

# Mexico's Position On Migration to the U.S.

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The migration of Mexicans to the United States is a complex phenomenon, with a long history and structural roots on both sides of the border. Although varying in intensity and form, it has been a constant between the two countries since the last century. In the last few decades, the flow of migrants, particularly undocumented migrants, has been one of the most difficult, worrisome and conflictive points on the bilateral agenda. Contrasting definitions and perceptions in Mexico and the United States about the nature, magnitude, causes and consequences of undocumented migration have often contributed to sharpening bilateral tensions, hampering dialogue and making it difficult to perceive common interests.

Mexican and U.S. government positions on migration have frequently adapted to variations in their respec-

tive political and economic circumstances, as well as perceived changes in its magnitude, causes and consequences. In addition, it should be noted that neither country has a clear and stable consensus about how to deal with it. In both countries, very diverse sectorial, regional and national economic and political interests are often reflected in opinions, policy orientations and actions which create internal tensions and contradictions.<sup>1</sup>

In the United States, the debate about immigration has recently become strident and often alarmist, at the same time that Mexico is going through a profound economic crisis.<sup>2</sup> The overriding tendency has been to stereotype undocumented workers as transgressors of immigration law who insinuate

themselves into the United States to take jobs that legally belong to U.S. citizens. Along these lines, several government sectors and citizen's groups have demanded a stop be put to the "intensification" of immigration by adopting unilateral measures like stricter policing and the construction of walls and fences along the Mexican border.<sup>3</sup> However, in the past, efforts to deter undocumented immigration with these and similar measures have invariably failed, often with prejudicial results.<sup>4</sup> From the U.S. point of view, the central problem is whether undocumented immigration can be controlled and reduced to "tolerable" levels. The expe-

<sup>1</sup> G. Freeman and F. Bean, "Mexico and U.S. Worldwide Immigration Policy," paper presented at the conference "Mexican Migration and U.S. Policy", Washington, D.C., June 13-15, 1996.

<sup>2</sup> No one should be surprised that an electoral year in the United States unleashed an anti-immigrationist whirlwind which became a topic for electoral campaigning.

<sup>3</sup> T. Espenshade and M. Belanger, "U.S. Public Perceptions and Reactions to Mexican Migration," paper presented at the conference "Mexican Migration and U.S. Policy," Washington, D.C., June 13-15, 1996.

<sup>4</sup> According to S. Weintraub, "It is hard to know whether an active policy in this field is better than no policy, but efforts at management are inevitable." From "U.S. Foreign Policy and Mexican Immigration," a paper presented at the conference "Mexican Migration and U.S. Policy," Washington, D.C., June 13-15, 1996.

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rience with the Immigration Reform and Control Act (IRCA) shows the difficulties involved in controlling, changing or deactivating the existing migratory system between the United States and Mexico.<sup>5</sup>

The bilateral relation presents Mexico with more and more complex challenges and a series of problems derived from migration, all of which require immediate attention. This makes it necessary to explore and ponder both the desirable and possible policy options for efficient answers and measures. It is important to note, however, that since the early 1970s, when the Mexican government abandoned its proposal to reestablish the bracero programs, its general strategy has been to not formulate an explicit policy about the emigration of Mexican citizens to the United States.<sup>6</sup>

#### THE MEXICAN GOVERNMENT POSITION

Until recently, the only indicators of the official Mexican position on this

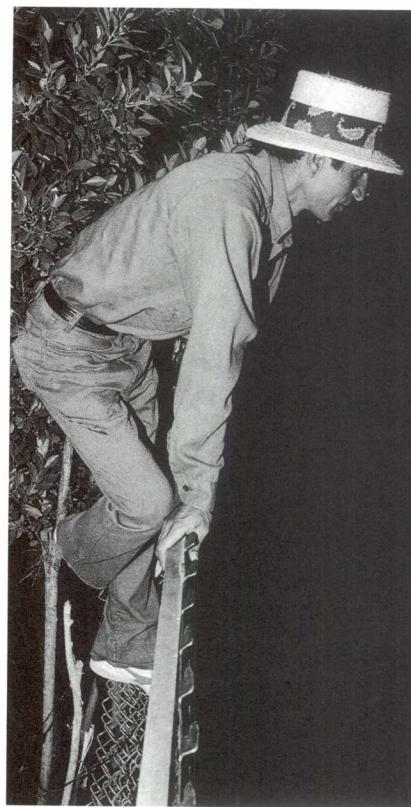
<sup>5</sup> F. Alba, "El Tratado de Libre Comercio y la emigración de mexicanos a Estados Unidos," in *Comercio Exterior*, vol. 43, no. 8, August 1993; K. Donato, J. Durand and D. Massey, "Stemming the Tide? Assessing the Deterrent Effects of the Immigration Reform and Control Act," in *Demography*, vol. 29, no. 2, 1992.

<sup>6</sup> As Manuel García y Griego points out, a non-explicit policy has no explicit objectives, forcing analysts to speculate about the goals of "a policy of no policy." Manuel García y Griego, "Necesidad y propósito de una política mexicana de emigración," in M. García y Griego and M. Vereá, *México y Estados Unidos frente a la migración de los indocumentados*, Coordinación de Humanidades de la UNAM and Miguel Ángel Porrúa, Mexico City, 1988.

question could be discerned in statements made by first executives and congressional leaders. The following, gleaned from different speeches and official documents, are among the theses, principles and general orientations that have traditionally shaped Mexico's position, and continue to do so:

- Upholding the right of every nation to fully exercise its sovereignty by protecting its borders and write those laws and statutes it considers appropriate to regulate the entrance of foreigners into its territory;
- Migration between Mexico and the United States should be understood as a structural and permanent part of bilateral relations between the two nations. Different factors, such as geographical proximity, economic asymmetry and growing integration, as well as intense trade between both countries, inevitably generate migratory flows;
- Mexican migration to the United States is essentially a work-related phenomenon, spurred by the interaction of factors which determine supply and demand of the migrant work force given the two countries' proximity;
- The factors behind U.S. demand for Mexican labor are just as important as the factors linked to supply.<sup>7</sup> As a result, if U.S. employers did not hire undocumented workers, there simply would be no undocumented migration;

<sup>7</sup> This does not mean that the Mexican economy's inability to absorb its excess work force and close the wage gap between the two countries has not contributed to encouraging the migration of workers.



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Jumping for a new, maybe "better" life.

- Migration should not be viewed in isolation; it must be pondered taking into account other economic questions, particularly trade. The Mexican government defends the idea that the country is not interested in exporting just strong backs, but goods and services, and suggests that increased Mexican exports would favor job creation in Mexico and diminish pressures to emigrate;
- Mexican workers' activities in the United States are just as legitimate as the profits made by their employers; they make valuable contributions to the economy and generally do not compete with the local work force since they usually take jobs U.S. citizens do not want;
- Mexican migration creates costs for both sides that can only be decreased



through cooperation, collaborative efforts and the recognition of common benefits;

- Building walls, policing and repression or reinforcing unilateral migratory controls are not the ways to appropriately manage the flow of migrant labor between both countries;
- Mexico cannot stop migration from inside its borders through coercion or by force because Article 11 of its Constitution guarantees freedom of movement.

Being undocumented undoubtedly makes Mexican workers very vulnerable to abuses by their employers and violations of their human rights by U.S. authorities trying to capture them and send them back to Mexico. The Mexican government has therefore firmly stated its opposition to the violation of human and labor rights of workers and has concentrated its efforts on bolstering protection of Mexican citizens through its wide network of consulates in the United States. Mexican authorities also make efforts, both on their own and cooperating in international initiatives, to break up criminal organizations which profit from trafficking in undocumented migrants. Mexico is also actively promoting a multilateral framework to define the rights of cross-border migratory workers and their families.<sup>8</sup>

In recent years, different events have stimulated public debate in Mexico about migration and have led the gov-

<sup>8</sup> Andrés Rozental, *La migración laboral mexicana a Estados Unidos de América: Una perspectiva bilateral desde México*, Foreign Relations Ministry, Mexico City, 1994.



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In the last few decades, the flow of undocumented migrants has been one of the most conflictive points on the bilateral agenda.

ernment to consider the possibility of reviewing some of its orientations and expectations in the matter.<sup>9</sup> For example, supposedly implicit in NAFTA negotiations<sup>10</sup> was the idea that the elimination of barriers to free movement of goods and capital might contribute to substitute the mobility of the work

force. Therefore, NAFTA is expected to contribute to putting the brake on Mexican emigration to the United States.<sup>11</sup> However, lessening the pressure to migrate is not a simple nor short term task given that it depends, among other things, on recovered sustained expansion of Mexico's economy and its ability to create jobs at the same rate as demographic growth, as well as on narrowing the wage gap between the two countries (which today has reached

<sup>9</sup> Particularly important among them are: an apparent intensification in undocumented migration in the last few years; the North American Free Trade Agreement coming into effect in January 1994; new U.S. federal and state bills seeking to limit immigrants' rights and their access to certain services; Mexico's profound economic crisis; the reinforcement of U.S. border surveillance and the alarmist tone of the immigration debate in U.S. political circles during the 1996 electoral campaigns.

<sup>10</sup> Including NAFTA's potential implications for migration was a possibility from the beginning of the trade agreement negotiations, but, as is well known, it was never put on the table. On the other hand, NAFTA is one of the most important landmarks in Mexico-U.S. trade and economic relations in the recent past. The Mexican government considers it a strategic instrument in the consolidation of the economic restructuring begun after the 1982 crisis and the promotion of Mexico's reinsertion into the global economy.

<sup>11</sup> Among the recommendations made by the Commission for the Study of International Migration and Cooperative Economic Development, presided by Ambassador Diego C. Ascencio, is the idea that the less protectionist the economies of countries whose populations emigrate, the shorter will be the duration of pressures to emigrate to the United States. That is why the commission emphatically recommended that the Mexican economy should become integrated into a larger trade area, pointing out that NAFTA opened up good prospects of this kind. See *Report of the Commission for the Study of International Migration and Cooperative Economic Development, Unauthorized Migration: An Economic Development Response*, Government Printing Office, Washington, D.C., 1991.



an average differential of approximately eight to one). In addition, the ability of the Mexican economy to absorb labor in the short and medium terms is not yet definitive.

Faced with this panorama, different sectors of society and government have emphasized the need to review the problem of undocumented migrants and move toward devising an explicit and active policy in the field, arguing that the new economic, social, political and demographic conditions demand it.<sup>12</sup> It is also frequently argued that formulating an explicit emigration policy which would aim to develop answers to problematic aspects of the phenomenon would contribute to combatting perceptions widely held in the United States that Mexico has no interest whatsoever in lowering migration.

In contrast with other moments, in recent years the Mexican government has shown its willingness to openly discuss and examine the undocumented migration of its citizens with U.S. authorities, thus seeking to promote bilateral cooperative mea-

<sup>12</sup> Formulating an emigration policy is not an easy task given that the following points must all be taken into account: (a) the principles on which it would be based; (b) the interests it would defend; and (c) objectives, strategies and goals, as well as specific instruments to put it into operation. In addition to continuing to give priority to actions to defend and protect the human and labor rights of Mexican migrants in the United States, it should also articulate conceptions of the future of supply and demand of the Mexican work force in both countries; specify plans to increase the ability to absorb the work force in the Mexican economy and evaluate their viability; and formulate strategies and specific activities aimed at getting at the root cause of emigration to the United States.

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to Mexico.*

asures in the matter.<sup>13</sup> Since 1990, the Working Group on Migration and Consular Questions has held regular sessions as part of the Mexico-U.S. Binational Commission.<sup>14</sup> Since the beginning of U.S. operations to control the flow of migrants across

<sup>13</sup> The Mexican authorities have also promoted a broader dialogue with Mexican communities in the United States in order to continually keep abreast of their concerns and demands.

<sup>14</sup> The Mexico-U.S. Binational Commission, created in 1981, is a mechanism for consultation and reconciling differences which covers the most ground of any bilateral U.S.-Mexican body. In 1995 it had 12 working groups and two sub-groups, the majority headed by ministerial level officials.

the border, the working group has held periodic meetings to establish spaces for dialogue, understanding and bilateral consultation about the matter. Using this mechanism, the two governments have been able to come to the following agreements, among others:

- To consult with each other prior to either government making official announcements of decisions on migratory policies and actions that would affect its neighbor. This aims to allow the affected country to express its point of view and, if it so desires, to adopt preventative measures;
- To safely and in an orderly fashion return Mexican nationals apprehended by the Border Patrol to their own country. U.S. authorities have pledged to make available a complete list of all such individuals, including the time and place in which they will be repatriated, as well as assuring that Mexican immigration authorities are present;
- To begin a Pilot Voluntary Repatriation Program which would return undocumented Mexican migrants to non-border areas inside Mexico. This measure would only be applied to migrants who have not been repatriated before and who agree to be sent to their place of origin.

In addition, in the framework of the activities of the Working Group on Migration and Consular Questions, in March 1994 the governments of Mexico and the United States announced their decision to draw up a "binational study" on migration, for-



malizing the commitment through the exchange of diplomatic notes in October of the same year. This measure seeks to propitiate a gradual drawing together of the contrasting official perceptions about migration; establish a common framework for analysis, both integral and long term, that would be a basis for understanding as objectively as possible the nature, dimension, causes and consequences of migration between the two countries; and design and implement more realistic and efficient migratory policies.<sup>15</sup>

Mexican and U.S. government migratory policy positions and options are anchored in their perceptions and evaluations of the importance of three different, though interrelated, sets of factors. The first involves those factors dealing with expulsion and labor supply. The second concerns attraction and demand. And the third encompasses the numerous social factors that link migrants with their families, friends, communities of origin and migrant communities and which are determining components in reducing the costs and risks associated with undocumented migration to the United States. The importance given to each of these sets of factors in the decision to migrate has varied with time. As a result, migration policies need to be continually adjusted to be effective. *W*

<sup>15</sup> This binational group of experts is slated to present its final report in June 1997 at the latest.



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NAFTA is expected to put the brake on Mexican emigration to the United States.