

Mexico-U.S. Migration: A Shared Responsibility

SUMMARY OF RECOMMENDATIONS

The U.S.-Mexico Migration Panel
February 14, 2001

*convened by the
Carnegie Endowment for International Peace
(International Migration Policy Program)
and the
Instituto Tecnológico Autónomo de México
(Faculty of International Relations)*



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Purpose of Report

A high-level panel composed of equal numbers of Mexican and American experts has been working together over the past six months to analyze and make recommendations regarding U.S.-Mexico relations with respect to migration and border issues. The purpose of this effort is to make the case for the gradual recasting of the U.S.-Mexico migration relationship as a true partnership and to offer the new presidents and their governments a menu of attainable ideas for doing so.

In anticipation of the meeting on February 16, 2001 between President Fox and President Bush, we offer this selective summary of our recommendations, the most important of which is to call on the two leaders to direct their administrations to enter serious discussions on migration. It is the view of the panel that this dialogue should proceed from the fact that the long history of the U.S.-Mexico immigration relationship justifies a special bilateral arrangement. If properly crafted and implemented, both governments would be able to shift from enforcing contestable unilateral priorities—with very mixed results—to carrying out the terms of an agreement, and from asserting absolute notions of sovereignty to affirming the provisions of a mutually beneficial negotiated deal.

Why Now?

- The recent election of President Fox in Mexico, who has made migration a priority on the bilateral agenda, and of President Bush in the United States, who believes that immigration should be viewed as an opportunity rather than a problem, present both countries with an historic opportunity to initiate a fundamental review of the migration relationship.
- It is increasingly recognized that current enforcement policies regarding unauthorized migration from Mexico are broken. Presently, the United States maintains a rigid patchwork of laws and mounts extensive unilateral law enforcement efforts. These have proven largely ineffective at achieving the intended outcomes of channeling migration through legal entry points and reducing unauthorized migration, while unintentionally (but expectedly) spurring the growth of a migration black

market. As a result, too many migrants die trying to cross into the United States, too many hardworking immigrants are subject to exploitation, and too many decent employers in the United States are undercut by unscrupulous competitors who exploit unauthorized immigrants.

- In a process accelerated by NAFTA, the United States and Mexico have intentionally sought to deepen levels of economic integration and interdependence. However, conflict is generated by the fact that on the one hand, the free flow of capital, goods, and services has been institutionalized and expanded, and on the other hand, the flow of labor has been the subject of massive enforcement efforts and legal restrictions. If the United States and Mexico wish to reduce significantly the strain on their extraordinarily positive progress on integration, they must appreciate that it will be increasingly difficult to be partners on economic issues and antagonists on migration issues.
- With the rate of integration increasing apace, there is a clear convergence in the labor markets of both countries, as an ever more robust demand for low and medium skilled workers in the United States has relied increasingly on Mexican immigrants, both legal and illegal. This dynamic has led Federal Reserve Chairman Alan Greenspan, business associations, and organized labor to call for an overhaul of U.S. immigration policies. In fact, the U.S. Bureau of Labor Statistics predicts that by 2008 the United States will have over five million more jobs than people to fill them, and that very large proportions of the newly created jobs will require only high school level education and modest training.
- Both countries are in the grasp of important demographic transitions that modify the calculus both about the likely size of future emigration flows from Mexico and about their desirability in the United States. On the U.S. side, the baby boom generation will pass into retirement over the next fifteen years, and immigrants and their children will be needed to help pay the taxes that fund their retirement. On the Mexican side, after a period of intense population growth, analysts expect that the nation's declining fertility rate will continue to decrease. This means that the annual growth rate of the population segment most likely to emigrate, those between 15 and 44 years of age, will continue to decrease, and that the number of

Mexicans entering the labor force for the first time will actually be declining. If the Mexican economy experiences sustained growth, and if wise social investments in education and social protections are made, migration pressures are expected to recede gradually over the next 15 to 20 years.

The time is right to set the record straight and start anew. The Mexico-U.S. migration relationship needs to be viewed through a different lens: as a phenomenon that simultaneously reflects and strengthens what are fundamentally ordinary and organic labor flows within an increasingly integrated free trade area.

Toward a Grand Bargain

The basis for a grand bargain is the shared belief that migration from Mexico to the United States should be (a) mutually beneficial; (b) safe, legal, orderly, and predictable; and (c) that, over the long term, it should naturally decrease and stabilize at moderate levels. In addition, the grand bargain calls for the re-conceptualization of the common border and the border region as a line of convergence rather than separation.

The four components of a grand bargain should consist of: 1) improving the treatment of Mexican migrants by making legal visas and legal status more widely available; 2) helping to reduce unauthorized migration by cooperatively cracking down on criminal smuggling organizations and saving lives by preventing dangerous border crossings; 3) jointly building a viable border region; and 4) targeting development initiatives to areas of high out-migration and strengthening the Mexican economy—thus gradually reducing emigration pressures. All four of these components will need to be linked for the grand bargain to realize its promise.

IMPROVING THE TREATMENT OF MEXICAN MIGRANTS

The basis for transforming the U.S.-Mexico migration relationship is to make legality the prevailing norm. To achieve this, the United States should, over time, make legal status available to unauthorized Mexicans who are established and working (as well as other immigrants who

meet the agreed upon criteria), and channel future flows of migrants through legal streams. Moving on one front and not the other will simply perpetuate the unacceptable status quo.

Making Legal Status More Widely Available

Although almost two thirds of the Mexican immigrant population in the United States are legal permanent residents or U.S. citizens, an estimated half of the undocumented immigrants living in the United States are Mexican-born. In recent years, Congress has taken positive steps to regularize the legal status of certain long-established immigrants, including many Mexicans. In contrast to these targeted measures, in 1986, President Ronald Reagan signed into law a comprehensive legalization program that enabled previously undocumented immigrants to secure permanent residence. Legalization measures enable employers to enjoy a more stable workforce, families to remain united, individuals to secure social protections, and, over time, immigrants to fully incorporate into and participate in their communities.

The panel recommends that the Bush Administration work with Congress to fashion measures that institute legalizing mechanisms for hard-working, taxpaying, and well-established undocumented immigrants. This could be accomplished through a variety of means, including expediting backlogged family visas, expanding employment visas, developing earned or targeted legalization programs, updating the registry date, or through more comprehensive legalization efforts. All of these measures should be designed to maximize the participation of eligible Mexican immigrants.

Making Legal Work Visas More Widely Available

For many intending migrants from Mexico, there is simply no available means to obtain a legal visa to enter and work in the United States. Initially, many migrants want to work in the United States for brief periods, usually a matter of months (a process referred to as “circularity”). Over time, some want to establish residence in the United States permanently. Annually, an estimated 150,000 Mexican migrants enter the United States without authorization and remain for longer than a year.

Currently, the H2A and H2B visa categories are used by a small number of U.S. employers and migrants from

Mexico and elsewhere to enter and work legally in the United States for short periods of time. In recent years, attempts to change the H2A program to facilitate the utilization of visas have been the source of heated debates and conflicting points of view. Yet, properly constructed temporary worker programs should be part of the mutually beneficial migration relationship envisioned here. Recent debates surrounding temporary migration programs nonetheless suggest that the process of designing and refining thoughtful programs in the future will be difficult and will require consummate political and negotiating skills on the part of everyone involved.

As a starting point, the panel believes that programs that bring in immigrant workers on temporary work visas in response to measurable labor market needs should strive to meet the following criteria: equitable labor rights that can be meaningfully enforced (including visa portability, when appropriate), access to social and health protections, and reasonable mechanisms for securing permanent residence for migrants who qualify for it and choose to do so.

If the United States and Mexico attempt to negotiate specific bilateral temporary migration agreements, and in light of the history and complexity of such initiatives, it might be advisable to start with pilot and experimental programs. This would allow for the programs to respond to unique experiences and dynamics before expansion.

Special and Equal Treatment for NAFTA Partners

The panel believes that unequal treatment of the NAFTA partners is inconsistent with the spirit of the trilateral agreement and recommends equality of treatment with Canada as one of the central themes of the U.S.-Mexico relationship on legal immigration. The panel recommends that the Bush and Fox Administrations review the current NAFTA-related immigration provisions and discuss administrative changes on issues such as treating professionals from all NAFTA countries equally, expanding the professional occupations list, and offering employment rights to spouses of NAFTA professionals.

Furthermore, the panel believes that the special economic relationship institutionalized by NAFTA, based in large part on interdependence and geographic contiguity, warrant a broader and more special immigration relationship. One option that deserves

serious consideration is removing both Canada and Mexico from the normal immigration formula (the per country limits that restrict permanent family and employment based immigrant visas per year for any one country to 25,620) as an expression of formally recognizing the special relationship of Mexico and Canada. Such an action would release the approximately 24,000 visas these two countries now use into the numerically limited global permanent visa stream which is hugely oversubscribed.

CRACKING DOWN ON SMUGGLING AND PREVENTING DANGEROUS BORDER CROSSINGS

The wider availability of legal visas is expected to create incentives for Mexican migrants to enter the United States legally rather than attempting difficult and dangerous border crossings. This should help the United States further one of its major immigration policy objectives—to reduce unauthorized immigration.

Nevertheless, unauthorized border crossings, although diminished by the availability of legal visas, will continue to challenge both countries. The response to them should be coordinated in order to achieve two primary goals: fighting smuggling and saving lives. To curtail the ability of organized criminal networks to smuggle persons, Mexican and U.S. law enforcement authorities should devise joint strategies and mount coordinated operations. Showing progress on breaking up smuggling rings will build confidence and trust between partners, and would be a substantial and positive response to the American initiative to allow Mexican migrants greater access to the U.S. labor market.

In addition, Mexico and the United States should build upon previous efforts and dramatically expand the cooperative drive to reduce unauthorized migration and prevent migrants from suffering death and violence in the border region. For example, both governments should do much more to set up warning signs near and control access to difficult terrain, use all technological means available to them in remote areas as a means of reducing risks, work together and organize joint training on rescue operations, control unauthorized migration, and mount aggressive public education campaigns to warn migrants of the life-threatening risks to would-be border-crossers.

Finally, in the spirit of constructing a grand bargain based on shared responsibilities, the group recommends that the U.S. government freeze the building of additional fences pending review of its enforcement policies in the context of new bilateral arrangements.

JOINTLY BUILDING A VIABLE BORDER REGION

Much has been accomplished in the border region through the creative efforts of those who live there. Nevertheless, the panel recommends a re-conceptualization of all functions that the two states perform at the border, based on an understanding that borders between close partners are something other than a line that needs defending. In the medium term, encouraging, nurturing, and helping develop viable border communities could well be one of the most important initiatives to pursue and could form lasting legacies for both the Fox and Bush presidencies. Border communities should participate as full and equal partners in discussions about their future.

STRENGTHENING THE MEXICAN ECONOMY AND, OVER TIME, REDUCING MIGRATION PRESSURES

President Fox understands that the only long-term solution to unauthorized migration is sustained economic growth in both countries and has made it abundantly clear that it is Mexico's responsibility to create prosperity for all of its citizens. Development efforts targeting regions of high out-migration and robust economic growth will, over time, encourage Mexicans to remain at home and contribute to the well-being of their nation. A well-conceived grand bargain would help to advance this goal.

The wider availability of legal status for Mexican immigrants in the United States could, if previous experience holds, increase their wages by as much as 20 percent and stimulate higher levels of remittances. Currently, Mexican immigrants send between \$6 and \$8 billion dollars per year to their families and communities in Mexico.

The Fox Administration has shown intense interest in encouraging Mexican immigrants to increase their remittances, partly by reducing the transaction costs of

such transfers, and in channeling some portion of such funds toward productive investments. Job-generating projects in sending regions could, over time, change the private calculus that leads households to decide whether a member should emigrate. Remittances and remittance-based development initiatives suggest that migration is not only a consequence of underdevelopment, but also an agent of enhanced development.

Mexico should not be expected to do all the required heavy lifting on its own. Special regional relationships typically include sharing associated burdens and responsibilities. The NAFTA partners should work with international and regional financial institutions to resource technical assistance and regional development, with a particular focus on amplifying the linkage between development and migration. In this context, the panel recommends that the mandate of the NADBank should embrace an expanded vision of the Bank as a true North American border-development institution.

A Long-Term Vision

The panel believes that a worthwhile North American vision need not sacrifice national identities nor undermine the vitality of the region's nation states. In fact, the panel is convinced that, over the long term, it is possible to conceive of a North America with gradually disappearing border controls—in which each country takes responsibility for its people and their actions and is actively sensitive to the concerns of each partner on issues of national and economic security—and with permanent migration remaining at moderate levels. The European Union's experience is a good case in point, particularly for the long term. Such a vision both presupposes and calls for setting and working toward realization of long term goals that focus on shared responsibilities and priorities.

Crafting a grand bargain on migration and associated issues along the lines suggested in this summary would be an excellent way of setting both nations on that journey.

