

Permanent and Temporary Mexican Migrants And the Fox Agenda

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The late 1990s proposals for a migratory accord between Mexico and the United States, which was being negotiated by both countries' officials, reached an impasse on September 11, 2001. The talks to establish a temporary workers program and to regulate the millions of undocumented immigrants in the United States have barely been reopened, displaced by issues of national security. Since then, the U.S. debate has centered on the need to con-

trol its borders even more, reestablishing a defensive, or "closed door" policy with a myriad of measures to recuperate and strengthen its fragile national security, such as limiting visa emissions, establishing highly technical identification systems, reducing legal immigration, plus many others that have affected not only foreigners but U.S. nationals and residents of all origins.

During the first year and a half of the Fox administration, the president met several times with his counterpart, President George Bush, demonstrating unusual closeness and willingness to arrive at an ambitious migratory accord,

formally proposed in Washington one week before the terrorist attacks. Bush, who from the beginning of his term showed special sensitivity toward Mexico, understood the importance of discussing different aspects of migratory relations and the consequences for both countries. The projected migratory accord included the establishment of a new guest worker program; regularization or amnesty for undocumented immigrants; an increase in temporary worker visas available for Mexico; a border cooperation plan to stem the tide of traffic in migrants; and a private investment program for the development of Mex-

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ican communities, the Partnership for Prosperity. Despite the fact that supposedly the groups of negotiators met on several occasions and that these initiatives were discussed among different U.S. sectors, not only did the negotiations freeze, but the debate changed course.

The controversial resignation of Foreign Minister Jorge Castañeda, who stated his bitter disappointment at not being able to come to a specific accord embodying the advances on migration, was an important precedent. Luis Ernesto Derbez, minister of foreign relations since January 2003, has adopted a distant stance, not as committed as his predecessor. In accordance with the international situation and his professional background, he has promoted matters of trade and put migratory negotiations on the back burner, perhaps because he thinks they have a high political cost and wear down bilateral relations.

Thus, the Mexican government has adopted different positions that sometimes contradict each other. For this reason, it is necessary to review the importance of acceptance mechanisms for immigrants established in U.S. legislation and analyze the role Mexicans have played in the admittance policies for permanent or temporary migrants using the broad category of non-immigrants. This will be of great use for coming up with an ad hoc migratory accord proposal in the short term.

REUNITING MEXICAN FAMILIES

The United States has been consistent in its family reunification policy since about two-thirds of immigrants admitted annually come in under the cate-

gories of family-sponsored preferences and/or immediate family members, while only one-tenth come in under the category of employed persons. That is, in only a limited number of cases has admittance been linked to the need for employment, unlike, for example, the Canadian practice.

About 47 million immigrants were legally admitted to the United States in the twentieth century, 39 percent of whom arrived during the first three decades of the century and 41 percent during the last three. In the 1990s alone, nine million legal immigrants arrived, a figure unsurpassed by any prior decade. In 2001, for example, 1,064,318 immigrants entered the country, of whom 21 percent came in under the category of family-sponsored preference and 41 percent under that of immediate family. Only 16 percent were granted admittance on the basis of their employment, a percentage that has increased in recent years from an average of about 11 percent.

The growing "Asianization" and "Latinization" of certain states of the Union have also become clear in recent decades. Mexico has played a preponderant role in the make-up of the U.S. migrant population. The increased use of the family reunification category by Latinos has created a new demographic map of the United States. Despite the fact that Anglo-Saxons continue to be the vast majority, and Asians make up 13.1 million, Latinos have become the largest ethnic minority, surpassing even the number of Afro-Americans, which today comes to 38.3 million inhabitants. While in 1980, Latinos made up 6.4 percent of the U.S. population, by 2002, they numbered 38.8 million, or 13.5 percent of the population. More than 60

percent of Latinos are of Mexican origin. Estimates put the number of undocumented migrants currently living in the United States at between seven and eight million, of whom only 1.5 million arrived before the 1990s. Approximately slightly over half come from Mexico. Today, 8.2 million American citizens are the children of Mexican parents, and 7.8 million are second-generation Mexicans.

In recent years, the number of migrants to the United States from North America has increased. One of the reasons was the 1980s legalization program established by the IRCA, which made it possible for about three million undocumented migrants to regularize their legal status. During that decade, Mexico contributed 22 percent of the immigrants admitted, and from 1990 to 1995, 42 percent, due to the belated legalization. Their participation has been a constant: for example, in 2001, 38 percent of all immigrants admitted came from the North American region, comprised of Canada, Mexico, Central America and the Caribbean. Mexico contributed almost 20 percent and Canada only 2 percent of all immigrants admitted, which came to a little over a million foreigners, an exceptional figure worldwide.

MEXICAN TEMPORARY WORKERS

Temporary workers come under the category of non-immigrants, the majority of whom enter as temporary visitors for pleasure (tourists) and/or business. The United States is probably the country that receives the most foreigners in the world. For example, in 2001, 29,419,601 foreigners entered the country, but only 592,994 under the differ-

ent categories of temporary workers. 2001 was also a record year for temporary workers hired, without taking into account the 95,000 (92,500 from Canada and only 2,500 from Mexico) who came in under the articles of the North American Free Trade Agreement (NAFTA). In addition, for obvious reasons, undocumented migrants who are hired daily by U.S. businesses are not included in the number.

It is important to point out that the admission of temporary workers, with or without immigration papers, has been a significant source of wealth that has contributed to maintaining U.S. competitiveness both domestically and internationally and to satisfying the growing demands in the global economy. Thus, in the 1990s, characterized by exceptional sustained economic growth, the demand for foreign labor undoubtedly increased, a fact reflected in a year-by-year rise in the hiring of temporary workers: 139,587 in 1990; 196,760 in 1995; and 592,994 in 2001.

Among all the categories of temporary workers, the one in biggest demand is H-1B or highly skilled workers: 64 percent (384,191) of temporary workers hired in 2001 came under this category. Low-skilled workers have the options of H-2A (agricultural workers) or H-2B (non-agricultural workers). In the same year, both categories came to 15 percent of total entries.

In general, we can say that over the last five years of the 1990s, countries in the North American region obtained an average of 35 percent of all the admissions for temporary workers into the United States; one third of them were for Mexicans, while Canadians made up the majority. Mexicans were granted 77,844 (16 percent) of all the 485,000 H visas issued in 2001. In

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that same year, the North American region was granted 38 percent of H-1B visas; 84 percent of H-2A visas; and 66 percent of H-2B visas. In general, Canadians benefit more than Mexicans, especially under the terms of H-1B visas for skilled workers, and, of course, under NAFTA regulations, which indicates that Canada is today suffering an important brain drain.

TOWARD A NEW MIGRATORY AGREEMENT

We have seen how the Mexican-origin population has grown substantially and how the entry of Mexicans under both immigrant and non-immigrant categories has increased gradually over recent years. The important economic growth of the U.S. economy during the last decade of the last century is part of the response to this trend. However, the constant demand for cheap, unconditional labor hired through different categories of temporary workers (above all the H2 visas) as well as admittance under the category of family reunification have changed the demographic map of the United States, creating a visible “Mexicanization.”

The September 11 terrorist attacks not only interrupted and even froze the negotiations of the migratory accord, but also created great tension in relations in the North American region in general and between Mexico and the

United States in particular. Bilateral language changed: today, migration is synonymous with security. And, precisely due to this, our collaboration has become indispensable to safeguard borders in order to monitor and possibly stop “undesirable” immigrants who try to cross through Mexico, a country of transit. The proposal of establishing a shared, non-divided border is difficult to attain today.

The attempts to formulate an “emigration policy” by the Mexican government —both non-existent and necessary for many years— have undoubtedly been one of the Fox administration’s achievements. Nevertheless, this policy must be clearly defined with specific objectives, carving out functions for each of the ministers, since currently, many officials intervene, establishing their own agendas, which could lead to a stagnation and overshadowing of specific long-term projects. Vicente Fox’s decision to create the President’s Office for Attention to Mexicans Abroad, replaced in August 2002 by the National Council for Mexican Communities Abroad, presided over by the president with its executive arm in the Institute of Mexicans Abroad, supervised by the Ministry of Foreign Relations, has been a positive one. However, it requires greater institutionalization with an inter-sectoral focus. As long as an inter-ministerial and/or inter-sectoral commission to regulate a well orchestrated emigration

policy with well defined functions and objectives is not established and functioning, the good intentions may well be reduced to mere promises. A change in administrations or foreign ministers —like the change from Jorge Castañeda to Luis Ernesto Derbez— must not lead to a renewed lack of policy, that is the policy of “no policy”. Neither should this vacuum be filled by others, as the ministry of the interior has done, emphasizing national security policy. The lack of cohesion and coordination among the ministries of state has made it possible for different individuals and institutions to intervene to deal with migratory and border issues, but with different agendas. Migration is something that deserves permanent attention and must be institutionalized and permanently formulated to really constitute an “emigration policy.” Therefore, this inter-ministerial commission is urgently needed to avoid silences or the excessive intervention by certain ministers of state.

It is important to reconsider the migratory accord, not necessarily as “the whole enchilada,”¹ but as a possible partial accord by stages. The focus of this migratory proposal might be different in details and language from the original proposal; it might be more discrete, with a larger proportion of national security elements vis-à-vis labor and human rights, in accordance with the new international situation.

A central part of the Fox administration’s emigration policy must be that a mechanism like regularization of undocumented migrants would be consistent with reinforcing both countries’ national security. The creation of a special visa program for Mexico will be needed to achieve ordered, legal

and temporary access, with fair labor standards. If the option is the establishment of a guest workers’ program, it must not tie the “potential bracero” to a single employer, guaranteeing him/her sectoral and regional mobility, as well as offering him/her the possibility of becoming a legal resident after a peremptory period. The principle of *jus domicili*, or the right of residence for obtaining citizenship by virtue of continuous residence in a country, is a very interesting option that should be given thought in our community. The recent proposal by three Arizona legislators to create H1-A and B visas to either regularize undocumented migrants or hire new workers is an initiative that should also be studied.

However, in the long run, a profound transformation must be brought about, a transformation that could aim to turn a mainly bi-national labor market into a regional one. To this end, it will be necessary to recognize that foreign labor, whether of documented or undocumented workers, has been very important for the growth and dynamism of the receiving economies, particularly in certain sectors. In the same way, we must also consider that the best long-term solution to the migratory problem in the region will be balancing the highly pronounced differences in economic levels between Mexico and its neighbors to the north. Greater investment, channeled through specific projects for the creation of lasting jobs in particular communities would undoubtedly help a great deal. The “Society for Progress” project, which would supposedly channel resources into the countryside to stem emigration, is an excellent example. We must ensure that the enormous remittances

(about U.S.\$10 billion a year) sent home by Mexicans abroad are channeled into productive investments and that simply sending them not cost enormous commissions. The establishment of a regional fund of complementary resources and/or a Mexico-U.S. repatriation trust that aimed to return talents and resources to Mexico, would give economic support in the form of loans to both temporary and permanent legal U.S. residents who wanted to return to their places of origin in Mexico and begin productive investment.

I am convinced that it is absolutely necessary to look to the European experience, where workers move about freely. The possibility of establishing a community membership in the region of North America in the European fashion, preserving our national identity, is a goal that we should discuss openly in our society. Finally, turning our temporary migrants into “quasi-citizens” would give them greater security through the acquisition of a considerable number of labor and social rights, even if their political rights were still limited. Freedom of movement in the “Schengenland” fashion must be taken as an example to be followed in the future construction of total or community membership in the region of North America.² **MM**

NOTES

¹ “The whole enchilada” was the phrase former Foreign Minister Jorge Castañeda used to explain that Mexico would seek to achieve all the points on the agenda in negotiating the migratory accord. [Editor’s Note.]

² The author is referring to the European accord that guarantees absolute freedom of movement to European Union workers. [Editors Note.]