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# The Impact of U.S. Immigration Policy On U.S.-Mexican Relations

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**T**he United States is a nation of immigrants, but not all of them arrived under the same circumstances: at least two general categories can

be distinguished. Broadly speaking, immigrants of African, Chinese or Mexican descent are fundamentally different from those who came from England, Ireland and continental Europe.

The difference is who came first, and subsequently, who else those early settlers would allow in. The conditions in which

they came were markedly different, and distinctions of nationality, culture and ethnicity among later migrants are still very marked in American society despite the constitutional ideal of equal rights and opportunities for all. A grasp of the history and differences among the various waves of migrants to the United States

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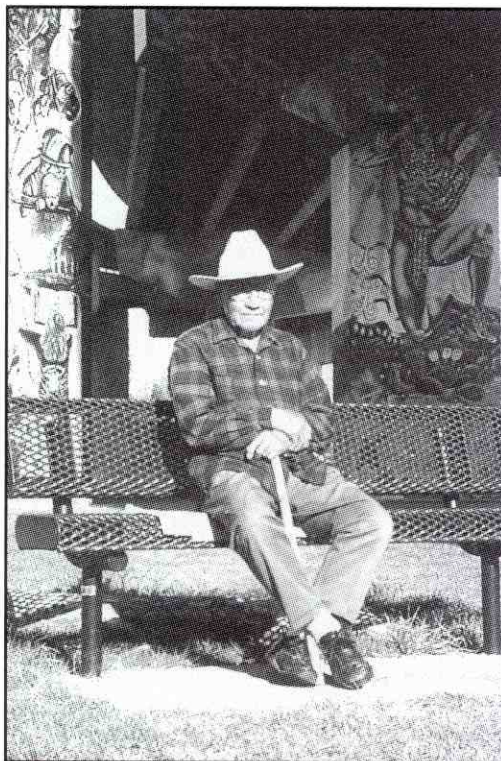
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and the U.S. response to them is crucial to understanding not only the nature of migratory flows, but also how they can affect relations between governments.

#### MEXICAN IMMIGRATION TO THE UNITED STATES

Mexican immigration into the United States has happened in a very different context from that of other nationalities. First, Mexicans inhabited much of what is now the western United States before the U.S. had achieved independence from England. In fact, Santa Fe, New Mexico, was settled before the English raised their flag at Jamestown in 1607. Later, more Mexicans “came” when half of Mexico’s territory became part of the United States as a result of the U.S.-Mexican war in 1847. This historical link between the people of Mexico and the territory currently known as the western half of the United States is crucial to a more comprehensive understanding of Mexican migration in the region.

Modern Mexican migration to the United States as an economic and social phenomenon started early this century. During the latter part of the nineteenth century and through the turn of the century, a large amount of inexpensive labor was needed for building railroads and agricultural development, especially in California. During this period, Mexicans were welcomed openly. But when bad times came during the years of the Depression in the United States, one-third of the Mexican population living there was expelled.



Julietta Molina

Of all the immigrants on the street, who is an “economic partner” and who “a threat”?

A new cycle began during and after World War II. Cheap labor was needed to contribute to the home economy during the overseas war effort. For the first time an attempt was made to deal with the matter of labor migration bilaterally, due in large part to the fact that the U.S. and Mexico were military allies as well as neighbors. The goal was achieved and the results seemed mutually beneficial: Mexican labor flowed into the United States during a period of severe labor shortages on the home front, and Mexican nationals enjoyed increased employment opportunities so long as they were willing to move. This initial bilateral arrangement, better known as the Bracero Program, worked, but only in that particular instance. The Bracero Program was the first—and only—bilateral migration system implemented between the United States and Mexico.

In 1954, the Mexican population faced a drastic turn in U.S. immigration policy. Based on economic estimates, U.S. decision makers perceived an excess domestic supply of labor that the economy could not effectively sustain. As a result of this change in attitudes, nearly one million Mexicans without documentation (and in some cases with documentation) were detained by U.S. government agents and sent back to Mexico. This unilateral decision broke with the environment of cooperation of the Bracero period. Since the demise of the Bracero Program, the U.S. government has made no attempts to discuss Mexican economic migrants bilaterally, as the momentum for this kind of dialogue evident during the war soon faded.

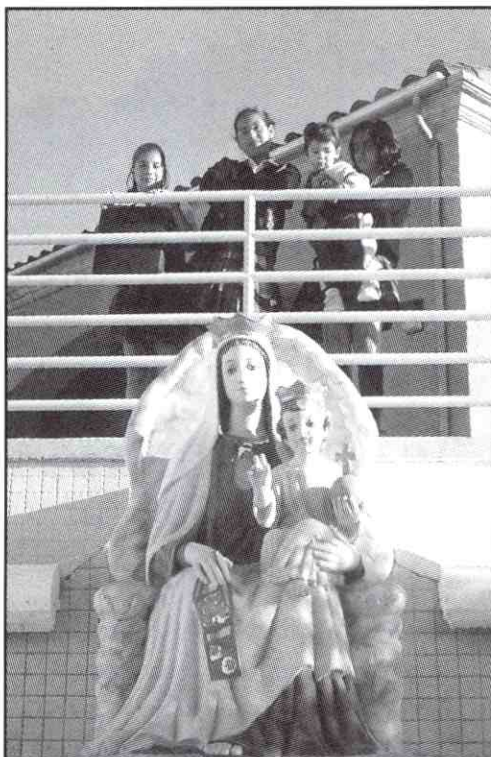
More recently, during the 1970s and 1980s, the pace of Mexican immigration to the United States increased significantly for several reasons. First was the demand for immigrant labor in various sectors of the U.S. economy, coupled with Mexican expectations of increased opportunities and higher wages than were offered in the Mexican labor market. Second, the dynamics of economically motivated immigration have been magnified through U.S. family reunification policies. Migrants who decided to permanently emigrate to the United States were no doubt eager to bring their families to live with them in their new home. Third, the increased pace of migrant flows has been a natural consequence of demographic growth in Mexico, combined with low economic expectations among Mexican workers.

In 1986, a new reform of U.S. immigration laws had a positive impact on Mexican

immigration. For the first time, the U.S. government attempted a more comprehensive approach. Although its primary purpose was to stem the flow of migrants from Mexico, the Immigration Reform and Control Act (IRCA) permitted almost two million Mexicans to regularize their migratory status in the United States. This development stands out in stark contrast to changes in U.S. policies evident in 1954. This seeming openness on the part of the U.S. government would not last long, however.

In 1996, the U.S. Congress passed the Illegal Immigration Reform and Immigrant Responsibilities Act (IIRAIRA), which set up new, unprecedented conditions. It introduced severe policies to deter illegal immigration by increasing the number of Border Patrol agents along the U.S.-Mexican border and allocated funds for new technology and the construction of new fences along the southern border.

This recent legislation posed many obstacles to those who wished to immigrate to the United States and increased the risks and difficulties associated with entering and staying in the country without documents. Because of this, most Mexicans find it difficult, if not impossible, to enter and legalize their status. These new policies have also led to other, unintended consequences, most notably significant increases in the number of migrants who have died in attempts to gain unauthorized entry into the United States. For example, 85 Mexican migrants died in border crossing attempts in 1997 alone. From January to October 1998, 120 have died under the same circumstances. Such developments must certainly have negative effects on U.S.-Mexican relations.



Julietta Molina

Mexican migrants are changing the demographic landscape in the United States.

#### U.S.-MEXICAN RELATIONS

In 1997 U.S.-Mexican trade reached a record figure of 165 billion dollars, making Mexico the United States' second largest trading partner. Yet, while the economic integration and cooperation since the passage of NAFTA bodes well for relations between the two countries, recent developments in U.S. immigration policy dampen them. These trends and how they are perceived by the Mexican public and its policy makers are briefly outlined below.

##### *Threat or Partner?*

The diverging trends between economic policy and immigration policy presents a paradox for U.S.-Mexican relations. Of all the Mexicans on the streets of Southern California (and elsewhere in the United States), which ones are the "economic partners" (in accordance with the logic of

NAFTA) and which ones are the "threat to national interests" (as trends in U.S. immigration and border policy would imply)? The two come from the same country and culture, and they look alike. This apparent contradiction has led to considerable confusion among the Mexican population. From the U.S. perspective, one day it encourages economic ties with its second trading partner, and the next day it sends more police and troops to the border to deter Mexican economic migrants. One day U.S. policy makers visit Mexico and talk about the splendid relationship between the two nations; the next day a new fence goes up at some point along the border, prompting the inevitable increase in human rights violations. Which attitudes should Mexico respond to?

##### *American Perceptions of Mexico*

With the passage of IIRAIRA in 1996 and other recent policies directed at Mexican immigration, important domestic political actors have considered Mexican migrants a threat to the national interests of the United States. These views are based on either economic fears (i.e. Mexican migrants take away U.S. jobs and depress wages for local workers, or that Mexican immigrants are less skilled than immigrants of other national origins) or cultural insecurity (Mexican migrants are changing the demographic landscape in the United States, especially in border states like California, Texas, Arizona, and New Mexico). These trends came to a head in 1994, when, to the astonishment of the Mexican government and people, two U.S. governors described Mexican migration as a "foreign invasion" and filed lawsuits against the federal government for

compensation for the consequences of this “invasion.” This trend has since become strong enough to create a perception among average U.S. citizens that immigration from Mexico (in particular) is a real threat to the national interests and security of the United States.

*Deterrence and a Police Approach to Immigration Policy*

Another perception tensing bilateral relations is the growing sense that a link exists between Mexican immigrants and criminal behavior. With new U.S. government strategies, police forces are playing a central role in the deterrence of illegal immigration along the U.S.-Mexican border. This sends a clear message that can hardly be misinterpreted by Mexican decision makers: police forces are needed to control immigration because unauthorized entry into the U.S. constitutes a domestic criminal act. Such moves no doubt spur similar attitudes among the general population in the U.S. Despite the fact that the great majority of Mexican migrants working (or seeking work) in the United States are peaceful and law-abiding, they are increasingly blamed for all sorts of criminal activity, in most cases with little evidence to support the assumptions. This perception has little to do with the real nature of the Mexican economic migrant.

*Beyond the Border*

The social impact of making it a criminal act to enter the United States without proper authorization or documentation goes beyond the border. The U.S. Mexican-American community numbers about



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One of the reasons for Mexican immigration is the demand for labor in various sectors of the U.S. economy.

17 million people, seven million of whom were born in Mexico. Again, the question of how one distinguishes economic partner from economic threat becomes increasingly complicated. Of those on the street, who are legal and who are illegal? And consequently, who are criminals? The point is that current U.S. immigration policies are not only having a negative social impact on Mexicans living in Mexico, but also on Mexican nationals and Mexican-Americans (who still have strong ties to their country of origin) living in the United States.

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BEYOND DOMESTIC SOLUTIONS: GLOBAL VS. BILATERAL POLICY

From a Mexican perspective, the 1996 IIRAIRA is one of the most restrictive and severe laws in the history of U.S. immigration policy. Although the United States often argues that immigration law is part of a global policy, not directly

aimed at Mexico either coincidentally or purposely, those most affected by this legislation are Mexicans. The Immigration and Naturalization Service (INS) estimates the illegal immigrant community in the United States to number roughly five million, of whom 54 percent are thought to be Mexican. Of the immigrants detained at the U.S.-Mexico border, at least 90 percent are Mexicans. Though it is said that IIRAIRA was not directed against Mexicans, the figures show that they are the most affected.

Yet, even though Mexicans are disproportionately affected by the new legislation (and U.S. immigration and border policy in general), immigration is not on the bilateral agenda with Mexico. The government and people of Mexico are not included in the policy debate because they are viewed as external actors with no voice or vote on domestic issues. And clearly, U.S. attitudes convey that immigration is considered an exclusively domestic policy matter which does not belong on the foreign policy agenda. Mexicans, both public officials and private citizens, may post grievances in instances of human rights violations associated with border policy, for human rights have managed to transcend the domestic realm.

However, Mexicans have little to say about the manner in which the U.S. controls immigration. Since it is considered an exclusively domestic matter, the procedures used to legislate it are also exclusively internal. Legislators in the U.S. Congress have sole power to make decisions regarding immigration policy that can greatly affect the bilateral relationship with Mexico and other countries. The attitude persists among conservative policy makers that if Mexico wants cooperation in this area, it would consist of measures instigated by the Mexican government to stop Mexican migration to the United States. Most U.S. legislators have very little knowledge of Mexico and are not familiar with the dynamics and complexity of the U.S.-Mexican border. Nor do they feel much incentive to develop any sensitivity, since none are directly responsible for matters of international relations with Mexico.

The executive branch also provides little guidance for developing international sensitivity regarding migration. From the perspective of the executive, presidential action is needed only to implement congressional policies through its bureaucratic arm, the Department of Justice. Institutions like this one and the INS implement policies that follow the mandates set forth by Congress, though the nature of these bureaucratic measures can have a profound effect on relations between nations. Nevertheless, the Department of State has very little to say or to do in the matter. In other words, the whole process of legislation and implementation of immigration policies is



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Another reason Mexicans migrate is their expectations of higher wages and a better life.

a perfect circle closed off from outside input or intervention. Since immigration is not on the bilateral or international agenda, very little can be done from outside to influence the legislative process or the nature of policy implementation in the United States.

#### IS FREE TRADE THE SOLUTION?

Rather than pursue bilateral or international policy options, some U.S. lawmakers propose that the most viable solution to the increasing flows of Mexican migrants into the U.S. is to encourage and support

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economic growth in Mexico. They argue that development, facilitated largely through free trade regimens such as NAFTA, will serve to overcome asymmetries that have developed between the two nations.

This seems to be a rather daunting undertaking, considering that the United States is the world's strongest economy, while Mexico's is 20 times smaller. The question arises:

How long would it take to close the economic gap? Though development in Mexico will spur job growth, is the United States going to restrain its own economic growth in order to give Mexico a chance to mitigate the disparities in wages, job opportunities and social conditions? This is certainly unlikely. Given that development will progress on both fronts, one must wonder whether the relative disparity will converge through such a program.

Of course, continuous economic growth in Mexico will help considerably, but not to the level needed to dissuade Mexicans from seeking work in the United States, at least not in the foreseeable future. Moreover, one must also consider the social aspects of migration, not just the economics. With seven million Mexicans in the United States, it should be expected that a continuous flow will result due to the desire of naturalized immigrants to sponsor their families under family reunification provisions of U.S. law.

#### WHERE DO WE GO FROM HERE?

Mexican immigrants whose migratory status remains in flux, in a worst case scenario,

number less than three million. Most of them work, and work hard, and are decent law-abiding people. Though the cost or benefits such migrants represent remains hotly debated, one might guess that in the end the costs and benefits balance out. Mexicans come to the United States because jobs are there —“Mexican jobs.” It seems unlikely that, given all the disadvantages of being “illegal,” an undocumented migrant could obtain a job that is in demand by the native work force.

Mexico, a country of 90 million people, shares not only more than 2,000 miles of common border with the United States, but also a history, that although periodically turbulent, is an intimate one. As this relationship has moved even closer after NAFTA, one must ask: Do all these factors not qualify Mexico to deserve special attention in matters that have significant consequences on both sides of the border? Is Mexican immigration such a big problem for the economy and national interest of the United States that there is no alternative to unilaterally mandated border enforcement that jeopardizes the whole relationship? How can we check these negative trends while also nurturing the cooperation that has evolved between the United States and Mexico on issues like trade?

Three paths of action are recommendable to start a better future for bilateral relations. First, U.S. policy makers should consider redefining Mexican immigration (and perhaps immigration in general) as a matter of foreign policy which should be included on the bilateral agenda. Second, when legislating new policy, U.S. lawmakers must reconsider their shortsighted perspective of immigration (and other policies) and take into account the multiple effects new policies can have on their neigh-

bors and other issues (trade, for example). Lastly, considering that law enforcement and militarization may not be the best policy choice because of their negative effects on international relations, new options should be weighed and debated.

All three options represent significant changes in current attitudes and norms. We know this is not an easy task. Nonetheless, failing to address such concerns can bring unintended consequences on the bilateral relationship. Economic integration is inevitably linked to increasing labor market integration. The fact that the United States and Mexico are neighbors will no doubt cause such interaction to increase.

Today this is the natural evolution of our bilateral relationship in the new world order. The border region should be considered a privileged space, one that requires a more comprehensive understanding of the complex historical, economic and social ties that exist and continue to evolve between the United States and Mexico. Depending on how we move from here, changes evident in the border region may either erode or improve the relationship and the future of our two countries. **MM**

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