This paper presents an overview in regards to migration public policies. Firstly, a description of migration movements that take place in the American continent is presented; secondly, the way regional mobility spaces and integration of labor markets operate is also presented; lastly, some proposals regarding the formulation of migration public policies are put forward.

1. Migration flows in the American Continent.

Most migration flows that happen between geographical neighboring countries or that share features of their history because of Colonial relationships or linguistic, cultural or religious affinities (Durand, 2011). Statistics show that two out of every hundred people worldwide emigrate to seek better economic opportunities (UNDP, 2009). These numbers only include people that eventually end up living in a country other than their own (emigrants), or with a circular come and go movement between their country of origin and destination (migrants).

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Ergo, Mexicans, and inhabitants of Central America and the Caribbean migrate mostly to the US and Canada. The population of the former British Colonies in the Anglophone Caribbean, Africa and Asia migrates into its former metropolis, the United Kingdom, or other Anglophone countries such as the US, Canada, Australia or New Zealand. Turks migrate to Germany; North African Maghreb to France and people from the Indian Subcontinent to the Arab Peninsula and the Persian Gulf.

In our hemisphere, migration is different in both geographical segments. The first one is known to soccer fans as the CONCACAF (Confederation of North, Central American and Caribbean Football) zone. The US and Canada are countries of destination for migrants; Mexico is a country of dispatch and transit, and the Central American and Caribbean countries fundamentally send migrants.

Mexico, Guatemala, El Salvador and Honduras represent two-thirds of the total of Latin American migrants to the US. Other Latin American countries that send a significant number of migrants to the US are Cuba, Colombia, Puerto Rico and the Dominican Republic. Cuban immigration is ruled by a different status than the rest of Latin American countries, the Cuban Adjustment Act—which allows Cubans that arrive into US territory with "dry feet" to live in this country--; meanwhile Puerto Ricans who are US citizens bond with other Latin American migrants due to cultural affinities. On the other hand, Haitians usually emigrate to Canada, especially to the province of Quebec, francophone, while Nicaraguans go and live in Costa Rica (Heredia, 2011).

The Southern part of the hemisphere, South America, also has a subregional conformation: on the one hand we have MERCOSUR—made up by two major economies: Brazil and Argentina and two relatively small ones: Uruguay and Paraguay—. We also have the Andean region that in a strict sense includes Peru, Bolivia, Ecuador and Colombia and in a broader sense includes Venezuela and Chile. Ecuadorians go to Spain; Bolivians to Argentina and Peruvians to Chile.

Every one of these cases is clearly forced migration, people who are forced to leave their communities due to economic difficulties, “natural” disasters (earthquakes, flooding) or violence. Literature on this topic states that population flows caused by economic reasons
are called migrations and when they are caused by violence they are called displacement.

Additionally, economic public policies implemented in our own countries frequently generate migration; for example the abandonment of rural economy or the importation of grains at subsidized prices, which sinks local peasant producers (García Zamora, 2011). And even though potential migrants have jobs, most of the time their pay is meager, which produces low ascendant social mobility in our countries. Men and women of working age migrate to other places in search of opportunities. Our countries face a structural contradiction: they lose the most productive workforce, which reduces or prevents their capacity to take advantage of the so-called “demographic bonus”.

This structural contradiction tends to live on: day after day, year after year and decade after decade; migration is a perfect circle with no escape. The son emigrates because his father did it before, the grandfather did it and this circle repeats itself for generations. All of them do it because they hope that their remittances will help their family live better and many years later they realize that even though they have a decent life in their community of origin they lack stake income to remain there; they end up emigrating with their whole family. What started as a desperate act ends up being a way of life.

2. Regional mobility spaces and labor market integration

The American hemisphere has several regions of free human mobility; that is, geographical areas where people can move without having a visa issued by the country of destiny.

The most important regional agreements of human mobility are: MERCOSUR (Argentina, Brazil, Paraguay and Uruguay), Central America (Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica) and Panama, the Andean and the Caribbean regions.

México is not part of any of these human mobility agreements. Mexican citizens need visas to visit as tourists countries like the US and Canada and, obviously, work visas to work in said countries. The US and Canada have an unspoken agreements, Central America has one too, the Andean region has a similar one and MERCOSUR also has one; however, Mexico does not have a regional space of free mobility.
The Mexican-Central American relationship has a strong asymmetry; Mexico is the dominant one and Central America the subordinated one. Mexicans can travel to Central America without a visa, but Central Americans are not authorized to enter Mexico without a visa. This asymmetry reflects and reproduces the current situation between Mexico and its NAFTA (North American Free Trade Agreement) partners, Canada and the US, citizens of these countries can enter Mexico without a visa, but not the other way around; Mexicans need to have a visa to enter either one of these countries.

For many years, US citizens could enter Mexico with an ID other than their Passport. Since 2010 the US government established that they had to do it with their passport; this restriction was not made by the Mexican government. Mexico now has de facto regulation in which people that have a US visa are pre-authorized to enter Mexico without a Mexican visa. That is, the investigation done by the US government is enough to grant entrance to Mexican territory.

The most advanced regional space of free human mobility is the Schengen Agreement in the European Union; citizens of these countries can move freely and in some cases they can work in a country different that theirs within the European economic space. Nonetheless, due to the economic-financial crisis of the autumn of 2008 and the admission of the Balkan countries to the European Union, this free mobility began to crumble gradually.

The NAFTA negotiations did not include labor mobility. Nowadays, Mexico, the US and Canada are part of an economic space that includes free commercial mobility of goods, services, merchandise, capitals, investment, but not of human beings. It was never clear if the exclusion of labor mobility was in fact because the Mexico’s negotiating team did not bring it up to their US and Canadian counterparts or because Mexico did not negotiate adequately to reach an agreement. Thus, NAFTA left out one of the aspects Mexico has a comparative advantage: a relatively young workforce, with a “demographic bonus” of over half a century, diversely qualified: agricultural and construction workforce and high-technology industry workforce. NAFTA only includes the so-called “NAFTA visas” that are issued to professionals and entrepreneurs, not all workers (Heredia, 2011).

Between 2010 and 2030 most of the growth of US’ workforce will come from immigration (Creticos, 2008 and Department of Labor,
This factor gives the US a greater competitiveness margin in face of European and Asian economic blocs. Additionally, there are a significant number of occupations in which Mexican workforce is essential for day to day operation of the US economy: agriculture, construction, hospitality services (hotels and restaurants), the cleaning of offices and homes and assisted living (support for the elderly). These occupations and trades could not be filled by US’ citizens; this is why Mexican workforce has become indispensable, although it has not been recognized. And even though we are commercial partners, US’ economy is no closer to recognizing the importance of these workers. The window of opportunity to take advantage of this demographic bonus is getting smaller as time goes by, in 2025 Mexico could face workforce shortage in some sectors of its economy and be forced to import Central American workforce.

This topic is absolutely essential because any effort to form a common economic zone needs labor mobility. We currently have an incomplete agreement, which has been consigned to oblivion even by its most ardent and enthusiastic proponents. The US and Canada have returned to their bilateral relationship and are not interested in trilateral initiatives to consolidate regional integration.

Most of their population flows are considered as conditioned forced migration, but it does not determine its status in their countries of destination. Authorities of these countries of destination classify immigrants into authorized or irregular ones, according to whether or not they have documents to explain their stay in that country. Even when there is a real need to complement local workforce with people from other countries, this does not help immigrants have legal status. Thus, contemporary capitalism’s economies generate migrations, but punish immigrants.

Margins of action so that immigrants can express their opinion or influence their destiny are weak or almost non-existent. They provide workforce and contribute to the survival of their communities of origin and the prosperity of the economies they work in; however, this is only recognized occasionally.

Even the academic and public policy arenas consider immigrants as an object of study or an item of social policy; however, they are not recognized as subjects of their own destiny or individuals with rights and obligations. In terms of public policy it is essential to answer the
following question: are immigrants a number, a dependable variable, statistical data or are public policies going to be developed by immigrants themselves as citizens that have voice and vote? I will answer this question in this paper’s last section.

3. The formulation of migration public policies

Since the 9/11 terrorist attack of the Twin Towers in NY, migration changed radically in the US. Mexico and the US, the governments of President Vicente Fox and President George W. Bush, were in the verge of signing an agreement which would give voice to Mexico in regards to Mexican migration flows into the US. However, this effort collapsed and the US closed its borders as a defensive act and to prevent further attacks. Thus, a decade passed by and immigration is seen from a criminal and police perspective and not from an economic and labor point of view.

Between 2001 and 2007 there was an extraordinary increase in the number of illegal immigrants from Mexico, Central America and the Caribbean to the US. In Mexico, immigration totaled half a million each year. This radically changed in 2008 for various reasons:

a) A decrease in labor demand due to economic recession in the US since fall 2008;

b) The diffusion of said crisis. Those who live in the US warn Mexicans that want to work there: “do not come here, there are no jobs”;

c) Strict containment and surveillance policies in the Mexican border. Police and technological deployment have worked;

d) Greater fines and sanctions against US employers that hire illegal workers;

e) Increase in deportations under Barack Obama’s government. 2.5 million people were deported during George W. Bush’s government, 90% of them were repatriated from the US-Mexico border. Obama’s government’s deportations came from inside the US territory, this means quasi-final deportation.

f) The greatest danger immigrants have to face is organized crime in Northern Mexico; thus, circularity has been lost;
g) Higher costs of "coyotes" or "polleros" - person who gets illegal immigrants across the border - and

h) Low fertility of Mexican women and the gradual aging of the population; this means fewer people of working age.

In 2010, for the first time in many decades it was announced that net migration between Mexico and the US fell to zero; that is, the number of people that left the country to go to the US was the same number people that returned to Mexico because they did not find a job, they had been deported or because they wanted to.

An essential topic in 2008 is the way transnational organized crime has seized migration routes. This has spurred a wave of murders, kidnappings, extortions, force recruitment, prostitution, human trafficking, forced drug trafficking and other crimes that have deeply hurt immigrants.

Transnational organized crime gangs coerce, put pressure on or force migrants: “You are going to make this journey one way or another; I am going to make you transport this drug from “A” to “B”; furthermore, I am watching your place of origin where you left your family, your place of destination, the people who paid for your trip, I am going to extort you two times, force and coerce you”.

Communication, transportation and logistics systems of organized transnational crime do not answer to any government or company, they are more efficient than courier companies, and this is very impressive. Gangs have an absolute territorial control and they know exactly who travels where, who came what day, how many, at what time, who accompanied them and, in this case, where they are going.

It is an impressive information system of territorial coverage. The topic of territorial control is essential to organized crime gangs; therefore, the structure of crime gangs control the territory used by trans-migrants, from the Southern border – Tapachula, Talismán and Unión Juárez in Chiapas- to the Northern border – Reynosa and Nuevo Laredo, Tamaulipas; Juárez, Chihuahua; and Nogales, Sonora-.

We face an extraordinarily complex problem, a very complicated one: transnational organized crime – not only drug trafficking- that traffics weapons, humans, launders money and other criminal activities. Unfortunately, migration flows are permeated by organized transnational crime.
Bodies of the three levels of government appear to be inefficient and incapable of protecting the life and security of immigrants; multiple civil society organizations and churches work to defend their human rights. The Catholic Church has a network of parishes that cover 32 states in a very diligent manner. Fifty shelters and refuges have been established in the routes used by migrants; these efforts have been coordinated by the Human Mobility Commission of the Mexican Bishops’ Conference. These shelters are an oasis where migrants can be protected and not extorted.

This means migrants can breathe freely, they have to defend themselves from gangs, when they get to a shelter they can eat a bowl of hot soup, take a shower, rest, etc.; without having to face constant harassment. Migrants have to face a war from, the moment they leave their homes and it does not stop when they get to their destination; illegal aliens are forced to live in the shadows because they do not have documents and they are also really vulnerable to raids and deportations made by the US government.

For some decades, Mexico did not have migration public policies. We just had the Population Act of 1974. In 2011, both chambers of Congress passed the Migration Law; however, up to June 2012 the definition and enforcement are still pending.

Public Policies on Migration in Mexico have been erratic and alien to migrants. There is a work division among immigrants and transmigrants, which are addressed by the Ministry of the Interior (Department of Population, Migration and Religious Affairs, which issues regulations and National Institute of Migration carries them out), alien residents or in transit. On the other hand, the Ministry of Foreign Affairs focuses on Mexican communities abroad through consular network and the Institute for Mexicans Abroad.

The Center for Research and Teaching in Economics (CIDE) knows it is necessary to have a process to formulate public policies that legitimates itself by listening and incorporating different points of view from every sector involved: migrant communities, the three levels of government, academics, and civil society organizations, among others.

I will end this paper the way I started it, by putting forward this question: can migration be managed? Can you make some sort of migration public management? Some might say yes and some might say no because these are flows that are difficult to quantify, even more
difficult to regulate and impossible to administrate. The point is to understand them –this is the point that has been put forward in this essay-. If we understand the migration phenomenon, who migrants are and efforts done by different actors to work with migrants, we will have taken an important step.

It is not the same thing to develop migration public policies that to make public policy with migrants. This is why it is important to listen to actors of the migration phenomenon and include migrants in the development of public policies.

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