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A Look at Research into the U.S. Immigration Debate and Policy

Since the 1970s, I have researched Mexico-U.S. relations, mainly in the field of migration. I worked at Mexico's Finance Ministry's Office of International Financial Studies, and later at the Mexican Commission for Aid to Refugees in the early 1980s, where I created a documentation center about migratory issues. Since that time, and at what is now the Acatlán Faculty of Higher Studies (FES-Acatlán), I have researched this issue from the bilateral standpoint and taught courses in the Master's in Mexico-United States Studies program. Later, at the CISEUA/CISAN, my research delved into migratory policies in North America. So, I will briefly reflect

here on U.S. migratory debate and policy during this period, which has led me to review my publications on the matter.²

In the 1970s and early 1980s, the flow of undocumented migrants increased considerably, sparking sharp public debates in the United States. This led to the approval of the Immigration and Control Act (IRCA) in 1986,³ which provided amnesty and regularized the legal status of three million undocumented migrants, two million of whom were Mexican. By the end of the 1980s, the topic of international competitiveness had become very important in the debate in the framework of globalization. The economic role immigrants played in an increasingly technology-oriented economy was widely discussed. Simultaneously, low birth rates also gave credence to the

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advisability of admitting new flows of migrants. That is why the Immigration Act of 1990 was passed, with the object of admitting better educated, more skilled migrants. In the early 1990s, despite the high expectations created by a Democrat occupying the White House, beginning in 1993, the Clinton administration launched three different border operations that created the basis for a new border enforcement policy: Gatekeeper in California, Blockage and Hold the Line in Texas and New Mexico, and Safeguard in Arizona. Despite the fact that that decade was characterized by considerable economic growth, and, with it, increased demand for immigrant labor with or without visas, a highly anti-immigrant debate also emerged, centering its attention on the negative aspects of migrants and their effects on the economy. As a result, proposals, bills, and legislative reforms negatively affecting migrants' interests and security multiplied, such as California's unconstitutional, xenophobic, nativist Proposition 187, which stipulated denying migrants access to social services. This proposal was a watershed for the creation of other anti-immigrant bills and propositions in many other states. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which attempted to control undocumented immigration more effectively and to reduce legal immigrants' access to social welfare programs.⁴ Simultaneously, the Personal Responsibility and Work Opportunity Act (PRWORA) was passed, stipulating that undocumented migrants only had the right to medical services in the case of emergency, among other restrictions. This, plus the passing of Mexico's Law of Non-Loss of Nationality under President Zedillo in January 1998, prompted many undocumented Mexican migrants to request naturalization, something they had not frequently done before.

A few months into his first term, President George W. Bush had intimated to his Mexican counterpart, President Vicente Fox, the possibility of discussing a migratory accord, proposed formally by our government a few days before the September 11, 2001 terrorist attacks. Bush had mentioned the possibility of establishing a guest worker program, a novel proposal after the Bracero Program was terminated in 1964. However, after 9/11, the Bush administration's priorities changed drastically, freezing any possible negotiations. From then on, Bush spent his time reviewing immigration policy guidelines, mainly to drastically reinforce border surveillance. Considering the

In the early 1990s, we saw growing debate about the possible creation of NAFTA. That prompted me to begin the paperwork needed to include the study of Canada in our institution.

latter insufficient, he reformed the structure of the Immigration and Naturalization Service (INS), creating the Department of Homeland Security (DHS) as part of his strategy to increase territorial security.⁵ To further that end, Congress passed the USA Patriot Act and the Enhanced Border Security and Visa Entry Reform of 2002 (ESVERA) to control money laundering and the entry of possible terrorists and drug traffickers. Bush tried to reach a bi-partisan consensus to approve his plan, proposed in early 2004.⁶ However, in 2006, Congress approved the Secure Fence Act to build the famous 700-mile-long double wall, just as James Sensenbrenner had so polemically proposed.⁷ This sparked surprisingly well organized, unprecedented multitudinous demonstrations of documented and undocumented migrants. In 2007, the U.S. Senate had the opportunity to pass an ambitious, previously inconceivable, comprehensive, bi-partisan immigration reform bill, the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007. And, for the third time in two years, it failed to do so. President Bush intervened late in the process and had scant influence with increasingly ultra-conservative Republicans, and could not persuade the majority of the Senate of the importance of passing this vital legislation. The restrictionist conservatives mainly objected to the amnesty program and criticized government monitoring of the border.

Since the federal Congress was not taking action around the immigration issue, the debate about immigration reform practically disappeared until 2012. Meanwhile, many state legislatures passed very aggressive immigration control measures against the presence of undocumented migrants. This fostered an important increase in anti-immigrant sentiment and attitudes. So, for example, in 2010, Arizona approved SB1070, which set a historic precedent for several other states.⁸ The passage of this law had key consequences in many other states, causing unprecedented damage to undocumented migrants, sending a clear message of exclusion and rejection, and polarizing

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the debate on the federal level even more. From then on, the states had a much more determining voice than in the past as a result of many actors and sectors' frustration with the immigration reform, stymied for so many years.

During his first term, Barack Obama did not present any immigration reform bill to Congress as he had promised in his electoral campaign because the Obamacare program took all his energy and attention. So, what we saw was a very severe enforcement-only policy, with Congress approving enormous funding to reinforce the border and improve technology. Unfortunately, Obama deported thousands of unauthorized migrants, mainly those the government dubbed "criminals": 2 700 000 deportees, more than the 2 000 000 deported in Bush's two terms. Concerned with his reelection, at the end of his first term in 2012, President Obama implemented the Deferred Action for Childhood Arrivals (DACA) program as an executive action.⁹ In 2014, Obama faced the problem of the unauthorized immigration of "unaccompanied foreign children and adolescents" from Central America, mainly the northern triangle of Honduras, Guatemala, and El Salvador, but also from Mexico. Obama pressured the Mexican government to take the pertinent action on its southern border to stop the growing flows.

The first three years of Donald J. Trump's presidency were a watershed in immigration policy. They have been characterized by explicitly xenophobic, anti-immigrant, racist rhetoric, which has become the common denominator of his policy. From the time of his campaign, Trump has used violent hate speech, making incendiary statements about immigrants. He has been eloquently insulting and "Mexicanophobic," particularly characterizing Mexican immigrants as criminals, drug traffickers, rapists, and "bad hombres," among other negative attributions.

As part of his hardline immigration policy, he has imposed several significantly punitive directives and actions: a continual insistence on building a border wall that Mexico must pay for, despite Congress's repeated

rejection; the deployment of thousands of soldiers and members of the U.S. National Guard to reinforce the supposedly "porous" border; the establishment of a zero-tolerance policy that has caused family separation and the clear violation of elemental human rights; the prohibition of requesting asylum at ports of entry, and, later, simply rejecting asylum requests; excessive pressure exerted on Mexico to formally accept the "remain-in-Mexico" policy; and the constant threat of cutting off federal funding to sanctuary cities. When he made the decision to put an end to the temporary DACA and Temporary Protected Status (TPS) programs, knowing that 80 percent of the one million immigrants benefited were of Mexican origin, he showed up his anti-Mexican bias. The substantial decrease in the admission of refugees and the imposition of the travel ban showed his anti-Muslimism. These openly anti-immigrant policies have made life much more difficult for immigrants, legal residents, and even citizens.

Trump's extremely aggressive position vis-à-vis Mexico in 2019 led him to threaten the López Obrador government with incremental tariffs if he did not reduce the flow of immigrants from Central America in a specific time span, plus the constant threat of classifying the country as a "safe third country." In response, López Obrador assigned 30 000 members of Mexico's National Guard to stop and deport migrants in transit toward the United States. This means that, in effect, Trump has achieved his goal of Mexico becoming his wall at our expense. His "Mexico phobia" has severely damaged the bilateral relationship that had been strong and solid in recent years. Trump is already on the campaign trail for his reelection in 2020, and I think he will continue his highly violent rhetoric, his hate speech, and the continual harassment from a position of white supremacy that will continue to create fertile ground for perverse racism to flower in the form of nativist, discriminatory attitudes against non-white immigrants.

Without congressional approval, Trump has established a wide variety of highly anti-immigrant, intimidating directives that have caused enormous harm to undocumented immigrants and legal residents alike. The real wall is being built inside the United States through cruel measures and imposed policies that have divided an already fractured society even more. The objections and reverse decisions handed down by the courts have been crucial and decisive, and have played a significant role in coun-

tering Trump's anti-immigrant stance. The Democrats in Congress have a fundamental role to play, and we hope they will be able to move ahead to a true comprehensive immigration reform. I am confident that national and international organizations as well as U.S. civil society will

continue to act in favor of unauthorized immigrants, who are now among society's most vulnerable. I expect very little from the López Obrador government, which I believe will continue to evade the issue and, therefore, please Trump. ■■■

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Notes

1 Mónica Vereá (1989-1997); Paz Consuelo Márquez Padilla (1997-2001); José Luis Valdés-Ugalde (2001-2009); Silvia Núñez (2009-2017), and, beginning in 2017, Graciela Martínez-Zalce.

2 The publications are available at micisan.unam.mx.

3 This law included sanctions for the first time for employers who knowingly hired undocumented workers; it has been only laxly enforced since it was passed, and undocumented workers have been more criminalized than their employers.

4 The aim of the IIRIRA was to bolster border surveillance, punish traffic in undocumented migrants, punish document forgers, apprehend and remove deportable and inadmissible foreigners, and levy new restrictions on employers. It abolished deportation and removal hearings, thus eliminating many of the individual rights of undocumented migrants subject to deportation.

5 The INS was replaced by the US Citizenship and Immigration Services (CIS), part of the DHS, which handles visas, naturalization, and refugee and asylum status; Customs and Border Protection (CBP); and Immigration and Customs Enforcement (ICE), which enforce fed-

eral immigration law since they surveil and review the goods and persons passing through all points of entry into the United States.

6 The plan included measures such as "normalizing" the status of certain foreign workers, reinforcing border control, and establishing a possible guest worker program, among other proposals.

7 The Wisconsin congressman had proposed the bill (HR4437) in 2005.

8 SB1070 stipulates that state agents or authorities can verify the immigration status of any person they suspect is in the country without immigration papers. Despite the fact that the Supreme Court struck it down, the state has continued to apply the "Show me your papers" policy to anyone who "looked" undocumented and to prohibit issuing them driver's licenses, as well as other punitive measures.

9 DACA allows for the temporary suspension of the deportation of undocumented immigrants between the ages of 15 and 31 who arrived in the United States before their sixteenth birthday and who have been in the country for at least five years; gives them a two-year work visa; and requires that they pay a US\$465 fine.