

Enchilada Lite: A Post-9/11 Mexican Migration Agreement

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About the Center

The Center for Immigration Studies, founded in 1985, is a non-profit, non-partisan research organization in Washington, D.C. which examines and critiques the impact of immigration on the United States. It provides a variety of services for policymakers, journalists, and academics, including an e-mail news service, a monthly *Backgrounder* series and other publications, congressional testimony, and public briefings.

Executive Summary

After September 11, immigration, like many areas of public life, has to be viewed through a security lens. That means transforming Mexican migration from the chaotic, dangerous, habitual, and illegal to the regulated, safe, selective, and legal.

Tom Ridge, Director of Homeland Security, has indicated that he regards our disorderly southern border as our most challenging. The answer is not to “close down” that border, were that even possible, and thus to junk NAFTA and tip the American southwest and Mexico into economic crisis. Together with Mexico we should fashion a “smart border” with pre-clearance for goods, fast lanes for frequent travelers, and modern detection devices. But in addition, Mexico must accept shared responsibility for controlling our common border. Though the war on terrorism sidelined work on a Mexican migration accord, a migration accord with teeth could actually shore up our security.

Several indices show that the Border Patrol has had some success in stemming the flow of illegals, but unfortunately “success” has exacted an unacceptable toll in Mexican lives. But were Mexico to place dangerous zones off-limits to migrants, together we could make the border safe and orderly. Mexican officials have indicated willingness to take these actions if their migrants can become legal in sufficient number.

One popular proposal is to create a new guestworker program for Mexicans. But guestworker programs in western countries have proved costly, hard to manage, and illusory, with the result that “nothing is more permanent than a temporary worker.” If we decide, nevertheless, to institute a guestworker program, it should start as an experiment in a few states.

Why not simply augment Mexican visas temporarily until 2015, when Mexico’s Foreign Secretary Jorge Castañeda has said that Mexican migration would “peter out” through declining fertility and economic growth? The number of additional visas would be decremental, decreasing each year until 2015. By that year the current quota of Mexican visas (75,000) would constitute the totality of Mexican migration to the United States.

Though immigrants in their vast majority pose no threat, we would be safest if all immigrants were accounted for, including those here illegally. Yet we cannot reward those who broke our laws to get here, lest we encourage more illegal immigration. We need a program of earned legalization combined with the reinvigoration of workplace sanctions. By participating in a point system, unauthorized migrants would earn a permanent visa, and eventually citizenship. Points could be awarded for integrating into American life by holding a job, learning English, residing stably in a community, obeying the law, and learning American civic values. Participants would not be eligible for means-tested government benefits. Those wishing to become legal would also pay a fine. Should a pilot guestworker program be established, they would enter that program for a stipulated number of years.

Earned legalization must be sufficiently stringent as to discourage illegal immigration, something the 1986 “amnesty” failed to do. That is why the program must be linked not only to shared U.S. and Mexican border responsibility but also to regularly enforced employer sanctions. Those sanctions should be directed against employers breaking the law, not workers organizing. Under a regime of employer sanctions, unauthorized migrants not applying for earned legalization would be rejected for their next job. Barred from government benefits, they would have no recourse but to return to Mexico. The illegal population would be compressed by a combination of legalization and return.

Mexico does not see migration as a long-term answer, and the United States should not think controlling the border the solution to illegal Mexican immigration. The final component of an immigration bargain with Mexico involves the economic development of what are now “sender” communities in central and southern Mexico, providing jobs at home for

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would-be migrants. The two presidents should convene private donors and non-government organizations and use their influence in multilateral lending organizations to encourage infrastructure and education investments in those zones.

Especially after September 11, it is the American interest to approach the migration issue in concert, and not at cross purposes, with the Mexican government. The U.S. has a strategic interest in seeing Mexico emerge as a prosperous and lawful buffer against unregulated migration. Our border agencies must be adequately funded, organized, and briefed; everyone who crosses the border checked through a comprehensive database; illegal immigration curtailed and immigration regularized. All immigrants need to be brought into the system. But for that system to work, Mexico must supervise its borders and extend the security perimeter against terrorism by building the rule of law in Mexico. Assisting in that endeavor should be a central goal of U.S. policy.

Introduction

How much has “everything changed” since September 11? That is a question that presents itself in almost every realm of our social, political, and cultural life. When it comes to immigration it is the 64 dollar question. According to Tamar Jacoby writing in *The Weekly Standard* on January 28:

When Secretary of State Colin Powell and Mexican foreign minister Jorge Castaneda met in Washington on January 10, the resumed talks on a critical issue sidelined by September 11: immigration reform. It was bound to come back. For though the attacks raised security concerns that may make it harder now to reach a deal, they didn't repeal geography or demography or the realities of American labor markets, and the contradictions in U.S. border policy haven't gone away.¹

However, September 11 aggravated the U.S. recession and hence contracted labor markets. And it did alter political geography – inside the United States, with Mexico; it rewrote the world map of alliances and transformed the texture of international relations. After September 11, “the most significant change,” as Deborah Meyers and Demetrios Papademetriou of the Migration Policy Institute point out,

is that immigration, as with all policy issues, is now viewed through a security lens. Security is the utmost priority and security-related issues have replaced all others at the top of Washington's agenda. Any immigration proposals that resurface on the political agenda, such as regularization of status or issuance of student visas, will be geared toward this overriding policy concern. Given the personal and political capital that Presidents Bush and Fox have invested in the relationship between the two countries even prior to September 11, it is important to note that the United States has created an additional standard for friendship: the degree to which another state cooperates—in fact, partners—in the war against terrorism.²

The pre-September 11 immigration policy debate centered on how many illegal immigrants would be legalized, how to safeguard the lives of those illegally crossing the U.S.-Mexican border, and whether or when to “open” that border entirely. Today such questions seem tributes to a lost innocence. Before September 11 economic issues dominated immigration research and policy-making: did immigrants fill needed jobs or compete with less educated workers? Did immigration reduce inflation or increase unemployment? Did they raise the cost of government services or add to revenues?

Agro-business sought cheap, docile labor. Food-processing companies recruited unauthorized migrants, maintaining that native-born Americans spurned their tough jobs. Ethnic lobbies wanted families reunited. Religious groups pushed for admission of foreign adherents. Civil rights groups argued that “undocumented” immigrants should receive the same legal protections as American citizens. Organized labor strove to organize unauthorized workers. The Bush administration was engaged in a bidding war with the Democrats over how many illegal immigrants would be legalized.

On the morning of September 11 George W. Bush was envisioning a major immigration accord with Mexico's President Vicente Fox who had just departed after a triumphal visit. Bush, who expected a tight race for reelection, coveted the Latino vote. Since two out every three Latino voters are of Mexican descent, designating Mexico the United States' “best friend” and “our most important bilateral relationship” promised electoral dividends. Moreover, Mexico was the one country where Bush, notoriously short on foreign policy experience, could demonstrate familiarity. Every major lobby on the immigration issue backed a Mexican deal. Even Alan Greenspan supplied grist for the mill, arguing that immigration was a hedge against inflation.³

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When “everything changed,” Mexican president Vicente Fox dropped from sight; Bush became a foreign policy ace and almost universally popular, beyond the grasp of any single constituency. Angling for the Latino vote began to look like an act of *lese majeste* for a bipartisan commander in chief. Besides his approval rating among Latinos skyrocketed after 9/11 while public approval for legalization waned.⁴ The economy nose-dived, making immigrants redundant when not rivals to rising numbers of American unemployed. No industry was hit harder than hospitality, where Mexican restaurant and hotel workers had thronged.

The ground seemed to shift under the feet of immigration scholars and policy-makers. Previously, a few scholars had raised the question of immigrant enclaves and whether these retarded national cohesion or heightened diversity, or might even represent a path to integration. But concerns about assimilation or “Americanization,” couched in patriotic language, were often dismissed as ethnocentric, even racist, preoccupations of a chauvinist Anglo/European elite, and sometimes they were just that.

Then September 11, like a bolt flashing across a dusky sky, exposed startling cracks in our immigration system. In two national polls after September 11, at least 80 percent of Americans concluded that the United States had “made it too easy” for foreigners to enter the country. In another, 77 percent said the government was not doing enough “to control the border and screen people.”⁵ In Congress talk of amnesty for illegal aliens yielded a scramble to plug porous borders and keep track of the movements of foreigners. The meetings of U.S.-Mexico High Level Working Group on Migration, headed on the U.S. side by Secretary of State Colin Powell and Attorney General John Ashcroft, were suspended.

When they resumed in January, the urgency was gone; the pace and the dynamics had changed. Before September 11 Mexico had set the agenda. Vicente Fox and Mexico’s activist foreign minister Jorge Castañeda, playing U.S. politics and press deftly, had reshuffled the bilateral agenda, with immigration supplanting drugs as the top issue. Fox and Castañeda barnstormed through California, the Midwest, and Washington, lobbying the press, Mexican-American communities, and the Bush administration for “the whole *enchilada*” – every feature of their migration proposal (see below).⁶ On September 4 Fox surprised the White House by calling for an agreement “by the end of the year.” After September 11 Mexico fell prudently silent, and when talks resumed, American concerns had moved front and center. Discussion turned technical and cautious. The game was now being played far from the goal posts as the players plowed into the center of the line and forsook long passes. Now the Mexicans, it was said, could be content with bits of the *enchilada*, the dish might be *chilaquiles* – or *enchilada* lite.⁷

But is Tamar Jacoby mistaken in suggesting that all the mundane pre-September 11 motives for a Mexican migration agreement have not been transcended? In fact, September 11 puts Bush in a tricky spot. As the *National Journal* writes: “He has to respect public concerns about national security and lax immigration enforcement without appearing to reverse his pro-immigration stance.”⁸ Meanwhile the Democrats are readying their own package and accuse Bush of paying only lip service to immigration. In any case there is now one sanctified reason for cooperation: security. Not that illegal Mexican immigrants represent a security threat; they come to labor and to save. Besides, Islamic terrorists do not find Mexico congenial, as they do Canada. But our 2,000-mile border with Mexico has proved a barbed challenge for the Border Patrol. Migrant smugglers are bringing Middle Easterners across the Mexican border in increased numbers. The fact is that we could use Mexico’s cooperation to control our border, and Fox is willing to help, if he gets some help back.

The Middle East on our Southern Border?

Before September 11 the attention of the INS was concentrated on our southern border. But INS statistics show that citizens from countries with majority Islamic populations seek to gain illegal entry to the United States much more frequently at the Canadian border than at the Mexican. Last year, American agents detained 254 undocumented immigrants from 16 Middle Eastern countries, Sudan, Pakistan, and Malaysia at Canadian border checkpoints, according to Immigration and Naturalization (INS) statistics.

By contrast, at the Mexican border, agents detained only 90 undocumented immigrants last year from countries with majority Islamic populations: Egypt, Iran, Iraq, Jordan, and Pakistan. The contrast is even sharper when we consider that until October 2001 the 4,000-mile northern border was patrolled by 1,773 customs officers and about 300 INS agents, while the southern border is half as long but is protected by more than 8,000 federal agents.

Improving security on the northern border will not be an easy matter. Current Canadian migration policy is much beloved by ethnic interest groups, if not by provincial authorities or the general populace. At the federal level ardent multiculturalism has proved politically lucrative. And much of the long northern border is remote and rugged. The U.S. and Canadian government agreed in December to impose jointly strict new controls on travel, involving developing identification for permanent residents using biometric technology ("smart cards"), sharing information and intelligence about travelers, tightening customs and immigration activities at international ferry terminals, sealing and pre-clearing trucks, more closely scrutinizing ship containers and coordinating procedures on granting asylum.¹ Canadian government and business leaders see coordination of immigration and customs operations as a way to help ease U.S. security concerns and keep Canadian exports from getting squeezed by tighter border checks.¹⁰

Though Mexico faces the same pressures and will agree to a similar set of procedures for creating a "smart border," Canada probably will be able to reform its procedures more rapidly than can Mexico in view of the latter's legendary official corruption. Al-Qaeda, which often does the unexpected, may turn its attention to our porous southern border and our vulnerable Latin American strategic rear.

Latin America offers terrorist networks promising avenues. Despite sporadic transitions to democracy and markets, deepening inequality and social disintegration, and now the collapse of our closest ally Argentina, helps perpetuate anti-American sentiment. Endemic graft makes it easy to obtain travel documents used to enter the United States.

The number of "other than Mexicans" crossing the southern border has increased sharply in recent years according to U.S. and Mexican immigration officials.¹¹ An Iraqi-born smuggler has been charged in a federal conspiracy trial with forging an alliance with a Mexican immigration officer to smuggle "Palestinian, Jordanian, Syrian, Iraqi, Yemeni, and other undocumented immigrants through Mexico and into the United States." Prosecutors offered no evidence that the smuggler has terrorist links but said he had paid little heed to the provenance of his clients.¹² Officials at the White House Office of Homeland Security say that the Abdullah smuggling ring that specializes in bringing Middle Easterners into the United States through Mexico may have terrorist ties. Certainly, the increase in Middle Easterners crossing the southern border is linked to what the General Accounting Office [GAO] in May 2000 called the "significant and growing problem" of alien smuggling. The GAO report added that "some are smuggled as part of a criminal or terrorist enterprise that can pose a serious threat to U.S. national security."¹³ The report specified that one international alien smuggling and money laundering ring introduced "aliens who were nationals of...Afghanistan, Pakistan and Syria."¹⁴

The relations between terrorism and drug trafficking are solid in such Latin American countries as Colombia and Peru. Mexican drug lords have managed to set up clandestine methamphetamine factories in the Midwest. U.S. counter-terrorism experts say that Al Qaeda has seeded “sleeper cells” among Latin America’s several million Muslims. According to one published report antiterrorism experts say cells tied to Hezbollah, Islamic Jihad, and al-Qaeda may be operating in several Latin American countries including Ecuador, Paraguay and Uruguay.¹⁵ A new CIA division reportedly is cooperating with FBI agents to track bin Laden networks in Argentina, Brazil, Paraguay, and Uruguay.¹⁶

Mexico itself is not a haven for Islamic terrorist groups. Mexican Muslim communities are small and rare. The danger is at the long, busy border itself, combined with an apposite criminal environment. Official corruption, alien smugglers, drug trafficking, organized crime, and terrorist groups combine to make the Mexican border “a diffuse and insidious threat”, as the State Department’s coordinator for counter-terrorism told a congressional committee in October.¹⁷

In January I asked Tom Ridge, Bush’s Director of Homeland Security, which of our two borders concerned him the most “from a strategic standpoint: our unsupervised northern border where Canada hosts more than 50 terrorist groups and a large Muslim population? Or our southern border with its heavy flow of illegal immigrants

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and a culture of corruption in Mexico’s law enforcement agencies?” He responded carefully that he was very concerned with both borders. But though he said the Mexican and U.S. governments were developing “a remarkable relationship,” his frank reply was “Mexico.” “The infrastructure is better on the Canadian side” and in Mexico there is “endemic corruption.... There are more organizational problems down south.”¹⁸

The answer is not somehow to “close down” the Mexican border, even if that were possible, junking NAFTA, and tipping the American southwest and Mexico into economic crisis. Together with Mexico we need to create a “smart border” with pre-clearance for goods, identification cards keyed into licenses read by cameras, E-Z passes and fast lanes for frequent travelers, scanners, mobile X-ray units, and other innovations.¹⁹ Border security must be heightened and modernized, including improved data sharing, but the Bush administration is also wise to re-examine the Mexican proposal for “shared responsibility” in stemming illegal migration.²⁰

Mexico’s aim is to “regularize” Mexican migration; to make it “safe, legal, orderly, and humane.” Mexico proposes to make the border safe; to increase the quota of Mexican resident visas; to revise the status of unauthorized Mexican migrants currently in the United States; to establish a guest worker program for Mexicans and to encourage international investment to flow into Mexico so as to provide jobs in Mexico as an alternative to migration.

A Safe and Secure Border: Shared Responsibility

A view widespread in the United States and Mexico sees Mexican migration as “structural and permanent” to quote Mexico’s governmental National Population Council [CONAPO].²¹ Migration that is not permitted, or is stopped in one location, will find ways to enter illegally. The market trumps the law; economics trumps policy. Policing the border is futile: at most, the U.S.-Mexico *Binational Report* on migration asserted, “affecting migration patterns, but not preventing unauthorized entry.”²²

However, for more than a year data from a variety of sources indicate a drop in Mexican

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migration to the United States. In February 2001 the Border Patrol first began reporting a significant drop in apprehensions dating from October 2000. The drop in arrests reversed a nearly decade-long climb in apprehensions on the border. Then in January 2001, when migrants normally begin to return to the United States after the holidays, apprehensions were down 33 percent compared to January 2000.²³

In April 2001 *The Los Angeles Times* reported that “arrests of illegal immigrants have fallen along every segment of the U.S.-Mexico border during the last six months—apparently a sign that fewer people are trying to enter the country illegally....” The 24 percent drop during the first half of the federal fiscal year was the first to occur across the entire border since the United States began contending with illegal entries in earnest with the launch of Operation Gatekeeper in 1994.²⁴

Apprehensions declined increasingly through 2001, undoubtedly intensified by the increased supervision and the deepening recession after September 11.²⁵ Apprehensions declined again in January 2002, normally the peak month for arrests as migrants return from holiday fiestas in Mexico.²⁶ Detentions between October 2001 and January 31, 2002 were the lowest figure in 17 years.²⁷ The continuing drop in total arrests appears to indicate the reversal of a long secular trend of increasing arrests on the border. From 1992 to 2000, the number of unauthorized migrants apprehended annually by the U.S. Border Patrol rose from 1.1 million to 1.6 million.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 required the General Accounting Office to track, monitor, and evaluate the strategy annually for six years. The INS has employed apprehension statistics as the main quantitative indicator of the results of its strategy. Yet it is extremely difficult to gauge success in such enterprises: for example, do increased apprehensions mean increased control or more illegal crossers? Does an apprehension represent the first or the nth time a given crosser has been stopped? If recidivism rates climb in a given area, does that mean more are being caught or that it is easy to get through?

What is the relationship between apprehensions and illegal crossings? The INS anticipated that operations would produce an initial increase in apprehensions only to decline after “a decisive level of resources” had been brought to bear.²⁸ It also expected that traffic would shift away from those sectors with heavy illegal alien activity towards sparser sectors. And indeed both calculations proved correct.²⁹

From 1994 to 2000 the Border Patrol “with an increased budget and a renewed sense of purpose, all but shut down the routes along the traditional border jumping towns” such as San Diego and El Paso, *The New York Times* reported in May 2001. Consequently the Tucson, Arizona sector, its arrests tripling between 1997 and 2000, became “the bottleneck where the most illegal immigrants make their way into the United States.”³⁰ More than 40 percent of the arrests annually occurred in the 28-mile zone between Douglas, Arizona and Agua Prieta, Mexico.³¹ Then in 2000 arrests began dropping in that area as well.³² Border Patrol authorities say they expect the next bottleneck to occur around Laredo, Texas.³³

The most recent GAO report, August 2001, like previous reports, found a definite “shifting of illegal alien traffic” with apprehensions declining in three sectors (San Diego and El Paso and McAllen, Texas) while increasing in five of the other six Southwest border sectors. “As the Border Patrol has increased enforcement in certain locations, illegal alien apprehensions have shifted to other locations, as the Border Patrol predicted would result from its strategy.”³⁴

The GAO noted that the Border Patrol has been unable fully to meet the Southwest strategy personnel demands. The shortfall was not because Congress failed to appropriate the resources. Rather, “in fiscal year 2000, INS stated that it requested no additional agents because of its concern that the ration of inexperienced-to-experienced agents was getting

too high and law enforcement experts said this was risky.”³⁵ The imbalance suggests the kinds of problems that may be encountered in the post-September 11 rush to increase controls.

The GAO, as well as the Mexican government and numerous media reports, also indicated another problem with the strategy: the INS “failed to anticipate the sizeable numbers that would still attempt to enter through these harsh environments.” As a result the GAO found that “the strategy has resulted in an increase of deaths from exposure....”³⁶ Border Patrol agents claim that the fatalities have always surrounded the border and that deaths from other causes, such as accidents when crossing busy highways, have declined as a result of the strategy.³⁷

Because migration persevered into harsher environments “until very recently, apprehensions borderwide continued to increase.”³⁸ The GAO was unable to determine “whether INS strategy has deterred illegal entry overall or whether it has merely shifted the traffic to different locations.”³⁹ Nonetheless, the report did note that “very recently apprehensions have been declining,” reporting a 26 percent decline for the period of January-April 2001 compared with the same period the preceding year.⁴⁰ “The reasons for the decline are unclear,” the report declared, “and it is too early to tell whether the decline will persist.”⁴¹

The report advanced four explanations for the decline:

- INS strategy was effectively deterring illegal entry
- Fewer Mexicans were returning for the holiday either because of legislation enabling them to apply for permanent residency or because increased surveillance would make return problematic.
- Mexicans were more optimistic about the future of Fox’s election and improvement in the Mexican economy.
- A slowing U.S. economy diminished job prospects.⁴²

But only the first of these explanations stands scrutiny. As a matter of record, arrests along the border began declining significantly in the fall of 2000. The INS reported that arrests of unauthorized aliens along the border dropped by 94,677—from 425,002 to 330,325—from October 2000 through January 2001 compared with the same four-month period a year previously, a 22 percent drop.⁴³ Thus the decline began before the downturn in the U.S. economy in March 2001, and therefore cannot be explained by this factor.

The persistence of the decline argues against the notion that it resulted from an improving Mexican economy, which began to slump badly in the second quarter of 2001. And it seems unlikely that hopes vested in the Fox administration would disrupt ingrained migration patterns. Moreover, indicators suggested that most Mexicans took a wait-and-see attitude. In any case, the first year of the Fox administration has proved disappointing to most observers and Fox’s popularity, as well as many hopes vested in his regime, has fallen.

It has been widely reported that many unauthorized migrants failed to return to Mexico because increased supervision might preclude their coming back to the United States.⁴⁴ On the other hand that supervision did not prevent the estimated number of migrants returning to Mexico from swelling 9 percent in the months following September 11 and October 2001 over the same period the previous year.⁴⁵

There are other signs that the Southwest border strategy is deterring unauthorized migration. In May 2001 *The Washington Post* reported: “As the odds of being caught have climbed, smugglers’ fees have risen dramatically, from about \$300 a person a few years ago to between \$1,500 and \$2,000.”⁴⁶ On January 31, 2001, EFE reported that rates had risen to “almost \$2,500, up from last year’s fee of between 800-1000 dollars.”⁴⁷ Most of the rise came before 9/11, suggesting that the Southwest border strategy was primarily responsible for the rise, not post-September 11 strictures.

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In the late 1990s Agua Prieta across the border from Douglas, Arizona mushroomed into “the people-smuggling capital of Mexico.” By 1999 more passengers arrived at the nearby airport on one-way tickets than to any other destination in Mexico. Recruiters with cell phones dangling from their waist rapped importunately on the windows of crowded arriving buses even before the passengers disembarked.⁴⁸ The town now featured more than 400 guest houses, usually private homes converted into dormitories, overflowing with migrants waiting to cross to the United States. Busy streets near the checkpoint suddenly sported pay phones for crossers to ask relatives for money while they waited to hook up with a smuggler.⁴⁹ Yet by the spring of 2001, “the town was quiet...”⁵⁰ No longer were Mexican buses headed north for Agua Prieta crammed, while those going to the interior rode empty.

Doubtless migrant smuggling organizations, which have grown more sophisticated in response to the INS border strategy, were probing new routes around Laredo. This growth in organized crime, partly as a result of border control efforts, presents a problem that U.S. and Mexican officials must confront collaboratively. As the U.S.-Mexico Migration Panel recommends, “extensive joint training... as well as a commitment to transparency ... should quickly become the prevailing norm.”⁵¹ And Mexicans in intolerable numbers continued to die on the border. The Southwest border strategy and the smugglers’ riposte have meant that illegal crossings became far more dangerous in last several years. According to the INS 329 Mexican migrants died in 2001, down from the 372 border deaths in 2000, but still far too high. In January 2002, 28 perished, compared to 60 last year, a figure that reflects the reduced number of attempted illegal entries.⁵² For the Border Patrol that means the tasks of deterrence and safety have merged.

Its concerns for the Mexican lives lost in the process notwithstanding, the Mexican government appears to agree with top INS officials that the Southwest border strategy is working. That appears to be one reason why Mexico has become far more receptive to an overall agreement with the United States. In the June 22, 2001 “Joint Communiqué” of the U.S.-Mexico Migration Talks *both* governments agreed to “strengthen public safety campaigns to alert potential migrants of the dangers of crossing the border in high-risk areas.”

INS and Border Patrol officials say that, along with the increased dedication to rescue operations by their organization, the new cooperative attitude of Mexican state and federal governments has assisted in reducing the number of border deaths. In what *The San Diego Union* described as “a sharp departure from the Mexican government’s long-standing tradition of allowing its citizens to cross unhindered,” last summer *Grupo Beta*, a Mexican federal government migrant protection unit that operates along the border, began stopping migrants attempting to cross in dangerous areas.⁵³

The government of the Mexican state Baja California Norte has taken the further step of designating “*zonas de exclusion*” (off-limits areas) at especially treacherous border areas. The state government has stationed agents along the highway at the edge of the desert that stretches to the east and west of the city of Mexicali. The agents prohibit trucks and buses from dropping off immigrants at isolated locations, and intercept other immigrants traversing the dunes. Patrols composed of federal immigration agents as well as state law enforcement and civil protection officials are empowered only to discourage, not detain, immigrants headed across the desert.⁵⁴

One Border Patrol official said “this is the first time Mexican authorities have stepped up to the plate and shouldered responsibility for their own citizens.” The official said that the cooperative attitude of Mexican officials had been a “revelation.”⁵⁵ Border Patrol agents say that a “concerted effort” to enforce off-limits zones along the entire border “would be absolutely wonderful.”

It would allow us to re-deploy forces to other areas and to focus better on border safety and

less on surveillance of illegal entry. We could shut down high risk areas on both sides of the border.⁵⁶

That would be a difficult task for the United States alone. The Border Patrol now is stretched beyond its limits with the new threat from Canada. Moreover it is rapidly losing agents to an expanded Air Marshal program.⁵⁷ The Southwest border strategy may be proving itself in theory even as become unattainable in practice. However, were Mexico to share responsibility for border safety, the Southwest border strategy would have a real chance of success. Mexico would have to implement all along the border the policy currently applied by the state of Baja California Norte and take the further step of actually detaining those who repeatedly enter off-limits zones. Such shared responsibility could make the border safe for Mexican citizens, a goal that Mexico proposed for the US-Mexico migration talks.

The more candid Mexican diplomats and migration officials acknowledge these facts. They say that Mexico is “waiting on” (*en espera*) the bilateral migration discussions. Despite long-standing claims to the contrary, the Mexican Constitution and statute law authorizes the government to “fix the places allocated for the transit of persons and to regulate that transit through maritime, air and border ports” There is no bar in Mexican law to offering this critical sweetener to a migration deal.⁵⁸

But it is less certain whether the Fox government has the political leverage. The Fox administration had a tough first year in power. Especially rocky and unsatisfactory have been its dealing with a Congress led by opposition parties. Thanks to the Fox administration’s poor relations with Congress, Fox produced no significant legislative achievements in 2001 and began 2002 in desperate need of a triumph. His only prospect is a migration agreement with the United States. However, foreign minister Castañeda has said that Fox needs a package deal in order to sell domestically the idea of discouraging illegal migration. With such a deal Fox could say to would-be illegals, in Castañeda’s words,

‘We ask you to stay home. We are going to develop programs [and] channel investment to your region so you do find jobs at home. And if you have to leave or want to leave we are going to make sure you don’t leave through dangerous places, and we are probably going to find ways to make it more difficult for you to leave.’⁵⁹

But to make that happen the United States will have to offer concessions on other ingredients in the Mexican *enchilada: chilaquiles* or “*enchiladas* lite”.

Temporarily Augmenting Mexican Visas

The most direct Mexican migration proposal was Fox's request after his July 2000 election victory for 250,000 permanent visas to be granted each year to Mexican nationals.⁶⁰ That number would cover most of those who currently move here each year from Mexico. But Fox and his foreign minister have also stated that Mexican migration would "peter out" by 2015.⁶¹ Therefore progressively fewer visas should be needed as we approach that year.

To augment Mexican visas for the interim, the country would have to be exempted provisionally from the normal immigration formula. The two countries may decide to cover part of the increase with some combination of temporary (business, tourist, student and temporary agricultural—H2A—visas) as would best suit the two countries needs (e.g. business and student visas could contribute to Mexico's developmental goals).

The granting of Fox's request, coupled with shared responsibility for the border, would go a long way toward the goal of making Mexican immigration safe, legal, orderly, and humane. If shared border responsibility is aimed at controlling illegal immigration, and not at the illusive task of fishing terrorists from the illegal flow, some form of entry document would have to be provided to Mexican migrants. Gustavo Mohar, Mexico's chief negotiator, told me in Mexico City that his government is willing to open local offices to help Mexicans get visas in their home states. That way they would enter the United States with authorization and papers.⁶² That visa, preferably with biometric data, would be checked at the U.S. border at official points of entry and would serve as an identification card in the United States.⁶³ To assure that such authorized migrants were the only ones heading for the United States, Mexico would have to "regulate that transit through maritime, air and border ports," as stated in Mexico's General Population Law.⁶⁴ Mexico would have to funnel emigrants through designated ports of departure. That is a *sine qua non* if Mexico intends to reach a joint solution to convert illegal Mexican immigrants into safe and legal ones.

Another indispensable condition would be competent Mexican enforcement of shared responsibility. That might very well require the assistance of U.S. law enforcement organizations such as the Border Patrol and the Federal Bureau of Investigation. As Delal Baer of Washington's Center for Strategic and International Studies has commented vis a vis Mexico's recent pledge to crack down on migrant smugglers: "The question on the Mexican side is always not so much whether they have the political will but whether they have the institutional capability to carry it out."⁶⁵ Helping to build that institutional capacity on Mexico's borders should be a fundamental aim of U.S. policy toward Mexico.

Since the essence of Fox's visa proposal is simply to change the legal status of most Mexican migrants, there would be only a small immediate alteration in the overall numbers, again assuming that Mexico effectively cooperates on the border. However, Fox's proposal also envisioned the eventual leveling off of Mexican migration by the year 2015 as a result of job growth back home. Since that process would happen gradually, Mexico's migration needs would dwindle as we approach that target date. Thus, pro-rating over 12 years, beginning in 2003, the quota would decline about 20,000 yearly, to return decrementally to the current legal quota by 2015. At that date the current quota (75,000) of Mexican visas would then constitute the totality of Mexican migration to the United States.

Accepting for a moment that premise, by granting this modified version of Fox's proposal the United States would gain security. Again, assuming shared border responsibility, our southern perimeter would no longer be the site of massive, uncontrolled illegal immigration and the multiple smuggling routes that accompany it – routes that are perfectly adaptable for the smuggling of terrorists. The United States could then choose to concentrate its border forces on drug trafficking, if it wished, and on the detection of terrorist suspects in the legal flow.

Legalization

The Mexican proposal concerns not only the current flow of immigrants but also Mexican immigrants who are already here without papers or illegally. Recent estimates suggest unauthorized Mexican workers number around 4 million out of nearly 9 million total illegal immigrants.

The Mexicans argue that these individuals are not law-breakers in the usual meaning of the term. Yes, they have violated immigration laws, but in the vein of Jean Valjean, the penurious but noble peasant of Victor Hugo's *Les Miserables* who was imprisoned and persecuted for stealing a scrap of bread for his starving children. There is truth in this characterization in that Mexican migrants usually live well below the U.S. poverty line before leaving Mexico; of course the prospective migrants live in Mexico not the United States. The Mexico-U.S. *Binational Study on Migration* found that

An immigration policy based on compassion would not begin with Mexico.

Mexican migrants to the United States generally hail not from the lowest but the "middle-to-lower range of the socioeconomic hierarchy;" and that "most migrants had some kind of work in Mexico prior to migrating....;" and that "in the large majority of cases, migration cannot be attributed to an absence of employment in Mexico."⁶⁶ Most Mexican migrants come as a result of a household decision to maximize income and many are raised from birth to be migrants.⁶⁷ The likeliest to come are those with relatives in the United States.⁶⁸ Commencing with the smuggler's fee, migration is an investment that most poor Mexican families cannot afford. When Mexico's poorest migrate, they move to the Mexican shanty towns that surround Mexico City and other large urban concentrations.

Of course, the proclivity to head north has everything to do with the wage differential between the United States and Mexico. However, the latter is hardly a poor country by world standards; in terms of GDP the World Bank places it comfortably in the upper middle range of countries, though it would rate much lower on a per capita basis. An immigration policy based on compassion would not begin with Mexico. Depending on whether the migrant was viewed in the American or in the Mexican context, he would be the very hardworking poor or the relatively privileged, by virtue of his relatives in the United States. Indeed, recently Mexican migrants have become economically and politically influential in Mexico.⁶⁹ Many Mexicans considered them "heroes" even before Fox so designated them on taking office.⁷⁰ However, nothing of the above refutes the Mexican point: undocumented workers are not typical lawbreakers.

The second Mexican argument is that these hardworking people should not have to conduct "a life in the shadows" – in fear of INS deportation, barred from seeking redress for exploitation by unscrupulous bosses, unable to rent an apartment, afraid to appear in public. Peter Skerry casts doubt on this stereotype: "all the research underscores that being illegal is not the all-encompassing, debilitating condition it is usually depicted as being." In the virtual absence of interior enforcement, unauthorized workers have little to fear from the INS. Skerry notes that organized labor recently has waged successful recruiting drives among illegal aliens and that "countless news stories highlight illegal immigrants as proud homeowners, successful businesspeople, and ambitious high school graduates openly seeking admission to California's public universities." Yet it may also be the case that where Mexican enclaves are less pervasive, for example, in Manhattan rather than Los Angeles, trepidation is more widespread and justified. And as Skerry himself stipulates: "People who have lived and worked here for a prolonged period of time, established businesses, and raised families do build up compelling claims on the rest of us...."⁷¹ And "the rest of us" should consider the viability of sustaining a marginal, sometimes isolated population, often

poorly educated and in bad health, estranged from the police, with a reduced stake in the fate of the nation, its government or its way of life.⁷²

Since September 11 Mexican officials have put forward another argument for legalization: security. Is it in the U.S. security interest to host nine million individuals, unauthorized and unaccounted for, a population unlikely to cooperate eagerly with authorities? A large illegal population generates a market for fraudulent documents. Two unauthorized Salvadoran immigrants have been charged with helping four of the September 11 hijackers procure identification papers by exploiting Virginia's hitherto loose rules for obtaining driver's licenses.⁷³ The same logic applies to resident aliens in the country as for those seeking to enter: authorities should be familiar with where these people reside and work.⁷⁴

To these arguments for legalization, the Bush administration has also heard strong rejoinders. Why should people be rewarded who have jumped the queue of those patiently waiting for legal visas? Moreover, we have tried this before, as recently as the 1986 Immigration Reform and Control Act (IRCA) under which nearly 3 million unauthorized migrants (most of them Mexican) gained legal residency. That was billed as an answer to illegal migration. But after a short respite, illegal migration from Mexico resumed its upward march. Studies show that IRCA effectively "encouraged additional illegal migration by relatives who remained at home," ostensibly in the belief that eventually they too would be granted amnesty.⁷⁵

In the form of California's Proposition 187, a backlash followed upon the 1986 amnesty. Could that not happen again, given intensified public suspicions of illegal migration after 9/11? Moreover, what kind of signal would legalization send, not only to our own citizens and to migrants but also to Mexico, a country trying to establish the rule of law? Finally, legalization could represent an administrative nightmare for the INS, overburdened even before September 11. INS officials say that the previous legalization was rife with fraudulent claims of previous residence and work.

IRCA apparently "encouraged additional illegal migration by relatives who remained at home."

But to try to deport several million unauthorized workers is not a politically feasible option. It would ravage both Mexico and our relations with that country as well as fostering a scofflaw migrant environment hospitable to terrorists. Who will report suspicious activity to the authorities if they believe their own deportation will follow? Leaving the situation as it is after September 11 also appears unacceptable. Another course would be belatedly to begin to enforce the employer sanctions mandated by the 1986 IRCA. That would affect unauthorized workers only when they changed jobs and would reduce their numbers by attrition.

Neither the Bush administration nor Congress will grant an amnesty like that of 1986 that rewards migrants for having resided here illegally before a certain date. How then to register the unauthorized, document the undocumented for security purposes without rewarding them for breaking the law? Tamar Jacoby believes that "earned legalization", a different form of amnesty that evolved from the US-Mexico migration talks, solves the problem. Unauthorized migrants currently in the country would have to earn a permanent visa, and eventually citizenship, by working as guest workers for several more years, paying taxes, and participating in a point system. The point system concept, floated by Demetrios Papademetriou of the Migration Policy Institute, awards migrants "points not just for holding a job, but also for learning English, residing stably in one place, staying on the right side of the law, and participating in civic affairs – in short for integrating into American life."⁷⁶ "Participating in civic affairs" could sound to Republicans suspiciously like a euphemism for enlisting with the Democratic Party or close allies such as labor unions. Perhaps participation could be broadened to include "graduating from an Americanization course."

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That last idea passed muster with Gustavo Mohar, the chief Mexican migration negotiator, when I broached it to him in Mexico City in December. Mohar endorsed all the aforementioned provisos and volunteered that participants also be required to pay a fine.⁷⁷ Jaboby stipulates that participants “be barred from receiving means-tested government benefits.”

For Jacoby this policy would not reward lawbreakers: “On the contrary what it would reward is work and assimilation.” But, in fact, it would only regulate the reward for law-breaking, because it benefits those who have managed to get themselves here illegally by qualifying them for earned legalization. They would be jumping the queue of those waiting for visas or those wishing to enroll in a guest worker program, but would be obliged to do penance in the form of guest work, a fine, back taxes, et al. In return they earn what amounts to a partial amnesty. Sneaking in by itself will not get you amnesty, but was not that also true of the 1986 legislation, which was also a species of “earned legalization?” A new legalization could also spark illegal migration unless it were coupled with Mexican enforcement on the border and serious employer sanctions. (Employer sanctions must be enforced fairly, with safeguards barring their use against workers attempting to organize). It is essential that earned legalization be sufficiently stringent as to discourage illegal immigration.

Those accepting earned legalization should not be placed ahead of any queue; they should still have to complete the requisite years of work and otherwise qualify for resident status. Those unauthorized migrants who do not apply for earned legalization would be rejected for employment under employer sanctions. Those who cannot find a job will have little alternative but to return to Mexico. Thus the illegal population will be compressed by a combination of legalization and return.

Guestworkers

Assuming the Bush administration would not find it feasible simply to grant some 250,000 visas to Mexicans, migrants would have to enter the country on something short of a permanent visa, if Mexican migration is to be made legal and orderly. At the same time farmers and other low-wage employers are generally indifferent to the immigration status of their workers. A temporary worker, who almost by virtue of being temporary is without certain rights, could be just as alluring to an employer as he is to the Mexican government, interested in an escape valve for its workers but not especially eager for those workers to become American citizens. Thus, a guestworker program would appear to suit both employers and Mexico.

From a variety of quarters, proposals for a new guestworker program and/or expansions of current ones have been put forward during the U.S.-Mexico deliberations. Sen. Phil Gramm (R-TX) favors a guestworker program that first permits unauthorized Mexicans already in the United States to obtain a temporary legal status and then admits additional Mexican workers to fill jobs throughout the U.S. economy. Gramm's bill would ensure that guest workers return to Mexico when their work permits expire and would raise sanctions on employers who knowingly hire illegal workers in order to encourage them to hire legal workers.⁷⁸

Bills advanced by Rep. Howard Berman (D-CA) and Sen. Edward Kennedy (D-Mass.), and backed by the United Farm Workers, would allow unauthorized migrant farm workers to obtain guest worker status and eventually to qualify for legal residency in the United States.⁷⁹ Like Senator Gramm, Mexican officials are eager to expand guestworker programs beyond agriculture to a number of industries. But they also support the Berman-Kennedy proposal to give migrant workers legal residency. Recently the U.S.-Mexico migration talks have examined an expansion of the current guest worker program for agricultural workers (H2A).

Advocates of a guestworker program say that it answers employer demands for low-wage work-

ers and would combat inflation by keeping wages and hence prices low. At the same time it would give Mexico the safety valve of additional jobs and offer migrants transferable skills even as their remittances further assist the Mexican economy. Finally, supporters say, such a program would save lives and lift an onus by moving migrants from illegal to legal status.

Opponents argue that guestworkers tend to become permanent residents and stimulate rather than deter illegal migration through chain migration.⁸⁰ They point out that unemployment with low and falling wages already characterizes agriculture and that guest worker programs would discourage mechanization and hold down wages. Some opponents claim that such programs are inherently exploitative while others worry that they will add to welfare rolls.

Western countries have known two major guest worker experiences: the U.S. Bracero Program between 1942 and 1964 and guest worker programs in several advanced European countries. The overwhelming consensus of those who have studied these programs is that they frequently culminate in permanent residency for the workers and their families.⁸¹ Moreover they have proved "enormously complex and difficult to manage."⁸²

The Bracero Program began as an emergency measure to provide field labor to southwestern farmers whose farm hands had been drafted into World War II. The plan was for the temporary workers (*braceros*) to be just that: temporary. However, many stayed in the United States along with family members.⁸³ Moreover, the Bracero Program was pivotal in

Opponents argue that guestworkers tend to become permanent residents and stimulate rather than deter illegal migration through chain migration.

building a tradition of illegal migration to the United States.⁸⁴

With respect to postwar Europe, “practically all scholars concur that ... guestworker policies resulted in unanticipated and, to a certain degree, unwanted settlement by aliens admitted as temporary workers....”⁸⁵ Workers who initially intended to stay temporarily found themselves bringing in spouses and children or starting new families. But the need for family housing and other needs raised migrants’ cost of living and further reduced savings. Once children were born and went to school in Western European cities, it became likely that guestworkers would become permanent.⁸⁶ Moreover the guestworkers developed rights and leverage. When West Germany’s democratic government duly tried to send them back, the guestworkers exercised their prerogative to have their families to join them “despite efforts by German authorities to discourage such family reunification.”⁸⁷ Thus, by progressively humanizing alien worker policies, facilitating family entry and other improvements, “European governments undercut their own policy goal of short-term foreign-worker employment.”⁸⁸ By the time adverse economic conditions stirred governments to try to enforce the expectation of return, many foreign workers “had such long continuous residency due to permit renewal that they could not be forced to return home.”⁸⁹ Notwithstanding the termination of new recruitment of foreign labor in 1973 and a decrease in foreign employment from an economic downturn, West Germany’s foreign population increased by 700,000 from 1972 to 1982 thanks to family reunification and children born to guestworkers.⁹⁰

The Bracero Program helped convert migration into “a common feature of life throughout western Mexico.”

Mexico’s contiguity with the United States made return easier than traveling from Germany to Turkey, but it also made illegal immigration more feasible.¹ An unintended consequence of the Bracero Program in the years following its termination was “phenomenal growth in illegal migration to the United States.”² In the absence of active recruitment by the U.S. government, *braceros* wove networks of social relations, which allowed future migration to become “self-sustaining.”³ The Bracero Program helped to convert migration into “a common feature of life throughout western Mexico.”⁴

The termination of the Bracero Program in 1964 gave new impetus to illegal trafficking; and the number of illegals apprehended began to increase steadily in 1965. The migratory networks formed under the Bracero Program enabled large numbers of undocumented workers to enter the United States and find work.⁵ Many of these illegals were former legally contracted *braceros* who had returned to the areas in which they had been employed previously.⁶

Along with creating the channels for migration and fostering illegal migration, the Bracero Program sparked criticism for the mistreatment of migrants. Edward R. Murrow’s sensational documentary “Harvest of Shame” was instrumental in building the public case, which led to the termination of the program.⁷ But the Bracero Program has been criticized from another angle for retarding the mechanization of agriculture and lowering productivity. Tomatoes are most frequently raised as an example. During hearings on whether to close down the program, tomato growers argued that *braceros* were “absolutely essential” to the survival of tomato farming. However, in the three decades following the termination of the Bracero Program, the harvest was mechanized, the number of tomato workers was reduced from 45,000 to 5,000, wages rose, production quadrupled and the price of processing tomatoes fell 54 percent while per capita consumption rose 23 percent.⁸

Finally, the Bracero Program became a source of tension between the United States and Mexico. Manuel Garcia y Griego has observed that “the contract labor agreement put the Mexican government in the position of acting as bargaining agent for its workers and the United States as a representative of its employers.”⁹ The adversarial relationship led to

numerous confrontations along the border and in bilateral meetings.¹⁰⁰

Even for the labor-sending countries, the negative long-term impact of guest worker programs may outweigh short-term benefits. Mark Miller and Philip Martin argue that such programs actually have retarded development in sender countries. Chronic unemployment and developmental disparities still plague most countries that have participated in guestworker programs. Indeed, participation in foreign-worker policy may forestall structural reforms necessary for development. Emigrant remittances have not been a major source of development capital as they are usually spent on consumer goods.¹⁰¹ Pablo Serrano, the head of social development at the United Nations' Economic Commission for Latin America and the Caribbean in Mexico City, has pointed out the distorting effects of remittances in higher land prices, inflation, and worker "passivity."¹⁰² The Fox government, as well as state and local officials, has sought to channel remittances into productive investment.¹⁰³

Europe has been more successful than the United States in curbing illegal migration associated with guestworker programs, but that has involved increasingly severe penalties against the trafficking and employment of unauthorized aliens "combined with national identity card systems that allow the police to demand identification of both citizens and legally resident aliens."¹⁰⁴ Miller and Martin have warned that a new guestworker program "not accompanied by employer sanctions, a mandatory identity card system, and enforcement would run a strong risk of not significantly reducing illegal-alien employment."¹⁰⁵

When I asked Gustavo Mohar, the chief migration officer of Mexico's foreign ministry, about these criticisms, he had two rejoinders. One: The current Mexico-Canada guestworker program has resulted neither in immigration nor illegal migration. Two: a prospective Mexico-U.S. guestworker program had to be constructed in such a way as to thwart the formation of migration networks.

Canada's guestworker program involves several Commonwealth Caribbean countries along with Mexico, which is the largest component involving 9,200 workers in 2000.¹⁰⁶ They work for eight months each year at prevailing Canadian wage rates and live in government-provided lodging. Employers generally choose the workers they want as these have often become an important supply of semi-skilled workers.¹⁰⁷ Workers have some protections, but they must remain with the same employer upon whose approval hinges each renewal of the contract.¹⁰⁸ Workers do not receive overtime pay "and anecdotal evidence suggest that farmers view [the program] as advantageous precisely because the workers work overtime."¹⁰⁹

Canadian labor leaders say the threat of being returned to Mexico stifles workers' complaints.¹¹⁰ But workers reportedly say their situation "compares favorably with illegal work in the United States."¹¹¹

The program offers the workers no option to become permanent Canadian residents. Indeed, preference is given to married workers as "spouses and children are viewed as a guarantee of the workers return."¹¹² But though Mexican officials "guarantee every single worker will return to Canada," a recent study by the CIESAS institute in Guadalajara, Mexico found that 15 percent of the workers fail to return home every year. For those participating five years or more the number climbs to 50 percent.¹¹³

Two Canadian and five Mexican ministries help locate, screen, document, hire, transport, lodge, compensate, and protect the workers. The task of protecting them falls mainly to Mexican consular officials, of whom there are only five for all of Ontario, where about two-thirds of the Mexicans work.¹¹⁴ The program has expanded gradually since its inception in 1974 but is dwarfed by the agricultural guestworker program (H2A) that sends 40,000 Mexicans to work in the United States annually. Last year it was revealed that thousands of workers were owed millions of Canadian dollars in uncollected salaries and

For those participating five years or more the number climbs to 50 percent.

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back taxes, a problem that also stalked the Bracero Program.¹¹⁵ *The San Diego Union-Tribune* reports that the small size of the program and the difficulties in administering it “makes some people doubt that it could be duplicated in the United States, where as many as 300,000 guestworkers might be involved.”¹¹⁶

How would a U.S. program avoid the formation of migrant networks? Networks usually engage migrants by word of mouth among relatives, neighbors, and friends. Instead the federal, state, and local government would become the recruiter, presumably basing selection partly on criteria deemed to forestall the formation of networks. That raises the question whether the task could be achieved without fostering bureaucracy and opportunities for patronage and graft.

The Gramm proposal would create, in Jacoby’s words,

a permanent caste of noncitizen foreign laborers.... Can we sustain a nation divided between bona fide members and toiling, underprivileged nonmembers? The question answers itself.

But what Jacoby proposes, the Berman-Kennedy measure, would create a temporary caste, perpetually renewable. The Binational Panel proposal stipulates that a guestworker program include both incentives for participants

to depart as agreed (so as to address legitimate concerns about program ‘leakage’ into the unauthorized immigration stream) while offering a clear but carefully constructed access to legal permanent resident status for some..... The departure incentives will create an opportunity to re-establish a circular system for Mexican migrant workers, which is an important element to the aspirations of the Fox administration to turn migration into a more direct and reliable contributor to development.¹¹⁷

Berman-Kennedy constitutes a kind of apprenticeship on the way to permanent residence and citizenship. Guestworkers would have the right to organize and to join U.S. organizations such as labor unions. A guestworker program on that order would be a bonanza for the current leadership of the AFL-CIO, already organizing immigrants so as to compensate for losses in other sectors. Whether the union rank and file or unorganized and low-skill workers (overwhelmingly minorities) would benefit is another question. Via the unions and otherwise the Berman-Kennedy proposal would also aid the Democratic Party. Immigrant groups have always presented unique prospects for urban political machines.

Deborah Meyers and Demetrios Papademetriou of the Migration Policy Institute acknowledge that “the conversation about bringing in large numbers of new temporary workers ... now is likely to be deferred until the U.S. economy picks up steam....” That moment appears to be upon us now. If President Bush decides to take the doubtful step of instituting a new guest worker program, he should follow the advice of the U.S.-Mexico Migration Panel to “start small” with “pilot or experimental programs focusing on specific sectors or a small group of U.S. states.”¹¹⁸ Any major new guest worker program would, as the Panel writes, “require enormous investments of management capital from all parties to the arrangement;” not a tempting prospect in the light of post-September 11 demands on relevant agencies.¹¹⁹

Aiding Mexican Development

Mexico does not see migration as a long-term option, and the United States should not think that just controlling the border is a solution to illegal Mexican immigration. If emigration is deterred without development, what is migration today could be felony or rebellion tomorrow. Mexican development is in the U.S. interest because stagnation will produce more crime, corruption, unemployment, migration, instability and the temptation to blame the United States, and hence tension between the two countries. Under Fox and Bush the countries are cooperating on a variety of fronts, especially law enforcement.¹²⁰ Yet troubles have not been purged from the relationship as Mexico's ambivalent reaction to the September 11 attacks illustrated.¹²¹ However, that ambivalence was widely shared in Latin America. Where Mexico failed was at the government level, and in foreign policy, where the Fox administration sparkled until September 11; but this time the outspoken foreign minister Jorge Castañeda was outflanked by the PRI [Institutional Revolution Party]-led Congress and Fox's Interior Secretary, Santiago Creel, who, along with Castañeda, heads Mexico's team negotiating migration with the United States.

In the wake of the North American Free Trade Agreement (NAFTA) the U.S. stake in Mexican development has expanded. Mexico has already become the United States' second-largest trading partner, and many analysts predict it will overtake Canada within a decade. Mexico is now the top export market for the two most populous American states, California and Texas.

The historical pattern of Mexican development has been northward, and parts of northern Mexico resemble Texas more than they do the rest of Mexico. But most of the population remains in the center and south of the country, which has the highest rate of unemployment and sends the bulk of migrants northwards—to Mexican border cities with in-bond *maquiladora* plants as well as to the United States. In the past five years more than one million Mexicans have migrated to the north from central and southern Mexico because the *maquilas* pay nearly three times the standard Mexican salary. But since *maquiladora* wages remain a fraction of those in the United States, many workers then head further north. The annual turnover rate of workers in the border factories is nearly 100 percent. Border cities are wracked with crime, drug trafficking, and pollution. Municipalities can afford to treat less than 35 percent of the sewage generated daily. About 12 percent of Mexicans living on the border have no reliable access to clean water. Nearly one third reside in homes not linked to sewage systems. Only about half the streets are paved.¹²²

To arrest the northward motion of the Mexican economy, Mexico looks for ways to bring investment and infrastructure into the southern and central regions. One program, "Adopt-a-Community," seeks to mobilize successful Mexican American *padrinos* (godfathers) to invest in 90 "micro-regions" in sender states in an effort to bring employment, education, health services, and other infrastructure to the region.¹ Robert Pastor of Emory University believes the key to reducing Mexico's geographical disparities and softening migration pressures lies (paradoxically) in improving the road system from the U.S. border to the center and southern regions of the country. When residents of the 1,400 communities selected in the "Adopt-a-Community" program were surveyed for their greatest needs, most named jobs and roads.¹²⁴ The absence of good roads, Pastor believes, deters U.S. firms, discouraged by the border's pollution and the inefficiencies associated with the high labor turnover, from shifting investment southward. He wants World Bank and Inter-American Development, both high lenders to Mexico, to earmark loans for infrastructure and education to these regions.¹²⁵

The Bush administration prefers an approach led by the private sector. In December 2001 as part of a "Partnership for Prosperity," the Bush and Fox administrations convened meetings of private investors, government and non-government organization officials, and

specialists in Merida, Mexico in December 2001 and in Washington D.C. in February 2002 to discuss ways of channeling private investment for Mexican development.¹²⁶ President Bush will be joining President Fox and other heads of states and government delegations as well as representatives from multilateral finance organizations, business, and civil society for a United Nations meeting on financing development in Monterrey, Mexico in mid-March.

President Fox recently reiterated that combating crime and “public insecurity” is his “number one challenge... key for investment, key for employment, key for business.”¹²⁷ Vicente Fox also has acknowledged that he cannot credibly campaign for a safer northern border unless Mexico addresses the lawlessness and corruption on its southern border. Under *Plan Sur* (Southern Plan), Mexico has increased its surveillance and mounted joint police-military operations and an anti-corruption drive to close the gaps of its porous 600-mile jungle-covered frontier with Guatemala and Belize.¹²⁸ Deportations have risen sharply and Mexico no longer returns unauthorized aliens to the border but to their countries of origin.¹²⁹ Under *Plan Sur*, Fox’s government has promised to root out the rampant organized crime and the corruption among migration officials on the southern border, expand the number of agents assigned to defend migrants from abuse and, as *The New York Times* reported in August 2001,

*impose order at the tumbledown, poorly guarded checkpoints throughout the Isthmus of Tehuantepec. There, 200 or more miles in from the southern border, the land narrows to just about 100 miles across. And from that area, trains and highways connect to the north. Government officials said the isthmus had been overrun by nearly 100 operations that smuggle immigrants. A deputy in the Mexican attorney general’s office said the agency would create a special office for the investigation of immigrant smuggling. Officials at the Federal Preventive Police reported that they had dismantled at least six big trafficking operations from Chihuahua and Coahuila in the north, to Mexico City and to Chiapas in the south.*¹³⁰

While Fox does not acknowledge limiting the flow of immigrants into Mexico, and on to the United States, “greater regulation at the border would have that effect,” according to *The New York Times*.¹³¹ The U.S. Border Patrol is providing technical assistance.¹³² *The Los Angeles Times* reported in September that since the inception of *Plan Sur*: “The number of Central American migrants crossing from Guatemala into Mexico on their way to the United States has plummeted by about 40 percent.”¹³³

Regulating the southern border presents a ticklish problem for Mexican diplomacy. Fox and Castañeda have sought to balance their strategic tilt toward the United States with an active Latin American diplomacy.¹³⁴ Reinforcing the border between Mexico and the rest of Latin America hardly advances that diplomacy. Perhaps that is why Fox has proposed a “Plan Puebla to Panama” to link Central America with southern Mexico via superhighways, railways, airports, pipelines, and an electric-power grid. In June, Fox will meet with governors of seven Mexican states and Central American presidents to present project ideas to international investors. The plan has an initial budget of \$4 billion.¹³⁵

The United States has a strategic interest in seeing that Mexico emerges as a buffer against unregulated migration. As the center of gravity of workers, resources, and law enforcement moves southward, away from the Rio Grande towards southern Mexico (and perhaps Central America), the region would emerge as a developing area with a secure southern border. For that to happen, infrastructure and educational development will play a key role, but so will the consolidation of the rule of law in Mexico. The willingness of the Fox government to transcend Mexico’s historical reluctance publicly to seek assistance from U.S. organizations such as the FBI has been without precedent as has been the atmosphere of frankness and trust between U.S. and Mexican officials.¹³⁶ For a migration accord with Mexico to work, inveterate corruption in Mexican law enforcement must be confronted strategically and cooperatively.

Sunset on Mexican Migration

Mexico wants to make migration legal, orderly, and safe. Those are goals the United States can share. Mexico proposes to replace smugglers and illegal aliens with guestworkers and legal residents. As we have seen, there are problems with both aspects of the proposal: in virtually all cases guestworkers tend to become permanent and to bring their relatives as well; and legalizing illegal aliens appears to reward those who have entered the country illegally and, if the previous “amnesty” is any guide, will encourage others to try the same strategy.

There are two basic underlying issues: the overall number of Mexican migrants and means to facilitate entry or residence (visas, guests, legalization, and the border). As to the overall flow, Mexico’s position in the bilateral talks, as expressed by foreign minister Castañeda is that Mexican migration will “peter out” over the next decade or so.¹³⁷ According to an August 2001 *Washington Post* report on the U.S.-Mexico bilateral talks:

Mexico’s falling birthrates may begin to significantly lower illegal immigration to the United States within 15 years, according to Mexican and U.S. officials working to craft solutions to their shared problem.... Unexpectedly dramatic drops in birthrates in Mexico indicate that, beginning in about 2015, there will be a steady reduction in the number of people entering the workforce.¹³⁸

The studies of Mexico’s own governmental CONAPO provide warrant for questioning this optimistic scenario.¹³⁹ But that objection notwithstanding, and assuming that Mexico can maintain a sufficient level of job growth, will Mexican sender households, accustomed to dispatching scions to the United States via relatively autonomous social networks, prefer Mexican jobs to higher paying jobs in the U.S? The August 2001 *Washington Post* story conceded:

Analysts are not saying the shifting population trend will stop Mexican emigration.... As long as the wage for an hour’s manual labor in the United States roughly equals that for a day’s work here, the Mexican tradition of going north to seek a better life will continue.¹⁴⁰

But will the wage gap narrow in coming years, as Vicente Fox envisaged when petitioning for an eventual “open border” on the model of the European Union?

In August 2000 CONAPO estimated the prevailing average wage differential between California and the sender state of Guanajuato at 13:1.¹⁴¹ George Borjas calculated the current wage gap at 4:1 for manufacturing jobs in the two countries and as much as 30:1 between a U.S. manufacturing job and a Mexican farm job.¹⁴² Moreover, the gap between the per capita gross domestic product of the United States and Mexico widened by approximately 35 percent since 1990, even though NAFTA was in effect for most of those years.¹⁴³ That widening gap hardly augurs a narrowing in the wage differential like that experienced between the poorer countries in the European Union, such as Ireland, Portugal, and Spain, and the wealthier ones such as Germany, Denmark, and Luxembourg. Moreover the per capita GDP gap between the richest and poorest European Union countries has always been far smaller than that between Mexico and the United States.¹⁴⁴ Nonetheless the year 2015 has a distinct virtue—it allows U.S. negotiators to accept a time line volunteered by the Mexican foreign ministry.

The Bush administration and the Congress will have to weigh the wisdom of undertaking a massive guestworker program in light of past and current experience (including the Canadian-Mexican experience). Large guestworker programs are difficult to administer, and their historical record suggests they are unlikely to achieve their stated goals. It might actually prove to be more prudent simply to increase the number of residential visas for Mexican migrants to cover the present flow, reduced as it is by the recession. That would

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serve to replace illegal migrants with legal migrants.

Such a partial amnesty or earned legalization would have to be conditioned in two ways. First it would be coupled with Mexican border cooperation, so that together with the INS the two countries effectively would eliminate unauthorized crossings. Secondly, the number of visas granted annually would be decremental, adjusted downward each year so as to return to current levels in 2015. Thus in the year 2015 the totality of Mexican migrants entering the United States would match the number who currently enter legally.

If these provisos were accepted, the way would be clear to tackling those unauthorized migrants who are already here. If legalization means registration, we would accrue a meaningful security dividend thereby. But, as we have seen, legalization raises two substantial concerns: that it would encourage further illegal migration and that it would reward law-breakers. The first concern could be allayed by Mexican border regulation of both its northern and southern border. That cooperation should reduce not only Mexican illegal migration but the illegal migration of "other than Mexicans." The second concern can be alleviated by hinging legalization on a series of conditions such as Jacoby and Papademetriou sketch: employment, stability, a clean record, learning English, civics study plus enforcing employer sanctions.

But if numbers eventually are to decline, the United States and Mexico must work together to bring investment, development, and jobs to sender regions (or to regions near sender communities).

I believe it is the American interest to approach the immigration issue in concert and not at cross purposes with the Mexican government. That is the premise of this attempt to lay out some of the thorny issues involved. It is in the U.S. interest that our border agencies be adequately funded, organized, and briefed; that everyone who crosses the border be screened through a comprehensive database; that illegal immigration be curtailed and that immigration be regularized. All immigrants need to be brought into the system. But for that system to work, Mexico must patrol its border and extend the security perimeter against terrorism by expanding the rule of law within Mexico.

Mexican migration is an issue with many dimensions, making it central to U.S. welfare and development and to its national security. It is perhaps best that electoral and congressional politics will postpone definitive action until 2003. The country needs time to consider the new dangers to its security and to ponder this spicy question of Mexican immigration. It may well take a year to air the issues involved, especially considering that before September 11 migration was not "viewed through a security lens."

End Notes

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³⁷ Interviews with Daniel B. Doty and Roy D. Villareal.

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³⁹ GAO, 2001: 14. The GAO concluded that “the extent to which INS’ border

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control efforts may have affected overall illegal entry along the Southwest border remains unclear” and that “there is no clear indication that overall illegal entry into the United States along the Southwest border has declined” GAO, 2001: 2; 28.

⁴⁰ GAO, 2001: 13.

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¹²⁸ Mary Jordan and Kevin Sullivan, "Mexico Plans A Tighter Grip On Its Border To the South," *Washington Post*, June 18, 2001:A1; Johanna Tuckman, "Mexico lobbies for open borders but slams shut its southern door," *Washington Times*, Aug. 13, 2001.

¹²⁹ Peter Katel, Andrew Bounds, and Eugene Palumbo, "Central Americans trying to get to the U.S. are sent back home instead," *Time*, Aug. 13, 2001.

¹³⁰ Ginger Thompson, Mexico's Open Southern Border Lures Migrants Headed to U.S., *New York Times*, Aug. 5, 2001.

¹³¹ Ginger Thompson, Mexico's Open Southern Border Lures Migrants Headed to U.S., *New York Times*, Aug. 5, 2001.

¹³² Interview with Roy D. Villareal, Border Patrol; see also, James F. Smith, "Mexico curbs neighbors' migrant flow," *Los Angeles Times*, Sept. 2, 2001.

¹³³ James F. Smith, *Los Angeles Times*, Sept. 2, 2001.

¹³⁴ Discussion with Jorge Castañeda, Inter-American Dialogue, Carnegie Endowment for International Peace, Washington D.C., Jan. 10, 2002.

¹³⁵ Stevenson Jacobs, "Fox wants tighter border with Guatemala," *The News* (Mexico City), Feb 22, 2002

¹³⁶ See Robert S. Leiken, "With a Friend Like Fox," *Foreign Affairs*, Aug/Sept 2001.

¹³⁷ Discussion with Jorge Castañeda, Inter-American Dialogue, Carnegie Endowment for International Peace, Washington D.C., Jan. 10, 2002.

¹³⁸ Mary Jordan, "Declining Birthrate South of Border May Slow Tide North," *Washington Post*, Aug. 9, 2001: A1.

¹³⁹ See, CONAPO, *La Migración México-Estados Unidos*, n.d.

¹⁴⁰ Jordan, *Washington Post*, Aug. 9, 2001.

¹⁴¹ Interview with Jose Luis Avila, Director of Socio-Economic Studies, CONAPO, Aug. 23, 2000.

¹⁴² George Borjas, "Mexico's One Way Remedy," *New York Times*, July 18, 2000.

¹⁴³ Sources: World Bank *World Development Indicators*, CD-ROM, 1999; calculations by Robert Pastor, in *Toward a North American Community*, Institute for International Economics, Washington D.C., Aug. 2001: 64, Table 4:1.

¹⁴⁴ See Pastor: 64, Table 4:1 and 36, Table 2.5.