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U.S. Immigration Reform Becomes Part of Mexican Presidential Campaigns

by LADB Staff

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With only slightly more than a month before the July 2 elections, the US debate on immigration reform has become a major part of the Mexican presidential campaigns. Much of the debate has centered on the punitive proposals in both the immigration-reform bills approved in the US House of Representatives and the US Senate this year. Both bills would tighten security along the US-Mexico border to discourage undocumented immigrants from crossing into the US. Both bills would boost the number of Border Patrol agents, provide for modern detection equipment such as motion sensors, and construct double- and triple-layer walls along several stretches of the border.

The House bill, approved in January, also attempts to criminalize illegal immigration (see SourceMex, 2006-01-11). The Senate bill is considered more immigrant-friendly because it drops this provision, offers amnesty to some undocumented immigrants, and proposes a limited guest-worker program. The bills from the two US legislative chambers will have to be reconciled in a conference committee, but no action is anticipated before the Mexican election. Some of the main proponents of the House bill, led by Rep. James Sensenbrenner (R-WI), have rejected a number of the more-immigrant-friendly provisions in the Senate bill, which further complicates any chance of a speedy reconciliation of the two versions.

The candidates for the three major parties in Mexico have denounced the restrictions in both versions of immigration reform. "It's the hot topic right now," analyst Manuel Barberena of Pearson-Marketing and Opinion Research in Mexico told the Associated Press. "The candidates all want to show they won't bend to the United States, while promising migrants they will get them a better deal north of the border."

President Vicente Fox focal point of debate

President Fox has become the center of the electoral debate, even though he is prohibited from direct participation in the campaign. In the days leading to the Senate vote, Fox traveled to the US states of Utah, California, and Washington to show solidarity with the millions of undocumented immigrants in the US. Critics said the president's trip was merely an effort to stump for Felipe Calderon Hinojosa, who is representing the governing center-right Partido Accion Nacional (PAN) in the election.

As expected, Fox received much criticism from opponents of immigration reform during his travels in the US, but he also received strong support from immigrant-rights advocates, which played well at home. On the day the Senate approved its version of the legislation, Fox praised the bill, mainly highlighting the immigrant-friendly provisions. He noted that this was the first comprehensive immigration bill in two decades. "It is a truly joyous day, a historic day," he said after raising his fist in victory to Mexican reporters traveling on his presidential jet.

The Senate legislation gives Fox a concrete accomplishment on immigration reform, as the president has made this issue a centerpiece of his administration (see SourceMex, 2001-02-21, 2002-11-20, and 2004-01-14). Some analysts said the president is likely to continue to gain mileage from this issue through the presidential campaign. "Even if [the immigration-reform legislation] goes to conference and gets dusted away, it isn't going to happen in the next week, it's going to take a while and the elections will be done by then," political analyst Federico Estevez of the Instituto Tecnológico Autónomo de México (ITAM) told Reuters. Other experts agreed with this assessment. "The government knows how to sell the idea that the victory was theirs," said Arturo Solis, an immigration expert at the Tijuana-based Centro de Estudios Fronterizos y Promoción de Derechos Humanos, AC (CEPRODHAC).

While Fox's statements have been a mixture of praise for US willingness to embark on immigration reform and criticism about some US actions, Calderon has joined fellow presidential candidates Andrés Manuel López Obrador of the center-left Partido de la Revolución Democrática (PRD) and Roberto Madrazo of the former governing Partido Revolucionario Institucional (PRI) in criticizing the US immigration initiatives.

"These measures increase the social and human costs for migrants and only benefit criminal groups," said Calderon, in reference to the congressional proposals to expand the wall along the US-Mexico border and US President George W. Bush's plan to deploy National Guard troops to the region.

Fox's willingness to cozy up to the US administration has made him a better target than Calderon for López Obrador and Madrazo on the immigration question. "López Obrador is using Fox as a proxy for Calderon," said Estevez. "He has found it easier to run against Fox than Calderon because Calderon is slippery and difficult to get at." The PRD candidate was among the first to question Fox's celebratory statements following the passage of the Senate immigration-reform bill. "I don't know what the president is celebrating," López Obrador said during a campaign trip through northern Mexico.

PRD, PRI candidates say Fox's policies encourage migration

López Obrador went on to say that the need to emigrate in large measure is a result of the neoliberal economic policies promoted by Fox, which have failed to create sufficient jobs in Mexico. "It surprises me that he is trying to use this affair as if it were a triumph of his government when he should be ashamed because 4 million Mexicans who have not had the opportunity to work during his government have left the country," said the PRD candidate.

Madrazo also criticized Fox's policies during campaign stops in rural communities, which for many years formed the base of his party. The PRI candidate said the president has neglected small-scale farmers in favor of the large agriculture operations, which has contributed to the massive emigration to the US. "The solution to the migration problem is in Mexico, not the United States," he told the Associated Press. "We are the ones who have to create more jobs in the countryside."

Others, including the Mexican press, also criticized Fox for attempting to take credit for the more-friendly provisions in the US Senate's version of the bill. "It was the migrants themselves, as well

as the Latino communities throughout the US, who introduced an element of social pressure in the US congressional debate," said the Mexico City daily newspaper La Jornada. "The reason why we were unable to gain more [in this immigration legislation] is because of the willingness of this administration to compromise too easily with the US."

In particular, critics chided Fox for initially remaining quiet after Bush announced his plan to deploy 5,000 to 6,000 National Guard troops in Texas, New Mexico, Arizona, and California to assist the Border Patrol. "The Mexican government's response was very tepid," said Jose Antonio Crespo, a political analyst at the Centro de Investigacion y Docencia Economica (CIDE).

Editorials in Mexican newspapers also criticized US legislators for taking a shortsighted approach to immigration reform. The Mexico City daily newspaper El Universal acknowledged the right of US legislators to pass legislation that protects US territory, sets immigration policy, and safeguards jobs. But it also said, "It is regrettable that they did not take into account the global reality, which cannot be evaluated only by what they consider beneficial to their own country. They should have considered the positions of the Mexican government, international human rights organizations, and the employers within their own borders who need a pool of labor."

Several US newspapers joined in the criticism. The Los Angeles Times faulted provisions in both the Senate and House bills to erect two- and three-layered fencing along 595 km of the US-Mexico border. "The problem with fortifying borders is that it doesn't reduce the forces of supply and demand that drive illegal immigration," said the newspaper. "These enhancements will enable smugglers to charge more for their services; divert crossings to more remote and dangerous areas; increase migrant fatalities; induce more migrants and their family members to settle permanently here; and cause more crossings through legal ports of entry using false or borrowed documents."

Divisions also evident in US Congress

The immigration-reform legislation has also created divisions in the US Congress, especially among members of the Republican Party. The Senate bill was approved by a 62-36 margin, with 23 Republicans joining 38 Democrats and one independent to support the measure. Opposing the bill were 32 Republicans and four Democrats. The Senate Republicans who supported the bill included influential senators like John McCain (R-AZ), Chuck Hagel (R-NB), and Arlen Specter (R-PA). McCain, a lead sponsor of the legislation along with Sen. Ted Kennedy (D-MA), said a comprehensive immigration-reform package was essential to safeguard the "national security" of the US. "This is the most far-reaching immigration reform in our history," said Kennedy. "It is a comprehensive and realistic attempt to solve the real-world problems that have festered for too long in our broken immigration system."

The main provisions of the Senate bill include:

*An increase in border security through hiring an additional 14,000 Border Patrol agents during the next five years, constructing additional holding facilities for undocumented immigrants along the border, and adding 595 km of fencing along the US-Mexico border.

*A requirement that employers begin using electronic verification of all new hires. Companies that knowingly hired undocumented workers would be subject to stiff fines and/or prison. *The creation

of a controversial three-tiered system to determine the future status of undocumented immigrants. Those who arrived in the last two years would be required to leave. Those who have been in the US between two and five years would have to leave the country and obtain a work visa before being allowed to return. Those who have been in the US longer than five years would be allowed to stay as they paid back taxes and fines of at least US\$3,250, continued working, and learned English and US civics.

*The establishment of guest-worker program, which would allow foreign workers to enter the country in the future and provide a way for them to gain permanent legal status.

*A declaration of English as the national language.

Senate Republicans who opposed the legislation had views similar to those of the majority of the members of their party in the House, who considered any immigration measures purely in terms of securing the US borders. "This bill is going to make the problem of illegal immigrants much worse," said Sen. David Vitter (R-LA), who said the legalization measures would simply draw more people across the border.

The bill the House approved in January not only lacks provisions for a guest-worker program or legalization of undocumented immigrants but also criminalizes illegal immigration and proposes a system of fences that covers 1,127 km of the US-Mexico border. Some of the main sponsors of the House measure have already come out against the Senate bill, which would make a compromise difficult in a conference committee.

Sensenbrenner, who chairs the House Judiciary Committee, argues that the Senate bill is repeating the same mistakes as the Simpson-Mazzoli law approved by Congress in 1986. Under that law, sponsored by former Sen. Alan Simpson (R-WY) and ex-Rep. Romano Mazzoli (D-KY), undocumented immigrants who could prove that they had "continuous presence" in the US from Jan. 1, 1982, were eligible for permanent residency.

Sensenbrenner argued that the ease by which undocumented immigrants gained legal status encouraged further illegal immigration to the US. "One of the things we've got to do is prevent the country from repeating the failed 1986 Simpson-Mazzoli law, which caused the problems that we have now," Sensenbrenner said on a Sunday news program.

Some House members suggested that Republicans might be better off avoiding negotiations with the Senate altogether. "There might be some strategic advantage in not calling the conference and just asking the Senate to pass the House bill as written," said Rep. Trent Franks (R-AZ). "My fear is that the bills are so far apart that it may dissolve into chaos if conference is called."

Other House Republicans, however, fear the party will appear incompetent if Congress fails to send a bill to the president before November's midterm elections. "We are better off with any bill than no bill," said Rep. Thomas M. Davis III (R-VA). "This is our best shot, and for both political and strategic reasons, we're best off getting this done."

Some House Republicans have begun to develop proposals that they consider a compromise. For example, Rep. Mike Pence (R-IN), who chairs a conservative caucus in the House, has suggested a plan to establish a guest-worker program. Under the plan, the 11 to 12 million undocumented immigrants residing in the US would be required to leave the country to apply for a slot in the program, which would be administered by private employment agencies licensed by the US government. The plan would not grant them permanent residency or citizenship.

But this punitive plan has encountered opposition from other House conservatives. "Mike Pence is making the same mistakes that the president has using the straw man of mass deportations and redefining amnesty to suit his interests," said Rep. Tom Tancredo (R-CO), a staunch opponent of immigration reforms. Still, some legislators are optimistic that a conference committee will be able to craft a compromise, but this will require the participation of President Bush. "I believe we can do it," said Sen. Specter. "The time has come for very active participation by the president." (Sources: The Dallas Morning News, 05/15-17/06, 05/20/06; Copley News Service, 05/16/06, 05/21/06; The Herald-Mexico City, 05/07/06, 05/18/06, 05/19/06, 05/24/06; The New York Times, 05/16/06, 05/24/06; Agencia de noticias Proceso, 05/15/06, 05/17/06, 05/18/06, 05/24/06, 05/25/06; Reuters, 05/15-18/06, 05/23/06, 05/26/06; La Crisis, 05/16/06, 05/26/06; Milenio Diario, 05/16/06, 05/18/06, 05/19/06, 05/23-26/06; Excelsior, 05/16/06, 05/18/06, 05/19/06, 05/22/06, 05/23/06, 05/26/06; El Universal, 05/16-19/06, 05/22-26/06; La Jornada, 05/17/06, 05/23-26/06; Notimex, 05/18/06, 05/19/06, 05/22/06, 05/25/06, 05/26/06; The San Diego Union-Tribune, 05/19/06, 05/26/06; La Cronica de Hoy, 05/19/06, 05/25/06, 05/26/06; El Financiero, 05/24-26/06; The Washington Post, 05/26/06, 05/27/06; Los Angeles Times, 05/15/06, 05/16/06, 05/18/06, 05/19/06, 05/22/06, 05/24-26/06, 05/28/06; Associated Press, 05/12/06, 05/15/06, 05/28/06; El Economista, 05/15/06, 05/17/06, 05/18/06, 05/22-26/06, 05/29/06; Reforma, 05/15-19/06, 05/22-26/06, 05/30/06; The Chicago Tribune, 05/16/06, 05/19/06, 05/30/06)

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