

Mexico and the Migration Phenomenon

(In line with a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of migration, senators and congressmen, members of academia, experts in migration issues, and representatives of civil society organizations, all agreed to make an effort to create a national migration policy that would be founded on shared diagnoses and platforms. The group produced the document: Mexico and the Migration Phenomenon. Finally, given the relevance of this document, both Houses of Mexico's Federal Congress adopted it as a Concurrent Resolution on February 16th, 2006, in which all the political forces of Mexico support the positions expressed in the document.)

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of *shared responsibility*, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon; these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security –mainly along the shared border– is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors –especially legislators of both countries–, has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled *Prospects and Design of Platforms for the Construction of a Mexican Migration Policy*.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

Principles

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

- The migration phenomenon should be fully understood by the Mexican State –society and government–, because it demands actions and commitments that respond to the prevailing conditions.
- The migration phenomenon has international implications that demand from Mexico actions and international commitments –in particular with the neighboring regions and countries–, which, in accordance with the spirit of international cooperation, should be guided by the principle of *shared responsibility*.
- Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.
- Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights, in accordance with the applicable international instruments.
- The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring

countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

- Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.
- The migration processes that prevail in Mexico are regionally articulated –in particular with Central America–, and therefore the Mexican migration policy should deepen its regional approach.

Recommendations regarding the commitments that Mexico should agree on

Main recommendations considered by the group in order to update Mexico's migration policy:

- Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.
- It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.
- If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them, Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.
- Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use of false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.
- It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.
- Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of *shared responsibility* and respect for human rights.

- Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.
- Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the *Cumbre Iberoamericana*.
- The review and, if necessary, adjustment of the juridical and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter institutional mechanism of collaboration.
- The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

Elements related to a possible migration reform in the United States

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is the Mexican position in case a migration reform takes place in the United States:

- Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay, it is indispensable to find a solution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be fully incorporated into their actual communities, with the same rights and duties.
- Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.
- In order for a guest workers program to be viable, Mexico should participate in its design, management, supervision and evaluation, under the principle of *shared responsibility*.
- A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

- Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting certification mechanisms, and the supervision and evaluation of its development.
- Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.
- Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.
- Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

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Participants in the meetings
Prospects and Design of Platforms for the Construction of a Mexican Migration Policy

Legislators	Federal Government	Academia Members	Foreign Policy Experts	Civil Society Organizations
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** Jaime Domingo López (former undersecretary for Population and Migration Issues) and Gustavo Mohar occupy today different positions from the ones they held when the meetings took place.*