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U.S. Immigration Reform Proposals a Focus of Border Governors Conference

by Carlos Navarro

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Austin, Texas—The controversy regarding illegal immigration has been a central theme of the Border Governors Conference since the chief executives of 10 US and Mexican states launched the annual gathering in 1980. The discourse appeared to have a greater urgency at this year's gathering, held in Austin, Texas, Aug. 24-25, with immigration-reform proposals approved in the US House of Representatives and the US Senate during the past year taking center stage.

The two initiatives were approved since the governors last met in Torreon, Coahuila state, in July 2005. Even though immigration has not been a specific item listed in the joint declarations approved at the end of each conference, the issue has permeated discussions in each of the 24 gatherings. The governors did not meet in 1985 and 1995.

The state executives have long wrestled with matters ranging from the rights of undocumented immigrants (a matter usually of greatest concern to Mexican governors) to questions of how state governments will pay for increased costs of education, health care, and other services (a concern usually brought up by US governors).

The immigration-reform bill approved in the US House of Representatives in December 2005 is the more controversial of the two bills because its intent is primarily to implement tight security measures along the US-Mexico border rather than address the immigration question (see SourceMex, 2006-01-11 and 2006-02-08).

Proponents argue that the US government needs to implement tighter control of the US border in the aftermath of the attacks on Washington and New York on Sept. 11, 2001. A bill approved in the Senate in May contains several reforms endorsed by US President George W. Bush, including a guest-worker program and amnesty for some undocumented workers. That proposal, however, also contains some measures opposed by Mexico, such as the construction and expansion of a fence along the US-Mexico border (see SourceMex, 2006-05-31).

The two legislative chambers have been unable to reconcile their proposals because of major differences regarding the security initiatives, the proposed guest-worker program, and the Senate plan to offer legal status to some undocumented immigrants (see SourceMex, 2006-07-26). Governors urge US Congress to expedite immigration reform Mexican and US governors presented a united front at the conference in calling for the US Congress to approve an immigration-reform plan as soon as possible.

The four US governors Rick Perry of Texas, Bill Richardson of New Mexico, Janet Napolitano of Arizona, and Arnold Schwarzenegger of California went a step further by drafting a letter addressed

to House Speaker Dennis Hastert (R-IL) and Senate Majority Leader Bill Frist (R-TN), urging that the Congress take "real action to pass comprehensive immigration reform that secures the border, protects taxpayers, and restores the rule of law by practically dealing with the estimated 12 million immigrants currently in our country." The letter appeared critical of several conservative members of the US House who oppose immigration reform and who have organized hearings around the country on the issue. "Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interest of taxpayers first and solves this crisis once and for all," the letter said, echoing remarks made earlier to the general assembly by Richardson.

While the letter appeared to favor the Senate bill, Perry said the letter does not specifically endorse the measure approved in the upper house. Mexican governors also weighed in with their opinions, singling out the proposal to expand the fence along the US-Mexico border. The House bill proposes to add 1,100 km of fencing along the US-Mexico border, compared with 595 km in the Senate measure.

"The construction of a wall is a mistake and waste of money because this is not going to stop undocumented migrants who are determined to cross into the US," said Sonora Gov. Eduardo Bours Castelo, who will chair the next conference in Puerto Penasco, Sonora state, in 2007.

Juan Bosco Marti Ascencio, director of North American affairs at the Secretaria de Relaciones Exteriores (SRE), echoed Bours' comments. "We need more bridges and fewer walls," said Marti Ascencio, who attended the conference as a representative of President Vicente Fox's administration. Mexico acknowledged the need to work to create the types of jobs at home that would reduce the need for its citizens to seek employment in the US. "What we need is to improve economic opportunities throughout our country," said Marti Ascencio.

Border security also a central theme

Despite all the rhetoric on immigration, governors from both countries emphasized their support for the US government's efforts to strengthen security along the border. "We cannot return to a Sept. 10th mindset in the face of a continued threat from a determined enemy," said Perry, chair of this year's event. Mexican governors, while supporting the US government's right to secure its borders, also pointed to the need for a cooperative approach. Reflecting the position of his Mexican colleagues,

Bours said US security measures could become an obstacle to economic development along the US-Mexico border if the needs of local communities in both countries are not taken into account. The Mexican governors' position matches that of the Fox administration. "No other part of Mexico or the United States has suffered the consequences of Sept. 11 as has the border region," said Marti Ascencio. "The transition from a pre-NAFTA border to an intelligent border of the 21st century requires finding a balance between security and the efficient flow of goods and people."

Governors said the states along the border had already set up mechanisms to cooperate in many security-related areas, including law enforcement and the fight against drug and migrant smugglers. "We are studying the possibility of creating an agreement between Chihuahua and Texas to better

identify criminals and traffickers of humans and drugs," said Chihuahua Gov. Jose Reyes Baeza. Baja California

Gov. Eugenio Elorduy Walther noted that the exchange of information among Mexican and US state and federal agencies helped US drug enforcement agents capture Francisco Javier Arellano Felix, one of the leaders of the Tijuana drug cartel. Arellano and 10 other people were detained in mid-August on a private boat just off the coast of Baja California.

US Homeland Security Secretary Chertoff makes an appearance

Despite the talk of cooperation, the tone of the conference was set by the presence of US Homeland Security Secretary Michael Chertoff, who was invited to address the governors. Chertoff outlined the Bush administration's belief that securing the border was essential to the well-being of communities in both the US and Mexico. In particular, the secretary defended the Bush administration's decision to promote the use of National Guard members from various states to help support the Border Patrol.

Chertoff stressed that the purpose of the National Guard is not to conduct enforcement operations but to provide support to the Border Patrol so it can do its job. The Bush administration recently noted that the presence of the National Guard might have reduced the number of undocumented immigrants attempting to cross into the US, as evidenced by a drop in apprehension numbers relative to a year ago. Chertoff pointed to other benefits of posting the National Guard, such as the seizure of 31,000 tons of marijuana. "We have confiscated a large amount of marijuana and other controlled substances," he said.

The secretary also boasted of the administration's decision to end the "catch-and-release" policy, a practice that had allowed undocumented immigrants from countries other than Mexico to be cited to appear in court and then freed because authorities did not have facilities to detain them. Chertoff said the old policy has been replaced with a new procedure where immigrants are immediately deported to their country of origin. He said only immigrants from El Salvador are exempt from the policy, a result of the Orantes injunction issued by a US court in 1988. This decision came at a time when the government of El Salvador, led by the Alianza Republicana Nacionalista (ARENA), was engaged in a civil war with the Farabundo Marti para la Liberacion Nacional (FMLN).

The Orantes injunction, which remains in effect, requires immigration authorities to notify detained Salvadorans of their right to apply for asylum and prohibits them from coercing or otherwise discouraging Salvadorans from seeking asylum. The Bush administration has filed a motion in court to remove the Orantes injunction, but the action is still pending. "The civil war in El Salvador is over," Chertoff said. "The reason for these restrictions has long disappeared." (This report was prepared with contributions from the following sources: Notimex, 08/10/05; Los Angeles Times, 08/23/06; La Jornada, Tiempo La Noticia Digital-Chihuahua, The Dallas Morning News, The Houston Chronicle, El Norte, Fort Worth Star-Telegram, 08/25/06)

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