

U.S.–Mexican Migration Cooperation: Obstacles and Opportunities

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On July 2, 2000, Vicente Fox became Mexico's first democratically elected opposition president. Within weeks, President-elect Fox scheduled a trip to the United States, and on August 17 he made good on his campaign promise to reexamine U.S.–Mexican migration relations by proposing that the countries of North America lay the groundwork to remove controls on regional labor flows. The idea of a common market fell on deaf ears within the United States, but President George W. Bush agreed with Fox that Mexican immigrants make essential contributions to the U.S. economy and that the core U.S. migration policy problem was the shortage of legal mechanisms to match willing Mexican workers with U.S. employers. Migration was one of two issues at the top of the agenda (along with energy cooperation) when Bush made Mexico his symbolically important first international destination, and many observers were optimistic that the former border-state governor would move quickly to adopt a radical new approach to bilateral immigration issues.

The presidents met three more times in the next three months, and optimism about an immigration deal was reinforced at the fifth Bush–Fox summit, in Washington, D.C., on September 5, 2001. Following the summit, which included a first-ever full joint cabinet meeting, Bush and Fox announced a framework for additional cabinet-level negotiations aimed at a bilateral immigration deal. At the heart of the framework agreement were a U.S.–Mexican guest-worker arrangement and the theme of “shared responsibility” for migration enforcement to preserve orderly migration flows (White House 2001). With the U.S. Senate passing legislation the following day to allow some undocumented Mexicans (and others)

to adjust to legal immigrant status, an immigration deal seemed imminent.

The terrorist attacks of September 11 derailed this progress. Immigration negotiations were suspended while the United States turned its attention to homeland security and the October 2001 invasion of Afghanistan. Then relations became strained when the United States expanded its “war on terrorism” to include Iraq, and Mexico refused to support the U.S. position in the United Nations Security Council. Mexicans grew impatient with President Bush’s failure to return to the negotiating table before the end of his first term. And after President Fox staked his personal prestige on an immigration deal, many analysts concluded that the countries’ failure to advance the bilateral migration agenda had undermined the Fox presidency (see Castañeda 2003; Sullivan and Jordan 2002).

Nonetheless, immigration remains at the top of the political agenda in both countries. The Mexican House and Senate—divided on many issues—unanimously approved a Concurrent Resolution in February 2006 endorsing a report by a top-level public–private working group, which reiterated the principles underlying the earlier bilateral framework agreement (Hernández et al. 2005). In the United States, immigration dominated Washington’s attention through much of 2005 and 2006, but the House and Senate passed widely divergent bills during the 109th Congress, neither of which responded directly to Mexico’s concerns. Many analysts believe Republicans were punished at the polls in 2006 for their failure to pass meaningful migration reform, and Democrats returned to the issue during the 110th Congress, though reform efforts hit a road block in the Senate (see Wallsten and Gaouette 2006; Rosenblum 2008).

Thus, as 2007 draws to a close with a new Mexican president and the United States preparing for elections in 2008, familiar questions remain at the top of the regional relationship. Do the United States and Mexico share common interests in migration policy? Would the two countries benefit from a bilateral migration agreement? What shape might such an agreement take? It remains easy to identify potential areas of agreement: Both countries benefit from Mexican labor migration, both would benefit further if a higher proportion of cross-border flows occurred through legal channels, and both would benefit from bringing more order and security to the border. Yet substantial obstacles to a bilateral migration deal remain, including conflicting priorities about the details of a potential agreement, political obstacles to bilateralism within each country, ambiguity about the broader strategic costs and benefits of a bilateral migration deal, and institutional design problems.

This chapter begins by briefly reviewing theoretical issues regarding opportunities for migration cooperation. Immigration is an inherently multidimensional issue and differs from trade and other aspects of the bilateral relationship because of Mexico’s unique ability to influence policy outcomes. Thus, simple asymmetric bargaining models are of limited utility for examining joint migration policy-

making, and it is necessary instead to consider specific migration preferences in each country as well as the context in which migration negotiations occur. The remainder of the chapter therefore reviews the history of U.S. and Mexican preferences over migration policy, changes in the broader bilateral relationship, and the evolution of bilateral conflict and cooperation on migration policy. A final section evaluates contemporary preferences and context to identify obstacles and opportunities for migration cooperation at this time.

Immigration Cooperation: Theoretical Obstacles and Opportunities

In theory, U.S.–Mexican immigration regulation would appear to be a natural issue for bilateral cooperation. The traditional international relations literature on cooperation stresses the role of information asymmetries, weak institutions, and the costs of defection as barriers to cooperation. As in the classic prisoners' dilemma game, international cooperation is limited by each country's fear that the other will unilaterally defect, leaving the honest player with a high-cost "sucker payoff" (Axelrod 1985). Yet this analogy seems to apply poorly to immigration policymaking because the issue area is characterized by relative transparency: The United States can observe (at least roughly) whether Mexico is meeting commitments to enforce its side of the border or assist in the recruitment of temporary workers, and Mexico can easily observe U.S. policies regulating visa issuance. Prisoners' dilemma-like conditions are also ameliorated by the dense institutional structure surrounding bilateral issues between the United States and Mexico, by a broad set of shared norms, and by the long time horizons that neighbors sharing a 2,000-mile border are forced to adopt.

Migration policy also differs from other issues on the bilateral agenda because of the high degree of interdependence within the U.S.–Mexican migration system. U.S. efforts to regulate migration flows are inherently vulnerable to changing conditions within Mexico—for example, when changing Mexican economic conditions affect *emigration* pressures. And the migration relationship is structurally bound by a shared border and 500-year-old social and cultural networks, meaning that in contrast with other bilateral policy issues such as trade or investment, the United States has limited ability to opt out of bilateral migration relations by shifting its focus to other partners. As a result, migration relations are quintessentially characterized by complex interdependence (Keohane and Nye 1977; Manning 1977), rather than by the asymmetric bargaining dynamics characterizing other dimensions of the bilateral relationship.

In addition to interdependence, migration relations are characterized by multidimensionality. On one hand, migration is multidimensional in its substan-

tive implications, sitting at the nexus of security, economic, and cultural policy, and potentially responsible for large-scale demographic changes. On the other hand, migration is also multidimensional in its policy implementation. Whereas rules governing international investment are mainly defined by restrictions on entry and exit, for example, migration regimes must define selection criteria and procedures for admission, the terms of entry (length of stay, rights and responsibilities within the United States), a wide range of enforcement issues, rules for return migration, and immigrant integration policies, among other questions.

A final area of complexity derives from the multiple nongovernmental actors within each country who perceive a direct stake in the debate, also in contrast with most other aspects of international relations. Immigration policy is contested not only by business and labor groups, but also by social conservatives and anti-population-growth groups, which oppose flows, and by human rights, religious, civil liberties, and ethnic interest groups, which support more generous policies. Thus, far from resembling a simple one- or two-dimensional coordination problem with a unique equilibrium point, migration negotiations are an extreme version of Krasner's (1991) multiple-equilibrium model in which the challenge is choosing among the many possible pareto-improving regimes that exist.

Similarly, traditional assumptions about unified states engaging in game theoretic negotiations are of limited utility in the case of U.S.–Mexican migration policy, suggesting a need for a more nuanced negotiation-analytic approach (Sebenius 1983). In this case, international relations theory directs attention to specific state preferences and the preferences of competing actors within each state, to the role of domestic and transnational interest groups and epistemic communities, and to the strategic environment in which migration policymaking occurs (Lake and Powell 1999; Moravcsik 1997; Sebenius 1992). The following section thus examines how Mexican and U.S. migration preferences have been mediated by the broader context to produce unilateral and collaborative migration policy responses during the twentieth century.

U.S.–Mexican Migration Policy: A Historical Perspective

What do Mexican and U.S. policymakers hope to accomplish through their migration policies? In general, state interests in migration policy reflect the relationship between migration and security, economic prosperity, foreign policy, and national identity. These broad concerns have produced shifting short-term policy demands in both countries, with the Bracero Program (1942–64) and the end of the Cold War in 1990 marking important turning points. While the two states have often had conflicting migration agendas, their goals during the contemporary period reveal substantial areas of common ground.

Mexican Preferences

In the Mexican case, the early part of the twentieth century was characterized by revolution and state consolidation, so migration preferences were necessarily *laissez faire*. Migration at this time followed traditional seasonal patterns—some of which predated the international border established in 1848—as industrialization and infrastructure development in the U.S. Southwest outpaced Mexican development and as land ownership patterns in Mexico limited employment options at home. Mexicans benefited from these jobs, which already paid twelve times more than jobs in Mexico (Lessard 1984, 98–99). And the postrevolutionary Mexican state quickly came to depend on emigration as a development strategy and a political safety valve, a position enshrined in Article 11 of the 1917 Mexican constitution, which forbids exit restrictions (Craig 1971, 18; Cardoso 1979, 20).

Nonetheless, this general economic preference for a free emigration regime was balanced by conflicting political and developmentalist ideas. First, Mexican thinkers had long expressed concern that the country was underpopulated and that both economic development and national security required investment in domestic manpower (Kirstein 1977). Labor-dependent state development goals were particularly embraced by the Lázaro Cárdenas (1934–40) and Manuel Camacho administrations (1940–46). At the same time, emigration to the United States in particular raised additional concerns, both on a security level in the wake of three U.S. incursions into Mexico during the previous century, and in light of the long record of discrimination against Mexican workers in the United States and the more recent record of harsh repatriation campaigns during the Great Depression (Lessard 1984). For all these reasons, “the majority of literate Mexicans were totally opposed to emigration” (Cardoso 1979, 20) at the start of World War II.

Regularization of flows during the Bracero guest-worker program radically altered migration politics within Mexico. On one hand, concerns about the mistreatment of Mexican workers intensified, and Mexican business, labor, and political leaders all resented the failure of U.S. officials to prevent undocumented migrant employment or to enforce other pro-labor Bracero provisions, especially in the program’s later years. On the other hand, peasants strongly supported the program, voting with their feet by overwhelming Bracero recruitment stations (Craig 1971). And bureaucrats administering the program quickly became an influential pressure group supporting its continuation because they benefited from the \$20–\$50 worth of bribes that the typical Bracero worker paid to obtain his visa (Craig 1971; Pfeiffer 1979).

Mexican economic dependence on emigration intensified in the postwar period as development programs systematically kept rural wages down to subsidize state-led industrialization. Thus, Mexico lobbied successfully in 1961–63 to delay the termination of the Bracero Program (Rosenblum 2003) and spent much of

the next decade pushing behind the scenes for a resumption of a formal bilateral visa program to ensure continued access to U.S. labor markets and to protect workers' rights. By the mid-1970s, however, it became clear that the United States lacked the capacity or the will to enforce immigration restrictions, and Mexicans accepted the new informal regime, which offered the benefits of market-based emigration without the costs of a formal acknowledgment of Mexico's failure to create jobs at home (Fitzgerald 2006; Rico 1992).

A final stage in the development of Mexican migration preferences began to take shape during the 1980s and '90s as the threat of migration enforcement loomed larger. Unilateral U.S. enforcement efforts failed to substantially affect Mexican access to U.S. labor markets, but the criminalization of undocumented migration and harsh anti-immigrant rhetoric offended Mexican sensibilities. With 80 percent of Mexicans having a personal connection to a current or former immigrant, the issue took on growing political importance in a newly democratic Mexico, and new emigrant rights groups (within Mexico and spanning Mexico and the United States) demanded government action (Fitzgerald 2006; Guarnizo, Portes, and Haller 2003). At the same time, the heavy U.S. focus on border enforcement had the perverse effect of increasing criminality and migrant deaths in the border region as migrants were more likely to rely on professional smugglers and as the U.S. "war on drugs" contributed to higher profits and more border violence. In this context, and learning from their successful effort to influence U.S. policy during the debate over the North American Free Trade Agreement (NAFTA), Mexican officials and others close to the government began an explicit effort during the 1990s to reframe migration as a regional problem demanding regional solutions rather than a domestic issue on which Mexico should defer to U.S. sovereignty (Rosenblum 2004a).¹

More than a decade later, the combination of sustained attention to the human rights crisis at the border and within the United States, the strengthening of U.S.–Mexican economic integration, growing violence on the Mexican side of the border, and new concerns about the Mexican "brain drain" problem has contributed to a growing consensus within Mexico to abandon its historic "policy of no policy." As summarized by a high-level working group including legislators, current and former executive branch officials, academics, and representatives of non-governmental organizations, the consensus centers around six principles: (1) the status quo regime has failed Mexicans and demands an active policy response; (2) that response should include collaboration between the United States and Mexico ("shared responsibility"); (3) emigration pressures will continue as long as Mexicans lack economic opportunities at home; (4) migration policy should protect the human rights of all migrants, regardless of their legal status; (5) border security, including antismuggling efforts, must be a top priority; and (6) Mexico should be sensitive to the broader regional context, including systemic pressures

compelling Central American transmigration through Mexico (Hernández et al. 2005). In a rare example of bipartisan consensus, these principles and related policy recommendations—development in sending communities, collaborative enforcement efforts, replacement of undocumented with legal migration, reintegration programs for returning immigrants—were unanimously endorsed by both chambers of the Mexican Congress in February 2006. Broadly similar language appeared in the platforms of all three major parties during the 2006 presidential campaign.

U.S. Preferences

U.S. policymakers have typically viewed Mexican migration through an economic lens—as a source of cheap labor, for better or worse—but security and diplomatic concerns have also influenced the debate, especially during periods of U.S. overseas conflict. Each of these views of migration, along with cultural and national identity concerns, has intensified in the post-Cold War and post-9/11 period, raising the stakes of the debate for U.S. policymakers and the public (Rosenblum forthcoming).

Historically, the overall U.S. preference was for a stable and reliable—and occasionally deportable—workforce for southwestern agricultural jobs. Thus, the first immigration inspectors on the Southwest border—seventy-five agents on horseback, commissioned in 1904—mainly guarded against illegal Chinese immigration. An independent Border Patrol was not established until the Immigration Act of 1924, again primarily for the purposes of controlling unwanted Asian and European entries (Meyers 2005). With agricultural interest groups and other pro-migration groups enjoying organizational advantages over labor unions and opponents of liberal migration flows, U.S. officials often have been more concerned with ensuring access to needed labor than with preventing undocumented inflows (Freeman 1995; Tichenor 2002). These concerns became top priorities during World Wars I and II and the Korean War, when military planners warned that “food is as essential to victory as planes, tanks, ships, and guns” (U.S. Congress 1951, 39).

The preference for access to cheap labor was balanced by episodic concerns about border security (again, especially during wartime), the harmful effects of immigration on U.S. workers, and equity for other countries of origin. These concerns contributed to termination of the Bracero Program in 1964 and passage of the Immigration and Nationality Act amendments of 1965 and 1976, placing Mexico on equal footing with other countries by restricting Mexicans to 20,000 new permanent visas per year (plus an unlimited number of immediate-family-member visas).

These new restrictions on legal migration, along with boom–bust cycles in Mexico and growing hemispheric economic integration, contributed to a sharp

rise in undocumented immigration beginning in the 1970s and persisting into the present period. Combined with the focus on border enforcement as part of the “war on drugs” beginning in 1969 and intensifying during the 1980s and the “war on terrorism” since 2001, sustained undocumented immigration has made gaining control of the border a top priority.²

If border security is a universally accepted priority, important divisions exist with respect to additional immigration policy goals at this time. On one hand, demographic changes within the United States (falling birthrates, rising education levels) mean that increased migration has also been associated with increased dependence on immigrant labor.³ In a break with the past, many labor unions have embraced these flows, joining business groups to demand not reduced immigration, but rather a predictable and legal migrant workforce (Haus 2002). Pro-immigration business and labor interests are strengthened by the general integration of the U.S. and Mexican economies—Mexico is now the United States’ second-largest trade partner—as most policymakers and analysts agree that border enforcement must not disrupt legal commerce. On the other hand, a significant minority questions the economic benefits of immigration and argues either for absolute reductions in inflows or, at a minimum, for de-emphasizing access to immigrant labor and focusing on tougher migration control.

Overall Bilateral Relations

The potential for translating these shifting migration preferences into collaborative policy outcomes depends not just on the extent to which preferences overlap but also on the broader strategic context in which policymaking occurs. Overall, the U.S.–Mexican relationship passed through roughly five phases during the twentieth century. The first decades were characterized by a high degree of conflict and mistrust, especially in the wake of 1914 and 1917 U.S. interventions in Mexico’s revolution and civil war. Relations remained strained during the 1930s when President Cárdenas nationalized U.S. oil holdings within Mexico, and Mexico responded to the subsequent U.S. boycott of Mexican oil sales by increasing its exports to Germany on the eve of World War II. The oil controversy was resolved on terms favorable to Mexico in the context of Franklin Roosevelt’s “Good Neighbor” policy toward Latin America, and Mexico joined the U.S. war effort.

The postwar period has been described as an era of “bargained negligence” (Domínguez and Fernández de Castro 2001). Under a tacit Cold War agreement, Mexican politicians distanced themselves from the Soviet Union and kept the Mexican Communist Party in check, and the United States turned a blind eye to Mexico’s occasionally authoritarian style of governance. This benign neglect was strained during the 1970s as Mexican Presidents Luís Echeverría (1970–76) and José López Portillo (1976–82) adopted more stridently nationalist and anti-

American rhetoric in positioning Mexico as a leader of the nonaligned nations movement. And relations deteriorated further during the 1980s as the two nations clashed over Mexico's debt crisis, U.S. militarism in Central America and Mexico's support for the Contadora peace process, fraudulent Mexican congressional elections in 1985, and conflict over the U.S. war on drugs (Chabat 1996). The bilateral relationship hit a low point when U.S. Drug Enforcement Administration Special Agent Enrique Camarena was kidnapped and killed in Mexico in 1985. U.S. Customs Service Director William von Raab testified before the Senate Foreign Relations Committee the following year that high-ranking Mexican officials, including perhaps the family of Mexican President Miguel de la Madrid, directly participated in and profited from the drug trade.

Finally, the pendulum swung in the other direction beginning with the inaugurations of Mexican President Carlos Salinas in December 1988 and U.S. President George Bush in January 1989. The once-every-twelve-years double inauguration provided a chance for a fresh start, and the Bush administration recognized that rapprochement would improve the United States' ability to address each of the still-festering problems of the 1980s (Fauriol 1989/90; Thorup 1989). The two presidents met three times in 1988–89, and in 1989 Mexico abandoned its two-century struggle to escape the U.S. economic orbit by initiating bilateral free trade negotiations, a process that culminated with passage of NAFTA in 1993. Like Salinas and Bush, Presidents Bill Clinton and Ernesto Zedillo continued to make personal investment in the bilateral relationship, and with the resolution of most 1980s-era conflicts, the successful U.S.–Mexican trade deal seemed poised to be the cornerstone of the U.S. hemispheric integration agenda (Domínguez and Fernández de Castro 2001; Fishlow and Jones 1999).⁴

Bilateral Migration Relations

The bilateral migration relationship has been shaped by these shifts in the broader strategic relationship but has also taken on a logic of its own, especially when U.S. vulnerability to Mexican emigration pressures overlaps with other economic and security considerations, raising the stakes of a successful migration policy. Prior to World War II, conflicting preferences and strained overall relations caused both countries to pursue strictly unilateral migration policies. In the U.S. case, the free flow of Mexican workers was an unintended casualty of the U.S. effort to restrict Asian and European immigration at the turn of the century, including restrictions on the admission of contract workers and the imposition of a literacy requirement and head tax on immigrants. Policymakers recognized the importance of migrant labor for U.S. economic security and wartime preparedness and suspended these new restrictions for Mexican migrants by establishing a new guest-worker visa during World War I (Reisler 1976).

Yet Mexican officials opposed the new program, which was initiated without

Mexican participation and which conflicted with Mexico's postrevolution state-building and economic development program. The federal government in Mexico City actively discouraged outflows at the distant northern border, but the effort met with little success (Fitzgerald 2006). Immigration relations took a turn for the worse during the Depression, when roughly one million Mexicans—along with an unknown number of U.S. citizens of Mexican descent—were rounded up and deported, while others were harassed into self-deportation or chose to leave in response to the poor U.S. labor market (Jungmeyer 1988). Mexican Labor and Interior Ministry officials organized their own repatriation programs to protect their citizens from harassment. Thus, by the end of the 1930s, migration had become an independent source of bilateral conflict, and traditional circular flows had largely ground to a halt.

In this context, U.S. economic growth beginning in 1939 and the passage of the Selective Service Act in 1940 raised acute concerns about agricultural labor shortages as the United States prepared to enter World War II. Growers petitioned for a World War I-style guest-worker program in which Mexicans would be admitted on private contracts, but the Roosevelt administration—in the midst of the Cárdenas oil controversy—rejected these calls for diplomatic reasons. Then in 1942, Roosevelt directed diplomats and agricultural officials to approach Mexico about a bilateral guest-worker deal in which Mexican state actors would be responsible for labor recruitment. In the context of strained relations and fears about a German foothold in Mexico, negotiators were instructed to defer to Mexican concerns about the specifics of the deal (Gamboa 1990; U.S. Department of State 1943, 538–44). Under the resulting agreement, Mexican workers were guaranteed a minimum wage (unlike American agricultural workers) as well as transportation expenses, housing benefits, and basic health care. Mexico insisted that contracts be signed by the U.S. government, with agricultural employers acting as subcontractors. And Mexico also blacklisted the entire state of Texas, which had a particularly bad record of immigrant labor relations. As Lessard (1984, 42–47) observes, the overall agreement most closely resembled the Mexican Federal Labor Law of 1931, passed specifically to respond to abuses of earlier Mexican emigrants.

U.S. officials and growers were divided about the program. Growers pressed for more flexibility and twice (in 1943 and 1948) prevailed upon local border officials to admit Mexican workers to Texas in violation of the treaty. But the White House and State Department remained committed to their bilateral approach, intervening in both cases to prevent additional admissions. The Roosevelt and Truman administrations also resisted grower demands to renegotiate the treaty and angered members of Congress by holding growers accountable to the terms of their Bracero contracts. Nonetheless, contract enforcement weakened after the war, and state-to-state contracting and the prohibition on guest workers in Tex-

as were both eliminated over Mexico's objections when Congress threatened to pass legislation authorizing a unilateral World War I-style program (Calavita 1992; Rosenblum 2003).

Two additional turning points were reached, in 1951 and 1954. First, with the United States entering the Korean War, Mexico threatened to obstruct emigration unless the United States agreed to resume state-to-state contracting. The White House agreed, but Congress rejected Truman and Mexico's additional demand that employers be prevented from hiring undocumented immigrants outside the program. Caught between a pro-grower Congress and a pro-agreement Mexico, Truman was forced to accept Congress' version of the bill, and the so-called Texas Proviso gave employers immunity from the new crime of "harboring or abetting" undocumented immigrants.

Second, with the signing of the Korean armistice in 1953 and the inauguration of the more pro-business Eisenhower administration in January 1954, the United States adopted a tougher bargaining position, insisting that Mexico contribute to migration control efforts by patrolling its side of the border and that guest-worker contract disputes be arbitrated by the United States rather than bilaterally. Negotiations broke down, and Mexico played its only remaining card by placing troops on the border to prevent Bracero exits. The move backfired, however, when U.S. border agents assisted illegal (from Mexico's perspective) crossers and gave them visas; and Mexico was forced to accept the U.S. terms or be excluded from any role in the program. Thus, if bilateral relations were generally characterized by benign neglect during the 1950s, immigration relations after 1954 came to be characterized by gross exploitation of Mexican immigrants during the mature phase of the Bracero Program (Rosenblum 2003).

Mexico's ability to manage guest-worker flows remained compromised thereafter, but bilateral relations still influenced the timing of the program's demise. Under pressure from the Democratically controlled Congress and from his domestic constituents to terminate the program, the pro-labor President Kennedy nonetheless agreed to Mexico's request that the program be extended for two years in 1961 and one year in 1963. Kennedy had a long voting record against the program as a member of Congress but explained his support for the extension on the grounds that "I am aware ... of the serious impact in Mexico if many thousands of workers employed in this country were summarily deprived of this much-needed employment" (American Reference Library 1999, 639–40).

The possibility of a new bilateral guest-worker deal remained on the regional agenda for the next decade. Mexico petitioned the United States for a renewed guest-worker program throughout the 1960s, but the United States rejected the requests, and no formal talks were held. The 1973 oil shock reversed this dynamic, as the United States offered Mexico a new guest-worker deal in exchange for privileged access to Mexican oil reserves. Once again, no talks were held as

the nationalist Echeverría administration, emboldened by the promise of robust oil-fueled growth, rejected the offers (Fitzgerald 2006; Rico 1992).

Migration relations deteriorated during the high-conflict 1980s. U.S. officials recognized that Mexico would bear the brunt of new enforcement measures contained in the 1986 Immigration Reform and Control Act (IRCA), but no bilateral talks were held on the legislation, and Mexico rejected a formal invitation to participate in U.S. Senate hearings leading up to IRCA's passage. Partly for these reasons, even though earlier legislation debated in 1983 and 1984 included language to expand legal Mexican visas to offset the new enforcement measures, these provisions were eliminated from the final version of the bill without discussion. Similarly, even when relations improved under Bush and Salinas, Mexican negotiators made an explicit decision *not* to raise migration issues as part of a new trade deal during NAFTA talks, and NAFTA's "labor chapter" regulates workplace rules but not labor flows.⁵

Immigration became a still greater source of conflict during the 1990s as California Governor Pete Wilson based his successful reelection campaign on the demonization of undocumented immigrants leading up to the passage of that state's Proposition 187 to deny undocumented immigrants access to education and health care. Republican House members made tough immigration restrictions a priority following their victory in the landslide "Contract with America" election in 1994, and Republican presidential candidate Patrick Buchanan took a similar message on the national campaign trail. The trend culminated in 1996 with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which restricted immigrants' access to public services and strengthened migration enforcement. Meanwhile, the United States adopted a new policy of "prevention through deterrence" at the U.S.–Mexican border, dramatically expanding enforcement personnel and equipment to discourage attempted entries. In practice, however, the partial militarization of the border produced no measurable decline in attempted entries but led to a sharp increase in border-area violence and deaths as immigrants turned to professional smugglers and crossed the border in ever more remote areas (Cornelius 2001; Meyers 2005).

The contrast between steadily deteriorating immigration relations and improvements in other aspects of the bilateral relationship finally caused policy-makers on both sides of the border to seek more collaborative solutions to the growing immigration crisis. The U.S.–Mexican Binational Commission, founded in 1977 by the Carter and López Portillo administrations but dormant during the 1980s, led the way by elevating its immigration subgroup to full working group status in 1990 and then received sustained cabinet-level attention during the Clinton presidency. The commission sponsored a major binational study of immigration, producing the first quasi-official consensus document on the causes of undocumented immigration and on basic demographic characteristics of immigrant

stocks and flows (Binational Study on Migration 1997). Agreements were signed in 1996 and 1997 creating four separate programs to establish joint procedures for U.S. Border Patrol agents and Mexican consuls during deportation proceedings (Mechanisms of Consultation), standing links between municipal officials along the border (Border Liaison Mechanisms), and a program to target U.S. resources to migrant-sending communities—all Mexican priorities (Domínguez and Fernández de Castro 2001; Rosenblum 2004a; Sassen 1999). These border-level institutions produced significant improvements in the protection of immigrant rights, and the Clinton administration also responded to Mexican pressure by demanding important changes to the IIRIRA to mitigate some of its most harmful effects (Gimpel and Edwards 1999; Rosenblum 2004b).⁶ Thus, even though Mexicans scorned the IIRIRA and new U.S. border enforcement strategies for “criminalizing” undocumented immigrants, they praised the Clinton administration for its bilateral approach to the issue (Rosenblum 2004a).

Evaluating the Historical Record

In sum, the United States and Mexico initiated a genuinely bilateral immigration regime for the first time in 1942, and both countries derived benefits from the Bracero Program during World War II. But this example is exceptional. In other cases, bilateral policymaking was limited by opposition from one or more policy actors in the United States or Mexico, as in 1951–53 when Congress agreed to Mexico’s demand that guest-worker contracting occur on a state-to-state level but blocked Truman’s effort to impose sanctions on noncooperative employers, and in the 1990s when congressional restrictionism ensured that Clinton’s outreach to Mexico on migration issues was limited to midlevel institutional changes and small modifications to the IIRIRA. Even fewer opportunities for collaboration exist when policymakers in either country uniformly oppose bilateral migration policymaking, as was the case in both countries prior to World War II, in the United States in 1954 and 1986, and in Mexico in the 1970s.

Why has successful collaboration been such an unusual policy outcome? On one hand, policymakers in both states confront domestic political obstacles. In Mexico, the revolutionary state’s founding mythology emphasizes economic nationalism and independence from the United States; and U.S.–Mexican migration cooperation remains particularly controversial. In the United States, even though pro-immigration interest groups have often dominated the policymaking process (Freeman 1995; Joppke 1998), they have rarely viewed Mexico as an ally in this fight; and nativists and other opponents of generous immigration policies are even more hostile to a bilateral approach.

More important, collaboration has offered limited substantive benefits to either country. While the Roosevelt and Truman administrations enforced pro-Mexican contract requirements over employer objections in the early years

of the Bracero Program, for most of its history the program is correctly recalled as nakedly exploitative of immigrant workers, offering few benefits to Mexico beyond the veneer of a formal state role in emigration. Mexico's rejection of an oil-for-guest-workers deal in the 1970s was based on the correct assessment that its workers enjoyed access to U.S. labor markets with or without a visa, and on skepticism that legal access would bring additional concrete protections. Similarly, with the exception of the initial Bracero period when bilateral recruitment helped jump-start stalled labor flows, bilateralism has offered few tangible benefits to the United States. Once Mexico tried and failed to prevent outflows in 1954, the U.S. preference for access to labor was reliably satisfied via unilateral recruitment policies. Thus, migration cooperation has been undermined because unilateral migration policies have done an adequate job of protecting core migration interests without taking on the additional costs associated with a bilateral regime.

For these reasons, the best predictor of migration cooperation has not been variance in the underlying structure of the migration problem but rather in the broader bilateral, regional, and global context. U.S. military vulnerability in 1942 and 1951 substantially enhanced Mexican bargaining power not only because it increased the value of U.S. access to Mexican labor but also because U.S. planners saw linkages between a migration deal and their additional goals of a stable regional relationship and a damper on Mexico's flourishing relationship with Germany prior to World War II. Then when the anti-Bracero Kennedy administration confronted a Democratic Congress inclined to terminate the program, it was the administration's Latin American agenda that caused the president to intervene in favor of gradually phasing out the program, as Craig (1971, 189) explains: "To abolish Mexico's third-most-important source of foreign exchange on short notice would have been too much out of character with Kennedy's Alliance for Progress." Even during the 1990s, Clinton administration officials de-emphasized the migration-specific benefits of border-level institutions and argued that the administration sought to balance congressional hard-liners primarily to protect the fragile U.S.–Mexican relationship (Rosenblum 2004b, 88).

Conversely, strained relations have undermined opportunities for migration cooperation. Not only did Mexico perceive an immigration deal as unnecessary by the mid-1970s, but making such a deal would have been particularly difficult for the Echeverría and López Portillo administrations, which staked their domestic legitimacy on their independence from the United States. And during the 1980s, even though members of Congress sought Mexican input during the IRCA debate, the broader downturn in the bilateral relationship made it impossible for Mexico to accept Congress' invitation.⁷

Contemporary Opportunities and Obstacles to a Bilateral Migration Regime

The end of the Cold War and the 9/11 attacks may mark the beginning of a new era in U.S.–Mexican relations, and recent developments within the United States and Mexico signal the possible emergence of a new politics of migration within each country as well. While it is too early to reach conclusions about how these changes will affect bilateral migration relations, the following sections offer some tentative judgments about the potential for these changes to usher in a new era of cooperation and about remaining obstacles to bilateralism.

Opportunities for Collaboration

Have changes in the international context improved the prospects for a new bilateral migration regime? On their surface, the 9/11 attacks would seem to place a premium on collaborative enforcement efforts. Indeed, if Mexico was perceived as an indispensable ally during World War II and the Korean War by virtue of its ability to provide essential workers, it is similarly in the position today—when six out of ten new jobs are filled by immigrant workers (Sum et al. 2005)—to play a critical role in sustaining healthy U.S. economic growth. Moreover, with 80 percent of undocumented immigrants to the United States coming from Mexico and the Caribbean Basin, and with 12,500 trucks and 660,000 people legally crossing the U.S.–Mexican border each day, Mexico is uniquely positioned to contribute to U.S. counterterrorism efforts.⁸

In addition, Mexico remains a gateway for U.S. interests throughout Latin America. As in the 1990s, hemispheric economic integration remains a high priority for many U.S. policymakers of both parties. Any immigration deal could substantially strengthen U.S.–Mexican economic institutions and political ties and would likely deepen Mexico's commitment to pro-market economic policies favored by the United States but increasingly controversial in Mexico and throughout Latin America.⁹

Second, domestic political changes in each country also seem to reveal new opportunities for a collaborative approach. In the Mexican case, an immigration deal would be the next logical step in the process of integrating the transnational community within Mexican political life. This process began in earnest in 1990 when the Mexican Foreign Ministry established its Program for Mexican Communities Abroad (reorganized in 2001 as the Institute for Mexicans Abroad), which promotes linkages between Mexicans in the United States and public and private institutions within Mexico, seeks to improve the image and self-image of Mexicans within the United States, promotes social and political organizing within Mexican-American communities, and strengthens the role of the Mexican consular network as a supporting organization in this effort (Figuroa-Aramoni

1999; González Gutiérrez 1999). Mexican legislation in 1996 to permit “dual nationality,” in 1998 to permit dual citizenship, and in 2002 to permit voting abroad reinforced this agenda, as did Fox’s widely embraced pledge to “govern for 120 million Mexicans” (that is, 100 million in Mexico and 20 million in the United States).

There are also reasons to believe that political space for a bilateral migration deal may exist within the United States. Public opinion polls during 2006 registered greater interest in immigration reform than at any point in the previous two decades, and demand for reform was arguably higher than at any point since the 1920s. Most Americans believe that the U.S. economy depends on immigrant labor; and numerous polls conducted in the spring and summer of 2006 and in the spring of 2007 found that between 60 and 80 percent of respondents favored immigration reforms that included a new, large temporary-worker program. Labor groups that actively opposed new inflows during the 1970s and ’80s (for example, the AFL-CIO) are now more focused on regularizing flows, and labor support for an immigration deal would be particularly strong if it also strengthened U.S. unions’ ability to organize Mexican workers. Employers who previously dismissed the possibility of effective migration enforcement now confront labor shortages and would welcome a system that guarantees access to workers even at the cost of new labor rights. These labor and business concerns were at the heart of the left–right coalition supporting the Senate’s Comprehensive Immigration Reform Act during the 2005–06 and 2007–08 sessions of Congress. Finally, top strategists in both parties see a long-term benefit to building support among Latino voters, who generally favor reform packages that include legalization and expanded legal migration and who likewise presumably would support a bilateral deal.

These contextual changes make it easy to describe the contents of a bilateral migration deal that could achieve widespread support in both countries. The first pillar of a new regime would be enhanced security on and around the U.S.–Mexican border and greater collaboration on regional security issues in general. For years, Mexico perceived border insecurity as a U.S. problem: border crime contributed to the flow of drugs and people into the United States but had few negative consequences for Mexicans *per se*. But border violence has begun to spread deeper into the Mexican interior, and in a democratic Mexico with an active, independent media, the failure to curtail border violence has become a liability for incumbents. For this reason, Mexican law enforcement agencies have already substantially expanded their efforts to prevent undocumented transmigration and to assist U.S. counternarcotics efforts.¹⁰

Existing Mexican enforcement efforts potentially represent the tip of the iceberg, and a bilateral agreement could substantially improve U.S. migration control if it expands existing interior repatriation programs (that is, deporting Mexican migrants to their hometowns, rather than to the U.S.–Mexican border), if Mexico

plays a more active role in discouraging undocumented emigration by its citizens, and if Mexico increases enforcement against transmigration. Mexican assistance on other security priorities could be even more significant, including enhanced connectivity of U.S. and Mexican counterterrorism databases, greater U.S. access to Mexican *immigration* data, a direct U.S. enforcement role at Mexican ports of entry, and a direct enforcement role for U.S. counternarcotics agents on the Mexican side of the border. Mexico has rejected many of these ideas in the past, but current and former Mexican officials have signaled their willingness in recent years to place some of these long-desired (by the United States) concessions on the negotiating table as part of a comprehensive deal.¹¹

The second pillar of a bilateral migration deal would be enhanced Mexican opportunities for legal migration and protection of Mexican immigrants' rights within the United States. Previous Mexican criticism of emigrants' loyalty to Mexico has given way to an embrace of the vital role of migrant remittances, which totaled \$24.5 billion in 2006. Thus, Mexican politicians have spoken out in support of a new U.S. temporary-worker program even without the promise of privileged access for Mexicans. Yet there is an inherent tension between promoting *temporary* migration—that is, formally establishing a two-tier labor regime—and protecting workers' rights. Thus, to satisfy liberal and pro-labor allies within the United States, a temporary-worker program must also include significant new protections to guard against migrant exploitation.

Despite the Bracero Program's many flaws, the early years of the program offer important lessons about the value of bilateral enforcement. Indeed, Mexican oversight of guest-worker contracts between 1942 and 1947—during which time consular workers had the power to suspend contracts and blacklist abusive employers—contributed to a high level of contract compliance, which is why employer allies in Congress made elimination of Mexico's oversight role a top priority in 1947–48 and again in 1954 after state-to-state contracting resumed during the Korean War (Rosenblum 2003). Mexico's existing consular network and Institute for Mexicans Abroad are a natural resource for ensuring immigrant workers' rights; and Mexico would have great incentives in the context of a bilateral agreement to absorb some of the enforcement costs associated with contract oversight. In addition, Mexican labor officials could take responsibility for migrant screening and recruitment within Mexico, preventing exploitation by private labor contractors who would otherwise play such a role.

Finally, the third pillar of a new bilateral immigration deal could be restoring circular migration patterns and promoting development in Mexican communities of origin as a strategy for reducing long-term push factors. Mexican programs like *Tres-por-Uno* (three-to-one), which provides federal, state, and local matching funds to supplement migrant remittances targeting community development projects, offer one template; U.S. matching funds could easily be folded into

such a program. Nongovernmental immigrant hometown associations have also funded development within sending communities, and a new immigration deal might emphasize public–private partnerships based on this model. Many U.S. actors recognize the logic of this approach, which has long been seen as the primary tool available to reduce emigration pressures (Commission for the Study of International Migration and Cooperative Economic Development 1990). Efforts to target remittances to local development projects could be combined with programs to encourage return migration by temporary workers, a priority for some supporters of comprehensive immigration reform in the United States and a trend that would ultimately strengthen bilateral relations. Under a bilateral regime, return flows would be encouraged through market-based incentives, such as return bonds, withheld wages, or a binational pension program, rather than through an enforcement-only approach.

Obstacles to Collaboration

Each of the contextual changes discussed above cuts both ways, raising obstacles to those who favor a bilateral approach, and specific proposals for bilateralism raise additional questions.

First, in terms of the broader international context, post-9/11 concerns about security make Mexico a more valuable ally, but they also raise new concerns about the “special peril of defection,” raising barriers to cooperation for the reasons the traditional international relations literature predicts. That is, while U.S. security experts embrace a regional approach, they also worry that Mexican enforcement agents may be less committed to protecting U.S. security, less prepared, or more prone to corruption. And the evidence so far is not that the United States has reached out to Mexico as a valuable ally in the war on terror, as during World War II, but that the two nations have reentered a Cold War-style era of benign neglect.¹² An immigration deal would also have ambiguous implications for U.S. hemispheric integration goals, as any deepening of U.S.–Mexican economic integration immediately raises questions about “parity” for other Caribbean Basin and Western Hemisphere states: Why should Mexico receive privileged access to U.S. markets while CAFTA-DR countries are excluded, for example?¹³

Second, clear political obstacles to reform also remain in place in each country. Fox placed such a deal at the center of his presidency in 2001 and suffered the consequences throughout the remainder of his term from the definitive American withdrawal from bilateral negotiations. In a March 2006 poll, only 52 percent of Mexicans considered good relations with the United States important to Mexico’s future (Zogby International 2006). The same poll found that a plurality of Mexicans (32 percent) believed they had been personally harmed by the NAFTA treaty and that a majority (53 percent) opposed the idea of linking tighter immigration restrictions to a “Marshall Plan” for Mexico—though this would not

be the focus of an immigration agreement as described here.

On the U.S. side, opposition to a bilateral migration deal would come from the same actors who supported unilateral enforcement-only measures rather than comprehensive reform during the 109th and 110th Congresses. Indeed, House Republicans hardened their opposition to a temporary-worker program, legalization, and other benefits in the wake of the Senate's passage of the Comprehensive Immigration Reform Act of 2006. And large-scale marches and rallies in support of comprehensive immigration reform in the spring gave way to a backlash by anti-immigration single-issue groups, which brought significant grassroots pressure to bear on Republicans and Democrats alike throughout the summer of 2006 and lasting into the following year.

Finally, the details of the three-pillar structure would also raise a number of questions. First, working out a Mexico-specific temporary-worker program would be difficult, raising questions about the timing of new admissions relative to enhanced enforcement efforts, whether temporary workers should have the opportunity eventually to become U.S. citizens, and how to handle temporary workers' health and pension benefits, among other issues. Second, how would the agreement balance migrants' rights within the United States against the goal of stronger migration enforcement? Bilateral negotiations would have to resolve disputes over specific enforcement measures under consideration in the United States, including limits on migrants' access to the court system, expanded use of mandatory detention and expedited deportation, and the proposal to redefine undocumented status as a felony or misdemeanor criminal offense. The most fundamental questions regard the rights of undocumented immigrants within the United States: While a majority (often as many as three-quarters) of Americans polled in 2006 and 2007 favored proposals to allow undocumented immigrants who meet a range of requirements to earn legal status, a significant minority passionately opposes "amnesty" under any circumstances. Mexico would likely insist that a bilateral deal include realistic paths to legality for these Mexican citizens (Hernández et al. 2005).

Conclusion: Prospects for Reform

In sum, despite the uncertainty about the future of immigration reform within the United States, this review confirms that ample areas of agreement exist around which a bilateral agreement could, in principle, be negotiated. A bilateral approach enjoys especially widespread support among Mexican elites, and Mexico's apparent willingness to offer substantial new support to U.S. law enforcement efforts in exchange for privileged access to U.S. labor markets could be at the heart of a new deal. Any such arrangement would be controversial within the United States.

But a well-crafted bilateral deal based on expanded legal access for Mexican workers and protection of immigrant rights, joint enforcement to prevent undocumented migration and enhance U.S. security, and promotion of circular flows and Mexican regional development projects could achieve widespread support from the same left–right coalition of grassroots and elite groups and policymakers that supported comprehensive reform proposals in the Senate in 2006 and 2007 and the president’s proposed migration reform in 2005. Moreover, there is little doubt that an agreement based around these three pillars could be of substantial mutual benefit to the United States and Mexico. Thus, whereas a bilateral immigration regime failed to generate serious discussion in the post-Bracero period because no basic consensus existed on areas of mutual concern, today’s higher priorities on regional security and economic integration have changed these dynamics so that bilateralism offers the possibility of concrete benefits.

What is the likelihood that bilateral talks will resume and usher in major changes? In the short term, the political costs and benefits of a bilateral deal may turn on the election results of 2006 and 2008. House Republicans moved hard to the right on immigration reform during the summer of 2006, seeking to use migration as a wedge issue to mobilize conservative voters; but this strategy was unsuccessful at best, and may have backfired in many cases. Overall, exit polls found that a solid majority of midterm voters (57 percent versus 38 percent) wanted immigration reform to provide undocumented immigrants working in the United States a chance to apply for legal status rather than face deportation (Kondracke 2006). And while immigration was not at the center of most midterm races, pro-comprehensive reform candidates defeated hard-liners in thirteen of sixteen races in which the immigration debate was prominently featured.¹⁴ Perhaps most important, Hispanic voters turned out in large numbers and voted overwhelmingly for Democrats, reversing gains made by the Bush administration during the 2004 presidential race and jeopardizing the president’s highly touted plans for Hispanics to become a core constituency for Republicans in the future.¹⁵ Even though the Democratically controlled Congress failed to produce immigration legislation in 2007—and many of the newly elected Democrats were lukewarm supporters of reform, at best—the early position-taking for the 2008 race suggests that comprehensive reform will remain an increasingly partisan issue, at least at the presidential level, with Democrats favoring a policy package that could lend itself to bilateralism and Republicans (with the exception of John McCain) coming out strongly for an enforcement-only approach.

As with any bilateral initiative—or any major immigration reform—a second key question concerns presidential leadership. Will President Bush find an opportunity to return to immigration reform during his final year in office? It would require strong presidential leadership in both countries to craft a multidimensional agreement and to sell it to skeptical publics. Despite his earlier outspoken sup-

port for a bilateral deal, Bush failed to keep immigration on the bilateral agenda, and his support for the Senate's comprehensive reform bill during 2006 was also less consistent than supporters had hoped. The president—along with Secretary of Commerce Carlos Gutierrez and Secretary of Homeland Security Michael Chertoff—was far more engaged during the 2007 Senate debate, but Republican opponents of the Senate bill and process ignored the administration's appeals for support. Following three years of congressional false starts, the inauguration of a pro-reform president in 2009 may see a bilateral approach, working with a like-minded Felipe Calderón, as an opportunity to jump-start the U.S. immigration debate just as Bush initially intended in 2001.

This raises a third question about the institutional venue for a bilateral deal. Many initiatives to enhance collaborative enforcement, streamline legal flows, and invest in Mexican communities of origin have already begun through the U.S.–Mexican–Canadian Security and Prosperity Partnership of North America (SPP). Important examples include voluntary interior repatriation agreements, the joint countersmuggling program OASISS, the SENTRI program to allow pre-approved entry for “trusted travelers” who undergo background checks and obtain radio frequency ID cards, and the bilateral Border Security Initiative in which U.S. Border Patrol and Mexican Grupo Beta agents work and train together. Their shared mission is reducing illegal entries while preventing border deaths and improving humanitarian conditions along the border. Further collaboration through the SPP would not require extensive public debate or cooperation from Congress, but the SPP does not offer the possibility of substantial additional Mexican access to U.S. labor markets, nor do the executive agreements and memoranda of understanding upon which the SPP is based offer an opportunity to use an immigration deal as a high-profile tool of hemispheric diplomacy. As in the 1990s, bilateral progress through modest executive branch institutional reforms is thus easier to contemplate than major legislative or treaty-based changes but offers more limited benefits.

Any prospects for a new bilateral migration agreement require continued political and economic stability in Mexico. Mistrust of Mexican enforcement capacity and integrity is a key obstacle to good-faith bargaining on the part of many U.S. policymakers, and the new security context raises the stakes associated with an unreliable negotiating partner. The protest tactics employed by Andrés Manuel López Obrador and his supporters following Mexico's disputed 2006 election represented a strong disincentive to risk-averse U.S. policymakers who might have considered investments in a more formal bilateral immigration regime, though by the middle of 2007, the Calderón administration had demonstrated an impressive ability to restore order to the Mexican capital and engender broader-than-expected support within the Mexican Congress. Even in the absence of additional conflict in Mexico, lingering questions about Mexico's future economic and political

development and the breadth of support for López Obrador's radical critique of U.S.-backed economic policies highlight the potential gains from a new bilateral migration agreement—but also the barriers to negotiating one.

Finally, in the long run, the successful implementation of a bilateral migration deal will depend to a great extent on the ability of Mexican politicians and the U.S.–Mexican transnational community to complete the project of redefining the issue in those terms. Migration differs from the cross-border movement of goods and capital because the movement of people represents more than a simple shift in factors of production. But at the same time, a globalization regime that liberalizes only some types of flows is fundamentally asymmetric, penalizing owners of labor relative to other participants in the global economy. The United States and Mexico confront deeper challenges in resolving this tension than in the cases, say, of the European Union or Mercosur states, but the challenge will only intensify as the U.S. and Mexican economies otherwise continue their broader integration. In this sense, how the United States and Mexico define their bilateral migration problem may be an important predictor of how the United States defines its future relationship with the global economy.

Notes

The research for this chapter was supported by a Council on Foreign Relations International Affairs Fellowship.

- ¹ As a former Mexican executive branch official involved in the effort to develop a more aggressive migration policy explained, "It does not count as intervention in another country's affairs when you are doing it to protect the rights of your own citizens" (Rosenblum 2004a, 108).
- ² The focus on counterterrorism at U.S. borders began during the 1990s in the wake of the 1993 World Trade Center bombing and the 1999 millennium bomber, intercepted at the U.S.–Canadian border (Meyers 2005).
- ³ Immigrants combined to account for 15 percent of the U.S. workforce in 2004 and over 50 percent of labor force growth since 1994 (Sum et al. 2005; Aspen Institute 2005).
- ⁴ Conflict over the Central American civil wars was resolved by the El Salvador peace treaty (1989) and Nicaraguan election (1990); conflict over Mexican democratization was resolved by free and fair elections in Mexico during the 1990s; conflict over Mexico's debt crisis was resolved by Mexico's commitment to "Washington Consensus" economic policies and the NAFTA deal; and conflict over narcotics was ameliorated by President Clinton's consistent support for Mexico on this issue, including his use of the veto threat to block a congressional proposal to "decertify" Mexico as an ally in the war on drugs (Rosenblum 2004a).
- ⁵ Ironically, the only way immigration entered the NAFTA debate was when NAFTA's supporters held out the promise of reduced Mexican emigration pressures as a reason for Americans to support the deal. Thus far the record suggests that NAFTA has had the opposite effect (Massey, Durand, and Malone 2002).
- ⁶ Clinton threatened a veto to eliminate the Gallegly amendment, which would have denied free public education to the children of undocumented immigrants; and the administration

also scaled back congressional limits on poor families' ability to sponsor family members for immigrant visas (the "deeming" requirement) and eased restrictions on immigrants' access to welfare.

- ⁷ Senate Judiciary Chairman Alan Simpson (R-WY) traveled to Mexico and discussed migration legislation with officials there during the summer of 1986. Simpson supported efforts by the Foreign Relations Committee to invite Mexican officials to discuss migration issues at a June hearing on the "Situation in Mexico," but Mexicans boycotted the hearing in the wake of the inflammatory William von Raab testimony before the same committee just one month earlier.
- ⁸ The border is *not* the weakest link in U.S. counterterrorism efforts; yet Mexico is still uniquely positioned to enhance U.S. security by assisting in the creation of a North American security perimeter, by screening cargo before it reaches the U.S. border, and by assisting in tracking terrorist mobility (Council on Foreign Relations 2005; Ginsburg 2006). Also see Flynn (2004).
- ⁹ While U.S.–Mexican migration relations were not prominently featured in Mexico's 2006 presidential election, NAFTA, Mexico's position in the global economy, and structural reform of the Mexican economy were among the most significant issues distinguishing the top two candidates, Felipe Calderón and Andrés Manuel López Obrador. In Mexico and throughout Latin America, U.S. unilateralism on migration issues, especially the "*muro de muerte*" (wall of death) at the U.S.–Mexican border, has become an inflammatory example of U.S. hypocrisy (for example, British Broadcasting Corporation 2006; Cormier 2006). Few developments would silence these critics more effectively than a formal U.S.–Mexican (or U.S.–regional) migration agreement.
- ¹⁰ According to the Mexican Embassy, Mexico arrested 57,000 individuals on drug trafficking crimes between 2000 and 2005; Mexico currently employs 38,000 civilian and military law enforcement personnel in its counternarcotics efforts; and Mexico detained 216,000 transmigrants in 2004 and 206,000 in the first ten months of 2005. New bilateral initiatives have also been launched, including the 2002 Border Partnership Accord, which provides U.S. screening technology to Mexican inspectors and coordinates shared data on airline passenger manifests; and the Security and Prosperity Partnership, which seeks to streamline legal border crossing within the NAFTA area by implementing common data and documentation procedures.
- ¹¹ For example, Mexican members of Congress unanimously agreed that "if a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them, *Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels*" (Hernández et al. 2005; emphasis added), a radical break with Mexico's previous position against the regulation of outflows. The same joint resolution suggests that in the case of a comprehensive immigration deal, "Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration." Also see Council on Foreign Relations (2005).
- ¹² As Castañeda (2003, 68) concludes, "the region, at least in terms of U.S. attention, has become once again an Atlantis, a lost continent."
- ¹³ Still, these deepening-versus-broadening conflicts are not insurmountable, as there are ample historical and contemporary reasons to limit a migration deal to Mexico; and (as the CAFTA-DR example implies), a deal with Mexico could likewise be expanded to encompass other countries of origin in the future.
- ¹⁴ Pro-immigration or pro-comprehensive reform candidates were victorious in House races in Arizona's Eighth District (defeating Randy Graf, founder of the anti-immigrant Minutemen group),

Indiana's Eighth District (defeating House Immigration Subcommittee Chairman John Hostetler), Colorado's Seventh, and Arizona's Fifth (defeating prominent immigration hard-liner J. D. Hayworth); in Senate races in Florida, New Jersey, Pennsylvania, and Washington; and in gubernatorial races in Arizona, California, Colorado, Kansas, and Wisconsin. Restrictionist Republican Senator Jon Kyl retained his seat in Arizona; and hard-liners won close races against pro-comprehensive-reform candidates in Pennsylvania's Sixth District and Florida's Thirteenth.

¹⁵ Eight percent of all voters in 2006 were Hispanic, the highest level ever recorded, and Hispanic voters reversed a recent trend by supporting Democrats over Republicans by a margin of 69 percent to 29 percent, up from 65–35 in 2000, 62–38 in 2002, and 56–44 in 2004.

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