A BILATERAL PERSPECTIVE
ON MEXICO-U.S. MIGRATION

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Migration is affecting the lives of many people in numerous countries of the world as individuals and families seek better lives, economic opportunities, or refuge from violence. Some of the strongest global migration patterns are from nations in the south to nations in the north reflecting differences in the economies of the nations affected. Scholars have concluded that an understanding of international migration demands multiple disciplinary perspectives and various levels of analyses rather than any single theoretical model (Massey, 1999). Thus, we have attempted to bring together the work of scholars who represent different methodological approaches and address various disciplinary perspectives and issues related to migration.

The pattern of migration most of interest to us in this volume of papers collected by The University of Texas at San Antonio Mexico Center and the Universidad Veracruzana is the migration stream from Mexico to its northern neighbor the United States and the social issues that are connected to those migration patterns both in the sending and receiving communities. The University of Veracruz and The University of Texas at San Antonio (UTSA) have worked together to establish small business development centers and to develop scholarly exchanges of faculty and students to promote positive U.S.-Mexico relations. To make these exchanges materialize, the UTSA Mexico Center organized an open forum in San Antonio to encourage community and scholarly dialogue on immigration issues. Non-profit agencies, professors, students, community leaders, business persons, war veterans, religious organizations, and government representatives from the United States and Mexico participated in the discussions. Professor Garrido and Professor Romo, both sociologists, agreed to gather researchers interested in these areas to contribute to a publication to stimulate such discussions among even wider audiences. Olivia Lopez has helped to organize these activities.

A two-day seminar at the UTSA Mexico Center brought scholars together to present their work and discuss the collaboration. This meeting allowed the academics to offer suggestions and recommendations to one another and to establish on-going professional relationships across borders. We hope that this is only the beginning of many future collaborations.

The editors of this book understand that constitutionally migration reform in the United States is the responsibility of the federal government, but considering the numerous international accords between Mexico and the United States we propose that immigration reform legislation that is desired by so many in the United States and in Mexico should be an inclusive process enriched by bi-national collaboration backed with economic, social, and
labor compromises by both countries to provide opportunities for employers and workers, social security, and judicial protection.

In the context of the North American Free Trade Agreement (NAFTA), 80% of foreign investment in Mexico comes from the United States and Canada. On the Mexican side, 90% of the country’s exports are to the United States. Thus, in the commercial arena the theme of migration is extremely relevant to both countries.

Without doubt, when discussing migration reform, the issue of border security holds special relevance for the United States and Mexico. There are almost 200 million border crossings per year through the numerous official border crossing stations, which does not include the undocumented border crossers, the majority of whom are Mexican or Central American. This border is one of the busiest international borders in the world. There are also more than forty Mexican consulate offices in the United States and ten U.S. consulate offices in Mexico that focus on important bilateral issues, among them U.S.-Mexico migration and border security.

It is important to mention that much of the political tension between the United States and Mexico is related to the growth of drug-related violence and the seeming loss of control of security on the U.S.-Mexican border. Drug trafficking and drug use, criminal organizations, assassinations, kidnappings, and violence have affected both sides of the border. This collection of papers does not address these issues directly, because they deserve a separate volume. These issues do affect migration, family life on both sides of the border, and policies that are proposed and implemented to control the borders. The chapters included here explore bilateral perspectives on key issues related to work, economic development, health, education, and immigration policies. The collective work seeks to bring forth ideas related to migration issues that concern both nations.

The first chapter by Harriett Romo, a Professor of Sociology at The University of Texas at San Antonio, provides an overview of the context of immigration debates in the United States. She demonstrates how closely linked the border states of Mexico and the United States are in commerce and in everyday lives of border areas residents and how these links have evolved over time. The intertwined history of the two nations and the reality that the U.S. Southwest was once a part of Mexico have led to patterns of life that persist as if there were no international borders. Tightening of border security because of fears of terrorism in the United States, violence in Mexican border states, and attempts to regulate continuing flows of undocumented workers are problems that both nations are attempting to address. In the absence of revisions to outdated immigration policies in the United States, individual states are passing legislation aimed at curtailing immigration and penalizing employers for hiring undocumented workers.

Despite pleas from non-profit groups working for immigrant rights and an obvious need for immigrant labor that is flexible and mobile, the United States has been reluctant to expand guest worker programs. The Bracero program for agricultural temporary workers and other programs on the East Coast for sugar cane workers and crab shellers have provided models of what has worked and what has not for guest worker programs that could be improved and expanded. Romo argues that children of immigrants, particularly undocumented youth,
face especially difficult situations. Women are also increasingly migrating, often leaving children behind with relatives or friends, and face the challenges of transnational parenting. Women migrants are exposed to difficult border crossings and are vulnerable to abuses, changed gender expectations, and exploitation in the workforce.

The United States and Mexico have collaborated in the past on trade agreements, such as NAFTA, and bi-national cooperation on immigration shows promise but faces economic and political obstacles. Collaborations to improve border health have had encouraging results. Romo notes that an area of increasing concern for Mexico is the number of upper income investors, entrepreneurs, and more highly educated persons who are leaving Mexico because of insecurity. The U.S. benefits from their skills and resources, but Mexico is losing an important population for its future development. Many of these upper income families live transnational lives with family members and businesses on both sides of the border. However, Romo notes that high rates of poverty in many of the southern Mexican states and rural areas and lack of development in Mexico continue to force working class people to migrate. There are also high rates of poverty and poor quality of housing along the U.S.-Mexico border often linked to migration. The growing dominance of the Latino population in the United States, their increasing political influence, and the impact of Mexican immigration for economic and cultural replenishment of the Mexican American population in the United States make immigration issues of key importance.

Patricia de los Ríos, at the Universidad Iberoamericana, is looking at U.S. state and local political processes aimed at regulating migration in the United States, particularly in the state of Arizona. She focuses first on immigration debates since 1990, and then looks at the policies and legislative measures that Arizona has adopted related to migration. She argues that the immigration laws of the United States have reflected both the need for labor in the economy and internal and external political interests. She presents data showing the number of immigrants to the United States between 1995 and 2007 and the relationship of Mexican immigrants to other immigrants to the United States in absolute numbers and percentages over several decades. Figures show how the distribution of migrants has grown throughout the United States with many now living in non-traditional areas outside of the U.S. Southwest.

Although there are many social and economic forces at play in migration patterns, de los Ríos argues that legislation has had considerable impact, especially since immigration is now portrayed as a problem of national security rather than a labor issue. She provides data on the number of deaths of persons crossing the U.S.-Mexico border and discusses particular legislation that has resulted in increased spending on border security, criminalization of migrants, construction of a border wall, and the politics that have diverted President Obama’s attention away from immigration reform. In developing a case study of Arizona, de los Ríos presents an interesting table of the types and number of state legislative initiatives that have grown out of frustration with lack of federal reform and the implications of state-based immigration legislation. Reminding us that Arizona and the Mexican state of Sonora share a long history and a desert border, she points out that Arizona has fewer border crossings than California or Texas, but Arizona has passed some of the most anti-immigrant
legislation, perhaps because of the almost 30 percent Latino population residing there. She points to key actors in the anti-immigrant movement in Arizona, including Sheriff Joe Arpaio who has often violated the law in pursuing immigrants, and others who have proposed anti-immigrant legislation. She notes the role of employers, companies, and President Obama in urging reform at the federal level. She also calls attention to the obstacles, such as the Tea Party and elected officials who have anti-immigration platforms, which generate problems for the migrants and those who urge comprehensive immigration reforms. The basic problem, she concludes, is the preponderance of fear and irrational responses in the immigration debate and the failure to analyze immigration as a labor and economic issue.

The scholars Adriana Ortega and Misael González from the Benemérita Universidad Autónoma de Puebla, continue to emphasize international migration as a labor and family reunification issue. For a sending country, migration is a population safety valve, a source of income, and a substitute for state development policy. For host countries, migrants, especially those who are undocumented, represent an “irregular population,” one functioning outside of national employment laws and federal or state regulations. For countries, like Mexico, that are also “transit countries,” migrants are often criminalized and met by repression.

This chapter analyzes the response to migration by the Mexican federal government since 2000 and the “securitization” of migration issues. The authors argue for a shift from strategic security, or a focus on threats to territories and citizens, to human security which emphasizes the vulnerability of people, not only of citizens. The authors elaborate on the components of human security and use the Human Development Index proposed by the United Nations Development Program with elaborations to explore the case of Mexico. Factors not considered in the Human Development Index are the economic crises that Mexico experienced, including currency devaluations, decreases in purchasing power, and changes in production capacity, which pushed many migrants northward to the United States. The authors trace some of the demographic changes that have resulted in migration in Mexico becoming progressively more urban and address the increase in Central and South American migrants passing through Mexico to the United States.

After offering a brief history of Mexico-U.S. migration patterns and the Bracero program, the authors discuss two Mexican federal programs, Paisano and Mexican Communities Abroad, implemented during the administration of Mexican President Salinas de Gortari. In addition, in response to anti-immigrant legislation in the United States, Mexico passed legislation allowing dual nationality. Mexican officials also began to recognize their constituents abroad and the importance of remittances as well as the economic and social causes of migration. However, the authors claim Mexico has diverted attention away from human security issues created by undocumented transmigration through southern Mexico. The authors examine the Plan Sur and detentions and removal of undocumented immigrants from Central America and conclude that the compromise with the United States in securitizing migration distances the Mexican government from the needs of migrant communities and the social and economic development of Mexico.

The chapter by Miguel Flores and Nazrul Hoque, demographers at The University of Texas at San Antonio, and Cinthya Caamal, an economist at the Universidad Autónoma de
Nuevo León, looks at regional industrial concentration in Mexico and its effects on migration. They present data documenting the opening of the Mexican economy through liberalization of trade under NAFTA and other international trade agreements and population losses due to international migration to the United States. Focusing particularly on wage differentials and employment opportunities and using data from the National Urban Employment Survey (ENEU) in Mexico, the authors calculate a regional index of industrial diversity to measure the levels of industrial concentration and make comparisons to other industries in specific regions. The authors suggest that more industrially diverse areas should experience more stable economic growth and lower unemployment than less diverse areas. The areas with high industrial concentration levels also generally exhibit higher wages and higher levels of per-capita income which may contribute to wage differentials among regions. The authors analyze data before and after NAFTA and conclude that NAFTA made industry activity more concentrated. This resulted in increased wages in areas of high concentration. The authors then link this data to migration patterns by identifying the traditional sending states. They conclude that changes in industrial concentration have had direct effects on regional employment fluctuations and such changes in employment opportunities are main factors for migration. The authors suggest that their findings may have important policy implications for industrial diversification in Mexico.

The chapter by Luis Xavier Rangel-Ortiz, who earned his Ph.D. in the UTSA Bicultural-Bilingual Studies Division, continues the discussion of economics and immigration by studying the changing trends in migration of Mexican transnational entrepreneurs. These entrepreneurs are middle and upper class professionals, businessmen and women, and corporate managers who voluntarily immigrate to U.S. communities in search of security and economic opportunities. He focuses on San Antonio, Texas and explores how these thriving and successful Mexican transnational entrepreneurs contribute to the development of their destination community. The influences of the historical and transnational context of the city of San Antonio are significant for their successes. Using the theoretical framework of Pierre Bourdieu and the principles of capital and power, Rangel-Ortiz looks at the concept of transnational citizenship. He uses fieldwork, analyses of information collected in the community, and interviews with small groups of men and women entrepreneurs to discuss regionalism, Mexican nationalism, and new constructions of transnational identities.

Cultural differences in the ways business is conducted in the United States can present challenges, but the Mexican influence brought by these entrepreneurs also permeates American culture in San Antonio. Social networks assist the entrepreneurs in the processes of relocating their families, establishing their businesses, and raising economic and cultural capital. Ethnic organizations, such as the Asociación de Empresarios Mexicanos which counts over 200 members, support the development of social connections, professional relationships, and community goodwill. Rangel-Ortiz argues that this group of immigrants has contributed to the economic prosperity of San Antonio and has replenished Mexican culture in the city. He concludes that meaningful participation in a nation state does not require full assimilation nor do the transnational experiences of these entrepreneurs conform to traditional notions of citizenship.
Nesly Muñoz introduces the problem of infectious diseases, such as tuberculosis (TB), that are spread globally through migrations of workers seeking better economic opportunities. TB is one of the principal infectious diseases in the U.S.-Mexico border area, and although national rates in Mexico and the United States are diminishing, the infection rate at the border remains high. The author provides data on the numbers of new cases identified by each state in Mexico and focuses on the state of Veracruz, which is the fifth state in Mexico in numbers of migrants going to the United States. This chapter includes data from the border region where four U.S. states and six Mexican states come together and many persons cross the border daily.

Characteristics of migrant life, including the lack of access to health services and social and economic factors that cause individuals to stop treatments, make the border areas especially vulnerable to TB and other infectious diseases. The author discusses bi-national programs that have been established by the United States and Mexico to control and manage TB, such as Proyecto Binacional de los EUA y México para Referencia y Manejo de Casos de TB and the Bi-national Health Card that can be used to manage information and coordinate treatment efforts in both countries. This chapter reports results of a qualitative study of the perceptions of migrants and health care providers using the card. Based on a symbolic interactionist framework and in-depth interviews, the researchers analyze and organize data into categories and themes based on discourse from the interviews and the surrounding contexts of the discourse. Participants in the study included residents of the border area, return migrants from Veracruz, and health care providers in the border area and the state of Veracruz. Interviewees were identified through contacts with a program of the San Diego Health and Human Services in collaboration with the Northern Bi-national Health Project.

The author describes how the participants discovered they had TB and how they initiated treatment. The users of the health card were very pleased with their treatments and especially appreciated the toll-free telephone numbers on the card that allowed them to communicate with health care providers no matter where they were. Many of the card users had their disease identified late because they self-medicated, were afraid to seek care for fear of deportation, or did not recognize the symptoms of their disease. Many of those interviewed could not continue work or felt that they had been discriminated against because of the disease. Patients felt strongly about possibly infecting their children or members of their families. Some relied on faith to cope with the disease and fears of dying.

The health providers felt the free telephone numbers on the face of the card were extremely important because patients could communicate with caregivers at any time and from any place, which was important for education and prevention. Patients who used the card changed their life style by maintaining contact with their health care providers; they were able to continue treatment and continue working. Migrants who had returned to Mexico were able to remain in contact with their health care providers in the United States for prescriptions for medications or information if they could not get help in Mexico. Use of the card encouraged patients to continue treatments and medications and helped service
providers monitor information about TB patients who crossed the border and estimate their numbers.

Despite its effectiveness, the use of the card is restricted because of insufficient promotion and limited distribution channels. The author concludes that wider use of the health card in both Mexico and the United States could reduce the number of patients with drug resistant TB, prevent the worst health consequences of the disease, and lower the costs of health care.

The article by Janet García focuses on the need to change ways of thinking about health marketing and preventative health care to migrants in their communities of origin, in transit, and in communities of destination. She emphasizes the increasing transnational population in both the United States and Mexico and the need for bi-national collaboration in providing access to public health, medical services, and financing outreach on both sides of the border. She argues that we must analyze social marketing strategies for migrant health which in the past have concentrated on selling products instead of changing behaviors. She proposes marketing principles to promote interventions and public awareness of health practices. Migrants will especially benefit from this approach because they have less access to jobs with medical insurance and fewer opportunities for monitoring health status. In Mexico there is also a need to boost attention to the health of migrants and their families. The qualitative investigation reported here used structured interviews with key informants in Mexican and U.S. public health institutions in California to explore health issues, migration, and public health marketing strategies.

Participants agreed in both countries that social marketing and promotion of health are tools to encourage individual well-being and healthy lifestyles. Obstacles on both sides of the border were capacity and capital. Campaigns differed in Mexico and the United States. Mexico implemented its campaigns through federal, state, and local institutions, while California used analyses of ethnic, age group, and geographic populations to define specific campaigns. In Mexico information was developed by administrative offices and distributed from the different levels, each with its own resources and materials disseminated in printed form or through the radio. In California, campaigns were constructed from information received from the population, with each community approving the messages through focus groups, opinion polls, or pilot projects to assure that campaigns were culturally appropriate.

Mexico did not report plans for elaboration of this type of campaign, although officials are shaping plans for collaborations and community participation. California participants mentioned the need to identify Latino community leaders to make campaigns more effective for the migrant community. Using traditional mass communication methods was common in both countries, although California was considering “guerrilla” marketing in non-traditional places, such as bars, on buses, or on the street. Both approaches face the dilemma of reaching diverse language and ethnic groups. Mexico faces barriers related to funding and lack of knowledge about the migrant population, while California struggles with consistency of campaign messages. In both California and Mexico it is difficult to evaluate the outcomes of public health campaigns and to find qualified persons to evaluate the programs. Both
Mexico and the United States have problems defining who is a migrant and identifying the target population.

The author acknowledges the difficulties of public health marketing to inform and change health behaviors, but emphasizes its importance for the larger community as well as for migrants. She also recognizes bigger problems of available services, state policies, the need for change at multiple levels, changes in personal behaviors, and the importance of well-trained personnel in all areas of public health—communication, behavior change, psychology, research, teaching, and marketing. She suggests ways to assure that health policies are visible, debated, and responsive to the needs of the targeted communities. Mexico and the United States share almost twelve percent of the population of Mexico, and the author argues that it is essential that the two countries develop integral policies for preventative health measures and medical services for migrants in the United States and in their communities of origin in Mexico.

The chapter by Rosalind Horowitz, a Professor of discourse and literacy studies at The University of Texas at San Antonio, explores the impact of the U.S.-Mexico border on Mexican American adolescents’ language and literacy practices. Horowitz examines reading practices of adolescents who cross the border regularly to see how the geographic space of the borderlands influences cognitive and linguistic shifts in oral and written language and the selection and understanding of written texts. There are many physical and psychological symbols on this border that affect identity formation, relationships, and positioning—fences, bridges, rivers, visas, as well as perspectives of parents, teachers, community members, and officials.

In this study, Horowitz investigates how the borderlands influence student cognition, literacy experiences, and literacy development. The work is situated within the frameworks of linguists, psychologists, and borderland scholars who look at cultural and cognitive shifts in schooling and everyday life. In fact, many youth develop multiple literacies that enable them to interact with diverse cultural and regional experiences. The high school where the study takes place is in a border town on the U.S. side that is attended by almost 100% Hispanic students. Many of the Mexican students can walk across the border from Mexico to the school. Although the school enrolls a high number of limited English proficient students and those who are economically disadvantaged, the students surpass other schools in test scores and college-ready graduates. The researcher used focus group dialogues, analyses of reading and writing samples, and case studies to document the advantages for literacy and language development of living in two or more worlds and traveling across them regularly.

Maricela Oliva is a Professor in the Department of Educational Leadership at The University of Texas at San Antonio. Her work has focused on issues of equity and higher education. In her chapter she explores college access for undocumented immigrant students in the United States. She reports changes in immigration regulations and the historic debates over immigration legislation and education in the United States. She shows how the 1982 U.S. Supreme Court decision in Plyler v. Doe made public school education an entitlement for undocumented children in the United States and made it unconstitutional to deny public K-12 education to any school-age residents regardless of their immigration status.
She discusses the rationale for this decision and the difficult position these undocumented students find themselves in once they graduate from public high school and seek college access.

Based on analyses of various state policies, Oliva suggests recommendations regarding exit requirements, tuition, and categorization of such students. In addition, she addresses the importance of making high school and college personnel aware of the status, rights, and needs of undocumented students and the need for legislation to address these issues.

UTSA History Professor, Catherine Nolan-Ferrell, writes about the labor experiences, gender roles, and domestic violence experienced by women migrants. She provides an overview of the different backgrounds of rural and urban women and a review of literature that highlights women's migration processes and domestic violence. She notes how families reconstruct gender roles in destination communities and the often contradictory challenges faced by women in their roles as workers, mothers, and wives.

Women often become more vulnerable to domestic violence in their communities of destination because of isolation, increased stress, and limited support. Language barriers and sometimes undocumented status make it difficult for women immigrants to report violence. Nolan-Ferrell discusses some of the U.S. government special visa programs to protect women in abusive relationships and their successes and weaknesses. She argues that many women are afraid to apply for protection because they fear deportation. She illustrates these situations with actual cases from reports of non-profit agencies working with undocumented women who have experienced abuse. These situations are often complicated by broader contexts of accepted gender norms in immigrant communities. Human trafficking and forced labor in prostitution are other forms of gender violence discussed. The chapter concludes with policy recommendations for the U.S. government, law enforcement officials, community advocates, and U.S. Courts that could mitigate violence against women immigrants.

Yuriko Garcés, who holds a M.A. in International Studies and Diplomacy from the School of Oriental and African Studies at the University of London, suggests that a guest worker program as part of comprehensive immigration reform would give migrants a legal way to enter the United States as the demand for workers continues and migrants seek prospects of a better quality of life. She reviews previous attempts to implement guest worker programs, particularly the Bracero Program that brought Mexican agricultural and railroad workers to the United States, and H-2 visa programs that allowed Jamaican and other Caribbean workers to cut sugar cane in Florida and work in apple orchards in the Northeast. Both programs claimed that U.S. workers were not available to fill these jobs.

The Immigration Reform and Control Act (IRCA) attempted to implement reforms to halt undocumented immigration and regularize the undocumented migrants who entered the U.S. before 1982. Since IRCA, only piece-meal immigration legislation has been passed in the United States and no comprehensive legislative reforms have been able to garner Congressional support. Garcés notes that comprehensive immigration legislation introduced under the George W. Bush administration emphasized homeland security and control of the U.S. border, but this legislation also failed to pass Congress. Another option has been
the Agricultural Jobs proposal that has yet to be implemented as well. According to Garcés, the main effort to regulate undocumented immigration has relied on work enforcement programs which have not been effective because of problems of verification of the status of workers, fraudulent documents, and the negative impact such approaches have on minority group citizens seeking employment. With the majority of undocumented workers coming from Mexico, Garcés urges bilateral action on the part of the United States and Mexico to set up appropriate legal channels to regularize work related immigration.

The essay by Cecilia Imaz is a thoughtful discussion of ways that the United States and Mexico can work together to decrease undocumented migration and maximize the collaboration of the two countries on policies regulating transnational labor. She argues that migration is the main link between Mexico and the United States because of the long history of these migration patterns, the increasing Mexican origin population in the United States, and successful trade relationships, such as the North American Free Trade Agreement. However, with the increase of violence and insecurity in Mexico, particularly in the border states, migration has become only one of many bilateral issues that require collaboration.

Although the movement of people from Mexico to the United States has decreased because of reinforced border control and the decline in the U.S. economy, there has not been the massive exodus that was expected. Deportations of undocumented Mexicans continue, but Imaz argues that the current population of Mexicans in the United States is largely integrated into the country. Still, immigration policy reform and the existence of a social sub-class of people without documents who cannot work legally remain key problems that have not been addressed adequately. Imaz presents ideas that would help promote a safer border with relatively open flows of trade and little undocumented migration, and she proposes that it is in the interest of both countries to craft solutions to these problems with new mechanisms designed from the bottom up. She suggests new economic development in Mexico to spur investment and productivity and documents some of the changes Mexico has made in this direction regarding circular migration flows through its southern border. She presents a framework that addresses economic development and social programs in Mexico, incentives and disincentives for particular types of migration, more opportunities for legal entry into the United States, and high-level bilateral policies on migration with leaders in both countries committed to promoting a more effective bi-national agenda and more positive relationships between border states.

Scholar Carlos Alberto Garrido de la Calleja, Social Worker and Sociologist at the Universidad Veracruzana, emphasizes the fact that immigration reform is not only a necessity but also a controversial, recurrent theme that divides both public opinion and political parties in Congress. In an age of much political debate surrounding immigration policies, political parties have reduced immigration reform to temporary work and legalization programs, when in fact such reform should contemplate and correct errors brought forth by the 1986 Immigration Reform and Control Act (IRCA) and propose a legislative project that includes bi-national agreements and collaboration between sending and receiving countries. While it is true that immigration reform in the United States constitutionally corresponds
to that government, the great number of international treaties and agreements that the United States has developed demonstrates that immigration reform can be enriched by greater bi-national collaboration. Such collaboration will facilitate greater dialogue not only between Mexico and the United States, but will also facilitate greater internal dialogue in both countries. Indeed, a major issue that has prevented comprehensive immigration reform from taking effect is the failure of proposed legislative projects to conciliate diverse interests, specifically political and economic interests. In the United States, there is a lack of dialogue between the federal government and local congresses and municipal leaders. Furthermore, there is a lack of dialogue between the federal government and civil society groups and sending countries whose migrant population has greatly concentrated in the United States, as is the case of Mexico. Without the establishment of dialogue that contemplates diverse interests, the federal government will easily be seen as an entity disinterested in immigration reform. Lack of dialogue with states has already resulted in state legislative actions that are anti-immigrant and that greatly affect the few propositions that have been contemplated in the construction of comprehensive immigration reform.

Demonstrating the benefits of establishing a conciliation of diverse interests and creating bi-national agreements, Garrido organizes his chapter into three sections. First, the chapter analyzes the historical context of migration patterns in the United States and corresponding development of immigration policies. Second, it reviews the proposition for comprehensive immigration reform, emphasizing that such reform can only come about as a result of positive, internal dialogue between the federal government, local governments, and civil society, as well as between the U.S. federal government and Mexico. In particular, the chapter depicts several issues such as the question of drivers’ licenses, health, education, family reunification, human rights, and security that should be considered in comprehensive immigration reform. Third, the chapter emphasizes the need for bi-national agreements that, beyond including collaborative programs, provide support for sending communities in the form of better employment opportunities and better social and legal protection.
Chapter I
An Overview of Issues Surrounding Mexican Migration to the United States

Harriett Romo, The University of Texas at San Antonio

According to the 2010 U.S. Census, Hispanics comprised 16.3% of the total population in the United States in 2010 making this group the largest ethnic minority in the country (U.S. Census Bureau, 2010b). Persons of Mexican origin make up 65.5% of that U.S. Hispanic minority population (2009 American Community Survey). The four U.S. states that border Mexico are states with the largest Hispanic share of total population. New Mexico with 46% Hispanic population, Texas and California with 37.6%, and Arizona with 29.6% (U.S. Census Bureau, 2010a). These four border states also have the highest share of Hispanic child population, with New Mexico reporting 58.2%, California 51.2%, Texas 48.3%, and Arizona 43.2%. Growth in this population has been attributed to both high birth rates among the young Hispanic population and immigration. These figures are important reasons for focusing on issues of immigration.

Such topics span the range of many academic disciplines and are too numerous for a brief chapter to attempt to address. In this piece, I have drawn upon academic literature and contemporary news reports to highlight some of the key areas that are addressed more specifically in other chapters and to demonstrate how they are related. Of main importance to this volume are the attempts to determine who the Mexican migrants to the United States are and how the migration patterns have changed over time as the United States has changed border policies or refused to act to reform immigration laws. In response to federal inaction, states have begun to take actions that sometimes seem to impinge on federal authority to regulate migration. Lack of federal legislation to modify immigration policies that reflect changes in the U.S. economy and demands for workers has resulted in rising anti-immigrant sentiment in the country. Still, migrants continue to seek better lives for themselves and their families, and women and children, many of whom do not make their own decisions about migration, may sometimes suffer the consequences. This chapter briefly discusses these issues and looks at the impact of the economic crisis in the United States on migration, efforts of bilateral collaboration, especially in health areas, and the ways transnational migrants have attempted to take advantage of resources from both countries.

The U.S.-Mexico Border
The border between the United States and Mexico is one of the most extensive national borders in the world and is one of porous transit of merchandise and people. Rosenblum (2011) noted that $250 billion in legal trade passed between the United States and Mexico in 2009. That transit has increased as the context of the North American Free Trade Agreement
NAFTA implemented in January of 1994 attempts to establish a barrier-free border zone for the flow of goods and capital (Nevins, 2002). The United States is Mexico’s most important trading partner both for imports and exports while Mexico is the United States’ second largest trading partner after Canada. Foreign direct investment from the United States constituted over 40 percent of all foreign direct investment received by Mexico in 2004 (Davy & Meyers, October 2005). There were over 344 million official border crossings in 2003 through the twenty five official land ports of entry from Mexico to the United States, including trucks, trains, personal vehicles, buses, passengers in trains and buses, and pedestrians (U.S. Department of Transportation, 1994-2003).

These figures do not include undocumented migrants crossing the U.S. Mexico border. Unauthorized immigration is difficult to measure and, of course, the numbers may vary by source and year. Frank Bean and his colleagues estimated that approximately 2.54 million unauthorized Mexican migrants resided in the United States in 1996; while Hoefer, Rytina and Baker estimated that there were seven million Mexican undocumented immigrants residing in the United States in 2007, out of approximately 11.8 million unauthorized immigrants in the United States (Bean, Corona V, Tuiran, Woodrow-Lafield, & Van Hook, 2001; Hoefer, Rytina, & Baker, 2008).

Reasons for this are numerous. The southwestern part of the United States was once a part of Mexico until the Treaty of Guadalupe in 1848 resulted in the U.S. annexation of Mexican territories that became the states of Texas, New Mexico, Arizona, and California. The Bracero Program, a temporary agricultural work program in place from 1942-1964, brought laborers from Mexico to work in agriculture, especially in Texas and California, and when this program ended, a growing volume of legal and illegal migration filled those positions (Lowell, Perderzini, & Passell, 2006; Rosenblum, 2011). When the authorized work program ended, many of the agricultural workers who had established strong working relationships with growers returned to the same jobs as unauthorized workers, which set in motion an increase in undocumented immigration (Massey, Durand, & Malone, 2002; Nevins, 2002). In the 1990s there was a rapid increase in Mexico-U.S. migration because of the legalization of some two million Mexicans by the Immigration Reform and Control Act of 1986 (IRCA) which allowed those new legal residents to sponsor family members (Lowell, et al., 2006). The lack of worksite enforcement, little effort to penalize employers who hired undocumented workers, the booming U.S. economy, in combination with established migrant networks continued to bring workers to fill needed jobs. Lowell, Perderzini, and Passel (2006) argue that there is little doubt that the flow of migrants will continue. Many Mexican immigrants are in the United States with legal status for work authorization, permanent residency, or are in the process of naturalization, but persons of Mexican origin also make up over fifty percent of the total unauthorized immigrant population in the country (Lowell, et al., 2006).

Response to the increasing immigration in the United States has been to tighten border security, pass legislation that makes it more difficult for Mexicans to obtain visas, and criminalize the migrants themselves (Nevins, 2002). The detention of workers, families and children without papers has become a big business in the U.S. Southwest. A headline in
the local San Antonio, Texas newspaper touted a recently constructed $32 million dollar detention center for persons who had been detained without immigration documents noting that the new center would create 140 new jobs (Buch, 2010). Other newspaper articles have suggested that the anti-immigration legislation passed in Arizona was strongly supported by the corporations that run the prison system in the state. Mexican President Felipe Calderón and U.S. President Barack Obama spoke out strongly against the anti-immigrant legislation passed in Arizona, and many of the most blatant aspects of the legislation have been contested and overturned in the courts. As a result of the laws passed in that state, Arizona gained attention as the most aggressive state in cracking down on undocumented immigrants. Other states vowed to follow suit as Nebraska, Texas, Georgia, and Utah state legislatures also introduced anti-immigrant legislation. Virginia stopped accepting federally issued work permits to obtain a drivers’ license (Tavernise, 2011). The permit at issue, called the employment authorization document, allows foreign nationals to work in the United States. Asylum seekers, refugees and students are among those who have these permits and no longer can apply for Virginia drivers’ licenses. Some estimate that hundreds of immigrants could be stranded as a result of this legislation.

The Politics of Undocumented Immigration

In Arizona, the realities of economics appear to have caused business organizations to pressure legislatures to reject new anti-immigration measures because of the resulting decline in normally robust tourism and convention industry in the state (Oppel Jr., 2011). Conventions cancelled contracts, groups boycotted Arizona products, and sales declined. Convention bookings in Phoenix, one of the top destinations in the United States, dramatically declined in status from the position of number four spot in the nation for conventions to number twenty-three, with large organizations citing the immigration bill when they canceled reservations (Oppel Jr., 2011). In March of 2011, the Arizona State Senate voted down five bills that among other things sought to require hospitals to inform law enforcement officials when they suspected that patients were undocumented and to prod the Supreme Court to rule against automatic citizenship for American-born children of undocumented immigrants. In May of 2011, the U.S. Supreme Court in a 5-3 decision upheld an Arizona law that requires employers to use a federal system called E-Verify to check employees’ legal status and allows the state to revoke charters or licenses from employers that repeatedly hire noncitizens lacking work permits (R. Barnes, 2011; Bravin & Miriam, 2011; Preston, 2011). Opponents of these laws fear that a growing patchwork of state and local immigration laws creates serious obstacles to interstate commerce and usurps federal authority to regulate immigration. Concerns about undocumented immigration remain and many state leaders are angry that the federal government has not taken firm action on immigration legislation. The Obama government has taken steps to harden its stance on immigration policy by initiating the 2008 program, Secure Communities, which is the center piece for enforcing immigration laws. Under that program, state and local police agencies are allowed to identify immigrants with criminal records. The program has been forcefully extended to hundreds of law enforcement agencies across the United States.
As other state legislatures continue to introduce and sometimes pass immigration restrictions, leaders in Washington argue that the United States cannot continue to allow each state to set different immigration policies.

Nonetheless, the U.S. Congress cannot agree to address comprehensive immigration reform in the United States. Many of the current immigration laws represent a complex web of amendments, modifications, and revisions that do not reflect the reality of the economic factors that continue to pull migrants north to the United States and economic and social conditions that force people to migrate. Little of the public discussion of immigration is based on academic research and, as a result, most people in both the United States and in Mexico have minimal understanding of how the immigration system in either country truly works. For example, often letters to the editor in U.S. newspapers will urge undocumented immigrants to use legal channels for entering the United States without accurate knowledge of the requirements to apply for a visa or permanent resident card or the status of the backlogged immigration system and the lengthy times and high costs that such processes might require. According to Pia Orrenius, a researcher at the Dallas, Texas Federal Reserve Board, some employment-based green card visas take almost 14 years of waiting with a queue of over 1,500,000 (Orrenius, 2011). Other types of permanent resident applications may take longer. Families and individuals who are able to navigate the immigration system often have to resort to highly skilled, and often expensive, immigration attorneys to help them apply for the correct visas, fill out the appropriate forms, and understand the restrictions of their immigration status. Mexico is subject to the same immigration quota as many much smaller countries, which makes the waiting lists to obtain legal immigration status years long.

**Migrants as Workers**

A major international conference hosted by Mexico in November 2010 (Global Forum on Migration and Development, 2010) emphasized that migrants worldwide should be thought of as workers who are seeking better economic situations for their families rather than perceived as criminals. Speakers at the conference argued that countries need to separate war on terrorism and wars on drugs from the immigration question. While all countries need to work together to fight terrorists and stop drug traffickers, the migration of thousands of people from their home countries seeking to make a better life for themselves and their families is a separate issue. The United States needs immigrants—in agriculture, in skilled jobs, in technical fields, in education, and in many other areas, and the lobbying efforts of businesses and agricultural growers clearly demonstrate this need (Nevins, 2002).

An advantage to employers is that immigrant workers are flexible and willing to move where the jobs are, contrary to U.S. workers who tend to be much more rooted in their home communities. Much of the research on immigration has shown that the presence of immigrants in the United States has contributed to the betterment of the country and, as a wealthy state receiving immigrants, the United States has benefited from a “buyers market” for workers (R. Alba & Nee, 2003; Rosenblum, 2011). Guest worker programs have been used to bring in low-skilled workers temporarily to do essential but low-paying jobs and
have been implemented in various specialized industries in the United States in the past. The Immigration Act of 1917 allowed employers to import foreign workers when they could document extreme labor shortages and allowed them to suspend barriers in immigration law, such as a head tax and literacy requirements, that made it difficult to import farm labor from Mexico (Griffith, 2006). After WWII, a Mexican and U.S. government agreement created the Bracero Program that brought hundreds of thousands of Mexican agricultural workers to the United States, particularly in the U.S. Southwest and West. The British West Indies Temporary Alien Labor Program between the United States and Jamaica, St. Lucia, St. Vincent, Barbados and Dominica also brought smaller numbers of sugar cane workers to Florida and apple harvesters to the East Coast (Griffith, 2006). Many argue that such programs bring in needed low-skilled workers legally on a temporary basis and prevent those workers from entering the U.S. illegally. Providing temporary worker visas also encourages return migration, or circularity, and makes it less likely that workers will establish permanent residence in the United States. However, downsides of such programs are that it is difficult to assure that these temporary workers actually return home. Many form relationships and have children in the United States who become U.S. citizens which complicates their situation even more. It is also difficult to manage such a program to prevent the exploitation of workers. For example, some of the factors ending the Bracero Program included protests related to unacceptable working conditions. Furthermore, millions of dollars of earnings the Braceros sent home, which were supposed to be available to them when they returned to Mexico, disappeared (Orrenius & Zavodny, 2010b).

Children of Immigrants

Speakers from all over the world at the Global Migration conference noted that most receiving countries wanted the hands of the laborers to do the work, but did not want to deal with the human needs of workers for health care, education, or connections with family members and children. Many of the undocumented workers who have come to the United States, especially since border security has tightened, making it more difficult to return frequently to Mexico, have brought their children with them or have sent for them after working in the United States. Because of the Supreme Court case Plyler v. Doe (1982) that ruled that children residing in the United States could not be denied an education regardless of their immigration status (Harriett Romo & Romo, 2009), those children have been enrolled in U.S. public schools that provide English as a Second Language classes, enabling immigrant children to learn English and transition into regular English-speaking classrooms (Valdés, 2001). These children grow up in the United States, and many do well in their U.S. schools and graduate with a high school diploma. However, as they begin to consider college or work, they realize that they do not have the documentation needed, such as social security numbers or permanent residency, required to legally work in the country or to attend post-secondary institutions (Abrego & Gonzales, 2010; Gonzales, 2011). Many have families who cannot afford to pay the full cost of tuition for them to enroll in higher education, and, as undocumented students, they are ineligible to apply for federal financial aid for college expenses which low-income U.S. citizens and permanent residents
are eligible to receive. They are left with very uncertain futures, never having lived in their community of origin and facing barriers in the work force, such as not having work required documents, not being able to get a drivers' license, and living in constant fear of deportation in the communities where they reside (Abrego & Gonzales, 2010).

The DREAM Act

In December of 2010 the U.S. House of Representatives passed the Development, Relief, and Education for Alien Minors Act (DREAM Act), federal legislation aimed at establishing a path to legal residency for certain qualifying undocumented immigrant students. The Act stalled in the Senate while legislators debated and negotiated, failing to pass by five votes. Opponents argued that passing the bill would provide amnesty to individuals who had broken U.S. laws by being in the United States without appropriate immigration documents and those children, once granted citizenship, would bring their parents and siblings into the country as well. Others withheld support, seeking more comprehensive immigration reform. Proponents argued that these young people had been brought to the United States by undocumented parents when they were very young, often without knowledge that they were undocumented, and that they had proven themselves to be productive cultural citizens who could contribute to the U.S. economy if they were given the opportunity for a route to legalization and citizenship.

The proposed legislation had numerous restrictions, including age of arrival in the United States, completion of two years of college or service in the military, lengthy probation periods to apply for citizenship, prohibitions on sponsoring parents or relatives for legal residency, and other conditions added to the bill to appease opponents which made it difficult for young people to qualify for its provisions. Although estimates vary as to how many young people would benefit from the DREAM Act legislation, those who would have benefited from the passage of this bill were left with few options for legal participation in the labor force in the United States and uncertain options if deported to a country of origin they do not know.

Although U.S. President Obama says he supports the cause of these students and immigration officials say illegal immigrant students with no criminal record are not among their priorities for deportation, federal immigration authorities removed a record number of immigrants from the country in 2010, nearly 393,000 according to New York Times reporters (Preston & Semple, 2011, p. A15), and with local police expanding their role in immigration enforcement, students often get caught. U.S. Representative Lamar Smith, a Texan who is chair of the U.S. House Judiciary Committee, led opposition to the Dream Act in the U.S. Congress, calling it “an American nightmare” that would allow undocumented immigrants to displace American students from public colleges (Preston & Semple, 2011).

Those, like U.S. Representative Lamar Smith, who have been outspoken about the DREAM Act have taken a hardened approach and promised to introduce harsher legislation against immigrants. Several have proposed legislation to prevent children born to parents who are in the country illegally from receiving automatic citizenship. Such legislation would
test the 14th amendment of the U.S. Constitution and divide native-born U.S. children into citizen and non-citizen classes depending on the immigration status of their parents (Epps 2011).

Additional Restrictions
There is also U.S. legislation under consideration to force employers to incorporate a system using the web to determine the employment eligibility of their employees. At this time participation in the program, dubbed E-Verify, is voluntary for most businesses. However, in some states, as mentioned earlier, companies are already required by state law or federal regulation to use E-Verify. The system is required of most employers in Arizona and Mississippi, as well as employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation E-Verify clause. Additional legislation that has been mentioned would restrict federal spending in cities that do not do enough to identify people who are in the country illegally or to reduce the numbers of legal immigrants (Gamboa, 2010).

Some cities have already proposed local regulations that would penalize landlords who rent to non-citizens who cannot prove legal status, ordinances that have been contested in the U.S. courts. In other cities, racial profiling allegations have made newspaper headlines. One article from the Associated Press that appeared in the San Antonio Express News with the headline, “Hispanics fleeing Connecticut city” (Melia, 2010) told of reports of Hispanic business owners complaining that police made a practice of parking outside their shops and stopping any Latinos and threatening to alert immigration authorities. The Yale University Law School’s Worker and Immigrant Rights Advocacy Clinic is investigating the Connecticut case and is filing a lawsuit on behalf of nine immigrants who say police in that community abused them.

Economic Considerations
The on-going debates in the United States over immigration legislation raise numerous issues. One important circumstance is the condition of the U.S. economy. Since the end of the Bush administration, the United States has been in one of the worst economic recessions since the Great Depression. Unemployment rates have hovered at 9 and 10% nationally and in some states, such as Michigan which has lost many manufacturing jobs that previously paid high wages, unemployment has been much higher. Recently released 2010 Census data show that foreign-born population make up six percent of the population in Michigan and many immigrants are also unemployed. Former manufacturing states are losing population to other more prosperous states in the U.S. Southwest. States like Nevada have experienced an increase of 35 percent in population growth over the past decade and have a foreign-born population of 18.7 percent with 27.5 percent of that population speaking a language other than English at home (Davey, 2010). Nevada was the fastest growing state in the United States until the economy collapsed in 2007, and Davey has documented that
unemployment there is now 14.3 percent, the highest in the country. While opponents of immigration argue that migrants take the jobs of U.S. workers, advocates argue that many of the jobs that migrants are willing to take are not appealing to U.S. workers because of low wages, unsafe working conditions, lack of benefits, and difficult physical aspects of the jobs. Much of the labor that migrants contribute in the restaurant and tourism industry in states like Nevada positively influences the state’s ability to rebuild its economy. With increased border security on the U.S. side, those who can manage to remain in the United States do so because of the dangers and high costs, both physical and monetary, of returning to the United States once the economic situation improves.

Health and Migration

The issue of health care for immigrants became part of the debate in the U.S. Congress when in 2010 the federal government took up the challenge to widen health insurance coverage to a greater number of people who do not have health care. Legislators specifically eliminated any opportunities for undocumented immigrants to acquire health insurance under the new legislation. The issue of health care for immigrants has also been debated at the state level in many states with large numbers of migrants, such as California. In the 1980s California attempted to pass legislation that would prevent undocumented immigrants from receiving any kind of public health care. Health care providers argued that, not only was this bad legislation for immigrants, but it was bad policy for public health. If a large group of people living in U.S. cities has no access to health care, there are many health problems that can arise, particularly concerning infectious diseases such as tuberculosis and AIDS (N. Barnes, 2002). Mexico is concerned about the spread of the HIV virus when migrants return from work in the United States (Martinez-Donate et al., 2004). A number of rural areas are affected when seasonal workers return to their families in Mexico, perhaps carrying the AIDS virus, and infect their spouses. The study by Martinez-Donate and colleagues has shown a substantial risk for HIV infection among adolescents in the border area due to unprotected sexual practices, lifetime rates of pregnancy and sexually transmitted infections, and needle-sharing practices related to tattooing and body piercing. Mexican and U.S. health workers have attempted to work together to attack these issues and the spread of infectious diseases. An example of cross-border collaboration occurred when the flu epidemic erupted in the late 1990s and both governments attempted to assure that persons were treated to prevent spread of the disease. Diseases know no borders, and joint projects that reach migrants to provide health information, treatment for contagious diseases like TB, and treatment and prevention for chronic diseases like diabetes, will help both countries in the long run.

Transnational Economies

Modern forms of transportation and communication, in combination with global forms of economic activity, mean that citizens and immigrants alike are involved in economic endeavors that span national borders. This is especially true in Texas where a significant
part of the state economy involves trade and commerce with Mexico. The North American Free Trade Agreement (NAFTA) has increased the interconnectedness of the economies of the U.S. and Mexico, and particularly the economies of the northern states of Mexico and the U.S. Southwest (Hernández-León, 2008). Immigrants and non-immigrants are involved in many economic endeavors that span national borders. The rise of skilled temporary worker programs in the United States has led to a dramatic increase in the influx of high-skilled foreign workers since 1992 (Orrenius & Zavodny, 2010a). In addition to an increasing number of high-skilled employees, many highly educated and skilled entrepreneurs are also migrating to the United States from Mexico. Portes and his colleagues argue that the impact of transnational entrepreneurs goes beyond the impact of the entrepreneurs themselves by encouraging ties with the home countries (Portes, Guarnizo, & Haller, 2002). With modern telecommunications, information technologies, instant money transfers, Facebook and other social networking systems, web commerce, and ease of air transportation to travel back and forth to take advantage of economic opportunities in both sending and receiving communities, transnational entrepreneurs are more numerous and more common.

The United States has benefited from the investment visa opportunities provided to entrepreneurs who want to start businesses in the U.S. or expand Mexican businesses across the border. Many of these entrepreneurs bring their family members and employees with them as well as create jobs for U.S. workers in their enterprises. Many U.S. communities, such as San Antonio, Houston, Los Angeles, and Chicago have well established Mexican ethnic enclaves and successful Mexican business persons who can offer encouragement and aid to new investors (Harriett Romo & Lopez, 2010). There is also a growing investment industry in these cities that draws talented money managers and advisors who know the transnational markets. Articles that appeared in a Mexico City newspaper lamented the loss to Mexico as more of these entrepreneurs leave Mexico because of fears of insecurity and their skills, investments, and capital leave with them (Martinez, 2010a, 2010b).

Compared to the past, a larger number of Mexican migrants come with advanced education, professional skills, and sometimes substantial amounts of financial capital that facilitate transnational connections and allow these migrants to participate in their home country societies as well as in the United States. Escobar and Martin (2008) report that on average, those Mexicans who choose to migrate to the United States are slightly better educated than those who stay in Mexico. Immigrants’ characteristics, especially a high school or above education, help them deal with the challenges and costs of international migration. They can afford the financial investment that is required to maintain the connections that promote strong transnational relations (phone calls, internet communications, and frequent flights back to Mexico both for business and for visiting friends and relatives left behind). These transnational relations affect the way we have traditionally thought about families, communities, and nation states. Many Mexicans in the United States voted in the last presidential election in Mexico. Mexico now recognizes dual nationality allowing many Mexican nationals to become U.S. citizens without giving up their Mexican identity and many have chosen to do so (Harriett Romo & Rodriguez, 2006). Others, especially those who still have close family members remaining in Mexico, continue to live transnational lives.
Women Migrants

According to a study by Agustín Escobar Latapí at CIESAS and Susan Martin at Georgetown University (Escobar Latapi & Martin, 2008), women comprise close to 50 percent of all Mexicans living in the United States and women migrants tend to maintain closer ties to family networks. In the United States and in Mexico, it is common to find women in the workforce, and increasingly these workers are not only young and single women workers, but married women with children as well. While home country cultural norms and attitudes about women and work still shape many of the experiences of women immigrants in the United States, wage work has empowered immigrant wives and mothers in many ways in comparison to the lives of immigrant women in earlier time periods (Foner, 2005). Nonetheless, traditional patriarchal codes and practices may continue to have an impact on Mexican immigrant women and many immigrant mothers continue to bear responsibilities for child care and domestic tasks, even when the children are left in the community of origin with grandparents or other extended family (Dreby, 2010; Stephen, 2007).

Border crossings can be especially difficult for women migrants traveling alone. There have been numerous reports of rapes and assaults; plus many such incidents may never get reported (Davis & Henderson, 2003; Raj & Silverman, 2002). Serious reports of human trafficking of women in the sex industries also pose serious problems along the U.S.-Mexico border. For women who migrate with husbands, the stress of migration on the family can sometimes result in spousal abuse, and women without official immigration status are reluctant to seek help or counseling in such circumstances. In cases where women did not earn an income or earned only a small supplementary income prior to migration, the gains with regular wage work in the United States mean that they contribute a larger share of the family income, they have more authority in the household, and greater self esteem. Often this new independence creates strains in more traditional patriarchal arrangements in the home community (Foner, 2005).

Other women are faced with trying to raise children they left behind. Dreby (2010) clearly documents the struggles of women migrants who have left children in their home communities while they work in the United States and send remittances back to pay for the children’s care and education. Both children and parents report feelings of estrangement and both face difficulties once the parents and children reunite. Some children refuse to join their parents in the United States and prefer to remain with grandparents who have raised them. Others do poorly in school because they lack the supervision of parents who must try to discipline them over the telephone or on yearly return visits. When Mexican immigrant parents send for their children once they are settled in the United States, those children grow up in U.S. communities and attend U.S. schools, as mentioned above in describing the youths affected by the DREAM Act legislation debates in the United States. When the children do return to Mexico, they often experience difficulties integrating into the Mexican schools because they do not read or write Spanish well and may be academically behind their peers (Zúñiga & Hamann, 2009). The advantages many of these children and youths have is that they have experienced both U.S. and Mexican ways of life, and many may continue to live transnational lives as they mature and have families of their own.
Along the Southwestern United States and the Northern Mexican states, many individuals and families have crossed the border routinely as a part of border life and have done so for many years (Lorey, 1999). Cities like Laredo and Nuevo Laredo, Brownsville and Matamoros, El Paso and Ciudad Juarez, San Diego and Tijuana often have workforces that live transnational lives and children and youths who cross the borders regularly for schooling and social events. Family members live on both sides of the border. Many of the border towns have economies that are closely linked. These economies have suffered as border security has made lines at the border longer each day and once easy commutes to shop in the United States or Mexico have become a hardship (Nevins, 2002). In some of these U.S. border communities, such as Eagle Pass, Texas, which is across from the Mexican community of Piedras Negras, restaurants, grocery stores, and shops that once relied on Mexican tourists are struggling. El Centro, California across the border from Mexicali, Mexico has a 28 percent unemployment rate, with many jobs lost because of the decline in business with Mexico (Medina, 2011). In other border areas, due to insecurity on the Mexican side, businesses are booming on the U.S. side of the border while their counterparts are going bankrupt on the Mexican side. These communities had very open borders for many years with little attention to border crossers (Benton-Cohen & Cadava, 2010). Today, with increased border security and the fears of violence on the Mexican side, border crossing is much more complex resulting in less circularity. While the border area in the United States includes some cities that prosper due to increased NAFTA trade, such as Laredo (Lorey, 1999), other Texas counties that border Mexico are among the poorest areas in the United States. Unauthorized housing developments, often referred to as colonias, exist all along the southern border with Mexico. These areas are characterized by substandard housing, inadequate plumbing and sewage disposal systems, and limited access to clean water (Lemos, Austin, Merideth, & Varady, 2002). Although the northern states of Mexico are some of the most industrialized and prosperous areas of Mexico, many border cities and rural areas of northern Mexico still have large pockets of poverty (Padilla & Argilagos, 2008). Poverty in Mexico is linked to migration as workers in rural Mexico find it difficult to make a living for their families and seek better wages in the United States.

Many have wondered why the United States does not integrate analysis of migration issues into development projects. Rural development projects in migrant-sending communities can increase their impact through partnerships with non-profit organizations, small farmer organizations, and other local advocates that can influence the Mexican government to support policies and leverage public resources to decrease migration (Wainer, 2011). Mexico struggles with its own immigration policies as it has become both a sending country of migrants and a receiving country of immigrants from Central and Latin America. However, in contrast to the emphasis on border enforcement and border security in the United States’ immigration policies, the Mexican government has initiated flexible work visas in its southern states allowing migrants to work legally in those states and to move where workers are needed (F. Alba, 2011). Both countries face similar issues in the economic crisis that has caused job creation to stagnate, raised unemployment rates, and resulted in inflation in food stables and transportation costs. Mexico’s fight against the drug cartels has increased insecurity
throughout Mexico, although most palpable in Mexican border states, and the violence has forced many of the country’s entrepreneurs and more highly educated citizens to flee to the United States (Meza & Fiel, 2011). The continued influx of Mexican migrants has stimulated economic development and has revitalized the Spanish language, strong family values, Mexican music and art, and other aspects of Hispanic culture in the areas where they reside.

**Efforts of Collaboration**

Although Mexico’s President Felipe Calderón and the U.S. President Barack Obama have met and discussed collaborations in many areas, including border protection and immigration, many barriers remain. In March 2011 the U.S. Ambassador to Mexico, Carlos Pascual, resigned amid accusations that he had overstepped his role as Ambassador in criticizing Mexico’s actions in the fight against the drug cartels (Cave & Thompson, 2011). Mexico has also reacted negatively to the mistreatment of Mexican immigrants in the United States.

Considering the many international accords that exist and have historically existed between the United States and other countries regarding immigrants and given the impact that the phenomenon of migration has on both the sending and the receiving communities, it seems reasonable that any successful policies must be worked out in collaboration in order to have viable outcomes. Such agreements would have to be backed by economic compromises, social responsibilities, and labor agreements between the United States and Mexico. The resulting policies would also have to provide legal opportunities for work, security, and protection under the laws of both countries. There is a history of such bilateral cooperation. Although the two countries each pursued unilateral migration for most of their history, they collaborated on approaches to manage migration during the early years of the Bracero Program, and since the 1990s they have collaborated on migration enforcement and border management (Nevins, 2002; Rosenblum, 2011).

Rosenblum has identified four key obstacles to collaboration in migration policy: the norm of state sovereignty, divergent interests between sending and receiving countries, asymmetric migration flows, and the complexity of migration as domestic political issues (Rosenblum, 2011). While these barriers exist in U.S.-Mexico relations, Rosenblum argues that overall the relationship has never been closer. New U.S. Census data for 2010 show that the Hispanic population grew faster than expected and accounted for more than half of the United States’ population growth from 2000-2010. U.S. Census Bureau estimates reported in the *Wall Street Journal* (Reddy, 2011) show that Latinos now account for about one in four people under age 18 suggesting that this group holds the future potential to shift the political dynamics across the United States and to influence perspectives on immigration.

Thus, it remains to be seen how political dynamics surrounding United States-Mexico relations will evolve with both countries facing national elections in 2012. In addition, the United States is struggling with high rates of unemployment and a Congress that refuses to address comprehensive immigration reform legislation. Continued academic research is needed to identify effective migration policies and to monitor the long term consequences of such courses of action. Migration impacts the lives of people, the economies of both
countries, and good-neighbor relationships. These issues are of national and international importance and should not be left to a cluster of disjointed local and state regulations.

Notes

1 The Migration Policy Institute estimated that the DREAM Act’s enactment would immediately make 726,000 unauthorized young adults eligible for conditional legal status; of these, roughly 114,000 would be eligible for permanent legal status after the six-year wait; and another 934,000 children under the age of 18 would age into conditional-status eligibility in the future if they earned a U.S. high school diploma or a General Education Development (GED) degree (Migration Policy Institute: Insight, July 2010). A December 2010 article “Investing in the American Dream” by Roberto G. Gonzales written for the Immigration Policy Center and based on six years of in-depth research on the circumstances confronting undocumented immigrant youth and young adults, estimated that more than 2.1 million youth and young adults are part of the population affected by the DREAM Act.


Durante las últimas tres décadas cerca de cuarenta millones de inmigrantes, tanto documentados como indocumentados, llegaron a los Estados Unidos (Portes & Rumbaut, 2006). Sin embargo, desde la aprobación de la Ley de Reforma y Control de Inmigración o IRCA (Immigration Reform and Control Act) en 1986, el congreso de ese país ha sido incapaz de aprobar una nueva legislación nacional comprensiva en materia migratoria (Escobar & Martin, 2008, p. 108). A raíz de ese fracaso, diversos estados, e incluso condados y ciudades, han buscado enfrentar, por sus propios medios, el proceso migratorio a través de medidas políticas, policiacas y legislativas.

En la última década, el estado de Arizona ha puesto en práctica una “política migratoria” que vale la pena analizar por su extremismo y virulencia. Así, la frontera entre ese estado y Sonora se ha convertido no sólo en paso y tumba de cientos de migrantes mexicanos y centroamericanos, sino también en laboratorio de las tendencias de otros estados en materia migratoria.

Para cumplir con el objetivo de analizar las tendencias de la política migratoria que están llevando a cabo estados y localidades en Estados Unidos, y particularmente Arizona, este trabajo está dividido en dos partes. La primera hace un repaso del debate migratorio en Estados Unidos desde los años noventa, la segunda analiza la política migratoria que ha sido impulsada por los estados en ese país y, sobre todo, las medidas legislativas y de política pública que ha adoptado Arizona respecto a la migración.

**El Debate Migratorio en los Años Recientes**

Siendo un país de inmigrantes y una potencia mundial, las leyes migratorias de Estados Unidos han reflejado por lo menos dos influencias: los requerimientos de mano de obra de su economía y el peso de sus intereses político-sociales, tanto internos como externos.

En los primeros años del siglo XX las leyes migratorias incluyeron componentes raciales. Más tarde, en la década de 1950, se omitió dichas distinciones raciales pero se impusieron exclusiones de tipo ideológico que reflejaban la vigencia de la guerra fría. Las enmiendas a la ley migratoria de 1965 (Immigration and Nationality Act Amendments) respondieron tanto a las necesidades de la economía como a las tendencias de la época, influidas por los movimientos sociales y las propensiones internacionales. Al abolir las cuotas por país de origen, modificó la ley en un sentido más incluyente y progresista, dando lugar a una diversificación de la población migrante que incluyó a millones de latinoamericanos y asiáticos. En los setenta se aprobó una serie de leyes ad hoc para lidiar con los flujos...
migratorios provenientes de los países en los que Estados Unidos había intervenido, como Vietnam y Camboya. En 1980 se ratificó una ley de refugio que ya no sólo se inspiraba en el anticomunismo de la guerra fría, que privilegiaba a quienes escapaban de regímenes comunistas, sino que además se puso a tono con las concepciones internacionales prevalecientes al definir a un refugiado como una persona que puede temer por su vida o integridad física. (Portes & Rumbaut, 2006, p. 31)

Para mediados de la década de 1980 existía la percepción de que Estados Unidos había perdido el control de sus fronteras, particularmente con México. Así, ante el aumento del flujo de trabajadores indocumentados, y para enfrentar el hecho de que ya habían llegado millones de inmigrantes, el congreso aprobó, en 1986, la Ley de Reforma y Control de la Inmigración (IRCA, por sus siglas en inglés). Al amparo de la IRCA se amnistía a cerca de tres millones de trabajadores, en su mayoría mexicanos, estableciendo también sanciones para los empleadores y diversas medidas para fortalecer el control de la frontera. (Durand & Massey, 2009, p. 167)

A pesar de todas esas medidas, entre 1990 y el año 2000 entraron a Estados Unidos más de nueve millones de inmigrantes, lo cual, como sucedió un siglo antes, generó un profundo sentimiento antiinmigrante en diversas partes del país (Kaye, 2010). En el 2007 el número de personas nacidas en el extranjero alcanzó la cifra de 37.3 millones (Ver Tabla 1).¹

<table>
<thead>
<tr>
<th>Periodo (Año)</th>
<th>Inmigrantes (Millones)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>24.3</td>
</tr>
<tr>
<td>1996</td>
<td>25.9</td>
</tr>
<tr>
<td>1997</td>
<td>27.2</td>
</tr>
<tr>
<td>1998</td>
<td>27.8</td>
</tr>
<tr>
<td>1999</td>
<td>27.9</td>
</tr>
<tr>
<td>2000</td>
<td>30.0</td>
</tr>
<tr>
<td>2001</td>
<td>31.8</td>
</tr>
<tr>
<td>2002</td>
<td>32.5</td>
</tr>
<tr>
<td>2003</td>
<td>33.5</td>
</tr>
<tr>
<td>2004</td>
<td>34.2</td>
</tr>
<tr>
<td>2005</td>
<td>35.2</td>
</tr>
<tr>
<td>2006</td>
<td>35.7</td>
</tr>
<tr>
<td>2007</td>
<td>37.3</td>
</tr>
</tbody>
</table>

(Camarota, 2007)

En perspectiva histórica, el porcentaje de nacidos en el extranjero en el 2007 no es mayor al porcentaje prevaleciente a fines del siglo XIX y principios del XX. Sin embargo, como puede observarse en el siguiente cuadro (Tabla 2), la población nacida en México tiene un
El fracaso de la Política Migratoria de Estados Unidos y el Papel de los Estados: El Caso de Arizona

gran peso dentro del conjunto, y aunque se distribuye por todo Estados Unidos adquiere una visibilidad social nunca antes vista. En el cuadro podemos observar claramente el crecimiento de la población inmigrante y también el peso de la migración mexicana.

Tabla 2. Población Residente en EEUU por Año de Captación

<table>
<thead>
<tr>
<th>Año o Periodo</th>
<th>Total</th>
<th>Estados Unidos</th>
<th>Total de Inmigrantes</th>
<th>Región de Nacimiento de los Inmigrantes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Resto de Inmigrantes</td>
</tr>
<tr>
<td>Absolutos</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970</td>
<td>202 786 846</td>
<td>192 347 977</td>
<td>10 438 869</td>
<td>878 680</td>
</tr>
<tr>
<td>1980</td>
<td>218 527 131</td>
<td>204 550 141</td>
<td>13 976 990</td>
<td>2 235 207</td>
</tr>
<tr>
<td>1990</td>
<td>247 195 782</td>
<td>226 569 332</td>
<td>20 626 450</td>
<td>4 409 033</td>
</tr>
<tr>
<td>2000</td>
<td>281 421 906</td>
<td>248 366 444</td>
<td>33 055 462</td>
<td>9 325 452</td>
</tr>
<tr>
<td>2005</td>
<td>288 398 819</td>
<td>250 561 169</td>
<td>37 837 650</td>
<td>11 164 770</td>
</tr>
<tr>
<td>Porcentaje</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Resto de Inmigrantes</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970</td>
<td>100.0</td>
<td>94.9</td>
<td>5.1</td>
<td>0.4</td>
</tr>
<tr>
<td>1980</td>
<td>100.0</td>
<td>93.6</td>
<td>6.4</td>
<td>1.0</td>
</tr>
<tr>
<td>1990</td>
<td>100.0</td>
<td>91.7</td>
<td>8.3</td>
<td>1.8</td>
</tr>
<tr>
<td>2000</td>
<td>100.0</td>
<td>88.3</td>
<td>11.7</td>
<td>3.3</td>
</tr>
<tr>
<td>2005</td>
<td>100.0</td>
<td>86.9</td>
<td>13.1</td>
<td>3.9</td>
</tr>
</tbody>
</table>

Contribución de los Mexicanos al Incremento de Extranjeros

| Periodo       |       |                |                     |                                        |
|---------------|-------|----------------|                     |                                        |
| 1970-1980     | 100.0 | 38.3           | 61.7                |                                        |
| 1980-1990     | 100.0 | 32.7           | 67.3                |                                        |
| 1990-2000     | 100.0 | 39.6           | 60.4                |                                        |
| 1970-2000     | 100.0 | 37.3           | 62.7                |                                        |


Si bien la migración mexicana a los Estados Unidos es un fenómeno con más de cien años de historia (Durand & Massey, 2009, p. 45), en este trabajo nos interesa destacar sólo lo que ha ocurrido en las últimas décadas. A partir de la segunda mitad de 1980, el
El patrón migratorio de los mexicanos se transformó radicalmente y entró en una nueva fase que incidió profundamente en la manera en cómo la migración es percibida por ambas sociedades. (Zúñiga Herrera & Leite, 2006)

Los emigrantes mexicanos no se dirigen sólo al suroeste de Estados Unidos, sino a todas las regiones de ese país; se pasa de una migración estacional o circular a una permanente; las zonas expulsoras de emigrantes ya no se reducen a unos cuantos estados sino a toda la República Mexicana (Unger, 2005).

La presencia indígena en el flujo migratorio aumenta. Los migrantes mexicanos participan cada vez más en el sector de servicios. Comienzan a emigrar personas de diversos orígenes sociales, mujeres, jóvenes y niños (Pederzini, Lowell, & Passel, 2008). Un número importante de estudiantes mexicanos se queda en Estados Unidos, con lo cual la fuga de cerebros se acentúa. Ante la inseguridad en el país, sectores sociales altos se van o establecen domicilios en ambos países.

El nuevo patrón migratorio no es resultado sólo de los cambios legislativos, sino de un complejo entramado de fuerzas económicas y sociales; el marco legal tiene impacto, sobre todo en la decisión de los migrantes de residir permanentemente en Estados Unidos e incluso de buscar la ciudadanía. (Imaz Bayona, 2006, p. 111)

Gráfica 1: Incremento y Distribución de los Migrantes Mexicanos en EEUU entre 1990 y 2005

Estados de la Unión Americana donde los inmigrantes mexicanos se ubican entre los cinco grupos de inmigrantes de mayor tamaño, 1990 y 2005

En 1990 los mexicanos son la primera minoría inmigrante en 14 estados, y se ubican en los 5 primeros lugares en 23 estados

En 2005 los mexicanos son la primera minoría inmigrante en 31 estados, y se ubican en los 5 primeros lugares en 43 estados

Como se puede observar, entre 1990 y 2005 no sólo creció el número de migrantes mexicanos sino también se diversificaron los estados de destino. Aunque la presencia de los migrantes en los estados fronterizos es muy alta, éstos se dirigieron a la mayoría de los estados en el vecino país, y no únicamente a unos cuantos estados receptores tradicionales.

A partir de la década de 1990 el clima político de alarma frente a la inmigración indocumentada, particularmente mexicana, provocó que el debate migratorio tendiera a endurecerse y, en círculos académicos conservadores, comenzó a enmarcarse la migración como un problema de seguridad nacional.

Los diversos aspectos del fenómeno migratorio fueron estudiados por el Congreso a lo largo de los años noventa. En la Ley Migratoria de 1990 (1990 Immigration Act) se expandió los límites fijados en la ley de 1965 y se incrementó los topes al número de migrantes que pueden entrar a EUA, hasta 700,000 anuales, amén de aumentar el número de visas en un 40%.

En 1994, los republicanos ganaron las elecciones legislativas y se convirtieron en la fuerza política mayoritaria en el Congreso. En 1996, al amparo de esa nueva mayoría, los legisladores aprobaron tres leyes que tuvieron un impacto negativo sobre los migrantes: la Ley de Oportunidad de Trabajo y Responsabilidad Personal (Personal Responsibility and Work Opportunity Act), la Ley Antiterrorista y de Pena de Muerte Efectiva (Antiterrorism and Effective Death Penalty Act) y la Ley de Responsabilidad y Reforma a la Inmigración Ilegal (Illegal Immigration Reform and Responsibility Act, IIRIRA, por sus siglas en inglés), que aumentan las categorías de actos criminales que merecen deportación e imponen la detención obligatoria de ciertas categorías de migrantes, aun de personas que tienen la green card que acredita su estancia legal en el país (Verea Campos, 2006, p. 268).

Esa tríada de leyes creó una situación muy difícil para los migrantes, pues además de criminalizarlos, reformó el Estado de Bienestar, impidiéndoles el acceso a diversos programas sociales; incluyó la utilización de tecnología militar en la frontera; y otorgó más fondos a la Patrulla Fronteriza y al Servicio de Inmigración.

Esa triada de leyes punitivas y criminalizantes para la migración indocumentada, mayoritariamente mexicana, fracasaron al no detener el flujo migratorio, pero sí cumplieron con el efecto perverso de aumentar el número de muertos mexicanos y centroamericanos en la frontera.
El contexto punitivo no sólo hizo crecer el número de muertos en la frontera, sino que acuC388entou la vulnerabilidad de los migrantes frente a los traficantes de personas y a los empleadores, y los orilló a quedarse definitivamente o por períodos más largos en Estados Unidos.

En esas condiciones resultaba urgente una reforma migratoria integral; y la coincidencia de las elecciones tanto en México como en Estados Unidos parecía un momento adecuado para impulsarla. Desde que era presidente electo, Vicente Fox propuso una ambiciosa negociación que pareció encontrar eco en el presidente George Bush (Velasco, 2007).

Sin embargo, los acontecimientos del once de septiembre del 2001 impidieron una negociación bilateral sería sobre un problema que afecta a ambos países. (Alba, 2000)

A partir del ataque del 11 de septiembre la preocupación por la migración dio como resultado que el migrante se visualizara como una amenaza a la seguridad nacional y no como un trabajador que quiere mejorar su situación económica. Como respuesta a los ataques se creó el Departamento de Seguridad Interna (Department of Homeland Security) en noviembre del 2002. Dicha dependencia centraliza las agencias federales relacionadas con la migración. (de los Ríos Lozano, 2005, p. 119)

Así, la Dirección de Seguridad Fronteriza y del Transporte (Border and Transportation Security Directorate) del Departamento de Seguridad Interna es responsable de la seguridad fronteriza, de los 350 puertos de entrada, de la conexión de Estados Unidos con el resto del mundo, así como de hacer cumplir las leyes migratorias. Desde el punto de vista institucional, tanto la Patrulla Fronteriza como el Servicio de Inmigración y la Guardia Costera pertenecen hoy a ese departamento. De manera que a los factores de la opinión pública antiinmigrante
y las necesidades del mercado se agregó entonces una visión del tema migratorio no sólo enmarcado por lo económico y lo social-político, sino también por la seguridad nacional.

Aunque la negociación México-Estados Unidos en materia migratoria no había fructificado, el tema seguía siendo importante. Por ello, ante la proximidad del proceso electoral del 2004, el presidente Bush lanzó una propuesta de política migratoria que incluía, para los millones de trabajadores indocumentados que se calculaba vivían en Estados Unidos: una visa temporal por tres años, renovable, que permitiera llevar a sus familias y que pudiera solicitarse desde Estados Unidos; derechos laborales; la posibilidad de cambiarse de empleo y la seguridad de no ser deportados.

Si bien la propuesta Bush sólo constituía un bosquejo de ciertas líneas de acción, representó un avance. No obstante, era el Congreso quien tenía en sus manos la tarea de reformar las leyes migratorias. Aun antes de la propuesta presidencial, en el ámbito legislativo se estaban discutiendo diversas iniciativas de ley, desde una reforma mínima para un nuevo programa de trabajadores huéspedes, hasta una reforma que incluía una amnistía plena para los indocumentados. (Fernández de Castro & Clariond Rangel, 2008)

Por otra parte, el 21 de enero del 2004 los senadores Hagel y Daschel introdujeron una iniciativa de ley que contemplaba conceder el status legal a los indocumentados que no tuvieran antecedentes criminales, que hubieran residido en EUA por cinco años y trabajado por cuatro, que hubieran pagado impuestos, tuvieran conocimientos de inglés y que pagaran una multa de mil dólares; aumentar el número de visas disponibles para los migrantes que buscaran reunificar a su familia; admitir a un número limitado de trabajadores que ocuparan empleos que no quisieran los estadounidenses; la protección laboral; y el fortalecimiento de la seguridad nacional. Ninguna de esas propuestas fue aprobada.

Sin embargo, en diciembre de 2005 la Cámara de Representantes votó mayoritariamente a favor de la Ley de Protección de la Frontera, Anti-Terrorismo e Inmigración Ilegal (Border Protection, Anti-Terrorism, and Illegal Immigration Control Act) mejor conocida como Ley Sensebrenner, propuesta por el legislador del mismo nombre, que se convirtió en la ley federal más punitiva que hasta entonces se hubiera considerado con posibilidades de pasar (Verea Campos, 2006). En 2006 el Senado aprobó la Ley de Reforma Migratoria Comprensiva (Comprehensive Immigration Reform Act of 2006), que contemplaba un camino para que la mayoría de los indocumentados tuviera la posibilidad de acceso a la ciudadanía. Ambas propuestas eran tan antitéticas en su orientación que no prosperaron. Sin embargo, la ley Sensebrenner despertó tanta indignación entre los millones de inmigrantes que dio lugar a enormes manifestaciones de protesta en las ciudades más importantes de Estados Unidos. (García-Acevedo, 2007, pp. 28-29)

A pesar de los esfuerzos de los distintos legisladores, en 2007 fracasó la reforma migratoria integral, y el gobierno federal profundizó su política de control, redadas, y construcción de un muro en la frontera.
Como puede observarse en la Gráfica 3, el dinero dedicado a todos los aspectos de la protección fronteriza ha aumentado sustancialmente. Sin embargo, la política migratoria ha fracasado de manera contundente.

Como señala un informe del *Immigration Policy Center*:

*Por más de dos décadas, el gobierno de los Estados Unidos ha intentado borrar a los migrantes indocumentados a través de los esfuerzos de control en la frontera y en el interior del país sin éxito y sin reformar un sistema migratorio quebrado que estimula la inmigración indocumentada. Mientras que se han vertido miles y miles de millones de dólares al control, el número de inmigrantes indocumentados en los Estados Unidos se ha incrementado dramáticamente. En vez de reducir la inmigración indocumentada, la estrategia de control-sin-reforma ha distraído los recursos y la atención de las autoridades federales para perseguir a migrantes indocumentados que no amenazan a nadie y que son atraídos aquí por las necesidades de mano de obra de la economía, sirviendo de combustible para un negocio cada vez más sofisticado y provechoso de trata de personas y de producción y venta de documentos de identidad falsos sin hacer nada para disminuir la dependencia de muchas industrias estadounidenses del trabajo de los migrantes indocumentados. (Immigration Policy Center, 2010b)*

Ese acertado diagnóstico es compartido por muchos grupos y personas involucrados en el tema. Durante la campaña electoral de 2008, el candidato demócrata Barack Obama se acercó a los votantes latinos, prometiendo, entre otras cosas, impulsar una reforma migratoria. Sin embargo, cuando llegó a la Casa Blanca otras fueron las prioridades de la nueva administración, como la reforma del sector salud, la crisis económica y los dilemas del involucramiento militar en Afganistán e Iraq. A pesar de contar con una mayoría demócrata...
El fracaso de la Política Migratoria de Estados Unidos y el Papel de los Estados: El Caso de Arizona

en el congreso, todos esos temas generaron grandes divisiones y el presidente no podía emplear su capital político en el asunto migratorio cuando tenía muchos flancos abiertos.

En esas condiciones, la frustración de la población de los estados, acrecentada por la crisis económica y la actitud racista de ciertos medios de comunicación, así como por movimientos populistas ultraconservadores que también se oponen a la administración Obama, como el Tea Party, contribuyó a acentuar la tendencia hacia el intento de hacer política migratoria a nivel estatal. (Velasco, 2007, p. 50)

La “Política Migratoria” de los Estados: El Caso de Arizona

Un antecedente importante de la tendencia de los estados a tomar las cosas en sus propias manos fue la proposición 187 en California, aprobada por mayoría en 1995, aunque después derrotada en los litigios judiciales (García y Griego & Verea Campos, 1998, p. 111). En el nuevo milenio, las legislaturas y los gobiernos estatales y aun locales ya habían alcanzado un alto nivel de frustración con la política federal, de manera que siguiendo la tradición federalista de los Estados Unidos que se remonta al origen de su nación, tomaron las cosas en sus propias manos (Seghetti, Ester, & García, 2009). Así, en el año 2007 las legislaturas consideraron 1404 medidas relacionadas con el tema migratorio, de las cuales aprobaron 170 (Preston, 2007; 2008). En los hechos, los estados están haciendo leyes y política migratoria.

| Tabla 3. Proyectos de Ley de Inmigración por Estado |
|---------------------------------|----------|----------|----------|----------|
| Temas Principales               | Proyectos de Ley Introducidos | Número de Estados | Leyes Aprobadas | Número de Estados |
| Presupuesto                     | 73       | 25       | 11       | 10       |
| Educación                       | 106      | 29       | 8        | 5        |
| Empleo                          | 173      | 36       | 8        | 7        |
| Salud                           | 76       | 27       | 3        | 3        |
| Tráfico de Personas             | 22       | 12       | 2        | 2        |
| Identificaciones/Licencias      | 156      | 32       | 13       | 9        |
| Aplicación de la ley            | 136      | 33       | 8        | 4        |
| Asuntos Variados                | 173      | 34       | 14       | 9        |
| Distintos Asuntos/Temas Diversos| 14       | 10       | 1        | 1        |
| Beneficios Públicos             | 39       | 18       | 1        | 1        |
| Voto                            | 24       | 12       | 3        | 1        |
| Resoluciones                    | 188      | 31       | 87       | 24       |

(National Conference of State Legislators, 2010)

No todas esas leyes fueron antiinmigrantes. Algunos estados buscaron proteger a las personas que no tienen papeles de las formas más evidentes de abuso. Por ejemplo, hubo estados que reforzaron las medidas tendientes a ampliar algunas oportunidades educativas para jóvenes indocumentados que se encuentran en edad escolar. Sin embargo, la tendencia
general fue antiinmigrante y convirtió a los Estados Unidos en un rompecabezas legal. Los inmigrantes, sobre todo los indocumentados, se introducen en un laberinto legal, político y social en condiciones de extrema vulnerabilidad y en un clima general represivo, donde las redadas y las deportaciones son amenazas cotidianas.

En 2010 los estados continuaron haciendo política migratoria, como se puede observar en la Tabla 3:

**Las Implicaciones de que los Estados Realicen Política Migratoria**

Si bien la inmigración no está explícitamente incluida en la Constitución, tanto la Suprema Corte como las cortes federales y de apelaciones han señalado en repetidas ocasiones que “de la manera más extensa posible las leyes migratorias deben ser aplicadas de manera uniforme en toda la nación” (Harnett, 2008, p. 367). De modo que una de las implicaciones más importantes de la insistencia creciente de las legislaturas estatales de aprobar leyes migratorias es que indefectiblemente éstas se ven sometidas a litigios judiciales caros y largos, al final de los cuales es muy probable que las leyes estatales sean declaradas inconstitucionales, total o parcialmente.

Además, muchas de ellas violan el principio del debido proceso, que se aplica a todas las personas y no sólo a los ciudadanos. Adicionalmente, involucran violaciones a los derechos a la libertad y la propiedad, como veremos en el caso de Arizona, el estado más antiinmigrante.

**La “Política Migratoria” de Arizona**

Es importante recordar que lo que hoy son Arizona y Sonora fue parte del mismo territorio perteneciente a España, primero, y luego a México, y que dicho territorio fue dividido por las fronteras que resultaron del Tratado de Guadalupe Hidalgo. De tal forma, la presencia mexicana en Arizona es parte consustancial de su historia, lo mismo que una persistente discriminación (por ejemplo, hasta el año de 1948 hubo un salario para mexicanos, mucho más bajo que el que obtenían los anglosajones).

Por tratarse de una zona desértica y relativamente despoblada, Arizona tuvo el estatus de territorio unido al de Nuevo México. En 1863 adquirió el nombramiento de territorio independiente. Durante la Guerra Civil se posicionó en el bando secesionista y sólo se convirtió en el cuadragésimo octavo estado en 1912. De modo que hasta hace un tiempo relativamente corto prevaleció un orden político débil, caracterizado por una cultura de frontera.

En el siglo XX su historia ha estado signada por la presencia de bases y academias militares. Fue uno de los lugares donde hubo campos de internamiento de japoneses, así como campos de prisioneros de guerra, italianos y alemanes, durante la Segunda Guerra Mundial. Su tradición política ha tendido al conservadurismo, siendo una figura importante en ese campo el Senador Barry Goldwater, candidato opositor a Lyndon Johnson y senador por ese estado durante décadas. (Barnes, 1998)
Esa tradición conservadora se reflejó también en la persistente negativa del estado a celebrar el día de Martin Luther King. Cabe aclarar que Arizona fue el penúltimo estado en celebrar a este líder de la lucha por los derechos civiles.

No obstante esa tradición, otros políticos de Arizona, como el gobernador y precandidato demócrata a la presidencia Bruce Babbit, o la ex-gobernadora, Janet Napolitano, han desarrollado posturas más liberales o centristas.

**Arizona y Sonora**

Una característica geográfica particular es que a diferencia de Texas, que tiene frontera con cuatro estados mexicanos, Arizona y Sonora comparten una sola frontera. Entre ambos estados ha existido una relación estrecha aunque no exenta de problemas, pero el desierto fungía como una frontera natural de manera que el flujo migratorio desde México era mucho menor al que cruzaba por California o Texas. (ver Gráfica 4)

Gráfica 4: Mapa de la Zona Fronteriza Entre Arizona y Sonora

Sin embargo, a raíz de los cambios de la política migratoria federal instrumentados desde la década de 1990, como el aumento de los efectivos de la Patrulla Fronteriza, que alcanzaron casi 18.000 en el 2008, y la creciente utilización de tecnología militar en la frontera, el cruce por el desierto sonorense se convirtió en la opción para miles de migrantes mexicanos, lo que ha resultado en cientos de muertes en el desierto cada año.
Además de ese dramático resultado de la política federal, el estado de Arizona se ha caracterizado por la toma de otras medidas, tanto de la legislatura local como de la policía y de organizaciones de la sociedad civil, en contra de los migrantes, convirtiéndose en uno de los estados más antiinmigrantes de la Unión Americana.

Tendencias Recientes de la Migración en Arizona y las Medidas de Política Estatal

Desde la década de 1990, Arizona experimentó un acelerado crecimiento demográfico. Ese crecimiento provino tanto de extranjeros como de corrientes migratorias internas. En el caso de las corrientes internas hubo retirados y también trabajadores atraídos por las industrias de alta tecnología.

La cantidad de personas extranjeras en Arizona, según cifras del censo, ha tenido un gran incremento desde la década de 1990. En ese año había 268,700 personas inmigrantes. Para el año 2004, la cantidad de personas nacidas en otro país había llegado a 830,900, es decir, un incremento de más del 200%. Por otra parte, el crecimiento natural de la población fue de 32% entre 1990 y 2000. En resumen, la población total de Arizona era en el año 2004 57% más grande que en el año 1990. (Pew Hispanic Center, 2010)

Según datos de la oficina del censo de los Estados Unidos, la población de Arizona en 2006 alcanza los 6,166,318, lo que implica que desde el año 2000 creció en un 20%, mientras que la población en Estados Unidos en ese mismo período sólo creció en un 6.4% (Pew Hispanic Center, 2010). Como se puede apreciar en la Tabla 4, en términos absolutos la población migrante en Arizona no ha crecido tanto como en otros estados. Sin embargo, como porcentaje ha crecido 126% respecto al censo de 1990.

<table>
<thead>
<tr>
<th>Tabla 4. Personas Nacidas Fuera de los Estados Unidos por Estado</th>
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<tr>
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<tr>
<td>1 California</td>
</tr>
<tr>
<td>2 New York</td>
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<td>3 Texas</td>
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<td>4 Florida</td>
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<td>5 Illinois</td>
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<td>6 New Jersey</td>
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<td><strong>Arizona</strong></td>
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<td>8 Massachusetts</td>
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<tr>
<td>9 Georgia</td>
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<td>10 Washington</td>
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</tbody>
</table>

Fuente: *Pew Hispanic Center tabulations of 2008 American Community Survey (1% IPUMS)*, (Pew Hispanic Center, 2010)
En 2006 las personas de origen latino constituían el 29.2 % de la población de Arizona, mientras que en el caso de EUA era de 14.8%. Si bien no hay cifras totalmente fidedignas respecto a qué porcentaje de esos habitantes nacidos en otro país son mexicanos, y de ellos, quiénes no tienen papeles, es lógico pensar que la mayoría provienen de México. Hay estimaciones del Pew Hispanic Center que señalan que los trabajadores indocumentados en el estado son cerca de 500,000, y la mayoría mexicanos. (Pew Hispanic Center, 2010)

El gran crecimiento de la población en Arizona ha creado fuertes tensiones sociales y políticas que, después del 11 de septiembre, se han enmarcado en una concepción de seguridad nacional y creado gran miedo entre la opinión pública que ahora no sólo ve al migrante como un trabajador que ha cometido una falta al cruzar la frontera sin papeles, sino a un criminal y potencial amenaza contra el estado.

La Política de Arizona Frente a la Migración

En ese enrarecido clima de opinión pública con una visión que responde a las tradiciones conservadoras y de vigilantismo del estado de Arizona, han ocurrido una serie de hechos graves para los migrantes que van desde las muertes en el desierto, hasta las medidas adoptadas por el sheriff de Maricopa, Joe Arpaio, y las leyes aprobadas desde 2008.

Las políticas punitivas del Sheriff del condado de Maricopa, Joe Arpaio, son admiradas en muchos lugares de Estados Unidos, en donde se ha convertido en una celebridad. Dentro de esas medidas hay una sistemática persecución en los barrios mexicanos. Es importante recordar que el sheriff, además de pertenecer al ejército, también formó parte de la DEA y estuvo estacionado en México. Por sus políticas carcelarias, el sheriff Arpaio ha acumulado una gran cantidad de denuncias judiciales y ha sido acusado de violar los derechos humanos por parte de la American Civil Liberties Union (ACLU) y Amnistía Internacional.

En ese clima de alarma entre la opinión pública, la legislatura estatal decidió, en el 2007, tomar el tema migratorio en sus manos y aprobar la legislación más dura de sanciones a los empleadores, la Legal Arizona Workers Act. El legislador estatal, Russell K. Pearce, fue el principal proponente de dicha legislación y tiene una trayectoria similar a la del sheriff Arpaio. Pearce, de acuerdo con su propia página de internet, que ha estado involucrado con el sistema penitenciario de Arizona, creando una cárcel donde los presos viven en tiendas de campaña; ha sido también sheriff en el condado de Maricopa y tiene una serie de agravios personales contra la población mexicana, pues tanto él como su hijo fueron heridos por algún miembro de una pandilla mexicana. Ha resumido su pensamiento con la frase “Illegal no es una raza sino un crimen” (Pearce, 2011). Hay que recordar que la IRCA ya contemplaba, desde 1986, sanciones contra los empleadores, que sin embargo no se aplicaron masivamente. La legislación aprobada en Arizona preveía penalizar a los empleadores que contrataran migrantes indocumentados con una suspensión temporal de su licencia por diez días y, ante una reincidencia, la suspensión definitiva. Además, las inspecciones podían llevarse a cabo a partir de denuncias anónimas que se prestaban a toda clase de arbitrariedades y venganzas personales y de negocios, amén de fomentar la creación de una clase de delatores, con lo que eso implica en términos del tejido social.
Se instrumentó también el sistema E-verify, que consiste en un proceso gubernamental por internet que permite revisar la situación legal de los trabajadores. Desde que dicha legislación fue aprobada, 25,000 empresas se han registrado.

A lo largo de la historia de las leyes migratorias de Estados Unidos los empresarios siempre fueron una fuerza que, por lo menos en el caso de los trabajadores mexicanos, pugnaron porque pudieran entrar, por convenir así a sus intereses. Sin embargo, cuando el proyecto de ley estaba siendo promovido las empresas del estado no cabildearon, pues ante la opinión pública nadie quería aparecer como amigo de los trabajadores indocumentados por temor a represalias.

No obstante, en cuanto la ley fue aprobada creció la preocupación, pues la clase empresarial de Arizona sabe que en muchos sectores la escasez de mano de obra puede ser fatal para su propia viabilidad. En esas condiciones, diversos sectores económicos levantaron la voz de alarma ante la posibilidad de escasez de mano de obra (Hokstadter, 2008), logrando que los efectos de la legislación fueran diluidos al adicionarse una cláusula para que las sanciones se aplicaran sólo a los empleadores que contrataran trabajadores sin documentos después del 1 de enero de 2008.

La preocupación del sector empresarial y de la entonces gobernadora, Janet Napolitano, dio lugar a que esa misma legislatura buscara elaborar un programa de trabajadores huéspedes (Arizona Republic Viewpoints, 2008). No obstante, la legislatura estatal no cajó en su afán de hacer su propia política migratoria; así, el 19 de abril de 2010 se aprobó la SB1070, y fue firmada por la gobernadora Janet Brewer el día 23 de abril.

Dicha ley incluye las siguientes medidas: convierte la no portación de documentos que acrediten la calidad migratoria en un delito menor (misdemeanor); define como delito el intento de contratar trabajadores por día si el chofer obstaculiza el flujo del tránsito; tipifica como ilegal pedir trabajo en un espacio público. La ley también señala que es ilegal que cualquier persona transporte, mueva, esconda, o dé asilo a un indocumentado. Ordena la confiscación de vehículos que se utilicen para los fines antes señalados. Permite que cualquier oficial estatal o local pueda hacer preguntas acerca del estatus migratorio de la persona, o bien, si ésta no enseña documentos que acrediten su calidad migratoria, los agentes de la ley pueden iniciar averiguaciones en ese sentido. También autoriza que alguien sea mantenido en custodia hasta que se conozca su situación migratoria. Impide que ciudades y pueblos tengan políticas de refugio; y permite que los ciudadanos demanden a las agencias de la ley cuando no cumplan con las leyes migratorias. (Immigration Policy Center, 2010a, p. 4)

De Regreso a la Política Federal

Como era de esperarse, la aprobación de la SB1070 en Arizona ha tenido como consecuencia la movilización de muchos sectores de la opinión pública, así como el boicot por parte de diversas ciudades estadounidenses. Sin embargo, lo más importante es que ha obligado al presidente Obama a realizar un pronunciamiento público y un llamamiento al congreso para arreglar una política migratoria federal que se encuentra en bancarrota. En un discurso pronunciado en la American University llamó al Congreso y a la opinión pública a enfrentar
una realidad frente a la cual la política punitiva y criminalizante ha fracasado (Obama, 2010). Sin embargo, no se trata de un proyecto legislativo y ni siquiera es probable que el Congreso se avoque a discutir y aprobar una ley migratoria en un año electoral. No obstante, algo ha cambiado, pues un importante grupo de poderosos empresarios ha creado una coalición llamada Alianza para una Nueva Economía Americana (Partnership for a New American Economy). Dicha coalición incluye entre sus miembros al alcalde de Nueva York, Michael Bloomberg, magnate de los medios de comunicación e inmigrante él mismo, aunque no indocumentado, y a los presidentes del consejo de algunas de las empresas más poderosas de Estados Unidos, como Boeing, Disney y Hewlett Packard, quienes señalaron en voz alta la importancia de los migrantes para la economía estadounidense y la necesidad de buscar una reforma migratoria integral. Hacer otra cosa, señalaron, sería un verdadero suicidio para la economía estadounidense. Evidentemente no se trata de defensores desinteresados de los migrantes, pero sí de hombres que con toda frialdad pueden señalar la importancia y el peso de los migrantes para el futuro de la economía estadounidense y la impostergable necesidad de legalizar a un segmento importante de la fuerza de trabajo que sostiene la economía de ese país.

Si bien el pronunciamiento del presidente Obama y de algunos de los hombres más poderosos de Estados Unidos es importante, ello no necesariamente significa que se logre una reforma migratoria integral e incluyente. En realidad, el presidente Obama no quiso tocar el tema migratorio durante meses después de promulgada la ley y no fue sino hasta el mes de julio que el Departamento de Justicia interpuso un recurso legal para dirimir la constitucionalidad de dicha ley.

En las elecciones de noviembre de 2010 se organizó un amplio movimiento populista ultraconservador, el Tea Party, uno de cuyos temas de campaña fue el migratorio. El Partido Republicano logró la mayoría en la Cámara de Representantes y se fortaleció en el Senado. La gobernadora republicana de Arizona, Jean Brewer, ganó la elección en gran medida por su apoyo a la ley SB 1070. Todas esas son malas noticias para los migrantes y para quienes apoyan la idea de una reforma migratoria integral. El problema de fondo es que en lugar de analizar la migración como un problema de mercados laborales e integración económica, sin dejar de lado los temas culturales, lingüísticos y de derechos humanos y aun de soberanía, el tema se discute a partir del miedo y no de la razón.

Notas

1 Agradezco a mi asistente, la Lic. Carmen León Himmelstein, la elaboración de los cuadros incluidos en este trabajo.
Referencias


**Otra Bibliografía Consultada**


Chapter 3
Security and International Migration: The Need to Re-Conceptualize U.S.-Mexico Relations from a Regional Perspective

Adriana Sletza Ortega Ramírez, Benemérita Universidad Autónoma de Puebla
Misael González Ramírez, Benemérita Universidad Autónoma de Puebla

The massacre of 72 migrants in Tamaulipas, Mexico, during August 2010 and the continuous reports of migrant kidnappings, fraud, injuries, and abuse are some of many expressions of the current humanitarian crisis along the Mexico-United States border. All over the world, contemporary international migration appears as an unwanted by-product of globalization that is frequently securitized along with other phenomena such as terrorist threats and other transnational crimes that have dominated the international agenda.

In the last three decades there has been an exponential increase in human mobility across national borders because the labor requirements of the world economy cannot be separated from other factors such as the means of production and capital, the circulation and security of which are stimulated and protected by international agreements. Globalization carries a dramatic increase in international migration. The United Nations (2002) reports that more than 213 million people live in a different country from the one in which they were born, 113 million more than three decades ago. Of all international migrants, only 16 million are refugees and asylum seekers whose security is at risk. The remaining migrants, 197.6 million people (92.4%), left their countries for “other” reasons, especially employment and family reunification. All over the world, migrant workers annually send more than 300 billion dollars in remittances to their communities of origin and families (United Nations, 2010; World Bank, 2010).

For countries of origin, especially those the UN labels “less” or “least developed,” international migration is not only an escape valve but also one of the main sources of foreign currency and a good substitute for development policies that were formerly the State’s responsibility.

For host countries, on the other hand, these migrants, especially those considered to be “undocumented,” represent an irregular population whose presence contradicts the functionality of their own liberal economic systems. Migration imposes a depreciation of low-qualified jobs and exacerbates the labor and social benefits crisis within the post-industrial model. For transit countries, these migrations import risks, and those who traverse the borders are often criminalized and met by repressive responses.
The United States and Mexico share the most important world migration corridor, accounting for more than ten million migrants (World Bank, 2011). This paper analyzes the case of undocumented migration originating in Mexico, as well as undocumented transit where the principal destination is the United States. We focus on the actions taken in response to migration by the Mexican federal government since 2000, and especially after September 11, 2001 and its appropriation of the hegemonic discourse of international security that results in the *securitization* of migration issues. We also consider changes in migratory dynamics that have neglected the necessities of migrant communities and that require adjustment in their approach from strategic or traditional security to human security.

**Traditional Security versus Human Security**

The traditional meaning of security in international relations is based on texts written by Niccolo Machiavelli (1469-1527) and Thomas Hobbes (1588-1679), as articulated in the Treaty of Westphalia of 1648. The international recognition of the State’s sovereignty over its territory and population has been associated with the exercise of power by the use of force and weapons not only within its territory—justified by sovereignty—but also against any perceived threat beyond its borders.

For many decades, the concept of security in international relations was based on a neo-realist theoretical approach in the context of possible conflicts between States. The traditional concept of security has been equal to protection against “threats” to territories and citizens. What is labeled as “national security” and “international security,” and the actions or policies that provide protection from inside or outside were traditionally defined under the concept of a monolithic and utilitarian State (Favier, 2007).

In contrast, the concept of Human Security has been used by scholars of peace research since the 1980s, but its worldwide promotion was a result of the *Report of Human Development* (1994), a publication of the United Nations Development Program (UNDP). The central idea of Human Security is the vulnerability of people, not only of citizens. The most important question, “how should people be protected?” focuses on the direct implications of a common security, and is closely linked to sustainable development. The UNDP considered this concept to be multidimensional, a combination of: a) economic security, b) food security, c) health security, d) personal security, e) community security, and f) political security.

Terrorist attacks in the new millennium, as sources of insecurity for humanity due to the complexity of issues in the pending international agenda, have forced States to reconsider both the traditional (state-strategic) and non-traditional (human) concepts of security. For most people, the feeling of insecurity is based on the concerns of daily life —food, jobs, wages, health, environment and public safety— rather than the use of weapons of mass destruction or terrorism. The concept of Human Security has been restructured so that it can be used more precisely. For Latin America, Guillermina Baena Paz and Eduardo Raúl Balbi (2005) propose that Human Security should include (See Figure 1):
1. **Environmental Security**: The balance between human actions and nature, the use of environmental resources, the management of nature’s impact on humankind, and a consideration for the needs of the present and of the future.

2. **Social Security**: The dynamic and functional scenario to which every human being aspires. This includes health, well-being, nutrition, basic needs, protection, and a friendly social environment that is not exclusive.

3. **Cultural Security**: Access to education and formal training. Includes respect for the cultural aspects of communities and for their heritage, which is posited as the basis for identity and belonging. It stresses the universality of the contemporary world.

4. **Economic and Financial Security**: The possibility of economic development based on work, commerce, and legal activities. Economic and financial stability allow people to project the future without uncertainty or abrupt changes. It includes the tendency to promote sustainable development more than economic growth, the respect of private property, and the right to freely exercise one’s abilities.

5. **Physical Security and Defense**: The State’s responsibility to exercise its monopoly of force in order to protect communities from threats that can endanger the physical, cultural, and familial security of its people.

6. **Judicial and Normative Security**: Understood as a set of rules-of-the-game, clear, stable, useful, and appropriate to the needs and aspirations of communities. Complete enforcement of adopted systems of punishments and penalties. It includes respect of individual freedoms and communities based on the limits of responsibility of private, public, individual, and collective acts.

7. **Scientific and Technological Security**: The right to take advantage of the benefits of scientific research and technological innovation only when applied to the improvement of the quality of life of individuals, and in total harmony with the environment and all living species. This should be considered an ethical framework at the base of scientific and technological progress.

8. **Functional Security**: Harmony, balance, and a just and egalitarian social life without exclusion based on gender, race, class, etc. Free competition, recognition of the best in a variety of fields, and the generation of systems of social benefits and taxes based and oriented upon equality and ethics.

9. **Exercise of Freedom with Responsibility**: Emphasis on the behavior of the individual. Maximum freedoms, but only when carried out with a perpetual respect of others and of established social rules.

10. **Security from the Manipulation of Information**: Freedom from the manipulation of information, including missing and false information, and any kind of act that leads to misinformation and generalized confusion.
According to Sabina Alkire (2002) “the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats, without impeding long-term human fulfillment,” especially from a preventive perspective. Human Security is a broader concept than human development. It encompasses more variables, such as massive migrations. The Human Development Index (HDI) used by the United Nations Development Program (2006) since the 1970s is an important international standard, but it is not extensive enough with regard to the needs of Human Security and communities in general. The HDI takes into account: a) poverty, b) demographic tendencies, c) access to health services, d) running water and nutrition, e) maternal and infant mortality, f) gender inequality, g) the global health crisis, h) education, i) technology, j) macroeconomic variables, k) income and consumption inequity, l) foreign trade and capital, and m) priorities in public spending. In other words, the HDI measures the minimal conditions required for human development and can be used to evaluate governmental actions. The following section will focus on the case of Mexico and the limitations of the Human Development Index.
The Case of Mexico

The United Nations Development Program ranks Mexico as a high quality country in Latin America whose progress has been consolidated in the last few decades. The Mexican HDI in 2003 was 0.80 of a maximum of 1 (80%). Since 1975, Mexico’s HDI rose from 0.68 to 0.80, a great improvement for a less-developed country (See Table 1).

<table>
<thead>
<tr>
<th>Year</th>
<th>HDI</th>
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<tr>
<td>1980</td>
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<tr>
<td>1985</td>
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<tr>
<td>2005</td>
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<tr>
<td>2006</td>
<td>0.849</td>
</tr>
<tr>
<td>2007</td>
<td>0.854</td>
</tr>
</tbody>
</table>

United Nations Development Program, 2010

The rapid improvement in the Mexican HDI does not reflect the abrupt Mexican economic crises of the past three decades. This evolution could falsely lead people to conclude that human conditions in Mexico have greatly improved and continue to do so. It may seem possible to imagine that in the next 30 years Mexico will have the same HDI as Norway, a country currently ranked as having the best UNDP HDI. However, this is far from becoming a reality.

Looking solely at the Mexican HDI, it would appear that the deep economic crises of 1976, 1982 and 1994-95, as well the “Tequila Effect” in Latin America, never occurred. In those years, Mexico faced several currency devaluations, a decrease in purchasing power, and changes in its production capacity. The most important effect of these shocks was the “massification” of migration to the United States, both documented and undocumented. A question remains: Did the HDI show this sudden increase due to the annual migration of at least 300,000 Mexicans to the United States?

From 1962 to 1975, undocumented migration to the U.S. came from certain localized regions that participated in the Bracero Program (1942-64). Before 1975, 80% of the total migration to the United States originated from only five Mexican states (out of a total of 32) because “the Mexican economic miracle,” which was a result of the imports substitutions model, focused on the development of a national industry that was highly dependent on state subsidies and on state protections from international competition (Verduzco, 2000).
However, since 1976 international migration has increased exponentially due to the impact on rural and urban communities of economic crises and the adoption of the neoliberal model. Globalization and the national economic crisis produced different results in each locality: unemployment, lack of credit for agriculture and small business, destruction of traditional ways of production, increasing competition from transnational companies, decreasing prices of commodities traditionally produced by localities, and bankruptcies were a few of the consequences (Binford, 2005). Due to these multiple effects, the migration phenomenon ceased to be only rural and became progressively more urban. Not only agricultural workers but also factory workers, technicians and even college graduates began taking part in the new emigration wave to the United States (Verduzco, 2000).

Between 1993 and 2003, the annual migratory flow averaged 404,750 people. Mexico became the country with the highest population loss in the world. According to the US Census Bureau, the Mexican population in the United States grew from 750,000 in 1970 to 4.3 million in 1990, and almost 10 million in 2000 (International Organization for Migrations, 2005) (See Figure 2).

As a result of globalization, in the last decade Mexico has also become a transit country for migration. There has been an increase in the migration of people coming from Central and South America whose final destination is the United States (trans-migrants). During this period, both emigration and transmigration have led to dramatic changes in the migration dynamic within Mexico, while the recently implemented policies pose serious threats for the human security of migrant communities.
Undocumented Emigration

Migration between Mexico and the United States can be traced back to the Mexican-American War of 1847 that ended with the Treaty of Guadalupe-Hidalgo in 1848. This treaty created the current border and subjugated former Mexican territories (now California, Arizona, New Mexico and parts of Utah and Colorado) to U.S. sovereignty, including the Mexicans living there. Ever since then, people in this region have been crossing the border for different reasons (entertainment, education, work, and both legal and illegal commerce). This constant movement of people has never been completely controlled by either State. The border of 1,951 miles (3,141 km) has also never been fully demarcated. Today, there are regions with little or no barriers between the states of Arizona and Sonora, a fact that contradicts H.R. 4437 as approved by the United States House of Representatives on December 16, 2005 requiring up to 700 miles (1,120 km) of fence along the U.S.-Mexico border at points with the highest number of illegal border crossings (House Amendment 648).

After the Bracero Program institutionalized migration between Mexico and the U.S. over a period of 22 years, the Mexican government implemented what García and Griego (1988) referred to as the “política de no tener política” (the policy of not having a policy) because emigration was not a national phenomenon. After 1988, this policy began to change due to the increase in the expulsion of migrants beginning in 1976, the legalization of two million undocumented Mexicans in the U.S. by the Immigration Reform and Control Act (Simpson-Rodino), and the intense political activity of Cuauhtémoc Cárdenas and his supporters in Illinois and California during the 1988 Mexican presidential campaign.

During President Carlos de Salinas de Gortari’s administration (1988-1994), two federal programs for migrants began: Paisano and Mexican Communities Abroad. Paisano was specifically designed for Rodinos (those legalized in the U.S. by IRCA in 1986). The objective of the program was to reduce corruption in the three Mexican police organizations (federal, state and municipal) and to encourage tourism by Rodinos in their communities of origin during the holidays.

The second program, Mexican Communities Abroad, was implemented by the Mexican Foreign Ministry (Secretaría de Relaciones Exteriores, SRE) through its consulates. The program’s main objective was to implement what Carlos González Gutiérrez (2000) named the “diaspora policy,” to forge a closer relationship between the Mexican State and its emigrants through the promotion of Mexican nationalism abroad.

In addition, as a response to the 1994 anti-immigration Proposition 187 in California, the Mexican Congress approved changes in the Constitution (articles 30, 32 and 37) and adopted a new Act of Mexican Nationality. According to this act, emigrants can keep or recover their Mexican nationality even though they have been naturalized in other countries. After this act came into effect, Mexican nationality was not as exclusive as it had been. Moreover, it opened the door for future migrants to exercise their citizenship, as made manifest in the right to vote (Cámara de Diputados, 1998, 1999). Mexico, through its consulates in the
U.S., also encouraged undocumented migrants to embrace American citizenship, which had historically been considered a betrayal of la patria.

During the 2000 Mexican presidential election, opposition candidates conducted campaigns in the United States looking to attract migrant attention and financing. Their hope was to increase their chances of defeating the hegemonic PRI party, which had held presidential power for the previous seventy years. In these campaigns, Cuauhtémoc Cárdenas (PRD) and Vicente Fox (PAN) promised to make emigration a government agenda priority and promote a new act that would recognize the “vote from abroad” in the federal electoral process.

The accelerated migration rate during the 1990s and the electoral victory of Vicente Fox substantially changed traditional conceptions in Mexico of migrants as pariahs and pochos. During his inauguration, Fox referred to himself as the president of 120 million Mexicans -100 million in Mexico, and 20 million in the United States. At the same time, he began to call migrants “heroes” because they risk their own lives in search of a better future for their families (Fernández de Castro, 2002). (See Figure 3)

(Figures 3: Mexican Born Population in the United States from 1850-2010)

During his first meeting with George Bush in February 2001, Vicente Fox proposed the North American Free Trade Agreement Plus (NAFTA Plus) to promote the free circulation of people across borders. Throughout the following year, Jorge Castañeda, the Mexican foreign minister, called for “the whole enchilada,” which would include legalization of Mexican migrants in the United States and the implementation of a Guest Worker Program that
was a revitalization of the old Bracero Program. During this period, Mexican migration to the U.S. became the top Mexican foreign policy priority and dominated the Mexican governmental agenda regarding the United States.

Just as both administrations were about to reach a bilateral agreement for Mexican migrants in September 2001, the terrorist attacks against the World Trade Center and the Pentagon postponed the migration agenda. In the next four years, migration rose increasing from one hundred thousand to almost half a million Mexicans leaving for the United States each year. Remittances grew by 20% annually, becoming the most dynamic sector of the Mexican economy and the second most lucrative source of American dollars behind payments from Mexican oil exports (Banco de México, 2005) (See Figure 4). However, deaths on the border increased, and currently 350 to 400 Mexicans die annually trying to cross the United States border illegally.

Figure 4: Mexican Remittances from 1997 to 2009

Mexican representatives and senators used remittances as their main argument to approve the act that would allow citizens to vote from abroad during a presidential election. At the beginning of 2005, President Fox introduced a bill before the Mexican Congress and the Senate agreed to the final legislation on June 28, 2005. Migrants would be able to participate in the presidential elections that followed on July 2, 2006.
In December 2005, the Pew Hispanic Center released a survey revealing that 85% of new Mexican migrants in the United States had a job in Mexico before they migrated, and 80% of them had family and friends in the United States that helped them locate jobs in the American labor market (Kochar, 2005). These results challenged the traditional idea in Mexico that immigration results directly from unemployment, especially among young people between the ages of 18 and 35. Conversely, the main causes of migration are the demand for Mexican labor in the United States, wage differentials between the two countries, labor instability in Mexico, and the use of social networks.

Economic factors are not the only cause of migration. Other reasons are: a) fear of environmental catastrophes, b) family reunification, c) increasing crime and the fear of crime, and d) a “migration culture” (Macías Gamboa, 2001). According to Leigh Binford (2005), young people in traditional migrant communities cannot wait to finish secondary education or high school because going to the United States is seen as a rite of passage to adult life. Additionally, adults going through a “mid-life crisis” sometimes migrate to the United States in order to demonstrate their youth.

Migration has more consequences than just depopulation in the countries of origin. It has both positive and negative effects on individuals, households, communities, cultures, and even entire educational systems. These include, among others, a) family disintegration, b) greater gender inequality, c) growth of gang culture, d) health problems such as HIV and tuberculosis, e) legal issues, and f) increased social and political participation. These effects multiply and may even result in increased migration. According to the social network migration approach, migration enables more migration because it establishes social links in prospective destination points that reduce costs for potential migrants. The causes and effects of international migration change as globalization evolves (Binford, 2005), and the intrinsic migration dynamic grows ever more complex with time.

In Mexico, the federal government promotes the discourse of sustainable development in order to prevent emigration. However, there is no evidence that migration is decreasing because of these programs. The only program designed for migrants with that purpose in mind has been 3x1, started in 1999. This program was implemented by the Ministry of Social Development (Secretaría de Desarrollo Social, SEDESOL) to build infrastructure in communities that expel their labor force. Migrant organizations decide on the amount of money they want to spend to build a bridge, for example, and that amount is matched by municipal, state and federal funds so that each American dollar donated by migrant workers is quadrupled (Vázquez Mota, 2004).

This program reduces the government’s investment in the communities vacated by migration and transfers to the migrants – the heroes and heroines – the responsibility of constructing the infrastructure – schools, hospitals, electricity, running water, and highways – in the communities in which they were born. Despite 3x1 operating on a national scale, migration continues to increase both in Mexican communities with a tradition of migration and those where migration is a new phenomenon.

Mexican governmental policy toward emigrants has focused on the final results of emigration, that is, on citizens or guest workers in the United States sending remittances,
or on tourists and investors injecting capital into the emigrants’ communities of origin. As a final reward, Mexico offers them full recognition as Mexican citizens by giving them back the right to vote in the electoral process. By implementing these policies, Mexico has circumvented the migration phenomenon and has unfortunately diverted attention from guaranteeing human security.

**Undocumented Transmigration**

The geographic locations of Mexico and Canada have transformed these countries into forced transit points for migrants from all around the world attempting to access the United States by land. In the case of Mexico, thousands of border crossings, both legal and illegal, occur daily on the border shared with the U.S., making it the most frequently crossed border in the world. In recent years, illegal crossings by Central Americans have increased dramatically. Among the causes of this increase are the political instability that has been rife in Central America in recent years, the region’s difficult economic conditions, and recurring natural disasters.

Near the end of the twentieth century, Guatemala, Honduras, El Salvador, and Nicaragua were afflicted with a series of armed conflicts that destabilized their political systems. These conflicts have resulted in population losses in Central American countries in the past few decades. The armed conflicts damaged the nations’ economies to the point that they could neither create nor sponsor the development that would guarantee their citizens the necessary income to live with dignity. The income per capita in these countries is currently so low that their people are threatened by nutritional insecurity.

In recent years, hurricanes such as Paulina in 1997, Mitch in 1998, and Wilma in 2005 devastated these nations. The destruction created by these meteorological phenomena makes development in these Central American nations extremely problematic. Governments in Guatemala, Honduras, El Salvador, and Nicaragua are unable to guarantee the human security of their people. As a result, thousands make the decision to abandon their countries and venture to the United States in hope of finding better living conditions.

Central Americans take a great risk by taking this journey in search of a better life and a way of helping their families. Many of them do not reach their dream. The migrant journey to the United States is perilous and many die in the attempt to cross the Mexican territory. Many suffer accidents that leave them disabled, others are robbed, many women are raped, and all are exposed to the risk of becoming victims of the “people traffickers” and drug cartels such as the *Zetas* whose new business is the abduction of migrants. These people are also often arrested and become victims of extortion by local police and migration authorities.

The Mexican government began to implement the *Plan Sur* (South Plan) through the National Institute of Migration (*Instituto Nacional de Migración, INM*) in July 2001. The goal was to increase Mexico’s capacity to stem undocumented migration flows occurring in and around southern Mexico. Through increased surveillance, the plan hoped to control migration in the south and southeast of the country from the southern border to the Isthmus.
of Tehuantepec in Oaxaca. The measure was designed to control the flow of immigrants in transit to the United States.

The plan consisted of five objectives: 1) to enforce immigrant inspection and control procedures in the Isthmus zone (Gulf of Mexico and Pacific Ocean); 2) to coordinate intergovernmental efforts to combat undocumented immigrant trafficking; 3) to obtain the maximum benefit from the resources available from the regional inspection and control delegations; 4) to detain a greater number of undocumented migrant traffickers; and 5) to improve institutional coordination efforts with the support of state and municipal governments.

In order to achieve these objectives, strategies were designed to improve intergovernmental intelligence, enhance information exchange, unify information divulgation, prevent migration, and help rescue immigrants with the ultimate goal of promoting joint operations, inspections and surveillance. The main goal was to obtain a real and effective intergovernmental coordination between government ministries such as Internal Affairs, Foreign Ministry, Public Security, the Attorney General, the Agency of National Intelligence and Security, the National Migration Institute, border municipalities, and the state governments of Chiapas, Tabasco, Yucatán, Veracruz, and Oaxaca. These efforts have lowered undocumented migration flows, reflected in the increase of rejected migrants processed and documented by the INM between 2002 and 2005 (See Figure 5).

Figure 5: Mexican Immigration: Detentions, Deportations and Rejects 2001-2008

(Instituto Nacional de Migración, 2009)
The effort made by the INM has resulted in more undocumented immigrants from Central American being detained every year. Between 2002 and 2006, more than 90% of detentions conducted by the INM targeted citizens from Guatemala, Honduras, Nicaragua, and El Salvador (See Figure 6).

![Figure 6: Participation of Central Americans in INM Detentions from 2001 to 2008](Instituto Nacional de Migración, 2009)

These percentages correspond to the large number of detentions carried out by the INM in offices all over the country. From 2001 and 2006 there were more than 100,000 detentions annually, but in the last two years this number has dropped to less than 50,000 (See Table 2).

Table 2. Annual Figures for the INM Detention of Central Americans from 2001 to 2008

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guatemala</td>
<td>67,522</td>
<td>67,336</td>
<td>86,023</td>
<td>94,404</td>
<td>100,948</td>
<td>84,523</td>
<td>22,980</td>
<td>16,520</td>
<td>540,256</td>
</tr>
<tr>
<td>Honduras</td>
<td>40,105</td>
<td>41,801</td>
<td>61,900</td>
<td>72,684</td>
<td>78,326</td>
<td>58,001</td>
<td>14,939</td>
<td>11,690</td>
<td>379,446</td>
</tr>
<tr>
<td>El Salvador</td>
<td>35,007</td>
<td>20,800</td>
<td>29,301</td>
<td>34,572</td>
<td>42,674</td>
<td>27,287</td>
<td>5,777</td>
<td>4,230</td>
<td>199,648</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1,712</td>
<td>1,609</td>
<td>2,150</td>
<td>2,453</td>
<td>3,980</td>
<td>3,590</td>
<td>855</td>
<td>625</td>
<td>16,974</td>
</tr>
<tr>
<td>Total</td>
<td>146,347</td>
<td>133,548</td>
<td>181,377</td>
<td>206,117</td>
<td>227,933</td>
<td>175,407</td>
<td>46,558</td>
<td>35,073</td>
<td>1,136,324</td>
</tr>
</tbody>
</table>

(Instituto Nacional de Migración, 2009)
Detention operations are carried out in nearly every state in southern Mexico, especially those that are closest to the border with Guatemala. The states with the highest number of detentions are Chiapas, Tabasco, Veracruz and Oaxaca. These states are also the most important to Operación Plan Sur (See Table 3).

Table 3. Participation of the States of Chiapas, Distrito Federal, Oaxaca, Tabasco, and Tamaulipas in Central American Detentions in Mexico from 2001 to 2008

<table>
<thead>
<tr>
<th>State</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chiapas</td>
<td>80,022</td>
<td>60,695</td>
<td>73,136</td>
<td>96,013</td>
<td>103,721</td>
<td>90,601</td>
<td>1,131</td>
<td>3,298</td>
</tr>
<tr>
<td>Distrito Federal</td>
<td>1,960</td>
<td>3,410</td>
<td>33,824</td>
<td>11,249</td>
<td>13,672</td>
<td>5,653</td>
<td>3,679</td>
<td>1,253</td>
</tr>
<tr>
<td>Oaxaca</td>
<td>12,651</td>
<td>14,302</td>
<td>11,185</td>
<td>10,977</td>
<td>13,305</td>
<td>5,534</td>
<td>4,492</td>
<td>758</td>
</tr>
<tr>
<td>Tabasco</td>
<td>17,036</td>
<td>14,972</td>
<td>17,287</td>
<td>22,160</td>
<td>20,910</td>
<td>23,387</td>
<td>16,399</td>
<td>12,789</td>
</tr>
<tr>
<td>Tamaulipas</td>
<td>3,976</td>
<td>4,758</td>
<td>4,312</td>
<td>6,123</td>
<td>8,035</td>
<td>5,474</td>
<td>4,382</td>
<td>4,012</td>
</tr>
<tr>
<td>Veracruz</td>
<td>11,619</td>
<td>13,628</td>
<td>14,077</td>
<td>20,547</td>
<td>25,587</td>
<td>17,122</td>
<td>9,235</td>
<td>5,807</td>
</tr>
</tbody>
</table>

(Instituto Nacional de Migración, 2009)

It is important to note that the number of detentions has fallen dramatically in 2007 and 2008 in all of Mexico, and especially in Chiapas. This decrease can be explained by the success of Plan Sur, Mexico ceasing to be the main route used by Central American migrants travelling to the United States, and the deterioration of the region’s economy.

It should be emphasized that Mexico City also has a strategic position in the detention of migrants because all major flight routes in Mexico go through Benito Juárez International Airport. The INM has performed more than one million operations returning foreigners to their countries of origin in the last 8 years (See Table 4).

Table 4. INM Removals from 2001 to 2008

<table>
<thead>
<tr>
<th>Year</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>138,475</td>
<td>110,573</td>
<td>178,519</td>
<td>211,218</td>
<td>232,157</td>
<td>179,345</td>
<td>44,679</td>
<td>33,394</td>
<td>1,128,360</td>
</tr>
</tbody>
</table>

(Instituto Nacional de Migración, 2009)

Far from reaching the American dream, many Central American immigrants are forced to return to their countries of origin. Immigrants are detained and quickly returned to their home countries where they continue their daily struggle, but others suffer tragic accidents that leave them mutilated and, in the worst case, dead in Mexico as a result of their attempt to enter the United States. Their families are affected severely because these migrants provide sustenance to thousands of women and children in their countries of origin who are left without their primary financial support. The Mexican government, through the INM, has sent back more than one million Central Americans in the last eight years (See Table 5).
Table 5. INM Removals of Central Americans from 2001 to 2008

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guatemala</td>
<td>60,583</td>
<td>54,620</td>
<td>83,572</td>
<td>93,667</td>
<td>99,315</td>
<td>84,657</td>
<td>12,315</td>
<td>10,476</td>
</tr>
<tr>
<td>Honduras</td>
<td>37,546</td>
<td>33,350</td>
<td>59,952</td>
<td>73,046</td>
<td>77,730</td>
<td>59,013</td>
<td>21,740</td>
<td>15,423</td>
</tr>
<tr>
<td>El Salvador</td>
<td>31,464</td>
<td>16,802</td>
<td>28,979</td>
<td>35,270</td>
<td>42,282</td>
<td>26,930</td>
<td>4,940</td>
<td>3,723</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1,582</td>
<td>1,396</td>
<td>2,075</td>
<td>2,224</td>
<td>3,761</td>
<td>3,666</td>
<td>1,926</td>
<td>548</td>
</tr>
<tr>
<td>Total</td>
<td>133,176</td>
<td>108,170</td>
<td>176,581</td>
<td>206,211</td>
<td>225,093</td>
<td>176,272</td>
<td>42,928</td>
<td>32,178</td>
</tr>
</tbody>
</table>

(Instituto Nacional de Migración, 2009)

Mexican governmental efforts to capture undocumented Central American immigrants have led to increased criticism by their countries of origin. In these countries, perceptions of Mexico as a good neighbor have changed. Until recently, Mexico was considered as a big brother to Central Americans, but this fraternal relationship has been damaged. Central Americans now consider Mexico to be the main and most dangerous obstacle in their journey to the United States. Mexico now polices migrants from Central America. Mexican authorities are attempting to secure the southern border to prevent Mexico from becoming a country of migratory transit.

Closing the door on transit migration worsens the already difficult conditions currently affecting Guatemala, Honduras, Nicaragua, and El Salvador. Remittances sent by migrants working in the United States are an important resource for their families as their governments cannot provide them with basic nutritional and financial sustenance.

In 2006, during discussions about migration reform in the United States Congress, the Mexican government proposed a migration policy that included measures governing emigration and immigration. On March 20th, the government of Mexico (executive and legislative branches), along with academic institutions, made public a document entitled “Mexico and the Migration Phenomenon” (Secretaría de Relaciones Exteriores, 2006) in two recognized American newspapers (the Los Angeles Times and The New York Times).

Mexico declared itself ready to devise a migration policy that would incorporate shared responsibility and a regional approach. The federal government expressed commitment to international cooperation in the implementation of its migration policy with respect to human rights, and it recognized the linkage between migration, security, and borders. Mexico proposed that if the immigration reform calling for regularization of undocumented migrants and a guest worker program was approved in the United States, the Mexican government would assume the commitment to bolster social development in migrant communities of origin and ensure that all migration to the United States was legal. Mexico would be responsible for the return and re-assimilation of migrants to their home countries, and increasing security of the northern and southern borders through the “Prosperity Partnership of North America” (SPP) and the Regional Conference on Migration (Secretaría de Relaciones Exteriores, 2006).
With these proposals, Mexico agreed to the securitization of migration in exchange for the regularization of its undocumented migrants in the United States. It postponed the implementation of policies aimed at promoting economic and social development in the communities of origin until migration reform could be approved in the U.S. Congress. The Mexican government relinquished its responsibility of guaranteeing the human security of the citizens and occupants of its national territory and instead made it an issue of international negotiation. This migration securitization compromise greatly distances the Mexican government from the real needs of migrant communities.

Conclusions

The intensity of migration beyond territorial limits challenges the traditional conception of strategic security that nation-states have control over their own territory, people, and migrations. In the current international environment, studying migration issues with a Human Security approach will open this field to a more complex analysis. The Human Security model would encompass not just the intrinsic conflicts of the international migratory process, but also the tensions that arise from the crises of nation-states confronting the process of globalization. It would refocus the debate on the people and their communities.

Migration is a worldwide phenomenon, but its causes and consequences, such as the social and economic vulnerability of migrants leaving their countries, are often felt most acutely at the local level. When migration is approached from a perspective of national accountability, three basic elements of migration can be identified: 1) the social vulnerability of people and communities; 2) the responsibility of states to recognize the conditions leading to undocumented international migration; and 3) the limits of the securitization of migration. The militarization of borders as a response to international migration crisis exacerbates the vulnerability of migrants. The increase in organized crime, including human smuggling, the irregular labor and social conditions of migrants, and their stigmatization as illegal persons, criminals and even possible terrorists are factors that make it more difficult for migrants to accomplish their dream of bettering their lives. These factors also expose migrants to greater abuses and generate a dynamic of escalating discrimination, exclusion, and marginality.

Contemporary international migration requires analysis from more than one perspective or field of study. The analysis must take into consideration diverse variables in different social dimensions and compare patterns and disruptions in the various geographical spaces involved, such as origin, transit, and destination (See Figure 7). Consequently, it is necessary to study migration at a macro level, in terms of the configuration of the international economy and the policies of States, and at a micro level, in terms of household economies and of the individual migrants.
The Mexican case is illustrative because it shows the contradictions between the Human Development Index and real human security, or rather insecurity, as experienced by those Mexicans who decide to migrate. Mexico is securitizing undocumented immigration from Central America in return for a commitment to action by the United States. However, within the Mexican territory, the decrease in efforts to curb factors that cause migration, including economic, financial, environmental, social, cultural, physical, judicial, technological, functional, and informational security, is eminent. These foundations are the basis of the new conception of Human Security. The lack of progress in these areas condemns Mexico and other countries from which migration originates to continue compromising their own development in favor of labor exportation and remittances.

Notes
Pocho is the name given to a Mexican-American or Mexican that lives in the United States who adopts the American way of life and doesn’t speak proper Spanish. Because of this, Mexicans don’t see pochos as true Mexicans.
References


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Chapter 4
NAFTA’s Implications for Regional Industrial Concentration and its Collateral Effects on Migration in Mexico

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Cynthia Caamal, Universidad Autónoma de Nuevo León
Nazrul Hoque, The University of Texas at San Antonio

During the past three decades, Mexico has experienced several major events that have had direct and indirect consequences on its population’s well being. In this analysis, we concentrate on (1) the opening up of the economy through the liberalization of trade, and (2) the population loss due to international migration, especially to the United States. Since the late 1980s, Mexico has launched an extensive process of economic liberalization that culminated with the North American Free Trade Agreement (NAFTA) in 1994. Since then, Mexico’s economy has been immersed in a continuous flow of international trade with the world economy. In terms of international migration, the U.S. Census Bureau reports that in 2000 the estimated Mexican-born population residing in the United States was 9.17 million. From this total, 23 percent arrived before 1980; 28 percent entered during the period 1980-1990; while the rest, nearly 50 percent of the Mexican-born residents, arrived during 1990-2000. The purpose of this paper is to analyze the extent to which this economic liberalization process has affected the regional industrial structure and labor market outcomes in Mexico by exploring collateral effects on factors commonly associated with propitiating international migration to the United States.

We are particularly interested in exploring changes in the regional industrial concentration and its effects on two factors frequently identified in the literature to be associated with migration: wage differentials and employment opportunities. We study whether the resultant industrial concentration may have raised wages in some regions relative to others, affecting migration incentives. Moreover, we explore the theoretical argument indicating that higher levels of industrial concentration affect the labor market by generating more employment fluctuations.

The goal is to provide a better understanding of how regional economic structures have changed as a result of this industrial concentration process and the extent to which this change can explain current international migration patterns in the Mexican territory. The findings seem to suggest that the Northern Border States have experienced higher levels of industrial concentration, which in turn can be positively associated with higher wages compared to the other regions. In particular, it has been found that persistent wage differentials exist between regions, and most important for purposes of this work, for the region with long-standing migration patterns into the United States. In addition, regional labor markets have been affected by more employment volatility. That is, structural changes
in certain sectors of the economy were associated with rapid increases in employment that in turn would be associated not only with more competitiveness but also with volatility in terms of creation and destruction of jobs. While changes in labor market conditions have spread across regions, some regions have been affected more than others. The findings of this study may help to explain, in part, recent international migration patterns that indicate that after NAFTA, regions in addition to the traditionally high-migration regions are sending migrants to the United States (Hanson, 2005).

A Theoretical Perspective: International Trade, Industrial Concentration and Migration

International trade theory states that one or more countries will trade with each other depending on their comparative advantage in the production of goods. It is precisely from this comparative advantage that specialization would arise in each country. The specialization in the production process would lead countries to obtain gains from trade. Trade gains would be reflected in economic development and, at the individual level, in increasing wages.

Countries might engage in international trade for two basic reasons. First, countries trade because they are different from each other; each one may be endowed with different production factors, such as labor, physical capital and land. Furthermore, nations, like individuals, can benefit from their differences by reaching arrangements in which each concentrates on goods that afford them low production costs. Second, countries trade in order to achieve economies of scale in production. That is, if each country produces only a limited range of goods, it can produce each of these goods at a larger scale and, hence, more efficiently than if it produced every good. In the real world, patterns of international trade reflect the interaction of both of these motives (Krugman & Obstfeld, 1999).

The foundations of the international trade theory are found in a classical model known as the Hecksher-Ohlin (H-O) model (Ohlin, 1933). The H-O model basically provides a simple framework wherein two countries trade with each other as a consequence of their “comparative advantage” in the production of goods. The key insights of the H-O model are that factor endowment differences create trade incentives, which in turn can lead to factor price equalization. Factor price equalization means that the price of capital and labor will converge across countries as trade takes place. This equalization occurs because countries are not only trading goods, but in an indirect way are also trading factors of production (Krugman & Obstfeld, 1999). The primary hypothesis of this model is that free trade can bring an absolute equalization of wage rates and the return of capital, even without any international mobility of labor or capital among countries. Considering migration flows across countries, the H-O model suggests that free trade between countries leads to a convergence in wages, creating no incentives for people to migrate. Hence, free trade would be considered a perfect substitute for economically motivated migration flows (Findlay, Henriksson, Lindgren, & Lundhal, 2006). Nonetheless, this notion has been considerably questioned and updated in the new economics of labor migration theory (Massey et al., 1998).
The proposition that trade equalizes factor prices will not hold if countries have, as in the real world, either different technologies of production or endowment of factors (Krugman & Obstfeld, 1999). Models of international trade capturing this fact consider countries with different endowments of factors and technologies (Friedberg & Hunt, 1996). In such a case, factor price equalization will not occur even with free trade, which is a necessary condition in order for countries to specialize in production, depending on their greater factor endowment. For example, countries with large labor endowments would specialize in the production of labor-intensive goods, and countries with a large capital endowment would specialize in the production of capital-intensive goods. As a consequence, differences in wages and the returns of capital may differ across countries. These resulting cross-country differences in wages could then generate migration.

Highly stylized models of international trade presume free trade as a substitute for international migration. However, once the assumptions are relaxed, theoretical and empirical evidence show the existence of complementary relationships between trade flows and migration (Bhandari, 2006). Shiff (1994) argues that in noncompetitive environments, (i.e., in the presence of tariffs or import quotas), migration and trade may in fact be complements rather than substitutes. Some evidence in the literature supports this relationship. Russell and Teitelbaum (1992) found that trade liberalization may lead to an increase in both migration and trade, at least in the short run. Because of differences in technologies or economies of scale, migration and trade are complements (Markusen & Zahniser, 1997).

Considering migration flows between Mexico and the United States, several studies have suggested that immigrants into the U.S. labor market are either substitutes for or complements to U.S. workers, depending on the level of education. Ottaviano and Peri (2005) find that while less educated (unskilled) U.S. workers and immigrant workers are substitutes, highly educated (skilled) workers are complements. A recent study conducted by Robertson (2006) established that the rise of trade and capital mobility suggests that Mexican workers complement U.S. workers. He estimates a system of labor demands prior to and after NAFTA for U.S. and Mexican workers. In the pre-NAFTA period, U.S. and Mexican workers were substitutes. A complement pattern appears in the post-NAFTA period.

The process of trade liberalization in Mexico may have had a significant effect on migration behavior. When the government started this process after 1983 by eliminating import license requirements, the objective was to make domestic producers more competitive by giving them access to cheaper inputs (raw materials or new machines). By 1986, Mexico acceded to the General Agreement on Tariffs and Trade (GATT), now the World Trade Organization (WTO). The adherence to GATT led to a major liberalization in bilateral trade relations with the United States that was expanded under NAFTA, which took effect on January 1, 1994, with the purpose of lowering trade and investment barriers in North America. NAFTA was signed by the presidents of the United States and Mexico and by the prime minister of Canada, with the aim of increasing growth and income levels in all three countries. Under NAFTA, trade and investment liberalization were predicted to lead to higher incomes, investment, growth and employment (Markusen & Zahniser, 1997).
1997, p. 5). In particular, NAFTA was expected to improve wages in Mexico, and as a consequence, reduce the flow of migration from Mexico to the United States. However, the reality indicates that since NAFTA took effect, the number of Mexico-born people living in the United States has increased considerably, and that most of them originally crossed the border illegally.

**Empirical Evidence**

This subsection explores NAFTA’s consequences in changing the regional industrial concentration and its collateral effect on generating employment volatility and encouraging wage differentials. We first estimate an index of the industrial concentration for the Mexican states. Second, we provide evidence related to change in employment fluctuations before and after NAFTA, which in turn, it is argued may be associated with the regional industrial concentration. As previously stated, we are also interested in exploring whether the resultant concentration may have raised wages in some regions relative to others, and how such wage differentials may be associated with migration incentives that lead people to move into or out of regions. Hence, we estimate the effect of the concentration on wages and thus identify trends in wage differentials in regions classified according to the historical tradition of migration to the United States.

It has been argued that factor endowments are relevant in determining production costs, which can create comparative advantages for each country. Logically then, this same paradigm should apply to regional differences. According to each region’s comparative advantage, a geographic concentration of production is formed. The geographic concentration of production within a nation often entails the specialization of regions in one or a few main industries (Diamond & Simon, 1990). Firms also exploit this concentration of economic activity in order to minimize production costs. The incentive to locate near one another is to reduce the cost of transporting inputs. Since trade liberalization occurred in Mexico, evidence indicates that industrial activity has shifted to the United States-Mexico border region. In particular, the production of manufactured goods has increased considerably since the late 1980s. Manufactured goods are produced in *maquiladoras*, factories exempted from taxes, where materials and equipment imported from the United States are assembled or manufactured in Mexico into products for final export. This reallocation of firms and production of manufactured goods has propitiated an agglomeration of economic activity in the northern (border) region.

There are several implications of this agglomeration of economic activity in terms of affecting the labor market. On one hand, firms require workers to live in geographic areas where land rents and costs increase because of the industrial agglomeration. To attract workers into a particular industry, firms must compensate workers for such increased costs by paying them relatively higher wages (Hanson, 2003). On the other hand, given the sophisticated production techniques that have evolved over the last three decades, the *maquiladora* industry has evolved from using practically unskilled labor to using more skilled labor (Vargas, 2001). This development of a skilled labor force, in turn, has positively
affected worker's wages. Empirical evidence for the Mexican economy supports the hypothesis that the reallocation of economic activity to the north has had a positive effect on workers' wages. Mendoza (2002) investigates the effects of agglomeration (concentration) on the manufacturing sector of the northern border cities. One of his findings indicates globalization has created a shift of manufacturing activities from Central Mexico (Mexico City) towards the northern Mexican border region. He found a strong correlation between industrial agglomeration and wages for workers in the manufacturing sector. Similarly, Cardenas (2002) finds evidence of an asymmetric geographic location of the manufacturing industry, with a high concentration in the northern border states, concluding that workers in northern states receive higher wages relative to workers in the rest of the country.

From the discussion thus far, we have emphasized that countries tend to specialize in the production of goods according to their comparative advantages. Furthermore, firms tend to locate in particular areas in order to reduce costs by taking advantage of the agglomeration of the economic activity. Thus, our first goal is to show that since trade liberalization, Mexico has followed a pattern of specialization in the production of goods and that this has occurred asymmetrically across the country. In doing this, we calculated a regional index of industrial diversity which allowed us to measure the level of industrial concentration according to the influence of the numbers of workers employed in a particular industry relative to other industries in a specific region. Following Sherwood-Call (1990), the index of industrial diversity is derived as:

$$D_{it} = \sum_{j=1}^{J} \frac{(E_{ijt} - E_{Njt})^2}{E_{Njt}}$$

where $E$ denotes the share of total employment in industry $j$ during period $t$ in state $i$, and $N$ denotes the share in national employment. The reciprocal of (1) is then taken in order to make results easier to interpret; consequently greater diversity is associated with a higher value of the diversity index. The index of industrial diversity is thus defined as follows:

$$DIV_i = \frac{1}{n} \sum_{t} \frac{1}{D_{it}}$$

where $n$ represents the number of quarters depending on the period analyzed. We are interested in showing evidence for three different periods, before NAFTA (1987-2002), after NAFTA (1994-2002), and the whole period (1987-2002). Hence, the diversity measure is averaged over each period. The data used in this exercise come from the National Urban Employment Survey (ENEU for its acronym in Spanish). This survey provides household information for the period 1987-2002 and was conducted by the National Institute for Statistics, Geography and Information (INEGI). The ENEU is repeated cross-section data that is presented quarterly. There are 32 states in Mexico; however, from 1987-1995 only 80 percent of states were surveyed and it was not until after 1996 that all states were included.
Because the main purpose of this paper is to investigate the possible existence of structural change in terms of industrial labor concentration and its implications in generating employment fluctuations, the calculations were carried out for those states with data available for the whole period, from the first quarter of 1987 to the fourth quarter of 2002. The industrial diversity index presented in Table 1 shows a wide range of values (ranging from -0.005 to 4.909), suggesting differences in the degree of state industrial concentration. For example, Veracruz has the least diverse economy, while Estado de México has the most diverse, followed by Distrito Federal. For the period that followed the adoption of NAFTA, 1994-2002, the industrial diversity index for states sharing the northern border with the United States (Baja California, Coahuila, Chihuahua, and Nuevo Leon, but not Tamaulipas) was smaller than during the preceding period, which indicates a pattern of industrial concentration. The states of Jalisco and Puebla, which are located in the Occident region, also present a high index of industrial concentration. These two states represent the third and fourth biggest states’ economies in the country. The values for Estado de México and Distrito Federal exhibit a pattern of industrial diversification. One explanation for this finding relates to the reallocation of industrial activity to the northern border.

<table>
<thead>
<tr>
<th>Table 1. Index of Industrial Diversity</th>
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<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>Baja California</td>
</tr>
<tr>
<td>Coahuila</td>
</tr>
<tr>
<td>Chihuahua</td>
</tr>
<tr>
<td>Nuevo Leon</td>
</tr>
<tr>
<td>Tamaulipas</td>
</tr>
<tr>
<td>Capital</td>
</tr>
<tr>
<td>Estado de Mexico</td>
</tr>
<tr>
<td>Distrito Federal</td>
</tr>
<tr>
<td>Center</td>
</tr>
<tr>
<td>Durango</td>
</tr>
<tr>
<td>Guanajuato</td>
</tr>
<tr>
<td>Jalisco</td>
</tr>
<tr>
<td>Puebla</td>
</tr>
<tr>
<td>San Luis Potosi</td>
</tr>
<tr>
<td>Tlaxcala</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>Veracruz</td>
</tr>
<tr>
<td>Yucatan</td>
</tr>
</tbody>
</table>

Note: Own calculations.
While there has been a considerable amount of empirical work concerning the U. S. (Deitz, 2003; Izraeli & Murphy, 2003; Rissman, 1999) and Canadian economies (Chambers, 1999; Tarzwell, 1997), the experience of Mexico has yet to receive the same amount of attention. The importance of investigating industrial concentration patterns relates principally to the collateral effects such concentration has on local labor markets. The literature focusing on regional economics offers the hypothesis that more industrially diverse areas should experience a more stable economic growth and lower unemployment than less diverse areas (Malizia & Ke, 1993, p. 222). This theoretical strand relates region to region employment variation to the industrial structure. The financial literature also addresses the relationship between diversity and volatility, or risk. In an analogy with regional economies, industries play the role of assets, and the region’s industrial mix represents the portfolio. This approach assumes a tradeoff between economic diversity and volatility, in this case, volatility of employment. In this sense, volatility is viewed as an undesirable characteristic mainly because it is associated with higher rates of unemployment. In times of economic downturns, it may involve displacement of workers who have trouble obtaining new jobs. Furthermore, high rates of volatility make it difficult for governments to plan long-term investments in public infrastructure such as roads, schools and hospitals (Baldwin & Brown, 2004, p. 520).

The next step consists of exploring whether this volatility is the case for the Mexican states. In order to approximate the total increase in employment volatility for the periods considered, we apply a portfolio variance model. This approach is appropriate for our purposes as it measures regional employment variability based on industrial activity and structure. The portfolio variance model has two components: variance and covariance. On the one hand, the variance component measures the risk involved in the stochastic process of the individual industries (Trendle, 1999). In other words, the portfolio variance measures to some extent the level of employment fluctuations in a given industrial sector during a particular period. Hence, the higher the employment variance in the industrial sectors, the higher the variability in provincial employment. On the other hand, employment volatility is also determined by the changes in employment inter-sectors. That is, the covariance indicates whether employment changes in sectors move in the same or opposite directions (Chambers, 1999). The covariance between sectors is then calculated as follows:

$$\sigma_{ij} = \frac{1}{n-2} \left[ \frac{E_{it} - E_i}{E_j} \right] \left[ \frac{E_{jt} - E_j}{E_j} \right]$$

where \( n \) is the number of observations. The variables \( E_i \) and \( E_j \) are the observed quarterly mean rates of employment changes in sectors \( i \) and \( j \) respectively, during quarter \( t \). Hence, the total employment portfolio variance is calculated as follows:

$$\sigma_T = \sum_j \omega_j \sigma_j^2 + \sum_{i \neq j} \sum_{j \neq i} \omega_i \omega_j \sigma_{ij}$$
where \( \omega_i \) and \( \omega_j \) are the average share of each sector’s employment in national employment, \( \sigma^2_j \) represents the total portfolio variance of sector \( j \), and \( \sigma_{ij} \) is the employment covariance between sector \( i \) and sector \( j \). Employment portfolio variance was estimated for quarterly employment data in their natural log differences standardized by the mean change in each quarter for nine sectors of economic activity.

Table 2 presents the estimated portfolio variance by regions for the two sub periods. The northern region recorded the highest level of employment variability, with an increase of 18.3 percent during the second period. The Capital and South regions also experienced increases in employment variance by 7.2 and 5.7 percent, respectively. In the Center region, variance exhibits a slight decrease of 1.6 percent in the second period. These results seem to illustrate an increase in the employment volatility in almost all regions across Mexico after NAFTA. While the northern border states have shown higher levels of industrial concentration, they have also exhibited the highest levels of employment volatility.

<table>
<thead>
<tr>
<th>Region</th>
<th>Before NAFTA</th>
<th>After NAFTA</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>0.019</td>
<td>0.028</td>
<td>18.3</td>
</tr>
<tr>
<td>Capital</td>
<td>0.036</td>
<td>0.043</td>
<td>7.2</td>
</tr>
<tr>
<td>South</td>
<td>0.069</td>
<td>0.078</td>
<td>5.7</td>
</tr>
<tr>
<td>Center</td>
<td>0.019</td>
<td>0.018</td>
<td>-1.6</td>
</tr>
</tbody>
</table>

Source: Own calculations.

The other side of the picture involves international empirical evidence, indicating that areas with high industrial concentration levels generally exhibit higher wages and higher levels of per-capita income (Izraeli & Murphy, 2003). This in turn may contribute to an increase in wage differentials among regions.

It is pertinent to appraise the relationship between the index of industrial diversity and wages for the Mexican states under study. Table 3 shows correlations for the two periods: before- and after-NAFTA. The results point to a negative relationship between the industrial diversity index and wages, which means that as the states become less industrially diverse, wages get higher. Nevertheless, this relationship before NAFTA was significantly smaller than for the period after NAFTA. From this result, we can infer that NAFTA had an impact that made the industry activity more concentrated, which in turn increased wages. This supports the theory of the compensating wage difference that predicts that people in states with a higher industrial concentration would be rewarded with higher wages (Diamond & Simon, 1990). Therefore, higher wages are a reward to people for the higher risk of losing their jobs and the time it will take to find other jobs. This theory fits with a higher level of statistical significance after NAFTA took place, since before NAFTA the correlation was five times smaller. This also supports extant empirical evidence indicating that NAFTA affected industrial organization across the country with correlated effects on wages.
Table 3. Industrial diversity index and wages

<table>
<thead>
<tr>
<th>Period</th>
<th>Correlation</th>
<th>Significance level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before NAFTA</td>
<td>-0.0059</td>
<td>0.0420</td>
</tr>
<tr>
<td>After NAFTA</td>
<td>-0.0295</td>
<td>0.0000</td>
</tr>
</tbody>
</table>

Source: Own calculation.

The approach to analyze the effects of the industrial concentration on migration patterns will be to identify the states traditionally sending migrants to the United States, with the aim of calculating average wages and the number of employed and unemployed people as a proportion of the state’s total population over time.

Several papers (Chiquiar & Hanson, 2005; Durand, Massey, & Zenteno, 2001; Unger, 2005) have identified the Mexican states that have a higher proportion of out-migration to the United States and that are considered to have a high-migration tradition. This is, migrants have historically been selected disproportionately from certain regions of the country. Specifically, there are states that have provided a larger proportion of the migrants to the United States. These states, mainly located in central-western Mexico, include Jalisco, Michoacán, Zacatecas, Guanajuato, San Luis Potosi, Durango, Aguascalientes, Colima, and Nayarit. By considering this region, we will be able to compare the evolution of wages and the proportion of people who stayed in those states, and then make the comparison with other regions in Mexico.

The methodology used to account for migration levels relies on the assumption that, from the sample, we can tell how many people had decided to stay in the country since they answered the questionnaire. Therefore, if there is a large variation from one year to the other in one state, it is due to the effects of out-migration, since other factors, such as mortality or birth rate, are too small to have a significant effect on the total population over time. Some states, those mainly in the north, can be classified to have a relatively lower out-migration to the United States. Other states cannot be categorized to have a high or low out-migration for the whole period.

It is interesting to compare average real hourly wages across regions given their migration condition. Graph 1 presents this association. Average wages seem higher in states with a low pattern of out-migration to the United States relative to the states with a traditionally high migration rate. This illustration reinforces the evidence that the higher the differential of wages between destination and places of origin, the higher the incentives to migrate. This relationship occurs in the high-migration region relative to low-migration states. Additionally, a substantial drop in the real wages in all regions, independent of migration tradition, is evident. However, the persistence of wage differentials across regions is notable. For example, in comparing the region with a long-standing migration tradition with the rest of the regions, it was found that the currency crisis experienced at the end of 1994 had increased the wage gap. This graph reveals a clear effect on the states with out-migration. The crisis had two main implications: all regions showed a severe drop in real average wages.
and the region with a larger out-migration to the United States was one of the most affected by this drop. Therefore, not only the implementation of NAFTA but also the currency crisis can explain the increasing out-migration from regions traditionally sending migrants to the United States after 1994.

In terms of the population groups that had been more affected by changes in the labor market, the next graph may offer an insight. Since the use of this approach implies certain restrictions a-priori, it would be useful to compare the proportion of people who remained in high-migration states conditional to their age. Chiquiar and Hanson (2005) found that young adults represent the highest proportion of Mexican immigrants into the United States. Graph 2 provides evidence of the trend of young adults and other cohorts who stayed in the regions categorized according to their migration tradition over time. The test of the mean difference across cohorts was statistically significant at 95%. It is evident that the difference in the proportion of the youngest population, ages 20-29, is larger in states with low migration to the United States compared to the states with a tradition of sending migrants to the United States. The opposite is observed for people aged 40-49, which means that the proportion of population in this cohort is relatively more abundant in the states with high-migration rates. For the other cohorts, we cannot establish a clear tendency since in some years the proportions are larger in the traditionally low-migration states and for other years the proportions are smaller.
Discussion and Policy Implications

The purpose of this paper was to examine the impact of economic liberalization on regional industrial concentration for employment fluctuations and regional wage differentials and its collateral effects on internal and international migration in Mexico. There is a clear trend of industrial agglomeration in Mexico since trade liberalization reforms. Economic liberalization of the Mexican economy has shifted the economic activity to the northern border states. Economic opening has also encouraged industrial concentration and specialization in the manufacturing of goods.

This reallocation of industries and firms along with the industrial specialization pattern has increased workers’ wages in the northern states relative to the rest of the country. We found that an industrial concentration in the northern border states after NAFTA is positively associated with wages in this region. Unfortunately, the evidence indicates that a regional wage gap persists in the traditional out-migration region (high migration rates) as compared to regions with low out-migration rates. This finding reflects to some extent the regional performance in terms of economic development after NAFTA. It can be argued that the biggest winner is the region at the northern Mexico border with the United States while the migrant regions, Central Western and Southern Mexico, have not experienced the same level of economic development. This finding is supported for extant evidence indicating a ‘divergence’ in terms of economic growth and industrial development across Mexican states and regions (Aguayo-Tellez, 2006; Esquivel, 2000; Rodriguez-Oreggia, 2004). In general, these studies conclude that the poorer states have been unable to achieve the same level of economic development as the richer states.
Regional industrial concentration also has altered the labor market by generating more employment volatility. The analysis showed that the employment volatility after NAFTA has increased in the north and decreased in the central region. In this sense, the changes in the industrial concentration that occurred in Mexico during the past two decades have had direct effects on regional employment fluctuations. The creation or destruction of jobs is not only associated with domestic economic conditions but also with the well being of the world’s economy. This is particularly significant for an integrated economy such as that of Mexico. Change in employment opportunities has been identified in the migration literature as one of the main factors creating incentives for people to migrate. Moreover, we present further evidence showing that younger cohorts are more likely to leave regions considered to be those that traditionally send migrants to the United States.

These findings may have important policy implications for industrial diversification in Mexico. For example, to promote employment stability and equal wage distribution, more attention to industrial diversification is needed. Industrial diversity can be advantageous since people can find jobs in different economic activities. Nonetheless, this sometimes may not suffice to generate incentives for people to stay in regions where wages are lower compared to other regions with more industrial concentration. Therefore, a policy that encourages industrial concentration considering comparative regional economic advantages could be a good way to approach this issue. Specifically, one may think of developing a tax advantage program to provide an incentive for firms locating in regions with high out-migration rates.

The literature grounded in micro-theory suggests that migration is induced by real income differences and employment opportunities across locations (Borjas, 1994). Nonetheless, a more general study on the determinants of migration should account for other factors, such as social, psychological, political, cultural, network-related, and other interrelated factors. As the purpose of this article is to discuss the possible nexus between the structural changes in the Mexican economy and migratory flows, we have concentrated on pure economic factors. Nonetheless, wage-labor migration’s initiation and persistence is a function of many more factors than this article addresses.

Notes
1 The industries were classified in 9 productive one-digit classification sectors. The sectors included are: Agriculture; Mining; Manufacturing; Construction; Electricity, Gas and Water Supply; Wholesale and Retail Trade; Financial Services; Transport, Storage and Communications; and Social, Public and Personal Services.
References


Chapter 5
Mexican Transnational Entrepreneurs in San Antonio, Texas: A New Form of Immigrant Citizenship

Luis Xavier Rangel-Ortiz, The University of Texas at San Antonio

In recent discussions of transnational migration, one much debated topic is the way twentieth and twenty-first century globalization challenges traditional notions of immigrant citizenship (Glick Schiller, 2005; Inda and Rosaldo 2004; Mathews and Glick Schiller 2005; Moraswka 2003; Smith, 2002; Smith, 2005; Smith & Bakker, 2009). On the one hand, citizenship has been characterized by guaranteeing political, legal, and social rights to individuals in exchange for social, political and civic duties and responsibilities based on their ethnic and cultural membership in a nation state or a city (Scott & Marshall; Mclean & McMillan, 2009). On the other hand, some feel that ‘citizenship should not be derived from the membership of one or more cultural groups, but from residence in a state’s territory’ (Castles & Davidson 2000, p.viii). Rosaldo (1994), who coined the term ‘cultural citizenship’, believes that cultural citizenship is something more insightful than possession of legal/political documents, something deeper, involving full participation, enfranchisement, and full representation in a nation’s state territory. His argument is supported by Castells (2000, 2004, 2004b) who notes that in the last quarter of the twentieth century, new, complex, informational, and global networks, economies, societies and cultures have emerged, producing new forms of representation and new citizens of the world. Migration researchers like Levitt (2001) assert that, regardless of citizenship, new transnational practices allow immigrants to “use their identities symbolically or instrumentally, tailoring them to fit particular settings, and adopting some values and practices but not others” (p.4). Levitt’s view is in line with Pedraza (2006) who refers to Michel Laguerre’s notion of ‘diasporic citizenship’ which includes practices and rights acquired or appropriated, that cross nation-state boundaries and that indicate membership in at least two nation states (p.49). The ultimate point is that today citizenship is only one of the multiple ways that individuals have to exercise their rights and become productive and successful members of a nation state. Although these distinctions might seem trivial, they are in fact crucial to understanding today’s sense of belonging and identity construction.

Similarly, Friedman (2007) describes how a new age of creativity and connectivity has created new citizens of the world and a new type of global citizenship. Suarez-Orozco (2000) argues that traditional immigration to the United States was characterized by the assimilation of “poor but hard working European peasants willing to give up their counterproductive old world views, values, languages and accents, to become prosperous, proud, and loyal Americans” (p.7). Today, immigrants maintain strong attachments to their native countries and cultures as they capitalize on geographic closeness, new technologies, professional credentials, and global views of political, civic, and cultural citizenship and
identity (Guarnizo & Portes, 2003; Foner, 2003; Levitt, 2001). McLemore & Romo (2005) note that transnational engagement allows “immigrants to the United States to maintain strong ties with friends and families in their countries of origin more easily than ever before and remain at home, in a psychological sense, even while they are physically in the new country” (p.10). A large segment of modern transnational migration comprises entrepreneurs and elite communities who benefit from the support of civic leaders and agreements between their cities of origin and the cities that receive them (Portes, Guarnizo, & Landolt, 2000; Portes, Haller, & Guarnizo, 2002; Levitt, 2001).

Modern Transnational Migration

An illustration of changing trends in migration is the case of Mexican transnational entrepreneurs’ networks in San Antonio, Texas. These transnational networks are composed of middle and upper class professionals, businessmen/women, elite communities, and corporate managers, who voluntarily or involuntarily immigrate to San Antonio in search of security, a better quality of life, a healthier environment, human rights, a business venture, or the education of their children. Ongoing social, cultural, political, and economic instability in México fosters this type of transnational migration. Faced with environmental pollution and increasing fears and rates of kidnappings, robberies, and other violent crimes, Mexican nationals seek a safer and healthier environment outside their native country. Indeed, there is general consensus among transnational entrepreneurs, which has been reported in local media, that most affluent Mexican families immigrate to San Antonio in response to unsafe and unhealthy conditions prevalent in México. In their search for an improved way of life away from home, transnational entrepreneurs develop a sense of community, a sense of responsibility towards the environment, a sense of justice, a dual sense of cultural awareness, dual identities, dual national loyalties, and in some cases hold dual political legal citizenship as they live, work, and educate their children between the United States and México (Rangel-Ortiz, 2004, 2008).

Transnational entrepreneurs stay mentally, emotionally, and psychologically connected to México. They capitalize on their economic and cultural resources, exchanging them into social and symbolic power to facilitate access, adaptation, and acceptance in San Antonio. Some transnational entrepreneurs completely relocate from México to San Antonio, but most of them decide to commute back and forth between the two locations. Pedraza (2005) notes that transnationalism “is not only salutary for the mental health of immigrants, but it is also salutary for the economic health of the underdeveloped nations they came from” (p.47). Likewise, Min Zhou (personal communication, 2006) claims there are costs and benefits of transnational life and transnational supportive networks.

Demographics of Transnational Entrepreneurs in San Antonio, Texas

Characteristics typical of transnational entrepreneurs are high pre-immigration educational level, cosmopolitan world view, and middle or upper socioeconomic status. These groups
have access to powerful networks of social, cultural, political and economic groups that facilitate their integration and participation in the city. The majority of transnational entrepreneurs reside in the northern part of San Antonio, many in Mexmont (pseudonym), an area that San Antonio locals describe as a Mexican “ethnic enclave.” Suarez-Orozco, C (2004) argues that “living in an ethnic enclave limits the opportunity for regular interaction with members of the mainstream culture” (p.178). However, this does not hold true for these Mexican transnational entrepreneurs given that Mexmont is an emerging and influential area in the city that has been developed by San Antonio locals, wealthy immigrants from other countries, and American newcomers from the Northeast, West, or Midwest of the United States (SABOR.com, accessed on March 2008). These newcomers share similar demographic characteristics with Mexican transnational entrepreneurs. Mexican transnational entrepreneurs’ presence is also growing in the Antorcha Heights and East Park (pseudonyms) areas, two of the most conservative and influential neighborhoods in San Antonio. Most transnational entrepreneurs are married and live in homes with their spouses and children. The majority of these business men and women obtain legal residence with professional and investment visas; once they have legal residence, the path to obtain dual legal citizenship becomes less difficult. Obtaining dual citizenship without giving up one’s native culture and native citizenship is another clear illustration of contemporary transnationalism and globalization.

Marketing, financial, and real estate firms in San Antonio and México report that more than 20 Mexican national families purchase houses in this city every week and inform that this phenomenon continues to grow (Rangel-Ortiz, 2008). There is general consensus that since the 1990s, networks of Mexican nationals have been flourishing in San Antonio. Certainly, the number of affluent Mexican transnational families coming to this city has reached a significant level; however, there is no precise figure reflecting the exact number of Mexican transnationals. The Mexican Consulate Office in San Antonio and EG&A Direct International (a marketing and real estate firm) calculate that approximately some 44,000 affluent Mexican families are located in this city.

The Social Inequality Assumption

Popular perception of entrepreneurial groups possessing large amounts of financial capital often includes an assumption that group members are only interested in their own advancement and advantage, sometimes even to the disadvantage of the general community. On the contrary, thriving and successful Mexican transnational entrepreneurs, as part of their process of gaining cultural awareness and cultural consciousness, contribute to the development of the general community of San Antonio. This contribution helps them build and reinforce their social and symbolic power in the community. This relatively rapid acquisition of social power and community integration contrasts with the experience of multi generational Téjanos (native Texans of Mexican origin) in San Antonio. Economic, educational, and social disparities are apparent between transnational entrepreneurs and Téjanos. The role of transnational entrepreneurs’ typically greater financial and cultural
resources may be an apparent factor but cannot totally explain this disparity. One possible way to understand this variant is that in the current environment there is a convergence of interests between dominant groups in San Antonio and Mexican transnational entrepreneurs that did not exist with this intensity between previous dominant groups and Mexican Tejanos.

**Historical Context of Transnational Entrepreneurs**

According to Montejano (1987) San Antonio was founded in 1718 as a Catholic Mission of the New Spain and became part of the United States in 1848 under the conditions of the Treaty of Guadalupe Hidalgo. The arrival of Anglo settlers to New Spain Texas —originally Aztec Indians territory— (Anzaldúa, 2008), which later became Mexican Texas was initially supported and encouraged by the Spanish crown and later by the Mexican government. During this period, both Mexican Tejanos and American Tejanos benefited from the land grants offered by these governments. However, with time, Mexican Tejanos were dispossessed of land and legal and cultural citizenship. Since then, the presence, culture, obligations, entitlements, rights, and duties of Mexican nationals declined significantly in the region. Schechter and Bayley (2002) refer to Barrera who suggests that ‘by the 1830’s only the area around and south of San Antonio could be said to be distinctly Mexican in character’ (p.31). In those days, oftentimes, the Mexican elite created alliances with the Anglo community through marriage, confirmations, and baptisms; these alliances were known as compadrazgo. Montejano (1987) argues that these associations provided the Anglo newcomer access to wealth and large pieces of land and secured for Mexicans access to an entrepreneurial and political social class. Today, Mexican elite status is still granted based on family wealth and land ownership. However, a new form of Mexican middle and upper class built on academic, professional, and entrepreneurial meritocracy is emerging. This suggests how notions of immigrants’ social status and social mobility vary across time and generations (Borjas, 2006).

At present time, the city of San Antonio is 62 percent Latino, the majority of which are Mexican origin. Up until recently, San Antonio was made up of Mexican Americans many generations removed from México. However, over the past few decades, transnational flows have strengthened social, political, economic, and cultural ties between San Antonio and México, redefining cultures, social structures, identities, allegiances, loyalties and affiliations in unprecedented ways. A shift in this city’s Mexican immigration experience is illustrated in the emergence of a new form of Mexican nationalism (Rangel-Ortiz, 2008). The current surge of affluent Mexican nationals is a new and distinct trend.

**An Approach to Transnational Entrepreneurs**

Acknowledging that Mexican transnational networks continue to grow and influence the culture and economic development of San Antonio, this paper will discuss the Mexican transnational experience, exploring their identities and new forms of citizenship drawing
on the doctoral dissertation: *Socio-cultural Identity and Self Conceptualizations of Mexican Transnational Entrepreneurs in San Antonio* (Rangel-Ortiz, 2008). This earlier research explored how Mexican entrepreneurs’ make use of their economic, cultural, social, and symbolic capital and power as a strategy to establish, maintain, and improve their integration to San Antonio and consequently develop a transnational citizenship. The theoretical framework of these explorations utilized Bourdieu’s (Bourdieu, 1977, 1980, 1983; Swartz, 1997) principles of capital and power rate of interconvertibility complemented with traditional and contemporary perceptions of Mexican and Latino cultures (Aguilar Camin & Meyer 2001; Basave 1992, 2008; García Canclini, 2005; Espinoza Infante & Perez Calderón 1994; Krauze 2005; Monsiváis, 2000; Paz, 1970; Rodríguez-Estrada & Ramírez-Buendía, 1992; Schettino, 2008). This research project focused on a transnational orientation (Levitt, 2001; Basch, Glick Schiller, & Szanton Blanc, 1994) using sequential, exploratory strategies for quantitative and qualitative mixed methodology (Creswell 2003, 1998; Patton, 2002; Plano-Clark & Creswell, 2008; Clark & Flores, 2004, Sapsford, 2007). This methodology consisted of first, collecting and analyzing qualitative data; second, collecting and analyzing quantitative data; and third, bringing both sets of data together for interpretation.

The total number of participants for both analyses was thirty. Participants of the qualitative analysis included fifteen women and men from the local and Mexican transnational business community of San Antonio. Participants for quantitative analysis included thirty women and men, fifteen participants were part of the qualitative study, plus fifteen whose access was arranged through local and Mexican transnational entrepreneur networks and associations in San Antonio. Qualitative methodology included in-depth interviews, field notes (Van Maanen, 1988, 1998), insiders’ documents, and census and demographic data that helped answer the following questions: 1) What are the demographic characteristics of the Mexican transnational community of San Antonio? 2) What specific demographic factors characterize a group of fifteen members of that community? 3) How is the financial/economic and cultural capital of a group of fifteen Mexican transnational entrepreneurs converted into social and symbolic power within the local community of San Antonio? Quantitative methodology helped answer 1) What are the self-conceptualizations of a group of thirty Mexican transnational entrepreneurs culturally, socially, politically, and economically? and 2) How do they identify ethnically? Mixing both quantitative and qualitative approaches provided a better understanding of Mexican transnational entrepreneurs than using a quantitative or a qualitative approach alone. Data not easily identified using qualitative methodology was identified using quantitative methods; qualitative analysis was complemented with findings from quantitative study and vice versa.

The following discussion grew out of this research and utilizes data and findings from this study to describe the dynamics and effects of Mexican transnational entrepreneurship and its implications and consequences for the conceptualization of a transnational citizenship.
Economic Engagement of Transnational Entrepreneurs in San Antonio

Data collected from city and business leaders in San Antonio and Mexico, experts in the area of Mexican transnational entrepreneurship, shed light on the economic contribution of Mexican transnational entrepreneurs to the city of San Antonio. The data indicate that Mexican national investments in this city represent at least 40 percent of commercial and residential real estate; some of these investments are visible in the public sphere and others not so evident to the general public (Rangel-Ortiz, 2008). Previous waves of migration were affected by the “pull” of agricultural and industrial jobs in Northern industrial capitals. The current wave of transnational movements out of México is affected by the “push” out of their home state occasioned by epidemics of kidnappings and violence along with the pull of business opportunities created by NAFTA and the availability of new types of business and investment visas. A functional union between the Southern United States and Northern México has always existed. However, today, this union is extending to the center of México, specifically to México City, El Distrito Federal. Indeed, research shows that México City, Monterrey, Torreón and Chihuahua appear to be the Mexican cities sending the most transnational entrepreneurs to San Antonio though other cities like Cuernavaca, Guadalajara, Puebla and Querétaro also figure prominently.

Mexican transnational entrepreneurs invest significantly with financial institutions and investment banks in San Antonio and devote significant portions of financial capital to small and medium sized enterprises. The social, cultural, and economic barriers between México and San Antonio are increasingly disappearing. Economists, sociologists, historians and other academics and city leaders in San Antonio and México believe that this region will keep solidifying. Some scholars and municipal leaders in San Antonio (field notes, Mexican Entrepreneurs Business Meetings, Trinity University, San Antonio, Texas, 2007, 2008) believe that policy makers in Washington and México City are starting to realize it is difficult to stop this union. Other scholars believe that it was probably NAFTA pioneers who envisioned many years ago the frequency and intensity of cross-border exchanges that characterizes contemporary México and San Antonio transnationalism. These academics believe that this region is going to start looking more like some regions in Europe, where several countries form alliances that remove barriers, resulting in the existence of a unique region which transcends geopolitical borders. Of course there are people in this country and in México that would not like this to happen, and there will always be, but it is likely that the number of such dissenters will decrease over time as recognition of the mutual benefits offered by transnationalism become more apparent. As in Europe, there are some ethnic groups who do not like people from Spain and some other ethnic groups who do not like French people; however the great majority of them have decided that it is better for their economic future to be united and overcome national, regional, and ethnic differences and rivalries. It is possible that the same phenomenon is happening in this region with transnational entrepreneurship. A great part of this change is due to new technologies, NAFTA (North American Free Trade Agreement), transnational migration, and globalization that engender new hybrid cultures, new forms of nationalisms, and new attitudes towards ethnic, racial, and, cultural differences.
Erosion of Regionalism

It is often said that regionalism is deeply entrenched in Mexican nationalism. Drake (1970) observes that historically, Mexican regionalism has functioned as a means of social control and allocation of resources and privileges. He believes that regionalism and nationalism have been obstacles to national unity “perpetuating inequities along geographic lines” (p. 402). Perhaps because perpetuation of that Mexican regionalism represents a potential obstacle to successful business enterprise in San Antonio, Mexican regionalism tends to diminish in this transnational environment. There is evidence suggesting that Mexican entrepreneurs ignore regional differences as a strategy to reinforce their social and symbolic power in San Antonio. To better understand the origins of Mexican regionalism, Drake argues that the cultural and physical separation of Mexican people began with México’s colonization. What this means is that extreme notions of Mexican regionalism have been used in Mexican culture as strategies to develop hierarchies of superiority and inferiority that reflect social control and domination. Allport (1979) explains that humans are categorized in groups in order to achieve better functioning. However, he elaborates on identity theory and notes that in-group and out-group favoritism can create a basis for false notions of identity or the belief that one’s own group is superior or inferior to other groups. Extreme regionalism leads one to think about the principles of the minimal group paradigm as explained by Tajfel (1970), who believes that humans tend to create in-group and out-group bias based on meaningless and superficial categories. This does not mean that geography is meaningless. The issue is the way people use regional differences to create hierarchies of superiority and inferiority grounded on superficial attributes.

Mexican transnational entrepreneurs reported that a major problem in México is the way local companies in the south of the country are subsidized by the government or by other large enterprises; they suggested the existence of paternalism and monopoly---behavior identified by transnational entrepreneurs as agandayamiento. Castells (2000) believes that in the new age of information and global economy, patriarchy “has come under attack, and it has been shaken by a number of societies” (p. 2). Paz (2006) mentions that in Mexican culture “the macho represents the masculine pole of life. The phrase ‘I am your father’ has no paternal flavor and is not said in order to protect or to guide another, but rather to impose one’s superiority, that is, to humiliate” (p.23). To put it another way, Mexican transnational entrepreneurs belong to a new generation of Mexican immigrants who are aware that intolerant regionalism and paternalism (machismo) damage social interactions and community and economic development. In this sense, transnational entrepreneurs’ native culture needs to be redefined and adapted to San Antonio’s culture to be able to claim a true sense of community and transnational citizenship. One Mexican entrepreneur interviewed explained, “When we are away from home, we are all Mexicans,” illustrating how in this transnational environment regional differences tend to disappear.
Cultural Mindset: From Yoísmo to Nosotros

Mexican transnational entrepreneurs reported they belong to a new generation of Mexican business men and women who need to feel comfortable living between México and the United States. Those Mexican entrepreneurs, who have socially integrated and professionally succeeded, have culturally adapted their mindset to the local bicultural-bilingual set of San Antonio. While Mexican transnationals do not totally assimilate, a cultural adaptation process is instrumental in the development of a transnational citizenship and successful trade between México and San Antonio. Most Mexican transnational entrepreneurs in San Antonio adapt to the cultural way of doing things in this city by learning the American way of life and adapting to the American business environment without abandoning native values and beliefs of Mexican culture. Transnational media play an important role in promoting and reinforcing traditional Mexican values and beliefs systems, oftentimes promoting, reinforcing, and maintaining the status quo. Finding ways that the Mexican and American cultures can live and function with each other in synchronization represents the essence of transnational citizenship. The lack of value placed on team work in traditional Mexican culture represents a major obstacle to success in the U.S. environment. Mexican entrepreneurs identified this aspect of Mexican culture as El yoísmo del Mexicano (extreme self centeredness, life revolves around oneself); even some Mexican entrepreneurs tend to believe that success is achieved independently, on one’s own. Some Mexican and Latin American scholars describe this yoísmo line of thinking as representative of Mexican values, attitudes, and practices (Aguilar Camín & Meyer 2001, Blanco-Can, 2005; García Canclini, 2005, Espinoza Infante & Perez Calderón 1994; Krauze 2005; Rodriguez-Estrada & Ramírez-Buendia, 1992; Schettino, 2007). Mexican yoísmo can be understood as a defensive attitude and cultural response to successive periods of conquests, colonization, loss of culture, assimilation, and domination that began with the erosion of the Aztec empire. Moreover, Basave (1992, 2008) notes that throughout history, Mexican people have used symbolism, magical, mythical, and mystical thinking as instruments to develop an identity; an example is the Virgen de Guadalupe and an extreme sense of Mexican nationalism and almost fanatic religiosity (Rangel-Ortiz, 2008). Basave proposes that this search for a national identity has turned Mexican people into extreme and encapsulated self centered people.

Basave argues that during the 18th and 19th centuries, México had experienced a sequence of foreign invasions and colonization periods leading to this state of encapsulation and self centeredness. These periods include influence from Spain during the Viceroy; influence from the United States during Independence; and influence from England and France during the Reforma and Porfiriato. Basave notes that as the revolutionary movement emerged, it was accompanied by symbolic and attitudinal strategies designed for the Mexican people to steer away from anything that was foreign. He cites as examples ensimismamiento (it is similar to yoísmo, being extremely self centered, solipsism, everything revolves around oneself) and favoritism (sentiments towards anything that was considered Mexican national, a type of ethnocentrism and national egocentrism) (p.16). According to Basave during the 18th century the first efforts to develop a common identity were reflected in the creation of a sense of Creole patriotism (patriotismo Criollo) and the construction of Mexicanidad.
These emerged partly as a response to marginalization and denigrating literature spread all over Europe regarding the American continent and particularly focusing on the children of native Europeans who were born on American soil (Basave, 1992, 2008). Certainly, some children were born on American soil to both European born parents, and others to one European parent; this miscegenation led to the emergence of a caste system or clasismo. Moreover, a sense of pride and ensimismamiento emerged and was reinforced in response to transnational and transoceanic symbolic violence from Europeans towards the mixture of races. Basave identifies this feeling of pride as Mestizofilia.

This clasismo or caste system determined what percentage of Indian, African, or European blood was necessary to ascribe hierarchies of superiority and inferiority and determine the place of people in society. These caste and race categorizations had the ultimate purpose of controlling the allocation of scarce resources and justify conquest, domination, and colonization, and therefore, violence, intolerance, and injustice. Likewise, the term Mestizo referred to the miscegenation of races; the terms Castizos and Cholos emerged as markers of social status. Castizos had three quarters of European (Spanish) blood and one quarter of Indian blood, while Cholos were those who had three quarters indigenous blood and one quarter European, specifically Spanish blood (Basave, 1992). This caste and class system was then reflected in every aspect of La Nueva España (The New Spain) and it is still sadly reflected, reinforced, and reproduced in every aspect of Mexican culture. Today, the Mexican nation and Mexican media reproduce and reinforce these frivolous inequalities through overt and covert marketing strategies. Moreover, media, religious, educational, occupational, governmental, entertaining, and health institutions play an important role in perpetuating these social and cultural inequalities, deep-rooted in Mexican culture.

In the same line of thinking, Krauze (2005) perceives the implications and consequences of La Conquista as something deeply rooted in Mexican identity. He describes the evangelization period as the conquest of the Indians’ spirit and soul. He believes that the conquest of the Indians’ spirit and soul were fundamental to build the Mexican nation. This might be representative of the Spaniard’s psychotic obsession to ‘civilize’ the Aztec Indian. Krauze views this era as a period signaling the emergence of a new Mexican identity that he defines as “la familia Mestiza” (p. 15). Krauze wisely claims that the past is still present in contemporary Mexican culture and believes that the past represents a historical transition where México was once privileged. He argues that miscegenation (mestizaje) lasted four centuries and accurately claims that the mestizaje and caste systems are still a work in progress in Mexican culture. Though geographically removed from Mexican territory, Mexican transnational entrepreneurs perpetuate this cultural mestizaje process that involves mixing elements of European and Indian cultures. Krauze notes that though the process of mestizaje is traditionally seen as a racial process, it is much more reflected and embedded in the cultural, affective, and intimate realm of Mexican ethnicity. Among transnational entrepreneurs the process of mestizaje involves the merging of European and Indian cultures with the values, beliefs, attitudes and behaviors they adopt in the process of acculturating to an American environment. Moreover, for successful Mexican transnational
entrepreneurs, forming an identity as transnational citizens must include erosion of clasismo and yoismo attitudes.

New Rules of Operating in a Transnational Environment

As a result of this cultural heritage, many Mexican newcomers experience a culture shock in response to lack of knowledge of new rules on how to do business and function in San Antonio. These rules include, among others, issues related to social behavior, social interactions, domesticity, cross cultural communication, the hiring and managing of domestic and business employees, the handling of space, time, and information, knowledge of local rules for negotiating, and learning how to operate under U.S. legal, fiscal, credit, and monetary systems. Moreover, newcomers must learn and adhere to regulatory requirements, deal with authorities, observe the local code of conduct, fulfill civic obligations, and gain knowledge of the rights, entitlements, and duties as U.S. citizens, residents, or investors. Also essential is acquisition of knowledge of the political, electoral and local, state, and national governmental systems. Not knowing these new rules and community ideals represents a handicap to successful citizenship and barriers to successful co-existence with local/native San Antonians. As a strategy to overcome these barriers, Mexican transnational entrepreneurs create co-national groups to promote social networking both among themselves and within the local community.

Successful Mexican transnational entrepreneurs accepted that the “rules of the game” have changed; they view San Antonio as “their” (the Americans) city but perceive the city as welcoming and accepting them with open arms. Far from claiming this as a right, they feel grateful to be welcomed as part of the city. Indeed, thriving Mexican entrepreneurs reported that they operate under local rules like observing urban courtesy, rules of social interaction, and obedience of transit and driving regulations. They reported in interviews that they needed to welcome and accept – in a kindly and respectful manner – local social, cultural, political, and economic terms and protocols. They all agree that understanding and tolerating American culture, American people, and American values is a prerequisite to successful cultural adaptation and intercultural communication. This stands at the very heart of cultural awareness. Mexican entrepreneurs reported that this accommodation represented a difficult task for some Mexican newcomers given that most of them grew up and were culturally comfortable in a sheltered micro world (yoismo). Transnational entrepreneurs corroborate that in México —as it happens in many large cities of the world,— most people tend to mind their own business without thinking or considering what others are doing or feeling (ensimismamiento). They perceived San Antonio as a different city, and claimed that the challenge for the newcomers was focusing on community rather than individual issues.

Bidirectional Acculturation Processes

With regard to cultural adaptation, Redfield, Linton, & Herskovits (1936) agree that “acculturation comprehends those phenomena which result when groups of individuals
having different cultures come into continuous first-hand contact with subsequent changes in the original cultural patterns of either, or both, groups” (p. 278). Drawing on this assumption, it is important to observe that not only does the Mexican transnational community acculturate to San Antonio’s environment, but San Antonio’s mainstream is also strongly influenced by and acculturating to Mexican cultural traits. This phenomenon can be seen as a process of bidirectional acculturation, or transculturation. Beyond financial and economic interests, Mexican entrepreneurs seek involvement and participation in San Antonio’s social, political, civic, and cultural affairs while mainstream groups are receptive and adopting values, behaviors, and practices of this increasing involvement. McLemore & Romo (2005), report that political and civic participation are useful resources to reduce prejudice, discrimination, and fear of the unknown. Similarly, Pedraza (2005) refers to Ortiz, who defines transculturation as a process where “one culture comes to express itself on another” (p. 225). In Bourdieu’s (1980) terms, this transcultural influence and recognition might be identified as “symbolic power”. Data suggest that Mexican culture is represented and symbolized in different ways in San Antonio.

For example, a public illustration of this influence is the installation of the Torch of Friendship sculpture erected by a group of Mexican entrepreneurs just a few steps away from the Alamo, “the master symbol of American identity” (Flores, 2002). The location of this sculpture at the intersection of Commerce and Alamo streets symbolizes the multilevel social, cultural, economic, and political relationships that exist between México and San Antonio; the Torch can be described as a “master symbol of new Mexican nationalism.”

As Mexican transnational entrepreneurs become more numerous and prominent in the community, host country natives in nontraditional Mexican neighborhoods are changing their attitudes towards Mexicans and Mexican culture in this city. They seem to find it advantageous to expand their knowledge and skills by learning the Spanish language and socializing and interacting with Mexican people, eating Mexican food, consuming Mexican drinks, and buying Mexican manufactured products. Today, transnational ties between México and San Antonio are encouraging parents of non Mexican or Latino descent to enroll their children in Spanish language immersion programs. The decision to familiarize non-Mexican children with Mexican language and culture is triggered by increasing Mexican transnational immigration as well as increasing educational attainment and appointment to positions of power among the Mexican-American community in San Antonio. The desirability of increased knowledge and skill with Spanish language and Mexican culture is evidenced in grocery stores of wealthy neighborhoods. While only a few decades ago a limited number of Mexican products and goods could only be found in the ethnic foods section of these stores, an increasing array of these items are now displayed literally all over the store, labeled using appropriate Spanish orthography, and mixed in display shelves with other American mainstream goods. Further, the linguistic landscape of these affluent neighborhoods has also changed; the streets of these neighborhoods display commercial billboards written in Spanish language legitimating Mexicaness in this part of the city. While advertising targets Spanish speakers as consumers, these public displays also have an effect on the large segment of the mainstream community that patronizes these businesses. This
segment includes political and city leaders and decision makers in San Antonio with the potential effect of normalizing the presence of Spanish language in everyday life.

**Social Networking**

Mexican transnational entrepreneurs claim they want to demystify the mistaken popular impression that Mexicans are “incapable of working in a teamwork environment” (Rodríguez –Estrada & Ramírez-Buendía, 1992). The creation of Mexican entrepreneurial networks with other Mexican co-nationals and with mainstream leaders proved to be a strategy used by transnational entrepreneurs to enter the competitive business, social and cultural worlds of San Antonio. There are several types of Mexican entrepreneurial networks in this city, including very tight family and kinship networks, as well as more open ones. Both types function as sources of guidance and sometimes as sources to raise and invest financial/economic and cultural capital. These networks also serve to improve social and symbolic power through mutual promotion and support, and growing involvement in the community. Oftentimes, a great number of business partnerships are made with close family and political allies. Though some business investors and partners are selected more on the basis of these network relationships than on the expertise to perform the job, the eagerness, cultural adaptation, and professionalism of network members usually guarantee a successful venture. In many of the Mexican businesses and economic ventures, family and close kinship function as a form of social capital through micro, small, and medium sized enterprises, activity identified as “family venture or family capital” (field notes, Mexican Entrepreneurs Business Institute, May 7, 2008, University of the Incarnate Word, San Antonio, Texas). During the 2007-2009 recession, San Antonio’s economy was propped up by capital investments of Mexican transnational entrepreneurs contributing significantly to the fact that San Antonio was one of the U.S. cities least affected by recession. Mexican transnational entrepreneurs associations’ ties with local leaders of San Antonio and México symbolize how the interests of both countries converge in harmonization, leading to a new form of transnational citizenship.

A major network of Mexican entrepreneurs in this city is the Asociación de Empresarios Mexicanos (AEM). This association was founded as a non-profit institution for the purpose of establishing a network among Mexican professionals and entrepreneurs residing in the city. The association started operating with a small group of close friends and it has significantly grown since its inception in 1996. Today, the association has hundreds of members. The mission of the association is the professional and intellectual development of the organizations, institutions, and businesses of its members (Rangel-Ortiz, 2004). One objective of the association is to promote commercial, social, and cultural activities between México and the United States. Another objective is to provide understanding and cultural awareness of both Mexican and American cultures to support the better integration and adaptation of its members to the locality of San Antonio. The members of this association are deeply involved in San Antonio’s community service. One strategy the group uses to achieve these aims is hosting regularly scheduled meetings featuring presentations by
Mexican, Mexican-American or American guest speakers with experience in commercial, professional, and cultural activities. Moreover, Mexican transnational entrepreneurs organize different events throughout the year to obtain resources that permit the association support through donations to those who need it the most in the community of San Antonio. The association works in conjunction with the México Center at the University of Texas at San Antonio and with other local universities sponsoring scholarships, fellowships, and research. The association strongly supports philanthropic and charitable foundations and organizations. Moreover, the Mexican entrepreneurs association enjoys the support of The Mexican Consulate and Mexican, American, and Mexican-American municipal and business leaders and associations who share the association’s goals and vision.

Summary and Conclusion

These findings have important implications with regard to transnational migration and notions of citizenship. Transnationalism describes a new way of thinking about immigrant integration and adaptation to a new culture. Transnationalism is one of the possible positive outcomes that may occur when two ethnic and national groups come in contact. In the case of Mexican transnational entrepreneurs in San Antonio the impact of such contact is bidirectional. As a result of living and working in American society Mexican transnationals demonstrate decreased regionalism, decreased yoismo and increased teamwork, increased cultural awareness of both Mexican and American cultures, and increased loyalty, allegiance, and affiliation to American culture. Their integration includes adaptation to professional, social, and civic environments with stronger regulatory structures. The reciprocal influence of these Mexican businesspeople on San Antonio is reflected in economic and social spheres. Mexican transnational investment bolsters the San Antonio economy, shielding it from the worst effects of national economic downturn. Mexican transnational business contributes to an increasing mainstream recognition and acceptance of Mexican culture, including increased use of Spanish language, increased consumption of Mexican food and Mexican products, and an increased positive attitude and adoption of Mexican values, beliefs, and behavior. This might be indicative of how ethnic relations are strongly shaped by economic development.

Networks of Mexican transnational entrepreneurs in San Antonio illustrate new notions of immigrant citizenship. Meaningful participation and membership in a nation state or a city no longer require a full assimilation; rather, the process requires cultural adaptation and integration of hybrid values, beliefs, norms and practices. Home or business ownership, and social participation and civic engagement in local communities appear to foster loyalty, affiliation, and sense of belonging to a nation state. Entrepreneurial activities require many types of incorporation. These findings are in line with Khagram & Levitt (2008) who claim that today the world economy is organized and arranged through global associations and networks. Aligned with this view, Dingwerth (2007) asserts that we are living a “Global Age” and affirms that geography has become irrelevant for the study of social relations; the globe has become the most significant orientation to understand today’s world (p.1). Traditional
notions of citizenship based solely on national or ethnic belonging have been eroded (Castles & Davidson). Joseph & Henderson (2006) observe that “Mexicans, perhaps more than most peoples, have long been preoccupied with defining what it means to be Mexican, such that the terms Lo Mexicano and Mexicanidad have become standard intellectual fare” (p. 9). In the case of Mexican transnational entrepreneurs, one can conclude that the emergence of a new form of Mexican nationalism and a new form of Mexican transnational citizenship in San Antonio, Texas adds a new perspective to the definition of Mexicanidad.

Implications and Recommendations

This study has significant implications for both México and United States business communities and policy makers. Mexican entrepreneurs see San Antonio as a port of entry to do business in the United States. Equally important, San Antonio provides a safe haven from kidnapping, violence, and a polluted environment—a safer and healthier environment that cannot be achieved at home—while providing a close approximation to home. To be successful, newcomers need counseling, guidance, training, and support on how to do business in this country, with specific emphasis on how to inculcate a mindset of cultural adaptation. Successful Mexican transnational entrepreneurs in San Antonio display a bicultural and bilingual identity and a dual sense of belonging. The same cannot be said of unsuccessful transnational entrepreneurs who believe they need to abandon transnational lifestyles due to a lack of cultural consciousness and bicultural mindset development. Possession of large amounts of financial and economic capital does not prove sufficiently powerful to guarantee a successful business operation and cultural integration. Possession of financial and economic capital must be complemented by social and cultural adaptation in order to facilitate access to mainstream and co-nationals’ networks; this strategy helps newcomers gain social power and consequently symbolic power.

Business, city, and municipal leaders from both sides of the border can capitalize on the strong transnationalism that exists between San Antonio and México. San Antonio can attract business from other non-traditional immigration states and ports in México. San Antonio’s success in promoting and expanding Mexican transnational activity will require public and private policies which make transnational activities accessible and aimed at not only the very wealthy but to a wider segment of Mexican society. The success of such policies will strongly depend on understanding of the attendant social and cultural transnational adaptation issues. A positive attitude towards México and Mexican nationals can have a positive impact on growth and economic development of the city.

This paper sheds light on the complex issues of intercultural communication and transnational cultural consciousness. Ongoing technological, social, political, economic, and cultural changes are likely to foster the growth of transnational phenomena between México and San Antonio. This essay brought to light issues related to the construction of Mexican entrepreneurs’ transnational citizenship that require further attention in order to have a better understanding of México-U.S. transnationalism. Future directions for the study of Mexican transnational citizenship include the following:
1) There is a need to develop resources to inform and guide newcomers on how to make values, beliefs, norms and practices from the American business environment and American, Mexican-American, and Mexican cultures coexist in harmony. The most effective, efficient, and acceptable approaches and mechanisms for communicating such information remain to be identified.

2) While consensus exists that Mexican transnationalism is a growing phenomenon in San Antonio, there is currently no organized effort to quantify the frequency and the volume with which it is occurring. Further studies to quantify rates of affluent Mexican transnationalism are needed.

3) Additional work is needed to explore and understand the transnational experience of Mexican transnational entrepreneurs’ offspring, and to identify the ways in which transnational entrepreneurs and their children negotiate cultural values, beliefs, and behavior for successful integration and adaptation. Issues and attitudes related to ethnicity, class, gender, nationalism and religion that seem to be taken for granted in México acquire a different dimension and connotation in a transnational environment. These include consciousness of extreme self centeredness (yoismo), gender roles rigidity (machismo), popular religiosity and magical, mystical, and mythical thinking (mochismo), and sharp contrasts in Mexican social structure (clasismo).

4) Socio-cultural influences and effects in the transnational environment are bidirectional. Effective transnational communication between México and San Antonio can improve through education on cultural, ethnic, civic, and national studies in both México and the United States.


Suarez-Orozco, Marcelo. (2000). Everything you ever wanted to know about assimilation but were afraid to ask. Daedalus Journal of the American Academy of Arts and Sciences 129(4), 1-30.


El proceso de globalización que se vive en la actualidad está caracterizado por un crecimiento de flujos entre fronteras entre los que se incluyen las inversiones, comercio y mano de obra barata que emigra en busca de empleos mejor remunerados. Esto ha contribuido a que muchas economías nacionales dependan de mercados internacionales que se encuentran en manos de empresas transnacionales, por lo que la brecha de pobreza en algunos países se ha ido incrementando, lo que da como resultado que su población busque oportunidades en otros lugares.

La falta de oportunidades ha provocado que países como México se conviertan en grandes expulsores de población, la cual, al trasladarse, no sólo lleva consigo su cultura, símbolos, valores o comportamientos, sino también sus enfermedades. Esto último ha favorecido el incremento de padecimientos que se creían controlados y la aparición de nuevas afecciones.

Una de las enfermedades que ha estado presente en los procesos migratorios internacionales es la tuberculosis. Este padecimiento está considerado como un importante problema de salud pública a nivel internacional, por lo que la comunidad mundial se ha visto en la necesidad de aplicar estrategias para contenerlo.

México, al ser un país expulsor de migrantes y con un gran problema de presencia de tuberculosis, ha establecido junto con Estados Unidos, nación receptora del mayor número de migrantes mexicanos, el “Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis” (2003). La finalidad del proyecto es apoyar a los migrantes que se encuentran bajo tratamiento de tuberculosis activa, para lo cual se utiliza la Tarjeta Binacional de Salud de Tuberculosis.

El objetivo del presente trabajo es identificar los aspectos positivos y negativos que los usuarios y prestadores de Servicios de Salud de Veracruz perciben en relación a la Tarjeta Binacional de Salud de Tuberculosis, herramienta que ayuda a la continuidad en el tratamiento del paciente y contribuye a controlar la trasmisión de esta enfermedad en la población migrante. Asimismo, se busca conocer la forma en que el migrante veracruzano afectado por la tuberculosis es atendido en los Estados Unidos y en la zona fronteriza.

Situación de la Tuberculosis a Nivel Internacional

La tuberculosis (TB) es una enfermedad infectocontagiosa que se transmite por vía aérea, al igual que el resfriado común. El agente causal de esta enfermedad es el bacilo conocido como *Mycobacterium tuberculosis*. Sólo transmiten la infección las personas que padecen tuberculosis pulmonar. Al toser, estornudar, hablar o escupir, expulsan al aire los gérmenes...
de la enfermedad, conocidos como bacilos tuberculosos. Basta inhalar una pequeña cantidad de bacilos para contraer la infección. (Organización Mundial de la Salud, 2008b)

De acuerdo con cálculos de la Organización Mundial de la Salud (OMS), en el año 2006 murieron entre 1.5 y dos millones de personas por tuberculosis. Se estima que ese mismo año se presentaron 9,2 millones de nuevos casos; 14,4 millones fueron casos prevalentes y 0,5 millones de casos presentaron TB multirresistente. La región africana reportó 1,186,800 casos de morbilidad de un total de 2,529,000 casos estimados a nivel mundial. África fue la región que reportó mayor número de muertes y una mortalidad más alta por habitante. (Organización Mundial de la Salud, 2008a)

La región latinoamericana ocupa el tercer lugar en número de infectados diagnosticados cada año, con 300 mil diagnósticos positivos y 25 mil muertes anuales. Brasil, Perú y México son los países que más casos nuevos reportan. (Zenteno, 2006)

Situación de la Tuberculosis en México

De acuerdo con datos proporcionados por el “Programa de Acción para la Prevención y Control de la Tuberculosis” (Subdirección de Prevención y Control de Enfermedades, 2007) en México en 2007 se registró 17,143 casos nuevos de TB en todas sus formas; 14,455 se trataban de casos nuevos de TB pulmonar. Los estados con mayor incidencia fueron: Baja California (42.2 por cada 100,000 habitantes), Chiapas (34.2), Tamaulipas (33.5), Aguascalientes (26.5), Nayarit (26.3), Sonora (25.9), Sinaloa (25.9), Baja California Sur (25), Guerrero (22.9), y Veracruz (22.6); entre los estados con menor morbilidad se encontraban el Estado de México (3.2), Tlaxcala (3.7), Quintana Roo (4.3), Guanajuato (4.6), y Zacatecas (5.0).

En relación con la mortalidad, en el año 2007 se registró 2,176 defunciones, lo que resulta en una tasa de 2 muertes por cada 100,000 habitantes. Los estados que mayor mortalidad registraron fueron Baja California, Nayarit, San Luis Potosí, Oaxaca, Chiapas, Baja California Sur, Nuevo León y Veracruz. (Subdirección de Prevención y Control de Enfermedades, 2007)

Situación de la Tuberculosis en el Estado de Veracruz

En el estado de Veracruz se han presentado un promedio de 1,907 casos de TB al año en los últimos cinco años. (Subdirección de Prevención y Control de Enfermedades, 2007)

Las jurisdicciones sanitarías que más casos reportaron fueron: Veracruz (43.4 por cada 100,000 habitantes), Coatzacoalcos (35.2), Cosamaloapan (29.4), Poza Rica (26.6), San Andrés Tuxtla (23.8) y Martínez de la Torre (22.6). A nivel de municipios, los más afectados fueron La Antigua (85.8), Ixhuatlancillo (73.9), Jaltipan (73.9), Uxpanapa (73.9), Coahuiltepec (67.1), Cosamaloapan (64.7), Veracruz (63.8), Los Reyes (63.1), Poza Rica (61.9) y Huilapan (60.9). (Subdirección de Prevención y Control de Enfermedades, 2007)

De acuerdo con estos datos, Veracruz continúa siendo el estado con mayor número de casos detectados (debido a las características heterogéneas de la población), además de ser
una de las entidades que presenta mayor mortalidad por esta enfermedad (con 3.5 muertes por cada 100,000 habitantes) (Subdirección de Prevención y Control de Enfermedades, 2007).

Existe una relación conocida entre la migración y las enfermedades. Los patrones de desplazamiento migratorio tienen impacto tanto en la salud individual como en la salud pública, y la tuberculosis no es ajena a este proceso. Entre los migrantes se presentan factores que contribuyen al desarrollo de la tuberculosis, tales como la desnutrición, hacinamiento, poca higiene, y la falta de acceso a los servicios de salud (Instituto Nacional de Salud Pública, 2007).

En los últimos años Veracruz se ha convertido en un importante estado expulsor de migrantes hacia los Estados Unidos, lo que es evidente en los datos de la Dirección General de Atención a Migrantes del Estado de Veracruz (basados en el Censo de Población y Vivienda del 2000). Dichos datos indican que Veracruz contaba con 390,600 migrantes, convirtiéndolo así en el quinto estado de la República Mexicana con mayor cantidad de emigrantes. Se estima que al año expulsa alrededor de 25 mil migrantes, o un total de 2,083 por mes (Gobierno del Estado de Veracruz, 2009).

Situación de la Tuberculosis en la Frontera México-Estados Unidos

La frontera entre México y Estados Unidos es de una longitud aproximada de 3,200 kilómetros. Cuatro estados de la Unión Americana (California, Arizona, Nuevo México y Texas) comparten este territorio con seis estados mexicanos (Baja California, Sonora, Chihuahua, Coahuila, Nuevo León y Tamaulipas), convirtiendo a esta zona en una de las más transitadas a nivel internacional. Aproximadamente 264 millones de personas la cruzan anualmente, con un estimado de 1.1 millones de cruces al día.

El cruce se realiza tanto por ciudadanos fronterizos (personas que viven en las ciudades fronterizas ya sea en Estados Unidos o en México) como por migrantes indocumentados, quienes tienden a ser trabajadores de 20 a 35 años de edad procedentes de estados tradicionalmente expulsores, como Guanajuato, Jalisco, Michoacán, Zacatecas y Sinaloa. A este paso de migrantes ilegales se han ido integrando nuevos estados, como Guerrero, Veracruz, Oaxaca, Chiapas, D.F., Estado de México, Hidalgo y Querétaro (Moreno Mena, 2008).

El elevado flujo de personas en la frontera, aunado a las condiciones de vida de los migrantes, a la falta de acceso a servicios de salud, así como el consumo de alcohol y de drogas, contribuyen a que la probabilidad de padecer enfermedades infectocontagiosas y de transmisión sexual sea muy alta. Adicionalmente, diversos factores sociales y económicos incrementan el riesgo de que pacientes que se encuentran recibiendo tratamiento médico sean propensos a dejarlo, siendo este el caso de la TB. Lo anterior favorece el que la zona fronteriza se encuentre vulnerable ante ésta y otras enfermedades.

De acuerdo con datos de la “Agenda Bilateral del Programa Frontera Saludable 2010” de la Comisión de Salud Fronteriza México-Estados Unidos (2003), la tuberculosis pulmonar es una de las enfermedades infecciosas de mayor importancia para la salud pública en la
La incidencia de tuberculosis en el periodo 1995-2000 en México disminuyó un 15 por ciento, mientras que en los estados fronterizos en el mismo periodo decreció un cinco por ciento; en los Estados Unidos, la tasa nacional en ese mismo periodo descendió un 33 por ciento y un 40 por ciento en la frontera (Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003).

La Comisión de Salud Fronteriza menciona, además, que la tasa de incidencia de TB de ambos países en la frontera es más alta que la nacional. En México la incidencia a nivel nacional es de 15.7 casos por cada 100,000 habitantes, mientras que en la frontera es de 33.4. En los Estados Unidos la tasa nacional es de 5.8 casos por cada 100,000 habitantes, mientras que en la zona fronteriza es de 10 (Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003).

**Programas Binacionales para control de la TB en la Frontera Norte**

En el año 2003, por acuerdo de ambas naciones, se estableció el “Proyecto Binacional de los EUA y México para Referencia y Manejo de Casos de Tuberculosis” (Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003). Sin embargo, éste no es el único convenio existente para el control y manejo de TB.

Desde 1978 se estableció programas para el control de la TB en la zona fronteriza. Un informe del Servicio de Salud Pública de los Estados Unidos denominado “Estado de la Salud a lo Largo de la Frontera México-Estados Unidos y Soluciones Alternativas a los Problemas de Salud” identificó entre sus áreas para acción intensiva el control de la tuberculosis (Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003). Asimismo, se han instrumentado diversas iniciativas tales como:

- “Diez contra la TB” (1991)
- “Proyectos Binacionales de Control de la Tuberculosis en Ciudades Hermanas”
- “Proyectos Binacionales de Control de Tuberculosis en Ciudades Hermanas por el Programa Nacional de Tuberculosis de México y el CDC”
- “Proyecto TBNet de la Red de Clínicas de Migrantes,” proyecto binacional para el seguimiento y referencia de la tuberculosis (2000)
- “CureTB”, proyecto binacional para el seguimiento y referencia de la tuberculosis (2002)

**Proyecto Binacional de los EUA y México para Referencia y Manejo de Casos de TB**

El Proyecto Binacional de los EUA y México para Referencia y Manejo de Casos de TB fue creado en el año 2003 por iniciativa de ambos países con el fin de apoyar a los migrantes que se encuentran bajo tratamiento de tuberculosis activa. Sus principales objetivos son
(Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003):

1. Demostrar que se puede lograr continuidad en la atención médica de pacientes que reciben tratamiento para tuberculosis activa durante sus traslados por la frontera México-Estados Unidos.

2. Fortalecer los resultados del tratamiento para los pacientes binacionales con tuberculosis iniciando tratamiento antes de trasladarse.

3. Mejorar la recolección de datos para pacientes en quienes se inició tratamiento antes de trasladarse.

Los organismos que participan en este proyecto por parte de ambas naciones son: El Programa Nacional de Tuberculosis de México (PNT); Secretaría de Salud de México, Centro Nacional de Vigilancia Epidemiológica y Control de Enfermedades (CENAVECE); Instituto de Diagnóstico y Referencia Epidemiológica (INDRE); Centros para el Control y Prevención de Enfermedades (CDC); Comisión Fronteriza de Salud México-Estados Unidos, Departamento de Servicios de Salud de California; Agencia de Servicios Humanos y de Salud del Condado de San Diego y su Programa CureTB; Departamento de Salud de Texas, División de Eliminación de la Tuberculosis; Distrito Ambiental y de Salud de la Ciudad-Condado de El Paso, Red de Clínicas de Migrantes y su programa TBNet; Programa Binacional de Prevención y Control de la Tuberculosis: “JUNTOS”; Centro de Salud Familiar La Fe, Departamento de Salud del Estado de Nuevo México; y el Instituto de Servicios de Salud de Baja California.

Las localidades de mayor importancia para el Proyecto Binacional son San Diego-Tijuana, El Paso–Las Cruces, Ciudad Juárez, Matamoros, y otros siete estados mexicanos (Jalisco, Michoacán, Veracruz, Oaxaca, Coahuila, Sonora y Nuevo León).

Para que los objetivos propuestos por el Proyecto Binacional de los EUA y México se puedan alcanzar se estableció como herramienta la Tarjeta Binacional de Salud. Dicha tarjeta se utiliza en conjunción con un sistema de información binacional más amplio y requiere la coordinación entre ambos países para el manejo de los casos de TB.

Mediante el uso de la tarjeta binacional de salud se busca contar con un instrumento eficiente e integral que ayude a la detección efectiva de casos y que favorezca el “seguimiento costo-efectivo de los pacientes a lo largo de la frontera de tal forma que tome en cuenta el costo del tratamiento y la pérdida de horas de trabajo de una población en su edad más productiva” (Proyecto Binacional de los Estados Unidos y México para Referencia y Manejo de Casos de Tuberculosis, 2003).

La Tarjeta Binacional de Salud es un documento que busca facilitar la continuidad en la atención de salud de pacientes que puedan verse en la necesidad de cruzar la frontera México-Estados Unidos durante el tiempo de su tratamiento. La tarjeta cuida la confidencialidad y legalidad en el intercambio binacional de información.

La información que se incluye en la tarjeta es la siguiente: en la parte frontal, números de teléfono gratuitos de los programas CureTB y TBNet en los Estados Unidos, así como el
número telefónico gratuito del sistema de referencia binacional de TB para el Programa de TB en México.

En el anverso, en la parte superior se encuentra el número de tarjeta (que incluye los códigos de los países) y un espacio en blanco destinado para el número de aquellas personas que hayan perdido la tarjeta o hayan cruzado la frontera en diversas ocasiones. Además, cuenta con datos del lugar donde se recibió por primera vez el tratamiento (unidad, municipio, estado, jurisdicción y teléfono), fecha de inicio del tratamiento, fecha de la última dosis, esquema de tratamiento, y si éste es un paciente que ha recibido el Tratamiento Estrictamente Supervisado (TAES).

Para que el paciente pueda acceder a la Tarjeta Binacional de Salud es necesario que cumpla con ciertos requisitos, por lo que se ha establecido protocolos y diagramas de flujo que ayudan a explicar los procedimientos para proporcionar la tarjeta:

1. Procedimientos estadounidenses para pacientes con TB que se originan en los EUA y viajarán a México.
2. Procedimientos mexicanos para pacientes con tuberculosis que se originan en los EUA y viajarán a México.
3. Procedimientos mexicanos para pacientes con TB que se originan en México y viajarán a los EUA.
4. Procedimientos estadounidenses para pacientes con TB que se originan en México y viajarán a los EUA.

En estos cuatro procedimientos se establecen los criterios de inclusión y exclusión para la distribución de la tarjeta. Asimismo, se describen los pasos a tomar para cada uno de los casos y los formatos necesarios para obtener la mayor información posible sobre el paciente.

La tarjeta ha sido diseñada para ofrecer atención médica y continuidad en el tratamiento de los pacientes migrantes con tuberculosis, así como para evaluar el flujo migratorio de éstos. El proceso de evaluación se divide en dos componentes:

1. Evaluación de los flujos migratorios a través de la Tarjeta Binacional de Salud, el Informe Semanal de Movimiento de la Tarjeta de Salud Mexicana, los libros de records (log books) de los EUA, y la información proporcionada por EPI-TB en México, TIMS y CureTB en los Estados Unidos.

2. Medición del impacto de la atención médica proporcionada a los pacientes con tuberculosis a través de EPI-TB en México y TIMS en los Estados Unidos.

La evaluación se debe llevar a cabo cada tres meses, buscando que exista concordancia en los listados del Informe Semanal Mexicano, el libro de records (log book) de los Estados Unidos y los sistemas formales de información (EPI-TB/CureTB/TIMS), así como en la proporción existente entre el número de tarjetas distribuidas y el número total de pacientes atendidos con la tarjeta en México y Estados Unidos y, finalmente, la situación epidemiológica de los pacientes migratorios con tuberculosis.
Metodología

El presente estudio es de corte cualitativo, ya que analiza las percepciones y sentimientos experimentados por los participantes en la entrevista. El trabajo se basó en el paradigma interpretativo debido a que centra su interés en evaluar las percepciones de los usuarios de la Tarjeta Binacional de Salud de Tuberculosis, así como de los prestadores de servicios de salud veracruzanos en relación con ésta.

Con lo que respecta a la profundidad de análisis, este estudio se clasifica como descriptivo comprensivo ya que busca averiguar lo que representa el uso de la Tarjeta Binacional de Salud tanto para el usuario veracruzano como para los prestadores de Servicios de Salud de Veracruz, así como la perspectiva que éstos tienen sobre los elementos positivos y negativos de la tarjeta.

El trabajo es exploratorio dado el reducido número de estudios que se han realizado sobre este tema partiendo de la perspectiva de los actores implicados. La metodología empleada es el interaccionismo simbólico, debido a que se tiene como punto central a las personas y los significados que éstas atribuyen a los hechos y los fenómenos a partir de sus experiencias (lo que permite explicar el comportamiento de las personas en función del significado que atribuyen a ciertas cosas) (Cortés Ramírez, 2006).

Las categorías teóricas utilizadas en el estudio son la percepción acerca de la tarjeta y la presencia o ausencia de la misma. Mientras que las de tipo empírico que se analizaron fueron la simbólica, emocional y social. Para la recolección de información se utilizó la entrevista, teniendo como instrumento dos guías tema, una para el prestador de servicio y otra para el usuario.

Una vez que se obtuvo la información, el procedimiento de análisis fue el discurso interpretativo mediante una deconstrucción del mismo basado en el interaccionismo simbólico. Igualmente, se buscó alcanzar un tercer nivel de análisis a través de la exploración de las categorías y sub-categorías que se definieron en el segundo nivel. La información se organizó de acuerdo con un criterio temático, en función de temas específicos. Para ello se construyó una matriz de nueve columnas en las que se incluyó la categoría empírica, la sub-categoría (en caso de estar presente en el discurso), la transcripción fiel del fragmento del discurso, el número de párrafo, el tema emergente, y el contexto en el cual se realizó la mención.

Los Hallazgos del Estudio

Debido a la dificultad para ubicar a los usuarios migrantes y a los prestadores de servicios de salud que trabajan con la Tarjeta Binacional de Salud de Tuberculosis, se estableció dos caminos paralelos para realizar la investigación. Por un lado, se contactó a CureTB del “TB Control Program” de la Agencia de Salud y Servicios Humanos del Condado de San Diego (Health and Human Services Agency in San Diego County). Por otra parte, se contactó a la agencia de Servicios de Salud de Veracruz para ayudar a identificar candidatos.
El “TB Control Program” forma parte operativa del Proyecto Binacional de Salud en la Frontera Norte. El programa atiende a migrantes afectados por tuberculosis de las diferentes entidades federativas expulsoras de población en México (entre las que se incluye el estado de Veracruz) que se dirigen hacia los Estados Unidos para trabajar, así como personas que se quedan como residentes en la frontera, e individuos que se encuentran en las cárcel federales esperando a ser deportados por el Departamento de Migración de los Estados Unidos.

La intención de establecer contacto con CureTB respondió a la posibilidad de que este departamento tuviera identificados a migrantes de origen veracruzano que se encontraran recibiendo tratamiento y que utilizaran la tarjeta binacional. A través del responsable del Programa Estatal de *Micobacteriosis* de los Servicios de Salud de Veracruz se entabló comunicación con el Responsable del Programa de la Tarjeta Binacional en CureTB, quien mencionó una reunión programada para el día 15 de mayo de 2009 en San Luis Río Colorado, Sonora, con migrantes y personas fronterizas que se encontraban en tratamiento y que utilizaban la Tarjeta Binacional, así como con familiares de estos pacientes. En la reunión participaron miembros de los servicios de salud de dos estados mexicanos y de dos estados de la Unión Americana involucrados con la Tarjeta Binacional de Salud. Inicialmente no se pudo confirmar si en la sesión habría personas de origen veracruzano.

Adicionalmente, se programó realizar una visita a la zona fronteriza que incluyó las ciudades de Tijuana, Baja California y San Luis Río Colorado, Sonora, en México, y las ciudades de Yuma, Arizona y San Diego, California, en Estados Unidos.

Como resultado del trabajo de campo se logró entrevistar a seis usuarios de la Tarjeta Binacional en la zona fronteriza, aunque ninguno de ellos originario de Veracruz. Sin embargo, por ser usuarios se consideró que sería de utilidad realizar la entrevista para así obtener una primera opinión sobre el uso de la tarjeta. Paralelamente se realizó entrevistas a cuatro prestadores de servicios.

A través de la oficina de Servicios de Salud de Veracruz se identificó a cinco usuarios y ocho prestadores de servicios adicionales. Los usuarios se ubicaron en diferentes poblaciones del Estado de Veracruz. Todos ellos manifestaron el deseo de participar en la investigación.

**Características de los Usuarios Participantes**

La mayor parte de los usuarios entrevistados en la frontera norte eran originarios del estado de Oaxaca; mujeres de entre 19 y 55 años de edad residentes de la zona fronteriza. La mayoría de ellos contaba con documentos oficiales que les permitían realizar el cruce internacional frecuentemente. Muchos de ellos trabajaban en el campo y los servicios, por lo que se veían en la necesidad de quedarse por periodos largos en los Estados Unidos. Sólo uno de los entrevistados reportó haber padecido tuberculosis con anterioridad. La enfermedad fue detectada en el condado de Yuma, Arizona, 10 años antes. Dicho sujeto recayó con una tuberculosis multirresistente a las drogas (MDR). Otro de los entrevistados, una mujer, declaró que la tuberculosis se le agravó durante el primer trimestre del embarazo. Su hija, de dos años de edad al momento de la entrevista, se encontraba en tratamiento.
Las seis personas entrevistadas en la frontera se encontraban recibiendo Tratamiento Estrictamente Supervisado (TAES) a través del proyecto binacional. Tres de los seis entrevistados presentaban el binomio sida-tuberculosis (VIH-TB) y estaban siendo atendidos en el centro de salud de San Ysidro, California y recibiendo el tratamiento TAES en la ciudad de Tijuana.

Los participantes usuarios del estado de Veracruz identificados a través de los Servicios de Salud del estado eran cuatro hombres y una mujer de entre 20 y 53 años de edad y un grado de escolaridad máximo de primaria. El periodo mínimo de estancia de estos sujetos en los Estados Unidos fue de cinco años, trabajando principalmente en las áreas de servicios, agricultura e industria. Radicaron en los estados de Kentucky, Carolina del Norte y Michigan.

La mayoría de los entrevistados habían sido afectados con anterioridad, o tenían familiares que habían padecido de tuberculosis. El Departamento de Migración de los Estados Unidos fue quien detectó e inició el tratamiento para la mayor parte de los entrevistados. Sólo dos de ellos acudieron al centro de salud del condado, donde iniciaron su tratamiento una vez que la enfermedad ya no los dejaba trabajar. En el caso de la mujer mencionada con anterioridad, al ser diagnosticada ella también se detectó que su hijo de dos años de edad presentaba síntomas, por lo que inició tratamiento.

Todos los entrevistados manifestaron querer regresar a su lugar de origen una vez que se enteraron que padecían tuberculosis. La mayoría fueron referidos al centro de salud de su localidad y se les proporcionó el número gratuito de atención de CureTB. Asimismo, se les proveyó medicamento para dos semanas con el objetivo de no suspender el tratamiento. Únicamente la mujer y el niño regresaron a su lugar de origen sin haber terminado la primera fase del tratamiento. Debido a una confusión en el laboratorio de los Estados Unidos, quien reportó un resultado negativo para sus baciloscopías cuando en realidad el resultado era positivo, se les permitió regresar a México sin esperar a que los prestadores de servicio de Estados Unidos le proporcionaran los medicamentos.

Cabe mencionar que todos los usuarios entrevistados regresaron a México por el cruce fronterizo de Matamoros, lugar a donde los llevó el Departamento de Migración de los Estados Unidos una vez detectado que los sujetos estaban en los Estados Unidos de manera indocumentada.

Características de los Prestadores Participantes

Se entrevistó a un total de doce prestadores de servicios, cuatro de la Frontera Norte y ocho pertenecientes a los Servicios de Salud de Veracruz. De los doce prestadores, nueve eran mujeres y tres hombres de entre 25 y 45 años de edad. La mayoría eran médicos, pero entre los prestadores de servicios de la frontera había también enfermeros y administradores de empresas.

Percepción Acerca de la Tarjeta Binacional de Salud de Tuberculosis

Usuarios. De entre los usuarios, aquellos que radicaban en la zona fronteriza fueron quienes demostraron tener conocimiento de la Tarjeta Binacional de Salud. Varios de ellos
mencionaron que los números telefónicos gratuitos eran uno de los aspectos positivos de la tarjeta. En cuanto a la distribución de la misma, los usuarios mencionaron que se les otorgó en centros de salud tanto en México como en Estados Unidos. Los usuarios fronterizos no mencionaron aspectos negativos de la tarjeta.

A los usuarios que no conocían la tarjeta binacional, todos los cuales fueron entrevistados en el interior del estado de Veracruz, se les preguntó qué tipo de documentos se les había suministrado al regresar a México. Todos ellos respondieron que únicamente se les había proporcionado un papel que llevaron a la clínica.

Para conocer un poco más cómo es la atención que reciben en los Estados Unidos se les preguntó cómo habían percibido el trato de los prestadores de servicios en dicho país. En general mencionaron que durante su estancia en esos “cuartos de aislamiento”, el trato y la atención que recibieron fue muy buena.

Bien, bien, me trataron bien, más que la verdad.. sí me trataron bien. Todavía mejor que en casa de uno...¡Sí!.. mucho mejor. no tenía yo problemas ni nada... con quien va uno.. sóloamente ellos le llevan de comer a uno...ni muinas ni nada...en ese cuarto... era muy bonito y tenía todos los servicios, limpieza, todo, le dan a uno ropa diario, se la llevan todos los días, le cambian a uno su...todo, todo parejo... toallas, calcetines, mucha limpieza... como le digo yo. no me quejo...

(Usuario 5)

Uno de los usuarios refiere haber sentido un trato un poco diferente, lo que él atribuye a su estatus migratorio:

Bien, dentro de lo que cabe. ¡Eres alguien ilegal! Tienen que tener muchas precauciones porque para ellos un ilegal es comparado con un terrorista. Lo tienen a uno esposado. Yo, en la clínica yo sentía...¡Caray!.. ¡Me están curando! Y estaba un guardia detrás de la puerta por si yo intentaba escapar...El hecho de estar esposado decía ¡Caray!..¡a quién maté?... incluso cuando platicaba con la persona que me estaba cuidando, le decía ¡Oye oficial, a poco crees que me voy a escapar!.. y.. "¡no por muchos motivos pero así son las reglas en este país, eres ilegal cometiste un delito!"

(Usuario 4)

Varios de los usuarios mencionan haber estado en contacto con algún doctor de los Estados Unidos a través de un número telefónico. Este prestador de servicios es quien les explicaba su padecimiento y tratamiento y quien estaba pendiente de su recuperación en México:

Me...me dijeron de un 01 800...que era con los que hablé por teléfono...ellos me dijeron que ahí me podía comunicar si necesitaba algo, y me dijeron que venían en las hojas que les mandaron a ustedes...primero hablé con una doctora que fue la que me explicó mi enfermedad y luego con un doctor...

(Usuario 2)
Por otro lado, algunos de los usuarios a quienes no se le proporcionó el número gratuito antes de regresar a México comentaron que les hablaron y les dieron el número telefónico:

El lunes me marcó un señor de California, Carlos, pero creo que ahí tengo su número, para saber si ya acabé o no, porque vaya, estaba yo ya casi muriéndome. Es como un bicho que vaya ahorita lo dormiste y puede revivir y vas a recaer, vas a recaer, me comentó ¡Cuidate! Y ahorita también me volvió a marcar esta semana, lunes o martes... le dio el número a mi hermana...

(Usuario 3)

El número al cual hacen referencia los usuarios es el que aparece en la parte frontal de la tarjeta binacional.

En sus respuestas, los entrevistados refirieron no estar enfermos al momento de tomar la decisión de migrar hacia los Estados Unidos, o por lo menos no presentar ningún síntoma. Los usuarios de la zona fronteriza mencionaron que la detección de la enfermedad fue tardía; algunas de las razones que dieron para retrasar la búsqueda de atención médica fueron el miedo a ser deportados, la automedicación, la falta de cuidado personal y el desconocimiento de los síntomas de la enfermedad.

Un tema que surgió en las respuestas de los usuarios y que no se tenía inicialmente contemplado es el sentir de las personas al momento de enterarse que padecían tuberculosis. Las emociones que expresaron fueron pena, incertidumbre, miedo, culpa, confusión, soledad, y, en algunos casos, rechazo. Mencionaron tener una aceptación tardía de la enfermedad:

Pues yo no podía creer que tuvieras eso!...no sabe cómo me costó...si sólo era una gripe...y ahora debo tomar muchas pastillas y cuidarme más...no sólo yo... a todos...

(Usuario frontera 3)

Para la mayoría de los usuarios el ser una persona afectada por la tuberculosis significó el no poder continuar trabajando y, en ciertos casos, ser discriminado por algunas personas:

Pues no sé que significó...a mi me dicen ¿Qué tienes? Yo digo que tengo pulmonía. Me da pena decir que tengo tuberculosis...para que no se vayan a burlar de mi, porque tal vez les da asco...la gente me va a decir aléjate....como el doctor este de aquí...le digo...Era yo tosiendo ahí en la máquina y este... le digo...y este "oiga ¿no me da un pomito para hacer un análisis de flema? Y me dice: "si permite ahí" y él me da yo como diez minutos o quince minutos sin hacer nada en la máquina, ya luego... le llevo el botecito con la flema y me dice..."No, no!...ponlo por allá...vete pa’ allá...no sé...muy así muy sangrón..."

(Usuario 3)

Un tema emergente mencionado por ambas usuarias fue el sentimiento al enterarse que sus hijos padecían de tuberculosis al igual que ellas:

¡Ay! Con ella sentí horrible, me quería morir...le decía yo a la doctora que prefería que me hubiera regresado y no que ella se enfermara... ¡fue más feo!...no dejé de llorar como en una semana...

(Usuario frontera 3)
Otro tópico que surgió en las entrevistas fue el de las creencias religiosas de las personas. Varios de ellos mencionaron que su fe les ayudó a sobrellevar la enfermedad:

No se crea, si es bien duro que te digan que estás enfermo y que te puedes morir si no te cuidas y uno allá solo…lo único que te queda es tener fe, porque sin fe yo creo que no la libras, yo soy cristiano, y ahí luego nos juntábamos, a las ocho hacíamos la oración para no perderla y que nos ayudara...

(Usuario 2)

**Prestadores de servicio de salud.** En el discurso de los prestadores de servicios de salud se percibió una opinión positiva del uso de la Tarjeta Binacional, especialmente del número gratuito que se incluye en la parte frontal de la tarjeta que permite al usuario comunicarse de cualquier parte de Estados Unidos. En particular, recalcan que la distribución de la tarjeta y del número gratuito de contacto les ha ayudado a hacer labor de prevención y educación en relación con la tuberculosis.

Un dato interesante mencionado por los prestadores de servicios es que el uso y distribución de la tarjeta y del número gratuito se dio en la mayor parte de los casos entre personas que habían sido previamente detenidas por el Departamento de Migración de los Estados Unidos y se encontraban esperando su deportación.

El significado que le da el grupo de prestadores de Servicios de Salud de Veracruz a la Tarjeta Binacional es diferente al que le otorgan los prestadores de servicios en la frontera. En general se percibió entre ellos un desconocimiento acerca de la tarjeta. Aquellos que dijeron conocerla mencionaron que no se le ha dado la debida promoción. Al preguntar a los prestadores de servicios de Veracruz la manera como los pacientes afectados por tuberculosis llegaron a los centros de salud en Veracruz, muchos de ellos respondieron que llegaron por indicaciones de los “doctores de Estados Unidos” (CureTB). Comentaron también que en ocasiones habían sido los prestadores de servicio de Estados Unidos quienes habían avisado de la llegada del paciente a la jurisdicción o centro de salud, ya sea de manera directa o a través del responsable del Programa de **Mycobacteriosis** a nivel estatal.

Lo que se busca con el uso de la Tarjeta Binacional es simplificar el proceso de referencia del paciente:

mmm...este, bueno, realmente llegan con esta hojita. Con la tarjeta no ha llegado ninguno, llegan con referencia o hablan de Estados Unidos para comentar “va un paciente para allá” y decimos ¡Ok!... mándenos por correo el tratamiento que tiene, cuánto lleva de tratamiento....

(Prestador Veracruzano 1)

En cuanto a las percepciones positivas o negativas tanto de usuarios como de prestadores de servicios de salud de Veracruz en relación con la tarjeta binacional se encontró los siguientes resultados partiendo de las categorías teóricas (percepción y ausencia de la Tarjeta Binacional) y categorías empíricas (simbólica, emocional y social).
Percepción Simbólica

Usuarios. La tarjeta se convierte en un signo que interviene en la construcción de la conducta de la persona a la cual se le ha proporcionado dicha tarjeta (modificación de su forma de vida). Los individuos interiorizan el significado de padecer tuberculosis al mantener una interacción diaria con los médicos o enfermeras que les proporcionan el tratamiento. Dicha interacción ayuda a modificar el significado de usar la tarjeta y permite que el usuario comience a valorar las ventajas y desventajas de ésta.

Una de las ventajas o aspectos positivos que los usuarios le encuentran a esta tarjeta es que les ayuda a continuar con su tratamiento en cualquier parte de los Estados Unidos. Es decir, les hace pensar en la posibilidad de un mayor o mejor desplazamiento dentro del territorio estadounidense. Lo anterior se puede comprender partiendo de una de las premisas utilizadas dentro del interaccionismo simbólico, que establece que las personas transforman los significados en los procesos interpretativos de acuerdo con sus expectativas y propósitos. En este caso, el uso de la tarjeta binacional les ayuda a los usuarios de la frontera norte a continuar con uno de sus propósitos, trabajar, por lo que le dan un significado de ayuda y continuidad para lograr sus objetivos:

*Pos yo voy y vengo por la pizca y con ésta me dan el medicamento...porque puedo cruzar a Yuma... y si me tengo que quedar allá me dan mi medicamento...*

(Usuario frontera 3)

Lo mismo sucede con la hoja de referencia que se les entrega a los usuarios veracruzanos una vez que van a regresar a su lugar de origen. La hoja toma el lugar de la tarjeta binacional ya que les ayuda a llegar a su lugar de origen y continuar con el tratamiento. Los usuarios sienten estar en deuda con aquellos que en su momento los ayudaron y no quieren traicionar o perder la confianza de los prestadores de servicios de Estados Unidos. Asimismo, saben que hay personal de servicio en su localidad que está esperando a que lleguen.

Los usuarios fronterizos, por su parte, otorgan un significado positivo al uso del número telefónico que viene en la parte frontal de la tarjeta, ya que representa un elemento clave para la continuidad de su tratamiento. Les permite ponerse en contacto, en cualquier momento o en cualquier lugar, con quienes les están proporcionando el medicamento:

*Los números que son gratuitos y te dicen cuál es el hospital que te va ayudar con los medicamentos...*

(Usuario frontera 2)

Con los pacientes que han sido referidos a México y a los que se les ha proporcionado el número gratuito, sucede lo mismo:

*...la doctora me dio un número... ése es el de Estados Unidos...ella me dijo que yo de aquí hablaría para allá para...porque si no me daban mis medicamentos aquí...*

(Usuario 4)
La tarjeta les da la confianza de que podrán completar el tratamiento y que esto los llevará a una pronta recuperación, o a recobrarse dentro del periodo establecido para dicho tratamiento:

*Al avisar que yo me iba, me dieron la tarjetita y mi tratamiento y ya sabía que allá me lo iban a seguir dando y me iba a curar.*

*(Usuario frontera 3)*

Por otro lado, al mantener la tarjeta recuerdan que deben continuar con el tratamiento ya que han firmado una responsiva de término de tratamiento. Al mismo tiempo, les incentiva a no defraudar la confianza otorgada por el prestador estadounidense:

*Es el documento que manejan ellos...el papelito como tarjeta binacional en el que dice que todo es confidencial y que es con el fin de apoyar, así viene establecido porque ellos firman esa responsiva.*

*(Prestador Veracruz 7)*

Desde el punto de vista simbólico y emocional, la tarjeta representa la confianza que ellos depositan en su tratamiento:

*Pos yo tengo fe que con esta ayuda me voy a curar...y bueno yo también tengo que cooperar porque Diosito me da la fuerza pero yo debo de tomarme los medicamentos.*

*(Usuario frontera 2)*

**Prestadores de servicios de salud.** Para los prestadores de servicios de salud la tarjeta se convierte en un signo de ayuda en el trabajo, ya que facilita la localización del paciente y proporciona información acerca del avance que éste lleva en el tratamiento. Lo anterior permite al prestador de servicios destinar más tiempo a proporcionar información más detallada a los pacientes sobre la enfermedad. Al igual que los usuarios, los prestadores de servicios le han dado a la tarjeta un significado de continuidad, control y conocimiento del movimiento de los pacientes afectados por la TB en su área de influencia.

**Percepción Emocional y Social**

**Usuarios.** Una vez que han tenido la oportunidad de analizar si la tarjeta les está ayudando o no en su tratamiento, los usuarios la han evaluado de manera positiva ya que les ha generado un sentimiento de seguridad; lo mismo se aplica para la hoja de referencia.

En lo que respecta a la percepción social, los usuarios transforman su auto-percepción de acuerdo a cómo imaginan que la familia o amigos opinarán de ellos al saber que padecen de tuberculosis. Lo anterior se puede apreciar a partir del análisis del discurso de varios de ellos. Algunos de los usuarios mencionan que les daba pena, miedo o que se sentían discriminados por otras personas.

**Prestadores de servicios de salud.** Los prestadores de servicios de salud perciben a la tarjeta de manera positiva debido a que les ha ayudado a realizar su trabajo de manera
más efectiva. A nivel de la percepción social se observa que existe una interacción entre el paciente y el prestador de servicios de salud. Estos últimos tratan de ganarse la confianza del paciente para obtener un objetivo específico, que acepte el tratamiento y la tarjeta.

**Ausencia de la Tarjeta Binacional**

**Percepción Simbólica.** A pesar de que ninguno de los entrevistados veracruzanos conocía la tarjeta binacional, todos ellos sabían de la existencia de un número telefónico gratuito. Dicho número adquirió un importante significado positivo ya que les permitía comunicarse con los prestadores de servicios cuando tenían alguna duda o dificultad.

Por el lado de los prestadores de servicios se percibió una diferencia en la interacción con los migrantes entre los prestadores de la frontera norte y los veracruzanos. Los prestadores en la zona fronteriza tienen en general una interacción más amplia con los migrantes. La práctica de referir pacientes es comúnmente aceptada por ambos grupos de prestadores debido a que es un recurso frecuentemente utilizado por la población en general.

**Percepción Emocional.** Para los usuarios la percepción emocional tuvo diversos matices. De acuerdo con uno de los principios del interaccionismo simbólico, que parte de la idea que se tiene de los demás y de las situaciones que definen al sujeto y repercuten en él modificando su comportamiento, la mayoría de los usuarios refirió no haber tenido síntomas, por lo que en realidad ellos se encontraban sanos realizando sus actividades cotidianas.

Por la capacidad reflexiva que tiene el ser humano, al no contar con toda la información necesaria para comprender la enfermedad, los usuarios comenzaban a especular y su nivel de incertidumbre era muy alto. El significado que se le da a las cosas surge de la interacción social con otros individuos. En el caso de este estudio, los usuarios entrevistados no tuvieron o no mencionaron haber tenido una interacción con individuos en la misma condición.

**Conclusiones**

Entre los elementos positivos y negativos que tanto usuarios como prestadores de servicios de salud perciben en relación con la tarjeta Binacional de Salud de Tuberculosis se puede destacar lo siguiente:

En relación con los elementos positivos mencionados por los usuarios se encontró que la tarjeta les da seguridad al tener los números telefónicos para poder localizar el centro de salud más cercano a su localidad, así como para resolver posibles dudas que pudiesen surgir durante su tránsito y llegada a los Estados Unidos. Asimismo, el uso de la tarjeta sensibiliza al paciente a no dejar su tratamiento y le recuerda la tarea que debe realizar para alcanzar el objetivo que lo llevó a migrar.

Por el lado de los prestadores de servicios, encontramos que los prestadores fronterizos están más al pendiente del paciente ya que saben que una vez que el usuario se ha empoderado de la tarjeta sentirá la necesidad de cumplir con su tratamiento. Adicionalmente, la tarjeta
les ayuda a tener un mayor control e información acerca de las personas que padecen tuberculosis y que cruzan la frontera en ambas direcciones. Dadas las características de estos pacientes es difícil saber con exactitud el número de personas infectadas de tuberculosis, por lo que el uso de la tarjeta puede ayudar también a realizar un cálculo aproximado.

El conocimiento acerca de los canales para la obtención de la Tarjeta Binacional de Salud de Tuberculosis por parte de los pacientes es limitado debido a que ésta sólo se distribuye en los centros de salud o en centros de detención de los Estados Unidos. Se debe tomar en cuenta que en la mayoría de los casos el migrante no acude a los centros de salud de Estados Unidos por miedo a ser deportado. Por otra parte, las personas que apenas van a migrar generalmente no conocen los síntomas característicos de la tuberculosis, por lo que no ven la necesidad de acudir al centro de salud.

El uso de la Tarjeta Binacional de Salud de Tuberculosis ayuda a que el paciente termine su tratamiento, colaborando con esto a disminuir el índice de enfermos multi-drogoresistentes. A nivel psicológico, la tarjeta funciona como un recordatorio al paciente de que debe cumplir con el tratamiento para evitar graves consecuencias negativas.

Es de notar que existe una diferencia en la percepción de la tarjeta entre los usuarios y prestadores de servicios en el estado de Veracruz y en la frontera norte. Para los prestadores de Veracruz, donde la atención al migrante es muy limitada, la tarjeta no es de gran importancia, por lo que no han adoptado su uso.

De manera general se concluye que existe un cierto desconocimiento sobre la Tarjeta Binacional debido a que ésta no ha tenido la difusión necesaria. Además, únicamente se han referido pacientes con tuberculosis de Estados Unidos hacia México, y no viceversa. El uso y distribución de la Tarjeta Binacional, así como la comunicación entre los prestadores de servicios mexicanos y estadounidenses, podría ayudar a disminuir la tasa de prevalencia e incidencia de la tuberculosis. Asimismo, podría contribuir a reducir los costos del tratamiento. Desde el punto de vista de los servicios de salud, el uso generalizado de la tarjeta binacional coadyuvaría a que el paciente completara el tratamiento, evitando así recaídas y resistencia a los medicamentos. Desde el punto de vista del paciente, la continuidad en el tratamiento, ya sea en México o en Estados Unidos, le permitiría poder seguir trabajando y no convertirse en una carga para el presupuesto familiar.

Notas
1 Actualmente, Plataforma Única de Información.
2 Tuberculosis Information Management System: Programa utilizado para la vigilancia y gestión de casos en los programas de control de TB en los Estados Unidos, Distrito de Columbia y diversas zonas de presentación de informes en el Pacífico y Caribe.
3 Paciente entrevistada el día 15 de mayo en el Centro de Salud de San Luis Río Colorado.


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**Otra Bibliografía Consultada**


El crecimiento inexorable de la población transnacional ha ocurrido en ausencia de un marco regulatorio o de una política compartida que asegure el bienestar de migrantes y sus familias, tanto en Estados Unidos como en las comunidades de origen. Lo anterior genera desafíos importantes con respecto al bienestar de las personas, sobre todo el acceso a la salud pública y a los servicios médicos, aunado a retos financieros en ambos lados de la frontera.

Ante esta situación, el Estado Mexicano, a través de sus distintas organizaciones, busca desarrollar sistemas de información para la salud a los migrantes que permitan: a) otorgar atención a la salud en las unidades médicas del lugar de origen, traslado y destino —identificadas como fases de atención—; b) realizar acciones de prevención de enfermedades en dos modalidades: dentro del programa permanente y en Semanas Nacionales de Salud; y c) establecer convenios de cooperación bilateral México-Estados Unidos (migración externa) e interestatales (migración interna).

Dado que la problemática de salud en migración en Estados Unidos y México es alarmante, la comunicación para la salud juega un papel primordial para la planeación de acciones en ambos países. El análisis del marketing social de educación en salud es indispensable, ya que ambos países comparten los mismos conflictos de salud producto de la migración; los migrantes corren riesgos de salud en las diferentes etapas de su movilización, desde el origen, durante el traslado y en el destino final. Al respecto, se han desarrollado acciones estratégicas en ambos países mediante campañas de promoción de la salud y capacitación del personal de salud, y el marketing social para el control de las enfermedades. Es importante analizar las estrategias de marketing para la educación de salud en México y Estados Unidos ya que tienen implicaciones para las iniciativas de salud binacionales. Esto es, el análisis del proceso y los elementos que se emplean en el marketing social en salud en ambos países permite hacer una evaluación inicial para dimensionar si las acciones en esta área tienen la sustentabilidad necesaria para la resolución de los problemas de salud.

**Hacia el Análisis de las Estrategias de Marketing Social de Salud en Migración**

En las últimas décadas el concepto de marketing ha trascendido el planteamiento de que su existencia se limita a una relación de venta de productos tangibles al consumidor, hacia la noción de marketing social. Marketing social se entiende como un proceso cuyo objetivo es cambiar el comportamiento individual, utilizando principios de comercialización destinados a promover intervenciones que mejoren el bienestar social. (Tan et al., 2010)
El marketing social aplicado a la salud ha emergido con fuerza en los últimos años con el objeto de incrementar la concienciación pública y promover cambios en las conductas de las personas (Beerli-Palacio, Martín-Santana, & Porta, 2008). El marketing social puede ser una herramienta eficaz para lograr objetivos de salud pública (Pirani & Reizes, 2005). Con frecuencia es un proceso viable, pero existe confusión respecto a lo que es el marketing social, lo que razonablemente se puede esperar de él, y cómo ha de instrumentarse (Neiger, Thackeray, Barnes, & McKenzie, 2003).

Ante ello, la promoción de la salud tiene cabida en este quehacer del marketing, ya que se basa en la interpretación social y cultural de la salud y la enfermedad. Su objetivo es capacitar a la gente para la adquisición de mayor control sobre su salud a través de la acción intersectorial.

La revisión efectuada por Lindenberger y Bryant (2000) sugiere que el “marketing” está involucrado en “promoción de la salud,” pero sostiene que las intervenciones de promoción de ella a menudo carecen de un plan global de marketing y de una suficiente integración de sus componentes para lograr que el proceso sea verdaderamente estratégico. La reacción a esta revisión propone que, si bien el marketing social está floreciendo y tiene un impacto significativo en la promoción de la salud, el conocimiento actual y su utilización en el cambio de comportamientos no alcanza a comprender el carácter global del fenómeno.

Una vertiente comúnmente utilizada del marketing social en salud es la administrativa, llamada “marketing de servicios de salud.” Su estrategia es orientar la organización provisora de los servicios de salud hacia el mercado, por lo que los servicios han de conceptualizarse como productos que se suministran a los pacientes, tomando en cuenta la perspectiva de éstos respecto de aquéllos.

Se pretende que a través de enfoques multidisciplinarios se pongan en marcha estrategias que permitan desvincular el concepto de salud del de enfermedad. Más que depender de la medicina, la salud se cifra en condiciones decorosas de vida y de trabajo, educación libre y medios adecuados de reposo y recreación, así como en acceso universal a los servicios de salud, misión primordial de la salud pública. Por tanto, la política de prevención (que implica la educación de la gente para que cuide su salud) es de suma importancia. La política de curación debe situarse en el último lugar pues debería aplicarse únicamente en caso de fallar la política de prevención (García González, 2007).

Un grupo que podría beneficiarse con este tipo de políticas de salud es la población migrante, ya que se caracteriza por tener los más bajos niveles de cobertura de seguridad médica. Lo anterior obstaculiza el monitoreo regular de su estado de salud. El alto nivel de desprestigio de la población mexicana en Estados Unidos se relaciona con su elevada concentración en actividades poco calificadas y de baja remuneración, las cuales, en general, no incluyen la prestación de beneficios por parte del empleador. Al mismo tiempo, en México se requiere redoblar esfuerzos para atender las necesidades de salud de la población migrante y sus familias en todas las etapas del proceso migratorio. Si bien ya se llevan a cabo programas orientados a mejorar el acceso de los migrantes mexicanos a los servicios de salud, resulta crucial implementar una política integral de provisión de salud (Leite & Castañeda, 2009).
Desarrollo de la Investigación

Se llevó a cabo un estudio cualitativo con entrevistas semiestructuradas como instrumento de levantamiento de información. Se entrevistó a un total de 17 informantes clave de instituciones de salud públicas y privadas mexicanas y de E.U. (ver Tabla no. 1) con el objetivo de explorar la conceptualización del marketing social, así como el desarrollo y descripción de las campañas relacionadas en programas de salud para migrantes.


Para el caso de EUA, los informantes participaban en la conducción de campañas de marketing social de forma activa en las agencias del estado de California, del condado de San Diego, y de una agencia privada (ver Tabla 1).

Tabla 1. Características de los Entrevistados y Campañas de Marketing Social de México y EUA

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<td><strong>Tipo de entrenamiento</strong></td>
<td><strong>No. de personal (promedio)</strong></td>
<td><strong>Presupuesto para actividades del último año (rango)</strong></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>1 Lic. en comunicación</td>
<td>5 personas (Rango de 1 - 8)</td>
<td>Nivel Internacional 100,000 dólares</td>
</tr>
<tr>
<td>2 Maestría en marketing</td>
<td>16 personas (Rango de 1 – 118)</td>
<td>Nivel Estatal 800,000 pesos a 1,200,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nivel Jurisdiccional 50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nivel Municipal 800,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>107 millones de dólares por la agencia</td>
</tr>
</tbody>
</table>

La guía de entrevista se basó en tres campos semánticos: salud, migración y marketing; la construcción de las categorías de análisis se definieron por los equipos binacionales de investigación durante dos estancias de investigación (Ver Tabla 2).

**Tabla 2 Categorías Más Representativas del Estudio**

<table>
<thead>
<tr>
<th><strong>CATEGORIAS</strong></th>
<th><strong>DEFINICIÓN OPERACIONAL</strong></th>
<th><strong>TÓPICOS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Causa social</td>
<td>Objetivo social que los agentes de cambio consideran que ofrecerá una respuesta acertada a un problema social.</td>
<td>Expectativas que tiene el Marketing social (MS) para la resolución de problemas de salud dentro de las actividades de promoción de la salud. Procesos de la organización para priorizar o aplicar las campañas de MS en temas de salud. Criterios en su organización para la planificación del desarrollo de campañas de MS. Campañas de MS que se aplican actualmente.</td>
</tr>
<tr>
<td>Estrategia de cambio</td>
<td>La dirección y el programa adoptados por un agente de cambio para llevar a cabo la transformación en las actitudes y conducta de los destinatarios.</td>
<td>Campaña (elementos, proceso de planeación, barreras en la implementación de las campañas de MS). Cambios estructurales comunitarios que se han detectado a consecuencia de la implementación de campañas de MS.</td>
</tr>
</tbody>
</table>
Marketing social para migrantes

| Segmenta en grupos homogéneos que representan el blanco de los mensajes desarrollados a la medida de sus cualidades compartidas |
| Experiencia en el desarrollo de campañas de MS con migrantes. Objetivo del MS en poblaciones migrantes Vínculo con organizaciones binacionales. |

Fuente: Elaboración propia

**Resultados**

Para los informantes mexicanos, el concepto de marketing social no arroja un significado familiar explícito, posiblemente porque el Sistema de Salud no tiene definidas actividades de marketing social en su estructura orgánica. Sin embargo, los entrevistados ligan la idea de marketing social con la actividad de promoción de la salud, que sí se encuentra contenida en la organización, y que se explica como una herramienta para la prevención de enfermedades. Incluye acciones de difusión y uso de materiales de comunicación educativa dirigidos a una población objetivo, tanto a nivel individual como comunitario.

La evaluación del impacto de las actividades de promoción se mide con indicadores cuantitativos que son reportados al nivel superior correspondiente. El único indicador cualitativo utilizado se basa en el nivel de conocimiento del migrante sobre temas de salud. Para los entrevistados en el estado de California, el Marketing Social se determina por actividades de *mixed marketing*.

**El Marketing Social y La Promoción de la Salud**

Un punto de acuerdo entre los funcionarios de ambos países es que ambos grupos consideran tanto el marketing social como la promoción de la salud como herramientas que ayudan a motivar el auto cuidado y permiten la adopción de estilos de vida saludables entre la población objetivo. Las herramientas de comunicación incluyen conceptos que se relacionan con los programas y campañas, tales como: a) educación para la salud, b) medios masivos de comunicación, c) promoción, y d) comportamientos saludables. Sin embargo, se considera que el uso de las herramientas de promoción y marketing es sólo una parte de la estrategia para obtener resultados.

**Desarrollo de Campañas**

En ambos países se identifican dos factores que obstaculizan la realización de campañas. El primero es la falta de capacitación y el segundo la insuficiencia de fondos. Mientras que México cuenta con un rango de recursos de entre $50,000 a $1,200,000 pesos, en el estado de California se otorgan $107 millones de dólares por agencia o institución. Por otro lado, los funcionarios de México apuntan que la mayor parte de los recursos se utilizan para
la difusión de información, dejando con muy poco presupuesto otras actividades que se relacionan con las campañas de marketing social.

Los Procesos de Aplicación y Priorización de las Campañas

En México las campañas se instrumentan mediante vinculación interinstitucional; esto es, se desarrolla la estrategia a nivel federal y se envía por niveles estatal, jurisdiccional y operativo. Se asignan prioridades al diagnóstico epidemiológico para focalizar acciones, con los niveles de mortalidad como factor definitivo. Los mecanismos de evaluación se fundamentan en parámetros ya establecidos, como el logro de metas cuantitativas. El desarrollo de las campañas se realiza en dos etapas: primero, con la elección de la población objetivo y, segundo, con la selección de las estrategias adecuadas orientadas hacia la educación y prevención para la salud.

En contraste, en el estado de California se determinan metas para campañas específicas a partir del análisis de la población objetivo. Identifican y segmentan la población objetivo por grupo étnico, edad, ubicación geográfica, región, tipo de la comunidad, sensibilidad cultural, creencias y comportamientos.

Desarrollo de Mensajes

En México, el área de promoción de la salud construye y desarrolla mensajes de manera unidireccional por departamentos administrativos (federal, jurisdiccional y centros de salud). Cada uno de ellos cuenta con infraestructura, recursos materiales y humanos para llevar a cabo las actividades de promoción. Sin embargo, los entrevistados coinciden en la insuficiencia de recursos y reconocen algunas inconsistencias en la visión y capacitación profesional. La difusión de los mensajes es la tarea más común y se realiza por medio de materiales gráficos y mensajes radiofónicos.

En el estado de California, el mensaje es interactivo o construido a partir de información recibida de la población. Para otorgar legitimidad a los mensajes, no se ejecuta una campaña hasta que se comprueba mediante el uso de metodologías cualitativas y cuantitativas, como grupos focales, sondeos de opinión y pruebas piloto, que los contenidos son aprobados por la misma comunidad. Estas herramientas de marketing sirven para garantizar que la campaña sea culturalmente apropiada en el contenido y objetivos. La campaña se difunde a través de las nuevas tecnologías electrónicas y mensajes radiofónicos.

Instrumentación del Marketing Social

Se reporta que en México no existe planificación para la elaboración de este tipo de campañas y que, al contrario, éstas se improvisan de acuerdo con las contingencias que se van presentando. Sin embargo, sí se fomenta la colaboración interinstitucional y la participación de la población, procesos que requieren de planificación y que comparten las campañas californianas.
En México se instrumentan campañas en temporadas de retorno de los migrantes (fiestas culturales, familiares y períodos vacacionales), mientras que en el estado de California estas actividades se llevan a cabo en forma continua.

Para la implementación de campañas de marketing social, en el estado de California se realiza una planificación previa al lanzamiento de cualquier programa nuevo. Por ejemplo, mencionan la necesidad de identificar a líderes comunitarios que proveen servicios (de salud y sociales) a la comunidad latina. De esta manera, se puede obtener la confianza de la comunidad e incrementar la probabilidad de éxito de la campaña de marketing social puesto que la comunidad de migrantes puede dar retroalimentación a los coordinadores.

Por otra parte, el uso de medios tradicionales de comunicación masiva para difundir el mensaje de salud a los migrantes es recurrente en ambos países. Por ejemplo, los carteles con información de nutrición son efectivos en sitios como los supermercados. Actualmente en el estado de California se están implementando estrategias no tradicionales, llamadas marketing “guerrilla”, para la difusión de mensajes de salud. Algunos ejemplos de este marketing “guerrilla” son las calcomanías en los baños y bares/antros, mensajes escritos en las banquetas, o anuncios macros (es decir, que forran) en los autobuses.

En México se practica un uso excesivo de herramientas gráficas (carteles, trípticos, etc.) desarrollados a nivel federal. En el estado de California sería difícil utilizar y difundir materiales que no tomen en cuenta el perfil socioeconomico y demográfico de los migrantes ya que las características de este grupo difieren de las de otros grupos de población. La diversidad étnica y lingüística es una barrera en el desarrollo de campañas tanto en México como en el estado de California.

Existen varios obstáculos que México enfrenta en la implementación de campañas de marketing social. Por una parte, la falta de fondos para elaborar y difundir campañas de mercadotecnia social resulta ser un gran reto en la aplicación de esta metodología; por otra, la escasez de recursos económicos se traduce en baja calidad y diversidad de materiales de difusión, así como en reducida distribución de los mismos.

En el estado de California se experimentan otras barreras. Por ejemplo, los errores en la coordinación del personal de las compañías que reciben contratos para diseñar ciertos aspectos de las campañas, la desvinculación con instituciones no gubernamentales, y el manejo inadecuado de los materiales que forman parte de las campañas. En México se identifican como barreras la falta de reconocimiento de la población migrante, lo que impide identificar las necesidades de salud de ésta.

**Continuidad y Actualización de Campañas**

En California, la carencia de fondos a largo plazo significa que no existe continuidad o compatibilidad entre las distintas campañas que se implementan en los diferentes condados que forman la base de este estudio.
Evaluación

Tanto en California como en México es difícil realizar la evaluación final de las campañas de marketing social, es decir, la medición del impacto. México reporta nula actividad de evaluación, en parte debido a la falta de parámetros de medición que permitan deducir el éxito que pudiera tener algún programa de promoción. Sin embargo, se considera que es importante el uso de los medios masivos de comunicación para que este tipo de campañas sean exitosas. Además, ambos países reportan escasez de personal calificado para llevar a cabo un programa de evaluación de las diferentes campañas que se inician, traduciéndose esto en una barrera compartida.

En el estado de California se reconoce la importancia del proceso de evaluación y se reportan varias estrategias, algunas más rigurosas que otras, dependiendo de los datos recopilados. Las metas principales de la evaluación incluyen examinar cambios en comportamientos y conocimientos de los migrantes. Las barreras con que se enfrentaron al desarrollar la evaluación fue la pobre calidad de los datos recopilados, falta de recursos económicos para desarrollar un plan de evaluación minucioso, y cambios en las políticas públicas que impactan directamente a los migrantes y los latinos que residen en E.U. y en el estado de California. Dado que los presupuestos para campañas de marketing social tienden a ser pequeños, la falta de datos que apoyen su desarrollo en el futuro también perjudica la probabilidad de obtener financiamento para estas actividades por parte de fundaciones privadas.

Definición del Migrante

Existe una diferencia de perspectiva en cuanto a la definición de migrante en México y California. Se considera que los migrantes pueden describirse en función de cuatro cualidades: (1) su perfil laboral, (2) sus antecedentes familiares como migrantes, (3) sus características sociales y morales y, por último, (4) su forma de inmigración a los Estados Unidos. Es necesario además notar que la falta de claridad en la definición de migrante podría influir en las políticas públicas que se desarrollan e implementan en cada país para proteger la salud de estas personas.

Discusión

El marketing social ha sido una herramienta utilizada de manera estratégica con la finalidad de generar cambios conductuales y de comportamiento en salud en la población objetivo. California y México comparten el mismo público meta, los migrantes. Se determinó la situación en la que se encuentran las campañas de marketing social, analizando, entre otras cosas, su conceptualización, proceso, elementos que la integran, e identificando las necesidades y barreras sociales para lograr su cometido. El marketing social y la promoción de la salud pertenecen a las disciplinas que conforman las ciencias de la comunicación. El marketing social se compone de técnicas y herramientas que mediante la investigación arrojan un ideal de toma de decisiones y acciones que motiven el cambio en actitudes,
comportamientos o ideas hacia estilos de vida saludables y de auto cuidado. La promoción de la salud es una actividad que se liga con la difusión de información a través de canales de comunicación a nivel interpersonal, grupal o masivo.

La implementación de actividades de promoción de la salud y de marketing es hasta el momento aislada. El uso de otras disciplinas podría ayudar a enfocar el problema desde una variedad de puntos de vista, para así dar cabida a la unificación de conceptos, tareas y metas, de modo que la población objetivo, en este caso los migrantes, sea más susceptible a la modificación de actitudes, intereses, sentimientos y creencias. Lo anterior se reflejaría en una serie de beneficios a mediano y largo plazo para toda la sociedad.

Respecto a la unificación de conceptos, se nota en México una mayor identificación de la idea de promoción de la salud con la de marketing social; se maneja marketing social igual que promoción de la salud. Independientemente del uso de términos, en ambos países se busca alentar el cambio de comportamiento mediante la instrumentación de campañas de promoción de la salud.

La salud es un campo multidimensional. La salud de las personas depende de lo que cada una pueda realizar a nivel individual, pero también de los apoyos que encuentren en sus relaciones personales cercanas (nivel grupal), de las interacciones sociales y comunicativas con las que cuenten (nivel organizacional), así como de los servicios a los que tengan acceso en la comunidad y de las políticas de Estado. Por ello se requieren cambios en múltiples niveles; es necesario que las intervenciones en el ámbito de la cultura (de los discursos, los conocimientos, las formas de entender, de sentir) se produzcan junto con cambios en las políticas, en las condiciones de vida de la población y en la calidad de la prestación de servicios. Es importante hacer notar que los cambios de comportamiento no son suficientes para asegurar que la salud mejore; al igual que la comunicación, la información y el marketing social tampoco son suficientes por sí mismos para que se generen cambios de comportamiento.

La complejidad de los retos en el terreno de la salud provoca que sea prioritario un trabajo concertado y multidisciplinario, capaz de identificar los múltiples aspectos en los que es necesario intervenir. Por ello parece conveniente unificar criterios y ampliar el ámbito de cabida de conceptos ampliamente utilizados en la esfera de la salud, como promoción de la salud, marketing social y educación para la salud. La propuesta es utilizar “Comunicación para la Salud”, ya que en su significado se incluyen desde la visión tradicional de difusión de información hasta la implementación de acciones de marketing social (estrategias de ventas de productos o ideas). La comunicación es esto y más. La comunicación afecta la forma en que nos relacionamos (la interacción social) y cómo nos ponemos de acuerdo (lo que hace posible que vivamos juntos). Se encarga de la convivencia y de la manera en que ésta se va generando a través de la construcción de consensos, de entendimientos y de valoraciones.

En este mismo tenor, el marketing social se centra en la aplicación de técnicas con el objetivo de cambiar comportamientos con metas sociales y, en salud, con fines saludables. Este enfoque trata de transformar sistemas de salud y de promover actitudes de salud. Se basa en conocer el entorno, las identidades y necesidades de la población objetivo con el fin de desarrollar intervenciones y mensajes relevantes para suscitar cambios de comportamientos
nocivos. El beneficio del cambio de comportamiento es de suma importancia, por lo que resulta crucial la evaluación a través de la medición de indicadores de morbilidad y mortalidad durante todo el proceso del marketing social.

Se deben desarrollar intervenciones y mensajes promoviendo los beneficios de los comportamientos saludables acordes con la población meta. Generalmente la información no es suficiente para cambiar el comportamiento. Es necesario propiciar una internalización de la información a un nivel más afectivo y emocional mediante mensajes repetitivos, de tal forma que las normas sociales refuercen el nuevo comportamiento y éste se pueda poner en práctica regularmente.

Es importante contar con personal capacitado en la comunicación para la salud, así como incluir entrenamientos que garanticen la adecuada promoción de la salud y el éxito de campañas y aplicación de técnicas propias del marketing social. Para ello se requieren modificaciones curriculares de los programas de formación de recursos humanos. Se necesita formar personal en múltiples competencias: a) teorías de la comunicación, b) cambio de comportamiento, c) psicología, d) métodos de investigación cuantitativos y cualitativos, e) percepción y aprendizaje, f) movilización social, g) cambios de sistemas de salud, h) epidemiología, i) salud y comunicación, j) evaluación de proyectos de salud y comunicación, k) cambio social y cambio en salud, l) identidad y cambio de normas, y m) prácticas de comunicación e investigación en comunicaciones de salud. La propuesta es, entonces, considerar a la comunicación como los procesos de relación y de diálogo a través de los cuales las personas se informan, opinan, debaten, se cuestionan, aprenden, deciden cambiar, se hacen visibles, procesan sus conflictos y llegan a consensos, y se ponen de acuerdo en cuanto al sistema de significados de sus acciones y motivos. La comunicación es diálogo y está íntimamente vinculada con los procesos educativos (porque para educar hay que convencer), y con el fortalecimiento de la democracia (porque la participación y la deliberación es un componente central de ésta).

Políticas Públicas: La Comunicación en los Programas de Salud Pública

Tanto en México como en Estados Unidos se necesita que se afiance, se profundice, y que se haga realidad la democracia. Uno de los campos que requiere ser transformado es el de la salud. Es necesario un modelo de salud que responda a ciertos valores éticos mínimos como el respeto a la vida, la equidad, el respeto a la pluralidad y a la identidad de cada persona y de cada comunidad. Los lineamientos generales del sistema de salud, los planes nacionales, los planes regionales y locales, y la distribución de los recursos deberían ser materia de deliberación, de forma tal que se vayan generando consensos que permitan que se trabaje coordinadamente.

La comunicación en salud debe ser responsable de que las políticas de salud sean visibles para el conjunto de la población. Los diagnósticos y estudios que sustentan la generación de políticas públicas tienen que incluir componentes de comunicación de salud para que la población adquiera información sobre las políticas de salud y para que pueda acceder a
ellas; para que se escuchen las distintas opiniones y que se delibere; para que la salud sea visible de forma tal que se pueda vigilar.

Por lo anterior es necesario incorporar a la comunicación como un eje central que renueve la promoción de la salud en migración y a los profesionales de la salud. Su inclusión debe traducirse en quehaceres y acciones concretas y no sólo en capacitaciones e intenciones. Es necesario renovar la reflexión académica, los marcos conceptuales, hipótesis y aspiraciones, aprovechando los distintos campos en los que la comunicación para el desarrollo y la salud han avanzado. Se requiere que las propuestas dialoguen con teorías de la comunicación, de la psicología social y de la sociología, entre otras. Finalmente, la comunicación en salud tiene un propósito clave, el desarrollar procesos comunicativos sostenibles que promuevan políticas públicas y procesos sociales (que articulen actores) que contribuyan a lograr una sociedad migrante equitativa con personas y comunidades saludables.

Las funciones clave de la comunicación en salud son: a) determinar la interacción comunicativa, simbólica y social de los individuos; b) promover el empoderamiento individual y comunitario para la gestión y acción de salud mediante la implementación de estrategias integrales de comunicación para la autovaloración y auto eficacia de personas y comunidades; y c) implementar estrategias de comunicación para facilitar la coparticipación de la comunidad en los procesos de diagnóstico, planeamiento, gestión, control social y evaluación de las intervenciones locales en salud.

Otra función es la de propiciar diálogos y concertaciones entre los actores sociales y las instituciones del Estado para a) facilitar la gestión social y promover comportamientos saludables a partir del diagnóstico de las situaciones y la caracterización de los actores involucrados, b) construir y propiciar mecanismos de diálogo y concertación, c) facilitar el diseño y la implementación de estrategias de comunicación de consenso, d) abogar por políticas públicas favorables a la salud por medio de la identificación de problemas en salud, sus causas, actores y responsabilidades, e) utilizar estrategias de comunicación y de negociación para colocar en la agenda pública los temas de salud; y f) facilitar la discusión pública para promover y monitorear políticas de salud.

También habría que a) desarrollar intervenciones de comunicación que proporcionen condiciones favorables para la adopción individual y colectiva de comportamientos saludables, b) identificar y priorizar situaciones que afectan la salud y el bienestar colectivo susceptibles de mejora a través de procesos comunicacionales, c) diseñar planes efectivos de comunicación que incluyan indicadores que faciliten la cogestión y la evaluación, d) implementar intervenciones en comunicación que abarquen una diversidad de medios, canales y niveles de actuación sin olvidar el dar seguimiento a las intervenciones de comunicación, monitoreando, evaluando y socializando resultados.

A partir de la utilización de la información e instrumentos epidemiológicos básicos para determinar factores de riesgo y protección, y priorizar acciones, sería necesario a) reconocer y analizar los determinantes de salud y enfermedad y la diversidad de respuestas en una realidad concreta con el fin de orientar estratégicamente las intervenciones de comunicación en salud, b) identificar las racionalidades de las respuestas culturales de la población a los procesos de salud y enfermedad y actuar en consecuencia, c) analizar las características
esenciales de los principales problemas de salud pública y sus medios de detección, diagnóstico y tratamiento, y d) contribuir al acceso y uso de los servicios de salud a través de un análisis crítico de la dinámica de los sistemas de salud públicos y privados.

No se debe olvidar que México y los E.U. comparten una población transnacional que equivale al 12% de la población de México y que experimenta este tipo de políticas establecidas de salud. Es momento de implementar estrategias integrales para generar un marco regulatorio y una política de prevención compartida que asegure beneficios mutuos y el bienestar de los migrantes y de sus familias, tanto en Estados Unidos como en las comunidades de origen.

Notas
1 Se señala el año 1971 como fecha de acuñación del término marketing social, cuando Philip Kotler y Gerald Zaltman publicaron en The Journal of Marketing el artículo denominado Social Marketing: An Approach to Planned Social Change, refiriéndose al uso de principios y técnicas para hacer progresar una idea o conducta social.
2 El grado de bachelor, ya sea en ciencias (BS) o en artes (BA), es aquel en el que el alumno adquiere experiencia universitaria en un programa de cuatro años, pero no tiene una especialización tan acentuada como un “licenciado” en México.
3 Maestría en administración, ciencias y salud pública.
Referencias


Otra Bibliografía Consultada


Chapter 8

Border Crossing: Geographic Space and Cognitive Shifts in Adolescent Language and Literacy Practices

Rosalind Horowitz, The University of Texas at San Antonio

This chapter examines the role of border crossing on Mexican American adolescent language and literacy practices. It is part of a larger study, The Border Literacy Project, designed to understand the development of literacy and identity among teenagers attending Texas-Mexico border high schools. This study is part of a new line of research that examines the role of geographic space on language and cognition of immigrant and first generation United States youth. This work has ramifications for the study of adolescents in secondary schools living on the United States borders of Texas, Arizona, New Mexico, California, and adjoining border towns of Mexico. The chapter argues that adolescents who cross geographic borders experience cognitive and linguistic shifts in their uses of oral and written language that influence reading practices. This chapter demonstrates that border crossing may provide new opportunities while at the same time challenges for the development of reading and learning—and identity formation.

The present chapter is organized as follows. First, the chapter begins by examining current symbolic characterization of the geographic space associated with borders. Second, research is reported about the aspirations and challenges those students faces who attend a high school situated on a border. Third, the role of border crossing on literacy practices is addressed for educators and policy makers who serve Mexican American adolescents in high schools in border towns.

The study of borders and “crossing of borderlands” is a new kind of international study related to immigration patterns and cultural transitions (Berry, Phinney, Sam, & Veddar, 2006). For one, ethnicity and culture are formed by selection of verbal and visual symbols, but also by everyday activity in social-contextual settings (Vygotsky, 1929/1994). The border, wherever it may be, is a significant schema-building and cognitive re-structuring symbol. It is not a constant, rather constantly evolving in physical space, but also evolving in its formulation and representation in the mind of individuals (Horowitz, Prior, Olvera Dart, & Peralta, 2009). Thus, travel across a border has been referred to as consisting of “boundary formation” —an opportunity to distinguish oneself from the past, present, and future, the source of a mental map, and a means for “identity positionality”— the opportunity for positioning oneself in a culture or history and local settings (Nelson, Barrera IV, & Skinner, 2008).

Borders are defined in text- and map-sources in a myriad of concrete and symbolic ways depending upon the scholarly discipline—albeit geography, history, literary studies, sociology, and psychology or linguistics. In this essay, we are interested in the impact
of travel across national borders and literacy practices in specific geographic space or places on cognitive outcomes, including motivation to pursue academic goals and literacy practices. Demarcations of a fence or line, however, also result in psychological borders in the minds of youth, parents, community (Schneider & Schneider, 2010). Borders exist in specific geographic spaces represented by cultural groups, communities, and may or may not be marked on maps and diagrams of a city, region, or country. Border Crossings refers in the literature to the physical or psychological movement across geographic spaces, which generate multiple images such as those found in geopolitical media —cartoons or drawings, for example, in newspapers and magazines. Border Crossers are those who move across designated demarcations of a border (bridge, fence, wall, line, river) (Stanca, 2006). Those who are mobile and cross borders may find new ways of aligning with others through oral or written discourse or new knowledge but also, as a result of these markers, may be constrained of potential in human development, specifically education or work possibilities, resulting in fewer options in human life.

It should be noted that systematic and sustained research on geographic space and specifically Border Crossings is in its infancy, but potent. The role of space in human behavior requires new research methodologies (Amedeo, Golledge, & Stimson, 2009) and narrative methods for capturing past activities and experiences in spaces (Riessman, 2008). The research my graduate students and I are conducting has implications for U.S.-Mexico borders as well as many worldwide borders, as is implied in this essay.

The questions of interest are:

1. What is the nature of mobility and border crossing among adolescents attending a high school on the Texas-Mexico border? How does this crossing of the border onto new physical geographic space and place influence reading habits?

2. What cognitive conflicts and realignments do teenagers encounter when migrating across the border —while at the same time developing as literate citizens of a democracy?

3. In what ways have some teens, those who are low in socio-economic status, yet outstanding students and voracious readers, overcome the obstacles they face as they strive to grow in literacy development?

Theoretical Background: Geographic Space and Cognition

The geographic space in which individuals dwell and traverse has recently become a topic of fascination for study of human development. The effects of space on thinking and identity are being addressed in fields such as child perception, sociology, anthropology, urban affairs, history, linguistics, literary theory, philosophy, and have emerged in engineering with the study of robotics in interdisciplinary ways that may be valuable to educators who serve current and past border adolescent populations.

Stanca (2006, p. 87) reminds us of the French philosopher-sociologist-historian Michel Foucault’s (1926-1984) words that “a whole history remains to be written of spaces—which
would at the same time be the history of powers—these terms and in the plural—from the
great strategies of geopolitics to the little tactics of the habitat.” Stanca draws this quote
from Barker (2005, p. 347), who views space as an emblem of culture.

More specifically, the 2008 Presidential Address by William Tate at the American
Educational Research Association (AERA) explored the “Geography of Opportunity”
presenting portraits of communities and districts of Dallas, Texas and St. Louis, Missouri
with their geographic influences on human development and learning. While the attention
to positioning of self within human spaces dates back to work of Greek philosophers, more
recently, cognitive psychologists and linguists who study linguistic expression in and of
space (Hickmann & Robert, 2006; Levinson, 2006, p. 17) or dramatists studying symbolic
movement in theatrical performances (Van Stapele, 2007) have argued that study of human
physical movement in space provides a model for understanding changes in identity and
language styles. In particular Maya Hickmann (2003), Director, Laboratory of Cognition
and Development, L’Université of Rene Descartes, Paris, conveys that children develop
language in order to express mobility and space location which is attributable to cognitive
development as early as infancy and preschool years.

Linguists, per se, have argued that “spatial notions lie behind most grammatical
constructions” (Levinson, 2006, p. 17). Language forms and styles grow out of “spatial
cognition” (O’Keefe, 1996) and mental models of space, evident in young children (Coventry,
Bateman, & Tenbrink, 2009). Cognitive psychologists have suggested that we use spatial
models in memory to navigate space, understand a problem or conflict that may, in turn,
influence language choices and thinking patterns. From the other perspective, one’s language
and culture may contribute to a spatial model and as Levinson proposes, “…different species
paint mental pictures of their spatial environment using some pretty specialized sensory
equipment” (2006, p. 221). However, it is to be highlighted that, while animals and insects
may use some form of space representation, humans have distinctly unique capabilities,
namely, they are able to form historical representations or autobiographical memories based
on geographic locations in space, time, and among people. Our recollection of childhood
usually incorporates a memory of our family within our house and the rooms where we
lived, ate, slept, bathed, and hosted friends that are part of the stories we tell.

With the work of Russian psychologists and particularly Lev Vygotsky (Cole, John-Steiner,
Scribner, Souberman, 1978), language and literacy development have been approached
as evolving in social-cultural contexts. Most recently, these social-cultural contexts have
included geographical spaces, characterized as situated-literacies and activities (Barton,
Hamilton, & Ivanic, 2000; Gee, 2004). The ways in which teenage learners think about
geographic space is reflected by their uses of modalities of the spoken and written and
various multimodalities as evidenced in the new technologies or their uses of dialogue
and international contexts (Berry, et al., 2006; Campano, 2007; Darden, 1985; Jiménez,
2004; Marquez, 2008; Moss, 1994; Saldivar, 1997).
The Border/La Frontera

The Border/La Frontera is currently of interest to theorists and researchers who study the ways cultures intersect referred to as Mestizaje (Anzaldúa, 1987). The travel across a border presents a range of possibilities for cultural and concomitantly cognitive shifts—in schooling and everyday life experiences. First, it is argued that the borders represent a space that separates, but it is a paradox in that this is also where there is cultural contact and cognitive reassessment, moreover, realignment and engagement (Horowitz, et al., 2009). Some adolescents living in border towns may live in insular ways while others cross multiple borders to interact with “the others.” Sometimes adolescents are faced with decisions about giving one culture prominence and another secondary status (e.g. “I am really more American than Mexican” or vice versa) or there is culture fusing, whereby the blending modifies each culture so that neither is clearly visible—or the two cultures are replaced or combined to form a third culture due to travel. This may result in entry into what is called a “Third Space” (Bhabha, 1998; Moje, 2004).

As cultures are juxtaposed and reconfigured in the lives of young adults, so is language, where uses of code-switching, or hybrid languages, and new genres of speech and writing are formed. Horowitz (2007) has argued that the spoken (e.g. every day, informal) and written language (e.g. school-based, formal) of adolescents represent distinct modes of thinking, depending upon the contexts of use and rhetorical goals. These modes also intersect and thereby result in shifts of thinking represented by linguistic features of speech in writing—in writing or writing in speech. It is also the case that counter cultures and counter languages are being formed as hybrid language, illustrated in Reggaeton music which has been analyzed as an opposition to hegemony, expressed by marginalized groups (Aragon, 2002; Barrera, 2007).

In sum, the border/frontera has been intriguing to scholars studying the new immigrants of the 21st century, with geographers investigating geospatial polarizing, sociolinguists studying emerging hybrid discourse types, and demographers and immigration experts interested in population shifts from one country or locale to another. This article advances border study by focusing on the adolescent, one who is at the critical juncture of self-identity exploration but neglected in research trajectories.

Immigrant Youth and Border Crossings

Adolescents who travel across the U.S.-Mexico border are faced with unique challenges. First, they must meet the legal requirements of the judicial systems regarding border travel. Second, adolescents are easily influenced by the multiple cultures they encounter.

Adolescents crossing the border are required to have a Western Hemisphere Travel Initiative (WHTI) compliant document such as a passport or passport card as of June 1, 2009. Students under the age of 16 are able to cross from the United States to Mexico with only a U.S. Birth Certificate. When there is dual citizenship, the adolescent must carry proof of citizenship for both countries. It may be the case that some students from Mexico
choose to attend a U.S. border high school such as the one we have studied. If so, they are required to have their passport and additional documents that convey student status (U.S. Department of State; U.S. Immigration and Customs Enforcement).

In addition to meeting the legalities of migration, migrant youth face cultural challenges at a time when their development is highly salient (Brown, Larson, & Saraswathi, 2002). They not only reflect about past cultures but about whether or not they wish to adapt to specific new cultures of a school or community or peers. Today’s researchers of youth immigrants highlight that youth are engaged in new forms of communication with peers utilizing the internet. Peers remain highly influential in decision-making for teenagers during school years and through this medium. These communications allow some teenagers to hold on to the past friendships and values which may be in opposition to or extend the school and border life in creative ways (Kennedy & Roudometof, 2002; W. S. Lam & Rosario-Ramos, 2009).

Case studies have been used by researchers to learn about these experiences and challenges. Sanchez (2007) studied three Latina adolescents, one age 13 and two 16 year olds in northern California who maintained contact with family in Mexico. Every one to two years they visited rural Mexico. These trips can be viewed negatively as moving students away from the expectations of the Oakland, California requirements of the institution of schooling or in some regards positively as travel designed to maintain the history of family. Sanchez argues that these immigrant students used different language and literacy to represent themselves and to author a meta-narrative about their U.S.-Mexico experience. Schools often overlook that these migrant children have linguistic and cultural resources from Mexico. Sanchez argues that the students developed a counter story than what is assumed about travel to Mexico. “the physical transnational trips to rural Mexico confirmed and deepened these stories, giving them that much more salience and resiliency” (2007, p. 278).

Lam (2009) prepared an in-depth case study of the instant messaging of an adolescent female who immigrated from China to the United States. This study of internet writing and reading demonstrated the ways in which one female used the internet to maneuver her way across local, translocal, and transnational contexts of communication. Lam argued that this young woman had developed multiple literacies that enabled her to continuously interact with different cultural and regional populations in extraordinary ways that would not have been possible two decades ago. Digital media allowed this teenager to interact with others in everyday life in a manner unprecedented.

Teenagers Who Cross the U.S.-Mexico Border

At the turn of the 20th century, in the world of my parents and other immigrants coming to the United States, when one crossed a border, as a teenager, such as my mother did in 1921 coming from Czarist Russia, a village near Kiev, Lipnik, in Volinya Ghebernia, to Livov, to Warsaw, Poland, to Halifax, Nova Scotia, Canada, to St. Paul, Minnesota, one gave up past allegiances and did not return to the country of origin. In fact, one’s “Border Crossings” were a one-time, drama-filled life experience, never to be relived physically, but
always there mentally in autobiographical narrative memories and verbal rehearsals of the voyage (Markowitsch & Welzer, 2009). There was animosity and disdain for the country of origin due to oppression and lack of opportunities for a good life. This is increasingly being captured in new narratives of European-Jewish immigrants at the turn of the 20th century, such as represented in Tal’s Double Crossing (2005), a portrait of an immigrant crossing of borders at the turn of the twentieth century.

That is not the case today. As our research and others support, teenagers are able to cross many borders multiple times, albeit monthly or even weekly, and return to Mexico as desired and for a variety of functional purposes that would actually, we argue, enhance life. Today, there are numerous transportation options for crossing borders and our subjects can even go by foot—which is unlike the experience of taking a ship years ago, which required saving for months to cover expenses. With these regular bi-national crossings come new oral and literate encounters and transformations that shape adolescent identity, aspirations, and loyalties.

Donna Gabaccia, an expert of immigration and history and director of the Immigration History Research Center at The University of Minnesota, defines the past immigrant as one who crossed a border, an international boundary, usually with the intention of staying in the new land (Gabaccia & Ruiz, 2006). That has also been true of Mexicans until recently. She notes that today some of the largest immigration groups are from Mexico, China, and India; they are highly mobile returning at various life points to their country of origin.

Gabaccia asks: What is different about immigration in the U.S. and Europe today compared to 50, 100, or 150 years ago? She notes that we are seeing a more highly educated or trained population immigrating today and that there are more restrictions on immigration. However, she notes there never was a time when immigrants were viewed positively, often accused of taking away jobs—a myth and not scientifically supported (Maynard, 2007; Suarez-Orozco & Suarez-Orozco, 2001; Valdez, 1996).

Borders are constantly in flux as are perceptions and uses of them, whether one looks at a Texas-Mexico border or another international border, sometimes creating havoc with its people. In Russia and Ukraine borders have shifted extensively. Ukraine has shifted its borders in relation to Poland. In Canada there have been border shifts across provinces and extensive publicity about language shifts. In Israel borders have consistently moved.

Robert Frost asks in Mending Wall, “Before I built a wall I’d ask to know what I was walling in or walling out.” Anzaldúa characterized tensions along the Texas-Mexico Border as a “set-up” to define the places that are safe and unsafe, to distinguish us from them” (1987, p. 25). In a recent trip to Israel, one educator working for the Ministry of Education pointed out to me that borders could be friendly partitions, supporting the transfer of imports and exports, and the transfer of brides from Syria to Israel, to be crossed, easily, or —unfriendly partitions—not intended for crossing at all. If living in Israel, the Jordan border is viewed as friendly, however, the border of the Golan Heights is viewed as unfriendly.
The Border as a Symbol of Restriction or New Opportunity

A U.S.-Mexico border fence was proposed as a 2,000 mile security fence. “By one estimate, each year between 400,000 and 1 million undocumented migrants slip across rivers and deserts on the 2000-mile U.S.-Mexico border (Homeland Security, 2006). In 2005, over 1.2 million undocumented immigrants were apprehended by the Border Patrol. A 2,000 mile state of the art U.S. border fence with Mexico has been estimated to cost between 4 and 8 billion dollars. For $362 million the fence could be electrified. This U.S.-Mexico border covers 2,000 miles and the U.S.-Canada border, 4,000 miles. The proposal to build a high tech wall on the U.S.-Mexico border to stop undocumented immigrants was described by Mexico’s President Vicente Fox in a December 2005 speech as “disgraceful” and “shameful.” Fences in Spain, along with Hong Kong, and China “will do little or nothing to combat illegal immigration” (Homeland Security, 2006, p. 2), one of its primary goals and certainly of relevance to the teenagers to be described below who cross it regularly.

The Border High School and Literacy

The high school we are studying is contextually situated in a border town in the United States with the closest city two-and-one-half hours away. The town is in walking distance to Mexico. It is separated from Mexico by a river and easily accessible by foot or car by bridges. Travel time by foot from the U.S. high school across the border to Mexico is approximately 20 minutes. As of July, 2008, there were 2,221,659 people in this town. The estimated household income in 2008 was $37,031. Twenty-six percent of the population was identified as living in poverty. Women are largely employed in educational services and health care. Men work in construction and other transportation support services, and as couriers, but construction work ranks for men as the highest type of employment. There are two schools of higher education available for high school graduates. One library in 2008 held 186,796 books, 4,726 audio materials, and 6,889 video materials all useful for developing multiple literacies. The research we are conducting considers multiple literacies—print literacy, electronic literacies such as digital literacies, audio and visual and artifact literacies.

Based on 2008-2009 data, the high school of interest is attended by a Mexican American population, with 99.9% of the school identified as Hispanic, with only one Anglo in the entire high school of 1,591 students. This means that the high school students are not in contact—at least in this setting—with other high school students who are Anglos, Asians, African Americans, and Native American Indians. Approximately, 40-50 students have transferred to this high school from Mexico each year over the past two years. It should be noted that this concentrated Hispanic population is typical of other high schools in San Antonio, Texas and other South Texas towns.

In a positive regard, the high school we have been studying has interestingly enough surpassed the other high schools in the district in English Language Arts scores on the Texas Assessment of Knowledge and Skills (TAKS) based on 2007-2008 and 2008-2009 Academic Excellence Indicator Scores (AEIS) reported by the Texas Education Agency. Further, this
high school has surpassed other high schools in the district in college-ready graduates. In 2007-2008, the high school had 29% (about a third of the school) college-ready surpassing other schools in the district. In 2008-2009, there was a significant increase, with 41% of the school college-ready. Tables 1, 2, 3, and 4 provide data about the school.

### Table 1. Campus Performance

<table>
<thead>
<tr>
<th></th>
<th>2007-2008 AEIS Campus Performance</th>
<th>2008-2009 Campus Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Students</td>
<td>1,612</td>
<td>1,591</td>
</tr>
<tr>
<td>Economically Disadvantaged</td>
<td>1,546</td>
<td>1,591</td>
</tr>
<tr>
<td>Limited English Proficient</td>
<td>671</td>
<td>607</td>
</tr>
<tr>
<td>At-Risk</td>
<td>1,269</td>
<td>1,219</td>
</tr>
<tr>
<td>Mobility (2006-07)</td>
<td>394</td>
<td>374</td>
</tr>
</tbody>
</table>

### Table 2. Completion Rate II (w/GED and Graduation)

<table>
<thead>
<tr>
<th></th>
<th>Class of 2007 Percent</th>
<th>Class of 2008 Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competed</td>
<td>81.8%</td>
<td>78.5%</td>
</tr>
<tr>
<td>Dropped Out (4-yr)</td>
<td>18.2%</td>
<td>13.0%</td>
</tr>
</tbody>
</table>

### Table 3. Ethnic Distribution

<table>
<thead>
<tr>
<th></th>
<th>Class of 2007 Count</th>
<th>Class of 2008 Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>1,608</td>
<td>1,590</td>
</tr>
<tr>
<td>White</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>African American</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

### Table 4. Texas Assessment of Knowledge and Skills (TAKS) Scores

<table>
<thead>
<tr>
<th></th>
<th>10th Grade</th>
<th>11th Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>80%</td>
<td>81%</td>
</tr>
<tr>
<td>2008-2009</td>
<td>75%</td>
<td>77%</td>
</tr>
<tr>
<td>2009-2010</td>
<td>85%</td>
<td>85%</td>
</tr>
</tbody>
</table>

In order to understand the direction in which these scores are progressing, we compared data available for 2007-2008, 2008-2009, and 2009-2010. These data show that this high school population is improving in performance based on standardized testing in English.
Language Arts. It is showing growing improvements in reading and graduation rates which is not often the case in many of the 24,269 other high schools in the United States (7-12th grade schools), particularly the urban ones that have a high drop-out rate (U.S. Census Bureau, 2010). We found 1,219 students, most of the population of this high school, were characterized by the Texas Education Association Academic Excellence Indicator System as at-risk.

Recently, William Damon (2008), from Stanford University, reports on a large-scale study in *The Path to Purpose. Helping our children find their calling in life* that many adolescents in the United States do not have goals and have not found what has been traditionally a treasured “calling in life.” Damon characterizes them as “Dabblers” pursuing disconnected interests with no commitments or distinct life goals. The subjects in the study to be reported below run contrary to Damon’s findings. They travel regularly across the border, have distinct life goals, and produce rich oral self-narratives which we believe are influenced by their flexibility with cultural experiences (Spiro, 2004). Further research will need to explore our hypothesis that mobility enhances literacy, cognitive flexibility, and identity development in significant ways which need to be incorporated into school curriculum and planning.

Robert Balfanz’ (Balfanz, 2008) research found urban high schools face an exceptionally high drop-rate, with over 50% of teenagers not graduating, with this number often higher for teens in Mexican-origin families who live in the United States or attend high school on the U.S. side of the Texas-Mexico border. In the high school of interest in 2008, however, only 13% —not the usual 50%— of the students dropped out. This school defies the odds. For this reason, it was desirable as a location for a research site.

The Border Literacy Project

The present research was conducted in a border town along the U.S.-Mexico border. This study is part of a larger research project that examines the social-contextual and situational factors on the border per se that influence reading habits and motivations of adolescents who attend a high school in a cross-nationally active but economically poor town. Growing up on this border is a unique experience in several regards: First, the border town has experienced some economic growth based on a local university and import-export activities and its proximity to Mexico. Second, the high school of interest is one of the most successful high schools along the Texas-Mexico border in that student achievement is rising —based on standardized test scores and accounts of the faculty and administration. The school is located two blocks from the border. Travel across the border was, until recently, quite easy and non-threatening. Third, there is frequent mobility by teenagers across the border —monthly, weekly, and daily. This extensive travel appears to be unique for border towns. Fourth, despite high poverty, there are adolescents, whom we have learned about, observed, and interviewed living on the U.S.-side of the border, who are high achievers academically and voracious readers. While their parents are mostly high school drop-outs, these students aspire to college graduation and careers. As one indicated, they are determined “to do better
than their parents,” which included aspirations to graduate college. Unlike reports of despair and drop-outs in some urban schools, these students we consider are planning for careers and advancement in the work world. Fifth, the high school which they attend is highly supportive. The principal and staff regularly communicate one-on-one with students. They consciously develop a rapport and relationship of caring that is evident in their style of interaction with the teenagers. It was amazing to know that 40% of the teachers in the high school had had over 20 years of teaching experience there. What we witnessed in the faculty was a sense of loyalty which meant returning to one’s community of origin. Table 5 identifies years of service of the teachers.

Table 5. Experience of Teachers at a High School Campus

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Count</th>
<th>Percent</th>
<th>Years of Experience</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Teachers</td>
<td>9.8</td>
<td>8.2%</td>
<td>Beginning Teachers</td>
<td>5.0</td>
<td>4.1%</td>
</tr>
<tr>
<td>1-5 Years Experience</td>
<td>23.0</td>
<td>19.2%</td>
<td>1-5 Years Experience</td>
<td>26.1</td>
<td>21.4%</td>
</tr>
<tr>
<td>6-10 Years Experience</td>
<td>19.6</td>
<td>16.4%</td>
<td>6-10 Years Experience</td>
<td>21.6</td>
<td>17.8%</td>
</tr>
<tr>
<td>11-20 Years Experience</td>
<td>25.9</td>
<td>21.6%</td>
<td>11-20 Years Experience</td>
<td>29.4</td>
<td>24.1%</td>
</tr>
<tr>
<td>Over 20 Years Experience</td>
<td>41.4</td>
<td>34.6%</td>
<td>Over 20 Years Experience</td>
<td>39.8</td>
<td>32.6%</td>
</tr>
</tbody>
</table>

Note: All teachers were educated within the local border town in Texas, USA that they served.

Subjects

Following a walking tour of the school, led by the principal, students attending the U.S. border high school were observed in the halls, library, and cafeteria, and four teenagers, all seniors in the high school, except for one junior, were interviewed in a focus group dialogue. Students were selected by the English Department Chair based on the following criteria: a) they were below the established poverty line, on free lunch, b) they were highly successful students across courses, with at least a 3.0 average in grades, c) they engaged in routine, frequent travels across the border (daily, weekly, or monthly), d) they were precocious, avid readers, based on English Department Chair’s judgment, and e) they were high in verbal ability so they could discuss their reading habits and experiences in the group, excelling on the school’s standardized verbal assessment measures over the past two years. Our intention here was to learn about adolescent reading practices in the United States and Mexico and find out why these adolescents were succeeding in school. More specifically, we wanted to know what effect geographic space and place might have on reading habits on this border sample of students. We wanted to identify information that might be useful for teachers of border populations.
In this brief report, we characterize the travel habits, interests in reading, and goals of this select group. Additional data is currently being collected.

These teenagers attending the high school were any of the following: a) U.S. citizens, b) immigrants from Mexico with a student VISA, c) students who possessed green cards for work, or d) might have been undocumented in the United States. We did not obtain information about our subjects to determine their citizenship.

Focus Group Dialogues about Space and Place and Its Impact on Cognition and Literacy

The uniqueness of this high school was conveyed by the school mascot, as we learned from the librarians, a symbol of strength, power, and resilience. The mascot, presented as a sculpture, was stationed in the school yard, near the pavilion used for sports events and visible when you entered the school. This artifact was intended to be both a symbol to motivate students academically and in sports. The school was identified as high poverty. All students received breakfast during their first hour class.

Through open-ended questions in a focus discussion group, four gifted and talented students, three seniors, described a) their border crossings, frequency and purposes, b) what they read and where, c) preferences for reading, and d) their goals and aspirations despite obstacles related to poverty. Notes were recorded by the researcher. A graduate student was also present. The following section provides a summary of the dialogues that were held.

Nava, (all names have been changed) with big eyes, and a sweet smile, travels during the same day back and forth across the border to visit a grandmother and grandfather, although her grandmother had recently passed on. Her grandparents have been an integral part of her life history. Her trips were typically once every two weeks, now to see her grandfather, and stay in his home for vacations, and to eat at favorite restaurant locales in Mexico.

When asked about reading practices, Nava was very specific. She is bilingual, as are all of the four students. She reads the Bible daily in English and other inspirational books — some in English others in Spanish. Her spiritual life is of importance to her. She relishes the *Children’s Chicken Soup Series*, newspaper reading, and health books, all of which she reads at home in close proximity to family members. Interestingly, her parents are monolingual Spanish speakers, but Nava loves reading English books. She also reported reading the drama, “Taming of the Shrew” written between 1590 and 1594 by William Shakespeare. The version she read, on visits to Mexico with her family —where she has more time to read, was translated into Spanish. Unlike Nava, her parents are not readers by and large, but do read the Spanish newspaper. Nava was concise when asked about her future goals. She wants to pursue medicine and specifically to be a pediatrician, determined when she was a sophomore in high school. Contrary to ideas expressed in Path to Purpose, which highlights the lack of goals in U.S. teens (Damon 2008), Nava has already distinctly decided she will go to a prominent research university in Texas.
She has overcome obstacles associated with family poverty—few books in the home, lack of motivation to read, pressure to focus on work not school, and intergenerational illiteracy. In her case, the high school she attends and the family around her are supportive of her reading habits in English and Spanish.

**Janie** travels twice per month to Mexico. She is passionate about reading and regards it as central to her life and happiness. She is employed at a chain hamburger restaurant frequented by children and teenagers. Janie is a precocious reader who “buys, at a minimum, two-to-three books per week” although her family wonders why she is doing this and Janie tells us “frowns on it.” Janie in addition reads informational sources, magazines, and historical documents. But she also loves reading teen fiction, romance novels and the *Twilight Series*. Janie has had a poem published on a website but didn’t want to reveal what the poem was about or where it was. She projects independence and a mind of her own. She is self-reliant and although her family does not encourage her frequent reading, she views it as important to her life. Most fascinating was her reading practice on the job, at the fast food restaurant.

While working, Janie reads at every chance during her break time. Janie captured the style of her reading—that is, when there are no customers, she actively launches into a book and is absorbed by it, indicating she loses track of who is around her, what Victor Nell (1990) characterizes as *Lost in a Book*. This informal reading is serious reading and may provide stimulation and practice that helps her in ways that we do not yet fully understand in the academic reading required in schools. Research to-date on adolescent reading tends to separate this informal, everyday reading from academic reading, but researchers are actively seeking ways to link the two contexts and styles of reading. Reeves (2004) has asked teenagers to talk about their reading to understand their resistances and engagements with texts. Janie hopes to attend a local four-year public university, where she vividly sees herself as majoring in Psychology and living in the town. Her tunnel vision about reading keeps her away from the negative input that she receives about reading. Her aspirations are described in formidable terms.

The two males in the focus group presented other portraits of teenagers engaged in reading. **Ed** goes to Mexico once per month, less frequently than the females. His purpose for travel is specific, to see the orthodontist or for bus trips to the beach in Mexico. He will stay only a few days. He says, “I just grab a book and need to see if it’s of high interest. I got so addicted. I bought another; it inspired me to make a story.” He likes *Manga* books—Japanese graphic novels which he says, “get me on a different planet.”

Unlike the females, Ed is not sure of what he will do after graduation. But again, contrary to findings of U.S. teens and U.S. national reports of goal setting by teenagers, he says he has given his goals considerable thought and has changed his mind several times. He said this smiling with glee, as if he had high hopes for himself, noting “my interests keep going round and round, around me” including technical work or the education field. What is important is that he is actively thinking about his life goals. He articulated the goal of showing his parents that he could achieve even though they are poor and have hard working, poverty based lives.
Finally, there is David, who travels three times a week across the border, and sometimes daily, to visit his father who is a preacher of a large church. David conveys that his purposes for travel are varied. He travels to attend La Feria, (translation, The Fair) where he specifically likes to eat carnival food, sometimes veggies; he buys CDs and travels to Mexico with the goal of shopping in a cheaper location. Another purpose is highlighted. David purchases medicines in Mexico which is “sometimes more effective there” indicating that “no prescriptions are required there.” David reports that his parents are “pushing, you need to be better”—a slogan he carries with him. David loves reading books from the Harry Potter Series and reads what he has or buys books every week, usually fiction, “Alternative University,” and teen magazines or music. Interestingly, he also notes he reads works of drama by Shakespeare regularly. During his travel to Mexico, there are The Novelas, (soap operas on Spanish language channels) and Mexican celebrities to keep him occupied and enchanted.

David is also clear about work goals. He will pursue business administration, and after 40, write novels, have children, leave his business for them, and ultimately write three plays to give back to others in society and American democracy.

While there is frequent mobility across the border to Mexico, all of these teenagers come from families who also visit San Antonio, are monolingual Spanish speakers, and are not readers or high school graduates.

Although this is a high-poverty school, there is a solid library and an English Department that thrives on incorporating classics as well as the “new teen literature.” The high school library offers opportunities for bi-literacy and bilingual reading—with encyclopedias and other source-texts in English and Spanish. Collections of oral tapes, award winners, classics, and popular fiction are available. Audios in English add to hard copies. This library is immaculately ordered and a comfortable setting for reading. But it is not a quiet, silent library, as students can converse with one another at the long dark oak tables. We witnessed video-conferencing with students interacting with other high school students at another campus. Overall, this high poverty school stands out among high schools in the region, with many gifted and talented, high achieving students who clearly have goals and dreams that they are actively pursuing. The veracious readers we interviewed are a testament of the variety of adolescent reading practices in this United States border town and by those who cross the border into Mexico regularly.

Conclusion

First, the crossing of the Texas-Mexico border is a common occurrence. High schools exist in walking distance to the border and students are allowed to cross the border and return regularly, even daily. We find the adolescent students that we studied go to Mexico for distinct reasons and read voraciously on both sides of the border. In some instances, visits to specific locales in Mexico increased opportunities to speak and read in Spanish, to gain exposure to new genres of Spanish, and to make comparisons between their lives in the United States and Mexico which would add to their decision-making about identity,
life work, and future mobility to other locations. Second, this mobility provides them with opportunities to interact with families, friends, and others in contexts that keep their affiliations alive and their growth as a Mexican national. But they are also Americans who attend a Texas high school that is actively adding to their cognitive development, literacy practices, and aspirations. Third, they are highly supported beyond family, in this instance by a principal, teaching staff, and administration who communicate regularly one-on-one with students to establish rapport and caring relationships. The gifted and talented students we spoke with were exceptional students and voracious readers despite their poverty. They were seeking to be the first generation in their families to not only graduate high school but also college. Research which compares avid, adolescent readers across locations, including trans-nationally, is needed (Berry, et al., 2006). Finally, the close proximity of the school to the border contributes to reading preferences and practices and the English and Spanish languages in which the students read. To date, there are few research studies available depicting adolescents’ high schools and reading practices within a local space and with global implications. There appear to be advantages for literacy and language development to living in two or more worlds and traveling across them regularly that warrant exploration by researchers and policy makers of border education.

Notes
1 Sections of this paper were discussed by Rosalind Horowitz at the Immigration and Citizenship Conference sponsored by the UTSA Mexico Center, June 24, 2009, at The University of Texas-San Antonio, Downtown Campus. Rosalind Horowitz also presented sections of this paper as Living on the Border: How Physical Space Contributes to Adolescent Discourses, at a Symposium on Literate Practices at the Border/La Frontera at the Fourth International Conference on Speech, Writing and Context held in Querétaro, Mexico in October, 2009. Portions of this work were presented by Michelle Olvera Dart, Lori Prior, and Autumn Peralta as a poster session at the American Educational Research Association Conference, San Diego, California, April 2009. Mark Stewart assisted with the editing of this manuscript. Funding has been provided by the UTSA College of Education and Human Development, Dean’s Office Mini-Grant Fund and a Fellowship/Grant was awarded to Michelle Olvera Dart and Rosalind Horowitz by the UTSA Mexico Center for continuation of this work.
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U.S. Department of State. Travel, from http://www.travel.state.gov/


In both the 2008 United States presidential election campaign and the 2010 midterm elections, a matter of contention for political candidates was the question of undocumented immigration and its reform. On this issue, political parties struggle to gain the upper hand in winning the hearts and minds of American voters. Some go so far as to encourage the increasingly pivotal Latino electorate not to vote, which not surprisingly outraged voting rights and immigrant advocacy groups (Goodwin, 2010). At issue in the extensive discussion is how to best resolve the status of approximately 11.5 to 12 million1 undocumented immigrants residing in the United States, a number estimated to include parents and children from the first and 1.5 generations of immigrants to the United States.2

Discussions of immigration in the United States are nothing new, given the country’s history of encouraging immigration when there is a need for low-wage labor (Montejano, 1987) and then cyclically sending back or “repatriating” immigrants when the need for labor declines (Carreras de Velasco, 1974). In this recent discussion, the immigration reform proposals that were discussed during the campaigns have included avenues of legalization for undocumented individuals and even eventual citizenship, under certain conditions.3 Opponents and proponents of such proposals are deeply and even passionately engaged in the debates in an effort to ensure that their interests and objectives are ratified. However, neither opponents nor proponents of reform immediately advanced their preferred outcome during 2009, since a world economic crisis and subsequently the health care policy debate in the United States, pushed immigration reform to the margins of President Obama’s legislative agenda. Subsequently, the 111th U.S. Congress4 did not engage in the anticipated national debate on immigration reform during 2010 until prompted by fervor associated with passage of Arizona’s Senate Bill 1070, which “Requires officials and agencies of the state and political subdivisions to fully comply with and assist in the enforcement of federal immigration laws . . .” (Arizona State Senate, 2010).

In an effort to help inform the policy thinking of the new administration in the United States, the Mexico Center at the University of Texas at San Antonio (UTSA) brought together diverse community stakeholders to get widespread input on “Immigration and Citizenship.” Participants from throughout the San Antonio, Texas, region, and from community, political, and educator organizations convened at the UTSA Downtown campus on June 24, 2009. That the event was attended and co-hosted by Mr. Juan Sepulveda, Director of the White House Initiative on Educational Excellence for Hispanic Americans, reflected the Obama administration’s desire to access the best thinking on the topic from diverse stakeholders in education, policy, and politics.
Participants at the meeting discussed issues ranging from labor, employment, discrimination, and other subjects, although the focus here is on the discussions having to do with education—especially college access and opportunity for undocumented immigrant students. Indeed, an important component of the immigration reform discussion has to do with undocumented students who are in school and working to prepare themselves for the workplace, college, and life. The 1982 Supreme Court decision on *Plyler v. Doe*, 457 U.S. 202 (1982), made public school education an entitlement for children regardless of documented status, and deemed it unconstitutional to deny public lower education (K-12) to any of the state’s school-age residents (Chapa, 2008; Olivas, 2009). The 1982 ruling had resulted from a legal challenge to Texas law denying state educational funding to school districts for the education of undocumented children (Jefferies, 2009; Seif, 2004). Demonstrating a part of the Supreme Court’s rationale, Kasarda (2009) quotes the ruling (*Plyler v. Doe*, 1982) to show that the decision hinged on the minor children’s inability to affect the decision about whether to be in the United States without authorization:

... in the case of minors who accompany their parents across U.S. borders illegally, the children ‘can affect neither their parents’ conduct, nor their own status.’ Therefore, five justices found that legislation targeting children in an attempt to control the conduct of their parents ‘does not comport with fundamental conceptions of justice’ (Kasarda, 2009, pp. 201-202).

However, partly given this rationale, the entitlement to K-12 education after *Plyler* was not viewed as extending to adult students beyond secondary education. The decision thus did not relieve high school graduates from the need to provide documentation of legal residency or citizenship when seeking employment or when attending college. Undocumented youth in the United States today thus encounter obstacles to employment and to college access after high school. Kasarda interpreted the effects of the *Plyler v. Doe* Supreme Court ruling as advocating the exclusion of undocumented individuals from employment and college:

Once minor illegal aliens attain adulthood, they are responsible for their own actions, and they acquire the ability to conform their conduct to societal norms even if this means removing themselves from the State’s jurisdiction. An adult illegal alien’s status is the ‘product of conscious, indeed unlawful, action’ (Kasarda, 2009, p. 202).

Although not all scholars share this view, it is the case that adult undocumented students fall outside of the legal protections of *Plyler* when they graduate high school and attempt to attend college or to work.

In the sections that follow, I briefly describe the educational circumstances of undocumented students in the United States who apply to college after high school in order to continue their educational development; how opportunities in the United States depend on the accidental circumstance of their state of residence; and the educational challenges for undocumented students and for the institutions that serve them. I conclude with recommendations for practice to improve services to college-bound undocumented students.
Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)

Undocumented students are ineligible for the federal financial aid that most students need to attend college (Chapa, 2008; Kasarda, 2009; Olivas, 2009). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (subsequently known as IIRIRA) also created explicit penalties for undocumented individuals who overstayed visas or were in the country without authorization (IIRIRA 1996, n.d.). To legalize their status, undocumented individuals already in the country were required to first leave the United States for varying periods of time:

Section 301 creates bars to admissibility for aliens who were ‘unlawfully present’ (i.e., overstayed a visa or entered without inspection and were therefore neither admitted nor paroled). According to INA §212(a)(9)(B)(i)(I), an alien unlawfully present for more than 180 days but less than one year, and who left the United States voluntarily before removal proceedings began, is inadmissible for three years from date of departure. According to INA §212(a)(9)(B)(i)(II), an alien unlawfully present for one year or more is inadmissible for 10 years from the date of departure. . . . Periods of unlawful presence prior to April 1, 1997 are not counted (Chang, n.d.).

Yet, the reality is that many undocumented students discover their status only as they approach graduation from high school. For students in this situation, the United States is the only country that they have known growing up. For them, a voluntary return to a “family” country of origin is more like moving to a foreign country than returning to a homeland. The transition out of high school exposes and subjects these students—often highly prepared and academically qualified students—to a situation that is, for them, highly stressful and difficult to navigate. Thus, at a time when other policy goals are to increase college-going among all students (Texas Higher Education Coordinating Board, 2000), the current national policy context vis-à-vis undocumented students serves as a disincentive to their attendance at college.

Undocumented students quickly come to understand that they are viewed as criminals and thieves of scarce resources in the United States (Negrón-Gonzales, 2009) even if their presence has a fiscally positive outcome for states (Austin Business Journal, 2006), and that they are further construed as part of an alien threat to U.S. culture and sovereignty (Huntington, 2004). Critics of undocumented immigration associate undocumented status with criminality (Martínez-Calderón, 2009) and argue that undocumented students lack merit (Gitlin, Buendia, Crosland, & Doumbia, 2003; Jefferies, 2009) in order to position them outside of a “meritocracy” discourse and to otherwise identify them as undeserving students. Not surprisingly, undocumented students contend with feelings of fear and shame (Chávez, Soriano, & Oliverez, 2007; Domínguez et al., 2009; Negrón-Gonzales, 2009) that pushes them underground (Martínez-Calderón, 2009) in order to avoid being targeted for deportation by federal immigration authorities.

These moments of transition [from high school] highlight the uncertainty of their lives and raise questions that are, at some level, impossible to answer. What is so consuming about this anxiety is both its constant presence as well as the feeling that there is no way to rectify the situation that causes the fear (Negrón-Gonzales, 2009, p. 20).
Ironically, immigrant students who are forced by their circumstances to grapple with such fears often find their voice as a result and become committed activists for reform (Abrego, 2006, 2008; Negrón-Gonzales, 2009). They become:

... enabled to engage in two meaningful processes. First, they develop a social analysis of their shame and realize how it is socially constructed. Second, they begin to confront the real fear of being deported that their status makes them vulnerable to, and they begin to think about the system that instills this fear. ...the process involves an active tension that is worked out over time (Negrón-Gonzales, 2009, pp. 24-25).

In this process, undocumented students often come to resist the silencing and invisibility that is thrust upon them by fear (Martínez-Calderón, 2009). They do not disappear into a dispossessed silence, and because they are some of the brightest and most prepared students of the communities from which they come, U.S. policy-makers and educators have begun to address their needs that emerge during the transition from high school to college (Alba & Silverman, 2009; American Youth Policy Forum, 2002). Policy innovations like those discussed below also make them more visible to college and university educators. Such innovations help to bring undocumented students “out of the shadows” (Martínez-Calderón, 2009) for both pragmatic and social justice reasons, in the hopes that educators will strive to better meet their needs.

Policy Contexts Governing College Access

Scholars estimate that in the United States, fifty to sixty-five thousand young adults graduate from high school each year without the residency or other documentation that colleges and universities require for them to attend college and to access federal financial aid (American Youth Policy Forum, 2002; Badger & Yale-Loehr, 2002; Kasarda, 2009; Olivas, 2009). Beginning in 2001, however, individual states began to look for ways to circumvent the federal provisions that kept their resident undocumented students from accessing college. Ten states have succeeded in passing state statutes that allow undocumented students to pay in-state tuition for college. Two states (Texas and Oklahoma), also make resident undocumented students eligible for state financial aid to attend college. Listed in alphabetical order, the ten states that have passed in-state resident tuition laws include California, Colorado, Florida, Georgia, New Jersey, New Mexico, New York, North Carolina, Texas, and Utah (Chapa, 2008; Kasarda, 2009; Olivas, 2009; Oliverez, 2007). It is important to note that in the United States, education policy is largely a state rather than federal domain because of the decentralized structure of education. This is very different from centralized educational systems like those in Mexico where a Ministry of Education—the Secretaría de Educación Pública—regularizes educational content and practices throughout the nation. The decentralized U.S. system means that the policy context for students and the professional practice context for educators can vary considerably from one state to the next. For example, while Texas allows undocumented students to pay in-state tuition and to access state financial aid, the state of Virginia has “has been successful in restricting undocumented students from enrolling in some of the state’s colleges of higher education”
(Chávez, et al., 2007, p. 257) while Arizona, Kentucky, and Tennessee “have also attempted to enact legislation that would prohibit undocumented students from accessing higher education by restricting their eligibility to attend postsecondary institutions and for in-state tuition benefits and financial aid” (Oliverez, 2007, p. 90).

In Table 1, Michael Olivas (2009) provides detailed information on the statutory provisions and dates of enactment for each of the ten states (out of 50 states of the United States) that currently make allowances for the postsecondary education of their undocumented resident students.9

Undocumented students who live in one of these states are able to continue their education into college, but those in the other 40 states are not nearly as fortunate. Although there is normally a high level of mobility to attend college in the United States and students routinely go out of state to college, these statutes are written so that only state residents qualify for each state’s in-state tuition policy. Thus, undocumented students from the remaining 40 states can neither receive in-state tuition in their state of residence nor in the ten states listed below.

Table 110. States with Statutes Allowing Undocumented Students To Gain Resident Tuition Status Spring 2009

<table>
<thead>
<tr>
<th>No.</th>
<th>State</th>
<th>Statute Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Utah</td>
<td>H.B. 144, 54th Leg., Gen. Sess. (Utah 2002)</td>
</tr>
<tr>
<td>6</td>
<td>Oklahoma</td>
<td>S.B. 596, 49th Leg., 1st Sess. (OK 2003), rescinded, 2007</td>
</tr>
<tr>
<td>8</td>
<td>Kansas</td>
<td>K.S.A. 76-731a (KS 2004)</td>
</tr>
<tr>
<td>9</td>
<td>New Mexico</td>
<td>N.M.S.A. 1978, Ch. 348, Sec. 21-1-1.2 (47th Leg. Sess. 2005)</td>
</tr>
<tr>
<td>10</td>
<td>Nebraska</td>
<td>LB 239 (enacted over veto, April 13, 2006)</td>
</tr>
</tbody>
</table>

(M. A. Olivas, 2009, p. 409)

In most cases, they can attend college as non-resident students and pay out-of-state tuition. However, given that students do not qualify for federal financial aid to attend college (IIRIRA 1996, n.d.) and that the cost of attending college ranges from ten to forty thousand dollars per year, the two circumstances make going to college financially impossible for most undocumented students.

A second problem for immigrant students is that even in states that allow for in-state tuition, undocumented students do not make use of, or “mobilize,” (Abrego, 2008) the
policy to the extent that they can. In California, for example, “information about policies like AB 540 is unfortunately not disseminated widely by counselors and other outreach personnel at high schools and colleges because these individuals are . . . uninformed” (Chávez, et al., 2007, p. 257; see also Jefferies, 2009). In a different case, a researcher found that fifteen of the undocumented college students who participated in her research, “had only learned about the [AB 540] law through the college application process or upon enrolling in college” (Abrego, 2008, p. 717). Thus, in too many cases, undocumented high school students were not aware or well informed about their options for overcoming obstacles to accessing college. While disappointing, the findings are not surprising and affirm other research on the limited adult guidance for college that first-generation students have available to them as they transition out of high school (Oliva, 2007; Orr, 2009). These findings also point out that not only school, but college personnel are uninformed, such that students risk missing out on the opportunities for in-state tuition and financial aid that are available to them. While it is not a purpose of this paper to discuss the merits of a policy trend known as P-20 or school-university collaboration, the uninformed status of education personnel further illustrates the need for bridge-building dialogue and discussion among educators at both levels. As advocated by numerous scholars in recent years (Immerwahr, 2003; Kirst & Venezia, 2001; McDonough, 1997; Venezia, Kirst, & Antonio, 2003) college aspirant students fall through the divide between levels, and this problem occurs more with first generation, low-income, and underrepresented students.

Because educators are not informed of or do not effectively share information with undocumented students about how to navigate the pathway to college, undocumented students form organizations like Students Informing Now (S. I. N.) at the University of California at Santa Cruz. At that campus, S. I. N. members saw that “undergraduates . . . were confronted with the fact that their campus was doing little to facilitate the entry and retention of undocumented students like themselves” (Domínguez, et al., 2009, p. 439). Members of the organization (and others like it) take it upon themselves to identify and orient undocumented students about college and to collectively provide each other with the support for college that others fail to or are not able to offer.

College Access for Undocumented Students

It was in this context that stakeholders came together in the Immigration Forum hosted by the UTSA Mexico Center to discuss how best to move U. S. immigration reform forward. In a highly democratic process with origins in Native American culture, event organizers used an “open space” or “kiva” method for generating ideas to develop during the day’s work. Organizers invited participants to post a proposed discussion and work group topic in a designated area, and then to wait to see if there was interest in the topic among other participants. Those topics with the largest number of subscribers (i.e., those with the greatest interest) were subsequently asked to gather at round tables to work at identifying the nature of the immigration problem and to propose actions and recommendations as
interventions. I posted the topic of college access for undocumented students. Specifically, the posting for this topic read:

*Topic: College access for undocumented students, including policy interventions at local, state, federal levels.*

*Questions/Issues: Texas is a welcoming environment for undocumented students in terms of college access, at least more so than other states. How do we address the needs of students in other states who are not in similar environments and who a) do not have access to Texas higher education because they are not Texas residents, and b) do not have access to college in their own states because the environment is not as welcoming as it is here? Do we wait for comprehensive immigration reform to fix all of the problems, including access, at some point in the future? Or do we try to address the problem of college access now for impacted students?*

From among the subscribers, Noe Ortega from the University of Michigan, offered to join me in facilitating the discussion.

In all, twenty-six individuals chose this topic for discussion. The twenty-six individuals represented undergraduate and graduate students; legislative and congressional staffers; university faculty; representatives of non-governmental organizations like Catholic Charities, Intercultural Development Research Association, Young Women’s Christian Association, MATT.org (Mexicans and Americans Thinking Together), and the San Antonio World Affairs Council; the battered women’s shelter; UTSA Institute for Law and Public Affairs; the Latino Business Student Association; community “resource navigators” for undocumented students; community members wanting to learn about the topic; parents of undocumented students; prospective college students who are undocumented; policy-makers from other states; community members who are themselves immigrants; and immigration attorneys. What we learned together from our discussion was that undocumented status is not simply a legal descriptor, but at base, also a social and community problem calling out for solutions. As an outcome, this group discussion prompted a follow-up request for additional discussion regarding *educator professional development*, which was also subsequently convened. The following sections include a description of key findings and recommendations from the college access and professional development discussions.

**Emerging Community Insights**

The initial discussion brought together a diverse group of participants who on the surface would not be expected to have an interest in college access for undocumented students. However, undocumented status appears to be a ubiquitous obstacle to advancement and personal development in a range of unanticipated community sectors. A representative from the battered women’s shelter, for example, talked about her efforts to help women to break away from spouses and to “complete” the personal development they need for self-sufficiency. In most cases, the undocumented women from the shelter feared that they could not continue their education into college or adult education without appropriate documentation. In reality, Texas allows them postsecondary access if they meet the
requirements of HB 1403 (see below for fuller description of the statute). If they do not, however, they are stymied in that pursuit even in Texas. Another participant in the roundtable worked with local artists and wondered about the possibility of “professionalizing” them by helping to get them into college. Postsecondary education would dramatically advance their careers not only through the human capital inherent in a degree, but also through the content of the learning they would acquire for managing their careers. For that leader in the arts, the meeting and discussion was an opportunity to learn about the options available to artists regardless of their status.

Other participants voiced more typical concerns and questions about undocumented status for potential college students. A staff member of the Young Women’s Christian Association (YWCA) described her daily efforts to keep young women on a productive developmental trajectory. She reported coming across many young women who are undocumented and who have questions about the impact of their status on college access. Similarly, the community “resource navigator” spoke about the fear that undocumented students have about their status and expressed a desire to learn more in order to help young people overcome those fears. A participant from Catholic Charities, a religion-based non-profit organization, mentioned the same desire and need to help young people navigate the path to college. Several of the college faculty also talked about the way undocumented status impacts students who are already in college. Because not everyone is informed about undocumented status and about how it impacts students, undocumented students tend to be invisible on campus with respect to their needs; despite that, student groups have recently become active for passage of the DREAM Act, as it is known. The proposed Development, Relief and Education for Alien Minors Act has been advocated for over a decade and would both regularize state-by-state treatment of undocumented students and provide several pathways for college access and for achieving documented status and citizenship.11

Given that there is little public discourse about the issue, there is also a fear that state statutes allowing college access are underutilized at a time that state policy-makers advocate to have more students in college. Once students do arrive on the campus, few people with whom they speak are well informed about how to best advise them, given their status. A mother in attendance who has several children born in the United States and others born elsewhere, wondered about the difficulties that her undocumented children would face, and how to overcome them. Her oldest child is undocumented and attended the meeting with her mother. Although she is currently in college, she wondered about what will follow after her studies are completed. Will she be able to find employment?

Along those lines, several participants brought up the social contract that students and families are implicitly given to encourage them to excel educationally and to be good members of society. In the arguments of western philosophy (see, for example, Jean-Jacques Rousseau) such a social contract implies that in exchange for behaviors that engender collective benefits and social harmony, individuals give up some of their natural rights and agree to be regulated by social authorities to further collective well-being and social cohesion. In exchange for society and its authorities reaping the benefits of this behavior, it takes on the burden of protecting individuals’ larger interests in that society. Participants
commented that based on that expectation, families help children to excel in school and prepare for college in order to be productive and participatory citizens. Yet, college access is subsequently denied or not readily available to undocumented students when they graduate from high school or they face obstacles, such as limited financial means and no federal support to cover expenses. Indeed, undocumented students find that they are even criminalized in the public discourse. Participants expressed that this environment produced frustration among families and community colleagues of students like Benita Veliz, a San Antonio native who faces deportation after years of exemplary social deportment, volunteer community involvement, and high educational achievement.

These discussions and the examples given were eye-opening in that they involved stakeholders at different levels of the issue in face-to-face dialogue. Such dialogue also put a community face on the often intellectually abstract and socially disconnected discussion of immigration reform. As we moved from these discussions to the steps that individuals and institutions could take to address the identified problems related to college access, several general and policy recommendations emerged. In the sections that follow, the two general and nine policy recommendations that emerged from the discussion are described in summary.

**General Recommendations**

Participants recommended that active steps be taken to rectify the public image of undocumented students in the public discourse and in the media. The prevailing narrative in those venues has tended to criminalize students, as reflected in the scholarly literature discussed earlier, or to create the public perception that undocumented individuals are underachievers wholly dependent on and a drain to public resources. Only recently has the public been exposed to countervailing images, like the life narrative of high school valedictorian, college graduate, community volunteer and entrepreneur Benita Veliz. Participants in the meeting believe that the emerging counter narrative should continue to be developed intentionally, such as through the creation of public service announcements and online or web-based vignettes that dramatize the achievements and aspirations of local undocumented students. Participants also recommended that this be done carefully, however, to protect the identity of students so as to not subject them, like Veliz, to deportation and other negative state action.

**Invoking Compelling Economic Arguments**

Along these lines, participants recommended that advocates combat the prevailing discourse that undocumented students cost the state too much money with countervailing economic arguments to the public at large (again, see note 6). This could be done by reminding the public that as citizens and as a community, the public has already invested thousands of dollars in students for their K-12 education. A full return on this investment is possible only if we allow students’ continued development in college. There were a few detractors of
this line of reasoning who thought that this argument would not be compelling so long as undocumented students are unable to work after finishing their degrees. It was nonetheless pointed out that we tend not to raise the issue of international students educated in Texas and in other national universities, some of whom receive in-state tuition, nor do we raise the issue of our public investment in them. In most cases, there is no expectation that international students will remain in the United States; we nonetheless and on principle, bear the burden and considerable expense to educate them. For these reasons, the argument has the potential to carry some logic-based weight with state and national policy makers.

Learning from the Experience of Welcoming States

Furthermore, participants commented on the context for college access in states like Texas. Although the state is more accepting of undocumented students than others, it seemed worthwhile to document how that policy context evolved over time. Exploring and describing the reasons that policy makers have been willing to support undocumented student college access as well as their success in galvanizing the necessary political will could be useful to communities elsewhere. It is clear that the state did not arrive at its current policy environment immediately, but through slow and incremental changes to state policy over time. Nevertheless, a history of state policy development for undocumented student college access could be a model for others to follow. Community members and undocumented immigrant advocates in other states could learn about the need for flexibility in operationalizing college access based on local conditions while incorporating attention to policy opportunities as well as barriers. As an example, the case could be made that college access boosts both enrollment and tuition revenue at a time when institutions need to recoup funding lost to budget cuts.

Policy Recommendations

Eliminating Extended Exit Requirements

A policy recommendation that came out of this group as well as from the meeting at large was that the federal government eliminate the IIRIRA requirement that undocumented individuals who want to legalize their status must leave the country in order to accomplish it. Young people who have studied and lived in the country for more than a year would be required by IIRIRA to leave the United States for ten years before they could try to re-enter legally. An attorney who attended and was part of the group indicated that Benita Veliz’s options for legalization require her to leave the country for that period of time, something that she cannot do given that she has resided in the United States since childhood and for most of her life. Others indicated that even when undocumented persons qualify for visas to be in the country legally, they do not seek them because doing so requires that they request the visa in their own country, exposing them to the possibility of not being allowed to return for 10 years. Furthermore, others argued that the logic of this bar is partly founded on postsecondary practice toward international students. In that case, our assumption is
that student visa-holders are in the United States only to study in college, but then return to their countries to become leaders. Undocumented students cannot be viewed in the same way because their “homeland” is the United States, not another country. Eliminating a college student’s requirement to leave the country for an extended period of time before petitioning for legal status makes much more sense and is less disruptive of communities and families.

Utilize Existing Policy Instruments for In-state Tuition

Colleges and universities are usually able to offer in-state tuition and scholarships to international students when they are highly sought after and recruited to attend. In those cases, receipt of the scholarship or a graduate fellowship often allows the university to reclassify international students as eligible for in-state tuition. In a similar way, states that do not provide for in-state tuition of undocumented students could be permitted or encouraged to create institutional scholarships for undocumented students, in order to make in-state tuition available to them. Keep in mind that the estimated number of students who qualify for the proposed Dream Act is not high (50-60,000 high school graduates across the country each year). Furthermore, states like Texas, California, Florida, and the other seven states with large numbers of undocumented students already provide for in-state tuition. Thus, the actual number of students who would benefit from this policy change nationwide is much lower than the fifty to sixty thousand persons each year, which represents a much lower cost to states and to society than keeping students from becoming educated.

Equalize Tuition

Texas provides other examples of policy instruments that could also be modified for application to undocumented students. The Tuition Equalization Grant (TEG) has utilized public funds to support the attendance of students in the much more expensive private institutions of higher education within the state. The TEG policy instrument was created to help state residents defray some of the difference in cost to attend private colleges and universities by successfully arguing that doing so is more cost effective than building more capacity in the public higher education sector. A federal provision of this sort for undocumented students could encourage universities in currently unwelcoming states to accept undocumented students by underwriting a part of the difference in cost between in-state and out-of state tuition rates.

Create New Federal Categories for Undocumented Students

The prior recommendation would be advanced and supported by the creation of a new category in federal law—“international students in residence”13 or another such term—to replace the undocumented student and illegal immigrant labels currently being applied in policy-making discussion and public discourse. In the same way that passage of California Assembly Bill 540 (AB 540)14 and the term “AB 540 student” de-criminalized undocumented
students in that state, a change in language at the federal level could promote greater capacity for student support on campuses (Pope, Reynolds, & Mueller, 2004) and otherwise advance a balanced public discussion.

**Allow Graduates to Work in High-Need Areas**

Participants commented that there are several widely recognized high need employment areas in education and elsewhere. In education alone, Texas has inadequate numbers of teachers in science, technology, engineering, mathematics, and bilingual education fields as well as inadequate nurses and other personnel in the medical field. Ironically, the United States recruits international workers for these fields and expends considerable resources to do so, but does not allow resident undocumented students to be employed in the same areas. It makes more sense and is more fiscally sound to allow undocumented persons to work in these fields and to forego the expense of recruiting internationally. In making this argument, the eligible participants would be those students who had completed their undergraduate degrees and training through provisions such as Texas’ statute that permits undocumented students to attend college with in-state tuition, provided that they meet required job qualifications. Allowing undocumented graduates to work in high-need areas would have a two-fold positive impact; it would fill a critical workforce need and eliminate the problem of un- or under-employed college graduates.

**Create Policy Think Tanks to Promote College Access**

An additional recommendation would be for state and national educational policy-makers to form a policy group to further develop recommendations for integrated policy for college access. A policy group could focus especially on integrating immigration policy and state and national law to make Texas a receiving state for undocumented students when other states do not provide for college access. A think tank could explore the problems, impediments, courses, costs, and possible benefits of making particular states such as Texas and other border states a welcoming site for undocumented college students from other states in the country. For example, Michigan, a state that does not allow in-state tuition for undocumented students, may have advocacy groups in that state that would be willing to financially support a policy think tank to explore options to help them identify policy responses directed at their undocumented college-bound students.

**Operationalize K-16 Unique Identifier for Education**

One of the challenges for students seeking to transition from high school to college is that many college admissions and financial aid processes ask for a social security number. The failure to produce one can pose an obstacle to enrollment and for financial aid to undocumented students. States like Texas that allow for in-state tuition for undocumented students, do so by having students provide an Individual Taxpayer Identification Number (ITIN) rather than a social security number, but other unique identifiers are possible. For example, Texas
also has a P-16 educational database that provides individual-level information about every student in the K-12 public education sector using a unique identifier. The availability of that identifier allows educational policy makers across the K-16 educational spectrum to study all students’ access and transitions to college and to infer the relationship between school curricula and performance with college access and performance. Policy adjustments to replace the social security number with a different unique identifier, or to allow for parallel use of additional existing identifiers like this one, would both further important educational research, and also relieve undocumented students from having to provide a social security number for college admission and financial aid.

Foster Professional Development for School and College Personnel

A recurring theme in discussing access to higher education for undocumented students is the need to update the professional knowledge of personnel at both school and college levels to better serve undocumented students. That personnel at both levels are, anecdotally, uninformed about the provisions discussed above, is not surprising given the relatively recent emergence of the topic at the scholarly and policy level. Even the author of this paper, someone who teaches and writes about social justice in education (Marshall & Oliva, 2010) and college access for underrepresented students (Oliva, 2002, 2004, 2007, 2008), was not well versed before the meeting on state and federal provisions regulating undocumented student access to college.

One remedy to this problem and to directly respond to information gaps would be the development of short (1-2 pages) policy and practice briefs for local schools and colleges. Practice guides could outline applicable state law, what is permitted within the context of state policy, what is required (such as the education of undocumented students in K-12), and recommended practices to support the success of undocumented students in school and college. Community organizations have indicated that they would immediately benefit from such advisory “cheat sheets.” Having the information in hand would allow them to better answer questions from their clientele and from other practitioners.

Additional and more extensive professional development would also be beneficial, particularly if available to public schools with access neither to college-related information nor to professional development resources that can be used on training of this nature. To begin to address such professional development needs in a long-term manner, it seemed advisable for postsecondary curricula used in the training of school and college personnel (such as in university programs for training school administrators and postsecondary student affairs staff) to incorporate this content at the earliest opportunity. Despite anecdotal information that staff in admissions and registrar’s offices (and in the cross-departmental Enrollment Services Centers) have been cross-trained and are knowledgeable about the issues discussed here, feedback from faculty who advise students continues to indicate the need for broader awareness among personnel at both secondary school and college levels.
Pass the Federal DREAM Act

Finally, many of the problems encountered by undocumented students would be rectified by passage of the Development, Relief and Education for Alien Minors (DREAM) Act that was first introduced in the United States Congress in 2001 and reintroduced more recently in March of 2009 (see note 11 in this document). Because the national legislation requires broader bi-partisan support from across the country than is required by individual states, the bill has been stalled in Congress for almost a decade while several states have been able to pass state statutes covering some of the same topics (provisions for resident tuition and for the availability of state financial aid for college). Until the national bill is passed, college access and opportunity for undocumented students will depend on whether they are fortunate to reside in one of the states that provide for in-state tuition or state financial aid. It remains to be seen if proposals for immigration reform and the political will of student and community advocacy groups will prevail in moving the DREAM Act legislation forward in the coming years.

Conclusion

It is important to return at this point to the issue that made the question of access to higher education for undocumented students so compelling—the stories of undocumented students impacted by their perceived or actual exclusion from college opportunity and from the hope of a better future. The information and recommendations generated by the various work groups in the San Antonio forum moved the conversation beyond the adversarial rhetoric of interest groups. Indeed, the recommendations that emerged focusing on college access were sometimes ambitious, but for the most part are overwhelmingly practical, pragmatic, and feasible in their potential to dramatically improve young persons’ potential for continued educational development. It is important to remember that while arguments on both sides can be made at theoretical and intellectual levels, the outcome of the debate has real consequences for actual people living in communities throughout the United States.

Much more needs to be learned about how states like Texas operationalize policy that enables undocumented students to apply to college and to access state financial aid. Policymakers and practitioners across K-16 should nonetheless continue the process of learning about and of developing or deepening their understanding of relevant policy and law in this area. Without this, personnel in diverse contexts and at public and higher education levels are doomed to fail at helping undocumented students in the United States come out of the shadows of silence and invisibility—places to which many of them are unjustly relegated today.

Notes

1 Estimates of the number of undocumented persons in the United States vary. Chapa (2008) estimates the number to be greater than 11 million in 2005, while the organization Educators for Fair Consideration (E4FC), citing numbers from the Pew Hispanic Center, gives the number at between 11.5 and 12 million.
Adult immigrants older than 14 years of age comprise the first generation immigrant population. Children under the age of 14 who come to the United States with their parents are said to be 1.5 generation immigrants. Second generation immigrants are those individuals born in the United States. For a discussion of these categories, see (Chapa, 2008).

Among the conditions that were considered were high moral character, residence in the country for a minimum number of years, attending high school for 3 or more years, and the intent to legalize their status within a fixed period of time (Chavez, Soriano, Olivariez, 2007; Olivas, 2009).

The 111th Congress of the United States began its work in the last weeks of the Bush administration and has served the majority of its time during the Obama presidency. For years of service for Congresses since 1981, see http://www.gpoaccess.gov/help/congress_table.html.

The term “college” is used to refer to all education after high school (i.e., all post-secondary or tertiary education). In the United States, “college” can encompass a student’s attendance at a community college, proprietary school, technical institute, online training program, or university. What the programs have in common is that they are tertiary level advanced education.

A reader might ask why states choose to subsidize the cost of educating undocumented students. States like Texas have many reasons to champion the highest level of education for all of its citizens, but especially for those that are part of the fastest growing and least educated demographic in the state—Mexican origin students whether citizen or immigrant. The state’s Closing the Gaps by 2015 initiative makes a strong case that the economic welfare of the state as a whole and of its citizens depends on fostering a highly educated population within the state.

Several states like Virginia have also passed laws prohibiting undocumented residents from attending college at in-state tuition and from receiving state financial aid (Olivas, 2009, p. 408).

See Oliva (2000), for a discussion of this decentralized structure and its impact on educational practice and policy, as well as on collaboration with other countries in North America.

Items are listed in chronological order, from earliest to most recent state policy intervention instrument.

The Texas statute is a model for several others in the country. This and other state statutes may be available online. For the text of the enrolled version of the Texas statute, see Texas Legislature Online information, located at http://www.capitol.state.tx.us/Search/DocViewer.aspx?K2DocKey=odbc%3a%2f%2ftlo%2ftlo. dbo:vwArchBillDocs%2f77%2fR%2fH%2fB%2f01403%2f3%2fB%40TloArchBillDocs&QueryText=HB+1403&HighlightType=1

More information on the DREAM Act is available online at: http://www.nilc.org/immlawpolicy/dream/index.htm.

Two participants in the roundtable had connections with Ms. Veliz, a college graduate of Our Lady of the Lake University in San Antonio, Texas. One had gone to high school with her and another had provided legal advice and services after she was threatened with deportation. To read more about Ms. Veliz, see the March 28, 2009 New York Times article about her available online at: http://www.nytimes.com/2009/03/28/opinion/28sat4.html.

Whatever the term used, care would need to be taken to guard against unintended consequences. A concern expressed by some was that the term “international student in residence” might allow international students to overstay their visa permission to be in the country. However, others believe that post-911 procedures for the management of international students are safeguards against such occurrences.

This 2001 California state statute allows for California postsecondary institutions to charge in-state tuition for students who meet eligibility criteria. For more, see http://www.ucop.edu/sas/sfs/docs/ab540_faqs.htm#bi_2.

A reviewer of this manuscript commented that advisory “cheat sheets” of this nature are of no use to school counselors if they do not read it or if they are otherwise unwilling to put it to good use in advising undocumented students regarding their options for college. State legislators might, alternatively, attempt to pass statutes requiring counselors to advise all students (including undocumented students) of their right to access higher education. However, legislators have been reluctant to promote college-going through directive mechanisms.
Abrego, Leisy J. (2006). “I can’t go to college because I don’t have papers”: Incorporation patterns of Latino undocumented youth. *Latino Studies, 4*(3), 212-231. doi: 10.1057/palgrave.lst.8600200


Women who emigrate from Mexico to the United States face unique challenges when they begin to settle in the United States. Emigration provides opportunities for family members, particularly for girls, to gain education and improve job prospects. Immigrant children attend school regularly and often can get better jobs when they complete their education. However, emigration places numerous stresses upon family members. They have to learn a new language, navigate unfamiliar cultural and physical spaces, and adapt to different social expectations. This transition often leaves women isolated and more vulnerable to exploitation, both in the workplace and at home.

Different backgrounds of rural and urban women influence their perceptions of immigration. Depending upon their community of origin, women may have worked previously in subsistence agriculture, raising families, or as small-scale vendors at local markets. Those from more urban areas may have had access to high-school education, and have been accustomed to working outside of the home—either in factories, domestic service, or in various commercial endeavors in the informal economy. Women from rural communities generally follow patriarchal social norms while more urbanized women usually experience less intense patriarchal expectations.

Participants in the roundtable held in 2010 at The University of Texas San Antonio hosted by the UTSA Mexico Center consisted of immigrant women, community advocates for immigrants and prevention of domestic violence, immigration lawyers, and academics. The discussion group raised three main issues concerning women and migration: 1) How do immigration experiences affect gender roles in families? Do immigrant women become more important to their families because of their earning potential, or do women become devalued because perceptions of women working outside of the home often may be construed in Mexican culture as “lower-class” or “dishonorable.” 2) The second general theme explored immigrant women’s experiences with domestic violence. How can immigrant women be protected from increased incidents of domestic violence? Women experience higher rates of domestic violence after they immigrate to the United States than they experience in their community of origin in Mexico. We discussed the multiple causes of this phenomenon. Stressed families generally experience higher incidents of domestic violence, and moving to a new country causes significant stress. Men may abuse their spouses as a way of asserting control/power domestically—to compensate for perceived loss of power as an immigrant. Violence may also be a way to “control” women—particularly if women are able to find jobs and assert independence. Currently, immigrant women who are battered by their partners rarely report the abuse. 3) Finally, women as immigrant workers are often
vulnerable to exploitation by employers. Because of limited language skills, economic need for jobs, and the desire to succeed in their new country, few women report violations of labor codes. The group also discussed the problem of forced labor/human trafficking and the problems of aiding this particularly marginalized population of women.

**Literature Review**

A brief review of the literature highlights two main issues facing women and immigration. The first explores migration processes: Why do women migrate? How do gender roles affect migration choices? Are women migrating to follow their husbands or fathers, or are they migrating independently from the men in their families? Most Mexicans who migrate to the United States come searching for better economic opportunities. This migration has its historical legacy through the Bracero Program from 1942-1964. When Mexico began experiencing increasingly severe economic shocks in the 1980s and 1990s, the flow of immigrants increased. Temporary migrants, predominantly young men (73-94%), worked in agriculture and manual labor jobs, but resided in Mexico. In contrast, settled migrants include a much higher number of women (45% women, 55% men). Some men transition from temporary migrants to settled migrants as they find better labor opportunities in the United States. As they settle, they bring in family members—which often includes wives and children (Alba, 2004, p. 4). U.S. policies to increase border enforcement, designed to halt the flow of migrants, have created a higher number of permanent migrants because people are increasingly reluctant to try repeated border crossings.

Pierrette Hondagneu-Sotelo’s work, *Gendered Transitions: Mexican Experiences of Immigration* presents many key questions the panel sought to address. She challenged scholars to move beyond the main structural considerations of migration (push-pull factors and the need for cheap labor in capitalist societies) to one that explores the familial and social relationships that shape migration/immigration experiences (Hondagneu-Sotelo, 1994, p. 9). Jesse Hoffnung-Garskof describes how cultural attitudes change through what he calls transnational social networks. He argues that migrants and members of their home communities share ideas and symbols, including discourses of nationality and citizenship, across national boundaries through migration processes. Although his work focuses on nationality, his arguments also show how cultural attitudes about gender roles spread (Hoffnung-Garskof, 2008, pp. xv-xvii). During the 1970s and 1980s, Mexican women increasingly moved into the urban workforce, which often modified gender roles. Hondagneu-Sotelo (1994, pp. 13-14) shows that even though men still tended to retain primary authority in the home, women gained wider access to education, broader job opportunities, and more mobility in the workplace. As larger numbers of men sought work in the United States, women became responsible for maintaining the household independently in their husbands’ absences. The increased autonomy for women gradually undermined men’s dominance in the household, depending upon the family and its unique situation. These challenges to patriarchal control potentially led to intense familial conflicts.
Scholars see Mexican women’s migration experiences in contradictory ways. Some researchers suggest that women immigrants gained more autonomy and power within their families because they became independent income earners. Additionally, U.S. laws protected women from sexual discrimination, thus leading to increased power. The other more prevalent view from sociological studies questions the argument that women gain power when they migrate. They argue that women often lack external connections that facilitate women adopting U.S. gender norms. Instead, women struggle with limited language skills and a deep fear of government officials such as U.S. Immigration and Customs Enforcement (ICE) agents which increases the power of their families and members of immigrant community. Working outside the home is not viewed as “emancipatory,” but rather as traditional “women’s work” because it helps women take care of their family members. Families selectively reconstruct gender roles in destination communities, and immigrant women do not necessarily adopt cultural and behavioral norms of the dominant U.S. society (Acevedo, 2000, pp. 277-279; Curran & Rivero Fuentes, 2003; Parrado & Flippen, 2005, pp. 607-611).

The second pertinent body of literature that contextualizes our group’s discussion focuses on domestic violence and immigrant women. Social networks play important roles in monitoring women’s behavior and enforcing cultural norms. Women’s social networks have more impact on migration within Mexico than social networks have for emigration from Mexico. Within Mexico, women migrate by themselves to work in urban areas because continuity in social/cultural norms, shared language, and more knowledge makes migration acceptable. For families who have members on both sides of the Mexican/U.S. border, increased border enforcement by the United States has contributed to larger numbers of women immigrants because repeated crossing has become too risky (U.S. Commission on Immigration Reform, 2006). For women who move to the United States, the community loses some of its ability to supervise their behavior. This lack of supervision makes expectations of gender norms even stronger—a woman must self-monitor, self-enforce gender hierarchy in order to prove to her community that she behaves “appropriately” (Curran & Rivero Fuentes, 2003, p. 291). Existing social and familial networks, coupled with women’s own internal beliefs, enforce stricter gender roles that preserve power.

Most studies show that women actually become more vulnerable to domestic violence in their communities of destination. The causes of this are multiple. Due to the isolation that many women experience as immigrants, community and families provide less social pressure on the men to not abuse women. (i.e.—family and community pressure can help prevent men from abusing their wives and children.) Immigrant families face increased stress, particularly when adapting to new situations. Family stress also stems from worries about immigration status, access to employment, generational conflicts between parents and children, and limited support for immigrant families (Acevedo, 2000; Sokoloff & Pearce, 2008). Because of concerns about family fragmentation, women tolerate abuse in an effort to keep families united.

If women do experience domestic violence, they face multiple barriers to reporting the abuse. Women often speak limited English, and are intimidated when dealing with U.S.
social agencies and government institutions. Additionally, they fear reporting violence may lead to deportation—a perception often enforced by their spouses, through media, and community misinformation. This situation is exacerbated when a woman depends upon her partner/spouse for her immigration status. She loses power in the relationship and becomes vulnerable to exploitation (Narayan, 1995; Rianon & Shelton, 2003). Informal social support, available through family and social networks, plays a more critical role in containing family violence than formal institutional support (such as support available through churches, neighborhood centers, immigrant advocacy groups, or law enforcement agencies) (Sokoloff & Pearce, 2008, pp. 10-11). When women lack strong informal networks, or fear ostracism from their social networks and families if they report violence, there is less likelihood that they will actually inform anyone of the violence.

Discussion

Our discussion mirrored many themes prevalent in the literature, particularly concerning domestic violence against immigrant women. In San Antonio (and south Texas more generally), immigrant women face several challenges in removing themselves from a violent home situation. Women are afraid to report abuse to the police because they fear that they will risk deportation for themselves and for their children. Perceptions generated in local and national media conflate law enforcement officers with “la migra” or U.S. Immigration and Customs Enforcement (ICE) authorities. One woman at the roundtable shared that when she first came to San Antonio her spouse abused her. Her husband threatened that if she complained, the police would send her back to Mexico and she would never see their children again. Her limited knowledge of U.S. law, coupled with broad misconceptions about the roles of police officers caused her to fear anyone in uniform. She challenged her husband’s abusive control over her and her children only after she learned (and felt comfortable with) English language skills, gained knowledge of the city, and developed supportive friendships. Women’s fear of police, coupled with a lack of awareness of police officers who deal with violence amongst undocumented families, allows for the continuation of domestic abuse.

The U.S. government has created special visa programs to protect women in abusive relationships. Under the Violence Against Women Act (VAWA) of 2000 and 2005, women with legal residency who experience abusive relationships can request asylum in the United States. VAWA does not apply to undocumented workers. In 2000, the federal government also began an emergency U-Visa program to provide emergency visas and work status to people who have been victims of violent crime. In practice, U-Visas provide legal residency to women who are victims of coerced migration and/or human trafficking. Finally, T-Visas apply specifically to victims of trafficking, but few people actually qualify for them (Cianciarulo, Forthcoming; Clark, 2007).

In spite of these legal options, many women do not file for either a VAWA or U-Visa because they perceive the petitioning process as risky. Women must have police or emergency room doctors verify injury from abuse, yet few women report the violence. For women escaping an emotionally or verbally abusive situation, documentation becomes
virtually impossible, degenerating into a “he said/she said” debate. Battered immigrants fear being reported as undocumented and do not trust police officers or hospital personnel. Women also fear retaliatory violence against either themselves or their children if their husband/partner realizes she has reported abuse. Mothers frequently return to the home to care for children, tolerating violence because they have no other housing, they lack alternate sources of income, or they fear being stigmatized within the immigrant community for reporting violence (Espenoza, 1999, pp. 207-211). They simply do not petition for the VAWA visa because it may only exacerbate familial violence.

U.S. judges narrowly interpret the VAWA laws, making petitions even more difficult. Lawyer Linda Brandmiller, who works with immigrants through Catholic Charities in San Antonio, explained her constant dilemma in advising immigrant women who have experienced abuse. If women petition for asylum and citizenship under the VAWA act and lose, the court system officially identifies the petitioner as an “illegal alien.” Therefore, an abused immigrant woman risks creating conditions for her own deportation by filing the VAWA request. As Brandmiller explained, “VAWA cases need to be a ‘slam-dunk’ because if a woman loses, she becomes ‘fast-tracked’ for deportation.” Women who apply under the VAWA or U-Visa also risk perpetuating their violent living situation if the court decides that the level of violence does not meet the standard of “extreme violence.” Women without other housing options return to their violent living situations, vulnerable to extended abuse while awaiting deportation.

Catholic Charities estimates that 75% of their clients are victims of domestic violence or trafficking, yet the number of visas to abuse victims granted remains minimal. According to one legal study, Texas courts grant only 19% of asylum cases (which includes VAWA visas) (Human Rights Initiative, 2009). Lawyers attribute difficulties in obtaining VAWA and U-Visas as a result of multiple factors. Higher numbers of VAWA applications occur because of increased awareness in immigrant communities about domestic violence and options to leave abusers. ICE grants very few VAWA visas and rarely meets the allotted number of VAWA visas in any given year. ICE argues that VAWA visas need to be reserved for the most critical cases; a position that advocates of battered women reject. Instead, they argue that vast numbers of un-awarded VAWA visas signify the agency’s unwillingness to protect abused women.

Public anti-immigrant discourse creates an environment that supports restricting visas. Linda Brandmiller argues that the “punishment and enforcement mentality” that shapes much of public discussions of immigration influences judges decisions on VAWA cases. Law enforcement officials increasingly harass people who petition for VAWA visas in order to prove that they are “tough” on immigration violations. Women become easy targets for law enforcement officials seeking to satisfy public demands for deportation. Immigration opponents also claim that legal immigrants who come to the United States (often sponsored by family members or spouses with legal status) and later become victims of abuse, request VAWA visas in order to avoid the legal wait for permanent residency. Anti-immigration activists assert that women who experience domestic violence and request protection through VAWA visas are usually attempting to “dupe” the immigration system. Because
the public accepts hostile attitudes towards immigrants, abused women become easy prey not only for their abusers, but also for law enforcement officials who face pressure to act forcefully against immigrants.

Women have few good choices if they experience domestic violence. They must weigh the risk of deportation against the risk of violence to themselves or their children. In families where husbands abuse their wives, statistically over 50% of the children also experience abuse (Clark, 2007, p. 47). This establishes and perpetuates a cycle of domestic violence because children learn that abuse is an acceptable behavior. Mothers often have children who are legal U.S. citizens and some who are Mexican citizens but live with their parents in the United States (documented and undocumented children.) If the court deports an undocumented woman, she has the right to take her children with her, regardless of the child’s nationality. However, the deportation process often complicates these choices. Technically, women who apply for a VAWA visa have the right to stay in the United States until their paperwork gets resolved. Yet immigration authorities often threaten women during the application process. If the court declines a woman’s VAWA visa, she must report to a detention center to await deportation. Justice Department officials realize that few judges approve VAWA visas and pressure women to leave the United States with their children. ICE officials threaten women with losing their children if they refuse to sign voluntary departure orders, stressing that voluntary departure can avoid the possibility of separating families. While legally, the courts cannot remove children from the mother during VAWA proceedings, authorities technically can say that women will lose their children because if the mother goes to detention, Child Protective Services (CPS) will take the children.

Catholic Charities workers provided one case study of a family in crisis due to the problems with VAWA visas. A woman had six children, three boys and three girls. Two of the girls were Mexican nationals; the third girl was a U.S. national. The women left her husband and petitioned for a VAWA visa because her husband abused her and molested all three girls. The woman desperately wanted to stay in the United States in order to keep the children with her and protect them from their father. However, ICE officials threatened her with losing her children if she did not sign a voluntary departure order. They argued that if she lost the case, she would be sent to a detention center, and the children could not accompany her. Given this pressure, the woman agreed to leave the country with her daughters who were Mexican nationals. The children’s father (a U.S. citizen) retained custody of the remaining children (also U.S. citizens), in spite of the mother’s efforts to find alternative care for them. At this point, Child Protective Services became involved and charged the woman with abandoning her U.S. children. As the Catholic Charities lawyer explained, “There are no good options for women in these situations—and the children become victims of the broken immigration system.”

The U.S. national children’s situation deteriorated, partly because of problems within CPS. The children rotated through three different caseworkers in one month—and the father continued abusing them. The court case to remove the children from their father’s custody is pending. Catholic Charities workers argue that when calculating costs/benefits of “getting rid of immigrants,” society neglects the impact on children. Although this is
only one case study, the immigration advocates argue that problems with VAWA visas push many children who are U.S. citizens into crises. Children with U.S. citizenship are threatened with separation from their non-U.S. citizen parents and risk placement in foster care at taxpayers’ expense. Children carry the stress of domestic abuse into the public sphere where they may become disruptive in school or experience physical illnesses. In this particular case, CPS expenses, counseling, and court costs, have steadily increased, and the children still live with an abusive parent. The mother (who by all accounts is a loving, competent woman and who was never charged with abusing her children) and her children have been victimized by her attempt to leave an abusive relationship.

The roundtable participants also looked at the issue of domestic violence in a broader context of assimilation and identity. Some argued for changing accepted gender norms in immigrant communities. Others acknowledged the need to respect the home culture of immigrants, while setting clear boundaries that protect basic rights of women and children. Several participants commented that migration actually reinforced gender roles, and that immigrant women themselves accepted these roles. This echoes scholarly discussions of “selective assimilation,” where people mix values from their home culture with those of the host culture (Acevedo, 2000, pp. 262-263; Parrado & Flippen, 2005, p. 606). In Mexico (and Latin America more generally), women historically have functioned in the private/household sphere. Women become the target of violence as they navigate between U.S. culture that tends to put women more into the public sphere. Women transitioning from domestic work, such as raising children, caring for elderly family, cooking, etc. to working outside the house, often disrupt and destabilize the family system. Several potential paths emerge, all leading to possibility for increased violence. First, women embrace traditional gender roles, clinging more tightly to domestic work as a stabilizing factor in the midst of cultural transition. As they do this, men also embrace these sharp divisions of labor/of public-private spheres. They become more “macho”— more likely to assert dominance in the family. Second, women challenge traditional gender roles, actively seeking job and educational opportunities provided by the new environment. Again, men may reject challenges to the status quo as they try to maintain their identity/self-definition of their role as head of the household. Third, women may have more success than men finding work and making social connections in the community of destination. The availability of service sector jobs “enhances the employment opportunities of migrant Mexican women” (Parrado & Flippen, 2005, p. 616). Since women can frequently find steady work in domestic service, they may inadvertently challenge gender roles simply to ensure family survival.

The final dialogue focused on human trafficking and forced labor. Texas is a major hub for victims of trafficking and forced labor. Texas is a major hub for victims of trafficking, and a U. S. Department of Justice report cited El Paso and Houston as locations of “intense trafficking” (U.S. Department of Justice, 2009, p. 34). Measuring the scope of the problem remains difficult because trafficking operations are covert, but the Texas Attorney General’s office estimates that roughly 20% of human trafficking cases occur in Texas. News reports and legal initiatives in Texas to strengthen anti-trafficking laws have increased public awareness of trafficking (Office of the Attorney General, 2008, p. 10). Additionally, federal legislation has created a special T-Visa, specifically for victims
of human trafficking. One study shows that Texas courts award less than 1% of T-Visas (for human trafficking). These statistics are supported by the highly publicized case of Mi Na Malcolm. Dallas officials charged Malcolm with running a forced-prostitution ring and freed 42 women from conditions of virtual slavery. However, the courts argued that only five of the 42 women qualified for emergency visas, describing the rest of the women as “professional prostitutes.” Within one year, the ICE officials deported 34 of the remaining victims. The report explained that the government authorized 5,000 T-visas per year or 20,000 visas in four years. In spite of the availability of T-visas, the courts granted only 371 T-Visas during that amount of time (Cianciarulo, Forthcoming, pp. 5-12). The limited numbers of T-Visas granted mirror the overall problems facing abused immigrant women. They struggle to free themselves from violence, yet the legal system often perpetuates their abuse by punishing them when they apply for help.

Conclusion and Policy Recommendations

Immigrant women in San Antonio who participated in the roundtable mirrored national trends in the literature. They have struggled with domestic violence, limited language skills, and deep mistrust of the U.S. legal system. Many women also spoke of their need to maintain family unity, and work for better opportunities for their children. The panel recognized significant challenges to improving the lives of immigrant women and acknowledged the need to respect diverse cultural values. The five recommendations that emerged from the discussion focused on U.S. policies that may ease transitions for immigrant families and improve access to legal protections for those who need it.

1) The U.S. government must implement a comprehensive family reunification/labor program that allows workers to cross the border and return home legally. Additionally, the group recommended that the United States develop a non-punitive process for long-term settlers without papers to become full citizens. A family reunification program will help break the isolation experienced by immigrant women by eliminating the need for families to “hide” undocumented workers. A temporary worker program will also ease stress on families by making it easier for people to move across borders to find work. A worker program must not punish people who participate in it by prohibiting them from re-entering the United States or applying for citizenship.

2) Law enforcement officials must train local police officers to understand the complicated environment of immigrant domestic violence victims. This may include using female police officers, having access to translators so that immigrants can communicate effectively with officers, and providing referrals to women’s shelters. Community advocates must work with law enforcement to raise awareness in immigrant communities that local police are not “la migra” and cannot take people into custody for their immigration status.
3) Law enforcement officials and/or community advocates need to encourage women to file police reports when they have been the victim of domestic violence. Often, abuse against women and families continues even after contact with police because women are reluctant to turn “against” their spouse. However, a police report is a necessary first step for women to apply for a U-Visa—they need documentation of domestic violence in order to justify their application for the visa.

4) Community awareness programs need to educate immigrant populations about VAWA and U-Visa options so that the community has common knowledge of resources for abused families. Additionally, families need to be encouraged to use appropriate formal networks (such as the Catholic Church and social service agencies) and informal networks (family and friends) to prevent domestic violence.

5) The courts need to apply more readily existing legal protections to women who are victims of human trafficking. As the case in Dallas shows, very few women actually received access to T-Visas. Women who were perceived as “valuable” to the court to prosecute human traffickers received visas, while others were denied. The courts need to drop their policy that women who have been recruited to work in the United States willingly became forced laborers. Instead, the courts must recognize that trafficking operations use fraud to trick people to migrate. Forced participation in prostitution or sweatshop labor is not the equivalent of voluntary migration.


Other Bibliography Consulted

In recent years the United States has seen a tremendous increase in international migration. This rise in migration has been embedded in every discussion regarding the future of the country, becoming an essential part of the political agenda. Currently, one of the main issues discussed within the U.S. government, as well as within the community, is the possibility of achieving a Comprehensive Immigration Reform (CIR) (Ojeda, 2001).

It has not been easy to define what Comprehensive Immigration Reform would entail, with many inaccurately equating it with complete amnesty for all undocumented immigrants. However, prospective CIR comprises both a change in legislation for current and future migration waves as well as a shift in attitudes towards immigration.¹

Migrants come to the United States for what are mostly economic reasons. Encouraged by the prospect of a better quality of life, migrants often risk their physical integrity to start a new life in a country where they can find better opportunities. Many Mexicans and Central Americans who arrive illegally endure inhumane conditions, crossing deserts and rivers, often in the hands of human traffickers. Those coming from Asia encounter similar conditions, though for them the obstacles and cost of entering illegally are obviously higher. Unemployment, low wages, and employment discrimination have encouraged workers to seek new lives away from their home countries.

Labor migration has existed throughout U.S. history in many guises: slavery, indentured servitude, forced labor, international migration, and guest work programs (Castles & Miller, 1998). As the United States remains a country of wealth and possibilities, the number of foreign nationals arriving in search of better jobs and lives increases.

Migrant workers have been an important asset in the industrialization and economic development of the country. Throughout its history, the United States has built its identity and economic power with the assistance of foreign laborers and professionals, both documented and undocumented (Castles and Miller, 2008; Murray, Batalova et al., 2006).

Despite the widespread belief that low-skilled immigrants are displacing U.S. citizens and driving unemployment, the reality is that these immigrants do not usually compete with natives, as they often take positions that go unfilled by the Americans, who are increasingly more educated and have better job opportunities (Murray, Batatava, & Fix, 2006; Ojeda, 2001). Thus, the demand for these immigrants in the country is still present.

Therefore, it is crucial that Comprehensive Immigration Reform take into account not only foreign workers currently in the United States, but also those yet to come. A possible
arrangement would include the creation of a guest worker program directly assisting U.S. employers in their demand for laborers.

The purpose of this essay is to outline the elements of a guest worker program within the context of a future immigration reform. Section I of the essay will describe past guest worker programs established by the United States, particularly the “Bracero Program.” Section II will focus on current labor migration policies, and Section III will conclude with an outline of a proposal for a possible guest worker program that would comply with the laws and benefit both the migrant community as well as the U.S. economy.

Section I: Past Guest Worker Programs

From its creation, the United States has been dealing with migrant workers. Until the 1880s, migration to the country was largely unregulated and anyone could enter freely. American employers organized campaigns to lure potential workers and specialized agencies helped arrange labor immigration (Castles & Miller, 1998). Industrialization of the country greatly depended on Irish and Italian migrants, Jews from Eastern Europe, and Mexicans who entered freely and helped in the constructions of canals and railways (Castles & Miller, 1998). Working conditions were likewise unregulated. Employers did not pay migrant workers the wages they promised and work conditions were for the most part deplorable.

In order to remedy this situation, the U.S. government passed the Immigration Act of 1917 which prohibited the entry of immigrants who migrated to this country lured by offers or promises of employment. However, the demand for labor remained and foreign nationals continued to be recruited. With the Great Depression demand for migrant workers came to a halt, and some workers, including both Mexican immigrants and U.S. born Mexican-Americans, were even deported by local governments and civic organizations. An estimated total of 500,000 Mexicans were sent home with help from the Mexican and U.S. governments (Borjas & Katz, 2007).

Years later, with the outbreak of World War II, large numbers of migrant workers were hired from third world countries in order to ease the labor force shortage brought on by the war. In particular, from 1942 to 1964 agricultural workers from Mexico were drawn through a guest-worker program known as the “Bracero Program,” under which 5 million Mexican-born farm workers were employed (Borjas & Katz, 2007).

Temporary Migrant Workers – The Bracero Program

The “Agreement between the United States of America and the United States of Mexico Respecting the Temporary Migration of Mexican Workers,” known also as the Bracero Program, began in 1942 under U.S. President Franklin D. Roosevelt and Mexican President Manuel Avila Camacho through the exchange of diplomatic notes between the United States and Mexico for the relocation of temporary contract laborers from Mexico to the United States. The program consisted of a series of laws and diplomatic agreements that regulated the stay of these workers in the United States.
The first agricultural laborers to participate in the program worked in the Stockton, California area. Due to the growing need for industrial labor, the program extended its coverage over most of the United States to include the construction of railroads and work in the mining industry. By 1945, the program included approximately 75,000 *braceros* employed in railroads and 50,000 *braceros* working in agriculture (Borjas & Katz, 2007).

On July 13, 1951, President Truman signed Public Law 78, a two-year program that embodied formalized protections for Mexican laborers. The program was routinely renewed every two years until 1963, when it was extended for an additional year with the understanding that further renewal was off the table. The agricultural program, therefore, lasted until 1964, although there were agreements covering a much smaller number of contracts which were in effect until 1967. The program was suspended largely due to critics in the U.S. Congress and labor unions, some of whom considered it a form of legalized slavery. There was also the argument that the *Bracero* Program depressed wages for Americans in the agricultural sector and increased immigration (Weiner, 1998).

Parallel to the *Bracero* Program, the United States put into effect the H-2 guest-worker program. This program allowed American farmers to hire workers from Jamaica and other Caribbean nations to hand cut sugar cane in Florida and pick apples in the Northeast. In both programs, potential employers had to convince the U.S. Department of Labor that there were no American citizens available to perform these jobs. They also had to provide the foreign workers with free housing and contracts that detailed their rights and responsibilities (Martin, 2000).

Despite the fact that both programs were discontinued, employers continued to hire migrant workers, most of them undocumented. In rare cases employers helped secure visas, creating a bottleneck in the labor system since these new documented immigrants had to compete with illegal immigrants for jobs and wages. In order to solve this and other immigration issues, the “Immigration Reform and Control Act” (IRCA) was enacted in 1986.

**The Immigration Reform and Control Act (IRCA)**

IRCA has been the most comprehensive form of immigration reform enacted to date by the U.S. Congress. On the one hand, the act included several provisions aimed at curbing illegal immigration, yet it also addressed the problem of undocumented migrants living in the United States, the labor demand of agricultural employers, as well as the need for safeguards against employment discrimination (Bean, Vernez, & Keely, 1989, p. 22). The main idea behind IRCA was to prevent the employment of undocumented immigrants by creating a series of employer requirements and sanctions. Hence, employers had to attest to their employees’ immigration status, which employees could demonstrate by means of a visa, resident card, or social security number. The act also included a program to regularize the status of undocumented migrants who entered the United States before 1982 and those agricultural workers who had been living illegally in the United States before 1986 (Bean, et al., 1989, p. 26). The Special Agricultural Worker (SAW) legalization program was created,
stipulating that “any unauthorized worker who performed at least 90 days of farm work in the preceding year could become a U.S. immigrant.” SAWs comprised 31% of the agricultural work force for both 1989 and 1990, but by the early 1990s, as wages and benefits began to fall in this sector, SAWs started considering other jobs outside agriculture (Martin, 2000).

After IRCA in 1986, there have been attempts to pass a more up-to-date immigration reform. The U.S. Congress has, however, not yet succeeded in passing a complete package of legislation. Several laws have been adopted over the years regarding health, education, and employment, in which the element of immigration has been inevitably embedded. Moreover, since states have their own written constitution and legal codes, individual states have enacted their own bills dealing with immigration provisions. These bills have varied from being very flexible towards undocumented immigrants to taking a hard stance on the topic and excluding immigrants from the system. Nonetheless immigration legislation is still a federal issue, and it is the executive and the legislative branches that have to convene on immigration policies.

Section II: Current Policies

Currently, the United States has two main programs for the hiring of temporary workers, both adopted under IRCA: one for temporary agricultural workers (H-2A) and another for temporary non-agricultural workers (H-2B). Both programs are administered by the Department of Labor and U.S. Citizenship and Immigration Services.

H-2A Program

The H-2A program allows temporary admission of agricultural foreign workers into the United States. Workers are hired under the program to perform temporary or seasonal agricultural work. The H-2A visa is valid for an initial period of one year, and the total period of stay may not exceed three consecutive years; after that the worker must return to his country of origin.

In order for an employer to bring workers under the H-2A visa program, employers have to apply with the U.S. Department of Labor and prove that there are not sufficient U.S. workers who qualify for the job and that foreign workers will not adversely affect the wages and working conditions of U.S. workers who are similarly employed.

The wages which employers pay their H-2A workers have to be similar to wages paid to U.S. workers and at least equivalent to the applicable state minimum wage. Employers must also provide workers with housing, transportation, and other benefits, including workers’ compensation insurance. However, no health insurance coverage is required (United States Department of Labor, 2009).

Even though the program has been successful, the visas provided under the H-2A program have not been enough to meet labor demands. Employers are still recruiting undocumented migrants, often for less than minimum wage. Moreover, the conditions they
work under can be inhumane, and they are neither unionized nor represented by any kind of labor organization.

**H-2B Program**

The H-2B program allows for the entry of foreign workers employed in temporary non-agricultural work when U.S. workers cannot be found to fill these jobs. It has mainly been used for employers wanting to hire professionals, such as nurses, doctors, and teachers.

Similarly to the H-2A program, the total period of stay for an H-2B worker may not exceed three consecutive years. The procedure for the H-2B visa is similar to that under the H-2A program; though in this case, employers do not have to provide housing, transportation, or other benefits required under the H-2A program.

The H-2 programs have not met American labor demands, and the application for such programs is a long and tedious process which employers would rather avoid. Hence, they have continued hiring undocumented migrants. This has resulted in the U.S. Department of Homeland Security and the U.S. Department of Labor having no control over who is employed by whom and under what conditions. Thus, there have been several attempts in the U.S. Congress to introduce a guest worker program. Mayor legislation regarding the H-2A program has been unsuccessfully proposed in each of the last six legislatures (Bruno, 2006, January 26).

**Other Labor Immigration Proposals**

In the 105th Legislature, a proposed amendment to the current law dealt with establishing a system of agricultural worker registries containing the names of eligible U.S. agricultural workers. Before applying for H-2A workers, employers would have to check first with the registry to see if there were any U.S. workers available to fill the positions. The provision did not pass. A similar proposal was presented in the 106th legislature, but in this case an H-2C alien agricultural worker program would be created to “to supplement, rather than replace, the H-2A program.” As with the previous proposal, it did not go through (Bruno, 2006, January 26).

The amendments proposed in the 107th legislature dealt with creating a legalization program for foreign agricultural workers who met specific work requirements; however, no action was taken. There were several reforms proposed in the 108th and 109th legislatures that dealt with changes in wages, working conditions, employers’ actions, changes in the term period and legal residency for the workers. However none of these proposals were adopted; some proposals didn’t even go beyond the committee responsible for their creation.

**Immigration Reform under George W. Bush**

One of the main proposals for a new temporary worker program was the immigration reform proposal outlined by President George Bush in January 2004. The bill outlined tough border
security and workplace enforcement measures and planned to legalize an estimated 12 million undocumented immigrants. It would have also created a temporary worker program, under which participants would have been granted temporary legal status. The program would have been open to foreign workers abroad and to unauthorized immigrants in the United States. However, later on, the wording was changed to allow only workers abroad. Employers would have been able to renew the contracts for an unspecified period of time, and the workers would have been able to travel back and forth between their home countries and the United States. At the same time, the proposal also called for an increased workplace enforcement of immigration laws (White House Office, 2004).

The main purpose of this program was not the legalization of workers or the establishment of temporary residency for workers, as it did not propose a special mechanism for participants in the program to obtain legal permanent residence status. The main objective was to support homeland security by controlling the U.S. border through agreements with countries whose nationals would participate in the program and to comply with the demands of labor from business groups. Nonetheless, in 2007, “the Senate voted 46 to 53 in favor of limiting the debate on this legislation” (The Associated Press, 2007).

Agricultural Workers

A key aspect of labor migration is agriculture. According to the Pew Hispanic Center, in March 2008 there were 8.3 million undocumented immigrants in the U.S. labor force. Twenty-five percent of these undocumented migrant workers were specifically employed in agriculture (Passel & Cohn, 2009). Most unauthorized migrants in the United States are from Latin American countries, with Mexico accounting for about 55%, or 7 million of the 11.9 million unauthorized immigrants as of 2008 (Kocchar, 2009). In order to confront this situation and minimize possible adverse effects to the agricultural sector, the “Agricultural Job Opportunities, Benefits and Security Act” (S.1038 - AgJOBS Act, 2009) was proposed on May 14, 2009 to the U.S. Congress by Senator Dianne Feinstein (D-CA) and Representative Howard Berman (D-CA).

AgJOBS

The U.S. agricultural sector annually employs more than 3 million workers, with farmers hiring around 2.5 million seasonal workers each year. As the native population ages and becomes better educated, it is less likely to aspire to do farm work; hence, less than 2% of the U.S. workforce is engaged in farm work. Around 50% to 70% of the workforce hired in this sector is undocumented. In some cases, employers have taken advantage of workers’ immigration status, paying them substandard wages and subjecting them to terrible working conditions (Immigration Policy Center, 2009). In other cases, farmers do not want to see their workers suddenly deported or held in an INS facility, but would rather have a stable, long-term workforce. The AgJOBS Act would directly address this situation,
especially given that the bill enjoys broad bipartisan support (Summary of AgJOBS: The Agricultural Job Opportunities, 2009).

This AgJOBS Act would combine a legalization program for farm workers with a reform of the current H-2A temporary foreign agricultural worker program. It would allow undocumented farm workers and agricultural guest workers to obtain temporary immigration status based on past work experience with the possibility of becoming permanent residents through continued agricultural work (S.1038 - AgJOBS Act, 2009). The act would apply only to agricultural workers who are primarily employed by farms and ranches. In order to participate, the undocumented workers would have to complete a two-step process. The first step would be to apply for a “Blue Card” for Temporary Resident Status. In order to be eligible for a “Blue Card,” a worker must have worked in U.S. agriculture for at least 150 days or 863 hours during the 24-month period ending December 31, 2008, besides complying with other immigration rules. The second step would come only after obtaining the Blue Card. After obtaining a Blue Card, workers could apply for legal Permanent Resident status (S.1038 - AgJOBS Act, 2009).

The benefit of the Blue Card would be that workers would be allowed to travel home and re-enter to the United States with this status. Moreover, spouses and minor children residing in the United States would be granted derivative legal status.

The act would also modify the H-2A temporary foreign agricultural worker program in several ways. Instead of employers providing housing, some workers would receive a monetary housing allowance; H-2A workers would have the right to file a federal lawsuit to enforce their wages and other benefits; and employers in the animal herding and dairy sectors would be eligible to hire under the H-2A program even when they seek year-round labor (Summary of AgJOBS: The Agricultural Job Opportunities, 2009).

Work Enforcement Programs
IRCA imposed penalties for employers hiring undocumented migrants. Employers had to verify the status of their workers in order to establish their identity and work eligibility. This is done by first checking for one or two documents (out of a list of 29 accepted forms of ID documentation) and then attesting on an I-9 form that these documents appear genuine and in fact belong to the new worker. This practice has clearly not precluded the hiring of undocumented migrants. Workers obtain fraudulent documents and employers hire migrants who use such means to comply with the requirements. Authorities soon realized that this provision did not work and that it was only causing depressed wages and employment discrimination (Meisnner & Rosenblum, 2009). While some employers responded by lowering the wages of unauthorized workers, rather than discontinuing their employment, other employers simply reacted by discriminating against workers who seemed likely to be illegal, particularly Hispanics and other ethnic minorities. Clearly, a new verification system must be created in order to fix current loopholes.

In 2003, a pilot verification program was adopted as the National Voluntary Basic Pilot Program for Employment Verification, currently known as “E-Verify.” This system works by
using the same biographical information that workers provide when filling out the I-9 form, which includes name, date of birth, Social Security number and an Alien Identification number. Employers submit this information through a secure website after the worker is hired. This data is checked against the main Social Security Administration database and the Verification Information System (VIS) of the U.S. Department of Homeland Security. If the worker’s identity matches these records, E-Verify returns an immediate confirmation to the employer through the website, stating that the person is authorized to work. However, if the data cannot be verified, the system responds with a tentative non-confirmation (TNC). This does not prove that the worker is unauthorized to work, as the “no match” can be due to several errors in the system, such as basic database errors, database maintenance and aggregation, misspellings and incorrect name order, and even user errors.

Unfortunately, these errors affect legal immigrants and other minority groups seeking employment. In order to correct their record, workers have to contact the U.S. Department of Homeland Security or the Social Security Administration. The employer is also affected, as errors create inefficiencies in the employment process. These problems in the system are most often not corrected since workers may find it too costly or may lack the documents needed to rectify a TNC. These workers may continue to work without correcting the error, either with the same employer or with a different one. Another problem of the E-Verify program is that it lacks a reliable mechanism for authenticating an individual’s identity, as it continues to rely on the I-9 process where employers review existing identity documents. E-Verify can tell if a particular name, date of birth, SSN, or alien registration number match its database; however, it is not able to confirm that the name, date of birth, or number on an identification document belongs to the individual presenting said documents. The only way for the employer to confirm if someone is committing identity fraud is if there is a significant discrepancy between the photograph of the identity document presented and the likeness of the worker presenting it (Meisnner & Rosenblum, 2009).

The E-Verify system is an employer-centric program. The TNC process has led to adverse actions against employees even while a TNC is pending. Some of these actions have to do with suspending training or employment, cutting wages, mistreating workers, or terminating employment (Meisnner & Rosenblum, 2009). These actions “fall heavier on Hispanics, other minority groups, and foreign appearing and sounding persons, as they are the most frequent targets of prescreening and other violations of E-Verify rules” (Meisnner & Rosenblum, 2009, p. 13).

In other cases, employers have decided to take their workers off the books and not submit employee information through the E-Verify system, as they know in advance that a worker is unauthorized to work. This situation exacerbates the violation of labor laws and safety regulations to the detriment of all the workers, documented or undocumented. In order to avoid the faults of the current E-Verify program there has to be a thorough review with the purpose of creating a more employer-neutral program that can address the problem of identity authentication and eliminate the errors in the existing system.

Labor migration and the issue of foreign workers have been the focus of national debate and proposed legislation. Particularly in the last few years of economic turmoil,
undocumented migrant workers have become a target for immigration critics, immigration authorities, and the community in general. However, it is also clear that foreign workers (documented and undocumented) are an important factor in the U.S. economy and have been a key element in its industrialization process, and that a large demand for immigrant workers still remains. It is therefore crucial that immigration reform include a more open guest worker program.

Section III: A Possible Guest Worker Program?

When the recession hit its lowest point in the United States in 2009, unemployment rates were as high as 10% (United States Department of Labor, 2010), with immigrants among the hardest hit. Immigrants are highly represented in construction and services, sectors that have seen the highest unemployment rates. The recession has been one of the reasons that some immigrants have been returning to their native countries while the flow into the United States has slowed (Gorman & Connell, 2009).

On the other hand, agricultural activity has not stopped and farmers are still in need of workers. In the past few years, a shortage in agricultural workers due to stricter immigration provisions has forced U.S. farmers to curtail production. In addition, U.S. workers prefer non-agricultural jobs, leaving a large gap that has been filled by undocumented immigrants. According to Susan Howard, the spokeswoman of Duda Farm Fresh Foods, “It has been increasingly difficult to maintain steady labor” (quoted in Rozemberg, 2007).

Moreover, the H-2 temporary migrant worker program has not been enough to meet employer demand. While there are around 3 million job openings in the agricultural sector to be filled each year, the H-2A program has been issuing only around 78,000 H-2A visas per year, thus forcing employers to hire undocumented workers. Therefore, an improved guest worker program is crucial for the future of the U.S. economic system.

Bilateral Agreements

According to a study by the Pew Hispanic Center, about 76% of the U.S. unauthorized immigrant population is Hispanic, with the majority (59%) coming from Mexico. The rest are from Asia (11%), Central America (11%), South America (7%) and the Caribbean (4%), with less than 2% from the remainder of the world (Passel & Cohn, 2009, p. 1).

Statistics suggest which countries it is pressing to forge bilateral agreements with for an improved guest worker program, Mexico being the priority. It is only through bilateral agreements that recruitment, working conditions, and social security will be duly regulated. Moreover, as the late Senator Edward Kennedy stated in 2007, such a “program could expand or shrink in response to the demand for labor” (Pear & Luo, 2007). In addition, foreign workers would be protected by labor laws, earn at least the local prevailing wages, and have access to social security benefits.

A bilateral agreement would have to clearly state the responsibilities of both countries towards the workers, stressing that the host country should not have all the social obligations
towards workers. The home country must also be obliged to cover worker benefits by creating special agencies that educate potential participants about the guidelines of the program prior to their departure and then reintroduce them into the home country’s labor force after they return.

In addition, a new guest worker program should not only cover agricultural jobs, but should also include other sectors in which there is a high participation of immigrants, such as construction, tertiary services, medical services (nurses), and technology. The type of agreement signed with the different home countries would depend on their specific areas of expertise. Such an agreement would provide greater flexibility and better respond to labor market needs.

Understanding immigration is key to understanding the dynamics of the U.S. economy. We must therefore recognize the need for a more regulated foreign worker program that will allow the United States to keep up with the growing demands of the labor market while remaining in control of its national security. The Department of Homeland Security, through the U.S. Citizenship and Immigration Services and the Department of Labor must set up the appropriate legal channels to regulate employment-based immigration. A guest worker program with sufficient opportunities and flexibility for legal immigration will reduce the pressures of illegal immigration, and allow U.S. citizens and foreign nationals to work under a framework of security and legality.

Conclusion

There are many things to consider in the configuration of a guest worker program. With which countries will bilateral agreements be signed? What elements would be included in these agreements? To what extent will the sending countries be involved in the program? How will social security benefits work? What will happen to the current programs? Will the country of origin be able to reinsert the workers into its labor force when their job ends in the United States?

These and many other questions have to be analyzed when thinking about a guest worker program. However, the experience of past and present efforts can be very useful to formulate a cohesive program that can respond to the needs of the U.S. labor market and give U.S. employers and foreign workers certainty and security.

Furthermore, a guest worker program can be the driving force for immigration reform. The implementation of Comprehensive Immigration Reform can be complicated; however, the creation of separate policies like a guest worker program, the Dream Act, or a family reunification policy can be the beginning of comprehensive reform.
A Possible Guest Worker Program in a Comprehensive Immigration Reform

Notes

1 Not only in immigration laws, but it also covers a series of social issues such as employment, education, health, etc.

2 States such as Arizona, Colorado, California and Virginia are known for the restriction of basic services to undocumented immigrants.

3 A successful example of the H-2A program is the case of the migrant workers of the Lane Packing Company in Fort Valley, Georgia. Around 350 Mexican migrants work in the picking and packing of peaches, all under the H-2A visa. Workers are provided with a place to live, working under adequate conditions and in a secure environment.

4 With the rest employed in: building, grounds keeping, and maintenance (19%); construction (17%); services (12%); and transportation and hauling of materials (5%).

5 In 1989, the Department of Labor report “The Effects of Immigration in the U.S. Economy and Labor Market” stated that immigration was increasingly important to understanding the U.S. economy and had a beneficial overall effect” (Castles and Miller, 1998: 165).
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Chapter 12
Mexican Migration to the United States: A Challenge that Requires a Bi-national Approach

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It has been said that migration is the main link between Mexico and the United States. With 10 percent of the Mexican population living in the United States and over 18 million people of Mexican origin living on American soil, Mexican immigrants represent a minority that has reshaped society and the nation state in both countries.

Another key aspect of Mexican-American relations is the North American Free Trade Agreement (NAFTA), whose successful development has been extended as part of a silent and inevitable integration of the region. The first decade after the signing of the trade agreement resulted in a boom in the trade and labor markets. As of today, NAFTA is the most significant formal reference between both nations and has facilitated further discussions in diverse matters.

In the last months, violence from the war among drug cartels and the war of the Mexican government against organized crime have had negative consequences on the bilateral relation. Prior to the current violent climate in the Mexican-U.S. border and neighboring states, illegal migration was the main topic of tension between both countries. Nowadays, it is just one of several concerns.

The movement of people, particularly illegal immigration, has decreased in the last two years. This is partly due to the reinforced border control of the United States. However, the main reason for the decline is the current economic crisis responsible for the slowdown of the labor market, trade, and of financial transactions. The number of Mexicans heading North in 2009 was 40 percent lower than the previous year (Instituto Nacional de Migración, 2009).

Data from the Mexican Institute of Migration indicates that 590,000 people from Mexico were deported in 2009, a number similar to the one registered in 2008. Despite the severity of the economic crisis, there was not a massive exodus as expected. It is important to keep in mind that during 1929 and the following years, more than half of the Mexican population living in the United States was deported. Unlike the Mexican immigrants of the 1930s, the current population of Mexicans in the United States is largely integrated into the country—even though almost half of them are illegal immigrants. According to the American Community Survey (Alarcón et al., 2008, p. 14), there were 11.7 million people born in Mexico and living in the United States in 2007. Of those, 62 percent were family households and 47 percent were property owners. This suggests that Mexican immigrants in the United States are largely established families.

Another important point is the political clout of the Latino community, whose leaders have pressured President Obama to retake the topic of migration reform in Congress. Under the Obama administration, the U.S. Secretary of Homeland Security announced
the review of migration policies and a stop to the National Fugitive Operation Program (NFOP)\(^1\) raids that searched for criminals but expelled workers. History shows that the massive deportations of the thirties and the anti-Mexican attitude in both California and Texas dramatically increased gang riots, particularly in Los Angeles, where the “zoot suit riots”\(^2\) occurred (Romo, 2003). The current social climate in Baja California, Sonora, and Chihuahua, with many youth not enrolled in school or in the labor market, could favor an unwanted scenario for the spread of violent gangs.

Despite a high unemployment rate among Hispanics in the United States (10%), thousands of Mexicans still work in the food and service sectors. Those who have lost their jobs (mostly in construction and manufacturing) have become extremely flexible in order to survive and remain on American soil. Such high labor mobility forces immigrants to find jobs outside the formal sector, which entails greater risks and a higher level of job vulnerability. This situation reinforces the existence of a social sub-class, a situation that the American government has not been able to control and which is not in the interest of either country. What must be done to achieve mutual benefits from migration? What do both countries want to achieve?

The main goal for both countries should be a safe and relatively open border, with increased trade and low illegal migration flows. Mexico has repeatedly shown interest in the successful management of migration along the border with the United States. Neither country wants thousands of people risking their lives to cross the border illegally every year. Neither nation wants to favor clandestine activities. Even in the current economic recession, the revitalization of the American economy requires the government to keep immigration open while also reducing the entry of undocumented aliens. Nonetheless, there are considerable challenges, such as how to deal with more than 12 million undocumented immigrants already in the country and how to change the attitudes of employers who consider it easier to hire low wage workers and by doing so, add to the number of immigrants that are kept out of the legal system.

Much progress has been made and bilateral relations have changed substantially compared to 20 years ago. Nowadays, there are multiple mechanisms of collaboration at every level of government, but there is not yet constant communication between the White House and Los Pinos, and among the governments of bordering states. To this end, new mechanisms must be designed from the bottom up and prioritized in order to achieve concrete results that build mutual trust.

The Mexican government has clearly stated that in order to reduce emigration, more economic development, human safety, and a different mentality towards migration must be achieved. To do this, new economic measures are needed to spur investment, productivity, and skills training—which would create new jobs and increase trade, as well as utilize the social and economic capital of the diaspora. Until now, migration policies in both the United States and Mexico have been defined by a control paradigm following the principle of national sovereignty. However, given the problems with managing migration at the southern borders of both countries, additional efforts beyond restrictive policies must include searching for alternatives for better border management.
There have been changes in the traditional policies on migration in Mexico. There has been progress in creating new legislation to decriminalize illegal migration, new laws for refugees and to curb the trafficking of people. Likewise, there is a new Migration Law in process in Mexico that facilitates the movement of people, makes immigration control more efficient, and safeguards national security and the human rights of migrants. Recently, Mexico has been successful in maintaining circular migration flows through its southern border with Guatemala by issuing Temporary Work Visas and Local Visitors Visas. The number of both types of visas has risen to 12,700 and 42,500 respectively in the past year, facilitating transit, protecting the migrants, and reducing corruption.

Deportations of Mexicans from the United States have been proceeding in a more orderly manner, with agreed mechanisms between both countries that have functioned relatively well regarding the processing of deportees. There are also clear regulations agreed upon for the deportation of minors (approximately 27,000 in 2009). Through the Mexican consular network and the National Migration Institute, the Mexican government has provided the deported migrants with basic assistance and transportation to their hometowns.

Patterns of migration have changed as well. Over the last few years, close to 500,000 Mexicans have moved each year from increasingly diverse parts of Mexico to increasingly different destinations in the United States. Two thirds of migrants have found jobs in the United States that benefit them and their families, as well as the employers and the receiving communities. This has resulted in a broader economic integration of North America, which should lead to better collaboration on security issues and gradually allow addressing other important border issues.

We have learned from these collaborations that the governments of the United States and Mexico cannot promote more unilateral approaches derived from the priorities and needs perceived in each country. Particularly in the case of the border states, solutions to common problems must come from bilateral actions in order to achieve an optimal chance of success. Thus, it is necessary to find a new form of cooperation within a framework that promotes development in Mexico that will effectively reduce, in the near future, pressures that lead to illegal migration. This framework will have to include more and better ways to promote legal migration in both countries, cooperation in observing the law at the border, new and efficient ways to enforce the law in the workplace, and a series of measures to improve the social well-being of the migrants.

The attitude of the Calderon Administration will be crucial to generate trust among the American government and population. This is particularly so after President Calderon conveyed a message of cooperation during the March 2009 visit to Mexico of both the U.S. Secretary of State, Hillary Clinton, and the U.S. Head of Homeland Security, Janet Napolitano. The visit of U.S. President Barack Obama to Mexico in April of 2009 also promoted a willingness to fight together against organized crime and to draw the interests of both countries nearer. These collaborations are key because the Mexican government can regulate emigration, but will only be successful in doing so with the support of the United States. If both nations are able to agree upon new legal routes and foster increased
mutual trust, the result will be greater collaboration between the border authorities of both countries while avoiding the need to duplicate costs and efforts.

A new approach to the migration problem would be for Mexico to slowly commit to a systematic and costly operation to guarantee that emigration happens legally. This would only be successful if there were new opportunities for legal migration of workers and an explicit effort to generate more and better jobs in Mexico.

A framework for this new policy should include the following components:

1. A national vision of the role migration can play in the development of Mexico. It is essential that the Mexican government stop considering migration as an escape valve for the lack of jobs in Mexico. It must also stop considering remittances as an instrument to expand national reserves and abate poverty. This new vision must help to articulate the different components of an integral policy that implements specific incentives for different types of migration, as well as disincentives for undesirable migration.

2. An economic policy that allows for the sustainable growth of the Mexican economy and labor, increases national industry, and promotes technical skills in the population. The sooner Mexico can create a constant supply of jobs in the formal economy and provide citizens access to social well-being, the sooner the pressures that favor migration will ease. There is a growing consensus that national economic development should be Mexico’s primary migration objective, and not the exporting of labor. This view has evolved within the context of Mexico’s democratic transformation in which there is a more inclusive perception towards immigrants.

3. An agreement on migration with the United States that reduces the barriers for legal entry by allowing more legal work programs and eliminating restrictions on social services for workers and their families. The United States must require identity documents and prosecute the employment of illegal workers.

4. Social programs to abate poverty, such as “Oportunidades” and “PROCAMPO”. These programs have been implemented in areas that expel emigrants and are key to retaining population. The programs have updated databases and an efficient infrastructure that could be used to regulate emigration (Escobar & Martin, 2008). Such infrastructure could be used by a coordinated institution at the highest level that would be responsible for fostering domestic and bi-national cooperation agreements to manage migration.

Mexico needs an entity that can establish a coordinated dialogue with a group of U.S. agencies, such as the United States Department of Homeland Security (DHS) and the Departments of State, Labor, and Justice to present a united front at the Bilateral Commission and propose bilateral agendas that are relevant and effective. Trilateral and bilateral schemes have been introduced for border security, so a bilateral scheme on migration is feasible.

One proposal to consider in the bilateral agenda would be a new set of temporary worker programs that take into account lessons from the past and improvements in social, technological, and information infrastructure. This could be achieved through wider

Cecilia Imaz
programs that guarantee that the total costs of subscription to these official programs are lower than those related to illegal migration for both employers and workers.

The Mexican government has the opportunity to:

- Improve temporary worker programs through recruitment mechanisms that are transparent and efficient. These mechanisms could be based on the existing infrastructure, such as the databases and payrolls of the social programs mentioned earlier.
- Supervise job contracts and enforce their compliance in specific sectors of the American economy, such as meatpacking, healthcare, service industries, and agriculture.
- Work in close collaboration with state governments that administer social programs to extend health and education services so that remittances are not spent in these areas.
- Enable transparent mechanisms for the certification of returning migrants, the reimbursement of quotas, taxes and contributions, as well as the sanctioning of those who do not observe the laws regulating migration.

In conclusion, migration between Mexico and the United States requires a new focus that encourages collaboration and promotes greater effectiveness of the bi-national agenda and the relationships among border states. Although both nations have to recognize their own responsibilities and act accordingly without affecting their neighbor, the North American Community is in the process of melding together. This regional focus is an ongoing process which will take decades to consolidate; meanwhile, leaders must facilitate the process instead of obstructing it.

The 160 year history of migration between Mexico and the United States is undeniable proof that the labor markets in both countries are complementary and that they can benefit from each other. In addition to enforcing existing regulations for hiring foreign workers, the United States would benefit from increased cooperation with Mexico to foster legal migration. It is also imperative that the United States collaborate with Mexico to spur the economic development of its neighbor in order to solve the main causes of illegal migration—lack of jobs, inability to earn adequate wages, and limited educational and economic opportunities.

It is difficult in today’s climate to see Mexican migration as a solution and not a problem, but in the coming years of economic recovery in the United States the labor force that will fill future job vacancies could be of Mexican origin. Both nations desire that these workers immigrate legally, under bilateral cooperation agreements that could help eliminate the burdens of illegal migration.
Notes
1 The original duty of NFOP was to search for criminals among the illegal aliens. Among the arrested in 2007, 17% were criminals; in 2008, only 9%.
2 The “zoot suit riots” were a series of fights between marines and young Mexican-Americans that took place in Los Angeles. These were among the first racist fights in Los Angeles.
3 *Oportunidades* is a governmental program launched 10 years ago to provide money transfers and other services to five million poor families in rural and urban areas. It manages a database of seven million households, including migration data. Information on each family’s compliance to the rules is updated every two months, which is useful in certifying the return of emigrants to their place of origin.
4 *PROCAMPO* is a governmental program that provides cash transfers to farm workers. *Crédito a la Palabra* is another government program aimed at improving the sustainability of farmers.
References


Other Bibliography Consulted


Además de ser considerada crucial para la seguridad interna de los Estados Unidos, la propuesta de reforma migratoria que impulsa el presidente Barack Obama no sólo es una necesidad, sino un tema polémico que divide a la opinión pública y las fuerzas políticas en el Congreso. No obstante esta dualidad discursiva, lo cierto es que tanto republicanos como demócratas consideran necesario abordar el tema migratorio; cada grupo, sin embargo, defiende intereses y perspectivas políticas y económicas distintas.

Los republicanos sugieren que la reforma migratoria debe enfocarse en el diseño de programas de trabajadores temporales y no en la legalización de millones de indocumentados, lo cual es, en su opinión, el objetivo de los demócratas. En realidad estas discusiones ilustran cómo ambos grupos legislativos reducen la Reforma Migratoria a programas de trabajo y legalizaciones, cuando ésta debería ir más allá y enmendar los errores cometidos por la Ley de Reforma y Control de Inmigración (Immigration Reform and Control Act, IRCA, 1986). Una nueva reforma migratoria debe proponer un trabajo legislativo incluyente, que no sólo busque el cuidado de las fronteras sino que involucre acuerdos binacionales donde países emisores de migrantes, como México, asuman compromisos de colaboración.

Este documento busca aportar una perspectiva integral a los trabajos legislativos de reforma migratoria, incluyendo en el análisis dimensiones sociales relevantes como la salud, educación, programas de trabajadores temporales, vivienda, cultura, seguridad fronteriza y acuerdos binacionales. Los argumentos que se presentan a continuación son conclusiones derivadas de distintos proyectos de investigación en diferentes campos de las ciencias sociales, de pláticas con actores sociales preocupados por el curso de la Reforma Migratoria en los Estados Unidos, así como del diálogo con ciudadanos, académicos, congresistas estatales y líderes migrantes entrevistados en el “Foro Abierto de Discusión”, organizado por el Centro de México de la Universidad de Texas en San Antonio, en junio de 2009.

El capítulo se compone de tres apartados. En una primera sección se analiza el contexto histórico de la migración en los Estados Unidos y la cronología de los diferentes trabajos legislativos en materia migratoria en dicho país; en un segundo punto se examina la propuesta de “Reforma Migratoria Integral” y se sugieren dimensiones sociales a considerar en dicha reforma; finalmente, se plantea la necesidad de compromisos binacionales en la reforma migratoria que incluyan programas de colaboración y apoyo a las comunidades emisoras de mexicanos.
En este documento se incluyen las opiniones y puntos de vista de los participantes en el Foro Abierto, donde se reconoció que en términos constitucionales la Reforma Migratoria es una tarea que le corresponde a los Estados Unidos de Norteamérica, pero en términos de acuerdos internacionales es un proceso incluyente que puede enriquecerse con una colaboración binacional acompañada de compromisos económicos, sociales y laborales, tanto de países emisores de migrantes como de países receptores.

El texto sugiere que el gobierno mexicano debe trabajar de manera coordinada con estados y municipios para generar y fortalecer mercados de trabajo que incentiven el arraigo de pobladores y detonen la producción agrícola, ganadera y de servicios. Lo anterior podrá desarrollarse a la luz de una política migratoria integral, que incluya el trabajo con mexicanos migrantes y no sólo esté centrada en el tema de la migración centroamericana de paso. De esta forma, México estaría en condiciones de proponer acuerdos binacionales con los Estados Unidos en los diferentes temas migratorios (salud, trabajo, educación y visas, entre otros) y motivar el diseño de una nueva política exterior, basada en compromisos binacionales para atender necesidades y problemas comunes.

Los Estados Unidos de Norteamérica: Tierra de Migrantes

Inmigración: El Poderío de una Nación

Estados Unidos es irrefutablemente un país de inmigrantes, ya que desde su conformación como nación fue poblado tanto por grupos étnicos nativos como por personas provenientes de países europeos cuya llegada respondió a procesos regulados y acuerdos políticos entre los primeros países colonizadores (Jenkins, 2005). En este contexto llegaron los primeros inmigrantes europeos. Para los estudios de la política internacional y asuntos migratorios, la llegada de los primeros inmigrantes europeos en el Mayflower se considera el inicio de una inmigración planificada, misma que a la postre se vería rebasada por un incontenible proceso migratorio indocumentado como el que se vive actualmente.

Después de los ingleses llegaron los suecos, quienes se establecieron en Delaware y Nueva York, y posteriormente los irlandeses, escoceses, españoles, italianos, holandeses, escandinavos y orientales. Por otro lado, debido a las condiciones geográficas favorables que ofrecían los estados del suroeste del entonces naciente Estados Unidos, los mexicanos incursionaban en territorio norteamericano en busca de nuevas tierras cultivables.

En este contexto, ante el crecimiento demográfico y la expansión al oeste, los Estados Unidos instrumentaron las primeras leyes encaminadas a regular los procesos migratorios (Esquivel, 1993; Evans, 2000), entre ellas la ley por la cual se reconoce como ciudadano americano a todo aquel ser humano nacido en sus tierras.

Leyes Migratorias en los Estados Unidos

Con el diseño de las primeras leyes migratorias, los Estados Unidos manifestaron lo que hasta hoy ha sido una constante preocupación en el tema de inmigración y seguridad
La Reforma Migratoria Integral en los Estados Unidos de Norteamérica: Una Mirada Binacional y Reflexiones para su Diseño

interna: el control, la organización y la distribución de su población y territorio. A manera de ejemplo, en la Tabla 1 se mencionan algunos de estos trabajos legislativos:

<table>
<thead>
<tr>
<th>Leyes</th>
<th>Objetivos</th>
</tr>
</thead>
<tbody>
<tr>
<td>14ª enmienda</td>
<td>Toda persona nacida o naturalizada en los territorios de los Estados Unidos es ciudadano norteamericano.</td>
</tr>
<tr>
<td>1882</td>
<td>La Suprema Corte de los Estados Unidos hace de la inmigración una responsabilidad federal.</td>
</tr>
<tr>
<td>1887</td>
<td>Se diseñan leyes específicas de inmigración para contratar trabajadores inmigrantes en ciertos ámbitos del mercado de trabajo norteamericano.</td>
</tr>
<tr>
<td>1921 – 1924</td>
<td>Se establecen cuotas de inmigrantes para cada nación. En este contexto nace la Patrulla Fronteriza, cuya misión es evitar la entrada de indocumentados a territorio norteamericano.</td>
</tr>
<tr>
<td>1950</td>
<td>El Acta de Seguridad Interna (Internal Security Act) prohíbe la entrada de cualquier extranjero comunista o de cualquier persona que ponga en riesgo la seguridad y bienestar de los Estados Unidos.</td>
</tr>
<tr>
<td>1952</td>
<td>El Acta de Inmigración y Nacionalidad (The Immigration and Nationality Act) permitió la entrada de trabajadores temporales de México.</td>
</tr>
<tr>
<td>1954</td>
<td>A través de la operación WETBACK miles de trabajadores mexicanos indocumentados son forzados a regresar a México.</td>
</tr>
<tr>
<td>1965</td>
<td>Con la Ley de Inmigración y Nacionalidad de 1965 (Immigration and Nationality Services Act) se instrumentan nuevos criterios y prioridades para admitir inmigrantes. Se les da preferencia a los residentes y trabajadores calificados, sin importar raza o nacionalidad de origen.</td>
</tr>
<tr>
<td>1986</td>
<td>A través de la Ley de Reforma y Control de Inmigración (Immigration Reform and Control Act) se legaliza a miles de indocumentados y se establecen penalidades para los patrones que contraten trabajadores indocumentados.</td>
</tr>
<tr>
<td>1996</td>
<td>La Reforma de Inmigración Ilegal considera a la violencia doméstica y abuso infantil como acciones que pueden llevar a la deportación del infractor.</td>
</tr>
<tr>
<td>2001</td>
<td>La Patriot Act incluye diversas previsiones relacionadas con la inmigración, específicamente en lo que se refiere a actos terroristas.</td>
</tr>
</tbody>
</table>

Fuente: Elaboración propia

El cuadro anterior ilustra cómo los procesos de inmigración vividos por los Estados Unidos en diferentes épocas han determinado el diseño de leyes migratorias específicas.
Paradójicamente, la tendencia a diseñar leyes migratorias de conformidad con los procesos migratorios que se viven en el momento no se ha reflejado en la actualidad en el diseño de una ley migratoria integral que impulse el trabajo binacional.

Desde el 2001, tanto el Congreso de los Estados Unidos como la sociedad civil han discutido una gran cantidad de proyectos de ley de inmigración (Evans, 2000; Zinn, 2010). Los ataques terroristas del 11 de septiembre del 2001 tuvieron un impacto fundamental en la concepción, percepción y trato que reciben los extranjeros en los Estados Unidos. Aunque los inmigrantes indocumentados han sido los más afectados, la tendencia anti-inmigrantes ha impactado también a los extranjeros documentados. Las propuestas de reforma migratoria a partir del 2001 han reflejado este nuevo contexto socio-político. En la tabla siguiente se presentan algunos de los proyectos de ley recientes más relevantes. (Evans, 2000; Zinn, 2010)

<table>
<thead>
<tr>
<th>Año</th>
<th>Ley</th>
<th>Objetivos</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>Se propone la iniciativa de ley</td>
<td>Secure America and Orderly Immigration Act</td>
</tr>
<tr>
<td></td>
<td>Border Protection Anti-Terrorism</td>
<td>Anti-Terrorism and Illegal Immigration Control Act</td>
</tr>
<tr>
<td>2005</td>
<td>Se aprueba la REAL ID Act of</td>
<td>2005 que modifica los procedimientos para expedir identificaciones</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>oficiales como licencias de manejo y tarjeta de identificación estándar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Con ello se busca evitar posibles actos de terrorismo.</td>
</tr>
<tr>
<td>2006</td>
<td>Se presenta el proyecto de ley</td>
<td>Comprehensive Immigration Reform Act of 2006.</td>
</tr>
<tr>
<td>2007</td>
<td>Se plantea un nuevo proyecto de</td>
<td>ley llamado Comprehensive Immigration Reform Act of 2007</td>
</tr>
<tr>
<td>2009</td>
<td>Se lanza la propuesta Real</td>
<td>Enforcement with Practical Answers for Immigration Reform (REPAIR).</td>
</tr>
<tr>
<td></td>
<td>Enforcement with Practical</td>
<td>Answers for Immigration Reform (REPAIR).</td>
</tr>
</tbody>
</table>

Fuente: Elaboración propia

Estos proyectos de ley, ampliamente discutidos por los estadounidenses y comentados por la comunidad internacional, reflejan la apremiante necesidad de una Reforma Migratoria Integral en los Estados Unidos. Dicha reforma, sin embargo, no ha podido instrumentarse debido que los diferentes grupos políticos involucrados, con intereses políticos, electorales
financieros, y empresariales disímiles, no han sido capaces de ponerse de acuerdo. Se ha acusado a algunas de las propuestas de tener contenidos racistas; a otras, de otorgar excesivas concesiones a patrones y contratistas y de no ofrecer protección suficiente a los trabajadores en contra de abusos laborales tales como despidos y descuentos salariales injustificados, o no permitir la afiliación de los trabajadores a sindicatos; se ha criticado también la propuesta de otorgar a las agencias policiacas facultades para indagar la condición migratoria de los individuos por la simple sospecha o apariencia de ser extranjero o indocumentado.

A pesar de la divergencia en las distintas posturas, entre 2005 y 2010 se han discutido por lo menos cinco proyectos de ley de reforma migratoria. La Propuesta de Reforma Integral de Inmigración para la Seguridad y Prosperidad de Estados Unidos de 2009 (CIR ASAP, 2009), por ejemplo, propone dar mayor protección a los trabajadores pero no enfatiza la afiliación de éstos a sindicatos. La Real Enforcement with Practical Answers for Immigration Reform (REPAIR) busca reconstruir el sistema migratorio norteamericano al intentar consensuar los intereses de los demócratas conservadores y republicanos moderados. Sin embargo, al igual que la CIR ASAP, no establece con claridad los mecanismos para incorporar trabajadores a los sindicatos correspondientes. Asimismo, incorpora un apartado controversial que enfatiza la seguridad fronteriza y retira de los estados la facultad para diseñar sus propias leyes migratorias.

La Reforma Migratoria Integral en los Estados Unidos de Norteamérica: Diálogo Interno Entre Gobierno Federal, Gobiernos Locales y Sociedad Civil

La conceptualización de la “Reforma Migratoria Integral” debe cambiar de una propuesta global a una estrategia que articule diversos intereses, principalmente políticos y económicos. Uno de los principales obstáculos para la aprobación de una reforma migratoria en los Estados Unidos ha sido la ausencia de diálogo entre el gobierno federal, los congresos locales, los miembros de los concejos de las ciudades, los diversos grupos de la sociedad civil y los países emisores con mayor población en los Estados Unidos, en particular México. De ahí que cada iniciativa de ley propuesta a nivel federal haya sido rechazada por los gobiernos estatales y locales, al no considerar las necesidades e intereses de los estados y/o condados.

Resulta evidente que sería imposible incorporar el sentir de cada alcalde o gobernador norteamericano en un proyecto de reforma migratoria integral. Sin embargo, sería viable y conveniente realizar un ejercicio de trabajo incluyente en el que los legisladores, tanto demócratas como republicanos, se apoyaran en las universidades para convocar a la sociedad civil a participar en foros de discusión para plantear de forma organizada propuestas respecto a los elementos que deberían incluirse en la Reforma Migratoria. Por citar un ejemplo, Arizona es un estado que históricamente ha tenido relaciones de tipo comercial, cultural y laboral con el estado de Sonora, México. En 2008 la entonces gobernadora, Janet Napolitano, envió una iniciativa de ley al congreso solicitando que se aprobara una iniciativa que permitiera a los trabajadores temporales mexicanos ir y venir entre sus trabajos y sus hogares en México.
La falta de diálogo con los estados puede interpretarse como desinterés por parte del Gobierno Federal, y específicamente por parte del presidente Barack Obama, por lo que han surgido acciones legislativas anti-inmigrantes en estados como Arizona, Alabama, Georgia, Florida y Carolina del Sur. Lo anterior complica todavía más cualquier intento por instrumentar una reforma migratoria integral. El diálogo interno busca conciliar intereses y atender las necesidades de los distintos niveles de gobierno y grupos de la sociedad civil de tal forma que cada uno de los actores de la reforma se comprometa a un trabajo corresponsable que incluya a países emisores de migrantes, como México. (Neil & Terrell, 2002)

Cualquier propuesta de Reforma Migratoria Integral necesariamente debe incluir elementos de distintos ámbitos de trabajo. En la Tabla 3 se proponen una serie de componentes relacionados con el fenómeno migratorio cuyo análisis podría ayudar a organizar y dirigir el diálogo, así como contribuir a conciliar los intereses de los estados, los condados y de los diversos grupos sociales (empresarios, organizaciones civiles, organizaciones religiosas, entre otros) en torno a una reforma migratoria.

<table>
<thead>
<tr>
<th>Trabajo</th>
<th>Salud</th>
<th>Educación</th>
<th>Familia</th>
<th>Estatus migratorio</th>
<th>Seguridad</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trabajadores temporales</td>
<td>Atención integral de salud</td>
<td>Educación no formal</td>
<td>Reunificación familiar</td>
<td>Derechos humanos Visas</td>
<td>Fronteras</td>
</tr>
<tr>
<td></td>
<td>Higiene y salud en comunidades hispanas</td>
<td>Dream Act</td>
<td>(Prisión)</td>
<td>Violencia familiar</td>
<td>Terrorismo</td>
</tr>
<tr>
<td>Licencias de manejo</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Narcotráfico</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Crimen organizado</td>
</tr>
</tbody>
</table>

Fuente: Elaboración propia

A manera de ejemplo, en los siguientes párrafos se presentan algunas reflexiones sobre las áreas mencionadas en el cuadro precedente:

**Trabajo**

**Trabajadores temporales.** Entre México y Estados Unidos ha existido históricamente un flujo de migración de mano de obra barata. El proceso migratorio se ha ido transformado de acuerdo con las diferentes políticas migratorias instrumentadas por los Estados Unidos, mismas que han sido diseñadas en función de las necesidades de mano de obra, de consideraciones de seguridad interna, y de objetivos de expansión económica. Dentro de este contexto se han presentado instancias de explotación laboral de los trabajadores migrantes indocumentados.

La relación entre México y los Estados Unidos denota disparidades e incongruencias de orden económico y jurídico. Dicha disparidad se refleja en las normas que regulan los programas de trabajadores temporales H2A y H2B. Es por ello que la Reforma Migratoria...
Integral, previo al diseño de un nuevo esquema de programa de trabajadores temporales (Guest Worker Program), debe evaluar los alcances y limitaciones de los programas existentes. (Garrido, 2010b)

**Licencias de manejo.** Año con año los indocumentados viven innumerables accidentes automovilísticos (Garrido, 2010b). Ante tales circunstancias, la Reforma Migratoria debe conceder a cada estado la facultad de ofrecer un determinado número de licencias bajo un programa piloto, con lo que se podría ayudar a reducir el número de accidentes carreteros y estrechar lazos de colaboración con el Gobierno Federal.

Lo anterior es necesario ya que actualmente existe una inconsistencia entre las leyes federales y estatales. Las primeras no aceptan la licencia de manejo como una identificación federal, pero las segundas están facultadas para expedirlas. El programa piloto no sólo permitiría tener un control de la identidad de los automovilistas, sino también generar ingresos adicionales a los estados. La expedición de licencias tendría un costo y se requeriría cumplir con una serie de requisitos para su expedición. Las licencias serían temporales (con duración de 6 meses) y su renovación estaría condicionada a la aprobación de un examen, la actualización de los datos de domicilio y contacto, y el pago correspondiente.

**Atención Integral de Salud**

En sus comunidades de origen gran parte de la población migrante recurre al uso de los servicios médicos públicos, tanto de prevención como de atención especializada. Sin embargo, su posición de indocumentados en los Estados Unidos hace a los migrantes vulnerables, ya que por temor a ser deportados no asisten a los servicios médicos. Lo anterior lamentablemente se ha reflejado en casos de muertes a causa de enfermedades de nivel básico, como la diarrea o deshidratación.

Tratando de evitar esto, y en el contexto de la Reforma Nacional de Salud impulsada por el presidente Barack Obama, se sugiere ofrecer a nivel estatal un paquete básico de salud a la población migrante indocumentada. Esto podría resultar estratégico para brindar servicios integrales de salud (prevención y atención de enfermedades); para contar con una población laboral sana; y para generar fuentes de ingresos adicionales a los gobiernos estatales mediante el cobro de cuotas accesibles a los indocumentados.

**Educación**

**Educación no formal: información contextual.** La información contextual es educación no formal pero fundamental para la familiarización de los grupos sociales con el medio donde se desarrollan. En este contexto, no obstante ser una población indocumentada, los migrantes tienen ciertos derechos y obligaciones entre los que destacan el derecho a la libre convivencia en lugares recreativos (parques, centros deportivos) siempre y cuando no transgredan las leyes federales y locales. Es, por lo tanto, tarea fundamental de las instituciones el ofrecer información básica respecto a las costumbres, normas, leyes y tradiciones de cada condado donde se asienta la población indocumentada. Esto evitaría
Educar a la población indocumentada contribuye a impulsar una cultura de buena convivencia y a la armonía social entre los diferentes grupos étnicos en los Estados Unidos. Tal tarea requiere una coordinación interinstitucional que ofrezca en las comunidades de indocumentados información básica respecto a derechos y obligaciones durante su estancia en Estados Unidos. El papel de las universidades es crucial en la instrumentación de tales acciones, combinando estrategias de educación formal e informal.

**Educación Formal: Educación Bilingüe y DREAM Act.** Impulsar la educación bilingüe en las escuelas norteamericanas no sólo ayuda a tener una población multicultural, sino también una con capacitación para el trabajo internacional. Permite la aprehensión y conocimiento de procesos culturales en el orden histórico, educativo, gastronómico, social, político y económico.

Por otro lado, la aprobación del DREAM Act permitiría tener una población de inmigrantes educados y capacitados profesionalmente con estatus migratorio legal. Los jóvenes contaría con más oportunidades de estudiar y trabajar, evitando así, entre otras cosas, el crecimiento de bandas y del crimen organizado. El grupo indocumentado joven resulta especialmente vulnerable a la invitación de grupos delictivos para realizar tareas ilegales que les permite obtener dinero fácil (venta de drogas, robos, secuestros, asesinatos).

**Familia**

El sistema de inmigración en vigencia en los Estados Unidos presenta serias lagunas. Una de ellas es el tiempo que tienen que esperar los residentes legales para reunirse con sus familiares. Dado el número limitado de visas que el Departamento de Estado emite cada año, algunos residentes se ven obligados a aguardar 5 años o más para reunirse con sus hijos. El Senado debe aprobar los nuevos proyectos que contemplan una cuota mayor de visas. De forma paralela, es importante eficientar el proceso de tramitación de dichas visas.

**Estatus Migratorio y Derechos Humanos**

Los derechos humanos y el sistema penitenciario son temas que no deben analizarse por separado; en el caso de los indocumentados, éstos van de la mano. El número de migrantes que se encuentran purgando una pena en el sistema penitenciario norteamericano es considerable. Aún más, dicho sistema carcelario constituye un muro impenetrable para la opinión pública, la academia y los grupos sociales (Zinn, 2010). El centro de detención T. Don Hutto, clasificado como residencia familiar, es un ejemplo plausible de esto. Hasta hoy, no hay reportes claros o información académica sistematizada que dé a conocer lo que ocurre con los indocumentados presos en esta residencia.

No obstante recibir financiamiento federal y estatal, el hermetismo en torno al funcionamiento del centro de detención T. Don Hutto probablemente se debe a que es una
instalación administrada por la *Corrections Corporation of America (CCA)*. La CCA es una empresa privada que no hace pública la información acerca del funcionamiento del centro o de los programas sociales, educativos, familiares y de salud que un Centro Residencial Familiar debe tener. (Zinn, 2010)

Información recabada en entrevistas realizadas durante los últimos cinco años mediante trabajo de campo en condados norteamericanos, sugiere que el gobierno federal estaría dispuesto a permitir que instituciones educativas, organismos sociales nacionales e internacionales evalúen tanto los procesos internos como la funcionalidad y pertinencia de los programas sociales en operación en los centros de detención para indocumentados. Sin embargo, hasta la fecha es muy poca la información que se conoce públicamente a este respecto.

**Seguridad**

La frontera entre los Estados Unidos y México es una de las más grandes del mundo. Representa una zona donde los migrantes indocumentados corren peligro y donde la Patrulla Fronteriza tiene la última palabra en cuanto a la ayuda que ofrece a los indocumentados que cruzan la frontera por los desiertos. Dada una política migratoria ineficaz que se mantiene a través de los operativos agresivos de la Patrulla Fronteriza, los indocumentados se ven forzados a cruzar por regiones cada vez más inhóspitas e inclementes donde los riesgos de muerte por impactos geográficos y climatológicos son elevados. El desierto de Yuma, las montañas de la Rumorosa y el desierto Imperial, por ejemplo, constituyen un sector que la Patrulla Fronteriza escasamente vigila y donde, desde 1999, se ha registrado un alto número de muertes, sobre todo de mexicanos originarios de los estados de Michoacán, Oaxaca, Jalisco, el Distrito Federal y Veracruz (Alonso Meneses, 2001; Garrido, 2010a; Smith, 2000). Al mismo tiempo, pese a los ataques terroristas del 11 de septiembre, algunos migrantes indocumentados siguen cruzando a los Estados Unidos por los puentes internacionales. Existen redes de corrupción que permiten a los migrantes, mediante el pago de cuotas, cruzar sin ser detectados. Millones de dólares semanales se distribuyen entre los involucrados en esta red de corrupción. (Garrido, 2010a)

**Compromisos Binacionales en la Reforma Migratoria:**

**El Caso de México y el Estado de Veracruz**

**La Agenda Nacional**

Dada la complejidad del fenómeno migratorio, una reforma integral no sólo debe ser tarea de los Estados Unidos, sino un trabajo compartido que involucre el compromiso de los países emisores, quienes de alguna forma han visto grandes beneficios en la emigración de sus ciudadanos y la recepción de remesas.

La propuesta de reforma migratoria debe convocar a un trabajo internacional donde se establezcan compromisos binacionales. En este orden de ideas, México debe dar el
primer paso y contar con una política migratoria integral que reconozca y atienda tanto a las distintas etapas de la migración mexicana, como a las diferentes tipologías migratorias existentes, en particular la centroamericana. (véase Tabla 4)

Tabla 4. Etapas del Proceso Migratorio Mexicano

<table>
<thead>
<tr>
<th>Etapas</th>
<th>Características contextuales: económicas, políticas, sociales, personales.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fase pre-migratoria</strong></td>
<td>Situaciones contextuales que determinan la decisión de emigrar: manipulación de recursos (créditos) destinados a empresas y al campo; situaciones políticas, judiciales y personales, entre otras. Discusión de la situación vivida con la familia y la decisión de emigrar. Discusión, organización y diseño del proyecto migratorio. Contacto con la red migratoria: coyotes (la tipología de éstos determina la seguridad y llegada al lugar destino: zona fronteriza o Estados Unidos).</td>
</tr>
<tr>
<td><strong>Fase migratoria/operativa</strong></td>
<td>Salida del pueblo&lt;br&gt;Solucionar los “pendientes”: domésticos/agrícolas/financieros&lt;br&gt;Presencia de usureros&lt;br&gt;Agencias colocadoras violentando la Ley Federal del Trabajo</td>
</tr>
<tr>
<td><strong>Fase transitoria</strong></td>
<td>Salida del pueblo: desapariciones, secuestros y muerte de veracruzanos en el trayecto al lugar de destino.</td>
</tr>
<tr>
<td><strong>Fase fronteriza</strong></td>
<td>Asaltos, desprotección institucional, menores abandonados y deportados (caen en manos de organizaciones), desapariciones, secuestros, extorsiones y muertes.</td>
</tr>
<tr>
<td><strong>Fase de llegada</strong></td>
<td>Arribo al destino (estado fronterizo o estadounidense)&lt;br&gt;Violaciones laborales&lt;br&gt;Ausencia de servicios médicos&lt;br&gt;Falta de información básica sobre derechos y obligaciones</td>
</tr>
<tr>
<td><strong>Fase de retorno</strong></td>
<td>Carencia de políticas fiscales y jurídicas de apoyo a la inversión de remesas en proyectos familiares&lt;br&gt;Niños migrantes de retorno en edad escolar: son rechazados por las escuelas por hablar inglés</td>
</tr>
</tbody>
</table>
México debe establecer mecanismos que ayuden a proteger los derechos de los migrantes de paso, centroamericanos, sudamericanos y asiáticos, entre otros, que cruzan por este país en camino a los Estados Unidos. No es suficiente ofrecerles libre tránsito por el país hasta llegar a la frontera norte. Son necesarias acciones institucionales y legislativas que garanticen su seguridad. Se requiere la concurrencia de poderes y la promoción de una agenda nacional que articule los esfuerzos aislados de los distintos estados.

En síntesis, México debe reconocer que no es sólo un país emisor de migrantes, sino también un país receptor y de paso, con etapas y tipologías migratorias diversas (véase Tabla 5) que demandan acciones específicas.

<table>
<thead>
<tr>
<th>Tipología Migratoria Emergente en México</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Migración interna</strong></td>
</tr>
<tr>
<td><strong>Migración de paso</strong></td>
</tr>
<tr>
<td><strong>Migración jubilada (por jubilación)</strong></td>
</tr>
<tr>
<td><strong>Migración calificada a Europa</strong></td>
</tr>
<tr>
<td><strong>Migración intencionada</strong></td>
</tr>
<tr>
<td><strong>Desplazados</strong></td>
</tr>
<tr>
<td><strong>Migración de lujo</strong></td>
</tr>
</tbody>
</table>

Fuente: Elaboración propia

**La Agenda Estatal: El Caso de Veracruz y sus Acciones de Colaboración Binacional**

Aunque el discurso político del gobierno del estado de Veracruz habla de estabilidad laboral y económica, las experiencias de vida de los sectores vulnerables demuestran lo contrario. Los habitantes de las zonas rurales, indígenas y marginales del estado de Veracruz siguen encontrando en la migración interna, fronteriza y transfronteriza (esta última, principalmente a los Estados Unidos, y en segundo término a Canadá) una válvula de escape y una fuente de ingresos ante la ausencia de oportunidades en el estado.

Los últimos diez años de investigación en el tema demuestran que la intensidad del fenómeno migratorio en el estado de Veracruz ha rebasado las estrategias y capacidad de acción del gobierno estatal. La ausencia de una política migratoria efectiva en el estado ha
dificultado la reacción frente a fenómenos tales como los abusos laborales a veracruzanos en las zonas fronterizas, vejaciones a veracruzanos participantes en programas migratorios “regulados” con Canadá y Estados Unidos, o la ausencia de apoyos fiscales a migrantes de retorno para inversión en proyectos productivos.

La complejidad social de la migración demanda una innovación jurídica que rebase el plano discursivo político y se refleje en la armonía de las leyes federales, estatales y municipales. La consistencia jurídica es prerrequsito para el diseño de una política migratoria que no se limite a promover reacciones institucionales como las actuales, sino que promueva la imperiosa e impostergable necesidad de abordar el tema migratorio con una estrategia integral y una mirada binacional, y que incorpore las perspectivas de los migrantes, la academia y las instituciones.

Es necesario crear la Comisión Permanente de Asuntos Migratorios del Congreso Local de Veracruz y trabajar en colaboración con el Congreso de la Unión para proponer acuerdos de trabajo temporal con los estados norteamericanos con mayor número de migrantes veracruzanos (Georgia, New York, Texas, New Jersey, North Carolina, South Carolina, Illinois); para evaluar los programas H2B y H2A con Estados Unidos, así como el programa de trabajadores agrícolas (PETAT) con Canadá; y para sumarse a los esfuerzos de instituciones norteamericanas por levantar diagnósticos de la población hispana y difundir información entre esta población.

**Conclusiones**

No obstante la tensión política que viven actualmente los Estados Unidos y México como resultado de los problemas de seguridad, narcotráfico y crimen organizado, la Reforma Migratoria es una tarea binacional impostergable en la que México se debe comprometer a diseñar estrategias puntuales de colaboración. En este tenor, el presente capítulo aporta elementos para construir una reforma migratoria integral cuya mirada binacional permita asumirla como un compromiso tanto del país receptor (Estados Unidos) como de los países emisores (México, entre ellos).

Es evidente que la Reforma Migratoria aquí sugerida constitucionalmente corresponde a los Estados Unidos. Sin embargo, dados los múltiples acuerdos internacionales en vigencia sería factible desarrollar un trabajo legislativo incluyente que resultara en una reforma migratoria integral, enriquecida por la colaboración de las dos naciones, y respaldada por compromisos económicos, sociales y laborales de los países emisores.

**Notas**

1 No obstante ser considerada una nación de inmigrantes, resultan sorprendentes las discusiones antropológicas en torno a la definición del origen de su población.

2 Entrevista con el Dr. David Boyle, *Dean* del Dalton State College School of Social Work. Dalton, GA., octubre de 2008.


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