholic Church and its long tradition of sanctuary (Washington, 2020; Shoemaker, 2013; Lippert & Rehaag, 2013; Doering-White, 2018), modernized in the culture of human rights and humanitarianism (Fassin, 2007) that attracts many of the volunteers who serve there. They are transitory places, as they mostly offer their services for short stays, ranging from three to five days. They are scattered throughout the country's territory, along the route of the journey, as if the journey organized the places or as if those places that are shelters imagined the journey through its means of movement and ended up creating the migration that they accommodate. Shelters are essentially correlated with the railway, either because they tend to be located near the tracks or because the train is their collective imaginary, through stories or its depiction in the murals that cover the walls of almost every shelter. In any event, trains and shelters are the primary data of the migrant journey and, ultimately, the object of governance. Figure 1, showing the route of the railway line on the Isthmus of Tehuantepec, indicates the location of these actors along the railway tracks, as if they were constructing the itinerary and the type of devices that govern transit migration.

Figure 1: Shelters and railway system on the Isthmus of Tehuantepec, Mexico



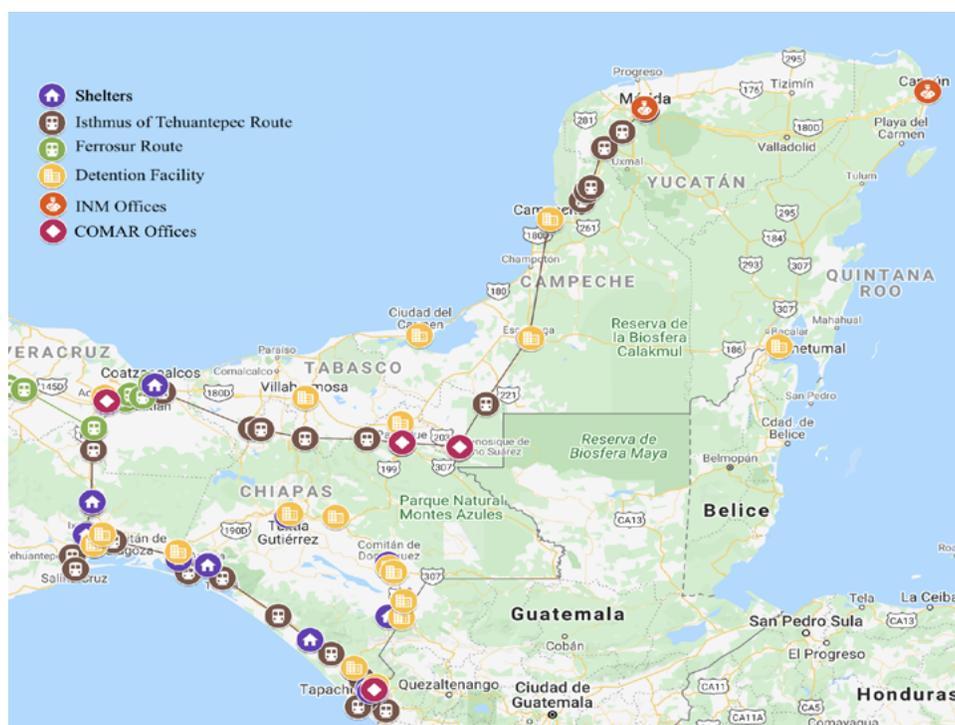
Source: The authors, based on ARTF, 2020, OIM, 2018

In turn, under the label of *government* actors, we have grouped federal, state and local government agencies that focus their activities on migration control or social or health policy, particularly important during the pandemic. Government institutions alternately perform migration control and registration activities, such as the INM and the detention facilities under its authority and the Comar, which processes refugee applications, as well as advisory and public policy design agencies, such as the Unit for Migration Policy of the Ministry of the Interior, or other state and/or local administrative units dedicated to social or health policies. As a whole, these are essential actors, established based on the principle of the state monopoly over legitimate means of movement and the capacity to determine national and foreign populations (Torpey, 1998), but they are seen as de-sovereignized (Chignola, 2010; Negri, 2010) in a double sense: first, in relation to the rest of the governance actors, who influence how the phenomenon is managed and, second, because of an evident loss of control over the migrant population, due to its predominantly irregular nature. This is acknowledged by one of the actors interviewed, involved in the design of public policies on migration in the federal government:

(...) one of the basic public policy elements that should be explored in greater depth is the regularization of migratory flows, to try to at least ensure that arrivals are regular, in order to know who is entering and leaving your country. (E-G02)

However, despite this shortcoming, Figure 2 shows the copious deployment of these actors near shelters and railway tracks.

Figure 2: Shelters, railway system and government offices (detention facilities, INM and Comar) on the Isthmus of Tehuantepec, México



Source: The authors, based on ARTF, 2020, Comar, 2020b, Global Detention Project, n. d., INM, n. d., OIM, 2018

Finally, we understand *international organizations* as those that are part of intergovernmental agencies (IOM, UNICEF and UNHCR) as well as international civil society organizations (Médecins Sans Frontières [MSF]) that address the issue of migration in Mexico, both through the management and documentation of the migrant population as well as through advocacy and humanitarian aid. Through the daily management of migration, these actors reproduce governance values on the ground. They primarily embody its normative aspects.

Although these organizations are not new to the country, they have grown exponentially in recent years, expanding their presence in the territory with “field” offices. The concept of field offices is part of the everyday language of the organizations and reflects a change from a bureaucratic management model focused on influencing government public policies to one in which assistance for this population is a priority.

Organizations such as the UNHCR, UNICEF, IOM and MSF have seen significant growth in their operations since the 2018 caravans and those that followed, opening offices on the northern and southern borders and partnering with different migrant shelters to increase their reach. Through mandates and the training and professionalization of partners (shelters and civil society organizations [CSO]), international organizations have been increasing their power by coordinating this governance structure. One example is Programa Casa Refugiados, a UNHCR partner CSO that has been engaged in providing humanitarian aid to asylum seekers and refugees in Mexico City since 2015. For international organizations, these partners represent a support in providing assistance to a growing population as well as the possibility of establishing spaces for assistance in places where they do not have an operational presence. The UNHCR, IOM, UNICEF and MSF all have a presence in the shelter network, either through an office within the migrant shelter or through activities and visits (MSF, 2020). Figure 3 shows the convergence between the social infrastructure provided by the shelters or the logistics of certain CSO that place their offices next to migrant shelters.

Figure 3: Shelters in Mexico and international organizations (UNHCR, IOM, UNICEF, MSF)



Source: The authors, based on ACNUR, n. d., MSF, 2020, OIM, 2018

All these actors compose the universe of our investigation. In it, we observe a variegated, decentralized, heterogeneous social space with dispersed power relations, which —as seen in the opinion of some of the actors— is thought to be inefficient; however, this shortcoming is not attributed to structural governance issues, to its principles and rules of operation but, rather, to a poor or partial application of them:

(...) as a country, we have not achieved a clear, precise, concise or consistent definition of migration (...) human mobility, right? And in this sense, the current efforts are very disconnected and do not contribute to alleviating the complex situations that people in transit are experiencing, whether they are Mexican or foreign, internal or external. (...) It seems to me that we are still following a model in which governance is not yet fully developed. (E-G01)

In this dense panorama of actors and interventions in the migratory phenomenon, civil society has a strong presence through migrant shelters. The discourse and culture of human rights sometimes aids them, particularly in the case of organizations defending the rights of migrants in a more combative way, focused on denunciation.³ Government institutions are thus constituted as a more or less parallel structure that is involved in recognizing the irregularity of migrants crossing the border and, implicitly, the civil society that receives them. As if the exception were the rule (Gatti et al., 2021), government actors operate with full knowledge of the failures in the mechanisms of monopolistic control over authorized means of mobility. This is compounded by the involvement of international organizations, which becomes particularly significant when the UNHCR begins to attempt to engage migrant populations through the figure of the refugee, especially with the emergence of the migrant caravans in 2018. In this enormous deployment of actors —in the field of governance and in the practiced space shown on the maps— what is most notable is the social foundation represented by migrant shelters. International organizations use them to carry out their actions; government agencies position themselves against them; and other civil society organizations that act in defense of migrants' rights or denounce their conditions of existence also work alongside them. Migrant shelters establish the transit status of the type of migration that is the object of governance.

It is precisely this social foundation that has been severely affected during the pandemic, with repercussions for governance as a whole. On the one hand, one of these effects concerns the budgetary and resource constraints of the shelters, i.e., a structural effect, which is related to the suspension of subsidies that many of these places receive through international cooperation with the United States. On the other hand, the local support structure of these places was also paralyzed: "(...) they used to receive resources, for example, from a parish, and now, for example, since the parishes have closed down, all the aid has also been reduced" (E-SC5).

Furthermore, the capacity of the shelters was decreased due to a lack of staff, which led some of them to completely halt their activities:

³ See *Informe sobre los efectos de la pandemia de COVID-19 en las personas migrantes y refugiadas, 2020*; *Informe alternativo de las organizaciones de la sociedad civil de México al Comité Contra la Tortura en la ONU 2012-2019*, 2019.

(...) we only worked with volunteers. We had a German volunteer (...) and a volunteer from the North American Lutheran Church. When the pandemic began in March, their organizations immediately removed them from the country. (E-SC26)

For a social reality characterized primarily by the overcrowding of these places, the pandemic posed a lethal threat. Closure was the reality that many of the shelters were forced to confront:

In March, we closed down entirely. We talked to the people; we had 30 people at that time. And we told them that for security reasons, we had to close and that they were obviously free to leave if they wanted but that they could no longer go out to work. (E-SC26)

A lack of protection on top of a lack of protection. Faced with the closure of these establishments, it is possible to assume a new reality of exposure (Schindel, 2020). If the reality we observed prior to the pandemic could be characterized as a political production of abandonment that leaves the migrant population exposed to the threatening reality of the outside world (Gatti et al., 2021), the measures closing the shelters and the need to free the migrant population from detention facilities⁴ multiply this reality:

The situation faced by the migrants is very complicated, as they often find themselves without a place to sleep, suffering from illnesses along the way and dealing with border closures in the north and south of the country. (E-SC10)

Considering the situation as a whole, there was a dramatic change: limitations on free movement and social distancing measures paint a picture of immobility for a structure based on the principle of transience. In many cases, prolonged stays alter the essence of the places, which were designed and arranged for journeys: "(...) before, they were unidentified people who stopped for a day. Now, we have been a family; we have spent five months living life together" (E-SC20).

While the majority of the shelters have had their activities and capacities reduced, in some regions, "spontaneous" shelters were institutionalized, such as the Matamoros Camp, where the parish priest who works there reports that organizations such as MSF or the State's own health authorities have established an official presence in the facilities; the UNHCR says that it has acquired new members due to the pandemic; other organizations in the health sector are dedicated to the care of migrants, such as some of the state government ministries in the area. It is also important to mention the changes in the activities of consulates, which have been focused on providing social services to their nationals or responding to requests to return to their countries of origin.

As was the case with the caravans, which were a turning point for the country's migration governance, the pandemic had a significant effect. It has underscored one of the essential properties of governance: the conception of the migratory reality as a crisis. Exception on top of exception, i.e., on the essence of mobility of its object of

⁴ To follow the recommendations of the health protocols in response to the pandemic, at the end of March, the INM began to release migrants from detention facilities; at the beginning of the month, there were 3 759 people in the facilities; by the end of April, only 106 were registered (INM, 2020). See also *Informe sobre los efectos de la pandemia de COVID-19 en las personas migrantes y refugiadas*, 2020.

government, the mandate of stillness; on top of the reality of overcrowding, physical distancing measures. This baffles all its actors: long-term stays for shelters; release from detention facilities; the impossibility of virtual field operations; confusion in philanthropy networks and the dismantling of the volunteer structure in civil society organizations. To those maps of unstable transience, the pandemic has brought back stillness, as if the exception to the exception restored the old cartography, with its aim of describing a system of stable locations, as if the essence of mobility and transience of the maps in the first exception were suspended with this second exception. However, this is not the case. The pandemic is overlaid as yet another crisis shaping migration governance.

Identifying

One of the primary responsibilities of nation-states is determining who is a national and who is a foreigner and, consequently, who is “inside” and who is “outside” the national society, guaranteeing access to rights to the former and excluding the latter. What enables this determinative capacity is the progressive development—since the nineteenth century— of large-scale apparatuses for identifying people, devices that make individuals unique based on a correspondence between their body and a name (Gatti, 2008). This capacity to produce individuals is exclusively attributed to States. It is related to the tendency to “embrace” their populations and to the aforementioned monopoly over legitimate means of movement. Passports and identity cards are the documents that enable entry, exit and belonging to a national society. Identification is, therefore, the exclusive and vital attribute of the ideal typical form of the modern political organization called the State (Torpey, 1998, 2020).

Identifying is also the other great verb in the field of migration governance in Mexico. It is the action of most of its actors. Almost all the actors identify and register. They do it at every shelter. Repeatedly, throughout the journey, each migrant shelter registers entries and exits and collects data on the people who arrive based on the establishment’s own criteria and on the good faith of what the migrants declare. This is also done by government actors, at each detention facility, in the offices of the INM and the Comar, in every asylum application. In addition, it is done by international organizations: by the UNHCR, in every interview for assistance or the distribution of economic support to refugees, in the spontaneous camps that follow the journey of the caravans, or once again at every migrant shelters where they deploy their bureaucracies; or by the IOM, in the monitoring of the migratory flows during the caravans in 2018. In migration governance, there is not one instance of identification but many. In addition, it must be assumed that there are also many identities that can be possessed by a single migrant, strategically deciding to say they are one person in one place and another in another, in order to protect their physical integrity when crossing a territory marked by violence (Gatti & Irazuzta, 2019; Gatti et al., 2021; Varela, 2020).

The failure in the State’s monopolistic control over means of movement is what explains why there is not one identity but many and why there is not one registration but numerous. The multiple identification creates the data for this type of “transit

migration” (Oficina del Alto Comisionado para los Derechos Humanos [OACDH], 2018), circumventing the administrative categories for the recognition of nonnationals in a country; close to the condition of statelessness; not always corresponding to the status of a refugee; nor a migrant in the strict sense, as in “economic migrant”; perhaps displaced, perhaps forced migrant. The migrant status is multiplied in a range of administrative categories, in which the figure of the refugee tends to become hegemonic because it is intended to counteract the unassailable nature of the transit status: “(...) when a person applies for refugee status, there is a plan to stay and a plan to integrate, and so, the attention should be focused on that (...)” (E-IO2).

This decisive policy of promoting integration through the refugee institutionalizes the exceptional nature of migration. Vulnerability is key to this recognition, and the investigation into it is how the UNHCR identifies and the Comar certifies. Those who cannot claim this status or those who choose not to seem to remain in a limbo of “normalcy”. Stripped of an exceptional status, there seems to be no recognition:

There is structural discrimination between migrants and refugees. Preference is given to refugees, and no preference is given to the *normal* migrant (...) You are going to give preference to the refugee because they are the ones who have the structures, everything nicely organized, everything very tidy, and you leave the migrant there clinging to a post, for budgetary reasons but also in terms of legal recognition. (E-SC16)

However, above all the categories, one status prevails: that of migration for which transit is required, either to facilitate it or to halt it. “In transit” reveals the movement and, at the same time, the inability to register that movement as a stable system maintaining the identity of those who move. Irregularity or secrecy seem to be an inherent condition of transit migration, or at least this is what can be deduced from the words of a government actor working to design policies in this area:

(...) to have a registry of people in transit (...) for the migrant themselves, it would eliminate the clandestine aspect, wouldn't it? They would be identifiable, perhaps even locatable (...) We are always talking about the fact that there is transit migration throughout the country, for example, and that there are hundreds, thousands of migrants who have died in transit through Mexico and have never been identified. It is as if they had not passed through, as if they had not entered. We should have a registry, but having a registry would also make them totally identifiable, right? (E-G02)

“Uncounted” (Gatti et al., 2020), “social disappeared” (Gatti, 2020), “illegal” (De Genova, 2002) or “impossible subjects”: “at once a social reality and a legal impossibility” (Ngai, 2005, p. 4). To speak of migration in the contemporary reality of Mexico is to speak of an exception, is to speak of a situation in which fact supersedes law. This exception is not the absence of law understood as a rule. Rules abound; they are as plentiful as actions of identification. The exception itself seems to be the rule (Agamben, 2004; Ong, 2006); governance itself operates normatively based on the exception. Its structural data are the movement of populations, human mobility, transit. In addition, all this is understood as a “problem”, managed from a crisis diagnosis. This is the foundation for governance actions in government exercises that

tend to reduce the failure of the monopolistic control over means of movement and the exclusive capacity to identify the people who navigate a crossing for which an insurmountable barrier seems to have been erected, either because some of those migrants fall into another category, i.e., the one that establishes the MPP program,⁵ or because the pandemic has begun to affect the structural fact of governance: transit.

With the pandemic, movement became stillness. Faced with the limitations on free movement, the fundamental action of identification loses its priority status. This is recognized by the Documentation Network of Migrant Defense Organizations (Red de Documentación de las Organizaciones Defensoras de Migrantes - Redodem), the group of migrant shelters of the Jesuit Migrant Service, which seeks to standardize mechanisms for registration and documentation:

(...) [With the pandemic] the main thing was to be able to provide humanitarian care, right, what the shelters do. But that is not the only task, as the reason why they are in the network is precisely to register and document, but we really saw that the priority need was to have enough resources to continue providing humanitarian aid, and that is why the focus during the first few months was on that and not as much on registration and documentation. (E-SC5)

Faced with the paralysis of movement, the uncounted begin to give an account of themselves, the disappeared seem to appear, and even the refugees insinuate that they want to renounce their status as refugees. In the consulate of a Central American country in the northeast part of Mexico, they do not refrain from criticizing the UNHCR, but first they ask for the recording to be stopped. They then say that refugee status is the very worst; that those who access it enter into total helplessness; that everyone is disregarded as soon as someone is declared a refugee; and that no one responds to the needs of refugees. They even say that this inhibits action by the consulate because refugee status implies that people are placed under the protection of the State and the supervision of the UNHCR, but none of this happens. They say that in these situations, all they can do is send them to a migrant shelter in the city, as they have an agreement with the UNHCR, but even so, they continue to receive complaints.

Exception to the exception. The pandemic has suspended the multiple and copious practices of identification either because the stillness prevents new arrivals to the shelters or because the shelters themselves prioritize other types of activities justified by new needs or because administrative activities are paralyzed or migratory flows are halted or reduced. The pandemic even demonstrates the reverse of the administrative and classificatory categories for the same migrant population. Migration now becomes a homogeneous population, brought together under the consolidated imaginary of exposure and transit: a representation of misfortune, extreme vulnerability and exposure to the worst. Especially now, with restrictions on mobility and physical distancing —two things that are alien, if not opposed, to what is being analyzed here— migration is represented as particularly exposed to the virus and as a source of transmission: “It began to generate a discourse of the migrant as a person afflicted by

⁵ According to the Migrant Protection Protocols (MPP), in 2019, 84 000 migrants had been returned to Mexico after applying for asylum in the United States (Guzmán, 2020).

the pandemic, and so on. You don't know where they come from, you don't know who they have interacted with and all that, and it begins to create that fear" (E-SC16).

The "problem" and the crisis of governance have mutated: whether its identification devices were aimed at conjuring the stranger to the community by making it somehow apprehensible to a population in transit, elusive to legitimate means of movement, in a pandemic situation and under the mandate of stillness, the banishment is based on exposure (Schindel, 2020), on destitution:

We focus so much on unemployment. We focus so much on "Stay at home!" that those who do not have a home, we leave them out. We leave them out. (...) Yes, they're completely stranded, and if they don't respond and if luck doesn't favor them, then we are talking about one more homeless person. (E-SC8)

Final reflections

The exception to the exception does not lead to a return to normality, as if political institutions recovered their presumed capacities, as if nation-states regained monopolistic control over the management of "their" populations in "their" territories, as if this ideal type of modern political organization began to fully correspond to reality. Almost all the actors interviewed recognize that the pandemic has exacerbated already existing problems and vulnerabilities; this recognition is surely due to the particular visibility that it provides. What is seen in those circumstances is a territory traversed by populations that inhabit it in transit and a management of those populations, which accompanies them in an unstable and precarious recognition of the individuals who compose those populations.

There is no foreseeable future for those populations or for the institutions that govern them following the pandemic; what can be observed is that the great questions that underpin the political institutions of modernity—the nation-state and its individual counterpart, citizenship—are being addressed at the intersection of population and territory. At the crossroads of these two major issues, at the heart of the crisis that drives migration governance, perhaps the changes that will lead to a different society are being crafted. For the moment, what can be observed is that despite the colossal effort made to govern migration, it is largely ungovernable.

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