Forging Justice South of the Border

A Reevaluation of U.S. Policy to Counter Transnational Criminal Organizations in Mexico

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Prepared for Dr. Michael Dennis,
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FORGE THE FUTURE

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Disclaimer

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy at the University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, the University of Virginia, or by any other entity.

Client Profile

This report was prepared for Dr. Michael P. Dennis, Chief of the Office of Strategic Futures for the U.S. Army Futures Command, Directorate of Security and Intelligence (DoIS). Dr. Dennis is interested in the future of transnational organized crime as well as the strategic response to the threat by the United States. As a modernizing force, the U.S. Army Futures Command (AFC) can play a major role in challenging conventional thinking within the Department of Defense. The Office of Strategic Futures is uniquely situated to critically examine new ideas and strategies to further American security interests by developing more effective policies to counter transnational criminal organizations.

On my honor as a student, I have neither given nor received aid on this assignment.

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Executive Summary

Violence and instability in Mexico have displaced too many individuals who seek asylum at the United States border. Transnational cartels have proliferated staggering levels of violence in Mexico over the last fifteen years, with homicides reaching a record high of nearly 30 per 100,000 people in 2019, six times the murder rate in the United States. This has led to a 700% increase in the annual number of migrants from Mexico granted asylum in the US since 2010. The drivers of this increase in cartel activity are 1) poor strategy to counter cartels, 2) unchecked firearms trafficking from the US into Mexico for use by the cartels, 3) pervasive corruption among Mexican officials, and 4) inadequate government services for Mexican citizens. These factors are the most significant contributors to the current situation in Mexico that has led to the dramatic increase in asylum seekers.

The overburdened asylum system incurs substantial costs to the United States. Each migrant granted asylum costs the government approximately $79,600 over their first five years in the United States; a figure that includes legal costs as well as the cost of social assistance services for which asylees are eligible. Additionally, the US spends billions of dollars each year on countering the cartels that have created this problem. For example, US Customs and Border Protection (CBP) spent $16.9 billion in fiscal year 2020 and over $4.5 billion of that amount goes toward the US Border Patrol alone. The Department of Defense (DOD) also spent over $2 billion on counter-narcotics efforts in 2020 alone. The US Agency for International Development (USAID) along with DOD and other entities spent over $444 million in 2019 on security assistance to Mexico through the Mérida Initiative and other programs in order to counter these violent cartels.

Clearly though, the evidence suggests that this significant funding has not deterred the cartels, as violence is still pervasive throughout Mexico and tens of thousands of Mexican nationals continue to seek asylum in the US each year. The $3 billion in cumulative security aid provided through the Mérida Initiative since 2008 has not resulted in greater security, and the situation appears to be worsening. Researchers at the RAND Corporation assessed that US policymakers have failed to understand the complex networks of criminal activity in Mexico, and that current US strategy is ineffective due to poorly unified objectives among different agencies. In response to how to better conduct security assistance, the Center for Strategic and International Studies (CSIS) recommends that the US promote better governance through security sector reform that prioritizes accountability and human rights. Some encouraging evidence supports USAID efforts in Mexico through the Promoting Justice Project (PROJUST). Operational in four Mexican states since 2015, the aid program contracts with international development consulting firms to engage local stakeholders through training journalists to increase transparency and training and assisting workers in local justice systems to improve prosecution. The states where PROJUST has been implemented have seen modest improvements in violent crime rates, relative to the rest of the country. These improvements have come at a cost of just over $6 million a year.

Thus, I recommend that USAID extend its PROJUST initiative for an additional ten years, and expand the program to cover the thirteen most violent Mexican states. Over the next decade, this will cost just over $138 million in total present value. It is also projected to lead to an average annual prevention of 300 asylees, or 3000 total over the course of the program. The cost per asylee prevented is calculated to be $46,133, which initially seems quite high, but actually saves the US money based on the previously discussed costs of asylum. This policy alternative was more cost-effective than other considered options, and could be less difficult to implement since USAID already runs this program on a smaller scale. While the expansion of PROJUST is a critical step, American policymakers must shift their focus away from militarization and toward improving local and regional governance in order to effectively counter transnational criminal organizations.

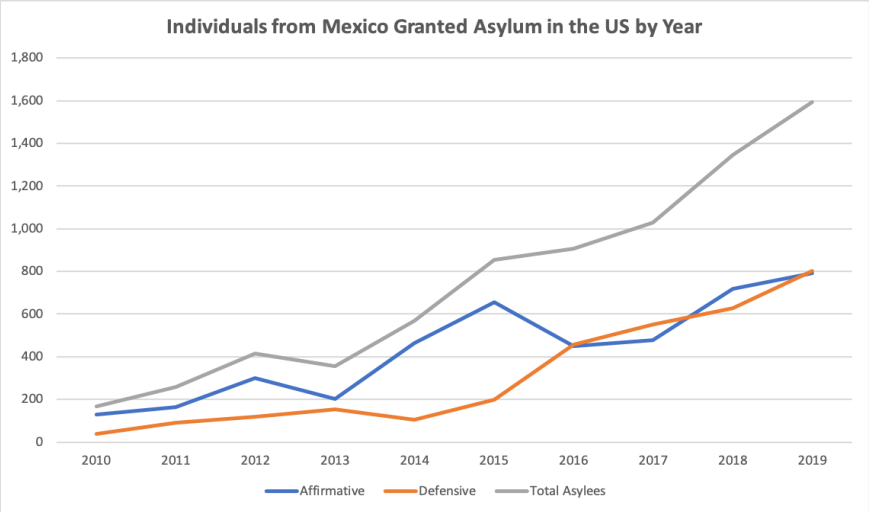
Introduction

Transnational organized crime (TOC) is a multi-trillion dollar industry, but the violence it generates displaces countless individuals around the world. Criminal groups exploit poorly governed and under-governed spaces, where a lack of legitimate power provides opportunities for illicit activity. Investigative security reporters Lindsey Kennedy and Nathan Paul Southern write in *Foreign Policy* that, "Ultimately, nature abhors a vacuum. When citizens can't get what they want or need themselves or from their government, alternative suppliers will fill the gap...when it fails to provide protection, security, jobs, basic services, or opportunities, predatory organized crime groups are able to enter the arena as competitors, posing a truly serious threat. (Kennedy & Southern, 2021)." Rampant criminal activity spawns violence, destabilizes communities, and displaces individuals who flee persistent victimization. In Mexico, violent drug trafficking cartels control large swaths of territory, and generate massive amounts of revenue using a variety of techniques. Despite decades of US involvement to counter these organizations, violence remains at record highs, causing tens of thousands of migrants to flee north to the United States each year. This influx of asylum seekers threatens American national security and strains the immigration system on the southern border. It is thus clearly in the interest of the United States to develop a more effective strategy to counter these transnational criminal organizations (TCOs) in Mexico.

Photograph from https://www.ndtv.com/world-news/mexico-shootout-guns-grenades-bodies-drug-cartel-shootout-kills-19-in-2206432

Problem Statement

Violence and instability in Mexico have displaced too many individuals who seek asylum at the United States border. Since 2010, the number of migrants from Mexico granted asylum in the US has increased more than 700%. These people fled violence and persecution in their home country to seek safety in the US, and met the requirements to be granted asylum by an American immigration court. The asylum requirements include persecution or fear of persecution due to one's race, religion, nationality, membership in a particular social group, or political opinion. Asylum can either be granted affirmatively by the United States Citizen and Immigration Services (USCIS), or defensively by the Executive Office for Immigration Review (EOIR) before a judge ("The difference between"). Historically, the US has allowed those persecuted by Mexico's violent cartels to be eligible for asylum protection, though the fear of persecution must be credibly targeted at the individual, not simply due to pervasive violence in Mexico (Gasson). Still, in 2019, an astonishing 1,593 individuals were granted asylum from Mexico, making it the ninth most common country of origin for asylees in that year (Baugh, 2019).



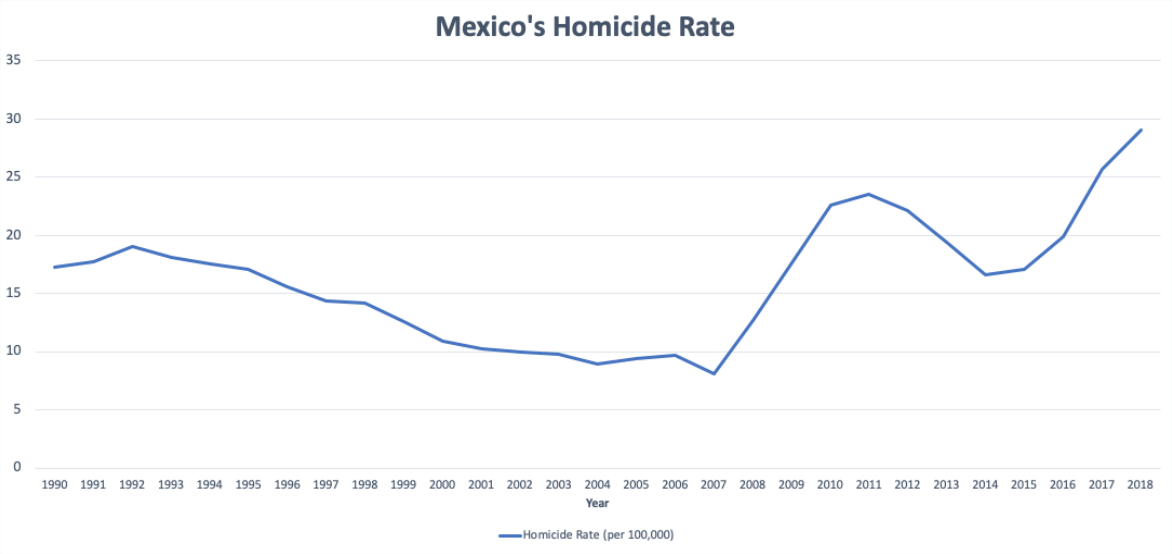
As the graph above shows, this issue is rapidly worsening. But the number of individuals granted asylum status is only a small fraction of the number who seek asylum for fear of violence at home. For example, in 2019 a staggering 30,357 individuals from Mexico sought defensive asylum in the US, representing 14.4% of all asylum seekers from all countries for that year. Just around 3-5% of migrants from Mexico are granted asylum each year, meaning that the strain on the immigration system is an order of magnitude larger than the number of asylees. Given these statistics, Mexicans have become the third most common nationality seeking defensive asylum in the US for three straight years (Baugh, 2019). Since the rate at which asylum is granted is largely constant over time among Mexican migrants, the number of asylees is still an adequate indicator of the problem.

The major cause of the high level of Mexican asylum seekers at the US border is rampant cartel violence and the poor government response to it. Incidence of violence in Mexico have reached record highs over the past decade, with 2019 being the most deadly year on record. The explosion in cartel activity has coincided with the steady increase in asylum seekers from Mexico, suggesting that any policy aimed at reducing the number of individuals seeking asylum must address the structural factors that allow for the proliferation of cartel violence. This requires an understanding of how cartels operate as well as an awareness of the factors that create an environment where cartels can thrive.

Cartel Overview

Cartels based in Mexico are transnational criminal organizations (TCOs), meaning they operate across national borders. In the United States, Mexican cartels are narcotics distributors to regional gangs and individuals who sell their product. The Sinaloa Cartel is by far the most dominant in the United States, with a significant footprint in every major American city. Other major actors in the United States are the Gulf and Juarez Cartels, though nearly every cartel has distribution affiliates in cities across the country ("United States: Areas of Influence"). But street distribution in the United States is only the final step in the narcotics supply chain. In wholesale drug markets, Mexican cartels act as near monopsony buyers for products such as cocaine, heroin, fentanyl, and marijuana, meaning that farmers and manufacturers have cartels as their only buyers. This gives cartels pricing power to buy the product at a set price, before trafficking the drugs through Central America, Mexico, and onto the United States. They can then sell their drugs with monopoly power in the US. Through this lens, cartels function more like a large corporation than a street gang ("Narconomics").

Even acting like a corporation, these organizations are extremely violent. Since 2006, more than 150,000 homicides in Mexico have been attributed to cartel violence, and the situation is rapidly worsening. 2019 was Mexico's deadliest year in over three decades, with a murder rate of nearly 30 per 100,000, six times the US murder rate of 5 per 100,000 ("Criminal Violence").



The consequences of cartel activity in Mexico are not evenly distributed across the US-Mexico border or across geographic regions in Mexico. Cartels exploit areas with less developed government footprints, meaning their affects vary widely by region. Poor families in Mexico are by far the most likely group to be adversely affected by this issue, since they have little economic opportunity outside of illicit markets. While Americans feel the effects of some street level violence caused by the drug trade and wealthy Mexicans in major cities are sometimes the target of assassinations and extortion attempts, the vast majority of violence in Mexico occurs within poorer states or in the outskirts of major urban centers ("Mexico murder rate"). In 2020, more rural localities were the most heavily impacted areas (Bosworth, 2020). The Institute for Economics and Peace published their 2020 Mexico Peace Index (MPI) report, showing levels of violence and peace throughout different states in Mexico("Mexico Peace Index"):

Seen on the map above, lower areas of population seem to have a lower peace index score, with the notable exceptions of Jalisco, surrounding the city of Guadalajara, and Guanajuato, surrounding the city of Leon. Matching the location of violence in Mexico with a map of Cartel influence, certain trends appear to take hold:

Source: Stratfor Global Intelligence, "Tracking Mexico's Cartels in 2020," https://worldview.stratfor.com/article/stratfor-mexico-cartel-forecast-2020#/entry/jsconnect/error.

Localities where levels of violence have been highest also appear to be locations where Cartels are competing for control. Baja California, for example, is a key area of competition between the Sinaloa Cartel, the most powerful TCO in Mexico, and the Tierra Caliente group, composed of the Jalisco Nueva Generación Cartel (CJNG), among others. The maps also show high levels of violence within Tierra Caliente's own territory, which is consistent with many analysts' assessment that the CJNG is now the most dangerous criminal organization in the country (Beittel, 2020). This shows that cartel violence in Mexico is clearly not distributed across the country as a whole, but localized in select areas.

In recent years, Mexican cartels have diversified their action, turning to extortion, kidnapping, oil theft, human smuggling, sex trafficking, and even retail drug sales. These crimes are extremely harmful for local communities in Mexico, further degrading citizens' sense of security (Beittel, 2020). In particular, the illegal oil trade is an emerging market for Mexican groups, as organizations such as CJNG and the Cártel Santa Rosa de Lima, battle over petroleum in the state of Guanajuato. Cartels are also moving into the synthetic drug market, manufacturing and trafficking the lethal opioid fentanyl into the United States at record rates (Beittel, 2020). These diversification efforts increase cartel resilience as they increasingly no longer rely only on drug trafficking to raise revenue. When one revenue source is no longer available, a cartel can turn its focus elsewhere. Cartels' market diversification is likely to continue into the future, especially as more US states vote to legalize the recreational use of marijuana. The race among criminal groups to enter new markets could lead to additional increases in violence as competition continues to intensify.

The role of technology is another evolving characteristic of these groups. Mexican criminal organizations have been increasingly turning to cryptocurrencies such as bitcoin to conduct money laundering, since the blockchain technology provides a greater degree of anonymity than other methods. Crypto-assets can be moved around the world instantaneously and without the same kind of oversight that the traditional banking system must undertake (Oré, 2020). More generally, as technology becomes more ubiquitous and democratized, criminal organizations are using it to their advantage. One of the biggest examples of this has been the use of drones by Mexican organizations, deploying the aircraft for both surveillance purposes and armed attacks on rival groups (Jones, 2020). In addition, some drug groups, though to this point mostly Colombian-based, have used narco-submarines to transport their product across oceans (Goudar, 2019).

All this combines to create a situation in Mexico where entire communities are destabilized. New technology and emerging illicit markets make cartels more resilient and more difficult to counter using existing policy frameworks. The situation in Mexico is bleak, and many Mexicans facing few economic opportunities outside of illicit markets feel the need to migrate north in order to escape the carnage caused by these violent criminal groups.

Costs to Society

In the long run, immigration is usually beneficial to a country's economy, but the massive influx of asylum seekers fleeing cartel violence incurs significant costs to the United States ("The Long run effects"). Asylum seekers have their cases decided by the United States Citizen and Immigration Services (USCIS), or the Executive Office for Immigration Review (EOIR) depending on their affirmative or defensive status. While defensive asylum cases are in deliberation, asylum seekers are housed in Immigration and Customs Enforcement (ICE) detention facilities, which cost the government between $130 and $200 a day per migrant (Urbi, 2018). Once asylum is granted, the US government also provides other welfare costs, including Temporary Assistance for Needy Families (TANF), Medicaid, Supplemental Nutrition Assistance Program (SNAP) benefits, refugee assistance programs, and sometimes even public housing. The Federation for American Immigration Reform (FAIR), which promotes more limited US immigration policy, estimates that all of these programs add up to $15,900 per new asylee, and $79,600 per asylee over their first five years in the United States ("The fiscal cost"). Using these metrics, granting asylum to new migrants from Mexico cost the United States more than $25,328,000 in 2020 alone.

A comprehensive discussion of costs to society must also include the costs incurred as the US has tried to eliminate the structural issues in Mexico contributing to mass displacement. This means that the costs of asylum seekers from Mexico are actually much greater than just the price the government pays for immigration court hearings and welfare services. The US government has spent more than $1 trillion countering the drug trade since 1971 when President Nixon declared a 'war on drugs'(Ross), which, among other goals, aimed to cut off the revenue source of cartels. In 2020, the federal government requested over $35 billion for the National Drug Control Budget, including nearly $2 billion for the Department of Defense counter-narcotics efforts ("National Drug Control"). The increased displacement of Mexican citizens fleeing violence necessitates greater spending for US Customs and Border Protection in order to screen entrants into the United States at the southern border. This also includes costs incurred through vetting asylum claims for those fleeing violence in their homeland. The American Immigration Council (AIC) reports that US Customs and Border Protection (CBP) has a budget of $16.9 billion for fiscal year 2020, and over $4.5 billion of that amount goes toward the Border Patrol alone ("The cost of immigration"). The AIC also reports a 20 year upward trend in border security costs to the United States, correlating with the massive increase in cartel violence in Mexico over that same period ("The cost of immigration").

In Mexico, the economic impact of cartel violence is difficult to quantify, but the expert consensus is that cartel activity has had an enormously negative impact on the economy ("Mexico Peace Index"). The Institute for Economics and Peace estimates a variety of economic cost indicators, which illustrates the bleak situation in the country. They found that the economic impact of cartel violence in Mexico was a deadweight loss of approximately $238 billion USD, equivalent to a staggering 21% of Mexico's GDP in 2019. In per capita terms, this is equal to 36,129 pesos per person, or about five times the average monthly salary of a worker in Mexico ("Mexico Peace Index"). This suggests that the economic impact of cartel activity is severely hurting the Mexican economy, which then perpetuates conditions under which cartels are able to thrive.

Importantly, the massive economic impacts and costs incurred by both the United States and Mexico do not compare to the human cost of cartel violence. As mentioned previously, more than 150,000 lives have been lost in Mexico over the past 14 years. 345,000 people are currently displaced from their homes and communities due to organized crime in the country ("Mexico"). In the United States, countless lives have been ruined by drug addiction from substances trafficked by TCOs. The human cost of cartel violence is an important reminder that policy decisions have a real impact on the lived experiences of victims on both sides of the border.

Contributing Factors

There are several factors that contribute to the high levels of destabilizing violence in Mexico which causes people to seek asylum in the United States. There is robust evidence that poor governance is linked to organized crime, and a better understanding of that mechanism is essential to move toward potential solutions. Vanda Felbab-Brown, director of the *Brookings Institution*'s Initiative on Non-State Armed Actors, notes that Mexico "continues to suffer from poor governance in critical domains of public policy, high impunity and corruption rates, weak rule of law and protection of civil liberties and human rights, entrenched marginalization of large segments of the population and growing inequality, and low public confidence in political parties and public officials and institutions" (Felbab-Brown, 2019). The following government failures are major drivers of cartel violence which causes the increasing number of asylum seekers from Mexico:

1. Poor Strategy to Counter Cartels

The United States and Mexico's decapitation strategy of targeting cartel kingpins in Latin America has only worsened the situation in Mexico. Essentially, targeting cartel leaders leads to fracturing among lower level members who then compete with each other for power and influence in the organization. Instead of extremely large and coordinated criminal organizations, the decapitation strategy creates organizations that are smaller, more loosely affiliated, and more difficult to counter. Analysts estimate that the US decapitation strategy is responsible for the creation of 60 to 80 new trafficking organizations between 2006 and 2012 alone ("Mexico's war"). The arrest of Sinaloa Cartel boss "el Chapo" Guzman is an example of how this strategy has failed. After Guzman's extradition to the United States in 2017, a power struggle between a high ranking Sinaloa cartel member and Guzman's sons over who would become the next leader of the organization reportedly contributed to the sharp rise in violence over the following months. A rival cartel, the CJNG, sought to exploit this perceived weakness in a series of violent confrontations following Guzman's extradition as well. Still, the Sinaloa cartel remains highly influential in both Mexico and the US, showing that Guzman's arrest has not caused the collapse of the enterprise (Beittel, 2020).

2. Unchecked Firearms Trafficking

Illegal firearms trafficking from the United States to Mexico for use by drug cartels is a second major driver of violence. In the five-year period from 2009 to 2014, over 73,000 guns seized by Mexican law enforcement were traced to the United States. This represents an astounding 70% of the total number of guns seized in Mexico over that period that were submitted to the US Bureau of Alcohol Tobacco and Firearms (ATF) (Chappell, 2016). Still, this is only a small piece of the estimated 250,000 firearms trafficked from the U.S. to Mexico each year (Sieff & Miroff, 2020). A recent United Nations Office on Drugs and Crime (UNODC) report found that the flow of firearms from the United States into Mexico appears to occur in very small batches at a time. Known as "ant-trafficking," this method involves an individual who is unaffiliated with a criminal group who buys guns legally in the United States before selling them to private smugglers who traffic the weapons south of the border in small shipments. Given the massive number of daily border crossings between the US and Mexico, small shipments are incredibly hard to detect (Goodwin, 2020). This illicit arms trade in Mexico has created an arms race between rival cartels competing over territory and smuggling routes (Linthicum, 2019). Armed conflict between TCOs and government forces harms the stability of entire regions in Mexico, as violence reduces economic activity and available jobs, which leads to increased migration and asylum seekers to the United States. With additional access to firearms, cartels have a greater incentive to fight with one another,

as each believes it is more heavily armed and better equipped. This arms race is the result of a failure of governance on both sides of the border, and has led to regional destabilization.

3. Pervasive Corruption

One of the most important driving factors in the proliferation of violent cartels is rampant corruption among some Mexican officials, including in military and law enforcement roles. The Corruption Perception Index finds that there are high levels of corruption in Critical government agencies including the armed forces, police, judicial investigators, the prison system, and immigration authorities. State agencies have been known to collaborate and collude with criminal organizations, preventing the enforcement of regulatory measures that would stop them ("Where the Guns"). In exacerbation of this problem, Mexican police officers are severely underpaid, with state level officers often forced to buy their own equipment while making just around $500 USD a month. This makes the police susceptible to bribery to supplement their income (Frausto, 2019). Pervasive corruption within police departments affords criminal organizations a high degree of impunity for their activity. In addition, cartels often target political leaders who oppose them, as at least 130 candidates and politicians were killed in the lead-up to Mexico's 2018 presidential elections ("Criminal Violence"). This provides a very salient intimidation factor of which political, civil, and law enforcement leaders in Mexico are keenly aware. Violence against the government can deter officials from taking action against cartels. One recent example of this was in October 2019 when "el Chapo" Guzman's son was detained by Mexican authorities in Sinaloa state's capital, Culiacán. The Sinaloa cartel responded with an overwhelming display of force, essentially taking control of the city before the authorities agreed to release the imprisoned kingpin's son (Beittel, 2020). Corruption and intimidation allow cartels to subvert the rule of law and continue their operations with impunity in Mexico.

4. Inadequate Government Services

Through incompetence, corruption, or both, the Mexican government often fails to provide adequate services to its citizens. TCOs are able to exploit these under-governed spaces within a territory, augmenting poor government services by providing their own forms of support to a local community, often quite effectively. Subject matter expert Vanda Felbab-Brown points out that this kind of behavior is not surprising to experts in the field. She says that criminal groups often seek to build influence in their home communities in order to gain sympathy and the support of local populations. For example, Pablo Escobar was known to give out food and throw parties for townspeople in Colombia. Mexican cartels appear to be institutionalizing their footprints in local Mexican communities as well by providing services to local populations. The Gulf Cartel reportedly distributed food to devastated families located in their territory in the wake of Hurricane Ingrid in 2013 (Felbab-Brown, 2020). The coronavirus pandemic (discussed in Appendix 1) has actually presented an opportunity for the strongest cartels in Mexico to establish themselves as service providers in local communities. The Sinaloa Cartel, CJNG, and the Gulf Cartel are each providing COVID-19 humanitarian aid to locals within their territories (Felbab-Brown, 2020).

Policy History

The US government has been involved in countering TCOs in Mexico for decades, with the goal to reduce the number of asylum seekers at the southern border and reduce the inflow of drugs into the United States. President Nixon declared a "War on Drugs" in 1971 as cocaine trafficking was increasing from South America to the United States. The Medellin Cartel accumulated power in Colombia as demand for cocaine in the US skyrocketed in the early 1980s ("Thirty Years"). After the Guadalajara Cartel rose to prominence in Mexico to traffic these drugs and killed a DEA Special Agent in 1985, the US began to take a much more forceful approach on narcotraffickers and TCOs in Latin America (Tikkanen, 2019). Domestic American drug policy was focused much more on enforcement rather than treatment, a hardline strategy also evident in foreign policy. In 1990, President Bush proposed a $1.2 billion increase in spending on the War on Drugs, including a 50% increase in military spending, indicating a counter-cartel strategy focused heavily on force ("Thirty Years").

More recently, in 2006 Mexican President Felipe Calderón declared war on the cartels, deploying tens of thousands of military personnel to replace more corrupt local police units. Calderón and the United States developed a decapitation strategy in which authorities went after cartel kingpins, capturing or killing 25 out of the top 37 cartel leaders (Lee et al., 2019). This policy clearly backfired as the homicide rate in Mexico exploded after Calderón's inauguration. In 2012 President Enrique Pena Nieto looked to reduce the violence but still relied heavily on the use of the military to fight drug cartels. Nieto's successor, current President Andrés Manuel López Obrador (AMLO) declared the War on Drugs over, and ended the military's official involvement. Instead, he deployed a new National Guard, which critics claimed was simply a continuation of his predecessors' policies (Lee et al., 2019). In recent months, however, AMLO has again called on the military to play a larger role in the fight against cartels.

In the United States, the recent Trump Administration dealt with the issue of asylum seekers through increased border enforcement, more stringent immigration policies, and the construction of the border wall, meant to deter unofficial entry to the United States. The Administration also enacted a new policy requiring migrants to pay a $50 fee to seek asylum, and an additional $550 to obtain a work permit ("Human Rights"). Perhaps the most impactful policy change initiated by the Trump Administration was the so-called 'Remain in Mexico Policy.' Officially named the Migration Protection Protocols (MPP), the 2018 policy required asylum seekers who attempt to enter the United States at the US-Mexico border to be sent back to Mexico for the duration of their US immigration court proceedings. Critics of this policy, including Human Rights Watch, noted that it forced asylum seekers into dangerous and sometimes life-threatening situations as they waited for their immigration decisions ("Trump Administration's"). Despite the deterrent however, the number of asylum seekers from Mexico has only continued to increase.

Current US Policy & Governance

The Biden Administration abruptly halted many of the previous administration's immigration policies. Most notably, President Biden ended MPP and has begun allowing those forced to remain in Mexico to enter the US for their immigration hearings (Narea, 2021). Biden also initiated a freeze on the construction of the border wall while his administration decides how to proceed in terms of border security (Burnett, 2021). The legal process for asylum remains largely the same as it was in the pre-MPP era. The law, Title 8 U.S. Code § 1158 states that migrants are eligible for asylum protection if they have experienced persecution or fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion. This protection can either be granted affirmatively by USCIS, or defensively by EOIR before a judge ("The difference between").

Meanwhile, US policy meant to address the causes of the increase in asylum seekers continues to target Mexican cartels. The American drug market is a major driver of cartel revenue, and federal law contains strict provisions prohibiting the possession, use, and distribution of these controlled substances. This language is found in Title 21 of the US Code of Federal Regulations, which governs food and drugs within the United States. Known as the Controlled Substances Act, Title 21 criminalizes marijuana, cocaine, LSD, PCP, fentanyl, heroin, methamphetamine, and other drugs outlined through federal drug scheduling, done by the Drug Enforcement Administration (DEA) ("Summary of Federal"). The law prohibits "the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer" of substances outlined in the federal drug scheduling ("Title 21 United States Code"). Title 21 also provides strict penalties for these offenses("Summary of Federal"). This legislation effectively requires drug cartels to operate illegally in the black market to sell their substances in the United States.

The Racketeer Influenced and Corrupt Organizations Act, commonly known as RICO, was passed in 1970 with the expressed intent to eradicate organized crime in the United States. The law states that:

> "It is unlawful for anyone employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt" ("109. RICO Charges").

Racketeering, as mentioned in the law, involves the organization of a criminal act for the purpose of making money. This focus on the criminal enterprise clearly applies to cartels distributing narcotics within the United States, since the cartel is involved in an illegal act for the purpose of making money. The burden of proof is high for the prosecution, but RICO allows for harsher penalties and sentences if the federal government can prove guilt. Though originally used to prosecute mafias in major cities, US Attorneys now use RICO to target street gangs that distribute drugs as well as other cartel affiliates within the United States.

Tasked with enforcing these laws and regulations are US federal and state law enforcement agencies, as well as agencies within the Department of Homeland Security (DHS). At the state level, this includes state and local police departments, which are often the first to investigate drug offenses, especially of low-level street dealers. Federally, an assortment of agencies are responsible for enforcing these laws meant to disrupt cartel activity and revenues. The DEA is primarily responsible for enforcing controlled substances regulations, which entails investigating crimes for prosecution, managing the national drug intelligence program, and coordinating and cooperating with federal, state, and local law enforcement officials on mutual drug enforcement efforts ("Mission"). The DEA has 23 domestic divisions and 91 foreign offices in 68 countries. In Mexico, the DEA has a headquarters Regional Office in Mexico City, with Resident Offices in nine other Mexican cities,

including four border towns ("Foreign Offices"). The DEA coordinates with the Federal Bureau of Investigation (FBI) on larger organized crime investigations within the United States, including on RICO cases. Though the FBI has greater resources (a budget of roughly $9.8 billion in FY2021 to the DEA's $3.1 billion), the DEA's singular focus on drug crimes allows both to be active stakeholders in the US law enforcement response to Mexican cartels ("Staffing and Budget"). Both of these agencies work with the Department of Homeland Security and the agencies located within it. The law directs DHS to secure the borders of the United States, under Title 4, which regulates goods and people coming into the country ("Public Law 107–296"). Agencies tasked with this enforcement include Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), which enforce immigration laws and border crossings. Finally, the US Coast Guard, also housed under DHS, is also responsible for preventing illicit trafficking into the United States by sea.

Apart from law enforcement, which aims to prevent drugs from entering the US black market and deter cartels from operating, the US government also has programs in place that seek to disrupt cartel activity at the root cause. The most significant of these is the Mérida Initiative, a security agreement signed by US President George W. Bush and Mexican President Calderón in 2007. The agreement provides four pillars: 1) disrupting organized criminal groups, 2) institutionalizing the rule of law while protecting human rights, 3) creating a twenty-first-century border, and 4) building strong and resilient communities. The program is funded by Congress through appropriations to the US State Department and The US Agency for International Development (USAID). Since 2008, the Mérida Initiative has provided Mexico with more than $3 billion in cumulative aid, which includes funding for security equipment such as surveillance aircraft and Blackhawk helicopters, as well as money for additional enforcement including secondary inspection points at international ports of entry. In support of better governance, the program provides training to law enforcement entities in Mexico and assistance to Mexican corrections facilities seeking international accreditation ("The Mérida Initiative").

Another important bilateral initiative is the USAID-funded Promoting Justice Project (PROJUST), which aims to improve performance of the justice system in Mexico in order to increase prosecution rates and reduce violence. The program is run by Management Systems International (MSI), an international development consulting firm and subsidiary of the infrastructure and resource consulting firm, Tetra Tech. Since 2015, PROJUST has trained journalists and assisted the justice systems in four Mexican states: Coahuila, San Luis Potosí, Tabasco, and Zacatecas ("Helping Mexico"). Working closely with PROJUST, another USAID funded program is the Transparency Rapid Response Project (TRRP), run by Checci & Company Consulting. TRRP has conducted "100 Day Challenges" in nine Mexican states since 2017, where local stakeholders such as state-level government institutions, civil society, and private sector firms collaborate to solve operational gaps and improve government performance in anti-corruption efforts ("Criminal Justice"). With a cost totaling just over $6 million in 2019, both of these programs seek to strengthen local buy-in to catalyze change ("U.S. foreign aid").

Recently, however, new concerns have arisen over the strength of the relationship between the United States and Mexico. In a recent press conference Mexico's president AMLO declared that the Mérida Initiative had officially ended, since it was not meeting Mexico's security needs. This represents a continuing trend of deteriorating bilateral relations between Mexico and the United States. Mexico's ending of the Mérida initiative comes in the wake of recent controversy between Mexican and American governments regarding the US release of Mexican General Salvador Cienfuegos at the behest of Mexico's military (Berg, 2021a). General Cienfuegos was held in the United States on corruption and drug trafficking charges, with US authorities alleging that Cienfuegos served as 'el Padrino' or the godfather for Mexico's H-2 Cartel. After Mexico pressed for the general to be transferred to Mexican authorities, Cienfuegos was promptly released from custody (Lopez,

2021). In another move signifying the deterioration of relations, Mexico passed a new security law in December 2020 that vastly restricts the activities of foreign law enforcement officers in the country. The law strips foreign law enforcement agents of diplomatic immunity, and requires that any intelligence collected by foreign officers must also be shared with Mexican officials (Argen, 2020). Given these troubling developments, the future of the US-Mexican security relationship in combating violent cartels is uncertain.

Existing Evidence

Current and former US policy on TCOs in Mexico have clearly not solved the problem. Think tanks such as the Council on Foreign Relations and the International Crisis Group note that despite the sustained attention of American and Mexican policymakers, violence rates in Mexico remain incredibly high (Ernst, 2020). One key study recently published by the RAND Corporation researched the effects of US policy on illicit cartel supply chains from South America through Mexico and to the United States. The researchers found that US policymakers fail to understand the networks of cross cutting threats to American security interests, which has led to ineffective policy. They also found that the current strategy is ineffective due to poorly unified effort and command among US agencies. Policymakers at each agency appear to be too narrowly focused on their own bureaucratic objectives rather than on the entirety of the situation and the US government's role in it (Rabasa et al., 2017). This literature suggests that American policy has been poorly focused and that American policymakers are likely lacking in their understanding of the situation. Improved comprehension among US policymakers of the drivers of cartel violence is essential for moving toward potential solutions.

Still, within the US government's response, there are some signs of progress. In its limited rollout in the Mexican states of Tabasco, San Luis Potosí, Zacatecas, and Coahuila, PROJUST may be contributing to positive developments in levels of violence. Of course, MSI publishes strong qualitative data such as encouraging survey responses and positive interviews, but some quantitative indicators also show signs that PROJUST has been effective. Using data from the Mexico Peace Index (referenced in the Cartel overview section), the Mexican national average violent crime score increased by 29% from 2015 to 2020. However, three out of the four states where PROJUST was operational saw a dramatically lower increase in violent crime over the same period. The outlier state of San Luis Potosí saw a major increase in violent crime; MPI also notes that organized crime tripled there, likely due to a violent territorial dispute between the CJNG and the Tamaulipas cartels ("Mexico Peace Index"). Though limited in scope, the data reflect promising trends that provide evidence PROJUST may be working.

One potential area where the United States may be able to exert positive influence in the fight against TCOs is through encouraging and assisting security sector reform in Mexico. This could be done using the existing framework of the Mérida Initiative, altering its terms in order to encourage better behavior among Mexico's security services. Addressing corruption and extrajudicial violence in Mexico's police force could be a worthy place to start. Research from the University of Virginia's Dr. Daniel Gingerich suggests that police violence leads to the underreporting of crime. His team used original data from a large-scale household survey in Costa Rica to observe that police violence significantly reduces citizens' willingness to report crime (Gingerich, 2018). This relationship may also apply in Mexico, where police violence is common and where 95% of homicides go unsolved. Gingerich further developed a game theoretical model of crime, crime reporting, and police misconduct to explore the implications of his findings. He writes,

> "The model reveals that although the prospect of police violence against criminals may generate a degree of deterrence for criminal behavior, permissiveness towards police violence also raises expectations about the likelihood of police abuse against law abiding citizens. Consistent with our empirics, this reduces citizens' propensity to report crime, thereby fostering a climate of impunity for criminal activity (Gingerich 2018)."

Gingerich describes a mechanism through which extrajudicial police violence and lack of accountability fosters perceptions of the lack of a robust rule of law. His description of a 'climate of impunity' is consistent with current problems in Mexico. Thus, security sector reform to address the issue of extrajudicial police violence, improve accountability and transparency, and reduce corruption appears to be a strong starting point to counter cartels and reduce the homicide rate in Mexico.

In response to this issue, the Center for Strategic and International Studies recently released a report explaining recommendations for the United States to consider when implementing security sector reform. This document specifically references the Global Fragility Act (discussed in Appendix 2) recently passed by Congress which aims to change the way the US responds to instability by promoting a whole-of-government approach to the prevention of violence (Welsh, 2019). While the new law specifically directs federal agencies such as USAID to focus on preventing fragility as a means to combat terrorism, the same principles can be applied to fragile and under-governed spaces in Mexico which breed cradle violence. The CSIS authors first critique past US efforts for not considering second-order effects and unintended consequences when providing security assistance to other nations. They also argue that the US overestimates its technical ability to fundamentally transform security institutions but underestimates its political influence in promoting incremental policy change (Mahanty, 2020). CSIS presents broad guiding principles for the US supporting foreign security sector reform. These include the following:

1) Prioritize human rights and accountability as a form of prevention
2) Embed support for security sector reform as a part of the policy agenda
3) Interpret "support" as broader than security assistance
4) Make no assumptions about the relationship between resources and reforms
5) Compensate for gaps in transparency, oversight, and accountability
6) Institute accountability for abiding by the principles

The CSIS authors elaborate on technical 'best practices' for promoting good governance through supporting security sector reform. Among the recommendations most relevant to the situation in Mexico, this includes ensuring that multiple agencies are involved to capture all aspects of U.S. security cooperation (instead of, for example, an approach dominated solely by military or legal attachés who may have too narrow a focus). This could help alleviate some of the bureaucratic problems in understanding described in the RAND study. CSIS also recommends situating security sector reform within broader terms of political and economic engagement, rather than as a stand-alone operation (Mahanty, 2020). Thus, with an understanding that corruption and police violence encourage TCO activity, these CSIS recommendations serve as a starting point for addressing the root causes of Mexico's cartel problem and homicide rate through bilateral partnership.

On the northern side of the border, unilateral US policy can also have a major impact on cartel violence in Mexico. As discussed previously, firearms trafficking from the United States to Mexico fosters an environment of increasing violence, and encourages the same police tactics that Gingerich warns will lead to a reduction of public trust in security forces and erode the perception of the rule of law. Max Menn, Associate Expert in Crime Prevention and Criminal Justice at the United Nations Office on Drugs and Crime (UNODC) notes that US domestic gun regulations play an outsized role in arming cartels south of the border. His office asserts that policy changes in the United States such as implementing a national firearms registry could help prevent arms from being sold across the border to cartel members (Menn, 2020). He acknowledges the political difficulties that

policy like this could encounter in the United States, but maintains stricter gun laws could help reduce the excessive levels of violence in Mexico.

A potential US domestic policy option receiving considerable attention is the idea of decriminalizing or legalizing recreational marijuana use. Indeed, former Mexican President Vicente Fox (in office from 2000-2006) argued in 2019 that legalizing the recreational and medicinal use of cannabis could be an effective way to eradicate the black market dominated by cartels (Smith, 2019). A 2010 RAND study estimated that legalization of marijuana across the United States could result in a 20% or greater loss of cartel drug export revenues, but the authors were uncertain about the impact of this revenue loss on cartel violence. Their best estimate was that a decline in revenues might actually lead to greater violence in the short run and later a decline after a number of years (Kilmer et al., 2010). Even more than ten years ago, researchers were uncertain about the impact of legalization on violence in Mexico. More recently, Ryan Berg of the American Enterprise Institute (AEI) argues that marijuana legalization at all levels in the supply chain will have a negligible impact on violence and cartel activity (Berg, 2021b). As cartels are engaging in new revenue streams such as extortion and focusing on more dangerous drugs like heroin, it seems unlikely that more lenient laws on marijuana in the United States will reduce the murder rate in Mexico. Policymakers must be mindful that cartels have diversified their revenue generating activity away from just drug trafficking alone.

Policy Alternatives

In order to mitigate the rapid increase in the number of asylum seekers from Mexico at the United State border, the following policy alternatives seek to address the structural issues that allow for the proliferation of cartel violence, acknowledging the existing evidence on the issue:

1. Status quo

This policy option assumes that Mexican President AMLO fulfils his stated desire to end the Mérida Initiative after 2021. In this scenario, the United States DEA would continue counter-narcotics efforts in Mexico as law enforcement attachés, coordinating with Mexican police and security forces when invited. The United States would still enforce its southern border through agencies within the Department of Homeland Security (DHS) including Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the US Coast Guard. The US Department of Defense would return to its pre-2008 responsibilities in Mexico, which would mean only limited and case by case joint military operations. The US training of Mexican security officials would mostly cease, and intelligence related cooperation between the two countries would likely only result from Mexican authorities requiring DEA agents stationed in Mexico to share intelligence.

2. Strengthen firearms regulations in the United States

This option seeks to stop the flow of firearms across the southern border into Mexico to be used by cartels for criminal activity and violence. Specifically, this entails 1) the creation of a national firearms registry in the United States, and 2) the requirement of universal background checks on all firearms purchases including purchases from private sellers (closing the 'gun show loophole'). The firearms registry would take its data from new entries into the existing National Instant Criminal Background Check System (NICS), run by the FBI. The registry would be implemented based on a new system developed by computer scientists at Brown University, which uses advanced encryption to protect the privacy of gun owners unless suspicious activity is detected. The database would have the make, model, and serial number of all firearms in each US county, along with a registration number identifying gun owners (Stacey, 2021). This will aid law enforcement in preventing the

massive number of legally purchased guns from being trafficked south by allowing them to see if the same individual is making a suspicious number of repeat purchases, which could indicate potential trafficking, especially if they are located in a border state.

Both the creation of a national firearms registry and the requirement for universal background checks require amending Title 28 Part 25.1 of the Code of Federal Regulations, which created the NICS as stipulated in the 1993 Brady Act. Under this regulation, official firearms sellers must obtain a background check through NICS before selling a gun to a customer. However, the law does not regulate private gun transactions meaning that sales between individuals on the secondary market do not require a background check. This policy would require that private transactions are also subject to NICS background checks prior to the sale. In addition, the existing regulation prohibits any system of registration for firearms by NICS. This policy, in contrast, calls for all guns to be registered at the time of sale, meaning that as NICS conducts background checks, they would retain records of the ownership of the firearm. These new regulations would be enforced by both the FBI, which already oversees NICS, and The Bureau of Alcohol, Tobacco, and Firearms (ATF), which specifically enforces firearms misuse and trafficking. Reforming US firearms regulations would make it more difficult for Mexican cartels to use US buyers to arms themselves through 'ant trafficking.'

3. Increase USAID funding to expand PROJUST and TRRP

This policy option suggests increasing funding for assistance projects in Mexico through USAID. Specifically, this option extends the Promoting Justice (PROJUST) project and the Transparency Rapid Response Project (TRRP) to continue operations in states where they already have a footprint, and expands both programs into other high violence states. As discussed in the existing evidence section earlier, both of these programs set to expire within the next two years have produced encouraging results in their limited scope thus far.

PROJUST currently operates in four states: Coahuila, San Luis Potosí, Tabasco, and Zacatecas, and has been mostly successful in addressing institutional justice issues such as pretrial confinement rates, prosecution rates, and plea agreements. The program's bottom up approach should be expanded to states where levels of violence are particularly high, measured by an MPI score of greater than 3.0. These states include Baja California, Colima, Quintana Roo, Chihuahua, Guanajuato, Guerrero, Morelos, Sonora, Jalisco, and Mexico state. In particular, the success of the PROJUST justice assistance program should be emphasized in the expansion to these ten new states. The Development Consulting Firm MSI, which has run the program for its entirety thus far, should be awarded the contract to continue PROJUST in states where it has already been implemented and expand the program to the other states identified, for a total of 14 states. Working closely with MSI under PROJUST, the Transparency Rapid Response Project, run by Checci & Company Consulting, has conducted 100 Day Challenges in nine states since 2017. The program has a proven track record of success in helping local justice departments reform towards more effective and better institutionalized systems. Under this expansion policy, USAID would provide funding for Checchi & Company to expand TRRP into the same fourteen states where PROJUST will be operational. This will include an additional 100 Day Challenge in states such as Baja California, Sonora, and Chihuahua, where TRRP has previously conducted its program.

This policy option represents a significant increase in the scale of USAID's PROJUST initiative in Mexico, and would require new authorization and appropriation from Congress. Specifically, MSI's responsibilities would increase by around 250%, ramping up from 4 states to 14. TRRP will similarly increase from 9 states to 14. With additional personnel, equipment, and resources required to begin operations in new states, this would likely increase the cost of PROJUST by at least three times, from a baseline of $6.2 million USD in 2019 to $18.6 million in the first year of the scaled up program. While this seems quite expensive, USAID's previous responsibilities in Mexico

including the Mérida Initiative totaled over $444 million in 2019, so this policy option could be paid in full by the automatic reduction of military assistance to Mexico after the Mérida Initiative ends. Still, this policy option requires new legislation as well as congressional appropriation to USAID to fund it.

4. Increase accountability and incentivize good policing through material assistance

While the Mérida Initiative attempted to professionalize the Mexican police system and root out corruption through increased training, there was little incentive for police officers and precincts to actually change their behavior. State officers remain severely underpaid, and most are required to purchase their own equipment such as boots and uniforms. This makes them susceptible to bribery to supplement their low income. Under a renegotiated partnership as this alternative suggests, the United States could implement a carrot and stick approach, providing low-tech equipment such as bulletproof vests, boots, and helmets to police precincts free of corruption respectful of human rights. This policy would be implemented at the state precinct level, in Mexican states where cartel violence is highest. Using the Mexico Peace Index discussed earlier, this should be implemented in States with an MPI score over 3.0, which were the 12 most violent states in 2020 (not including Mexico City due to logistical and political challenges). In an effort to incentivize better policing in those states, precincts receiving US granted equipment would be subject to an annual DEA review of their officers' conduct, to include performance evaluation, an assessment of bribe-taking, and a review of incidences of extrajudicial violence. This review would be submitted to federal Mexican officials in Mexico City, in an effort to encourage and support President AMLO's ongoing anti-corruption agenda while using US aid to encourage better police conduct. This policy disincentivizes officers from taking bribes by effectively reducing their financial burden.

Congress already authorizes security assistance to Mexico, but specific appropriation would be required for this new program. Financially, providing boots and uniforms to thousands of police officers in Mexico would be an expensive endeavor, and accountability measures would also require additional funding. Logistically, distributing equipment and gear to Mexican state police precincts would be controlled by a centralized system, where state precincts would receive their equipment from the Mexican federal government and the US would refund the Mexican government for the expenditure. Thus, the major changes to the existing framework would involve the DEA's (and FBI attachés') additional responsibility of reviewing state police conduct and additional funding to buy boots and uniforms for state police officers.

Criteria

The following criteria can be used to evaluate the previously outlined policy alternatives:

1. Effectiveness

This criterion measures how well a policy option can solve the problem in absolute terms. Specific to this issue, it measures how successful the alternative is at reducing the number of asylum seekers coming to the US from Mexico, using data from the DHS annual report on asylum in the United States. The criterion is defined as the projected number of asylees prevented for each alternative as compared to the baseline status quo option. For instance, a policy that helps reduce violence in Mexico and thus leads to a 25% reduction in the number of asylum at the US border over ten years would be considered more effective than an alternative policy that would only reduce the number of asylum seekers by 15% over ten years.

2. Cost-effectiveness

A second critical consideration for evaluating policy success combines effectiveness with total cost to provide a metric of efficiency for the alternative. This includes the total cost of the actual policy implementation, as well as various other costs associated with related agencies and programs for the next ten years. This criterion requires the consideration of indirect costs as well, in order to gain a more accurate understanding of the total cost the policy will impose on the American taxpayer. Since the costs will be aggregated over the next ten years, this needs to be discounted at the rate set by the Office of Management and Budget (3% for this report), in order to express the cost in present value. Costs can be measured using estimates from the Congressional Budget Office (CBO), which publishes research on proposed new legislation and archives estimates for existing policies. It can also be projected using research and data on similar existing and proposed policies. This criterion uses the asylum data from DHS and the cost estimates outlined above in order to calculate the cost associated with a per-unit reduction for each policy alternative. In practice, cost-effectiveness provides the cost of preventing each would-be asylee from Mexico.

3. Political Feasibility

Still important though less vital than the previous criteria, Political feasibility can be evaluated qualitatively by examining the stated policy positions of important political figures and party platforms. In the United States, this includes President Biden's stated positions, as well as the positions of other powerful Democrats such as Nancy Pelosi, the Speaker of the House of Representatives, and Chuck Schumer, the Senate Majority Leader since each stakeholder has large influence in the majority party. An analysis of political feasibility must also include leaders from the Republican party such as Senate Minority Leader Mitch McConnell and House Minority Leader Kevin McCarthy who also have large influence over policy as the highest ranking Republicans in a narrow Congressional minority. In Mexico, political feasibility can be analyzed in the same way, using President AMLO's stated policy positions. As the most powerful politician in Mexico, and leader of the majority party, the National Regeneration Movement, President AMLO acts as a veto player in any cooperation between the United States and Mexico.

4. Administrative Feasibility

Administratively, feasibility can also be assessed qualitatively, using the success or failure of past initiatives, current policies, and overall organizational culture as data. If an agency or department has been slow to respond to policy changes in the past, or if its organizational culture is not one that responds well to change, this could hinder administrative feasibility. For example, President Biden has found his changes in US immigration policy difficult to implement administratively, as both ICE and CBP resist the policy shift since it represents a change in the agencies' culture. This and other historical data across US agencies will be used to evaluate administrative feasibility. The criterion should be weighed equally with political feasibility.

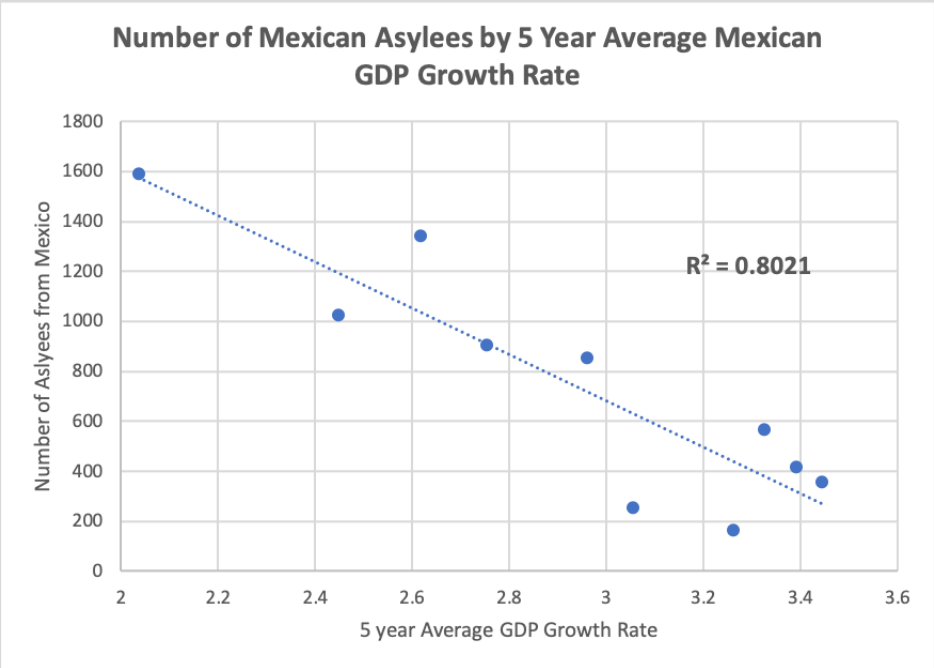
5. Cross Border Equity

The final criterion considers the impact of US policy on the Mexican people. While the overall outcome of interest in evaluating policy success is reducing the number of asylum seekers from Mexico, this should by no means come at the expense of those in Mexico. After all, US asylum is meant to provide a safe haven for those fleeing persecution and violence. Thus, US policy should ensure that it does not exacerbate the already difficult situation in Mexico, as the previously discussed decapitation strategy did. This criterion must be measured over time using a variety of measures produced by independent non-governmental organizations (NGOs) specifically focused on violence in Mexico. Most notably, this would include the Mexico Peace Index, cited previously in

this report, since it contains comparable state-level violence statistics in Mexico and is published every year. If a policy alternative worsens the situation in Mexico over time, it would have low cross border equity, even if the overall number of asylum seekers from Mexico were to decrease.

Alternatives Evaluation

In order to evaluate the listed policy alternatives, it is necessary to project outcomes based on an established indicating metric. The outcome of interest is the number of asylum seekers from Mexico, but high quality data from the Department of Homeland Security shows the number of individuals from Mexico who were granted asylum in the United States by year. This is still an adequate outcome, however, because the rate at which these migrants from Mexico are granted asylum in the United States is mostly constant over time, at about 3-5% (Baugh, 2019). This means that the number of asylees reliably moves in tandem with the number of asylum seekers, allowing for the projection of outcomes based on this measure. Additionally, the number of asylum seekers from Mexico is highly inversely correlated with Mexico's five year average GDP growth rate. This means that as Mexico's GDP growth rate increases, the number of asylum seekers from Mexico decreases[1]:



The graph above uses data from the last ten years and shows a very strong relationship between GDP growth and the number of asylum seekers from Mexico, with an R^2 showing that over 80% of the variance in asylum seekers follows the variance in 5 year average GDP growth. Thus, for a given level of GDP growth, we are able to roughly estimate the number of asylum seekers from Mexico. In addition, the metric of GDP growth relates to this issue because, as explained in the "Costs to Society" section, rampant cartel violence and illegal activity which is a major driver causing people to seek asylum, also created a deadweight loss that totaled 21% of Mexico's GDP in 2019. This means that GDP growth is partly affected by cartel activity, which contributes to people seeking asylum.

[1] It is important to note that this does **not** mean that there is a causal relationship between GDP growth and the number of asylum seekers. There are likely many factors that go into the number of asylum seekers from Mexico, and the 5 year average GDP growth rate is a trend indicator for this outcome.

This all makes the relationship between 5 year average GDP growth and the number of asylum seekers a good way to project outcomes of policy effectiveness.

1. Status Quo

Considering the strong inverse relationship between five year GDP growth rates in Mexico and the number of asylum seekers, we can project the future outcome based on projected GDP growth rates in the status quo condition. With a freeze on all new US policy relating to counter-narcotics operations, cooperation with Mexican security forces, and governance building to address the structural causes of asylum seeking from Mexico, projections are based on current projected GDP growth over the next ten years. The Organization for Economic Cooperation and Development (OECD) projects that over the next ten years, Mexico's GDP will grow by an annual average of 2.72%. Using this high quality estimate and the established relationship between GDP growth and number of asylum seekers, we would expect that the annual number of individuals from Mexico granted asylum in the United States would be just under 1,000 over the next ten years. This is a baseline projection, meaning that projections for other policy alternatives will be in comparison to the status quo. Other policy alternatives will also be evaluated based on cost compared to the status quo costs as well. The status quo projection assumes that the level of economic loss generated by cartel violence will remain constant, as it has over the last five years, at around 20% of Mexico's GDP. This means that as Mexico's economy grows, so does the level of deadweight loss generated by violence.

Even the status quo option, which includes Mexico opting out of the security assistance provided through the Mérida Initiative, still incurs massive costs on the US federal government. With the roughly $79,600 spent per asylee over the first five years in the country, the United States is estimated to spend $79.6 million annually on asylees based on this projection. Over ten years, with a discount rate of 3%, this will cost a present value of approximately $592,298,756.[2] Since this is a baseline policy option, all other alternatives will be measured against it, and no asylees are considered to be prevented by the status quo.

Both political and administrative feasibility are high for the status quo option, because it does not require any new or additional political or administrative work. Inertia keeps these criteria high. For the criterion of cross-border equity however, the status quo scores very low because it allows the situation in Mexico to continue its worrisome trend, as cartel violence remains an increasing phenomenon in the country.

2. Strengthen firearms regulations in the United States

Strengthening US firearms regulations in order to stop the current flow of over 250,000 weapons from the US into Mexico to be used by violent criminals would likely have a modest impact on the number of individuals seeking asylum at the US border. Criminal organizations are more likely to commit violent acts when they can easily arm themselves, and in Mexico the cartels obtain their weapons from the United States. American guns are used in about 70% of Mexican homicides, and while cutting the flow of firearms south of the border will eventually lead to long term declines in inter-cartel violence, a significant decline is not likely to occur within the next ten years because of the high number of existing weapons already in the country. Thus, the best case scenario after enacting this policy would be a 5% reduction in the number of asylum seekers from Mexico after ten years, or about 50 people annually. This is an optimistic estimate based on the long

[2] This is in addition to the roughly $4.5 billion spent on border security each year, though border security would need funding regardless of the current migration problems and is thus not included for this cost estimate.

term time horizon of this policy, and more dramatic decreases would likely occur as the smaller total number of firearms decreases the levels of violence in Mexico over time.

The costs of a national firearms registry for new firearms purchases, universal background checks, and a limit on purchases of semi-automatic weapons are significant. Though the Canadian computerized firearms registry implemented in the early 2000s famously cost more than $750 million, new approaches, such as the Brown University strategy outlined in the 'Alternatives' section can be implemented at scale for a much smaller price tag ("The gun registry"). Technology has improved significantly since Canada's attempt at a registry, and Brown University estimates that its program could be implemented at a cost of around $1000 per year for each county (Stacey, 2021). With the 3,006 counties in the United States, this would require the federal government to pay $3,006,000 a year for the encrypted registry nationwide. Implementing universal background checks also incurs additional costs to the government. More than 27 million background checks were conducted in the United States in 2019 according to NICS data, but the gun safety advocacy group Everytown found that over 20% of gun owners did not obtain a background check prior to their purchase ("FY 2021") ("22 percent"). In 2019, NICS had a staff of 679 workers and a budget of $110.5 million, so in order to close loopholes and conduct 20% more background checks, it will need approximately a 20% budget increase of $22.1 million annually. This brings the cost of this alternative to $25,106,000 annually. Using a discount rate of 3%, this will cost a present value of $186,812,218, in addition to the baseline cost of asylees outlined earlier. With an average annual decrease of 50 asylees over ten years (about 500 fewer asylees total), the cost effectiveness of this alternative low, with a cost of $373,624 per asylee prevented.

For the qualitative criterion of political feasibility, this policy alternative receives a moderate rating. Politically, with Democratic control of the White House and both houses of Congress, the Overton window for stricter gun regulations may be wider than it has been in recent years. Still, Republican opposition as well as a filibuster-able minority in the Senate prevents the political feasibility rating from being "high."

In terms of administrative feasibility, this alternative also receives a moderate rating. The Brown University system shows that the technology exists to efficiently implement a firearms registry at scale, and the current NICS system is already in place to handle background checks. Still, the elimination of current background check loopholes would be unlikely to be universally accepted, and enforcement may be a challenge.

Finally, the significant reduction in firearms trafficking from the US into Mexico is sure to eventually have a positive impact on reducing cartel violence, but this is a very long term expectation, so Cross-border equity is also ranked as "moderate."

3. Increase USAID funding to expand PROJUST and TRRP

As discussed in the "Existing Evidence" section, PROJUST has been a successful program to reduce the levels of violence in the limited number of states where it has been implemented, and TRRP uses a similar strategy of building community stakeholder buy-in to affect change. Thus, expanding these programs will have a positive impact on the problem of too many asylum seekers at the US border. The 14 states suggested for PROJUST and TRRP accounted for 58% of violence in Mexico in 2020, which was equivalent to an economic loss of over $138 billion USD. If PROJUST and TRRP can prevent 25% of violence over ten years, as it has shown to do in its limited five year rollout, this would result in a gain of $34.5 billion to the Mexican economy, boosting GDP by 2.3% of its 2020 value. Over 10 years, this would result in an average annual growth boost of 0.23 percentage points, bringing the average up from the baseline OECD projection of 2.7% annual growth to 2.93%. Using the established relationship between average GDP growth and the number

of asylum seekers, this would result in an average of about 700 individuals from Mexico granted asylum in the United States, a 30% decrease from baseline.

USAID data show that these initiatives cost $6.2 million in FY2019, distributed to consulting firms MSI and Checci & Company Consulting for program operations. Since this policy alternative suggests a major scaling up of PROJUST and TRRP, this will require additional working space, trained personnel, equipment, transportation, and other resources which USAID has contracted with the private firms to procure. These larger programs will be approximately three times the size of the current footprint, and will require about three times the cost. This brings the average annual expense of this policy alternative to $18.6 million. With a discount rate of 3%, the total cost over the ten year lifetime of this initiative will be $138,401,468 in present value, in addition to the baseline. Including an average annual prevention of 300 asylees, or 3000 over the course of the program, the cost per asylee prevented is calculated to be $46,133.

This policy option receives a moderate rating for political feasibility because while foreign aid is generally accepted to be helpful among policy professionals and Democratic politicians in power, many in the American public already believe the government spends too much on USAID projects abroad. In Mexico, this increased assistance is unlikely to meet significant political resistance since it aligns with President AMLO's anti-corruption agenda.

Administratively, this alternative is rated as having "low" feasibility because although the firms MSI and Checci & Company Consulting already have footprints in Mexico, this policy would dramatically increase the scope of their operations, and it may be difficult to recruit qualified employees and train them quickly in order to make an immediate impact.

This alternative receives a "high" ranking on cross-border equity because it seeks to build better governance capabilities and improve local government performance in combating corruption and organized crime.

4. Increase accountability and incentivize good policing

Cleaning up Mexico's state-level police forces by incentivizing better police conduct through a renegotiated security partnership would help address the high levels of violence that cause people to seek asylum in the United States. This policy alternative seeks to increase state police compensation in Mexico by providing equipment to officers who would otherwise be required to purchase that gear themselves. This effectively increases the take home pay of these police officers. In addition, the literature shows that communities are more likely to trust police institutions when they respect human rights and refrain from extrajudicial violence. To that end, the accountability aspect of this alternative seeks to increase community trust in police departments, which would afford police the ability to investigate and disrupt cartels. Since we know that corruption accounts for up to a loss of 10% of Mexico's GDP, and state level police forces account for about 30% of the corruption in Mexico, eliminating the incentive to take bribes could increase Mexico's GDP by 3%. Of course, no policy is ever perfectly effective, so the actual GDP increase due to this policy would likely be closer to 1%, when taking into account potential take-up problems. Still, without the need to remain on the cartels' payrolls, police departments could be free to disrupt organized criminal activity, and over time decrease the violence that causes people to seek asylum. Taken together, the decrease in police corruption and the increase in police activity disrupting cartels could increase average GDP growth rates in Mexico by up to 0.2% annually, leading to an average of 2.9% GDP growth after 10 years. This is associated with an average of about 750 individuals from Mexico granted asylum in the United States annually, a decrease of 250 from baseline.

In order to provide the 31,416 Mexican state police officers with boots, helmets, and uniforms each year, it will cost approximately $300 per officer, for a price of $9,424,800 annually ("Seguridad"). This cost must be added to administrative and investigative costs that American legal

attachés from the FBI and DEA stationed in Mexico require in order to carry out the accountability measures required for departments to remain in compliance with human rights and anti-corruption requirements for program eligibility. For the 12 states where this program will be implemented, this involves these foreign-based US law enforcement officers to conduct investigations using local sources to gauge corruption perceptions, open source reporting (such as from the Corruption Perceptions Index), and interviews with officers. Assuming that investigation expenses are comparable to those within the US, this could cost up to $200,000 in each state annually. This brings the total cost of this program to about $11,824,800 each year, for a present value of $118,248,000 over the baseline cost. The cost per asylee prevented would thus be approximately $47,299.

This option receives a "low" evaluation on political feasibility. In the United States, this kind of program is unlikely to be politically popular given the public's suspicion of foreign assistance in general. Furthermore, politicians may be unlikely to want to equip potentially corrupt police officers in Mexico, even though the goal of the program is to disincentivize bribery. In Mexico, while this program could further President AMLO's anti-corruption agenda, the accountability measures over its state police would likely meet significant political resistance as well.

Administratively, it could be very difficult for US law enforcement officers to conduct accountability investigations of the very police forces with whom they work to fight cartels. It would not only be an awkward task for cooperating partners to undertake, but corrupt police officers could potentially find creative ways to circumvent these accountability checks since they will be aware they are ongoing.

For the criterion of cross-border equity, this alternative receives a moderate score because it could help clean up corrupt police departments, making them more reliable for the citizens they serve. It does not receive a "high" rating, however, because this policy only attempts to address corruption within police forces, and ignores other corrupt institutions in Mexico.

Outcomes Matrix

Evaluation	Effectiveness	Cost-Effectiveness	Political Feasibility	Administrative Feasibility	Cross-border Equity
Status Quo	0% fewer asylum seekers	No asylees prevented	High	High	Low
Stricter US Gun Regulations	5% fewer asylum seekers	$373,624 per asylee prevented	Moderate	Moderate	Moderate
Expand PROJUST & TRRP	30% fewer asylum seekers	$46,133 per asylee prevented	Moderate	Low	High
Incentivize Good Policing	25% fewer asylum seekers	$47,299 per asylee prevented	Low	Low	Moderate

Recommendation & Implementation

Based on the evaluation of the policy alternatives upon the discussed criteria, **I recommend that the United States choose option 3: Increasing USAID funding to expand PROJUST and TRRP**. Though difficult to implement administratively, this policy performs better than other alternatives on the two most important criteria, effectiveness and cost-effectiveness. Expanding PROJUST and TRRP into the fourteen states I've identified will result in a 30% reduction of asylum seekers from Mexico over the next ten years, and will cost roughly $46,133 per asylee prevented. This may seem like a lofty price tag, but referring back to the "costs to society" section, the United States spends an estimated $79,600 per asylee over just the first five years. This means that the increase in funding to USAID will actually save the government money over the life of the program. In addition to the benefits for the United States, this alternative would increase governance capabilities in Mexico, addressing the structural challenges that cause Mexican citizens to join organized criminal groups or seek asylum in the United States. Expanding PROJUST and TRRP is the best way to combat cartel violence and structural instability in Mexico in order to reduce the number of asylum seekers at the US southern border.

Implementing a dramatic expansion of PROJUST and TRRP will come with significant challenges for development consulting firms MSI and Checci & Company Consulting. The USAID Inspector General noted in her 2018 Top Management Challenges for the agency that "successful foreign assistance programs rely on rigorous planning, design, monitoring, and evaluation. If carried out effectively, planning and design help ensure programs have the resources needed to achieve objectives" (Barr, 2018). Thus, it is necessary to mitigate some of these challenges through effective implementation planning.

The first step in implementing this policy is to negotiate specific operational details with the development firms. This report has estimated and recommended that USAID provide $18.6 million in annual funding to these firms, so both MSI and Checci & Co. would need to submit specific action plans to USAID for review prior to funding disbursement. These proposals would necessarily include information on how the firms plan on recruiting additional staff, where they will operate within each state identified in this report, on what timeline they will have these programs up and running, and how they plan on retaining financial and administrative records for accountability review purposes. This follows the normal contracting process for USAID, though it is streamlined by the fact that these firms already have experience with this program ("Grant and contract"). Since this policy is an expansion of an existing USAID program, this 'negotiating' process can be completed expeditiously.

Above: USAID contracting process, agency can begin at step 6 because MSI and Checci & Co. are already operating programs

After USAID approves this detailed expansion plan from MSI and Checci & Co., the agency will assign a Contracting Officer Representative (COR) to oversee the implementation and liaison between the firms and USAID. The COR becomes the point of contact, and can deliver technical guidance to the firms from USAID. At this point, the policy is operational and the firms can begin their work in the field.

Potential challenges MSI and Checci & Company Consulting might face as they expand could include issues of local stakeholder resistance to aid. If community members in Mexico are hostile to change it would make it very difficult for this policy to produce any positive results, because both PROJUST and TRRP rely on local stakeholder buy-in to succeed. Encouragingly, both MSI and Checci & Co. have reported enthusiastic community support for their programs where they are currently located, so local resistance is an unlikely scenario. More worrisome, however, would be if MSI and/or Checci & Company Consulting refuse to expand their programs to additional Mexican states. In this worst case scenario, USAID would have to return to step four of their contracting process, detailed in the graphic above, and solicit bids from a new contractor, likely one without experience doing this work in Mexico ("Grant and contract"). Though both firms have indicated a willingness to expand their programs in the past, if they were to resist this massive expansion into additional states, the policy would be much less effective at achieving its designed intent.

Although much of the implementation work falls to the two contractors, USAID must play a critical role in oversight to ensure that assistance funding is being used properly. The $138,401,468 in projected funding over the ten year life of this policy is a massive sum, so yearly auditing will be essential for ensuring accountability. Through the COR, USAID can also provide expertise from decades of institutional experience in foreign assistance to help the firms navigate potential challenges they encounter throughout the life of this program. Regular communication between the firms and USAID will help ensure accountability, transparency, and efficiency in making the expansion of PROJUST and TRRP. If implemented correctly, this policy will drastically reduce the number of asylum seekers from Mexico to the US border by improving government function and eliminating the structural factors that have given rise to cartel violence.

Conclusion

This report recommends an expansion of USAID programs in Mexico that seek to improve government performance in the justice sector in order to begin to eliminate the conditions that allow Mexican cartels to thrive. This will help address the current problem of too many migrants from Mexico seeking asylum at the US border. More broadly, the United States should focus its counter-TOC strategy on building governance capacity to eliminate the poorly governed and under-governed spaces that give rise to organized criminal groups. A pivot away from the militarization of the problem and towards a more sustainable and effective strategy will require more prolonged engagement with civil society actors in unstable regions, but these partnerships are essential to building a more secure world, free from organized criminal violence.

Appendix 1: Covid-19 and Transnational Organized Crime

The current coronavirus pandemic has changed the way TCOs operate while further exacerbating the conditions that allow them to thrive. Mexico as well as Central America's Northern Triangle (Honduras, Guatemala, and El Salvador) are examples of this. In March of 2020, the Northern Triangle's respective governments imposed lockdowns in order to curb the spread of Covid-19, which briefly reduced criminal activity in the region. For example, in Honduras the National Anti-Gang Force (FNAMP) estimated that extortion dropped by up to 80% from March to April of last year. In Guatemala and El Salvador, the two main groups, MS-13 and the 18th Street eliminated some protection payments they collected from business vendors and bus drivers ("Virus-proof"). This drop in violence appears to have been very short lived, however, as by late April 2020, Salvadoran gangs were back to regular killings (Sandin, 2020). Competition over territory has quickly returned to pre-pandemic levels, as organizations fight for control over land, commodities, access to illicit markets and trafficking corridors. Observers in Mexico have noted that state forces' preoccupation with the pandemic has allowed cartels to be even more aggressive in their battle for control ("Virus-proof").

Perhaps more surprisingly, these criminal groups have stepped in to provide Covid assistance where governments have clearly failed. In El Salvador, MS-13 affiliates have imposed mandatory curfews to limit disease transmission, and brutally punished those who failed to comply (Sandin, 2020). In Mexico, the Sinaloa Cartel, Cártel Jalisco Nuevo Generación (CJNG), and the Gulf Cartel are each providing COVID-19 humanitarian aid to locals in their territories (Felbab-Brown, 2020). Subject matter expert Vanda Felbab-Brown of *Brookings* points out that this kind of behavior is not unique to the current pandemic. She says that criminal groups often seek to build influence in their home communities in order to gain sympathy and the support of local populations. For example, Pablo Escobar was known to give out food and throw parties for townspeople in Colombia. Mexican cartels have previously institutionalized their footprints in local communities as well by providing services to local populations, and the Gulf Cartel reportedly distributed food to devastated families located in their territory in the wake of Hurricane Ingrid in 2013 (Felbab-Brown, 2020).

Still, the larger implications of Covid-19 present serious challenges to the region in terms of the structural factors that lead to organized crime proliferation. Most notably, the dire economic situation already aggravated by organized crime is projected to worsen due to the pandemic. According to the International Monetary Fund (IMF), Northern Triangle economies will shrink by 9% in El Salvador, 6,5% in Honduras and 2% in Guatemala (Cepeda, 2020). Schools across the region closed for months, and shuttered businesses drastically reduced hiring due to the pandemic. It is thus very clear that Covid-19 will increase economic hardship and poverty in areas where organized crime is already common. This all combines to make the region even more fragile than it was before the pandemic, driving additional individuals to turn to unofficial 'employment' in TCOs out of desperation ("Addressing Covid"). *Thus, in addition to Covid-19's impact in increasing the activity of TCOs in the short term, the pandemic also appears to be perpetuating the conditions that allow for continued TOC operation in the future.*

Appendix 2: The Global Fragility Act

As briefly mentioned earlier in the report, the Global Fragility Act (GFA) seeks to reorient US policy to reduce instability in fragile states, where legitimate governments cannot provide adequate services and cannot ensure security for its citizens. Passed in 2019, the law creates a comprehensive strategy to prevent violent conflict before it occurs, using a targeted multi-agency approach(Welsh, 2019). Countries are selected to receive assistance based on national security interest to the United States, as well as enumerated indicators of fragility outlined in the legislation. The US State Department is the leading agency responsible for drafting strategies to address instability in specific states and coordinating efforts with local governments to improve performance. USAID and the DOD are other primary departments tasked with implementing development/humanitarian initiatives and security support assistance, respectively. The law is funded by three appropriations: the Prevention and Stabilization Fund, the Complex Crisis Fund, and the Multi-Donor Global Fragility Fund, totaling at least $230 million annually over the next five years ("The Global Fragility Act"). The current pandemic is exacerbating global state fragility, making the GFA even more critically important. While it remains to be seen how effective the GFA will be in its implementation, the strategy is an encouraging step toward orienting US policy toward prevention, rather than reaction toward situations which induce TCO violence.

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