

Forging a New U.S.-Mexico Migration Relationship: Recommendations from Outside the Beltway

The United States and Mexico are currently engaged in high-level discussions aimed at reforming the policies that govern migration between the two countries. Until recently, observers anticipated that presidents Bush and Fox would announce the general outlines of a comprehensive immigration package at their next meeting, scheduled for September 5. A new temporary worker program as well as some sort of legalization for certain undocumented workers already in the U.S. was expected to form part of their proposal. Following an August 9 confab, however, U.S. and Mexican negotiators dampened expectations that a comprehensive plan is in the offing, and stressed instead the creation of a new temporary worker program as the next likely step. Many experts and advocates on both sides of the fence, however, caution against over-reliance on a guest-worker program and argue that real solutions will only come as a result of serious policy reforms on multiple fronts. This month, *borderlines* takes a look at what these actors are recommending for U.S.-Mexico migration policy and offers some suggestions based on those perspectives.

by **George Kourous and Anne Seymour**

It has become apparent to a wide range of actors on both sides of the political fence that reforms to U.S. immigration laws passed recent years have not stemmed unauthorized migration to the United States. The population of undocumented immigrants living and working in the U.S. has grown steadily over the last decade. Key growth sectors of the U.S. economy are increasingly reliant on this labor force, yet abuse and exploitation of the undocumented here goes largely unchecked.

At the same time, as the most recent General Account Office report on border enforcement notes, it

is not at all clear whether the militarization of Border Patrol (BP) operations initiated in 1994 has deterred undocumented entry to America. What is clear is that BP operations have shifted migrant traffic from traditional urban crossing points to remote desert areas—

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www.ceip.org

NCLR

(202) 785-1670
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National Immigration Forum (NIF)

(202) 544-0004
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and large numbers of migrants are dying as a result. Between 1998 and 2000, according to INS figures, migrant deaths on the border increased 41%.

The border crackdown has also lead migrants to rely more on smugglers to get them across rather than making the attempt themselves, and smuggling operations have become more organize—and more ruthless—as a result. Alongside increased levels of violence, smuggler's fees have also gone up. Rather than proving a deterrent to migrants, however, this has instead funneled their money away from productive use and into the hands of criminal organizations. The trend has also contributed the general social corrosion that organized crime is causing in Mexico. Meanwhile, U.S. border law enforcement is conducted in a way that frequently undermines civil rights of citizens and migrants alike, and is leading many migrant workers who would prefer to live south of the line for much of the year to remain in the north, due to the increased risks associated with regaining entry to America.

Binational Working Group Focuses on Guest Workers

In February, the U.S. and Mexico convened a high-level working group charged with ironing out “an orderly framework for migration that ensures humane treatment [and] legal security, and dignifies labor conditions.”

With talks ongoing, the May 23 discovery of 14 dead Mexican migrants in southern Arizona prompted officials to take more immediate action, at least regarding border safety issues. On June 22 the U.S. and Mexico announced a binational “Plan of Action for Cooperation on Border Safety” (see 6/29 *borderlines* coverage at www.us-mex.org/updater).

Two weeks later, the press reported that U.S. working group members had recommended earned legalization for some undocumented migrants currently in the U.S., as well as a new temporary worker program that would allow participants to eventually apply for permanent legal resident (LPR) status. After conservative GOP congressmen reacted strongly to the news, the White House scrambled to de-emphasize the legalization angle.

Speaking with the media after the latest working group meeting, held August 9, officials focused on the creation of a new temporary worker program and downplayed options for granting LPR status to undocumented migrants. Reportedly, under the guestworker plan considered during the talks undocumented workers currently in the U.S.

in a variety of sectors could apply to get guest-worker visas and would potentially be given an opportunity to win permanent residence over time. U.S. and Mexican officials also lowered hopes that the two presidents will announce any sort of comprehensive migration plan during their next face to face meeting in Washington this September, as many had previously expected. “Let me do everything I can to downplay your expectations,” said State Department spokesman Richard Boucher. “I wouldn’t expect that it’ll all be finished by the time the presidents get together.” According to the *Dallas Morning News*, “sources close to the negotiations said that the pace is slowing and that it may well be mid-2002 before a proposal is presented to Congress.”

Migration Experts Stress Need for Comprehensive Approach

Sensing an opportunity to reshape the U.S.-Mexico migration relationship in a more positive light, immigrant-rights advocates, migration scholars, labor unions, and latino organizations have mobilized to influence the ongoing binational discussions. While there are definite differences of opinion among these various players, several elements tend to appear consistently in their recommendations.

Changes must occur on multiple fronts. Most migration advocates acknowledge that in order to pass a comprehensive reform package, some compromise will be necessary. Advocates stress that whatever package is ultimately proposed must be truly comprehensive and address a wide range of issues and strategies.

More humane enforcement strategies are needed. The Border Patrol’s prevention through deterrence strategy has not reduced undocumented migration across the border, but it has led to an increase in migrant deaths, disrupted local communities, and led to the emergence of an increasingly ruthless array of human smuggling syndicates.

A guestworker program with strong labor protections could provide options for circular migration, but will only be part of the solution. While some analysts insist that there is no such thing as a temporary guestworker, others like Ralston Deffenbaugh, president of the Lutheran Immigration and Refugee Service (LIRS), argue that “temporary visas can alleviate much of the hardship occasioned by present policies. Many economic migrants have no need or desire to immigrate to this country and only seek work here on an occasional or seasonal basis,” he says. “This is an interest that should be accommodated.” One way circularity could be restored to the

migration dynamic is via an expanded guestworker program; a growing number of migration advocates accept this idea, but condition their endorsement on the inclusion of substantially improved protections for participants, as well as an option to adjust status.

There must be more options for legal migration. Advocates like LIRS and the National Network for Immigrant and Refugee Rights (NIRR) are calling for the substantial legalization of Mexico-U.S. migration. This would involve granting legal status to many Mexican workers currently in the United States, rather than simply incorporating them into an expanded temporary worker program. As Cecilia Muñoz of the National Council of La Raza (NCLR) explains it, “a substantial number of undocumented immigrant workers are long-time U.S. residents, work hard, pay taxes, and otherwise abide by our laws.” Additionally, experts widely acknowledge that the visa cap currently applicable for Mexico reflects neither the historical integration between the two neighbors, nor the special relationship established under NAFTA, and should be raised.

A new commitment to sustainable, equitable development is needed to combat the pressures leading to migration. A binational panel of experts convened by the Carnegie Endowment for International Peace to make recommendations regarding U.S.-Mexico migration relations has concluded that “the best guarantor of a more equal partnership between the United States and Mexico is robust economic development in Mexico.” Most migration advocates agree with this assessment; there is less consensus about how to go about the task.¹

More Can Be Done to Address Migrant Safety Issues

Recent statements by members of the binational migration negotiating team seem to indicate that the two countries have yet to arrive at a consensus regarding the scope and shape of a comprehensive migration deal. Laying the groundwork for a substantially redefined migration relationship is one thing; improving efforts to deal with migrant safety issues is another. The two governments could take a number of immediate steps to strengthen and give depth to the June accord on migrant safety.

Deepen collaboration on safety programs.

Call-in numbers to report migrants in distress should be established immediately on both sides of the border, as should direct call lines that allow authorities in Mexico and the U.S. to coordinate their responses to reports of migrants in trouble.

Additionally, water stations should be placed on all public lands in high-risk zones—something that has yet to happen, despite the furor caused by the deaths of 14 migrants last May. Putting water on public lands isn’t going to have any net effect on the level of migration into America. It will, however, save lives.

Reconfigure Border Patrol operations. The Bush plan to split the INS into an enforcement branch and a service-oriented wing is a good idea. Beyond simply putting that division in place, serious changes need to be made in terms of the way both divisions operate and to the wide disparity in the distribution of funds between enforcement and service.

Despite the U.S. commitment this June to review its Southwest enforcement strategy, the INS continues to advocate increased militarization of the border. The Border Patrol’s fiscal year 2001 budget is about \$1.2 billion, a 9% increase over its FY 2000 budget. Still, the INS estimates it needs between 11,700 and 14,000 total agents, as well as “hundreds of millions of dollars” more for advanced technology to watch the border region.

Even impartial observers like the GAO agree that there is no evidence that the costly militarization of the border has reduced undocumented entry to the U.S.; there is plenty of evidence, however, regarding the strategy’s other costs. Nor is it clear that additional resources would help. “The ‘problem’ that the enforcement agencies are attempting to overcome is simply too large even for the enormous amount of resources that they are throwing at it,” says Merrill Smith, an LIRS representative. “We are attempting to separate an eight trillion dollar economy on one side of the line from thousands of poor people who want to work in it on the other.”

Migration scholar Douglas Massey has argued that “the border patrol would probably be equally effective, more efficient, and violate fewer human rights with a smaller number of officers.” Certainly, current BP staffing levels have strained INS training resources to their limits. The INS should enact an immediate hiring freeze and focus on further training, emphasizing rescue operations and human rights. Existing BP recruitment and training strategies need to be reviewed as well.

Reform and strengthen Grupo Beta. The ongoing reconfiguration of Mexico’s migrant-safety patrol, Grupo Beta, is a welcome advance. The ranks of Grupo Beta were recently increased to about 200; Mexico says it hopes to see that number rise to 1,400. Agents will no longer be drawn

WEB SOURCES:

INS
www.ins.gov

Migración Internacional
www.migracioninternacional.com

Migration News
migration.ucdavis.edu

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from law-enforcement or have police powers but will instead be recruited from civilian agencies like the Red Cross (which will be providing Grupo Beta with emergency medical training). The group's efforts will now focus exclusively on providing aid to migrants in distress and warning would-be border crossers of the dangers of doing so.

Corruption and lack of resources hinder the agency, however. In 1996 the entire roster of agents was fired for profiteering; today, Mexico is conducting a new investigation into similar problems. Agents are overworked, frequently pulling double shifts, and lack of resources and training limits their activities, says Daniel Hernandez, Mexico's consul in Laredo, Texas. "They need more agents, more resources, and better training," he adds.

Still, the idea behind Grupo Beta is a good one, as was the recent decision to collaborate on professionalizing the agency with the assistance of the Mexican Red Cross. U.S. and Mexican negotiators should look at additional, creative ways to strengthen the organization. At the very least, regular meetings, joint training sessions, and direct call lines for U.S. and Mexican migration officials in the same region would improve crossborder cooperation and understanding.

Implement truly effective migrant safety education south of the border. Migrant education campaigns south of the border need to be seriously strengthened. Current efforts—including warnings posted in bus stations and videos played on long distances buses—need to be evaluated for their effectiveness. Short ads filmed in choppy Hollywood style aren't going to make a difference; creative options, such as using the *telenovela* format, need to be examined.

The nonprofit sector could potentially play a key support role here. Small migrant clinics and safe houses dot the border region. They are typically underfunded and overwhelmed. The two governments should engage with large regional relief organizations such as the U.S. and Mexico Red Cross to evaluate ways to strengthen the many nonprofit migrant health and safety programs already operating in the borderlands.

Increase Access to Legal Avenues of Migration

As Eliseo Medina, vice president of the Service Employees International Union (SEIU) and member of the U.S. Mexico migration panel convened by the Carnegie Endowment has noted, "we all support the long-term goal of a prosperous Mexico that creates enough decent jobs for its own

citizens. However, until that day arrives, it's not so much a question of whether workers will try to migrate from a developing country to a relatively wealthy country next door. Rather, it's a question of whether workers will come illegally and be subjected to exploitation, or whether they will come legally and with full labor rights. It's time to transform a dirty black market in migration into a clean regulated market that treats immigrant workers with the respect they deserve."²

Legalize undocumented workers currently in the United States. In order for a new migration policy to be effective it must provide ample opportunities for migration to occur within a legal framework rather than a black market. This requires that, as a first step, currently illegal migrants are granted legal status. As an article in the conservative Wall Street Journal recently pointed out, "legalizing the residency status of people who have lived, worked, paid taxes, and obeyed laws in the U.S. for a certain number of years is a recognition that they have behaved as we would like immigrants to behave." Beyond that fact, there is a real need to clear the decks so that resources can be dedicated to structuring future migration in more productive ways.

Moreover, because of their precarious status, undocumented workers are reluctant to speak out against employer abuses, although abuses are common. That status quo prevents changes to employment practices in migrant-dependent sectors that act as magnets for additional, undocumented migration.

An expanded guestworker program can provide needed options for circularity—but overreliance on such a program would be a mistake. Most migration advocates have traditionally opposed guest worker programs—with good reason. Workers enrolled in the current H-2A program are excluded from the principal federal labor law for farmworkers. Their visa is dependent on a particular job with a particular employer; if they are fired, they stand to be deported, so workers do not speak up regarding low wages, dangerous working conditions, or other types of abuse. Even skilled, well-educated technical workers granted temporary visas under the H-1B program and employed in the information technology (IT) sector are disenfranchised. One Department of Labor Study found that roughly one-fifth of employers illegally underpay H1-B workers.

Many experts point out, however, that migration is often circular. Workers spend part of the year north of the line, earning good wages and acquiring new skills, then return home for part of the year—where the financial and social capital

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they've acquired is put to productive use. While many migrants to the U.S. will desire residency, an expanded guestworker program could alleviate pressures and productively contribute to development in Mexico. If it is to solve problems rather than add to them, however, it must give participants the full protection of U.S. labor laws, including standards governing working conditions and the right to organize.

Even with improved labor standards, however, making temporary worker visas dependent on one particular employer would undermine the entire program. As the LIRS argues, "linking visas to particular employer is an anticompetitive restriction of workers' bargaining power" that "inhibits their assertions of legal rights with fear of immigration consequences." The new guestworker program should not tie workers to any particular employer or economic sector but leave them free to compete within the marketplace for a set period of time.

The program should also include mechanisms that provide medical benefits to participants—worker's federal tax withholdings could be earmarked for a medical insurance fund, for instance. Employers in some sectors (e.g., agriculture) should be required to provide decent housing or fair housing vouchers. Beyond the humanitarian reasons for doing so, this would reduce strains on hospital ERs and provide incentives to participants to stay within the program.

Additionally, most migrant advocates believe that any temporary worker program must include a path to adjustment of status for participants. Migrant-dependent labor markets aren't just the usual suspects—agriculture and service industries—but also include other key areas of the economy. "Simply put," writes Harvard Scholar Marcelo Suarez-Orozco, "the new economy is hooked on immigrant workers—rich, poor, skilled, unskilled, legal and illegal." Temporary workers whose labor is needed year after year should be able to remain as legal immigrants.³

To be effective, the program must also be realistic. Without a comprehensive set of well thought out incentives to remain within the program—like family unity provisions and options for eventual LPR status—many migrants will opt to remain in the shadows or will end up returning to undocumented status. For example, when workers migrate, their families, understandably, will often want to follow. These households need options to do so in ways that reinforce rather than erode legality.

Ultimately, however, relying exclusively on an expanded guestworker program is the politically easy option, not the best option. Migration expert

Phillip Martin points out that "some level of failure can be expected when governments attempt to regulate a relationship in which migrants and employers have different goals than regulators." The pros and cons offered by such a program are not going to be appealing all the undocumented in the U.S., who will instead choose to get paid under the table and stay off government radar screens. Similarly, many employers will prefer to operate outside the system to avoid labor, wage, and housing requirements. Perhaps a major increase in government oversight could drive these employers to seek authorized workers; such an allocation of funds is not likely to materialize. At best, a larger guestworker program can form one part of a more comprehensive strategy.

More Visas for Mexicans Based on NAFTA and geographic contiguity. Given the limitations offered by a guestworker program, the only way to ensure that undocumented migration doesn't reach a level requiring yet another large legalization program in 15 years is to adequately legalize future migration, particularly that from Mexico, in a way that reflects the realities of the NAFTA economy.

The number of visas available for potential Mexican immigrants is not sufficient. The current process for obtaining the status of lawful U.S. permanent residence establishes annual quotas for permanent residence visas based on the relationship of the beneficiary to a U.S. citizen or LPR and the person's country of origin. Since 1976, the system has set identical quotas for all nations without taking into account its location, the size of its population, or its social, economic, and political conditions. Applicants wait years for notification that a visa is available while, with certain limited exceptions, they are not allowed to live legally in the United States with family members already there. The situation is particularly bad for Mexican visa petition beneficiaries; currently more than 750,000 Mexican spouses and minor children of LPRs are on the waiting lists. The situation means that it is much easier for Mexicans to enter the U.S. as undocumented migrants than to do so through official channels.

An obvious way to rectify this situation would be to increase the number of permanent resident visas available to Mexicans and Canadians. Another option is to create an additional, new category of temporary "NAFTA" visa that permits the bearer to enter, live, and work in the United States without restriction for a period of time. Visas fees could be used to fund a support network that would provide these workers with access to health care and other services. Fees could be considerably

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CONTACTS:

"U.S.-Mexico Relations"

Department of State
usinfo.state.gov/regional/ar/mexico

"U.S.-Mexico Migrant Safety Accord: Is It Enough?"

borderlines UPDATER 29
June 2001

www.us-mex.org/borderlines/updater/2001/june29migrants.html

Guidelines For International Calls

To call Mexico from the U.S., dial: 011-52 (city code) + the number

To call the U.S. from Mexico, dial: 001 (area code) + the number

Contacts

California Rural Legal Assistance Foundation (CRLAF)

2210 "K" Street, Ste. 201
Sacramento, CA 95816 USA
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Email: citizens2@jps.net
Web: <http://www.crlaf.org/>

The focus of CRLAF's border work is current U.S. immigration law enforcement strategies and migrant fatalities on the border.

Center for Immigration Research (CIR)

492 Philip G. Hoffman Hall, 4800 Calhoun Road
Houston, TX 77204-3474 USA
Contact: Jacqueline Maria Hagan
Tel: (713) 743-3964
Fax: (713) 743-3943
Web: <http://www.uh.edu/cir/>

CIR studies current immigration trends to inform decisionmakers concerning international and national immigration policies.

Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A.C. (CEFPROD HAC)

Zaragoza No. 650, 3er Piso, Despacho 13, Zona Centro
Reynosa Tamps. 88550 MEXICO
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Fax: (89) 22-24-41
Email: cefprodh@mail.giga.com
Web: <http://www.giga.com/~cefprodh/>

Nongovernmental organization working on migration issues in Mexico's northern and southern border areas.

Coalición de Derechos Humanos/Arizona Border Rights Project

PO Box 1286
Tucson AZ 85702 USA
Contact: Isabel Garcia
Tel: (520) 770-1373
Fax: (520) 770-7455
Email: AZBRP@aol.com

Working to end militarization on the border, document human rights abuses, and bring information on border and immigration issues to local communities.

Congressional Hispanic Caucus, Immigration Task Force

Contact: Rep. Luis Gutierrez
2452 Rayburn House Office Building
Washington, DC 20515 USA
Tel: (202) 225-8203
Fax: (202) 225-7810
Email: use form at <http://www.nclr.org/contact.html>
Web: <http://www.house.gov/gutierrez/>

Farmworker Justice Fund

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Contact: Bruce Goldstein
Tel: (202) 776-1757
Fax: (202) 776-1792
Email: fjf@nclr.org
Web: <http://www.fwjjustice.org/>

Works to improve the living and working conditions of migrant and seasonal farmworkers. Has been very active on issues related to guestworker programs.

Hotel Employees and Restaurant Employees International Union (HERE)

1219 28th Street NW
Washington, DC 20007 USA
Tel: 202-393-4373
Fax: 202-333-0468
Email: pbarry@hereunion.org
Web: <http://www.hereunion.org/>

Active in efforts to legalize undocumented migrants currently in the U.S.

Humane Borders

740 E. Speedway
Tucson, AZ 85719 USA
Contact: Rev. Robin Hoover
Tel: (520) 624-8695
Email: rhoover@gci-net.com

Works to establish water and migrant aid stations in southern Arizona.

International Migration Policy Program, Carnegie Endowment for International Peace

1779 Massachusetts Ave. NW
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Tel: (202) 483-7600
Fax: (202) 483-1840
Email: info@ceip.org

Contact: Demetrios Papademetriou or Deborah Meyers
Web: http://www.ceip.org/files/projects/imp/imp_home.ASP

The recently published report Mexico-U.S. Migration: A Shared Responsibility is available for download at the project's website.

International Remittance Network, World Council of Credit Unions

5710 Mineral Point Road
Madison, WI 53705 USA
Tel: (608) 231-7130
Fax: (608) 238-8020
Email: mail@woccu.org
Web: <http://www.woccu.org/>

Working to establish affordable alternatives for money wire transfers for migrant workers.

Lutheran Immigration and Refugee Service (LIRS)

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LIRS has testified before Congress regarding recent migration-related policy developments.

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 208 South LaSalle Street, Ste. 1818
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Mexico-U.S. Advocates Network

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 Tel: (5) 554-6335
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Binational project dedicated to improving communication and understanding between Mexican and U.S. NGOs concerned with migration and developing vehicles for joint advocacy on those issues.

National Immigration Forum (NIF)

220 I Street NE, Ste. 220
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 Web: <http://www.immigrationforum.org/index.htm>

NIF is actively following ongoing discussions regarding the U.S.-Mexico migration relationship and working to engage with policymakers on the issue.

National Network for Immigrant & Refugee Rights (NNIR)

310 Eighth Street, Ste. 307
 Oakland, CA 94607 USA
 Tel: (510) 465-1984
 Fax: (510) 465-1885
 Email: nnirr@nnirr.org
 Web: <http://www.nnirr.org/>

National organization composed of local coalitions, immigrant, refugee, community, religious, civil rights, and labor organizations, and activists.

North American Integration and Development Center (NAID), UCLA

Box 951656
 3250 Public Policy Building
 Los Angeles, California 90095-1656 USA
 Tel: (310) 206-4609
 Fax: (310) 825-8574
 Web: <http://NAID.sppsr.ucla.edu/>

Has recently looked at policy issues related to U.S.-Mexico migration, including options for creating an expanded development role for the North American Development Bank.

Service Employees International Union (SEIU)

1313 L Street
 Washington, DC 20005 USA
 Tel: (202) 898-3200
 Email: info@seiu.org
 Web: <http://www.seiu.org/>

Active in efforts to win legalization for undocumented migrants currently in America.

Websites**Guestworker Clearinghouse Website**

<http://www.crlaf.org/gworkers.htm>

Information on agricultural guestworker issues and legislation.

Mexican Secretariat of Exterior Relations (SRE)

<http://sre.gob.mx/>

Equivalent to the U.S. Department of State, SRE is responsible for managing Mexico's foreign relations, including migration matters.

Migración Internacional

<http://www.migracioninternacional.com/>

Source of news, analysis, and other information regarding U.S.-Mexico migration issues. Maintained by an official with Mexico's Ministry of Foreign Relations.

Migration News

<http://migration.ucdavis.edu/>

One of the best online sources of news and analysis related to U.S.-migration matters.

U.S. Department of State, U.S.-Mexico Relations

<http://usinfo.state.gov/regional/ar/mexico/>

"U.S.-Mexico Migrant Safety Accord: Is It Enough?"

borderlines UPDATER 29 June 2001

<http://www.us-mex.org/borderlines/updater/2001/june29migrants.html>

border briefs

Study Finds Maquila Wages Insufficient

Maquiladora workers in Mexico's northern borderlands typically don't earn enough to meet their family's basic needs, according to a recently released study conducted in 15 Mexican border cities. In fact, says Ruth Rosenbaum, executive director of the Center for Reflection, Education and Action (CREA), who conducted the research, based on average minimum wages in the maquiladoras, it would take 4 to 5 maquila salaries combined to meet the essential needs of a family of four.

"Workers want and need jobs. However, at these levels of sweatshop wages, the companies are the major beneficiaries," says Sr. Susan Mika of the Benedictine Resource Center in San Antonio. "Workers' dignity and human rights become secondary as the bottom line of profit becomes paramount."

CREA defines a sustainable living wage as one that meets the basic needs of a family with two adults and two children, and which allows them to participate in culturally required activities and have a small savings fund for the future. In Matamoros, the study found that a family of four requires 193.86 pesos a day to meet that standard. But based on pay stubs collected for the study, most maquiladora workers in that area take home less than 55.55 pesos (roughly US\$6) a day, or 28.6% of what a family of four needs to meet its basic needs.

"We found both that workers are paid low wages, and that the cost of living is high," says Dr. Rosenbaum. "The study refutes the commonly stated rationale of officials at U.S.-based companies that workers are paid less in Mexico because the standard of living is lower and that products and services are cheaper."

Martha Ojeda, executive director of the Center for Justice in the Maquilas (CJM), has worked in maquiladoras and experienced that lifestyle first-hand. "In community after community, maquiladora workers can afford only to live in make-shift houses without water, electricity, and to even talk about nutritious diets for themselves and their children is a luxury," Ojeda says. "They work long, productive hours for the world's biggest corporations and still cannot provide the most basic needs for their

families. They cannot even afford to consume the items they produce."

The study was a joint project of the Coalition for Justice in the Maquiladoras in San Antonio Texas, the Interfaith Center on Corporate Responsibility in New York City (ICCR), and CREA, a social economic research center in Hartford, Connecticut. For more information on the report, email cjm@igc.org or call (210) 732-8957.

CEC Sheds Some Light

The NAFTA-created Commission for Environmental Cooperation (CEC) recently passed a resolution to make information regarding citizen complaints more accessible. As a result, a number of documents regarding allegations of nonenforcement of environmental laws in the NAFTA zone that had previously been withheld from the public are now available on the CEC website at www.cec.org.

Among the recently posted documents is the June 1999 Mexican government response to a complaint regarding the Metales y Derivados smelting facility in Tijuana. Other recently released complaints posted at the website include: a complaint by Aquanova that Mexico is failing to effectively enforce its own environmental laws regarding the establishment and operation of a shrimp farm in Isla del Conde, San Blas, Nayarit; a complaint by the Migratory Birds Commission alleging that the U.S. isn't effectively enforcing the Migratory Bird Treaty Act with respect to logging operations throughout the United States; and a complaint by BC Mining that Canada isn't effectively enforcing the Fisheries Act with respect to mining operations throughout British Columbia.

The CEC was established under the North American Agreement on Environmental Cooperation (NAAEC) to address environmental issues arising from free trade on the continent.

Mexico RETC: Obligatory Por Fin?

Victor Lichtinger, head of Mexico's Secretariat of the Environment and Natural Resources recently announced that he plans to send an initiative to Congress that would transform that country's Registry of Emissions and Contaminants Transfers (RETC) from voluntary to obligatory.

Lichtinger said in a recent press release that he recognizes that Mexico has fallen behind in the area of environmental protection and regulation compared to its business partners Canada and the United States, and that he wants to see Mexico take the necessary steps to be on par with environmental protection efforts in those countries. He added that the initiative to make participation in Mexico's toxic release inventory obligatory is a critical step toward giving the public access to information on companies' environmental practices—something essential to effectively protecting public health.

Miscellany and FYI

BIOS has recently implemented some aesthetic and organizational changes to our website at www.us.org.

The Arizona-based Coalición De Derechos Humanos will be convening its 4th annual Indigenous Alliance Without Borders September 14-16 in Tucson, Arizona. For more information call (520) 770-1373.

The Border Environment Cooperation Commission has changed its main telephone number to (011-52) (16) 884600.

The GAO has released its most recent annual assessment of INS border enforcement strategies. The report is available in .PDF format for download at www.gao.gov/cgi-bin/getrpt?gao-01-842.

The Texas Center for Policy Studies, the North American Integration and Development Center, and the William C. Velasquez Institute have released a public interest proposal for fundamental reform of the Border Environment Cooperation Commission (BECC) and North American Development Bank (NADBank). The paper is available for download at www.texascenter.org/bordertrade/reform.htm.

The U.S.-Mexico Border Counties Coalition is holding its annual meeting September 21 & 22, 2000 at the Holiday Inn on the Bay, in San Diego, CA. For more information visit the coalition's website at www.bordercounties.com or call Stephanie Saathoff at (619) 234-0607.

Volume 276/1-3 of the journal *Science of the Total Environment* is dedicated to U.S.-Mexico Transboundary Air Pollution Studies and can be accessed online at www.sciencedirect.com by clicking on "tour journals" then selecting "S" and scrolling down.

Border Czar Gives Progress Report

Ruffo envisions shift from maquilas to manufacturing in the north, maquiladora development in the south.

by Jonathan Treat with George Kourous

On July 3, Mexico's border "czar" gave his first report regarding plans for the newly created Commission for Border Affairs (Comisión para Asuntos de la Frontera Norte, CAFN), which he heads.

Ruffo indicated that since taking office he has focused on improving communication and coordination between cabinet secretaries and state and local governments working on border issues. "On the border there's no direct communication between the east and west. There's not even a direct flight from Tijuana to Matamoros or Reynosa, or vice versa," he noted.

The former PAN governor also reported that at CAFN's first regular meeting on February 28, members agreed to create a technical committee for implementing commission plans, an interstate committee of federal and state government delegates tasked with coordinating policies and actions, and a council on border region development planning made up of representatives from both government and civil society.

He also announced that CAFN intends to draw up a comprehensive "Border Region Development Plan" for the 2001-2006 period with the participation of border governments, representatives of civil society, and federal agencies. "With every local and state authority I've met with," he said, "I've pointed out that the vision of the new government, which is a federalist government, is that the solution to border problems should be defined in the north and not the center of the country, as has been done for so long."

According to Ruffo, CAFN's vision for economic development involves three phases. First, infrastructure needs in the border region should be met in order to sustain growth and create a secure and stable climate favorable to new investment. Productivity and competitiveness must be improved via training, which will also provide workers with opportunities to improve their quality of life, achieve higher levels of personal development, and be prepared to move from jobs in the

maquiladora assembly industry to a more advanced manufacturing sector. Finally, said Ruffo, when the border economy shifts from maquila production to true manufacturing, border maquiladoras should be encouraged to relocate to Mexico's interior and southern regions.

Show Me the Money

The post-NAFTA economic boom on Mexico's northern border has made it the most prosperous region in the country, according to Ruffo. In his July 3 progress report he indicated that jobs in the border region account for 33% of all national employment, and that from 1994-2000, 30% of all foreign direct investment went to the border region. But he warned border growth is coming to a halt, stalled by the myriad infrastructure problems, which have accompanied the region's explosive growth and rapid industrialization.

Mexico's National Water Commission reports that cities and towns in Mexico's border region are able to adequately treat less than 35% of the sewage they produce each day. Many neighborhoods have no regular access to potable water. Nearly a third of border residents live in homes that are not connected to sewage systems, and roughly 30% of border residents don't have access to adequate housing. Only about half the region's roads are paved.

Overall, Ruffo identified investment needs for border infrastructure, social development, environmental protection, and institutional capacitation of 187 billion pesos during the six years of the current Fox administration.

Local and state governments in the region don't have that kind of money—nor does the Mexican federal government, he added. "We have to find long term financing, and I mean at low interest rates that would allow projects to repay loans over 20-30 year periods," he stated during his progress report.

One possible source of financing, according to Ruffo, might be a new, binational municipal and state bond fund created by all ten U.S. and

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WEB SOURCES:

CAFN Report

www.presidencia.gob.mx/
?Art=1099&Orden=Leer

NADB

www.nadb.org

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Mexican border states and possibly managed by the NAFTA-created North American Development Bank (NADB). "I envision a fund capitalized with bonds, governed by a council formed out of the offices of the ten border governors, and financed with user fees," Ruffo told the *Christian Science Monitor* this May. The border czar added that the World Bank, Interamerican Development Bank, and Japan's Bank of International Cooperation could play a role.¹

Like other members of the Fox administration, Ruffo is also eyeing the NADB—established under NAFTA to build water, wastewater, and solid waste systems in the immediate border zone—as a potential source of additional funding for projects in a wide range of sectors. He, like President Fox, has suggested that NADB's mandate be expanded to permit involvement in transportation, energy, communications, and economic development as well as in environmental projects. Ruffo argues that NADB funds could be combined with aid from government agencies and international lenders to build the highways, railroads, airports, and seaports needed in Mexico to sustain economic growth. He also proposes expanding the area eligible for NADB aid from the current 60 miles on each side of the border to 180 miles.

Mexico's foreign minister Jorge Castañeda echoed these sentiments at a Tijuana conference in late June, commenting that broadening NADB's role could be the first step in what President Fox has called "NAFTA-Plus."²

Raul Rodriguez, NADB's managing director, agrees with the idea of expanding the bank's funding role. He supports relaxing rules stipulating that funds only be used for loans to environmental projects. "It's a very simple trade-off. If we remain as we are, our belief is that the bank is not justified. You can't lend to the sectors and the projects contained in the current mandate," Rodriguez recently told the *LA Times*. "There are so many needs that you can't be sitting on the money."³

Last summer, proposals were floated to expand the list of infrastructure project types eligible for NADB funding and to increase the institution's geographic scope of operations. Geographic expansion was voted down by the bank's binational board, but NADB was given the green light to finance new sorts of projects, including industrial and solid waste projects that "remedy pollution threats to water or soil," water conservation projects, water and wastewater hookups for housing, and recycling and waste reduction projects.

Governors of Mexican border states, meanwhile, are urging President Fox to initiate fiscal reforms that will channel more money their way to deal with the infrastructure woes their communities face. They are also suggesting that maquiladora operators be required to contribute to the costs of providing roads, water and sewage treatment, and waste disposal.

While some maquiladoras make annual donations to local governments to help them pay for infrastructure projects, many critics say those contributions are a mere pittance compared to profits, and barely make a dent in the needs of border communities. In Juárez, for example, maquiladora operators contribute an average of \$15 per employee per year. That's almost \$1.5 million annually—or 28 cents per employee per week.

Ruffo is planning to solicit corporate contributions for improving the housing conditions of maquiladora workers. Under his scheme, the Mexican government and the company would each contribute a third of the cost of a worker's house, with the worker paying the other third as monthly payments over a 10-year period. If the worker stayed with the company for 10 years, he or she would own the house.

The plan is a step down from earlier statements by Ruffo, quoted in the *New York Times*, which suggested the government was eyeing ways to tax maquiladoras to pay for infrastructure. "We do not want to raise tariffs to the point that companies decide to leave Mexico," he told the paper, "but we also have to find ways to finance the construction of sufficient infrastructure."⁴

Jonathan Treat, a journalist and independent documentary filmmaker with extensive experience in Mexico and Central America, writes regularly for borderlines. He is currently on staff at the Spring Institute, a Denver-based nonprofit corporation offering ESL and job training classes to immigrants and refugees. George Kourous directs the BIOS program.

Notes: [1] Howard LaFranchi, "A Frontier of New Possibilities," *Christian Science Monitor*, May 17, 2001; Abraham Nudelstejer, "Promueve Fondo Financiero," *La Frontera de Tijuana*, June 22, 2001; [2] David Gaddis Smith, "Ruffo Calls for 'Taxation with Amortization,'" *San Diego Union Tribune*, July 6, 2001; [3] Ken Ellingwood, "U.S.-Mexico Bank Fizzling," *LA Times*, July 15, 2001; [4] Ginger Thompson, "Chasing Mexico's Dream Into Squalor," *New York Times*, February 11, 2001.

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lower than smuggler's fees and still generate substantial revenue. Such visa increases would be most effective if a substantial legalization program for undocumented Mexican migrants currently in the U.S. were enacted.

Taking a Long-Term View

There is consensus that in order to address core issues underlying the current migration dilemma, broader development in Mexico needs to be promoted. There is less agreement on what shape that development should take, and even less clarity regarding concrete steps the two countries can take to promote it. Here are some suggestions.

Institutionalize long-term migration and development planning. Effective and politically viable solutions to some of the bigger migration issues are going to take time. It is logical to focus on attainable, short-term goals first, but once agreement has been reached and details hammered out in those areas, it will be crucial that the U.S. and Mexico follow up on other fronts.

Clearly, migration and development in U.S.-Mexico relations are inseparably related. The high-level working group on migration should become a permanent binational body, which—within the NAFTA context and with Canada at the table—works to address migration and development issues. So far, only the DOS, DOJ, Gobernacion, and SRE have been involved in migration talks; other agencies, such as USAID and Mexico's Office for Mexicans Overseas, would need to participate.

Issues meriting sustained attention include: crossborder health care provision; development and capacity-building assistance for Mexico; future liberalization of restrictions on labor flows; prevention of Mexican brain drain when NAFTA phaseouts on visa quotas for certain professions go into effect in 2003; promotion of a development pattern in North America that resolves rather than encourages migration pressures; social security totalization; and ways to encourage the development of a "snow bird" retirement industry in Mexico.

Increase U.S. support for broader development in Mexico. Mexico's shift to a neoliberal economic model uprooted a large population of working Mexicans as the protections that had sheltered—for better or for worse—their cultures and economies for generations were removed. Support for workers struggling to make the transition to the new economy are lacking. Without rural credit, selective subsidies, vocational training and reeducation programs, or health, nutrition, and family planning aid, many will continue to look for work

in the U.S., flock to Mexico's northern states to seek low-paying, dead-end jobs in manufacturing, or drift into the grayness of the informal economy. Other problems affecting quality of life and contributing to emigration—lack of adequate infrastructure, poor urban planning, problems of government inefficiency, and the administration of justice—need tackling as well.

Washington can take a number of steps to assist Mexico in this regard, such as increasing USAID's profile in Mexico. As a part of a comprehensive strategy to help Mexico foster development, U.S. policymakers should also examine ways to reduce Mexico's bilateral and multilateral debt burden, which continues to drag down the national development process. Mexico's payments to service debt in 1999 equaled 8.5% of its GNI (up from 4.5% in 1990), or 25% of the total value of goods and services exports.

Some have suggested that the NAFTA-created North American Development Bank (NADB)—currently tasked with building environmental infrastructure in the immediate border zone—should be transformed into an economic development institution for the entire NAFTA-zone. While many border activists remain rightly concerned that such a move would divert much-needed and long-promised resources away from the border, the notion of a larger-scale development aid program under NAFTA's auspices is worth consideration. However, a key element to the success of any such endeavor would be a massive increase in the resources earmarked for the effort and an explicit commitment to pay continued attention to the growth-burdened border region.

Make the Most of Migrant Remittances. Remittances sent home by Mexican migrants—estimates place totals for 2001 between \$6 and \$8 billion—are Mexico's third largest source of national income after oil and tourism. Washington would be wise to back Mexican efforts to encourage companies to reduce fees for money transfers. New competition for "migra-dollars" and a lobbying effort by the Fox administration has helped bring the costs of wire transfers to Mexico down in recent years, but they can still cost 20% or more of the amount sent. Every dollar funneled to Mexico has a role to play: helping families move beyond the daily struggle for subsistence; encouraging savings; supporting entrepreneurial activities; in some cases, migrants from the same community have even set up contribution pools to fund capital projects in their home towns.

The two governments should work with industry to lower fees and give migrants the

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CONTACTS:

"Causes & Trends in Migrant Deaths On the Border, 1985-1998"
Center For Immigration Research
www.uh.edu/cir

"INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years"
GAO
www.gao.gov

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option of channeling a variable percentage of their transfers to a personal, tax-free savings account in Mexico. They might also be given the option to earmark a percentage of their transfers toward the purchase of discounted construction materials in Mexico. Cemex is already planning to launch a scheme aimed at Mexicans working north of the border who wish to build in Mexico. Migrants will be able to acquire construction materials via bank deposits made in the U.S., and Cemex will provide technical support to building projects.

In terms of using remittances to fund ambitious capital-improvement and development projects, the two governments would be better off focusing on involving the many Mexican hometown associations established north of the border than on tapping individual migrants' remittances. There is a real opportunity for the U.S. government to come up with creative ways to support such efforts. For example, Mexican associations participating in development or capacity building programs south of the line might be granted nonprofit status, receive tax breaks and grants, or win other similar incentives.

The U.S. should also support Mexico's new Padrino Program, which is trying to locate successful Mexican immigrants in the U.S. willing to invest in 90 different government-identified microregions experiencing high levels of emigration to America. The government is offering participants free land and worker training, and investment by the entrepreneur will be matched by equal contributions from Sedesol, state governments, and municipal governments.

So far, the poster child of the Padrino Program is Jaime Lucero, a Mexican immigrant from New York who has pledged \$12 million

to build six maquiladoras for assembly of women's clothing for export to America. Lucero's investments will reportedly create approximately 7,000 jobs which will pay between \$7.50 and \$11 a day. However, one serious drawback to this initiative is that the likely number of Mexican migrants willing and able to invest on this scale is likely to be quite small.

While Mexico would be wise to not bank on the maquila model of development, in the shorter term jobs created in poorer regions could be a boon to many families and might reduce migration pressures. Participation by partner organizations in the U.S. could involve a push to develop a more mature maquiladora sector—one that pays a living wage, provides decent working conditions, offers vocational training, abides by environmental standards, and develops supplier and service provider networks within the Mexican economy. Without progress on these fronts, the effort will not address the larger development issues underlying Mexican migration.

George Kourous directs the BIOS program. Until recently, Anne Seymour worked with the Mexico-U.S. Advocates Network. She is now attending law school at George Washington University.

Notes: [1] *Mexico-U.S. Migration: A Shared Responsibility*, Carnegie Endowment for International Peace and the Instituto Tecnológico Autónomo de México, 2001; [2] T. Alexander Aleinikoff, "A Response: Toward a New U.S.-Mexican Immigration Relationship," *American Prospect Online*, www.prospect.org; [3] "Bush's Immigration Plan Obsolete, Unambitious," *Houston Chronicle*, July 26, 2001.

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