



# Mexican Migration to the United States: Policy and Trends

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## Summary

History and geography have given Mexico a unique status in the U.S. immigration system, and have made the Mexico-U.S. migration flow the largest in the world. Mexicans are the largest group of U.S. migrants across most types of immigration statuses—a fact that may have important implications for how Congress makes U.S. immigration policy. This report reviews the history of immigration policy and migration flows between the countries and the demographics of Mexicans within the United States. It also analyzes contemporary issues in U.S. immigration policy and the impact Mexico may have on U.S. immigration outcomes.

The U.S.-Mexican migration system has passed through four main phases since the early 20<sup>th</sup> century. Migration flows were limited and mainly short-term prior to the 1920s, and Mexicans were exempted from certain immigration restrictions and admitted as the first U.S. guest workers during World War I. The bilateral “Bracero” temporary worker program marked a second phase, with 4.6 million temporary visas issued to Mexican workers between 1942 and 1964. With the end of the Bracero program and other immigration reforms in 1965, along with social and economic changes in the United States and Mexico, the third stage was marked by growing illegal inflows, eventually leading Congress to pass the Immigration Reform and Control Act of 1986. Finally, despite a series of additional enforcement measures, the Mexican population in the United States doubled during each decade since 1970, with unauthorized migrants accounting for a majority of the growth, followed by legal family-based immigration.

Today, the Mexico-born population in the United States stands at about 11.7 million people. Compared to other migrants, the Mexican born in the United States are more likely to be unauthorized, be younger, have lower education levels, work in lower-skilled occupations, and have lower measures of economic well-being. In contrast with earlier periods and virtually all other migrants, Mexicans are now dispersed throughout all 50 U.S. states.

Given the size of the Mexico-born population in the United States and the 2,000-mile border shared between the two countries, Mexicans and Mexico are uniquely affected by U.S. immigration policies. Mexicans are the largest group of aliens subject to U.S. immigration control and border security policies, the largest group of lawful immigrants within permanent and temporary visa categories, and the majority of unauthorized migrants within the United States.

On one hand, Mexico’s prominence in the U.S. migration system means that U.S. immigration policy, to varying degrees, primarily affects Mexicans and Mexico. Today’s Mexico-U.S. migration flows and the Mexico-born population in the United States are the product of previous immigration policy decisions, as well as of the long and complex history of the U.S. and Mexican economies, labor markets, and demographics. On the other hand, Mexico also remains at the center of today’s immigration debate, though often only implicitly. Recognizing Mexico’s status within the U.S. migration system focuses attention on how the U.S. immigration debate affects Mexico, and on how Mexico may affect certain migration outcomes.

Mexico’s role in the U.S. immigration system, along with the importance of the bilateral relationship to both countries, creates a number of opportunities, and challenges, as Congress weighs changes to U.S. immigration policy. First, Mexico already plays a key role in U.S. immigration enforcement and border security. The United States and Mexico share information about transnational threats, Mexico combats illegal migration by third country nationals, and Mexico supports certain U.S. enforcement efforts related to the repatriation of Mexican nationals.

This report explores possibilities for additional bilateralism in these areas, including strategies to reduce recidivism among illegal migrants and to better manage U.S.-Mexican ports of entry.

Second, with respect to lawful permanent immigration, Mexico benefits from rules that favor family-based flows, but still dominates the waiting lists of people with approved immigration petitions for whom visas have not yet been made available. The analysis here focuses attention on recent proposals to reduce visa backlogs and on other reforms that could affect the number of immigrant visas for Mexico.

Third, Mexico dominates temporary visa categories for low-skilled workers, and an increasing number of Mexicans could also qualify for high-skilled worker visas. The report reviews previous experience with Mexico-specific temporary worker programs, which offer mixed lessons about managing flows this way.

Additional policy considerations concern potential legalization proposals and efforts to reduce unauthorized emigration from Mexico. Given the large number of unauthorized Mexican migrants in the United States, Mexico could play a role in a potential legalization program, including by providing information to verify migrants' identities and by facilitating proposed "touch-back" requirements. Finally, in the long run, economic development and employment creation in Mexico are widely viewed as being among the best tools to reduce unauthorized *emigration*. While demographic and economic trends in Mexico likely have already contributed to reduced illegal outflows, the relationship between international trade and financial flows, U.S. economic assistance, and economic opportunities in Mexico may represent promising areas for policies to reduce illegal migration in the future.

This report supplements other CRS research on Mexico (such as CRS Report RL32724, *Mexico: Issues for Congress*; and CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*) and on immigration (such as CRS Report R42036, *Immigration Legislation and Issues in the 112<sup>th</sup> Congress*; and CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*).

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## Introduction

Immigration policy has been an ongoing subject of congressional attention in recent years and a topic of concern for the U.S. public at large. Mexicans are by far the largest group of U.S. migrants, and about 1 in 10 Mexicans now live (legally or illegally) in the United States. Indeed, Mexico-U.S. migration represents the largest binational migration flow in the world.

What does Mexico's prominence in the U.S. migration system mean for U.S. immigration policy? On one hand, it means that U.S. immigration policy, to varying degrees, primarily affects Mexicans and Mexico. Today's Mexico-U.S. migration flows and the Mexico-born population in the United States are the product of previous immigration policy decisions, as well as of the long and complex history of the U.S. and Mexican economies, labor markets, and demographics. On the other hand, it also means that Mexico remains at the center of today's immigration debate, even if sometimes only implicitly. Recognizing Mexico's status within the U.S. migration system focuses attention on how the U.S. immigration debate affects Mexico, and on how Mexico may affect certain migration outcomes.

This report begins with an overview of Mexico-U.S. migration flows, and reviews the history of migration policies in both countries. The report then describes current demographics of Mexico-born persons in the United States and their recent dispersion to new U.S. destinations—factors that have helped shape the politics of U.S. immigration policy in recent years.

The last section of the report discusses four major issues in the U.S. immigration debate: migration control and border security, the lawful permanent resident (LPR) visa system,<sup>1</sup> temporary worker programs, and potential legalization programs for certain unauthorized aliens. For each of these issues, the report describes the impact of proposed reforms on Mexicans and raises questions about how Mexico may affect policy outcomes. Does Mexico support U.S. immigration policy goals? Should the United States and Mexico pursue more collaborative approaches to certain immigration issues? The report also examines a fifth, related policy issue: efforts to reduce *emigration* pressures within Mexico.

## Overview of Mexican Migration to the United States

Migration to the United States consists of three main groups of migrants: LPRs, temporary nonimmigrants, and unauthorized aliens.<sup>2</sup> Within each of these categories, Mexicans represent the largest group of foreign born in the United States.

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<sup>1</sup> Lawful permanent resident visas are issued to certain aliens outside the United States (“new arrivals”) and certain aliens within the United States (“adjustments of status”); for a fuller discussion of permanent visas, see CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions*, by Ruth Ellen Wasem.

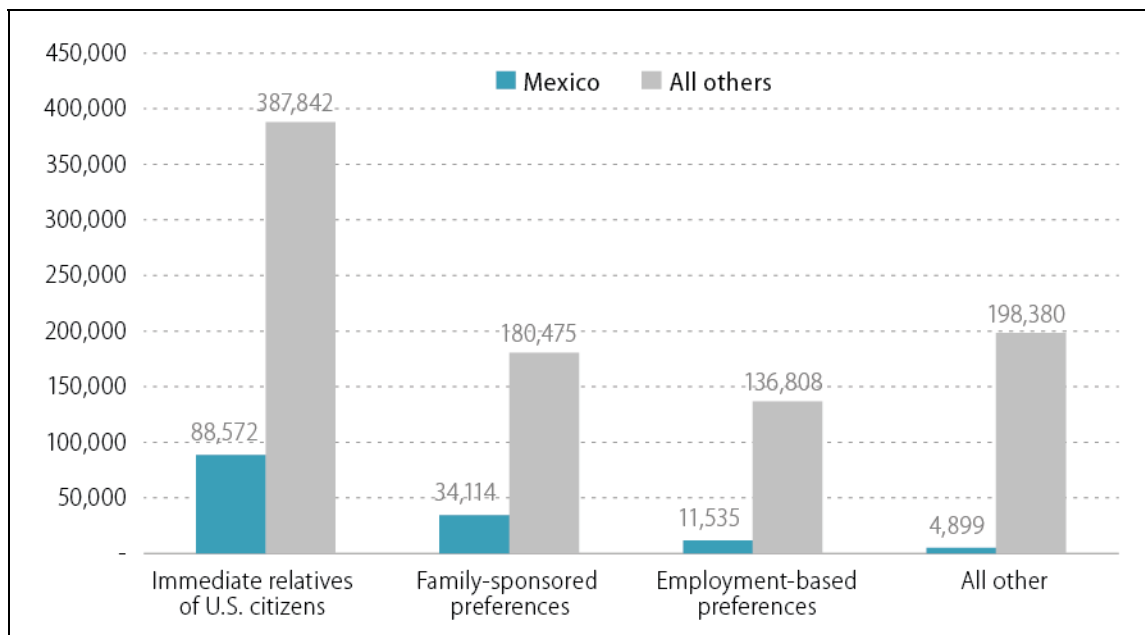
<sup>2</sup> Naturalized citizens are a fourth group of foreign-born persons (see “Legal Status”); but all migrants enter the United States in one of these three categories. Upon naturalization, citizens are no longer subject to provisions of the Immigration and Nationality Act (INA) or other immigration laws.

## Permanent Legal Admissions

Lawful permanent residents are foreign nationals who live lawfully and permanently in the United States, and they are typically eligible to apply for U.S. citizenship five years after receiving their visas. The Immigration and Nationality Act (INA) specifies a complex set of numerical limits and preference categories for permanent immigration reflecting the principles of family reunification, the admission of immigrants with needed skills, the protection of refugees, and diversity by country of origin.<sup>3</sup>

The INA prioritizes family-based immigration, making more than three times as many visas available in the family-based preference categories as in the employment-based categories. The INA does not set aside LPR visas for Mexico, but Mexicans are especially likely to take advantage of the law’s family-friendly rules, with 122,686 Mexicans becoming LPRs as immediate relatives of U.S. citizens or family-sponsored immigrants in FY2010 (see **Figure 1**). Overall, 88% of Mexicans were admitted in one of the family categories in 2010, compared to 67% of all LPRs. The figures differ even more for the decade 2000-2009: 93% of Mexicans were family-based compared to 65% of all LPRs (see **Appendix B**).

**Figure 1. Mexican and All Other LPRs by Broad Category in FY2010**



**Source:** CRS presentation of Department of Homeland Security Office of Immigration Statistics data.

## Temporary Legal Admissions

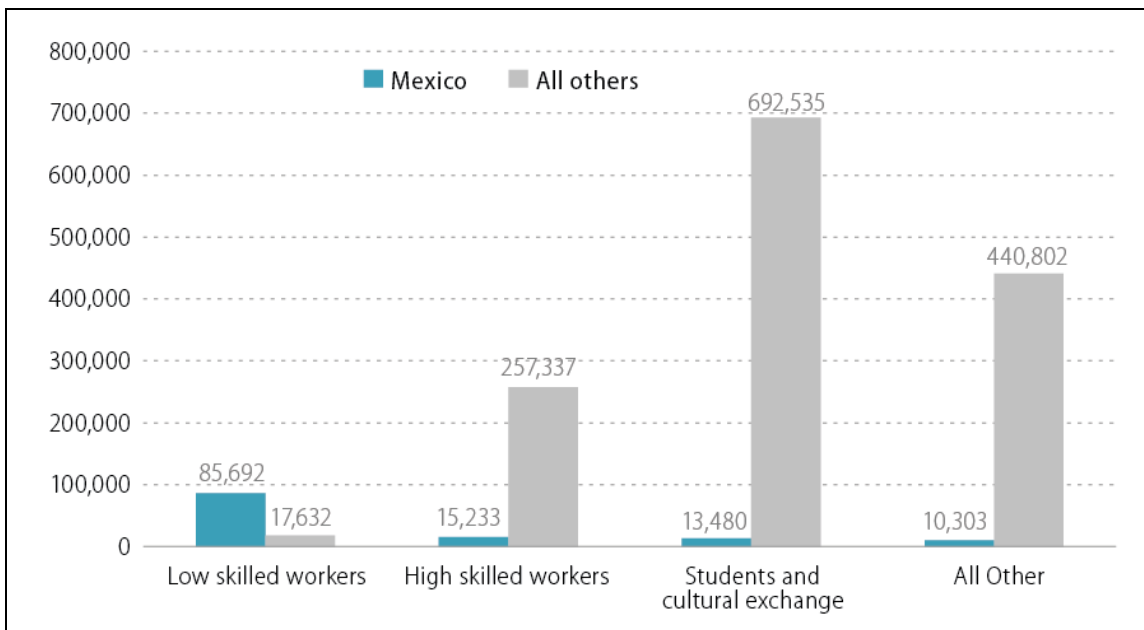
Foreign nationals who are admitted to the United States for a temporary period of time and an expressed reason are known as nonimmigrants. There are 24 major nonimmigrant visa categories, commonly referred to by the letter and numeral that denotes their subsection in Section

<sup>3</sup> For a fuller discussion of permanent visas, see CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions*, by Ruth Ellen Wasem.

101(a)(15) of the INA, including for example B-2 tourists, E-2 treaty investors, and F-1 foreign students.<sup>4</sup> The nonimmigrant visa categories authorizing employment include the H-2A visa for agricultural guest workers, the H-2B visa for other lower-skilled seasonal or intermittent workers, the H-1B visa for temporary professional workers, the J-1 cultural exchange visa, the E visa for treaty traders and treaty investors, and the L visa for intra-company transferees. Temporary professional workers from Canada and Mexico also may enter under terms set by the North American Free Trade Agreement (NAFTA) on NAFTA professional (TN) visas.

Mexico was the top sending country of temporary nonimmigrants in FY2010, making up 27.8% of all such entries.<sup>5</sup> Aside from tourists and business visitors, the large majority of Mexican nonimmigrants enter as H-2A or H-2B low-skilled workers (see **Figure 2**). Mexico was one of 58 countries eligible to send H-2A and H-2B nonimmigrants (as of January 2012), and Mexicans accounted for 82.9% of such low-skilled nonimmigrant visas issued in 2010. Mexicans represent a small proportion of other legal nonimmigrants (also see **Appendix C**).

**Figure 2. Nonimmigrant Visas Issued by Nationality and Visa Category, FY2010**



**Source:** CRS presentation of data from U.S. Department of State, Nonimmigrant Visa (NIV) Statistics, FY1997-2010 NIV Detail Table.

**Notes:** Low-skilled workers include H-2A and H-2B visas; high-skilled workers include E, H-1B, L, and TN visas; students and cultural exchange include F and M visas; all others include other nonimmigrant visas *other than* B-1 (temporary visitors for business) and B-2 (temporary visitors for pleasure or medical treatment) visas.

<sup>4</sup> For a fuller discussion of nonimmigrant visas, see CRS Report RL31381, *U.S. Immigration Policy on Temporary Admissions*, by Ruth Ellen Wasem.

<sup>5</sup> Randall Monger and Megan Mathews, *Nonimmigrant Admissions to the United States: 2010*, DHS Office of Immigration Statistics, Annual Flow Report, August 2011, [http://www.dhs.gov/xlibrary/assets/statistics/publications/ni\\_fr\\_2010.pdf](http://www.dhs.gov/xlibrary/assets/statistics/publications/ni_fr_2010.pdf). Since many visas allow multiple entries, the admissions data include multiple admissions of certain individuals during each year.



## Unauthorized Migration

About 11.4 million unauthorized aliens from various countries were estimated to be in the United States in 2010, down from about 12.1 million in 2007.<sup>6</sup> Between one-half and two-thirds of unauthorized aliens enter without inspection (by crossing the border between ports of entry or being smuggled through a port) or enter illegally by using fraudulent documents.<sup>7</sup> The remainder enter legally as nonimmigrants but then remain past the visa expiration date (becoming visa overstayers) or otherwise violate the terms of their nonimmigrant visa.<sup>8</sup> Of the 11.4 million, an estimated 6.7 million unauthorized Mexicans resided in the United States in 2010, meaning about 59% of the unauthorized population was from Mexico (see “Legal Status”).

## Immigration Policy

In recent years, the George W. Bush and Barack Obama Administrations, along with some Members of Congress, have favored “comprehensive immigration reform” (CIR) packages that would include reforms to the LPR and nonimmigrant visa systems to expand legal inflows, legalization for certain unauthorized aliens, and new migration control measures. Congress has considered a number of CIR bills and related proposals during this period, but none have been signed into law. Thus, legislative and administrative action during the last decade mainly has focused on new enforcement measures at the U.S.-Mexican border and within the United States; and a record number of unauthorized aliens have been removed in each year since 2003, with Mexicans accounting for almost three-quarters of all removals (see “Immigration Enforcement and Border Security”).

## History of Mexico-U.S. Migration and Policies

This section describes how social, economic, and demographic factors in Mexico and the United States along with migration-related policies in both countries have produced four phases in the regional migration system: limited seasonal flows prior to World War II, the Bracero temporary worker program from 1942 to 1964, the emergence of a predominantly illegal system from 1965 through the 1980s, and the consolidation of that system along with increased family-based immigration since the 1990s.

While seasonal migration by Mexican agricultural workers dates back to the 19<sup>th</sup> century—and while most of California, Arizona, New Mexico, Texas, Nevada, Colorado, and Utah once belonged to Spain and later Mexico—large-scale permanent immigration from Mexico to the United States is a recent phenomenon, as **Figure 3** illustrates. Mexican LPR immigrants exceeded 1 million in a decade for the first time in the 1980s (the darker bars in **Figure 3**) and Mexicans accounted for more than 15% of total LPR inflows for the first time in the 1990s (the line in **Figure 3**). The lighter bars in **Figure 3** depict U.S. census data on the total Mexican-born population living in the United States, which include legal immigrants, temporary nonimmigrants,

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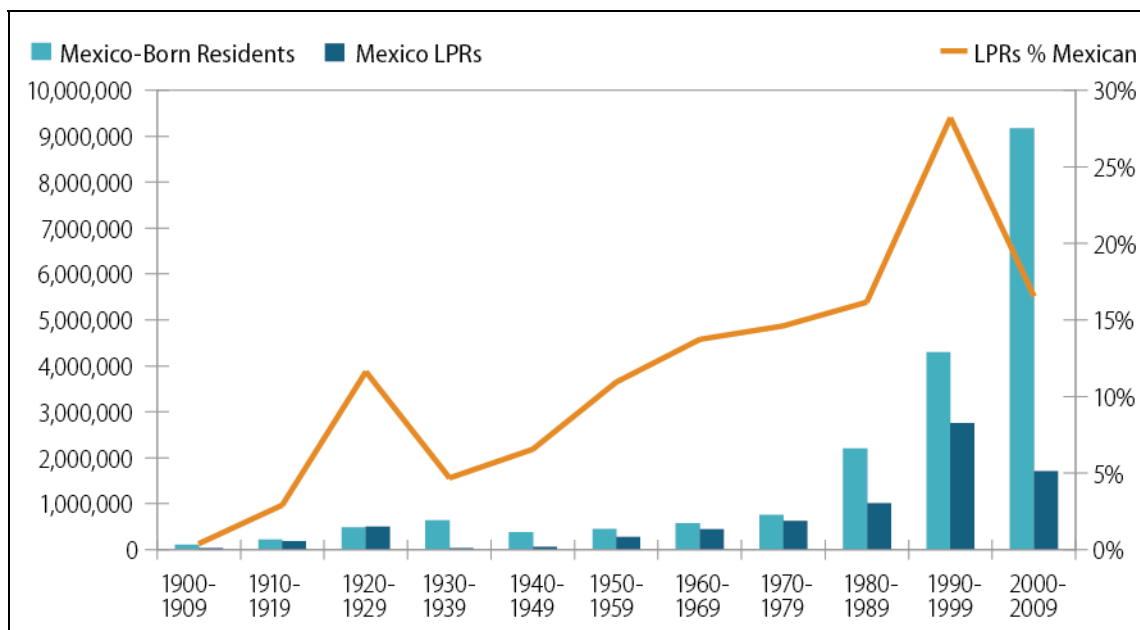
<sup>6</sup> Reported estimates are the average of estimates published by DHS Office of Statistics and the Pew Hispanic Center; see CRS Report RL33874, *Unauthorized Aliens Residing in the United States: Estimates Since 1986*, by Ruth Ellen Wasem for a more detailed discussion.

<sup>7</sup> *Ibid.*

<sup>8</sup> See CRS Report RS22446, *Nonimmigrant Overstays: Brief Synthesis of the Issue*, by Ruth Ellen Wasem.

and unauthorized migrants. As the figure illustrates, fewer than 1 million Mexicans lived in the United States as recently as 1970.<sup>9</sup>

**Figure 3. Mexican Migration to the United States, 1900-2009**



**Source:** Statistical Abstract of the United States; Yearbook of Immigration Statistics.

**Notes:** Population data are for the Mexico-born population in the United States at the start of each decade and as of 2009 and include naturalized citizens, LPRs, nonimmigrants, and unauthorized aliens; LPR data are total LPR inflows for the decade beginning in 1900, 1910, etc.

All of these Mexican migration and population trends increased markedly beginning around the 1970s, however, with legal immigration (LPR inflows) and the total Mexico-born population living in the United States both roughly doubling during each decade beginning in 1970. Even as growth rates slowed after 2000, the Mexico-born population in the United States climbed to 11.5 million people by 2009. In contrast with earlier periods, in which the migration system was dominated by short-term, seasonal, migration for agricultural work in the U.S. Southwest, Mexican migrants in the United States today are equally divided by gender; most live permanently in the United States; they work overwhelmingly in non-agricultural occupations (see **Table 3**); and they are dispersed throughout the entire country (see **Figure 6**).

What explains the shift from relatively low immigration levels for the first two-thirds of the 20<sup>th</sup> century to the rapid growth of Mexican migration since 1970? International migration is primarily a function of structural demographic, economic, and social forces. High birth rates and limited economic opportunities have been “push factors” that encouraged emigration from Mexico for most of this period; and plentiful employment opportunities, connections to family networks, and an aging population have been “pulls factors” within the United States—though all of these push and pull factors are in flux. How these structural forces translate into migration outcomes also

<sup>9</sup> The pattern of limited permanent immigration from Mexico was partly a function of a smaller immigration system in general during this period: even with these low immigration rates, Mexico was one of the top-five countries of origin for U.S. immigrants during each decade since the 1920s.

depends on migration-related policies in both countries that encourage or discourage international migration and that afford aliens different legal statuses.

## **Pre-World War II: Limited Seasonal Flows**

Push and pull factors propelling Mexico-U.S. migration were relatively limited in the early 20<sup>th</sup> century. Transportation and social networks linking Mexicans to the United States were poorly developed, and migrant farm workers had limited access to labor markets beyond the four southwest border states.<sup>10</sup> Violence and economic dislocation during the Mexican Revolution (1910-1920) resulted in additional migration, but also created opportunities within Mexico during the 1920s. U.S. demand for migrant workers plunged during the Great Depression as unemployment rates climbed to 25% in 1933, and remained above 15% until 1940.<sup>11</sup>

With limited push-pull factors, agricultural employers lobbied to exempt Mexicans from tough overall immigration restrictions passed in 1917.<sup>12</sup> Over the objection of labor advocates, Congress created the first U.S. guest worker program, allowing Mexican nonimmigrant admissions between 1917 and 1920, and then exempted Mexicans and other Western Hemisphere migrants from per-country immigration limits imposed on the rest of the world beginning in 1921.<sup>13</sup>

U.S. migration policy swung the other way in 1929, when tighter screening criteria for Mexican visa applicants produced a 75% reduction in LPR admissions. Hundreds of thousands of Mexicans and their U.S.-born children returned to Mexico during the Great Depression, including many who were deported. Mexico also discouraged *emigration* (i.e., migration to the United States) during this period, with a 1926 law requiring exiting workers to obtain permission from municipal authorities, and a series of public relations campaigns to discourage outflows and support return migration.<sup>14</sup> As a result, the 1930s were the only decade in which net migration in the region flowed north to south.

## **1942-1964: The Bracero Program**

As the United States mobilized for World War II, agricultural employers demanded increased labor; but after a decade of limited inflows they struggled to recruit Mexican workers. Mexican

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<sup>10</sup> See for example, Mark Reisler, *By the Sweat of Their Brow: Mexican Immigrant Labor in the United States, 1900-1940* (Westport, CT: Greenwood Press, 1976).

<sup>11</sup> Gene Smiley, "Unemployment Rate Estimates for the 1920s and 1930s," *Economic History Association*, vol. 43, no. 2 (June 1983), p. 488.

<sup>12</sup> The Immigration Act of February 5, 1917 codified all previously enacted grounds for exclusion, added a literacy test as a grounds for admission, expanded the list of aliens excluded for mental health and related reasons, excluded nationals of countries in the "Asia-Pacific triangle," and broadened grounds for deportation from within the United States. Mexicans were exempted from literacy tests and from head taxes, among other provisions.

<sup>13</sup> The Quota Law of May 19, 1921 imposed the first numeric limits on LPR immigration to the United States and limited the number of aliens of any nationality to three percent of the foreign-born persons of that nationality who lived in the United States in 1910; and the Immigration Act of May 26, 1924 established the national origins system which set quotas based on the number of foreign-born persons in the country in 1890 and 1920. Both laws exempted Western Hemisphere countries from the limits. Congress rejected several proposals to eliminate the Western Hemisphere exemption in subsequent debates during the 1920s.

<sup>14</sup> See David Fitzgerald, *A Nation of Emigrants: How Mexico Manages its Migration* (Berkeley, CA: University of California Press, 2008).

officials continued to oppose new emigration, which they viewed as a drain on Mexican resources and—based on the experiences of earlier migrants—as a threat to workers’ rights. U.S. officials viewed immigration through the lens of the war effort, including the need to strengthen U.S.-Mexican relations, and were deferential to Mexican concerns.<sup>15</sup>

Thus, the Franklin D. Roosevelt Administration initiated negotiations with Mexico for a *bilateral* guest worker program, which became known as the Bracero program (from the Spanish term for laborer).<sup>16</sup> Under the resulting treaty, Mexican workers were guaranteed a minimum wage (unlike U.S. farm workers), health benefits, housing, and transportation expenses. The United States suspended the bilateral program in 1948, partly over objections to its labor-friendly provisions, but resumed it in 1951 when the Korean War prompted new fears of labor shortages. After the war, the United States demanded changes that weakened the program’s labor protections.

The Bracero program had a lasting impact on the Mexico-U.S. migration system. With nearly 50,000 farms employing more than 400,000 Mexicans a year at the program’s peak in the late 1950s,<sup>17</sup> strong constituencies on both sides of the border grew to favor labor flows. Both governments supported the program, including by developing a transportation infrastructure to move agricultural workers from the Mexican interior to the border region and beyond.

## **1964-1980s: The Origins of Today’s Migration System**

The mid-1960s marked the beginning of the modern era of regional migration and the shift from a system of mostly temporary agricultural migration to one characterized by longer-term resettlement, greater geographic and labor market diversity, and a growing volume of flows. The Bracero program had issued 4.6 million visas by 1964, and so helped spark the transformation by fostering a new generation of migration-oriented Mexican workers, U.S. employers, and transnational labor recruiters. In its aftermath, a variety of national and global forces combined to hold down wages and to expand low-skilled employment opportunities in the United States, factors which created increased migration pulls. At the same time, high fertility rates in Mexico combined with an agricultural privatization program produced high levels of agricultural dislocation, rural-urban migration, and new job seekers in Mexico—factors which together resulted in stronger migration pushes as well.

With the end of the Bracero program, these stronger migration pushes and pulls coincided with fewer legal pathways for Mexican workers to enter the United States. Although Mexicans were eligible for H-2 temporary worker visas, the Department of Labor rejected many H-2 petitions in an effort to protect U.S. workers, and few employers used the program.<sup>18</sup> The watershed 1965

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<sup>15</sup> The United States and Mexico clashed over oil and other issues during the 1930s, and Germany had made diplomatic and commercial inroads in Mexico prior to the war; see Richard B. Craig, *The Bracero Program; Interest Groups and Foreign Policy* (Austin, TX: University of Texas Press, 1971).

<sup>16</sup> A separate guest worker program admitted over 200,000 Jamaicans and other West Indians for employment as agricultural workers on the east coast during World War II; and non-Mexicans were admitted as agricultural H-2 guest workers after 1952.

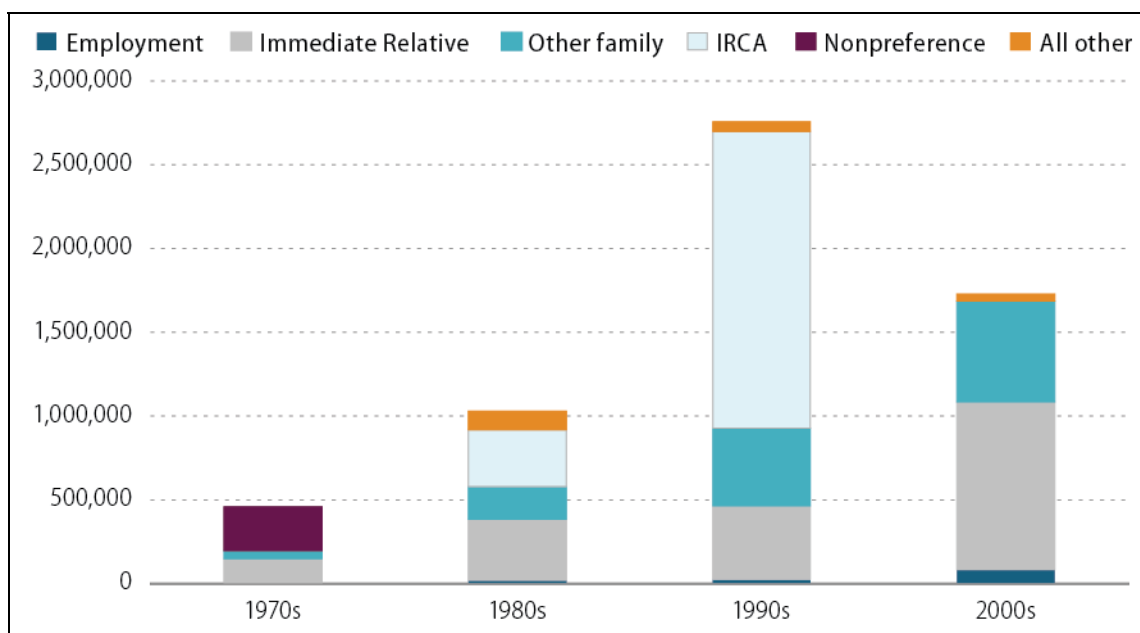
<sup>17</sup> Kitty Calavita, *Inside the State: The Bracero program, Immigration, and the I.N.S.* (New York: Routledge, 1992), p. 141.

<sup>18</sup> The Department of Labor (DOL) had opposed the Bracero program, and DOL enforced strict H-2 labor certification guidelines that mainly limited H2 visas to Caribbean migrants working in sugar cane and Canadians working on apples farms. See U.S. Congress, Senate Committee on the Judiciary, *Temporary Worker Programs: Background and Issues*, committee print, prepared by Congressional Research Service, 96<sup>th</sup> Cong., February 1980, pp. 45-81.

amendments to the INA (P.L. 89-236) imposed the first numeric limits on Western Hemisphere immigration<sup>19</sup> and prohibited unskilled seasonal/temporary workers from receiving employment-based LPR visas, a provision that mainly affected migrants from Mexico.<sup>20</sup> The 1965 amendments also increased the priority of visas for family-based LPRs, which became the main pathway for legal immigration from Mexico (see **Figure 4**).

**Figure 4. Admissions Categories for Mexican LPRs**

Trends over four decades



**Source:** CRS presentation of DHS Office of Immigration Statistics data.

**Note:** “Immediate relatives” include the spouses and unmarried minor children of U.S. citizens, and the parents of adult U.S. citizens. “IRCA” refers to visas granted through the legalization provisions of the Immigration Reform and Control Act of 1986 (P.L. 99-603). “Nonpreference” refers to prospective LPRs who had petitions approved prior to the passage of P.L. 94-571; that law applied the visa preference system to the Western Hemisphere beginning in 1978 but certain permitted people with existing petitions to enter as “non-preference” immigrants in that year.

The convergence of growing migration push and pull factors and shrinking opportunities for legal low-skilled migration increased illegal migration from Mexico. The number of unauthorized aliens apprehended grew three-fold between 1965 and 1970, and the proportion of such aliens from Mexico increased from 50% to 80%.<sup>21</sup> The imposition of numeric limits on permanent

<sup>19</sup> P.L. 89-236 (the Immigration and Nationality Act Amendments of 1965) imposed a Western Hemisphere-wide limit of 120,000 visas beginning in 1968, but did not establish individual country limits or a preference-system for the Western Hemisphere. P.L. 94-571 applied a preference system to Western and Eastern Hemisphere countries and imposed an individual per-country limit of 20,000 visas on Western Hemisphere states beginning in 1977. P.L. 95-412 established a single world-wide ceiling of 290,000 immigrants.

<sup>20</sup> See U.S. Congress, House Committee on the Judiciary, *Immigration*, hearings on H.R. 2580, 89<sup>th</sup> Cong., 1<sup>st</sup> sess., 1965. This restriction remains in §203(b)(3)(A)(iii) of INA.

<sup>21</sup> U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Immigration and Refugee Affairs, *U.S. Immigration Law and Policy: 1952-1986*, 100<sup>th</sup> Cong., 1<sup>st</sup> sess., December 1987, S. Rept. 100-100 (Washington: GPO, 1988), pp. 33, 42.

immigration produced a backlog of roughly 300,000 Mexican visa applicants by 1976, resulting in a two-and-a-half year wait for visas for qualified applicants.<sup>22</sup> By 1979, an estimated 1.7 million unauthorized aliens resided in the United States, including 1.4 million from Mexico.<sup>23</sup>

The House Committee on the Judiciary held a series of hearings on illegal migration beginning in 1971, and both chambers considered bills during the 1970s to discourage illegal immigration by penalizing employers of illegal aliens, among other proposals.<sup>24</sup> Congress examined the issue for 15 years and then passed the Immigration Reform and Control Act of 1986 (IRCA, P.L. 99-603), which combined employer sanctions with a pair of legalization programs for certain unauthorized aliens and a 50% increase in border patrol staffing, among other provisions. A total of about 2.6 million people eventually were legalized through IRCA, including about 2.1 million Mexican migrants (81%, see **Figure 4**).

## **1990s-Present: Heightened Push-Pull Factors and Immigration Control**

Push and pull factors on both sides of the border remained strong in the quarter-century after IRCA. Globalization exerted downward pressure on U.S. wages and the continued shift to lower-skilled production, driving up demand for foreign workers in new types of occupations and in regions far away from the U.S.-Mexican border. Mexico enjoyed periods of rapid economic development, but employment creation did not keep pace with population growth as children born during Mexico's baby boom of the 1960s and 1970s entered the workforce during the 1980s and 1990s; and many Mexicans continued to see emigration as the most viable path to higher wages. By the 1990s, social scientists described U.S. employers and Mexican workers as "structurally dependent" on migration, meaning that migration had become a core feature of the regional labor market, regardless of cyclical wage and employment trends.<sup>25</sup>

Congress responded to these trends by passing four additional laws focused on illegal migration in the decade after the 1986 IRCA, authorizing additional investments in border security, restricting migrants' access to welfare and other public benefits, and streamlining procedures to remove unauthorized aliens.<sup>26</sup> Border enforcement and migration control received additional attention after the 9/11 attacks, with Congress passing five more laws related to immigration control in 2002-2006.<sup>27</sup> Overall, U.S. spending on migration control and related activities increased from about \$1.2 billion in 1986 to about \$17.4 billion in FY2012.<sup>28</sup>

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<sup>22</sup> Ibid., p. 62. The Mexican visa backlog was one of the main reasons for the passage of P.L. 94-571, which alleviated some of the problem by creating a preference system for Mexican immigrants.

<sup>23</sup> Jennifer Van Hook and Frank D. Bean, "Estimating Unauthorized Mexican Migration to the United States: Issues and Trends," in *Binational Study: Migration Between Mexico and the United States* (Washington, DC: US Commission on Immigration Reform, 1998), pp. 538-540.

<sup>24</sup> For a fuller discussion of congressional attention to illegal migration during this period, see U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Immigration and Refugee Affairs, *U.S. Immigration Law and Policy: 1952-1986*, 100<sup>th</sup> Cong., 1<sup>st</sup> sess., December 1987, S. Rept. 100-100 (Washington: GPO, 1988), pp. 86-89.

<sup>25</sup> See e.g., Wayne A. Cornelius, *The Role of Immigrant Labor in the U.S. and Japanese Economies* (La Jolla, CA: Center for U.S.-Mexican Studies, 1998).

<sup>26</sup> The Immigration Act of 1990 (P.L. 101-649), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, P.L. 104-208 Div. C), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-93), and the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132)

<sup>27</sup> The USA-PATRIOT Act of 2002 (P.L. 107-56), the Homeland Security Act of 2002 (P.L. 107-296), the Intelligence (continued...)

At the same time, immigration reforms sought to reduce low-skilled employment-based inflows. The Immigration Act of 1990 (P.L. 101-649) and the Nicaraguan Adjustment and Central American Relief Act (P.L. 105-100, Title II) reduced the total number of low-skilled LPR visas from 29,000 to 5,000 per year. IRCA provided for an unlimited number of temporary agricultural workers through the H-2A visa program, but many employers considered the program too cumbersome to use, and fewer than 10,000 H-2A workers were admitted per year prior to the mid-1990s.

The 1990 Immigration Act also reaffirmed the commitment to family reunification as the chief goal of U.S. immigration policy, and immigrants from Mexico have been the top beneficiaries of this policy. Section 101 of P.L. 101-649 raised the numerical limits on family-sponsored immigration by establishing an annual floor of at least 226,000 immigrants to be admitted within these categories.<sup>29</sup> Section 102 exempted the spouses and children of LPRs (“second preference immigrants”) from the INA’s 7% per-country ceiling, a provision that mainly benefits Mexicans since few other countries approach the 7% limit, and Mexico is the only such country with a large number of second preference immigrants.<sup>30</sup> And Section 112 set a special allotment of 55,000 visas each year from FY1992 through FY1994 for spouses and children of LPRs who had legalized through IRCA. Thus, during the first decade the 1990 act was in effect, Mexicans made up 37% of all second preference spouses and children and 70.5% of all spouses and minor children of LPRs who had legalized through IRCA. Overall, 52% of all second preference spouses and children of LPRs admitted during FY2000-FY2009 came from Mexico.

## Recent Mexican Migration Policy Reforms

Mexico lacked a cohesive migration policy for most of the post-Bracero period, and successive Mexican governments expressed little public concern about the number of Mexican citizens leaving for the United States without proper documents, often at great personal risk.<sup>31</sup> Beginning

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Reform and Terrorism Prevention Act of 2004 (108-458), the REAL-ID Act of 2005 (P.L. 109-13, Div. B), and the Secure Fence Act of 2006 (P.L. 109-367).

<sup>28</sup> The passage of the Homeland Security Act of 2002 (P.L. 107-296) and the consolidation of the Immigration and Naturalization Service (INS) and U.S. Customs Service (USCS), among other agencies, within the Department of Homeland Security means that budgets are not strictly comparable over time. The 1986 figure includes \$801 million in total obligations for the USCS and \$380 million in enforcement-related expenses for the INS; the 2012 figure includes \$5.8 billion in total obligations for U.S. Customs and Immigration Enforcement and \$11.6 billion in total obligations for U.S. Customs and Border Protection. See U.S. Office of Management and Budget, *Budget of the U.S. Government: Appendix*, Washington, DC, 1987 and 2013.

<sup>29</sup> Under INA §201(a), family-sponsored immigrants who are subject to numerical limits include the adult sons and daughters of U.S. citizens; spouses, children, and adult sons and daughters of lawful permanent residents; and siblings of U.S. citizens. Under INA §201(b), spouses and children of U.S. citizens are not subject to numerical limits.

<sup>30</sup> Section 203 of the INA’s defines “preference systems” for allocating several different categories of family-sponsored and employment-based visas that are subject to numerical limits, With the exception of the spouses and children of LPRs, INA §202(b) limits the number of family- and employment-based immigrants that may be admitted from any single country to 7% of the number of family- and employment-based immigrants admitted in a given year.

<sup>31</sup> This section is drawn from: Laura V. González-Murphy and Rey Koslowski, *Entiendo el Cambio a las Leyes de Inmigración de México*, Woodrow Wilson International Center for Scholars Mexico Institute, March 2011; Marcelle Beaulieu, “Mexican Immigration Policy: Candil de la Calle, Oscuridad de la Casa,” (Ph.D. diss., Tulane University, forthcoming); also see Marc R. Rosenblum, *Obstacles and Opportunities for Regional Cooperation: The US-Mexico Case*, (Washington, DC: Migration Policy Institute, April 2011), <http://www.migrationpolicy.org/pubs/USMexico-cooperation.pdf>.

in the late 1990s, however, increasing migrant deaths along the U.S.-Mexico border, the precarious situation of unauthorized Mexican migrants in the United States, and attention to human rights abuses of Central Americans in Mexico led the Mexican government to take a more active approach to migration issues, including by reforming its own migration policy and by engaging with the United States about U.S. immigration policy.

The Administration of Mexican President Felipe Calderón and the Mexican Congress have taken significant steps to overhaul Mexico's migration policies. Previously, Mexico's immigration law, the General Population Act (GPA) of 1974, limited legal immigration and restricted the rights of foreigners in Mexico, with unauthorized migrants subject to criminal penalties. In 2008, the Mexican Congress reformed the GPA to decriminalize simple migration offenses, making unauthorized migrants subject to fines and deportation, but no longer subject to imprisonment. That year the Calderón government also announced a new strategy and authorized more than \$200 million in new investments to improve security conditions, modernize customs and immigration facilities, and promote development in Mexico's southern border region (also see "Reducing Unauthorized Emigration from Mexico"). In 2010, Mexico passed a law increasing penalties for alien smuggling, particularly abuses committed by public officials.

Mexico's recent migratory reform efforts likely hinge on how well the government implements a new version of the GPA that was unanimously approved by the Mexican Congress and signed by President Calderón in May 2011.<sup>32</sup> Some of the main objectives of the law are (1) to guarantee the rights and protection of all migrants in Mexico; (2) to simplify Mexican immigration law in order to facilitate legal immigration; (3) to establish the principles of family reunification and humanitarian protection as key elements of the country's immigration policy; and (4) to concentrate immigration enforcement authority within the federal Interior Ministry in order to improve migration management and reduce abuses of migrants by public officials. The law guarantees that all migrants have access to education, justice, and healthcare services, and limits the time that unauthorized migrants may be held in detention centers to 15 working days. The law also gives legal status to special government "Beta Groups" that assist migrants in distress and establishes special procedures for how children and other vulnerable groups should be treated. Since the regulations for the new law are still being developed, its implications are not yet known.

## **Recent Mexico-U.S. Migration Trends**

Despite U.S. enforcement efforts after 1986, Mexico-U.S. migration increased steadily in the 25 years after IRCA, with the total Mexico-born population growing from about 2.8 million in 1979 to about 11.5 million in 2009.<sup>33</sup> Unauthorized migrants accounted for about 60% of the increase.<sup>34</sup> Yet Mexican migration flows have declined since 2006, and recent data from multiple sources show a net rate of unauthorized migration fluctuating near zero, with some evidence that more Mexicans are leaving the United States than arriving, particularly unauthorized Mexicans.<sup>35</sup>

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<sup>32</sup> For a general description of the law in English, see Gobierno Federal de México, "Mexico's New Law on Migration," September 2011, available at <http://usmex.ucsd.edu/assets/028/12460.pdf>.

<sup>33</sup> See Jennifer Van Hook and Frank D. Bean, "Estimating Unauthorized Mexican Migration to the United States: Issues and Trends," in *Binational Study: Migration Between Mexico and the United States* (Washington, DC: US Commission on Immigration Reform, 1998), pp. 538-540; and **Table 1**.

<sup>34</sup> *Ibid.* An estimated 1.4 million out of 2.8 million foreign-born Mexican aliens were unauthorized in 1979, and an estimated 6.7 million out of 11.5 million Mexican aliens were unauthorized in 2009.

<sup>35</sup> See Jeffrey Passel, D'Vera Cohn, and Ana Gonzalez-Barrera, *Net Migration from Mexico Falls to Zero—And* (continued...)



Researchers attribute this decline to the U.S. recession, stepped-up U.S. border security and interior enforcement, increasing abuses of migrants by smugglers and transnational criminal organizations, and expanding job opportunities in Mexico, among other factors.<sup>36</sup> Some researchers also have found evidence that the high cost of crossing the border has encouraged some unauthorized migrants to remain in the United States for longer periods of time rather than returning to Mexico on a seasonal basis.<sup>37</sup>

In addition to these short-term factors, lower Mexican emigration rates also may be a function of long-term demographic trends, as Mexico's fertility rate has fallen from an average of 7.2 children per woman in 1960 to about 2.2 today.<sup>38</sup> Thus, while emigration from Mexico may increase with U.S. economic growth, some analysts doubt that future flows will reach the high levels observed in recent years because many fewer Mexicans will enter the workforce and because Mexico is becoming an increasingly middle-class country.<sup>39</sup>

While total emigration flows have declined, there is some evidence of increased emigration by middle and upper class Mexicans, particularly from northern Mexico, in response to drug trafficking-related violence.<sup>40</sup> One study in December 2010 estimated that 230,000 Mexicans had been displaced by violence, and that roughly half of them had moved to the United States.<sup>41</sup> Media reports indicate that some Mexicans who feared that they could be victims of the violence have sought asylum in the United States.

CRS analyzed several data sources that could reflect increased flows by people fleeing violence in Mexico and found ambiguous results. U.S. asylum and nonimmigrant visa data do not show increasing Mexican inflows in these categories between FY2005 (the year before the recent surge in trafficking-related violence) and FY2010.<sup>42</sup> Yet there is some evidence of a growing number of

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*Perhaps Less*, Pew Hispanic Center, Washington, DC, 2012, <http://www.pewhispanic.org/files/2012/04/PHC-04-23a-Mexican-Migration.pdf> for a full discussion of these findings.

<sup>36</sup> See, *Ibid*; David Scott Fitzgerald, Rafael Alarcón, and Leah Muse-Orlinoff, *Recession Without Borders: Mexican Migrants Confront the Economic Downturn* (La Jolla, CA and Boulder, CO: Center for Comparative Immigration Studies (CCIS) and Lynne Reiner Publishers, 2011).

<sup>37</sup> *Ibid*.

<sup>38</sup> Pew Hispanic Center, *The Mexican-American Boom: Births Overtake Immigration*, July 14, 2011, <http://pewhispanic.org/files/reports/144.pdf>, p. 7.

<sup>39</sup> On recent demographic trends, see for example, Aaron Terrazas, Demetrios G. Papademetriou, and Marc R. Rosenblum, *Evolving Demographic and Human-Capital Trends in Mexico and Central America and Their Implications for Regional Migration*, Migration Policy Institute (MPI) and Woodrow Wilson International Center for Scholars, Washington, D.C., May 2011, <http://www.migrationpolicy.org/pubs/RMSG-human-capital.pdf>; on Mexico's middle class see Luis de la Calle and Luis Rubio, *Mexico: A Middle Class Society* (Washington, DC: Woodrow Wilson International Center for Scholars, 2012).

<sup>40</sup> For background on drug-trafficking related violence in Mexico, see CRS Report R41576, *Mexico's Drug Trafficking Organizations: Source and Scope of the Rising Violence*, by June S. Beittel.

<sup>41</sup> Norwegian Refugee Council, Internal Displacement Monitoring Centre, *Forced Displacement in Mexico due to Drug Cartel Violence*, December 31, 2010, <http://www.internal-displacement.org/briefing/mexico>.

<sup>42</sup> Asylum request from Mexico increased from 2,947 requests in FY2005, of which 34 (1.2%) were granted, to 3,231 in FY2010, of which 49 (1.5%) were granted. See U.S. Department of Justice, Executive Office for Immigration Review, Asylum Statistics, <http://www.justice.gov/eoir/efoia/foiafreq.htm>. Also see CRS Report R41753, *Asylum and "Credible Fear" Issues in U.S. Immigration Policy*, by Ruth Ellen Wasem. Similarly, nonimmigrant visas issued to major classes of high-skilled Mexican nonimmigrants (business visitors, treaty traders and investors, and intra-company transferees) grew by just 6% between 2006 and 2010, to 9,090 visa holders; see *Report of the Visa Office*, Table XVII (Part I), 2007 and 2011.

“credible fear” claims during this period and of a higher approval rate for such claims,<sup>43</sup> with most of the increase occurring in FY2010.<sup>44</sup> Some middle and upper class Mexicans also may be entering through other legal channels not reflected in these data, including as LPRs.

Another development that could cause an uptick in Mexico-U.S. migration is a severe drought that began in May 2011 and now affects more than half of Mexico.<sup>45</sup> Subsistence farmers and indigenous communities in northern Mexico have been particularly hard hit, with 200,000 people reportedly fleeing their homes for feeding centers.<sup>46</sup> Mexico has set aside \$2.5 billion for drought relief, but it is not yet known whether the aid will prevent additional displacement from affected areas, or whether internal displacement will lead to international migration.

## Mexicans in the United States

The Mexico-born population in the United States accounted for about 29% of the total U.S. foreign-born population of 39.9 million in 2010.<sup>47</sup> Recent foreign-born population growth has occurred as native-born population fertility levels have declined and the median age of the U.S. population has increased.<sup>48</sup> Thus, while the foreign born represented 12.9% of the total U.S. population in 2010, they accounted for roughly 32% of total U.S. population growth since 2000, and almost all growth in the 25- to 54-year-old population.<sup>49</sup> Partly for this reason, the foreign born are disproportionately likely to be in the labor force: 25.5 million foreign-born workers represented 16.3% of the civilian labor force in 2010; and 7.8 million Mexico-born workers represented 29% of the foreign-born labor force and 5% of the total U.S. labor force.<sup>50</sup>

Mexican migration to the United States has attracted the attention of Congress and the public not only because of its scale, but also because the Mexico-born population in the United States possess a different socioeconomic profile from most other foreign-born groups.<sup>51</sup> On average, the

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<sup>43</sup> Foreign nationals arriving at a port of entry who lack proper immigration documents or who engage in fraud or misrepresentation may be placed in expedited removal; but if they express a fear of persecution they receive a “credible fear” hearing with a USCIS asylum officer and if their claim is found to be credible they are referred to an immigration judge for a hearing. See CRS Report R41753, *Asylum and “Credible Fear” Issues in U.S. Immigration Policy*, by Ruth Ellen Wasem.

<sup>44</sup> According to CRS calculations based on data provided by U.S. Citizenship and Immigration Services Office of Legislative Affairs, the number of Mexican credible fear cases increased from 179 in FY2007 to 1,241 in FY2011, and the proportion of cases in which asylum officers found a credible fear to exist increased from 59% to 82%. These changes may, in part, be a function of broader trends in the credible fear process, as the total number of cases received during this period grew from 5,260 to 11,217, with the approval rate rising from 75% to 90%.

<sup>45</sup> “Mexican Official Says Drought Likely To Intensify,” *Dow Jones International News*, January 26, 2012.

<sup>46</sup> Jennifer Gonzalez, “Hunger, Drought Affect Mexico’s Tarahumara Natives,” *Agence France Presse*, January 24, 2012.

<sup>47</sup> By contrast, the next largest foreign-born group is from the Philippines, with 1.9 million persons, roughly 5% of the total foreign-born population. See CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel.

<sup>48</sup> See CRS Report RL32701, *The Changing Demographic Profile of the United States*, by Laura B. Shrestha and Elaine J. Heisler, p.13.

<sup>49</sup> CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel.

<sup>50</sup> CRS computations from the 2010 American Community Survey Public Use Micro Sample. The ratio of the Mexico-born to the total foreign-born civilian labor force is 29%, the same as for the total populations of each group.

<sup>51</sup> This report compares the demographics of Mexican migrants to all other foreign born and U.S. natives. Certain other (continued...)

Mexican born in the United States are more likely than other foreign born to be unauthorized; and compared to other foreign-born and native-born populations in the United States, Mexicans are younger, have lower education levels, are more likely to work in lower-skilled occupations, and have lower measures of economic well-being. Recent changes in the geography of Mexican migration to the United States have directed additional attention to these issues (see “Geographic Dispersion”).

## Legal Status

With respect to their legal status, the foreign born fall into three broad groups: naturalized citizens, legal noncitizens (which includes permanent and temporary residents), and unauthorized aliens. **Table 1** shows that the legal profile of those born in Mexico differs markedly from that of the rest of the foreign-born population. While the majority (52%) of all foreign born are naturalized citizens, the majority of the Mexican born (55%) are unauthorized. Thus, Mexicans accounted for an estimated 6.5 million of the 11.2 million unauthorized aliens estimated to be living in the United States in 2010, or 58% of the total number of unauthorized aliens in the United States.

**Table 1. Legal Status of Mexican Born and All Other Foreign Born, 2010**

	Mexican Born		All Other Foreign Born	
	Number of Persons	Percent of Total	Number of Persons	Percent of Total
<b>Total</b>	<b>11,746,539</b>	<b>100%</b>	<b>28,170,336</b>	<b>100%</b>
Naturalized citizen	2,703,522	23%	14,752,790	52%
Noncitizen	9,043,017	77%	13,417,546	48%
<i>Legal</i>	<i>2,543,017</i>	<i>22%</i>	<i>8,717,546</i>	<i>31%</i>
<i>Unauthorized</i>	<i>6,500,000</i>	<i>55%</i>	<i>4,700,000</i>	<i>17%</i>

**Source:** CRS computations from the 2010 American Community Survey Public Use Micro Sample; unauthorized figures taken from and proportions derived from Jeffrey S. Passel and D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, Pew Hispanic Center, February 1, 2011.

## Age Distribution

Mexicans also differ from most other foreign born and U.S. born in their age distribution, which may have important economic implications.<sup>52</sup> While about 24% of native-born citizens fall within

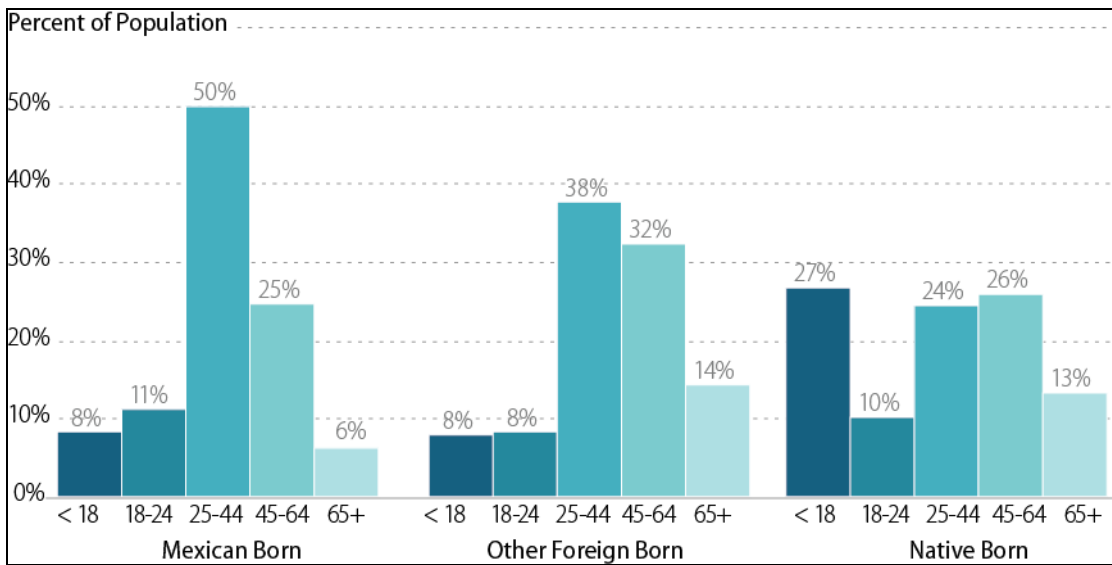
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foreign-born populations resemble Mexico-born migrants in some respects, including notably those from certain Central American countries; see Terrazas et al., *Evolving Demographic and Human-Capital Trends in Mexico and Central America and Their Implications for Regional Migration*. Nonetheless, Mexican migrants merit special attention given their numbers and given Mexico’s proximity to the United States and unique history; and this report does not systematically examine other groups of migrants.

<sup>52</sup> The foreign born, like the native born, impose their largest costs on U.S. taxpayers as children, through their consumption of public education, and as the elderly, through their consumption of government-funded public health (continued...)

the prime 25-44 working-age cohort, this proportion rises to 38% for foreign-born persons from countries other than Mexico and 50% for the Mexican born (see **Figure 5**). Mexicans’ prime-age bulge is associated with small populations at both ends of the age scale: just 6% of Mexicans are older than 64 (compared to 13% of natives and 14% of other foreign born); and just 8% of Mexicans are younger than 18 (compared to 8% of other foreign born and 27% of natives). Differences at the low end of the age range mainly reflect high fertility among first generation immigrants and the relative youth of many second generation immigrants. The large proportion of the native-born population under age 18 is also a function of the children born to the large post-World War II “baby-boom” generation that is between the ages of 47 and 65 in 2012.

**Figure 5. Age Distribution by Nativity, 2010**



Source: CRS computations from the 2010 American Community Survey Public Use Micro Sample

## Education Levels and English Proficiency

Education is a critical yardstick by which immigrants are often measured and immigration policies evaluated; and higher education levels correlate positively with labor market participation, higher incomes, and other measures of well-being.<sup>53</sup> Mexicans born in the United States possess lower average levels of education than most other migrants, with 60% lacking a high school diploma, compared to 20% for all other foreign born and 11% for the native-born population (see **Table 2**). At the other end of the education spectrum, just 6% of the Mexican born have at least a four-year college degree compared with 36% for all other foreign born and 28% for native born, though an increasing proportion of Mexicans have obtained bachelor’s degrees in recent years (see “High-Skilled Mexican Migration”).

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programs. As young adults, however, they pay taxes and contribute to programs like Social Security for most of their working lives. See CRS Report R42053, *Fiscal Impacts of the Foreign-Born Population*, by William A. Kandel.

<sup>53</sup> See for example, David E. Bloom, Matthew Hartley, and Henry Rosovsky, “Beyond Private Gain: The Public Benefits of Higher Education,” in *International Handbook of Higher Education*, ed. James J.F. Forest and Philip G. Altbach, vol. 18 (Springer Netherlands, 2006), pp. 293-308; Sandy Baum and Jennifer Ma, *Education Pays: The Benefits of Higher Education for Individuals and Society* (New York: College Board, 2007).

**Table 2. Educational Attainment and English Speaking Proficiency by Nativity, 2010**

	Mexican Born	All Other Foreign Born	Native Born
Educational Attainment (persons age 25 and older)			
Less than high school	60%	20%	11%
High school diploma	23%	22%	30%
Some college	12%	22%	31%
4 year college degree or more	6%	36%	28%
English-Speaking Proficiency			
All persons	51%	80%	99%
Persons under age 25	72%	90%	99%

**Source:** CRS computations from the 2010 American Community Survey Public Use Micro Sample

**Notes:** English proficiency refers to persons who report that they speak English “well” or “very well.”

Similar differences between the Mexican born and other foreign born exist with respect to English language proficiency (see **Table 2**), another factor associated with positive labor market outcomes and social and cultural integration.<sup>54</sup> Only half of the Mexican born describe their English speaking ability as proficient compared to more than four-fifths of other foreign-born persons. English proficiency is much higher (72%) among Mexicans younger than age 25 (as well as other migrants, 90%), largely as a result of being enrolled in U.S. schools.<sup>55</sup>

## Occupational Profile

Legal status, age, educational attainment, and English proficiency all contribute to economic outcomes such as occupational attainment. **Table 3** presents a broad occupational distribution for Mexicans, other foreign born, and U.S. natives. The Mexico-born labor force is concentrated in industries characterized by low-skilled employment, such as construction, cleaning, food preparation, and agriculture. In contrast, all other foreign born have similar distributions as the native born and are more concentrated in sales, business, and scientific occupations.<sup>56</sup>

<sup>54</sup> See for example, Alejandro Portes and Ruben Rumbaut, *Immigrant America: A Portrait* (Berkeley, CA: University of California Press, 2006); Hoyt Bleakley, “Age at Arrival, English Proficiency, and Social Assimilation Among U.S. Immigrants,” *American Economic Journal: Applied*, vol. 2, no. 1 (January 2010), pp. 165-192.

<sup>55</sup> See CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*, by William A. Kandel.

<sup>56</sup> These descriptive statistics confirm a Census Bureau report that showed that foreign born who are naturalized citizens and/or have extensive U.S. experience are more likely to resemble the native born in their occupational distribution. See U.S. Census Bureau, *Profile of the Foreign-Born Population in the United States: 2000*, Current Population Reports, Special Studies P23-206, December 2001, p.41.

**Table 3. Occupational Distribution by Nativity, 2010**

Employed civilians ages 16 and older

	Mexican Born	All Other Foreign Born	Native Born
Construction	16%	5%	5%
Cleaning	14%	6%	3%
Manufacturing/Production	13%	7%	7%
Extraction/Repair/Transportation	13%	8%	10%
Food Preparation	12%	6%	5%
Sales/Office	13%	21%	27%
Agricultural	7%	0%	0%
Business/Finance/Management	4%	13%	14%
Personal Services/Security	3%	6%	6%
Science/Computing/Engineering/Medical	3%	18%	12%
Social/Education/Media	2%	8%	11%
Total	100%	100%	100%

**Source:** CRS computations from the 2010 American Community Survey Public Use Micro Sample.

**Notes:** Occupational groupings represent the aggregation of occupations listed in the Standard Occupational Classification (SOC) system, the federal government’s classification system for occupations.

Type of occupation correlates with economic well-being. **Table 4** shows that the Mexican born have lower median personal incomes, greater poverty, smaller proportions covered by health insurance, and fewer people owning their own homes. In contrast, all other foreign born resemble the native born relatively closely on the first three measures, and have a proportion of homeowners (58%) roughly midway between the Mexican born (46%) and the native born (69%).

**Table 4. Measures of Economic Well-Being by Nativity, 2010**

	Mexican Born	All Other Foreign Born	Native Born
Median personal income	\$25,191	\$43,328	\$45,343
Below the poverty line	29%	16%	17%
Covered by health insurance	27%	58%	66%
Own home	46%	58%	69%

**Source:** CRS computations from the 2010 American Community Survey Public Use Micro Sample.

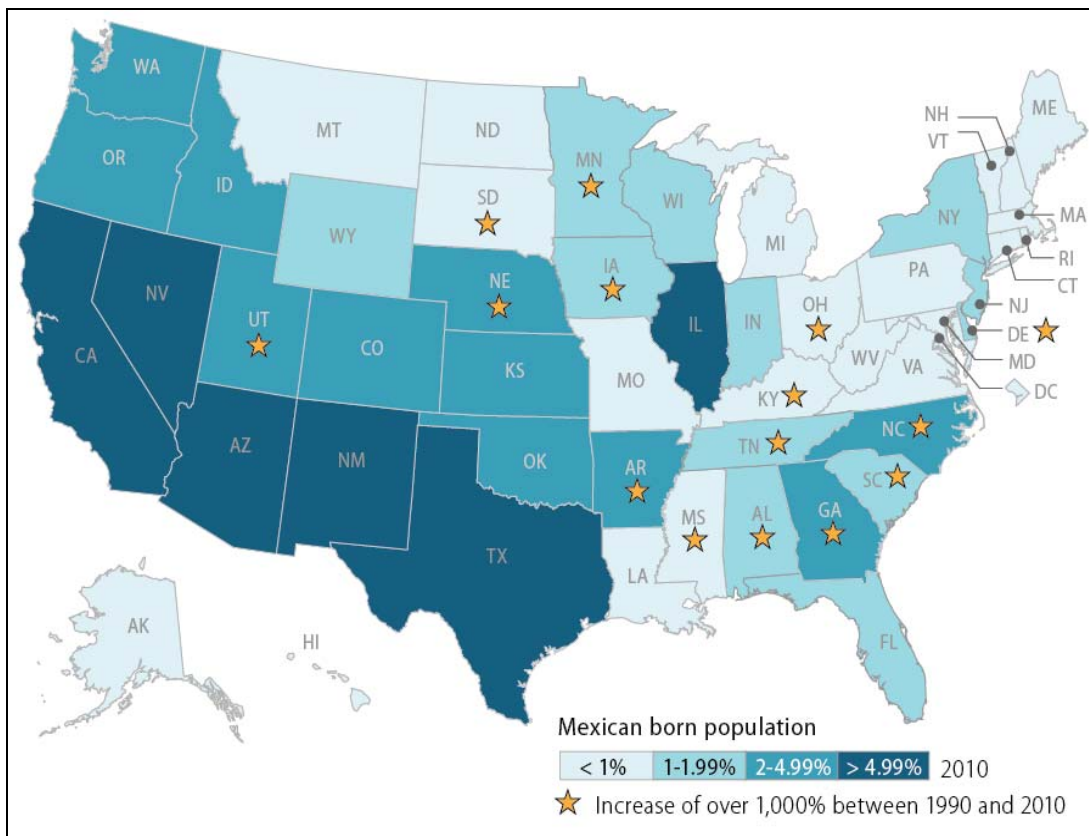
In summary, the Mexican born residing in the United States possess a distinct demographic profile compared to most other foreign born: they are more likely to lack legal status (55% compared to 17%), to be of prime working age (50% compared to 38%), and to lack a high school diploma (60% compared to 20%) and English proficiency (51% compared to 80%). This profile helps explain why the Mexican born concentrate more heavily in lower-skilled, lower-paid occupations and measure lower on key indicators of economic well-being. The contrasting

profiles between the Mexican born, other foreign born, and native born have contributed to debates about the size and character of immigration flows.<sup>57</sup>

## Geographic Dispersion

Mexican migration has also attracted attention in recent years because of the geographic dispersion of Mexican migrants to new U.S. regions and destinations, increasing the visibility of Mexican migration beyond traditional southwestern and selected urban settlement areas.<sup>58</sup> As **Figure 6** illustrates, states in the Southwest have the highest proportion of Mexican born, but states in the South and Midwest have experienced the greatest proportional increases in their Mexico-born populations over the past two decades (see **Appendix A** for greater detail). Several states and localities with high levels of Mexican migration and/or rapid growth of Mexican migration have passed immigration-related legislation in recent years.<sup>59</sup>

**Figure 6. Mexico-Born Proportions of U.S. State Populations, 2010, and States with the Largest Proportional Increases in Mexico-Born Populations Since 1990**



**Source:** CRS computations from the 1990 and 2000 Decennial Censuses, and the 2010 ACS PUMS data.

<sup>57</sup> See for example, Samuel P. Huntington, “The Hispanic Challenge,” *Foreign Policy*, March/April 2004.

<sup>58</sup> Also see Douglas S. Massey (editor), *New Faces in New Places: The Changing Geography of American Immigration*, Russell Sage Foundation, New York, 2008.

<sup>59</sup> See CRS Report R41991, *State and Local Restrictions on Employing Unauthorized Aliens*, by Kate M. Manuel.

## Policy Issues

Immigration policy has been a subject of congressional concern over many decades. Since 2001, Congress has considered a range of measures to strengthen border security and migration control, changes to the LPR and nonimmigrant visa systems, and proposals to legalize certain unauthorized aliens, among other issues. Mexico's status as the largest source of U.S. migrants and as a continental neighbor means that many U.S. policies primarily affect Mexicans. Viewing the immigration debate from a U.S.-Mexico perspective raises a number of questions about each of these issues, including about Mexico's role in shaping U.S. migration flows and steps Mexico has taken and could take to reduce unauthorized migration.

The United States and Mexico have several common interests in a well-functioning migration system.<sup>60</sup> First and foremost, both countries benefit from a secure border that permits safe and orderly migration and commerce, limits illegal flows, protects public safety and human rights, and disrupts criminal enterprises. Second, with Mexico being the United States' third-largest trading partner in 2012 and migrant remittances being among Mexico's largest sources of foreign exchange earnings, regional migration issues are inextricably linked to both countries' economic well-being.<sup>61</sup> Third, both countries have benefitted from demographic complementarities, with Mexico's post-1960 baby boom helping to sustain U.S. population growth in recent decades as the U.S. population has aged.

These common interests have, at times, led the United States and Mexico to approach migration from a bilateral perspective, as they did through the Bracero program (see "1942-1964: The Bracero Program"). More recently, President George W. Bush and Mexican President Vicente Fox reached a framework agreement to pursue a major bilateral migration deal. Under the agreement, announced on September 6, 2001, the two presidents outlined a bilateral approach to migration reform that would combine a new Mexico-U.S. guest worker program, legalization for most unauthorized Mexican migrants in the United States, enhanced border enforcement including steps by Mexico to discourage illegal outflows, and increased U.S. investment to create alternatives to emigration in Mexican migrant-sending communities.<sup>62</sup> Although the migration talks fell off the bilateral agenda after the 9/11 attacks, the pillars of the framework agreement remained at the center of the U.S. immigration debate.

At the same time, migration has also been a source of bilateral tension. Some people are concerned about the impact of low-skilled immigration on the U.S. economy and about illegal migration, and many Mexican migrants fall into these categories (see "Mexicans in the United States"). Conversely, while Mexico recognizes U.S. authority to make and enforce immigration laws—just as Mexico enforces its own migration laws—Mexico also seeks to protect the rights of its nationals abroad. This perspective has led to episodic disagreements over U.S. immigration policy and policy enforcement.

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<sup>60</sup> Also see Emma Aguila, Alisher R. Akhmedjonov, and Ricardo Basurto-Davila, et al., *United States and Mexico: Ties That Bind, Issues That Divide* (Santa Monica, CA: RAND Corporation, 2012).

<sup>61</sup> For a fuller discussion of U.S.-Mexico trade and migrant remittances, see CRS Report RL32934, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, by M. Angeles Villarreal.

<sup>62</sup> The White House, Joint Statement between the United States of America and the United Mexican States, <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010906-8.html>.



## Immigration Enforcement and Border Security

Immigration enforcement and border security are at the heart of the immigration debate, including questions about how to prevent or deter illegal migration across the U.S.-Mexican border and the removal of unauthorized migrants and certain other aliens from within the United States.

Under an internal INS planning document developed in 1994 and a U.S. Border Patrol national plan published in 2005, U.S. border enforcement during the last two decades has been organized around a strategy of “prevention through deterrence,” an approach that places enhanced personnel, fencing, and surveillance technology along heavily trafficked stretches of the border.<sup>63</sup> The border patrol’s strategy has been designed to discourage aliens from entering the United States at traditional illegal crossing points and to funnel illegal crossers to ports of entry (POEs), where they are subject to inspection by U.S. Customs and Border Protection (CBP) officers, or to remote areas, where difficult terrain and the absence of a transportation infrastructure give border patrol agents a tactical advantage in apprehending illegal crossers.

This approach has resulted in substantial enforcement resources at the U.S.-Mexican border. Since the strategy was initiated beginning in FY1994 through FY2011, the number of border patrol agents posted on the Southwest border has increased from 3,747 to 18,506; the United States has installed fencing along 651 miles of the border; and over \$1 billion has been spent to develop an integrated border surveillance system, with mixed results.<sup>64</sup> In addition, Presidents George W. Bush and Obama both ordered National Guard troops to be deployed to the U.S.-Mexican border, and six unmanned aircraft systems now operate there.

Since 2005, a second key feature of border enforcement has been a policy CBP describes as its “consequence delivery system.” Whereas immigration agents historically returned most aliens apprehended at the U.S.-Mexican border to Mexico with minimal processing, an increasing proportion of such aliens now are subject to formal removal,<sup>65</sup> face immigration-related criminal charges,<sup>66</sup> or are repatriated to Mexico at a remote location rather than the nearest POE (also see “Efforts to Reduce Illegal Migrant Recidivism”). The goal of these enhanced consequences is to raise the costs to aliens of being apprehended and to make it more difficult for them to reconnect with smugglers in Mexico following a failed entry attempt.

The United States also conducts interior immigration enforcement, with U.S. Customs and Immigration Enforcement (ICE) taking the lead on efforts to identify, detain, and remove

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<sup>63</sup> Department of Homeland Security, Bureau of Customs and Border Protection, “National Border Patrol Strategy,” 2005. For a fuller discussion of the border patrol’s national strategy see U.S. Congress, Subcommittee on Border and Maritime Security, House Committee on Homeland Security, *Measuring Border Security: U.S. Border Patrol’s New Strategic Plan and the Path Forward*, 112<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 8, 2012; and CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

<sup>64</sup> Ibid.

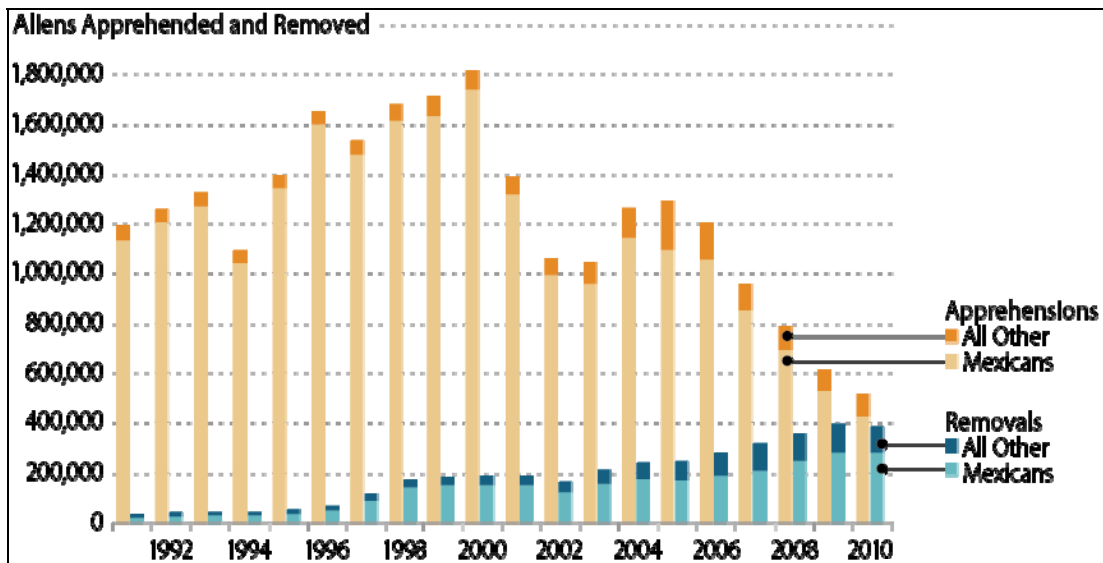
<sup>65</sup> Removal is a formal administrative (non-criminal) procedure under which aliens are required to leave the United States and subject to additional immigration-related penalties, including at least a five-year bar on receiving a visa to return to the United States (INA §212(a); 8 U.S.C. §1182(a)). Certain aliens subject to removal may be eligible for voluntary departure, a provision that requires the alien to leave the United States, but does not carry additional penalties (INA §240B; 8 U.S.C. 1229c.).

<sup>66</sup> Immigration-related criminal offenses are violations of federal criminal immigration law under Title 8 or title 18 of the U.S. Code, including the misdemeanor crime of illegal entry (8 U.S.C. §1325) and the felony crime of illegal reentry (8 U.S.C. §1326).

unauthorized migrants and certain other aliens from within the United States. Certain U.S. states and localities also have passed migration control measures of their own, though the Obama Administration has filed suit to block several such laws, with Mexico filing *amicus curiae* (friend of the court) briefs in some of the cases. The Supreme Court is expected to rule on the constitutionality of key state immigration enforcement measures in 2012.<sup>67</sup>

As **Figure 7** illustrates, Mexicans account for the vast majority of deportable and removable<sup>68</sup> aliens *apprehended* since 1991 (the orange bars in the figure): 427,940 out of 516,992 aliens apprehended in FY2010 (83%), and 23.1 million out of 24.8 million apprehended overall during this period (93%). Similarly, Mexicans accounted for 282,003 out of 387,242 aliens formally *removed* in FY2012 (73%, the blue bars in the figure) and 2.7 million out of 3.7 million aliens formally removed overall during this period (72%)—even higher proportions than their estimated share of unauthorized migrants within the United States.

**Figure 7. Primary Enforcement Outcomes, Overall and Mexican Aliens, FY1991-FY2010**



Source: CRS presentation of data from DHS Yearbook of Immigration Statistics.

### Enforcement at the U.S.-Mexico Border

The United States has invested considerable resources in personnel, fencing, and other border enforcement tools over the last two decades. By some measures, these investments may have begun to have paid off, as apprehensions of unauthorized migrants reached a 42-year low in 2011 and crime rates in U.S. border cities were below the national average.<sup>69</sup> Thus, the Obama

<sup>67</sup> See CRS Report R41423, *Authority of State and Local Police to Enforce Federal Immigration Law*, by Michael John Garcia and Kate M. Manuel

<sup>68</sup> Pursuant to §§301-309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, P.L. 104-208, Div. C), deportation and exclusion proceedings were combined into a unified “removal” proceeding (8 U.S.C. 1229a). Thus, enforcement data refer to “deportable” aliens for 1996 and previous years, and to “removable” aliens beginning in 1997.

<sup>69</sup> On crime rates in U.S. border cities, see CRS Report R41075, *Southwest Border Violence: Issues in Identifying and* (continued...)

Administration has described the border as more secure than ever,<sup>70</sup> and the Administration has proposed no major increases in border spending for FY2012-FY2013. Similarly, while U.S. Border Patrol (USBP) national strategies published in 1996 and 2004 proposed substantial new investments at the border, its forthcoming strategic plan mainly proposes, instead, to reallocate existing resources along the border in response to changing threats.<sup>71</sup>

Yet some people question whether the border is truly secure, especially in light of high rates of drug trafficking-related violence on the Mexican side of the border. The recent drop in apprehensions may primarily reflect changing push-pull factors, including the U.S. economic downturn, robust economic growth in Mexico, and Mexico's lower birthrate, rather than successful border enforcement.<sup>72</sup> Will unauthorized migration increase as the U.S. economy recovers or if Mexico experiences a downturn of its own? In light of these concerns, some Members of Congress have called for greater investments in border fencing and personnel, including a greater role for the National Guard in border enforcement.

Questions about how to enforce the border have additional implications when viewed from a bilateral perspective. Border fencing and the U.S. policy of prevention through deterrence have been controversial in Mexico because some people believe that enhanced border enforcement has resulted in a rising death toll among unauthorized border crossers, because of the negative symbolism of a "border wall," and because of the effects of fencing and surveillance infrastructure on the sensitive border ecosystem. Enhanced enforcement also may have contributed to higher fees charged by Mexican smugglers and to stronger connections between human trafficking and other types of smuggling, though the relationship between migration, crime, and violence is complex, and the impact of migration enforcement on these factors is unknown.<sup>73</sup>

## Mexico's Role in Migration Control

Given the large number of unauthorized Mexicans in the United States, some people believe that Mexico bears some responsibility for illegal flows and should play a greater role in migration control. Mexico currently supports U.S. migration enforcement in two main ways. First, Mexico's National Migration Institute (INM) within the Secretariat of the Interior combats transmigration by unauthorized migrants crossing Mexico bound for the United States. As **Figure 8** indicates, the

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(...continued)

*Measuring Spillover Violence*, coordinated by Kristin M. Finklea.

<sup>70</sup> See, for example, U.S. Department of Homeland Security (DHS), "Secretary Napolitano's Remarks on Smart Effective Border Security and Immigration Enforcement," press release, October 5, 2011, <http://www.dhs.gov/ynews/speeches/20111005-napolitano-remarks-border-strategy-and-immigration-enforcement.shtm>;

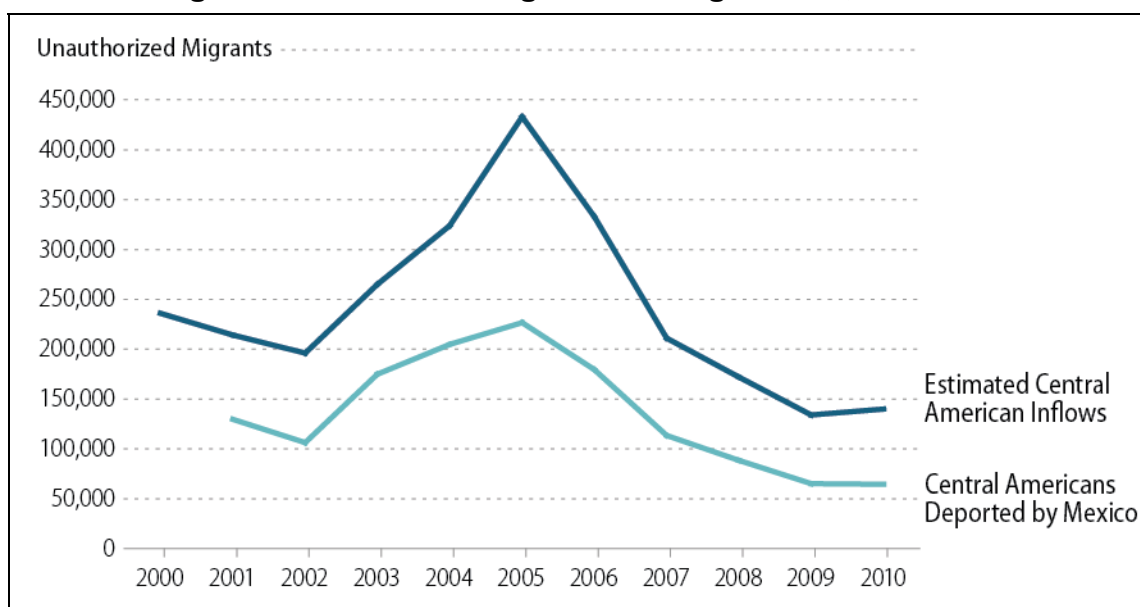
<sup>71</sup> CBP Office of Legislative Affairs Feb. 13, 2012.

<sup>72</sup> See for example, Jeffrey Passel, D'Vera Cohn, and Ana Gonzalez-Barrera, *Net Migration from Mexico Falls to Zero—And Perhaps Less*, Pew Hispanic Center, Washington, DC, 2012, <http://www.pewhispanic.org/files/2012/04/PHC-04-23a-Mexican-Migration.pdf> for a discussion of the diverse causes of falling Mexican migration to the United States.

<sup>73</sup> For a fuller discussion of possible adverse effects of border enforcement, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum. Partly for these reasons, Mexicans across the political spectrum have been critical of certain U.S. border enforcement efforts. See Brian Knowlton, "Calderón Again Assails Arizona Law on Detention," *New York Times*, May 20, 2010; "Fox Calls U.S. Border Barrier a 'Disgrace,'" *EFE*, October 26, 2006; and Guadalupe Gonzalez, et al., *Mexico, the Americas, and the World 2010*, Centro de Investigacion y Docencia Economicas, Mexico, May 2011.

estimated number of illegal Central American transmigrants increased from about 236,000 in 2000 to a high point of about 433,000 in 2005 before falling back to about 140,000 in 2010. INM detained and deported slightly more than half of these migrants between 2001 and 2010.<sup>74</sup>

**Figure 8. Unauthorized Migration Through Mexico, 2000-2010**



**Source:** Inflows from Gobierno Federal de México, Secretaria de Gobernación (SEGOB), *Apuntes Sobre Migración*, July 1, 2011; deportations from SEGOB, *Boletín Mensual de Estadísticas Migratorias*, 2005-2010.

Second, Mexican and U.S. law enforcement agencies collaborate to combat alien smuggling and human trafficking,<sup>75</sup> along with other transnational criminal activities. CBP's International Liaison Unit (ILU) maintains regular contact with Mexican law enforcement agencies to share information about border area crime and to coordinate responses when agents confront border-area violence. U.S. Border Patrol sector chiefs and Mexican Interior Ministry officers co-chair monthly meetings among border-area law enforcement agencies. U.S. and Mexican law enforcement agencies cooperate through the ICE Border Enforcement Security Task Force (BEST) program, initiated in 2006 to combat drug and human smuggling.<sup>76</sup> ICE's Transnational Criminal Investigative Unit in Mexico City works with Mexican Federal Police and Customs Officials to combat high-risk human smuggling.

U.S. and Mexican law enforcement agencies also collaborate to prosecute smugglers through the Operation Against Smuggling Initiative on Safety and Security (OASISS), a bilateral program

<sup>74</sup> Deportations as a percentage of estimated unauthorized inflows ranged from a low of 46% in 2010 to a high of 66% in 2003; see Gobierno Federal de México, Secretaria de Gobernación (SEGOB), *Apuntes Sobre Migración*, July 1, 2011, [http://www.inm.gob.mx/index.php/page/Apuntes\\_sobre\\_migracion](http://www.inm.gob.mx/index.php/page/Apuntes_sobre_migracion); SEGOB, *Boletín Mensual de Estadísticas Migratorias*, 2005-2010, [http://www.inm.gob.mx/index.php/page/Boletines\\_Estadisticos](http://www.inm.gob.mx/index.php/page/Boletines_Estadisticos).

<sup>75</sup> Alien smuggling involves people who pay to be illegally transported from or through Mexico into the United States. Many smugglers have ties to other criminal enterprises in Mexico and the United States, involve migrants in criminal enterprises, kidnap migrants, and expose migrants to dangerous conditions. Human trafficking refers to cases in which migrants are coerced into sexual exploitation or forced labor. Some migrants who contract with smugglers eventually become victims of human trafficking.

<sup>76</sup> The BESTs include U.S. local, state, and federal agencies as well as Mexico's Federal Police.

that enables Mexican alien smugglers apprehended in the United States to be prosecuted in Mexico. From the time of its inception in 2005 through the end of FY2011, OASISS referred 2,617 cases to Mexican authorities.<sup>77</sup>

Mexican and bilateral investigations and prosecutions against human trafficking have intensified since Mexico reformed its federal criminal procedure code to criminalize trafficking in late 2007. Since that time, all of Mexico's states have enacted code reforms that criminalize at least some forms of human trafficking. Since 2007, the State Department has removed Mexico from its human trafficking watch list and ranked Mexico as a "Tier 2" country (i.e., the second-best out of four categories) in its annual *Trafficking in Persons* (TIP) reports, reflecting this progress.<sup>78</sup> In 2011, President Calderón proposed a series of constitutional reforms that would require those accused of trafficking to be held in prison during their trials and guarantee the anonymity of victims involved in TIP cases. The Mexican Congress recently approved a new law against trafficking that amends the 2007 federal anti-TIP law and includes prison sentences of up to 40 years for people convicted of sexual exploitation.<sup>79</sup> Yet the Mexican Congress also cut funding for anti-TIP efforts and for the Attorney General's Office in the 2012 budget, which could weaken Mexico's ability to prosecute TIP cases.<sup>80</sup>

Most Mexican law enforcement activities with respect to illegal migration and transnational crime receive some degree of U.S. financial support. One way to increase Mexico's role in migration enforcement may be for Congress to consider additional investments in these programs. The United States also could include migration control as an explicit priority within other existing programs, such as the Mérida Initiative, which focuses on combating drug trafficking-related organized crime.<sup>81</sup> On the other hand, Mexico is already among the largest recipients of U.S. anti-TIP assistance in the Western Hemisphere, and some Members of Congress may be reluctant to invest more resources in such programs. In addition, given ongoing concerns about corruption in Mexico, U.S. law enforcement agencies may prefer to carry out their own investigations, and Congress may prefer to emphasize unilateral enforcement policies.

### **Efforts to Reduce Illegal Migrant Recidivism**

Although the numbers have dropped since 2007, hundreds of thousands of aliens are repatriated to Mexico each year. What happens when aliens are repatriated to Mexico, and what can be done to promote migrants' successful re-integration and to minimize repeat entries (i.e., "recidivism") among illegal migrants?

Under a 2009 agreement with the Mexican Foreign Ministry, ICE and CBP administer repatriations to Mexico in accordance with a standard template, with operational details arranged at the local level between CBP and Mexican Consular and INM officials. The arrangements allow

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<sup>77</sup> U.S. Border Patrol Office of Legislative Affairs, Oct. 17, 2011.

<sup>78</sup> For a fuller discussion of the State Department's Trafficking in Persons (TIP) reports, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Sun Wyler.

<sup>79</sup> Fox News Latino, "Mexico's Congress Approves Bill to Combat Human Trafficking," April 28, 2012, <http://latino.foxnews.com/latino/news/2012/04/28/mexico-congress-approves-bill-to-combat-human-trafficking/print#ixzz1uwkqIvOa>.

<sup>80</sup> Carina García, "Diputados Dejan Lucha Antitrata sin Recursos," *El Universal*, November 23, 2011.

<sup>81</sup> For a fuller discussion of the Mérida Initiative, see CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Clare Ribando Seelke and Kristin M. Finklea.

for most Mexicans to be repatriated to the Mexican POE closest to the point of apprehension and in a manner consistent with mutual hours of operation and staffing availability. Four groups of Mexicans receive special treatment during the repatriation process:

- Unaccompanied minors must be repatriated during daylight hours, and the United States works with Mexican consular officials and other agencies to transfer unaccompanied minors to appropriate child welfare representatives in Mexico.<sup>82</sup>
- The Mexican Interior Repatriation Program (MIRP) is a voluntary program established in 2003 to allow certain unauthorized aliens apprehended in Arizona during the summer months to fly to Mexico City and take a bus to their communities of origin, rather than being returned to the border. The MIRP is designed to prevent migrant deaths in the desert, to remove deportees from precarious conditions in northern border cities, and to reduce recidivism. About 125,000 individuals participated in the Interior Repatriation Program between 2004 and 2011, with the United States covering most program expenses.<sup>83</sup> The countries announced plans in February 2012 to expand the interior repatriation program to other regions of the border beginning in 2012.<sup>84</sup>
- The Alien Transfer Exit Program (ATEP) is part of CBP's Consequence Delivery System. Under ATEP, certain Mexicans are removed to locations hundreds of miles away from the point of apprehension—typically involving the movement of people apprehended in Arizona to POEs in Texas or California. CBP sees the program as a way to disrupt migrant smuggling networks and discourage recidivism, but the program is controversial in Mexico because persons repatriated through ATEP may find themselves effectively stranded in border communities without resources to find employment or to return home.
- In cases involving serious criminal aliens,<sup>85</sup> ICE has responded to a request from Mexico to remove certain people apprehended near El Paso, TX, to locations other than Mexico's Ciudad Juárez in order to avoid exacerbating high levels of violence there. As security conditions in other border cities have deteriorated, however, it has become increasingly difficult for U.S. and Mexican officials to find places to send criminals, particularly those with felony convictions. In addition, whereas ICE historically provided limited biographical information to INM officials regarding criminal (and non-criminal) aliens removed to Mexico, under a 2010 agreement DHS shares criminal histories with Mexico about Mexicans who have been convicted of certain serious felonies in the United States and are being removed to Mexico. Under a pilot program at the Calexico

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<sup>82</sup> The Trafficking Victims Protection Act of 2008 (TVPA, P.L. 110-457) includes additional protections for unaccompanied minors detained within the United States; see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana Sun Wyler.

<sup>83</sup> According to data provided by ICE Office of Legislative Affairs, DHS spent about \$92 million during this period, or roughly \$734 in extra transportation costs per repatriation.

<sup>84</sup> Sandra Dibble, "Pilot Program to Fly Deportees to Mexican Interior," *San Diego Union-Tribune*, February 27, 2012.

<sup>85</sup> According to data from the DHS Office of Immigration Statistics, *Yearbook of Immigration Statistics*, About 59% of aliens removed to Mexico (i.e., excluding voluntary returns) in FY2010 had U.S. criminal records, though most involved minor crimes or immigration offenses; see FY2010 (Washington, DC: 2011). According to CRS' analysis of data provided by the U.S. Border Patrol Office of Legislative Affairs, about 1.9% of aliens apprehended by the border patrol have serious criminal records; see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

POE, DHS provides the Mexican Federal Police with information about serious criminal aliens 24 hours prior to their removal.<sup>86</sup>

Whether these programs succeed in reducing recidivism among illegal migrants is unknown, though CBP has recently begun collecting data to allow it to evaluate how the MIRP, ATEP, and other enforcement programs affect recidivism.<sup>87</sup> To the extent that these programs are viewed as successful, and to the extent that coordination and information sharing about serious criminals aids Mexican efforts to reduce violence in the border region, Congress could consider providing direct funding for these programs, and DHS could expand them. On the other hand, some may oppose certain information sharing due to privacy concerns, and ATEP and MIRP are both more expensive than standard repatriation procedures.

Congress also could support Mexican programs to promote the successful reintegration of people repatriated to Mexico. In December 2007, President Felipe Calderón inaugurated a program for deportees called *Programa de Repatriación Humana* (Humane Repatriation Program or PRH). The program began in Tijuana and has since expanded to nine locations along the U.S.-Mexico border, assisting 267,317 migrants in 2010—roughly 60% of people returned that year.<sup>88</sup> Although PRH does not have a programmatic budget, it works with non-governmental organizations, the private sector, and local and federal government officials to ensure that migrants receive information on where they have been deported, food, a phone call to relatives, medical attention, shelter, and local transport. Special attention is provided to unaccompanied minors and other vulnerable groups.

Expanded services—job training, employment referrals, and micro-enterprise loans—have recently been offered to migrants in Ciudad Juárez through a municipal partnership with the International Organization for Migration (IOM).<sup>89</sup> These types of services have been offered by IOM to returning migrants in other countries, often funded by countries from which the migrants have been returned, including the United States.<sup>90</sup> To the extent that these programs promote successful reintegration for returning migrants and reduce recidivism, they also may merit additional U.S. support.

## **Entry-Exit System**

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208 Div. C), as amended, requires DHS to develop and implement a comprehensive biometric system to record the entry and exit of every alien arriving in and departing from the United States. The U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) System,<sup>91</sup> which manages entry-exit

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<sup>86</sup> The Mexican Federal Police (FP) also may contact the U.S. Federal Bureau of Investigation (FBI) to request criminal histories of particular individuals; and U.S. officials notify the FP through INTERPOL when individuals are wanted for a crime in Mexico, in which case they are transferred into Mexican custody upon arrival.

<sup>87</sup> CBO Office of Legislative Affairs, staff briefing March 15, 2012.

<sup>88</sup> Government of Mexico, Interior Ministry, National Migration Institute, “Presentation on the Human Repatriation Program,” September 2011.

<sup>89</sup> International Organization for Migration (IOM), “Ciudad Juárez Municipality and IOM Sign Agreement for Migrant Assistance Program,” press release, April 2, 2011, <http://iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce/lang/en?entryId=29142>.

<sup>90</sup> For an overview of IOM’s global programs in this area, see IOM, *Assisted Voluntary Return and Reintegration: Annual Report of Activities 2010*, 2010, <http://www.iom.no/files/AVRR-Annual-Report-2010.pdf>.

<sup>91</sup> For a fuller discussion of US-VISIT’s entry-exit system requirements see archived CRS Report RL32234, *U.S.* (continued...)

data, is operational at all U.S. POEs. But many visitors are exempted from the US-VISIT system, including most Mexicans entering the United States with border crossing cards (BCCs, or “laser visas”), who account for the majority of Mexican admissions to the United States.<sup>92</sup> In addition, while CBP collects biographic data (i.e., names, addresses, document numbers, and other identifying information) from persons departing the United States by air and sea, it does not collect *any* data from people exiting the United States through land POEs on the U.S.-Canadian or U.S.-Mexican borders. Some Members of Congress have urged DHS to implement a full entry-exit tracking system.

The primary obstacles to more complete entry-exit tracking are limited infrastructure and staffing. Mexicans with multiple-use BCCs are exempted from the US-VISIT system because to require them to provide fingerprints each time they enter the United States would result in longer wait times for all visitors. The challenges are even greater on the exit side because existing POEs were not designed to include exit processing, so CBP would have to reconfigure ports to create exit lanes and shift personnel away from entry lanes in order to begin collecting exit data.

The United States and Canada have proposed a potential solution to the exit infrastructure problem on the northern border which also could serve as a model for the U.S.-Mexican border: an integrated entry-exit system. Under the U.S.-Canadian proposal, the record of a land entry in Canada could be utilized to establish an exit record from the United States (and vice versa). An integrated entry-exit system would not require new infrastructure because all travelers to Canada already must be inspected and admitted by Canadian immigration officials. Pilot projects to test integrated entry-exit on the U.S.-Canadian border are expected to begin in 2012.<sup>93</sup>

The United States and Mexico could consider a similar integrated system at southwest border land ports, especially if the U.S.-Canadian project is deemed successful. On one hand, an integrated entry-exit system may offer a solution to the challenge of tracking land exits given the limited infrastructure for tracking land exits. On the other hand, Mexico currently does not screen 100% of land entries (in contrast with Canada), and establishing an integrated entry-exit system likely would require construction of additional inspection lanes in Mexico. Some people also may question the integrity of Mexican border officials or identification technology, and whether an integrated system would be as reliable as one based fully in the United States.

## **Legal Permanent Immigration**

The Mexico case exemplifies two tensions in U.S. permanent immigration policy. First, family reunification has always played an important role in U.S. immigration law, but some people believe the system is unbalanced, and places too great an emphasis on family immigration at the expense of employment-based flows. While about 65% of all permanent immigrants to the United States from 2000 to 2009 were admitted on the basis of family connections, the proportion rises to 93% for Mexican immigrants (see **Appendix B**).

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(...continued)

*Visitor and Immigrant Status Indicator Technology (US-VISIT) Program*, by Lisa M. Seghetti and Stephen R. Vina.

<sup>92</sup> BCCs are B-1/B-2 visas (i.e., visitors for business or pleasure) issued to Mexican nationals at U.S. consulates near the border; the BCC visa permits unlimited entries over a ten year period, but BCC holders must remain within 25 miles of the border (75 miles in Arizona) and can only stay in the United States for three days at a time.

<sup>93</sup> See CRS Report 96-397, *Canada-U.S. Relations*, coordinated by Carl Ek and Ian F. Fergusson.



Second, while the United States admits about 1 million LPRs per year, millions more wait in the approved visa backlog: that is, the “queue” of people whose visa applications have been approved by DHS but for whom the State Department has not made a visa available due to overall and per-country numeric limits.<sup>94</sup> Depending on their nationality and visa category, some people may wait in the visa queue for years or even decades.<sup>95</sup>

As of November 1, 2011, the backlog of Mexican visa applicants with approved LPR petitions totaled 1.4 million people, or about 30% of the 4.5 million people worldwide with pending petitions (see **Table 5**). The overwhelming majority (97%) of these approved petitions are for family-based LPRs, and the proportion is even higher (99%) for approved Mexican petitions. Mexico is the leading country within each of the family-based visa queues, and Mexican petitions account for over 40% of approved petitions for spouses and children of LPRs.

**Table 5. Approved Mexican LPR Petitions Pending, November 2011**

	Mexico		Worldwide	
	Number of Pending Petitions	Percent of Pending Petitions	Number of Pending Petitions	Mexico's Percent of Category
Family 1 <sup>st</sup> Preference: Unmarried adult children of U.S. citizens	90,546	6.6%	295,168	30.7%
Family 2 <sup>nd</sup> (A) Preference: Spouses & minor children of LPRs	138,628	10.1%	322,636	43.0%
Family 2 <sup>nd</sup> (B) Preference: Unmarried adult children of LPRs	212,621	15.5%	517,119	41.1%
Family 3 <sup>rd</sup> Preference: Married adult children of U.S. citizens	180,982	13.2%	846,520	21.4%
Family 4 <sup>th</sup> Preference: Siblings of U.S. citizens	746,815	54.3%	2,519,623	29.6%
Employment	4,702	0.3%	123,333	3.8%
<b>Total</b>	<b>1,374,294</b>	<b>100.0%</b>	<b>4,501,066</b>	<b>29.6%</b>

**Source:** CRS analysis of data from the Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2011.

**Note:** There is no numerical limit, and therefore no visa backlog, for family-based LPR visas issued to immediate relatives of U.S. citizens (i.e., spouses, minor children, and parents of U.S. citizens over the age of 21).

Several legislative proposals introduced during the last decade would have shifted the balance between family- and employment-based flows and/or reduced visa backlogs:

- Some have proposed changes to the LPR system to reallocate some family-based visas into employment-based categories. A 2007 Senate bill would have accomplished this change by adopting a Canadian-style points-based system

<sup>94</sup> The INA provides for a permanent annual worldwide level of 675,000 LPRs, but this level is flexible and certain categories of LPRs are permitted to exceed the limits (INA §201; 8 U.S.C. §1151). In addition, individual countries are held to a numerical limit of 7% of the total worldwide level of U.S. immigrant admissions, a provision known as the per-country limit (INA §202; 8 U.S.C. §1152).

<sup>95</sup> See CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions*, by Ruth Ellen Wasem .

favoring immigrants with particular job skills.<sup>96</sup> Other have proposed eliminating one of the family-based preference categories, such as siblings of U.S. citizens.<sup>97</sup>

- Some have proposed placing the spouses and minor children of LPRs (i.e., certain second preference family-based immigrants) in the same category as immediate relatives of U.S. citizens, and so exempting them from numeric limits.<sup>98</sup> Reclassifying such immigrants as immediate relatives would ease family backlogs but likely would result in a higher proportion of LPR visas going to family members.<sup>99</sup>
- Some have proposed raising or eliminating the per-country ceiling on certain types of LPRs. A bill passed by the House in 2011, for example, would eliminate the per-country ceiling on employment-based LPR admissions, and would raise the per-country ceiling on family-based admissions from 7% to 15%.<sup>100</sup>

## Mexican LPR Immigration

Any change to LPR visa rules would have a disproportionate impact on Mexicans. In general, changes to shift visas from family- to employment-based categories would reduce the number of visas available to Mexicans. Conversely, given the high proportion of Mexicans in the family-based visa queue, Mexicans would be the primary beneficiaries of proposals to reclassify family members of LPRs as immediate relatives. While the 2011 proposal to raise per-country ceilings mainly is designed to address employment-based visa backlogs among professional and skilled immigrants from India and China, the bill's inclusion of a higher per-country ceiling on family-based immigration means that it also would result in increased Mexican inflows.<sup>101</sup>

Some argue that the LPR system should make more visas available for Mexicans. Long waiting lists for people with approved petitions divide families, and may be a factor in the decision by some family members to migrate illegally. Some employers may hire unauthorized Mexican (and other) workers, in part, because they cannot hire an employment-based LPR immigrant in a timely manner. Thus, more Mexican LPR visas could result in less unauthorized migration.

There is historical precedent for providing Mexicans with special treatment under U.S. immigration law (see "History of Mexico-U.S. Migration and Policies"). Mexicans were exempted from certain grounds for inadmissibility during World War I; Mexicans (and other Western Hemisphere immigrants) were not subject to numeric limits like Europeans and other Eastern Hemisphere immigrants after 1921; and Mexicans had privileged status under the Bracero

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<sup>96</sup> The Comprehensive Immigration Reform Act of 2007 (S. 1639).

<sup>97</sup> See archived CRS Report 96-149, *Immigration: Analysis of Major Proposal to Revise Family and Employment Admissions*, by Joyce C. Vialet and Ruth Ellen Wasem.

<sup>98</sup> See for example, the Comprehensive Immigration Reform Act of 2011 (S. 1258), Section 302.

<sup>99</sup> U.S. Congress, Senate Committee on the Judiciary, *Comprehensive Immigration Reform*, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., July 19, 2005; and U.S. Congress, Senate Committee on the Judiciary, *Comprehensive Immigration Reform II*, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Oct. 18, 2005; and, U.S. Congress, Senate Committee on the Judiciary, *Examining the Need for Comprehensive Immigration Reform*, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 5, 2006.

<sup>100</sup> See the Fairness for High-Skilled Immigrants Act (H.R. 3012), as reported by the House Judiciary Committee Nov. 18, 2011, and agreed to in the House Nov. 29, 2011, by a vote of 389-15. A similar bill (S. 1983) was introduced in the Senate in December 2011. Also see See CRS Report R42048, *Numerical Limits on Employment-Based Immigration: Analysis of the Per-Country Ceilings*, by Ruth Ellen Wasem.

<sup>101</sup> See *Ibid.*

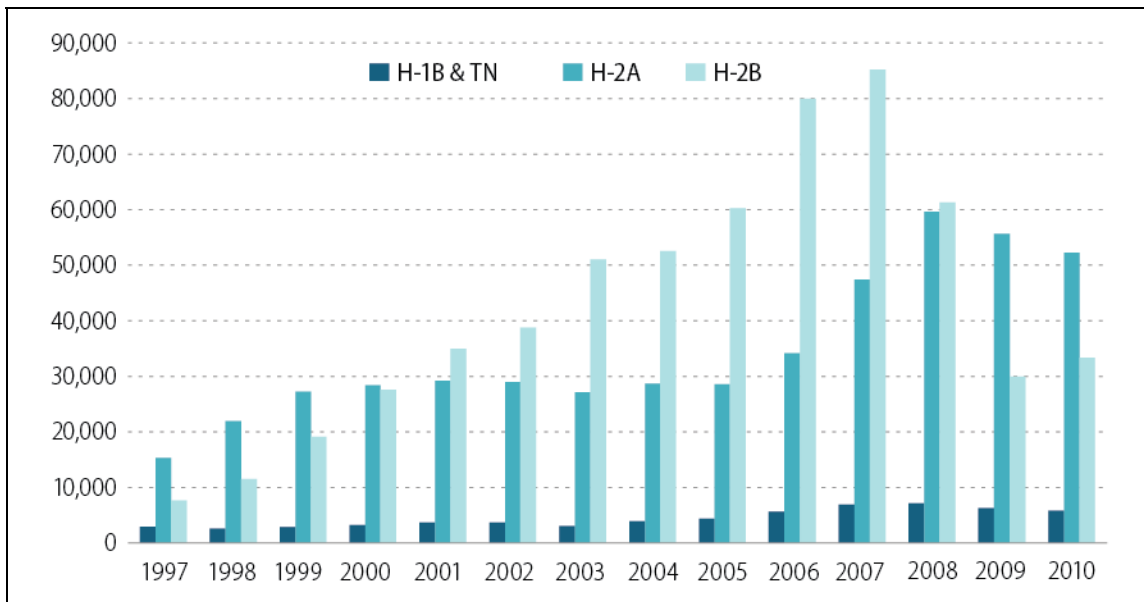
program. Even after imposing the per-country ceiling in 1965, Congress considered several bills to raise Mexico’s immigration quota;<sup>102</sup> and Mexicans were the main beneficiaries of special visa categories created in 1976 (for “non-preference immigrants”), 1986 (IRCA’s legalization provisions), and 1990 (for relatives of LPRs who had legalized through IRCA).

On the other hand, generating more LPR visas for Mexico would require either an increase in total immigration levels or a reduction in visas for some other country. Either of these options may face opposition from various constituencies. To raise the LPR visa ceiling for Mexico and not other countries would cut strongly against the norm of universality that was at the heart of reforms to the INA passed in 1965. Some people also would oppose increasing the number of low-skilled immigrants entering the United States, the demographic most common among Mexican immigrants.

### Temporary Admissions

According to the U.S. Department of State Visa Office, 84% of Mexican nationals who were issued a temporary visa (excluding short-term B1/B2 visas) in FY2010 received H visas for temporary workers. Mexicans made up 92% of 40,330 H-2A workers and 71% of 40,671 H-2B workers in 2010. As **Figure 9** shows, even after a decline during the recent economic downturn, the number of Mexicans receiving temporary work visas increased 253% between 1997 and 2010, with the vast majority in low-skilled categories.

**Figure 9. Trends in Temporary Work Visas Issued to Mexicans, FY1997-FY2010**



**Source:** CRS presentation of nonimmigrant visa data from the U.S. Department of State.

<sup>102</sup> The Ford and Carter administrations both favored a higher quota for Mexican immigrants, and Congress considered such proposals on several occasions throughout the 1970s and 1980s. See U.S. Congress, House Committee on the Judiciary, *The “Immigration and Nationality Act Amendments of 1976” (P.L. 94-571)*, A Summary and Explanation, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess., November 1976.

**Notes:** H-1B visas are for professional specialty workers; TN visas are for professional workers from Mexico or Canada; H-2A visas for temporary agricultural workers; H-2B workers for for temporary non-agricultural workers.

## High-Skilled Mexican Migration

Congress has considered a number of proposals in recent years to facilitate the admission of high-skilled workers to the United States.<sup>103</sup> With several categories of Mexican nonimmigrant visas not subject to numerical limits, including the North American Free Trade Act (NAFTA) TN visa for professional workers, the existing system already includes opportunities for additional temporary educational and employment migration from Mexico.<sup>104</sup> As an increasing proportion of Mexicans obtain a bachelor's degree or higher, more may qualify for professional and cultural exchange visas, and Mexico may be a ready source of high-skilled labor for the United States.<sup>105</sup>

The most promising avenue for high-skilled circular migration may be in the areas of science, technology, engineering, and mathematics (STEM) fields. A 2011 multi-country survey of 4,800 students from around the globe found that 69% of Mexican students planned to pursue a STEM education—the highest proportion of any country in the survey.<sup>106</sup> Yet while the United States remains the leading host country for international students in STEM fields, Mexico is not among the top 10 sending countries of foreign graduate students pursuing U.S. STEM degrees.<sup>107</sup>

Increasing the number of Mexicans obtaining STEM degrees at U.S. universities may prompt U.S. employers to hire more Mexicans with TN or H-1B visas, and return migration by high-skilled Mexicans may make Mexico's economy more competitive. Yet high emigration levels among talented and educated persons from Mexico also may hinder economic development there, especially if a large proportion of such visitors eventually remain in the United States.

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<sup>103</sup> See CRS Report R42530, *Immigration of Foreign Nationals with Science, Technology, Engineering, and Mathematics (STEM) Degrees*, by Ruth Ellen Wasem.

<sup>104</sup> The H-1B and H-2B are the only nonimmigrant visa categories subject to numeric limits. The NAFTA TN visas initially were limited to 5,000 visas per year, but since 2004 they have not been subject to numeric limits.

<sup>105</sup> About 4.4% of Mexican emigrants had bachelor's degrees or higher in 2000-2005, up from 3.2% in 1985-1990. The number of Mexicans with a bachelor's degree or higher rose from 4.4 million in 1997 to 7 million in 2007; during that same period, the number of Mexican-born professionals living in the United States doubled from 259,000 to 552,000. This number ranked Mexico number five among countries of origin for foreign-born professionals in the United States in 2007, behind India, the Philippines, China, and Korea. About 8% of the 7 million Mexicans with advanced degrees live in the United States. See Elena Zuniga and Miguel Molina, *Demographic Trends in Mexico: The Implications for skilled Migration*, Migration Policy Institute, Washington, DC, 2008, <http://www.migrationpolicy.org/pubs/Zuniga-Paper.pdf>. According to CRS' analysis of U.S. Census American Community Survey data, there were 529,828 Mexican-born persons in the United States in 2010 with at least a four year college degree. That figure ranked Mexico fourth in the number of foreign-born persons with at least a four year degree, behind India, the Philippines, and China.

<sup>106</sup> Mexico surpassed India's 62%, Russia's 55% and the United States' 54% expressing the plan of pursuing a STEM career. RedShift Research, *2011 Lenovo Global Student Science and Technology Outlook*, November 17, 2011, [http://news.lenovo.com/article\\_display.cfm?article\\_id=1531](http://news.lenovo.com/article_display.cfm?article_id=1531).

<sup>107</sup> Just under 1% of STEM graduate students are from Mexico. Joan Burrelli, *Foreign Science and Engineering Students in the United States*, National Science Foundation, NSF 10-324, July 2010, <http://www.nsf.gov/statistics/infbrief/nsf10324/>.

## U.S.-Mexico Temporary Worker Program

Some people who oppose increased permanent migration from Mexico may favor a bilateral temporary worker program. Large-scale low-skilled temporary worker programs have been a part of most CIR bills since 2006, and a new temporary worker program for agricultural workers was proposed in the House in 2011.<sup>108</sup> If a low-skilled temporary worker program is created or expanded, should it set aside certain visas for Mexican workers?

Although legislative proposals during the last decade have not focused on a Mexico-specific temporary worker program, the Bracero program offers a historical precedent. President George W. Bush also proposed a Mexico-specific program as part of his framework agreement with President Fox in 2001, and the TN visa sets a present-day precedent for a bilateral program with Mexico.

A temporary worker program could be designed to target sectors of the U.S. economy in which employers may struggle to recruit legal workers, particularly sectors in which Mexicans are concentrated (see **Table 3**), and so could address the “jobs magnet” that drives much unauthorized migration to the United States. Some people see the “circular migration” that dominated the Mexico-U.S. migration system prior to the 1980s as a good model, with many Mexicans spending short periods of time in the United States, and then returning to Mexico with new job skills and money to invest in their home communities, rather than settling (often illegally) in the United States.

Although the Bracero program offers a cautionary tale, numerous countries have established broadly similar bilateral guest worker programs in recent decades.<sup>109</sup> Some observers consider government-to-government agreements such as Canada’s temporary agricultural visa for Mexican workers as a “best-practice model” because they give countries of origin a role in selecting workers, overseeing contract enforcement, and supervising return migration.<sup>110</sup> Mexico also could be involved in additional aspects of a bilateral temporary worker program, such as managing temporary workers’ health care expenses and/or their retirement savings.<sup>111</sup>

On the other hand, the arguments that ended the Bracero program in the 1960s also remain salient today. From this perspective, visas for temporary workers who are low-skilled or unskilled—regardless of their country of origin—are likely to depress domestic wages and working conditions unless there are strong worker protections. Any temporary worker program confronts a tension over how to enforce such protections without discouraging employer participation.<sup>112</sup>

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<sup>108</sup> See, for example, Comprehensive Immigration Reform Act of 2007 (S. 1639) and American Specialty Agriculture Act of 2011 (H.R. 2847).

<sup>109</sup> These include programs between the United Kingdom and Poland; Spain and Morocco; and Canada and Mexico, Guatemala, and several Caribbean countries, among others. For an overview and discussion of such bilateral programs, see Philip Martin, *Toward Effective Temporary Worker Programs: Issues and Challenges in Industrial Countries*, International Labor Organization, International Migration Papers #89, Geneva, 2007, [http://www.ilo.org/public/english/protection/migrant/download/tempworkers\\_martin\\_en.pdf](http://www.ilo.org/public/english/protection/migrant/download/tempworkers_martin_en.pdf).

<sup>110</sup> *Ibid.*, p. 58. The Canadian program is much smaller than the H-2A and H-2B programs, however, and according to *Ibid.* only about half of the 20,000 to 25,000 seasonal foreign workers admitted to Canada annually are from Mexico.

<sup>111</sup> On the role that certain sending states play in the U.S. Social Security system through totalization agreements, see CRS Report RL32004, *Social Security Benefits for Noncitizens*, by Dawn Nuschler and Alison Siskin.

<sup>112</sup> The INA already provides for an unlimited number of H-2A agricultural workers, but many U.S. employers find the Department of Labor’s certification process too onerous to apply for H-2A visas.

Perhaps most importantly, the markets for visas may not follow the same logic of supply and demand as other types of commodities: more low-skilled visas may encourage increased migration overall, rather than shifting workers from unauthorized to legal channels. Even people who are sympathetic to U.S. employers' requests for such workers point out that the current level of unemployment in the United States does not bode well for increasing low-skilled migration.<sup>113</sup>

## **Proposed Legalization of Unauthorized Migrants**

A variety of proposals have been put forth over the past decade to enable certain unauthorized resident aliens to qualify for an adjustment to LPR status. Many of these options would establish new mechanisms or pathways, with Mexicans being among the largest group of beneficiaries of most such proposals.<sup>114</sup> The experience of IRCA has cast a shadow on these debates: while some people view the 1986 law as a partial success for having helped weave millions of previously unauthorized aliens into the fabric of the United States, others oppose legalization, and IRCA ultimately failed to fulfill one of its primary goals: to stop the flow of illegal migration.

## **Mexico's Role in a Potential Legalization Program**

Given the sheer number of unauthorized Mexicans living in the United States, some maintain that Mexico should be involved in a discussion about how to structure a possible legalization program. Whether such a program would provide unauthorized aliens the opportunity for LPR status or for a temporary visa would have an impact on Mexico's demography and economy.

The handling of those aliens deemed ineligible for legalization could also benefit from a bilateral agreement. For example, Mexico could assist with the identification of unauthorized Mexicans within the United States, many of whom lack up-to-date travel documents. Some previous legalization proposals contained a requirement that foreign nationals return home to obtain return visas (i.e., a "touch back" provision), and coordination and cooperation with Mexico could facilitate an orderly "touch back" process.<sup>115</sup>

On the other hand, the United States alone would determine who among millions of unauthorized aliens may be eligible for legalization. While Mexico would be a large stakeholder in any legalization program, such a program would not require an agreement with Mexico; and some may argue that a bilateral legalization program would not be in the national interest.

## **Reducing Unauthorized Emigration from Mexico**

Poverty and a lack of economic opportunities have been major drivers of Mexico-U.S. migration, and scholars have long suggested that fostering development in Mexico could reduce unauthorized migration flows. IRCA established a Commission for the Study of International Migration and Cooperative Economic Development charged with "consult[ing] with the

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<sup>113</sup> CRS Report RL33977, *Immigration of Foreign Workers: Labor Market Tests and Protections*, by Ruth Ellen Wasem.

<sup>114</sup> See CRS Report R41207, *Unauthorized Aliens in the United States*, by Andorra Bruno.

<sup>115</sup> U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship, *The Need for Comprehensive Immigration Reform: Securing the Cooperation of Participating Countries*, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., June 30, 2005.

governments of Mexico and other sending countries in the Western Hemisphere” and “examin[ing] the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States.”<sup>116</sup> The commission concluded that economic development stimulates migration in the short term by raising expectations and providing people with the resources to emigrate, but that economic development and job creation are “the only way to diminish migratory pressures over time.”<sup>117</sup>

As part of its poverty-alleviation efforts,<sup>118</sup> Mexico has supported cash remittances from migrants in the United States to migrant communities of origin in Mexico. Such remittances exceed \$20 billion annually, and have become a key source of income for many households. In particular, Mexico has helped migrants gain access to banks and other formal remittance channels rather than using informal money transfer systems, which are less reliable and which typically charge high fees to transfer funds.<sup>119</sup> Since 2002, the Mexican government also has supported the “3 X 1 Citizen’s Initiative.” Under this program, remittances sent from Mexican home town associations (HTAs) in the United States are matched dollar for dollar by each level of the Mexican government (municipal, state, and federal). In 2005, Western Union began to contribute its own matching funds for a “4+1” matching program to support micro-enterprise initiatives funded by HTAs. The 3 X 1 program remains limited in scope, however, with a federal budget of about \$38 million in 2010, compared to total remittance flows of about \$22.6 billion that year.<sup>120</sup>

## **U.S. Economic Assistance and Mexican Emigration**

The United States provided about \$178 million in foreign assistance to Mexico in FY2011, including about \$25 million in development aid and \$143 million under the Mérida Initiative.<sup>121</sup> Should foreign assistance to Mexico be focused on creating alternatives to emigration?

Some people have suggested that the United States should support development projects in Mexico to discourage unauthorized emigration. One suggestion is to have the U.S. Agency for International Development support farmer-to-farmer exchange programs to connect rural farmers’ cooperatives in Mexico with Mexican farmers in the United States.<sup>122</sup> Another possibility would

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<sup>116</sup> P.L. 99-603 §601(b).

<sup>117</sup> U.S. Commission for the Study of International Migration and Cooperative Economic Development, *Unauthorized Migration: An Economic Development Responses*, Washington, DC, July 1990, p. xiv. Some people hoped that the implementation of the North American Free Trade Agreement (NAFTA) in 1994 would reduce wage disparities between Mexico and the United States and reduce migration pressures. While firm conclusions cannot be drawn, most research suggests that NAFTA has not “had a significant effect on either the economic convergence between the two countries or on reducing the flow of Mexicans toward the United States.” See Francisco Alba, “The Mexican Economy and Mexico-U.S. Migration: A Macro Perspective,” in *Mexico-U.S. Migration Management: A Binational Approach*, ed. Agustín Escobar Latapí and Susan F. Martin (Lanham, MD: Lexington Books, 2008), p. 47.

<sup>118</sup> The Mexican government has expanded its anti-poverty initiatives in recent years, particularly the *Oportunidades* (Opportunities) conditional cash transfer program, and has focused infrastructure and social development projects in areas that have been identified as priority zones for development, some of which are migrant-sending areas.

<sup>119</sup> See Raúl Hernández-Coss, *The U.S.-Mexico Remittance Corridor: Lessons on Shifting from Informal to Formal Transfer Systems*, The World Bank, Working Paper #47, Washington, DC, 2005.

<sup>120</sup> Data on the 3 X 1 program from Embassy of Mexico Office of Congressional Affairs, Nov. 29, 2011; total remittance data from The World Bank, *Migration and Remittances Factbook: 2011*, Washington, DC, 2011. The federal budget for the 3 X 1 Program in 2011 was \$26.5 million; remittance data are not available for 2011.

<sup>121</sup> See CRS Report RL32724, *Mexico: Issues for Congress*, by Clare Ribando Seelke; about \$10 million in aid went to non-proliferation and counterterrorism, military education, and global health programs.

<sup>122</sup> Andrew Wainer, *Development and Migration in Rural Mexico*, Bread for the World, January 2011.

be to expand the mandate of the North American Development Bank from environmental infrastructure projects to also include broader development goals.<sup>123</sup> Yet as an upper middle-income developing country by World Bank standards, Mexico does not receive large amounts of U.S. development aid.<sup>124</sup> Moreover, using economic assistance as a tool to reduce emigration may be challenging because even if economic development creates jobs and reduces emigration in the long run, development may be associated with increased migration flows in the short run as a result of rising expectations and market dislocations.

The United States also supports Mexican counter-narcotics efforts through the Mérida Initiative. Given evidence that drug trafficking-related violence may contribute to unauthorized emigration, strengthening the social fabric in violence-prone communities could help reduce such flows. Whereas U.S. assistance under the Mérida Initiative initially focused on training and equipping Mexican counterdrug forces, it now targets the weak law enforcement institutions and underlying societal problems that have allowed the drug trade to flourish in Mexico. Pillar four of the “Beyond Mérida” framework aims to build strong and resilient communities that can withstand the pressures of crime and violence, thereby mitigating citizens’ needs to emigrate for safety. Congress could consider migration dynamics in the design of such programs in the future.

On the other hand, some people may object as a matter of principle to any effort to target U.S. funding to Mexican emigration communities. Some people also have proposed linking foreign assistance to illegal migration through another mechanism: by *reducing* foreign aid to Mexico in proportion to the number of illegal border crossers.<sup>125</sup>

## Concluding Comments

History and geography guarantee that Mexico and the United States have a unique migration relationship—a point driven home by Mexico’s ranking as the number one source of U.S. immigrants, both legal and unauthorized. The size of the Mexican population in the United States, its demographic characteristics, and its increasing dispersion to new U.S. destinations all place Mexico at the center of the U.S. immigration debate; and the proportion of Mexicans who migrate to the United States also places migration issues at the center of the bilateral relationship.

As described above, these flows are a function of economic push and pull factors and of previous policy decisions. This history directs attention to policy choices being made today. Many of the core issues in the U.S. immigration debate—including efforts to strengthen migration control and border security, possible reforms to the lawful permanent resident and nonimmigrant visa systems, and proposals to legalize certain unauthorized migrants—have important implications for both countries. The United States and Mexico also may share common interests around some of these issues, such as combating smuggling and other transnational crime, encouraging

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<sup>123</sup> See CRS Report RL34733, *NAFTA and the Mexican Economy*, by M. Angeles Villarreal.

<sup>124</sup> Mexico received about 1% of the worldwide U.S. development assistance funding of \$2.52 billion. Encouraging public-private partnerships such as the Western Union “4+1” program or greater diaspora involvement in Mexico, as USAID is promoting on a global scale, could help expand the scope of development assistance while controlling the costs of such programs to the United States government.

<sup>125</sup> See for example S. 126, a bill introduced in 2011 to reduce foreign aid to Mexico by \$1,000 for every estimated illegal border crossing.



circularity among temporary workers, promoting the orderly repatriation of unauthorized Mexicans and criminal aliens, and generally reducing unauthorized migration.

Thus, as in the past, some people in the United States may see reasons to treat Mexico as a “special case” on certain immigration questions. From this perspective, previous Mexico-U.S. migration policies not only help explain the scope of contemporary flows, but also set a precedent for those who may favor taking a bilateral approach. These factors also get at the practical argument for Mexico-specific policies: the sheer size of the bilateral flow and Mexico’s status as America’s continental neighbor mean that bilateral policies may offer promising opportunities for more effective migration enforcement and more efficient management of flows.

These potential advantages underlay the 2001 framework agreement between George W. Bush and Vicente Fox that would have included a Mexico-specific temporary worker program, collaborative border enforcement, legalization for certain unauthorized Mexicans in the United States, and new investments in Mexican communities of origin aimed at reducing illegal outflows. The United States and Mexico may continue to see opportunities to better manage migration flows and control unauthorized migration through collaborative approaches to these issues, as discussed above.

On the other hand, a truly collaborative approach to bilateral migration issues along these lines would require a high level of mutual trust. Some people may question whether Mexico would be a reliable partner in a bilateral visa program, border enforcement, or port security—nor is it clear that Mexico would be willing to take on such a role in all of these cases. At a minimum, any major changes in the U.S.-Mexican migration relationship likely would require that the countries first achieve greater success in combating illicit drugs and reducing the violence associated with the drug trade.

In the long run, the future of the U.S.-Mexican migration relationship depends in great part on economic and demographic trends in both countries, and their impact on regional migration flows. What will be the shape of the U.S. economic recovery, and will U.S. employers continue to demand high levels of low-skilled migration? Will emigration from Mexico pick back up with the U.S. economic recovery, perhaps including more higher-skilled migrants, or have economic and demographic changes in both countries ushered in a new period of lower regional flows? As in the past, it will be a combination of these structural factors and of policy decisions in both countries that influences Mexico-U.S. migration flows.

## Appendix A. Total and Mexico-Born Population, by State, 1990, 2000, and 2010

**Table A-1. Total and Mexico-Born Population, by State, 1990, 2000, and 2010**

	Total Population				Mexico-Born Population				Percent Mexico-Born		
	1990	2000	2010	% Change 1990-2010	1990	2000	2010	% Change 1990-2010	1990	2000	2010
Alabama	4,040,587	4,447,100	4,785,298	18%	1,118	23,303	68,467	6,024%	0.0%	0.5%	1.4%
Alaska	550,043	626,932	713,985	30%	1,282	2,743	5,329	316%	0.2%	0.4%	0.7%
Arizona	3,665,228	5,130,632	6,413,737	75%	151,389	436,022	517,443	242%	4.1%	8.5%	8.1%
Arkansas	2,350,725	2,673,400	2,921,606	24%	2,859	33,704	64,316	2,150%	0.1%	1.3%	2.2%
California	29,760,021	33,871,648	37,349,363	26%	2,450,483	3,928,701	4,314,580	76%	8.2%	11.6%	11.6%
Colorado	3,294,394	4,301,261	5,049,071	53%	33,807	181,508	232,085	586%	1.0%	4.2%	4.6%
Connecticut	3,287,116	3,405,565	3,577,073	9%	2,658	13,282	20,984	689%	0.1%	0.4%	0.6%
Delaware	666,168	783,600	899,769	35%	1,062	7,846	16,882	1,490%	0.2%	1.0%	1.9%
District of Columbia	606,900	572,059	601,723	-1%	741	1,984	3,880	424%	0.1%	0.3%	0.6%
Florida	12,937,926	15,982,378	18,843,326	46%	55,202	189,119	263,351	377%	0.4%	1.2%	1.4%
Georgia	6,478,216	8,186,453	9,712,587	50%	19,780	190,621	290,296	1,368%	0.3%	2.3%	3.0%
Hawaii	1,108,229	1,211,537	1,363,621	23%	1,301	2,773	5,155	296%	0.1%	0.2%	0.4%
Idaho	1,006,749	1,293,953	1,571,450	56%	11,676	35,414	47,972	311%	1.2%	2.7%	3.1%
Illinois	11,430,602	12,419,293	12,843,166	12%	278,640	617,828	708,590	154%	2.4%	5.0%	5.5%
Indiana	5,544,159	6,080,485	6,490,621	17%	10,264	62,113	110,082	973%	0.2%	1.0%	1.7%
Iowa	2,776,755	2,926,324	3,049,883	10%	3,764	25,242	44,680	1,087%	0.1%	0.9%	1.5%
Kansas	2,477,574	2,688,418	2,859,169	15%	14,919	63,358	88,967	496%	0.6%	2.4%	3.1%
Kentucky	3,685,296	4,041,769	4,346,266	18%	792	15,511	36,409	4,497%	0.0%	0.4%	0.8%
Louisiana	4,219,973	4,468,976	4,544,228	8%	3,312	9,321	30,299	815%	0.1%	0.2%	0.7%
Maine	1,227,928	1,274,923	1,327,567	8%	195	338	493	153%	0.0%	0.0%	0.0%
Maryland	4,781,468	5,296,486	5,785,982	21%	3,954	19,287	35,213	791%	0.1%	0.4%	0.6%

	Total Population				Mexico-Born Population				Percent Mexico-Born		
	1990	2000	2010	% Change 1990-2010	1990	2000	2010	% Change 1990-2010	1990	2000	2010
Massachusetts	6,016,425	6,349,097	6,557,254	9%	3,698	7,867	15,654	323%	0.1%	0.1%	0.2%
Michigan	9,295,297	9,938,444	9,877,574	6%	13,540	58,392	80,151	492%	0.1%	0.6%	0.8%
Minnesota	4,375,099	4,919,479	5,310,584	21%	3,805	41,592	65,700	1,627%	0.1%	0.8%	1.2%
Mississippi	2,573,216	2,844,658	2,970,036	15%	702	9,484	20,483	2,818%	0.0%	0.3%	0.7%
Missouri	5,117,073	5,595,211	5,996,231	17%	4,619	25,191	44,715	868%	0.1%	0.5%	0.7%
Montana	799,065	902,195	990,898	24%	216	880	926	329%	0.0%	0.1%	0.1%
Nebraska	1,578,385	1,711,263	1,830,429	16%	3,886	30,462	45,999	1,084%	0.2%	1.8%	2.5%
Nevada	1,201,833	1,998,257	2,704,642	125%	31,843	153,946	218,556	586%	2.6%	7.7%	8.1%
New Hampshire	1,109,252	1,235,786	1,316,759	19%	629	1,419	2,942	368%	0.1%	0.1%	0.2%
New Jersey	7,730,188	8,414,350	8,801,624	14%	13,150	67,667	129,852	887%	0.2%	0.8%	1.5%
New Mexico	1,515,069	1,819,046	2,065,932	36%	48,717	107,272	149,349	207%	3.2%	5.9%	7.2%
New York	17,990,455	18,976,457	19,392,283	8%	44,378	161,189	252,206	468%	0.2%	0.8%	1.3%
North Carolina	6,628,637	8,049,313	9,561,558	44%	8,973	172,065	262,795	2,829%	0.1%	2.1%	2.7%
North Dakota	638,800	642,200	674,499	6%	180	582	603	235%	0.0%	0.1%	0.1%
Ohio	10,847,115	11,353,140	11,536,182	6%	4,275	20,551	54,166	1,167%	0.0%	0.2%	0.5%
Oklahoma	3,145,585	3,450,654	3,761,702	20%	15,381	55,971	101,066	557%	0.5%	1.6%	2.7%
Oregon	2,842,321	3,421,399	3,838,957	35%	29,568	113,083	150,558	409%	1.0%	3.3%	3.9%
Pennsylvania	11,881,643	12,281,054	12,709,630	7%	6,063	24,232	59,061	874%	0.1%	0.2%	0.5%
Rhode Island	1,003,464	1,048,319	1,052,886	5%	987	2,510	4,104	316%	0.1%	0.2%	0.4%
South Carolina	3,486,703	4,012,012	4,636,312	33%	1,653	31,719	69,263	4,090%	0.0%	0.8%	1.5%
South Dakota	696,004	754,844	816,463	17%	142	1,399	3,675	2,488%	0.0%	0.2%	0.5%
Tennessee	4,877,185	5,689,283	6,356,897	30%	2,082	44,682	90,416	4,243%	0.0%	0.8%	1.4%
Texas	16,986,510	20,851,820	25,257,114	49%	900,146	1,879,369	2,485,336	176%	5.3%	9.0%	9.8%
Utah	1,722,850	2,233,169	2,776,469	61%	8,628	66,478	102,313	1,086%	0.5%	3.0%	3.7%
Vermont	562,758	608,827	625,960	11%	88	136	939	967%	0.0%	0.0%	0.2%

	Total Population				Mexico-Born Population				Percent Mexico-Born		
	1990	2000	2010	% Change 1990-2010	1990	2000	2010	% Change 1990-2010	1990	2000	2010
Virginia	6,187,358	7,078,515	8,024,617	30%	7,977	32,598	64,685	711%	0.1%	0.5%	0.8%
Washington	4,866,692	5,894,121	6,744,496	39%	45,744	148,115	233,485	410%	0.9%	2.5%	3.5%
West Virginia	1,793,477	1,808,344	1,853,973	3%	143	1,028	1,216	750%	0.0%	0.1%	0.1%
Wisconsin	4,891,769	5,363,675	5,691,047	16%	10,244	53,684	88,650	765%	0.2%	1.0%	1.6%
Wyoming	453,588	493,782	564,460	24%	2,207	3,906	6,766	207%	0.5%	0.8%	1.2%

**Source:** 1990 and 2000 figures: Decennial Census; 2010 figures: American Community Survey, Public Use Micro Sample (PUMS)

## Appendix B. Immigrant Visas, FY2000–FY2009

**Table B-1. Immigrant Visas, FY2000–FY2009**  
Number of visas issued, overall and to Mexicans

	Total	Mexico	% Mexican
Family-based			
Immediate Relatives	4,554,518	1,002,154	22.0%
1 <sup>st</sup> Preference	249,163	23,468	9.4%
2 <sup>nd</sup> Preference	975,659	505,823	51.8%
3 <sup>rd</sup> Preference	244,915	22,413	9.2%
4 <sup>th</sup> Preference	633,955	49,126	7.7%
Employment-based			
1 <sup>st</sup> Preference	355,140	13,230	3.7%
2 <sup>nd</sup> Preference	379,329	4,474	1.2%
3 <sup>rd</sup> Preference	749,145	58,523	7.8%
4 <sup>th</sup> Preference	78,085	7,186	9.2%
5 <sup>th</sup> Preference	7,693	112	1.5%
Diversity	454,622	98	0.0%
Refugees and Asylees	1,252,002	2,434	0.2%
Others	365,203	38,591	10.6%
<b>Total</b>	<b>10,299,429</b>	<b>1,727,632</b>	<b>16.8%</b>

**Source:** Compiled by CRS with data from the Office of Immigration Statistics, DHS.

**Notes:** Within family-based categories, immediate relatives include the spouses and minor children of U.S. citizens and parents of U.S. citizens at least 21 years old; 1<sup>st</sup> preference immigrants are unmarried adult children of U.S. citizens; 2<sup>nd</sup> preference immigrants are spouses, minor children, and unmarried adult children of lawful permanent immigrants; 3<sup>rd</sup> preference immigrants are married adult children of U.S. citizens; and 4<sup>th</sup> preference immigrants are siblings of U.S. citizens. Within employment-based categories, 1<sup>st</sup> preference immigrants include aliens with outstanding ability, outstanding professors or researchers, and managers and executives; 2<sup>nd</sup> preference immigrants include aliens holding advanced degrees and persons of exceptional ability; 3<sup>rd</sup> preference immigrants include skilled workers, professionals, and other workers; 4<sup>th</sup> preference immigrants include special immigrants; and 5<sup>th</sup> preference immigrants include investors. See CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions*, by Ruth Ellen Wasem for additional information.

## Appendix C. Nonimmigrant Visas Issued, Selected Types, FY2000-FY2009

**Table C-1. Nonimmigrant Visas Issued, Selected Types, FY2000-FY2009**

	Total	Mexico	% Mexican
Temporary Workers	4,013,113	1,042,661	26%
Low-skilled	1,200,607	890,118	74%
H-2A	399,266	368,040	92%
H-2B	801,341	522,078	65%
High-Skilled (E, H-1, I, L, O, P, Q, R, TN)	2,812,506	152,543	5%
Students and Cultural Exchange	5,591,316	125,386	2%
F-1 and M-1	2,728,397	77,889	3%
J-1	2,862,919	47,497	2%
Others (A, C, D, G, K, N, V)	4,725,231	185,012	4%
Total	14,329,660	1,353,059	9%

**Source:** CRS presentation of data from U.S. Department of State, Nonimmigrant Visa Statistics, FY1997-2010 NIV Detail Table.

**Notes:** Table does not include B1/B2 visas (visitors for business or pleasure), S visas (law enforcement witnesses), T visas (victims of trafficking), or U visas (victims of certain crimes). Within visa categories included, data in table exclude spouses and children who enter in distinct visa sub-categories (e.g., E-2, H-4), but include spouses and children who enter in primary visa categories (e.g., E-3 visas, which are issued to Australian Free Trade Agreement principals, spouses, and children).

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