

Notes and Commentary

Mexico-US Migration: Moving the Agenda Forward¹

Agustin Escobar,* Philip Martin,** Peter Schatzer,*** and Susan Martin****

SUMMARY

The US and Mexico during the 1990s embraced closer economic integration as well as increased cooperation on migration management. In 2001, that culminated with a joint Presidential initiative to establish a new migration management framework. That effort stalled in 2001, and the authors have explored ways to revive cooperative migration management by:

- Promoting a secure and efficient border that facilitates the legal movement of people and goods, and deters unauthorized migration and smuggling, thereby helping both countries increase security and reduce crime and violence along the border, while still benefiting from the high volume of lawful crossings.
- Enhancing Mexican governmental efforts to reduce the cost of remitting money to Mexico and increasing the economic development impacts of savings remitted by Mexicans in the US, as well as better targeting family planning and anti-poverty programmes in migrant areas of origin.
- Experimenting with pilot guest worker programmes to allow currently employed unauthorized Mexican workers to obtain legal work permits, and to include economic instruments that encourage returns and spur development in these pilot programmes.

* Centro de Investigaciones y Estudios Superiores en Antropología Social, Tlalpan, Mexico.

** Department of Agricultural and Resource Economics, University of California, Davis, USA.

*** External Relations Department, International Organization for Migration, Geneva, Switzerland.

**** Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University, Washington, DC, USA.

- Revitalizing bilateral discussions of migration management, with the aim of achieving incremental reform in immigration policies.

This report includes specific steps that could improve migration management, such as decreasing the number of unauthorized Mexicans by reducing the backlog of spouses and children waiting for family unification visas; expanding the number of fast track commuter entry lanes for pre-approved travellers and goods; and updating the 1997 Binational Study of Migration to re-establish a consensus on the demographic, economic, and other effects of Mexico-US migration.

INTRODUCTION

There are about 9 million Mexicans in the US. Half arrived in the 1990s, and Mexico-US migration continues at a rate of 300,000 to 350,000 per year, with up to half of the flow unauthorized.

The Mexican Government's migration goals include: protecting its citizens abroad; maximizing the development impacts of remittances in migrant areas of origin; and deepening the economic integration with Canada and the US, symbolized by the North American Free Trade Agreement (NAFTA). The US Government's goals, especially after 11 September 2001, include: ensuring that terrorists do not slip into the US or enter legally and commit terrorist activities; reducing the number of unauthorized residents and workers; and fostering economic integration, with the goal of having a hemisphere-wide Free Trade Agreement of the Americas.

During the 1990s, Mexico-US migration management was enhanced by regular high-level meetings between US and Mexican migration officials and by cooperative research efforts to understand flows and impacts, reflected in the Binational Study (1997). In February 2001, this decade of cooperation culminated in an initiative launched by Mexican President Vicente Fox and US President George W. Bush. They established a high-level working group to create "an orderly framework for migration that ensures humane treatment [and] legal security, and dignifies labor conditions". That working group met during the summer of 2001, and a number of private groups issued reports that proposed migration management frameworks for the working group to consider.²

The Mexican Government articulated a four-point proposal: legalization of unauthorized Mexicans in the US, a new guest worker programme, cooperative measures to end border violence, and having the US exempt Mexico from per country visa quotas. When he presented Mexico's proposal in June 2001, Foreign Minister Jorge Castaneda said, "It's the whole enchilada or nothing." A few months later, in September, US Secretary of State Colin L. Powell said, "We've made a great deal

of progress with respect to principles [for a new migration management framework]. We are now getting ready to move from principles into specifics and programmes, and how would one design such programmes.”

There was not yet a consensus on the new framework when Presidents Bush and Fox met in Washington, DC on 5 September 2001. Bush dampened expectations by saying: “Immigration reform is a very complex subject. This is going to take a while to bring all the different interests to the table.... Our desire is to make it easier for an employer looking for somebody who wants to work and somebody who wants to work to come together, but that in itself is a complex process.” Fox, nonetheless, said “we must, and we can, reach an agreement on migration before the end of this very year... [2001, so that] there are no Mexicans who have not entered this country legally in the United States, and that those Mexicans who come into the country do so with proper documents.”

The 11 September terrorist attacks stopped the momentum for a new framework for managing Mexico-US migration. There is some doubt that Congress would have responded positively to any concrete Bush-Fox plan³ but, in light of the attacks, agreement became even more difficult. Following 11 September, the United States turned its attention to the security ramifications of immigration policies, and Mexico-US migration issues received little serious political focus, with the possible exception of the common border. Rather, US attention focused primarily on identifying and detaining potential foreign terrorists already in the United States; reforming visa and inspections processes to deter new movements of terrorists; and establishing foreign student tracking programmes and entry-exit control systems to gain greater information about individuals admitted with temporary visas, primarily from Islamic and Arabic countries.

Also in response to the terrorist attacks, the Immigration and Naturalization Service (INS) was abolished, divided, and its functions moved into the new Department of Homeland Security (DHS), with immigration enforcement placed in the Directorate for Border and Transportation Security, where they will be divided between the Bureau of Immigration and Customs Enforcement and another Bureau for Interior Enforcement of Immigration Laws. The Bureau of Citizenship and Immigration Services will provide naturalization services and immigration benefits for non-citizens. US participants in the Cooperative Efforts to Manage Emigration (CEME) briefings emphasized to their Mexican colleagues that much of the focus of the executive and legislative branches of the US Government will be spent in ensuring that these new organizational arrangements become fully functional over the next years.

Further complicating the potential for a broad immigration agreement has been the state of the economy in both countries. The economies of Mexico and the US

went into recession in 2001 and federal and state US governments returned to an era of budget deficits at a time in which security seemed to be the priority, particularly of the federal government. In Mexico, legislative elections scheduled for July 2003 refocused the Fox government's attention on domestic issues, including disruptions in rural Mexico due in part to NAFTA's continued lowering of trade barriers.

INCREMENTAL REFORMS: BORDER, REMITTANCES, GUEST WORKERS

It has been 18 months since the terrorist attacks stopped the momentum for a new Mexico-US migration management system. The question addressed in the March 2003 CEME briefing is whether there is room for a new approach. There was general agreement that the US Government is *not* likely to enact a top-down, comprehensive proposal to resolve migration and border issues, as proposed in 2001, especially since a migration agreement with the United States no longer seems to be the top foreign policy priority of the Mexican Government. The changes since September 2001 set the stage for consideration of the bottom-up, incremental changes to improve migration management that are the leitmotiv of CEME.

Secure and efficient borders

Mexico and the United States share the goal of facilitating legitimate flows of people and goods over their 2,000-mile border. Legitimate flows can be facilitated through pre-screening and trusted traveller and transporter programmes that involve particular individuals and companies being pre-screened so that they can enter the United States in an expedited fashion. It is in the interests of both countries to expand the number of people and firms in such trusted programmes, so that beneficial movements can be facilitated and limited enforcement resources can be targeted on others who may pose a danger.

Most of the 955,310 foreigners apprehended in FY02 were Mexicans caught just inside the US border in the southern Arizona desert. In the mid-1990s, the United States changed its border enforcement strategy from apprehending unauthorized foreigners who had slipped into the United States to deterring their entry with more Border Patrol agents, fences, and lights. One result is that most Mexicans attempting unauthorized entry turn to smugglers, and the price smugglers charge to take migrants to remote desert areas and then drive or guide them into the United States has climbed to US\$1,000 or more. Deaths of migrants attempting unauthorized entry, as well as the increased presence of organized crime in smuggling, have led to calls for changes at the border to reduce the number of deaths and the amount of violence.

When arguing that it is powerless to interfere with smugglers who openly organize groups of migrants to attempt illegal entry into the United States, the Mexican Government has long pointed to a constitutional provision that guarantees Mexicans the right to freely exit the country. The Mexican Government has established special units to deal with criminals that target groups of migrants, many of whom are carrying cash, and there is growing cooperation between Mexican and US border officials to prevent, for example, criminals crossing the border to evade enforcement staff in each country.

Within the constraints of both the Mexican and US Governments, more can be done to foster cooperation to ensure secure and efficient borders. As discussed above, expansion of the dedicated commuter lanes will enable the millions of persons who cross regularly to visit family, shop, and work in the other country to do so without undue delays. Increased cooperation between US and Mexican police authorities would further reduce crime and violence along the border, make it more difficult for exploitive smugglers to operate, and encourage migrants to seek lawful mechanisms for admission to the United States. Greater cooperation in mounting joint patrols of areas between ports of entry will help save the lives of those who attempt unlawful crossings in dangerous areas. Targeted temporary work programmes, as discussed below, would provide an alternative to unlawful entry for at least a portion of those now seeking work opportunities in the United States. Some of these programmes should be targeted at border regions where the economies are becoming more integrated.

Also needing attention are the long backlogs in some US admission categories, particularly the Family 2A preference that grants legal permanent immigrant status to the spouses and minor children of green card holders. As of April 2003, the United States was processing Mexicans who applied in August 1995 for these visas. When policies promise legal admissions for such close family members, but take years to fulfil, it is not surprising that some applicants resort to unlawful entry instead of waiting for their turn in the queue. How many spouses and parents in the United States would accept separations of five years or longer? The US Commission on Immigration Reform, a bipartisan body mandated by the US Congress, recommended a rapid clearance of this backlog and adoption of sufficient admission numbers for spouses and minor children to allow all eligible applicants to receive their green cards within one year of application.

Maximizing remittances and development

Mexico has been a pioneer in recognizing the contributions that its citizens in the US can provide to foster economic development in Mexico. President Fox has called migrants in the US heroes for the \$10 billion a year they remit to Mexico, and said that the migrants were indispensable to creating a modern and prosperous Mexico. Mexican Governments in the 1990s launched policies that include:

- Issuing *matrícula* consular documents to Mexicans in the United States, so that they have a government-issued ID card to open bank accounts, rent apartments, obtain a driver's license in some states, and operate in a security-conscious United States;⁴
- Educating Mexicans in the US about the options and costs available for remitting money to Mexico, and encouraging competition among money transfer firms to lower the costs of remitting savings; and
- Using federal, state, and local funds to match remittance savings that are invested to spur economic development in migrants' areas' of origin.

Mexico launched major anti-poverty programmes in many of the rural areas from which migrants come, including *Progres*a in 1997 (now *Oportunidades*) which makes conditional cash payments to more than 4 million families. Small-cash payments or scholarships are given to mothers in exchange for their children attending school (the payments for girls are more than for boys) and getting regular health checkups. The monthly value of *Progres*a (*Oportunidades*) benefits is equivalent to about 11 days of work at the minimum wage, representing a substantial increase in the incomes of poor rural residents.

There may also be room for better coordinating anti-poverty programmes in areas of migrant origin and remittances to promote development, as well as to manage any new guest worker programmes. Enrolment in these programmes provides the Mexican Government with data on income and education, occupation, marital status, occupation, skills, and migration experience, which can be used in selecting workers. These programmes can also be used to monitor the behaviour of legal guest workers, so that, for example, payments can be adjusted to encourage returns to Mexico, or registration fees reimbursed upon return. The anti-poverty programmes have co-responsibility networks in place, requiring participants to get periodic health check-ups, participate in adult literacy programmes, till their land (in the case of PROCAMPO⁵) and, in some cases, participate in local public works projects.

The average remittance sent to poor rural villages is US\$130 a month, and many families receive remittances irregularly. Participation in pilot guest worker programmes could double remittances, since legal status increases US earnings and, subsequently, increases village incomes through the multiplier effect of spending the remittances. Remittances can be matched via 2 to 1 and 3 to 1 programmes to promote development in migrants' areas of origin.

Pilot guest worker programmes

There has been Mexican-US migration for most of the twentieth century, but only during two periods, 1917 to 1921 and 1942 to 1964, did most Mexican migrants

arrive under bilateral guest worker or *Bracero* agreements. The United States has about 20 non-immigrant programmes that allow the admission of foreigners for temporary periods to work, issuing visas that range from A for ambassadors to TN for NAFTA professionals. Most Mexicans entering the US legally as guest workers arrive with H-2A and H-2B visas, for farm workers and unskilled non-farm workers respectively, who enter the US temporarily to fill temporary or seasonal jobs (double temporary criterion).

The Mexican Government and many US employers have requested a new guest worker programme. The H-2A and H-2B programmes are certification programmes, meaning that a US employer must convince the US Department of Labor (DOL) on a job-by-job basis that US workers are unavailable – each job vacancy to be filled by a foreign worker with an H-2A or H-2B visa needs a DOL certification that US workers are unavailable to fill the job despite DOL-supervised employer recruitment efforts. Certification means the border gate to foreign workers remains closed until the US Government agrees or certifies that Americans are not available to vacant jobs.

The alternative attestation process, as used in the H-1B programme to admit foreigners to fill US jobs that require a BA or more for up to six years, allows US employers to open the border gate by asserting or attesting that foreign workers are needed to fill vacant jobs; there is generally no enforcement of employer attestations unless DOL receives complaints. Under H-1B, H-2A, and H-2B programmes, foreign workers are tied to a single US employer by contracts – the employer’s job offer becomes the contract – and must generally leave the US if they are discharged.

Proposals for new guest worker programmes include:

- allowing employers of unskilled workers to attest to their need for such workers,
- allowing unskilled foreign workers to change US employers, and
- introducing economic mechanisms to improve employer and worker compliance with programme rules.

The purpose of non-immigrant or guest worker programmes is to add workers temporarily to the labour force, but not settled residents to the population; the guest adjective implies that the foreigner is expected to leave the country when his job ends. In most cases, guest workers are to be a transitional presence in an industry or occupation, employed until jobs are mechanized or replaced by trade or until additional workers are trained locally.

We believe that the United States and Mexico could usefully experiment with new guest worker programmes on a pilot basis to determine whether alternatives to

H-2A and H-2B would be viable. We emphasize that the pilots and larger guest worker programmes can be successful only if unauthorized migration is curtailed, so that both employers and workers participate in the guest worker programme. Using the work authorization verification programme (Basic Pilot) already mandated by Congress and implemented by the former INS must be an integral part of any new temporary work programme. To ensure the maximum potential for the temporary work programmes to become a viable alternative to unauthorized migration, currently employed unauthorized workers should be permitted to sign up for any of the pilot programmes below. Employers would have few incentives to sign up for the temporary work programmes if they risked losing already trained and hard-working employees.

We think three US industries might be interested in participating in such pilot programmes:

Meatpacking

The US meatpacking industry has high worker turnover among the 400,000 workers who “dis-assemble” cattle, hogs, and poultry. Most meatpacking firms are enrolled in the voluntary Basic Pilot employee verification programme, under which employers submit the A-numbers of newly hired non-US citizens for verification of their right to work in the US. However, some firms, including Tyson Foods, also employ workers supplied by temporary agencies, and these workers’ data are not submitted to Basic Pilot. Tyson Foods, with 120,000 employees, was charged with, but then acquitted of conspiracy to smuggle unauthorized workers into the United States who went to work in Tyson plants as employees of temporary firms.

A pilot guest worker programme that required meatpackers to hire all workers directly and screen them in Basic Pilot could be linked with mechanisms to avoid long-term employer dependence and encourage returns. One way to do this is to isolate the Social Security and Unemployment Insurance taxes paid by US employers and guest workers, and (1) use the employer’s contributions to enforce programme rules, and subsidize mechanization research and training of US workers; and (2) return the worker’s Social Security contributions when he/she returns his/her work permit in Mexico. Both efforts could be supplemented with, for example, Mexico selecting guest workers from among those participating in *Oportunidades* (ex-*Progresas*) or PROCAMPO, and adjusting payments or health check up dates to ensure compliance.

Multinational Hotels/Services

As with meatpacking, the basic revision to the H-2B programme would be to allow temporary workers to rotate through year-round US jobs. The US L-1 visa is

available for “key employees” – executives, managers, and workers with “specialized knowledge” – who can be moved from a job in a multinational corporation abroad to a US branch, parent/subsidiary, or affiliated entity.

On a pilot basis, multinational firms with operations in both Mexico and the United States could be permitted to use L-1 visas to bring unskilled Mexican workers to the United States for employment and training, with the expectation that the Mexican worker would return to Mexico and be employed in the firm’s Mexican operation after one to three years. Although some might criticize linking visas with employment at a specific company because it results in being unable to leave unsuitable employment without losing visa status, the overall benefits of such a programme should exceed such concerns. Such a programme involving hotels, medical care providers, and other services would provide continuity in employee seniority with one firm, and make the multinational firm a partner in ensuring that programme rules are followed.

Agriculture

Seasonal employment on US crop farms has been the port of entry for many Mexican migrants, and about 85 per cent of the almost 2 million hired seasonal employees on US crop farms were born in Mexico. The agricultural pilot programme could test methods of using payroll taxes collected from participating guest workers and US employers, which would encourage worker returns as well as promote the mechanization or other changes in the farm labour market that are increasingly necessary because of increased global competition in labour-intensive commodities, especially from China.

Many farm commodities that now employ largely unauthorized Mexican workers have employers who are well organized in associations, are geographically concentrated, and recognize that they must change the way in which labour is employed to remain competitive. For example, 95 per cent of US raisins are grown around Fresno, California by about 3,500 farmers, many of whom are in their sixties and have relatively small plots that average 40 acres. Workers receive about US\$0.01 a pound for cutting and laying 25 pounds of green grapes on paper trays to dry in the sun, and there is a “labour shortage” every year as farmers wait as long as possible to begin harvesting in order to raise the sugar content of the grapes. Yet, the longer they wait to begin harvesting, the more likely the drying grapes will be rained on, which lowers their value.

There are dried on the vine (DOV) systems for mechanically harvesting grapes that increase the hours of labour needed for pruning in the winter months, when unemployment is high, and reduce the need for harvest workers. However, the up-front cost of retrofitting vineyards for mechanical harvesting is about US\$1,500

per acre, or a total of US\$225 million for the 150,000 acres of raisin grapes. If the DOV system were adopted, peak September employment in the raisin industry would fall from 50,000 to 10,000.

We propose a pilot guest worker programme in which employer contributions for Social Security and Unemployment Insurance would be isolated and used to subsidize mechanization and encourage returns. Such a programme could generate significant funds to transform the industry while providing transitional jobs for Mexican migrants.⁶ The 20 per cent of wages paid by employers and workers for Social Security (15% of gross wages) and Unemployment Insurance (5%) can generate significant funds. For example, if raisin harvesters average US\$5,000 each, 20 per cent of payroll taxes is US\$1,000. The worker's share of these taxes is about US\$375, and the employer's share is US\$625 – if the money were divided 50-50, then 50,000 workers would generate a total of US\$50 million to subsidize mechanization and encourage returns.⁷

More broadly, if there are 4 million unauthorized Mexican workers, and they were converted to guest workers earning an average of US\$15,000 a year, the 20 per cent payroll taxes accounted for by Social Security and Unemployment Insurance would generate US\$3,000 a year, or a total US\$12 billion a year from gross earnings of US\$60 billion. This is a significant sum that could be used to promote labour-saving mechanization and worker training or retraining in the US, as well encourage returns and foster economic development in Mexico.

REINVIGORATED BINATIONAL CONSULTATIONS

The mechanisms adopted by Mexico and the United States for sustained consultation on migration issues serve as a model that the CEME project has recommended to other countries. The US-Mexico Binational Commission meets regularly to allow for high-level discussions among officials of both countries on a wide range of issues. Immigration and border issues have been handled in a working group that focuses specifically on ways that the two countries can cooperate to manage migration and border security. The last meeting of the full Binational Commission took place in November 2002.

In previous periods, the workgroup has met frequently and regularly to ensure continued momentum in discussing areas of both agreement and disagreement. It appears that its role has been eclipsed by the Presidential level negotiations and the visibility given to a broad agreement. More frequent meetings of the workgroup on the type of incremental changes outlined in this report could help restart momentum toward a set of achievable agreements.

BINATIONAL STUDY OF MIGRATION FROM MEXICO TO THE UNITED STATES

The Binational Study of Mexico-US Migration (1997) was sponsored by the US and Mexican Governments, with additional support from the Ford and Hewlett Foundations, to achieve a consensus among researchers on the numbers, causes, and impacts of Mexican migration to the United States. The study was launched soon after passage of Proposition 187 in California, amid greater controversy and oft-times disagreement between the two countries about immigration and its impacts. The study involved ten researchers from each country who worked in teams that examined five issues: the scale of migration, the characteristics of Mexican migrants to the US, the factors affecting migration patterns and numbers, the impacts on the two countries, and the potential for binational responses. The fact that researchers could achieve consensus on all of these issues helped to defuse what were at the time often exaggerated assertions.

The binational study supported by Mexico and the United States is unprecedented. No other source and receiving countries have engaged in a multi-year effort to base their understanding of migration on empirical evidence and analysis. In light of the breakdown in negotiations for a new Mexico-US migration management framework, and the differences between the two countries regarding how to address the continued migration pressures, a new Binational Study of Mexico-US migration could provide the information and analysis needed to lay the basis for a migration management framework likely to succeed in the post 11 September world. Building on the solid research accomplished by the previous Binational research team, the new study would benefit from the availability of new data, particularly from the 2000 Censuses taken by both countries, as well as systematic analysis of the negotiations and options explored during and since the negotiations began between the Fox and Bush administrations. Although the first Binational Study was not mandated to make policy recommendations, the type is propitious for the follow-up study to be as specific as possible in setting recommendations to improve the management of migration between the two countries.

CONCLUSION

Migration from Mexico to the United States remains a major issue that continues to need senior-level policy attention in both countries. Efforts at top-down reform failed in 2001, partly because of the terrorist attacks, but more fundamentally because they sought to achieve too much too quickly. This paper has outlined a series of incremental changes that we believe are accomplishable and would make migration between the countries more manageable and beneficial.

NOTES

1. This paper was presented at a meeting in Mexico of the Cooperative Efforts to Manage Emigration (CEME) project. CEME aims to identify and promote best practices to manage migration, including reducing population growth in emigration areas, promoting stay-at-home economic development, and establishing mechanisms to promote cooperative migration management between sending, transit, and receiving countries. CEME makes site visits to identify best practices, and issues reports and conducts policy briefings to publicize its findings. The views expressed in this article do not necessarily reflect those of the author's institutions.
2. Many US employer groups, as well as the Republican Party platform, favoured a new guest worker programme that would allow unauthorized workers to obtain legal work permits, but not necessarily immigrant visas. US unions, ethnic groups, and churches were generally opposed to new guest worker programmes, but in favour of legalization.
3. As Loescher and Scanlan (1986: 56) note, it has been "universally understood that Congress – and not the president – possess [es] the constitutional authority to set conditions for entry and to fix quota numbers." Since 1940, Congress has held an average of ten hearings per year on immigration-related issues.
4. Mexico's 47 US consulates have been issuing *matricula* consular cards to Mexicans in the US for US\$29; more than 600,000 were issued in 2001, and 1 million in 2002.
5. PROCAMPO is a cash subsidy paid per hectare to growers of most crops. The amount is crop-specific.
6. Yields average about 8 tons of green grapes per acre, which dry into two tons of raisins. Workers are paid about 1 cent a pound for picking green grapes, so labour costs are about US\$160 per acre, and payroll taxes of 22 per cent are US\$35 an acre. If guest workers received US\$10 an acre in refunded contributions, or a total US\$1.5 million, then US\$15 an acre or a total US\$2.25 million would be available to better enforce programme rules and subsidize the inevitable change to a mechanized harvesting system.

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