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Mexico Considers Response to Immigration Bill Passed by U.S. House

by LADB Staff

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The Mexican government has launched a major campaign to oppose a comprehensive immigration-reform proposal approved by the US House of Representatives in mid-December. The legislation, known as the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005, sponsored by Rep. James Sensebrenner (R-WI), was approved 239-182, mostly along party lines. The US Senate is expected to consider its own immigration measure sometime in early 2006.

The House measure has drawn strong criticism from human rights and immigrant-rights advocates and Latin American governments, particularly Mexico, because of its strongly punitive provisions. Proponents argue that the legislation, which would also expand law-enforcement capabilities along the US-Mexico border and discourage employers from hiring undocumented workers, is needed to enforce the rule of law in the US. "Illegal immigrants are coming for many different reasons," said Rep. Lamar Smith (R-TX). "Some are coming for jobs. Some are coming to give childbirth. Some are coming to commit crimes. Addressing this problem is needed if we're going to try to combat illegal immigration on all fronts."


While critics have trouble with the entire legislative initiative, there is particular concern about two measures, one that would treat unlawful entry into the US as a felony and another that proposes expanding the network of walls and fences along the US-Mexico border. Mexico, which provides a large majority of the undocumented immigrants entering the US, was especially critical of the legislation. Shortly after the passage of the House bill, President Vicente Fox accused the US of hypocrisy. "When we look at their roots, the immense majority are migrants, migrants that have arrived from all over the world," the president said in a speech to Mexicans who returned to Guanajuato state for the Christmas holidays.

Mexico’s Foreign Relations Secretary Luis Ernesto Derbez also criticized the US immigration bill during a visit to Washington, following a meeting with US deputy secretary of state Robert Zoellick and other US officials in late December. The Mexican foreign relations minister described the proposal to extend the border fence as "myopic" and "stupid."

Mexico hires public-relations firm, tries to sway Congress

The Fox administration is expected to continue to publicly attack the House immigration proposal, but the government also quietly hired Dallas public-relations firm Allyn & Company to help
improve Mexico's image among the US public. This move is part of a strategy to get public support from US voters, who would then press legislators to reverse their stance on immigration.

Hiring the public-relations company could be a wasted effort, some experts say. "Even that kind of diplomatic strategy may be akin to locking the barn door after the horse has escaped," said Wayne Cornelius, director of the Center for Immigration Studies at the University of California-San Diego. "The Mexican government cannot hope to accomplish much by lobbying the US Congress, on this or any other immigration-related issue." Mexican officials are also attempting to place their own spin on the issue at home.

In an interview with W Radio in Mexico City, Mexico's Ambassador to Washington Carlos de Icaza said the House bill is widely opposed in the US. He said US businesses, church groups, and even politicians have "clearly indicated their opposition to measures that could put the economy of the country in danger."

De Icaza said he has been instructed to make the same point in the US and "intensify efforts...to achieve an integral reform that takes into account the needs and realities of the economy, but above all recognizes the fundamental rights of workers."

Some US legislators who support the immigration initiative acknowledged concerns that it could result in deteriorating US relations with Mexico. They said, however, that the initiative should be viewed not so much as an attack on Mexico but more as a move to secure the US-Mexico border. "This is not a Mexico-bashing issue," said Rep. David Dreier (R-CA), chair of the House Rules Committee. He said Republicans in Congress have failed to make it clear that it "is an issue of dealing with our security and the problems that have been created with illegal immigration."

**Mexican Congress, Fox reach out to other countries**

Even if Mexico is unable to influence the US public and policymakers, the Fox government and the Mexican Congress have taken other steps to bring the issue to the global arena. Members of the congressional standing committee (Comisión Permanente), comprising deputies and senators from all parties, drafted a letter in December asking legislatures in Spain, Portugal, and Latin American countries to join a coalition against the immigration bill.

The letter, authored by Deputy Heliodoro Diaz Escarraga of the opposition Partido Revolucionario Institucional (PRI), was careful to recognize the sovereign functions of the US Congress to draft legislation but also pointed out that migration, for its social and economic effects, should be looked at in a comprehensive way within a bilateral framework. "The aforesaid law, should it be approved, will result in highly negative effects for our countries, such as criminalizing migration, violating the human rights of migrants to that nation, exacerbating racism against minorities, and repudiating various agreements achieved through existing free-trade treaties," said the letter.

The Fox government also brought together officials from several nations in Mexico City in mid-January to discuss the US immigration proposal. At the meeting were the foreign ministers or other
officials from Belize, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Dominican Republic. "We want to speak with one voice," Derbez said.

The foreign ministers, who committed to work closely to crack down on trafficking of migrants, also used the meeting to criticize the US bill, which they said would encourage human rights violations against their citizens. "Migrants, regardless of their migratory status, should not be treated like criminals," they said.

**Provision to expand border fences particularly troubling**

The provision to expand existing walls and fences along the US-Mexico border has caused special consternation in Mexico. The US government has already constructed a series of walls and fences in parts of California and Texas. The House proposal would erect additional barriers, including lights and cameras, on 1,100 km along the US-Mexico border at a cost of US$2.2 billion. The new cameras placed at various border points would use the latest infrared technology, giving them the ability to distinguish between humans and animals.

The government first put up fences at traditional crossings along the California-Baja California border in the 1990s to discourage undocumented immigrants from entering the country (see SourceMex, 1999-09-01). The fences forced many would-be immigrants to attempt to cross through inhospitable terrain, resulting in increased deaths in the deserts and mountains of California and Arizona (see SourceMex, 1997-08-27, 2001-06-20 and 2005-01-12). Preliminary estimates from the Secretaria de Relaciones Exteriores (SRE) indicate that as many as 460 Mexicans may have lost their lives in 2005 attempting to cross into the US. This compares with about 370 deaths in 2004.

Independent of the House measure, a US District Court issued a related ruling in early December. In that ruling, District Judge Larry Burns denied a motion by US environmental groups to bar the Congress from authorizing the US Department of Homeland Security (DHS) to complete a fence along the US-Mexico border.

The motion by the environmental groups questioned a decision in a House bill in March 2005 that would have removed all environmental considerations related to expansion of a fence near the California-Baja California border (see SourceMex, 2005-03-30). The Audubon Society, Defenders of Wildlife, and other environmental-advocacy groups argued that the project threatened the coastal sage scrub habitat of bird and other sensitive plant and animal species. Critics in Mexico, who fear expanding the border barriers could greatly increase the number of deaths, have called for intensive efforts by President Fox to try to reverse the US immigration initiative, particularly the expansion of the wall along the border. "The construction of the wall could double the number of deaths," said Deputy Roberto Pedraza Martinez, who chairs the committee dealing with population, borders, and immigration in the lower house (Comision de Poblacion, Fronteras y Asuntos Migratorios).

The wall may well deter some crossings, but in the long run it could cause more harm than good. "The US has the ability to build this wall if it so chooses. Israel has done it," said Lorenzo Meyer, an expert on US-Mexico border issues at the Colegio de Mexico. "But the US must recognize that it cannot remain at the center of the global economy without recognizing what China has already..."
accepted, that one of the necessities of a competitive economy is the massive migration of poor workers to occupy the lower-paying jobs."

Some federal agents who will be affected by the policy changes also criticized the measure as shortsighted, particularly the expansion of the border fences. "[The fence in San Diego] just pushed that traffic elsewhere, and that's what a 2,000-mile fence will do: push it to ports of entry, to the coast, to the Canadian border, where we don't have anything," said Chris Bauder, president of the National Border Patrol Council Local 1613, which represents agents in San Diego.

**Concerns arise about move to make illegal immigration a felony**

There is also strong concern that the move to designate unlawful entry into the US a felony will not only affect undocumented workers but also those individuals and agencies providing any sort of assistance, including transportation or shelter. Illegal immigration is currently a civil violation, not a crime. "The implications of the bill are large. Because people with felonies are barred from becoming American citizens, it would effectively deny any chance of legal status to anyone caught in the United States illegally," wrote Stan Oklobdzija in the Santa Maria Times in California.

The measure creates a broad definition for "alien smugglers," punishing those who assist undocumented immigrants to cross into the US, but also potentially affecting agencies that regularly come into contact with illegal immigrants, such as hospitals and certain charities. "People who are trying to help immigrants will be finding themselves turned into criminals," Roman Catholic Cardinal Theodore E. McCarrick of the Archdiocese of Washington, DC, told reporters. "That's going to include people at churches."

McCarrick's statement represents a widely held view among members of the US Conference of Catholic Bishops (USCCB), which has made a formal request to President Bush to oppose the immigration measure. The House initiative also proposes to add hundreds of agents to the Border Patrol and other agencies that operate along the US-Mexico border.

The legislation would also expedite processing detainees, expand holding facilities, and create a combination of penalties and incentives for employers to discourage them from hiring undocumented workers. The measure would require the US military and the DHS to develop a plan to use more military surveillance equipment along the border. It would also allow local law-enforcement officers in communities within 25 miles of the US-Mexico border to detain undocumented immigrants and transfer them to federal authorities in the routine course of duty. Local police and sheriff's departments oppose this measure because it would stretch their existing resources. "I do not want to be doing immigration work, and I don't want my people to do it," Tony Estrada, sheriff of Santa Cruz County, Arizona, told the Los Angeles Times. "We don't have the resources."

The legislation left out a provision presented by a group of conservative Republican legislators, led by Rep. Tom Tancredo (R-CO), which proposed to end automatic citizenship for the children born to undocumented immigrants in the US. The initiative, which received support from 92 members of the House, may resurface later, but it was tabled for now because of uncertainty whether a constitutional amendment is required.
Senate Majority Leader Bill Frist (R-TN) said that that legislative body is expected to consider its own immigration bill either in January or February and will consider both enforcement and border-security measures and a guest-worker program. "It's improbable that the Senate would pass as-is the Border Protection, Antiterrorism and Illegal Immigration Control Act, which passed the House," said Patricia Zapor of Catholic News Service. "The question is whether the Senate will try to amend and rework the House bill more to its tastes or just chuck it onto a back shelf and then rally behind a different bill with a better chance of passing in the upper body of Congress."

**Border Patrol shooting exacerbates tensions**

The debate over immigration erupted as Mexico and the US are dealing with tensions caused by the shooting of a Mexican national by an officer of the US Border Patrol on Dec. 30. The agent shot the man, Guillermo Martinez, after he scaled the fence separating Tijuana and San Ysidro, California. The agent said he was forced to act after Martinez threatened him with a rock. "The agent, in self-defense, made a decision and fired off a round," said Todd Fraser, a Border Patrol spokesman. "It's left in the hands of the investigators whether this was a justified shooting or not."

US Border Patrol agents may be responding to perceptions of an increased threat. A confidential memo circulated among agents warned that they could be the targets of assassins hired by immigrant smugglers. "Unidentified Mexican alien smugglers are angry about the increased security along the US-Mexico border and have agreed that the best way to deal with US Border Patrol agents is to hire a group of contract killers," the DHS said in a Dec. 21 Officer Safety Alert.

The Mexican government contends that the shooting is proof that the US immigration system leads to violence and other problems along the border. "This occurrence does no more than provide evidence that only a law that guarantees legal entry and is respectful of human rights can resolve the migratory problem both countries face," presidential spokesperson Ruben Aguilar Valenzuela said in late December.

Fox offered even harsher words in a radio interview in early January, calling the incident unacceptable. "We have to remain firm [in our response]," said Fox. "Even if the accounts of US officials are accurate, there is no excuse for a [defenseless individual] to be shot in the back in that manner." US government officials, in an attempt at damage control, have promised a full investigation. "Secretary of State Condoleezza Rice spoke with the Mexican foreign secretary [Derbez] to guarantee that there would be an independent investigation and that they would take the appropriate actions," Aguilar said. "This seems to us to be an adequate approach."

[Sources:
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