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Published online: 05 Jul 2023.

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Migration in the margins: border bureaucracy and barriers to migrants' rights during *Programa Frontera Sur*

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ABSTRACT

U.S. support for border enforcement in Mexico has been ongoing for decades, but in 2014, after the arrival of unprecedented numbers of Central American minors and families to the U.S., even greater pressure was placed on Mexico to seal its border with Guatemala. This paper explores the resulting tensions between Mexican border enforcement policies outlined under *Programa Frontera Sur*, intended to tighten security and surveillance in the south of the country, and Mexico's 2011 Migration Law, intended to facilitate the protection of migrants' rights. Through ethnographic fieldwork, I examine how the borders of the Mexican state are maintained through the (il)legibility of administrative rules and procedures in the context of conflicting immigration agendas. Specifically, this paper explores the precarious paths to legal protection *via regularización de estancia por razones humanitarias,* a temporary legal status granted to victims of grave crimes. It traces applicants' circuitous trajectories through bureaucratic processes and evolving enforcement landscapes, noting the costs and contingencies involved in making claims 'legitimate' and legible in the eyes of the state. This paper also brings attention to the positioning of migrant shelters at the margins of state inclusion, where formal and informal mobilities often intersect. As a feminist geopolitical study of state bordering practices, this research is useful in understanding lived impacts and responses to more recent strategies of administrative border enforcement, including the MPP and Title 42 programs.

Introduction

U.S. support for border enforcement in Mexico has been ongoing for decades, but in the summer of 2014, after the arrival of unprecedented numbers of

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Central American minors and families in the U.S. Southwest, even greater pressure was placed on Mexico to seal its southern border with Guatemala. Only a week after President Obama announced a migration 'humanitarian crisis' at the U.S./Mexico border, President Peña Nieto introduced a set of policies organized under *Programa Frontera Sur* (the Southern Border Program) (Villafuerte Solís 2017). The program would draw on U.S. Mérida Initiative funding to build detention and surveillance infrastructure in the southern border region of Mexico, targeting the movement of traffickers, organized criminals, and undocumented migrants alike.

Several years prior, Mexico had passed its first comprehensive migration law, widely seen as a victory in immigrants' rights. Among many things, the law introduced protections for immigrants in Mexico, including avenues for safe movement throughout the country through '*regularización de estancia por razones humanitarias*' (the regularization of immigration status for humanitarian reasons) (González-Murphy and Koslowski 2011; Martín del Campo Alcocer and Bello Gallardo 2019). However, although migrants were officially granted certain protections under the 2011 Migration Law, they were denied easy access to these protections due to border enforcement build up under Programa Frontera Sur.

This paper will demonstrate how the process of obtaining state protection *via regularización humanitaria* was often a labyrinthian journey, requiring movement in and out of spaces of precarity between INM checkpoints, along dangerous highways, and beyond the sanctuary thresholds of migrant shelters (*albergues*). Migrant advocates often had to stretch their own time and resources to make state processes legible to migrants seeking legal protections, and migrants' claims only became viable when they are documented and verified by advocates who cultivated relationships with immigration officials. Even with the assistance of intermediaries, migrants had to travel, emotionally and physically, through exhausting, circuitous processes to eventually move *towards* legal inclusion. This research shows how the state's inconsistent engagement with migrants - offering protections *via* the 2011 Migration Law, on the one hand, but also policing or even exploiting migrants en route, on the other – contributed to migrants' reluctance to exercise their rights to the fullest. In some instances, such unpredictability encouraged migrants to continue their journeys north along unofficial routes, without the legal protections they were due.

This article brings feminist perspectives on state margins into conversation with literature on border bureaucracy (Borrelli and Andreetta 2019; Torres et al. 2022; Valdivia-Ramirez, Faria, and Torres 2021) and informal migration (Angulo-Pasel 2022; Díaz de León 2021; Pallister-Wilkins 2020). In doing so, it explores how, from the perspective of state margins, state procedures were experienced as illegible, arbitrary or 'illogical'. Marginality was maintained through the unreadability (Das 2004) of state rules for inclusion, difficult to

decipher in part because of conflicting immigration agendas. Varied encounters with state agents generated a shifting and emergent exceptionality for migrants (Belcher et al. 2008): as they traveled back and forth between government offices, in varying states of permitted mobility, the lines between legal and illegal movement became increasingly blurred. Points of access to state protection opened and closed depending on shelter advocates' mediating knowledge and relationships, the documents and signatures migrants carried, as well as the discretion of state officers they encountered. As official routes to legal protection narrowed, dead ended, or forcefully charted migrants back into dangerous territory, many chose to abandon their legal claims, taking up alternative routes available in marginal space.

In the next section, I expand on the intersections of border bureaucracy, institutional legibility, and state margins, highlighting how this research contributes to these bodies of work. I then outline the feminist geopolitical approach to conducting an ethnography of the state from the margins, situating this approach in the context of Programa Frontera Sur and the 2011 Migration Law. In the final sections of the paper, I share migrants' experiences navigating the state's administrative borders, looking specifically at 1) the ways legibility is a *spatial* process, following the circuitous routes migrants must take in order to access state protections *via regularización humanitaria*; 2) the role *albergues* (shelters) play in mediating legibility, serving both as thresholds to state protection and as openings into alternative mobilities; and 3) the circumstances that shape migrants' decisions to use or refuse state legibility, including openings made possible through the overlap of state margins.

Theoretical framework

Scholars have contextualized the U.S.-Mexico 'humanitarian crisis' of 2014 within a longer global trend of forced movement due to political, economic, and climatic upheaval. Such instability can be linked to neoliberalization policies of the 1990s (García 2006; Paley 2014), cycles of exploitation and violence resulting from deportation regimes (Slack 2016), and - underlying both the aforementioned - reverberating impacts of colonialism (Davies and Isakjee 2019). As white nationalist anxieties surrounding migration in the 'global north' have grown (De Genova and Roy 2020; Ehrkamp 2019), increased funding has been devoted to the buildup of border infrastructure around the world (Brown 2010).

Scholars have drawn attention to harmful social and ecological consequences of material and technological border infrastructures (Brown 2010, Işleyen 2021; Sundberg 2011; Walker 2018), as well as the legal mechanisms used to obstruct movement between states (Gorman 2017; Maillet, Mountz, and Williams 2018). Feminist geopolitical geographers, in particular, have

conducted grounded studies of immigration institutions including detention centers (Hiemstra 2013; Loyd and Mountz 2014), border surveillance (Hiemstra 2019; Mountz 2010; Walker 2018), migrant/refugee services and administration (Carte 2014; Hyndman and Giles 2011; Valdivia-Ramirez, Faria, and Torres 2021; Torres et al. 2022), and immigration courts (Gorman 2017; Torres 2018). This body of work focuses on everyday practices, logics, and cultures of agencies that produce state territory through discipline and exclusion, as well as the embodied experiences of those who engage such systems.

Feminist geopolitical geographers have highlighted the centrality of chaos and confusion in migrants' experiences of dislocation in immigration institutions (Hiemstra 2019; Torres et al. 2022). I supplement their analysis by deploying the concept of *(il)legibility* to understand migrants' navigation of administrative processes as well as in pursuit of alternative mobilities. Geographers have primarily drawn on Scott's theorization of legibility in terms of the state's ability to 'read' or 'measure' its territory and subjects through standardizing systems (Scott 1998; Truelove 2018; Ybarra 2013). In this paper, I understand legibility to be a *two-way* coding process in which migrants become recognizable as rights-bearing subjects through *their* successful reading (and navigating) of administrative processes (Das 2004; Sweet 2019). To be legible means not just to be seen, but to be read *into* a system of knowledge. *Illegibility* can also be used strategically (Das 2004), by the state and by migrants alike. The choice to remain illegible - to refuse to be read or recognized - is a way of withholding (or resisting) power (Ybarra 2013).

I relate (il)legibility to the maintenance of *state margins* - places of abandonment, expulsion, exploitation, and neglect (Anand and Dalal 2022; Das and Poole 2004; Mountz 2011; Pratt 2005). Following the work of state ethnographers Das and Poole (2004), I understand state margins to be sites where the state is 'constantly refounding its modes of order and lawmaking' (8). It is tied to Agamben's theorization of exceptionality: certain individuals are abandoned by the state, subject to its laws while excluded from its protections (Anand and Dalal 2022; Coleman 2007; Maillet, Mountz, and Williams 2018; Pratt 2005; Secor 2007; Squire 2021). This paper incorporates theories of the exception that acknowledge its *power in potentia* through perpetual transformation. '[B]oth capable of becoming and of not becoming' (Belcher et al. 2008, 502), it is a 'potential (dis)ordering principle' that relies on illegibility and uncertainty to keep certain populations in the margins (501). This notion of exceptionality is useful in thinking through migrants' varied encounters with the state in border zones, where recognition of their rights can shift from place to place and moment to moment.

Feminist critics of Agamben's theory note that exceptionality is not exclusively associated with an abstract legal status, but is also produced through state *practice*, in concrete places and moments in the 'recesses of everyday

life' (Das and Poole 2004, 30; Mountz 2011). Furthermore, as Black feminist thinkers have long argued, individuals' positioning in the margins is not uniform, but rather depends on each person's embodied and historicized relationship to (state) power (Carby 1985; Crenshaw 1991; Collins 1986; Hooks 1989). In the case of migration in the Americas, such power reproduces colonial divisions, racializing migrant bodies as non-white subjects (Ahmed 2007) - as suspect, 'other', and 'illegal' (De Genova and Roy 2020; Gómez Cervantes 2021). Although the particularities of racialization vary from body to body and place to place, they perpetuate migrants' positioning in 'negative' space: *not* a citizen, *not* from here, *not* one of us (Ahmed 2007).

Importantly, state margins are not binary, nor are they exclusively tied to questions of transnational mobility or nation-state territory. They can include border zones (Coleman 2007), but also extend beyond them to encompass various sites of disciplinary violence and exclusion (prisons, police violence, houselessness). I use state margins as the framing context for this research in part because of its potential to link multiple situations of exception that similarly work to distance specific populations from rights and resources (Gilmore Wilson 2007; Squire 2021). With this framing, feminist geopolitical geographers might establish countertopographical links between seemingly distinct struggles, especially where margins overlap.

Margins - of the state and otherwise - are also sites of subaltern knowledge, creativity and alternative mobilities (Das 2004; Hooks 1989; Squire 2021). As hooks theorized, margins as a *chosen* location for action are 'more than a site of deprivation…[but] also a site of radical possibility, a space of resistance' where other modes of seeing/knowing open alternative trajectories (1989, 21). To move through surveilled territory, migrants choose when to strategically engage the state, making themselves visible and their narratives legible in opportune moments and safe spaces. Local advocates are essential links in the chain of communication between state agencies and migrants; their knowledge of immigration administration as well as their relationships with officials facilitate migrants' claims to state protection. These intermediaries are often located in migrant shelters, known as *albergues,* places of refuge as well as orientation for those journeying north.

Although understudied by geographers, *albergues* are crucial parts of the migration infrastructure throughout Mexico (París and Müller 2016). In recent years, migration scholars have located *albergues* at the edges of legal and illegal systems (Coutin 2005; Vogt 2013). They can operate both as facilitators and as filters of irregular migration (Angulo-Pasel 2022; Díaz de León 2021), on continuums of safety/security, care/control (Pallister-Wilkins 2020; Ticktin 2011; Williams 2016). I theorize migrant shelters as meeting points (Coutin 2005) – not only between journeying bodies, but also between formal and informal geographies, where clandestine and state mappings overlap. *Albergues* manifest *legal* marginality – the state cooperates with them even

though that cooperation would seem to contradict border enforcement practices elsewhere. Both inside and outside the law, *albergues* are precariously positioned in exceptional space, operating within a permitted clandestinity (Coutin 2005).

Research approach, design and researcher positioning

This research takes feminist geopolitical approaches to studying the state in the everyday (Dixon and Marston 2011; Faria 2017), from the perspective of the margins (Das and Poole 2004). In doing so, it produces a 'geopolitics from below' (Hyndman 2012) that 'stud[ies] up' state approaches to border enforcement (Nader 1972), adding to institutional ethnographic research on immigration enforcement agencies (Mountz 2010), asylum bureaucracies (Valdivia-Ramirez, Faria, and Torres 2021) and detention centers (Hiemstra 2013). At the same time that it moves 'down' scalar ladders to everyday engagements, it also moves laterally to places *just outside* state institutions (i.e. *albergues*) where the 'effects of governance, the idea of the state and its reproduction and enactment on the ground' are described in the narratives of migrants and advocates (Mountz 2010, 149). Tracking bureaucratic mechanics from the vantage point of margins allows for two things: 1) out from under the institutional weight of the state, we can keep our analytical gaze focused on governing systems while also opening awareness to alternatives; and 2) through this conceptual reframing, we might bring into view *other* populations and actors at the edges of state systems.

This latter move encourages us to look for connections between sites of exclusion, attending to 'interlocking violences' patterned along lines of race, gender, class, sexuality, and other markers of difference (Collins 1986; Faria and Mollett 2016; Mollett 2017; Valentine 2007). Engaging with post- and de- colonial scholarship, state practices of abandonment can be understood through the lens of ongoing colonial violence, linking intersectional oppressions to the reproduction of Eurocentric hierarchies (Mollett 2017; Naylor et al. 2018; Radcliffe and Radhuber 2020; Zaragocin Carvajal, Moreano Venegas, and Álvarez Velasco 2018). Migration in the Americas fits within such a paradigm, as many people moving through the region have been systematically displaced due to international neoliberal projects (García 2006; Paley 2014) and racialized as 'other' and 'illegal' upon arrival in Mexico and the U.S. (De Genova and Roy 2020; Gómez Cervantes 2021).

Mexico's own emigration history creates a unique relationship to immigration enforcement in the Americas (De Genova 2004). Robust networks for informal migration developed there over decades, servicing both transmigrants *and* Mexican emigrants heading north (París and Müller 2016; Ramos García, Villarreal Sotelo, and Vargas Orozco 2021). Many faith-based shelters have been allowed to operate without much

government intervention, offering insights into informal infrastructures of migration.

This informal migration network, used both by Mexican citizens and 'outsiders' alike, complicates representations of sites of refuge in purely paternalistic, humanitarian terms (Pallister-Wilkins 2020). It offers the opportunity to explore complexities of care and control within solidarity discourses, considering how the phenomenon of migration is framed in Mexico as well as in a broader context of externalization of U.S. border enforcement (Hiemstra 2019).

From June to August 2016, I carried out research at a migrant shelter in the south of the country, in the state of Oaxaca, just beyond the 'zone of control' implemented under Programa Frontera Sur (Isacson, Meyer, and Morales 2014). Although there was communication among *albergues*, each operated independently and developed its own relationship to state institutions. This shelter received most of its funding from private donations rather than government assistance, allowing for flexibility in how it was run, who it hosted, and how long guests could stay.

While the shelter mostly hosted people from El Salvador, Guatemala, Honduras and Nicaragua at the time of research, people from other countries, including Mexico, were also welcome to stay there. For every ten men there was one woman at the shelter, traveling with families and alone (no one openly identified as transgender or nonbinary in conversation with me). Migrants were not homogeneous in terms of race, age, ethnicity, or class. People staying there had worked as government administrative officials, business owners, taxi drivers, soldiers, students, musicians, and *pandilleros*. Their experiences and identities varied greatly.

Taking cues from informal conversations, I directed research around themes present in day-to-day shelter operations. This allowed me to focus on priorities relevant to migrants and shelter staff. I also conducted *in situ,* semi-structured interviews with migrants and local advocates. To protect their privacy, no names or identifying information was gathered. Interviews did not explore biographical narratives but centered more on encounters with state institutions at various points in their journeys. In interviews, I asked participants to orally map their routes, the steps they took to secure *regularizaciión humanitaria,* and their engagements with immigration officials.

My positioning as a white mixed-race, U.S-based graduate student shaped dynamics between myself, migrants, and shelter staff. It was sometimes assumed I was from another part of Latin America until I explained otherwise, but the asymmetries in our mobilities were clear. Crossing borders would take me a handful of hours; for them, it might take weeks or months, with no guarantee of safe arrival or mobility within U.S. borders. Such disparity is but one example of the underlying colonial hierarchies in which my privilege is rooted. Aware of these power geometries, I drew upon past work experience to share information on migrants' rights in the U.S., an

attempt to offer something concrete and immediately useful, however minimal.

Despite being an outsider, my presence was not out of the ordinary at the shelter. Several people mentioned that they had met volunteers like me at other *albergues*: some from Germany, others from Spain and others still from central or northern Mexico. One person asked me if I was a journalist – he had been interviewed by foreign reporters while riding trains further south – but when I explained that I was a student researcher, he didn't seem very surprised. These interactions revealed my position among many other foreigners – volunteers, journalists, and researchers – who have become features in the Mexico transmigration network. As such, I assumed an identity that already had accumulated associations – some negative, some positive – due to precedents set by others conducting adjacent work.

Programa Frontera Sur and regularización humanitaria

In 2011, Mexico's first comprehensive migration law was passed. The law, seen internationally as a victory in migrants' rights, holds that 'all immigrants, regardless of their status, are granted the right to access education and health services [as well as] the right to due process' (González-Murphy and Koslowski 2011, 19). To enforce these protections, the law called for the creation of a prosecutor's office dedicated to 'investigating crimes against migrants and protection of their human rights' (González-Murphy and Koslowski 2011, 19). It also included a new temporary visitor status, available through the *regularización humanitaria* process, for victims or witnesses of grave crimes committed in Mexico (Martín del Campo Alcocer and Bello Gallardo 2019). This would allow migrants to live and work in Mexico for up to one year (with potential for renewal) while crimes committed against them were prosecuted.

While these legal measures were finally put into action, a new border security initiative - Programa Frontera Sur- was announced in July of 2014. Officially framed as a means of enhancing 'order' and safety in the southern border region, the program's critics argued that it focused primarily on the deterrence of Central America-U.S. migration, with severe impacts on *migrants'* safety (Isacson, Meyer, and Smith 2015). Building on previous administrations' initiatives (Villafuerte Solís 2017), Programa Frontera Sur introduced a layered approach to border enforcement, with three 'belts of control' extending from 30 miles inland from the territorial line with Guatemala all the way to the Isthmus of Tehuantepec, Mexico's narrowest point, at least 200 miles away (Isacson, Meyer, and Morales 2014; Walker 2018). Updated security infrastructure included new surveillance technologies, mobile checkpoints, detention centers, as well as joint operations between immigration agents, federal police, and military personnel (Leutert 2019).

The program's focus on deterring migration is apparent in the statistical rise of detentions the year following its announcement. Between October 2014 and April 2015, Mexico's immigration agency (the INM) had detained more Central American migrants than the U.S. border patrol (Isacson, Meyer, and Smith 2015). This paralleled an increase in human rights violations by INM agents (CNDH (Comisión Nacional de Derechos Humanos) 2016).

Increased security under Programa Frontera Sur was achieved with U.S. support. To date, over $100 million USD of Mérida Initiative funding has been directed towards 'improvements' in Mexico's southern border security infrastructure, including equipment and training to INM and military personnel (Walker 2018). Such cooperation exemplifies the global trend of externalizing border enforcement (Hiemstra 2019; Işleyen 2018), complicating efforts to uphold migrants' rights as multiple bordering agendas overlap.

It should be noted that the presence of militarized personnel in southern states, even if alongside INM agents, impacted residents as well as transmigrants (Ureste 2015). Federal police checkpoint-operations must be contextualized within Oaxaca's history of indigenous-led resistance against state-sponsored violence (Larson 2016; Rénique and Poole 2008). For migrants, such joint operations similarly led to increasing insecurity. Checkpoints frequently changed locations along northbound highways, creating a shifting landscape where interception (and extortion) were unpredictable. To avoid detection and potential abuse at the hands of INM and policing officials, migrants were often forced to take remote paths north.

Legibility as a spatial process: mapping the routes of regularización humanitarian

Theories of legibility tend to focus on the state's capacity to 'read' – and govern – its territory and population by collecting, cataloguing and interpreting data (Scott 1998; Walker 2018). Less often do researchers focus on people's ability to 'read' – and thus successfully navigate – state law, practices, and procedures (Das 2004). This paper theorizes legibility as a two-way coding process in which migrants become recognizable as rights-bearing subjects through *their* successful reading (and navigating) of legal and administrative systems. Importantly, for transmigrants seeking *regularización humanitaria* in Mexico, becoming legible not only involves proper articulation and documentation of claims (Sweet 2019); it is also a *spatial* process: migrants must travel between multiple offices, in multiple municipalities, in order to present claims for humanitarian protection. Below I map the *regularización humanitaria* process in place at the time of research.

Two main agencies were involved in the *regularización humanitaria* process: the state-level prosecutor's office (*Fiscalía de Atención al Migrante),* where crimes would be investigated and prosecuted; and the INM office, where

requests for *regularización humanitaria* were made. After migrants experienced or witnessed an assault, they first had to file a report with the *fiscalía* office closest to the scene of the crime. In Oaxaca, the *fiscalía* had offices in the towns of Chahuites and Ixtepec, both located in the Isthmus. After the initial interview and revisiting of the assault site, the *fiscalía* would provide a signed document confirming that the investigation was underway. Furnished with this official document, migrants could then solicit *regularización humanitaria* at an INM office to regularize their migration status.

Affected migrants would then apply for the temporary visitor status in either Salina Cruz, a port city located in the Isthmus, or in the state's capital, Oaxaca de Juárez, over 200 miles ahead on the route north. Once they had completed an online form detailing the assault, they would wait to be notified of their in-person interview, the first of three required visits to the INM offices. For their first interview, applicants had to bring: a printed copy and an original version of their passport; an original document from the *fiscalía* indicating that the applicant had filed for an investigation of a crime; and a printed copy of the online form to request *regularización humanitaria*. At this interview, INM officials would determine if a small perfunctory fine would be imposed for the infraction of crossing into Mexican territory without permission. After all the documents were received, applicants would be notified of their second appointment, when their photograph and fingerprints would be taken. Once that information had been processed through a centralized database, applicants would visit the INM office a third time to finally receive a *tarjeta* (card) officially designating their temporary visitor status.

Migrants had 90 days to complete all the steps required in the process. During this time, they were to retrieve and submit any missing documents in their application, including passports or government-issued IDs lost in travel. To this end, the Guatemalan consulate began issuing a substitute document – a *constancia de origen* –, which included the name, photograph, and other identifying information of the applicant, as well as the seal of the Guatemalan government (Interview 8/2/2016). Of course, obtaining this substitute ID required a trip to another office, the Consulate of Guatemala, located in the state's capital.

The process of obtaining the correct paperwork was by no means straightforward, with multiple agencies requiring different documentation at different locations across the state. Rights-seeking migrants had to travel back and forth between the shelter and investigative agencies, sometimes in circles, in order to move *forward* in the administrative process. By stretching the *regularización* steps across multiple locations, the state heightened migrants' mobility – and vulnerability. To have their claims recognized, they had to return through Programa Frontera Sur checkpoints and remote mountain roads, with precarious permissibility and without any guarantee the state would recognize their claims.

Returning south to the Isthmus of Tehuantepec meant that migrants had to pay for transportation that would otherwise be spent traveling north. It also meant that they were at risk of suffering another assault or robbery if they could not afford to pay for safe bus routes south, traveling through places where crimes against migrants occurred frequently and with impunity (Isacson, Meyer, and Morales 2014). In an interview, I asked one woman if she felt safer traveling along the route with law enforcement stationed throughout the region under Programa Frontera Sur. She laughed and responded that she would not count on them providing protection unless she had money to pay them (Interview 7/26/2016). Her skepticism was shared by many at the shelter who cited extortion by government officials as commonplace (REDODEM 2015; Vogt 2013). Another guest stated that humanitarian agencies like 'Grupo Beta' might offer migrants aid in one moment and then immediately notify INM officers of their location the next.

Interviews with migrant advocates indicated how oftentimes state agents simply chose *not* to persecute crimes against migrants. Because they assumed migrants were transitory, only in the region temporarily before continuing their journeys north, the local *fiscalía* saw little point in carrying out investigations or convicting suspected perpetrators (Interview 8/2/2016). On more than one occasion, the Guatemalan consular officer asked for updates on the prosecutor's cases, demanding to know what progress had been made. The *fiscalía* responded that these cases had been closed because the claimants had left the region, suggesting that their transitory status precluded them from full state protection (Interview 8/2/2016).

The fact that many crimes were committed against migrants with impunity, even when law enforcement was known to have a significant presence in the region, demonstrated how the state only offered protection selectively. Although there were offices dedicated to combating crimes against migrants, it was at their discretion whether they completed investigations. Migrants' status as 'irregular' and 'transitory' led to their exploitation (by criminal gangs) and legal abandonment (by Mexican officials) (Anand and Dalal 2022; Pratt 2005).

Even if migrants were able to afford costs of travel and were not extorted or robbed, they still faced a possibility that the INM office would not receive their claim. Some individuals reported that upon arriving at the INM office in the Isthmus, they were told to *return* to the INM office in the state's capital, over 200 miles away, because the Salina Cruz office was overburdened and could not process the growing number of *regularización* requests. These individuals were sent in circles, forced to retrace their steps to the capital, extending time spent without a guarantee of legal protection while further exposing themselves to risks en route.

By stretching out the steps required to collect the necessary paperwork, the state increased individuals' exposure to potential harm and exploitation

in a region where impunity was rampant. Migrants' distrust of state agents encountered between INM offices demonstrates how the state is experienced in the margins, appearing in one moment as 'protector' only to reappear later as 'perpetrator', or failing to appear at all when prosecution of crimes was required. These accounts illustrate the topological qualities of marginal status (Belcher et al. 2008), as access to rights, as well as experiences of state abandonment, shift and emerge depending on the place and moment. It also points to the ways legal and illegal mobilities become blurred (Das 2004) as the process of 'becoming legible' - and therefore eligible for legal protections - requires movement that might be read as irregular. These spatialized bureaucratic processes, ostensibly serving the purpose of bringing 'order' to the southern border, function through *disorder*: ruptures and inconsistencies in the state's institutional network made it difficult to read, much less safely navigate.

Legibility as a mediated process: the role of *albergues* in reading/being read by the state

This research demonstrates how legibility in seeking regularized status is most often a *mediated* process. To successfully read and navigate the immigration system, migrants first need to learn about their legal rights, map out the steps required, and then begin submitting documentation of their claims. Shelters have become crucial links between state systems and *regularización humanitaria* applicants. Leveraging institutional knowledge, technical resources, and relationships with INM officials, they can facilitate state navigation. Unfortunately, this puts them in a position to also filter *who* gets access to legal protections (Angulo-Pasel 2022), granting them an unintended disciplinary role in the management of margins (Merlín-Escorza et al. 2020). Some shelter staff and advocates use their marginal positioning to critique or sway state officials' sentiments, complicating *albergues* framing as another form of antipolitical aid offered to 'distant strangers' (Pallister-Wilkins 2020; Ticktin 2011), while also raising valid questions regarding the worth (and costs) of working towards state legibility.

According to shelter staff, most migrants making the journey for the first time often do not know the rights and resources available to them and are less likely to report crimes suffered (Fieldnotes 7/26/2016). INM agents are supposed to screen detainees for human rights abuses and notify them of their eligibility to apply for *regularización humanitaria* or asylum status, but this does not occur consistently (Dominguez Torres 2019). Instead, shelter staff were often the first to provide such information, informing individuals of their rights and explaining the state processes required to obtain legal status in the country. An officer at the local Guatemalan consulate confirmed the vital role that third-party actors play in helping migrants navigate

complex bureaucratic infrastructures (Interview, 8/2/2016). When visiting *albergues* and detention centers, he was often approached by migrants of all nationalities who wanted to learn about their rights in Mexico. Although he officially served only his home country's citizens, he shared information freely with everyone who was interested because 'no one else is doing this' (Interview, 8/2/2016).

Even if migrants were able to reach a shelter, they were not guaranteed assistance in filing their claims. One advocate noted that due to the growing number of people passing through in recent years it was nearly impossible to reach everyone (Interview 8/2/2016). The shelter located in Ixtepec was hosting upwards of 150 people at once, and the staff and volunteers could barely keep up with basic tasks, like attending medical issues, let al.one provide legal orientation (Interview 6/24/2016). Another shelter worker noted that if migrants did not approach her with specific questions, it was difficult to inform them of protections they might obtain (Fieldnotes 6/21/2016). While shelters did strive to render state processes legible, they lacked the funding and staffing to adequately do so. Their own marginal positioning within the state – as under-resourced NGOs, reliant on donations and volunteer service – limited their capacity to evenly facilitate access to legal rights.

Shelter advocates were essential not only in making *regularización humanitaria* processes legible to migrants, but also in converting embodied narratives of harm into documented claims. As is the case in many bureaucratic processes, documents were the means by which migrants gained legitimacy as rights-seeking individuals (Borrelli and Andreetta 2019). Paperwork was only considered sufficient when compiled together with other biometric data, collected and submitted in a chronological series that fit bureaucratic requirements. A lack of adequate documentation when moving between shelters and INM offices might result in termination of immigration claims, or, worse yet, in detention and deportation.

With an understanding of the 'writing technologies' of the state (Das 2004), shelter staff worked to translate migrants' embodied encounters onto paper, bending accounts to fit statist categories (Sweet 2019). Because certain forms had to be submitted online, computer and internet access were essential. Shelter staff would upload applicants' biographical information to the INM's online form and then notify them of updates sent through the online portal. For someone in transit who does not have easy web access, this process would be very difficult, if not impossible. Third-party advocates were crucial in facilitating access to digital infrastructures of state bureaucracy. At the same time, over-reliance on third-party advocates points to the geographic unevenness of accessing legal protections: because migrants become legible through advocate mediation, their rights under the law do not become actionable *until* they reach a migrant shelter, and even then, shelter support is not guaranteed.

For their claims to be 'read' into state systems, they first had to be accepted as credible. Even when migrants did submit all required paperwork through the proper channels, documents were sometimes assumed to be forgeries (as was often the case for the *constancia de origen,* issued when passports were lost or stolen en route) (Interview 8/2/2016). To combat this reinscription of presumed 'illegality' (De Genova and Roy 2020; Gómez Cervantes 2021), advocates were relied upon to verify migrants' claims.

Shelter staff said they gained the trust of INM officials over time, in part through their own discernment of 'legitimate' applications for *regularización humanitaria.* While this demonstrates how *albergues* can act as 'filters' of migration by taking up some of the discriminatory practices of the state (Díaz de León 2021; Valdivia-Ramirez, Faria, and Torres 2021), I am reluctant to frame such decisions exclusively within a framework of humanitarian care and control (Pallister-Wilkins 2020). Unlike efforts that operate through 'coloniality of compassion' for distant others (Ticktin 2011), shelters in Mexico were established and continue to operate through a localized, historical knowledge of migration (Ramos García, Villarreal Sotelo, and Vargas Orozco 2021). Shelter staff spoke of their own first-hand or second-hand experiences with migration to the U.S., establishing proximity to the experiences of transmigrants.

Some shelters make these links explicit, openly critiquing the treatment of transmigrants within the country, calling for investigations into state violence, and drawing on solidarity discourses to combat discrimination against non-Mexicans (Solalinde 2017). Other shelters have applied pressure less vocally, working to change the perspectives of individual state officials through interpersonal engagements. One advocate commented that over the years, she had seen INM officials' attitudes change: they had 'heard the stories, seen the wounds, visited the hospitals', and thus began to understand how threats against migrants were very real (Interview 8/2/2016). Another described how he was able to pressure the local prosecutor into completing investigations of crimes against migrants in the region (the *only* two completed investigations in over two years). Such individual encounters with state officials, relying on emotional engagements, might be interpreted as political work (Montes and Paris Pombo 2019).

Even so, advocates were aware of their partial participation in the migration management system, filtering 'good' and 'bad' claims through state metrics. They lamented that this was one of the costs of engagement with INM agencies, as their own precarious legal positioning pushed them to make compromises to continue operating. To illustrate the point, one shelter director mentioned an informal understanding he had with INM agents: they would not wait outside the shelter to 'catch' unsuspecting transmigrants, allowing them to work in the city for the day and return at night unbothered by law enforcement (Fieldnotes 6/22/2016). Shelters with higher visibility

faced bigger hurdles; in 2017, one such shelter was pushed out of a local community due to growing local hostility towards transmigrants (Van Ramshorst 2018).

Using or refusing legibility? Alternative routes in the margins

To get their narratives 'straight' – that is, fit for presentation to the INM with all the appropriate forms and documents – migrants had to map and travel through a winding process that, in many instances, discouraged them from exercising legal rights they were entitled to. The unreadability of state processes, which stretched across space and were mediated through third-parties, as well as the topological quality of recognition of their rights (Belcher et al. 2008) became 'part of the way that rules [were] implemented' (Das 2004, 238). While this ultimately worked to deter many people from pursuing legal claims, others drew upon unofficial knowledges circulating in the *albergue* to take alternative routes.

Many migrants chose *not* to pursue regularized status because of the time it took to collect the appropriate documents, obtain an appointment with the INM, and wait for their paperwork to clear. The arbitrariness in the time it took to issue – anywhere from two weeks to two months – was experienced as 'illogical' by many (Interview 8/8/2016). For others, slowing down the pace of movement came at another cost: lost momentum allowed doubts to interfere with previous plans. One woman said that while navigating the *regularización* process, she'd had enough time to reconsider heading to the U.S. Maybe crossing the U.S. border would be *even more* difficult than this – maybe it would be more dangerous than what she had already experienced? (Interview 7/26/2016). Perhaps these doubts would have surfaced even if she had continued her journey north, but in the empty hours at the *albergue* with little to do, waiting for news about her visa, she had ample time to agonize over options. As migration scholars have observed elsewhere (Hiemstra 2013; Hyndman and Giles 2011; Mountz 2011), the arbitrariness of the wait time for legal status, as well as the unevenness of its distribution, is a feature of organized disorder (Belcher et al. 2008) endemic to margins (Das 2004).

While some people gave up their claims, others chose to manipulate parts of the bureaucratic process (Das 2004) to continue their journeys to the U.S. For instance, after receiving a case number from the INM, some individuals would try to reach the northern border within the 90-day timeframe granted to visa applicants (Interview 8/2/2016). They creatively used this grace-period not to collect documents for their claim, but rather to safely travel through INM checkpoints. Knowledge of this alternative use of the *regularización* case number was shared freely among those at the shelter and became one (constrained) option among several. This alternate route north formed part of the

informal geographies that intersected with more formal mappings, pointing to the creative 're-working' (MacLeavy, Fannin, and Larner 2021) of statist infrastructure where margins meet the center (Hooks 1989).

Creative mobilities were also facilitated through the *overlap of margins*, where distinct struggles against the state intersected to produce momentary openings for migrant mobility. Over the summer of 2016, members of the local teachers' union from across the state protested new education reforms, setting up blockades along main highways where commercial goods travelled (Larson 2016). On June 19, 2016, state and federal police forcibly broke up one such blockade in Noxichtlán, killing 8 protesters and injuring hundreds. After the massacre, barricades elsewhere in the state strengthened, even as police presence increased (Larson 2016). The attention drawn by the blockades created opportunities for transmigrants, many of whom left the shelter in the wake of these events to continue heading north (Fieldnotes 6/21/2016). One woman recounted that because the police were so preoccupied with the protesters, they were able to 'slide right through' the checkpoints, unnoticed (Fieldnotes 6/21/2016). In reference to law enforcement's preoccupation with the protests, someone added, 'What's bad for some can be good for others. One has to take advantage of opportunities where one can' (Fieldnotes 6/21/2016).

Protesters' blockades imitated the filtering effects of the mobile checkpoints set up under Programa Frontera Sur, but instead of filtering out 'illegal' movement of goods and people, they blocked the flow of state-sanctioned mobilities (i.e. international commerce), allowing migrants to move with ease and thus reversing the way 'legitimate' travel was read. At the same time, with the state's attention directed elsewhere, migrants were able to avoid being stopped at the usual INM checkpoints. This coincidental collision of counter-state struggles demonstrates the potential for informal mobilities to evolve when margins overlap, and points to the radical possibilities present in marginal positioning (Hooks 1989).

Conclusion

This paper has argued that the illegibility of administrative procedures prevents migrants from accessing rights available to them under the law. Rather than attribute such illegibility only to the haphazard nature of government bureaucracies, it interprets it as part of state strategies of willful neglect (Anand and Dalal 2022) and legal abandonment (Pratt 2005). This is achieved by: 1) stretching legibility processes across dangerous territory where exceptional status is shifting and emergent, and by 2) making administrative navigation a mediated process in which advocates become, intentionally or not, filters for state integration. Such (il)legibility functions as a 'technique of control' (Belcher et al. 2008), not necessarily intended to 'discipline' the unruliness of margins, but rather to *maintain* marginality (Anand and Dalal 2022).

This paper also pushes for expansive institutional ethnographies that bring alternate mobilities into view, uncovering ways that state legibility practices are creatively co-opted, or otherwise elided, under constrained circumstances. Framing *albergues* as thresholds both to formal and informal mobilities, it tracks the ways legibility is used, manipulated, or forgone in favor of options that do not carry the burdens of bureaucratic navigation. In doing so, this paper contributes to literature on border bureaucracy, state margins, and informal migration infrastructures.

In the time since this study was conducted, migrants' relegation to state margins has continued under new border enforcement programs in Mexico and the U.S. The 'Remain in Mexico' program and the restrictions of Title 42 (Torres et al. 2022) generated new legal-bureaucratic obstacles for those heading north, with administrative pathways described on paper that are designed to dead-end in practice. By looking at how edges 'interface' (Gilmore Wilson 2007) and overlap, we might trace (il)legibility logics across various margin-management programs, noting how, when and for whom legibility is possible, effective, harmful, or can be creatively used.

Acknowledgements

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

Notes on contributor

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