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Moving Beyond the Policy of No Policy: Emigration from Mexico and Central America

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EMIGRATION FROM MEXICO AND CENTRAL AMERICA

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INCOMPLETE DRAFT: comments *very* welcome but not yet intended for general circulation!

Abstract: Immediately following the 2000-1 inaugurations of Presidents Vicente Fox and George W. Bush, Mexico and the United States entered into intense negotiations aimed at a bilateral guestworker agreement on migration. Although the terror attacks of September, 2001 put these negotiations on hold, the progress which had been made—and the extent to which Mexico set the bilateral agenda—highlight the transnational character of U.S. immigration policy-making. But what do sending-states want when it comes to U.S. immigration policy, and when and how can they influence the process? This paper draws on 90 elite interviews conducted with Mexican, Central American, and Caribbean Basin policy-makers to answer these questions, and discusses Mexico's increasing engagement in U.S. immigration policy-making since the 1980s.

MOVING BEYOND THE POLICY OF NO POLICY: EMIGRATION FROM MEXICO AND CENTRAL AMERICA

On September 5, 2001, Presidents Vicente Fox and George W. Bush met in Washington, DC, where the top item on the agenda was signing off on a final framework for negotiating a bilateral immigration accord. At first blush, the extraordinary bilateral priority placed on immigration—three cabinet-level semi-summits and three presidential summits in slightly over a year—is hard to explain in light of the Bush’s status as a conservative Republican, and widespread U.S. opposition, especially among conservatives, to continued migration.

Bush’s emphasis on immigration is partly explained, by domestic politics: Republicans were split between pro-business supporters of migration and social conservatives, and the burgeoning (socially conservative) Latino community may have tipped the balance. But U.S. domestic politics cannot explain the most noteworthy feature of the framework agreed to last September: the five items placed on the agenda, as well as the language employed in summit statements, were taken directly from *Mexico’s* original proposal.

Although progress toward a bilateral migration agreement was derailed by terror attacks the following weeks, Mexico’s dominance of the Bush administration’s immigration agenda draws attention to the transnational nature of U.S. immigration policy-making. Thus, this paper seeks to answer two questions of fundamental importance to this broader research agenda: What are source-country’s immigration preferences, and what, if anything, can they do about them?

Based on 90 in-depth interviews conducted between 1998 and 2001 with officials from Mexico, El Salvador, Nicaragua, Guatemala, Honduras, and the Dominican Republic, I argue that sending-states have strong preferences about U.S. immigration policy, that their attention to this issue has increased dramatically since the 1980s, and that they have increasing ability to influence U.S. policy outcomes. I begin this paper by reviewing the literature on sending-states and U.S. immigration policy, a topic which has received relatively little academic attention. Section two presents the results of three rounds of interviews conducted with Latin American elites between 1998 and 2001; these findings reflect a high degree of interest in U.S. immigration policy, though not necessarily for the reasons typically assumed. Section three explains the evolution of Mexican emigration preferences and actions and highlights how broader changes in the bilateral relationship caused Mexico to change its approach to bilateral migration policy.

Section four concludes by returning to the 2001 negotiations, and considering their prospects for the future.

1. Literature Review

Existing literature may be divided into that which focuses on preferences—economic and politico-social concerns—and the types of actions sending-states have taken to influence immigration policy in the past.

Restricting attention to economic sources of sending-state preferences, how do sending-states balance “brain drain” effects—the loss of high quality workers—against the economic benefits of expanding the labor market and bringing in migrant remittances. Theoretically, brain drain should be of great concern to migrant-sending states: not only is it widely believed that a country’s “best and brightest” are most likely to emigrate, but the emigration of any educated adult means that less-developed source states subsidize production costs within more-developed destination states (Markusen 1988). Thus, it is not surprising that India and China—two countries with substantial high-skilled emigration—have discouraged out-migration and encouraged returns through business subsidies and tax incentives (see contributions to Cornelius et al. 2001).

On the other hand, at least two economic benefits balance concerns about brain drain. First, immigration has long been recognized as a critical “safety valve” for migrant-sending states (García y Griego 1988, Stepick 1992, Rico 1989, Teitelbaum 1984). That is, to the extent that emigration states are unable to employ an expanding workforce, workers’ ability to move to higher-demand labor markets serves a critical role in protecting wages and limiting unemployment.¹

The second, arguably more significant economic benefit of emigration is migrant remittances. Official migrant remittances to the top-five regional sending-states (Mexico, the Dominican Republic, El Salvador, Guatemala, and Colombia) grew 26 percent a year since 1980 to \$8 billion in 2000 (Lowell and de la Garza 2000). This figure almost certainly under-estimates financial flows since a high proportion of remittances are difficult to track.² In any event, for El

¹ Hanson and Spilimbergo (1999) document the importance of labor markets on emigration decisions, finding that Mexican wages are the most important predictor of undocumented migrant apprehensions at the U.S.-Mexican border.

² Lowell and de la Garza cite a study indicating that as much as 46 percent of Mexican remittances are carried to that country in cash by returning migrants, in part as a result of high fees charged by international wire services.

Salvador, the Dominican Republic, and many other small economy/high-emigration states, remittances are the single-largest source of foreign exchange (see American Embassy in El Salvador 1998, Vega and Despradel 1999). And even for Mexico, migrant remittances of over \$28 billion between 1994 and 2000 ranked as the third or fourth largest source of hard currency (depending on how drug earnings are estimated).³

How to sending-state balance these pluses and minuses? Regarding the great migration of a century ago, the consensus is that emigration represented a net economic gain, as high low-skilled outflows increased wages and lowered inequality in labor-rich Old World states. Indeed, O'Rourke and Williamson (1999: chapter eight) isolate the economic impact of emigration in high-outflow Ireland and find that labor exits alone caused increases in agricultural wages of nineteen to 41 percent, non-farm wages of 23-52 percent, and GNP per capita of fifteen to 33 percent. Nonetheless, outflows from today's labor-rich developing world have *failed* to raise wages or ease inequality, an observation partly explained by the higher skill levels of today's migrants.

Thus, it is unsurprising that the relatively few empirical studies of sending-state attitudes about emigration find, indeed, that officials have conflicting preferences about whether and how aggressively to encourage or discourage various types of outflows (de la Garza and Szekely 1996, Jungmeyer 1988). The current study contributes to this empirical debate by directly measuring elite attitudes about the costs and benefits of emigration for Mexico and the Caribbean Basin states.

Turning our attention to social and political aspects of emigration, the literature again identifies conflicting pressures on migrant-sending states. On one hand, to the extent that sending-state governments are held accountable for economic performance, the "safety valve" aspect of emigration operates on a political level. Officials may also benefit from controlling access to emigration, either by strategically issuing exit visas as in the Cuban case (Dominguez 1992), or by extorting rents from exiting migrants (Stepick 1992, Craig 1971). Sending-state governments should also have a general preference for protecting labor flows simply as a way to maximize their citizens' economic flexibility.

³ By way of comparison, U.S. foreign direct investment in Mexico in the same period was only \$33.7 billion, meaning that even under NAFTA, official remittances represent more than 80 percent of FDI (Urrutia 2000). Remittances are also a highly efficient form of social spending since they bypass state bureaucracies and are targeted directly to families which use them.

On the other hand, there are clearly non-economic costs to emigration, including the exploitation of migrants at the workplace, their treatment as second-class citizens within receiving states, and, in recent years, the deaths of hundred of individuals per year as they seek to enter the United States illegally (Jungmeyer 1988, Cornelius 2002). Thus, again, a review of the literature suggests that Mexican and Central American officials must weigh costs and benefits of migration. How they do so is mainly an empirical question which has not yet received a definitive answer, and one this paper seeks to address.

Finally, even if other states formulate clear preferences over U.S. immigration policies, do sending-state preferences matter in any meaningful sense? Once again, the previous literature offers conflicting answers to this question. On one hand, the stakes for sending-states are high, for all the reasons detailed above. Indeed, on a purely economic level, Cheng and Wong's (1997) formal model shows that large receiving states (e.g., the United States) should remain passive in equilibrium, while small labor exporting states (e.g., Mexico and Central America) should adopt aggressive *emigration* policies.

Nonetheless, even the minority of analysts who do focus on the international determinants of U.S. immigration policy, do so from a *U.S.* foreign policy perspective, typically de-emphasizing any direct role for migrant-sending states in the policy-making process (see e.g. contributors to Teitelbaum and Weiner 1995, Mitchell 1992). The two noteworthy exceptions to this generalization are some analyses of Mexican influence over the early years of the U.S.-Mexican Bracero Program (García y Griego 1988, 1989; Rosenblum 2000, ND), and analyses of Cuba's repeated success in setting the agenda in its bilateral immigration relations with the United States (Dominguez 1992, Stepick 1990).

But is the lack of attention to sending-state influences over U.S. immigration policy a function of poorly defined sending-state preferences, reluctance to meddle in sovereign U.S. affairs, a limited number of options available to migrant-sending states; or is it simply an oversight within the immigration policy literature? This is a final question addressed by this paper.

2. Interview Results

About the Data

My initial analysis of these questions is based on interviews conducted with 110 Latin American elites in four rounds between 1996 and 2001.⁴ Interviews consisted of open-ended questions regarding respondents' perceptions of the overall state of U.S. relations with their countries, the costs and benefits of immigration and trade with the United States, their nations' ability to influence U.S. immigration and trade policies, and their specific policy preferences. For 45 interviews conducted in 2001, a preliminary survey-style questionnaire was administered, allowing the calculation of basic descriptive statistics.⁵

Overall, my interview sample includes high-level policy-makers and a smaller number of academics with a background in trade, immigration, and/or diplomacy. ___ respondents worked for Foreign Ministries (including ___ within U.S. or Western Hemisphere interest sections, ___ based in embassies in the United States, ___ within migration sections, and four Mexican consuls in the United States); ___ were legislators and members of foreign relations and/or migration committees; ___ worked for other executive branch agencies (immigration, trade, and interior ministries); ___ worked for development and/or migration-oriented NGO's; and ___ were academics.⁶

Respondents averaged ___ years of age and ___ years in their current positions, a figure which under-estimate years of service for many politicians whose positions were related to electoral results. Within the executive branch (excluding embassy personnel), ___ out of ___ respondents enjoyed a rank of sub-secretary or higher, with most of the remainder being senior advisors to these high-level officials.⁷ All legislators interviewed were committee heads or party heads within their respective committees. Academics averaged ___ years studying U.S. relations. And ___ out of ___ NGO workers were either executive or national directors of their organizations.

⁴ Thirty-five Mexican policy-makers were interviewed in Mexico in 1998; ten officials from Nicaragua, Guatemala, El Salvador, Honduras, and the Dominican Republic were interviewed in Washington, DC in 1999; and 17 Mexicans, 16 Salvadorans, and 12 Nicaraguans were interviewed in their representative capital cities in 2001.

⁵ Interviews were not conducted on a random sample of policy-makers, but rather with high-level elites, many of whom were contacted using a "snowball" technique building on earlier contacts. Thus, even accounting for the small size of my sample, the data do not lend themselves to statistical analysis. Nonetheless, I will make use of the survey-style data to calculate simple descriptive statistics where appropriate.

⁶ For the 45 interviews conducted in 2001, ten worked within Foreign Ministries, ten worked for other executive branch agencies; eight were legislators; six were academics; and eleven worked for NGO's.

⁷ Embassy personnel included four congressional liaisons, three chiefs of mission, two deputy chiefs of mission, and one ambassador.

Interviews averaged __; __ out of __ were conducted in Spanish, with the remainder being conducted in English.⁸

Immigration Attitudes

The theoretically primary issue—and one about which the least research had been done—is simply: what do sending states want regarding emigration? On a general level, respondents from all source states and during every interview period were quick to identify a basic trade-off between the political-economic benefits of additional jobs and migrant remittances, versus the social-political costs of migrants working under exploitative conditions, human rights abuses, and deaths of undocumented migrants crossing the U.S. border. In addition to these more or less obvious issues, respondents also identified social goods associated with emigration, including family reunification and the liberal principle that people should be allowed to leave if they desire to do so, and benefits from return migration in the form of political and economic capital which migrants bring home with them. And they also identified additional costs of migration, including the break-up of sending-state families and the loss of sending-state cultural identity, exacerbated by the acquisition of negative characteristics in the United States.

An analysis of the distribution of responses in 2001 reveals an emphasis on economic benefits. When respondents were asked to identify the top-three (or fewer) positive aspects of emigration, remittances and jobs were clear modal answers, receiving more frequent and higher ranking responses than other answers identified above. These results are summarized in table one, which includes data on first, second, and third responses, as well as an index which assigns three, two, and one point for these categories, respectively, and sums the results.

Insert table one here.

Figure one illustrates how these responses broke down in 2001 by country of origin, taking the index described above and dividing scores by the total number of responses from each country to arrive at comparable measures. It is noteworthy that responses varied remarkably little by sending state across four non-economic issues. In contrast, looking at economic issues, Salvadorans and Nicaraguans place greater emphasis on remittances than jobs (by a factor of four in the Nicaraguan case), while Mexicans were more concerned with employment opportunities. These differences are consistent with findings from earlier rounds of interviewing,

⁸ For the 2001 interviews, respondents averaged 45 years of age, and eleven years in their current position. Respondents' ranks were similar as in the overall sample, but did not include any embassy personnel.

in which Salvadoran embassy personnel described their countries as “fundamentally dependent” on migrant remittances for their economic well-being, but Nicaraguans emphasized the relatively small number of their nationals living in the United States (**statistics**).

Insert figure one here.

Nonetheless, respondents were also virtually unanimous that emigration is a second-best option, far behind the preferable situation in which economic conditions improve to the point that emigration becomes less attractive. As the Counselor General at the Guatemalan embassy summarized: “Our ideal preference is that people who are in Guatemala stay there, and people who are in the United States who would suffer extreme hardship stay here, and that we return to a migration flow level similar to the pre-war level.” Concern over economic inefficiencies associated with undocumented flows—fees paid to smuggler, lost work days, inefficient remittance transmission mechanisms—were also ubiquitous. Even respondents who recognized the economic benefits of migration were concerned that gains from emigration were partly offset by “brain drain” effects, because of sending states’ failure to capture significant gains from emigration, and because emigration breeds a new “culture of dependency” in which migrants fail to consider domestic alternatives.

These concerns are captured in table two, which summarizes 2001 responses to questions regarding the top-three negatives associated with emigration to the United States. While one out of three respondents identified exploitation as their greatest concern, concerns about economic and social costs or migration are close behind.⁹

Insert table two here.

And as figure two illustrates, Mexicans and Salvadorans were *as* concerned about the negative economic effects of emigration—or their countries’ failure to capture its economic benefits—as they were about migrants’ rights. This finding is surprising in light of the dominance of human rights in Mexican official rhetoric and its historic position on bilateral migration issues (see below).

Insert figure two here.

⁹ The difference between concern over migrant exploitation and migrants’ human rights is subtle, and it is not clear to me that respondents referred to fundamentally different concepts with these answers. One reason that I list the two answers separately—as with “brain drain” and “hinder development”—is that several respondents listed more than one dimension of the same general issue as separate concerns.

Migration Policy Preferences

These fundamental attitudes about emigration—tempered by sending-state-specific migration patterns—are clearly reflected in respondents’ attitudes about U.S. and regional migration *policy*. For Mexicans interviewed in 1996 and 1998, the focus was primarily on protecting human rights and finding a way to prevent surging deaths of undocumented immigrants at the Mexico-U.S. border. Mexicans emphasized that building a wall (of any kind) along the border strongly contradicted the reality of growing economic integration. While economic integration does not imply a desire for greater overall flows,¹⁰ it does suggest that immigration policies should have a unique bilateral focus.¹¹

Mexicans were not the only ones to observe their country’s entitlement to special treatment. Nicaraguans (from the Liberal Party) believed their years of hardship under the Sandinistas entitled them to special treatment; and Hondurans, Salvadorans, and Guatemalans believed their support for the United States during the Cold War should give them privileged access to policy-makers.¹² In contrast to Mexicans, however, Central Americans and Dominicans were more concerned about the threat of new deportations in the wake of IIRIRA than they were about migrants’ human rights. For the Dominican Republic the issue was the threat of criminal deportees (following IIRIRA changes requiring deportation of aliens with criminal records),¹³

¹⁰ “It is not the position of the Mexican government that the US should have a quota of Mexicans going there to work or that we should reach an agreement that would allow worker to go. We’re not sure about that ourselves” (Interview with Daniel Hernández Joseph, **title** and member of the U.S.-Mexico Binational Commission; **date**, 1996).

¹¹ As a Mexican Consul General in the United States explained, U.S. diplomats “repeatedly make the argument that their migration policy is a ‘global policy,’ not directed against Mexico, but ultimately the individuals most affected by migration policy are Mexicans.” The Consul General observed that are clear exceptions to “global” U.S. migration policy for Cubans and Central Americans so that “policy toward the undocumented is not really a global policy, but a Mexican policy. It is a discriminatory policy which undermines everything NAFTA sets out to achieve.”

Similarly, in a July 6, 1998 interview, then-Senator, now National Security Advisor Adolfo Aguilar Zinser observed that although the United States exercised increasingly unilateral immigration control at the time, “eventually we will have to come up with a bilateral solution; this cannot go on forever. Migration policies will have to be crafted as a binational, international issue; not simply a domestic issue. . . . This will requires the very difficult recognition for the United States that Mexico has special characteristics, strictly related to common border and history, and is not analogous to any other migration relationship in the world.”

¹² Two Salvadorans interviewed in 1999 also observed that their status as a U.S./UN peace process success story implied that the United States should take all possible steps, including through the use of immigration policy, to insure regime stability.

¹³ After Mexico, the Dominican Republic had the highest absolute number of criminal deportees from the United States, with an average of 1,800/year between 1995-1999—a huge number for a country with a jail population of only 12,000, and a police population of only 20,000.

and for Central Americans the issue was asylum applicants and the rules changes addressed by NACARA.¹⁴

By 2001, Central American and Mexican policy preferences had substantially changed. For Central Americans, the favorable resolution of the NACARA debate between 1997 and 1999 had moved this issue off the table; and many Mexicans privately expressed the belief that the United States (alone and with Mexico) had already taken significant steps to protect migrants' rights. Thus, Mexicans in 2001 were overwhelmingly focused on "changing the tone of the debate," "linking migration to trade," and "taking a more bilateral approach to migration policy-making," responses all grouped under "changing the tone of the debate" in figure three. Although Mexican rhetoric continues to focus primarily on migrants' rights, asylum for undocumented immigrants, and a new guestworker program, these responses were all considered of secondary importance behind the overall policy-making process.¹⁵

Insert figure three here.

Only Salvadorans continued to make a clear top priority of improving the human rights of migrants. Nicaraguans may be relatively less concerned about the human rights of their migrants in the United States because a high proportion of Nicaraguan U.S. emigrants enjoy both legal status and relatively high socio-economic status, making them less likely to be victims of human rights abuses. Third, both Salvadorans and Nicaraguans made naturalization and/or integration of undocumented migrants one of their top-two priorities. This observation is not inherently surprising, except in the context of Mexico de-emphasizing this issue despite the fact that it was a major concern in bilateral negotiations with the United States. Finally, only Nicaraguans called for increased investment so that migrants would not have to leave. Once again, this finding is mainly interesting in light of the fact that *no* Mexicans mentioned the issue, and only one Salvadoran did so, as a second priority, despite the fact that analysts have long recognized investing in countries of origin as the most effective long-term strategy for addressing immigration problems.

Broader Bilateral Relations

¹⁴ Salvadorans and Guatemalans were primarily focused on receiving "NACARA parity," or a full amnesty for previous asylum applicants who entered under similar conditions as Nicaraguans. For Hondurans, excluded altogether from NACARA, inclusion on any terms was the top priority.

¹⁵ In many and probably most cases, the logic behind this prioritizing was the belief that a bilateral approach to policy-making was the most likely way to achieve these specific policy goals.

How do these immigration preferences fit within the broader bilateral relationship? Most Mexicans interviewed in 1998 saw the mid-90s backlash against immigrants as an unfortunate deviation from the otherwise-positive trend toward greater economic integration, symbolized by the NAFTA agreement. Central Americans interviewed in 1999 had the opposite perspective in some respects: while they agreed with Mexicans that relations were generally positive in the 1990s—especially in comparison to the war-torn 80s—the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA) and 1998 Temporary Protected Status (TPS) policies were cited as examples of how the United States adjusts its immigration legislation to support struggling Central American economies even as the United States failed to expand the Caribbean Basin Initiative (CBI) trade agreement to the desired “NAFTA parity” level.¹⁶ Central Americans clearly understood these issues as being directly related: “CBI is definitely linked to migration because it generates additional income. If we provide more jobs, they’re not coming to the United States.”¹⁷

Although trade has received more attention from academics and the popular media during the current period of “globalization,” Mexican and Caribbean basin officials interviewed between 1996 and 2001 consistently emphasized immigration as being *at least* as important an issue. While the economic impact of migrant remittances alone rival earnings from trade for high-flow states, migration issues have disproportionate political importance because the issue strikes a personal chord with individuals who have migrated themselves or who have friends or family members who have done so.

Thus, as a chief advisor to the Mexican Foreign Minister explained in 1998, ““Immigration is the *most touchy* issue from Mexico’s perspective in bilateral relations—more so than drugs or trade The impact on the overall bilateral relationship is huge.” This characterization is backed up by a former president of the Chamber of Deputies’ Committee on Foreign Affairs who estimated that “If you look at number of questions and times spent

¹⁶ The NACARA legislation allowed was passed in response to a provision of the 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) which made it more difficult for asylum seekers to adjust their status while waiting for their cases to be decided. Because the retroactive IIRIRA provision mainly affected Central Americans displaced by the 1980s conflicts there, NACARA provided amnesty to 100,000 Nicaraguans, and allowed 300,000 Salvadorans and Guatemalans to apply for adjustment under the pre-IIRIRA rules.

Temporary Protected Status is a provision which allows migrants displaced by natural disasters to legally live and work in the United States for some period of time even though they would not otherwise be eligible to do so, and was granted to __ Hondurans and __ Nicaraguans following 1998’s Hurricane Mitch and to __ Salvadorans following the 2000 earthquake there.

¹⁷ Cite.

discussing issues [during the mid-90s], you will see that of all of Mexico's foreign policy issues with the whole world—trade, etc.—at least fifty percent of the time was dedicated to the issue of Mexican migrants.” Similarly, as El Salvador's liaison to the U.S. Congress explained in 1999, “Immigration is certainly one of our most important issues. For the current government, it is probably the highest priority, and we raise it at every level. We spend an enormous amount of time explaining to both Congress and the administration the importance to our country of emigration issues.”

Three sets of questions were asked in 2001 to measure the relative importance of these bilateral issues. First, respondents were asked to rate the importance of immigration and trade on a scale of one (not important at all) to ten (most important bilateral issue). Mean responses to these questions are graphed in figure four, broken down by country. As the figure illustrates, respondents from all three countries place roughly equal emphasis on trade and immigration, with Salvadorans placing slightly greater priority on immigration and Nicaraguans more focused on trade. In general, these results correlate with the relative economic importance of these three economic flows: with Mexico gaining the most from U.S. trade, El Salvador most dependent on migration to the United States, and Nicaragua most closely linked to non-U.S. partners.

Insert figure four here.

Second, respondents were asked to name the top three “most difficult bilateral issues” between their country and the United States. In response, almost two-thirds of valid responses (27 out of 44) identified immigration as the single most difficult issue between their country and the United States. Only one other issue was named “most difficult” by as many as four individuals;¹⁸ only three people identified trade as the most difficult bilateral issue (none of whom primarily specialized on trade or economic development); and no other issue was named by more than two respondents. An additional nine individuals identified immigration as the second-most difficult issue, three called immigration the third-most difficult issue, and only three out of 42 respondents failed to identify immigration as one of the top three problematic bilateral issues (see table three).¹⁹

¹⁸ Four Nicaraguans identified as the most difficult bilateral issue the conflict over U.S. efforts to secure reparations for property expropriated by the Sandinistas during and after the Nicaraguan civil war and now claimed by Nicaraguan-Americans.

¹⁹ Obviously, the strong interest in immigration is biased by my sample, which disproportionately includes immigration experts, but even among the 28 individuals interviewed who specialize in areas *other* than immigration, a majority (fifteen) identified immigration as the most difficult bilateral issue.

Insert table three here.

Immigration was followed in order of importance by trade, drugs and crime, and then other economic issues, including “neoliberalism,” energy, sovereign debt, etc. Many respondents seemed to understand this broad group of economic concerns as a single issue, and when data were re-coded to reflect this fact the identification of “trade/other economy” as the number two problematic issue becomes clear.

Figure five shows how these results break down by country. As the figure illustrates, Salvadorans were highly focused on immigration and trade/economy, with no other issue resonating at all.²⁰ Mexicans, too, clearly identified immigration as the most problematic issue, with migration scoring twice as high as any other issue; trade/economy, drugs/crime, and other issues all received similar scores as second-most-difficult issues. Finally, Nicaraguans interviewed gave roughly equal priority to immigration, trade/other economy, and other issues (mainly property claims).

Insert figure five here.

A third relevant set of questions focused on the top-three cooperative issues identified in 2001, summarized in table four and figure five. Three points deserve emphasis. First, in contrast to my question about the most difficult bilateral issue(s), no single issue jumps to the top of the list of cooperative issues, though combining all economic issues into a single response makes economics the modal answer.

Insert table four here.

Second, the reason there is no obvious most-cooperative issue is that answers vary by country. As figure six illustrates, Mexicans were far more pleased with trade and other economic issues than were Salvadorans or Nicaraguans. Both Central American states emphasized U.S. support for their respective peace processes and U.S. economic assistance, two issues which (obviously) do not come up in Mexico. Finally, it is noteworthy that both Central American states emphasized immigration relations as an additional important area of cooperation, topped only by economic assistance and support for the peace process; but Mexicans were roughly half as positive about immigration a cooperative issue.

Insert figure six here.

²⁰ Out of a total of 38 Salvadoran responses, only 5 were answers which could *not* be classified at immigration or trade/other economy; and four of these five were identified as being the third most important issue.

Prospects for the Future

Central Americans' far greater propensity to describe immigration as a cooperative issue area is surprising in light of a final set of findings from my interviews: Mexicans are far more positive than Central Americans about the future state of bilateral relations and their influence over the bilateral agenda in particular. I asked respondents in 2001 about their evaluation of bilateral relations under the incoming Bush administration. While a majority of all respondents described relations as very or somewhat positive overall (a pattern which did not vary across countries), Mexicans were far more positive about the future under a Bush administration than were their counterparts in Nicaragua and El Salvador. Specifically, fourteen out of sixteen Mexicans expected relations to be much (six) or somewhat (eight) improved thanks to the Clinton-Bush transition, compared to just two out of fifteen Salvadorans (with five calling relations somewhat or much worse) and one out of eleven Nicaraguans (with three calling relations worse). Five out of fifteen Salvadorans believed relations would be *worse* under Bush than they had been under Clinton, compared to no Mexicans and three Nicaraguans (see figure seven).

Insert figure seven here.

These findings are consistent with earlier interview results evaluating sending-state influence over U.S. policy-making. While all of the Central American and Caribbean diplomats interviewed in 1999 acknowledged taking steps "to make people aware of the stakes, and to push for whatever was possible within the law,"²¹ Guatemala's congressional liaison summarized the feelings of many by saying: "On immigration, we have no influence. It's controlled basically by the relationships between members of Congress and their constituents."

In contrast, Mexicans interviewed in 1996 and 1998 believed that their country had attained at least a moderate expertise in U.S. congressional and executive branch relations during the NAFTA negotiations, and that these lessons had been applied in an effort to influence the IIRIRA process. While IIRIRA passed over Mexico's objections, many Mexicans (as well as several U.S. policy-makers close to the process) believed that Mexico's lobbying had been decisive in blocking the Gallegly amendment, which would have denied education to children of undocumented immigrants. More importantly, according to Mexicans, the Clinton administration

²¹ Argueta interview **info**.

took a number of steps to “soften the blow” from IIRIRA by supporting migrant-friendly institutional development along the U.S.-Mexican border (see below).²²

I asked respondents in 2001 whether their countries had any ability to influence U.S. immigration and trade policies. Almost two-thirds of respondents (29 out of 44) gave an unqualified “yes” answer when asked if their country influenced U.S. immigration policy, and another eleven responded “yes, but . . .,” with the “but” usually followed by “only rarely,” or only when some particular condition was met. Thus, only four out of 44 respondents believed there was no situation in which their country substantially influenced U.S. immigration policy. In contrast, close to half of valid respondents (fifteen out of 35) believed their country had no influence over U.S. trade policy, while only eleven out of 35 responded with an unqualified yes.

Figures eight and nine reveal important cross-national variation in responses to these questions. In short, as the figures illustrate, while respondents from all three countries believed their state was able to influence U.S. immigration policy, this belief was strongest, by far, in Mexico, where sixteen out of seventeen respondents answered with an unqualified yes. A majority of Nicaraguans responded the same way, while most Salvadorans either qualified their “yes” response or flatly rejected the idea that their country influenced U.S. immigration policy.

Insert figure eight here.

The same pattern is even stronger on the question regarding trade policy. In figure nine, Mexico and El Salvador are at opposite extremes of the spectrum, with three out of four Mexicans responding with an unqualified “yes” that Mexico influenced U.S. trade policy, and three out of four Salvadorans responding with an unqualified “no.” This finding in El Salvador extended across the political spectrum and characterized both politicians and representatives of civil society. Nicaragua, again, lies in the middle, with few pure “yes” answers (one out of eleven), but many qualified “yes’s.”

Insert figure nine here.

Summary and Analysis of Key Survey Results

²² Most Central Americans (i.e., with the exception of Nicaraguans) also believed they had more sway with the executive branch’s and the regulatory process than by lobbying Congress. Indeed, even the Guatemalan diplomat so negative about her country’s influence over the policy-making process acknowledged in the next breath that she had an excellent relationship with the Commerce and State Departments and so was optimistic about NACARA’s enforcement. And, in fact, Salvadorans and Guatemalans eventually prevailed upon the Clinton administration to implement regulations which presumed that individual asylum applicants would suffer an extreme hardship if deported to Guatemala or El Salvador under IIRIRA, a regulatory provision which U.S. House Immigration

The results reported here provide new empirical insight into four questions raised, but incompletely answered, by the immigration literature, and they raise a new question which will be investigated in the remainder of this paper.

First, do migrant-sending states care about U.S. immigration policy? Based on the individuals interviewed in 2001 in Mexico and Central America, the answer to this question is an emphatic yes. In every round of my interviewing, respondents considered questions about the importance of U.S. immigration policy to their countries almost too obvious to dignify with a response. For the migrant-sending states of Mexico and the Caribbean Basin, immigration and trade share status as the premier issue in their bilateral relations with the United States, and they are inherently linked to each other. Mexicans, Salvadorans, and Nicaraguans also overwhelmingly identified immigration as the single most problematic issue between their countries and the United States, a position echoed by Hondurans and Guatemalans in less systematic interviews. Immigration's status as premier problematic issue was consistent across interview locations and regardless of the area of expertise of the respondent.

Second, what are the determinants of sending-state actors' preferences over emigration? Clearly, based on the results of my interviews, the biggest perceived pluses of emigration are economic, as the literature anticipates. But, perhaps surprisingly, many of the biggest negatives associated with emigration are also economic: interview respondents were concerned that their countries failed to capture the full economic benefits of emigration, and many believe that a culture of remittance dependency and the loss of trained adult workers mean that emigration is a deterrent to economic development. On the non-economic side, in addition to obvious emigration negatives including human rights abuses and the exploitation of migrants, respondents were more concerned than the literature anticipates about the loss of cultural identity and break-up of emigrants families; but a significant minority also emphasized non-economic benefits of migration, including cultural links and the social capital which returning migrants bring to their home countries. Thus, it is clearly *not* the case that Latin Americans simply view emigration as a social and humanitarian bad which is compensated for by economic benefits: both sides of the ledger are far more complex.

Subcommittee Chairman Lamar Smith described as a "de facto amnesty" which directly contradicted Congress' intent.

Third, what types of changes to U.S. immigration policy would Mexicans and Central Americans prefer? Clearly, Central Americans are overwhelmingly concerned about the fate of their migrants in the United States: not about protecting their human or labor rights, but about insuring that they not be deported back to their countries of origin, which are poorly equipped for any sudden surge in the workforce. Avoiding deportations was virtually the only issue in 1999 interviews, and remained the top concern (despite favorable legislation and regulations between 1997 and 1990) in 2001.

Mexicans' in 2001 had shifted their emphasis from "protecting migrants rights" to changing the tone of the debate, either by "making policy-making more bilateral," "linking immigration to trade," or "recognizing the uniqueness of the bilateral relationship" and therefore giving Mexican migrants preferential treatment. Although the idea that Mexicans deserved preferential access was expressed in earlier rounds of interviews, the emphasis on policy-making process per se, rather than on substantive policy goals, was unique to 2001.

Beyond these two high priorities, it is *not* the case that most respondents prefer more flows; indeed, this was among the *least* common issues raised. To the extent that Latin American elites do prefer more legal migration, it is almost always identified as a way to cut down on undocumented flows through a process of substitution. Central Americans were more interested than Mexicans in new policies to protect migrants' human rights, especially in 2001, reflecting the Mexican belief that substantial progress has already been made in this direction.

The fourth question my interviews speak to is whether leaders from Mexico and the Caribbean Basin believe they have the ability to influence U.S. immigration policy? Here, the answer, again, is emphatically yes, and increasingly so. Indeed, Mexican interview results in 1998 were almost evenly divided on this question, with far more Mexicans responding along the lines of "yes, but at the margins"; but by 2001 almost all Mexicans I spoke to responded with an unqualified "yes" when asked if Mexico had influence over U.S. immigration policy. I observed a similar trend in my interviews with diplomats and policy-makers from the Caribbean Basin: with opinion roughly evenly split in 1999, but strongly positive in 2001 that migrant-sending states are players in the U.S. immigration policy-making game.

The strong consensus among Latin Americans that they influence U.S. immigration policy is in sharp contrast to the conventional wisdom among immigration analysts that immigration is overwhelmingly a domestic and congressional political issue. Likewise, the

finding in 2001 that Mexican and Central American elites were much more positive about their influence over immigration than trade policy contradicts the frequent focus among academics on trade issues as a “two-level game” including domestic and international actors, but the failure by most analysts to address immigration policy in the same manner.

Finally, my interview results raise an important additional question: Why are Mexicans so much more positive about their future relations with the United States than Central Americans? This optimism is especially noteworthy in light of the greater policy successes achieved by Central Americans in the 1990s, and the consequent finding in 2001 that Central Americans were twice as likely to describe immigration relations as being a top cooperative bilateral issues.

Obviously, Mexican optimism was related to the widely-perceived likelihood that the United States and Mexico were on the verge of signing a major bilateral immigration agreement, the gains from which would have more than made up for Mexico’s exclusion from country-specific benefits to Nicaragua and El Salvador in the NACARA and TPS policies. But this answer just shifts the analysis back a step: why was Mexico—apparently—so successful at bringing its preferences onto the U.S. immigration policy agenda? Was Mexican optimism about the future a reasonable read of the bilateral policy-making environment circa September 10, 2001, or was the optimism I registered in July of that year Mexico’s own version of irrational exuberance? This is the question I answer in the following section.

3. Beyond the Policy of No Policy²³

Although the events of September 11, 2001 radically altered the bargaining context and even produced a partial reversal of Mexico’s immigration policy gains, the optimism expressed in July of 2001 was not purely misguided. Rather, Mexico *had* succeeded in changing the terms of the policy-making debate, forcing U.S. policy-makers to recognize that immigration policy is not made in a vacuum, and that its effects are not only felt within the United States. This new bilateralism—even though not yet enshrined in concrete policy changes—represents a regime change as significant as the end of the Bracero program and the passage of the 1965 amendments

²³ Except where otherwise noted, the analysis in this section draws extensively on off-the-record interviews conducted in Mexico City in 1998 and 2001 and in Washington, DC in 1999. Note that the discussion in this section is based on research conducted prior to the terror attacks of September, 2001. The ways in which the 2001 attacks have altered the bilateral immigration context will be addressed in the following section.

to the INA, which initiated a predominantly unilateral period of U.S. immigration policy-making in the mid-60s.

In this section I will describe four changes to the bilateral policy-making context which contributed to this regime change. These background changes, in turn, produced four changes in how Mexico approaches the U.S. immigration policy-making process, with Mexicans involved in immigration and Mexico-U.S. relations explicitly choosing to move beyond the policy of no policy in favor of active engagement on an increasing range of immigration issues. For a variety of reasons, the trends toward greater engagement and greater Mexican influence over U.S. immigration policy peaked in 2001, making the early years of the Fox administration a uniquely propitious opportunity for Mexicans seeking immigration policy reform.

Changes in the Strategic Environment

Between the mid-1980s and the mid-90s, changes within Mexico and the United States, at the bilateral level, and exogenous to either country all contributed to a sharp warming trend in the bilateral relationship. During the same period, however, immigration policy remained a source of increasing tension and therefore a glaring counter-trend.

By the mid-1980s, the overall U.S.-Mexican relationship had, arguably, become more strained than at any point since the 1930s, when the United States deported hundreds of thousands of Mexicans—only most of whom were in the United States illegally—and Mexico expropriated millions of dollars in U.S. (and British) oil holdings.

In the 1980s, bilateral tensions existed on at least five levels. Perhaps the most important source of tension was Mexico's economic crisis. Although the Reagan administration grudgingly offered limited economic assistance in the aftermath of the 1982 default and devaluation, resentment continued to fester in both countries as many within the PRI resented De la Madrid's neoliberal moves on trade and financial decisions, and virtually everyone within the Reagan administration saw these changes as too little, too late.

Additional sources of bilateral tension included Mexican opposition to U.S. intervention in the Central American civil wars, and U.S. resentment of Mexico's support for the Contadora Central American peace process; Mexico's weak record on democracy and political corruption; Mexico's role as a source and transfer point for narcotics entering the United States; and the problem of undocumented immigration from Mexico to the United States.

By the mid-1990s, three of these issues were fully resolved. Mexico's steadfast commitment to a full menu of neoliberal policy choices since the Salinas years, and U.S. support for Mexico epitomized by the NAFTA treaty have combined to make Mexico the United States' number two trading partner and all but eliminated bilateral tensions over economic issues. While Mexico's economy has still not fully recovered from the lost decade of the 1980s, President Clinton's generous response to Mexico's 1994-5 peso crisis makes these lingering economic problems the exceptions that prove the rule. Second, the Central American civil wars are over, thanks in part to the United States and Mexico eventually collaborating in support of El Salvador's peace settlement. Third, Mexican elections at all levels were increasingly recognized as free and fair by the mid-90s—at least enough so that the quality of Mexico's democracy was no longer a subject of open debate among U.S. policy-makers—a recognition confirmed by opposition victories in 1997 legislative elections and by Fox's victory in 2000.

Fourth, the narcotics trade, too, was somewhat less salient as a source of bilateral tension in the 1990s. On one hand, the U.S. Congress continued to press the issue, and subjected Mexico to what the latter considered highly insulting annual reviews prior to certifying the country—or not—as an “ally” in the “war on drugs.” But Clinton consistently championed Mexico's cause on this front, threatening vetoes of congressional decertification in **years** [and following through with his threat in ?].²⁴

While relations thus improved in four key areas,²⁵ immigration policy was a conspicuous countertrend. Following the 1986 passage of the Immigration Reform and Control Act (IRCA), which Mexico understood as having been designed to limit *Mexican* undocumented immigration in particular, the United States proceeded to initiate a major new border enforcement initiative in 1993 (Operations Hold the Line and Gatekeeper). Californians overwhelmingly passed Proposition 187 in 1994 to deny social services to undocumented immigrants, a move which Mexicans incorrectly grouped with federal-level hostility to migrants. And then these worst fears

²⁴ Again, the contrast with the Reagan administration is telling: on **date** U.S. Customs Commissioner William von Raab testified before the U.S. Senate that Mexico's federal police supervised narcotics cultivation on land owned by the governor of Sonora, and that the family of President de la Madrid might also be involved in the drug trade. The State Department later refused to contradict or even soften any part of Von Raab's testimony.

²⁵ Another indicator of Mexico's transformation was pointed out by PRI *diputado* and president of Congress' Foreign Relations Commission Gustavo Carvajal Moreno: Miguel de la Madrid was the first Mexican president (1982-8) who spoke English fluently or had been educated in the United States, and his predecessor José López Portillo was the *last* president who did not share both these traits.

were confirmed two years later by the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as well as additional anti-immigrant legislation.²⁶

This set of trends and counter-trend was exemplified most clearly by the contrast between Mexico's failure to participate in any way in the IRCA debate versus its multi-faceted engagement in the U.S. debate over the NAFTA agreement. In the former case, no bilateral executive branch discussions were held at any level, even as the Reagan administration was actively supporting (for its own domestic reasons) Mexico's top priority of a broad amnesty for undocumented Mexicans; nor did Mexico accept an invitation to testify before the Senate Immigration Subcommittee, or even engage in a low-level public relations campaign. Partly for this reason, the IRCA failed to include a number of provisions which had been included which would minimize the direct costs of IRCA to Mexico.²⁷ In contrast, Mexicans aggressively lobbied U.S. politicians from the municipal to the federal level, and within both federal branches throughout the NAFTA negotiations; and Mexico hired a top Washington consultant to manage a full-scale public relations campaign, which included both print and television media buys. Not coincidentally, Mexico won a NAFTA agreement which met its basic requirements, including by obtaining U.S. concessions on a number of contested issues.²⁸

Beyond the Policy of No Policy

Trend and counter-trend, and the lessons of IRCA and NAFTA in particular, produced four additional shifts within Mexico and at the transnational level. The first, and arguably the most important, was a philosophical change: the explicit decision within the Foreign Ministry to move beyond the policy of no policy with regard to migration. Historically, Mexico refused to criticize U.S. immigration policy on the grounds that it was a sovereign U.S. issue; by respecting U.S. sovereignty on migration issues, Mexico earned U.S. silence on a range of issues around which Mexico might be subject to scrutiny and criticism, including its own treatment of Guatemalan migrants in the south and more fundamental civil rights and press freedom issues. At the heart of the new Mexican position was the recognition that asymmetrically-enforced

²⁶ **Trio details.**

²⁷ **The most important of these "missing" provisions was a proposal to expand Mexico's legal permanent visa quota to 50,000, a provision included in earlier versions of the IRCA legislation.**

²⁸ See Wise and Pastor 1998.

employer sanctions at the worksite²⁹ and increasingly militarized enforcement along the Mexico-U.S. border were combining to radically undermine migrants' human rights and personal safety.

For this reason, Andres Rozental led a group within the Foreign Ministry which articulated the position that "it does not count as intervention in another country's affairs when you are doing it to protect the rights of your own citizens, as was clearly the case."³⁰ Several Mexicans interviewed in 1996 and 1998 described this philosophical shift in similar terms. A former Mexican Ambassador and director of Mexico's school of foreign service explained:

If we start all our statements by conceding that migration is an internal problem of the U.S., and noting that we respect their right to govern their own sovereignty, then we don't have much to say on the matter. If we start by conceding that it is a domestic issue, but also recognize that by its nature it automatically has binational implications, then it becomes a bilateral issue.

Other agreed, and observed the disconnect between immigration and other economic flows as economically and politically indefensible. A senior advisor the Foreign Minister in 1998, for example, argued:

we made a mistake in the past in not lobbying on these issues to moderate the more extreme measures. Mexico has and does lobby on other issues—such as trade—and we must on [immigration] as well. . . . In the past, we refused to lobby partly out of respect for the other's sovereignty, . . . but it was a mistake. Everyone plays the game, and we need to also.

As a high-ranking PAN member of Congress explained:

I would like to see migratory affairs within the NAFTA agreement; and we would like to see free movement of people back and forth between the countries; and we also feel that NAFTA should work as a support for Mexican economic policies in order to give people a better standard of living instead of depriving them of it, which of course is the reason so many Mexicans flow to the United States. I think this is a general position; I don't think any of the politicians [on the International Affairs Committee] would disagree with what I just said.

This philosophical change reinforced and was reinforced by a post-1986 trend in bilateral institution-building. With the anticipation of a surge in Mexican deportations following IRCA

²⁹ By making it illegal to employ undocumented immigrants, but failing to actually punish employers who do so, the IRCA became a primary factor in lowering migrants' wages and blocking immigrant unionization efforts. In short, the INS and the threat of deportation suddenly became an effective tool of the employer for use in wage and other negotiations with immigrant workers. See Rosenblum [IGCC paper].

³⁰ Author interview with Andres Rozental, **date**. Although Rozental and others emphasized the worsening human rights situation as the primary motivation for developing a Mexico-U.S. emigration policy, a second reason was that the benefit of deferring to the United States on "domestic" issues decreased during the 1980s when the Reagan administration and congressional Republicans were increasingly willing to publicly criticize Mexico for its domestic problems, including economic policy and democracy issues. See Thorup 1989 and **others** on the latter trend.

passage, Mexican consuls and U.S. INS officials sat down to discuss the technical details of policy enforcement. These meetings quickly led to the establishment of a Sub-Group on Immigration and the Border within the then-dormant Working Group on Political Affairs of the Binational Commission.³¹ Although negotiations remained at a strictly technical level, these regular meetings still served to strengthen personal relationships between career civil servants on both sides of the border, and, perhaps more importantly, to awaken these civil servants to the deep conflicts between the two states in their understanding of the immigration phenomenon.

In 1990, in the context of a general improvement in bilateral relations under Bush and Salinas, the Immigration Sub-Group was elevated to Working Group status, and Mexicans involved in the Working Group describe a fundamental philosophical shift from the goal of scoring rhetorical points on subjects of disagreement, to looking for areas of common ground, including maximizing the proportion of migrants which traveled legally, minimizing smuggling, and protecting human rights.

Between 1992 and 2000 the Immigration Working Group benefited from a high degree of personnel continuity on both sides of the border, and a greater commitment on both sides to high-level political participation in immigration negotiations.³² The most concrete accomplishments of the Working Group came after a breakthrough February, 1995 meeting held in Zacatecas, Mexico. The Zacatecas Joint Communiqué committed the two sides to the general principles of operating through the Working Group in the future, recognizing immigration as a bilateral phenomenon requiring bilateral policy approaches, and making a top priority of protecting migrants human rights, regardless of legal status. More specifically, the agreement outlined ten separate areas of information exchange, mainly related to specific enforcement procedures and data collection, and five separate areas of policy cooperation, including on crime control, international incidents in border cities, facilitating legal flows, exchanging information on undocumented flows, and, most importantly, establishing a Binational Study to establish a commonly-understood set of facts regarding the nature and scope of migratory stocks and flows.

The *Binational Study* (1997) enjoys unprecedented legitimacy on both sides of the border because it was sanctioned by both governments from its inception and included ten top

³¹ History of the Binational Commission and its dormancy under Reagan; cites.

³² Regular participants included INS Director Doris Meisner, U.S. Ambassador to Mexico James Jones, and Secretary of State Madeline Albright from the United States, and Migration Commissioner Fernando Solís Cámara, and Foreign Minister Rosario Green for Mexico.

academics, five from both sides of the border, all of whom agreed on all aspects of the final report. Though neither government officially recognized the report as establishing a common ground for future negotiations, participants in the Binational Working Group from both countries describe it in exactly those terms. Especially when compared to previous thirty years in which the United States and Mexico disagreed by factors as high as ten regarding fundamental immigration statistics, the *Binational Study* was a major stepping stone to future cooperation.

Meanwhile, in the months after the Zacatecas meeting, the Working Group signed a number of agreements to further the twin goals of cutting down on human rights abuses and insuring safe and orderly repatriations. A 1996 Memorandum of Understanding signed by the two Secretaries of States formally committed the two countries to these goals. The two presidents followed up with a joint declaration in May, 1997, which outlined four specific programs to further these goals, including standing procedures between U.S. enforcement agents and Mexican consuls during deportation proceedings (the “Mechanisms of Consultation”), standing links between local officials from both countries in border cities (the “Border Liaison Mechanisms”), and a program to target U.S. resources to immigrant-sending communities—all Mexican priorities. For the first time, in every I.N.S. region, standing procedures have been approved by both countries which define who should be notified, and where and when removals may occur.

While progress stalled after 1998 as both countries prepared to national elections and so were reluctant to initiate additional major changes, the Binational Working Group and the *Binational Study* clearly laid the groundwork for negotiations between Bush and Fox in 2000 and beyond.

In addition to this bilateral institution-building, Mexico’s philosophical shift was signaled by a sharp increase in unilateral, bilateral, and transnational Mexican actions to directly influence the immigration enforcement process. On a unilateral level, Mexico created the Grupo Beta police force specifically to improve human rights conditions along its southern and northern borders. Grupo Beta forces received special human rights training and were empowered to advise migrants on their rights and rescue migrants in distress. Mexican consuls within the United States also took on a more active role in reaching out to the Mexican migrant community, specifically with the goal of protecting their labor rights and personal safety. Having learned the value of Washington consultants during the NAFTA process, Mexico again hired consultants to

advise consuls and diplomats during the 1996 IIRIRA debate, allowing consuls to give migrants expert advice on issues like IIRIRA's 245i provision, which eventually resulted in legalization for half a million undocumented Mexican immigrants.

On a bilateral level, Mexico sharply increased its direct lobbying of U.S. legislators and executive branch officials. The Mexican embassy's congressional and executive branch liaisons, which dramatically expanded operations during the NAFTA negotiations, generally shifted their attention to immigration issues after 1993, holding regular meetings with INS, State Department, and Justice Department officials, and with members of Foreign Affairs and Justice Committees within Congress. While domestic U.S. politics dominated much of the IIRIRA debate,³³ Mexico succeeded in killing the one IIRIRA issue about which its preferences were strongest: the Gallegly amendment which would deny schooling to children of undocumented immigrants.³⁴ Mexico also won concessions on deeming requirements and _____. In all three cases, Clinton administration and Mexican Foreign Ministry officials confirmed in interviews that Clinton's hard line was a direct response to Mexican pressure to mitigate some of IIRIRA's most harmful effects.

Besides Mexican executive branch lobbying of the U.S. Congress and president, there has also been a sharp increase in inter-legislative contacts. While the two legislatures have had institutionalized avenues for communication for almost three decades now through the **name**, it is only since Mexico's legislature has been characterized by competitive elections that its U.S. counterpart has begun to invest energy in the relationship. . . .

Perhaps the most interesting changes have been at the transnational level, where Mexican officials have greatly expanded their presence within U.S. civil society. Rozental and the Mexican consular network initiated an unprecedented media publicity campaign against Prop. 187.³⁵ But foremost among transnational organizing efforts has been the work of the Program for Mexican Communities Abroad (PCME, by its Spanish acronym). The PCME was established in 1990 with the goals of increasing communication between U.S. Mexicans and Mexican-Americans and the government of Mexico, promoting Mexican identity and group cohesion among Mexicans living in the United States, and strengthening and mobilizing the Mexican community abroad as a political force. While most of the PCME's budget is directly devoted to

³³ discuss Clinton campaign, timing of IIRIRA.

³⁴ Details.

³⁵ See e.g., *Los Angeles Times*, August 15, 1994, p. A3; *Los Angeles Times*, October 29, 1994, p. A13.

the former goals—through the organization of educational programs, health education, arts and cultural events, sporting events, and business networks—the PCME also works to support Mexican community organizations and conducts a media campaign in support of Mexico's image within the United States. The latter goals are high priorities; as a Mexican involved in PCME programming explained: “we are a political organization, and our fundamental goals are to pursue a political agenda” of strengthening Mexico's position within the United States.

Partly as a result of these efforts, the Mexican community in the United States has become substantially more cohesive and more politically active in the last decade. Besides PCME organizing efforts, the seventeen to twenty million Mexicans in the United States have been mobilized by the same U.S. policy changes which inspired government-level organizing efforts, including California's Prop. 187 and the subsequent passage of the IIRIRA. In addition, migrants in the United States are mobilized around issues within Mexico, including policies related to dual citizenship, the right to vote in Mexican elections from within the United States, and concerns about remittance transmission.

Thus, for the first time, Mexican migrants are organized as migrants, following the lead of Salvadoran migrant groups like Carecen, based in Los Angeles and Washington, DC. In the last four years, a number of immigrant groups have formed in the United States, including the International Coalition of Mexicans Abroad, the Chicago-based One Million Signatures for Legalization, and Dallas' Casa Guanajuato. All of these groups have focused on issues affecting immigrants per se, especially amnesty and the vote abroad, and all seek to leverage their dual allegiance: pressing for policy changes in Washington and Mexico City, and trying to exploit positive relations on one side of the border to pressure actors on the other.

In addition to the basic philosophical shift regarding intervening in U.S. politics, bilateral institutional developments, and Mexican unilateral, bilateral, and transnational actions to influence U.S. immigration policy, a fourth change occurred within Mexico as a result of Mexican democratization: the U.S. immigration policy became a Mexican political issue. This change began in the early 1990s when a number of state-level gubernatorial campaigns turned, to varying degrees, on immigration issues (cites, examples). Presidential candidates Salinas and Cárdenas both campaigned within the United States during the 1994 campaign to attract financial support and to develop political support within expatriate communities which are still influential

within Mexico. Immigration became a far more salient issue in the democratic Mexico of the Fox era, as will be discussed below.

The Binational Politics of Immigration Policy in 2000-1

Each of the factors contributing to a greater Mexican role in U.S. immigration policy-making reached a climax in the 2000-1 period. First, looking at the four exogenous trends discussed above, U.S.-Mexican convergence on foreign policy issues (notably Cuba) continued to increase under Bush and Fox, with both presidents entering office with a pledge to make relations with the other a top priority. The Mexican economy was fully recovered from the 1994-5 crisis, and, in fact, underwent its first presidential transition without a peso devaluation since 1970-1. While narcotics were still an issue, the final years of the Zedillo administration and the first months under Fox were marked by several high profile arrests, including most notably ____.

Most importantly, the Fox inauguration represented the culmination of Mexico's drive toward democracy, and Fox entered office with unprecedented legitimacy at home and in the United States. Mexican diplomats registered the latter change as an easily-perceived increase in the respect North Americans accorded their Mexican politicians as the elected representatives of their citizens. Fox's honeymoon effect was further enhanced by the once-every-twelve-years coincidence of the U.S. and Mexican inaugurations (see Thorup 1989), a coincidence most recently contributing to the signing of the NAFTA framework agreement under Salinas and the first President Bush.

Not only did Fox enter office with unprecedented legitimacy, but he also enjoyed an unprecedented mandate to address the migration phenomenon. Although earlier campaigns had addressed migration and reached out to U.S.-based Mexicans, Fox's was the first to make "governing for 120 million Mexicans" a major campaign theme.³⁶ Fox's focus on immigration was partly a reflection of his personal history: as a former governor of high-emigration Guanajuato—indeed, as a native of San Francisco de Rincón, a high flow *municipio* in a high-flow state—Fox is the first Mexican president with extensive hands-on emigration experience. But the PAN's ownership of the emigration issue was also a function of partisan politics, with Fox running against 70 years of PRI mismanagement of the issue. Thus, as a Foreign Ministry official explained:

³⁶ Cite. Referring to the 100 million Mexicans in Mexico and the twenty or so in the United States.

Immigration was an opportunity for Fox to distance himself from the PRI and Labastida. Anti-corruption and the rule of law are similar issues, but immigration is among the best because it is such a no-lose issue within Mexico: who is not in favor of more immigrant rights or of taking a tougher stand with the United States? Moreover, everyone in Mexico has a relative or friend in the United States, so this is a very personal issue which feels more immediate than abstract issues like trade.³⁷

On the other side the leftist PRD also fails to push hard on the emigration issue because they have long opposed policies which “encourage Mexicans to leave” at the expense of promoting development alternatives at home.³⁸

The Fox administration was also uniquely well-suited to actively engage the United States on immigration issues, including as it did not only Fox himself, but also a Mexican who’s who list of leading emigration analysts and policy-makers. In addition to the high-profile appointment of U.S.-critic Jorge Castañeda as Foreign Minister, fox appointed the equally outspoken emigration expert Adolfo Aguilar Zinser as National Security Advisor, and he relies closely on outside consultant Andres Rozental, the leader of the first effort to engage U.S. immigration policy-makers. Other senior members of the Fox migration team include **title** Gustavo Mohar, the founding director of Mexico’s Consular Program for Mexicans Abroad, who closely supervised foreign ministry lobbying of Congress and the Clinton administration during the 1990s, and Rodolfo Tuirán, the current director of Mexico’s National Population Council (CONAPO), who coordinated an unprecedented inter-agency task force in 2000 which drafted a 330-page document outlining Mexico’s unilateral and bilateral policy options for “managing” the “complex phenomenon” of Mexico-U.S. migration.³⁹

³⁷ Author interview with Juan Carlos Lara Armienta, date. The PRD was unable to take advantage of the immigration issue—and of the three parties continues to de-emphasize migration in its party platform—because encouraging flows (even “more orderly flows”) works against the party’s Mexican nationalist theme.

³⁸ The partisan politics of emigration policy appear to be rapidly transforming. The PRD’s latest electoral platform, adopted in 2001, continues to de-emphasize immigration: the subject is mentioned for the first and only time in section 62 out of 62, and then only in the context of advocating the drafting of a UN document protecting immigrants, but not addressing the subject of bilateral approaches to the issue (platform available at <http://www.prd.org.mx/docbas/index.php>). But the PRI’s 2000-2006 platform devotes eleven paragraphs to “defending Mexicans abroad”; and this plank is prominently placed in the first section of campaign promises, devoted to Mexican Foreign policy (<http://www.pri.org.mx/>). The PAN actually devotes less attention to immigration in its official platform, devoting only a single paragraph to immigration issues as part of the tenth out of ten platform promises (<http://www.pan.org.mx/Electoral/plataforma/>).

³⁹ While there are others involved in Fox’s immigration policy-making—notably Juan Hernandez, the director of Fox’s new Office for Attention to Mexican Migrants Abroad; Ernesto Ruffo, the newly-created Commissioner for Northern Border Affairs; and Santiago Creel, the Attorney General—the four discussed above have played the largest role in developing the administration’s immigration position and, not coincidentally, have the most extensive background in advocating a strong Mexican position on the issue.

Besides these Mexican and bilateral trends which peaked in 2000-1, changes within the United States also suggested that the Bush administration was more prepared to make an immigration deal than its predecessors had been. First, 1996 was a turning point in many respects. With the passage of the IIRIRA and the prolonged expansion of the U.S. economy, the salience of immigration declined from an historic high point in 1994, to the lowest level seen since the mid-1980s by 1999 (Rosenblum 2002). This change was reinforced by the prominently-covered expansion of migrant labor into new geographic regions and new industries (meat-packing in Iowa, onion-farming in Georgia, even food processing in Alaska). Then more than one media source identified 2000 was the “year of the Latino” within the U.S. popular and political cultures, with Latinos occupying prominent roles in the U.S. entertainment and sports industries.⁴⁰ More importantly, Latinos—and Mexican-Americans in particular—were identified as the largest and fastest-growing major U.S. minority group.

With Latinos thus of growing demographic and cultural importance, and with the further fact of Latino concentration in important electoral states like California, Texas, Florida, New York, and Illinois, Republican strategists identified Latinos as swing voters whose cultural conservatism made them potential supporters. While the party as a whole remained divided on immigration per se, George W. Bush decisively favored outreach to these new constituents during his campaign and immediately upon entering office.⁴¹ This change was forcefully driven home to Mexicans by the **date** visit of U.S. Senator Jesse Helms to Mexico, where the long-time critic of Mexico delivered a glowingly friendly speech before the Mexican Congress. Mexicans emphasized that Bush’s and Helms’ outreach to Mexico were the most visible of a broader set of changes throughout the U.S. foreign policy bureaucracy. As a career diplomat with extensive experience working with the United States explained: “People I have known for years have flipped 180 degrees in the last six months.”

Thus, domestic politics in both countries and the happy coincidence of pro-integration changes occurring in both places at once imbued immigration negotiations with a momentum of their own. Fox met with Bush (and with Democratic candidate Al Gore) even before the U.S. election and received commitments from both to take on bilateral immigration issues if elected president (**cite**). Then Bush and Fox met ___ times during their first ___ months in office,

⁴⁰ Cites.

⁴¹ Cites.

culminating in ___ with ___. Thus, by September, 2001, a major immigration agreement seemed almost inevitable to politicians on both sides of the border, with remaining questions focused on the specific political compromises necessary to push an agreement through the U.S. Congress.

4. Conclusions

Of course, less than a week after the Bush-Fox summit last September, the policy-making context changed dramatically with the attacks on the World Trade Center and the Pentagon. Will the United States and Mexico sign an immigration agreement? Was the Mexican optimism observed last summer unwarranted? What are the lessons to be learned from my interviews with Latin American elites and from the process by which immigration came to be seen by Mexicans and U.S. politicians as a fundamentally bilateral issue. In this conclusion I discuss the general implications of the research discussed here, and I evaluate the prospects for a major U.S.-Mexican immigration agreement in the near future.

On a general level, I have found that Caribbean Basin states consider immigration among the most important issues in their bilateral relations with the United States. While Caribbean Basin beneficiaries of NACARA and TPS policies during the 1990s are grateful for these reforms, they still consistently rank migration as the most difficult issue in their U.S. relations. Sending-state preferences regarding flow levels and types and policy responses are complex, but they are keenly aware that source states and migrants themselves have failed to capture the full economic benefit of migration, so that on both economic and social levels migratory flows are a mixed blessing. All sending-states want a greater say in who migrates and under what conditions as well as a role in the forced immigrant return process, though sending-states do not necessarily prefer higher flow levels. Finally, Mexican and sending-state officials interviewed between 1998 and 2001 consistently and increasingly expressed the belief that they should *and did* play a role in the U.S. immigration policy-making process: immigration policy-making is increasingly played as a “two-level game.”

Thus, the genie is out of the bottle. That is, the norm of Mexico *and other migrant-sending states* deferring to the United States on “sovereign immigration issues” no longer exists. Rather, regional immigration relations have entered a new era—a new policy-making regime—in which major migrant-sending states explicitly recognize migration as a regional issue demanding regional or bilateral solutions. Mexican diplomats, along with Salvadorans, Hondurans, Guatemalans, Dominicans, and others, now place immigration as the first or second issue on

their agendas in meetings with the United States; and it is difficult to imagine a realistic scenario which will make immigration a substantially lower priority for these states. Even for countries which place less emphasis on U.S. immigration, like Nicaragua, Colombia, Ecuador, and China, migration is decisively *bilateral*, and the assumption will be that it can and should be addressed through diplomatic channels, rather than just within the Justice Committees of the U.S. Congress. Thus, students of immigration policy and of U.S.-regional relations must recognize that migration policy-making, like trade, the environment, and other regional issues, will be played out as a “two-level game” for the foreseeable future.

Indeed, a number of smaller migrant-sending states, including Nicaragua, El Salvador, Guatemala, and Honduras, received major immigration concessions during the late-1990s in the form of NACARA legislation and TPS provisions. Diplomats from all four countries described these policies as major foreign policy victories, satisfying their nations’ top priorities of protecting earnings and remittance from migrants already in the United States and averting the threat of mass deportations to their own fragile economies.

Does this mean the United States and Mexico are now likely to sign a major immigration agreement? By all reports, the Mexican optimism I observed last summer was not misguided: while a number of details remained to be worked out, and U.S. congressional approval of a complete agreement was not guaranteed, it seems quite likely that the United States and Mexico were en route to signing an agreement combining amnesty (“regularization”) for a significant proportion of Mexico’s undocumented migrants, increased Mexican enforcement against smugglers and transmigrants plus Mexican efforts to deter undocumented Mexican emigration, expanded guestworker flows, expanded legal permanent quotas, and greater U.S. investment in Mexican high-emigration communities. These five themes—chosen by Mexico—dominated discussions at the 2001 Bush-Fox summit in Guanajuato and in subsequent cabinet-level meetings.

Those who favor an agreement may take comfort from a number of positive factors, including the use of immigration as a tool of foreign policy in the Central American cases and the ground-level institutional reforms in U.S.-Mexican migration relations during the 1990s. More generally, while many of the trends discussed above which supported bilateralism peaked in 2000-1, most of the fundamentals contributing to these trends—political/demographic changes in the United States, Mexican democratization, bilateral economic integration, foreign policy

convergence—remain in place and are unlikely to reverse course. Indeed, *Mexican* demographics suggest that an immigration agreement should become easier in the future as Mexico's declining birth rate means that the emigration demand should lessen over the next decade or two, assuming economic growth continues.

But on the other hand, 2000-1 represented a unique opportunity in many respects. No Mexican president will ever enjoy the domestic and bilateral honeymoon period which Fox was granted in the first months after the consummation of Mexico's democratic transition. More generally, while electoral calendars strongly favored a breakthrough in the first years of both presidents' terms, the calendar now works strongly against a major agreement: U.S. mid-term election will be a deterrent in 2002; the Mexican congressional contest will limit Fox's negotiating power in 2003, and Bush will be up for re-election in 2004. Even though the presidents may push extra hard for an agreement in light of their partisan and personal electoral concerns, congressional opponents in both countries may see obstructionism as their best strategy. Ironically, this is especially true in Mexico, where Fox has staked his entire presidency on an immigration agreement, and where PRI and PRD legislators may not only block the implementation of an accord, but may even prevent Fox from leaving the country to negotiate on the subject, a constitutional provision exercised for the first time in April, 2002.⁴² And, of course, the greatest barrier by far to an liberalizing immigration agreement in the near future is the terror attacks of September 11, and the widespread perception that lax migration control contributed to security failures in the first place.

Finally, even though I have detailed a number of real changes in the U.S.-Mexican relationship which have contributed to the "bilateralization" of immigration policy-making, Mexico's optimism in 2001 was still probably somewhat excessive. Many Mexicans failed to recognize that any migration agreement reached by the two presidents would face tremendous resistance from liberals who would likely oppose a Mexico-specific deal and from social conservatives who would likely oppose steps to increase (legal) migratory flows.⁴³ It is not obvious that the U.S. Congress, or even the Bush administration, would compromise on amnesty (or even "regularization" as negotiators prefer); and omitting amnesty from the deal would be

⁴² PRD Senator Raymundo Cárdenas and PRI Senator Silvia Hernández led the effort to block Fox's trip on the grounds that **quote**. Both senators also expressed frustration in July 2001 that the Fox administration failed to disclose the details of bilateral immigration negotiations at the time.

costly for Fox's crucial effort to build inroads with the Mexican expatriate community, for which amnesty is almost the *only* issue. Nor is it obvious that a bilateral compromise could be reached on a guestworker deal which satisfies U.S. demands for cheap labor and Mexican demands for a role in the process, and is also attractive enough to migrants that they choose to stay in the program rather than, as in the past, use a guestworker visa as a first stop in an otherwise undocumented career.

Moreover, while all of these reasons for pessimism were present prior to the September, 2001 terror attacks, the attacks, obviously, radically altered the negotiating environment. In short, any changes perceived as opening the U.S.-Mexican border or as making it easier for migrants to legally enter the United States will meet new resistance in the wake of the attacks and the role migrants played in them. Likewise, the failure of the INS to monitor legal H-1B immigrants—and the highly publicized visa renewals for two terrorists six months after the attack—raise an institutional barrier to designing a new bilateral program.

Still, these reasons for pessimism also adopt a short-term perspective. Over the medium- to long-term, immigration remains a glaring aberration within a relationship which is otherwise integrating on every dimension. Short of a reversal in the more general trend toward regionalism, or a radical change in sending-states emigration preferences, it is almost certain that immigration will remain a constant source of tension calling out strongly for a truly bilateral/regional solution. Moreover, while Mexico kept bilateral discussion focused on mutual gains to be made on immigration issue per se, sufficient political demand for an agreement in Mexico could cause Mexico to link a migration agreement to a number of additional issues—such as an easing of current restrictions on U.S. capital investment in Mexico—which would substantially sweeten the pot.

⁴³ As Wayne Cornelius observed, such an oversight is typical of Mexicans' historically "presidentialist" view of the U.S. policy-making process.

Table One: Positive Aspects of Emigration to the United States

	Most Positive	Second-Most Positive	Third-Most Positive	Total Mentions	Weighted Index ^a
Remittances	19	12	0	31	81
Jobs	15	7	2	24	61
Cultural links ^b	5	13	7	25	48
Benefits of return migration ^c	1	6	12	19	27
Economic integration/trade promotion	3	1	1	5	12
Personal freedom	0	2	1	3	5
	43	41	23	107	

^aSee note from table one.

^bCultural links includes “cultural links” and “family reunification.”

^cBenefits of return migration includes any reference to non-financial goods returning migrants bring with them, especially job skills and contribution to source-state civil society.

Figure One: Positive Aspects of Emigration, by Sending State

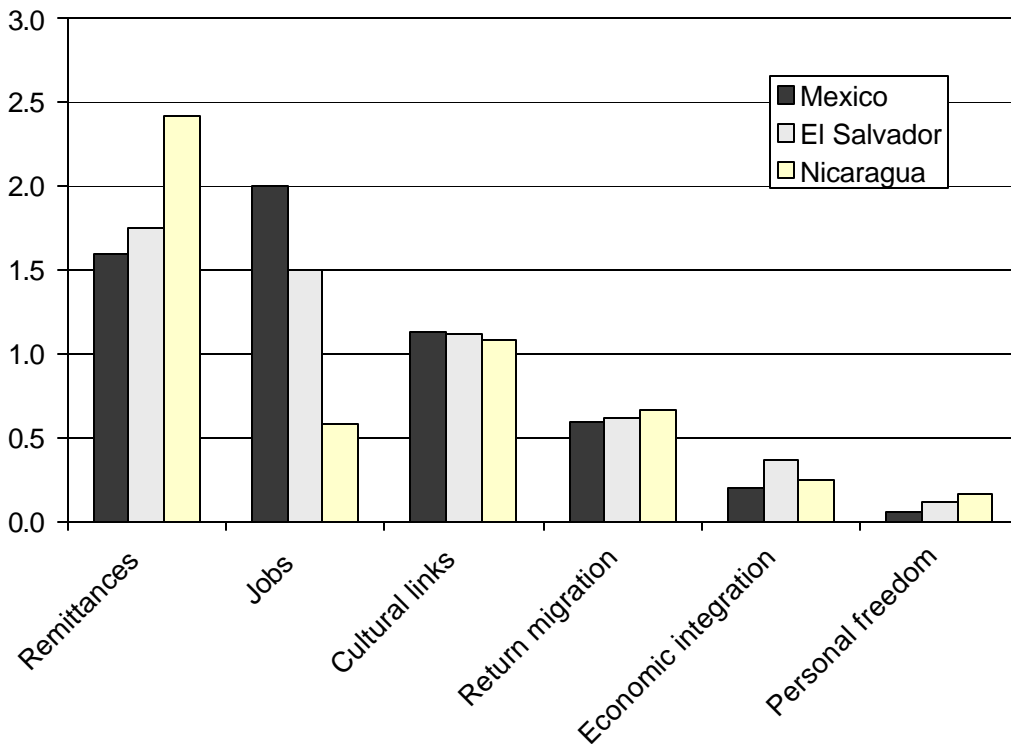


Table Two: Negative Aspects of Emigration to The United States

	Most Negative Aspect	Second-most Negative Aspect	Third-most Negative Aspect	Total Mentions	Weighted Index ^a
Brain drain	9	5	0	14	37
Otherwise hinders development	5	5	2	12	27
General development concerns	14	10	2	26	64
Migrants exploited	15	7	1	23	60
Other human rights concerns	2	2	1	5	11
General human rights concerns	17	9	2	28	71
Family break-up	8	8	3	19	43
Loss of native culture	0	4	2	6	10
Pick up bad characteristics	2	0	3	5	9
General family/cultural concerns	10	12	8	30	62
Bad that people must go	3	4	0	7	17
Source of bilateral tension	0	0	1	1	1
Total	45	37	16	92	

Figure Two: Negative Aspects of Emigration, by Sending State

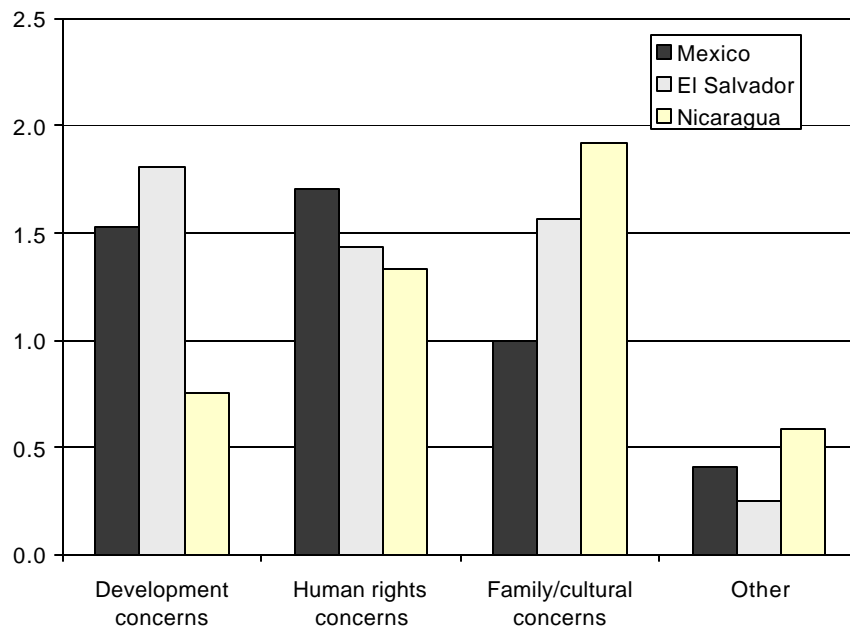


Figure Three: Preferred Migration Policy Changes, by Sending State

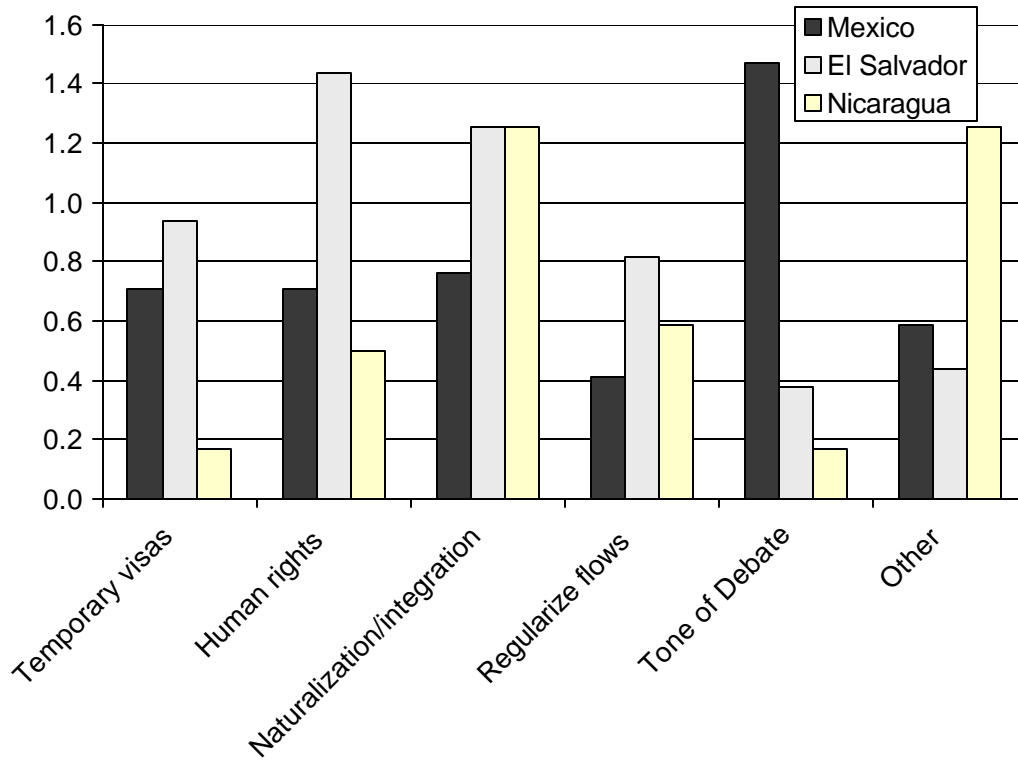


Figure Four: Importance of Trade and Immigration, by Country

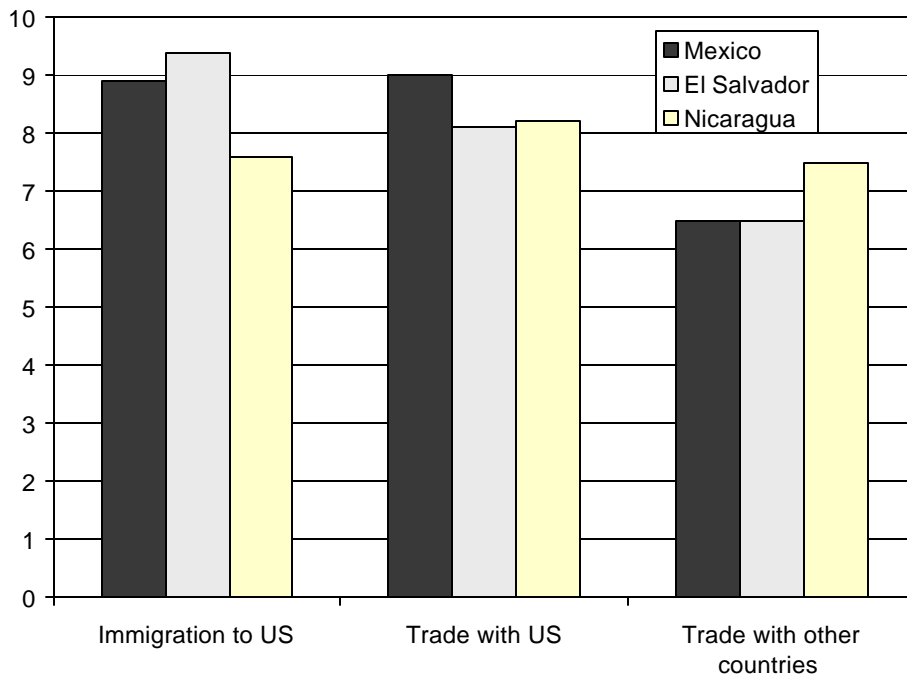


Table Three: Three “Most Difficult” Bilateral Issues

	#1 Difficult Issue	#2 Difficult Issue	#3 Difficult Issue	Total times mentioned	Weighted index ^a
Immigration	27	9	3	39	102
Trade	3	14	7	24	44
Other economy ^b	4	3	8	15	26
Trade+other economy	8	17	15	40	73
Drugs/crime	2	9	5	16	29
Property claims	4	1		5	14
Cultural misunderstanding	2		1	3	7
Geopolitics		2	2	4	6
Other		1	5	6	7
Total	42	39	31	112	

^aWeighted index multiplies most difficult issues by three, second-most difficult issues by two, and third-most difficult issues by one, to generate a total score for all responses.

^bOther economy includes neoliberalism, foreign debt, energy, and “overall economic issues.”

Figure Five: Most Difficult Issues, by Sending-State

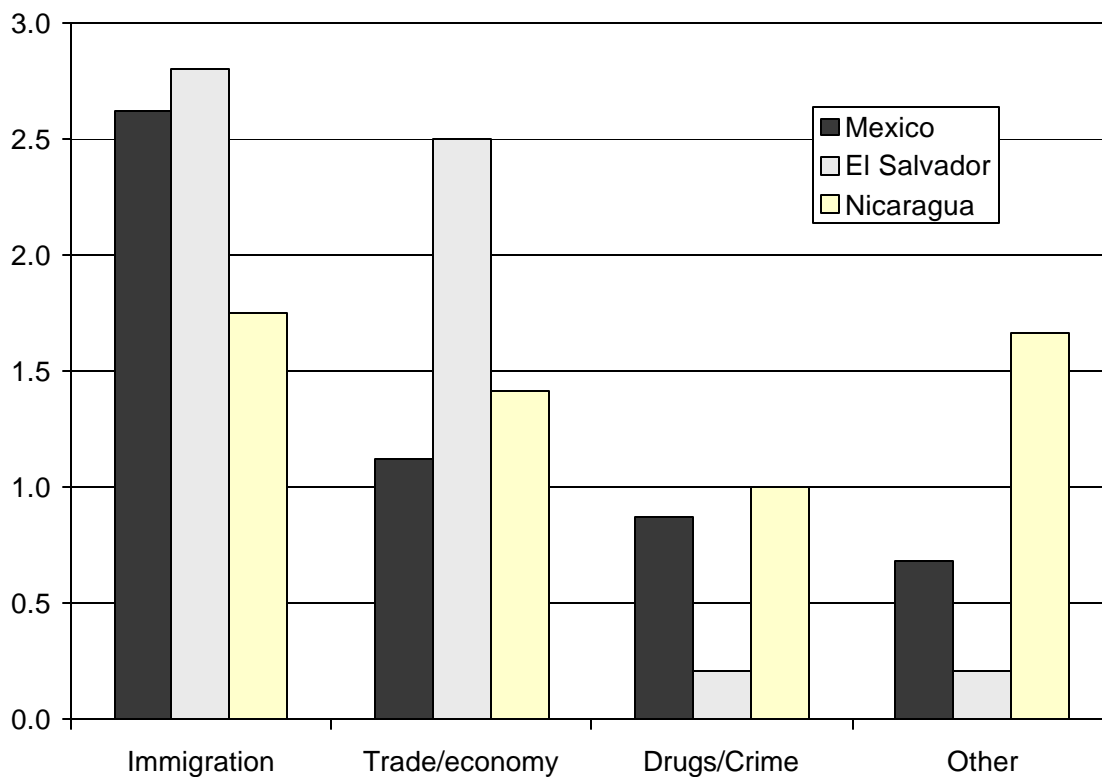


Table Four: Three “Most Cooperative” Issues

	Most Cooperative	2nd Most Cooperative	3rd Most Cooperative	Total Mentions	Index ^a
Immigration	6	2	5	13	27
Trade	8	4	1	13	33
Other economy ^b	3	9	4	16	31
Trade + Other economy	11	13	5	29	64
Drugs/crime	4	2	1	7	17
Development assistance	7	6	5	18	38
Peace process	4	4		8	20
Educational links	5	2	1	8	20
Diplomacy ^c	2	4		6	14
Environment		1		1	2
Total	39	34	17	90	

^aSee note from table one.

^bOther economy includes tourism, investment and general integration.

^cDiplomacy includes any mention of general foreign policy/diplomacy as well as mentions of the Nicaraguan dispute over expropriated property claims

Figure Six: Most Cooperative Issues, by Sending-State

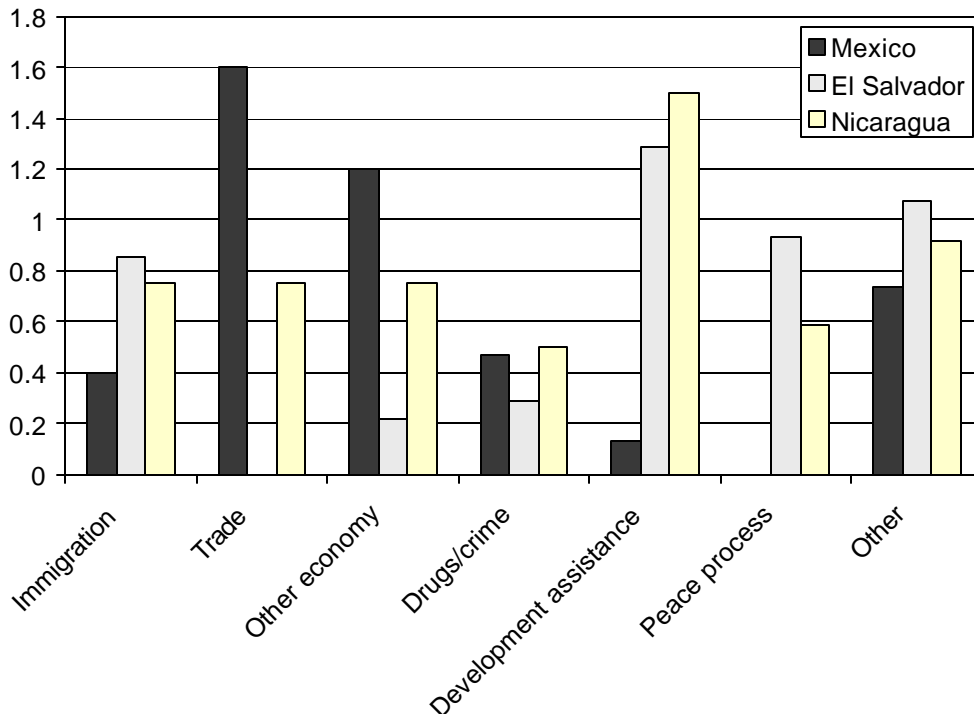


Figure Seven: Anticipated Change in Relations under the Bush Administration

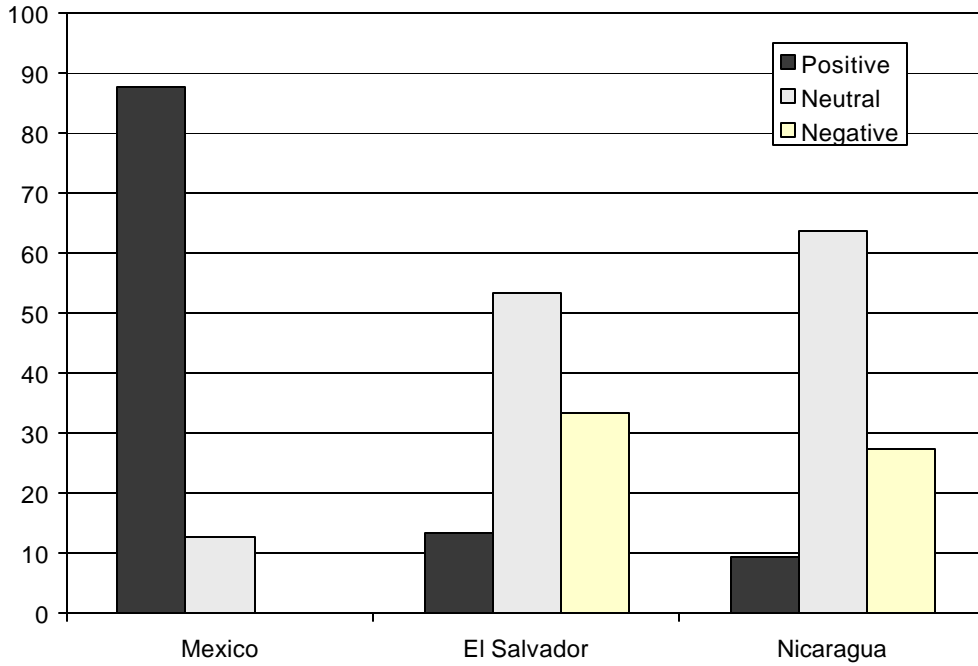


Figure Eight: Proportion Believing Their Country Influences U.S. Immigration Policy

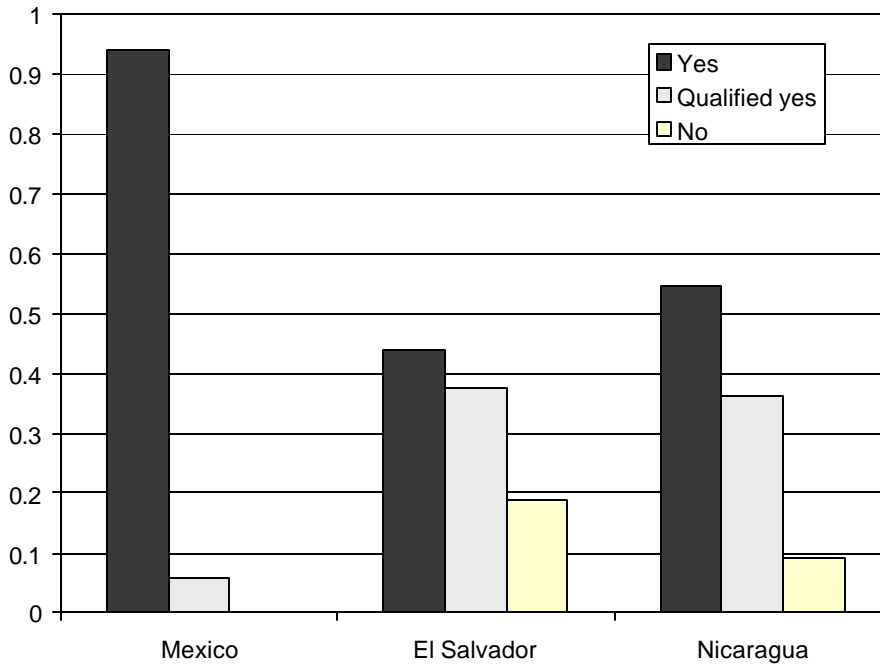


Figure Nine: Proportion Believing Their Country Influences U.S. Trade Policy

