

Re-forming Immigration Reform: Unanswered and Unmasked Questions in the Mexico-U.S. Immigration Policy Debate in the United States

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Introduction

Immigration to the United States has once again become a topic of fiery debate in political and social circles both within the country and outside of its borders, but it is often easy to forget what fickle and temporal topic it is. The very concept of immigration, after all, is inextricably linked to a very temporary notion of those who just so happen to be in a place and those who truly “belong” in that place. The first tribes that crossed the frozen Bering Strait onto the North American continent were, in a sense, “immigrants” into a territory that now bears the name of the United States. These individuals were originally from Asia, but they found themselves immigrating to a new land.

Centuries later, paler skinned immigrants would arrive in ships from Spain, France, and Great Britain seeking land and fortune. These newcomers had become “immigrant” intruders into a land occupied by “natives” who had been there thousands of years before them. In relentless battles that followed, the British eventually paid a price in blood to be the dominant immigrants at the very least along the eastern shoreline. Years later, however, British who had spent their lives in the American colonies began to feel that the British who had just stepped off the boat were the new “immigrant” aggressors. More war followed, and this new group claimed to belong in the area. For years, these new “Americans” stabbed their way westward, driving out the former natives and otherwise rightful residents declaring themselves the proprietors of a new territory that stretched to the Pacific Ocean.

Throughout the years, however, this society of immigrants has become increasingly selective in regards to other immigrants. Chinese immigrants received the spotlight for a period of time beginning in the 1880s. Then Eastern European immigrants achieved the status of least-wanted immigrants in the United States in the 1920s. Since the 1950s, though, Mexican immigration has been the recipient of the most attention. As a border country of the United States, Mexico has a means of access unlike most other immigrant-producing countries. To be sure, it is not immigrants, by definition, that have created the concern; it is illegal immigrants.

Illegal immigration from Mexico is an issue that has appeared in United States policy time and time again virtually since the formal establishment of the Mexico-U.S. border after the Treaty of Guadalupe Hidalgo in 1848. After continued attempts at policy reform throughout the years since, immigration reform still remains a major issue for voters, policy makers, and immigrants alike. The newest legislative attempts at immigration reform have inspired demonstrations and protests of hundreds of thousands of individuals in the largest cities in the United States and in smaller communities (Bernstein 2006, 1).

But why have these new proposals created so much debate? What does the future of Mexico-U.S. immigration policy look like? In order to find these answers, I approach the issue with several specific research questions:

- 1.) How do the current United States immigration reform proposals differ from the various reforms of previous years?
- 2.) Do these reforms respond to the reality of Mexican immigration and the actual desires of Mexican immigrants?

3.) What are the ideal political statuses desired by Mexican immigrants to the U.S.?

Questions such as these that are wrapped up in desire and opinion have no definite answers. Therefore I seek no absolute responses, but I do intend to develop an image of the face of illegal immigration today and how it may appear tomorrow.

My work will be divided into three chapters. The first is an overview of how U.S. immigration policy has come to find itself in its current state. This discussion includes a statistical description of the current immigration issue as well as a rundown of the policies that have previously been implemented in attempts to regulate illegal immigration into the country. This chapter closes with an analysis of the current immigration reform bill and how it fits into tradition of reform that spans more than a century.

The second chapter shifts the discussion from a macro-level view to an individually oriented approach. With a basis of qualitative data collected from deported Mexican immigrants as well as Border Patrol personnel, this section serves to address the discrepancies and similarities between written policy and how those policies take shape on the ground. A particular focus is given to the experience of crossing the border as well as being deported from the United States. An internal view of the functions of the Border Patrol helps to color the scene.

The third and final chapter details the legislative process of the current immigration reform bills and presents possible policy alternatives. In order to have progressed this far, the bills have overcome a number of legislative hurdles,

but more of the gamut is left before they can become law. The policy alternatives herein are the result of research and analysis rooted in historical evidence and discussions with the involved parties.

This work is not merely a description, but it intends to contribute with policy recommendations. More than 100 years of immigration reform have failed to produce an adequate solution. I do not claim to present the perfect approach, but, at the very least, I advocate a step that is yet to be taken.

Methodology

The historical, political, and economic analyses of the Mexico-U.S. immigration issue appearing in this work are based on a variety of sources. The historical side relies heavily on other authors on the topic of immigration as well as reports on the actions of Congress during the years in question. The political side of the argument utilizes a similar approach, but also includes examples and citations from the United States Code of Law. The economic report is largely an independent economic analysis based on formally recorded statistics of the United States and Mexican governments.

Although the aforementioned empirical analysis has its advantages, I determined it would also be necessary to include a strong qualitative element. Numbers serve to express the magnitude of the immigration issue in statistical terms, but no amount of calculation could hope to approach the human side of the matter. I therefore decided to include a number of in-depth qualitative interviews as part of my research in order to present a perspective on the actual

experiences, hardships, and desires of individuals who are active participants in the topic of my study. Their insight as individuals allows a certain human depth that cannot be attained through the collection of empirical data.

To this end, I had the opportunity to conduct a series of in-depth interviews in Nuevo Laredo, Tamaulipas. I initially made contact with Padre Francisco Pellizzari who is the director of the Casa del Migrante immigrant shelter in Nuevo Laredo. On a short-term basis, the shelter provides lodging, meals, and clothing free of charge both for immigrants who are on their way to the United States or other destination and immigrants who have been deported from the same. Padre Francisco granted me permission to enter the shelter and work alongside its volunteers as I conducted interviews with four undocumented Mexican immigrants who had been deported from the United States. From October 5 through October 8, 2006, I conducted my fieldwork at the Casa del Migrante.

I selected four men of ages from the mid 20s to early 30s as interviewees. The residents of the Casa del Migrante are predominantly male, but this group is also representative of the most common demographic group to cross into the U.S. through Nuevo Laredo. Hoping to draw on diverse background experience, I selected interviewees from four different Mexican states who had lived primarily in four different states in the U.S. before being deported. Their experiences are, indeed, diverse as is elaborated primarily in Chapter 2.

While staying in Nuevo Laredo, I also had the opportunity to cross into the United States on foot into Laredo, Texas in order to interview a Border Patrol

supervisor. Since each of my interviewees at the Casa del Migrante had been apprehended while already living within the United States, the point of view of the Border Patrol serves to shed some light on the actual experience of crossing the border. This supervisor's commentary also plays a point of contrast to the narratives of the deported Mexican immigrants. These conflicting reports help to color the phenomenon more fully.

As I conducted my fieldwork, I also maintained a field journal in which I logged my own perspectives and thoughts on the workings of the Casa del Migrante, the immigrants I interviewed in addition to those with whom I simply had casual contact, the experience of crossing the border on foot, and the atmosphere of the Border Patrol. The recorded observations from my field journal also serve to color my research.

From the analyses of empirical and qualitative data appearing in the first two chapters, I am able to produce a number of potential policy recommendations in the final chapter. As the most theoretical part of the work, this chapter relies on previously presented evidence for justification.

Chapter 1: United States Immigration Policy – Then and Now

Although Mexico-US immigration has taken center stage in the present public agenda of the United States, the discussion of the illegal (hereafter referred to as *undocumented*) influx of Mexican citizens into United States as an international issue is by no means new or even recently developed. Beginning with the Treaty of Guadalupe Hidalgo in 1848, the United States has made repeated efforts to regulate the number of individuals who cross its expansive southern border. These constant efforts toward “immigration reform” have been met with various degrees of success. No plan to date, however, has proven to be ideal in its efficacy.

1.1 The Quantitative Element of Mexico-US Immigration

Before examining the historical context of United States immigration policy, it will be beneficial to discuss the numerical factors of the current phenomenon. How large of an immigrant population currently resides within the borders of the United States? That all depends on the source you consult. The estimates of the United States Census Bureau for 2005 declare the US population to be 297,821,175. Within this population, some 34.2 million individuals are foreign born; some are legal residents and naturalized citizens, others are considered illegal (Bernstein 2005, 1). This foreign-born group as a whole accounts for approximately 12 percent of the entire US population. The US Department of Homeland Security, on the other hand, estimates that 10.5 million people among these foreign born individuals are unauthorized or

undocumented immigrants (Hofner 2005, 1). By this account, undocumented persons comprise almost 4 percent of the 2005 population of the United States. The Census Bureau estimates that this group grows by 500,000 each year. More recent estimates suggest even more striking statistics. The Census Bureau lists the August 2006 population of the country at 299,598,432. According to the Pew Hispanic Center, there are presently between 11.5 and 12 million undocumented immigrants currently in the US. Bears Stearns Asset Management claims there are as many as 20 million (Knickerbocker 2006).

How many illegal immigrants are there? Estimates by source

Source	Estimate
Department of Homeland Security	10.5 million
Pew Hispanic Center	11.5-12 million
Bear Stearns Asset Management	20 million

Source: Hofner, Knickerbocker

Without any official documentation, the true size of this population can never truly be known, but it is safe to assume that undocumented individuals comprise somewhere between 4 and 7 percent of the United States population.

But how does Mexico fit into all of this? With a 2005 population estimate of 103,263,388, Mexico is roughly one-third the size of the United States. Data from Mexico's National Institute of Geographical and Informational Statistics (INEGI in Spanish) claims that more than 9 million Mexican-born citizens reside within the US. Both of these numbers have continued to grow in the last year, and as many as one in every ten or twelve Mexican-born individuals may presently reside in the United States. Within this subgroup, the Department of

Homeland Security has determined that more than 6 million undocumented Mexican born individuals may live in the US. This figure is believed to constitute roughly half of all unauthorized US residents, and it dwarfs the second-largest group of undocumented individuals, El Salvadorans, at a mere 500,000 (Hofner 2005, 7). By these estimations, nearly 2 percent of the entire US population can be classified as undocumented Mexican immigrants. This raises yet another question: why would so many people want to cross the border from Mexico into the United States, legally or otherwise?

1.1.1 Economic Factors

Immigration is an extremely complicated social and psychological concept typically linked to economic disparity. Although the prospect of improving one's economic status is often among the factors that initially compel a population to migrate from one area to another, Douglas Massey argues that social networks developed among immigrants plays a tremendously important role in the perpetuation of the flow of immigration over time.

According to Massey, these networks are "sets of interpersonal ties that connect migrants, former migrants, and nonmigrants in origin and destination areas through ties of kinship, friendship, and shared community origin" (Massey 1993, 448). Central to Massey's argument is the idea that each successive generation or wave of immigrants moving from the same community of origin to the same target area makes it easier for the next group to do the same. The initial group, then, encounters the most difficulty, but each group that follows is

able to build on the knowledge and experience of those who have come before them. In the case of Mexico, once again, these networks have had more than 150 years to develop themselves.

How do these networks make immigration easier? Massey claims that the stability of an immigrant network greatly reduces both the costs and risks of immigration (449). Mexican immigrants already established in the United States, for example, are able to assist newcomers (legal and illegal) in their attempts to find a job, locate suitable housing, learn English, determine which areas are safe from Immigration officials, and so on. This phenomenon helps to facilitate the transition from the community of origin to the migrant community. As networks continue to reduce the costs and risks of immigration, it becomes a more and more attractive option.

In terms of policy, however, immigration networks are somewhat problematic. Governments have little or no control over how these networks are developed and are therefore unable to regulate them as they grow. Massey argues that the development of these networks continues to occur “no matter what policy regime is pursued” (450).

Social networks aside, the economic gap between Mexico and the United States is a major descriptive factor of Mexico-U.S. immigration. Although the two countries share an almost 2,000 mile long border, the economic disparity between Mexico and the United States does not seem to suggest any sort of proximity. Samuel Huntington describes this situation as the world’s only example of a first world country that shares a land border with a third world

country (Huntington 2004, 13). The Census Bureau's 2005 median annual income estimate for United States households is \$46,326. The INEGI calculation of median annual income for Mexican households from late 2004 is 90,912 Mexican pesos (INEGI: Ingreso Promedio 2005). Exchange rates vary constantly, but this amount would be less than \$9,000 in US dollars. The average United States household, therefore, earns more than five times the average Mexican household. Average income is but one in a spectrum of factors.

Unemployment rates are also a telling economic descriptor. The United States Department of Labor Bureau of Statistics claims that the unemployment rate for the US in 2005 was 5.1 percent (Current Population Survey 2006). The INEGI rate of unemployment in Mexico, on the other hand, is perhaps less than one would expect based on the information above. INEGI data places Mexican unemployment in 2005 at 3.58 percent: between three and fourth fifths of the United States' rate of unemployment (Desocupación nacional 2005). This seemingly low figure is somewhat delusive. Let us consider for a moment the low average income in Mexico mentioned above. According to the PEW Hispanic Center, unemployment in Mexico is at best a small impetus for emigration from the country (Pew Report: Unemployment 2005). In a Mexican immigrant employment survey conducted by the organization, only 5 percent of respondents reported having been unemployed before crossing into the United States. Perhaps, then, the low average wage in Mexico is a much larger contributing factor than the inability to find a means of employment. As Jorge

Bustamante explains about Mexico, “the phenomenon of immigration is associated with the conditions of underdevelopment in Mexico. For example, the low salaries that are paid in our country feed a demand, as persistent as it is insatiable, for cheap labor in the United States” (Bustamante 1997, 9).

Although information on average wages and unemployment rates serves to color the economic differences between Mexico and the United States, some discussion of the cost of living would help to produce a clearer image. Since immigration is more strongly associated with groups of low economic resources, a brief examination of poverty in the two countries is warranted. The faces of poverty in the United States and in Mexico are echoes of their disparate economic systems. The published statistics of the US Census Bureau state that 12.6 percent of the US population (or approximately 12 million individuals) was considered poor in 2005. In order to determine whether or not an individual or family is technically poor, the Census Bureau uses a series of poverty thresholds that vary by age and number of dependents. If a family unit falls beneath the threshold that describes it, the family is considered to be poor. The thresholds are listed by yearly income as follows:

Poverty Income Thresholds by Household Size (USD)

Size of family unit	Average thresholds	Related children under 18 years								
		None	One	Two	Three	Four	Five	Six	Seven	Eight +
One person	9,393									
Under 65 years	9,573	9,573								
65 years and over	8,825	8,825								
Two persons	12,015									
Householder < 65 years	12,384	12,321	12,682							
Householder 65 years +	11,133	11,122	12,634							
Three persons	14,680	14,393	14,810	14,824						
Four persons	18,810	18,979	19,289	18,660	18,725					
Five persons	22,245	22,887	23,220	22,509	21,959	21,623				
Six persons	25,122	26,324	26,429	25,884	25,362	24,586	24,126			
Seven persons	28,544	30,289	30,479	29,827	29,372	28,526	27,538	26,454		
Eight persons	31,589	33,876	34,175	33,560	33,021	32,256	31,286	30,275	30,019	
Nine persons or more	37,656	40,751	40,948	40,404	39,947	39,196	38,163	37,229	36,998	35,572

Source: U.S. Census Bureau, Current Population Survey 2004 Annual Social and Economic Supplement.

As the table shows, the lowest average poverty threshold for a single individual living in the United States is \$9,393. Even this amount is larger than the median household income in Mexico.

According to the World Bank, roughly 50 percent of the Mexican population was living in poverty in 2004. Data from Mexico's Secretariat of Social Development (SEDESOL in Spanish) indicates that this number covers 39.6 percent of Mexican homes. SEDESOL's mechanism for defining poverty, however, is a nested system that does not bear very much similarity to the Census Bureau model. This nested system consists of three separate types of poverty: food poverty, capacity poverty, and patrimonial poverty. Food poverty refers to the inability to cover basic hunger and nutritional needs. Capacity poverty is the inability to afford the costs of healthcare and education. Patrimonial poverty is related to a lack of basic shelter, clothing, and

transportation. This mechanism is nested in the sense that any individual living in food poverty also falls into the capacity poverty category. A person in this category also pertains to the patrimonial poverty classification. Mexico's poorest citizens, therefore, are considered poor by all three definitions, whereas the higher end of the impoverished is considered to live in only patrimonial poverty. These thresholds are listed by dollar amount per person per year in 2004:

SEDESOL: Mexican Poverty Types

Poverty Type	Threshold
Urban	
Food	796
Capacity	979
Patrimonial	1,601
Rural	
Food	590
Capacity	702
Patrimonial	1,077

Source: SEDESOL, Medición de la Pobreza, 2002-2004

By comparing these thresholds with the United States thresholds and the median Mexican yearly wage versus the median US yearly wage, it can be seen that the results are incongruent. The average United States household earns more than five times the average Mexican household, but the lowest US poverty threshold is almost sixteen times the lowest Mexican poverty threshold. This analysis of poverty in the United States versus poverty in Mexico proves to be a clearer method of comparison than the simple use of average income. Mexico's poorest families are by far more impoverished than the poorest families in the United

States. This is but one element of the economic attractiveness of the United States as a destination for immigrants.

1.1.2 Legal Immigration

An analysis of illegal immigration from Mexico would be incomplete without some attention to legal immigration. There are, after all, numerous legal means to enter the United States from Mexico. According to the U.S. Embassy in Mexico City, there is an array of twelve different visa types available for Mexican citizens (Visas to the U.S. 2006). Each of these types is divided into subtypes requiring a complicated assortment of application forms and procedures in order to begin the process of applying for a visa. Aside from the initial determination of what type of visa is sought (e.g. business, student, temporary, diplomatic, etc.), it is rather difficult to navigate even the embassy's web pages in order to determine what documentation is required for which applications.

Aside from the paperwork, applying for a U.S. visa as a Mexican citizen also entails a certain number of costs. The U.S. State Department requires each and every Mexican visa applicant to pay a \$100 fee in order to obtain the initial visa interview. The payment of this fee does not guarantee that a visa will be issued; it simply secures the interview. The U.S. Embassy also explains that an additional \$85 charge to cover the cost of a full fingerprint examination may be required (Visas to the U.S. 2006). This does not prove necessary in all cases, but the Embassy advises that every applicant be prepared to pay this amount.

Aside from these initial expenses, some visas also require issuance fees and other administrative costs depending on the type of visa.

Applying for a U.S. visa also entails a cost in terms of time. The U.S. Department of State maintains a web page that tracks the average wait time by Consul or Embassy from calling to make an appointment for a visa interview to the actual date of that appointment. The range in Mexico is from 134 days in Mexico City to 16 days in Nuevo Laredo (Visa Wait Times 2006). This, however, is the average wait time for non-immigrant visitor visas. No such resource is available to describe how long immigrant visa applicants must wait. According to the same web site, processing these non-immigrant visas entails another wait generally of 30 days. Again, no information on the wait time for immigrant visas is provided.

Historically, Mexican citizens have also had the opportunity to obtain U.S. visas through the Diversity Immigrant Visa Program established in 1990. This program annually issues up to 55,000 visas to immigrants from countries with low rates of immigration to the United States without requiring them to have any sort of familial ties within the country. As its title suggests, the program assigns a random number to its applicants, and the individuals with the lowest numbers have the first opportunity to be considered for potential visa issue. Due to its extremely high rate of immigration to the U.S. in the previous five years, however, Mexico is currently on the list of countries barred from participating in the Diversity Immigrant Visa Program (DV-2008 Instructions 2006, 1).

As far as temporary visas for United States entry are concerned, an I-94 is probably the most common. A United States I-94 visa can be issued for any number of activities within the country. An I-94 can encompass anyone from a temporary worker or business visitor to a tourist or student. According to the records of the Department of Homeland Security, some 4,774,161 Mexican citizens entered the United States legally in 2005 on I-94 visas. This number of I-94 visa holders comprised 14.9 percent of all I-94 holders worldwide and was second only to that of the United Kingdom. These figures, however, are only representative of the number of people who entered the country as temporary visitors. The number of Mexican-born citizens who legally entered the US as immigrants in 2005 is much smaller.

The United States only admits a yearly total of between 700,000 and 900,000 legal immigrants from all other nations combined. In 2005, the United States government naturalized (formally confirmed as US citizens) 77,089 Mexican-born citizens (Simanski 2005, 2). Mexican naturalizations accounted for 12.8 percents of all United States naturalizations in that year. Typically, naturalized individuals have already lived within the United States as legal permanent residents for at least five years before taking an oath of citizenship. Of all regions of origin, however, immigrants to the US from the North American region on average spend a longer amount of time in the legal immigrant status than any other region of origin. The median number of years a North American immigrant spends as a legal resident before confirming citizenship is 11 years compared to 9 for Oceanic immigrants, 8 for South American and Asian

immigrants, and 7 for European and African immigrants (4). Even the legal process requires a long wait.

1.1.3 Border Patrol Statistics

The United States Border Patrol (among other duties) bears the responsibility of preventing the entrance of those who would otherwise avoid the legal process of entry. The entire US Customs and Border Protection program (CBP), which now falls beneath the direction of the Department of Homeland Security, has a fiscal year 2006 budget of \$7.1 billion which is slightly more than 22 percent of the \$32 billion Department of Homeland Security budget (White House Office of Management and Budget: Budget of the U.S. Government). The largest departmental expenditure of the CBP pertains to the Border Security program. This unit is allocated almost \$1.8 billion: roughly 25 percent of the total departmental budget. On the whole, the CBP employs some 42,000 individuals. Within this group, 11,300 men and women are Border Patrol agents charged with defending the sovereign borders of the United States. With the help of hi-tech surveillance and sensor equipment, the Border Patrol managed to conduct 1,171,367 apprehensions of individuals trying to cross into the country illegally in 2005 alone. These numbers show an increasing tendency in recent years.

Now with a rough illustration of where the situation stands, we may discuss its development over time. Immigration between Mexico and the United

States has, after all, existed for as long as there has been a border dividing the two political entities.

1.2 A Brief History of Mexico-US Immigration Policy

Any discussion of the phenomenon known as immigration implies a pre-existing border between two political territories. For immigration to exist, then, there must be some sort of border to cross. The Mexican-American War erupted partially due to a conflict over this very issue: the definition of a border.

1.2.1 The Treaty of Guadalupe Hidalgo

At the end of the Mexican-American War, the United States demanded terms that assured that any future border-related ambiguity would be eliminated. By signing the Treaty of Guadalupe-Hidalgo, Mexico agreed to retract claims of debt against the United States, withdraw its troops from United States territory, and hand over an enormous amount of its land for a mere \$15 million. The ceded territory would later become the states of New Mexico, Arizona and California, as well as portions of Colorado, Nevada, and Utah.

Though the border had been formally established, years would pass before any rigid regulations were placed on the terms by which Mexican citizens were allowed to cross. In fact, the release of such a large quantity of territory left a number of Mexican settlers in newly-established US lands that had only recently been a part of Mexico. Census data suggests that between 75,000 and 80,000 Mexican citizens became US residents overnight (Corwin 31). Other than

broad decennial census reports, the United States had no real way of determining exactly how many Mexicans were crossing the border each year. Up until 1894, when the United States finally assembled port-of-entry stations along the border, Mexican immigrants were only counted as they entered the country via seaports.

1.2.2 Immigration policy in the late 1800s

Even in the latter half of the 19th century, the economy of the United States was strong enough to attract Mexican workers seeking better wages. The abolition of slavery in the United States in 1865 provided even further motivation for Mexican workers to cross the border. Freed slaves vacated labor positions across the southern US, and, in some cases, Mexican workers were quick to fill the market (Escobedo-Flores 2005, 15). This practice was particularly prevalent in Texas. Immigration into the country remained relatively unchecked for years to come.

The Chinese Exclusion Act of 1882 became the first United States immigration policy directed toward any specific ethnic group or politically-defined population. Since 1875, port authorities had possessed the ability to deny entrance to anyone of a “convict” or “immoral” class, but the 1882 act also allowed them to refuse passage to individuals with mental defects and to those deemed incapable of caring for themselves well enough to avoid becoming a financial burden on the state (Hutchinson 1981, 80). The centerpiece of the bill, though, was its limitations on the Chinese population in the United States.

Senators argued that such a limitation was necessary in order to protect the labor market from the ever-increasing influx of Chinese laborers. In its final format, the Chinese Exclusion Act of 1882 created three major changes. It placed a ten-year period of suspension on Chinese immigration into the US. It indefinitely forbade United States courts to bestow citizenship upon any Chinese individual. Most importantly, however, it authorized the deportation of any Chinese person found to be living illegally within the country (82).

Up until this point, the concept of deportation had been completely absent from US immigration policy aside from a brief stint in 1798. For the first time in history, the United States government had taken an official stance allowing the forceful removal of individuals of a certain origin and profile. The specific focus of Chinese Exclusion Act on Chinese immigrants proved beneficial for Mexican immigration into the United States, but it foreshadowed policy changes that would soon come into existence for all immigrants regardless of point of origin.

1.2.3 The Dillingham Commission and the Immigration Act of 1924

Mounting concerns surrounding immigration not only from China but also from across the globe spurred an eruption of Congressional immigration bill proposals in 1907. The United States Congress authorized Senator William Dillingham of Vermont to conduct a report detailing the effects of mass immigration on the nation. This 42 volume report came to be known as the Dillingham Commission and would heavily influence immigration policy in the years ahead. Central to the report were an emphasis on the protection of the

economic well-being of United States citizens as well as the creation of a literacy test as a means of placing further limits on immigration (Hutchinson 1981, 148). The literacy test would also serve as a means of limiting the influx of uneducated and unskilled workers into the country.

Notably, however, the Dillingham Commission was light in its criticism of Mexican immigration. It even went as far as to say that Mexican immigration was more desirable than European immigration for the following reasons. Dillingham concluded that partially due to the proximity of the two countries, Mexican immigrants had little desire to become citizens of the United States. By his evaluation, Mexican immigrants did the country a service by filling gaps in the labor market and eventually returning to their native land. Dillingham added that the Mexican was “less desirable as a citizen than a laborer” (Calavita 1989, 156). This general acceptance of immigration from Mexico afforded Mexican an exemption from the literacy and language examinations.

During the war years of the Mexican Revolution, from 1910 to 1917, Mexican immigration to the United States continued to grow. Nevertheless, the focus of U.S. immigration policy continued to be European and Asian immigrants. The Immigration Act of 1921 established the first quota laws regarding the number of immigrants permitted per country. This act set the quota at “3 percent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910” (Hutchinson 1981, 178). Once again, Mexican immigrants were exempt from this law. The 1921 act stipulated that the quota would not be applied to immigrants who had lived in the

Western Hemisphere for at least one continuous year before entering the U.S. Mexico was off the hook.

Another Congressional Immigration Act in 1924 amended several items contained within the 1921 act. One major change was an alteration of the quota formula from 3 percent based on the 1910 census to 2 percent based on the 1890 census. This modification was meant to encourage western and northern European immigration and hinder southern and eastern European immigration. A second change was the shift toward a focus on consular offices abroad as a means of enforcing quotas rather than domestic ports. A third adjustment was a renewed attempt to give preference to relatives of immigrants already within the United States (Outstanding Features 1925, 90-3). The modern Border Patrol was also established in 1924 not as a means of keeping individuals from border countries out of the U.S., but as an instrument to block the illegal entrance of Eastern Hemisphere immigrants via border nations and to impede the trafficking of alcohol into the US via Mexico. An amendment was soon proposed in 1928 to end Mexico's privileged status as a non-quota country, but opposition from Senators from agricultural states was strong enough to put down the amendment. Mexican labor in the beet industry was apparently too valuable to let go (Hutchinson 1981, 207).

The Great Depression, however, finally brought an end to the somewhat privileged status of the Mexican immigrant. As unemployment rates began to skyrocket in 1929, Congress took a very different stance on Mexican immigration. Hoping to reclaim some of the United States labor market and open

working positions for U.S.-born individuals, Congress began to discuss applying quotas to Western Hemisphere countries as well. An initial bill was presented in 1930 that proposed to limit immigration from Canada, Newfoundland, Mexico, and Cuba to four times the amount of U.S. citizens emigrating to those countries in the same year. This would have created a large quota of 67,558 for Canada and a much smaller quota of 2,900 for Mexico (217). This bill was never brought to a vote. Instead, Congress voted later in 1930 to approve a secondary bill that placed a quota on Mexico alone. Somewhat arbitrarily, this bill set the quota at between 1,500 and 1,900. This marked the end of the days of Mexico's quota exemption.

With few historical examples of border enforcement along the southern United States, travel across the Mexico-U.S. border had been a relatively unhindered "revolving door" process (Dunn 1996, 11). Nonetheless, the new quota for Mexican immigrants would change the scene drastically. The Border Patrol, still a very young organization, received new orders: to deter not only European and Asian immigration via Mexico, but also to inhibit the passage of undocumented Mexican citizens and deport undocumented Mexican individuals from the country. In this initial campaign, the previously overlooked Mexican work force in the United States largely became the scapegoat of the economic troubles of the Great Depression. Together, the Border Patrol and the Immigration and Naturalization Service deported between 500,000 and 1 million Mexican individuals during these years (13). In several instances, people who simply appeared to be of Mexican descent were also deported. Children born in

the United States, thereby U.S. citizens, were deported alongside their parents. This deportation raid managed to reduce the Mexican population of Texas by 40% between 1930 and 1940 (13). The U.S. merely worried itself with getting deported individuals across the border. The Mexican government assisted many of its citizens along their trek back to their cities of origin. Many others, however, remained at the border hoping to illegally cross once again in order to return to their jobs and families. Thus began a vicious cycle that continues even today.

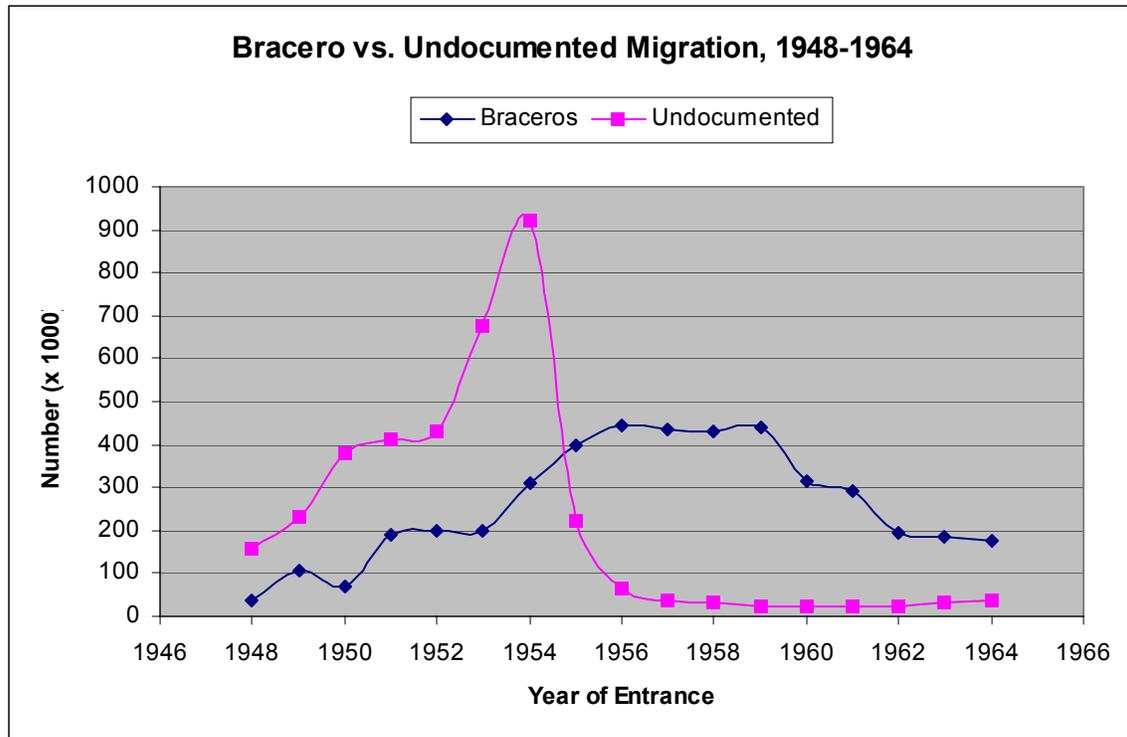
As United States policy makers began to closely monitor World War II as it unfolded, the face of the Border Patrol began to change once again. Formerly a division of the Department of Labor, the Border Patrol and its parents organization, the Immigration and Naturalization Service (INS) were shifted to the supervision of the Department of Justice in 1940. The INS continued to handle naturalization, and immigration, both legal and illegal, at the administrative level, but the Border Patrol experienced a more significant change. Border protection had achieved status as a national security issue, and the Border Patrol soon took on a more paramilitary approach.

1.2.4 The Bracero Program and Operation Wetback

The change in the role of the Border Patrol was not the war's most significant contribution to Mexico-U.S. immigration policy. As the United States entered the war in 1941, large portions of the country's work force went abroad as soldiers and support staff. Women entered the workplace to occupy many vacated positions, but another boost was needed in order to sustain a growing

wartime economy. As a result of bilateral efforts, the Mexican and U.S. governments established a series of temporary worker programs collectively called the Bracero Program. Through this program, the United States would ultimately accept millions of temporary Mexican laborers to work primarily in mining, railroad, and agricultural positions in the southwestern states (Keely 1990, 52). Program participants were guaranteed (but not always provided) the cost of transportation, unemployment insurance, and even a special savings account upon their return to Mexico. The border that had been closed during the years of the depression had opened once again.

All in all, the Bracero temporary worker program lasted 22 years. Congress periodically evaluated and prolonged the program as necessary. The chart below indicates the number of Braceros who entered the United States legally during those years. Even after the wartime demand for Mexican labor had subsided, Bracero numbers rose higher than ever before in order to support a rapidly-growing agricultural industry. The theoretical goal of the Bracero Program was actually twofold: it sought to both fill open labor positions within the United States and to curtail illegal immigration from Mexico by providing a legal means of exchange. The increase in Bracero positions did serve to offset the estimated number of undocumented Mexican immigrants, but, as the graph suggests, it was not 100 percent successful.



Source: Robert L. Bach, *Latin America and the Caribbean*, 1990

Although the number of Braceros and illegal immigrants into the United States appear to be inversely related after 1954, the increase in Bracero permits in prior years did not seem to serve as a deterrent to illegal immigration. Between 1948 and 1964, some 4,426,499 Mexican individuals received Bracero permits to work in the United States. During that same span of time, more than 3.7 million Mexicans are estimated to have entered the country illegally. The large number of Bracero permits in later years seemed to balance the influx of illegal immigrants, but undersupply in early years led to hyper immigration. The break point of illegal immigration during the Bracero years appears to be 1954. Illegal immigration takes as a sharp downward turn thereafter. This year certainly marked another major moment of Mexico-U.S. immigration policy.

By 1954, the United States had made its way into the Cold War and another economic recession. Growing fear of communism paired with a newfound desire to protect labor in the U.S. led to yet another extreme immigration policy. The Immigration Act of 1952 had already increased the total number of Border Patrol units and funded better equipment, but it seemed to have little effect. In order to combat the rising numbers of seemingly uncontrollable and unregulated immigration from Mexico, the INS launched a campaign called Operation Wetback in 1954. Although Attorney General Herbert Brownell and chief INS administrators sought to enlist the aid of the U.S. Army in this new border defense program, the Army declined, and former military officers were then placed in charge. Retired Lieutenant General Joseph Swing took office as Commissioner of the INS and began to organize a paramilitary campaign to strengthen the nation's border and deport undocumented Mexican individuals within the country.

Operation Wetback focused its efforts in San Diego and along the southern border of California. It entailed two central strategies: conducting roundups in areas with a potentially high concentration of undocumented immigrants, and using aircraft surveillance to spot immigrants en route and deploy ground agents as a preventative measure (Dunn 1996, 15). According to the INS, this campaign was tremendously successful; it climbed responsibility for the deportation or flight of more than 1.3 million individuals. In its first year of operation, illegal immigration from Mexico decreased by 85 percent. The following year saw a decrease of 65 percent (Escobedo-Flores 2005, 21).

For all of its numerical “successes,” Operation Wetback also came with a number of political drawbacks. It sent a strong message that “Mexicans were welcome in the United States only as long as their labor was needed, and then only so long as their arrival was arranged by means of state mechanisms” (Dunn 1996, 17). This message was accompanied by a certain degree of racial profiling. Mexican Americans who were unable to show proof of citizenship upon random questioning were in danger of arrest or even deportation. Operation Wetback had managed to reduce illegal immigration for the moment, but not without the cost of ostracizing an innocent third party.

For the next 10 years, illegal immigration remained low, and the number of Bracero permits issued began to slowly wane as the desire for Mexican labor decreased. The Bracero Program finally came to an end on December 31, 1964. Throughout its 22 years, the program had admitted 4,646,199 Mexican workers. These workers were the architects of the social networks that would further promote Mexican immigration informally for years to come.

1.2.5 The Carter Administration (1977-1981)

During the Vietnam War years, Mexican immigration began to crawl upwards once again. In the shadow of foreign debt, mounting inflation, and other economic troubles, Mexican immigrants once again began a scapegoat for economic issues in the United States. Sensitive to public complaints surrounding immigration, President Jimmy Carter voiced his plan to reduce illegal immigration early in his administration. The Carter Plan, as it came to be called, pledged to

double the size of the Border Patrol, to create monetary penalties for employers hiring illegal immigrants, and to create temporary five-year guest worker permits that would encourage immigrants to return home after a labor period. This plan was voted down in Congress, but another plan was soon developed.

Faced not only with Mexican immigration, but also with a Cuban refugee situation in 1980, Carter created the Select Commission on Immigration and Refugee Policy (SCIRP) in order to research immigration issues. Much like the Dillingham Commission before it, this body was charged with the analysis of the effects of immigration into the United States. The final SCIRP report placed a particularly strong emphasis on illegal immigration as a major national security issue (Dunn 1996, 36). This recommendation led to further legislation.

1.2.6 The Simpson-Rodino Act

The Reagan Administration (1981-1988) witnessed the passage of the Immigration Reform and Control Act of 1986: commonly known as IRCA or the Simpson-Rodino act for its authors, Senators Alan Simpson and Peter Rodino. This act included at least two elements that were identical to the failed Carter Plan: Border Patrol improvements (in terms of staff and equipment) and a creation of monetary sanctions for employers who willingly hired illegal immigrants. A third focal point of IRCA was amnesty.

The idea of applying monetary sanctions against employers who hired illegal immigrants sought to address immigration through macro-level neoclassical economics. According to Massey, the push of unsatisfactory

economic conditions in the country of origin combined with the pull of job opportunity in the target country is an elemental impetus of economically based immigration (Massey 1993, 433). By sanctioning employers, the United States hoped to limit the supply side of the equation. Although monetary penalties were put into place against businesses that harbored illegal immigrants, these penalties were almost entirely impossible to enforce. The INS did not implement any manner of business-policing campaign, and employers were likewise unwilling to turn themselves in. Due to a growing trend of document falsification, employers were often either unaware or unconcerned that their employees might be illegal. This element of IRCA had very little impact.

IRCA did, however, manage to inject a great deal of funding into the INS and Border Patrol. Across Reagan's two presidential terms, INS funding increased by 130% and it saw a 41% in staff positions, placing the 1988 budget at \$807.8 million and the staff size at 15,453 (Dunn 1996, 42). Increased funding allowed the INS to invest in better border-monitoring technology such as new air patrol units and detection systems. Although these "improvements" resulted in the reduction of the number of arrests at the border, there is little proof that these efforts actually reduced illegal immigration from Mexico (Donato 1994, 706). This side of IRCA was also relatively unsuccessful.

The amnesty side of the Simpson-Rodino act aimed to extend citizenship to certain immigrant groups who had already spent years within the United States. Unclear regulations attached to this effort resulted in confusion and under-service, but some 2.7 immigrants (among which where more than 2 million

Mexicans) still managed to take advantage of the program. Although the immediate result was a short-term decrease in the number of immigrants entering the country illegally, numbers soon returned to pre-IRCA levels (Orrenius 2003, 437). Once again, IRCA did not manage to meet its goal in this area. The Simpson-Rodino act had been specifically designed to reduce illegal immigration, but it did not manage to do so.

1.2.7 The IIRIRA and border campaigns of the 1990s

The next notable attempt at immigration reform came in 1996 beneath the efforts of the Clinton administration. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) passed by Congress in 1996 was, in many ways, an extension of the 1986 Simpson-Rodino Act. Once again, this act was particularly focused on providing a larger budget for the INS and the Border Patrol as well as hiring more Border Patrol agents. Perhaps the most important difference between IRCA and IIRIRA, however, was the creation of a “public burden” measure. Beneath this new law, any immigrant in the United States, legal or illegal, would be subject to deportation after collecting benefits from any social service for five consecutive years. This created legality for the common complaint that illegal immigrants were a drain on society. Aside from these measures, the IIRIRA was also accompanied by a series of border protection campaigns designed to confront illegal immigration at major points of entry.

The first of these preventative campaigns, Operation Hold the Line, was implemented in 1993 to increase the visibility of the border patrol along a 20 mile

stretch of border near El Paso, Texas. By placing Border Patrol agents in visible positions 24 hours a day and seven days a week at regular intervals along this zone of entry instead of simply posting them at roadways, INS leadership hoped to dissuade immigrants from entering the country. The results were almost immediate. The El Paso Border Patrol authorities reported 285,781 apprehensions in 1993 and an incredible reduction to 79,688 apprehensions in 1994 (Escobedo-Flores 2005, 30). Although this decrease was significant, arrests at other points of entry such as Tucson and McAllen increased notably during the same time period. Operation Hold the Line had not managed to reduce illegal immigration, but it had found a means of displacing it.

Launched in 1994, Operation Guardian sought to employ along the California border strategies similar to those that had been used in Operation Hold the Line. Its first phase entailed close monitoring of 14 miles of border beneath San Diego from the Pacific Ocean eastward. The California division of the Border Patrol received increased funding and staff to execute this campaign, but the results were largely similar to Operation Hold the Line: the number of arrests decreased in the zone of concentration but increased along the border of central California. A second phase of the campaign concentrated on the identification and disassembly of safe houses used by *polleros*: individuals who charge a fee to take illegal immigrants across the border. This element was somewhat successful. In a final phase, the eastern border of California received the same focus that the western border had undergone initially, and the results were the

same. The flow of illegal immigration decreased in the area but increased in other zones (32).

The previous campaigns focused on two very large points of entry for illegal immigrants from Mexico. Increased vigilance in these areas began to force immigrants to cross in deserted and often dangerous wilderness areas as well as smaller towns. Operation Safeguard went into action in 1995 in attempts to reduce immigration into Nogales, Arizona. There is a lack of empirical data to describe the success or failure of this program, but arrests in this area steadily increased throughout the 1990s. This may be indicative of the increased pressure at major points of entry to the west and east.

As entry through El Paso and San Diego continued to decrease, illegal immigration through southeastern Texas began to rise sharply. In order to combat this influx, the Border Patrol assembled Operation Rio Grande: another preventative deployment campaign that would take place in three phases beginning in 1998. Operation Rio Grande focused on immigration via Del Rio, McAllen, and Laredo. Like its predecessors, Operation Rio Grande resulted in larger expenditures on Border Patrol personnel and equipment as well as a steady decrease in arrests made. Once again, however, the pressure on these areas pushed immigration toward other towns and the Texan desert. The reduction of undocumented immigration in any one area repeatedly seems to have increased it in surrounding areas. Institutionally, these measures were considered successful, but no real reduction of illegal immigration has been proven.

1.2.8 Immigration policy post 9/11

Since the September 11 attack of 2001, immigration reform in the United States has taken on a different face entirely. The newly created Department of Homeland Security has since assumed control of immigration and immigration reform. The INS no longer exists, and its duties have been transferred to the DHS. Technically, the DHS has placed the INS' former responsibilities beneath two new organizations: Immigration and Customs Enforcement (ICE) and the U.S. Citizenship and Immigration Service (USCIS).

As Tumlin argues, the transfer of immigration administration to the Department of Homeland Security carries a great deal of symbolism. As the very name of DHS implies, national security is its primary concern. Immigrants, therefore, are now handled as a security matter, and the administrative structure seems to suggest any immigrant could be a potential security threat (Tumlin 2004, 1180). This paradigm shift in how immigrants to the United States are to be perceived and treated is a point of departure that separates the current efforts toward policy reform from previous attempts. Early in the terms of Mexican President Vicente Fox and U.S. President George W. Bush, the two leaders began a series of talks on a new Mexico-U.S. relationship with immigration as a central issue. After September 11, however, these talks were never resumed.

1.3 Today's proposal

History has shown that extreme immigration reform tends to appear at times when the United States happens to be facing some other crisis be it war

abroad, a slowing economy, or the fear of communism. Repeatedly, illegal immigrants have played the scapegoat during times of economic instability in the country. This cyclical nature of immigration reform has historically been closely tied to economic trends. The perpetual terrorism scare that has existed since 9/11, however, has once again created a reason to focus on illegal immigration and the laxness of border control as potential culprits for terrorist attacks. As a result, immigration reform has transformed into a matter more closely linked to security than economics. Immigration concerns, therefore, have come to the forefront once again in Congressional discussions. As an election year, 2006 has the potential to make or break political careers on Capitol Hill. For some, supporting stricter controls on immigration is a means of winning votes. For others, promoting amnesty is a similar tactic. Time and time again, however, Congress has declared recess after recess, thereby postponing a potential final decision surrounding a new immigration reform bill.

1.3.1 Modern immigration reform

The newest iteration of immigration reform legislation in Congress approaches illegal immigration from a number of different angles. In May of 2006, the U.S. Senate passed immigration reform bill S2611, otherwise known as CIRA or the Comprehensive Immigration Reform Act. In December of 2005, the U.S. House of Representatives passed its own immigration reform bill, HR4437, known as the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 or the Sensenbrenner Bill (after its sponsor: Wisconsin Congressman

James R. Sensenbrenner, Jr.). These two bills conflict with one another and must be reconciled before any macro-level policy change can occur. Representative Mike Pence and Senator Kay Bailey Hutchinson presented the Pence-Hutchinson bill in July of 2006 in hopes of promoting a consensus between the two legislative bodies, but the House decried the bill as an attempt toward amnesty (Congress: Senate, House, CBO 2006). A description of the two bills will serve to provide an orientation toward the future of Mexico-U.S. immigration policy.

The Senate bill, S2611, focuses on four separate issues: enforcement, funding for states, immigrant legalization, and a temporary worker program (NCSL S2611 Summary 2006). The first element, enforcement, authorizes an increase in Border Patrol staff and technology. This would mean a budget increase to hire more border patrol agents and purchase new sensors, cameras, vehicles, and other equipment used by these agents. Another aspect of this initiative is worksite enforcement, which concerns the establishment of a digital employment verification system based on biometric data cards and harsher punishments for employers who hire undocumented immigrants.

The state funding component of the Senate bill suggests creating a fund that could be used to reimburse states for their expenses amassed due to the apprehension and detention of undocumented immigrants at the local level. Ideally, part of this funding would also support a court interpreter program. Other monetary assistance would go toward the expenses generated by non-citizens in the areas of health, education, and other services (NCSL 2611 Summary 2006).

The legalization segment proposes to enact an array of responses to illegal immigrants based on the amount of time they have spent in the United States (Senate vote sidetracks 2006, 2) . The top tier, those who have been in the U.S. for more than five years, could apply for legal residency without being forced to leave the country. The second rung, those who have spent between two and five years in the U.S., would have to return to a point of entry and re-register themselves at some point in the next three years. The bottom of the barrel, those whose stay in the U.S. has been less than two years, would have to leave the country and wait to be issued a visa before returning again.

Before moving to the next point, some clarification is warranted. Although the word “amnesty” is politically sensitive at this point in the discussion, the top tier of immigrants would receive something very much akin to amnesty. Opponents of this idea claim that it rewards criminal activity with political status. Avoiding value judgments at this point, it is fair to say that this bill would place a certain privilege on illegal immigrants who have spent at least five years in the country. The second group, those who would have to re-register, would fall into another peculiar position. Essentially, these individuals would have to identify themselves and, in effect, “turn themselves in” to border authorities. The final group, the greenest of the bunch, would simply be deported. This is the only way to read this point.

The Senate bill also seeks to create a new guest worker program that would allow 1.5 million immigrant workers into both the agricultural and non-agricultural industries over the next five years. These temporary workers would

hold a new H-2C visa or “blue card” (NCSL 2611 Summary 2006). Ideally, the program would match willing employers with eager employees in a type of international labor exchange. This program is meant to work in tandem with the aforementioned worksite enforcement program. Supporters of the bill claim that this effort would promote legal immigrant labor and reduce the means of hiring illegal immigrants.

The House-backed Sensenbrenner Bill, on the other hand, is more directed toward legality than the establishment of programs. This bill advocates a digital employee identification program akin to that which appears in the Senate bill. It also authorizes the construction of nearly 700 miles of new fence along the Mexico-U.S. border. Its main focus, however, is the criminalization of undocumented immigration and the assistance of undocumented immigrants.

For example, House bill 4437 proposes to commute the act of entering the United States illegally to a felony deserving a jail sentence in addition to the deportation measures already in place. It also seeks to make anything that could be interpreted as assisting an undocumented immigrant punishable by jail time. Additional measures include harsher sentences for human traffickers and increased Department of Homeland Security authority to indefinitely detain any undocumented immigrant deemed to be particularly threatening to the U.S. or its citizens (GOP HR4437 Summary 2005).

Other provisions of HR4437 include barring asylum seekers and refugees convicted of any minor crime from ever being able to attain legal resident status or citizenship. Likewise, the bill would bar entry to aliens originating from

countries who refuse to re-accept deportees convicted of crimes in the U.S. such as China, Vietnam, and Cuba. Furthermore, the bill would bring an end to the diversity visa lottery program which currently allows the issue of some 50,000 U.S. visas to immigrants all over the world (Justice for Immigrants HR4437 Summary 2006).

The Senate and House bills propose two very different approaches. Neither of them, however, completely aligns with the type of reform that President George W. Bush advocates.

1.3.2 President Bush's Plan

The two Congressional bills must be considered within the context of President George W. Bush's call for a comprehensive immigration reform bill. As a first step, Bush signed into action Congress' Secure Fence Act, which authorizes both the construction of a new 700 mile long fence along the Mexican border and the purchase of new technological implements for the Border Patrol (President Bush Signs Secure Fence Act 2006). The Secure Fence Act does not, however, speak to the issue of funding. Any attempt to actually bring the proposal to fruition will require a separate Congressional request for funding. Mexican leaders, including former President Vicente Fox and the newly-inaugurated President Felipe Calderón doubt that the fence will every actually be constructed (Bush Oks 700-mile border fence 2006). This act seeks to bring part of HR4437 into reality. According to President Bush, though, much remains to be done. In his view, comprehensive immigration must include at least five major

changes: border security, a temporary worker program, sanctions for hiring illegal immigrants, new paths to citizenship, and an English language requirement.

Bush's emphasis on border security is precisely the first major point of his proposal. He argues that, by 2008, the Border Patrol should increase its size by another 6,000 agents. If this occurs, Bush will have seen the Border Patrol double its ranks since his 2001 inauguration. Aside from an emphasis on new technology and equipment, Bush committed a portion of the National Guard personnel to the cause of border protection. This action took place as a result of a presidential mandate without requiring the approval of legislators. As part of this recently conceived Operation Jump Start program, National Guard Personnel currently assist the Border Patrol as camera operators, surveillance teams, and even mechanics (Border Patrol Aided by National Guard 2006).

The guest worker program, employer sanctions, and paths of citizenship that Bush proposes are virtually the same as those described above. The only element that is missing from the two immigration bills is Bush's desire to enact an English language requirement for immigrants. Bush argues that the English language is not only a means for immigrants to connect with U.S. culture and society, but also a mean for advancement. He claims that "English allows newcomers to go from picking crops to opening a grocery, from cleaning offices to running offices, from a life of low-paying jobs to a diploma, a career, and a home of their own" (Address on Immigration Reform 2006). This ingredient, however, did not make its way into either of the Congressional bills.

In its current state, Congressional reform of Mexico-U.S. immigration policy is at a standstill. President Bush has deployed the National Guard as non-patrolling assistants the Border Patrol. He has also signed into law the Secure Fence Act originally proposed in the House of Representatives. Since both the Senate and House must pass any bill by majority vote before it can become a law, in order to proceed with either the Senate or House bills as a complete immigration reform plan, one of three scenarios must occur:

- 1.) The House votes to approve S2611, the bill written and passed by the Senate, thereby resulting in united support across the two houses of Congress
- 2.) The Senate votes to approve HR4437, the bill written and passed by the House, also resulting in united support across the two houses.
- 3.) A new, third bill must be written and later approved by both houses in order to reconcile the differences of S2611 and HR4437.

If the final plan does not satisfy President Bush, though, he retains the ability to invoke his power of veto.

1.3.3 A historical comparison

If these new immigration reform bills have a slight taste of déjà vu, it is probably because virtually every component is something that has been attempted previously. The proposals almost read like a condensed history of Mexico-U.S. immigration reform. Perhaps “reform” is not even an appropriate term. Webster’s Dictionary defines a “reform” as “a removal or correction of an

abuse, a wrong, or errors.” The current proposals, however, do not appear to seek to build on historical errors. It may, then, be appropriate to call these bills a “reform” in the sense that is merely a re-formulation of previous attempts.

Let us first examine the Senate bill’s emphasis on border security. Pumping more funding into Border Patrol with the intent to increase staff and improve technology is truly (please forgive the cliché) the oldest trick in the book. Virtually since its inception in 1924, the Border Patrol has always been the first stop for the immigration reform bandwagon. Although this approach was somewhat successful in Operation Wetback in 1954, the more recent border campaigns of the 90s have shown that the increased presence of the Border Patrol does not reduce illegal immigration. It simply displaces it. It is neither strategically nor monetarily feasible to place a Border Patrol agent at every potential entry point along the Mexican border. The presence of an agent at point A, therefore, will merely serve to increase traffic at point B. This is by no means a new concept.

Each of the three separate approaches in the paths of citizenship component deserves its own analysis. The first is basically an amnesty program. Call it what you will, but this tactic is very similar to the Simpson-Rodino Act. As data from this act later showed, by extending residency or citizenship to a group already within the country, a government can artificially reduce the number of illegal residents residing within its borders. This new political status, however, does little to reduce the overall trend of illegal immigration. The figures will

decrease in the short term, but a one-shot deal cannot overcome a perpetual issue.

The second part of this facet of Senate's CIRA bill, asking illegal immigrants to return to the border for re-registration may make perfect sense on paper, but it expects a very illogical behavior. In order to enter the country, illegal immigrants do everything in their power to avoid contact with the Border Patrol and other immigration officials. Why, then, would this same group of individuals find it beneficial to purposefully enter the offices of those who would otherwise seek to imprison or deport them? If illegal immigrants do not trust border authorities, it is unlikely that they would willingly show up at their doorstep unless made to do so forcefully through a roundup campaign.

The third ingredient, which requires the departure of illegal immigrants who have spent less than two years in the country, implies a policy of mass-deportation. Although deportation is a daily Homeland Security activity, not since the 1930s has there been any sort of mass-deportation program launched against Mexican immigrants. Such an effort is inherently problematic. Illegal immigrants, by nature, do not possess any official documents that formally state the amount of time they have spent in the country. The Department of Homeland Security, therefore, would have no formal means of determining who should be deported and who should be allowed to stay. In all likelihood, this campaign would result in racial profiling and the unlawful deportation of children and immigrants pertaining to other tiers. These errors commonly occurred in the

deportation campaign of the late 1930s, and, without protective measures, they could easily happen once again.

The proposed guest worker program is easily identifiable as a rehashing of the Bracero Program of the World War II era. The original program was largely unregulated, and many Braceros did not receive the rights and benefits that the U.S. Department of Labor had promised them. If the U.S. truly wishes to put a similar program into action once again, there must be a more directed attempt at monitoring the program and ensuring the workers' rights.

The original Bracero program sought to boost the U.S. labor market and reduce illegal immigration. Although it was successful in accomplishing the former, its effect on the latter was not entirely clear. All things equal, only the issue of incredibly high numbers of Bracero permits managed to steer illegal immigration downward. Deficient numbers only spurred illegal immigration even further. The success of a new program, then, will depend on finding that magic number.

It is unlikely that 1.5 million guest worker permits over a period of five years will be enough to reach that mark. During the five year period between 1950 and 1955, the United States issued just shy of 1.5 Bracero permits. During the same span of time, more than 3 million Mexican individuals entered the country illegally. The supply, therefore, was only roughly one third of the demand. Considering population growth in both countries since the 1950s, it is doubtful that a mere 1.5 million guest worker permits in 2006 will be enough.

Both the Senate and House bills also seek to sanction employers that hire illegal immigrants. The Simpson-Rodino Act sought to do precisely the same thing. Without a mechanism of enforcement, however, the Simpson-Rodino sanction plan failed. Creating a system of biometric data cards for legal workers is an entirely new approach. Unless each and every employer is required to maintain a database of these cards, though, this program will be unsuccessful. Any system of monitoring requires monitors.

As a stand-alone proposal, the Sensenbrenner Bill (HR4437) passed in the House of Representatives, does not propose anything new aside from its focus on mass imprisonment. This approach toward immigration reform does not have a historical precedent, but it is an extremely costly and reactionary suggestion. Simply diverting the ever-increasing flow of undocumented Mexican immigrants toward the jail system would only serve to increase public expenditure without really attempting to address the causes of illegal immigration.

Although President Bush's desire to implement an English language requirement is absent from today's reform bill, it is interesting to note the parallel between his desire and the literacy requirements placed upon immigrants in the early 1900s. President Bush cushions his argument in altruism, but the language requirement was once a handy means of excluding immigrants from the country. Exclusion is the central issue at hand.

The present immigration reform bills are thus a historical grab bag of reform attempts. They largely seek to address the same old problem via the

same old methods without really contributing anything new to the mixture. Where, then, is the missing piece to the puzzle? If the United States has already attempted everything, what is left to try? Let us take a moment to speak with some of the involved parties and analyze their responses. Perhaps they can shed some light on the subject.

Chapter 2: Mexico-U.S. Immigration Policy at the Ground Level

Although the ultimate decisions regarding Mexico-U.S. Immigration Policy are made in Washington, the United States government has daily contact with both documented and undocumented Mexican immigrants not only across the Mexican border but also throughout the greater United States. As far as undocumented immigrants are concerned, the only formal contact that the U.S. government has with this group is via the preventative encounters of the Border Patrol, Immigration, and, on occasion, the Police. Believing that the comments of individuals who had lived such experiences could place a more human face on cold statistics, I decided to conduct a series of interviews.

The analysis in this chapter is based on five in-depth interviews that I conducted in September of 2006: four are with Mexican immigrants in Nuevo Laredo, Mexico who had been deported from the United States and one is with a supervisor within the Border Patrol in Laredo, Texas. I used the list of interview questions found in Appendix A as a guide for these interviews, but many discussions sprouted spontaneously from the responses of the interviewees. All four Mexican immigrants were deported after living for some time in the United States and had never come into contact with the Border Patrol. Nonetheless, the interview with the Border Patrol supervisor serves to provide a more complete view of the interaction between U.S. government officials and undocumented Mexican immigrants on a daily basis. Thus, this chapter seeks to present two different sets of experiences: Mexico-U.S. immigration from inside the boundaries of the United States and at its southern border. The central focus

shall be the internal experience of immigration, but the discussion of the border shall serve as complementary information. As a group, the interviews cover encounters between undocumented Mexican immigrants and Immigration, Police, and the Border Patrol. By focusing on the stories of these individuals, the reality of Mexico-U.S. Immigration Policy can be seen as it is on the ground hundreds of miles from Washington.

2.1 The Apprehension of Undocumented Mexican Immigrants

When it comes to the apprehension of undocumented Mexican immigrants, the United States Border Patrol has the easiest job in terms of discretion. A person trying to sneak across the border from Mexico into the U.S. is a likely candidate for undocumented immigration. The Border Patrol, then, is able to act with relative confidence that any individuals they pursue are undocumented immigrants even before checking any sort of identification.

Police and Immigration officials, however, do not enjoy such a luxury. Patrolling and conducting operations within the nation, these organizations must act with a lesser degree of certainty in regards to the migratory status of a suspect. The United States boasts a very diverse society, and any attempt to identify an undocumented Mexican immigrant on sight alone would be borderline racial profiling. In the case of the Police, at least, an arrest on the basis of a completely separate offense often leads to a search and revision of identification. Such an activity is likely to expose an undocumented immigrant. Immigration officials, however, seem to conduct business in a very different fashion. An

examination of how the interviewed individuals were apprehended will serve to illustrate this idea.

2.1.1 How does it happen?

Each of the interviewees was asked how he was apprehended in the United States. They were asked what they were doing at the time and how the process played out. Two of the men were arrested by the Police: one at his place of work and the other at a roadblock. The other two men were apprehended by Immigration at bus stations.

Rogelio happened to be working in a business in Texas. As he describes it, his boss would assign him various tasks from day to day. On the day of his arrest, he had been placed in the kitchen area of the business simply to clean up. For some reason, though, an ensuing police raid knew to come directly to that room. Rogelio states, "I was just walking around picking up and mopping, and suddenly the police showed up inside." He also adds, "...they say there were drugs in there" (Rogelio Interview 2006). Rogelio had found out about this particular employment opportunity while still in Mexico. He was thereby able to take advantage of the social network of undocumented immigrants mentioned earlier. The employer of this business was known to hire workers from across the border, and a friend had helped him make the contact. Rogelio claims that he knew nothing about the drug element beforehand. He was never charged with any sort of criminal offense, but the Police handed him over to Immigration before returning him to Mexico.

Diego had worked in a tomato farm in Florida before deciding to move to North Carolina with a number of friends. Driving out of Florida one night, the group encountered a roadblock manned by the Highway Patrol. After one of his friends had shown his North Carolina identification to the Highway Patrol, the officers asked to see the work permits of the others. Prior to the December 2005 Congressional approval of the CLEAR act, police officers were not explicitly permitted to inquire about migratory status, but the act bestowed such immigration-oriented powers on even local police officers (Stone 2006). Diego explained to the Highway Patrolman that he did not have a work permit, at which point the officers began to frisk and search all of the passengers. One officer took Diego's wallet from him and began to search through its contents. After discovering two false licenses and a social security card, the officer also found a work permit not issued by any United States authority but by the mayor of Diego's town in Veracruz, Mexico. Diego had his mayor's permission to work in the United States. The officers explain that such a document is worthless before arresting Diego and transporting him to a county jail (Diego Interview 2006). Although it is atypical for undocumented immigrants to be held in local instead of federal facilities, lines (g)(1) and (i)(1) of U.S. Code Title 8, Chapter 12, Subchapter II, Part IV, Section 1231, which concerns detention, suggests that any government holding facility is acceptable for the detention of undocumented immigrants. This means it is legal for detained undocumented immigrants to be held with criminals.

Originally from Oaxaca, Mexico, Miguel was working in New York City before being deported. The details of his arrest are far less complicated than the previous examples. Miguel explains that he was simply waiting for a bus at a station in the city when a number of Immigration officers appeared. Immigration also arrested six other individuals at the bus station in what Miguel describes as a “roundup” (Miguel Interview 2006). Shortly thereafter, Immigration transported Miguel to a detention facility.

Artur’s experience in New Orleans was somewhat similar. He had purchased a ticket at the bus station and had already boarded his bus to nap in his seat before the bus departed. An Immigration officer came onto the bus later but got off again without questioning anyone. When another Hispanic individual boarded the bus and began to speak with Artur in Spanish, the officer followed him on and began to question both of them asking for identification and inquiring about their origin. Only one officer had boarded the bus, but a number of Police and ICE (Immigration and Customs Enforcement) officers were waiting outside. Artur was then arrested and transported to an Immigration detention center (Artur Interview 2006).

The experiences of these individuals deal with the reality of undocumented Mexican immigration within the United States. The comments of Nick the Border Patrol Supervisor, however, concern external sources of undocumented immigration attempting to make their way into the country. The operations of the Laredo unit of the Border Patrol, therefore, are more straightforward than those listed above. This unit is charged with the surveillance

and protection of 32.6 miles of river frontage. According to Nick the Border Patrol supervisor, it would be unrealistic to attempt to place agents contiguously along this region and expect functional deterrence. The Laredo unit, therefore, relies heavily on day and night cameras placed along the river. As the cameras detect potential crossing attempts on the Mexican side of the river, the Border Patrol deploys its units as necessary. Nick claims that the first response of the Border Patrol is to “deter with presence” (Nick Interview 2006). By simply appearing at the scene of a potential crossing, the Border Patrol hopes that their presence will be enough to convince would-be undocumented Mexican immigrants to turn back. If this passive deterrence proves unsuccessful, the deployed ground unit maintains radio contact with the camera monitoring team in order to determine how to advance in order to intercept crossers. With a bird’s eye view, the camera monitoring team is able to judge river current and guide the ground unit to an advantaged position. When the Border Patrol arrests individuals who cross the border illegally, these individuals are literally caught in the act. They are arrested for crossing illegally as the crossing is in progress.

It is important to note the lack of this “caught in the act” element in the aforementioned cases of the four Mexican immigrants. According to these individuals, they were not breaking the law in any way at the time of their respective arrests. They were not even involved in questionable activities of any sort. Each was simply conducting the routine of his daily life as any United States citizen might. Granted, it is illegal to enter the United States without following the proper channels, but it is by no means illegal to stop at a road block,

clean a kitchen, or wait at a bus station. Is arresting undocumented immigrants in these moments of innocence and invasion of their civil rights or are they still as guilty as individuals caught in the act of attempting to cross the border illegally? One interviewee states, "I don't think it's a sin to cross over there...not at all. The sin is when a person from Immigration mistreats an immigrant. Especially when they don't know what it's like here...like the salaries...it's just not like the United States at all" (Artur Interview 2006). Artur's statement is more of a moral argument than a legal argument, but he raises another interesting question. How are undocumented Mexican immigrants treated during the apprehension and deportation process?

2.1.2 How are immigrants treated during the deportation process?

Although handbooks and written policy might, to some extent, explain the protocol followed as undocumented immigrants are apprehended, personal accounts are far more effective at describing what actually takes places. For that reason, I asked the interviewees how they were treated during this process. Some answered this question directly, but others seemed to provide more detailed accounts when describing other factors. Their responses are collectively negative but individually diverse.

After being transferred from Police custody to an Immigration holding center, Immigration officials began to process Rogelio using standard questioning and entering data into their computer system. One outstanding feature of Rogelio's account, however, is that he mentions five separate times

that the interrogating official had threatened him with incarceration in a federal penitentiary. Prior to the trip in question, Rogelio had been caught residing illegally in the United States on two other occasions. The interrogating official explained that if Rogelio were to be caught a fourth time, he would go directly to a federal prison. Rogelio describes the encounter, “And he tells me, ‘Don’t ever come back here again!’ But he was grabbing me by the throat. And he tells me about the big house...the federal [prison] and that he’s going to throw me in there” (Rogelio Interview 2006).

Aside from suggesting an overexertion of force, this anecdote also raises a certain legal inconsistency. According to Nick, the Border Patrol supervisor, an undocumented Mexican immigrant can have as many as seven illegal entries on his or her record before ever being formally brought to trial for committing a crime (Nick Interview 2006). Nick also warns that this number is not set in stone and can change from day to day without warning. This suggests a disconnect from any sort of formal policy and the actual ground-level implementation. Perhaps, then, the threats brought against Rogelio were politically unsubstantiated.

Miguel’s response to the question is immediate and succinct, “[They treated me] like a delinquent because they cuffed my hands and feet. Since I was wearing shorts and didn’t have any socks on, the cuffs kept scraping the bone in my ankle” (Miguel Interview 2006). Upon encountering Immigration officials at a bus station in New York, Miguel was almost immediately handcuffed and treated as he describes. Immigration later informed Miguel that he would have the freedom to choose between deportation and “voluntary removal”

(referred to in legal documents as “voluntary departure”). According to Nick, both of these processes entail being transported out of the country by Border Security or Immigration officials, but a voluntary removal is reportedly an open acceptance of these conditions. Deportation, on the other hand, is such a removal regardless of personal preference. Legally speaking, a voluntary removal on an immigrants record is considered less severe than a deportation even though they lead to they same result (Nick Interview 2006). Nevertheless, Miguel was denied the voluntary removal option when the moment came. Why? He simply stated that he does not know. Perhaps, however, U.S. Code Title 8, Chapter 12, Subchapter II, Part IV, Section 1229c which concerns voluntary departure came into play here. Line (a)(2)(A) states, “permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days” (U.S. Code Cornell 2006). Miguel spent five months in holding. Such a period exceeds 120 days. This detention will be discussed more at length in a later section.

The voluntary removal versus deportation issue also came into play in Diego’s case. According to his account, though, voluntary removal would have cost him fifteen dollars. According to the same U.S. Code section mentioned above, line (a)(1) explains that this process is indeed to be conducted “at the alien’s own expense” (U.S. Code Cornell 2006). Diego had entered prison with eighty dollars in cash, but he explains that in Florida’s Seminole prison, he was charged two dollars per day for his meals. After a number of weeks, the expense of food had exhausted all of Diego’s monetary resources. For this reason, he found himself unable to pay the fifteen-dollar voluntary removal fee. This

predicament forced him to accept deportation instead. As a result, Diego has a document explaining that he is deported from the United States for a period of ten years. Legal officials explained to him that if he attempts to enter illegally again, he could face a twenty-year sentence in jail with a \$50,000 bond (Arutro Interview 2006). A mere fifteen dollars separated this potential consequence from the lighter voluntary removal option. Again, it appears inconsistent that two very similar responses to undocumented immigration could hold such drastically weights on legal records. In this situation, a fifteen-dollar voluntary removal charge is little more than an institutionalized bribe to keep one's record clean.

The legality of Diego's experience is problematic in more than one episode. The language barrier plays into the situation. Diego speaks very little English, but the Highway Patrolman who stopped him at the Florida roadblock did speak some Spanish. After being incarcerated, Diego was informed that there was a Spanish translator on staff whose services could be purchased for a fee. Diego was the only Spanish speaker at the prison, and he was unable to afford the expense of paying a translator. Luckily for him, a public defender that used a translator handled his first hearing. Later on, though, Diego appeared in mass hearings that he was unable to understand. Diego comments on the hearings,

There were like eight of us [together]. Everything they asked me, they asked the next guy, and so on....they were just my cellmates. But I answered however they did. I didn't know. I said whatever they said because I didn't even know what the judge was asking me. It scared me...and as far as voluntary removal is concerned, I didn't know it was a different type of offense. Later I started thinking....I wanted to change my mind, but I had already signed the papers (Diego Interview 2006).

Throughout the process, Diego was working with incomplete information. Unable to understand his options or even his rights, Diego resorted to simply responding however other immigrants at the hearing responded. This is anything but a fair trial.

Additionally, Diego explains that the Highway Patrolmen at the Florida roadblock relived him of his possessions. Since Diego was moving to North Carolina, he had packed all of his belongings into the car. After checking identification, cuffing Diego and his friends in the same fashion that Miguel described, and calling for a larger vehicle to transport them, the Police began to confiscate their personal items. Strangely, however, Diego never managed to recover his valuables again after being released (Diego Interview 2006). This is atypical of arrests in the United States. Even common criminals are returned their possessions after release. Is an undocumented immigrant a more severe category of criminal, or is this simply the result of discrimination? Blatant robbery of an undocumented immigrant is an unquestionable violation of his or her human rights.

Nick's description of Border Patrol procedures is significantly more humane than the preceding examples. Oddly enough, Nick explains that many undocumented individuals are relieved to be captured by the Border Patrol due to the fact that capture signifies the end of a long and difficult journey for many. He goes on to add that it is far more common for people to stop when they know they are caught than to attempt to run and make matters worse. The Border Patrol searches detainees and relieves them of their possessions before

transporting them to a detention center, but “99 percent of the time” this happens without ever handcuffing anyone (Nick Interview 2006).

Upon reaching the Border Patrol detention center, all agents store their weapons in a locker area outside. This assures that the detention area is “clean,” or free of the threat of weapons. Detainees are placed in cells depending on age and gender. According to Nick, families are typically allowed to remain together, especially mothers and small children. As I toured the detention center, Nick even showed me a storage closet full of toys, clothes, food, diapers, and other needs for small children.

Despite these many efforts to preserve human dignity, I found it particularly striking that one agent on hand in the detention center repeatedly referred to the detainees as “bodies.” The term first cropped up as this agent explained to Nick that two bodies were to be transported later that evening. Thinking that he meant corpses, I asked him to clarify his statement. He indicated a cell holding two abandoned Nicaraguan children and explained that they were both bodies and that the men in the cell beside them were also bodies. This particular agent seemed to find some humor in his own statement, but my assessment was quite different. My immediate response to the word “body” is to think of a corpse or cadaver. Both of these are less than human. To refer to people as bodies, therefore, strikes me as a dehumanizing practice. It would be no more difficult for the agent in question to refer to detainees as fellow people.

Aside from certain elements of Nick’s account, the evidence suggests that treatment of undocumented immigrants is relatively uniform. As Miguel had

described, these individuals are treated as criminals, and sometimes even worse. Even criminals, after all, have certain rights, but, as Diego's case indicates, immigrants sometimes are completely unaware if their rights are being violated. Another specific indicator that ties into this idea is the period of time that undocumented immigrants are detained. Artur's comments are notably absent from the analysis above due to their pertinence to the following sections. However, his response to the question "How did they treat you during the process?" serves to lead into that discussion: "Well, if they didn't want us there, they'd be better off speeding up the whole process....A paper came from the judge. It said my sentence was one month. Then why did they keep me there almost two months?!?" (Artur Interview 2006).

2.2 Period of Detention

The total lengths of time that the interviewees spent in prisons or other detention centers vary drastically. Nick reports that detainees slated for deportation and voluntary removal spend only a few hours at the Laredo South Border Patrol facility before being returned to Mexico (Nick email 2006). Rogelio, for example, spent one day in an Immigration facility in Texas before being returned to Mexico. As Artur indicates in his statement above, he remained in a similar facility for one and a half months before his release. Diego, on the other hand, spent a total of four months between a number of different prisons. He was transferred from a county prison in Florida to a state prison and eventually to an Immigration detention center in Texas. Miguel had a similar experience but

was incarcerated for a total five months. After spending two and a half months in New York, he was transferred to Pennsylvania. Immigration officials then sent him to Texas to spend slightly more than two months in an Immigration facility. The average period of incarceration for this group of individuals is slightly more than two and a half months.

There is no all-encompassing U.S. law or policy stating a maximum amount of time that undocumented immigrants can be detained. These issues become particularly complicated if and when an undocumented immigrant is arrested for committing a separate crime. U.S. Code Title 8, Chapter 12, Subchapter II, Part IV, Section 1231 which deals with detention and removal of aliens ordered removed, however, sets a maximum amount of detention time following an order for removal. Line (a)(1)(A) states, “when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days” (U.S. Code Cornell 2006).

The interviewees never mentioned being aware of the issue of any such order of removal, so it would be difficult to determine how this law applies to their individual situations. Diego and Miguel both spent far more than 90 days imprisoned, which leads to two possible conclusions. Either the process of issuing an order removal took one or two months in their respective cases or the extent of their detainment was against the law. The former situation implies an absence of due process; the latter implies an absence of justice. Both situations indicate a weakness in practice. If law clearly states how and when detained

undocumented immigrants are to be deported and that policy is not followed, then the problem lies in implementation.

Each of these individuals was arrested and detained without warning, and only Artur was given any indication as to how long his incarceration would last. The others entered prisons and detention centers without knowing how long much time would pass before their release. I asked Miguel if he knew had been told he was going to spend five months in jail. “No, I didn’t know. They just kept me there and I didn’t know what to do, whether to call the Mexican consulate or what. I didn’t know what to do” (Miguel Interview 2006). Upon arriving in Texas almost three months later, Miguel explains that the Immigration officials made available the telephone numbers of the various consulates of the detainee’s countries. But the telephone numbers were not correct. This factor complicated Miguel’s situation even further.

Miguel also explains that only after arriving in Texas did he first have the opportunity to make a phone call. This means that during the first months of his imprisonment, he was not even able to inform his loved ones as to what had happened to him. Diego encountered a similar difficulty, “...four months,” he says, “...and my wife didn’t know where I was” (Diego Interview 2006). Diego had access to telephones in prison, but he was unable to afford telephone calls for the same reason he was unable to afford the voluntary removal charge: all of his money had gone toward prison food. Artur, on the other hand, claims that he never managed to have access to a telephone. He elaborates, stating that, “whenever they get somebody, they deprive you of your rights. And when you’re

in jail with the police and you have money, they take it away from you and they can accuse you of earning it illegally. They do that to any detainee and then they can make you spend another month [imprisoned] somewhere else” (Artur Interview 2006). Locked away, these individuals seem to have been hidden from any manner of legal system.

But what could possibly explain the discrepancy in the different amounts of time each of the interviewees served? Again, none of them were actually involved in any sort of illegal activity upon arrest, so the severity of the offense must not be a factor. They were all undocumented immigrants just the same. Do their records of previous illegal entries play a role? In this particular sample, the relationship is the inverse of what might be expected. Rogelio was the only interviewee who admitted to being caught as an undocumented immigrant previously. He had two illegal entries on his record prior to his most recent arrest. Nevertheless, Rogelio spent less time as a detainee than any of the other individuals interviewed – one day. This only leaves one outstanding factor: geography.

There is a direct relationship between the amount of time the interviewees were imprisoned and the distance of their respective United States residencies from the Mexican border. The chart below displays this relationship.

Interviewee Period of Detention by U.S. State of Residence

Interviewee	State of Residence	Period of Detention
Miguel	New York	5 months
Diego	Florida	4 months
Artur	Louisiana	1.5 months
Rogelio	Texas	1 day

Source: Miguel, Artur, Diego, Rogelio Interviews

As the chart indicates, the farther from the Mexican border an interviewee lived, the longer his period of incarceration. Again, this evidence is indicative of an inconsistency in the execution of Mexico-U.S. Immigration Policy. Periods of detention should not vary so extremely based simply upon geography. The U.S. Code section on detention mentioned earlier makes no reference connecting geography and period of detention (U.S. Code Cornell 2006). This example, however, seems to suggest that the farther from Mexico an undocumented immigrant happens to travel, the *more* illegal his or her entry becomes, but this is by no means the case. Simple illegal entry should be considered equal under such circumstances.

Turning away from legal inconsistencies and human rights issues for a moment, it is important to consider the administrative costs incurred by detaining and deporting undocumented Mexican immigrants. It stands to reason that the cost of transportation back to the Mexican border is greater for immigrants who have been arrested farther away from the border. This appears to be unavoidable. The practice of holding these undocumented immigrants living in more distant areas in detention centers for so much longer, however, generates a constant cost that could be reduced simply by expediting the process. Immigrant detainees must be fed. Their holding cells must be cooled or heated. They must have access to adequate health services. As Artur had indicated, it appears paradoxical to continue to generate costs by holding someone who is unwanted in the country anyway. Making an effort to deport undocumented

immigrants in a more timely fashion would thereby be beneficial both to the United States and to the immigrants themselves.

2.3 Interrogation

Much in the same regard that the Police question criminals or suspects as they are imprisoned, there is also a formal interrogation involved as the Police, Immigration, and the Border Patrol detain undocumented Mexican immigrants. Considering the fact that this is the only formal verbal contact that the United States government ever has with undocumented immigrants, I thought it would be particularly important to find out what, exactly, is asked during these sessions. These types of encounters are the only existing opportunity for the U.S. government to actually collect information from undocumented immigrants, so how does the government take advantage of that opportunity? What do the Police, Immigration, and Border Patrol ask undocumented Mexican immigrants as they are processed?

To some extent, the responses of the interviewees aligned with those of Nick, the Border Patrol Supervisor. According to Nick, the questioning of undocumented Mexican immigrants centers on biographical information. The Border Patrol asks each detainee for his or her name, parents' names, date of birth, place of birth, and place of residence (Nick Interview 2006). The following image shows the digital form that the interrogating Border Patrol agent completes in order to add the detainee's file to their computer system.

Border Patrol Detainee Questionnaire Form

ENFORCE - [Record Voluntary Return - FINVR010]

Action eDit Block Field Record Query Enforce Ident Special Window Help

Address Phone Narrative

Event: _____ Type: _____ Subject: _____ Query Event

Title: _____

Operation: _____ A# _____

New VR Event Add Subject

Check to print: I-213 I-94 I-826A-770 Spanish? Print VR Package

Event Type	Event Number	Event Occurred On	A File	
AND				

Control Name	First Name	Middle	Citizen Of	Born In	Sex	Birth Date	Age	Age Now
Subject			MEXIC	MEXIC	M	/ /		
Father								
Mother								

Armed? Assault?

Birth Place _____ Domicile _____

Entry Information									
POE	Landmark	Miles From POE	Direction From POE	Time Illegally In U.S.	Status When Found	Entry Date/Time	C/V	Smuggled Method	Cost

Arrest Information					Violators		Funds in Possession	
Date/Time	Method	At/Near (City, State)	Site	Landmark	Non INS Laws Offense	Degree	Amount	Currency

Apprehending Agent(s) _____ Arrest Agent? Armed? Assault?

Signatures on the I-213		Form I-826	
Name (First M. Last)	Date/Time	Notice Read By	Language
Preparing Officer _____	_____	_____	Juvenile / I-770
Receiving Officer _____	_____	_____	_____

This form also allows the interrogating officer to enter information that describes where and how the detainee entered the United States. There is even a field that contains information on the method by which an individual was smuggled into the country, if necessary. The field labeled "Cost" refers to how much the detainee paid a "coyote" or "pollero" guide to guide him or her across the border. Aside from this initial interview, Nick continues, the Border Patrol does not engage in any other verbal communication with detainees unless there is an emergency of some sort.

Miguel's account of how Immigration officials questioned him in New York provides basically the same information. Miguel explains that after his handcuffs

were finally taken off, Immigration began to ask similar personal questions. They asked for his parents' names, whether he had relatives in the United States, and where he had originally crossed the border. Unsure of the Immigration officials' motives, Miguel did not answer truthfully about his relatives in New York. "Yes, I have family [in New York], but I told them I didn't....out of fear. Because I don't know the immigration laws. And if I say "yes," [my family] has nothing to do with my problem, and they might go after them even though they're behaving themselves. There's no reason to make them suffer for what's happening to me" (Miguel Interview 2006). Just as Nick had explained about interaction between the Border Patrol and detainees, Immigration officials made no further attempt to communicate with Miguel following his initial questioning.

Diego was unable to produce a great deal of detail describing how he was questioned. The single question he does recall is the Highway Patrolman asking if he had any work papers. Obviously, this was an important question to ask because it allowed the officer to determine Diego's legal status, but there seems to have been a lack of any other attempt to collect information from Diego. He never mentions any other formal questioning akin to that above.

The types of questions that stick out on the minds of Artur and Rogelio are more rhetorical questions asked of them without the intention of collecting any real response. Artur, particularly, states the questions he was asked were largely discriminatory. He explains that one Immigration official asked him, "Don't you know that this is my country? This is not your country. So you don't have the right to anything. Don't even look at me" (Artur Interview 2006). Rogelio

comments that he was asked for his “general information,” but the only other questions he is able to recall are also of a rhetorical nature. Perhaps hoping to avoid potential consequences, he had given Immigration officials a false name, but the IDENT system (a digital fingerprinting database which records fingerprints and a photo of each detained undocumented immigrant as he or she is processed) brought up his real name and picture from his previous arrests. The interrogating official asked, “Why do you want to charge your name when we’ve got you right here?...Why would you mock us like that?” (Rogelio Interview 2006). For Artur and Rogelio, these types of questions are the most memorable.

Aside from a handful of questions that could be used to generate statistical information (e.g. point of entry, method of smuggling, cost, etc.), the questioning of undocumented Mexican immigrants focuses on specific biographical information. At no point during the process, however, does the United States government make any attempt to learn more about the desires of undocumented Mexican immigrants. What sort of political status would they like to have? Would they even be interested in citizen or a temporary worker program? Why did they immigrate in the first place? None of these questions are asked. Nick comments that the Border Patrol does not maintain any data as far as the desire of undocumented immigrants are concerned (Nick Interview 2006). All of the other interviewees echo the absence of this type of question.

I asked Diego if any U.S. government official had ever asked what sort of political status he would ideally like to have in the United States. He responded, “No, no one asked me. I was hoping they would ask me so that I could tell them

what I want and maybe they'd grant me permission. But they never said anything" (Diego Interview 2006). Unfortunately for Diego, there is presently no type of visa or immigration permit that can be attained simply by asking for it. Immigration documents entail a long series of applications and fees. His interest in communicating his desire, however, raises an interesting point. Why do Immigration officials never ask detainees what sort of political status they would like to have in the United States as part of protocol? Again, it is the only opportunity that the United States government has to communicate with undocumented immigrants, and it is ripe with potential for data collection. The United States may not currently be interested in this data...but it should be. Perhaps with a formalized system for polling the desires of undocumented Mexican immigrants, the U.S. government could develop a more complete idea of the demand that exists for different statuses. Such information would prove incredibly useful in the design of immigration policy.

One major question that would have to be added to the standard detainee questionnaire would be, "What political status would you like to have in the United States?" Hoping to develop some semblance of an answer, I asked the interviewees this same question.

2.4 What do undocumented Mexican immigrants want?

This is by no means an easy question to answer. Again, the responses of the interviewees vary, but none of them fit neatly into the "citizen" or "temporary worker" categories proposed by the modern immigration reform plan. On the

whole, their desires seem to approach something between citizenship and temporary worker status.

Diego, for example, states that he would like to be a U.S. citizen simply to be able to work in the country. Citizenship is not a precondition for employment in the United States, but for Diego, it is a means to a livelihood. Nevertheless, he comments that he would prefer citizenship to a temporary worker position. He does not mention any interest in political participation or public services, but he does discuss a certain respect for the law stating that, in the United States, “everything is in order. Everything has its limits” (Diego Interview 2006). He goes on to express his amazement that motorists in the United States obey stop signs and use turn signals. In his experience, the same is not the case in Mexico. Work opportunities and lawfulness, then, make U.S. citizenship attractive for Diego.

Miguel expresses a similar sentiment regarding what he describes as the easy lifestyle of the United States citizen. He explains that, “as an American citizen, you can travel without any problem...without having to hide all the time...without having to risk your life crossing the desert. And what a beautiful thing to be able to walk around freely as if you were walking from your own living room to your bedroom” (Miguel Interview 2006). Despite his enthusiasm for the freedom that citizenship would allow, Miguel is also skeptical of its benefits. He feels that in the United States, any Hispanic person is considered Mexican and is thereby an easy scapegoat for any number of problems. He explains that the United States often sends its Latino citizens to fight its wars, but U.S. society on

the whole does not appreciate this contribution. “That is what the United States doesn’t see,” he says, “that it’s being backed by Latino soldiers” (Miguel Interview 2006). Miguel has no desire to go to war, and citizenship is therefore an unattractive option to him.

Miguel is equally skeptical of the advantages of being a temporary worker. For Miguel, the main problem with a temporary worker position is the uncertainty of exactly how temporary it might be. As he describes it, an employer might agree to take on a number of Mexican immigrant workers only for a period of time long enough to complete a given project and then end the relationship immediately afterward. Although this is a means of income, it would not provide the type of stability Miguel is seeking. His salary has to be enough to maintain himself as well as his sister, mother, and grandmother in Oaxaca, Mexico. A temporary arrangement would not fulfill his needs.

Artur also shows some degree of interest in a temporary worker program, but he also proposes an original option. He wishes that U.S. Immigration would function more like a “control [that gives] certain permits without a visa or anything...to pass as a refugee for a set amount of time. And when that time is up, you go back to Mexico again....That way people that don’t have papers, like me, would be allowed into the country” (Artur Interview 2006). Such a program would entail a less formal arrangement than a temporary worker program. Artur even mentions the Bracero Program of the 1940s and how perhaps a similar program could be successful once again. Although the temporary worker option is not ideal for Artur, he seems to prefer it to citizenship.

Rogelio, on the other hand, would be willing to accept any type visa or permission offered him. I asked him what his preference would be, but he had no definite answer. He simply replied, “Well, I’d like a lot of things...because I need it” (Rogelio Interview 2006). Regardless of the legal category, Rogelio just wants to be able to work in the United States.

There is no governmental organization that collects information on these types of desires, though. The current immigration reform proposal focuses on two legal statuses: citizenship and the temporary worker agreement. But are these even the sorts of statuses sought by undocumented Mexican immigrants? The United States currently makes no attempt to answer that question. Sure, there are those that wish to become citizens. There are those that wish to become temporary workers. That can be certain...but how many? The U.S. government simply does not know what sort of demand exists for these two neatly defined categories much less the rest of the varying desires mentioned above. Without this information, it cannot be determined how the proposed supply will address the demand. And as was seen in the historical example of the Bracero Program, the combination of low supply and high demand can serve to catalyze illegal immigration even further. What, then, is to be done?

As long as immigration from Mexico to the U.S. continues to be a worthwhile economic activity supported by tightly woven social networks that help would-be undocumented immigrants to cross the border and establish themselves in the United States, history has shown that the flow of undocumented immigration will continue to perpetuate itself regardless of the

policies implemented. This means that previous policies are either poorly implemented or poorly designed. As the evidence suggests, both options are true. Immigration officials do not follow Mexico-U.S. immigration policy 100 percent as is written in the law nor do they take full advantage of the information-gathering opportunities available to them. The next chapter discusses a possible rectification.

Chapter 3: The Future of United States Immigration Policy

Once again, the United States has reached a crux in its ongoing Mexico-U.S. immigration debate that has now spanned more than one and a half centuries. If the United States Congress is to take action, it must find a means of reconciling the two separate bills that have been approved individually in the Senate and the House of Representatives: S2611 and HR4437 respectively. Although these two proposals suggest a number of solutions both new and old (but mostly old), there is not a single bilateral element to be found in either. Each seeks to enact U.S. legislation to utilize U.S. resources in a manner the U.S. deems appropriate. The Mexico-U.S. immigration issue, though, is a phenomenon that involves at the very least one more actor other than the U.S. Perhaps there is a way to incorporate Mexico as well. Before discussing any such policy alternatives, it shall be beneficial to comment on the present state of immigration reform in the United States Congress.

3.1 Immigration Policy and the Legislative Process

As discussed earlier, in order for the separately approved Senate and House bills to pass into law, either the House would have to approve the Senate bill, the Senate would have to approve the House bill, or a third bill would have to be drafted to align the two in a manner suitable for both legislative bodies. As mentioned in Chapter 1, the Pence-Hutchison bill has already made an unsuccessful attempt to do so. In the mean time, a number of small advances have been made.

Even though a portion of the Sensenbrenner Bill (HR4437) has already been signed into law as the wall-authorizing Secure Fence Act, this does not necessarily indicate a Congressional inclination toward the House bill. It did manage to gain strength in Congressional hearings throughout the summer of 2006, but the Senate and the House are still yet to arrange any sort of joint meeting to discuss the bills together (Congress: Senate, House, CBO 2006). President Bush, however, has voiced his support for the Senate CIRA bill stating that, “we need a guest worker program as part of a comprehensive reform...the best way to enforce the border is to have a rational way for people who are doing jobs Americans aren’t doing to come to this country on a temporary basis so they can realize their dreams” (Congress: Senate, House, CBO 2006). Bush’s constant insistence on a guest worker program is enough to project that he might go as far as to use his Presidential veto to invalidate the House bill if it managed to receive Congressional approval without a guest worker element.

At least for the present, neither Senate bill S2611 nor House bill HR4437 is going anywhere. In anticipation of November elections, the House of Representatives adjourned into a recess in September of 2006 and will not reconvene until after the election period. Until the discussion is able to proceed in a formal setting once again, immigration reform must continue to wait.

3.2 Creating Alternatives

If, as discussed in Chapter 1, the present effort at immigration reform is merely a rehashing of old approaches, then the only logical conclusion is that the

same old methods applied toward the same old issue will produce the same old results. What, then, could be done differently? What possible alternatives exist that are not included in either of the Congressional proposals?

I suggest a number of policy changes prefaced on one very simple idea. This idea is perhaps best expressed as a question: what do undocumented Mexican immigrants want? The United States government does not know the answer to this question because it is not asking undocumented Mexican immigrants this question when the opportunity presents itself. As will be argued, developing an answer could be a first step in discovering a solution for the immigration issue at the bilateral level.

First and foremost, this question should be added to the standard questionnaire given to all undocumented immigrants as the Police, the Border Patrol, or Immigration process them. This could be as simple as adding another information field to the digital form shown in Chapter 2. A question such as “What political status would you like to have in the United States?” would have such potential responses as citizen, guest worker, legal resident, political refugee, and so on. As the interview responses from Chapter 2 suggested, though, the desires of undocumented Mexican immigrants may not fit neatly into any single category. A secondary approach, therefore, would be to allow detainees to describe the ideal political status they would wish to acquire and rank that desire as it pertains to the various pre-established political statuses. Inserting this type of questioning into the processing practices of immigration

officials would indeed slow the process, but the information gathered would be worth far more than the time expended.

By no means am I implying that the United States, as a sovereign nation, should simply bestow these various statuses upon willing undocumented immigrants. The United States' responsibilities lie with its citizens, and legally it does not owe any sort of status to any non-citizen seeking to enter the country illegally. The benefit of this additional questioning is that it would at the very least allow immigration officials to generate a better sense of the demand that exists for various political statuses in the U.S. The numbers of the guest worker and citizenship programs proposed by S2611 are entirely blind to this demand. At best, they reflect patterns of visa applications observed across the entirety of United States consular operations in Mexico, but such patterns are only based on a certain visa-seeking segment of the population.

Not a single one of the four deportees I interviewed, for example, had ever possessed documentation legally allowing them to enter the United States. This is not to say that they did not want to have "papers" or visas of some sort (they each commented that, on the contrary, they would like to have papers), but that they had never pursued that route. Consular statistics, therefore, could not hope to address this segment of the Mexican population due to the fact that contact does not exist. United States immigration officials, however, do have contact with these undocumented groups, and, by taking advantage of these encounters, the U.S. could assemble a database on undocumented immigrants' desires of political statuses.

After assembling this data as a sketch of demand for political statuses, the United States could alter the numbers of its programs accordingly. Returning once again to the historical example of the Bracero program, an undersupply of temporary worker positions did not impede undocumented immigration at all. As the United States slowly began to issue more and more permits from year to year, illegally immigration grew comparably. It was not until very large numbers of positions were opened that the Bracero program finally began to address the actual demand that Mexican citizens had to enter the U.S. At that point, undocumented Mexican immigration decreased drastically, but at the cost of 10 years of guesswork and astronomical previous increases in illegal immigration. If Congress as a whole approves the guest worker program presented in Senate's CIRA bill without taking real demand into consideration, it is possible that the same fate will befall the new program.

Developing a more complete idea of the existing demand might also lead the United States to focus on one program more than another. For all of the complicated tier divisions of the CIRA bill's citizenship scheme, questioning undocumented Mexican immigrants may, for instance, reveal that United States citizenship is not among the top desired statuses. In such a situation, the U.S. may decide to focus more on its guest worker program (if interest happens to be focused there) than its creation of paths to citizenship. It could then focus resources and policymaking efforts toward the program that produces the most positive results.

Another possibility of interviewing undocumented Mexican immigrants about their desires in the United States is that it may lead to the conclusion that overwhelming demand exists for a type of immigration option that is currently non-existent. Discussions of immigrant desire, for example, reveal that many individuals seek some fashion of seasonal work agreement. Agricultural workers may wish to obtain work permits to spend the spring and summer in the United States but return to Mexico during the colder seasons. Hospitality workers may desire work permits that would allow them to spend the fall and winter working in ski resort hotels but return to Mexico during warm weather. As long as there are U.S. businesses willing to accept seasonal workers, this type of program would be mutually beneficial to the United States and Mexican economies. Such seasonal work permits do not exist, but there may be undocumented Mexican immigrants who would prefer this or some other option aside from those currently available.

A policy of addressing actual desire and demand rather than making blind stabs at program quotas may prove to be a better means of regulating the influx of undocumented immigration from Mexico. As my interviews confirmed, it is not that the desire to obtain documentation does not exist, but the process of doing so can be prohibitive both in terms of monetary cost and the time required. Unfamiliarity with the process is also a factor. This is yet another area of opportunity for immigration officials.

Since apprehension and detention are the only opportunities for contact between U.S. government officials and undocumented Mexican immigrants,

immigration officials could use this time to provide a brief explanation about how to acquire the documentation necessary to enter the United States legally. Even if Congress manages to pass a guest worker or citizenship program, years may pass before word of mouth manages to saturate the body of would-be undocumented immigrants with the news. Immigration officials, therefore, could be a conduit for policy information. The practice of providing detained undocumented immigrants with information on how to enter the U.S. legally may seem too altruistic for institutions charged with combating illegal immigration, but distributing such information could serve as a preventative measure.

Moving away from the practical level and toward human rights issues, perhaps more legislation regarding the treatment of undocumented immigrants in the United States is necessary. The interviewees described a number of experiences that simply should not happen in modern democracy such as the United States. The Florida Police should have made certain that Diego's confiscated possessions were returned to him after his release. The immigration officials who processed Rogelio in Texas never should have grabbed him by the throat in a completely non-physical interview process. In these two situations, neither Diego nor Rogelio had any means of filing a grievance about the manner in which they had been treated. In an environment absent of the opportunity for feedback, there are truly no boundaries that define that which can and cannot occur. Such an atmosphere is dangerous for undocumented immigrants and ripe for human rights violations.

The period of detention issue also concerns human rights. It is unjust for undocumented immigrants to be held in detention centers for drastically different amounts of time based solely on their geographical location upon apprehension. Simple matters of government convenience should not come before an immigrant's right to be returned to his or her country after the formal issue of an order of removal. The same due process of law guaranteed to United States citizens should also carry undocumented immigrants toward a swift ruling of deportation cases. The indefinite detention of undocumented immigrants is a human rights violation, and new legislation against it would help to prevent future occurrences.

Another somewhat politically weaker policy option, or set of options, that the United States could pursue would be to attack undocumented Mexican immigration at its root causes. The discussion of such an approach could occupy another thesis entirely, but it is worth noting that every element of the CIRA and Sensenbrenner Bills embodies a reactive strategy. These bills seek to respond to undocumented Mexican immigration as a relentless flow of individuals into the country rather than attempting to work with the Mexican national government in order to address the economic situation that inspires so many Mexican citizens to cross their northern border in the first place. By helping to develop programs to boost the Mexican economy, perhaps the United States could play a role in creating new and better-paying jobs domestically in Mexico. This could, in turn, lessen the desire to immigrate to the United States and reduce undocumented Mexican immigration organically rather than forcefully. As Massey explains,

“international movement does not occur in the absence of differences in earnings and/or employment rates between countries. Migration occurs until expected earnings...have been equalized internationally...and movement does not stop until this product has been equalized” (Massey 1993, 435).

None of these policy recommendations mentioned above can be found anywhere in the Senate and House immigration reform proposals. An issue so complicated and deep-seated in history as Mexico-U.S. immigration has no easy solution. In the same respect, none of my proposals advocates any manner of one-shot, easy-fix policy. Notwithstanding, they do advocate steps that have never been attempted but could very well prove productive in the ongoing attempt toward comprehensive immigration reform.

Conclusions

Immigration between Mexico in the United States is not a new phenomenon in the least. Legislative attempts to control this immigration have likewise been a staple of Congressional action virtually since the Mexico-U.S. border was originally established. Nonetheless, immigration reform has managed to acquire status as a hot topic item on the national political agenda. The reforms described in the Senate-sponsored CIRA Bill and House-backed Sensenbrenner Bill have inspired demonstrations of protest within Hispanic and immigrant communities across the country. In order to understand why, perhaps we should take one final glance at the Congressional proposals within their historical context.

How do the current United States immigration reform proposals differ from the various reforms of previous years?

In short, the modern reform proposals do not seek to tackle the immigration issue in any new or innovative fashion. Almost every facet that appears in the two bills reflects a policy previously attempted in the past. The Sensenbrenner Bill advocates a mass-imprisonment strategy that may, as a stand-alone policy, have never surfaced before, but decade after decade of detaining undocumented immigrants has never proven to incite any lasting effect in illegal immigration trends. The House bill also proposes a system of sanctions to be levied against employers who hire illegal immigrants. The Simpson-Rodino Act of the Reagan administration enacted a very similar program that resulted in

failure. Such a program would have to absolutely saturate United States businesses in order to be successful.

The Senate bill also argues for the same type of employer penalty program. Its other proposals are equally reminiscent of past failed attempts toward immigration reform. Its first strategy, enforcement, would be to provide the Border Patrol with more personnel and funding that would be used to purchase new equipment. Historically, immigration reform has almost always begun with an increase in Border Patrol spending. The Border Patrol's 1954 campaign entitled Operation Wetback is a sterling example of such an increase in the Border Patrol budget. This campaign managed to drastically reduce illegal immigration across the border of southern California, but it eventually began to increase gradually once again across points of entry to the east. Similar campaigns in the 80s and 90s such as Operation Hold the Line, Operation Safeguard, and Operation Rio Grande witnessed increased Border Patrol spending and decreased illegal immigration in their respective areas of focus. But focusing on any particular area always managed to displace illegal entry to the east and west. Budget hikes for the Border Patrol, therefore, have never resulted in a true reduction of illegal immigration.

Another strategy of the CIRA Bill, immigrant legalization, is very much akin to the amnesty program of the Simpson-Rodino Act. This program is designed on a complicated matrix of how illegal immigrants should be treated depending on the amount of time they have spent in the U.S. As undocumented residents, however, there is no sure-fire way to know how long any of these individuals

have lived in the country. Such a program would seek to provide an avenue for citizenship for undocumented immigrants who had spent the longest amount of time in the country. This approach would be incredibly beneficial for the people in that category, but it would do very little to address the growing trend of illegal immigration. A one-shot program cannot solve a perpetual issue.

The guest worker program that appears in the Senate Bill is a callback to the Bracero Program of the World War II era. Although this program did provide jobs for millions of temporary Mexican laborers, it was replete with imperfections. Bracero workers often did not receive all of the benefits promised to them. Others were abused and extorted by their supervisors. Additionally, the number of Mexican immigrants who entered the United States illegally during the Bracero period almost equaled the number of admitted Braceros. A guest worker program, then, has certain benefits, but it is not a complete solution.

At least some of these proposals, rehashed as they may be, seem to be beneficial for at least a certain group of undocumented Mexican immigrants. Public demonstrations to the contrary suggest that many Mexican immigrants believe otherwise. This raises the question of the desire of Mexican immigrants to the United States.

Do these reforms respond to the reality of Mexican immigration and the actual desires of Mexican immigrants?

United States consular officials in Mexico have daily contact with Mexican citizens who seek to enter the United States legally. This group of the population is able to afford the costs of an interview and other charges associated with a

visa application. They are able to take the time out of their days to do so. Undocumented Mexican immigrants, on the other hand, be it out of necessity or otherwise, take a different route. They have decided that their best chance to enter the United States is simply to go. Hoping to escape poverty and bleak economic conditions in Mexico, this group takes the risk of crossing illegally in order to find a better life for themselves and their families.

These individuals often must lead clandestine lives within the United States, hoping to avoid catching the attention of the Border Patrol, the Police, or Immigration. Inevitably, Immigration officials manage to detain many of these undocumented residents, and this contact is the only opportunity the United States government ever has to communicate with undocumented Mexican immigrants. If the U.S. seeks to enact immigration legislation that takes into account the desire of Mexican immigrants, this is the opportune moment to collect information about that desire.

Immigration officials, however, never ask any such question about the desires of undocumented Mexican immigrants. The standard interrogation consists of little more than an inquiry about biographical information, the presence of other relatives in the United States, and the point at which the detainee crossed the border illegally. If U.S. Immigration officials never ask about the desires of undocumented Mexican immigrants, then there is no way for these desires to be included in the legislative process.

What are the ideal political statuses desired by Mexican immigrants to the U.S.?

This question has no simple answer. I asked four deported Mexican citizens about their desires for political status in the U.S., and I got four different responses. To be sure, there are those that see citizenship or a guest worker permit as a desirable pathway into the United States. But there are others who see dangers and instability in both. One interviewee feared U.S. citizenship because he had no desire to be conscripted by the military to fight a war he did not feel a connection to. Another feared a temporary worker program out of the uncertainty of exactly how temporary it would be. Yet another simply stated that he would enter the United States legally on virtually any conditions offered him. In general, however, the desires of the interviewed individuals appear to occupy a gray area between citizenship and temporary worker status. The current Congressional proposals neither provide a name for this gray area nor seek to address it in any way. The evidence suggests that the desires of undocumented Mexican immigrants do not fit neatly into any of the pre-established legal categories.

If the U.S. government never makes an attempt to question undocumented Mexican immigrants about their desires for political status, it is likely that these desires will remain hidden. As long as the U.S. continues to pursue such a unilateral approach to this international issue, its reactive strategies will continue to address undocumented immigration in the moment rather than confronting a long-term solution. Congress is currently poised to launch itself into a conglomeration of programs that will accomplish little more

than adding to the historical list of failed Mexico-U.S. immigration reform attempts.

It is for this reason that I propose a policy change at the macro level. Any body charged with the apprehension of undocumented immigrants, be it the Border Patrol, the Police, or Immigration, should add a simple series of question to their interrogation process for detainees. By asking detainees about their desires for political status in the United States, Immigration authorities will be able to construct a database that reflects the demand that exists for the array of potential political statuses. Using this database as a guide, policymakers would be able to modify and redistribute resources for immigration programs in order to capture potential where it exists. This could be a first step toward including Mexico in immigration reform and addressing the issue in a bilateral fashion.

In order to fully develop this option as an implementable policy, some research still remains to be done. It would be necessary to gather every questionnaire used by every agency charged with the pursuit and control of undocumented immigrants. From that point, the legal aspect of altering those questionnaires would have to be investigated. Can they be changed at the individual organizational level, or would an all-encompassing mandate be required from the upper levels of the Department of Homeland Security or above? Another essential step would be to conduct a study on the phrasing of the question and how to generate the type of data required. Perhaps allowing an open answer would produce more creative responses, but it is likely a limited list of responses would be much simpler to quantify. Thereafter it would be

necessary to develop a pilot program for the additional question in which it would be applied to real questionnaires in a select group of Immigration offices. Based on the clarity of the data gathered and the feedback of interviewing officials, the project could return to a previous step in order address the difficulties encountered in practice. With all of this information in tow, this idea could be transformed into a more complete policy proposal. Part of the proposal would also have to include how to collect and process the responses to the new question. Further research would need to select an ideal office or body to handle this new statistical information. All of these steps would be integral the development of a complete policy proposal.

Immigration between Mexico and the United States has deep historical roots, and no single policy reform could hope to resolve the issue in a mutually beneficial fashion. Taking desires of undocumented Mexican immigrants into account could be an initial step in a long series of changes, but it will solve nothing on its own. As long as Mexico and the United States' respective economic situations continue to remain as they are, the desire of Mexican citizens to immigrate to the U.S. by any means possible will also remain constant. If the United States resigns itself to reactive policies, nothing will change. If it seeks to involve Mexico in some fashion, however, this element could make all the difference.

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APPENDIX A

Guide questions used in in-depth interviews:

Individual deportado

- 1.) ¿Cómo fue que lo agarraron?
- 2.) ¿Cómo lo trataron?
- 3.) ¿La patrulla fronteriza le hizo algún cuestionario o entrevista al detenerle?
- 4.) ¿Qué le preguntaron?
- 5.) ¿Platicó usted con los agentes de la patrulla fronteriza?
- 6.) Primero una pregunta general: ¿le gustaría tener papeles? ¿cómo le gustaría que le dieran su permiso?
- 7.) ¿A usted le gustaría ser ciudadano estadounidense si pudiera?
- 8.) ¿Preferiría ser residente legal o quizás trabajador temporal?
- 9.) ¿Algún oficial del gobierno estadounidense le ha preguntado eso antes?

Border Patrol Officer

- 1.) What do you do in a typical day's work?
- 2.) When an agent encounters individuals attempting to cross the border illegally, what is the protocol response?
- 3.) Step by step, what is the process of deportation like?
- 4.) Are deported individuals interviewed or questioned? How?
- 5.) Do Border Patrol officers communicate with detainees in any way?
- 6.) Does the Border Patrol or USCIS maintain any sort of data about what sorts of political statuses are desired by Mexican immigrants?
- 7.) How is that data obtained?
- 8.) Does the Border Patrol make any sort of periodic report to Washington concerning Border Patrol activities?