

Necropolitics and *crimmigration* in Baja California, México

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Received: May 28th, 2024

Accepted: September 27th, 2024

DOI: <https://doi.org/10.22201/ijj.24485306e.2025.2.19823>

Abstract: This article aims to examine two interrelated concepts present in Baja California: necropolitics and crimmigration. The research employs a qualitative methodology, which, while not comprehensive, encompasses several case studies of violence perpetrated against migrants in Baja California from 2021 to 2024. The investigation is substantiated by evidence disseminated in reputable local media, in-

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cluding The San Diego Union-Tribune, Zeta, Proceso, and La Jornada. The question guiding the research is: is crimmigration encompassed within the framework of necropolitics, or are they two different phenomena? The results of the research show that although they are very similar phenomena, they in fact complement each other within necropower frameworks. Final considerations include the necessity for the state to develop an inclusion policy aimed at migrants; the establishment of new lines of quantitative research; and the comprehension of the political and legal organization of migrants in Baja California from a cultural and social perspective.

Keywords: migrants; crimmigration; necropower; Tijuana; Baja California.

Resumen: Este artículo pretende examinar dos conceptos interrelacionados presentes en Baja California: la necropolítica y la crimigración. La investigación emplea una metodología cualitativa, que, si bien no es exhaustiva, abarca varios estudios de caso de violencia perpetrada contra migrantes en Baja California de 2021 a 2024. La investigación se sustenta en pruebas difundidas en medios locales de renombre, como The San Diego Union-Tribune, Zeta, Proceso y La Jornada. La pregunta que guía la investigación es: ¿la crimigración puede ser entendida en el marco de la necropolítica, o son dos fenómenos diferentes? Los resultados de la investigación muestran que, aunque son fenómenos muy similares, en realidad se complementan en los marcos del necropoder. Las consideraciones finales incluyen la necesidad de que el Estado desarrolle una política de inclusión dirigida a los migrantes; el establecimiento de nuevas líneas de investigación cuantitativa; y la comprensión de la organización política y jurídica de los migrantes en Baja California desde una perspectiva cultural y social.

Palabras clave: migrantes; crimigración; necropoder; Tijuana; Baja California.

Summary: I. *Introduction.* II. *Tijuana, city of fury.* III. *Characterizing necropolitics and crimmigration.* IV. *Methodology.* V. *Migrant deaths in Baja California territory.* VI. *To What extent does necropolitics encompass crimmigration in Baja California?* VII. *Conclusions.* VIII. *References.*

I. Introduction

Necropolitics cannot be understood without its counterpart, biopolitics.⁴ Biopower, on the one hand, manages human life and, on the other, exercises sovereign power to destroy “sacrificial” bodies, which “do not deserve to live”.⁵ In both cases, the state legitimately holds the capacity, the technology, and the power devices to reset or reorder—as many times as necessary—the status quo.⁶ Necropolitics is, then, a state policy deployed—sometimes in an unveiled man-

⁴ MICHEL FOUCAULT, EL PODER, UNA BESTIA MAGNÍFICA. SOBRE EL PODER, LA PRISIÓN Y LA VIDA (Siglo XXI Editores, 2012); Ariadna Estévez, *Biopolítica y necropolítica: ¿constitutivos u opuestos?*, *Spiral*, 25 (2018) <https://www.espiral.cucsh.udg.mx/index.php/EEES/article/view/7017>

⁵ GIORGIO AGAMBEN, HOMO SACER. EL PODER SOBERANO Y LA NUDA VIDA (Pre-Textos, 2010).

⁶ Ibidem.

ner and, at other times, not so much, as happened during totalitarian regimes—to selectively designate “who can live and who must die”.⁷

The epistemic principle associated with necropolitics pertains to the insidious mechanisms of control whereby sovereign power, through the enactment of a state of exception, exploits, neglects, criminalizes, and orchestrates the demise of populations deemed worthy of such treatment.⁸ Nevertheless, the category remains incomplete, and as will be demonstrated below, experts have introduced new distinguishing characteristics that enhance the examination of necropolitics in Mexico and globally.

The purpose of this article is to reflect on two concepts that are not mutually exclusive, and are present in Baja California: necropolitics and crimmigration. We selected cases from various media sources, such as The San Diego Union-Tribune, Zeta, Proceso, and La Jornada, to illustrate how these categories materialized in reality. These cases focused on acts of violence against migrants in Tijuana between 2021 and 2024. The question guiding the research is: is crimmigration understood within the framework of necropolitics, or are they two different phenomena? The research’s hypothesis is that, despite their similarities, they are two different phenomena that are explained within the context of necropower.

The article is divided into seven sections. After the introduction, the second section entitled “Tijuana, city of fury” describes the context of violence present in the border city, where the concepts of gore capitalism and juvenicide were developed. Subsequently, the third section entitled “Characterizing necropolitics and crimmigration” addresses the theoretical framework and the categories that integrate “necropolitics” as a working concept. The fourth section develops the research methodology. The fifth, “Migrant deaths in Baja California territory,” problematizes the case studies. The sixth section delves into the extent to which necropolitics embraces crimmigration in Baja California, and, finally, the seventh section addresses the final considerations.

II. Tijuana, city of fury

Tijuana is located in northwestern Mexico. It is the most populated municipality in the state of Baja California,⁹ and the border city with the highest number of daily crossings along the entire northern border of Mexico.¹⁰ It is

⁷ ACHILLE MBEMBE, *NECROPOLÍTICA* (Melusina, 2006); HANNAH ARENDT, *LOS ORÍGENES DEL TOTALITARISMO* (Taurus, 1998).

⁸ GIORGIO AGAMBEN, *HOMO SACER. EL PODER SOBERANO Y LA NUDA VIDA* (Pre-Textos, 2010); ACHILLE MBEMBE, *SOBRE EL GOBIERNO PRIVADO INDIRECTO* (Melusina, 2011).

⁹ INEGI, *Información Baja California, territorio*, (2024), https://cuentame.inegi.org.mx/monografias/informacion/bc/territorio/div_municipal.aspx?tema=me&e=02

¹⁰ Zulia Orozco, “Autos chocolate” en la escena del crimen: El caso de Baja California (2010-2022), *REVISTA ESTUDIOS FRONTERIZOS* (2024) <https://doi.org/10.21670/ref.2415151>

impossible to understand this border-industrial city without considering San Diego, a neighboring county in southern California (United States). In that sense, for some, the proximity and daily interconnectivity between Tijuana and San Diego form a “third country”,¹¹ while for others, it is the “gateway to Latin America”.¹²

Tijuana has consistently been the most affected city in Baja California due to fatal violence stemming from territorial conflicts among organized crime factions. The criminal organizations are well known: the self-called “Sinaloa Cartel”, the “Tijuana Cartel”, and the “Jalisco New Generation Cartel”. They are all equally violent, dehumanized, and highly specialized within a transnational scope. Such criminal organizations traffic, among many others, illegal substances, firearms, and humans. Precisely in Tijuana, two concepts emerge that explain the cut across sociocultural and economic dynamics: juvenicide and gore capitalism. The first concept refers to the rampant murders of young men, whether it is by the state or organized crime, while the second one refers to the sadistic and bloody culture of torturously killing victims—while bragging about it—and endlessly reproducing the spiral of violence embedded in the depredation and extraction of human bodies.¹³

The state of Baja California registered 9,805 intentional homicide victims related to criminal disputes between January 2021 and August 2024, with 7,154 (72.96%) occurring in Tijuana.¹⁴ During 2023, Tijuana’s homicide rate was 106 victims per 100 thousand inhabitants; indeed, a very high number considering the worldwide average rate of 6 per 100 thousand residents.¹⁵ Even though organized crime extends to the rest of the state of Baja California, Tijuana—the municipality—has been chronically affected by these violent actors. To be more specific, since the 1990s, when Mexico joined the globalization movement by signing an international commercial treaty and thus engaging in neoliberal policies.¹⁶

Migrants are one group among many that are impacted by crime. Some support for “coyotes”, that is, smugglers that know crossing border routes into the United States, in exchange for the payment. “Coyotes” exploit their victims, taking advantage of their ignorance and high vulnerability to put their lives at risk, without accepting responsibility for their actions. Indeed, migrants make a

¹¹ MICHAEL MALONE, *EL TERCER PAÍS: SAN DIEGO & TIJUANA* (Silicon Valley Press, 2020).

¹² Selene Rivera, *Cinco razones para visitar Tijuana: La entrada a Latinoamérica*, LOS ANGELES TIMES, (March 8, 2018), <https://www.latimes.com/espanol/california/articulo/2018-03-08/hoyla-loc-5-razones-para-visitar-tijuana-la-entrada-a-latinoamerica-20180222>

¹³ For more information, see the work of José Manuel Valenzuela Arce & Sayak Valencia.

¹⁴ Secretaría de Seguridad Ciudadana de Baja California, *Estadística estatal y municipal*, (2024), <https://www.seguridadbc.gob.mx/contenidos/estadisticas2.php>

¹⁵ The World Bank Group’s report on intentional homicides (per 100,000 people) for the year 2024 can be accessed at <https://data.worldbank.org/indicator/VC.IHR.PSRC.P5>

¹⁶ Zulia Orozco, *Money laundering in Tijuana, Mexico (2000-2020)*, REVISTA DE DIREITO DA CIDADE (2022) <https://doi.org/10.12957/rdc.2022.64750>

blind deal without any legal commitments by the human traffickers. Even more importantly, some “coyotes” might be colluded with organized crime, incurring several felonies on both sides of the border since foreigners are reified as a lucrative profit-making commodity.¹⁷

INEGI reports no substantial records of foreign migrant fatalities on Mexican territory. The year with the fewest recorded deaths of this sector was 1993, totaling 66 fatalities. In 2021, the year with the highest incidence, there were 479 fatalities.¹⁸ Regrettably, comprehensive information at the state or municipal levels is not available. Likewise, between 2021 and 2024, Tijuana recorded the disappearance of three migrants: one Venezuelan, one American, and the last of nationality unknown,¹⁹ while Baja California registered a total of five migrant disappearances. In other words, Tijuana officially accounts for 60% of the state’s migrant disappearances. However, as we will subsequently examine, there is a discrepancy between official data and local journal publications. Numerous migrants have died as a result of political and criminal violence in an environment of institutional neglect, with their deaths not even officially documented. This situation raises the question: should we view crimmigration within the context of necropolitics, or are they two distinct phenomena? Next, we develop the conceptual framework in relation to necropolitics and crimmigration.

III. Characterizing necropolitics and crimmigration

The epistemic principle underlying the concept of necropolitics centers on those perverse instruments of domination in which the sovereign power, by enacting the state of exception, abuses, disregards, criminalizes, and artfully murders the population it deems worthy of praise.²⁰ However, specialists worldwide have added new distinctive features to the category, strengthening the studies of necropolitics in Mexico and around the world. We will discuss the components of the two transversal categories: necropolitics and crimmigration.

1. Defining necropolitics

Necropolitics cannot be comprehended without its counterpart, biopolitics.²¹ As discussed above, biopower is the ability to control human life while also ex-

¹⁷ Manuel Hernández & Eduardo Torre, *Uso de coyotes en la migración mexicana a Estados Unidos: una mirada a las regiones de cruce*, *Revista Papeles de población* (2024) <https://doi.org/10.22185/24487147.2023.118.30>

¹⁸ See INEGI, *Mortality: Homicide deaths*, (2024), https://www.inegi.org.mx/sistemas/olap/consulta/general_ver4/MDXQueryDatos.asp?#Regreso&c=

¹⁹ Comisión Nacional de Búsqueda Estadística del RNPdNO por filtros, (2024), <https://versionpublicarnpdpno.segob.gob.mx/Dashboard/Sociodemografico>

²⁰ Ibidem; ACHILLE MBEMBE, *SOBRE EL GOBIERNO PRIVADO INDIRECTO* (Melusina, 2011).

²¹ Ariadna Estévez, *Biopolítica y necropolítica: ¿constitutivos u opuestos?*, *SPIRAL*, 25 (2018) <https://www.espiral.cucsh.udg.mx/index.php/EEES/article/view/7017>

exercising sovereign power to eliminate “sacrificial” bodies that “do not deserve to live” either directly or indirectly.²² In both scenarios, the state lawfully possesses the means, the technology, and the devices of power to reset or reorganize the social order as many times as required.²³ Governments employ necropolitics, sometimes overt and sometimes covert, as seen in totalitarian regimes, to selectively determine “who may live and who must perish”.²⁴

Universal history shows that, from the necropower²⁵ or necropolitical governmentalization of the state,²⁶ the sovereign power legitimizes the perverse devices of control and dominance, which sustains the deadly selection in its territory and even abroad. In fact, legal norms serve as a significant tool of power, enabling both covert and overt legal actions related to subjugation, dominance, segregation, exclusion, and extermination of the populace. According to Estévez:

A particularity of necropower is that it creates and recreates the violence of neocolonial spatiality, drawing lines of social injustice marked by race, ethnicity, class, gender, age, and sexual orientation. The role of law in creating neocolonial spatiality is fundamental, as it not only legitimizes violence, but is the nomosphere that helps create its geographical, meaningful, and subjective contours [Author’s translation].²⁷

Afterwards, we read:

Thus, the necropower of the empire legislates and interprets through the rule of law and policies that lead people into deadly scenarios, such as laws that facilitate individual and mass expulsions, border closures and militarization, child vulnerability due to family separation, exposure to disease and violence, ghettoization, and mass incarceration [Author’s translation].²⁸

²² GIORGIO AGAMBEN, *HOMO SACER. EL PODER SOBERANO Y LA NUDA VIDA* (Pre-Textos., 2010).

²³ Idem.

²⁴ Ibidem at p. 19

²⁵ “Necropower is the postcolonial interpretation of Michel Foucault’s biopolitics, coined by the Cameroonian philosopher Achille Mbembe, and refers to the sovereign power to administer death. However, necropower also exists in the countries of the first world. (Ariadna Estévez, *El necropoder del imperio de la ley: la gestión de la muerte en el primer mundo norteamericano*, ACTA SOCIOLÓGICA 88-89 (2022) <https://revistas.unam.mx/index.php/ras/article/view/84866>, 27 [Author’s translation]).

²⁶ “A type of state that has merged with criminal organizations and uses devices and knowledge to administer death and the situations it generates: massive numbers of victims, suffering, management of corpses, and forced displacement. However, in times of neoliberal capitalism, necropower also belongs to the ‘civilized’ first world” (Idem [author’s translation]).

²⁷ Ibidem, p. 40.

²⁸ Ibidem, p. 42.

Necropolitics, in an unveiled and/or open way, is governmentalized geographically through the legal norm. Because “danger is eliminated” through the application of law.²⁹ In other words, the law serves to instrumentalize inclusion or exclusion, whether it be for the sake of life or death. The enforcement of the legal norm can result in the legitimate criminalization and revictimization of youth, migrants, indigenous individuals, African Americans, Muslims, the homeless, those living in poverty, substance abusers, members of the LG-BT+ community, and others.

It is a process of transgression in which the victim is symbolically immersed. The victim endures physical and psychological abuse, mistreatment, discrediting, humiliation, and segregation gradually but steadily until, eventually, the system reduces him or her to a mere statistic, indifferent to whether the body survives in precarious conditions or dies. Examples of the aforementioned include young people who are tortured, killed, and go missing without the authorities being able to locate the bodies; the homeless population who is not eligible for any social services; individuals who are in a dangerous state of abandonment as a result of drug abuse; or mothers who experience sexist violence on a regular basis and are on the verge of femicide.

Time is another important component in the necropolitical governmentalization of the state. Death arrives, but in a gradual, asphyxiating, and scorching way;³⁰ that is, it will include symbolic aspects that will slowly erode the ontological security of the victim, and later will include physical aspects that inevitably lead to death, through intentional homicide or suicide. Determining whether necropower targets men or women is challenging; however, experts have proposed two distinct yet non-exclusive categories: juvenicide and femicide.

For Valenzuela Arce (2019, 50), *juvinis sacer* cannot be understood without taking seriously into consideration the “unjust frameworks that define the conditions of life and death of young people, especially those in developing countries where 97% of these deaths occur”. Poverty, marginality, the lack of real opportunities for young people to quickly insert themselves into the labor market, as well as the intermittent state of defenselessness or classist and racist criminalization, are just some of the obstacles that youth face as governmentalized power devices by necropower.³¹

The concept of juvenicide was constructed linked to that of femicide, which identifies the sexual abuse and murder of women that became visible at the beginning of the 1990s in Ciudad Juárez. At first, these women

²⁹ GÜNTER JAKOBS & MANUEL CANCIO MELIÁ, *DERECHO PENAL DEL ENEMIGO* 55 (Civitas, 2003).

³⁰ Germán Muñoz, *Juvenicidio en Colombia: Crimen de Estado y Prácticas Socialmente Aceptables*, in *JUVENICIDIO: AYOTZINAPA Y LAS VIDAS PRECARIAS EN AMÉRICA LATINA* (José Manuel Valenzuela coord., Colef-Iteso-Ned Ediciones, 2015).

³¹ JOSÉ MANUEL VALENZUELA, *TRAZOS DE SANGRE Y FUEGO. BIONECROPOLÍTICA Y JUVENICIDIO EN AMÉRICA LATINA* (CALAS, 2019).

were called the “dead women” of Juárez, a descriptive, passive allusion without responsibility, that later became feminicide, a concept that made evident the homicidal act with its complicities, precariousness, and vulnerability of women and the impunity that protects the murderers [Author’s translation].³²

Subsequently, Valenzuela (2019, 62) observes:

I began to use the concept of juvenicide in some interviews and then in the book *Sed de mal. Feminicidio, jóvenes y exclusión social*, published in 2012, where I highlighted that poverty undermines the definition of viable life projects in Mexican children and youth who live uncertain paths of risk. Along with femicide, juvenicide has increased, and there is an overflow of pictures, scenes, and scenarios of brutal death where young people are mostly affected by this violence [Author’s translation].

Thus, another distinctive feature of necropolitics is the sexual division of violent death. For example, “juvenicides” examine young men’s deaths from a non-legal standpoint. Meanwhile, “femicides” is both a theoretical category, and a statutory crime.³³ Indeed, from the Federal Criminal Code approach, “femicides” are constructed by observing the crime as an act of sexual exploitation, consummated in the context of an abuse of trust (e.g., kinship, work, affective relationship). In that sense, “femicides” are the deprivation of life for “gender reasons”.³⁴

Article 325 of the Federal Criminal Code (FCC) does not challenge the enduring discrediting of female victims by the patriarchal system. Neither does it address how the patriarchal system marginalized her, nor how her gender constrained her opportunities. Later, in the Ley General de Acceso de las Mujeres a una Vida Libre de Violencia, specifically in Chapter V, Article 21, the legal term recognized the victims’ human rights violations in the context of abusive male exercise of power.³⁵ Though, as we shall see later, the difference between the two codes’ definitions of the crime of femicide was recently closed in 2023.

In fact, in order for the FCC to label a crime as femicide, it must be demonstrated that the victim’s freedom was unlawfully taken away for “gender-based motives.” However, until 2023, it was unclear what exactly qualified as “gender

³² Ibidem, pp. 61-62.

³³ Cfr. Código Penal Federal [CPF]. Título decimonoveno, Capítulo V, Feminicidios, Art. 325 <https://mexico.justia.com/federales/codigos/codigo-penal-federal/libro-segundo/titulo-decimonoveno/capitulo-v/>

³⁴ Ibidem.

³⁵ Ley General de Acceso de las Mujeres a una Vida Libre de Violencia. Capítulo V. De la violencia feminicida y de la alerta de violencia de género contra las mujeres, Article 21, <http://www.ordenjuridico.gob.mx/Documentos/Federal/html/wol7079.html>

motives.” That year, the Federal Criminal Code was reformed, delineating the criteria that constitute femicide:

a) signs of sexual violence in the victim’s body; b) pre- or post-deprivation of life injuries or mutilations; c) history of violence within the environment related to the victim; d) the perpetrator and the victim have been related by blood or affinity or have had a sentimental, affective, work, teaching or trust relationship or any de facto relationship between the parties; e) direct or indirect threats related to the criminal act, harassment or injury by the perpetrator against the victim; f) the victim has been held incommunicado prior to the deprivation of life; g) the victim’s body is exposed, thrown, deposited or exhibited in a public place; h) the perpetrator forced the victim to perform any form of exploitation [Author’s translation].³⁶

It was only after the implementation of technical reforms that authorities acquired essential elements for prosecuting offenders, thereby concluding the victimization of women by recognizing both their symbolic and physical demise.³⁷ Are girls and women, in an overt manner, subjected to biopower globally? Yes, but in a different way, because violent death is divided sexually, and there is a cosmogony centered on sexed bodies.³⁸

The victims’ bodies manifest and inherently reveal the imprints of torture, suffering, and deprivation inflicted under abhorrent and severe circumstances by their oppressor: the sovereign authority. Arendt, Mbembe, and Agamben consistently illustrated the concentration and extermination camps of the Nazi regime in Auschwitz (Poland) as a manifestation of the grave repercussions that can arise from the state’s legitimate governance of death. However, in parallel, the Union of Soviet Socialist Republics (USSR), which was part of the Allied bloc,³⁹ had forced labor concentration camps where millions of martyrs succumbed to terrible and virulent conditions.⁴⁰

Experience indicates that necropower has vigorously exerted its governance both prior to and following Auschwitz. For instance, let us examine the brutal process through which the planet’s “colonization” was executed and safeguarded for centuries. The populations of five continents—North America, South America, Asia, Africa, and Oceania—were threatened, violated, subjugated, exploited, and massacred by European monarchies, including Spain, Portugal,

³⁶ Ibidem.

³⁷ Germán Muñoz, *Juvenicidio en Colombia: Crimen de Estado y Prácticas Socialmente Aceptables*, in *JUVENICIDIO: AYOTZINAPA Y LAS VIDAS PRECARIAS EN AMÉRICA LATINA* (José Manuel Valenzuela coord., Colef-Iteso-Ned Ediciones, 2015).

³⁸ ANNE FAUSTO-STERLING, *CUERPOS SEXUADOS. LA POLÍTICA DE GÉNERO Y LA CONSTRUCCIÓN DE LA SEXUALIDAD* (Melusina, 2006).

³⁹ The Allies of World War II were France, Poland, the United Kingdom, the USSR, China, and the United States.

⁴⁰ ALEXANDR SOLZHENITSYN, *ARCHIPIÉLAGO GULAG* (Tusquets, 2015).

England, Italy, Belgium, Germany, France, Holland, Denmark, and Austria, under the pretext of “civilizing the savages.”⁴¹ The most effective instrument of terror, in terms of global impact and fatalities, was the Tribunal of the Holy Office of the Inquisition.⁴²

The apartheid in South Africa (1948–1994) is another recent example. The local population was subjected to severe discrimination, discredit, humiliation, and violation, as well as segregation in ghettos.⁴³ The ultimate objective was not the extinction of the population; rather, it was the complete exploitation and depredation of nature and black bodies by European countries.⁴⁴ In a context of profound injustice, systemic violence, and intensified racism, akin to that experienced in Auschwitz, it would be naive to assume that the Western necro-empire would refrain from pursuing widespread extermination. The South African Truth and Reconciliation Commission recognized the persecution and murder of 21,000 victims, along with the physical and psychological harm inflicted on an additional 22,000 individuals.⁴⁵ Nonetheless, unofficial sources assert that the number of martyrs exceeds 130,000, significantly diverging from the official count.⁴⁶

Keeping with the theme of the unique characteristics of necropolitics, another unique aspect is the cunning way in which the victim is cruelly disposed of. Mbembe (2011, p. 75) refers to the term “living dead”; that is, those people who do not finish dying while surviving in agony. For Mbembe, cruelty constitutes an element of the politics of death. The essence lies in the deliberate slowness and brutality with which necropower annihilates the victim. Thakur notes:

Shklar understood summum malum (the ‘greatest evil’) as ‘cruelty and the fear it inspires’. Although cruelty has been understood as a physical phenomenon because of the pain and suffering it caused, it also has immediate

⁴¹ EDUARDO GALEANO, *LAS VENAS ABIERTAS DE AMÉRICA LATINA* (Siglo XXI, 1971); BARTOLOMÉ DE LAS CASAS, *BREVÍSIMA RELACIÓN DE LA DESTRUCCIÓN DE LAS INDIAS* (Colección Er Textos Clásicos, 1991).

⁴² Salvador Carmona, et al., *Penal accountancy, and the Spanish Inquisition*, 2 JOURNAL OF ACCOUNTING AND PUBLIC POLICY 42, (2022) <https://www.sciencedirect.com/science/article/abs/pii/S0278425422000941?via%3Dihub>

⁴³ DORIS LESSING, *CANTA LA HIERBA* (Zeta Bolsillo, 2007).

⁴⁴ Juliette Peires, *The Holocaust and apartheid: similarities and differences: a comparative study*, Master’s thesis, (University of Cape Town, 2004) <https://open.uct.ac.za/items/ad4610cd-66e1-4e12-9974-d208dc2459d1>

⁴⁵ South African Press Association [SAPA], *HRC Submits apartheid repression book to the Truth Body*, (May 27, 1997), <https://www.justice.gov.za/trc/media/1997/9705/s970527b.htm>; BASIL UGORJI, *FROM CULTURAL JUSTICE TO INTER-ETHNIC MEDIATION. A REFLECTION ON THE POSSIBILITY OF ETHNO-RELIGIOUS MEDITATION IN AFRICA* (Outskirts Press, 2012).

⁴⁶ Augustine S.J. Park & Madalena Santos, *The counter-reparative impacts of South Africa’s reparation gap: victims as reparation ‘experts’ and the role of victims’ organization*, 4 JOURNAL OF LAW AND SOCIETY 49, (2022) <https://onlinelibrary.wiley.com/doi/10.1111/jols.12400>

and long-term psychological consequences, as it inflicts fear, anxiety, and humiliation on the victims.⁴⁷

It further reads:

The normalization of cruelty and necropolitical conditions is the result of indifference to suffering, historical and systematic subjugation, inequality, and precarity. If individuals are unable to compete effectively, due to an inability to maximize their human capital, chronic illness, or an inability to assess risk, they must face the consequences. The inability to compete is the responsibility and fault of individuals, not the state or the particular political/economic/social system; therefore, individuals face the consequences, including slow death due to chronic illness, homelessness, physical and emotional stress, etc.⁴⁸

In fact, the sovereign power's governmentalization of necropolitics has a significant negative impact on people's mental health as well as that of their close relatives.⁴⁹ Both overt and subtle acts of cruelty result in persistent physical and emotional abuse, as well as a complete apathy towards the pain and suffering of others amid significant human rights violations.⁵⁰ Thus, the rational instrumentalization of necropolitics demands that its operator annul any moral trait of justice and human warmth. Upon objectification, the victim transforms into an adversary and, consequently, a threat to society.⁵¹ In this climate of vulnerability, cruelty is inherently internalized within the victims' bodies; nonetheless, psychological trauma disseminates and ensnares subsequent generations.⁵² That is, the dire aftermath of necropower-marked on the human body and mind comprises generational consequences for the subjugated population.⁵³

Extractivism is yet another fundamental feature of necropolitics. The savage subjugation and depredation of sexed bodies and nature in the Global South

⁴⁷ Monika Thakur, *Cruelty, and violence in the Global South*, 2 GLOBAL STUDIOS QUARTERLY 2, (2022) <https://academic.oup.com/isagsq/article/2/2/ksac031/6613438>

⁴⁸ Idem.

⁴⁹ Among others, the psychological affectations detected in the victims are anxiety, depression, post-traumatic stress disorder, somatization, and substance abuse (Jutta Lindert, et al., 2018).

⁵⁰ Monika Thakur, *Cruelty, and violence in the Global South*, 2 GLOBAL STUDIOS QUARTERLY 2, (2022) <https://academic.oup.com/isagsq/article/2/2/ksac031/6613438>

⁵¹ Hugo C. Moreno H., *Desciudadanización y estado de excepción*, 24 *Andamios* 11, (2014) <https://www.redalyc.org/pdf/628/62832750007.pdf>; PRIMO LEVI, *SI ESTO ES UN HOMBRE* (Austral, 2019).

⁵² Jutta Lindert, et al., *Genocide and its Long-Term Mental Impact on Survivors – What We Know and What We Do Not Know*, in MULTIDISCIPLINARY PERSPECTIVES ON GENOCIDE AND MEMORY (Jutta Lindert & Armen Marsoobian eds., Springer, 2018).

⁵³ Dayra Rostam Ahmed, *From holocaust to Anfal: The impact of genocide and cross-generational trauma on the mental health of Kurds*, 3 INTERNATIONAL JOURNAL OF SOCIAL PSYCHIATRY 70, (2023) <https://journals.sagepub.com/doi/abs/10.1177/00207640231210107>

is a constant from colonialism to neoliberalism. Although it may appear that necropolitics is a purely anthropocentric concept, it does, in fact, have a nature-agnostic component. There are two ways in which this occurs:

- 1) Nature as a space, territory, and setting where significant acts of violence transpire, and
- 2) Nature is characterized by dispossession, devastation, and environmental degradation due to human actions.

In the initial instance, these are natural environments that were obliterated and altered by human intervention to create concentration and extermination camps in Auschwitz; the concentration camps of forced labor— gulags; the ghettos founded in rural areas, near the sea or river, as is the case of Gaza (Palestine) and Khayelitsha (South Africa); as well as the concentration camps in the Amazon jungle (Brazil). Mbembe points out the following:

Colonial occupation is also dictated by the specific nature of the terrain and its topographical variations (hilltops, valleys, mountains, and water-courses). Thus, hilly terrain offers strategic advantages that a valley does not have (usefulness to see better and to protect oneself, panoptic fortifications that allow one to look in multiple directions).⁵⁴

The second point refers to the history of the colonization and neo-colonization of the world by Europeans.⁵⁵ The wealth and profits that emanated from the long-lived plundering and hyper-wild predation of mines, mountains, and valleys, in search of spices, gold, silver, tobacco, cocoa, and sugarcane, among others, were such that the kingdom of Spain emerged from misery, to position itself as an empire⁵⁶ and to impose, together with the Vatican, the Tribunal of the Holy Inquisition.⁵⁷ In this sense, plundering five continents underpins Western Europe's modern intellectual, cultural, urban, mercantile, and financial growth.

Subsequently, it is possible to summarize the attributes of necropolitics by noting that it includes the necro rule of law, the time and cruelty with which the body and mind of the individual are destroyed, the sexual division of violent death, juvenicides and femicides, the extractivism of nature and human bodies, and, most importantly, the artful death. In this context of heightened vulnerability, as previously noted, migrants are among the frequent victims of necropower. Consequently, we will now examine the concept of “crimmigration”,

⁵⁴ ACHILLE MBEMBE, *NECROPOLÍTICA* 48-49 (Melusina, 2006).

⁵⁵ EDUARDO GALEANO, *LAS VENAS ABIERTAS DE AMÉRICA LATINA* (Siglo XXI, 1971).

⁵⁶ LESLIE BETHELL, *HISTORIA DE AMÉRICA LATINA* (Cambridge University Press, 2000).

⁵⁷ Diana L. Ceballos, *Entre el Rey y el Papa. La Inquisición: trayectoria de una institución plurisecular*, 83 *ANÁLISIS*, (2013) <https://revistas.usantotomas.edu.co/index.php/analisis/article/view/1049>

which elucidates the manifestations of sovereign power's violence towards individuals based on their migratory status.

2. Defining crimmigration

In the United States, according to Juliette Stumpf (2006, p. 369), “The 1980s saw the beginning of a dramatic increase in criminal consequences [due to] immigration law violations and deportations of even legal immigrants convicted of crimes”. In other words, from that decade on, immigrant minorities established in U.S. territory began to be persecuted and harassed by the security and justice apparatus. Stumpf observes the beginning of the criminalization of migration, of arbitrary detentions and deportations, and of the creation, à la carte, of a new public enemy.

Indeed, the term “crimmigration,” in addition to synthesizing criminal justice and migratory controls, should be added to anti-migrant policies. According to Moreno, “the criminalization of migration [allows] the law [to] leave migrants without political and human rights, turning them into enemies of the state and, therefore, trapped in a state of exception”.⁵⁸ For instance, the coercive actions of the sovereign power against the migrant population include surveillance, harassment, arbitrary detention, separation of children and adolescents from their parents, encapsulation in cages, accelerated deportation, and even death under his tutelage.

As a result of pressure from the United States since 2018, Mexico has tightened its immigration policy in recent years. The general strategy of containment of flows along the routes transited by migrants has been called “the vertical border”.⁵⁹ This has increased detentions and arrests in Mexico.⁶⁰ For instance, in 2023, Baja California received 77,137 deportees from the United States, with Tijuana accounting for 80% of these individuals.⁶¹ Necropolitics and crimmigration are two concepts present in Baja California that are not mutually exclusive. The objective of this article is to examine their relationships. Therefore, the question guiding the research is: is crimmigration understood within the framework of necropolitics, or are they two different phenomena?

⁵⁸ Hugo C. Moreno H., *Desciudadanización y estado de excepción*, 24 ANDAMIOS 11, (2014) <https://www.redalyc.org/pdf/628/62832750007.pdf>

⁵⁹ Luis E. Calva Sánchez & Verónica del Rocío Carrión, *Cambios en la migración a México en el contexto del endurecimiento de las prácticas migratorias en Estados Unidos*, 13 FRONTERA NORTE 7, at 11 (2022) <https://huelladelamigracion.uaemex.mx/article/view/17344>

⁶⁰ Reforma, *México récord de arrestos migrantes tras presión de EU*, (March 8, 2024), <https://www.reforma.com/rompe-mexico-record-de-arrestos-migrantes-tras-presion-de-eu/ar2770228>

⁶¹ Alberto Elenes, *Estados Unidos registra récord de deportaciones desde 2013; más de 77 mil*, B.C., UNIRADIO, (February 2, 2024), <https://www.uniradiobaja.com/reportajes-especiales/video-estados-unidos-registra-record-deportaciones-2013-mas-77-mil-bc-n729826>.

IV. Methodology

The research uses a qualitative, exploratory methodology with a 2021-2024 timeframe. Its foundation is the search of official online, hemerographic, and bibliographic sources that concentrate on two subjects: crimmigration and necropolitics. The subjects of this study are migrants in Baja California (Mexico) who have been adversely impacted by state neglect in circumstances jeopardizing their physical safety, as well as by political violence manifest in instances of excessive force that may result in fatality. The recent militarization of security across all domains has endangered the lives of individuals in transit in Tijuana and throughout the country.

Mexico does not possess any legislation or public policy that is hostile to migrants, as doing so would be a clear violation of the Mexican Constitution. The Migration Law was reviewed, revealing no evidence of the criminalization of migrants, including Chapter III, articles 143 to 158. This research seeks to determine if crimmigration is encompassed by the concept of necropolitics or if it constitutes a distinct phenomenon. We hypothesize that, despite their similarities, they represent two distinct phenomena explicable within the framework of necropower.

We will delineate certain characteristics that we observe that may constitute the category of crimmigration, focusing on the case of Baja California. To achieve this objective, we will utilize news disseminated by reputable media outlets, both local and international, that specifically addresses the following issues: surveillance, harassment, arbitrary detention, the separation of children and adolescents from their parents, confinement in cages, expedited deportation, and even migrant fatalities under police jurisdiction. We included violent incidents associated with human traffickers and organized crime as well.

We primarily collected news from local sources in Tijuana, Mexico, and San Diego, United States, over the past four years, from 2021 to 2024. We consider these narratives to possess significant media influence owing to their connection with migrant fatalities, the portrayal of both direct and indirect migration, and the representation of a deteriorating situation in the region. Three examples were therefore sought, in which the victims were foreign and national migrants; offenders were i) law enforcement officials, ii) organized crime members, and iii) common criminals.

Finally, it is worth noting that this research is not exhaustive. It provides specific instances observed during the study period (2021-2024) of conditions that endanger the lives of migrants in Baja California, Mexico. Consequently, the research is not founded on case studies, but rather on the account of violent incidents that had a direct impact on the lives of migrants. That being said, we are curious to see how, as in the case of Tijuana, the dynamics of animosity towards the population of foreign migrants are positioned within a framework of ongoing criminal violence. The cases were organized in an Excel database in 2024.

V. Migrant deaths in Baja California territory

Undocumented migration is a violent process, as it involves risks that jeopardize the physical and mental well-being of individuals in transit.⁶² Some individuals, such as women, children, and unaccompanied adolescents, are more vulnerable than others.⁶³ Disputed areas are violent because of the rich profits from migration. Risks are always present at borders, but they are also becoming more prevalent in cities (both transit and arrival), on roads, in shelters, and anywhere else that officials or civilians are present to “manage” migrant bodies.⁶⁴ Between 2014 and 2021, there were 40,505 recorded migrant deaths and disappearances globally.⁶⁵ In sum, as long as policies criminalize the mobility of people, the number of lethal victims will continue to grow, as a result of the governmentalization of necropolitics by sovereign power.⁶⁶

As mentioned above, migrants are particularly vulnerable to racist and violent attacks by the necropower, parallel to those of organized crime.⁶⁷ In this context, regardless of the natural environment (e.g., ocean, rainforest, arid region, or waterways), the likelihood of perishing in the pursuit of the “American dream” is considerable.⁶⁸ In 2022, according to the World Organization for Migration (IOM), more than 1,300 migrants died or disappeared in the Americas.⁶⁹ In the same year, the U.S. Border Patrol recorded the deaths of 855 migrants,⁷⁰ of which 307 occurred during the crossing of the dangerous deserts of Sonora and Chihuahua. The aforementioned number of victims ex-

⁶² María D. Paris, *Trayectos peligrosos: inseguridad y movilidad humana en México*, 90 PÁPELES DE POBLACIÓN 22, (2016) https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1405-74252016000400145

⁶³ David Rocha & Marco T. Ocegueda, *Después de tantos años me deportaron. Proceso de identificación y deportación de mujeres inmigrantes no delinquentes*, 28 REVISTA ESTUDIOS FRONTERIZOS 14, (2013) <https://ref.uabc.mx/ojs/index.php/ref/article/view/57>

⁶⁴ María D. Paris, *Trayectos peligrosos: inseguridad y movilidad humana en México*, 90 PÁPELES DE POBLACIÓN 22, (2016) https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1405-74252016000400145

⁶⁵ Andrea García Borja, A., & Julia Black, *Medir las muertes y las desapariciones de migrantes*, 66 REVISTA MIGRACIÓN FORZADA, 54 (2021) <https://rua.ua.es/dspace/handle/10045/114378>

⁶⁶ Andreas Feldmann & Jorge Durand, *Mortandad en la Frontera*, 10 MIGRACIÓN Y DESARROLLO (2008) https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-75992008000100002

⁶⁷ Laura Gómez-Mera, *A global protection gap: Migrant insecurity in Mexico*, 4 LATIN AMERICAN POLICY 14, 1-27 (2023) <https://onlinelibrary.wiley.com/doi/10.1111/lamp.12329>

⁶⁸ LEANNE WEBER & SHARON PICKERING, *GLOBALIZATION AND BORDERS. DEATH AT THE GLOBAL FRONTIER* (Palgrave Macmillan, 2011).

⁶⁹ Aristegui Noticias, *1338 muertes de migrantes al cruzar por América en 2022*, (February 24, 2023), <https://aristeginoticias.com/2402/mexico/1338-muertes-de-migrantes-al-cruzar-por-america-en-2022/>

⁷⁰ Joebeth Terriquez, *Muertes de migrantes en el mar alertan a la frontera norte de México*, SAN DIEGO UNION-TRIBUNE, (Nov. 14, 2022), <https://www.sandiegouniontribune.com/en-espanol/noticias/bc/articulo/2022-11-14/muertes-de-migrantes-en-el-mar-alertan-a-la-frontera-norte-de-mexico>

ceeds the fatalities of migrants who perished while attempting to traverse the vast Sahara Desert, where 212 individuals died in the same year.⁷¹ Moreover, experience shows that migrant victims of crime in Mexico are becoming more frequent. For instance, reports of 841 cases in 2021 increased by 35 percent to 1,136 cases the following year.⁷²

Although the environmental threat diminishes in the city, the “urban jungle” remains a hazardous environment for migrants due to various atmospheres of criminalization that render them susceptible. The threat comes directly or unveiled from the sovereign power and its perverse power devices. The authority may choose to intervene or refrain from intervening in the protection of vulnerable groups against organized crime that exploits migrants.⁷³

Necropolitics entails the exertion of authority over mortality and the characterization of life as the application and demonstration of power.⁷⁴ Political power is the capacity to influence others through dissuasive, coercive, or overtly violent means. Sovereign authority employs legitimate power to shape political discourse, encompassing the subjects addressed, the manner of discussion, and the stakeholders involved.

The sovereign power marginalizes migrants in matters of public interest when their rights are neither acknowledged nor regarded as socially relevant issues. Indeed, regardless of the quantity of laws or speeches advocating for migrants within social, academic, and governmental spheres, issues pertinent to migrants remain marginalized, excluded from political discourse, and, consequently, from governmental agendas, thereby rendering them overlooked. In the context of necropower, migrants and their rights frequently remain unacknowledged.

In the case of Mexico, no formal campaign against unauthorized migration has been announced. The Migration Law (LM for its Spanish acronym) and the Law on Refugees and Complementary Protection (LRPC for its Spanish acronym),⁷⁵ provide legal protection to migrants in their passage through Mexico. Nevertheless, despite these laws, members of various security forces still carry out violent crimes against migrants.⁷⁶ While traversing Mexico, migrants

⁷¹ EFE, *Datos migrantes muertos 2022*, (September 12, 2023), <https://efe.com/mundo/2023-09-12/datos-migrantes-muertos-2022/>

⁷² Gobierno de México, *Delitos perpetrados en contra de personas migrantes irregulares en México. Serie histórica 2016-2022*, POLÍTI-MIGRATORY, (2023), http://www.politicamigratoria.gob.mx/es/PoliticaMigratoria/Cuadros_Delitos?Anual=2022&Secc=2.

⁷³ Andreas Feldmann & Jorge Durand, *Mortandad en la Frontera*, 10 MIGRACIÓN Y DESARROLLO (2008) https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-75992008000100002

⁷⁴ ACHILLE MBEMBE, *NECROPOLÍTICA* 20 (Melusina, 2006).

⁷⁵ Cámara de Diputados. *Ley sobre Refugiados, Protección Complementaria y Asilo Político*. Diario Oficial de la Federación (2011), https://www.gob.mx/cms/uploads/attachment/file/211049/08_Ley_sobre_Refugiados_Proteccion_Complementaria_y_Asilo_Politico.pdf

⁷⁶ Carla Angulo-Pasel, *The Politics of temporary protection schemes: The role of Mexico's TVRH in re-*

may face violence.⁷⁷ The number of migrant deaths in Mexican territory is regrettably increasing; in 2021, for instance, police in Tamaulipas burned 17 migrants.⁷⁸ Mexico apprehended a total of 307,569 migrants in 2021, and during the same year, 130,863 individuals sought refugee status.⁷⁹

Two categories—a) unveiled crimmigration and b) direct crimmigration—are suggested in Figure 1. The term “direct crimmigration” refers to the state or government directly intervening in the lives of migrants, with the sovereign power deciding “who should die.” Veiled crimmigration, on the other hand, occurs when the authorities fail to respond to circumstances that place migrants in a state of extreme insecurity and vulnerability, such as organized crime, unsafe spaces, and negligence. This failure to act effectively determines “who can die.”

Figure 1. Typology of crimmigration

| Direct Crimmigration | Veiled Crimmigration |
|----------------------|-------------------------------------|
| Order, execute | Abandonment, neglect, failure to do |
| “Who must die” | “Who can die” |

Source: own elaboration

In relation to the proposed typology, it is crucial to recognize that Tijuana and Mexicali, the two largest cities in Baja California, are locations where migrants transit, wait, or arrive. This is partially due to the Mexican government’s failure to, among other things, regularize their stay and protect their integrity, which poses a threat of violence. Violence against individuals in mobility situations is supported by numerous incidents. The three primary sources of overt and explicit crimmigration violence are illustrated in Figure 2 below: i) the state and its military and police forces; ii) organized crime; and iii) social delinquency. Before analyzing the presence or absence of each trigger, the following are a number of real situations.

producing precarity among central American migrants, JOURNAL OF POLITICS IN LATIN AMERICA, July 2021, at 1-19 <https://journals.sagepub.com/doi/10.1177/1866802X211027886>

⁷⁷ René Leyva-Flores, et al., *Migrants in transit through Mexico to the US: Experiences with violence and related factors, 2009-2015*, 8 *PLoS ONE* 14, 2 (2019).

⁷⁸ BBC, *Declaran culpables a 11 policías de “fusilar y carbonizar” a 17 migrantes en el norte de México*, (September 15, 2023), <https://www.bbc.com/mundo/articles/c0j3y858527o>.

⁷⁹ Human Rights Watch, *Mexico: Asylum seekers face abuse at southern border*, (June 6, 2022), <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border>

Figure 2. Violent incidents against migrants in Baja California

| Date | Source | Event | Place | Aggressors | Victims | Cause |
|----------|-----------------------------|---|--------------|------------------------|---------------------------------------|---|
| 03/06/21 | Tele Mundo San Diego | Death by clandestine sea crossing | Coasts B.C. | Traffickers | 5 Dead migrants | Crossing the sea |
| 14/11/22 | The San Diego Union-Tribune | Two migrants drowned at sea | Coasts B.C. | Traffickers | 2 Dead Migrants | Crossing the sea |
| 29/09/23 | Infobae | Migrants shot in Tecate | Tecate B.C. | Unknown | 14 Migrants shot | Crossing through the mountainous area |
| 29/09/23 | CNN México | Murder of migrants | Tecate, B.C. | Traffickers | 2 Migrants killed | Crossing through the mountainous area |
| 14/06/22 | Proceso | Death of Haitian migrant | Tijuana B.C. | Unknown | 1 Migrant killed (three more in 2020) | Violence in Tijuana |
| 17/02/23 | The San Diego Union-Tribune | Migrants stoned to death | Tijuana B.C. | Traffickers | 2 Dead Migrants | Crossing through a poorly guarded area |
| 07/04/23 | La Jornada | Migrant killed in Tijuana | Tijuana B.C. | Unknown | 1 Migrant killed | Migrants circulating in a popular neighborhood |
| 10/04/23 | ZETA | Cartels smuggle migrants | Tijuana B.C. | Traffickers | Migrants | Human trafficking |
| 20/09/23 | Punto Norte | Smugglers shoot migrants | Tijuana B.C. | Traffickers | 2 Migrants | Crossing through the mountainous area |
| 17/10/23 | Punto Norte | Harassment of migrants in Tijuana shelter | Tijuana B.C. | National Guard and INM | Migrants | Harassment by report |
| 02/11/23 | The San Diego Union-Tribune | Wall causes migrant deaths | Tijuana B.C. | Various | Migrants | Wall causes deaths |
| 02/02/24 | Punto Norte | National Guard kills migrants in Tijuana | Tijuana B.C. | National Guard | Migrants | The National Guard attacked them for trying to cross. |

Source: Own elaboration with journalistic sources.

As a result, organized and social crime are positioned in the veiled crimmigration simply because they lack the right to use force given that they are not political actors. Nonetheless, this does not imply the absence of specific groups that harass, condemn, and criminalize migrants, perceiving them as public enemies due to their mobility, precariousness, and/or vulnerability. In the case of sovereign power and its respective perverse devices of power, it is located in direct crimmigration.

Direct criminalization occurs when migrant individuals are subjected to harassment, threats, and even murder—through the sanctioned application of force—within a context of vulnerability exacerbated by targeted xenophobia. It is indirect crimmigration when, deliberately, the government ignores, discredits, and neglects migrants (whatever their age and gender), even when confronted with imminently threatening situations in the face of criminal groups.

As illustrated in Figure 2, human traffickers and organized crime have been the primary perpetrators of lethal violence against migrant bodies in recent years. Profiting on necessity, human traffickers drive them along impassable roads, even by sea, where some have drowned.⁸⁰ Also, they extort them to pay significant amounts during their journey.⁸¹ Undoubtedly, crime exploits the absence of authority to target the physical integrity of migrants, as they regard them as “sacrificial bodies.”⁸²

Another source of violence against migrants is social delinquency. Non-organized criminals, who operate under the guise of impunity and are supported by corruption, weigh the costs and benefits of preying on vulnerable migrants. The Migrant Defenders’ Organizations Documentation Network (REDO-DEM) independently recorded over 25,000 acts of aggression or potential crimes and violations of migrants’ rights in Mexico.⁸³ Although classified as the “unknown” in Figure 2, newspaper articles suggest the potential involvement of ordinary criminals.

Finally, Figure 2 shows how the police and military contribute to acts of violence against migrants. This is the result of their mistreatment, extortion, coercion, and, in some cases, murder. In addition, their absence makes it easier for criminals to prey on migrants. Indeed, those who are supposed to protect order and social peace, can also be involved in acts of lethality, as evidenced by a newspaper report on the murder of migrants by the National Guard in Tijuana (Figure 2).

⁸⁰ Laura Gómez-Mera, *A global protection gap: Migrant insecurity in Mexico*, 4 LATIN AMERICAN POLICY 14, 1-27 (2023) <https://onlinelibrary.wiley.com/doi/10.1111/lamp.12329>

⁸¹ René Leyva-Flores, et al., *Migrants in transit through Mexico to the US: Experiences with violence and related factors, 2009-2015*, 8 PLoS ONE 14, 17 (2019) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0220775>

⁸² ACHILLE MBEMBE, *NECROPOLÍTICA* (Melusina, 2006).

⁸³ ARMANDO CORREA, ET AL., *COHESIÓN SOCIAL. HACIA UNA POLÍTICA DE INTEGRACIÓN DE PERSONAS EN SITUACIÓN DE MOVILIDAD EN MÉXICO* 36 (CIDE, 2020).

According to Figure 2, the state can engage in unveiled crimmigration within the framework of necropower. Despite the perception of Baja California as a migrant-friendly state, the reality reveals the absence of an inclusive policy that includes and respects migrants.⁸⁴ This situation places migrants at a juncture, compelling them to choose between remaining or departing, as they are vulnerable to both overt and covert forms of crimmigration.

VI. To what extent does necropolitics encompass crimmigration in Baja California?

The circumstances of oppression, neglect, abandonment, and lethality affecting the migrant population are inherently intricate. Nevertheless, in the context of necropolitical governmentalization, revealed and orchestrated by the state, crimmigration asserts its influence and is bolstered by the aegis of necropower. As previously stated, necropolitics includes the following factors: artful death, juvenicide, femicide, sexual division of violent death, extractivism, time, and cruelty in the destruction of human bodies and minds. Conversely, crimmigration represents the amalgamation of anti-migrant policies and adversarial criminal law, positioning the migrant population as the focal point of public discourse regarding local issues that authorities have failed to address effectively. Likewise, experience demonstrates that there is a cultural component to crimmigration that permeates the phenomenon by means of stigmatization, persecution, and the (re)production of fear among the migrant community.

Leyva-Flores (2019) explores the violence suffered by migrants in transit through Mexico, the types of violence they suffer, and who are the victims. For instance, psychological violence occurs when men and women experience great levels of intimidation and humiliation, respectively. This phenomenon occurs not only from the three sources of violence listed above but also from common people, who may constitute a fourth source of violence. This illustrates how crimmigration is not limited to criminals and institutions (e.g., legal and political dimension). Reguillo (2021), Valenzuela (2019), Valencia (2012), and Estévez (2022) all claim that Baja California and other parts of Mexico's northern border are necro-territories (e.g., cultural, economic, social dimension). Stated differently, the region has experienced the aforementioned traits, along with others, for many years (e.g., all dimensions). However, the phenomenon of crimmigration has evolved in recent years, and now has specific characteristics, such as being unveiled, direct, or indirect.

⁸⁴ César A. Rojas, *Los miles de migrantes en Tijuana están cercados y en la incertidumbre*, FRANCE 24, (November 27, 2018), <https://www.france24.com/es/20181127-migrantes-tijuana-detenidos-asilo-eeuu>; Juan Antonio Del Monte, *Vidas rompibles en el vórtice de precarización: políticas de expulsión, procesos de exclusión y vida callejera en la ciudad fronteriza de Tijuana, México*, 2 NORTEAMÉRICA 16, (2021) <https://www.revistanorteamerica.unam.mx/index.php/nam/article/view/433>

The migration challenge confronting the three tiers of government, especially in Tijuana, is exceptional. In contrast to other Mexican cities, the migratory influx that this city is attempting to regulate shows no signs of abating. To quantify the magnitude of the challenge: Baja California was officially founded in 1952, nearly a century ago. In 2024, Tijuana became the most populous municipality in the country, with nearly 2 million residents, despite consistently having the highest rate of intentional homicides among Mexican cities since 2000.⁸⁵

In recent years, the United States has applied considerable pressure on Mexico to temporarily accept Central American refugees and immigrants from the United States as a safe third country. The coercion of the American necro-empire towards Mexico was so severe that it literally constrained and compromised the signing of the treaty with the United States and Canada (T-MEC), with Mexico agreeing to commit as a safe third country.⁸⁶ The failure to sign the treaty would have had catastrophic consequences for Mexico's economic structure, likely resulting in a schism in economic and international cooperation with the United States, with potentially more severe repercussions. Therefore, as anticipated, the northern neighbor's astute conditions were accepted.

In this context, the authorities at the three levels of government in Mexico were effectively constrained by the demands of refugees and migrants on one side, and the resident's seeking resolution of issues purportedly caused by the presence of migrants on the other. The United States' influence, within the framework of necropower, materializes crimmigration, increasingly evident from a national security and international cooperation approach.⁸⁷ The objective of this research, as stated in the introduction, is to contemplate and reflect on two concepts that we have observed to be present in a covert and candid manner: necropolitics and crimmigration in Baja California. While they have been observed in both democratic and authoritarian regimes, they clearly thrive in despot territories.⁸⁸

⁸⁵ Gerardo Hernández & Zulia Orozco, *Armas de fuego sin frontera. El caso de Baja California, México (2013-2020)*, REVISTA ESTUDIOS FRONTERIZOS 22, (2021) <https://ref.uabc.mx/ojs/index.php/ref/article/view/991>; Zulia Orozco, Criminalidad y Doble Nacionalidad. Algunas Claves para Repensar la Seguridad Transfronteriza en la Región Calibaja, in *LA TRANSTERRITORIALIDAD NACIONAL EN MÉXICO: UNA VISIÓN MULTIDISCIPLINARIA* (Roxana Rosas & Nuria González coords., Serie Opiniones Técnicas sobre temas de relevancia, No 61. UNAM, 2023).

⁸⁶ BBC, *Qué es "un tercer país seguro" y por qué Trump quiere que el gobierno de AMLO acepte que México se concierte en uno*, (June 6, 2019), <https://www.bbc.com/mundo/noticias-america-latina-48536239>

⁸⁷ Hugo C. Moreno H., *Desciudadanización y estado de excepción*, 24 *Andamios* 11, (2014) <https://www.redalyc.org/pdf/628/62832750007.pdf>; Ariadna Estévez, *El necropoder del imperio de la ley: la gestión de la muerte en el primer mundo norteamericano*, ACTA SOCIOLOGICA 88-89 (2022) <https://revistas.unam.mx/index.php/ras/article/view/84866>

⁸⁸ HANNAH ARENDT, *LOS ORIGENES DEL TOTALITARISMO* (Taurus, 1998); ACHILLE MBEMBE, *NECROPOLÍTICA* (Melusina, 2006); GIORGIO AGAMBEN, *HOMO SACER. EL PODER SOBERANO Y LA NUDA VIDA* (Pre-Textos, 2010).

Irrespective of the dire circumstances evident at Mexico's northern border, it is evident that the United States bears responsibility for the prevailing conditions in its southern neighbor. The U.S. has an arsenal of perverse devices of domination deployed towards the Global South, such as, for example, the firearms strengthened by organized crime along Latin America;⁸⁹ its enemy criminal law that massively deports migrant minorities since the 1980s;⁹⁰ the opening and closing of visa programs (e.g., Temporary Protection Status) focused on vulnerable populations, which, when they decide to migrate in spontaneous caravans, destabilize the region;⁹¹ not to mention the border wall that is the landmark for distancing, immobility, agglomeration, exclusion and, of course, artful death.

To address the research question, direct or concealed crimmigration overlaps and takes place in necropolitical environments where violent death is sexually divided, the body is extracted, time moves slowly, and the brutality with which bodies are abused reaches deep into the being. Although there is structural violence throughout the "urban jungle," there is a particular focus on migrants that is evident in murders, disappearances, and the forgetting of the disappeared by the legal system. Under the umbrella of necropower, there are, in fact, two separate phenomena that interact. The distinction lies in the population that is being targeted for abandonment and violence.

So, what distinguishes crimmigration from necropolitics as distinct phenomena? Are they not both speeches that incite animosity? Do they not slowly murder while dehumanizing and objectifying the person? Indeed, the contexts for both situations are highly analogous. Possibly the most distinctive aspect is that necropolitics can be transformed into a government regime that the state apparatus operates from (e.g. Germany). On the other hand, crimmigration is a multidimension criminalization based on cultural, legal, and/or policy-based persecution and harassment of migrants, due to their mobility background (e.g. the United States). It is essential to recognize that crimmigration, whether explicit or implicit, intersects with the domain of necropolitics, which originates from necropower.

VII. Conclusions

In conclusion, the authors wish to highlight four points regarding the research topic. The first is that while all borders are special in symbolic and cultural terms, Tijuana is a particularly special border. To give a relevant example, the

⁸⁹ Gerardo Hernández & Zulia Orozco, *Armas de fuego sin frontera. El caso de Baja California, México (2013-2020)*, REVISTA ESTUDIOS FRONTERIZOS 22, (2021) <https://ref.uabc.mx/ojs/index.php/ref/article/view/991>

⁹⁰ Juliet Stumpf, *The crimmigration crisis: Immigrants, crime, and sovereign power*, 2 AMERICAN UNIVERSITY LAW REVIEW 56, (2006) <https://digitalcommons.wcl.american.edu/aulr/vol56/iss2/3/>

⁹¹ *Idem*.

Tijuana (Mexico)-San Diego (United States) micro-region cannot be understood without Los Angeles. There exists a dynamic and enduring interaction among the three metropolitan areas, evident in the exchange of individuals, commodities, and services, encompassing both legal and illicit transactions. Over 22 million residents inhabit the transboundary micro-region, highlighting the complexity of the interaction. In this way, it is impossible to comprehend the context that exists in Baja California, and in particular in the city of Tijuana, without taking into account the complex role that California, and especially the southern California counties, play in the state.

The second point that we wish to emphasize is that both categories are relatively recent and are currently under development in various regions of the planet. This is, regrettably, a contribution to the international discourse, presented from a local viewpoint, originating from Mexico's northern border, akin to the efforts of other intellectuals from this region associated with El Colegio de la Frontera Norte and the Universidad Autónoma de Baja California. We acknowledge that, alongside the epistemic formulation of these decolonial categories, there is a lack of contemplation from other perspectives that would enhance the international paradigm. For instance, this involves the development of advanced databases, as well as statistical and cartographic analyses, to illustrate the manifestation of crimmigration, necropolitics, and necropower. There are undoubtedly many analytical and creative dimensions from which to approach the study of these extremely complex phenomena.

The third point in the concluding remarks is that there is no straightforward solution to the phenomenon. The dimensions at play encompass political, legal, cultural, economic, and social aspects. This indicates that, even in democratic regimes, there is persecution and criminalization of migrants, as well as persecution of young people for racial profiling or against women because of their gender. One of the paradigms that society could adopt for guiding our actions is that of peacebuilding and social pacification. The path is complex, particularly with the United States—a nation that manufactures firearms—as a neighbor; however, it is evident that neither regulations nor policies have adequately mitigated organized crime and social violence. In any case, academia and civil society can intensify their efforts to increase awareness among authorities and decision-makers.

The final and fourth point to be covered in this discussion is potential research directions in these two areas of study. We believe that certain areas requiring a better approach include the examination of the state's failure to formulate policies for the targeted inclusion of migrant groups, with the concept of the melting pot in mind. Likewise, it would be intriguing to understand how migrants politically and legally organize themselves in Baja California. For instance, it should be determined whether there are migrant clubs that can serve as locations for socialization, counseling, support, and interaction to assist individuals in managing their circumstances in the country. Lastly, an additional

line of analysis may be associated with the cultural factor that enables the occurrence of both crimmigration and necropolitical regimes.

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