

# ON THE MEXICO U.S. BORDER: BETWEEN TWO LAWS

The stream of Mexicans migrating to the United States in search of work is one of the thorniest aspects of the relationship between the two countries. The economics of the matter is obvious. On the Mexican side, it reflects the country's inability in the midst of the crisis to absorb all of its workers in jobs at home. On the U.S. side, it fills a demand for labor at the lowest possible cost, in jobs that no one else wants. Yet paradoxical as it may seem, the U.S. has increased its legal restrictions on this migration. And in the midst of everything, undocumented workers are the victims of inhuman treatment, living the most vulnerable of lives. VOICES reporter Jackie Buswell traveled to the border to cover these and other issues in her first hand report.



Zapata Canyon (Photo by Gerardo Magallón)

Tijuana, capital of Baja California, thrives on the people business. It is the busiest border crossing between Mexico and the United States. According to the local Chamber of Commerce, there were 43 million legal border crossings at Tijuana last year; of these, 26 million were tourists visiting Baja California.

Tijuana is also the crossing point most used by undocumented workers from Mexico and Central America looking for work in the USA. The local Migration Information and Studies Center claims that people from 85 different nationalities cross the border illegally at Tijuana.

While some say that "undocumented workers put their food on our tables," not everybody in the United States views migrant workers favorably. They are seen as "a silent invasion," a "threat to national security," and an "economic burden for state and



local governments;" they are accused of displacing millions of U.S. workers from jobs and of violating U.S. laws. Massive migration from Mexico and Central America is said to prove that the U.S. has "lost control" of its border with Mexico.

While former CIA-director William Colby once said that Mexican immigration could become a more serious threat to the U.S. than the Soviet Union, others disagree, arguing that Mexican labor is necessary for the U.S. economy. Dr. Jorge Bustamante, director of the *Colegio de la Frontera Norte* (Colef, the Northern Border School), explains that the United States needs migrant labor because the local work force is not replenishing itself. Academic studies estimate the U.S. will have to import 10 to 15 million workers in future years in order to maintain a three percent economic growth rate. Significantly, the average age in the U.S. is 33, while in Mexico it is 15.

Similarly, the Council of Economic Advisers' February 1986 *Economic Report to the President* argued that undocumented migrants provide more benefits than costs to the U.S. economy. And many claim that migrant workers cost the U.S. next to nothing. Migrants are born and raised in another country, while once they begin working illegally, they contribute as workers and even as tax-payers to the U.S. economy. In a book edited by Patricia Morales, *Indocumentados mexicanos* (Undocumented Mexicans), one study found that while 75% of migrant workers pay U.S. taxes, less than 4% had ever put their children in public schools, less than 4% had ever received unemployment benefits and only 8-10% had ever received free medical service in a clinic or hospital.

And if migrant workers take jobs away from the local workforce, it is because employers prefer to pay lower wages to new arrivals. Yet the very demand for their labor indicates that they are needed in the economy. Meanwhile, the great expansion of assembly factories in northern

Mexico, Korea and Taiwan, has been taking jobs away from the U.S. for over 20 years.

Nonetheless, it is true that migrants do violate U.S. laws. They must enter the country illegally, they find work illegally, they may well have to live in a "spider hole" or a shack that violates accepted American living standards, or they may use false documents so they can send their children to school.

As for the northern country "losing control of its border," this seems laughable in the face of the increasing militarization of the 2000-mile border, surely one of the longest in the world, with great contrasts between one side and the other. The U.S. Border Patrol is equipped with many vehicles, helicopters, electronic detection devices, powerful lights, cameras and binoculars with night vision, and weapons. There is no apparent Mexican military presence along the border, while the "invasion" is carried out by unarmed persons looking for work.

Mexicans and Chicanos view the problems of undocumented migrant workers as a socio-economic phenomenon.

associated with the economic crisis in Mexico and political turmoil in Central America. And they criticize U.S. authorities for responding with police measures. Dr. Bustamante sums it up, "For Mexico, migrants represent a social and economic issue, yet Mexico has to face a police

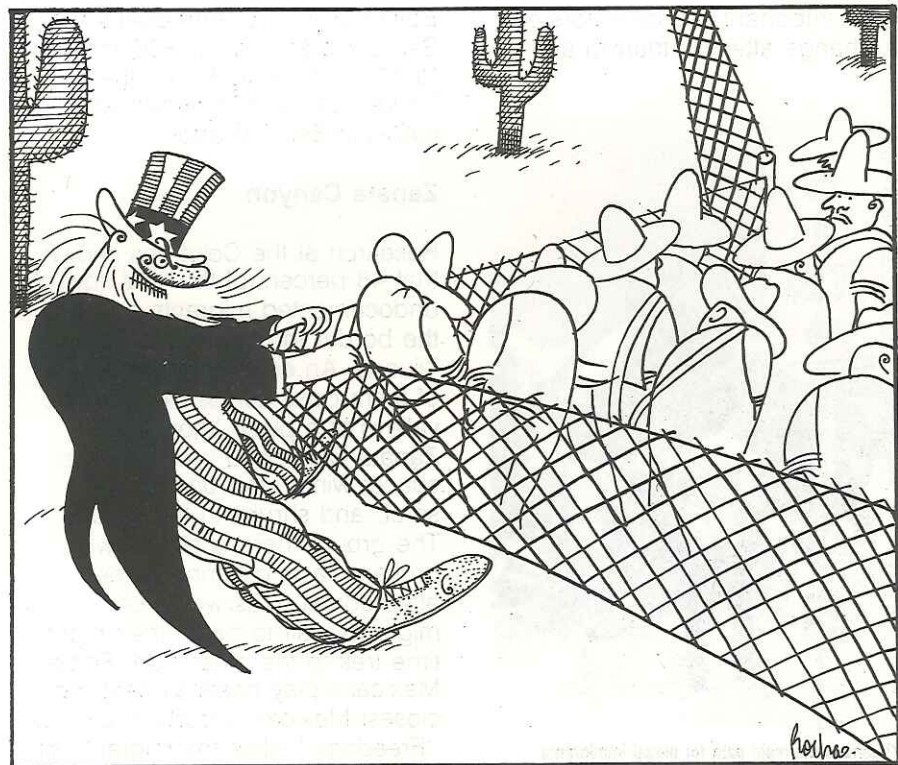
---

### **If the undocumented take jobs away from the local work force, it is because employers prefer to pay lower wages to new arrivals**

---

attitude on the part of U.S. authorities."

At the same time that farmers in the southwest states have called on the U.S. government to relax the recently implemented Simpson-Rodino Law (which seeks to further restrict entrance to the U.S. and imposes fines for using undocumented workers), would-be workers are being rounded up by the "migra." At times, workers' homes are searched, and factories employing undocumented workers



"Tension"



are frequently raided by immigration officials.

Dr. Bustamante explains that growers want the law relaxed because they are used to having an over-supply of labor. When they don't have it, they call it a "labor shortage." In addition, the migrants make good labor because of the limitations implicit in their illegal status. "They can't bargain for better wages or living conditions," he says, "because they are illegal aliens."

José Luis Pérez Canchola, director of the Migration Information and Studies Center (CIEM) in Tijuana, estimates there were three to five million undocumented workers in the U.S. in May of this year. Of these, 85 percent are said to be Latins, mostly Mexicans; although there are also significant numbers of Guatemalans and Salvadorans. According to Pérez Canchola, Mexican authorities calculate that about 1.5 million Mexicans work in the U.S., with another million entering each year as seasonal workers.

Migrant laborers send home lots of money. Dr. Bustamante estimates that expatriate Mexican workers send between 500 and 900 million dollars back to Mexico each year, making this the fourth most important source of foreign exchange after oil, tourism and

non-oil exports. Pérez Canchola asserts that migrant workers make up 11 percent of the Mexican work force and provide more money for Mexico than tourists. He postulates: "Even if there are only one million Mexicans working in the U.S., and if each of them maintains five family members at home, that makes five million Mexicans who are being looked after, who have a certain security and who thus cause no drain on the Mexican economy, nor social unrest."

Meanwhile, it seems that El Salvador relies directly on the U.S. for most of its foreign exchange. According to Guillermo Ungo and Schafick Handal of the FDR/FMLN, U.S. economic and military aid to that country amounts to two million dollars a day. Salvadorans working in the U.S. also send back huge sums,

**The extortion racket is a chimneyless industry, mainly benefiting corrupt police officials**

with amounts estimated at 300 to 400 million dollars annually by Edwin Corr, U.S. Ambassador in San Salvador, and at 800 million to 1.3 billion annually by the Universidad Centro Americana (UCA) in San Salvador.

**Zapata Canyon**

Research at the Colef has shown that 48 percent of the total flow of undocumented migrants crosses the border through the city of Tijuana. An estimated 80 percent of them goes across the hills and valleys of a place known as Zapata Canyon, a wide treeless space, windy and barren, with scrub and shrubs in the valleys. The ground here is strewn with broken glass, glittering in the afternoon sun, as would-be migrants wait to begin their night-time trek to the other side. Some Mexicans play baseball near the closest Mexican suburb, known as "Freedom," while the migrants sit watching distant Border Patrol movements. As many as 2000



"A silent invasion." (Photo by Gerardo Magallón)

would-be migrants may gather any afternoon at Zapata Canyon during the peak working season.

If all goes well for the itinerant illegal alien (for he's now in U.S. territory), he'll arrive at San Ysidro tonight and be looking for work tomorrow. Some take the longer walk to Chula Vista, thinking it safer, or easier. Three travelers from Jalisco said they were going to fly from San Diego to Los Angeles; they had walked illegally across the border, not because they didn't have the money, but because they didn't have the papers they needed.

Dr. Bernardo González Aréchiga, head of the Colef's Economic Studies Department, comments, "The distribution of documents is very unequal, and the principal determinant is socio-economic status. Virtually all of the upper-class can cross the border, but only 70 percent of the middle-class can do so and only 30 percent of the lower-class. About half of the three million residents in Mexico's border cities are unable to cross the border legally.

**Easy Prey**

If all does not go well for the intending migrant, he or she will be picked up by the Border Patrol. The least this means is deportation. But human rights workers and Chicano leaders in San Diego and Tijuana say that heavy violence is part of the arrest



Tijuana is the main path for illegal immigrants. (Photo by Gerardo Magallón)



and deportation process. Those who attempt to run from the "migra" may get shot at; those who try to resist arrest may be beaten.

Roberto Martínez, a lawyer working for the American Friends Service Committee in San Diego, says there are countless types of shootings and assaults along the border, which he described as "like a war zone." Migrants are often cruelly treated, exploited and robbed by the so-called "coyotes" or "polleros," travel agents for the illegals. They are responsible for such tragedies as the deaths of the 18 men suffocated in a closed railway car in Texas last July, and of the dehydration deaths of three men in the Arizona desert, also in July.

Pérez Canchola says there were around 300 deaths in the border region in 1986, while Martínez says he knows of six shooting deaths during the past year. Martínez analyzes the problem: "In Mexico, there's a problem of extortion of migrants by police. Here, the issue is violence. Take a look at these photos; this man was beaten up by the Border Patrol. I don't think they left a single part of his body untouched. The history of this violence goes back 150 years. In the 1880s and 1890s, thousands of Mexicans, naturalized U.S. citizens, were murdered and their land was robbed. Texans make

very violent police. The ones trained in Glencoe, Georgia (Ku Klux Klan territory), are completely brain-washed. Some of them are of Mexican origin; they get de-programmed so they don't identify with their own people...Not all police or Border Patrol agents are violent, some indeed are humanitarian, but a significant element of these agents of law and order are corrupt Rambo types, who take out their frustration on defenseless people."

People who are arrested by the Border Patrol —Martínez calls them assault victims— end up in detention centers such as the Metropolitan Correctional Center in San Diego. Not only illegal migrants are detained; witnesses may be held for weeks or months when their only crime is to have seen some incident of violence or extortion. Martínez points out that most people are too frightened to testify against the state's agents, so when they come to court, they say they've seen nothing. Only then, when dismissed by the judge, are they set free.

Children are pawns in the migration detention game: some get separated from their families; others are held with their mothers in state prisons or in alternative detention centers run by the Catholic Community Services in California. Lawyer Martínez says that lost children are interviewed daily by members of the Mexican

Consulate and held at Chula Vista until some relative is located in Mexico to take charge of the child.

While Mexicans are easily deported back across the border, Central Americans and others are held in centers known as "OTMs," for Other Than Mexicans. Roberto Martínez, also a member of the Coalition for Law and Justice in California, explains that there are major detention centers for OTMs all along the border: the "Corralon" in Calexico, another in Oakdale, Louisiana and Krome in Miami. The Central Americans who seek political asylum in the U.S. rarely receive it, he asserts, primarily because the U.S. government does not recognize that the political problems in the region are capable of expelling populations.

In Mexico, migrant workers also suffer discrimination, be they Mexican or of other nationalities. Pérez Canchola of CIEM says, "the migrant" is alone, he's vulnerable to extortion, he has no local support, he's an easy victim of corrupt "coyotes" and policemen.

Undocumented Central Americans are vulnerable because they are in Mexico illegally and risk deportation if detained. But Mexicans are vulnerable too. According to Mexican law, it is illegal to cross the border except at authorized points. Pérez

## CENTRAL AMERICAN IMMIGRANTS ON THE LINE

During a visit with a human rights worker to a Salvation Army shelter in Tijuana, a Guatemalan man told the following story:

Orphaned at age six, he was left in the care of an uncle who treated him badly. One day he was sent to look after the cows. At one point he fell backwards into a thorny bush and in the confusion, the cows escaped into the corn field. His uncle/guardian was so enraged that he had the boy imprisoned in the local jail house for a month.

He grew up in El Quiché, a province in northern Guatemala, where there was violence, murders and machine guns. He married a woman with family in the military, and he feared them. Finally he left his wife and daughter, who now live in Guatemala City, and traveled north. With two friends, he traversed the northern Mexican desert on foot, only to meet up with a white police car while crossing a highway one day. The policemen let them go after telling them they didn't want the measly 2000 pesos the tired walkers had in hand.

In Tijuana, this 30-year old Guatemalan seemed to be a very dynamic member of the community. He was the one who saw us to the door and accompanied us to the car. During our visit, he put on a big pot of lunch-time left-overs to warm up, then he organized

a group in the kitchen, and while talking with us, fixed an outside water faucet with a spanner brought to him by a young man in a wheel chair. He said that tomorrow he would go asking for money to buy food for the hostel and to take to prisoners in the local jail.

Asked about his future plans, the Guatemalan responded neither north nor south. He said he missed his wife and daughter, and worried about them, and that he needed to make some money. He does send them money from time to time, like last week, after he painted the house next door.

Three Salvadoran men also spoke with us. They were thin and poorly dressed, and they had some kind of dust or paint on their hands that indicated they had been doing hard physical work. They were evasive and confusing in answer to direct questions. The oldest of the three said he used to work for the government, but we weren't sure he didn't mean the Army. He had work in El Salvador, but said he had sold his truck to travel north because "he couldn't stand the situation any longer."

These four men in the Salvation Army hostel all said they had wives and children back home...that makes four single-mothers more, waiting—or not waiting—for the re-appearance of the absent husband-absent father, his letters, or some money.





"Illegal aliens." (Photo by Gerardo Magallón)

Canchola explains that this law, which carries a 15-day jail term, provides the excuse for all kinds of police actions against the undocumented. Itinerant workers in Tijuana and other border cities are harassed by police who demand money to "arrange the situation." Three Mexicans in Zapata Canyon told me they had each given 20,000 pesos to police at the bus station when they arrived in Tijuana from Jalisco, while Pérez Canchola told of a Salvadoran who lost 150,000 pesos (lent to him in Guadalajara) and 200 dollars (given him by a Canadian pastor) to the municipal police in Tijuana. Local police authorities are working to control corruption, says Pérez; 120 policemen have been sacked so far this year for abuse of authority, but none of them have been charged.

Research by Victor Clark, of the Binational Human Rights Center in Tijuana, shows that 65 percent of intending migrants suffer extortion by police in the area. He described the extortion racket as a "chimneyless industry," mainly benefiting corrupt police officials. A study of 26 cases over the past three months, says Clark, shows that migrants paid an average of 44 dollars to "arrange their situations."

**Policy and Law on the Mexican Side**

José Luis Pérez Canchola, who has studied migratory

phenomenon over more than ten years, affirms that migration is not sufficiently recognized in Mexico as an important socio-economic fact of life. He proposes that universities study the issues more: the situation of the families left behind in poor rural areas, the experiences of migrants and their economic impact on their communities, for example.

Those who do study migration agree that only with a working knowledge of the issues, can policy-making be carried out effectively. "The study of migration-related issues is necessary so that policy making can be based on facts, and not on myths," says Gustavo de la Vega of the Metropolitan University in Mexico City.

Pérez Canchola asserts that the Mexican government does not have the infrastructure to meet migrants' needs. "There are no offices to inform intending migrants of their rights and obligations, or of current possibilities or difficulties in the U.S., nor are there any facilities to deal with the dead bodies that might get sent back to Mexico."

The Mexican General Population Law does make a general statement of good intentions in this regard (Article 139): "The Ministry of Internal Affairs, with the support of the Foreign Ministry, will take care that migratory workers in foreign countries, even the undocumented, be treated in accordance with their human and

social rights, which allow them to conserve their cultural patrimony and the integrity of their families."

Nonetheless, a CIEM study done in 1986 argues that most aspects of the law related to undocumented workers refer to sanctions. The study concludes that the current Population Law in Mexico reflect "great backwardness and a lack of understanding as regards the treatment received by migratory workers."

**The Simpson Rodino Law**

In fact, there are relatively few critics of Mexican immigration law, which is widely viewed as flexible and humanitarian. But there is widespread protest and confusion about the latest U.S. immigration legislation, known as the Simpson-Rodino Law.

Dr. Bustamante, at the Colef, says the law has had no impact

**AN OPEN WOUND**

*The U.S. Mexican border es una herida abierta where the third world grates against the first and bleeds. And before a scab forms it hemorrhages again, the life blood of two worlds merging to form a third country "a border culture." Borders are set up to define the places that are safe and unsafe, to distinguish us from them. A border is a dividing line, a narrow strip along a steep edge. A borderland is a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. Los atravesados live here: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulato, the half-breed, the half-dead; in short, those who cross over, pass over, or go through the confines of the "normal." Tension grips the inhabitants of the borderlands like a virus. Ambivalence and unrest reside there and death is no stranger.*

from: Gloria Anzaldúa, *Borderlands La Frontera: The New Mestiza*. Spinners/Ann Lute, San Francisco, California, 1987.



on the migratory flow; it's simply "business as usual." Figures for the number of arrests and deportations in any given month can be misleading in this regard since they don't reflect the number of migrants who cross the border, but rather the intensity of Border Patrol activities.

The Simpson-Rodino Law provides an amnesty for those who have lived continuously in the United States for five years since 1982, as well as special programs for agricultural workers. The most important new aspect of the law, in contrast with past federal immigration legislation, is the establishment of sanctions for employers using undocumented workers. But Dr. Bustamante says the law has enough loopholes to render these sanctions inapplicable. "An employer could be found in full compliance with the law if he or she signs a form stating that an alien who is applying for a job has produced a legal document demonstrating eligibility to work in the U.S., regardless of the existence of such a document." And it seems that fines will be levied with flexibility. Roberto Martínez explains that a match factory in

workers, especially farm workers. His reaction: "What's the point of continuing to help people comply with this law? It's a violation of human rights if there's no provision for family reunion."

That same day in Mexico, the *Excelsior*, one of the country's major newspapers, carried a story on the same press conference given in Washington by Alan Nelson, head of the Immigration and Naturalization Service (INS). This report, taken from the *New York Times*, said that the Reagan government "announced a policy which would permit some foreigners to remain in the U.S. if they have immediate relatives qualifying for amnesty." The text continues, "Nelson said there would be a careful review of each individual case, but he did not exclude the possibility that some married couples might be separated."

Asked for his opinion on the INS decisions announced on October 21, Dr. Bustamante said he thought the U.S. government was becoming "more and more flexible in its application of the Simpson-Rodino Law, because it knows that the country needs migrant labor. Their very law is a recognition of that."

Hernan Baca, Chicano leader in National City, near San Diego, has a more radical, layman's view of the law:

"The Simpson-Rodino Law is not immigration reform, it's labor legislation, manipulation of labor, of the normal flows of supply and

---

### Expatriate Mexican workers send between 500 and 900 million dollars back to Mexico each year

---

demand. It results in police treatment of a labor problem. The importation of foreign labor in the U.S. will have to continue because there's zero population growth here; estimates differ, but five to fifteen million workers will have to be imported in the future. Farmers here need workers, and that's why they're pressuring for the INS to loosen up the legislation.

"The amnesty for undocumented workers is nothing less than a massive rip-off. The INS expected four million applications; at a cost of \$175 per application, that's 700 million dollars for the INS. Then, the necessary medical exam costs at least \$75; that's 300 million dollars for doctors. Besides, money for lawyers, for photos, for agents and "coyotes" I estimate the amnesty plan could rip-off anything between four and seven billion dollars from undocumented workers. And all this to militarize immigration. The amnesty is a false proposition for most workers. The Simpson-Rodino is a unilateral bill which ignores all push and pull factors between Mexico and the United States. What will be the effect in Mexico if four to seven billion dollars are taken out of the undocumented's economy?"

Asked if he thought sanctions would be applied to employers, Baca replied: "Oh, they'll catch some little fish. It's like prohibition. There'll be some attempts to show they're getting tough on employers. But the system here demands Mexican labor; the economy can't survive without it." □

---

### Academic studies estimate the U.S. will have to import 10 or 15 million workers in future years in order to maintain a 3 percent growth rate

---

San Diego was recently fined \$6000 for employing 25 undocumented workers.

"According to the terms of the law, the fine could have gone much higher."

Conflicting interpretations of the law in newspaper reports help confuse the matter more. An October 22 *Los Angeles Times* front-page story claimed that children of illegal aliens could face deportation: "Offspring can remain only if both parents qualify for amnesty; spouses may also be ejected." This was alarming news to Martínez, who works in San Diego in defense of migrant



People of 85 different nationalities cross illegally at Tijuana. (Photo by Gerardo Magallón)



# THE MAQUILADORA INDUSTRY

The maquiladora industry began in Mexico in 1965, and has now expanded to 1,070 plants in the northern border states of Baja California, Sonora, Chihuahua and Tamaulipas. Around 375,000 persons currently work on these assembly lines; they are generally aged between 14 and 26 years, and today represent 11% of Mexico's work force. They earn a total salary of 1500-1800 million dollars a year, according to research at the Colegio de la Frontera Norte (COLEF).

The maquila industry functions with foreign investment, some national capital, and intensive use of local labor. The plants usually assemble goods imported from the United States, for exportation of the finished product. The factories process food, fridges, televisions, motors, spare parts, textiles and other products; some plants process coupons and accounts of supermarkets or discount stores.

The plants vary enormously in technological sophistication. The most sophisticated factories—many of them Japanese—use the latest technological developments and attend to the lighting, ventilation and health needs of the workers. Other maquila processes, especially in the clothing industry, operate almost clandestinely, or employ women at home, thus saving on all overhead costs.

In Baja California, says Octavio Corona Flores, President of the local Chamber of Commerce, there are some 400 maquila plants, which employ 35,000 workers. Dr. Bernardo González Aréchiga, head of the Economic

Studies Department of the Colegio de la Frontera Norte, says there are 180 plants in Ciudad Juárez, but these employ four times as many workers.

Work processes on the assembly lines generally involve rapid repetitive movements; some tasks cause considerable eye strain, others are done with the use of toxic substances, such as acetone, strong glues, and other chemical products, which cause all kinds of illnesses: nausea, headaches, alterations to the nervous system and intoxication.

Women used to make up almost the entire population of the maquila workforce: they were considered better at the work, which demands attention to detail and repetition. Today however, women make up only 66% of the total maquila workforce, says Dr. González Aréchiga. Male or female, most of the workers are migrants that have come from nearby rural areas or from further south. The maquila provides ample job opportunities along the northern border, which does not suffer the high unemployment rates of central and southern Mexico.

Transition is the most notable aspect of this workforce. The maquila industry has a turnover rate of 20% each month, says the investigator of the COLEF. He estimates that seven or eight million workers have held jobs in the maquila industry over the last 23 years. A worker lasts an average of six to eight months in any one job. There is massive desertion in December, according to Dr. González.

The high turnover rate is due to the very nature of the work: the workers get burned out doing boring, repetitive actions to the rhythm of the machine. While trade unions do exist and have existed, they are not very strong defenders of worker's rights and wages. There were strikes in Tijuana in 1982 and in Ciudad Juárez in 1974-1975. Dr. González says that the union movement in the latter almost destroyed the maquila industry during that time. Various reasons are given for the relative weakness of the maquila trade union movement: Dr. González says the high turnover rate has a lot to do with it. He also says that the factories employ strong images of authority to intimidate young female workers who come from rural areas where they have been taught to work and obey. Other employers use the strategy of "the company family" where all will advance together.

Norma Iglesias, of the Colegio de la Frontera Norte, author of the book *La Flor mas bella de la maquiladora* (1985), says that sexual games are also used to increase production. Bosses and supervisors flirt with workers, they have "favorites" and those who compete to be the favorite. Sexual energy is converted into work capacity. Furthermore, the traditional image of the woman is utilized, as "women aren't supposed to complain". And if, in fact, the women do not complain—even when their health has been affected by the working conditions—it's because they are glad to have a job and an income.