

Testimony of

# The Honorable Andres Rozental

Former Mexican Ambassador at Large; President of Rozental & Asociados

June 30, 2005

Testimony by Ambassador Andrés Rozental to the U.S. Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship

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Since the beginning of the Fox Administration in 2000, Mexico made a major change to its views on the immigration relationship with the United States. After many years of considering the flows of Mexicans into the US to work and live as an essentially American issue, the Fox government decided to actively propose and work for a bilateral immigration agreement with its Northern neighbor. Under this new approach, the Mexican Government adopted a five-point strategy in its discussions with the new Bush Administration. Although 9/11 abruptly put these discussions on hold, it is worthwhile summarizing and recalling what the Mexican position was at the time because it hasn't changed in substance since then.

Firstly, Mexico believes that any new immigration reform that doesn't take into account the millions of Mexicans that are already living and working in the US without documents won't work. The existence of a permanent underclass of foreign individuals who are outside the law has been one of the most serious issues in the immigration debate. These people are basically residents of the US, but don't have any of the rights or obligations that green card holders have. They live as part of US society, but are excluded from most of its benefits. Equally, they can't be held accountable for many of the duties that they would normally owe as full fledged legal residents, in spite of the fact that they pay taxes deducted by their employers and are generally law-abiding members of the community. However, they live in permanent fear of being discovered and deported and this leads many of them to break even more laws than those related to how they entered the country in the first place.

Secondly, an immigration reform has to deal with those workers that have yet to enter the US and become part of the labor market. Most of these go because of a permanent demand in the US for jobs that are either unfilled by Americans or legal residents, or that are more suited to non-US workers. Recent estimates put this category of migrants at around 400,000 per annum, some of whom stay on in the country but some of whom also return to Mexico. One of the major shifts in the immigration paradigm is that this category today is no longer made up primarily of agricultural workers without jobs at home, but increasingly comprises service providers that are employed at least part of the time and who seek to go to the US mainly to make and save more money. For this group, the ability to come and go is essential, yet ever-increasing efforts to impede the circularity of their movement across borders has resulted in their being forced to remain in the US and join the first category of resident undocumented aliens.

A third element of the strategy relates to a proposal to remove Mexico and Canada from the overall immigration country quota system. As neighbors and Nafta partners, both countries have a unique relationship with the US. There are many visa categories that could be added to the Nafta visa that would allow for a greater number of people to travel to the US but that currently can't be used because of the quota system. Increased effective visa opportunities would act as a deterrent to illegality.

The fourth pillar of Mexican policy relates to border security. It is abundantly clear that the illegality of migrant worker crossings has spawned an extremely powerful and pervasive network of gangs, smugglers and other organized criminals who not only prey on Mexicans trying to cross, but are also involved in additional activities outside the law

such as drug trafficking, arms dealing, etc. As we have seen just in the last few months, the situation at the border with the US has reached crisis proportions. Unless and until both governments bite the bullet and reach an understanding on an all-encompassing joint border security initiative --with adequate funding and infrastructure-- the violence and criminal activity at the border will remain unabated.

Finally, the fifth part of the strategy is the need for major developmental programs to raise the standards of living and employment opportunities for those Mexican citizens who live in the poorest part of the country and come from areas that provide the lion's share of migrants. The Fox administration has made some progress in this regard with special programs designed to complement remittances with infrastructure investment (the 3 x 1 program), raise educational standards and design policies for these economically and socially depressed regions. However, the efforts undertaken so far have not made a sufficiently large impact on the growth equation. The US has an important role to play as well on this issue as can be seen from the Partnership for Prosperity initiative, but it needs to be augmented and widened in its application.

The strategy outlined above came in large measure from President Fox's overriding foreign policy goal at the outset of his single six-year term to do two things: improve the relationship with the US and remove as many irritants as possible, and fulfill a campaign promise that his government would as a priority defend the interests of those Mexicans living and working in the US. Unfortunately, the events of 9/11 put a temporary stop to the meetings between Cabinet-level working groups that had been discussing and negotiating various aspects of these proposals. To this day, their bilateral nature remains a critical element which the Bush administration has been reluctant to pursue, but which from my point of view is essential if any successful reform of the immigration relationship is to take place. This is an important point: unilateral measures relating to immigration which are adopted by the US without consultation and agreement with Mexico are doomed to fail in the same way that past amnesties and immigration law reform neither stemmed the flow of undocumented workers, nor alleviated the mistreatment and abuse that many of them suffer while in the US.

Now that the Executive and Legislative branches in Washington have expressed the intention of pursuing immigration reform, it is especially important that Mexico be engaged in the process. This is for two main reasons: if there is no cooperation from the source country on either a guest worker program, or an earned regularization scheme, I cannot see how the US on its own will be able to deal with the enormous operational complexities involved. Secondly, Mexico has to be made to play its part in ensuring that whatever system is set up becomes the single avenue for people wanting to go to the US to work. This means that as part of the bargain, the Mexican government would have to undertake an obligation to ensure that orderly and legal movement across the border becomes the norm, and that measures are taken to dissuade people from going differently. Of course, this presupposes having enough visas, whether temporary or permanent, to give to Mexicans who have job offers in the US, who want to reunite with their families already there or who seek to legitimately move from one country to the other as tourists, students, teachers, businessmen, etc.

I believe that if there were sufficient avenues for Mexicans to move relatively freely between our two countries when able to prove that they have legitimate reasons to do so, a large proportion of the undocumented flows would cease. Obviously it is unrealistic to expect Mexico to accomplish what the US itself --notwithstanding billions of dollars and thousands of enforcement personnel-- has been unable to accomplish, ie the elimination of all undocumented crossings. However, Mexican authorities will have to assume their shared responsibility to make the system work and unless there are bilateral agreements to frame that cooperation, it will continue to be easy for the Mexican side to revert to its traditional rhetoric of saying that this is a US problem.

In addition to joint efforts at the land borders and airports, more needs to be done in securing the perimeter of all of North America, from the Canadian arctic to the frontier with Central America. Many of the migrant workers who enter the US from Mexico are Guatemalans, Hondurans and Salvadorans who use Mexico as a gateway to the US. With the current inability of Mexico to exercise adequate control at its southern border, an opportunity arises to work together with the US and Canada to create a Schengen-type zone that transfers the major security and immigration functions to the outer perimeter of our three nations, thus allowing resources and manpower to be focused on the genuine threats to our security coming from abroad. Although there is no possibility yet for a European-style free movement of people regime throughout North America, this should definitely be a long-term goal. Once the development gap between Mexico and its two NAFTA partners is reduced, it should be possible to have a more open immigration regime involving all three countries.

In the meantime, I strongly believe that Mexico and the United States need to work together on immigration, just the way they have done so productively in recent years on other bilateral issues. There will come a time, perhaps in the not too distant future, when Mexico's economic and social lag, together with an ageing population and changing demographic profile, will result in a shortage of labor to go to the US. In the meantime, it behooves both governments and civil societies to address the immigration issue sensibly, realistically and bilaterally.